



MINISTRY OF INDUSTRY AND TRADE  
VIETNAM COMPETITION AND CONSUMER AUTHORITY

# Annual Report 2022



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# ABBREVIATIONS

ABBREVIATIONS	MEANING
ACCP	ASEAN Committee on Consumer Protection
AEGC	ASEAN Expert Group on Competition
APEC	Asia - Pacific Economic Cooperation
ASEAN	Association of Southeast Asia Nations
MLM	Multi-Level Marketing
VCCA	Viet Nam Competition and Consumer Authority
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership

ABBREVIATIONS	MEANING
EU	European Union
ICN	International Competition Network
ICPEN	International Consumer Protection Enforcement Network
JICA	Japan International Cooperation Agency
M&A	Merger and Acquisition
OECD	Organisation for Economic Cooperation and Development
WTO	World Trade Organisation

# Viet Nam Competition And Consumer Authority



With its main function of assisting the Minister of Industry and Trade implement the state management on competition, multi-level marketing activities and protection of consumer rights, the enforcement of VCCA focus on:

Viet Nam Competition and Consumer Authority (VCCA) is an agency under the Ministry of Industry and Trade which has functions of enforcing the legislation of laws on competition, protection of consumer rights and management on multi-level marketing activities in order to ensure a healthy competitive environment, build up equal opportunities for market players as well as protect the legitimate rights and interests of consumers.

## The organisation structure of VCCA includes 07 units:

- 1 Administrative Office
- 2 Antitrust Division
- 3 Economic Concentration Control Division
- 4 Unfair Competition Investigating and Handling Division
- 5 Consumer Protection Division
- 6 Standard Form Contract and General Terms of Transaction Control Division
- 7 Center for Information, Consultation and Training



### Promote a healthy competitive environment

VCCA's operational mission is to create and maintain a healthy competitive environment with equal business opportunities for all businesses in the market. VCCA encourages and promotes competition among businesses, thereby ensuring the interests of consumers, the development of science, technology and social progress.



### State management over multi-level marketing activities

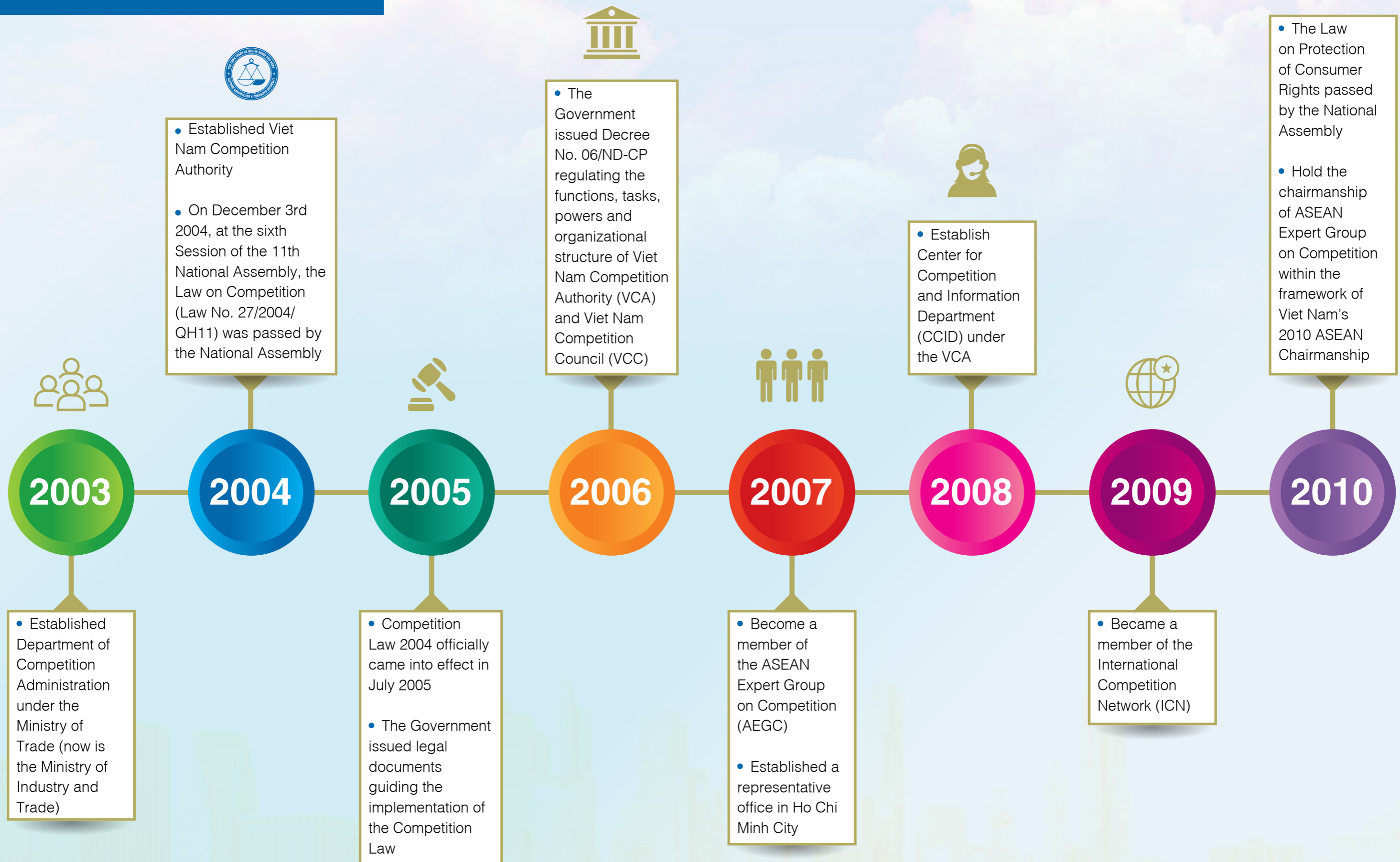
To implement effective and efficient state management in the multi-level marketing activities, VCCA works closely with functional agencies and Departments of Industry and Trade nationwide to ensure that multi-level marketing activities are carried out strictly under the legal provisions; as well as to promptly detect and effectively handle illegal multi-level marketing activities.



### Protect the legitimate interests of consumers

VCCA coordinates with functional authorities and consumer protection organisations nationwide to ensure that the rights and interests of consumers are protected as well as respected by manufactures and suppliers of products and services.

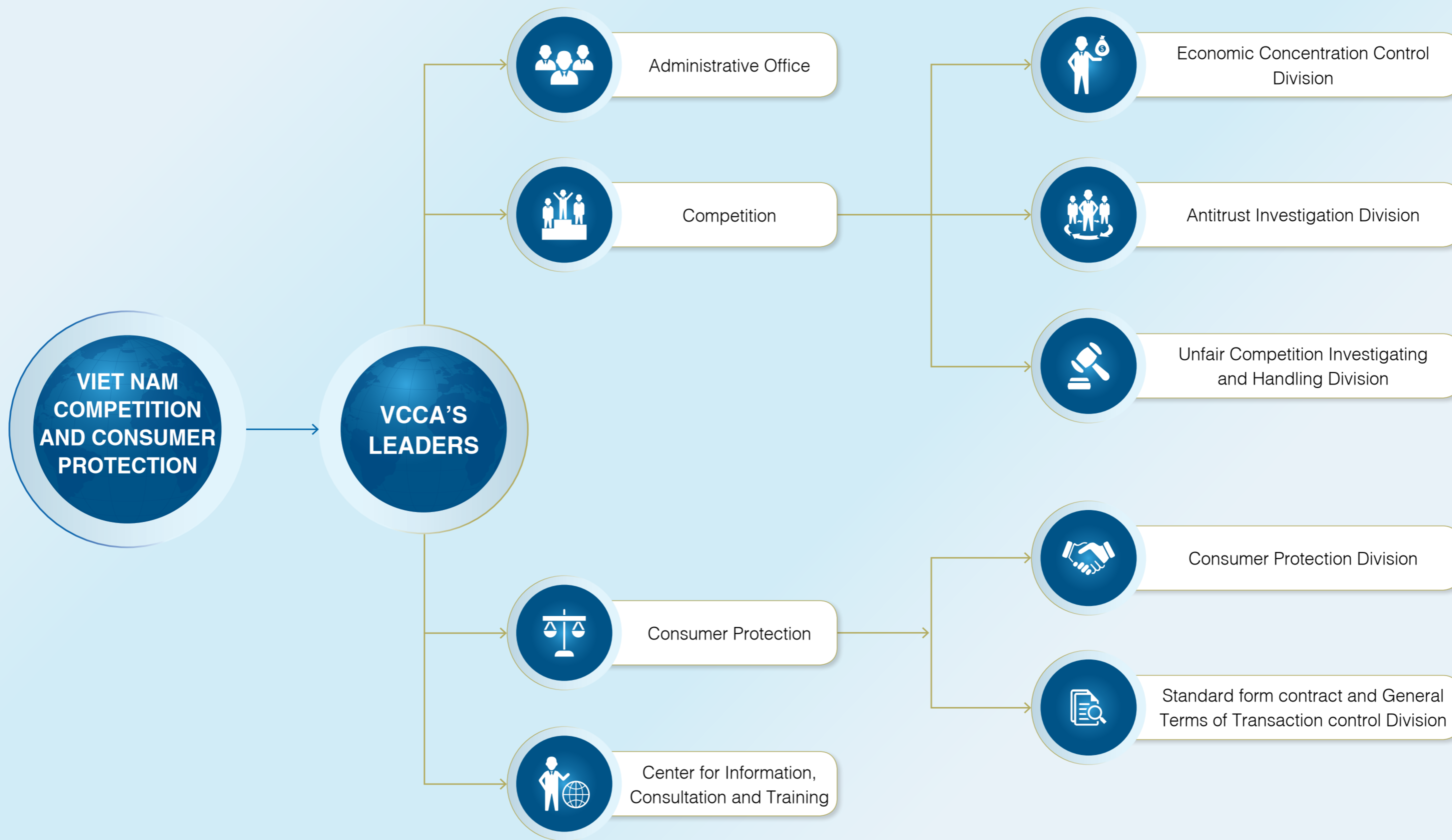
# MILESTONES







# ORGANISATION STRUCTURE





# COMPETITION

## A Legislation Development

### I. Developing the Decree on functions, tasks, powers and organisation structure of Viet Nam National Competition Commission



On February 10, 2023, the Government issued Decree No. 03/2023/ND-CP stipulating the functions, tasks, powers and organisational structure of the National Competition Commission.



The Decree has a transition period of 45 days and officially takes effect from April 1, 2023.



## B Enforcement of Competition Law and Policy

### I. Supervise and management of competition on the market

#### 1 Competition restriction behaviours

##### In 2022, VCCA did

- Collect and verify information and signs of violations of competition law in several markets, industries and fields such as: verifying and clarifying information reflected by the press about the imposition of the “hot weather” surcharge of Grab; clarifying the reflections on the situation of selling fireworks with fireworks stores on the occasion of the Lunar New Year 2022; the increase of SMS Banking fees; the selling of auto accessories; unreasonable increase in rental fees for telecommunications technical

infrastructure; signs of hindering competition in licensing explosive precursors storage in Lao Cai province; recommendation to use body insurance service for student of insurance enterprise in Phu Tho province...;

- Carry out the inspection of the observance and compliance with competition laws at Toyota Motor Viet Nam and National Payment Corporation of Viet Nam under the annual inspection plan of the Ministry of Industry and Trade.

## 2 Unfair competitive behaviours

In 2022, VCCA received and considered 8 complaints related to signs of unfair competition; proactively review and clarify 06 cases related to unfair competition behaviour.

The unfair competition cases occur in areas such as cosmetic advertising, refrigeration electronic equipment advertising, folding hammock trading,

construction materials trading, seaport services, the tourism transportation and especially the cross-border cases and dispute occurred on the Internet.

VCCA requested the stakeholders to provide information, documents, and worked with stakeholders, sent a written recommendation to the parties to comply with the competition law for some cases.

## II. Exemption

On October 9, 2017, the Minister of Industry and Trade issued Decision No. 3872/QD-BCT granting exemption of the anti-competitive agreement between Viet Nam Airlines Corporation and Societe Air France (Air France) in the agreement of "Joint venture contract" in the scope of air passenger service on HAN-CDG (Hanoi - Paris) (and vice versa) and SGN - CDG (Ho Chi Minh - Paris) (and vice versa) within 03 years. In 2020, the Ministry of Industry and Trade extended the exemption of anti-competitive agreement for Viet Nam Airlines Corporation (Viet Nam Airlines) and Societe Air France (Air France) in the agreement of "Joint venture contract".

On August 30, 2018, the Minister of Industry and Trade issued Decision No. 3105/QD-BCT granting exemption of the anti-competitive agreement between Jetstar Pacific Aviation Joint Stock Company (Jetstar Pacific) and Jetstar Asia Airways PTE. LTD (Jetstar Asia) in the agreement of "Joint venture contract" in the scope of air passenger service on the route Da Nang - Singapore (and vice versa) within 03 years.

In order to supervise the implementation of above mentioned exemption decision, VCCA requested the enterprises to have regular reports on the implementation of obligations and conditions according to the above decisions.



## Reflecting some fireworks shops' tie-in sales of different fireworks products

### 1 INITIATION

In early 2022, close to the Lunar New Year, through the market surveillance and information from the media, VCCA received reflection on the situation of some fireworks stores of the Company Limited MTV Chemical 21 (Z121 factory) forced people to buy "combo" (package) different cannon products.

Based on collected information, VCCA issued a written request to the Z121 factory to review and adjust the commercial activities to ensure compliance with the current law, in which, especially, not to violate the regulations on acts of restricting competition in accordance with the Law on Competition 2018.

### 2 RESULT

On January 21, 2022, the Z121 factory conducted inspection, review and issue notifications to all stores nationwide. For violating stores, the Z121 factory will stop supplying products and closing, strictly handling violations.

At the same time, on January 23, 2022, the Z121 factory had a written response to VCCA, specifically: the Z121 factory has no advocacy, direction the stores of the fireworks factory in the form of "package selling" and has requested to publicise the selling price of each type of product at the stores, and at the same time, commit to comply with the provisions of the Competition Law.



## Reflecting on the application of “hot weather” surcharge of Grab Co., Ltd

### 1 INITIATION

On July 6, 2022, Grab Co., Ltd. (Grab) announced the application of “hot weather” surcharges in Ho Chi Minh, Hanoi and some other areas from July 6, 2022.

After recording the feedback from the public and consumers related to Grab’s surcharge of “hot weather”, VCCA requested Grab to cooperate in providing information and explanation on the surcharges which are added directly to the display cost. At the same time, VCCA worked with Grab’s representative to clarify some issues related to Grab’s fees and surcharges.

### 2 RESULT

Through the verification process, Grab has explained the purpose of applying “hot weather” fee is to support driver partners, encourage them to participate and provide services to consumers in hot weather conditions, and encourage consumers to increase the demand for goods and food delivery services. Grab has stopped applying the hot weather from July 7, 2022 due to the limitations of setting system, especially in automatic separation of revenue to be able to account 100% of the revenue source (after tax) from this surcharges.

Based on the results of verification, VCCA issued a press release on the VCCA official website, providing information to the press in order to widely disseminate the information to the consumer community, and at the same time, recommended Grab to:

- Clearly notice drivers about the mechanism of dividing revenue from the fees, surcharges and establishing the system to ensure automatic separation revenue from those fees and surcharges before applying;
- Notice of application, adjustment, cancellation of price policies, fees, surcharges and other general transaction conditions to consumers before making transactions, in which, the notice must be clearly and easy to understand in accordance with Law on the Protection of Consumer Rights, hence, enable the consumer to have information and evaluation of goods and services before doing the transaction.

In order to maintain a fair, competitive environment and protect consumers, VCCA requested Grab and businesses providing similar service to Grab to review their policies and business activities, ensuring strict compliance with the provisions of the law on competition and protecting consumer rights.

## Reflecting on acts showing signs of hindering competition in the field of storing explosives precursors in Lao Cai province

### 1 INITIATION

On June 14, 2022, the VCCA received a reflection that the Lao Cai Provincial People’s Committee showed signs of discrimination among businesses, creating barriers to competition through licensing activities to store explosive precursors in Lao Cai province.

Specifically, the Joint Stock Company of Trading, Transport and Technical Consulting (TVKT Company) is a unit specialising in trading and transporting goods. The main product is raw materials for producing explosives Ammonium Nitrate  $NH_4NO_3$ . Because Ammonium Nitrate is an explosive precursor used as the main raw material for the production of explosives, the transportation and storage of this item need to be evaluated and certified by competent state management agencies (Ministry of Public Security, Ministry of Industry and Trade) to ensure the security conditions of transportation and preservation as well as safe conditions for storage.

After being granted a certificate of satisfaction of security conditions of transportation and preservation by the Ministry of Public Security and a certificate of eligibility for explosive precursor storage and chemical incident prevention plan of explosive precursors and the Ministry of Industry and Trade, TVKT Company has made a written request to amend the investment certificate, accordingly, adding an item for storing explosive precursors. However, the People’s Committee of Lao Cai province refused to amend the investment certificate at the request because storing explosive precursors in the province is forbidden. Meanwhile, the People’s Committee of Lao Cai province has granted an additional investment certificate to Hoa Thinh Hung Limited Company, whose warehouse in Bac Duyen Hai Industrial Park is allowed to store and preserve explosive precursors.

Based on the information reflected, the Ministry of Industry and Trade sent a written request to the People’s Committee of Lao Cai province to provide information to clarify the incident. At the same time, the VCCA has requested the Company to supplement information and organise work with representatives of the Economic Department of Lao Cai Provincial People’s Committee.

### 2 RESULT

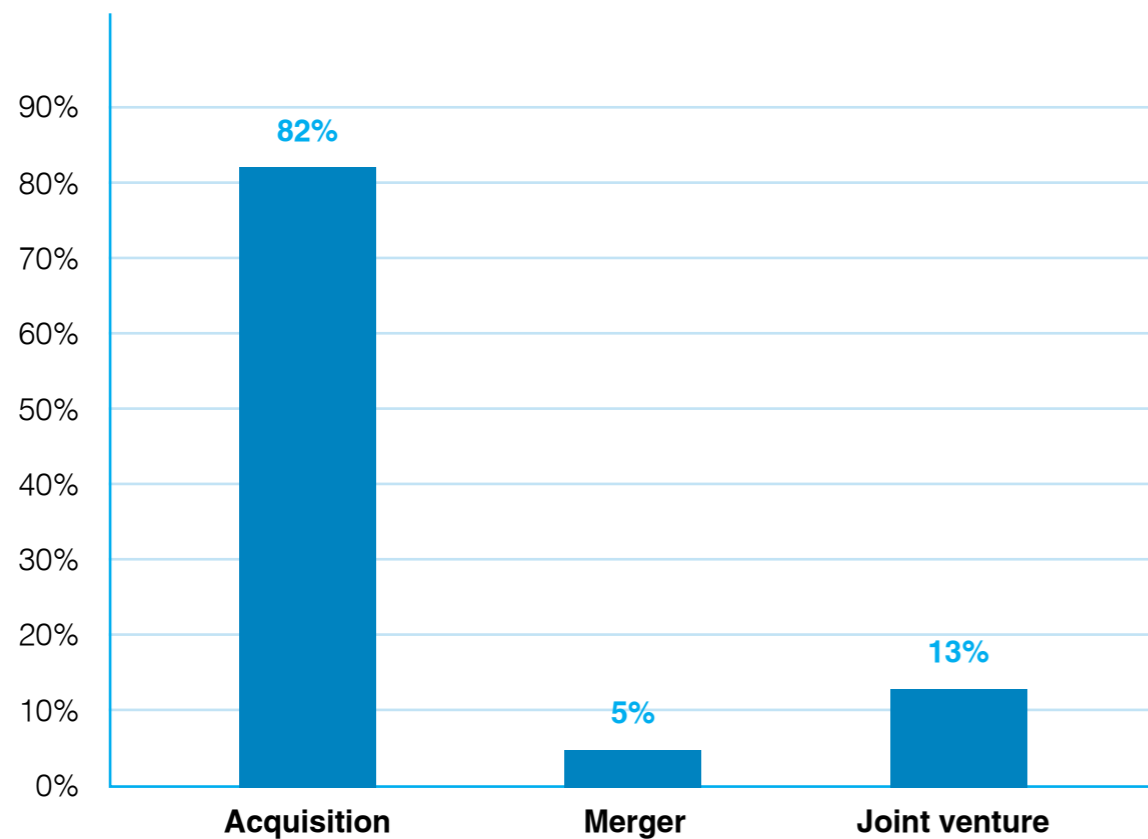
On September 29, 2022, Lao Cai Provincial People’s Committee issued Document No. 4561/UBND-KT to report to the Ministry of Industry and Trade. Accordingly, on September 22, 2022, Lao Cai Provincial People’s Committee issued Decision No. 151/QD-BQL approving the adjustment of investment goals, construction scale, and project progress for chemicals, explosive precursors of TVKT Company.

### III. M&A control

In 2022, the VCCA received and processed 154 dossiers of notification of economic concentration in many industries/sectors of the economy, in which there were many transactions made abroad but affecting the Vietnamese market. In Viet Nam, many transactions of foreign enterprises acquiring Vietnamese enterprises,... The VCCA has actively reviewed enterprises' compliance with competition law regarding economic concentration regulations, and enterprises has been approved to implement of economic concentration with recommendations in accordance with the provisions of the competition law.

In addition, the VCCA regularly reviews economic concentration transactions in the market, updates, and statistic and synthesizes data on the situation of mergers and acquisitions, and joint ventures of the vilolated enterprises nationwide, foreign enterprises have business activities in Viet Nam.

Among 154 dossiers of notification of economic concentration, the proportion of dossiers of notification of economic concentration classified by form of economic concentration is as follows: (i) Enterprise acquisition accounted for 82%; (ii) Enterprise mergers account for 5%; (iii) Joint venture accounts for 13% and there is no record of notification of consolidation.



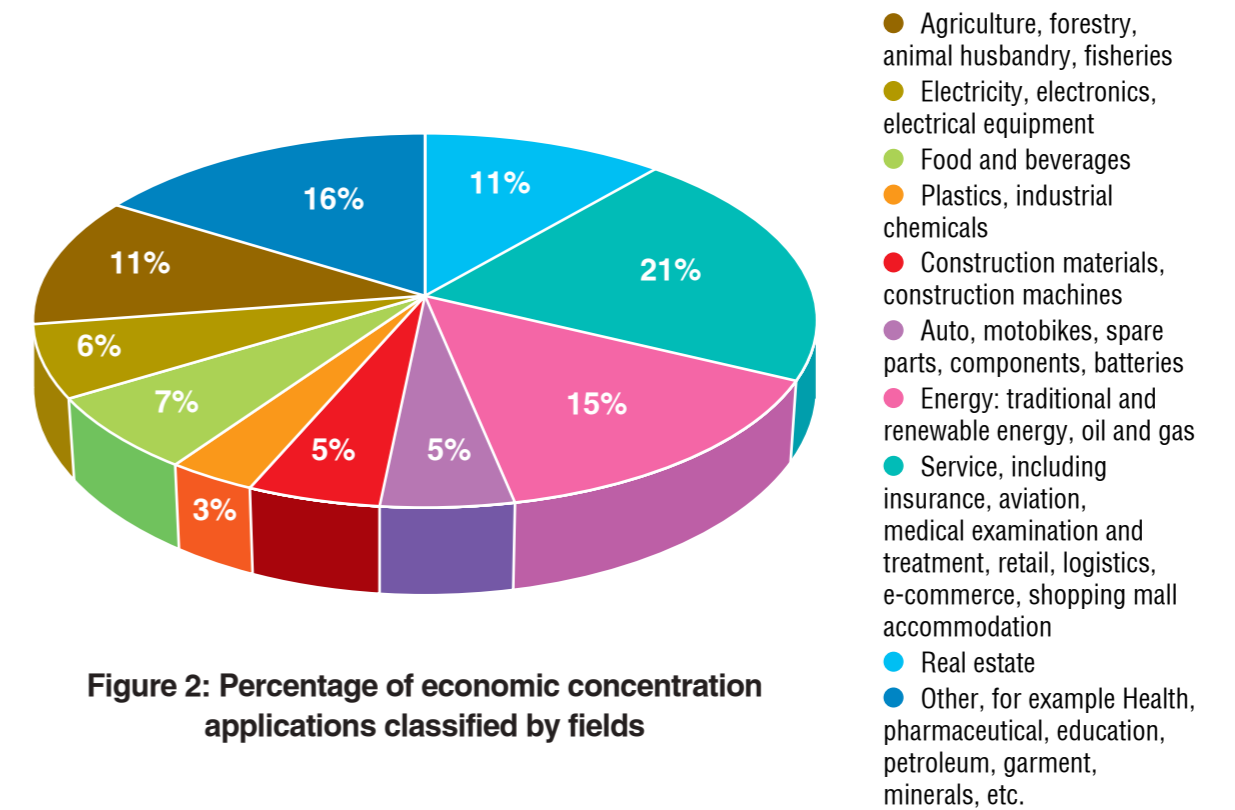
**Figure 1: Percentage of dossiers of notification of economic concentration classified by form of economic concentration**

Among enterprises participating in the economic concentration, about 40% are foreign enterprises. Economic concentration transactions outside Viet Nam's territory (offshore) in 2022 still account for about 40% of the total number of M&A transactions, equivalent to 2021. The geographical area where the economic concentration transactions outside the territory are mainly conducted is the Asia - Pacific (accounting for 69.5%). These transactions are usually carried out on a regional/global scale but are related to the Vietnamese market. Therefore, these economic concentration cases have been notified to all relevant competition authorities, including Viet Nam. Thereby, it can be seen that Viet Nam has been

occupying an indispensable position in the regional/global value chain.

The number of enterprises participating in economic concentration and submitting dossiers to notify economic concentration is nearly 500, including foreign and Vietnamese enterprises. The M&A transactions, which required notification, are engaged by large Vietnamese corporations and enterprises such as VinGroup, Nova Group, BCG Group, Massan, etc. and foreign-invested enterprises.

Transactions are carried out across many sectors of the economy, including the manufacturing and trading sectors of goods and the service sectors. As follows:



**Figure 2: Percentage of economic concentration applications classified by fields**

The appraisal process showed that most of the economic concentration cases are in the case of preliminary appraisal. Cases ending at the preliminary appraisal stage are economic concentration transactions that have no impact or potential to have an anti-competitive

effect in the relevant market and have no potential concerns about competition in the general market. Most announced economic concentration transactions have a combined market share/market share in the relevant market of less than 5% (accounting for 60%).

## Economic concentration between Braskem Netherlands B.V. and Thai Polyethylene Co., Ltd. in the field of plastic

### 1 ECONOMIC CONCENTRATION PARTIES

- Braskem is established and headquartered in the Netherlands. Braskem exploits, produces, trades oil, derivatives, petrochemicals, transports, and ships rental. It holds a financial interest in other companies.
- TPE is established and headquartered in Thailand, producing polyethylene and polypropylene plastic used as raw materials in the plastic industry.

### 2 TRANSACTION NOTIFICATION

In November 2022, the Ministry of Industry and Trade (MOIT) received a complete and valid economic concentration notification dossier from Braskem Netherlands B.V. ('Braskem') and Thai Polyethylene Co., Ltd. ('TPE') (enterprises participating in economic concentration).

According to the information provided by the parties, TPE and Braskem plan to set up a joint venture in Thailand with 49% and 51% ownership, respectively. The joint venture will produce bio ethylene and supply it only to TPE and its group companies. After that, TPE will use bio-ethylene to make bio-PE plastic and sell it back to the Joint Venture Company for distribution to the market.

### 3 RESULT

In December 2022, based on the current provisions of the competition law, the Ministry of Industry and Trade announced that the economic concentration among enterprises participating in the economic concentration is not prohibited under the provisions of Article 30, Competition Law 2018.



## Economic concentration between LG Electronics Inc., AppleMango Co., Ltd., and Speel Co., Ltd

### 1 ECONOMIC CONCENTRATION PARTIES

- LG Electronics Inc. is established and headquartered in Korea. Its main business is home appliances, automotive components, enterprise solutions and optics, and substrate materials.
- AppleMango Co., Ltd. is established and headquartered in Korea. AppleMango operates in the manufacturing industry of electrical cabinets for power distribution or control. AppleMango Co., Ltd. by LG Electronics Inc. acquired a 60% stake and became a subsidiary of LG Electronics Inc.
- Speed Co., Ltd. is a Korean company operating in 04 main business lines: Electric vehicle chargers, electrical switches & sockets, household electronic switches, and sensor equipment.

### 2 TRANSACTION NOTIFICATION

In August 2022, the MOIT received a complete and valid economic concentration notification dossier from LG Electronics Inc., AppleMango Co., Ltd., and Speel Co., Ltd.

According to the information provided by the parties, LG Electronics Inc. plans to acquire 100% of the electric vehicle charger business from Speel Co., Ltd through its subsidiary AppleMango Co., Ltd. Pursuant to the provisions of Clause 4, Article 29 of the Competition Law, the economic concentration transaction between LG Electronics Inc., AppleMango Co., Ltd., and Speel Co., Ltd is a case of economic concentration in the form of acquisition.

