

**DECREE
ON
DEALING WITH ADMINISTRATIVE OFFENCES
IN THE SECTOR OF CULTURE AND INFORMATION**

The Government

Pursuant to the *Law on Organization of the Government* dated 30 September 1992;

Pursuant to the *Law on Media* dated 28 December 1989 and the *Law on Amendments and Additions to the Law on Media* dated 12 June 1999;

Pursuant to the *Law on Publications* dated 7 July 1993;

Pursuant to the *Civil Code* dated 28 October 1995;

Pursuant to the *Ordinance on Dealing with Administrative Offences* dated 6 July 1995;

In order to deal uniformly with administrative offences in the sector of culture and information;

On the proposal of the Minister of Culture and Information;

Decrees:

CHAPTER I

General Provisions

Article 1 *Governing scope*

1. *An administrative offence in the sector of culture and information* means any intentional or unintentional act by an individual or organization which breaches the regulations on State administration in the sector of culture and information, but is not serious enough to warrant criminal prosecution, and which should be dealt with administratively pursuant to the provisions of the *Ordinance on Dealing with Administrative Offences* and this Decree.
2. *The administrative offences in the sector of culture and information* covered by this Decree shall include: conduct by an individual or organization which breaches the regulations on State administration in the media sector (including printed newspapers, broadcasts, illustrated magazines, electronic newspapers); publishing (including publications, printed matter, products distributed by publishers); cinematography; all forms of artistic performance; cultural activities and cultural services in public venues; fine arts, exhibitions, photography; copyright; advertising, both writing advertisements and placing shop signs; museum conservation work; libraries; import and export of cultural products; announcing and distributing works overseas.

3. Where an administrative offence in the activities of the media, publishing, cinematography or export of cultural products involves the disclosure of State secrets, the applicable provisions shall be those in clause 1(c), (e) and (m) of article 27 of Decree No. 49-CP of the Government dated 15 August 1996 on *Dealing with Administrative Offences of Security and Order*.

Article 2 *Applicable subjects*

1. A penalty shall be imposed on all Vietnamese organizations or individuals who commit an administrative breach in the sector of culture and information, in accordance with the provisions of this Decree and other provisions of relevant laws on dealing with administrative offences.
2. A penalty shall be imposed on foreign organizations or individuals who commit an administrative breach in the sector of culture and information in the territory of Vietnam, the same as for Vietnamese organizations or individuals, unless there is a different provision in an international treaty to which the Socialist Republic of Vietnam is a signatory or participant.
3. A penalty shall be imposed on minors¹ who commit an administrative breach in the sector of culture and information, in accordance with the provisions of clause 1 (a) of articles 5 and 6 of the *Ordinance on Dealing with Administrative Offences*.

Article 3 *Limitation period for imposing a penalty²*

1. The limitation period for imposing a penalty for an administrative breach in the activities of cinematography; all forms of artistic performance; cultural activities and cultural services in public venues; fine arts, exhibitions, photography; copyright; advertising, both writing advertisements and placing shop signs; museum conservation work and libraries, shall be one year from the date the administrative breach is committed.
2. The limitation period for imposing a penalty for an administrative breach in the activities of publishing, media publications, and the import and export of cultural products shall be two years from the date the administrative breach is committed. After the expiry of the above limitation period an administrative penalty may not be imposed, but measures may be taken as stipulated in clause 3 (a), (b) and (d) of article 11 of the *Ordinance on Dealing with Administrative Offences*.
3. An individual who is sued, prosecuted or subject to a decision to be tried under criminal law procedures, and there is a decision to suspend [*such*] investigation or trial, may have an administrative penalty imposed if his or her conduct amounts to³ an administrative breach, and the limitation period for imposing an administrative penalty shall be three months from the date of the suspension decision.
4. If during the limitation period specified in clauses 1, 2 and 3 of this article an individual or organization commits a new administrative offence or intentionally evades or hinders the imposition of a penalty, the limitation period specified in clauses 1, 2 and 3 of this article shall not apply. The limitation period for imposing a penalty for an administrative breach

1 In Vietnam, under 15 years of age, noting that the Vietnamese count age from conception.

2 Note article 3 specifies a limitation period for all the offences listed in article 1(2) above, but omits the last item "announcing and distributing works overseas".

3 The literal translation is "has signs/indications of...".

shall be recalculated as from the date the new administrative breach was committed or as from the date of termination of the evasion or hindrance of imposition of a penalty.

Article 4 *Principles for imposition of penalties*

1. An administrative penalty shall only be imposed on an individual or organization whose conduct constitutes an administrative offence as prescribed by law. On discovery of conduct which constitutes an administrative offence, a person authorized to impose penalties must issue an order immediately suspending the conduct in breach. Imposition of penalties must be carried out quickly, justly, effectively, and under the correct legal provisions. Each of the consequences of an administrative offence must be made good in accordance with law.
2. Conduct constituting an administrative offence may only be dealt with once; one person committing a number of actions constituting administrative breaches shall be dealt with for each breach; and where a number of people together commit an administrative offence then a penalty must be imposed on each person.
3. Imposition of penalties for administrative offences must be based on the nature and seriousness of the breach, personal identification of the person in breach, and any mitigating or aggravating factors, in order to make a decision on the main form of penalty, the additional penalty, and the measures provided for in this Decree.
4. A person authorized to impose administrative penalties in the sector of culture and information must do so correctly in accordance with his or her powers; and in respect of breaches which show signs of guilt but which are outside the authority of the person or body [*currently*] exercising jurisdiction to deal with, such person or body must prepare minutes and deliver them, together with other related data and physical evidence of, and the means used to carry out the breach, to the body authorized to deal with the administrative offence or to the body with criminal law jurisdiction for its decision.
5. An administrative penalty should not be imposed in a case which was an emergency situation, legitimate defence, an unexpected event, or an administrative breach committed by a person who was mentally ill or otherwise ill resulting in a loss of awareness or loss of ability to control his or her actions.
6. It is strictly prohibited to retain cases of breach of the law with signs of guilt in order to impose an administrative penalty.

Article 5 *Applicability of forms of administrative penalty and other measures*

1. When imposing administrative penalties in the sector of culture and information, the person authorized to impose penalties may only apply the forms of penalty and other measures which are stipulated by law for such conduct.
2. When imposing a fine, the specific level of the fine for the administrative offence shall be the average of the fine framework for that conduct; if there are mitigating circumstances, the fine may be less than the average but not less than the minimum for that fine framework; and where aggravating factors exist then the fine may be more than the average but not more than the maximum for that fine framework.

The existence of mitigating or aggravating factors shall be dealt with in accordance with the provisions in articles 7 and 8 of the *Ordinance on Dealing with Administrative Offences*.

3. Additional forms of penalty and other measures stipulated in this Decree may only be applied in addition to the main form of penalty aimed at dealing with the breach thoroughly, except for reasons and conditions of repeat offences and to make good all the consequences caused by the administrative offence.
4. Compensation for loss caused by administrative offences in the sector of culture and information shall be dealt with in accordance with the provisions in article 17 of the *Ordinance on Dealing with Administrative Offences*.

CHAPTER II

Conduct Constituting an Administrative Offence in the Sector of Culture and Information, Forms and Levels of Penalty

Section 1

Offences in the Media Sector, Forms and Levels of Penalty

Article 6 *Breach of the regulations on media operating licences:*

1. A fine of from five million (5,000,000) to ten million (10,000,000) Dong [*shall be imposed*] in respect of one of the following breaches:
 - (a) Altering or erasing a media operating licence;
 - (b) Implementing incorrectly the provisions of the media operating licence.
2. A fine of ten million (10,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:
 - (a) Transferring a media operating licence in any form at all;
 - (b) Publication of media articles by an unlicensed office or organization.
3. Forms of additional penalty:
 - (a) Revocation of the right to use a media operating licence for up to 3 months for a breach specified in clause 1 of this article;
 - (b) Revocation of a media operating licence for a breach specified in clause 2 (a) of this article or for a repeat offence specified in clause 1 of this article.

Article 7 *Breach of the regulations on presentations⁴ in the media:*

1. A warning or a fine of three hundred thousand (300,000) to three million (3,000,000) Dong in respect of one of the following breaches:
 - (a) Failure to record all or incorrectly recording the regulations on presentations in the media;

4 "Presentations" in the sense of lay-outs.

(b) Presentations on the first page or cover of a magazine which are inconsistent with the contents of the newspaper;

(c) Illustrations which are inconsistent with the contents of the newspaper, causing the reader to misunderstand the contents of the matters actually appearing in the newspaper.

2. Forms of additional penalty:

Confiscation of the printed matter for breaches specified in clause 1 (b) or (c) of this article which have serious consequences.

Article 8 *Breach of the regulations on corrections in the media:*

1. A warning or a fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Publishing a correction which is in breach of the regulations regarding position, area, number of times, and size of letters;

(b) Incorrectly implementing the regulations on printing the words spoken by the organization or individual concerned with the media article.

2. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of a breach of the regulations on time-limits for a correction.

3. Forms of additional penalty:

Compulsory payment of compensation for loss caused by a breach of the regulations on corrections. If compensation exceeds one million (1,000,000) Dong it shall be resolved under the criminal law procedures.

Article 9 *Breach of the regulations on matters not permitted to be published in the media:*

1. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Disclosure of private life secrets without the consent of the person concerned or his or her relatives, except where the law otherwise provides;

(b) Publication of an individual's letter without the consent of the writer, recipient or legal owner of that letter;

(c) *[Providing]* false information which has detrimental consequences.

2. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:

(a) Meticulous descriptions of obscene actions or ghastly massacres in news sheets, written articles or pictures;

(b) Printing or distributing erotic pictures, or pictures of nude or semi-naked people without any aesthetic value, contrary to Vietnamese fine customs;

- (c) Propagating out-dated customs and superstitions;
 - (d) False information with a seriously adverse impact on an organization or individual.
3. A fine of thirty million (30,000,000) to seventy million (70,000,000) Dong in respect of one of the following breaches:
- (a) A breach of clause 4 of article 10 of the *Law on Media* but below the level of criminal liability;
 - (b) Distorting history, denying revolutionary achievements, offending great figures and national heroes, but below the level of criminal liability;
 - (c) False information with a seriously adverse impact on society, but below the level of criminal liability.
4. A fine of thirty million (30,000,000) to seventy million (70,000,000) Dong and confiscation of the physical evidence of, and the means used to carry out the breach, in respect of one of the following breaches:
- (a) A breach of clauses 1, 2 or 3 of article 10 of the *Law on Media* but below the level of criminal liability;
 - (b) Printing or re-distributing confiscated media works or media works prohibited from circulation.
5. Forms of additional penalty:
- (a) Confiscation of the printed matter, physical evidence and the means used to carry out the breach, for conduct specified in clauses 2, 3 and 4 of this article if they have serious consequences;
 - (b) Individuals and organizations in breach of the provisions in this article shall also be obliged to pay compensation in accordance with the law for any loss caused.

