|  |  |
| --- | --- |
| **THE GOVERNMENT -------** | **THE SOCIALIST REPUBLIC OF VIETNAM Independence – Freedom – Happiness ---------------** |
| No.: 162/2018/ND-CP | *Hanoi, November 30, 2018* |

**DECREE**

ON ADMINISTRATIVE PENALTIES FOR CIVIL AVIATION OFFENCES

*Pursuant to the Law on Government organization dated June 19, 2015;*

*Pursuant to the Law on Penalties for administrative violations dated June 20, 2012;*

*Pursuant to the Law on Vietnam Civil Aviation dated June 29, 2006; the Law on amendments to the Law on Vietnam Civil Aviation dated November 21, 2014;*

*At the request of the Minister of Transport;*

*The Government promulgates a Decree stipulating administrative penalties for civil aviation offences.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

This Decree deals with administrative violations, penalties, fines, remedial measures against each violation, the power to impose penalties, fines imposed by authorized title holders, and the power to record administrative violations against regulations on civil aviation.

**Article 2. Regulated entities**

1. Vietnamese and foreign organizations and individuals that commit administrative violations against regulations on civil aviation within the territory of Vietnam, or on board the aircraft that has the registration mark of Vietnamese nationality.

2. Organizations specified in Clause 1 of this Article include: Economic organizations established and operating under the Law of Vietnam; regulatory agencies committing violations which are not related to their assigned management tasks; foreign organizations performing civil aviation operations in Vietnam; representative offices and booking agencies of foreign airlines in Vietnam.

3. Household or individual businesses committing violations against regulations herein shall incur the same penalties as individual offenders.

4. The persons competent to record administrative violations, the persons competent to impose administrative penalties for civil aviation offences, and relevant organizations and individuals.

**Article 3. Application rules**

1. Fines specified in Chapter II hereof are imposed on violating organizations, except fines specified in Clauses 1, 2, 3, and 4 of Article 6, Points i and k Clause 1 Article 7, Clauses 1, 2, 3, 4, 5 Article 8, Clauses 1, 2, 4, 5, 6 Article 9, Clauses 1, 2 and Points a, b Clause 5 Article 10, Clauses 1, 2, 3, 4 and Point g Clause 5 Article 11, Clause 1 Article 12, Points b, c Clause 1 and Points a, c Clause 2 Article 14, Clauses 1, 2 and Points a, d, dd Clause 3, Clauses 4, 5 Article 15, Clauses 1, 2, 3, 4, 5, 6 Article 16, Clauses 1, 2 Article 17, Clause 1 and Points a, b, d Clause 2 Article 18, Clauses 1, 2 Article 19, Clauses 1, 2, 3, 4, 5, 6 Article 21, Clauses 1, 2 Article 24, Clauses 1, 2, 3 Article 25, Clauses 1, 2, 3, 4, 5, 6, 7, 8 Article 26, Points a, b, dd Clause 1 Article 27, Clauses 1, 2, 3 and Point a Clause 4, Point b Clause 5 Article 28, Clauses 1, 2, 3 Article 30 hereof, which shall be imposed upon violating individuals. The fine incurred by an organization is twice as much as that incurred by an individual for committing the same administrative violation.

2. The fines imposed by the persons prescribed in Chapter III hereof are incurred by individuals. The fines they may impose upon organizations are twice as much as the fines they impose upon individuals.

**Article 4. Penalties and remedial measures**

1. The organization or individual that commits an administrative violation against regulations on civil aviation must incur:

a) A warning; or

b) A fine.

2. Depending on the nature and severity of each violation, the violating organization or individual shall also incur one or some of the following additional penalties:

a) The license or practicing certificate or the operation shall be suspended for a fixed period;

b) The exhibits and instrumentalities used for committing administrative violations shall be confiscated.

3. Apart from primary and additional penalties, the violating organization or individual shall be liable to one or some of the following remedial measures:

a) Enforced removal of elements of violation from the aircraft, vehicle and equipment;

b) Enforced re-export of aircrafts, engines and propellers imported into Vietnam;

c) Enforced repair of the damage caused by the violations;

d) Enforced removal of the construction or part of the construction that is not licensed or built or installed against the license;

dd) Enforced implementation of measures for control of environmental pollution and prevention of the spread of epidemics;

e) Enforced return of things, equipment or properties stolen, blatantly appropriated or illegally impounded;

g) Enforced return of land illegally appropriated or premises;

h) Enforced maintenance of constructions;

i) Enforced provision of re-test or re-exam;

k) Enforced cancellation of test or exam results;

l) Enforced revocation of practicing certificates issued;

m) Enforced cancellation of medical examination and assessment results;

n) Enforced return of illegal profits obtained from the violations;

o) Enforced maintenance of aircrafts and documentation of aircraft maintenance.

**Chapter II**

**ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES**

**Section 1: VIOLATIONS AGAINST REGULATIONS ON AIRCRAFTS**

**Article 5. Violations against regulations on aircraft nationality**

1. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Operating an aircraft on which the nationality mark or registration mark is painted or affixed improperly;

b) Operating a Vietnamese-nationality aircraft the mark painted or affixed on which has a form or contents similar to or causing the confusion with the nationality mark or registration mark of an aircraft bearing another nationality.

2. A fine ranging from VND 30,000,000 (thirty million) to VND 50,000,000 (fifty million) shall be imposed for operating an aircraft which has no nationality or registration mark painted or affixed on which.

3. A fine ranging from VND 50,000,000 (fifty million) to VND 60,000,000 (sixty million) shall be imposed for operating an aircraft without a certificate of nationality registration, except the flight test performed to check the aircraft’s functions as regulated by the Ministry of National Defence.

4. Remedial measures:

Enforced removal of elements of violation from the aircraft if any of the violations prescribed in Clause 1 of this Article is committed.

**Article 6. Violations against regulations on the eligibility for flight**

1. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Using radio equipment on board an aircraft against the license;

b) Failure to keep all documents concerning aircraft maintenance and repair as regulated.

2. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Manufacturing or importing an aircraft, its engine or propeller in or to Vietnam without or against the corresponding type certificate issued or recognized by a competent authority;

b) Misusing an aircraft, engine, propeller and parts thereof;

c) Failure to document the aircraft maintenance and repair as regulated;

d) Failure to maintain or update the aircraft maintenance program as regulated.

3. A fine ranging from VND 60,000,000 (sixty million) to VND 80,000,000 (eighty million) shall be imposed for committing one of the following violations:

a) Installing radio equipment on an aircraft currently in service without the radio equipment license;

b) Falsifying the approved aircraft’s configuration; changing the aircraft’s configuration without an approval or recognition;

c) Failure to comply with the airworthiness directive or the operation directive recognized or announced by competent authorities;

d) Failure to perform aircraft maintenance services according to the approved aircraft maintenance plan; failure to repair or rectify aircraft defects in conformity with the approved maintenance control manual or standards;

dd) Failure to maintain the satisfaction of other aircraft airworthiness standards or requirements in conformity with the approved aircraft’s configuration.

4. A fine ranging from VND 80,000,000 (eighty million) to VND 100,000,000 (one hundred million) shall be imposed for operating an aircraft without the airworthiness certificate.

5. Remedial measures:

a) Enforced re-export of the aircraft, its engine and propeller imported into Vietnam if the violation prescribed in Point a Clause 2 of this Article is committed;

b) Enforced removal of elements of violation from the aircraft if the violation prescribed in Point b, Point c, Point d or Point dd Clause 3 of this Article is committed.

**Article 7. Violations against regulations on aircraft maintenance and repair**

1. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Failure to maintain the fulfillment of eligibility requirements by an aircraft maintenance organization in terms of organizational structure, facilities, equipment, devices, tools and materials;

b) Failure to satisfy requirements regarding ground aids and equipment serving the provision of aircraft maintenance services according to the list of minimum maintenance equipment and materials approved by a competent authority;

c) Maintaining aircrafts, engines, fuselages, propellers and equipment thereof beyond the approved rating;

d) Hiring an organization to provide maintenance, preventive maintenance or modification of aircraft products granted the type certificate within the rating of a licensed aircraft maintenance organization;

dd) Concealing defects found during the aircraft maintenance or repair;

e) Failure to evaluate the subcontractor or supervise the maintenance services provided by the subcontractor;

g) Failure to sufficiently and punctually prepare or update documents and data about the maintenance and repair of aircrafts, engines, propellers and equipment thereof as regulated;

h) Failure to prepare adequate aircraft maintenance records as regulated;

i) Failure to maintain aircraft, engine, propeller and equipment thereof according to the approved aircraft maintenance program;

k) Maintaining the aircraft, engine, propeller and equipment thereof at an aircraft maintenance organization which does not obtain appropriate approved rating.

2. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed for committing one of the following violations:

a) Failure to inspect or calibrate equipment serving the aircraft maintenance and repair as regulated;

b) Employing equipment inspection and calibration services rendered by an unlicensed organization;

c) Failure to document the aircraft maintenance as regulated.

3. Remedial measures:

Enforced maintenance of aircrafts and documentation of aircraft maintenance if the violation prescribed in Point h, Point i or Point k Clause 1, or Point c Clause 2 of this Article is committed.

**Article 8. Violations against regulations on aircraft operations**

1. A fine ranging from VND 1,000,000 (one million) to VND 3,000,000 (three million) shall be imposed for committing one of the following violations:

a) Failure to comply with instructions for ensuring aviation order, security and safety or prevention of epidemics provided by the flight crew members;

b) Illegally using safety equipment provided on board the aircraft.

2. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for committing one of the following violations:

a) Smoking on board the aircraft, including e-cigarettes;

b) Using electronic devices, radio transmitters or receivers on board the aircraft without permission;

c) Damaging equipment of the aircraft;

d) Providing radiotelephone services against working documents, procedures or requirements, or cooperation procedures.

3. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Illegally opening the aircraft’s door;

b) Failure to prepare adequate documents to be carried on board the aircraft;

c) Failure to purchase civil liability insurance or implement other measures for ensuring interests of third parties on the ground at the prescribed limits of liability;

d) Failure to submit adequate the load manifest, general declaration, passenger list and cargo manifest of each flight to the airports authority within the prescribed time limit;

dd) Providing radiotelephone services against working documents, procedures or requirements, or cooperation procedures, causing threats to aviation safety.

4. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Operating an aircraft on which equipment is installed without appropriate certificates;

b) Failure to purchase civil liability insurance or to implement other measures for ensuring interests of third parties on the ground;

c) Operating an aircraft which is not equipped with sufficient safety equipment and devices;

d) Failure to have enough documents to be carried on board the aircraft;

dd) Failure to conduct inspections of the interior and exterior of aircraft;

e) Failure to determine the empty weight of an aircraft.

5. A fine ranging from VND 40,000,000 (forty million) to VND 50,000,000 (fifty million) shall be imposed for operating the aircraft for commercial purposes without the license.

6. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed for committing one of the following violations:

a) Failure to maintain the fulfillment of eligibility requirements to operate aircrafts with respect to organizational structure, flight operations administration and supervision methods, or facilities and equipment;

b) Failure to update and maintain the flight safety documents system or operations manual as regulated.

**Section 2: VIOLATIONS AGAINST REGULATIONS ON AIRPORTS AND AERODROMES**

**Article 9. Violations against regulations on management and operation of airports and aerodromes**

1. A fine ranging from VND 1,000,000 (one million) to VND 5,000,000 (five million) shall be imposed for committing one of the following violations:

a) Breeding or rearing birds, cattle, poultry, or domestic animals in the airport or aerodrome;

b) Illegally placing or using things, animals or insects for attracting birds and animals in the airport or aerodrome;

c) Damaging facilities and equipment in the airport or aerodome;

d) Failure to wear reflective or reflective stripe jackets when performing tasks in the airfield.

2. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Displacing, destroying, damaging, or deforming markers, dividers, signal-bearing objects or safety protection devices at the airport or aerodrome; damaging signs, signboards and equipment used for identifying the airport or aerodrome at the degree that does not cause the violating entity to face a criminal prosecution;

b) Illegally carrying out digging or drilling in the airport or aerodrome;

c) Displacing, changing or damaging boundary markers or planning markers of lands of an airport or aerodrome, positioning markers or boundary markers of buildings in an airport or aerodrome;

d) Failure to return the site or remove materials, machinery, equipment and other assets of the contractor from airport or aerodrome after the construction has been duly commissioned and transferred;

dd) Failure to carry out procedures for modification of the Certificate of registration of airport or aerodrome upon the occurrence of changes in name or address of the proprietor or operator of the airport or aerodrome; name of the airport or aerodrome; locations or coordinates of the airport or aerodrome reference points; aerodrome classification; purposes of operation; operational capacity; e) Failure to modify or supplement the aerodrome operation manual submitted to a competent authority for approval upon the occurrence of changes in contents of the aerodrome operation manual.

3. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Maintaining, building or repairing a building or installing, maintaining or repairing of an equipment of an aviation service provider in an airport or aerodrome without giving a notice to relevant competent authorities as regulated;

b) Failure to implement the approved construction work plan during the construction, renovation, upgrade, maintenance or repair of a building in an airport or aerodrome;

b) Setting up, installing or using lamps, other lighting sources, signs, markings or other objects in an airport or aerodrome or its vicinity, which may adversely interfere with the takeoff, landing or moving of an aircraft in the airport or aerodrome, or the identification of an airport or aerodrome, except the case prescribed in Point k Clause 5 of this Article;

d) Building or installing technical facilities or equipment in an airport or aerodrome or its vicinity inconsistently with regulations on management of the height of aviation obstacles;

dd) Failure to measure the surface friction coefficient of runways;

e) Failure to construct, manage and maintain barriers within the boundaries of allocated or leased lands of an airport or aerodrome;

g) Failure to carry out an assessment of impacts of changes in technical specifications and the operation plan of the aerodrome infrastructure on operation safety;

h) Failure to have sufficient documents on the operation of the aerodrome and the infrastructural facilities of the airport or aerodrome approved or promulgated by competent authorities;

i) Failure to comply with the road map for renovation and upgrade of buildings in an airport or aerodrome to ensure the access by the elderly and people with disabilities.

4. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Failure to promulgate or to implement programs for containment of birds, wildlife and domestic animals in an airport or aerodrome;

b) Failure to inspect and maintain the fulfillment of conditions for ensuring the safe operation of the airfield;

c) Failure to carry out the repair or maintenance of the runway, taxiway or apron;

d) Failure to adopt the approved construction measures when carrying out the construction, renovation, upgrade, maintenance or repair of a building in an airport or aerodrome.

5. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Misusing the lands of an airport or aerodrome;

b) Exchanging, transfering, giving, leasing, mortgaging, or contributing the lands of an airport or aerodrome as business capital;

c) Selling, leasing out, mortgaging or contributing property on an airport or aerodrome land inconsistently with regulations;

d) Failing to set up or insufficiently setting up signal or warning lights, signposts, guidance signs and prohibition signs in the airport or aerodrome;

dd) Failure to set up or insufficiently or improperly setting up painted markings, guidance signs and signposts in the aerodrome as regulated;

e) Failure to carry out procedures for initiating the operation or temporary closure of a building or a part of the airport or aerodrome infrastructure as regulated;

g) Failure to have documents on the operation of the aerodrome and the infrastructural facilities of the airport or aerodrome approved or promulgated by competent authorities;

h) Failure to have the operation plan and aircraft parking position diagram approved by competent authorities;

i) Failure to implement the road map for renovation and upgrade of buildings in an airport or aerodrome to ensure the access by the elderly and people with disabilities;

k) Using laser lights in an airport or aerodrome or its vicinity which interferes with the takeoff, landing or moving of an aircraft in such airport or aerodrome;

l) Illegally encroaching on or appropriating the airport or aerodrome land;

m) Carrying out the construction, renovation, upgrade or repair of buildings or construction items or installation of equipment in an airport or aerodrome without obtaining an approval from a competent authority.

6. A fine ranging from VND 40,000,000 (forty million) to VND 50,000,000 (fifty million) shall be imposed for operating an airport or aerodrome without the airport or aerodrome operator license.

7. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed for failure to maintain the fulfillment of eligibility requirements to operate an airport or aerodrome with respect to the organizational structure, technical standards of an airport or aerodrome, equipment and the approved airport or aerodrome operation manual.

8. Remedial measures:

a) Enforced repair of damage caused by the commitment of the violation prescribed in Point a or Point b Clause 1 or Point a, Point b, Point c or Point d Clause 2 of this Article;

b) Enforced removal of the construction or the construction item if the violation prescribed in Point c or Point d Clause 3, or Point m Clause 5 of this Article is committed;

c) Enforced return of illegally appropriated land if the violation prescribed in Point l Clause 5 of this Article is committed.

**Article 10. Violations against regulations on provision of services at airports or aerodromes**

1. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for committing one of the following violations:

a) Failure to publicly post the prices of non-aviation products/services in the airport or aerodrome, or posting incorrect prices or posting prices in an unclear manner which makes consumers confused.

b) Placing advertising panels in an airport or aerodrome inconsistently with applicable regulations;

c) Using fliers and sound for marketing or advertisement in public areas of an airport or aerodrome, influencing normal operations of the airport or aerodrome.

2. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Using hot air balloon, balloon, kite and other flying objects for advertisement in the airport or aerodrome;

b) Running advertisement on the vehicles operating in restricted areas of the airport or aerodrome, or the equipment in the apron, causing interference with flight activities or normal functionalities of such vehicles or equipment;

c) Failure to comply with the approved airport or aerodrome operation manual when using premises for provision of non-aviation services in terminals of the airport or aerodrome;

d) Failure to maintain the fulfillment of minimum hygiene conditions of passenger or cargo terminals;

dd) Selling hawking goods in public areas of an airport or aerodrome.

3. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Failure to submit reports on operation of the airport or aerodrome as regulated;

b) Failure to install adequate equipment and systems for announcing and disseminating flight information and other information for passengers in terminals of an airport or aerodrome;

c) Failure to install free-of-charge water bottle filling stations in secure areas at terminals of an airport or aerodrome;

d) Failure to provide wheelchairs for people with disabilities at terminals of an airport or aerodrome;

dd) Failure to provide hoists, slings or other lifting equipment for passengers with special needs.

4. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Infringing airlines’ rights to select aviation service providers;

b) Failing to maintain the fulfillment of eligibility requirements to provide aviation services with respect to the required minimum capital, organizational structure, equipment and conditions for ensuring aviation safety and security as regulated;

c) Failure to organize bidding for the selection of organizations/individuals leasing premises or providing non-aviation services as regulated;

d) Failure to have equipment and systems for announcing and disseminating flight information and other information for passengers in terminals of an airport or aerodrome as regulated.

5. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Selling or providing non-aviation goods and services which are on the list of banned goods and services at an airport or aerodrome;

b) Building or installing outdoor advertising display screens, boards or panels in an airport or aerodrome without obtaining an approval from a competent authority;

c) Providing aviation services in the airport or aerodrome without the license to provide aviation services;

dd) Suspending the provision of aviation services and thus causing interruption to aviation activities without informing competent authorities as regulated;

dd) Failure to promulgate tax operation and control regulations; failure to announce taxi companies chosen for airport concession and their fares in terminals;

e) Violating other regulations on prices of aviation services.

6. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed for failure to maintain the fulfillment of eligibility requirements to operate an airport or aerodrome with respect to the required minimum capital, organizational structure, equipment and other necessary conditions for ensuring aviation safety and security.

7. Remedial measures:

a) Enforced removal of elements of violation if the violation prescribed in Point a or Point b Clause 2 of this Article is committed;

b) Enforced removal of the construction or the construction item if the violation prescribed in Point b Clause 1 or Point b Clause 5 of this Article is committed;

c) Enforced return of the premises if the violation prescribed in Point c Clause 2 of this Article is committed.

**Article 11. Violations against regulations on driving and operation of vehicles and equipment in airports and aerodromes**

1. A fine ranging from VND 1,000,000 (one million) to VND 3,000,000 (three million) shall be imposed for committing one of the following violations:

a) Failure to turn on the headlamp or waning light when driving or operating a vehicle or equipment in the airfield as regulated;

b) Carrying more people in the cockpit of the vehicle operating in an airport or aerodrome than the prescribed limit;

c) Disobeying signposts, painted markings or signal lights;

d) Driving a vehicle in the wrong lane in the apron or in no-trespassing areas.

2. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for committing one of the following violations:

a) Failure to maintain the minimum safe distance between the vehicle and aircrafts;

b) Failure to take command of the situation or to comply with speed limits when operating a vehicle in restricted areas of the airport or aerodrome;

c) Driving aircraft tugs at a speed exceeding the prescribed speed limits;

d) Changing lanes where prohibited or without reducing speed or signaling when operating a vehicle in the airport or aerodrome;

dd) Operating a vehicle in an airport or aerodrome and turning without slowing down or signaling;

e) Operating a vehicle in the aerodrome and overtaking where prohibited or overtaking without prior signal;

g) Operating a vehicle in the aerodrome and continuously honking or revving up the engine, except emergency vehicles on duty;

h) Failure to carry handheld radio transceivers for two-way communication; failure to maintain the communication via handheld transceivers with the air traffic controllers when operating a vehicle in the aerodrome;

i) Stopping or parking a vehicle at inappropriate positions in the airport or aerodromes;

k) Illegally driving a vehicle in the apron.

3. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Driving a vehicle in the wrong route, traffic flow or lane in an airport or aerodrome;

b) Driving a vehicle outside the aircraft safety area at a speed exceeding the speed limits by 10 km/h or more;

c) Driving a vehicle within the aircraft safety area at a speed exceeding the speed limits;

d) Operating vehicles in the aerodrome without obeying orders or instructions of the air traffic controllers;

dd) Disobeying orders or instructions given by responsible persons when operating a vehicle in an airport or aerodrome;

e) Illegally moving in the runway or taxiway;

g) Operating a vehicle without adequate and functional headlamps, plate lamps, brake lamps, turn signals, windshield wipers, mirrors and emergency equipment as regulated;

h) Operating a vehicle without sufficient technical operating documents as regulated;

i) Placing vehicles or equipment at inappropriate positions in the airport or aerodromes;

k) Operating a vehicle or equipment in the aerodrome for unlicensed purposes;

l) Failure to yield to people or emergency vehicles, or obstructing emergency vehicles on duty that are sending out emergency signals in an airport or aerodrome.

4. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for operating a vehicle against the traffic flow or entering no-trespassing areas in an airport or aerodrome.

5. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Operating a vehicle which fails to meet technical requirements and standards in an airport or aerodrome;

b) Putting a vehicle or equipment which is not duly inspected or whose inspection certificate expires into operation in an airport or aerodrome;

c) Operating a vehicle beyond its maximum service life in the airport or aerodrome;

d) Operating a vehicle or equipment without the license or number plate issued by a competent authority in an airport or aerodrome;

dd) Maintaining or repairing a vehicle or equipment operating in restricted areas of an airport or aerodrome inconsistently with maintenance and repair regulations;

e) Operating a vehicle or equipment produced, assembled or remodeled in Vietnam in an airport or aerodrome without the certificate of technical eligibility issued by a competent authority;

g) Illegally operating a vehicle in the runway or taxiway.

6. Additional penalties:

a) The license or practicing certificate shall be suspended for 01 month if an aviation staff member commits the violation prescribed in Point a, Point b or Point c Clause 1 of this Article, resulting in threats to aviation safety or security;

b) The license or practicing certificate shall be suspended for 02 months if an aviation staff member commits the violation prescribed in Clause 2 or Point a, b, c, d, dd or l Clause 3 of this Article, directly influencing or threatening aviation safety or security;

c) The license or practicing certificate shall be suspended for 03 months if an aviation staff member commits the violation prescribed in Point e Clause 3, Clause 4 or Point g Clause 5 of this Article.

**Article 12. Violations against regulations on disaster preparedness and control, and aerodrome emergency**

1. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Failure to adhere to the plan for disaster preparedness and control or the aerodrome emergency plan;

b) Failure to examine and maintain the anchoring and aircraft parking system in aprons, or the drainage system at an airport or aerodrome;

c) Failure to examine and reinforce premises, buildings, hangars or towers as regulated;

d) Failure to maintain announced aerodrome rescue and fire fighting conditions.

2. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Failure to formulate the disaster preparedness and control plan or the aerodrome emergency plan as regulated;

b) Failure to have sufficient vehicles and equipment for disaster preparedness and control, or the anchoring and aircraft parking system in aprons as regulated.

**Article 13. Violations against regulations on maintenance of aviation facilities**

1. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for failure to maintain aviation facilities according to the approved maintenance plan.

2. Remedial measures:

Enforced maintenance of aviation facilities as regulated if the violation prescribed in Clause 1 of this Article is committed.

**Section 3. VIOLATIONS AGAINST REGULATIONS ON ENVIRONMENT PROTECTION IN CIVIL AVIATION SECTOR**

**Article 14. Violations against regulations on environment protection in aircraft operation**

1. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Failure to comply with internal control procedures for collection and classification of waste generated from aircrafts;

b) Operating an aircraft the noise produced by which exceeds the noise limit specified in the noise certificate;

c) Operating an aircraft whose engines produce an amount of emissions exceeding the prescribed limits;

d) Failure to submit reports on environment protection during the operation of an aircraft.

2. A fine ranging from VND 20,000,000 (twenty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Operating an aircraft without the noise certificate issued or recognized by a competent authority;

b) Failing to establish internal control procedures for collection and classification of waste generated from aircrafts;

c) Using chemicals for killing insects, disinfecting and cleaning an aircraft against the list of insecticidal and germicidal chemicals and preparations for household and medical use which are allowed to be registered for use, or which are allowed to be registered but restricted from use, or which are banned from use in Vietnam.

**Article 15. Violations against regulations on environment protection in airports or aerodromes**

1. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for throwing or discarding domestic waste at inappropriate positions in an airport or aerodrome.

2. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Failure to adopt measures for preventing dust emissions and releasing of solid and liquid waste during the collection and transport of solid waste;

b) Failure to adhere to regulations/ procedures for use of radiation equipment and radioactive sources in an airport or aerodrome.

3. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Failure to comply with the license for treatment of hazardous waste in airports or aerodromes;

b) Putting a vehicle or equipment which fails to meet environment protection requirements into operation in an aerodrome;

c) Using radiation equipment or radioactive source in an airport or aerodrome without the license issued by a competent authority;

d) Dropping or releasing materials or waste or emitting dust in an airport or aerodrome;

dd) Failure to comply with regulations on reporting on environment protection in airports or aerodromes.

4. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Illegally discharging materials or waste in an airport or aerodrome;

b) Failure to implement the plan for training in environment protection for staff as regulated;

c) Failure to properly implement the environmental emergency preparedness and response plan, and the environmental emergency response procedure;

d) Failure to properly implement the airport/aerodrome environmental management plan.

5. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Carrying out production/business or providing services in an airport or aerodrome without establishing or maintaining the operation of technical infrastructure facilities for environment protection;

b) Failure to carry out the disinfection of aircraft at the request of an international health quarantine body for prevention and control of communicable diseases;

c) Failure to develop an airport/ aerodrome environment protection plan.

6. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed for operating an airport or aerodrome without the noise map or adopting noise monitoring and management solutions as regulated.

7. A fine ranging from VND 80,000,000 (eighty million) to VND 100,000,000 (one hundred million) shall be imposed for operating an airport or aerodrome without constructing or maintaining the operation of technical infrastructure facilities for environment protection.

8. Remedial measures:

Enforced control of environmental pollution and prevention of the spread of epidemics if the violation prescribed in Clause 1 or Point d Clause 3 or Point a Clause 4 of this Article is committed.

**Section 4: VIOLATIONS AGAINST REGULATIONS ON AVIATION STAFF, TRAINING, EMPLOYMENT AND MEDICAL EXAMINATION FOR AVIATION STAFF**

**Article 16. Violations against regulations on aviation staff and work performance as per work instruction manual, work performance procedure, job requirements and cooperation procedure**

1. A fine ranging from VND 500,000 (five hundred thousand) to VND 1,000,000 (one million) shall be imposed for committing one of the following violations:

a) Failure to carry an unexpired medical certificate when performing duties;

b) Failure to carry an unexpired aviation staff license when performing duties;

c) Performing duties over the prescribed working hours or failure to get enough rest hours as prescribed, except flight crewmembers, air traffic controllers, aircraft and its equipment maintenance and repair staff;

d) Failure to meet requirements or conditions for aviation staff when performing duties.

2. A fine ranging from VND 1,000,000 (one million) to VND 3,000,000 (three million) shall be imposed for committing one of the following violations:

a) Using mobile phone when controlling or operating a vehicle or equipment in the airfield, or managing flight operations, or manipulating the controls of an aircraft;

b) Performing duties of aviation staff or electrical power supply staff of an air traffic control unit against work instruction manual, work performance procedure, job requirements or cooperation procedure, except manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance and repair, aircraft maintenance planning, aircraft maintenance recording and aircraft technical maintenance;

c) Performing duties such as manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance and repair over the maximum working hours or without getting enough rest hours as prescribed.

3. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for committing one of the following violations:

a) Performing duties of aviation staff or electrical power supply staff of an air traffic control unit against work instruction manual, work performance procedure, job requirements or cooperation procedure, resulting in influence on civil aviation activities but not causing threats to aviation security and safety, except manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance and repair, aircraft maintenance planning, aircraft maintenance recording and aircraft technical maintenance;

b) Performing duties such as manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance/repair, aircraft maintenance planning, aircraft maintenance recording and aircraft technical maintenance against work instruction manual, work performance procedure, job requirements or cooperation procedure;

c) Operating an aircraft in the taxiway or apron against the orders of air traffic controllers, the visual docking guidance system, or instructions given by aircraft marshallers;

d) Failure to fulfill duties of aviation staff as stated in the issued or recognized aviation staff license or professional certificate, except manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance/repair.

4. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Performing duties of aviation staff or electrical power supply staff of an air traffic control unit against work instruction manual, work performance procedure, job requirements or cooperation procedure, causing threats to aviation security and safety, except manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance and repair, aircraft maintenance planning, aircraft maintenance recording and aircraft technical maintenance;

b) Failure to fulfill manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance/repair duties as stated in the issued or recognized aviation staff license or professional certificate;

c) Failure to fulfill duties of aviation staff as stated in the issued or recognized aviation staff license or professional certificate, causing threats to aviation security and safety, except manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance/repair;

d) Failure to carry the aviation staff license, the professional certificate, the medical certificate or the certificate of English language proficiency when performing duties;

dd) Performing manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance/repair, aircraft maintenance planning, aircraft maintenance recording or aircraft technical maintenance duties against work instruction manual, work performance procedure, job requirements or cooperation procedure, resulting in influence on civil aviation activities but not causing threats to aviation security and safety;

e) Drinking in work hours or performing duties under the influence of alcohol according to breath or blood alcohol test results;

g) Operating an aircraft in the taxiway or apron against the orders of air traffic controllers, the visual docking guidance system, or instructions given by aircraft marshallers, resulting in influence on civil aviation activities but not causing threats to aviation security and safety;

h) Using drugs in work hours or having testing positive for drugs when performing duties.

5. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Using a fake aviation staff license, rating, professional certificate, medical certificate or certificate of English language proficiency;

b) Failure to provide practical instructions for on-the-job trainees resulting in threats to the aviation safety;

c) Providing false or deceptive information in applying for an aviation staff license or rating;

d) Performing manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance/repair, aircraft maintenance planning, aircraft maintenance recording or aircraft technical maintenance duties against work instruction manual, work performance procedure, job requirements or cooperation procedure, resulting in threats to aviation security and safety;

dd) Operating an aircraft in the taxiway or apron against the orders of air traffic controllers, the visual docking guidance system, or instructions given by aircraft marshallers, resulting in threats to aviation safety;

e) Failure to fulfill manipulation of the controls of aircraft, flight operation management, aircraft and its equipment maintenance/repair duties as stated in the issued or recognized aviation staff license or professional certificate, resulting in threats to aviation security and safety;

g) Operating an aircraft against flight rules or flight procedure, except the cases prescribed in Point c Clause 3, Point g Clause 4, Point dd Clause 5 and Point a Clause 6 of this Article.

6. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Operating an aircraft against flight rules or flight procedure, causing threats to aviation security and safety;

b) Illegally releasing or dropping fuel, luggage, goods or other objects from an aircraft;

c) Deciding to operate a flight when the composition of the flight crew is not satisfied as regulated.

7. Additional penalties:

a) The license or practicing certificate shall be suspended for 01 month if an aviation staff member commits the violation prescribed in Point a, c or h Clause 4, Point b, d, dd or e Clause 5, or Point a or c Clause 6 of this Article, directly influencing or threatening aviation safety or security;

b) Exhibits and instrumentalities used for committing the violation prescribed in Point h Clause 4 of this Article shall be confiscated.

8. Remedial measures:

Enforced control of environmental pollution and prevention of the spread of epidemics if the violation prescribed in Point b Clause 6 of this Article is committed.

**Article 17. Violations against regulations on employment, assignment and supervision of aviation staff as per work instruction manual, work performance procedure, job requirements and cooperation procedure**

1. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Arranging work hours or rest hours for aviation staff inconsistently with applicable regulations;

b) Failure to organize work shifts or comply with shift work regulations;

c) Failure to adhere to the procedures for supervision of occupational safety and work performance.

2. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for failure to arrange enough aviation staff members for performing duties as required, or assigning a person who does not have appropriate license, rating, professional certificate, medical certificate and English language proficiency certificate to perform duties.

**Article 18. Violations against regulations on professional training, re-training and coaching courses for aviation staff and English proficiency assessment**

1. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Doing the exam for a candidate or assisting a candidate in doing his/her test or exam in aviation English language proficiency;

b) Evaluating the English language proficiency of aviation staff against regulations;

c) Falsifying the result of an aviation English test or exam.

2. A fine ranging from VND 20,000,000 (twenty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Failure to provide professional training, re-training and coaching courses for aviation staff members in case the provision of such training, re-training and coaching courses is mandatory;

b) Providing a professional training, re-training and coaching course for aviation staff against the training program or failure to provide sufficient training hours as regulated;

c) Employing unqualified teachers to provide professional training/ re-training/ coaching courses or assessing English language exam papers for aviation staff;

d) Failure to keep or keeping insufficient documents concerning aviation staff training and coaching.

3. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed for committing one of the following violations:

a) Failure to maintain the fulfillment of eligibility requirements to provide aviation staff training and coaching services with respect to organizational structure, personnel, classrooms, facilities and equipment, practical workshops, teachers/lecturers, training and coaching programs, or teaching syllabi and materials as stated in the certificate of eligibility to provide aviation staff training and coaching services;

b) Providing aviation staff training and coaching courses beyond the scope of the certificate of eligibility to provide aviation staff training and coaching services.

4. Additional penalties:

The operation shall be suspended for 01 – 03 months if the violation prescribed in Clause 1 or Point b Clause 3 of this Article is committed.

5. Remedial measures:

Enforced cancellation of results if the violation prescribed in Point a or Point c Clause 1 of this Article is committed.

**Article 19. Violations against regulations on medical examination of aviation staff**

1. A fine ranging from VND 1,000,000 (one million) to VND 3,000,000 (three million) shall be imposed for committing one of the following violations:

a) Providing false information concerning health status in the application for medical examination;

b) Drinking or smoking when carrying out the heath check or medical examination for aviation staff.

2. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Falsifying medical examination results;

b) Conducting medical examination and assessment for aviation staff against the approved specialty of the medical examiner.

3. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Failure to perform or improperly performing the maintenance, inspection and calibration of medical equipment serving the conduct of medical examination and assessment as regulated;

b) Assigning a person who does not have a professional qualification or certificate in aviation medicine or whose operation is suspended as regulated to conduct medical examination and assessment for aviation staff or carry out aviation medical tests;

c) Assigning a person who is not approved as a medical examiner to conduct medical examination and assessment for aviation staff;

d) Failure to keep or keeping insufficient documents concerning medical examination and assessment for aviation staff.

4. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for failure to maintain the fulfillment of eligibility requirements regarding organizational structure, facilities and equipment, medical examination and assessment procedure, or personnel as stated in the aviation medical center certificate granted by a competent authority.

5. Additional penalties:

The operation shall be suspended for 01 – 03 months if the violation prescribed in Point a Clause 2 of this Article is committed.

6. Remedial measures:

Enforced cancellation of medical examination results if the violation prescribed in Point a or Point b Clause 2, or Point b or Point c Clause 3 of this Article is committed.

**Section 5: VIOLATIONS AGAINST REGULATIONS ON AIR TRAFFIC**

**Article 20. Violations against regulations on provision of air navigation services**

1. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Failure to provide timely notification for search and rescue service provider when receiving signals, notices or information concerning an aircraft being in danger or distress;

b) Failure to have adequate operation manuals and maintenance manuals for technical facilities and equipment as regulated;

c) Failure to have adequate operations documents kept at the premises of the air navigation service provider as regulated;

d) Failure to submit reports on flight operations of the air navigation service provider as regulated.

2. A fine ranging from VND 20,000,000 (twenty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Operating a technical facility or equipment against the issued license;

b) Failure to comply with regulations on maintenance and repair of technical facilities and equipment;

c) Failure to comply with regulations on inspection and calibration of measuring and test equipment serving the inspection, maintenance and repair of technical facilities and equipment.

3. A fine ranging from VND 40,000,000 (forty million) to VND 50,000,000 (fifty million) shall be imposed for committing one of the following violations:

a) Failure to maintain the fulfillment of eligibility requirements to provide air navigation services with respect to organizational structure, technical facilities and equipment, or operation manuals;

b) Operating technical facilities and equipment serving the provision of air navigation services without obtaining a license from a competent authority.

4. A fine ranging from VND 60,000,000 (sixty million) to VND 70,000,000 (seventy million) shall be imposed for operating an air navigation service facility without the license granted by a competent authority.

**Article 21. Violations against regulations on air traffic management**

1. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed dropping or flying equipment, items and other objects from an aircraft in the air, causing adverse influence on flights.

2. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Damaging technical facilities or equipment serving the provision of air navigation services;

b) Failure to adhere to regulations on obstruction painting, marking and lighting.

3. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Building or installing buildings or technical equipment penetrating the obstacle limitation surfaces outside the airport or aerodrome boundaries, except technical facilities and equipment within the airport or aerodrome and its vicinity;

b) Using laser lights and other lighting devices inconsistently with regulations, causing adverse influence on flight operations, except the case prescribed in Point k Clause 5 Article 9 hereof.

4. A fine ranging from VND 20,000,000 (twenty million) to VND 40,000,000 (forty million) shall be imposed for provision of false or deceptive statements in the application for flight permission.

5. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed for operating a flight against the flight permit.

6. A fine ranging from VND 80,000,000 (eighty million) to VND 100,000,000 (one hundred million) shall be imposed for operating a flight without the flight permit granted by a competent authority.

7. Remedial measures:

Enforced removal of the construction or the construction item if the violation prescribed in Point a Clause 3 of this Article is committed.

**Section 6: VIOLATIONS AGAINST REGULATIONS ON AIR TRANSPORT AND GENERAL AVIATION**

**Article 22. Violations against regulations on establishment of enterprises providing air transport and general aviation services**

1. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Failure to register its charter for air transport services with a competent authority as regulated;

b) Failure to carry out procedures for registration of changes with a competent authority in case the registration of such changes is compulsory.

2. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for carrying out general aviation operations for non-commercial purposes without obtaining a certificate of registration of general aviation operations from a competent authority.

3. A fine ranging from VND 40,000,000 (forty million) to VND 50,000,000 (fifty million) shall be imposed for running general aviation business without the license granted by a competent authority.

4. A fine ranging from VND 50,000,000 (fifty million) to VND 60,000,000 (sixty million) shall be imposed for failure to maintain the fulfillment of eligibility requirements for the license to provide air transport services or the license to run general aviation business.

5. A fine ranging from VND 80,000,000 (eighty million) to VND 100,000,000 (one hundred million) shall be imposed for provision of air transport services without gaining the rights to air transport.

**Article 23. Violations against regulations on provision of air transport services and performance of general aviation operations**

1. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Failure to submit reports on the provision of air transport services to competent authorities as regulated;

b) Failure to submit reports on operations of a foreign airline’s representative office or booking agency to competent authorities as regulated;

c) Entering into cooperation agreements related to the rights to air transport without obtaining an approval from a competent authority;

d) Operating codeshare flights from and to Vietnam without codeshare flight schedules approved by competent authorities of Vietnam;

dd) Failure to carry out procedures for re-issuance of the license upon the occurrence of changes in the contents of the license to establish a foreign airline’s representative office or booking agency as regulated;

e) Failure to submit the passenger service procedures at airports to competent authorities as regulated.

2. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Carrying out operations generating profits directly in Vietnam, concluding new contracts or modifying the signed contracts against legitimate rights and obligations of a foreign airline's representative office or booking agency;

b) Failure to adopt passenger service procedures at an airport;

c) Failure to comply with regulations on air freight rates;

d) Painting or affixing trademark on aircrafts causing confusion with aircrafts of another airline.

3. A fine ranging from VND 40,000,000 (forty million) to VND 50,000,000 (fifty million) shall be imposed for committing one of the following violations:

a) Establishing a representative office or booking agency in Vietnam without the license to establish representative office or booking agency;

b) Issuing house air waybills without the certificate of registration of house air waybills.

4. A fine ranging from VND 60,000,000 (sixty million) to VND 80,000,000 (eighty million) shall be imposed for committing one of the following violations:

a) Providing air transport services against the rights to air transport, or purchasing, selling or transferring the rights to air transport;

b) Transporting weapons, ordnance, nuclear waste and combat gears without getting permission from a competent authority.

**Article 24: Violations against regulations on air transport and general aviation**

1. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for failure to adhere to regulations on labeling and marking of dangerous goods transported by air.

2. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Failure to provide information or providing false information about dangerous goods to be sent by air;

b) Failure to comply with regulations on packaging of dangerous goods transported by air.

3. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Failure to comply with regulations on airfare discounts for senior and disabled passengers;

b) Refusal to transport assistive aids or devices for passengers with special needs or getting tips for transporting such assistive aids or devices inconsistently with regulations;

c) Charging wheelchair assistance services provided at terminals or services for passengers who are the elderly, the blind or the deaf;

d) Failure to announce the cases in which non-refundable fixed compensations are paid, compensation amounts, information concerning compensation method, deadlines and locations as regulated;

dd) Failure to appoint staff to assist passengers in completing check-in procedures before the closing time of check-in counter as regulated;

e) Failure to organize the supervision of boarding process as regulated;

g) Failure to fulfill all responsibilities towards passengers at the destination or the connecting point as regulated;

h) Failure to fulfill obligations when transporting special passengers;

i) Failure to update the airport information system with information concerning cancelled or delayed flights;

k) Failure to adhere to airline computer reservation system rules.

4. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Failure to adhere to regulations on transportation of dangerous goods by air;

b) Transporting a person whose name is on the No-fly list, unless it is permitted by a competent authority;

c) Failure to fulfill obligations as regulated by law in cases of discontinued, delayed or cancelled flights, flights departing ahead of scheduled departing time, and denied boarding passengers.

d) Failure to fulfill obligations in cases of damaged, destroyed or lost luggage or cargo;

dd) Refusal to transport passengers, luggage or cargo inconsistently with regulations;

e) Failure to transport passengers with disabilities as regulated.

5. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Failure to carry the passenger’s checked baggage by the same aircraft as the passenger, unless otherwise permitted by law;

b) Organizing events on board the aircraft which may threaten aviation safety and security without obtaining an approval from a competent authority;

c) Loading and storing goods inconsistently with regulations;

d) Failure to purchase civil liability insurance or implement other measures for protecting passengers, their baggage, cargo and packages at the prescribed limits of liability;

dd) Failure to adhere to the certificate of registration of house air waybills.

6. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed failure to purchase civil liability insurance or failure to implement other measures for protecting passengers, their baggage, cargo and packages.

7. A fine ranging from VND 60,000,000 (sixty million) to VND 70,000,000 (seventy million) shall be imposed for transporting passengers, their baggage, cargo and packages for commercial purposes without obtaining permission or license to provide air transport services.

8. Remedial measures:

a) Enforced control of environmental pollution if the violation prescribed in one of the violations prescribed in Clause 2 or Point a Clause 4 of this Article is committed;

b) Enforced transfer of illegal benefits obtained from the commitment of the administratvie violation prescribed in Point b or Point c Clause 3 of this Article.

**Section 7: VIOLATIONS AGAINST REGULATIONS ON AVIATION SECURITY**

**Article 25. Violations against regulations on management and use of aviation security control cards and licenses**

1. A warning shall be imposed for the first commitment of violation or a fine ranging from VND 500,000 (five hundred thousand) to VND 1,000,000 (one million) shall be imposed for recidivism or repeating of one of the following violations:

a) Using an aviation security control card beyond its scope;

b) Failure to wear the aviation security control card as regulated when performing duties in restricted areas of an airport or aerodrome.

2. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for committing one of the following violations:

a) Using the aviation security control card or license or the aviation safety or security supervisor’s card of another person to enter restricted areas in an airport or aerodrome or board an aircraft;

b) Using fake personal identity papers, ticket or boarding pass, or using personal identity papers, ticket or boarding pass of another person for entering the secure area or boarding an aircraft, or allowing minors to enter the secure area or board an aircraft;

c) Letting another person use the aviation security control card or license or the aviation safety or security supervisor’s card to enter restricted areas in an airport or aerodrome or board an aircraft.

3. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for using a fake aviation security control card or license or a fake aviation safety or security supervisor’s card.

4. Additional penalties:

The exhibits and instrumentalities used for committing the administrative violation prescribed in Point b or Point c Clause 2 or Clause 3 of this Article shall be confiscated.

**Article 26. Violations against regulations on aviation security control at airports and aerodromes, on flights, and at places with aviation equipment and works**

1. A fine ranging from VND 100,000 (one hundred thousand) to VND 500,000 (five hundred thousand) shall be imposed for taking alcohol, alcoholic liquids and other liquids into the secure area or on an aircraft inconsistently with regulations.

2. A fine ranging from VND 500,000 (five hundred thousand) to VND 1,000,000 (one million) shall be imposed for failure to obey instructions given by aviation security control forces or aviation staff at an airport or aerodrome.

3. A fine ranging from VND 1,000,000 (one million) to VND 3,000,000 (three million) shall be imposed for threatening or reviling aviation staff, passengers or other persons at an airport or aerodrome or at place where aviation building or equipment is located.

4. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for committing one of the following violations:

a) Disrupting, inciting or persuading another to cause disruption to security and safety at an airport or aerodrome, or where civil aviation building or equipment is located but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

b) Entering restricted areas or boarding an aircraft without passing the appropriate gate or door, or without passing through aviation security checking or screening system;

c) Failure to lock the cockpit door throughout the flight as regulated;

d) Breaking orders and disciplines on board the aircraft;

dd) Spreading or providing false information about guns, ammunitions, bombs, mines, explosives, radioactive substances, bio-weapons or chemical weapons but the violation does not interfere with normal civil aviation operations and is not serious enough to cause the violating entity to face a criminal prosecution;

e) Taking person, luggage, cargo, package or other object which is not yet screened by the security into restricted areas in an airport or aerodrome or on an aircraft;

g) Taking person or vehicle into restricted areas in an airport or aerodrome inconsistently with regulations;

h) Using rude gestures and/or words to provoke, tease or insult aviation staff, passengers or other persons at an airport or aerodrome;

i) Threatening or reviling aviation staff or passengers on board an aircraft;

k) Hiring, persuading or inciting other people to fight each other or getting involved in a fight at an airport or aerodrome but the violation is not serious enough to cause the violating entity to face a criminal prosecution.

5. A fine ranging from VND 7,000,000 (seven million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Illegally entering restricted areas in an airport or aerodrome or where the civil aviation building or equipment is located;

b) Attacking aviation staff, passenger or other people at an airport or aerodrome or at place where the civil aviation building or equipment is located but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

c) Grating permission to take persons or objects into the cockpit inconsistently with regulations;

d) Disrupting, inciting or persuading other people to cause disruption to security and order on board an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

dd) Stealing, blatantly appropriating or illegally obtaining objects, equipment or property at an airport or aerodrome, or on board an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

e) Taking dangerous articles or substances into restricted areas of an airport or aerodrome inconsistently with regulations but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

g) Failure to comply with regulations on registration and receipt of weapons, combat gears or dangerous articles to be taken into restricted areas or on an aircraft;

h) Failure to provide or providing false or insufficient advance passenger information (API) as regulated;

i) Gambling or allowing another person to organize gambling at the head office or on the vehicle in restrictec areas of an airport or aerodrome or on an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

k) Failure to organize pre-flight aircraft security check as regulated;

l) Hiring, persuading or inciting other people to fight each other or getting involved in a fight on board an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

m) Transferring weapons or combat gears to unauthorized or ineligible persons for use at an airport or aerodrome or on board an aircraft;

n) Using rude gestures and/or words to provoke, tease or insult aviation staff or passengers on board an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution.

6. A fine ranging from VND 10,000,000 (ten million) to VND 15,000,000 (fifteen million) shall be imposed for committing one of the following violations:

a) Illegally boarding an aircraft;

b) Attacking flight crew members, passengers or other people on board an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

c) Illegally taking combat gear, explosive, cold weapon, sporting weapon, hunting rifle or a weapon or article with similar functions into restricted areas of an airport or aerodrome, or on an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

d) Having speech threatening aviation safety but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

dd) Taking dangerous articles on an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution.

7. A fine ranging from VND 15,000,000 (fifteen million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Spreading or providing false information about guns, ammunitions, bombs, mines, explosives, radioactive substances, bio-weapons or chemical weapons, causing adverse impacts on normal civil aviation operations but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

b) Providing false information which may threaten the safety of ground operation of an aircraft, or the safety of passengers, flight crew, groundcrew or other persons at an airport or aerodrome or where the civil aviation building or equipment is located but the violation is not serious enough to cause the violating entity to face a criminal prosecution;

c) Illegally taking explosive substance or material, military weapon or flammable substance into restricted areas of an airport or aerodrome but the violation is not serious enough to cause the violating entity to face a criminal prosecution.

8. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Spreading or providing false information about guns, ammunitions, bombs, mines, explosives, radioactive substances, bio-weapons or chemical weapons, or other information which may threaten the safety of a flying aircraft or persons aboard a flying aircraft;

b) Illegally taking explosive substance or material, military weapon or flammable substance on an aircraft but the violation is not serious enough to cause the violating entity to face a criminal prosecution.

9. Additional penalties:

a) The license or practicing certificate shall be suspended for 01 month if an aviation staff member commits the violation prescribed in Point a Clause 4, Point b, d, dd, i, or l Clause 5 or Point b Clause 6 of this Article;

b) Exhibits and instrumentalities used for committing the violation prescribed in Point i Clause 5 of this Article shall be confiscated.

10. Remedial measures:

a) Enforced control of environmental pollution and prevention of the spread of epidemics if the violation prescribed in Point e Clause 5 of this Article is committed;

b) Enforced return of things, equipment or property stolen, blatantly appropriated or illegally obtained if the violation prescribed in Point dd Clause 5 of this Article is committed.

**Article 27. Violations against regulations on aviation security service providers**

1. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Failure to prepare sufficient documents at aviation security checkpoints;

b) Failure to carry out random visual checks of passengers and hand luggage having undergone aviation security scanning and screening system, or persons working within restricted areas of an airport or aerodrome as regulated;

c) Failure to keep documents, résumés, log books of maintenance and repair of aviation security facilities and equipment as regulated;

d) Failure to keep records of articles carried in and out of restricted areas of an airport or aerodrome as regulated;

dd) Failure to adhere to regulations on reporting on illegal acts of interference in civil aviation activities;

e) Assigning aviation security controllers to watch X-ray scanner’s screen over the prescribed working hours.

2. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Failure to keep images from X-ray scanner and camera system for the prescribed period;

b) Transporting the accused, prisoners, expelled persons, extradited persons or persons to be arrested according to wanted decisions over the maximum number prescribed by law;

c) Failure to keep lost or unclaimed luggage, or failure to make records of lost or unclaimed luggage as regulated;

d) Failure to have operation and maintenance manuals or procedures for management, operation, inspection and maintenance of facilities and equipment;

dd) Failure to establish regulations on management, use, storage, inspection and maintenance;

e) Failure to inspect X-ray scanner, walk-through metal detector and handheld metal detector by sample kits as regulated;

g) Failure to place security seals on aircrafts, vehicles, equipment, cargo, catering carts and parcels as regulated or placing security seals inconsistently with regulations;

h) Failure to provide Aviation security program/regulation for the relevant airports authority as regulated.

3. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Failure to implement the aviation security program/regulation approved by a competent authority;

b) Using equipment and means failing to meet relevant standards for aviation security assurance purpose, or failure to maintain the applied standards or technical features of equipment and means;

c) Failure to meet infrastructure requirements for ensuring aviation security.

4. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Failure to have aviation security program/regulation approved by competent authorities;

b) Failure to perform grassroots-level exercises of programs for dealing with illegal acts of interference in civil aviation activities as regulated.

**Section 8: VIOLATIONS AGAINST REGULATIONS ON FIRE PREVENTION AT AIRPORTS, AERODROMES AND AIR NAVIGATION SERVICE PROVIDERS**

**Article 28. Violations against regulations on fire prevention at airports, aerodromes and air navigation service providers**

1. A fine ranging from VND 500,000 (five hundred thousand) to VND 1,000,000 (one million) shall be imposed for smoking, including e-cigarettes, or using lighters, matches or fire-causing objects at inappropriate places in an airport or aerodrome, or at the air navigation service provider’s premises.

2. A fine ranging from VND 1,000,000 (one million) to VND 3,000,000 (three million) shall be imposed for committing one of the following violations:

a) Disabling or using fire fighting and prevention regulations, rules, warning signs, prohibition signs or guidance signs which are so old or contain illegible or unclear words or instructions at an airport or aerodrome or the air navigation service provider’s premises;

b) Using fire fighting and prevention regulations, rules, warning signs, prohibition signs or guidance signs of incorrect specifications at an airport or aerodrome or the air navigation service provider’s premises;

c) Failure to place or post fire fighting and prevention regulations, rules, warning signs, prohibition signs or guidance signs at an airport or aerodrome or the air navigation service provider’s premises;

d) Failure to disseminate fire fighting and prevention regulations to employees as regulated;

dd) Making fire protection and firefighting equipment and means invisible at an airport or aerodrome or the air navigation service provider’s premises;

e) Failure to carry out the inspection and maintenance of fire protection and firefighting equipment/ system at an airport or aerodrome or the air navigation service provider’s premises as regulated.

3. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Cooking or setting fire at an airport or aerodrome or the air navigation service provider’s premises without permission or inconsistently with regulations;

b) Burning incense, candles or votive papers in airport or aerodrome or the air navigation service provider’s premises;

c) Placing dangerous articles or flammable substances in an airport or aerodrome or the air navigation service provider’s premises inconsistently with regulations;

d) Failure to equip or equipping fire protection and firefighting equipment whose inspection certificate expires or which fails to meet relevant standards in terminals, restricted areas, on vehicles operating at an airport or aerodrome, or at the air navigation service provider’s premises;

dd) Failure to adhere to fire protection and firefighting regulations/ measures posted at an airport or aerodrome or at the air navigation service provider’s premises;

e) Failure to have fire protection and firefighting measures and means when performing the construction of buildings or facilities at an airport or aerodrome or at the air navigation service provider’s premises.

4. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for committing one of the following violations:

a) Smoking, including e-cigarettes, or using lighters, matches or other fire-causing objects in the aircraft safety area or aviation fuel storage, fuel filling station or gas supply area in an airport or aerodrome;

b) Failure to carry out the inspection of fire protection and firefighting conditions at an airport or aerodrome or the air navigation service provider’s premises as regulated.

5. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Failure to organize aviation firefighting training or exercises as regulated;

b) Failure to have internal regulations on fire and explosion prevention or the fire protection and firefighting plan when operating an airport or aerodrome.

6. Additional penalties:

The license or practicing certificate shall be suspended for 01 month if an aviation staff member commits the violation prescribed in Point a Clause 4 of this Article.

**Section 9: VIOLATIONS AGAINST REGULATIONS ON AVIATION SAFETY MANAGEMENT**

**Article 29. Violations against regulations on safety management system (SMS) and quality assurance**

1. A fine ranging from VND 20,000,000 (twenty million) to VND 30,000,000 (thirty million) shall be imposed for committing one of the following violations:

a) Failure to monitor and evaluate the obtained safety rating as regulated;

b) Failure to organize training or providing insufficient training programs in SMS as regulated;

c) Failure to submit reports on safety as regulated;

d) Failure to obtain a waiver from a competent authority when performing operations requiring the waiver or failure to adhere to the obtained waiver.

2. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for committing one of the following violations:

a) Failure to maintain operation of the SMS according to the approved SMS manual;

b) Failure to maintain the quality assurance system as regulated;

c) Failure to carry out flight data analysis, flight operation safety assessment program or cabin safety assessment program as regulated;

d) Failure to identify and evaluate risks or failure to adopt measures for risk mitigation and prevention of aviation accidents and incidents;

dd) Failure to obtain an approval from a competent authority for the acceptable level of safety (ALOS);

e) Failure to establish the safety reporting system as regulated.

3. A fine ranging from VND 40,000,000 (forty million) to VND 60,000,000 (sixty million) shall be imposed for committing one of the following violations:

a) Failure to have the SMS manual approved or accepted by a competent authority as regulated;

b) Failure to establish the SMS as regulated.

**Article 30. Violations against regulations on aviation accident and incident investigation**

1. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for committing one of the following violations:

a) Failure to provide evidences of the aviation incident or accident as requested by competent authorities;

b) Failure to protect the aircraft, and equipment and articles aboard the aircraft involved in an incident or accident as regulated.

2. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for committing one of the following violations:

a) Failure to report the aviation incident or accident as regulated;

b) Destroying, falsifying or damaging information, equipment to be examined and other evidences of an aviation incident or accident.

3. A fine ranging from VND 10,000,000 (ten million) to VND 20,000,000 (twenty million) shall be imposed for hiding or concealing an aviation incident or accident.

4. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for failure to carry out the investigation, analysis and evaluation of causes of an aviation incident or accident as regulated.

5. Additional penalties:

The license or practicing certificate shall be suspended for 01 month if an aviation staff member commits the violation prescribed in Point b Clause 2 or Clause 3 of this Article.

**Chapter III**

**POWER TO IMPOSE ADMINISTRATIVE PENALTIES FOR CIVIL AVIATION OFFENCES AND PENALTY IMPOSITION PROCEDURES**

**Article 31. Power to impose penalties of inspectors**

1. Inspectors and the persons assigned to carry out specialized inspections in civil aviation sector shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 500,000;

c) Confiscate the exhibits and instrumentalities used for committing administrative violations, the value of which does not exceed the fine rate specified in Point b of this Clause;

d) Impose the remedial measures specified in Points c, dd Clause 3 Article 4 of this Decree.

2. The Chief Inspector of the Civil Aviation Authority of Vietnam and heads of inspectorates established by the Civil Aviation Authority of Vietnam shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000;

c) Suspend licenses or practicing certificates, or suspend operations for fixed periods;

d) Confiscate the exhibits and instrumentalities used for committing administrative violations, the value of which does not exceed the fine rate specified in Point b of this Clause;

dd) Impose the remedial measures mentioned in Clause 3 Article 4 of this Decree.

3. Heads of inspectorates established by the Ministry of Transport shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 70,000,000;

c) Suspend licenses or practicing certificates, or suspend operations for fixed periods;

d) Confiscate the exhibits and instrumentalities used for committing administrative violations, the value of which does not exceed the fine rate specified in Point b of this Clause;

dd) Impose the remedial measures mentioned in Clause 3 Article 4 of this Decree.

4. The Chief Inspector of the Ministry of Transport and the Director General of the Civil Aviation Authority of Vietnam shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 100,000,000;

c) Suspend licenses or practicing certificates, or suspend operations for fixed periods;

d) Confiscate the exhibits and instrumentalities used for committing administratvie violations;

dd) Impose the remedial measures mentioned in Clause 3 Article 4 of this Decree.

**Article 32. Power to impose penalties of airports authorities**

1. Chief representatives of airports authorities shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 10,000,000;

c) Confiscate the exhibits and instrumentalities used for committing administrative violations, the value of which does not exceed the fine rate specified in Point b of this Clause.

2. Directors of airports authorities shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000;

c) Suspend licenses or practicing certificates, or suspend operations for fixed periods;

d) Confiscate the exhibits and instrumentalities used for committing administrative violations, the value of which does not exceed the fine rate specified in Point b of this Clause;

dd) Impose the remedial measures mentioned in Points c, d, dd, e, g, h, n Clause 3 Article 4 of this Decree.

**Article 33. Power to impose penalties of Chairpersons of People’s Committees at all levels**

1. Chairpersons of People’s Committees of communes shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 5,000,000;

c) Confiscate the exhibits and instrumentalities used for committing administrative violations, the value of which does not exceed the fine rate specified in Point b of this Clause;

d) Impose the remedial measures specified in Points c, d, dd Clause 3 Article 4 of this Decree.

2. Chairpersons of People’s Committees of districts shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000;

c) Suspend licenses or practicing certificates, or suspend operations for fixed periods;

d) Confiscate the exhibits and instrumentalities used for committing administrative violations, the value of which does not exceed the fine rate specified in Point b of this Clause;

dd) Impose the remedial measures mentioned in Points c, d, dd, e, g, h, n Clause 3 Article 4 of this Decree.

3. Chairpersons of People’s Committees of provinces shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 100,000,000;

c) Suspend licenses or practicing certificates, or suspend operations for fixed periods;

d) Confiscate the exhibits and instrumentalities used for committing administratvie violations;

dd) Impose the remedial measures mentioned in Clause 3 Article 4 of this Decree.

**Article 34. Power to impose penalties of people’s police forces**

1. People’s police forces are entitled to impose penalties for administrative violations against regulations on civil aviation in the following circumstances:

a) The administrative violation is discovered during the implementation of an emergency plan;

b) Administrative civil aviation offences regarding social security, order and safety are discovered at public areas of airports or aerodromes or are transfered by civil aviation authorities.

2. Maximum fines and the power to impose penalties of people’s police forces shall be governed by regulations in Point dd Clause 1 Article 24 and Article 39 of the Law on penalties for administrative violations.

**Article 35. Other specialized inspectors**

Inspectors of other branches are entitled to impose penalties for administrative violations against regulations on civil aviation regarding sectors or areas under their management in accordance with the Law on penalties for administrative violations and regulations herein.

**Article 36. Determination of power to impose penalties for administrative violations against regulations on civil aviation**

Inspection forces specializing in civil aviation and airports authorities are entitled to impose penalties for the administrative violations mentioned in this Decree and the violations in the civil aviation sector specified in:

1. Clause 3 and Clause 5 Article 12 of the Government’s Decree No. 109/2013/ND-CP dated September 24, 2013.

2. Clause 1 Article 38, Article 19, Clauses 2, 3 Article 31, Point b Clause 4 Article 32, Point a Clause 2 Article 33 of the Government’s Decree No. 139/2017/ND-CP dated November 27, 2017.

3. Points a, b Clause 1, Point d Clause 3 Article 10, Clause 2 and Clause 3 Article 20, Points a, b Clause 1, Clause 2 Article 29 and Point a Clause 2 Article 46 of the Government’s Decree No. 167/2013/ND-CP dated November 12, 2013.

4. Clause 2, Point a Clause 3, Point b Clause 4, Point a Clause 5 and Clause 6 Article 90 of the Government’s Decree No. 174/2013/ND-CP dated November 13, 2013.

5. Clause 3 Article 19, Clause 1 Article 25, Clause 1 Article 26 of the Government’s Decree No. 185/2013/ND-CP dated November 15, 2013, and the Government’s Decree No. 124/2015/ND-CP dated November 19, 2015.

6. Clause 1 Article 14, Points b, c, e Clause 2, Clauses 4, 5, 6 Article 15, Point b Clause 2, Point b Clause 3, Clause 4 Article 16 and Clause 1 Article 23 of the Government's Decree No. 79/2015/ND-CP dated September 14, 2015.

7. Point dd Clause 1 Article 9, Point a Clause 3 Article 10, Article 20, Article 21 and Point a Clause 1, Clause 6, Clause 7, Clause 8 Article 22 of the Government's Decree No. 155/2016/ND-CP dated November 18, 2016.

8. Clause 3, Points a, c Clause 4, Points a, c Clause 5, Points a, c Clause 6, Points a, c Clause 7, Points a, c Clause 8, Points a, c Clause 9, Points a, c Clause 10, Points a, b Clause 11, Points a, b Clause 12, Points a, b Clause 13, Points a, b Clause 14 Article 7 and Article 19 of the Government's Decree No. 33/2017/ND-CP dated April 03, 2017.

**Article 37. Power to make records of administrative violations**

1. The persons below are entitled to make records of civil aviation offences:

a) The persons entitled to impose administrative penalties for civil aviation offences;

b) Officials of the Inspectorate of the Ministry of Transport and the Inspectorate of the Civil Aviation Authority of Vietnam in the performance of their duties to carry out specialized inspections and take actions against violations;

c) Officials and public employees of airports authorities in the performance of their duties according to legislative documents or administrative documents promulgated by competent authorities/ officers.

d) Pilot in commands and flight crew members assigned by the pilot in commands to record administrative violations committed aboard flying aircrafts.

2. The pilot in command of a flying aircraft of Vietnamese nationality shall organize recording of the administrative violation discovered aboard that flying aircraft or transfer the case to the airports authority that manages the airport or aerodrome in Vietnam where the aircraft lands for making record of the violation.

If the pilot in command transfers the case of administrative violation discovered aboard the flying aircraft to the airports authority, his/her airline's representative shall be required to cooperate and assist the airports authority in recording of that violation.

3. When transferring the case of administrative violation to the airports authority, the pilot in command must also transfer the violating entity and the following documents/evidences to the airports authority:

a) The copy of records of the violation in the pilot logbook, which must be certified by the pilot in command’s signature;

b) The reports of the flight crew members who witness the case;

c) The list of passengers who may witness the case, in which their seats and other necessary information must be specified;

d) The exhibits and instrumentalities of the violation (if any);

dd) Other documents/ papers relating the violation (if any).

**Article 38. Collection and transfer of fines**

1. Fines imposed for administrative violations in the civil aviation sector shall be collected and transferred to relevant authorities in accordance with the Law on penalties for administrative violations and the Law on state budget.

2. Violating entities may pay fines to either the airports authority or its representative after having completed procedures for issuance of boarding pass.

**Chapter IV**

**IMPLEMENTATION**

**Article 39. Addition of technical and professional equipment and instruments used for detecting administrative civil aviation violations to Section V – List of technical and professional equipment and instruments used for detecting administrative violations against regulations on traffic order and safety, and environment protection enclosed with the Government’s Decree No. 165/2013/ND-CP dated November 12, 2013**

The following Clauses 6, 7, 8, 9 and 10 are added to Section V – List of technical and professional equipment and instruments used for detecting administrative violations against regulations on traffic order and safety, and environment protection enclosed with the Government’s Decree No. 165/2013/ND-CP dated November 12, 2013:

“6. Techometers capable of video recording;

7. Noise meters;

8. Exhaust gas analyzers;

9. Sound level meters;

10. Light meters.”

**Article 40. Effect**

1. This Decree comes into force from January 15, 2019, and supersedes the Government’s Decree No. 147/2013/ND-CP dated October 30, 2013.

2. If documents referred to in this Decree are amended, supplemented or superseded, the new ones shall apply.

**Article 41. Implementation organization**

1. The Minister of Transport shall organize the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of Governmental agencies, Chairpersons of the People’s Committees of provinces and central-affiliated cities shall be responsible for the implementation of this Decree./.

|  |  |
| --- | --- |
|  | **ON BEHALF OF THE GOVERNMENT THE PRIME MINISTER     Nguyen Xuan Phuc** |

------------------------------------------------------------------------------------------------------  
*This translation is made by* ***LawSoft*** *and for reference purposes only. Its copyright is owned by* ***LawSoft*** *and protected under Clause 2, Article 14 of the Law on Intellectual Property.Your comments are always welcomed*