### 3 RESULT

In October 2022, based on current regulations of competition law, the Ministry of Industry and Trade announced the economic concentration between LG Electronics Inc., AppleMango Co., Ltd., and Speel Co., Ltd. is not prohibited under Article 30 of the Competition Law.



## Economic concentration between CS Wind Corporation, Halla Energy & Environment Co., Ltd. and Vina-Halla Heavy Industries Co., Ltd

### 1 ECONOMIC CONCENTRATION PARTIES

- CS Wind Corporation
- Halla Energy & Environment Co., Ltd
- Vina - Halla Heavy Industry Co., Ltd

### 2 TRANSACTION NOTIFICATION

In August 2022, the MOIT received a complete and valid economic concentration notification dossier from CS Wind Corporation, Halla Energy & Environment Co., Ltd. and Vina - Halla Heavy Industry Co., Ltd.

According to the information provided by the parties, CS Wind Corporation plans to acquire 100% of the charter capital of Vina - Halla Heavy Industry Co., Ltd from Halla Energy & Environment Co., Ltd. Pursuant to Clause 4, Article 29 of the Competition Law, economic concentration transactions between CS Wind Corporation, Halla Energy & Environment Co., Ltd. and Vina - Halla Heavy Industry Co., Ltd. is a case of economic concentration in the form of business acquisition.

CS Wind Corporation is an enterprise established and operating under Korean law with main business activities in the field of manufacturing wind towers and wind tower parts. CS Wind Corporation has its business operations in Viet Nam through its wholly-owned subsidiary, CS Wind Viet Nam Co., Ltd., which also operates in the field of manufacturing wind towers and wind tower components.

Halla Energy & Environment Co., Ltd. is an enterprise established and operating under Korean law with main business activities in the field of manufacturing and trading steel structures, manufacturing heating boilers and industrial heaters. In Viet Nam, Halla Energy does business through its subsidiary, Vina - Halla Heavy Industry Co., Ltd.

### 3 RESULT

In September 2022, based on current regulations of competition law, the Ministry of Industry and Trade announced the economic concentration between CS Wind Corporation, Halla Energy & Environment Co., Ltd. and Vina - Halla Heavy Industry Co., Ltd. are not banned under Article 30 of the Competition Law 2018.

## The VCCA publishes the report on economic concentration activities under competition law for the first 6 months of 2022

In order to raise the awareness of the business community on the enforcement of economic concentration control regulations in accordance with Viet Nam Competition law and to enhance the transparency in law enforcement, the VCCA developed a **“Report on economic concentration activities under competition law for the first 6 months of 2022”**. The publication of the report on economic concentration activities is a regular activity of the VCCA. Previously, the VCCA had published the “Report on control of economic concentration activities under competition law for the period 7/2019 - 7/2021” and “Report on economic concentration activities in 2021”.

The report on economic concentration activities under competition law for the first 6 months of 2022 summarises the main features of Mergers and Acquisitions (M&A) activities worldwide in the first half of 2022. It provides data on M&A activities and control of economic concentration in Viet Nam during this period.

Globally, the first 6 months of 2022 witnessed a decline in global M&A value to pre-pandemic levels, reaching \$2.3 trillion, double the figure recorded in the first half of 2020 - the period. There are many economic uncertainties. However, this number is down 23% from the record level in 2021 when the total value of M&A in the first 6 months of 2021 reached 3 trillion USD. The number of M&A transactions decreased by 20% over the same period in 2021 to 15,764 transactions. The total number of megadeals globally (worth over US\$5 billion) has fallen by a third. However, the first half of 2022 still has the presence of big deals. In fact, there are four deals worth more than \$50 billion compared to just one in all of 2021.

Global M&A activity faces many obstacles as companies worry about inflation and economic recession increasing. In addition, the cost of M&A activities is also increasing when the central banks of countries rapidly increase interest rates to fight inflation. The agreement on the value of M&A deals also faced many difficulties in the context of the stock market's constant fluctuations.

In Viet Nam, the economy tends to recover in 2022, with GDP growth forecasted at 6.5%, much higher than the growth forecast of the Asia-Pacific region of 4.4%. 2022 is an exciting year for M&A transactions in Viet Nam. M&A activities continue to attract a lot of attention from foreign investment funds, and businesses also use M&A to focus resources on improving corporate capacity and transforming core business areas.

# MULTI-LEVEL MARKETING MANAGEMENT

## A

### Legislation Development

#### I. Amendment and supplementation of Decree No. 40/2018/ND-CP dated March 12, 2018, of the Government on the management of multi-level marketing activities

After the MOIT submitted to the Government a Draft Decree amending and supplementing a number of articles of Decree No. 40/2018/ND-CP in November 2021, in 2022, the VCCA actively follows the progress, coordinates with the Department of General Economics (Government Office) in the process of collecting comments from Government Members.

After the explanation process, receiving opinions from Deputy Prime Minister Le Van Thanh and the opinions of Government members, the VCCA advised the leaders of the Ministry in the process of exchanging and agreeing with the Ministry of Justice and the Ministry of Planning and Investment to explain, absorb and complete the Draft Decree.

On January 12, 2023, the MOIT issued Report No. 03/BC-BCT to report to the Prime Minister on the explanation, absorption of comments from

members of the Government and finalization of the Draft Amending Decree., supplementing a number of articles of the Government's Decree No. 40/2018/ND-CP dated March 12, 2018, on the management of MLM activities.

In parallel with the process of formulating the Decree amending and supplementing a number of articles of Decree No. 40/2018/ND-CP, the VCCA also actively implemented the development of a Circular amending and supplementing Circular No. 10/2018/TT-BCT dated May 24, 2018, of the Ministry of Industry and Trade detailing a number of articles of Decree No. 40/2018/ND-CP. The draft Circular has completed public posting, soliciting comments and explanations, and receiving comments to prepare for appraisal and promulgation immediately after the Decree amending and supplementing a number of articles of Decree No. Decree No. 40/2018/ND-CP issued by the Government.

## B

### Enforcement of Legislation on Multi-level Marketing Activities

In 2022, VCCA continue to effectively manage multi-level marketing activities nationwide, specifically:

#### I. Administrative procedure

The reception and handling of administrative procedures are strictly carried out to ensure compliance with the legislation.

From the beginning of 2022, VCCA has received and processed 20 applications for a certificate of registration of MLM activities (all of which have not yet met the conditions and have not been granted certificates); 28 dossiers of request for amendment and supplementation of the certificate of registration of MLM activities; 73 dossiers of notification of changes

in the information on the list of goods traded by the MLM method; 03 dossiers of notice of termination of MLM activities; 04 dossiers of request for deposit withdrawal; 03 times of application for recognition of legal knowledge training program on MLM activities.

VCCA has implemented the online public services in the field of MLM management since 2021. Currently, most of the administrative procedures in MLM activities have been built and are ready to operate on the public service portal of the MOIT.





## II. Inspection, examination and handling of violations

In 2022, VCCA inspected the observance of the law on 07 MLM enterprises (including 02 surprised inspection teams and 05 planned inspection teams). During the inspection, the VCCA issued a decision to sanction administrative

violations against 07 enterprises with a fine of VND 2 billion 220 million, thereby revoking the certificate of registration of multi-level marketing activities of 02 enterprises, Siberian Health Company Limited and Homeway Company Limited.

## III. Examination and certification of legal knowledge on multi-level marketing for participants

In 2022, VCCA held 03 rounds of inspection and granted certification of legal expertise on MLM for 26 individuals of MLM enterprises.

The VCCA received 03 applications for recognition of the legal knowledge training program on MLM, of which 01 application is recognised.

## IV. Coordination in MLM management

VCCA closely coordinated with police to against crime related to business activities in a MLM manner.

In 2022, VCCA has transferred information of 18 cases with signs of deformed MLM business without permission to the Department of Cybersecurity and High-tech Crime Prevention – Ministry of Public Security, 01 case to Ho Chi Minh City Police to monitor, supervise and promptly handle those who are present in the country, or block access to international websites related to unauthorized financial mobilisation activities in Viet Nam.

The VCCA also coordinated with 05

local police agencies in identifying and handling MLM activities with signs of illegality in Hanoi, Ha Nam, Ho Chi Minh City, Ha Tinh, Quang Binh, Yen Bai, Hai Duong, Hai Phong.

The VCCA also maintains coordination with the Departments of Industry and Trade of the provinces and cities in the management of MLM activities; supporting the Department of Industry and Trade in answering enquiries and recommendations in the management of MLM activities through multiple channels: (i) official dispatch; (ii) conferences and seminars; (iii) direct response.

## V. Complaints handling

In 2022, the VCCA received very few complaints related to MLM activities (9

cases). All are responded in writing.

## VI. Program of improving the effectiveness of the management on MLM activities in the period of 2021-2025

Implementing the Project of improving the effectiveness of the management on MLM activities and tasks assigned, VCCA has implemented many activities, in which focusing on communication activities to raise awareness about MLM:

+ Conduct surveys on community

awareness of MLM activities; increase communication activities, posting articles to raise awareness of MLM activities; disseminate illegal multi-level identification leaflets; organise seminars/conferences/talk-shows on press and television; disseminate the law on multi-level selling to students.

### Cảnh báo hoạt động kinh doanh theo phương thức đa cấp không có giấy chứng nhận liên quan đến sản phẩm MULTI JUICE và LUCENTA của Bitney

23/06/2022 - Cảnh báo hoạt động kinh doanh theo phương thức đa cấp không có giấy chứng nhận liên quan đến sản phẩm MULTI JUICE và LUCENTA của Bitney

Qua rà soát trên mạng Internet, Cục CT&BVNTD đã thu thập một số thông tin về liên quan đến hai loại sản phẩm **MULTI JUICE – Nước Trái Cây Hỗn Hợp** và **LUCENTA – Nhau Thai Hươu** được giới thiệu của **Tập đoàn Bitney** có rất nhiều công dụng.

Nội dung giới thiệu về sản phẩm của Bitney (**MULTI JUICE và LUCENTA**) trên Internet có dấu hiệu thổi phồng công dụng



Ngoài các thông tin thổi phồng về công dụng, các đối tượng này còn giới thiệu những người tham gia mời gọi thêm các thành viên khác, phát triển hệ thống để được hưởng hoa hồng lợi ích theo mô hình đa cấp.

Image of unauthorised multi-level selling activities

+ Organise the contest **“Solutions to effectively disseminate the law on management of MLM activities in the locality”** to receive the enthusiastic participation and response of local state management agencies in MLM activities.

+ Coordinate with management agencies

in many localities across the country (including Quang Ninh, An Giang, Ba Ria-Vung Tau, Thanh Hoa, Dong Thap, Bac Giang, Gia Lai, Lao Cai) to organise conferences training and disseminating legal provisions on management of business activities in a MLM manner to local managers and enterprises.

## Sanction and revoke the certificate of registration of multi-level marketing activities for Siberian Health International Co., Ltd

Through specialised inspection on the observance of the Law on MLM management, on October 14, 2022, VCCA issued a decision to sanction administrative violations against Siberian Health International Co., Ltd (headquarter address: 2nd floor, HH-N01 Gold Season building, 47 Nguyen Tuan, Thanh Xuan Trung ward, Thanh Xuan district, Hanoi city) for the amount of 815 million VND for the violations:

(i) Failing to follow the procedures for amending and supplementing the certificate of registration of multi-level marketing activities with the competent authority when there is a change in information related to the enterprise.

(ii) Changing the form of the contract for participation in MLM but failing to carry out the procedures for amending and supplementing the certificate of registration of MLM activities.

(iii) Operating the information technology system to manage MLM participants in accordance with technical explanation documents for registration of MLM activities.

(iv) Multi-level marketing activities have yet to be granted registration certification by the local Department of Industry and Trade.

(v) Requiring others to purchase a starter kit to participate in MLM.

(vi) Signing a multi-level marketing contract with participants in a smaller font size than prescribed.

(vii) Failure to comply with the operating rules and registered bonus plan.

(viii) Training before signing a contract to participate in MLM but no re-training after signing the contract.

(ix) Providing false and misleading information about the features and uses of the product at the Company's headquarters through the product brochure.

(x) Maintaining more than 01 multi-level business code for the same person participating in MLM.

Pursuant to the provisions of Decree 40/2018/ND-CP, based on the sanctioning decision, VCCA issued a decision to revoke the certificate of registration of MLM activities of the Company. Accordingly, the Company must terminate MLM activities from October 14, 2022.

The revocation of certificates of multi-level marketing enterprises does not release the Company from its obligations to the Law, including the obligation to ensure the legitimate rights and interests of MLM participants according to the regulations of the Law.

# CONSUMER PROTECTION



## A

### Legislation Development

#### I. The development of the Amendment Law on Protection of Consumer Rights

The Amendment Law on Protection of Consumer Rights is formulated in accordance with the procedures, order and composition as written in the Law on Promulgation of Legal Documents and the Government and National Assembly Program specifically:

- June 8, 2022: The MOIT has submitted Report No. 3203/TTr-BCT to the Government on the Amendment Law on Protection of Consumer Rights.

- August 1, 2022: The Government submitted Report No. 257/TTr-CP to the National Assembly Standing Committee on the Project.

- September 26, 2022: The Government had Report No. 347/TTr-CP reporting to the National Assembly on the Project.

- November 2 and November 10, 2022: on behalf of the Government, the MOIT attended the discussion sessions to listen and explain the opinions of the National Assembly delegates on the Project. Based on the discussions at the above meeting, the National Assembly Standing Committee continued to direct the Verification Agency to closely coordinate with the Drafting Board and relevant agencies to study the opinion and complete the Project and submit it to the National Assembly for consideration and approval at the 5th Session in May 2023.

## B

### Enforcement of Consumer Protection Law and Policy

#### I. Implementation of Resolution No. 82/NQ-CP

Implement Resolution 82/NQ-CP dated May 26, 2020, issued by the Government on promulgating the Government's Action Program to implement Directive No. 30/CT-TW on strengthening the Party's leadership and management responsibility of the State for the protection of consumer rights in 2022, VCCA performed several tasks as follows:

- Organised a Conference to review the 1-year implementation of Resolution 82/NQ-CP of the Government on promulgating the Action plan to implement Directive No. 30-CT/TW of the Secretariat of the Party on strengthening the leadership of the Party and the State's management responsibility for the protection of consumer rights.

- Advised and proposed the Party Committee of the Ministry of Industry and Trade to issue Official Letter No. 224-CV/BCSD requesting the local/province Party Committees to report on the results of the implementation of Directive No. 30-CT/TW to assess the performance of the Directive promptly. Up to now, the Party Committee of the Ministry of Industry and Trade has received: Reports from 3 central

agencies (Central Economic Commission, Central Propaganda Department, Viet Nam Fatherland Front; Reports of the Party Committees of 15 Ministries and Ministerial-level agencies; Reports of 54 provincial/municipal Party Committees directly under the Central Government and 08 units under the Ministry of Industry and Trade. Based on the above reports, VCCA will finalise and send a general report to the competent authorities.

- Implemented Resolution No. 82/NQ-CP dated May 26, 2020, of the Government on promulgating the Government's Action Program to implement Directive No. 30-CT/TW on strengthening the Party's leadership and management responsibility over the protection of consumer rights in 2021, the Ministry of Industry and Trade was assigned to submit to the Prime Minister 01 report on completing the system of state management on the protection of consumer rights from central to local.

On July 6, 2022, the MOIT issued Report No. 3859/BCT-CT to the Prime Minister on the improvement of the system of state management on protecting consumer rights.



## II. Program to develop consumer protection activities in the period of 2021-2025

Implement Decision No. 1157/QĐ-TTg dated October 13, 2021, of the Prime Minister approving the program to develop consumer protection activities for the period of 2021-2025; in 2022, VCCA proposed and performed related activities, including:

- Organised the launching ceremony and activities to respond to Viet Nam's Consumer Rights Day 2022.
- Developed and published electronic documents on guiding safe consumption in the new normal period; print the User's Safety Guide to distribute to consumers and related organisations and individuals.
- Organised working sessions, exchange and guide the Viet Nam Consumer Protection Association to research and

develop proposals to be considered and assigned by the MOIT in accordance with the provisions of the Law on Protection of Consumer Rights; integrate the activities of Decision No. 1157/QĐ-TTg in the process of implementing Projects and other activities of VCCA.



## III. Organise the Viet Nam Consumer Rights Day

In order to organise Viet Nam Consumer Rights Day 2022, VCCA carried out many activities such as:

- Organised the launching ceremony of Viet Nam Consumer Rights Day 2022 with the theme **"Safe consumption in the new normal period"** in a hybrid method. Specifically, on March 11, 2022, the MOIT and the Hanoi People's Committee coordinated with the People's Committees of Thai Binh, Nghe An and Binh Duong provinces to organise the launching ceremony of Viet Nam Consumer Rights Day 2022 with the theme "Safe consumption in the new normal". The launching ceremony was recorded live at Royal City Urban Square, Hanoi and streamed on many online platforms such as VTC News, Youtube VTC News, Viet Nam Consumer Protection Fanpage, VTC News Fanpage, as well as on many other media channels. The launching ceremony has received a lot of attention and response, and articles have been published in dozens of electronic newspapers, written newspapers, and many media agencies throughout the country.
- Hung banners and slogans at the MOIT headquarters in Hanoi and the office in Ho Chi Minh City throughout March 2022.
- Developed a set of documents: "Guidelines for safe consumption in the new normal period" with Message 3S "Safe choice, Safe payment, Safe use", posted on the websites of the Ministry of Industry and Trade, E-commerce platforms, media agencies and many related agencies.

- Coordinated with media agencies to organise disseminate seminars on consumer protection in response to the "Viet Nam Consumer Rights Day" 2022, precisely:

- + Coordinated with the Newspaper of MOIT to organise an online seminar "Improve the effectiveness of activities of social organisations participating in consumer protection", on March 15;

- + Coordinated with the Magazine of MOIT to organise an online seminar "Healthy business, safe consumption in the new normal period", on March 18;

- + Coordinated with Shopee Company to organise a series of seminars "Selling easily with Shopee" and "Knowledge of a thousand orders - Practice with Shopee" with the message "Safe consumption in the new normal period" on the 17 and 18 March 2022.



## IV. Consumer consultation and support

In 2022, the Consumer Consulting and Support Center 1800.6838 recorded 11,090 incoming calls, of which the agents of VCCA received and answered 9,352 calls, accounting for ~84%.

About 60% of the 9,352 answered calls were related to a request for assistance resolving a complaint or reflecting a consumer rights violation. The rest of the calls consulted in other areas.

Most consulting requests related to policies, laws and consumer knowledge are consulted and answered by the operator immediately upon receipt through the Call Center system. For consultation requests with content related to disputes between consumers and business organisations or individuals or reflecting on signs of violations causing damage to consumers and society, consumers are consulted and guided by the switchboard operator to send applications, complaints or written requests and recommendations to competent state agencies or relevant organisations and individuals for settlement according to the provisions of law.

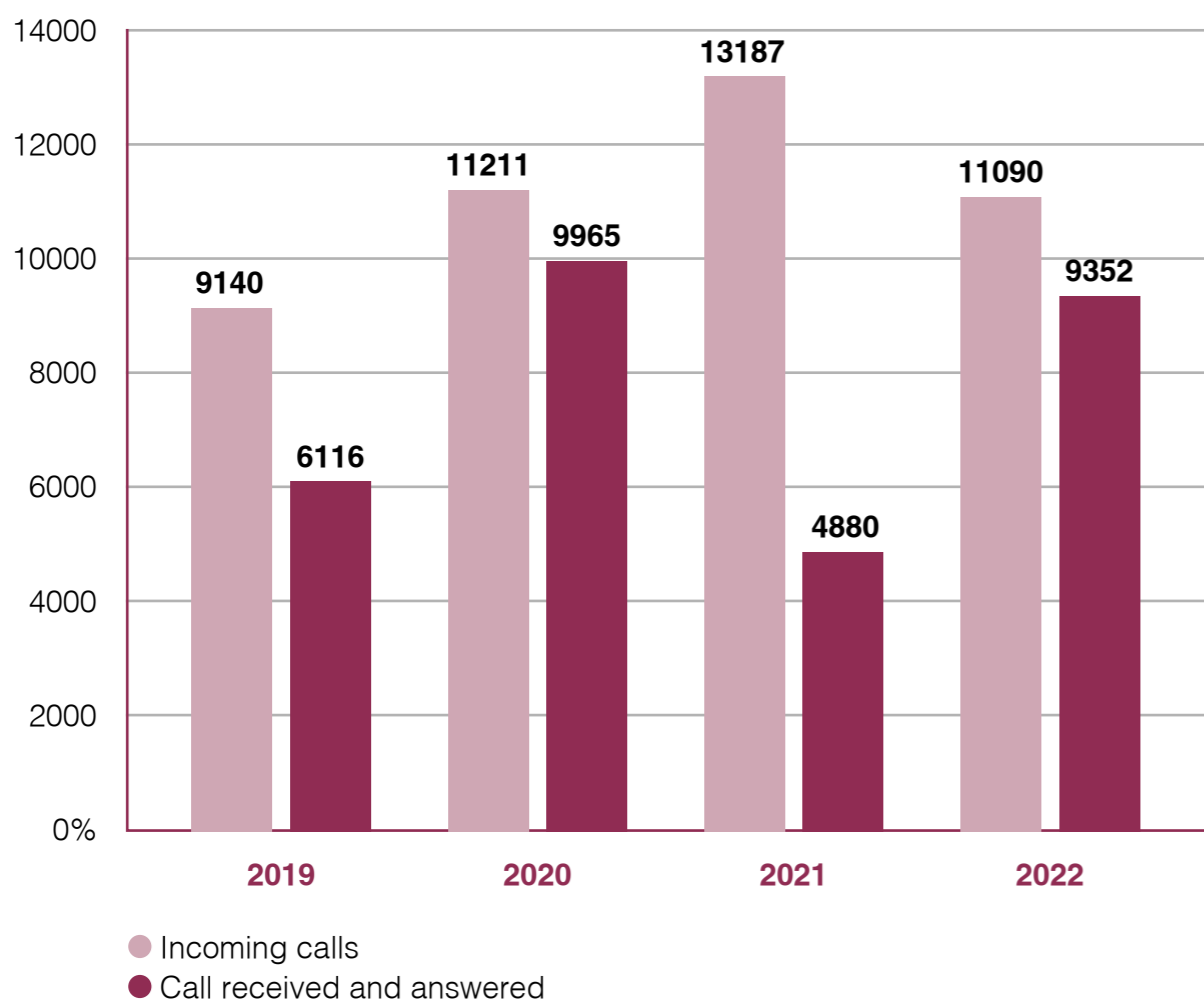


Figure 3: Statistics of calls answered and consulted via the Call Center period 2019-2022



## V. Receipt, support and settlement of consumer requests and complaints

In 2022, consumer complaints and requests continued being received by the VCCA through 4 main methods, including (i) Customer Support and Consulting Call Center 1800-6838; (ii) Email (at the address: khieunai@bvntd.gov.vn); (iii) the Website (the system for receiving online requests and complaints from consumers <https://www.bvntd.gov.vn/>) and (iv) post or official letter.

However, in 2022, a number of consumer complaints and requests were sent to the VCCA through the National Public Service Portal.

By the end of 2022, the VCCA received a total of 818 consumer requests and complaints with content related to the field of consumer rights protection, a decrease of about 35% compared to 2021.

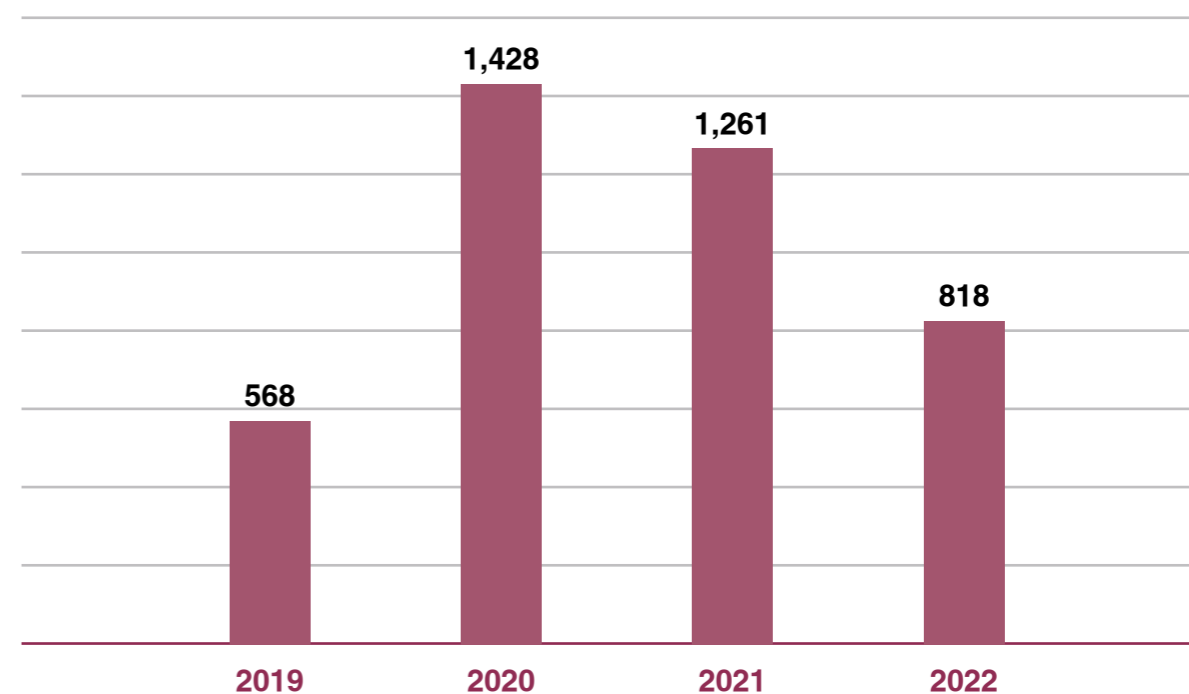


Figure 4: Statistics of the number of applications, letters of feedback, requests and recommendations of consumers in the period of 2019-2022

### 1 Handling consumer requests and complaints by form of receipt

In 2022, consumer complaints, requests and petitions are mainly received by VCCA via electronic means, specifically: 43% received via the VCCA website; 42.3% received through email. Other methods of receiving include by post, the national public service portal accounts for about 14.7%.

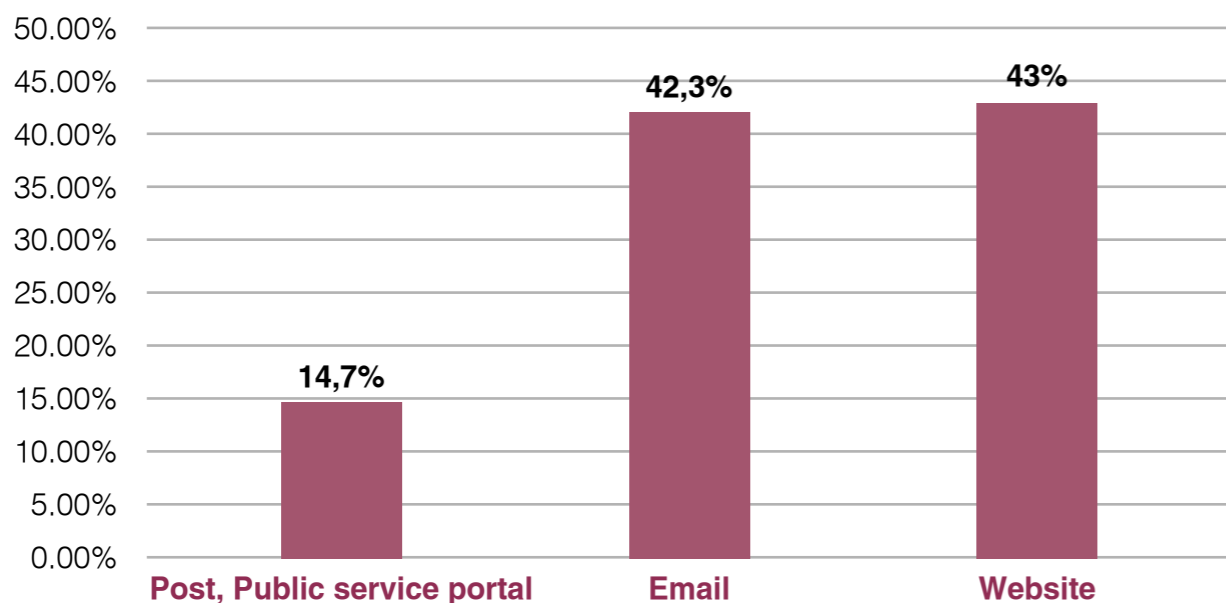


Figure 5: Statistics on the percentage of consumer requests and complaints by form of receipt in 2022

### 2 Handling of consumer requests and complaints by region

In 2022, the number of consumer requests and complaints by geographical area became more diverse compared to last year, with 60/63 cities and provinces. In particular, the number of requests and complaints from consumers in Ho Chi Minh City and Hanoi still account for the most significant proportion (Ho Chi Minh City: 279 cases, accounting for 34.1%; Hanoi: 199 cases, accounting for 24.3%). Requests and complaints from consumers in some other big cities, such as Da Nang, Binh Duong, Hai Phong, Quang Ninh, and Dong Nai, accounting for 41.6%. In the remaining localities, the number of consumer requests and complaints sent to VCCA is not significant.

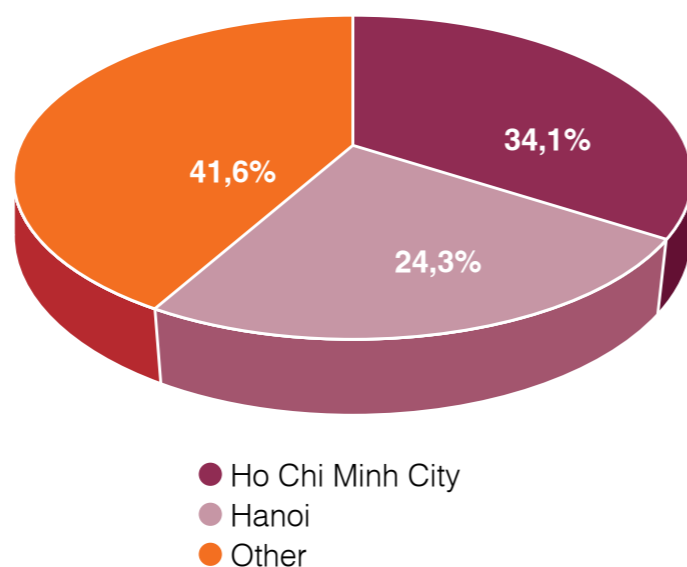


Figure 6: Statistics on the percentage of consumer requests and complaints in 2022 by geographical area

### 3 Handling consumer requests and complaints by sectors of goods and services

In 2022, the fields of goods and services had numerous complaints and requests from consumers, particularly: transportation services, means of transport: 20.3%; e-commerce: 14.7%; consumer credit: 9%; finance, insurance, and banking: 7.6%; daily consumption goods: 5.7%; real estate, housing: 4.8%; medical, health care: 4.4%; telephone, telecommunications: 4.3%...

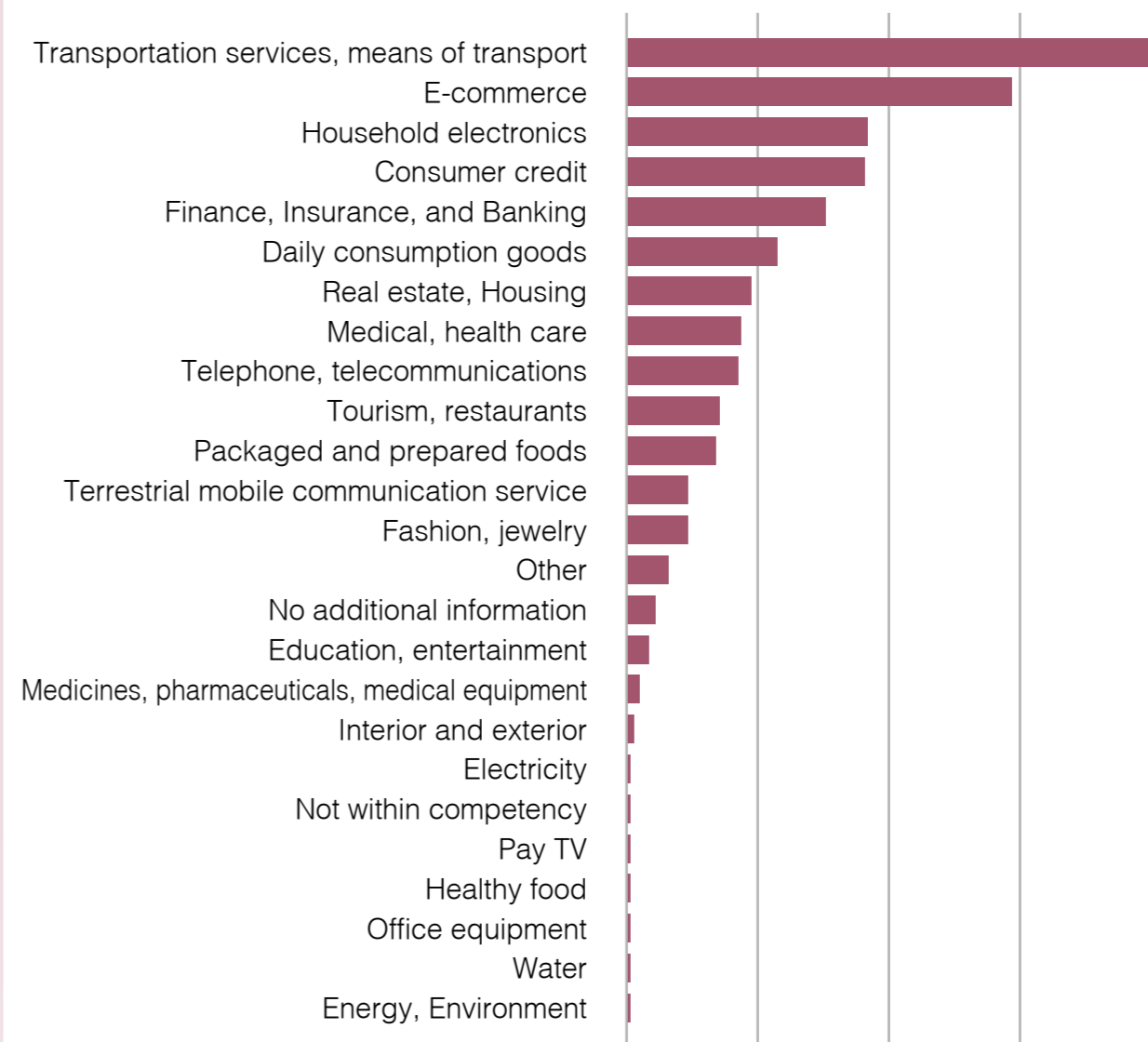
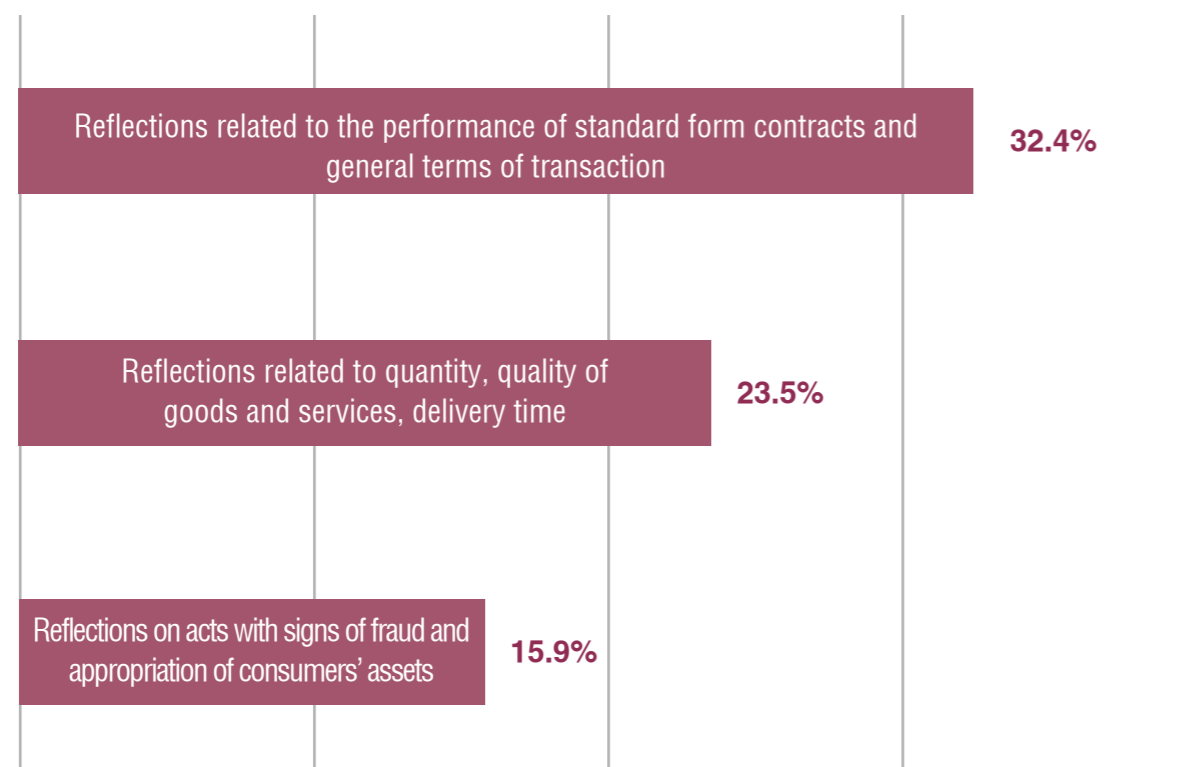


Figure 7: Major groups of goods and services related to consumer requests and complaints in 2022



#### 4 Receipt and settlement of consumer complaints and requests by content

Among the complaints of consumers, the content of the complaint is mainly related to the performance of standard form contracts and general terms of transaction (SC, GTTs) of a number of enterprises doing business in the fields of real estate, tourism, resort (accounting for about 32.4%); Reflections related to quantity, quality of goods and services, delivery time (approximately 23.5%) and reflections on acts with signs of fraud and appropriation of consumers' assets (approximately 23.5%). 15.9%.

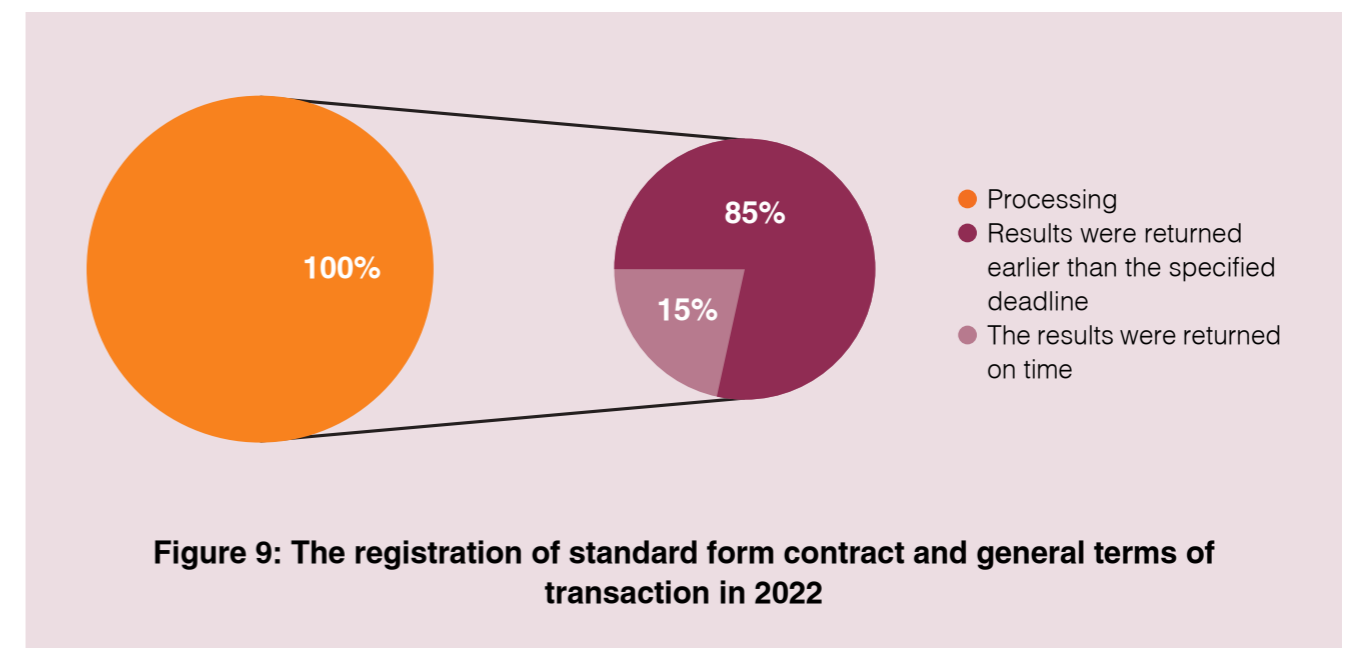


**Figure 8: Statistics of the number of applications, letters of feedback, requests of consumers in 2022 by content**

## VI. Registration of standard form contract and general terms of transaction

### 1 Application of SC, GTTs

In 2022, VCCA received 251 sets of dossier for registration of standard form contract and general terms of transaction, more than 1.5 times higher than in 2021 (162 sets). Accordingly, VCCA has issued a notice of registration results for all registration dossiers of enterprises to ensure the deadlines and procedures in accordance with regulations, of which 214 sets of documents (accounting for more than 85%) have results earlier than the prescribed time limit, ensuring and exceeding the quality goal of administrative procedure settlement according to the national standard TCVN ISO 9001:2015 that VCCA.



**Figure 9: The registration of standard form contract and general terms of transaction in 2022**

Regarding the structure of registration sectors in 2022, the number of applications registered at VCCA in the field of buying and selling apartments accounts for the highest proportion (85%), telecommunications and TV accounted for 8%, domestic water accounts for 5%, other fields only accounted for 2% (except for rail passenger transport, no registration documents are required).

Regarding the registration results, the percentage of enterprises completed the procedures for registration of SC, GTTs reached the near-average level, accounting for about 40% of the total number of dossiers submitted to VCCA, and is currently in an

increasing trend compared to previous years (28% in 2021 and more than 34% in 2020). The number of documents that need to be re-completed to ensure compliance with the law on consumer protection, and the documents requested by the business to be withdrawn for completion, accounted for the remaining 60% of the total number of applications. With the low rate of completed dossiers for registration of SC, GTTs, it is necessary to further improve the responsibility and proactiveness of enterprises in properly and fully aware of consumer rights, comply with the law on consumer protection. In addition, it is necessary to disseminate and improve the capacity and skills of business in drafting SC, GTTs to engage with consumers.

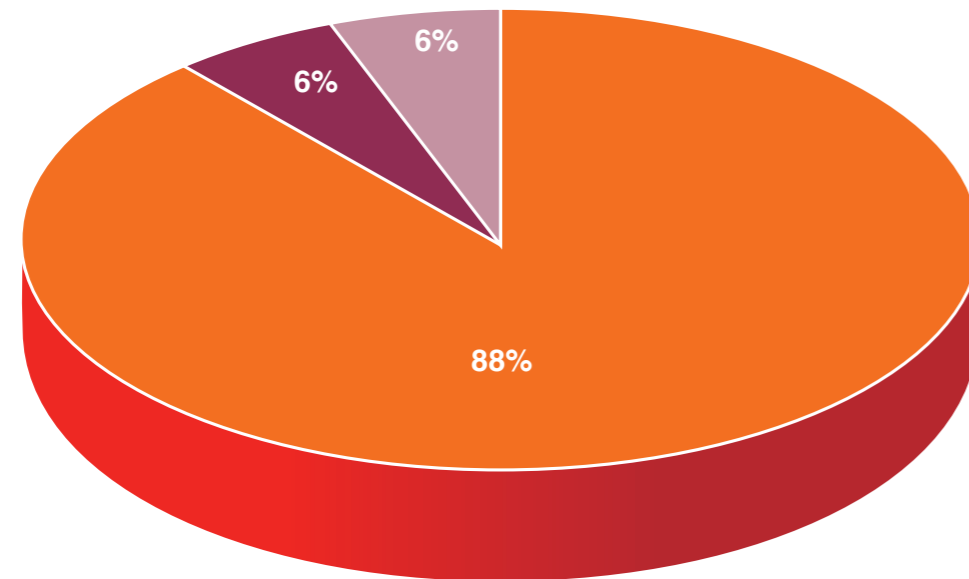
## Buying and selling cars

In 2022, the VCCA has received feedback from consumers about the fact that in the car purchase contract signed between consumers and a number of car retail businesses, there is a clause allowing the seller to determine the price of the car purchase and sale at the time of signing sale contract (the time taking place after signing the car purchase deposit contract).

On August 5, 2022, on the basis of consumers' feedback, the VCCA issued Document No. 920/CT-HDM to 83 automobile importers (according to the list provided by the Import-Export Department – MOIT), which requested these enterprises to review, amend and cancel the contents that are not in accordance with the provisions of Article 16 of the Law on Consumer Protection and report the results to the VCCA.

On September 12, 2022, based on the reports of enterprises, the VCCA continued to issue Document No. 1092/CT-HDM, requesting some enterprises to provide contract templates and current general transaction conditions which apply to consumers and a copy of 01 set of actual contracts signed with consumers in the period from July 1, 2022, to present to check, review.

After reviewing the contract form provided by enterprises, the VCCA worked directly with a number of businesses to disseminate the Law on the Protection of Consumer Rights and orient how to complete the above-mentioned contract forms. At the same time, enterprises are required to review, edit and report the results to the VCCA.



● Apply through public service portal

**Figure 10: Percentage of applications for registration of SC, GTTs at the VCCA in 2022, classified by registration methods**

Regarding the method of registration, another positive point in 2022 is that the rate of dossiers submitted directly at VCCA, by post and email is low, accounting for about 12%, the remaining (88%) are submitted through the public service portal of the Ministry of Industry and Trade (<https://dichvucong.moit.gov.vn/HomePage.aspx>).

The submission and return of application results through the online public service portal (level 4) not only helps businesses shorten the time to perform the obligation to register, but also contributes ensure safety and prevent epidemics, maximize convenience in carrying out administrative procedures for businesses.



### 2 Law enforcement supervision

In 2022, VCCA has carried out supervision and enforcement of Law on the Protection of Consumer Rights for a number of businesses in the field of buying and selling car.





## VII. Defective product recall

In 2022, has supervised 07 programs to recall defective products in the fields of motor vehicles, food safety, and specialised utensils, specifically as follows:

### MONITORING THE SITUATION OF DEFECTIVE PRODUCT CALL IN 2022

No	Business	Product	Program	Quantity	Period
1	Tan Hai Minh Co., Ltd (exclusive distributor of Seiko Epson Corporation products)	Orient Star Diver watch	"Voluntarily recall orient star diver products"	20	23/6/2021-when all are recalled.
2	Toyota Motor Viet Nam Company	Toyota Raize	The recall program to repair the front shock absorber mounting joint on Toyota Raize cars manufactured in 2021, which was imported and officially distributed by Toyota Motor Viet Nam.	191	04/5/2022 - 04/5/2025
3	Mercedes Benz Viet Nam Co., Ltd	Cars Mercedes-Benz GL-Class, ML-Class (class number 164) and R-Class (class number 251)	The recall program covers the inspection and replacement of brake boosters on Mercedes-Benz GL-Class, ML-Class (class number 164) and R-Class (class number 251) vehicles manufactured between 2004 and 2015, imported and distributed by Mercedes Benz Viet Nam Co., Ltd in Viet Nam market.	76	30/6/2022 - 31/12/2027
4	An Nam Food Co., Ltd	Haagen dazs ice cream Vanilla flavor	Voluntary recall program of Haagen dazs Vanilla ice cream imported and distributed by An Nam Food Co., Ltd in Viet Nam market.	133448	09/7/2022 - 19/7/2022
5	An Nam Food Co., Ltd	Haagen dazs Belgian Chocolate, Vanilla and Cream, Twisted and Crispy Belgian Chocolate - Vanilla, Vanilla Almond Caramel	Voluntary recall program of Haagen dazs ice cream products containing Vanilla ingredients imported and distributed by An Nam Food Co., Ltd in Viet Nam market.	23608	10/8/2022 - 31/8/2022
6	Representative of DeWALT brand in Viet Nam: Representative office of Stanley Works Asia Pacific Pte Ltd in Viet Nam	Professional angle saw DEWALT code DWS780 305MM	Program to recall DEWALT specialized angle saws with code DWS780 305MM in Viet Nam market.	44	19/8/2022
7	Fire Protection Products LP	Fire alarm device named "Simplex TrueAlert ES Addressable Notification Appliances"	Voluntary recall program in Viet Nam for fire alarm device named "Simplex TrueAlert ES Addressable Notification Appliances" Simplex TrueAlert ES Addressable Notification Appliances" (for Xenon and LED Alarm Devices)	20	18/8/2022 - 31/12/2022

**Table 1: Recalled products in 2022**

VCCA also promptly posted warning information about the consumption of products that pose a risk of unsafety to consumers' health and made some recommendations for the selection and purchase of products, goods and services to help consumers protect their legitimate rights and interests when making purchases.

## VIII. Inspection and examination

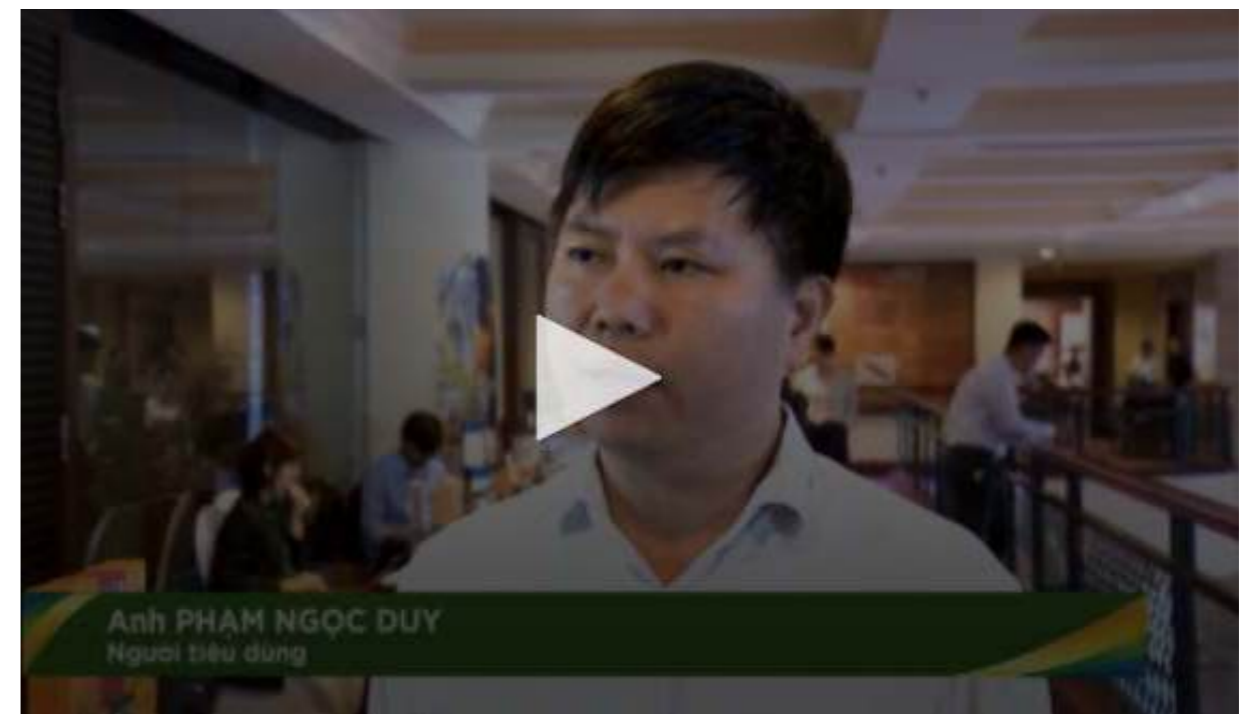
In 2022, VCCA carried out 03 inspections on the implementation of Law on Protection of Consumer Rights according to annual plan, specifically: Thien Duong Bay Tourist Area Co., Ltd; Capitaland Thien Duc Company Limited and Mediamart Joint Stock Company.

During the inspection, the VCCA issued a decision to sanction administrative violations against 03 enterprises with a fine of 120 million VND. The inspection process has combined with reviewing and guiding the Company in completing the policy, ensuring full and accurate compliance with the Law on Protection of Consumer Rights.

## IX. Implementation of Programs on consumer protection

### 1 Program "Ethical Business for Consumers in the period of 2021-2025"

Implementing the tasks in 2022 of the Program "Ethical Business for Consumers from 2021 to 2025", which were issued by Decision No. 3620/QD-BCT dated December 31, 2020, of the MOIT, up to now, The VCCA completed the development of a set of criteria for "Business for Consumers" in the retail sector, made video clips, seminars and communication, training and guidance activities for retail businesses to participate in the "Business for Consumers" Program in 2022. The program has attracted the attention of the Viet Nam Retailers Association and many retail businesses in the market, such as Wincommerce General Commercial Services Joint Stock Company; Central Retail Corporation Joint Stock Company; BRG Retail Company Limited; Viet Nam Dairy Products Joint Stock Company (Vinamilk); TH Food Chain Joint Stock Company; Pi Co Joint Stock Company...



*Video: Ministry of Industry and Trade launches a set of criteria for "Business for Consumers" in the retail sector*

## 2 Program “Developing the System of Call Center to advise and support consumer in the period of 2021-2025”

In 2022, the VCCA updated the software to serve consumer consultation and support through the Consulting and Supporting Call Center 1800.6838 (Call System). In addition, the VCCA is in the process of handing over the equipments to the Department of Industry and Trade, the Consumer Protection Association of 17 provinces and cities nationwide.



Currently, in addition to advising and supporting consumers through the Call Centre 18006838, the VCCA has also implemented the recording of consumers’ opinions through the Zalo OA channel of the VCCA.

## 3 Program “Development of national database on consumer protection in the period of 2021-2025”

Currently, the VCCA basically completed the activities and tasks of the Database Project in 2022. In the coming time, the VCCA will coordinate with relevant agencies to deploy and operate the software system of the Database Project.



## 4 Program “Developing a digital ecosystem, strengthening protection of consumer rights in e-commerce” (“Consumers in e-commerce” Program)

Performing the assigned tasks, the VCCA implemented the Program’s activities in 2022, in which, focusing on students with many practical and highly interactive activities such as: conducted the Survey on “The Index of Empowering Young Consumers in E-commerce in Viet Nam in 2022”; developed 03 reports/videos on different contents related to Law on Protection of Consumer Rights; emphasised on consumer protection content in e-commerce towards students across the country by making Video Notes to consumers in e-commerce transactions, Videos on International experiences on consumer protection in e-commerce, Report on some new points on regulations related to consumer protection in e-commerce in the Draft Amendment Law on Consumer Protection; organised 02 seminars at a number of colleges and universities in Hanoi city to advocate, disseminate and improve legal knowledge on consumer protection for young consumers in e-commerce; and developed a toolkit and materials to prepare for the “Young Consumers and E-commerce” Contest scheduled to be held in 2023.

## 5 Program “Strengthening advocacy, education and dissemination of legal policies to protect consumer rights for vulnerable consumers in the period of 2021 - 2025 (“Vulnerable consumers” Program)

Performing the assigned tasks, the VCCA implemented many different activities towards the advocacy and dissemination of education on consumer protection legislation for vulnerable consumers, focusing on two groups of consumers: women and students. Accordingly, some typical activities such as conducting the Survey on “The Index of Empowering Vulnerable Consumers in Viet Nam in 2022”, building 05 reports/videos and broadcasting a series of 03 reports on VTC1 about various contents related to the law to protect the rights of consumers in general and vulnerable consumers in particular; organising 04 training programs and seminars aimed at women and children, students in many different provinces; as well as organising 04 working groups, surveying with relevant agencies; publishing 04 manuals, training materials, intensive propaganda for 02 vulnerable consumer groups mentioned above. In particular, the VCCA successfully organised the contest “**Learning legal knowledge on consumer rights protection**” with the participation of more than 12,000 students and trainees from 10 universities and colleges in Hanoi to compete in the preliminary round. As a result, the Organising Committee awarded the first prize to Hanoi Law University, the second prize to the National Economics University and the third prize to the University of Economics - Industrial Technology.



Photo: Deputy Minister Nguyen Sinh Nhat Tan speaks at the Final Round of the Contest “Learning the law on protecting consumer rights”

## X. Advocacy and dissemination of the law on consumer protection

In 2022, the VCCA coordinated with many related agencies and organisations (including media agencies related agencies and newspapers) to organise dozens of seminars to advocate and disseminate the legislation of consumer protection, as well as to exchange and collect opinions widely on the Draft Amendment Law on Protection of Consumer Rights. Advocacy, communication and information on the protection of consumer rights were actively carried out with a variety of contents and methods (both direct and online), become one of the outstanding

activities in 2022 of the VCCA.

The VCCA has posted more than 90 articles on consumer protection activities on their website and dozens of articles on the website of the MOIT, including information on consumer rights protection activities, and information on the Draft Amendment Law on Protection of Consumer Rights (process, contents, key changes,...) and related activities of the Leaders of Ministry. Many articles were reposted by other media agencies and newspapers to widely inform the public.

