

DECREE

**ON PENALTIES FOR ADMINISTRATIVE VIOLATIONS OF THE LAWS ON
STATISTICS**

Pursuant to the Law on Government organization dated December 25, 2001;

Pursuant to the Law on Handling administrative violations dated June 20, 2012;

Pursuant to the Law on Statistics dated June 17, 2003;

At the request of the Minister of Planning and Investment;

*The Government promulgates a Decree on penalties for administrative violations of
the laws on statistics,*

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree specifies the administrative violations, the penalties, and remedial measures for each administrative violation; the powers to impose penalties and fines of certain positions, and the powers to record administrative violations against the law on statistics.

2. The administrative violations of the laws on statistics include:

- a) Violations against the regulations on statistical surveys;
- b) Violations against the regulations on statistical reports;
- c) Violations against the regulations on the use of statistical information;
- d) Violations against the regulations on statistical documents;

Article 2. Subjects of penalties

1. The organizations and individuals that make statistical reports and conduct statistical surveys;
2. The organizations and individuals that propagate and use statistical information;
3. The surveyed organizations and individuals

4. Officials and civil servants that commit violations while performing their duties and tasks in statistics shall not incur administrative penalties, and shall face disciplinary actions in accordance with the laws on officials and civil servants;

5. The state agencies that commit violations while performing their tasks in statistics shall not incur administrative penalties, and shall face disciplinary actions in accordance with the laws on administrative management.

Article 3. Remedial measures

The other remedial measures in this Decree include:

1. Invalidating the statistical reports
2. Suspending the statistical survey, revoking survey forms; invalidating the decision on survey and the survey plan; invalidating the voting, survey forms, and statistical survey results.
3. Restoring the restorable survey forms and survey reports.
4. Rectifying the sources of the statistical information that is cited, propagated, or posted.

Article 4. Fines for organizations and individuals

The fines in Chapter II of this Decree are incurred by individuals. The fines incurred by organizations are twice as much of the fines incurred by individuals for the same violations.

Chapter 2.

ADMINISTRATIVE VIOLATIONS, PENALTIES, AND REMEDIAL MEASURES

Article 5. Violations against the regulations on state statistical survey

1. Warnings shall be issued against delay in complying with requests of statistical surveyors according to the statistical survey plan;
2. A fine of from 300,000 VND to 1,000,000 VND for one of the violations below:
 - a) The submission of statistical survey forms, which are filled by the subjects of survey under the instructions of the surveyor (hereinafter referred to as indirect survey method), is 01 - 04 days behind schedule according to the statistical survey plan;
 - b) Failing to submit sufficient indirect statistical survey forms according to the statistical survey plan;
 - c) Failing to provide sufficient information in the survey forms according to the statistical survey plan.

3. A fine of from over 1,000,000 VND to 3,000,000 VND for submitting statistical survey forms, which are filled by the subjects of survey under the instructions of the surveyor (hereinafter referred to as indirect survey method) 05 - 09 days behind schedule according to the statistical survey plan.

4. A fine of from over 3,000,000 VND to 7,000,000 VND for one of the violations below:

a) Falsifying the information filled in the survey forms by the surveyed organizations and individuals;

b) Filling the survey forms without carrying out surveys at the surveyed unit according to the statistical survey plan;

c) Providing inaccurate or false information in the indirect survey forms according to the statistical survey plan;

d) Submitting indirect survey forms 10 days behind schedule or later, according to the statistical survey plan.

5. A fine of from over 7,000,000 VND to 10,000,000 VND for one of the violations below:

a) Failing to carry out or obstructing the statistical survey;

b) Giving false statement or forcing other people to give false statement during statistical surveys;

c) Failing to send survey data to competent statistics agencies in the statistics system after 15 days from the day on which the survey result is announced.

d) Failing to provide the statistical survey data online to access for accessing devices at the request of the survey agency or the statistical surveyors according to the statistical survey plan.

6. Remedial measures:

Revoking the survey forms, applicable to the violations in Points a, b, c Clause 4 and Point b Clause 5 of this Article.

Article 6. Violations against the regulations on state statistical investigation outside the state statistical organization system

1. A fine of from 10,000,000 VND to 15,000,000 VND for failing to send survey results to statistics agencies in the concentrated system of statistical organizations, applicable to statistical surveys outside the state statistical organization system funded by the state budget.

2. A fine of from over 15,000,000 VND to 20,000,000 VND for carrying out statistical surveys outside state statistical organization system to collect information beyond the power or authority without the permission of managing authorities.

3. A fine of from over 20,000,000 VND to 30,000,000 VND for carrying out surveys outside state statistical organization system without decisions on survey, survey plan, or taking advantage of statistical surveys to threaten national interest, which do not constitute criminal offence.