Article 10 *Breach of the regulations on supplying information to the media:*

A fine of five hundred thousand (500,000) to two million (2,000,000) Dong in respect of a breach of the regulations on the right of organizations and citizens to supply information to the media as stipulated in clause 2 of article 4 and in article 7 of the *Law on Media*, but below the level of criminal liability.

Article 11 *Breach of the regulations on using a journalist's card, bullying a journalist or threatening his or her life or offending honour or human dignity, or preventing a journalist from practising his or her profession correctly in accordance with the law:*

1. A warning or a fine of two hundred thousand (200,000) to one million (1,000,000) Dong in respect of one of the following breaches:
- (a) Bullying or threatening a journalist's life, offending the honour or human dignity of a journalist or preventing him or her from practising his or her profession correctly in accordance with the law, but below the level of criminal liability;

(b) Taking advantage of the position of a journalist to interfere illegally in, or to hinder the operations of bodies or organizations, but below the level of criminal liability.

3. Forms of additional penalty:

(a) Where there is a breach of clause 2 (a) of this article, any compensation for loss payable to a journalist shall be resolved under criminal law procedures, but the level of compensation shall not exceed one million (1,000,000) Dong;

(b) Revocation of the right to use a journalist's card for one to two years for a breach specified in clause 1 or clause 2 (b) of this article.

Article 12 *Breach of the regulations on press conferences:*

1. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Holding a press conference without providing prior notice or prior proper notice to the authorized State body for the media;

(b) Holding a press conference on matters in breach of the provisions of clause 4 of article 10 of the *Law on Media*, but below the level of criminal liability.

2. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:

(a) Holding a press conference without the consent of the authorized State body for the media or when the latter has issued a suspension order;

(b) Holding a press conference on matters in breach of the provisions of clauses 1, 2 or 3 of article 10 of the *Law on Media*, but below the level of criminal liability.

Article 13 *Breach of the regulations on media copyright deposit:*

1. A fine of five hundred thousand (500,000) to two million (2,000,000) Dong in respect of a breach regarding the time-limit for payment and the amount of a media copyright deposit.

2. A fine of three million (3,000,000) to five million (5,000,000) Dong in respect of failure to pay a media copyright deposit.

3. Forms of additional penalty:

Revocation of the right to use a publishing licence for one to two media periods for a breach specified in clause 2 of this article.

Article 14 *Breach of the regulations on advertising in the media:*

1. A fine of two million (2,000,000) to ten million (10,000,000) Dong in respect of breaches regarding the position, ratio (according to number of pages, number of times broadcast) and advertising supplements.

2. A fine of five million (5,000,000) to twenty million (20,000,000) Dong in respect of advertising with the contents stipulated as a breach by article 10 of the *Law on Media*, advertising products which are prohibited from advertisement and other breaches of other laws on advertising, but below the level of criminal liability.

3. Forms of additional penalty:

Confiscation of printed matter in the case of the breaches specified in clause 2 of this article.

Article 15 *Breach of the regulations on issuing newspapers, and on destroying facilities for operating the media:*

1. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

- (a) Issuing a newspaper incorrectly in terms of the provisions of a media operating licence;
- (b) Printing a newspaper without the price, or selling it above the price printed on it;
- (c) Using illegally printed or dubbed tapes in order to advertise for sales of newspapers;
- (d) Issuing newspaper as an agent without business registration;
- (dd) Hindering the legitimate issuance of newspapers;
- (e) Destroying a journalist's facilities for media activities.

2. A fine of one million (1,000,000) to five million (5,000,000) Dong in respect of direct receipt via satellite or via the internet in order to repeat information from Vietnam radio or television, or basic Internet or Intranet of Vietnamese organizations or of foreign organizations residing in Vietnam, without a licence from the Ministry of Culture and information.

3. A fine of three million (3,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

- (a) Issuing printed media matter without a publishing permit, but below the level of criminal liability;
- (b) Issuing printed media matter prohibited from circulation or subject to an order forbidding circulation, but below the level of criminal liability.

4. Forms of additional penalty:

Confiscation of the printed media matter, physical evidence and means used to carry out the breach, for conduct specified in clause 3 of this article.

Article 16 *Breach of the regulations on installation and use of equipment to receive overseas television programs:*

1. A fine of three million (3,000,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Implementing incorrectly the provisions of a licence for the installation and use of equipment to receive overseas television programs (TVRO);

(b) Altering or erasing a licence for the installation and use of equipment to receive overseas television programs (TVRO).

2. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Transferring a licence to another organization or individual, or using a licence of another organization or individual to install and use equipment to receive overseas television programs (TVRO);

(b) Installing and using equipment to receive overseas television programs (TVRO) without a licence;

(c) Allowing other people to use equipment to receive overseas television programs (TVRO).

3. Forms of additional penalty:

Confiscation or compulsory dismantling of the equipment for receiving overseas television programs (TVRO) in the case of the breach specified in clause 2 of this article.

Section 2

Offences in the Publishing Sector, Forms and Levels of Penalty

Article 17 *Breach of the regulations on presentation and illustration in publications:*

1. A warning or a fine of three hundred thousand (300,000) to three million (3,000,000) Dong in respect of one of the following breaches:

(a) Not fully recording or incorrectly recording the regulations on presentation in published products;

(b) Presentation on the cover of a published product which is inconsistent with its contents;

(c) Illustration inconsistent with the contents of published matter.

2. Forms of additional penalty and other means:

(a) Confiscation of the physical evidence for breaches of the law specified in clause 1 (b) of this article.

(b) Compulsory payment of compensation in accordance with law for conduct specified in clause 1 (b) of this article, if the conduct caused loss to other organizations or individuals.

Article 18 *Breach of the regulations on stockpiling and issuing publications:*

1. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Hindering the lawful issuance of publications;

(b) Selling any type of book, newspaper, picture, photo or calendar or renting books and newspapers without a publishing licence, a certificate of approval of a publishing plan, or an import permit;

(c) Selling or renting publications whose [true] contents were replaced with other contents;

(d) Stockpiling illegally printed or illegally copied publications from 50 up to 200 copies.

2. A fine of three million (3,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Selling matter in the category of non-commercial purposes or internal circulation;

(b) Stockpiling illegally printed or illegally copied publications above 200 copies.

3. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:

(a) Issuing or stockpiling with the aim of circulating publications in the category of prohibited from circulation or which are subject to a decision on revocation or confiscation;

(b) Selling books, newspapers, pictures, photos and calendars or renting books and newspapers which are subject to a decision on revocation, confiscation, or prohibited from circulation;

(c) Selling books, newspapers, pictures, photos and calendars or renting books and newspapers with contents which propagate a depraved or immoral life style or which incite violence, but below the level of criminal liability.

4. Forms of additional penalty:

Confiscation of the physical evidence for conduct specified in clause 1 (b), (c) and (d), clause 2 (b) and clause 3 of this article.

Article 19 *Breach of the regulations on use of a licence for publishing operations:*

1. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Providing business services in books, newspapers, pictures, photos and calendars or in renting books and newspapers without business registration;

(b) Publishing activities at a location other than that provided for in the licence.

2. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Incorrectly implementing the provisions of a publishing licence or a certificate of approval of a publishing plan;

(b) Transferring a certificate of approval of a publishing plan or a publishing licence in any form at all;

- (c) Altering or erasing a certificate of approval of a publishing plan or a publishing licence.
3. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:
- (a) Activities of issuing books, newspapers or printed matter without an operating licence;
 - (b) Conducting publishing without an operating licence.
4. Forms of additional penalty:
- (a) Revocation of the right to use a publishing operating licence for conduct specified in clause 1 (b) of this article;
 - (b) Revocation of the right to use a licence for conduct specified in clause 2 (b) and (c) of this article;
 - (c) Confiscation of the physical evidence and means used to carry out the conduct specified in clause 3 (b) of this article, or in respect of a repeat offence specified in clause 3 (a) of this article.

Article 20 *Breach of the regulations on prohibited content of publications:*

1. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong for an author whose published works offend the honour of an individual, or disclose private life secrets of an individual without the consent of the person concerned or his or her relatives, except where the law otherwise provides.
2. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong for a publisher or for an organization with a publishing licence where their publications contain matter which offends the honour of an individual, or discloses private life secrets of an individual without the consent of the person concerned or his or her relatives, except where the law otherwise provides.
3. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong for an author whose published works, or for a publisher or organization with a publishing licence where their publications portray an obscene or depraved lifestyle, social evils or superstition, and with a detrimental effect on fine customs, or which provide inaccurate information aimed at slandering the reputation of an organization, but below the level of criminal liability.
4. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:
- (a) An author whose published works, or a publisher or organization with a publishing licence where their publications contain matter in breach of the provisions of article 22 (1) of the *Law on Publications*, but below the level of criminal liability;
 - (b) An author whose published works, or a publisher or organization with a publishing licence where their publications incite violence or crime, propagate wars of aggression, cause division amongst ethnic races and the peoples of all countries, or disseminate reactionary ideology or culture, but below the level of criminal liability;

(c) An author whose published works, or a publisher or organization with a publishing licence where their publications contain matter which distort history, deny revolutionary achievements, or offend great figures and national heroes, but below the level of criminal liability.

5. Forms of additional penalty:

Confiscation of the physical evidence in breach as specified in clauses 3 and 4 of this article.

6. In addition to the forms of penalty stipulated in this article, measures shall be taken for individuals and organizations in breach to make compulsory payment of compensation in accordance with law.

Article 21 *Breach of the regulations on printing activities:*

1. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong for commercial practice of the trades of stalactite pressing, roneo printing, photocopying, printing by computer, manual silk screen printing, printing from wood engravings, paper cutting, [supplying] materials and equipment for the printing industry, manufacture of printing materials, or teaching the printing and duplicating trade without a business registration certificate or by changing a business registration certificate or conducting business at an address other than the registered address.

2. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Incorrectly implementing the provisions of a licence for printing activities;

(b) Transferring a licence for printing activities in any form at all;

(c) Altering or erasing a licence for printing activities;

(d) Printing 50 or more publications in excess of the number recorded in the licence or printing contract;

(dd) Establishments conducting printing and photocopying activities which discover that the contents of products which they have been commissioned to print are in breach of article 22 of the *Law on Publications* but they fail to immediately report to the authorized State body for publishing.

3. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:

(a) Activities of printing and photocopying published matter which does not have a publishing licence or a certificate of approval of a publishing plan;

(b) Printing products incorrectly in terms of the stipulated procedures, or without signing a contract with the party ordering the printing;

(c) A printing and photocopying entity of a State office, economic organization or social organization (other than a State printing enterprise) conducts internal printing without a licence;

(d) A photocopying establishment photocopying newspapers or published matter in the category of prohibited from circulation.

4. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

(a) Printing and photocopying newspapers or published matter which are subject to a decision on revocation, confiscation, prohibition from circulation, or destruction; or which have depraved or obscene contents or which incite violence; but below the level of criminal liability;

(b) An establishment conducting commercial printing and photocopying without a business registration certificate (except for the cases specified in clause 1 of this article).

5. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 1 and clause 2 (b) and (c) of this article;

(b) Revocation of the right to use a licence for conduct specified in clause 4 (a) of this article, or in respect of a repeat offence specified in clause 3 (a) of this article;

(c) Confiscation of the physical evidence of conduct specified in clause 3 (a) and (d) and in clause 4 (a) of this article.

Article 22 *Breach of the regulations on publishing copyright deposit:*

1. A warning or fine of two hundred thousand (200,000) to one million (1,000,000) Dong in respect of a payment of less than the full publishing copyright deposit required by the regulations.

2. A fine of one million (1,000,000) to five million (5,000,000) Dong in respect of failure to pay the publishing copyright deposit required by the regulations.

3. In addition to the forms of penalty stipulated in clauses 1 and 2 of this article, organizations or individuals in breach shall be required to compulsorily pay the full amount of the publishing copyright deposit required by the regulations.

Section 3

Offences in the Cinematography Sector, Forms and Levels of Penalty

Article 23 *Breach of the regulations on production of films, videos and disks:*

1. A fine of one million (1,000,000) to three million (3,000,000) Dong in respect of services for writing letters in the form of videos without a business registration certificate.

2. A fine of five million (5,000,000) to fifteen million (15,000,000) Dong in respect of one of the following breaches:

(a) Shooting films at locations where there is a sign prohibiting the shooting of films, or with contents prohibited as specified in article 2 (3) of Decree No. 48-CP of the Government dated 17 July 1995 on Cinematographic Organizations and Activities;

(b) Production of films, videos or disks disclosing people's private life secrets;

- (c) Failure to correctly implement the provisions of a licence for producing films, videos or disks;
 - (d) Transferring a licence to another organization or individual, or using the licence of another organization or individual to produce films, videos or disks;
 - (dd) Altering or erasing a licence for producing films, videos or disks.
3. A fine of ten million (10,000,000) to twenty million (20,000,000) Dong in respect of one of the following breaches:
- (a) Producing films, videos or disks with the aim of distributing them widely but without a licence;
 - (b) Supplying film-making services to overseas [*entities*] or co-operating in film-making with overseas [*entities*] incorrectly in terms of the provisions of a licence;
 - (c) Producing films, videos or disks with slanderous contents or which slander the reputation of an organization or the honour and dignity of an individual, but below the level of criminal liability.
4. A fine of thirty million (10,000,000) to fifty million (20,000,000) Dong in respect of one of the following breaches:
- (a) Producing films, videos or disks with depraved or obscene contents, which encourage social evils or criminal conduct, or with superstitious contents with an adverse impact on fine customs or the ecological environment, but below the level of criminal liability;
 - (b) Activities of providing film-making services or film-making with overseas [*entities*] without a licence.
5. A fine of fifty million (10,000,000) to seventy million (70,000,000) Dong in respect of one of the following breaches:
- (a) Producing films, videos or disks with contents which are antagonistic to the State of the Socialist Republic of Vietnam; or which undermine the unity of the people;
 - (b) Producing films, videos or disks which incite violence, propagate wars of aggression, cause division amongst ethnic races and the peoples of all countries, or which disseminate reactionary ideology or culture or criminal conduct, but below the level of criminal liability;
 - (c) Producing films, videos or disks containing matter which distorts history, denies revolutionary achievements, or offends great figures and national heroes, but below the level of criminal liability;
 - (d) Foreign individuals or organizations which produce films in Vietnam without a licence.
6. Forms of additional penalty:
- (a) Revocation of the right to use a licence for conduct specified in clause 2 (d) and (dd), clause 3 (b), clause 4 (a) and clause 5 of this article;

- (b) Confiscation of the physical evidence of conduct specified in clause 2 (a), clause 4 (a) and clause 5 of this article;
- (c) Confiscation of the means of committing the breach specified in clause 2 (a), clause 4 (a) and clause 5 of this article.

Article 24 *Breach of the regulations on printing, copying and stockpiling films, videos and disks:*

1. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong for illegally stockpiling from 20 to 100 copies of a film, video or disk which is in the category of [*the original was*] illegally printed or copied.

2. A fine of one million (1,000,000) to three million (3,000,000) Dong in respect of one of the following breaches:

- (a) Making under 20 copies of a film, video or disk not yet permitted to be circulated;
- (b) Illegally stockpiling above 100 copies of a film, video or disk which is in the category of [*the original was*] illegally printed or copied.

3. A fine of three million (3,000,000) to five million (5,000,000) Dong in respect of one of the following breaches:

- (a) Making between 20 to 100 copies of a film, video or disk not yet permitted to be circulated;
- (b) Transferring a licence to carry out the copying of a film, video or disk to another organization, or using the licence of another organization to carry out the copying of a film, video or disk;
- (c) Implementing incorrectly the provisions of a licence to carry out the copying of a film, video or disk;
- (d) Altering or erasing a licence to carry out the copying of a film, video or disk.

4. A fine of five million (5,000,000) to fifteen million (15,000,000) Dong in respect of one of the following breaches:

- (a) Making 100 or more copies of a film, video or disk not yet permitted to be circulated;
- (b) Copying a film, video or disk without a licence to carry out the copying;
- (c) Inserting into a film, video or disk additional sound and pictures to advertise commodities which are prohibited from being advertised.

5. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

- (a) Copying a film, video or disk which is subject to a decision on revocation, confiscation, prohibition from circulation, or destruction;

(b) Copying a film, video or disk with depraved or obscene contents or which incites violence, but below the level of criminal liability;

(c) Editing or adding sound and pictures with depraved or obscene contents or which arouse violence to a film, video or disk already permitted to be circulated, but below the level of criminal liability.

6. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 3 (b), (c) and (d) and clause 5 of this article, and for a repeat offence of clause 4 (a) of this article;

(b) Confiscation of the physical evidence of conduct specified in clauses 1, 2, 3, 4 and 5 of this article;

(c) Confiscation of the means of committing the breach specified in clause 3 (a), clauses 4 and 5 of this article, and for a repeat offence of clause 2 (a) of this article.

Article 25 *Breach of the regulations on distributing films, videos and disks:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong in respect of one of the following breaches:

(a) Purchasing from 10 to 20 copies of a video or disk without a label⁵ attached or with a false label;

(b) Selling or renting under 20 copies of a film, video or disk without a label attached or with a false label;

(c) Selling or renting a film, video or disk from an address other than that provided for in the licence;

(d) Purchasing or selling labels for videos or disks without all the heading items written on them as required by the regulations;

(dd) Purchasing from 10 to below 50 copies of a false video or disk label;

(e) Altering or erasing a label attached to a video or disk.

2. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Selling or renting a film, video or disk which is not yet licensed for circulation;

(b) Selling or renting from 20 to under 100 copies of a film, video or disk without a label attached or with a false label;

(c) Fraudulently exchanging the contents of a video or disk which has a label attached, for commercial purposes;

5 An alternative translation is "trademark".

- (d) Transferring a licence to another organization or individual, or using the licence of another organization or individual in order to sell or rent a film, video or disk;
- (dd) Altering or erasing a licence to sell or rent films, videos or disks;
- (e) Purchasing 50 or more copies of a false video or disk label.
3. A fine of one million five hundred (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:
- (a) Buying 100 or more copies of a film, video or disk without a label attached or with a false label;
- (b) Selling or renting from 100 to under 500 copies of a film, video or disk without a label attached or with a false label.
4. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:
- (a) Selling or renting a film, video or disk without a licence from the State administration office for culture and information;
- (b) Transferring a licence to another organization or individual, or using the licence of another organization or individual in order to commercially distribute films, videos or disks;
- (c) Distributing films, videos or disks not yet subject of a decision permitting their circulation;
- (d) Distributing films, videos or disks domestically, beyond the scope permitted;
- (dd) Implementing incorrectly the provisions of a business licence for the distribution of films, videos or disks;
- (e) Altering or erasing a business permit for the distribution of films, videos or disks;
- (f) Selling or renting from 500 to under 1,000 copies of a film, video or disk without a label attached or with a false label.
5. A fine of ten million (10,000,000) to fifteen million (15,000,000) Dong in respect of one of the following breaches:
- (a) Adding to, reducing, or altering so as to falsify cinematographic works which have already been licensed for distribution;
- (b) Commercial distribution of films, videos or disks without a licence;
- (c) Producing, stockpiling or selling false labels of videos or disks;
- (d) Selling or renting from 1,000 or more copies of a film, video or disk without a label attached or with a false label.
6. A fine of fifteen million (15,000,000) to thirty million (30,000,000) Dong for stockpiling illegally cinematographic works in the category of prohibited from distribution or which are subject to a decision on revocation, confiscation or destruction.

7. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

- (a) Selling, renting or distributing films, videos or disks which are subject to a decision on revocation, confiscation, prohibition from circulation, or destruction;
- (b) Selling, renting or distributing films, videos or disks with depraved or obscene contents or which incite violence.

8. Forms of additional penalty:

- (a) Revocation of the right to use a licence for up to 3 months for conduct specified in clause 1 (c) of this article;
- (b) Revocation of the right to use a licence for up to 3 months for conduct specified in clause 2 (d) and (dd); clause 4 (b), (dd) and (e); and clause 7 of this article;
- (c) Confiscation of the physical evidence of conduct specified in clause 1 (a), (b), (d), (dd) and (e); clause 2 (a), (b), (c) and (e); clause 3; clause 4(c) and (f); clause 5(a), (c) and (d); and clauses 6 and 7 of this article;
- (d) Confiscation of the means of committing the breach specified in clause 5 (c) of this article.

Article 26 *Breach of the regulations on projection of films, and on playing videos and disks:*

1. A warning or a fine of one hundred and fifty thousand (150,000) to three hundred thousand (300,000) Dong in respect of one of the following breaches:

- (a) Projecting films or playing videos or disks causing noise above the regulated level;
- (b) Allowing children under 16 into a cinema or a venue where videos or disks are played, or to view films prohibited to children under 16.

2. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for projecting films or playing videos or disks without a label attached, in a public venue.

3. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

- (a) Projecting films or playing videos or disks not yet permitted to be circulated, in a public venue;
- (b) Transferring a business registration certificate to another organization or individual, or using the business registration certificate of another organization or individual to project films or to play videos or disks;
- (c) Implementing incorrectly the provisions of a business registration certificate to project films or to play videos or disks;
- (d) Altering or erasing a business registration certificate to project films or to play videos or disks.

4. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong for commercial film projection or commercial playing of videos or disks, without a business registration certificate.

5. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

(a) Projecting films or playing videos or disks which are subject to a decision on revocation, confiscation, prohibition from circulation, or destruction;

(b) Projecting films or playing videos or disks with depraved or obscene contents or which incite violence.

6. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 3 (b), (c), and (d); and in clause 5 of this article;

(b) Confiscation of the physical evidence of conduct specified in clause 2; in clause 3 (a), and in clause 5 of this article;

(c) Confiscation of the means of committing the breach specified in clause 5 of this article.

Article 27 *Breach of the regulations on copyright deposit for, and archiving of, cinematographic works:*

1. A fine of three million (3,000,000) to five million (5,000,000) Dong for failure to pay copyright deposit for, and failure to archive cinematographic works in terms of the full amount or the correct type as required by the regulations.

2. A fine of five million (5,000,000) to fifteen million (15,000,000) Dong for failure to pay a copyright deposit or for failure to archive cinematographic works as required by the regulations.

3. In addition to the forms of penalty stipulated in clauses 1 and 2 of this article, individuals and organizations in breach shall be ordered to compulsorily pay a copyright deposit or compulsorily archive cinematographic works as required by the regulations.

Section 4

Offences in the Artistic Performance Sector, Forms and Levels of Penalty

Article 28 *Breach of the regulations on duplicating audio videos and music disks:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for duplicating below 20 copies of an audio video or disk not yet permitted to be circulated.

2. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Duplicating from 20 to under 100 copies of an audio video or disk not yet permitted to be circulated;

(b) Transferring a business registration certificate to another organization or individual, or using the business registration certificate of another organization or individual to engage in copying an audio video or disks.

3. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Duplicating from 100 up to 300 copies of an audio video or disk not yet permitted to be circulated;

(b) Duplicating audio videos and disks without an operating licence.

4. A fine of five million (5,000,000) to ten million (10,000,000) Dong for duplicating above 300 copies of an audio video and disk not yet permitted to be circulated.

5. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:

(a) Duplicating audio videos and disks which are subject to a decision prohibiting them from circulation, or which are subject to a decision on revocation or confiscation;

(b) Duplicating audio videos and disks which have depraved or obscene contents or which incite violence;

(c) Duplicating audio videos and disks which have reactionary contents.

6. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clauses 4 and 5 of this article;

(b) Confiscation of the physical evidence of conduct specified in clause 1; in clause 2 (a); and in clauses 3, 4 and 5 of this article;

(c) Confiscation of the means of committing the breach specified in clauses 3, 4 and 5 of this article.

Article 29 *Breach of the regulations on production of audio videos and disks:*

1. A fine of one million five hundred (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Producing audio videos and disks incorrectly in terms of the provisions or the location stated in the licence;

(b) Altering or erasing a licence for the production of audio videos and disks;

(c) Editing or adding sound and pictures with depraved or obscene contents or which incite violence, into audio videos and disks which have already been licensed for circulation, but below the level of criminal liability;

(d) Transferring a licence to another organization or individual, or using the licence of another organization or individual to produce audio videos and disks.

2. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Producing audio videos and disks with depraved or obscene contents or which incite violence, or editing or adding sound and pictures with depraved or obscene contents or which incite violence into audio videos and disks which have already been licensed for circulation, but below the level of criminal liability;⁶

(b) Producing audio videos and disks commercially, without a licence.

3. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong for engaging in the production of audio videos and disks which have reactionary contents, or editing or adding sound and pictures with reactionary contents into audio videos and disks which have already been licensed for circulation, but below the level of criminal liability.

4. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 1 (b), (c) and (d); clause 2 (a); and clause 3 of this article;

(b) Confiscation of the physical evidence of conduct specified in clause 1 (c), clause 2 (c), and clause 3 of this article;

(c) Confiscation of the means of committing the breach specified in clause 1 (c), clauses 2 and 3 of this article.

Article 30 *Breach of the regulations on purchase, sale and renting of audio videos and disks:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for selling or renting audio videos and disks at a location other than that provided for in the business registration certificate.

2. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Selling or renting audio videos and disks which are not yet licensed for circulation;

(b) Purchasing or selling from 50 or more audio videos and disks which were illegally printed or copied.

3. A fine of one million five hundred (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Selling or renting audio videos and disks with prohibited contents;

(b) Selling or renting audio videos and disks without a business registration certificate.

4. Forms of additional penalty:

⁶ PF Note: The second half of clause from "editing..." onwards repeats clause 1 (c) above.

- (a) Revocation of the right to use a business registration certificate for up to 3 months for conduct specified in clause 1, and in clause 3 (a) of this article;
- (b) Confiscation of the physical evidence for the breaches specified in clause 2, and in clause 3 (a) of this article.

Article 31 *Breach of the regulations on stockpiling and disseminating audio videos and disks:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for disseminating audio videos and disks which are not yet licensed for dissemination, in a public venue.

2. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong for illegally stockpiling from 50 or more audio videos and disks which were illegally printed or copied.

3. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Illegally stockpiling audio videos and disks in the category of prohibited from dissemination;

(b) Transferring a licence to another organization or individual, or using the licence of another organization or distribute audio videos and disks.

4. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Disseminating audio videos and disks which are subject to a decision on prohibition from circulation, or a decision on revocation, confiscation, or destruction;

(b) Disseminating audio videos and disks which have depraved or obscene contents or which incite violence.

5. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong for the following conduct:

Disseminating audio videos and disks which have reactionary contents.

6. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 3 (b), and clauses 4 and 5 of this article;

(b) Confiscation of the physical evidence of conduct specified in clauses 1 and 2, clause 3 (a), and clauses 4 and 5 of this article;

(c) Confiscation of the means of committing the breach specified in clauses 4 and 5 of this article.

Article 32 *Breach of the regulations on artistic performances:*

1. A fine of from five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong for organizing domestic or foreign artistic groups or teams of artists to perform publicly without a permit issued by the authorized State management body for culture and information; or holding public artistic performances for commercial purposes by people [*artists*] without practising certificates, or holding public artistic performances for commercial purposes without [*the organizer holding*] a performing practising certificate.
2. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong for holding artistic performances not correct in terms of what is provided for in the permit, or holding artistic performances by people [*artists*] whom the authorized State management body for culture and information has forbidden to perform.
3. A fine of five million (5,000,000) to ten million (10,000,000) Dong for holding a public performance of an artistic work not yet permitted to be performed.
4. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:
 - (a) Holding a performance of an artistic work subject to a decision forbidding its performance;
 - (b) Holding a performance of an artistic work which has depraved or obscene contents or which incites violence, but below the level of criminal liability;
 - (c) Holding a performance of an artistic work which incites violence or crime, propagates wars of aggression, causes division amongst ethnic races and the peoples of all countries, but below the level of criminal liability;
 - (d) Holding a performance of an artistic work which distorts history, denies revolutionary achievements, or offends great figures and national heroes, but below the level of criminal liability.
5. Forms of additional penalty:
 - (a) Revocation of the right to use a licence for conduct specified in clause 2 of this article;
 - (b) Confiscation of the physical evidence of, and the means of committing the breach for conduct specified in clause 4 of this article.

Section 5

Offences in the Sector of Public Cultural Activities and Services, Forms and Levels of Penalty

Article 33 *Breach of the regulations on lifestyle:*

1. A warning or a fine of one hundred thousand (100,000) to five hundred thousand (500,000) Dong in respect of one of the following breaches:
 - (a) Permitting drunks to enter public dance halls or karaokes;

(b) Practising trades of superstition such as: putting people into a trance, fortune-telling, invoking spirits of the dead, offering fortune sticks, exorcising with lucky charms, bewitching, making prophesies, and other superstitious practices;

(c) Being drunk in a public venue, working area, hotel, shop, restaurant, public dance hall, karaoke, venues where cultural events are held and cultural services provided, in public transport or in other public venues;

(d) Taking advantage of people's religious beliefs to obtain money or other things.

2. Forms of additional penalty:

(a) Confiscation of the physical evidence of, and the means of committing the breach for conduct specified in clause 1 (b) of this article;

(b) Payment to public funds of the amount illegally obtained in respect of the conduct specified in clause 1 (b) and (d) of this article.

Article 34 *Breach of the regulations on conditions for holding cultural activities or for providing cultural services in public venues:*

1. A warning or a fine of from two hundred thousand (200,000) to five hundred thousand (500,000) Dong for holding cultural activities or for providing cultural services in public venues from mid-night until 5 a.m., except in cases specified in article 35 (2) of this Decree.

2. A fine of from three hundred thousand (300,000) to one million (1,000,000) Dong in respect of the following breaches:

(a) Failure to provide lighting to the stipulated level in public dance halls and karaokes;

(b) Employing dancers without their being registered on the list with the authorized office;

(c) Issuing more tickets than seats or capacity of a theatre where a cultural or artistic performance is held.

3. A fine of from five hundred thousand (500,000) up to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Failure to provide space to the stipulated level in public dance halls and karaokes;

(b) Covering karaoke rooms, or not installing windows in them, or installing windows which make any part of the room invisible from the outside;

(c) Turning off the lights during activities at public dance halls and karaokes;

(d) Holding artistic performances, and organizing activities at dance halls or theatres showing films and videos or cassettes or at karaokes with noise above the permitted level.

4. A fine of one million five hundred thousand (1,500,000) Dong for employing dancers to work at dance halls without entering into a labour contract with them.

5. Forms of additional penalty: Revocation of the right to use a licence for a repeat offence specified in clauses 1, 2, 3 and 4 of this article.

Article 35 *Breach of the regulations on operating licences:*

1. A warning or a fine of from one hundred and fifty thousand (150,000) up to five hundred thousand (500,000) Dong for using a broadcasting loud-speaker or other facilities to advertise or agitate in a public venue without a permit or not in terms of the provisions of the permit.
2. A fine of from one million (1,000,000) to three million (3,000,000) Dong for holding a dancing hall event after the hours permitted.
3. A fine of from one million five hundred thousand (1,500,000) up to five million (5,000,000) Dong in respect of one of the following breaches:
 - (a) Holding commercial dance hall activities and karaoke activities not in terms of the provisions [*of the permit*] or the provisions of the law;
 - (b) Transferring a permit to another organization or individual, or using the permit of another organization or individual to hold commercial dance hall activities, karaoke activities, beauty queen competitions and fashion shows;
 - (c) Holding electronic games and other types of games for commercial purposes which have reactionary contents, which have depraved or obscene contents, which incite violence, or which involve gambling;
 - (d) Holding beauty queen competitions and fashion shows other than with the program permitted.
4. A fine of from five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:
 - (a) Unlicensed commercial dance hall activities and karaoke activities;
 - (b) Unlicensed beauty queen competitions and fashion shows.
5. Forms of additional penalty:
 - (a) Revocation of the right to use a licence for conduct specified in clause 3 (a), (b) and (d); and for a repeat offence of the breach in clause 2 of this article;
 - (b) Confiscation of the physical evidence of, and the means of committing the breach for conduct specified in clause 1 and clause 3 (c) of this article.

Article 36 *Breach of the regulations on production and circulation of electronic games tapes and disks:*

1. A fine of from one million five hundred thousand (1,500,000) up to five million (5,000,000) Dong in respect of one of the following breaches:
 - (a) Selling or renting electronic games' tapes and disks without business registration;
 - (b) Selling or renting electronic games' tapes and disks which have depraved or obscene contents, or which incite violence, but below the level of criminal liability;

(c) Selling or renting electronic games' tapes and disks which have seriously harmful contents other than those stipulated in sub-clause (b) above;

(d) Producing or duplicating electronic games' tapes and disks without business registration;

(dd) Circulating electronic games' tapes and disks with prohibited contents at public dance halls, karaoke bars, and other venues where public cultural events are held and cultural services provided.

2. A fine of from five million (5,000,000) up to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Producing or duplicating electronic games' tapes and disks with prohibited contents;

(b) Manufacturing or importing electronic games' machines, tapes and disks with prohibited contents;

(c) Installing electronic games' programs with prohibited contents into computers for circulation.

3. Forms of additional penalty:

(a) Revocation of the right to use business registration for conduct specified in clause 1 (b), (c) and (d), and in clause 2 (a) and (c) of this article;

(b) Confiscation of the physical evidence of conduct specified in clause 1 (b), (c), (d) and (dd), and in clause 2 (a) and (c) of this article;

(c) Confiscation of the means of committing the breach specified in clause 1 (d) and (dd), and in clauses 1 and 2 of this article.

4. In addition to the forms of penalty stipulated in clauses 1, 2 and 3 of this article, measures shall be taken for individuals and organizations in breach to compulsorily delete the electronic games' programs specified in clause 2 (c) of this article.

Article 37 *Breach of the regulations on prohibited features of cultural activities and cultural services in public venues:*

1. A warning or a fine of from one million (1,000,000) up to five million (5,000,000) Dong for using obscene forms of service at dance halls, public dance halls, karaoke bars, and at other public venues where cultural events are held and cultural services provided.

2. A fine of from five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Hanging or exhibiting pictures, photos or calendars which are depraved or obscene or which incite violence at dance halls, public dance halls, karaoke bars, and at other public venues where cultural events are held and cultural services provided, but below the level of criminal liability;

(b) Circulating at dance halls, public dance halls, karaoke bars, the following things which are not licensed for circulation, namely videos, disks, audio videos and disks; or putting on performances [*at these venues*] of stage or music works which are not yet licensed.

3. A fine of from one million five hundred thousand (1,500,000) up to five million (5,000,000) Dong for leasing out a venue for dancing, for a public dance hall, for karaoke activities, or for other public cultural events and services, knowing such venue is used for prostitution, drug taking or gambling, and without measures to prevent or expose such activities.

4. A fine of from five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Conniving at, or covering up depraved, obscene or violent activities, or prostitution, drug taking or gambling by taking money or something in lieu, at dance halls, public dance halls, karaoke bars and at other public venues where cultural events are held and cultural services provided, but below the level of criminal liability;

(b) Circulating audio videos and disks which are subject to a decision on revocation or prohibition from circulation, at dance halls, public dance halls, karaoke bars and at other public venues where cultural events are held and cultural services provided;

(c) Circulating audio videos and disks which have depraved or obscene contents or which incite violence, at dance halls, public dance halls, karaoke bars and at other public venues where cultural events are held and cultural services provided, but below the level of criminal liability.

5. A fine of from thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

(a) Circulating films, videos and disks which are subject to a decision on prohibition from circulation or revocation, at dance halls, public dance halls, karaoke bars and at other public venues where cultural events are held and cultural services provided;

(b) Circulating films, videos and disks which have depraved or obscene contents or which incite violence, at dance halls, public dance halls, karaoke bars and at other public venues where cultural events are held and cultural services provided, but below the level of criminal liability.

6. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 1, in clause 4 (b) and (c), and in clauses 4 and 5 of this article;

(b) Confiscation of the physical evidence of conduct specified in clause 2, in clause 4 (b) and (c), and in clause 5 of this article;

(c) Confiscation of the means of committing the breach specified in clause 2 (b), in clause 4 (b) and (c), and in clause 5 of this article.

Article 38 *Breach of the regulations on prohibited cultural activities at boarding houses and restaurants:*

1. A warning or a fine of from two hundred thousand (200,000) up to five hundred thousand (500,000) Dong in respect of one of the following breaches:

- (a) Hanging or exhibiting pictures, photos or calendars which are depraved or obscene or which incite violence at boarding houses and restaurants;
 - (b) Using methods of serving which are obscene at boarding houses and restaurants.
2. A fine of from five million (5,000,000) up to ten million (10,000,000) Dong in respect of one of the following breaches:
- (a) Circulating audio videos and disks which are subject to a decision on prohibition from circulation or revocation, at boarding houses and restaurants;
 - (b) Circulating films, videos and disks which have depraved or obscene contents or which incite violence, at boarding houses and restaurants, but below the level of criminal liability.
3. A fine of from thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:
- (a) Circulating films, videos and disks, or staging works or music shows or dances which are subject to a decision on prohibition from circulation or revocation, at boarding houses and restaurants;
 - (b) Circulating films, videos and disks or staging works or music shows or dancing which have depraved or obscene contents or which incite violence, at boarding houses and restaurants, but below the level of criminal liability.
4. Forms of additional penalty:
- (a) Revocation of the right to use a practising licence for up to 6 months for performers who breaches clause 3 (b) of this article;
 - (b) Revocation of the right to use business registration for conduct specified in clauses 2 and 3 of this article;
 - (c) Confiscation of the physical evidence of conduct specified in clause 1 (a), and in clauses 2 and 3 of this article.

Article 39 *Breach of the regulations on production and burning votive offering papers:*

- 1. A warning or a fine of from one hundred and fifty thousand (150,000) to five hundred thousand (500,000) Dong for burning votive offering papers in a public place.
- 2. A fine of from one hundred and fifty thousand (150,000) up to five hundred thousand (500,000) for illegal manufacture of votive offering papers; for propagating superstitions in order to sell votive offering papers.
- 3. Forms of additional penalty:
Confiscation of the physical evidence for the breach specified in clause 2 of this article.

Section 6
Offences in the Sectors of Fine Arts, Exhibitions and Photography, and Forms and Levels of Penalty

Article 40 *Breach of the regulations on operating licences:*

1. A fine of from five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Providing commercial services in fine arts, photography, portraiture, or translation at a location other than the registered location;

(b) Transferring a business registration certificate for services in fine arts, photography, portraiture, or translation, in any form at all;

(c) Altering or erasing a business registration certificate for services in fine arts, photography, portraiture, or translation.

2. A fine of from one million five hundred thousand (1,500,000) up to five million (5,000,000) Dong for providing commercial services in fine arts, photography, portraiture, or translation, without business registration.

3. A fine of from five million (5,000,000) up to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Constructing a statue or monumental picture without permission;

(b) Holding a cultural or arts exhibition without a licence.

4. Forms of additional penalty:

Revocation of the right to use a licence for a breach specified in clause 1 (b) and (c) of this article.

5. In addition to the forms of penalty stipulated in clauses 1, 2 and 3 of this article, measures shall be taken for individuals and organizations in breach of clause 3 (a) to compulsorily dismantle the illegal artifice.

Article 41 *Breach of the regulations on prohibited features in fine arts, exhibitions and photograph:*

1. A warning or a fine of from one hundred and fifty thousand (150,000) up to one million five hundred thousand (1,500,000) Dong in respect of:

(a) Taking photos in a restricted area;

(b) Inserting or duplicating a photo causing detriment to another person or insult to an individual, a family, an office or an organization.

2. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong for holding an exhibition of works not yet permitted to be disseminated.

3. A fine of five million (5,000,000) to ten million (10,000,000) Dong for producing an artistic work or photo, or for translating a book or newspaper with harmful contents in order to disseminate it or to store it with the aim of disseminating it.

4. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong for holding an exhibition of printed matter, artistic works, photos or other fine arts cultural products which are prohibited from circulation.

5. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

(a) Constructing a statue or monumental picture which incites violence, propagates wars of aggression, causes division amongst ethnic races and the peoples of all countries, disseminates reactionary ideology or culture or a life of crime, prostitution and obscenity, but below the level of criminal liability;

(b) Constructing a statue or monumental picture which distorts history, denies revolutionary achievements, or offends great figures and national heroes, but below the level of criminal liability;

(c) Constructing a statue or monumental picture with harmful contents but not covered by sub-clauses (a) and (b) above.

6. Forms of additional penalty:

(a) Confiscation of the physical evidence of conduct specified in clauses 1, 2, 3 and 4 of this article;

(b) Confiscation of the means of committing the breach specified in clauses 1 and 4 of this article.

7. In addition to the forms of penalty stipulated in clauses 1 to 6 inclusive of this article, measures shall be taken for individuals and organizations in breach of clause 4 to compulsorily dismantle the object which was constructed.

Section 7

Offences in the Sector of Copyright, Forms and Levels of Penalty

Article 42 *Breach of the regulations on duplicating, re-editing, and assembling works, products and programs:*

1. A warning or a fine of two hundred thousand (200,000) up to five hundred thousand (500,000) Dong for duplicating or assembling audio videos and disks for commercial purposes without written agreement from the copyright owner.

2. A fine of from one million (1,000,000) to three million (3,000,000) Dong for duplicating films, videos or disks for commercial purposes without written agreement from the copyright owner.

3. A fine of from three million (3,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

- (a) Duplicating works to re-create a picture without agreement from the author or copyright owner;
- (b) Assembling a program of a film, video or disk for commercial or advertising purposes without agreement from the copyright owner;
- (c) Selling copies of works re-created in a picture without written agreement from the author or copyright owner.

4. A fine of from ten million (10,000,000) to twenty million (20,000,000) Dong in respect of one of the following breaches:

- (a) Duplicating a radio or television program which has already been broadcast or telecast to disseminate for commercial purposes without agreement from the program owner;
- (b) Duplicating an architectural work without agreement from the copyright owner.

5. A fine of from twenty million (20,000,000) to forty million (40,000,000) Dong in respect of one of the following breaches:

- (a) Copying or re-editing works of literature or the arts or scientific project works for commercial purposes without agreement from the copyright owner;
- (b) Copying computer software without agreement from the copyright owner.

6. A fine of from fifty million (50,000,000) to seventy million (70,000,000) Dong for a repeat offence specified in clause 5 of this article.

7. Forms of additional penalty:

- (a) Confiscation of the physical evidence of conduct specified in any of clauses 1 to 5 inclusive of this article;
- (b) Confiscation of the means of committing the breach specified in clauses 5 and 6 of this article.

Article 43 *Breach of the regulations on quoting, adding or cutting, translating, adapting, transforming or re-writing works:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for quoting other people's works and including it in one's own, without providing the name of the author and the original work.

2. A fine of three million (3,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

- (a) Translating, editing, adapting, transforming or re-writing works without agreement from the author or copyright owner of the original work;
- (b) Adding to, cutting or changing the contents of a literary, artistic or scientific work without agreement from the author.

Article 44 *Breach of the regulations on announcing, disseminating or performing works domestically:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for presenting or exhibiting artistic works without agreement from the author or copyright owner of the original work.

2. A fine of from one million (1,000,000) to three million (3,000,000) Dong for performing musical works without paying royalties to the author or copyright owner.

3. A fine of three million (3,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Announcing or disseminating works without agreement from the author or copyright owner;

(b) Announcing or disseminating jointly created works without agreement from all joint authors or copyright owners;

(c) Making audio or visual recordings of performances, or broadcasting them direct, without agreement from the performers except for cases stipulated in article 761 clause 1(h) of the Civil Code.

4. A fine of ten million (10,000,000) to twenty million (20,000,000) Dong in respect of one of the following breaches:

(a) Performing theatrical or stage works without paying royalties to the author or copyright owner;

(b) Broadcasting sets of films or videos without agreement from the copyright owner;

(c) Announcing or disseminating works of authors whose works are banned from announcement and dissemination.

5. Forms of additional penalty:

Confiscation of the physical evidence and means for the breach specified in clause 4 (c) of this article.

Section 8

**Offences in Advertisement Sector, Writing and Placing Signboards,
Forms and Levels of Penalty**

Article 45 *Breach of regulations on advertising permits:*

1. A warning or a fine of up to two hundred thousand (200,000) Dong for advertising by posters, handouts, brochures, letters or other similar forms without a permit.

2. A warning or a fine of three hundred thousand (300,000) up to five hundred thousand (500,000) Dong in respect of one of the following breaches:

(a) Advertising by banners without a permit;

- (b) Accepting to paint or lay-out advertising panels or boards prior to issuance of an advertising permit to a client.
- 3. A fine of five hundred thousand (500,000) up to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:
 - (a) Failure to record on an advertising panel or board the permit number, its duration, and the name of the service provider, or on advertising publications the permit number;
 - (b) Advertising products, goods or activities of an entity without written confirmation, certificate, registration or approval from the State management body for the industry as required by the regulations.
- 4. A fine of one million five hundred thousand (1,500,000) up to five million (5,000,000) Dong in respect of one of the following breaches:
 - (a) Advertising pharmaceutical materials, pharmaceutical products, cosmetics, medical appliances and medical activities without a permit from the authorized health body;
 - (b) Advertising on panels or boards beyond the time-limit stipulated in the permit;
 - (c) Advertising on films, visual videos and disks, music tapes and disks, or on means of transportation without a permit;
 - (d) Producing items for advertising purposes prior to issuance of an advertising permit to a client;
 - (dd) Advertising on a computer network without a permit from the State authorized management body.
- 5. A fine of three million (3,000,000) up to ten million (10,000,000) Dong for transferring an advertising permit to another organization or individual, or using the advertising permit of another organization or individual.
- 6. A fine of five million (5,000,000) up to fifteen (15,000,000) Dong in respect of one of the following breaches:
 - (a) Conducting advertising activities on the basis of a business co-operation contract with foreign individuals or organizations without a permit from the State management body for the industry;
 - (b) Advertising without a permit in venues where artistic, cultural or sporting activities take place;
 - (c) Hanging, erecting or placing advertising panels or boards without a permit;
 - (d) Press agencies issuing advertisement supplements or advertising programs without a permit.
- 7. A fine of thirty million (30,000,000) up to fifty million (50,000,000) Dong for any foreign individual or organization conducting advertising services business or advertising in

Vietnam without a permit from the Vietnamese State management bodies to operate or to conduct advertising.

8. Forms of additional penalty:

Revocation of right to use a permit for a breach specified in clause 5 of this article.

9. In addition to the forms of penalty stipulated in clauses 1 to 7 inclusive of this article, individuals and organizations in breach shall be compelled to dismantle or remove the advertising banners, posters, handouts, brochures, panels and boards for breaches specified in clause 1, clause 2 (a), clause 4 (b) or clause 6 (c) of this article.

Article 46 *Breach of regulations on forms and methods of advertising:*

1. A warning or a fine of one hundred thousand (100,000) up to three hundred thousand (300,000) Dong for using sound in advertising beyond the permissible noise levels between 11 p.m. and 4 a.m.

2. A fine of three hundred thousand (300,000) to one million (1,000,000) Dong for advertising on boards or panels with shapes, colours and forms of expression which are the same as traffic signs or public notices or which are unclear, dirty or ugly and detrimental to the landscape.

3. A fine of one million (1,000,000) to two million (2,000,000) Dong for each square metre, each occasion, each day, or each 1% in excess of the [*prescribed limit*] for one of the following actions:

(a) Advertising on panels or boards exceeding the (square metre) area stipulated in the permit;

(b) Advertising on films, visual videos or disks, on the radio or television in excess of the number of times permitted daily or in excess of the amount of time (%) permitted;

(c) Advertising in newspapers and on radio or television in excess of the number of days permitted for one advertising round;

(d) Advertising in newspapers in excess of the size of advertisement (%) permitted;

(dd) Advertising on films, visual videos and disks, in newspapers or in publications in excess of the number of times permitted or the number of categories of goods permitted, where advertisement of goods is restricted within one day or one publication or one program.

4. A fine of two million (2,000,000) up to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Advertising foreign-made goods or products without entering into an advertising contract with a Vietnamese organization or individual providing advertising services;

(b) Advertising without providing Vietnamese language writing on top of the advertisement, or advertising without providing clearly the name and type of the

goods, products or services⁷ which are permitted to be advertised but only providing vague trademark and firm names;

- (c) Advertising in newspapers or on radio or television in breach of the minimum interval permitted between two advertising rounds;
 - (d) Using the lottery operation to advertise in breach of the regulations of the Ministry of Finance;
 - (dd) Advertising without using the Vietnamese spoken or written language (except for cases within article 5(3) of Decree 194-CP of the Government dated 31 December 1994 on Advertising Activities within the Territory of Vietnam);
 - (e) Advertising where the use of foreign written languages is also permitted, but their size is more than twice that of the Vietnamese, or they appear above the words written in Vietnamese.
5. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:
- (a) Advertising on the front page of a newspaper, or on the front cover of a magazine or special issue;
 - (b) Trading in types of commodities bearing advertisements for goods and products the advertising of which is prohibited;
 - (c) Advertising by inserting advertisements into the contents of a news or current affairs programme or into a special feature on radio or television in breach of the regulations, except for a direct broadcast or telecast from overseas;
 - (d) Advertising after the signature tune of a radio station or after the pictorial symbol of a television station.
6. A fine of thirty million (30,000,000) up to fifty million (50,000,000) Dong in respect of one of the following breaches:
- (a) Manufacturing types of commodities bearing advertisements for goods and products the advertising of which is prohibited;
 - (b) Hiring advertisements or hiring production of types of commodities bearing advertisements for goods and products the advertising of which is prohibited.
7. A fine of forty million (40,000,000) up to fifty million (50,000,000) Dong for using the National flag, the National anthem, the National emblem, photos of leaders, the Party flag or the International Song as the basis or background for advertisements.
8. Forms of additional penalty:

Confiscation of the goods for breaches specified in clauses 5 (b) and 6 of this article.

⁷ The literal translation is "activities".

9. In addition to the forms of penalty stipulated in clauses 1 to 8 inclusive of this article, individuals and organizations in breach shall be compelled to dismantle the advertising boards and panels for breaches specified in clauses 2, 3 (a), clause 4 (a) and (b), clause 7 of this article.

Article 47 *Breach of regulations on location, position and scope of advertising:*

1. A warning or a fine of five thousand (5,000) up to ten thousand (10,000) Dong for each advertising poster, handout or brochure placed at a location other than as stipulated in the permit.
2. A warning or a fine of fifty thousand (50,000) up to one hundred and fifty thousand (150,000) Dong for each advertising banner placed at a location other than as stipulated in the permit.
3. A fine of three hundred thousand (300,000) to one million (1,000,000) Dong in respect of one of the following breaches:
 - (a) Hanging, installing or placing advertising panels or boards at a location or position other than as stipulated in the permit;
 - (b) Hanging, installing or placing advertising panels or boards within preservation areas for traffic works, with a detrimental effect on traffic safety and order;
 - (c) Advertising telephone numbers and addresses of service providers at an incorrect location.
4. A fine of two million (2,000,000) to five million (5,000,000) for advertising at a location where advertising is prohibited.
5. Forms of additional penalty:

Confiscation of physical evidence of breaches specified in clauses 2, 3 and 4 of this article.
6. In addition to the forms of penalty stipulated in clauses 1 to 5 inclusive of this article, individuals and organizations in breach shall be compelled to dismantle the advertising banners, posters, handouts or brochures or advertising panels or boards, and to remove the telephone numbers and addresses for breaches specified in clause 3 (c) of this article.

Article 48 *Breach of regulations on contents of advertisements:*

1. A warning or a fine of two hundred thousand (200,000) up to five hundred thousand (500,000) Dong for each picture, photo, poster, handout, brochure, umbrella, trolley, banner, goods container or other similar form advertising goods or products the advertising of which is prohibited.
2. A fine of five hundred thousand (500,000) up to one million five hundred thousand (1,500,000) Dong for advertising the contents of a newspaper, publication, film, visual video or disk, or artistic work not yet licensed for publication, issuance, distribution or public performance.

3. A fine of two million (2,000,000) up to ten million (10,000,000) Dong for changing or falsifying the contents of advertisements after they have been approved in a permit.
4. A fine of ten million (10,000,000) up to twenty million (20,000,000) Dong in respect of one of the following breaches:
 - (a) False advertising, including with respect to the quality of goods as registered;
 - (b) Advertising contents which lower the reputation and quality of goods of another organization or individual.
5. A fine of fifteen million (15,000,000) up to thirty million (30,000,000) Dong for advertising goods or products the advertising of which is prohibited.
6. Forms of additional penalty:

Confiscation of physical evidence of breaches specified in clause 1 of this article.
7. In addition to the forms of penalty stipulated in clauses 1 to 6 inclusive of this article, individuals and organizations in breach shall be compelled to dismantle the advertising panels and boards for breaches specified in clauses 2 to 5 inclusive of this article.

Article 49 *Breach of regulations on writing and placement of signboards:*

1. A warning or a fine of one hundred thousand (100,000) up to three hundred thousand (300,000) Dong in respect of one of the following breaches:
 - (a) Hanging or placing signboards other than close to the headquarters of the offices, organizations, hotels, shops or restaurants to which they belong;
 - (b) Failing to write in full or abbreviating Vietnamese names on signboards;
 - (c) Hanging or placing signboards with dimensions, colours or types of lettering which are in breach of the regulations.
2. A warning or a fine of one hundred and fifty thousand (150,000) up to five hundred thousand (500,000) Dong in respect of one of the following breaches:
 - (a) Failing to write in full on a signboard the contents required by the regulations;
 - (b) Failing to write the Vietnamese names and letters of Vietnamese offices, enterprises and organizations on signboards, and only using foreign language names and letters;
 - (c) Writing on signboards the proper names, abbreviations or international trading names in a foreign language above the names in Vietnamese;
 - (d) Writing on signboards the names, abbreviations or international trading names in a foreign language in a size larger than that of the names in Vietnamese;
 - (dd) Including advertising contents on signboards;

- (e) Signboards of foreign economic organizations or of joint ventures with foreigners which have the proper names or international trading names in a foreign language above the names in Vietnamese;
 - (f) Signboards of foreign economic organizations or of joint ventures with foreigners which have the proper names or international trading names in a foreign language in a size larger than that of the names in Vietnamese.
3. In addition to the forms of penalty stipulated in clauses 1 and 2 of this article, individuals and organizations in breach shall be compelled to dismantle the signboards which are the physical evidence of the breaches.

Section 9

Offences in the Sectors of Conservation, Museums and Libraries; Forms and Levels of Penalty

Article 50 *Breach of the regulations on preservation of exhibits in museums, preservation of cultural items, and preservation of historical and cultural vestiges:*

1. A warning or a fine of from fifty thousand (50,000) up to two hundred thousand (200,000) Dong for tarnishing any historical or cultural vestige, or any cultural or artistic work.
2. A fine of from five hundred thousand (500,000) up to two million (2,000,000) Dong for polluting the environment in a place where there are historical or cultural vestiges, cultural or artistic works.
3. A fine of two million (2,000,000) to five million (5,000,000) Dong for damaging an exhibit in a museum with low value.
4. A fine of from five million (5,000,000) to twenty million (20,000,000) Dong for acts of slight damage to any historical or cultural vestige.
5. A fine of from twenty million (20,000,000) up to fifty million (50,000,000) Dong in respect of one of the following breaches:
 - (a) Seriously damaging an exhibit in a museum with high value, or seriously damaging an historical or cultural vestige;
 - (b) Encroaching upon or illegally using any historical or cultural vestige, or any cultural or artistic work, irrespective of the purpose;
 - (c) Illegally building anything at an historical or cultural vestige.
6. A fine of fifty million (50,000,000) to one hundred million (100,000,000) Dong for an act seriously damaging an historical or cultural vestige, or any cultural or artistic work.
7. In addition to the forms of penalty stipulated in clauses 1 to 6 inclusive of this article, measures shall be taken for individuals and organizations in breach to take the following measures:
 - (a) To compulsorily restore the item to its original state for breaches specified in clauses 1 and 4, clause 5 (c) and clause 6 of this article;

- (b) To compulsorily dismantle the illegal building works and to restore the area encroached upon, for breaches specified in clause 5 (b) and (c) of this article;
- (c) To compulsorily overcome the polluted situation for the breach specified in clause 2 of this article.

Article 51 *Breach of the regulations on archaeological excavation, restoration and decoration of historical and cultural vestiges:*

1. A fine of from five hundred thousand (500,000) up to two million (2,000,000) Dong for discovering an antiquity or archaeological site but falsely declaring it or covering it up.

2. A fine of from two million (2,000,000) up to five million (5,000,000) Dong in respect of one of the following breaches:

- (a) Conducting archaeological excavation at a site other than that permitted in the licence;
- (b) Restoring and decorating an historical or cultural vestige other than as permitted in the licence.

3. A fine of from five million (5,000,000) up to twenty million (20,000,000) Dong in respect of one of the following breaches:

- (a) Conducting archaeological excavation without a licence; conducting illegal earthworks or salvage works at excavation sites;
- (b) Restoring and decorating an historical or cultural vestige without a licence.

4. Forms of additional penalty:

- (a) Revocation of the right to use a licence for a breach specified in clause 2 of this article;
- (b) Confiscation of the physical evidence for a breach specified in clauses 1 and 3 of this article;
- (c) Confiscation of the means of committing the breach for conduct specified in clause 3 of this article.

Article 52 *Breach of the regulations on preservation of data in libraries:*

1. A warning or a fine of from fifty thousand (50,000) up to two hundred thousand (200,000) Dong for damaging or appropriating documents, books or other information carrying objects with a value below 200,000 VND in libraries.

2. A fine of five hundred thousand (500,000) to two million (2,000,000) Dong for damaging or appropriating documents or books with a value above 200,000 VND in libraries.

3. A fine of from two million (2,000,000) to five million (5,000,000) Dong in respect of one of the following breaches:

- (a) Damaging or appropriating documents or books with a value above 1,000,000 VND in libraries;

- (b) Illegally using data archived in libraries or data of the type whose use is restricted.
4. A fine of from twenty million (20,000,000) to fifty million (50,000,000) Dong for seriously damaging or destroying data in a library.
5. In addition to the forms of penalty stipulated in clauses 1 to 4 inclusive of this article, individuals and organizations in breach shall also be compulsorily obliged to pay compensation in accordance with the law for any loss caused.

Section 10

Offences in the Sector of Import/Export of Cultural Products; Announcing and Disseminating Works to Overseas Countries; Forms and Levels of Penalty

Article 53 *Breach of the regulations on import/export procedures for cultural products:*

1. A fine of from five hundred thousand (500,000) up to one million five hundred thousand (1,500,000) Dong for a false declaration or for hiding below 10 articles of cultural products while conducting import/export procedures.
2. A fine of from five hundred thousand (500,000) up to one million five hundred thousand (1,500,000) Dong for a false declaration or for hiding 10 or more articles of cultural products while conducting import/export procedures⁸.
3. Forms of additional penalty:

Confiscation of the physical evidence of conduct specified in clauses 1 and 2 of this article.

4. In addition to the forms of penalty stipulated in clauses 1 to 3 inclusive of this article, measures shall be taken depending on the seriousness of the offence for individuals and organizations in breach to compulsorily re-export the articles, or the physical evidence may be destroyed.

Article 54 *Breach of the regulations on import/export permits for cultural products:*

1. A fine of from five hundred thousand (500,000) up to one million five hundred thousand (1,500,000) Dong for importing/exporting less than 50 articles more than the number of cultural products allowed in the permit.
2. A fine of one million five hundred (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:
- (a) Importing/exporting less than 50 articles when they are not the correct type of cultural products listed in the permit;
- (b) Importing/exporting 50 or more articles, greater than the number of cultural products allowed in the permit;
- (c) Unlicensed importing/exporting of less than 50 articles when they are the type of cultural product which requires a permit.

⁸ This is the literal translation here, but note the penalties in paragraphs 1 and 2 are the same.

3. A fine of from five million (5,000,000) up to twenty million (20,000,000) Dong for unlicensed importing/exporting of between 50 to 499 articles when they are the type of cultural product which requires a permit.

4. A fine of from twenty million (20,000,000) up to fifty million (50,000,000) Dong for unlicensed importing/exporting of 500 or more articles when they are the type of cultural product which requires a permit.

5. A fine will be imposed as follows for importing/exporting printing equipment without a licence:

(a) A fine of from twenty million (20,000,000) up to fifty million (50,000,000) Dong where the physical evidence is valued at up to 100 million VND;

(b) A fine of from seventy million (70,000,000) up to one hundred million (100,000,000) Dong where the physical evidence is valued above 100 million VND.

6. Forms of additional penalty:

Confiscation of the physical evidence of conduct specified in clauses 1, 2 and 3 of this article.

7. In addition to the forms of penalty stipulated in clauses 1 to 4 inclusive of this article, measures shall be taken depending on the seriousness of the offence for individuals and organizations in breach to compulsorily re-export the articles, or the physical evidence may be destroyed.

Article 55 *Breach of the regulations on prohibited import/export of cultural products:*

1. A fine of from five million (5,000,000) up to twenty million (20,000,000) Dong for importing/exporting less than 10 articles when they are prohibited import/exports being music tapes, music disks, books, newspapers, pictures, photos, calendars or data including drafts.

2. A fine of twenty million (20,000,000) to fifty million (50,000,000) Dong for one of the following:

(a) Importing/exporting from 10 to 100 articles when they are prohibited import/exports being music tapes, music disks, books, newspapers, pictures, photos, calendars or data including drafts;

(b) Importing/exporting films, videos and disks which are prohibited import/exports.

3. A fine of forty million (40,000,000) to fifty million (50,000,000) Dong for importing/exporting more than 100 articles when they are the type of cultural product which is a prohibited import/export.

4. A fine will be imposed as follows for illegal export of an artefact, antiquity or national treasure:

(a) 5 million to 10 million VND where the object is worth up to 10 million VND;

(b) 10 million to 20 million VND where the object is worth up to 20 million VND;

(c) 20 million to 50 million VND where the object is worth up to 50 million VND;

(d) 40 million to 50 million VND where the object is worth up above 50 million VND.

5. Forms of additional penalty:

Confiscation of the physical evidence of conduct specified in clauses 1 to 4 of this article.

6.. In addition to the forms of penalty stipulated in clauses 1 to 5 inclusive of this article, measures shall be taken depending on the seriousness of the offence for individuals and organizations in breach to compulsorily re-export the articles, or the physical evidence may be destroyed.

Article 56 *Breach of the regulations on announcing and disseminating works to overseas countries:*

1. A fine of from three million (3,000,000) up to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Announcing and disseminating photographic works to overseas countries without a permit;

(b) Announcing and disseminating art works to overseas countries without a permit.

2. A fine of from five million (5,000,000) up to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Announcing and disseminating press works to overseas countries without a permit;

(b) Announcing and disseminating stage works to overseas countries without a permit;

(c) Announcing and disseminating music works to overseas countries without a permit.

3. A fine of from ten million (10,000,000) up to twenty million (20,000,000) Dong in respect of one of the following breaches:

(a) Announcing and disseminating publications to overseas countries without a permit;

(b) Announcing and disseminating cinematographic works to overseas countries without a permit.

4. A fine of from twenty million (20,000,000) up to thirty million (30,000,000) Dong in respect of one of the following breaches:

(a) Announcing and disseminating photographic works to overseas countries when they are prohibited from announcement and dissemination;

(b) Announcing and disseminating fine arts works to overseas countries when they are prohibited from announcement and dissemination.

5. A fine of from thirty million (30,000,000) up to fifty million (50,000,000) Dong in respect of one of the following breaches:

(a) Announcing and disseminating press works to overseas countries when they are prohibited from announcement and dissemination; supplying foreign press agencies with information prohibited from announcement and dissemination;

(b) Announcing and disseminating musical works to overseas countries when they are prohibited from announcement and dissemination;

(c) Announcing and disseminating stage works to overseas countries when they are prohibited from announcement and dissemination.

6. A fine of from forty million (40,000,000) up to fifty million (50,000,000) Dong in respect of one of the following breaches:

(a) Announcing and disseminating publications to overseas countries when they are prohibited from announcement and dissemination;

(b) Announcing and disseminating cinematographic works to overseas countries when they are prohibited from announcement and dissemination.

CHAPTER III

Authority and Procedures for Imposing Administrative Penalties in the Culture and Information Sector

Article 57 *Authority of people's committees at all levels for imposing administrative penalties:*

1. Chairmen of people's committees of provinces and cities under central authority have the right under article 34 of the *Law on Media* to impose penalties for media offences, and under article 28 of the *Ordinance on Dealing with Administrative Offences* to impose penalties for offences in the sector of culture and information which are stipulated in this Decree, within the area they manage in their localities.

2. Chairmen of people's committees of rural districts, urban districts and provincial townships and towns have the right under article 27 of the *Ordinance on Dealing with Administrative Offences* to impose penalties for offences in the sector of culture and information which are stipulated in this Decree, within the area they manage in their localities.

3. Chairmen of people's committees of communes, wards and townlets have the right under article 26 of the *Ordinance on Dealing with Administrative Offences* to impose penalties for offences in the sector of culture and information which are stipulated in this Decree, within the area they manage in their localities.

Article 58 *Authority of the body being the specialized inspectorate for culture and information to impose administrative penalties:*

1. Inspectors of a specialized inspectorate for culture and information, while executing their duties, have the right under article 34 of the *Ordinance on Dealing with Administrative Offences* to impose penalties for offences in the sector of culture and information which are stipulated in this Decree.

2. Chief inspectors of specialized inspectorates at all levels for culture and information have the right under article 34 of the *Ordinance on Dealing with Administrative Offences* to impose penalties for offences in the sector of culture and information which are stipulated in this Decree.
3. Chief inspectors and members of specialized inspectorates at all levels of the branches related to culture and information have the right under article 34 of the *Ordinance on Dealing with Administrative Offences* to impose administrative penalties for offences in the sector of culture and information which are stipulated in this Decree, within the branch they manage.

Article 59 *Authority of customs and border guards to impose administrative penalties:*

Customs officers and border guards have the right under articles 29 and 30 of the *Ordinance on Dealing with Administrative Offences* to impose administrative penalties for offences in import/export of cultural products which are stipulated in this Decree.

Article 60 *Authority of police offices to impose administrative penalties:*

The people's police force has the right under article 29 of the *Ordinance on Dealing with Administrative Offences* to impose administrative penalties for offences in the sector of culture and information which are stipulated in this Decree, and which are related to the order and safety of society and within the police's management powers.

Article 61 *Authority of market control agencies to impose administrative penalties:*

Market control agencies have the right under article 33 of the *Ordinance on Dealing with Administrative Offences* to impose administrative penalties for offences which are stipulated in this Decree, and which concern commercial services in culture and information products.

Article 62 *Authority of labour inspectorate to impose administrative penalties:*

The Labour Inspectorate has the right to impose administrative penalties for offences which are stipulated in article 34 (4) of this Decree.

Article 63 *Procedures for imposing penalties:*

The procedures for imposing penalties which are set out in Chapter VI of the *Ordinance on Dealing with Administrative Offences* shall be applicable to offences in the sector of culture and information.

Article 64 *Payment and receipt of fines:*

Individuals or organizations which are fined for an administrative breach in the sector of culture and information must pay the fine at whatever place is prescribed by law. The procedures for payment and receipt of fines shall be implemented under guidelines of the Ministry of Finance.

Article 65 *Procedures for confiscation of physical evidence and means of committing breaches:*

1. Any authorized person ordering confiscation of physical evidence and the means used to commit the breach in the sector of culture and information must follow the procedures set out in article 33 of the *Ordinance on Dealing with Administrative Offences*.

2. Any person ordering the confiscation of physical evidence and the means used to commit a breach must organize preservation of such article. Within a time-limit of 5 days from the date of confiscation of physical evidence and the means used to commit a breach, the person who ordered the confiscation must hand over the whole of the items together with the penalty decision and the minutes of confiscation to the financial body to organize an auction under article 52 of the *Ordinance on Dealing with Administrative Offences*.
3. With respect to cultural products with unclear contents, the person who ordered the confiscation must hand them over to the Ministry or Department of Culture and Information so that an evaluation council can be established to assess the contents.

Where it was not the owner of the physical evidence of the breach who committed such breach, then any such confiscated items being antiques, sculptures, art works, or other objects of high historical or artistic value must be returned to the legal owner; if the legal owner cannot be determined or if the legal owner is the person who committed the administrative breach then the cultural product shall belong to the State.

4. Every case of handing over and dealing with confiscated physical evidence and confiscated means of committing a breach must be minuted and signed by both parties.
5. Proceeds from the sale of confiscated physical evidence and proceeds from the auction of confiscated means of committing a breach must be paid into the State budget.

Article 66 *Procedures for revocation of the right to use a licence:*

The procedures for revocation of the right to use a licence in the sector of culture and information shall be implemented in accordance with article 50 of the *Ordinance on Dealing with Administrative Offences*.

Article 67 *Procedures for destruction of harmful cultural products:*

1. In respect of media works, publications, cinematographic and other cultural products which are subject to decisions on prohibition from circulation, on revocation or on confiscation and have been evaluated as having harmful contents and the State authorized office for culture and information has decided they should be destroyed, a council must be established to deal with the destruction. The membership of the council shall include a representative of the State authorized office for culture and information, the police, the financial body, and the people's inspectorate at the same level.
2. When conducting a destruction of cultural products which have harmful contents, the responsible office must prepare minutes signed by all members of the council, and in necessary cases members of [other] offices concerned may be invited to witness the destruction.
3. The Ministry of Culture and Information shall provide specific guidelines on the procedures for the destruction of all types of cultural products which have harmful contents and which it is necessary to destroy in accordance with the provisions of this Decree.

CHAPTER IV

Complaints and Denunciations, and Dealing with Breaches

Article 68 *Complaints and Denunciations*

1. Citizens shall have the right to make denunciations to State authorized bodies about administrative breaches of organizations and individuals in the sector of culture and information under the provisions of this Decree, or to make denunciations about breaches by people authorized to impose penalties, in accordance with the provisions of law.
2. Organizations and individuals who have been subject to an administrative penalty or their legal representatives shall have the right to lodge a complaint about the decision imposing the administrative penalty, in accordance with the provisions of the law on complaints and denunciations.
3. The order and procedures for complaints and denunciations about administrative penalties in the sector of culture and information, and the authority to resolve them, shall be implemented in accordance with the Law on Complaints and Denunciations dated 2 December 1998 and the other relevant provisions on complaints and denunciations.

Article 69 *Dealing with Complaints and Denunciations*

1. People who are authorized to impose administrative penalties in the sector of culture and information and who harass for bribes, or connive at or cover up breaches, or who fail to deal with breaches or to deal with them on time, or who deal with them for an incorrect objective or not in accordance with their powers or in excess of their powers, shall, depending on the nature and seriousness of the breach, be subject to a disciplinary penalty or criminal prosecution.
2. People who are authorized to impose administrative penalties in the sector of culture and information and who take money, physical evidence or means of committing breaches or deal with these objects incorrectly shall, depending on the nature and seriousness of the breach, be subject to a disciplinary penalty or criminal prosecution, and if their conduct causes loss they shall be liable to pay compensation in accordance with law.

CHAPTER V

Implementing Provisions

Article 70 *Effectiveness of this Decree*

1. This Decree shall be of full force and effect 15 (fifteen) days after the date of its signing.
2. The provisions in sections 1, 2 and 4 of chapter II of Decree No. 88-CP of the Government dated 14 December 1995 and other provisions in other relevant instruments which are contrary to this Decree are hereby repealed.

Article 71 *Responsibility to provide guidelines and to implement this Decree*

1. The Minister of Culture and Information shall be responsible to provide specific implementing guidelines for this Decree.

2. Ministers, heads of ministerial equivalent bodies, heads of Government bodies and chairmen of people's committees of provinces and cities under central authority shall be responsible for the implementation of this Decree.

For the Government
Prime Minister
PHAN VAN KHAI