# OTHER ACTIVITIES



## I. International cooperation

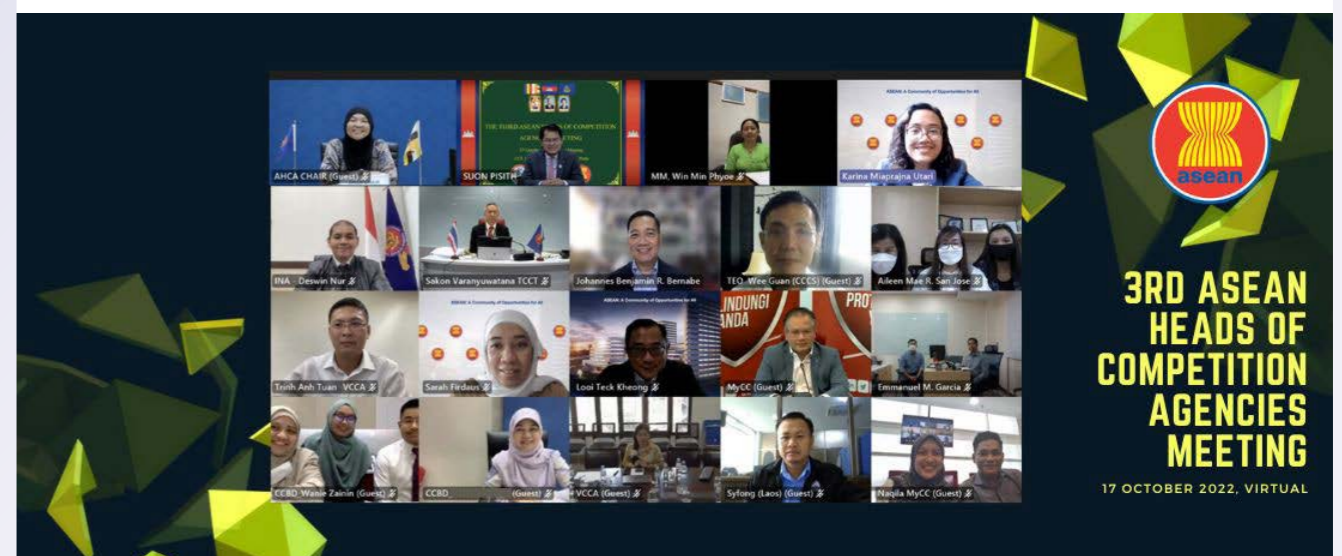
### 1 Cooperation in ASEAN framework

Within the framework of ASEAN cooperation on competition and consumer protection, VCCA actively participated and contributed to the development of regional competition and consumer protection affairs, specifically:

#### 1.1. Competition

In 2022, as a member of the ASEAN Expert Group on Competition (AEGC), the VCCA did:

- Participate in 02 Regular Meetings of the 28th ASEAN Experts Group on Competition (AEGC Meeting), (taking place from March 28-31, 2022) and the 29th AEGC Meeting (taking place from October 17-20, 2022) in an online format. The meetings focused on discussing the results of the implementation of ASEAN regional cooperation activities on competition, ASEAN competition cooperation activities in 2022 and the Plan of competitive cooperation activities 2023.



- Contribute ideas and provide information to develop ASEAN competition publications: ASEAN Handbook on investigation of competition cases in the digital economy; ASEAN Guidelines on sharing information on economic concentration cases;

- Participate in the development of the Guidelines on Principles of Negotiation of the ASEAN Framework Agreement on ASEAN Competition as a basis for negotiating the ASEAN Framework Agreement on Competition (the Guidelines were adopted at the 54th ASEAN Ministerial Conference held in Hanoi) in Siem Reap on September 14-15, 2022);

- Assign representatives to participate in seminars and activities to improve the capacity of competition authorities of ASEAN countries held within the framework of cooperation on competition between ASEAN and its development partners: Australia, the United States, the United Kingdom, Japan.

### 1.2. Consumer protection

In 2022, as a member of the ASEAN Consumer Protection Committee (ACCP), the VCCA actively participated in and implemented ASEAN’s cooperation activities on consumer protection, precisely, VCCA did:

- Participate in the 24th ACCP Conference in the form of online taking place from May 17 to 19, 2022.

- Participate in ACCP’s 25th Conference, sideline conferences in the form of online taking place from November 22-23, 2022.

- Participate in the 3rd ASEAN Consumer Protection Online Conference with the theme “Building a fair and future-ready market for ASEAN Consumers”.

- Participate in the development of ASEAN publications on consumer protection such as: ASEAN Guidelines on consumer impact assessment; ASEAN Guidelines on consumer protection in e-commerce.



In addition, the VCCA worked closely with ACCP members to develop and complete documents and toolkits such as: ASEAN Toolkit on Sustainable Consumption; Online Interactive and Distance Learning Tools; ASEAN Product Alert System; National online dispute resolution system; Voluntary Peer Review Process; Revised Guidelines and Questions for the ASEAN Consumer Empowerment Index assessment.

## 2 Cooperation with international organisations

In order to expand cooperation and strengthen the enforcement of competition and consumer protection laws, VCCA continued cooperating several relevant international agencies and organisations through implementing some cooperation projects, activities and technical assistance on competition and consumer rights protection, specifically:

### 2.1. Project “Improving competition policy and enhancing the effective enforcement of the Competition Law”, funded by the Government of Japan

In 2022, the VCCA cooperatd with the Japan Fair Trade Commission and the Japan International Cooperation Agency to implement the Project “Improving competition policy and enhancing the effective enforcement of the Competition Law “. A number of activities have been implemented within the project framework, including: organised 02 training courses for competition investigators at the Police Academy; organised 05 internal training courses; organised 03 disseminate seminars on competition; organised 02 Seminars on competition; developed 02 market assessment reports and 02 reports in the area of economic concentration; developed 01 manual and 01 video clip introducing the results of the research report “Competitive assessment in the field of e-commerce”,...



### 2.2. Project “Strengthening Viet Nam’s competition regime and consumer protection”, funded by the Australian Government.

In 2022, the VCCA has coordinated with the Australian Embassy to implement the Project “Strengthening Viet Nam’s competition regime and consumer protection” within the framework of the Aus4reform Program, in which, the VCCA developed 01 report with the theme: “Research report integrating gender equality and building a mechanism to protect vulnerable people in consumer transactions”.

**2.3. Project “Promoting competition within the framework of ASEAN integration initiative - COMPETE Project” funded by the German Government**

In 2022, the VCCA cooperated with the German Corporation for International Cooperation (GIZ) to implement the Project “Promoting competition within the framework of ASEAN integration initiative - COMPETE Project”. Within the framework of the above project, the VCCA developed 03 studies on emerging issues to advocate, disseminate and raise awareness on the competition law.

**2.4. Project “Improving the efficiency of enforcement and completing the legal framework on protection of consumer rights in Viet Nam”**

Within the framework of cooperation with GIZ on consumer protection, the VCCA held 03 Workshops to collect opinions on the Draft Amendment Law on Protection of Consumer Rights.

Due to the complicated situation of the Covid-19 pandemic, at the beginning of 2022, most of the consultation seminars were held online, however, the workshop still recorded the participation of more than 90 participants, members of the Drafting Board and the Editorial Team of the Amendment Law on Consumer Protection; representatives of industry associations, the business community, law offices and the media. The seminars recorded numerous of opinions from experts and participants.



Photo: Workshop to collect comments on the Draft Law on Consumer Protection (amended) held online

In addition, the VCCA also cooperated with GIZ to organise 02 in-person seminars to exchange, explain and collect ideas for the Draft version of Law on Protection of Consumer Rights (amended).



Photo: Workshop to comment on the Draft Law on Consumer Protection (amended) was held in a hybrid format

**2.5. Project “Viet Nam - Australia Consumer Protection Partnership”, funded by the Australian Government.**

Within the framework of cooperation with the Australian Competition and Consumer Commission (ACCC), the VCCA closely coordinated with the ACCC to organise a number of seminars to seek opinions on the Draft Law on Consumer Protection (amended), attracted the attention of a large number of experts from universities, research institutes, associations, and some media agencies.



Photo: The 2nd draft consultation workshop on the Law on Consumer Protection (amended) was held in a hybrid method, both face-to-face and online

In addition, the VCCA also coordinated with ACCC to conduct a number of researches, publications, video clips with varied topics on consumer protection, control of Standard Form Contract and General Terms of Transaction and raise consumer awareness of illegal MLM practices. Advocacy publications are expected to be completed and published in 2023.

The VCCA has also strengthened cooperation activities with agencies and organisations on competition and consumer protection in the world through information exchange and comments at online meetings. The online survey organised by the Organisation for Economic Co-operation and Development (OECD), the United Nations Conference on Trade and Development (UNCTAD) and launched online survey activities for the OECD, UNCTAD and agencies partners in Korea; The Australian Competition and Consumer Commission (ACCC).

## II. Training and Advocating

In order to carry out the tasks of training and advocating, from the beginning of 2022 until now, the VCCA actively organised conferences, seminars and workshop to disseminate the law on competition and protect of consumers rights and state management on MLM.

### 1 Training

In 2022, the VCCA focused on training and disseminating legal knowledge on competition, consumer protection, and MLM activities management. Notably, the VCCA presided and coordinated to organise 10 seminars and training courses for officials and professionals in the localities; and 06 training courses according to the demands of the local authorities and relevant organisations... in Hanoi, Ho Chi Minh City, Hai Phong, Nghe An, Quang Ninh...



Some workshops and trainings at VCCA

In addition, the VCCA also actively carried out training and disseminating activities under the framework of the assigned Projects; cooperation activities with international cooperation projects; and coordinated with the Multilateral Trade Policy Department of MOIT to carry out activities under the Implementation Plan of the Free Trade Agreement between Vietnam and the European Union (EVFTA).



The VCCA also cooperated with Lao Cai Department of Industry and Trade and Lang Son Department of Industry and Trade to organise professional training courses in the field of competition, consumer protection and state management on MLM activities in these localities.

### 2 Advocacy and dissemination work

In 2022, the VCCA continued encouraging advocacy and dissemination activities. Up to now, the VCCA has published nearly 400 news and articles on law enforcement and state management activities in the field assigned, warning about acts showing signs of violation of regulations on competition, protection of consumer rights and management of business activities in a multi-level manner on the website of the VCCA. Besides, the VCCA also coordinated with the Ministry Office, the media and the press to provide information to the people and the social community on emerging issues of public concern.

In addition to the website, the VCCA continued reinforcing other diverse information channels to promote advocacy and dissemination activities, such as iCOMP applications; iMLM; Fanpage “Protecting Vietnamese consumers” on the social network Facebook; page “Viet Nam Competition and Consumer Authority” on the social network Zalo or the channel “Competition and Protection of Consumer Rights in Viet Nam” on the social network Youtube. In 2022, the VCCA produced, released and posted many video clips in order to enhance the communication effect, try to reach and attract the attention of many businesses and consumers.

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TRANG CHỦ VIDEO SỰ KIỆN PHÁT TRỰC TIẾP DANH SÁCH PHÁT CỘNG ĐỒNG KÊNH GIỚI TH

The screenshot shows a mobile application interface with a top navigation bar, a main content area with news articles, and a bottom navigation bar. The news articles include information about Brazil's consumer protection agency and government decisions on consumer rights. The main content area features a grid of icons for various services like 'Giới thiệu', 'Quy định', 'Quy trình', 'Thủ tục', 'Khiếu nại', 'Ấn phẩm', 'Câu hỏi', 'Trò chơi', 'Giới thiệu', 'Pháp luật bán hàng đa cấp', 'Doanh nghiệp bán hàng đa cấp', 'Hỏi & đáp', 'Lưu ý', and 'Tin tức'. The bottom navigation bar includes 'Trang chủ', 'Hotline', 'Khiếu nại', 'Tin nhắn', 'Tin tức', 'Trang chủ', and 'Tài khoản'.

### III. Research and disseminate materials

In 2022, the VCCA developed several research reports, publications to disseminate and elevate the awareness of the community in competition, consumer protection and MLM activities.

#### 1 Competition

In 2022, the VCCA developed the following studies and reports:

- Analysis of International cooperation framework in competition proceedings for cross-border competition cases - Recommendation of cooperation mechanism for Viet Nam competition authority.

- Research and propose solutions to strengthen the investigation and handling of competition restriction agreements in Viet Nam.

- Investigate and handle acts of selling goods and providing services with low prices, violating competition law - International experience and lessons for Viet Nam.

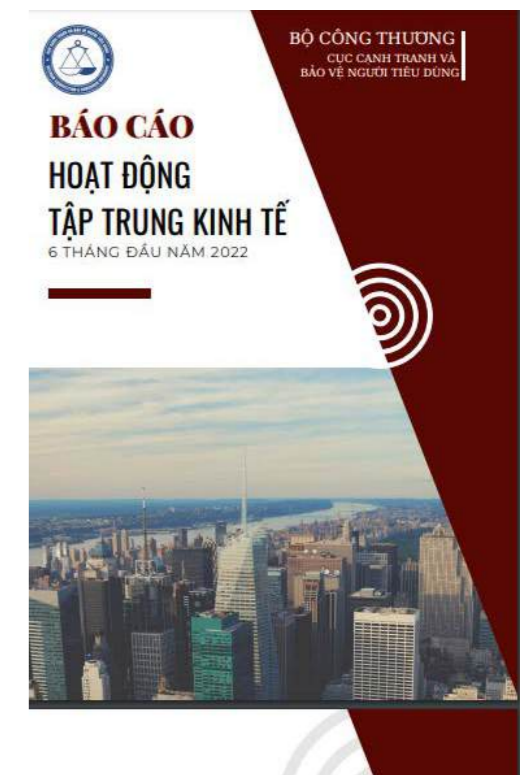
- Report on review and assessment of competition in the field of sugarcane production and processing in Viet Nam (supported by the Project “Complete Policy and Improve Competition Law Enforcement Capacity” (JICA) of the Government of Japan).

- The report on competition in the field of industrial real estate in Viet Nam is supported by the Project “Improving policies and improving the enforcement capacity of the Competition Law” (JICA) of the Japanese Government).

- Report on competition in the field of urea fertilizer production and trading in Viet Nam (supported by the Project “Improving policies and improving the enforcement capacity of the Competition Law” (JICA) of the Japanese Government).

- Report on economic concentration activities in 2021.

- Report on control of economic concentration under competition law for the first 6 months of 2022.





## 2 Consumer Protection

In 2022, the VCCA has developed the following studies and reports:

- Research and propose a mechanism to settle cross-border consumer disputes between Viet Nam and some ASEAN countries.

- Research and propose solutions to improve the law to protect consumer rights in direct selling transactions.

In addition, the VCCA also developed a number of research reports and publications to disseminate the law, specifically:

- Report on the implementation of the Law on Protection of Consumer Rights 2010.

- Research report on policy impact assessment in the Project of Amending Law on Protection of Consumer Rights.

- Research report on the review of relevant legal documents in the Project of Amending Law on Protection of Consumer Rights.

- Research report on assessment of gender equality in the Project of Amending Law on Protection of Consumer Rights.

- Research report on evaluation of administrative procedures in the Project of Amending Law on Protection of Consumer Rights.

- Research report on consumer protection legislation of several countries worldwide.

## IV. Organise seminars and talk-shows

At the beginning of 2022, the organisation of conferences and seminars faced many restrictions due to the Covid-19 pandemic. However, to meet the work schedule when the pandemic is well controlled, the VCCA still organised meetings in online method.

In the second half of 2022, when the pandemic stabilises, the VCCA organised more seminars and talk shows to raise public awareness of competition law and illegal acts of MLM, as well as, advocate the Amendment Law on Protection of Consumer Rights.



Photo: Mr. Trinh Anh Tuan - Deputy Director of the VCCA giving the opening speech at the Seminar on Competition in the field of e-commerce in Viet Nam



Photo: Online talk show on “Announcement of economic concentration: Compliance for fair competition” was broadcast on VTC1 channel - VTC Digital Television from 9:15 am to 10:00 am on March 18, 2022.



In order to advocate the Draft Amendment Law on Protection of Consumer Rights, on October 19, 2022, the VCCA cooperated with the People's Deputies Newspaper to organise an online seminar on “Improving the legal framework to strengthen consumer protection in cyberspace.”



In addition, in 2022, the VCCA also coordinated with the Department of Industry and Trade, the Consumer Protection Association of many provinces and cities across the country (Lang Son, Binh Phuoc, ...) to organise seminars, training course to raise public awareness on consumer protection.

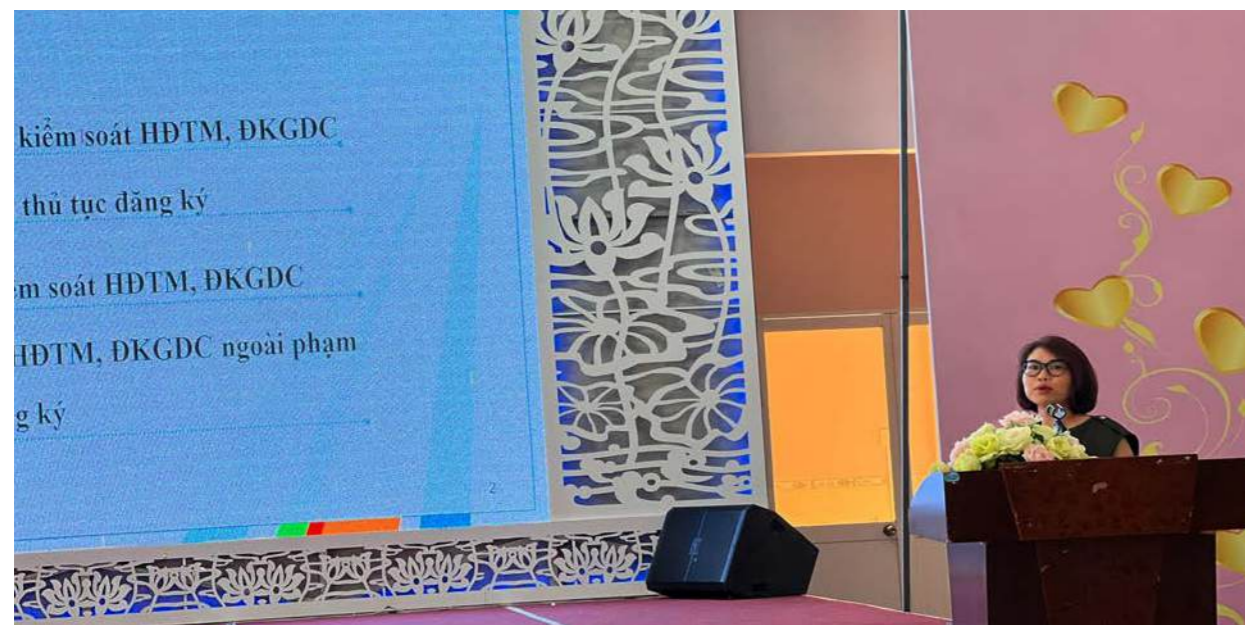


Photo: A representative of the VCCA Speaks at a training session on the control of Standard contracts in Dong Thap



Photo: VCCA distributes disseminate materials on consumer protection for female consumers at a propaganda workshop within the framework of the Project on vulnerable consumers

In 2022, the VCCA also gave significant attention to organising seminars to raise consumers' cognition regarding MLM activities.



Photo: VCCA held a conference to propagate and disseminate legal knowledge on multi-level marketing and protect consumers' interests.

## V. Video clips, reportages

The VCCA developed and broadcasted many reportages on consumer protection, such as:

- Broadcasted reportages in the event “The launching ceremony of Viet Nam Consumer Rights Day 2022” in Hanoi on March 11, 2022.
- Reportage introducing the Draft Amendment Law on Consumer Protection, delivered to the National Assembly deputies for reference during the National Assembly’s comments on the Draft Amendment Law. The reportage has also been widely propagated and promoted by the MOIT and the VCCA seminars or related events.



Photo: Reportage introducing the Consumer Rights Protection Law Project (amended)

- 03 disseminate reportages under the Program on Consumers in e-commerce.
- 03 disseminate reportages under the Program on Vulnerable Consumers.



## VI. Negotiating and enforcement in Free Trade Agreements (FTAs)

VCCA actively participated in the work related to the negotiation and implementation of commitments on competition, state-owned enterprises, and subsidies that Viet Nam participates in. Specifically:

- Implemented the commitments of the Competition Chapter in the AANZFTA, VJEPA, VN - EAEU FTA, VKFTA Agreements; Participating in the Competition Policy Team in the AANZFTA Joint Committee Meetings and related meetings;
- Implemented the commitments of the Competition Policy Chapter, activities within the framework of the CPTPP Committee on State-owned Enterprises and Designated Monopolies;
- Participated in the development of

a plan to implement the commitments of the Competition, Subsidies, and State-owned Enterprises Chapters of the EVFTA Agreement; Participating in the propaganda and dissemination of regulations on competition, state-owned enterprises, and subsidies in the EVFTA;

- Developed a negotiating plan on competition and attend negotiations for the CPTPP + UK Agreement, the upgraded AANZFTA Agreement, and the ASEAN - Canada FTA Agreement;
- Participated in the development of the Guidelines for the negotiation of the ASEAN Framework Agreement on Competition;
- Contributed comments on the content on competition and consumer protection in the draft document on competition in the Indo-Pacific Economic Framework.



# DIRECTION IN 2023



Implementing the Competition Law 2018, organising the implementation of the National Competition Commission model based on consolidation and reorganisation of Viet Nam Competition and Consumer Authority and the Competition Council Office; at the same time, continuing to implement the task of state management on competition, consumer rights protections and multi-level marketing, in the coming time, it is necessary to focus on solving and implementing the following contents:

## I. Legislation development



### In 2023, VCCA will:

- Continue developing the Draft Amendment Law on Protection of Consumer Rights; advising on the development of a Draft Decree guiding the Amendment Law on Protection of Consumer Rights.



- Continue completing the Draft Decree amending and supplementing Decree No. 40/2018/ND-CP on state management on MLM activities.

## II. Enforcement of Competition Law

### 1 Completing the organisational structure of the National Competition Commission

With the promulgation of Decree No. 03/2023/ND-CP stipulating the functions, tasks, powers and organisational structure of the National Competition Commission, in 2023, the VCCA will advise the MOIT in comprehending the organisation, operation and personnel of the National Competition Commission in accordance with the law. At the same time, the VCCA will also advise on the development of the operation mechanism and organisation of the Viet Nam Competition Commission.

### 2 Supervision and management on competition behaviour

The Competition Law 2018, with many new amendments and supplements, will have the impact of creating new motivations for both competition authorities and businesses in the implementation and application of the provisions of the Competition Law. That enhances the ability to detect signs of violations of anti-competitive behaviour control regulations, including agreements to limit competition and abuse of a dominant market position and abuse of a monopoly position. The anti-competitive agreement control regulation under the Competition Law 2018 ensures the control of all anti-competitive agreements, including both vertical and horizontal agreements. The leniency policy motivates enterprises to report acts of anti-competitive agreements. The new regulation on significant market power serves as the basis for identifying enterprises with a dominant market position more suitable to the fluctuations of the economy. These factors contribute to strengthening the ability to detect, investigate and handle anti-competitive acts, so the number of anti-competitive cases will increase next year. Therefore, in the coming year, the VCCA will:

- Strengthen the detection, investigation and handling of acts showing signs of violation of regulations on anti-competitive agreements, abusing a dominant or monopoly market position.

- Carry out the procedures for receiving, accepting and appraising the application for exemption from the prohibited competition restriction agreement as the law prescribes.

- Continue to monitor the implementation of obligations and conditions in the Decisions granting exemptions for prohibited competition restriction agreements.
- Organise the inspection of compliance with regulations of competition law according to the periodic inspection plan of the Ministry of Industry and Trade for 04 enterprises in the field of motorcycle production, trading and insurance business in Viet Nam.
- Conduct research on market structure and assess competition situation in several important economic sectors and fields.
- Continue to support and guide the development of competition law compliance programs at enterprises.

### 3 Supervision and management on unfair competition behaviours

In 2023, the VCCA will continue to carry out the work of detecting unfair competition acts, quickly conduct an investigation of violations related to unfair competition acts.

### 4 Economic concentration control

- Develop a plan to enforce the law on economic concentration control: a plan to handle administrative procedures on economic concentration (forms, procedures).
- Strengthen market supervision, especially large corporate acquisitions operating in key sectors of Viet Nam's economy;
- Strengthen the review and supervision of (i) Some enterprises that have announced economic concentration in 2021 and 2022 to monitor the actual implementation of economic concentration transactions; (ii) Collecting data and information related to economic concentration transactions falling within the threshold of economic concentration notification in accordance with competition law but failing to notify the Ministry of Industry and Trade (National Competition Commission).
- Continue to build, update and synthesize data on the economic concentration situation (purchase, merger, consolidation, joint venture) of enterprises nationwide, foreign enterprises having operations doing business in Viet Nam.



## III. Management on multi-level marketing activities

In 2023, the VCCA will continue to closely implement the management of MLM activities, focusing on the appraisal of application documents for certification, inspection, examination and handling of violations in MLM activities; disseminate and train new regulations in the Decree amending and supplementing a number of articles of Decree 40/2018/ND-CP on management of MLM business.

At the same time, the VCCA will also continue to implement activities under the Project to improve the efficiency of management of multi-level marketing in the period of 2023.

## IV. Enforcement of Law on the Protection of Consumer Rights

### 1 Protection of consumer rights

- Finalise Draft Amendment Law on Protection of Consumer Rights and submit it to the National Assembly for consideration and approval at the May 2023 session.
- Develop a Decree detailing the implementation of several articles of the Amendment Law on Protection of Consumer Rights (after being passed).
- Strengthen inspection, detection and handling of violations in consumer protection.
- Regularly implement and integrate awareness-raising activities on consumer protection in the professional work of the VCCA.
- Preside and coordinate with relevant agencies, effectively implementing Directive No. 30-CT/TW on strengthening the Party's Leadership and State management's responsibility in consumer protection; finalising the report on the implementation of Resolution 82/NQ-CP, proposing solutions to advise and continue effectively implementing the Resolution in the next period.



- Implement effectively and synchronously the specific activities of 02 projects of the Ministry of Industry and Trade within the framework of Decision No. 1157/QĐ-TTg of the Prime Minister: Project on strengthening propaganda, education and dissemination legal policies to protect consumer interests for vulnerable consumers from 2021 to 2025; The project of developing a digital ecosystem, strengthening the protection of consumer rights in e-commerce.

- Coordinating with localities in strengthening propaganda, training, coaching and guiding activities to improve the initiative and efficiency in complying with the law on consumer protection.

## 2 Standard form contracts and general terms of transaction

- Receive and appraise the application for registration/re-registration of the Standard form contracts and general terms of transaction.

- Promote training, dissemination, and guidance on consumer protection legislation on controlling commercial activities and consumer registration to improve knowledge and proactive compliance with the consumer protection law of business organisations and individuals and other related entities.

- Supervise enterprises' observance of the law on commercial transactions and business registration in several critical areas based on closely following practical needs.

- Research, review and evaluate the practice of applying and complying with the law on consumer protection Standard form contracts and general terms of transaction between business organisations and individuals and consumers in several specific new fields.

- Carry out inspection and examination according to the plan assigned by the Ministry of Industry and Trade and irregular inspection and inspection when there are signs of violation of consumer rights.



## V. Training and law dissemination

In 2023, the VCCA will focus on completing the functions, tasks, organisational model and personnel of the Information, Consulting and Training Center based on the provisions of the Decree stipulating the functions, duties, powers and organisational structure of the Viet Nam Competition Commission; carry out the recruitment of public employees based on the number of people assigned to work for the Center for Information, Consultation and Training.

The VCCA will continue to promote

public services in the work of information, consulting and training to serve the state management of competition, consumer protection and MLM business management.

At the same time, the VCCA will continue to promote training, disseminate and law dissemination to improve qualifications, expertise and professionalism in the field of competition, consumer protection and MLM activities for officials of the VCCA as well as individuals, organisations and businesses in need.

## VI. Providing information and consultation

In 2023, the VCCA plans to:

- Continue operating the Consumer Support and Consulting Call Center system 1800.6838, upgrade and expand the system to localities across the country to better meet consumers' consulting and support needs.

- Continue to coordinate with agencies

inside and outside the VCCA to receive, advise, support, and resolve consumer complaints, requests and complaints.

- Promote communication work by increasing the posting of information on electronic means, such as websites, social networking, and applications managed and operated by the VCCA.



- Promote public services in providing information, consulting and training to serve the state management of competition, protection of consumers' interests and MLM business management.
- Continue organising conferences and seminars on propaganda and law dissemination in the fields under the management and internal training of the VCCA to improve the skills and professionalism of officials and civil servants as well as individuals, organisations and businesses in need.
- Continue to effectively implement the activities in 2023 of the Programs assigned by the VCCA, including the Program on Business for Consumers; the Program on Call Centers; the Program on National Database on consumer protection; the Program on Consumer Protection in e-commerce; and the Program on Vulnerable Consumers.



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