4. Remedial measures:

a) Canceling the statistical survey, revoking statistical survey forms, applicable to the violations in Clause 2 and Clause 3 of this Article;

b) Invalidating the decision on survey, survey plan, statistical survey forms, and the survey results, applicable to the violations in Clause 2 and Clause 3 of this Article.

Article 7. Violations against the regulations on making statistical reports

1. A fine of from 1,000,000 VND to 3,000,000 VND for making statistical reports contrary to the form issued by competent authorities.

2. Remedial measures:

Invalidating the improper statistical reports in Clause 1 of this Article.

Article 8. Violations against the regulations on deadline for submitting statistical reports and financial statement

1. Warnings shall be issued against unpunctual submission of reports (01 - 04 days behind schedules for monthly statistical reports; 01 - 09 days for quarterly, biannual, 9-month statistical reports and financial statements; 01 -14 days for annual statistical reports and financial statements).

2. A fine of from 1,000,000 VND to 3,000,000 VND for unpunctual submission of reports (05 - 09 days behind schedules for monthly statistical reports, 10 - 14 days for quarterly, biannual, 9-month statistical reports and financial statements, 15 - 19 days for annual statistical reports and financial statements).

3. A fine of from over 3,000,000 VND to 5,000,000 VND for unpunctual submission of reports (10 - 15 days behind schedules for monthly statistical reports, 15 - 19 days for quarterly, biannual, 9-month statistical reports and financial statements, 20 - 29 days for annual statistical reports and financial statements).

4. A fine of from over 5,000,000 VND to 10,000,000 VND for unpunctual submission of reports (20 - 30 days for quarterly, biannual, 9-month statistical reports and financial statements, 30 - 45 days for annual statistical reports and financial statements).

5. A fine of from over 10,000,000 VND to 20,000,000 VND for failing to make statistical reports and financial statements.

Statistical reports and financial statements are considered not submitted if competent statistical agencies do not receive them after 15 days (for monthly statistical reports),

or after 30 days (for quarterly, biannual, 9-month statistical reports and financial statements), or after 45 days (for annual statistical reports and financial statements).

Article 9. Violations against the regulations on sufficiency of statistical reports

1. A fine of from 1,000,000 VND to 3,000,000 VND for failing to submit sufficient monthly statistics.
2. A fine of from over 3,000,000 VND to 5,000,000 VND for failing to submit sufficient quarterly, biannual, and 9 months statistics.
3. A fine of from over 5,000,000 VND to 10,000,000 VND for failing to submit sufficient annual statistics.

Article 10. Violations against the regulation on statistical methods

1. A fine of from over 5,000,000 VND to 7,000,000 VND for one of the violations below:
 - a) Making statistical reports inconsistently with the methods of calculating criterion in the statistical reports;
 - b) Making statistical reports inconsistently with the methods of calculating criterion in the statistical reports;
2. Remedial measures:

Invalidating the improper statistical reports in Point a and Point b Clause 1 of this Article.

Article 11. Violations against the regulations on sufficiency of statistical reports

1. A fine of from over 5,000,000 VND to 7,000,000 VND for making statistical reports without sufficient sources of information.
2. A fine of from over 15,000,000 VND to 20,000,000 VND for one of the violations below:
 - a) Forging statistical reports, providing false information in statistical reports;
 - a) Collaborating with or forcing other people to forge statistical reports or provide false information in statistical reports;
3. Remedial measures: invalidating the statistical reports, applicable to the violations in Clause 1 and Clause 2 of this Article.

Article 12. Violations against the regulation on accessing statistical database

1. Warnings shall be issued against delay in providing the initial statistical database to competent statistical agencies
2. A fine of from 3,000,000 VND to 5,000,000 VND for failing to provide sufficient initial statistical database to competent statistical agencies.

3. A fine of from over 5,000,000 VND to 10,000,000 VND for failing to provide technical conditions for accessing the statistical database.

4. A fine of from over 10,000,000 VND to 15,000,000 VND for one of the violations below:

a) Failing to provide the initial statistical database to competent statistical agencies;

b) Obstructing the access to statistical database.

Article 13. Violations against the regulation on propagating statistical information

1. A fine of from 10,000,000 VND to 20,000,000 VND for propagating the statistical information and documents that are not allowed to be publicized, which are not in the list of state secrets.

2. A fine of from over 20,000,000 VND to 30,000,000 VND for propagating false statistical information.

3. Remedial measures:

Rectifying the false or confusing information that was propagated, applicable to the violations in Clause 2 of this Article.

Article 14. Violations against the regulation on using statistical information

1. Warnings shall be issued against failure to specify the sources of statistical information when propagating or posting it on the media or publications.

2. A fine of from 5,000,000 VND to 10,000,000 VND for citing incorrect sources of statistical information when propagating or posting it on the media or publications.

