

THE PRESIDENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 02/2018/L-CTN

Hanoi, June 25, 2018

ORDER

On the promulgation of law¹

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF
VIETNAM

*Pursuant to Articles 88 and 91 of the Constitution of the Socialist
Republic of Vietnam;*

*Pursuant to Article 80 of the Law on Promulgation of Legal
Documents;*

PROMULGATES:

The Competition Law,

which was passed on June 12, 2018, by the XIVth National
Assembly of the Socialist Republic of Vietnam at its 5th session.

President of the Socialist Republic of Vietnam
TRAN DAI QUANG

No. 23/2018/QH14

COMPETITION LAW²

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Competition Law.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law prescribes practices in restraint of competition, economic concentration creating or likely to create competition restraining impacts in Vietnam's market; unfair competitive practices; competition legal proceedings; handling of violations of the competition law; and state management of competition.

Article 2. Subjects of application

1. Business organizations and individuals (below collectively referred to as enterprises), including also enterprises engaged in production or supply/provision of public products/services, enterprises operating in state monopoly industries or sectors, public non-business units, and foreign enterprises operating in Vietnam.

2. Trade associations operating in Vietnam.

3. Related domestic and foreign agencies, organizations and individuals.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Trade associations* include commodity line associations and professional associations.

2. *Practices in restraint of competition* means practices creating or likely to create competition restraining impacts, including practices of reaching agreement on competition restraint, abusing the dominant market position, and abusing the monopoly position.

3. *Competition restraining impact* means an impact that excludes, reduces, distorts or hinders competition in the market.

4. *Cartel* means an agreement reached by involved parties in any form that creates or is likely to create competition restraining impacts.

5. *Abusing the dominant market position or abusing the monopoly position* means practices of an enterprise having the dominant market position or monopoly position that create or are likely to create competition restraining impacts.

6. *Practices of unfair competition* means practices of enterprises that run counter to the principles of goodwill and honesty, commercial practices and other standards in doing business, which cause or are likely to cause damage to lawful rights and interests of other enterprises.

7. *Relevant market* means a market of goods or services which are substitutable in terms of characteristics, use purpose and prices in a particular geographical area under similar competition conditions and with significant differences from neighboring geographical areas.

8. *Competition legal proceedings* means activities of investigating and handling competition cases and settling complaints about decisions to handle competition cases according to the order and procedures prescribed in this Law.

9. *Competition case* means a case showing signs of violating the competition law which is investigated and handled in accordance with this Law. Competition cases include competition restraint-related cases, cases of violation of regulations on economic concentration, and unfair competition cases.

Article 4. Application of the competition law

1. This Law generally regulates competition relations. The investigation and handling of competition cases, exemption for prohibited cartels, and notification of economic concentration must comply with this Law.

2. In case another law contains provisions on practices in restraint of competition, forms of economic concentration, unfair competitive practices, and handling of unfair competitive practices which are different from those of this Law, the former shall prevail.

Article 5. Rights to and principles of competition in doing business

1. Enterprises have the right to free competition in accordance with law. The State guarantees the right to lawful competition in doing business.

2. Competition shall be practiced on the principles of honesty, equality and fairness, without infringing upon the interests of the State, public interests, and lawful rights and interests of enterprises and consumers.

Article 6. State policies on competition

1. To establish and maintain a healthy, fair, equal and transparent competitive environment.

2. To promote competition and guarantee enterprises' right to free competition in doing business in accordance with law.

3. To enhance market accessibility, increase economic efficiency and social welfare, and protect consumer interests.

4. To create conditions for the society and consumers to participate in overseeing the implementation of the competition law.

Article 7. Responsibility for state management of competition

1. The Government shall perform the unified state management of competition.

2. The Ministry of Industry and Trade shall act as the focal point to assist the Government in performing the state management of competition.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Industry and Trade in performing the state management of competition.

4. Provincial-level People's Committees shall, within the ambit of their tasks and powers, perform the state management of competition.

Article 8. Prohibited practices related to competition

1. Practices performed by state agencies to hinder competition in the market:

a/ To force, demand or recommend enterprises, agencies, organizations or individuals to perform or not to perform the following acts: producing, purchasing and selling certain goods or providing and using certain services, or purchasing and selling goods or providing and using goods to/of certain enterprises, except goods and services in state monopoly sectors or in emergency cases as prescribed by law;

b/ To treat enterprises discriminatorily;

c/ To force, demand or recommend trade associations, socio-professional organizations or enterprises to align with one another to restrain competition in the market;

d/ To abuse positions and powers to illegally intervene in competition activities.

2. Organizations or individuals providing information or mobilizing, calling, forcing or organizing enterprises to perform practices in restraint of competition or practices of unfair competition.

Chapter II

RELEVANT MARKETS AND MARKET SHARES

Article 9. Identification of relevant markets

1. A relevant market shall be identified on the basis of a relevant product market and relevant geographical market.

Relevant product market means a market of goods or services which are substitutable in terms of characteristics, use purpose and prices.

Relevant geographical market means a specific geographical area where substitutable goods or services are supplied/provided under similar conditions of competition which are significantly different from neighboring geographical areas.

2. The Government shall detail Clause 1 of this Article.

Article 10. Identification of market shares and combined market shares

1. Based on the characteristics and nature of a relevant market, the share of an enterprise in the relevant market shall be identified based on one of the following indicators:

a/ Percentage of the sales turnover of an enterprise to the aggregate sales turnover of all enterprises in the relevant market, which may be calculated on a monthly, quarterly or annual basis;

b/ Percentage of the purchase turnover of an enterprise to the aggregate purchase turnover of all enterprises in the relevant market, which may be calculated on a monthly, quarterly or annual basis;

c/ Percentage of the quantity of units of goods or services sold by an enterprise to the aggregate quantity of units of goods or services sold by all enterprises in the relevant market, which may be calculated on a monthly, quarterly or annual basis;

d/ Percentage of the quantity of units of goods or services purchased by an enterprise to the aggregate quantity of units of goods or

services purchased by all enterprises in the relevant market, which may be calculated on a monthly, quarterly or annual basis.

2. Combined market share is the aggregate share of enterprises involved in practices in restraint of competition or economic concentration in a relevant market.

3. Turnover used to identify market shares referred to in Clause 1 of this Article shall be determined according to Vietnam's accounting standards.

4. For an enterprise having carried out business activities for just less than one fiscal year, the turnover and quantity of units of goods or services sold and purchased which are used to identify its market share under Clause 1 of this Article shall be calculated from the time the enterprise commences its operation to the time of identification of its market share.

5. The Government shall detail this Article.

Chapter III

CARTELS

Article 11. Cartels

1. Agreements on directly or indirectly fixing prices of goods or services.

2. Agreements on dividing customers, sale markets, or sources of supply of goods or provision of services.

3. Agreements on limiting or controlling the quantity or volume of goods produced, purchased and sold or services provided.

4. Agreements on allowing one or more than one party to win contracts in the bidding for supply of goods or provision of services.

5. Agreements on preventing, restraining or disallowing other enterprises to enter the market or develop business.

6. Agreements on precluding from the market enterprises that are not parties to the agreements.

7. Agreements restricting technical and technological development or restricting investment.

8. Agreement on imposing or fixing conditions for signing goods purchase and sale and service provision contracts for other enterprises, or agreements forcing other enterprises to accept obligations not directly related to the subject matters of contracts.

9. Agreements on entering into transactions with those that are not parties to the agreements.

10. Agreements on restricting sale markets or sources of supply of goods or provision of services of those that are not parties to the agreements.

11. Other agreements creating or likely to create competition restraining impacts.

Article 12. Prohibited cartels

1. Cartels among the enterprises in the same relevant markets as prescribed in Clauses 1, 2 and 3, Article 11 of this Law.

2. Cartels among the enterprises defined in Clauses 4, 5 and 6, Article 11 of this Law.

3. Cartels among the enterprises in the same relevant market as prescribed in Clauses 7 thru 11, Article 11 of this Law that create or are likely to create significant competition restraining impacts in the market.

4. Cartels among the enterprises performing different stages in the same production, distribution or supply chain for a certain type of goods or service as prescribed in Clauses 1, 2, 3, 7, 8, 9, 10 and 11, Article 11 of this Law that create or are likely to create significant competition restraining impacts in the market.

Article 13. Assessment of significant competition restraining impacts or possible significant competition restraining impacts of cartels

1. The National Competition Committee shall assess significant competition restraining impacts or possible significant competition restraining impacts of cartels based on:

a/ Market shares of enterprises joining the cartels;

b/ Market entry or expansion barriers;

c/ Restrictions on technology research, development or innovation or restrictions on technology capacity;

d/ Reduction of accessibility to or possession of essential infrastructure facilities;

dd/ Increase of costs and/or time of customers in purchasing goods or services from the enterprises joining the cartels or when shifting to purchase other relevant goods or services;

e/ Obstructing competition in the market through controlling particular elements in the industries and sectors related to the enterprises joining the cartels.

2. The Government shall detail Clause 1 of this Article.

Article 14. Exemption for prohibited cartels

1. The cartels prescribed in Clauses 1, 2, 3, 7, 8, 9, 10 and 11, Article 11 which are prohibited under Article 12 of this Law are entitled to exemption for a given period if they bring benefits to consumers and satisfy one of the following conditions:

a/ Promoting technical and technological advances and improving the quality of goods and services;

b/ Raising the competitiveness of Vietnamese enterprises in the international market;

c/ Promoting the uniform application of quality standards and technical norms of different types of products;

d/ Unifying contract performance, goods delivery, and payment conditions which are not related to prices and price constituents.

2. Labor agreements or cooperation agreements in particular industries or sectors regulated by other laws must comply with such laws.

Article 15. Submission of dossiers of request for exemption for prohibited cartels

1. Enterprises wishing to join prohibited cartels shall submit dossiers of request for exemption to the National Competition Committee.

2. A dossier of request for exemption for a prohibited cartel must comprise:

a/ A written request made according to the form issued by the National Competition Committee;

b/ Draft contents agreed upon by the parties;

c/ A copy of the enterprise registration certificate or equivalent document of every enterprise joining the cartel; or a copy of the charter of the trade association joining the cartel;

d/ The financial statements of every enterprise joining the cartel for 2 consecutive years preceding the year of dossier submission, or the audited financial statement made for the period from the time of establishment of the enterprise to the time of dossier submission, for a newly established enterprise;

dd/ A report giving detailed explanations about the enterprise's satisfaction of the conditions prescribed in Clause 1, Article 14 of this Law, accompanied by supporting proof;

e/ A power of attorney (if any) of the parties joining the cartel to the representing party.

3. Enterprises shall take responsibility for the authenticity of the dossiers they submit. Foreign-language documents in dossiers shall be accompanied by their Vietnamese translations.

Article 16. Processing of dossiers of request for exemption for prohibited cartels

1. The National Competition Committee shall process dossiers of request for exemption for prohibited cartels.

2. Within 7 working days after receiving a dossier of request for exemption, the National Competition Committee shall inform in writing the dossier submitter of whether the dossier is complete and valid.

If finding the dossier incomplete or invalid, the National Competition Committee shall send a written notice to the parties for them to modify the dossier within 30 days from the date of issuance of the notice.

Upon the expiration of the above time limit, if the requested parties fail to modify the dossier or improperly modify it, the National Competition Committee may return the dossier.

3. After receiving a notice stating that the dossier is complete and valid, the dossier submitter shall pay a dossier appraisal charge in accordance with the law on charges and fees.

4. A dossier shall be processed after the dossier submitter fully pays the dossier appraisal charge.

Article 17. Addition of information and documents in requests for exemption for prohibited cartels

1. After processing a dossier of request for exemption for a prohibited cartel, the National Competition Committee may request the dossier submitter to add other necessary information and documents relating to the intention to implement such cartel.

2. In case the requested parties fail to add the information and documents as required or improperly add it, the National Competition Committee may consider and make its decision based on available information and documents.

Article 18. Consultation in the course of examining dossiers of request for exemption for prohibited cartels

1. The National Competition Committee may consult related agencies, organizations and individuals about the contents of the prohibited cartel for which exemption is requested.

2. Within 15 days after receiving the request from the National Competition Committee, the consulted agencies, organizations and individuals shall give written replies and provide information and documents on the matters put for consultation.

Article 19. Withdrawal of dossiers of request for exemption for prohibited cartels

1. Enterprises may withdraw dossiers of request for exemption for prohibited cartels. A request for dossier withdrawal shall be made in writing and sent to the National Competition Committee.

2. Dossier appraisal charges shall not be refunded to enterprises that withdraw dossiers of request for exemption.

Article 20. Competence and time limit for issuing decisions on exemption for prohibited cartels

1. The National Competition Committee shall issue a decision approving or disapproving the grant of exemption for a prohibited cartel to related parties in accordance with this Law; in case of disapproval, the Committee shall clearly state the reason.

2. The time limit for issuing a decision on grant of exemption is 60 days from the date of accepting a dossier.

3. For a complicated case, the time limit prescribed in Clause 2 of this Article may be extended by the National Competition Committee for no more than 30 days. The extension shall be notified in writing to the dossier submitter at least 3 working days before the deadline for issuing a decision on grant of exemption.

4. In case the National Competition Committee violates the regulations on the order, procedures and time limit for issuing a decision on grant of exemption, enterprises may file complaints or lawsuits in accordance with law.

Article 21. Decisions on grant of exemption for prohibited cartels

1. A decision on grant of exemption for a prohibited cartel must have the following principal contents:

a/ Names and addresses of the parties to the cartel;

b/ Contents of the cartel;

c/ Conditions on and obligations of the parties to the cartel;

d/ Period of exemption.

2. A decision on grant of exemption for a prohibited cartel shall be sent to the parties to the cartel within 7 working days after it is issued.

3. The period of exemption specified at Point d, Clause 1 of this Article must not exceed 5 years from the date of issuance of a decision on grant of exemption.

At least 90 days before the date of expiration of the period of exemption for a prohibited cartel, the National Competition Committee shall, at the request of the parties to the cartel, consider and decide whether or not to extend the exemption. The extended period of exemption must not exceed 5 years from the date of issuance of a decision on extension of exemption.

Article 22. Implementation of cartels in case of exemption

1. The parties to a cartel that satisfy the conditions for exemption specified in Clause 1, Article 14 of this Law may implement this cartel only after a decision on grant of exemption prescribed in Article 21 of this Law is issued.

2. The parties to a cartel eligible for exemption shall comply with the decision on grant of exemption prescribed in Article 21 of this Law.

Article 23. Annulment of decisions on grant of exemption for prohibited cartels

1. The National Competition Committee shall decide to annul a decision on grant of exemption in the following cases:

a/ The conditions for exemption no longer exist;

b/ A fraud is detected in the request for exemption;

c/ The enterprise entitled to exemption violates the conditions and obligations for exemption stated in the decision on grant of exemption;

d/ The decision on grant of exemption is issued based on inaccurate information or documents on the conditions for exemption.

2. In case the conditions for exemption no longer exist, the party entitled to exemption shall notify such to the National Competition Committee for issuing a decision to annul the decision on grant of exemption.

3. A decision annulling the decision on grant of exemption shall be sent to the parties to the cartel within 7 working days after it is issued.

Chapter IV

ABUSE OF DOMINANT MARKET POSITIONS, ABUSE OF MONOPOLY POSITIONS

Article 24. Enterprises and groups of enterprises having dominant market positions

1. An enterprise shall be regarded as having a dominant market position if it has a significant market power determined under Article 26 of this Law or has a share of at least 30% of a relevant market.

2. A group of enterprises shall be regarded as having a dominant market position if they jointly act to create competition restraining impacts and have a significant market power determined under Article 26 of this Law or has a total market share falling into one of the following cases:

a/ Two enterprises have a total share of at least 50% of a relevant market;

b/ Three enterprises have a total share of at least 65% of a relevant market;

c/ Four enterprises have a total share of at least 75% of a relevant market;

d/ Five enterprises have a total share of at least 85% of a relevant market.

3. A group of enterprises having a dominant market position prescribed in Clause 2 of this Article does not include an enterprise having a share of under 10% of a relevant market.

Article 25. Enterprises having monopoly positions

An enterprise shall be regarded as having the monopoly position if it has no competitor in terms of goods or services it commercially provides in a relevant market.

Article 26. Identification of significant market power

1. Significant market power of an enterprise or a group of enterprises shall be identified based on the following elements:

a/ Shares of enterprises in a relevant market;

b/ Financial capacity and size of the enterprise(s);

c/ Market entry and expansion barriers to other enterprises;

d/ Ability to hold, access and control markets for distribution and sale of goods and services or supply sources of goods and services;

- dd/ Advantages in technology and technical infrastructure;
- e/ The rights to own, hold and access infrastructure facilities;
- g/ The rights to own and use subject matters of intellectual property rights;
- h/ The possibility to change to the supply or demand sources of other related goods and services;
- i/ Particular elements in the industries and sectors in which the enterprise(s) is/are doing business.

2. The Government shall detail Clause 1 of this Article.

Article 27. Prohibited acts abusing dominant market positions or abusing monopoly positions

1. An enterprise or a group of enterprises having a dominant market share(s) that commit(s) the following acts:

a/ Selling goods or providing services at prices lower than total costs, leading to the preclusion or possible preclusion of competitors;

b/ Imposing irrational purchase prices or sale prices of goods or services or fixing minimum resale prices that cause or are likely to cause damage to customers;

c/ Restricting the production or distribution of goods and services, restricting markets, or obstructing technological or technical development that causes or is likely to cause damage to customers;

d/ Applying different trade conditions in similar transactions that prevent or are likely to prevent other enterprises from entering or expanding the market or preclude other enterprises;

dd/ Imposing conditions on other enterprises in signing contracts on purchase and sale of goods and services, or requesting other enterprises and customers to accept obligations not directly related to the subject matters of contracts, which prevents or is likely to prevent other enterprises from entering or expanding the market or precludes other enterprises;

e/ Preventing other enterprises from entering or expanding the market;

g/ Prohibited acts abusing dominant market positions prescribed by other laws.

2. Enterprises having monopoly positions that commit the following acts:

a/ The acts specified at Points b, c, d, dd and e, Clause 1 of this Article;

b/ Imposing disadvantageous conditions on customers;

c/ Abusing monopoly positions to unilaterally alter or cancel the signed contracts without a plausible reason;

d/ Prohibited acts abusing monopoly positions prescribed by other laws.

Article 28. Control of enterprises operating in state monopoly sectors

1. The State shall control enterprises operating in state monopoly sectors by the following measures:

a/ Deciding on purchase prices or sale prices of goods and services in such sectors;

b/ Deciding on the quantity, volume and market scope of goods and services in such sectors;

c/ Setting orientations and organizing markets for goods and services in such sectors in accordance with this Law and other relevant laws.

2. When an enterprise operating in state monopoly sectors carries out business activities outside these sectors, such business activities are not regulated by Clause 1 of this Article but must still comply with other provisions of this Law.

Chapter V

ECONOMIC CONCENTRATION

Article 29. Forms of economic concentration

1. Economic concentration takes the following forms:

a/ Merger of enterprises;

b/ Consolidation of enterprises;

c/ Acquisition of enterprises;

d/ Joint ventures among enterprises;

dd/ Other forms as prescribed by law.

2. Merger of enterprises means that one or more than one enterprise transfers all of its/their assets, rights, obligations and lawful interests to another enterprise concurrently with terminating its/their business activities or existence.

3. Consolidation of enterprises means that two or more enterprises transfer all of their assets, rights, obligations and lawful interests to form a new enterprise concurrently with terminating their business activities or existence.

4. Acquisition of an enterprise means that one enterprise directly or indirectly purchases the whole or part of capital contributions and assets of another enterprise which is sufficient for controlling and dominating the latter or its business line.

5. Joint venture among enterprises means that two or more enterprises jointly contribute part of their assets, rights, obligations and lawful interests to form a new one.

Article 30. Prohibited practices of economic concentration

Practices of economic concentration performed by enterprises which create or are likely to create significant competition restraining impacts in Vietnam's market.

Article 31. Assessment of significant competition restraining impacts or possible significant competition restraining impacts of economic concentration

1. The National Competition Committee shall assess significant competition restraining impacts or possible significant competition restraining impacts of economic concentration based on one or several of the following elements:

a/ Combined shares of enterprises participating in economic concentration in a relevant market;

b/ Degree of concentration in a relevant market before and after the time of economic concentration;

c/ Relationship of enterprises participating in economic concentration in the production, distribution and supply chain with regard to a certain type of goods or service or business lines of the enterprises participating in economic concentration which are inputs of or complementary to one another;

d/ Competitive advantages brought about by economic concentration in a relevant market;

dd/ The possibility that enterprises significantly increase prices or return-on-sales ratios after the time of economic concentration;

e/ The possibility that enterprises preclude other enterprises or prevent other enterprises from entering or expanding the market after the economic concentration;

g/ Particular elements in the industries and sectors in which the enterprises participate in economic concentration.

2. The Government shall detail Clause 1 of this Article.

Article 32. Assessment of positive impacts of economic concentration

1. The National Competition Committee shall assess positive impacts of economic concentration based on one or several of the following elements:

a/ Positive impacts on the development of the industries and sectors and science and technology under the State's relevant strategies and master plans;

b/ Positive impacts on the development of small- and medium-sized enterprises;

c/ Increase of the competitiveness of Vietnamese enterprises in the international market.

2. The Government shall detail Clause 1 of this Article.

Article 33. Notification of economic concentration

1. Enterprises participating in economic concentration shall submit dossiers of notification of economic concentration to the National Competition Committee prescribed Article 34 of this Law before performing economic concentration if they reach the notification thresholds of economic concentration.

2. A notification threshold of economic concentration shall be identified based on one of the following criteria:

a/ Total assets of an enterprise participating in economic concentration in Vietnam's market;

b/ Total turnover of an enterprise participating in economic concentration in Vietnam's market;

c/ Traded value of economic concentration;

d/ Combined share of an enterprise participating in economic concentration in a relevant market.

3. The Government shall detail this Article in conformity with socio-economic conditions in each period.

Article 34. Dossiers of notification of economic concentration

1. A dossier of notification of economic concentration must comprise:

a/ A notice of economic concentration, made according to the form issued by the National Competition Committee;

b/ A draft agreement, contract or memorandum of understanding on economic concentration between related enterprises;

c/ A valid copy of the enterprise registration certificate or equivalent document of every enterprise participating in economic concentration;

d/ The financial statements of every enterprise participating in economic concentration of 2 consecutive years preceding the year of notification of economic concentration, or the audited financial statement of the period from the time of establishment of the enterprise to the time of notification of economic concentration, for newly established enterprises, as prescribed by law;

dd/ A list of parent companies, subsidiaries, member companies, branches, representative offices and other affiliated units (if any) of every enterprise participating in economic concentration;

e/ A list of goods and services which every enterprise participating in economic concentration trades in;

g/ Information about the market share of every enterprise participating in economic concentration in the intended sector of economic concentration in 2 consecutive years preceding the year of notification of economic concentration;

h/ A plan to deal with possible competition restraining impacts of economic concentration;

i/ A report assessing positive impacts of economic concentration and measures to enhance such positive impacts.

2. Enterprises submitting dossiers of notification of economic concentration shall take responsibility for the authenticity of the dossiers. Foreign-language documents in dossiers shall be accompanied by their Vietnamese translations.

Article 35. Receipt of dossiers of notification of economic concentration

1. The National Competition Committee shall receive dossiers of notification of economic concentration.

2. Within 7 working days after receiving a dossier of notification of economic concentration, the National Competition Committee shall issue a written notice of whether the dossier is complete and valid.

If finding the dossier incomplete or invalid, the National Competition Committee shall issue a written notice to the related parties for them to modify the dossier within 30 days from the date of issuance of the notice.

Upon the expiration of the above time limit, if the related parties fail to modify the dossier or improperly modify it, the National Competition Committee shall return the dossier.

Article 36. Preliminary review of economic concentration

1. The National Competition Committee shall conduct preliminary review of economic concentration, which must cover:

a/ Combined shares of enterprises participating in economic concentration in a relevant market;

b/ Degree of concentration in a relevant market before and after the time of economic concentration;

c/ Relationship of enterprises participating in economic concentration in the production, distribution and supply chain for a certain type of goods or service or business lines of enterprises participating in economic concentration that are inputs of or complementary to one another.

2. Within 30 days after receiving a complete and valid dossier of notification of economic concentration, the National Competition Committee shall issue a notice of the result of preliminary review of economic concentration that:

a/ Economic concentration is permitted; or,

b/ Economic concentration is subject to official review.

3. Upon the expiration of the time limit prescribed in Clause 2 of this Article, if the National Competition Committee issues no notice of the result of preliminary review of economic concentration, economic concentration will be permitted to be performed and the National Competition Committee may not issue a notice with the content specified at Point b, Clause 2 of this Article.

4. The Government shall detail Clause 1 of this Article and criteria for identifying economic concentration subject to official review prescribed at Point b, Clause 2 of this Article.

Article 37. Official review of economic concentration

1. The National Competition Committee shall carry out official review of economic concentration within 90 days after issuing a notice

of the result of preliminary review with the content prescribed at Point b, Clause 2, Article 36 of this Law.

For a complicated case, the National Competition Committee may extend the period of official review for no more than 60 days and issue a written notice thereof to the enterprise submitting the dossier of notification of economic concentration.

2. Contents of official review of economic concentration include:

a/ Assessment of significant competition restraining impacts or possible significant competition restraining impacts of economic concentration under Article 31 of this Law and remedies for these impacts;

b/ Assessment of positive impacts of economic concentration under Article 32 of this Law and measures to enhance these impacts;

c/ Overall assessment of possible competition restraining impacts and possible positive impacts of economic concentration to serve as a basis for consideration and decision on economic concentration.

Article 38. Addition of information about economic concentration

1. In the course of carrying out an official review of economic concentration, the National Competition Committee may request no more than twice the enterprise that submits the dossier of notification of economic concentration to add information and documents.

2. The enterprise that submits the dossier of notification of economic concentration shall add information and documents relating to economic concentration at the request of the National Competition Committee and take responsibility for the completeness and accuracy of such information and documents.

3. If the requested party fails to add information and documents or improperly add them, the National Competition Committee shall consider and make decision based on available information and documents.

4. The time for addition of information and documents prescribed in Clause 2 of this Article shall not be included in the time limit for review of economic concentration specified in Clause 1, Article 37 of this Law.

Article 39. Consultation in the course of review of economic concentration

1. During a review of economic concentration, the National Competition Committee may consult management agencies in charge of the industries and sectors in which enterprises participating in economic concentration are operating.

Within 15 days after receiving a written request from the National Competition Committee, the consulted agencies shall give written opinions on matters put for consultation.

2. During a review of economic concentration, the National Competition Committee may consult other related enterprises, organizations and individuals.

Article 40. Responsibility to provide information and documents of related agencies, organizations and individuals for review of economic concentration

1. During a review of economic concentration, related agencies, organizations and individuals shall provide sufficient, accurate and prompt information and documents at the request of the National Competition Committee, unless otherwise prescribed by law.

2. The National Competition Committee shall keep confidential the provided information and documents in accordance with law.

Article 41. Decision on economic concentration

1. After completing official review of economic concentration, based on the review contents, the National Competition Committee shall issue a decision that:

a/ Economic concentration is permitted;

b/ Economic concentration is conditional as prescribed in Article 42 of this Law; or,

c/ Economic concentration is prohibited.

2. A decision on economic concentration mentioned in Clause 1 of this Article shall be sent to the enterprises participating in economic concentration within 5 working days after it is issued.

3. In case the National Competition Committee issues a decision after the above time limit expires, causing damage to enterprises, it shall pay compensation in accordance with law.

Article 42. Conditional economic concentration

Conditional economic concentration means economic concentration which may be performed if one or several of the following conditions is or are satisfied:

1. Separation or splitting of an enterprise participating in economic concentration or resale of part of capital contributions or assets of such enterprise.

2. Control of the contents relating to purchase prices and sale prices of goods and services or other transaction conditions in contracts of the enterprise formed after economic concentration.

3. Other measures to remediate possible competition restraining impacts in the market.

4. Other measures to enhance positive impacts of economic concentration.

Article 43. Performance of economic concentration

1. Enterprises performing economic concentration defined at Point a, Clause 2, and Clause 3, Article 36, and Points a and b, Clause 1, Article 41, of this Law may carry out economic concentration procedures in accordance with the law on enterprises and other relevant laws.

2. Enterprises participating in economic concentration defined at Point b, Clause 1, Article 41 of this Law must fully satisfy the conditions for economic concentration specified in the decision on economic concentration issued by the National Competition Committee before and after the economic concentration.

Article 44. Violations of regulations on economic concentration

1. Failing to notify economic concentration in accordance with this Law.

2. Performing economic concentration before the National Competition Committee issues a notice of the result of preliminary review of economic concentration as prescribed in Clause 2, Article 36, except the case prescribed in Clause 3, Article 36, of this Law.

3. Performing economic concentration before the National Competition Committee issues the decision prescribed in Article 41 of this Law, in cases subject to official review of economic concentration.

4. Failing to satisfy or fully satisfy the conditions prescribed in the decision on economic concentration specified at Point b, Clause 1, Article 41 of this Law.

5. Performing economic concentration in the case specified at Point c, Clause 1, Article 41 of this Law.

6. Performing prohibited economic concentration prescribed in Article 30 of this Law.

Chapter VI

PROHIBITED PRACTICES OF UNFAIR COMPETITION

Article 45. Prohibited practices of unfair competition

1. Infringing upon confidential business information in the following forms:

a/ Accessing or collecting confidential business information through opposing security measures of the owners of such information;

b/ Disclosing or using confidential business information without permission of the owners of such information.

2. Threatening or forcing customers or partners of other enterprises to refrain from conducting or cease transactions with such enterprises.

3. Directly or indirectly providing untruthful information about other enterprises, thus adversely affecting their prestige, financial capacity or business activities.

4. Disrupting business activities of other enterprises through directly or indirectly obstructing or interrupting their lawful business activities.

5. Illicitly enticing customers through:

a/ Providing deceitful or confusing information about the enterprises or goods, services, sales promotion, or transaction conditions related to goods or services provided by the enterprises in order to attract customers of other enterprises;

b/ Comparing goods and services of their own with those of the same types of other enterprises without proof for such comparison.

6. Selling goods or providing services at prices lower than total costs, which precludes or is likely to preclude other enterprises trading in such goods or services.

7. Other practices of unfair competition prohibited by other laws.

Chapter VII

THE NATIONAL COMPETITION COMMITTEE

Article 46. The National Competition Committee

1. The National Competition Committee is an agency attached to the Ministry of Industry and Trade and composed of the Chairperson, vice chairpersons and members.

The investigation body for competition cases and other competent units constitute the assisting apparatus of the National Competition Committee.

2. The National Competition Committee has the following tasks and

a/ To advise and assist the Minister of Industry and Trade in performing the state management of competition;

b/ To conduct competition legal proceedings; to control economic concentration; to decide on exemption for prohibited cartels; to settle complaints about decisions to handle competition cases; to perform other tasks in accordance with this Law and other relevant laws.

3. The Government shall issue detailed regulations on the tasks, powers and organizational structure of the National Competition Committee.

Article 47. Chairperson of the National Competition Committee

The Chairperson of the National Competition Committee is the head of the Committee and shall take responsibility before law for the organization and operation of the Committee.

Article 48. Members of the National Competition Committee

1. Members of the National Competition Committee shall join the Council for handling competition restraint-related cases and the Council for settling complaints about decisions to handle competition restraint-related cases according to the order and procedures for competition legal proceedings prescribed in this Law.

2. The number of members of the National Competition Committee must not exceed 15, including the Chairperson. Members of the National Competition Committee must be civil servants of the Ministry of Industry and Trade and related ministries and sectors, experts and scientists.

3. Members of the National Competition Committee shall be appointed and relieved from office by the Prime Minister at the proposal of the Minister of Industry and Trade.

4. Members of the National Competition Committee may hold office for a term of 5 years and be re-appointed.

Article 49. Criteria for a member of the National Competition Committee

1. Being a Vietnamese citizen, having good moral qualities, and being upright and honest.

2. Possessing a university or higher degree in law, economics or finance.

3. Having a total actual working period of at least 9 years in one or more than one of the professions specified in Clause 2 of this Article.

Article 50. The investigation body for competition cases

1. The investigation body for competition cases is attached to the National Competition Committee and has the function to investigate violations of this Law.

2. The investigation body for competition cases has the following tasks and powers:

a/ To collect and receive information in order to detect acts showing signs of violation of the competition law;

b/ To organize investigation of competition cases;

c/ To propose the application, change or cancellation of measures to deter, and secure the handling of, administrative violations during the investigation and handling of competition cases;

d/ To take lawful investigation measures in the course of investigation;

dd/ To perform other tasks as assigned by the Chairperson of the National Competition Committee.

Article 51. Head of the investigation body for competition cases

1. The head of the investigation body for competition cases shall be appointed and relieved from office by the Chairperson of the National Competition Committee.

2. The head of the investigation body for competition cases shall organize the operation of the body to perform the functions, tasks and powers defined in Article 50 of this Law.

Article 52. Investigators of competition cases

1. Investigators of competition cases shall be appointed and relieved from office by the Chairperson of the National Competition Committee.

2. Investigators of competition cases shall investigate competition cases as assigned by the head of the investigation body for competition cases.

Article 53. Criteria for an investigator of competition cases

1. Being a Vietnamese citizen, having good moral qualities, and being upright and honest.

2. Being a civil servant of the National Competition Committee.

3. Possessing a university or higher degree in law, economics, finance, or information technology.

4. Having a total actual working period of at least 5 years in one or more than one of the professions prescribed in Clause 3 of this Article.

5. Having been trained in professional investigation.

Chapter VIII

COMPETITION LEGAL PROCEEDINGS

Section 1

GENERAL PROVISIONS

Article 54. Principles of competition legal proceedings

1. Competition legal proceedings of agencies conducting competition legal proceedings, persons conducting competition legal proceedings, persons participating in competition legal proceedings, and related agencies, organizations and individuals must comply with this Law.

2. Agencies conducting competition legal proceedings, persons conducting competition legal proceedings, and persons participating in competition legal proceedings shall, within the ambit of their responsibilities, powers and obligations, keep confidential information relating to competition cases and business secrets of enterprises in accordance with law.

3. Lawful rights and interests of related enterprises, organizations and individuals shall be respected in the course of conducting competition legal proceedings.

Article 55. Spoken and written language used in competition legal proceedings

The spoken and written language used in competition legal proceedings is Vietnamese. Persons participating in competition legal proceedings may use their native spoken and written language; in this case an interpreter is required.

Article 56. Evidence

1. Evidence includes real things which are used as grounds for identifying violations of the competition law and violating enterprises, and other important circumstances in the settlement of competition cases.

2. Evidence shall be collected from the following sources:

- a/ Readable, audible and visible documents, and electronic data;
- b/ Material exhibits;
- c/ Testimonies and presentations made by witnesses;

d/ Testimonies, presentations and explanations made by complainants, investigated parties, or related organizations or individuals;

dd/ Assessment conclusions;

e/ Records made in the course of investigation and handling of competition cases;

g/ Other documents and objects or other sources as prescribed by law.

3. The identification of evidence is prescribed below:

a/ Readable documents may be regarded as evidence if they are originals or lawfully notarized or certified copies or are provided or certified by related or competent agencies, organizations or individuals;

b/ Audible and visible documents may be regarded as evidence if they are produced together with their owners' written presentations about the origin of the documents if such documents are audio or video recorded by the owners, or the document providers' written certifications of the origin of the documents, or documents on the facts related to such audio or video recording;

c/ Electronic data messages shall be expressed in the form of exchanged electronic data, electronic documents, emails, telegrams, telegraphs, faxes, and other similar forms as prescribed by the law on e-transactions;

d/ Material exhibits used as evidence must be the original exhibits related to the cases;

dd/ Testimonies and presentations of witnesses; testimonies, presentations and explanations of complainants, complainers, investigated parties, or related organizations or individuals may be regarded as evidence if they are recorded in writing, audio tapes, audio discs, video tapes, video discs, or other sound- and image-recording devices prescribed at Points a and b of this Clause or are given orally at hearings;

e/ Assessment conclusions may be regarded as evidence if such assessment is carried out according to the law-prescribed procedures.

4. The Government shall detail this Article.

Article 57. Responsibility to coordinate and assist in the settlement of competition cases

1. Competent agencies and persons shall, within the ambit of their functions, tasks and powers, coordinate with and assist one another in the

course of investigation and handling of competition cases at the request of the National Competition Committee, the investigation body for competition cases, and the Council for handling of the competition restraint-related case.

2. Enterprises, agencies, organizations and individuals shall provide sufficient, accurate and prompt information and documents they are managing or holding which are related to the competition cases at the request of the National Competition Committee, the investigation body for competition cases, and the Council for handling of the competition restraint-related case.

Section 2

AGENCIES CONDUCTING COMPETITION LEGAL PROCEEDINGS, PERSONS CONDUCTING COMPETITION LEGAL PROCEEDINGS

Article 58. Agencies conducting competition legal proceedings and persons conducting competition legal proceedings

1. Agencies conducting competition legal proceedings include:

- a/ The National Competition Committee;
- b/ The Council for handling of the competition restraint-related case;
- c/ The Council for settling complaints about decisions to handle competition cases;
- d/ The investigation body for competition cases.

2. Persons conducting competition legal proceedings:

- a/ Chairperson of the National Competition Committee;
- b/ Chairperson of the Council for handling of the competition restraint-related case;
- c/ Members of the Council for handling of the competition restraint-related case;
- d/ Members of the Council for settling complaints about decisions to handle competition cases;
- dd/ Head of the investigation body for competition cases;
- e/ Investigators of competition cases;
- g/ Secretaries at hearings.

Article 59. Tasks and powers of the Chairperson of the National Competition Committee when conducting competition legal proceedings

1. To decide to form the Council for handling of the competition restraint-related case in order to settle competition restraint-related cases and appoint the secretary of a hearing from among the civil servants of the National Competition Committee.

2. To decide on replacement of members of the Council for handling of the competition restraint-related case and secretaries of hearings.

3. To form the Council for settling complaints about decisions to handle competition cases and concurrently act the Council's chairperson.

4. To settle complaints about decisions to handle violations of the regulations on economic concentration or unfair competition.

5. To request competent agencies to apply, alter or cancel measures to deter, and secure the handling of, administrative violations in the investigation and handling of competition cases in accordance with the law on handling of administrative violations.

6. To decide on handling of violations of the regulations on economic concentration.

7. To decide on handling of unfair competition cases.

8. To perform other tasks and powers in accordance with this Law.

Article 60. Council for handling of the competition restraint-related case

1. The Council for handling of the competition restraint-related case shall be formed under the decision of the Chairperson of the National Competition Committee to handle a specific competition restraint-related case. The Council shall terminate operation and disband when accomplishing its tasks. The Council shall operate independently and comply with law.

2. The Council for handling of the competition restraint-related case must have 3 or 5 members, who shall be selected under decisions of the Chairperson of the National Competition Committee from among the Committee's members, including one member to be assigned as the Council's chairperson.

3. The Council for handling of the competition restraint-related case shall operate on a collegial basis and make decisions by majority vote.

Article 61. Tasks and powers of the Council for handling of the competition restraint-related case and its Chairperson and members

1. The Council for handling of the competition restraint-related case has the following tasks and powers:

- a/ To decide on the opening of hearings;
- b/ To summon participants in hearings;
- c/ To summon witnesses at the request of the parties;
- d/ To decide to request expert assessment; to decide on replacement of expert witnesses and interpreters;
- dd/ To request the competition body for competition cases to conduct additional investigation;
- e/ To decide to suspend the settlement of competition restraint-related cases;
- g/ To decide to handle competition restraint-related cases;
- h/ To request the Chairperson of the National Competition Committee to perform the tasks and exercise the powers specified in Clauses 2 and 5, Article 59 of this Law;
- i/ To perform other tasks and powers in accordance with this Law.

2. The Chairperson of the Council for handling of the competition restraint-related case has the following tasks and powers:

- a/ To handle competition restraint-related cases;
- b/ To convene and preside over meetings of the Council;
- c/ To sign documents of the Council;
- d/ To perform other tasks and exercise other powers in accordance with this Law.

3. Members of the Council for handling of the competition restraint-related case have the following tasks and powers:

- a/ To attend all meetings of the Council;
- b/ To discuss and vote on matters falling within the ambit of the Council's tasks and powers.

Article 62. Tasks and powers of the head of the investigation body for competition cases when conducting competition legal proceedings

1. The head of the investigation body for competition cases has the following tasks and powers:

- a/ To decide on investigation of competition cases after obtaining approval of the Chairperson of the National Competition Committee;
- b/ To decide on assignment of investigators of competition cases;

c/ To request related agencies, organizations and individuals to provide documents, information, objects and explanations related to the competition cases at the request of investigators of competition cases;

d/ To decide on replacement of investigators of competition cases;

dd/ To decide to request expert assessment; to decide on replacement of expert witnesses or interpreters in the course of investigation;

e/ To decide to summon witnesses at the request of the parties;

g/ To decide to extend the time limit for, or suspend, the investigation of competition cases after obtaining approval of the Chairperson of the National Competition Committee;

h/ To propose the Chairperson of the National Competition Committee to request competent agencies to apply, alter or cancel measures to deter, and secure the handling of, administrative violations in the course of investigation;

i/ To make investigation conclusions on competition cases;

k/ To attend hearings;

l/ To perform other tasks and exercise other powers in accordance with this Law.

2. Upon completing the investigation process, the head of the investigation body for competition cases shall sign investigation conclusions on competition cases; and transfer investigation reports and investigation conclusions together with all dossiers of competition cases to the Chairperson of the National Competition Committee.

Article 63. Tasks and powers of investigators of competition cases when conducting competition legal proceedings

1. To investigate competition cases as assigned by the head of the investigation body for competition cases.

2. To make investigation reports after completing the investigation of competition cases.

3. To preserve the documents provided to them.

4. To take responsibility before the head of the investigation body for competition cases and before law for the performance of their tasks and powers.

5. To attend hearings.

6. To take professional investigation measures in the course of investigation in accordance with law.

7. To propose the head of the investigation body for competition cases to decide to extend the time limit for or suspend investigation and make investigation conclusions, request expert assessment, or replace expert witnesses or interpreters in the course of investigation.

8. To report to the head of the investigation body for competition cases for the latter to propose the Chairperson of the National Competition Committee to request competent agencies to apply measures to deter, and secure the handling of, administrative violations in the course of investigation.

9. To perform other tasks and exercise other powers in accordance with this Law.

Article 64. Tasks and powers of the secretary of a hearing

1. To make necessary professional preparations before the opening of the hearing.

2. To announce the rules of the hearing.

3. To report on the presence or absence of persons summoned to the hearing to the Council for handling of the competition restraint-related case.

4. To make hearing scripts.

5. To perform other tasks as assigned by the Chairperson of the Council for handling of the competition restraint-related case.

Article 65. Replacement of persons conducting competition legal proceedings

1. Members of the Council for handling of the competition restraint-related case, investigators of competition cases, and secretaries of hearings shall refuse to conduct competition legal proceedings or be replaced if falling into one of the following cases:

a/ They are relatives of investigated parties or complainants;

b/ They are persons with interests and obligations related to the competition cases;

c/ There are grounds to believe that they might not be impartial while performing their tasks.

2. The Chairperson of the National Competition Committee shall decide by himself/herself or at the request of the Council for handling of the competition restraint-related case decide to replace members of this Council and secretaries of hearings.

3. At a hearing, when it is necessary to replace a member of the Council for handling of the competition restraint-related case or the secretary of the hearing, this Council shall issue a decision to postpone the hearing and, at the same time, propose the Chairperson of the National Competition Committee to replace such member and secretary. The postponement period must not exceed 15 days from the date of issuance of the decision to postpone the hearing.

Section 3

COMPETITION LEGAL PROCEEDING PARTICIPANTS

Article 66. Competition legal proceeding participants

1. The complainant.
2. The complaine.
3. The investigated party.
4. Persons with related interests and obligations.
5. Defenders of lawful rights and interests of the complainant, complaine, investigated party and persons with related interests and obligations.
6. Witnesses.
7. Expert witnesses.
8. Interpreters.

Article 67. Rights and obligations of the complainant, complaine and investigated party

1. The complainant being an organization or individual whose complaint file specified in Article 77 of this Law is received and considered by the National Competition Committee for investigation according to Article 78 of this Law has the following rights:

a/ The rights specified in Clause 3 of this Article;

b/ To propose the Chairperson of the National Competition Committee to request competent agencies to apply measures to deter administrative violations in the investigation and handling of competition cases and ensure the handling thereof.

2. The complaine being an organization or individual that is complained about his/her/its act of violating the competition law has the following rights:

a/ To be informed of being complained;

b/ To explain the complained contents.

3. The investigated party being an organization or individual to be investigated under decision of the National Competition Committee in the cases specified in Article 80 of this Law has the following rights:

a/ To participate in all competition legal proceedings;

b/ To produce information, documents and objects to defend his/her/its lawful rights and interests;

c/ To be informed of information, documents and objects produced by the complainant or the investigation body for competition cases;

d/ To study documents in the competition case file and take notes of and copy necessary documents in such file in order to defend his/her/its lawful rights and interests, excluding documents and evidence not permitted for disclosure in accordance with law;

dd/ To participate in and present his/her/its opinions in the hearings;

e/ To request the summoning of witnesses;

g/ To request expert assessment;

h/ To propose the replacement of persons conducting competition legal proceedings and competition legal proceeding participants;

i/ To authorize defenders of his/her lawful rights and interests to participate in competition legal proceedings;

k/ To request the investigation body for competition cases and the Council for handling of the competition restraint-related case to accept the participation by persons with related interests and obligations in competition legal proceedings;

l/ Other rights as prescribed by law.

4. The investigated party and complainant have the following obligations:

a/ To provide full, truthful and accurate information, documents and necessary objects in a timely manner related to their proposals or requests;

b/ To appear in response to the summonses of the investigation body for competition cases and the Council for handling of the competition restraint-related case;

c/ Not to disclose investigation secrets they know in the process of participating in competition legal proceedings; not to use their notes and copies of documents in the competition case file for the purpose of infringing upon the State's interests or lawful rights and interests of organizations and individuals;

d/ To abide by decisions of the National Competition Committee, the Council for handling of the competition restraint-related case and the investigation body for competition cases.

Article 68. Defenders of lawful rights and interests of the complainant, complaine and investigated party and persons with related interests and obligations

1. The defender of lawful rights and interests of the complainant, complaine and investigated party or a person with related interests and obligations is a person requested in writing by the complainant, complaine, investigated party or a person with related interests and obligations to participate in competition legal proceedings to defend the latter's lawful rights and interests.

2. The following persons may act as defenders of lawful rights and interests of the complainant, complaine, investigated party or persons with related interests and obligations:

a/ Lawyers according to the law on lawyers;

b/ Vietnamese citizens having full civil act capacity, possessing legal knowledge, not being involved in an instituted criminal case, and having no criminal records.

3. A defender may defend lawful rights and interests of multiple parties in the same case provided that the lawful rights and interests of such parties do not conflict one another. More than one defender may defend lawful rights and interests of one party in the case.

4. When conducting procedures for registration for acting as a defender of lawful rights and interests of the complainant, complaine, investigated party or a person with related interests and obligations, the registrant shall produce a written request for defense of relevant interests and obligations of such party.

5. In case of participating in competition legal proceedings, the defender of lawful rights and interests of the complainant, complaine, investigated party or a person with related interests and obligations has the following rights and obligations:

a/ To participate in all competition legal proceedings;

b/ To verify and collect information and evidence and provide them to defend the lawful rights and interests of the party he/she represents;

c/ To study documents in the competition case files and to take notes of and copy necessary documents in such files in order to defend the lawful rights and interests of the party he/she represents;

d/ To propose on behalf of the party he/she represents the replacement of persons conducting competition legal proceedings and competition legal proceeding participants;

dd/ To respect the truth and law; not to bribe, force or incite other persons to give false testimonies or provide untruthful documents;

e/ To appear under the written invitation or in response to the summons of the National Competition Committee, the investigation body for competition cases or the Council for handling of the competition restraint-related case;

g/ Not to disclose investigation secrets he/she knows in the process of participating in competition legal proceedings; not to use his/her notes and copies of documents in the competition case files for the purpose of infringing upon the State's interests or lawful rights and interests of organizations and individuals;

h/ Other rights and obligations as prescribed by law.

Article 69. Witnesses

1. Persons who know about circumstances related to a competition case may be summoned by the investigation body for competition cases and the Council for handling of the competition restraint-related case to participate in the competition legal proceedings in the capacity as witnesses. Persons who have lost their civil act capacity may not act as witnesses.

2. Witnesses have the following rights and obligations:

a/ To provide all documents, papers and objects which they have and are related to the settlement of the competition case; to give truthful testimonies to the investigation body for competition cases and the Council for handling of the competition restraint-related case on all circumstances which they know and are related to the settlement of the competition case;

b/ To participate in hearings and give presentations to the Council for handling of the competition restraint-related case;

c/ To take leave when they are summoned to appear in a hearing by, or give testimonies to, the investigation body for competition cases or the Council for handling of the competition restraint-related case, if they are working for agencies, organizations or enterprises;

d/ To be paid for related expenses as prescribed by law;

dd/ To refuse to give testimonies if such testimonies are related to the State's secrets or professional, business or personal secrets or

adversely affect the complainant or investigated party being their close relative;

e/ To pay damages and take responsibility before law for their false testimonies causing damage to the complainant, the investigated party or other organizations and individuals;

g/ To appear at the hearing in response to the summons of the Council for handling of the competition restraint-related case if they are required to give testimonies publicly at the hearing;

h/ To pledge before the investigation body for competition cases or the Council for handling of the competition restraint-related case to exercise their rights and fulfill their obligations, except minor witnesses;

i/ To be defended in accordance with law.

3. Witnesses who refuse to give testimonies, give false testimonies, provide false documents or are absent without plausible reasons when being summoned by the investigation body for competition cases or the Council for handling of the competition restraint-related case shall bear responsibility before law, except the case prescribed at Point dd, Clause 2 of this Article.

Article 70. Expert witnesses

1. Expert witnesses are persons with profound understanding of and having necessary knowledge about the fields to be assessed at the request of the head of the investigation body for competition cases or the Council for handling of the competition restraint-related case or at the request of the involved parties in case the head of the investigation body or the Council for handling of the competition restraint-related case refuses to solicit an expert assessment.

2. Expert witnesses have the following rights and obligations:

a/ To read documents in the competition case files relating to objects in need of expert assessment; to request expert assessment-soliciting agencies, organizations and persons or expert assessment-requesting persons to provide documents necessary for expert assessment;

b/ To raise questions to the competition legal proceeding participants on matters related to objects in need of expert assessment;

c/ To appear in response to the summonses of agencies conducting competition legal proceedings, and give answers on matters related to the expert assessment as well as expert assessment conclusions in an honest, grounded and objective manner;

d/ To notify in writing the expert assessment-soliciting agency and expert assessment-requesting persons of the impossibility to perform expert assessment because the matters requested to be assessed fall beyond their professional capability or the provided documents are insufficient or irrelevant for expert assessment;

dd/ To retain the received documents and return them to the expert assessment-soliciting agency and expert assessment-requesting persons together with the expert assessment conclusions or the notice of the impossibility to perform expert assessment;

e/ Not to collect by themselves documents for expert assessment; not to privately contact other competition legal proceeding participants if such contact affects the impartiality of expert assessment results; not to disclose information they know in the expert assessment process; not to notify expert assessment results to other persons, except the agencies conducting competition legal proceedings and expert assessment-requesting persons if the head of the investigation body for competition cases or the Council for handling of the competition restraint-related case refuses to solicit an expert assessment;

g/ To be paid for related expenses in accordance with law.

3. An expert witness who refuses to give expert assessment conclusions without plausible reasons or gives false expert assessment conclusions or is absent without plausible reasons when summoned by the agency conducting competition legal proceedings shall bear responsibility before law.

4. An expert witness shall refuse to participate in competition legal proceedings or be replaced in the following cases:

a/ He/she is the complainant, the investigated party, a person with related interests and obligations or a relative thereof;

b/ He/she has participated in competition legal proceedings in the capacity as a defender of lawful rights and interests, a witness or an interpreter in the same competition case;

c/ There are explicit grounds to believe that he/she might be not impartial when performing his/her tasks.

Article 71. Interpreters

1. Interpreters are those who are capable of translating a language other than Vietnamese into Vietnamese and vice versa in case competition legal proceeding participants cannot use Vietnamese. Interpreters may be requested to interpret by the investigation body for competition cases or the Council for handling of the competition

restraint-related case or selected by the complainant, the investigated party or a person with related interests and obligations or selected under the agreement of the involved parties and accepted by the investigation body for competition cases or the Council for handling of the competition restraint-related case.

2. Interpreters have the following rights and obligations:

a/ To appear in response to the summonses;

b/ To interpret in an truthful, objective and accurate manner;

c/ To ask persons conducting competition legal proceedings and competition legal proceeding participants to explain the contents more clearly for interpretation;

d/ Not to contact other competition legal proceeding participants if such contact affects the truthfulness, objectivity and accuracy of the interpretation;

dd/ To be paid for other related expenses in accordance with law.

3. An interpreter shall refuse to participate in competition legal proceedings or be replaced in the following cases:

a/ He/she is the complainant, the investigated party, a person with related interests and obligations or a relative thereof;

b/ He/she has participated in competition legal proceedings in the capacity as a defender of lawful rights and interests, a witness or an expert witness in the same competition case;

c/ There are explicit grounds to believe that he/she might be not impartial when performing his/her tasks.

4. This Article also applies to those who understand the signs given by competition legal proceeding participants who are hearing-impaired or speech-impaired. In case only representatives or relatives of competition legal proceeding participants who are hearing-impaired or speech-impaired can understand the latter's signs, they may be accepted by the investigation body for competition cases or the Council for handling of the competition restraint-related case to act as interpreters for the latter.

Article 72. Persons with related interests and obligations

1. Persons with related interests and obligations are those with no complaints about the competition case and other than the investigated party but the settlement of the competition case is related to their interests or obligations so that they themselves may request or be requested by the complainant or investigated party and accepted by the

investigation body for competition cases or the Council for handling of the competition restraint-related case to act as persons with related interests or obligations in the legal proceedings or may be brought to the legal proceedings by the investigation body for competition cases or the Council for handling of the competition restraint-related case as persons with related interests and obligations.

2. Persons with related interests and obligations may file independent claims or participate in competition legal proceedings on the side of the complainants or investigated parties.

Procedures for requesting independent claims by persons with related interests and obligations are similar to procedures for lodging complaints about competition cases.

3. Persons with related interests and obligations who file independent claims or participate in competition legal proceedings on the side of the complainants or persons with interests only have rights and obligations prescribed in Clauses 1 and 4, Article 67 of this Law.

4. Persons with related interests and obligations who participate in competition legal proceedings on the side of the investigated parties or persons with obligations only have the rights and obligations prescribed in Clauses 3 and 4, Article 67 of this Law.

Article 73. Refusal of expert assessment, interpretation or request for replacement of expert witnesses or interpreters

The refusal of expert assessment or interpretation or request for replacement of expert witnesses or interpreters shall be made in writing, clearly stating the reasons.

Article 74. Decision on replacement of expert witnesses or interpreters

1. The replacement of an expert witness or interpreter shall be decided by the head of the investigation body for competition cases, except the case specified in Clause 2 of this Article.

2. During the settlement of a competition restraint-related case, the Council for handling of the competition restraint-related case shall decide on the replacement of an expert witness or interpreter.

If an expert witness or interpreter is to be replaced at a hearing, the Council for handling of the competition restraint-related case shall issue a decision to postpone the hearing. The solicitation of another expert witness or the use of another interpreter must comply with Articles 70 and 71 of this Law.

Section 4

ORDER AND PROCEDURES FOR INVESTIGATION AND HANDLING OF COMPETITION CASES

Article 75. Provision of information about acts of violation

1. Organizations and individuals detecting acts showing signs of violating the competition law shall notify and provide information and evidence to the National Competition Committee.

2. Organizations and individuals shall provide truthful information and evidence to the National Competition Committee.

3. If requested, the National Competition Committee shall apply necessary measures to keep confidential information about and the identity of providers of information and evidence.

Article 76. Receipt, verification and assessment of information about acts of violation

1. The National Competition Committee shall receive, verify and assess information and evidence of acts showing signs of violation of the competition law provided by organizations and individuals.

2. The National Competition Committee may request the organizations and individuals specified in Clause 1, Article 75 of this Law to provide additional information and evidence to clarify acts of violation.

Article 77. Complaints about competition cases

1. If an organization or individual believes that its/his/her lawful rights and interests are infringed upon by acts of violation of the competition law, he/she/it has the right to lodge complaints with the National Competition Committee.

2. The limitation period for lodging complaints is 3 years counting from the date the acts showing signs of violation of the competition law are committed.

3. A complaint file must comprise:

a/ A written complaint, made according to the form issued by the National Competition Committee;

b/ Evidence to prove that the contents of the complaint are well-grounded and lawful;

c/ Other relevant information and evidence believed by the complainant to be necessary for the settlement of the complaint.

4. The complainant shall bear responsibility for the truthfulness of information and evidence he/she has provided to the National Competition Committee.

Article 78. Acceptance and examination of complaint files

1. Within 7 working days after receiving a complaint file, the National Competition Committee shall examine its completeness and validity; for a complete and valid complaint file, the National Competition Committee shall concurrently notify the complainant and the complaine of the acceptance thereof.

2. Within 15 days after issuing a written notice to the involved parties specified in Clause 1 of this Article, the National Competition Committee shall examine the complaint file; if the complaint file fails to satisfy the conditions specified in Clause 3, Article 77 of this Law, the National Competition Committee shall send a written request to the complainant for supplementation of the complaint file.

The time limit for supplementation of a complaint file is 30 days from the date of receipt of a written request for supplementation. The National Competition Committee may extend the time limit for supplementing a complaint file only once for 15 days at most at the request of the complainant.

3. Within the time limits specified in Clauses 1 and 2 of this Article, the complainant may withdraw the complaint file and the National Competition Committee shall suspend the examination of the file.

Article 79. Return of complaint files

The National Competition Committee shall return a file of complaint about the competition case in the following cases:

1. The limitation period has expired.
2. The complaint falls beyond its competence.
3. The complainant fails to fully supplement the file as specified in Clause 2, Article 78 of this Law.
4. The complainant withdraws his/her/its complaint file.

Article 80. Decisions on investigation of competition cases

The head of the investigation body for competition cases shall issue a decision on investigation of a competition case in the following cases:

1. The complaint about the competition case satisfies the conditions specified in Article 77 of this Law and does not fall into any of the cases specified in Article 79 of this Law.

2. The National Competition Committee detects acts showing signs of violation of the competition law within 3 years after such acts are committed.

Article 81. Time limits for investigation of competition cases

1. The time limit for investigation of a competition restraint-related case is 9 months after an investigation decision is issued; for complicated cases, this time limit may be extended only once for 3 months at most.

2. The time limit for investigation of violations of regulations on economic concentration is 90 days after an investigation decision is issued; for complicated cases, this time limit may be extended only once for 60 days at most.

3. The time limit for investigation of an unfair competition case is 60 days after an investigation decision is issued; for complicated cases, this time limit may be extended only once for 45 days at most.

4. The extension of the investigation time limit shall be notified to the investigated parties and involved parties at least 7 working days before the expiration of such time limit.

Article 82. Application of measures to deter administrative violations in the investigation and handling of competition cases and ensure the handling thereof

1. During the investigation and handling of competition cases, the Chairperson of the National Competition Committee shall, within the ambit of his/her tasks and powers, request competent agencies to apply the following measures to deter administrative violations and ensure the handling thereof in accordance with the law on handling of administrative violations:

a/ Temporarily seizing evidence and violating vehicles, licenses and practice certificates;

b/ Searching vehicles and objects;

c/ Searching places where evidence and violating vehicles are hidden.

2. The Government shall prescribe the order and procedures for application of the measures to deter administrative violations in the investigation and handling of competition cases and ensure the handling thereof.

Article 83. Taking of testimonies

1. An investigator of a competition case shall take testimonies of the complainant, investigated party, persons with related interests and

obligations, witnesses and other related organizations and individuals to collect and verify information and evidence necessary for the settlement of the competition case.

2. Testimonies referred to in Clause 1 of this Article shall be taken at the office of the National Competition Committee. In case of necessity, testimonies may be taken outside the office of the National Competition Committee.

3. A written record of testimonies of a declarant shall be read by him/her again or read to him or her again and must have his/her signature or fingerprint on each page. The declarant may request writing of modifications and additions in the written record of testimonies and sign or press his/her fingerprint thereon for certification. The investigator and testimony writer shall sign on each page of the written record of testimonies.

4. If the declarant refuses to sign or press his/her fingerprint on the written record of his/her testimonies, the investigator of the competition case shall write such refusal on the written record together with the reason.

Article 84. Summoning of witnesses during investigation

1. During the investigation, the parties may request the investigation body for competition cases to summon witnesses. The requesters are obliged to state the reasons for inviting witnesses for the investigation body for competition cases to make decision.

2. Witnesses' testimonies shall be recorded in writing in accordance with Article 83 of this Law

Article 85. Transfer of files in case acts showing criminal signs are detected

1. If criminal signs are detected in the course of investigation, the competition case investigators shall report them to the head of the investigation body for competition cases for consideration and decision to propose the Chairperson of the National Competition Committee to transfer part or the whole of the file involving criminal signs to a competent state agency for handling in accordance with law.

2. If determining that there are no grounds for initiating or deciding not to initiate a criminal case involving violations of competition regulations, the competent state agency shall return the file to the National Competition Committee for further investigation in accordance with this Law. The time limit of investigation shall be counted from the date the file is received back.

Article 86. Cessation of investigation

The head of the investigation body for competition cases shall issue a decision to cease the investigation of a competition case in the following cases:

1. Evidence to prove acts of violation as specified in this Law cannot be collected during the investigation.

2. The complainant withdraws the complaint file and the investigated party's commitment to stop the investigated act and application of consequence-remedying measures are accepted by the investigation body for competition cases.

3. In case of conducting an investigation under Clause 2, Article 80 of this Law, the investigated party's commitment to stop the investigated act and application of consequence-remedying measures are accepted by the investigation body for competition cases.

Article 87. Resumption of investigation

1. The head of the investigation body for competition cases shall resume the investigation by himself/herself or at the request of the Chairperson of the National Competition Committee or at the request of the related parties in the following cases:

a/ The investigated party makes no commitments or make improper or inadequate commitments as prescribed in Clauses 2 and 3, Article 86 of this Law;

b/ The investigated party's commitment is accepted based on inadequate, inaccurate or false information provided by the related parties.

2. The time limit of investigation after a decision on resumption of the investigation is 4 months.

Article 88. Investigation reports

1. After completing the investigation of a competition case, the investigator shall make an investigation report and submit it to the head of the investigation body for competition cases. The report must contain the following principal contents:

a/ A brief of the case;

b/ Determination of acts of violation;

c/ Verified circumstances and evidence;

d/ Proposed handling measures.

2. The head of the investigation body for competition cases shall make investigation conclusions and transfer the competition case file, investigation report and investigation conclusions to the Chairperson of the National Competition Committee for handling in accordance with this Law.

Article 89. Handling of a case of violation of regulations on economic concentration

1. Within 30 days after receiving the case file and investigation report and conclusions, the Chairperson of the National Competition Committee shall issue one of the following decisions:

a/ To handle the case of violation of regulations on economic concentration;

b/ To request the investigation body for competition cases to conduct additional investigation if finding that the collected evidence is not enough for determining acts of violation of the competition law. The time limit for additional investigation is 30 days after the decision on additional investigation is issued;

c/ To suspend the settlement of the case of violation of regulations on economic concentration.

2. The time limit for additional investigation in the handling of a case of violation of regulations on economic concentration is 20 days after receiving the case file, and additional investigation report and conclusions.

Article 90. Handling of an unfair competition case

1. Within 15 days after receiving the case file and investigation report and conclusions, the Chairperson of the National Competition Committee shall issue one of the following decisions:

a/ To handle the unfair competition case;

b/ To request the investigation body for competition cases to conduct additional investigation if finding that the collected evidence is not enough for determining acts of violation of the competition law. The time limit for additional investigation is 30 days after the decision on additional investigation is issued;

c/ To suspend the settlement of the unfair competition case.

2. The time limit for additional investigation in the handling of an unfair competition case is 10 days after receiving the case file and additional investigation report and conclusions.

Article 91. Handling of a competition restraint-related case

1. Within 15 days after receiving the case file and investigation report and conclusions, the Chairperson of the National Competition Committee shall issue a decision to form a Council for handling of the competition restraint-related case.

2. Within 30 days after being formed, the Council for handling of the competition restraint-related case may request the investigation body for competition cases to conduct additional investigation if finding that the collected evidence is not enough for determining acts of violation of the competition law. The time limit for additional investigation is 60 days after the request is made.

3. Within 60 days after being formed or receiving the additional investigation report and conclusions, the Council for handling of the competition restraint-related case shall issue a decision to suspend the handling of the competition case under Article 92 of this Law or issue a competition case-handling decision under Article 94 of this Law.

4. Prior to the issuance of a decision to handle a competition restraint-related case, the Council for handling of the competition restraint-related case shall open a hearing under Article 93 of this Law.

5. The Council for handling of the competition restraint-related case shall issue a decision to handle the competition restraint-related case by discussing, casting secret votes and making decision by majority vote.

Article 92. Suspension of settlement of competition cases

1. The Chairperson of the National Competition Committee shall consider suspending the settlement of a case of violation of regulation on economic concentration or an unfair competition case when:

a/ The complainant withdraws the written complaint and the investigated party commits to stop its investigated act and apply consequence-remedying measures;

b/ If conducting investigation under Clause 2, Article 80 of this Law, the investigated party commits to stop its investigated act and apply consequence-remedying measures.

2. The Council for handling of the competition restraint-related case shall consider suspending the settlement of the competition restraint-related case when:

a/ The complainant withdraws the written complaint and the investigated party commits to stop its investigated act and apply consequence-remedying measures;

b/ If conducting investigation under Clause 2, Article 80 of this Law, the investigated party commits to stop its investigated act and apply consequence-remedying measures.

3. The decision to suspend the settlement of a competition case shall be sent to the complainant and investigated party and made public.

Article 93. Hearings

1. At least 15 days before the expiration of the time limit specified in Clause 3, Article 91 of this Law, the Council for handling of the competition restraint-related case shall open a hearing.

2. A hearing shall be held in public. If the contents of a hearing are related to state secrets or business secrets, the hearing shall be held behind closed doors.

3. The decision to open a hearing and summonses to appear at a hearing shall be sent to the complainant, investigated party and related organizations and individuals at least 5 working days before the opening of the hearing; if they are summoned by the Council for handling of the competition restraint-related case but fail to appear at the hearing without plausible reasons or they have been duly summoned for the second time but fail to appear at the hearing, the Council for handling of the competition restraint-related case may still proceed with the competition case under regulations.

4. Participants in a hearing include:

a/ Members of the Council for handling of the competition restraint-related case;

b/ The complainant;

c/ The investigated party;

d/ Defenders of lawful rights and interests of the complainant and investigated party;

dd/ The head of the investigation body for competition cases and investigators who have investigated the competition case;

e/ The hearing's clerk;

g/ Persons with related interests and obligations and other persons named in the decision to open the hearing.

5. At the hearing, the participants may present their opinions and arguments to defend their lawful rights and interests. Opinions and arguments presented at the hearing shall be recorded in writing

Article 94. Competition case-handling decisions

1. A competition case-handling decision must contain the following principal contents:

- a/ A brief of the case;
- b/ Analysis of the case;
- c/ Conclusion on the handling of the case.

2. A competition case-handling decision shall be handed to the related organizations and individuals within 5 working days after the date of its signing.

3. A competition case-handling decision may be delivered by one or more than one of the following methods:

- a/ Directly;
- b/ By post;
- c/ Via an authorized third person.

4. If a competition case-handling decision cannot be delivered by one of the methods referred to in Clause 3 of this Article, it shall be publicly posted or announced in the mass media.

Article 95. Effect of competition case-handling decisions

A competition case-handling decision will take effect on the date of the expiration of the time limit for lodging complaints specified in Article 96 of this Law; except the case specified in Clause 2, Article 99 of this Law.

Section 5

SETTLEMENT OF COMPLAINTS ABOUT COMPETITION CASE-HANDLING DECISIONS

Article 96. Complaints about competition case-handling decisions

Within 30 days after receiving the competition case-handling decision, organizations or individuals that disagree with part or the whole of such decision may lodge complaints with the Chairperson of the National Competition Committee.

Article 97. Written complaints about competition case-handling decisions

1. A written complaint about a competition case-handling decision must include:

- a/ Date of its making;
- b/ Name and address of the maker;

c/ Serial number and date of the complained competition case-handling decision;

d/ The reason for complaining and the complainant's claim;

dd/ The signature and seal (if any) of the complainant.

2. A written complaint about a competition case-handling decision shall be enclosed with supplementary information and evidence (if any) to prove that the complaint is grounded and lawful.

Article 98. Acceptance of written complaints about competition case-handling decisions

Within 10 days after receiving a written complaint about a competition case-handling decision, the Chairperson of the National Competition Committee shall accept the written complaint for settlement and notify such in writing to the complainant and other related parties named in the written complaint. In case of non-acceptance, it shall issue a written reply clearly stating the reason.

Article 99. Consequences of complaints about competition case-handling decisions

1. The complained competition case-handling decision will continue to be executed, except the case referred to in Clause 2 of this Article.

2. In the course of settling a complaint, if finding that the execution of part or the whole of the complained competition case-handling decision causes consequences that are unlikely to be remedied, the Chairperson of the National Competition Committee shall issue a decision to suspend the execution of part or the whole of such decision. The suspension decision of the Chairperson of the National Competition Committee will cease to be effective on the effective date of the decision to settle the complaint about the competition case-handling decision.

Article 100. Settlement of complaints about competition case-handling decisions

1. The settlement of a complaint about a competition case-handling decision is prescribed as follows:

a/ Within 5 working days after accepting a written complaint, the Chairperson of the National Competition Committee shall decide to form a Council for settlement of complaints about the competition case-handling decision which must be composed of the Chairperson and all other members of the National Competition Committee, excluding those who have joined the Council for handling of the competition restraint-

b/ The issuance of a complaint settlement decision must involve at least two-thirds of total members of the complaint settlement council.

A complaint settlement decision shall be adopted by majority vote; in case the numbers of votes for and votes against are equal, the decision shall be made according to the opinion of the complaint settlement council's chairperson;

c/ The time limit for settling a complaint is 30 days after the issuance of the decision to form the complaint settlement council.

2. The settlement of complaints about cases of violation of regulations on economic concentration and unfair competition is prescribed as follows:

a/ After accepting a written complaint, the Chairperson of the National Competition Committee shall settle the complaint according to his/her competence;

b/ The time limit for settling a complaint is 30 days after it is accepted.

3. For complicated cases, the time limit for settling a complaint referred to in Clause 1 or 2 of this Article may be extended but must not exceed 45 days.

Article 101. Decisions to settle complaints about competition case-handling decisions

1. To uphold the competition case-handling decision.

2. To modify part or the whole of the competition case-handling decision.

3. To annul the competition case-handling decision for re-settlement in the following cases:

a/ The composition of the Council for handling of the competition restraint-related case contravenes this Law;

b/ Serious violations of competition legal proceedings are committed;

c/ There is a new circumstance which is likely to substantially change the competition case-handling decision and cannot be known in the course of investigation and handling of the competition case.

4. In case the competition case-handling decision is annulled under Clause 3 of this Article, the Chairperson of the National Competition Committee shall handover the file to the investigation body for competition cases or form the Council for handling the competition restraint-related case in accordance with this Law. Members of the

Council for handling of the competition restraint-related case and investigators who commit violations specified at Point a or b, Clause 3 of this Article may not continue to participate in the investigation and handling of this case.

Article 102. Effect of complaint settlement decisions

1. The decision to settle complaints about a competition case-handling decision takes effect on the date of its signing.

2. Within 5 working days after the date of its signing, the decision to settle complaints about a competition case-handling decision shall be sent to related organizations and individuals for implementation.

Article 103. Initiation of lawsuits against complaint settlement decisions

1. In case of disagreeing with the decision to settle complaints about a competition case-handling decision, organizations and individuals may initiate a lawsuit against part or the whole of contents of such decision at a competent court in accordance with the Law on Administrative Procedures within 30 days after receiving such decision.

2. In case the court accepts the written lawsuit referred to in Clause 1 of this Article, the National Competition Committee shall transfer the competition case file to the court within 10 days after receiving the court's request.

Section 6

DISCLOSURE OF THE NATIONAL COMPETITION
COMMITTEE'S DECISIONS

Article 104. Decisions to be disclosed

1. The following decisions shall be disclosed, excluding the contents specified in Article 105 of this Law:

a/ Decision on grant of exemption for a prohibited cartel;

b/ Decision on economic concentration;

c/ Competition case-handling decision;

d/ Decision to suspend the settlement of a competition case;

dd/ Decision to settle complaints about a competition case-handling decision.

2. The National Competition Committee shall disclose the decisions specified in Clause 1 of this Article after such decisions take legal effect.

Article 105. Contents not to be disclosed

The Chairperson of the National Competition Committee shall decide not to disclose contents related to state secrets or business secrets of enterprises in the decisions specified in Clause 1, Article 104 of this Law.

Article 106. Posting of contents of decisions to be disclosed

The contents permitted for disclosure in the decisions specified in Clause 1, Article 104 of this Law shall be posted on the National Competition Committee's website for 90 consecutive days after the effective date of such decisions.

Article 107. Disclosure and posting of reports on annual operation results of the National Competition Committee

The National Competition Committee shall disclose and post reports on its annual operation results on its website.

Section 7

INTERNATIONAL COOPERATION IN COMPETITION LEGAL PROCEEDINGS

Article 108. International cooperation in competition legal proceedings

1. The National Competition Committee may cooperate with foreign competition agencies in the process of carrying out competition legal proceedings in order to timely detect, investigate and handle acts showing signs of violation of the competition law.

2. The scope of international cooperation in competition legal proceedings covers consultation, exchange of information and documents and other suitable international cooperation activities in conformity with Vietnam's laws and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 109. Principles of international cooperation in competition legal proceedings

1. International cooperation in competition legal proceedings shall be implemented based on the principles of respect for each other's independence, sovereignty and national territorial integrity, non-interference into each other's internal affairs, and equality and mutual benefit in conformity with Vietnam's Constitution and laws and treaties to which the Socialist Republic of Vietnam is a contracting party.

2. In case the Socialist Republic of Vietnam has not yet signed or acceded to a relevant treaty, international cooperation in competition legal proceedings shall be implemented on the principle of reciprocity

but must not contravene Vietnam's Constitution and laws and must conform with international law and practices.

Chapter IX

HANDLING OF VIOLATIONS OF THE COMPETITION LAW

Article 110. Principles and forms of handling of violations of the competition law and consequence-remedying measures

1. Violators of the competition law shall, depending on the nature and severity of their violations, be disciplined, be administratively handled or examined for penal liability; if causing damage to the interests of the State, or lawful rights and interests of other organizations or individuals, they shall pay compensation in accordance with law.

2. For each violation of the competition law, a violator shall be subject to one of the following principal sanctions:

a/ Warning;

b/ Fine.

3. Depending on the nature and severity of its/his/her violation, a violator of the competition law may be subject to one or more than one of the following additional sanctions:

a/ Revocation of the enterprise registration certificate or paper of equivalent validity, deprivation of licenses and practicing certificates;

b/ Confiscation of exhibits and vehicles used for the commission of the violation;

c/ Confiscation of profits earned from the commission of the violation.

4. In addition to the sanctions prescribed in Clauses 2 and 3 of this Article, a violator of the competition law may be subject to the application of one or more than one of the following consequence-remedying measures:

a/ To restructure the enterprise having abused its dominant market position or monopoly position;

b/ To remove illegal provisions from the business contracts, agreements or transactions;

c/ To divide, split or resell part or the whole of the contributed capital amount and assets of the enterprise formed after economic concentration;

d/ To be subject to the competent state agencies' control of purchase or sale prices of goods and services or other transaction conditions of contracts of the enterprise formed after economic concentration;

dd/ To make public corrections;

e/ Other necessary measures to overcome impacts of the violation.

5. The Government shall prescribe in detail forms of handling of and measures to remedy consequences of each violation of the competition law.

Article 111. Fines imposed on violation of the competition law

1. The maximum fine level applicable to acts of violating the regulations on cartels, or abuse of dominant market position or monopoly position is 10% of the total turnover earned by the violating enterprise in a relevant market in the fiscal year preceding the year when the act is committed, but must be lower than the minimum fine level imposed on other acts of violation prescribed in the Penal Code.

2. The maximum fine level applicable to acts of violating the regulations on economic concentration is 5% of the total turnover earned by the violating enterprise in a relevant market in the fiscal year preceding the year when the act is committed.

3. The maximum fine level applicable to acts of violating the regulations on unfair competition is VND 2 billion.

4. The maximum fine level applicable to other acts of violating the provisions of this Law is VND 200 million.

5. The maximum fine levels specified in Clauses 1, 2, 3 and 4 of this Article shall be imposed on acts of violation committed by organizations; for the same acts of violation committed by individuals, the maximum fine level applicable to such acts shall be equal to half of that applicable to organizations.

6. The Government shall prescribe in detail fines applicable to acts of violation specified in this Law.

Article 112. Leniency policy

1. Enterprises voluntarily declaring and assisting the National Competition Committee in detecting, investigating and handling prohibited cartels specified in Article 12 of this Law are entitled to exemption from or reduction of fines according to the leniency policy.

2. The Chairperson of the National Competition Committee shall decide on the exemption or reduction of fines according to the leniency policy.

3. The exemption from or reduction of fines referred to in Clause 1 of this Article shall be applied when the following conditions are fully satisfied:

a/ Having acted or currently acting as a party to a cartel specified in Article 11 of this Law;

b/ Voluntarily reporting acts of violation before a competent agency issues an investigation decision;

c/ Truthfully declaring and providing information and evidence of violation in its possession that are of considerable value for the detection, investigation and handling of acts of violation;

d/ Fully cooperating with competent agencies throughout the course of investigation and handling of acts of violation.

4. The provisions of Clause 1 of this Article shall not be applied to enterprises that have a role of coercing or organizing the participation in cartels for other enterprises.

5. The leniency policy shall be applied to no more than 3 first enterprises submitting their written petitions for leniency to the National Competition Committee and fully satisfying the conditions specified in Clause 3 of this Article.

6. Grounds for determining enterprises eligible for leniency are prescribed as follows:

a/ Order of declaration;

b/ Time of declaration;

c/ The truthfulness and value of the provided information and evidence;

7. The exemption or reduction of fines is prescribed as follows:

a/ The first enterprise submitting its written petition for leniency and fully satisfying the conditions specified in Clause 3 of this Article shall be totally exempted from the fines;

b/ The second and third enterprises submitting their written petitions for leniency and fully satisfying the conditions specified in Clause 3 of this Article shall be entitled to a reduction of 60% and 40% of fines, respectively.

Article 113. Competence and forms of handling of violations of the competition law

1. In case a state agency performs an act of violation specified in Clause 1, Article 8 of this Law, the National Competition Committee shall request the state agency to stop its act and apply remedial measures. The requested state agency shall stop its acts, address the consequences and compensate for the damage in accordance with law.

2. If an organization or individual commits a prohibited act specified in Clause 2, Article 8 of this Law, the Chairperson of the National Competition Committee, the Council for handling of the competition restraint-related case has the following powers:

a/ To impose caution;

b/ To impose fines specified in Clause 4, Article 111 of this Law;

c/ To apply the measures specified at Points b and c, Clause 3, and Points dd and e, Clause 4, Article 110 of this Law;

d/ To request competent state agencies to apply the measure specified at Point a, Clause 3, Article 110 of this Law.

3. For acts of violating regulations on cartels and abuse of dominant market position or monopoly position, the Council for handling of the competition restraint-related case has the following powers:

a/ To impose caution;

b/ To impose fines specified in Clause 1, Article 111 of this Law;

c/ To apply the measures specified at Points b and c, Clause 3, and Points a, b, d, dd and e, Clause 4, Article 110 of this Law;

d/ To request competent state agencies to apply the measures specified at Point a, Clause 3, and Point a, Clause 4, Article 110 of this Law.

4. For acts of violating regulations on economic concentration, the Chairperson of the National Competition Committee has the following powers:

a/ To impose caution;

b/ To impose fines specified in Clause 2, Article 111 of this Law;

c/ To apply the measures specified at Points b and c, Clause 3, and Points a, c, d and e, Clause 4, Article 110 of this Law;

d/ To request competent state agencies to apply the measures specified at Point a, Clause 3, and Point a, Clause 4, Article 110 of this

5. For acts of violating regulations on unfair competition and other acts of violation as prescribed by this Law other than those specified in Clauses 1, 2, 3 and 4 of this Article, the Chairperson of the National Competition Committee has the following powers:

a/ To impose caution;

b/ To impose fines specified in Clauses 3 and 4, Article 111 of this Law;

c/ To apply the measures specified at Points b and c, Clause 3, and Points dd and e, Clause 4, Article 110 of this Law;

d/ To request competent state agencies to apply the measure specified at Point a, Clause 3, Article 110 of this Law.

6. The acts specified in Clause 7, Article 45 of this Law shall be handled in accordance with other relevant laws.

Article 114. Enforcement of competition case-handling decisions

1. After fifteen days from the effective date of the competition case-handling decision, if the party obliged to comply with such decision fails to voluntarily comply with the decision, the party in favor of which the competition case-handling decision is issued and the National Competition Committee may request competent state agencies to organize the enforcement of the decision.

2. If the competition case-handling decision is related to property of the party obliged to comply with the decision, the National Competition Committee may request the competent civil judgment enforcement body to organize the enforcement of the decision.

Article 115. Enforcement of decisions to settle complaints about competition case-handling decisions

1. After fifteen days from the effective date of a decision to settle complaints about a competition case-handling decision, if the party obliged to comply with such decision fails to voluntarily comply with the decision or does not initiate a lawsuit against such decision at a court as specified in Article 103 of this Law, the party in favor of which the decision is issued and the National Competition Committee may request a competent state agency to organize the enforcement of the decision.

2. If the decision to settle complaints about a competition case-handling decision is related to property of the party obliged to comply with the decision, the National Competition Committee may request a competent civil judgment enforcement body to organize the enforcement of the decision.

Chapter X

IMPLEMENTATION PROVISIONS

Article 116. Amendment, supplementation and annulment of provisions in a number of other laws

1. To amend and supplement a number of articles of Law No. 26/2008/QH12 on Enforcement of Civil Judgments which was amended and supplemented under Law No. 64/2014/QH13 as follows:

a/ To replace the phrase “a competition case-handling decision of the competition case-handling council” in Article 1; at Point e, Clause 2, Article 35; and at Point a, Clause 1, Article 56, with the phrase “a competition case-handling decision of the Chairperson of the National Competition Committee or the Council for handling of the competition restraint-related case, or a decision to settle complaints about the competition case-handling decision of the Chairperson of the National Competition Committee or the Council for settlement of complaints about the competition case-handling decision”;

b/ To replace the phrase “the competition case-handling council” in Articles 26 and 27 with the phrase “the Chairperson of the National Competition Committee, the Council for handling of the competition restraint-related case, or the Council for settlement of complaints about the competition case-handling decision”;

c/ To amend and supplement Point dd, Clause 1, Article 2 as follows:

“dd/ A competition case-handling decision of the Chairperson of the National Competition Committee or the Council for handling of the competition restraint-related case, a decision to settle complaints about the competition case-handling decision of the Chairperson of the National Competition Committee or the Council for settlement of complaints about a competition case-handling decision which, within 15 days after the effective date of such decisions, the involved parties neither voluntarily comply with nor initiate a lawsuit at the court.”

2. To annul Clause 6, Article 19 of Law No. 41/2009/QH12 on Telecommunications.

3. To annul Point 4.1, Sub-Section 4, Section II, Part A in Appendix 01 to Law No. 97/2015/QH13 on Charges and Fees.

Article 117. Effect

1. This Law takes effect on July 1, 2019.

2. Competition Law No. 27/2004/QH11 ceases to be effective on the date this Law takes effect.

Article 118. Transitional provisions

From the effective date of this Law, acts of violating the competition law as prescribed in Competition Law No. 27/2004/QH11 shall be considered and settled as follows:

1. For acts being investigated or handled which are determined not to be in violation of this Law, their investigation and handling shall be terminated;

2. For acts being investigated or handled or related to the settlement of complaints about competition case-handling decisions which are determined to be in violation of this Law, the investigation or handling of such acts or settlement of complaints shall be further conducted. If the form of handling or the fine level applied to such acts under this Law is higher than that prescribed in Competition Law No. 27/2004/QH11, the provisions of Competition Law No. 27/2004/QH11 shall prevail.

This Law was passed on June 12, 2018, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 5th session.-

Chairwoman of the National Assembly
NGUYEN THI KIM NGAN