3. A fine of from over 10,000,000 VND to 20,000,000 VND for falsifying the statistical information propagated or posted by competent authorities on the media or publications.

4. Remedial measures:

a) Rectifying the sources of the statistical information that is cited, propagated, or posted, applicable to the violations in Clause 1 and Clause 2 of this Article.

b) Rectifying the false information that was propagated or posted, applicable to the violations in Clause 3 of this Article.

Article 15. Violations against the regulation on preserving and storing statistical documents

1. Warnings shall be issued against the damage of survey forms or statistical reports that contain statistical information, but are still restorable.

2. A fine of from 5,000,000 VND to 10,000,000 VND for one of the violations below:

- a) Damaging survey forms and statistical reports that contain statistical information, but are still restorable;
- b) Losing survey forms and statistical reports that contain statistical information;
- c) Destructing survey forms and statistical reports that contain statistical information before the storage period is over.

3. Remedial measures:

Restoring the damaged survey forms or statistical reports that are still restorable, applicable to the violations in Clause 1 of this Article.

Article 16. Violations against the regulation on confidentiality of information of statistical information providers

A fine of from 20,000,000 VND to 30,000,000 VND for revealing the statistical information associated with names and addresses of providers without their permission.

Chapter 3.

POWERS TO IMPOSE ADMINISTRATIVE PENALTIES

Article 17. The power to impose penalties of Presidents of the People's Committees

1. Presidents of district-level People's Committees are entitled to:

- a) Issue warnings;
- b) Impose fines of up to 15,000,000 VND;
- c) Confiscate the exhibits and instruments for committing violations of which the value does not exceed the fine in Point b Clause 1 of this Article;
- d) Take the remedial measures mentioned in this Decree.

2. Presidents of provincial People's Committees are entitled to:

- a) Issue warnings;
- b) Impose fines of up to 30,000,000 VND;
- c) Confiscate the exhibits and instruments for committing violations of which the value does not exceed the fine in Point b Clause 2 of this Article;
- d) Take the remedial measures mentioned in this Decree.

Article 18. The powers to impose penalties of inspectors and officials assigned to carry out statistical inspections

1. Inspectors of the Ministry of Planning and Investment and officials assigned to carry out statistical inspections are entitled to:

- a) Issue warnings;
- b) Impose fines of up to 300,000 VND;
- c) Confiscate the exhibits and instruments for committing violations of which the value does not exceed the fine in Point b Clause 1 of this Article;

2. Directors of provincial Statistical Offices, chief inspectors of inspectorates of the Ministry of Planning and Investment and General Statistics Office are entitled to:

- a) Issue warnings;
- b) Impose fines of up to 21,000,000 VND;
- c) Confiscate the exhibits and instruments for committing violations of which the value does not exceed the fine in Point b Clause 2 of this Article;
- d) Take the remedial measures mentioned in this Decree.

3. the Chief Inspector of the Ministry of Planning and Investment, and the Director of General Statistics Office are entitled to:

- a) Issue warnings;
- b) Impose fines of up to 30,000,000 VND;
- c) Confiscate the exhibits and instruments for committing violations of which the value does not exceed the fine in Point b Clause 3 of this Article;
- d) Take the remedial measures mentioned in this Decree.

4. Chief inspectors of inspectorates of provincial Statistical Offices are entitled to:

- a) Issue warnings;
- b) Impose fines of up to 15,000,000 VND;
- c) Confiscate the exhibits and instruments for committing violations of which the value does not exceed the fine in Point b Clause 4 of this Article;
- d) Take the remedial measures mentioned in this Decree.

Article 19. The power to impose penalties of other inspectorates

Within the competence delegated by the State and the Government, inspectors and chief inspectors of other inspectorates are entitled to impose penalties for administrative violations against the law on statistics in accordance with the Law on Handling administrative violations No. 15/2012/QH13 and this Decree.

Article 20. Determination of the power to impose penalties

The power to impose administrative penalties of the positions from Article 17 to Article 19 of this Decree is applicable to one administrative violation committed by an individual. The power to impose penalties for the violations committed by organizations is twice as much at those incurred by individuals.

Article 21. The power to make records on administrative violations against the law on statistics

When an administrative violation against the law on statistics is found, competent persons shall responsively make records on such administrative violation.

The persons competent to make records on administrative violations against the law on statistics are the statisticians in charge of inspecting, supervising the statistic publishing, and the persons competent to impose penalties for administrative violations against the law on statistics.

Chapter 4.

IMPLEMENTATION

Article 22. Effect

This Decree takes effect on September 05, 2013 and supersedes the Government's Decree No. 14/2005/NĐ-CP dated February 04, 2005 on penalties for administrative violations against the law on statistics.

Article 23. Responsibility for implementation

Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Presidents of provincial People's Committees, the organizations and individuals concerned are responsible for the implementation of this Decree./.

**FOR THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung