



MINISTRY OF INDUSTRY AND TRADE
VIETNAM COMPETITION AND CONSUMER AUTHORITY

ANNUAL REPORT 2020



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ABBREVIATIONS

ABBREVIATIONS	MEANING
ACCP	<i>ASEAN Committee on Consumer Protection</i>
AEGC	<i>ASEAN Expert Group on Competition</i>
APEC	<i>Asia - Pacific Economic Cooperation</i>
ASEAN	<i>Association of Southeast Asia Nations</i>
VCCA	Viet Nam Competition and Consumer Protection Authority
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
EC	European Commission

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



VIET NAM COMPETITION AND CONSUMER AUTHORITY

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

Units under VCCA include:

- (i) Administrative Office
- (ii) Antitrust Division
- (iii) Economic Concentration Control Division
- (iv) Unfair Competition Investigating and Handling Division
- (v) Consumer Protection Division
- (vi) Standard Contract and General Condition Control Division
- (vii) Center for Information, Consultation and Training

With the main function of assisting the Minister of Industry and Trade implement the state management on competition and protection of consumers' interests, VCCA has been working hard in order to:

- Promote a healthy competitive environment

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

- Protect the interests of businesses and consumers against anti-competitive practices

VCCA is responsible for investigating cases related to acts of reducing, distorting and obstructing competition in the market. Specifically, VCCA is responsible for organizing the investigation of anti-competitive agreements, abuses of market power and effectively control economic concentration activities.

- Be against unfair competition practices

One of VCCA's tasks is to limit and eliminate unfair competition practices such as infringement of trade secret, entice consumers nefarious aiming at unfair competition.

- Protect the legitimate interests of consumers

VCCA is responsible for assisting the Minister of Industry and Trade to unify state management on protection of consumers' interests. To carry out this responsibility, VCCA coordinates with authorities and consumer protection organizations nationwide to ensure that the rights and interests of consumers are obtained by manufacturers as well as respected by providers of goods or services.

MILESTONES

VIET NAM COMPETITION AND CONSUMER AUTHORITY

2003

- Established Department of Competition Administration under the Ministry of Trade (now is the Ministry of Industry and Trade);

2005

- Competition Law 2004 officially came into effect in July 2005;
- The Government issued legal documents guiding the implementation of the Competition Law.

2007

- Investigation of the first case of competition restriction related to the complaint of Tan Hiep Phat Trade and Service Ltd Company for the abuse of the dominant position of the Viet Nam Brewery Joint Venture Company in preventing the entry of new competitors;
- Become a member of the ASEAN Expert Group on Competition (AEGC);
- Established a representative office in Ho Chi Minh City.

2009



- Become a member of the International Competition Network (ICN).

- Established Viet Nam Competition Authority;
- On December 3rd 2004, at the sixth Session of the 11th National Assembly, the Law on Competition (Law No. 27/2004/QH11) was passed by the National Assembly.

2004



- The Government issued Decree No. 06/ND-CP regulating the functions, tasks, powers and organizational structure of Viet Nam Competition Authority (VCA) and Viet Nam Competition Council (VCC).
- VCA investigated the first case of unfair competition related to GSK Pharmaceutical Group's claiming that Vidipha's Zaniat antibiotic packaging is confusingly similar to GSK's Zinnat antibiotic packaging.

2006

- Received the first notification of economic concentration related to the merger between Tan Mai Paper Joint Stock Company and Dong Nai Paper Joint Stock Company;
- Investigated and decided penalties of Vinapco Petroleum Joint Stock Company for acts of abusing the market dominant position;
- Establish Center for Competition and Information Department under the VCA.

2008

- The Law on Protection of Consumers' Rights passed by the National Assembly;
- Investigated and decided penalties of 19 insurance companies for conducting acts of price-fixing agreement
- Hold the chairmanship of ASEAN Expert Group on Competition.

2010



2011

- The Law on Protection of Consumers' Rights was officially in effective;
- The Government issued Decree No.119/ND-CP amending and supplementing a number of articles of Decree 116/ND-CP detailing the implementation of a number of articles of the Competition Law.

2015



- The Prime Minister issues a Decision recognizing Vietnamese consumers' rights day on March 15 annually.
- Operated the Call Center for supporting and advising consumers 1800 6838 (free nationwide);
- Completed a final Report on 10 years of implementation of Competition Law.

2017



- Viet Nam Competition and Consumer Authority was established (separated from the Viet Nam Competition Authority).

2019

- The Central Committee Communist Party's Secretariat of Viet Nam issued Directive No. 30-CT/TW on on strengthening the Party's leadership and State management responsibility over the protection of consumers' interest.
- Competition Law 2018 officially came into effect from July 1, 2019

- The Ministry of Industry and Trade issues Decision 848/QD-BCT defining the functions, tasks, powers and organizational structure of Viet Nam Competition Authority.

2013

- The Program of amending Law on Competition was selected by the National Assembly;
- The Prime Minister officially announced that the March 15th annually is the Viet Nam Consumers' Right Day.

2016

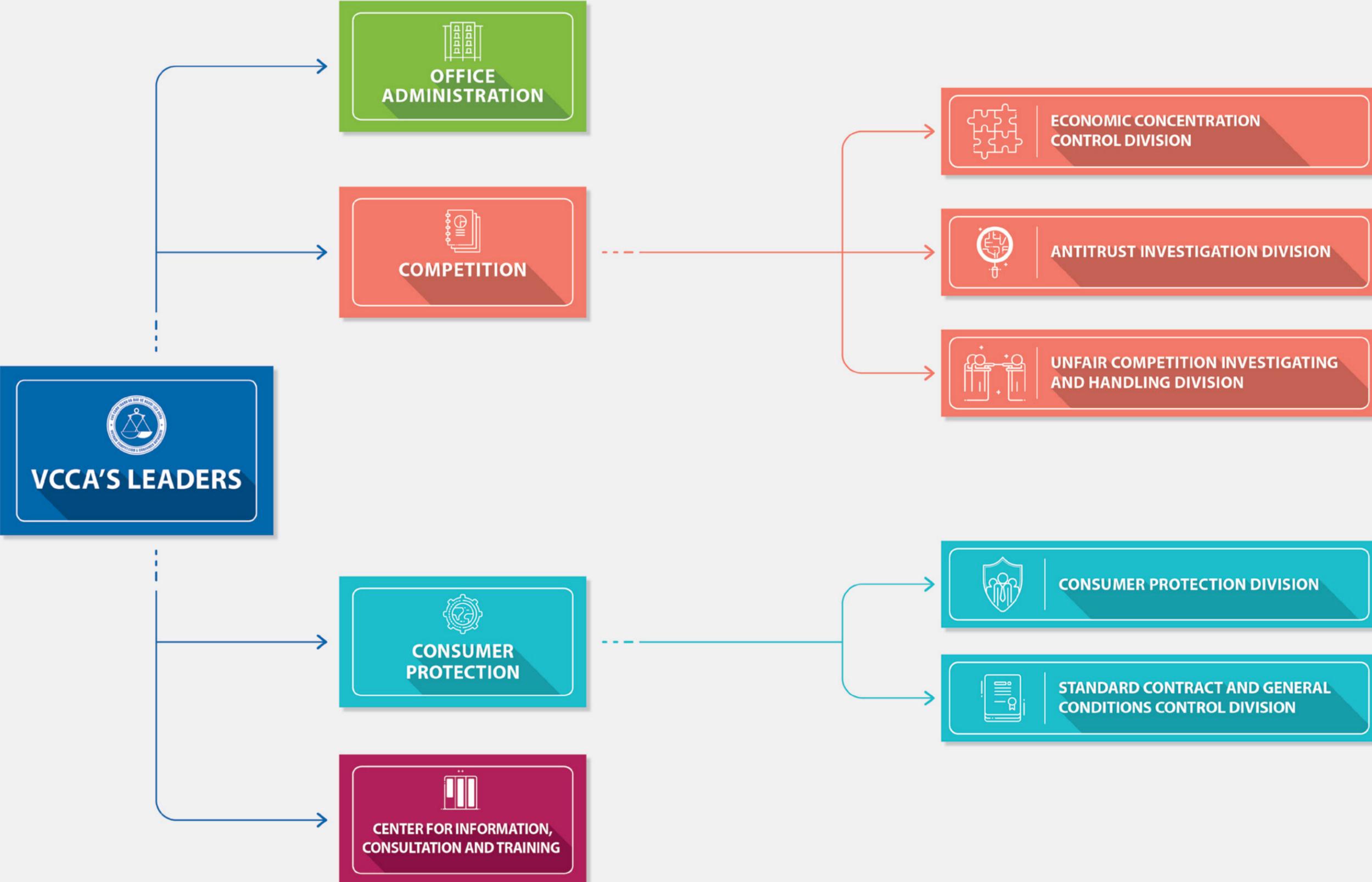
- Competition Law 2018 was issued;
- Completed the investigation of Grab – Uber case.

2018

- Decree No. 35/2020/ND-CP of the Government detailing a number of articles of the competition law was promulgated on March 24, 2020;
- Resolution No. 82/2020/NQ-CP of the Government promulgating the Government's action program to implement the Directive No. 30-CT/TW on strengthening the Party's leadership and state management responsibility for protection of the interests of consumers was issued on May 26, 2020;
- VCCA developed a set of dossiers proposing amendments and supplements to the Law on the Protection of Consumers' Rights.

2020

ORGANIZATIONAL CHART





MINISTRY OF INDUSTRY AND TRADE
VIETNAM COMPETITION AND CONSUMER AUTHORITY

STATE MANAGEMENT ON COMPETITION



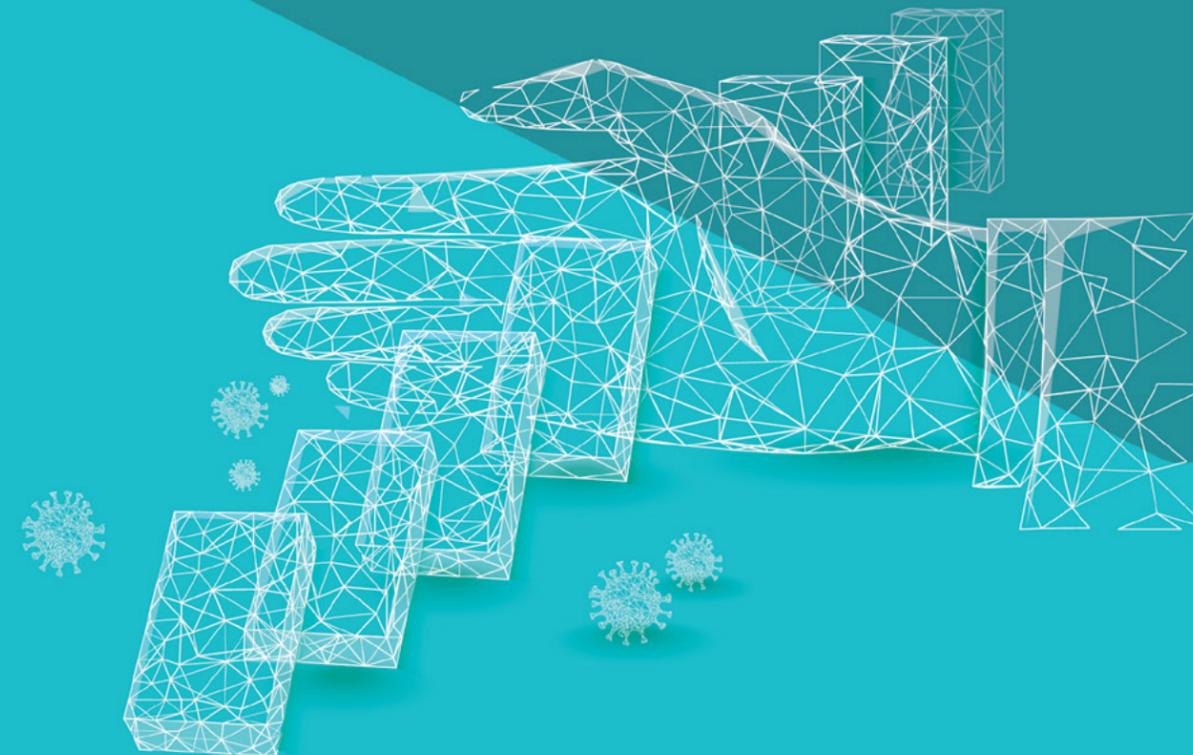
LEGISLATION
DEVELOPMENT



COMPETITION LAW AND
POLICY ENFORCEMENT

According to Article 7 the Law on Competition 2018, the roles of state management responsibilities on competition are stipulated as follows:

- The Government shall perform uniform state management of competition;
- The Ministry of Industry and Trade shall be the designated contact point that assists the Government in state management of competition;
- Ministries, ministerial-level agencies, within their tasks and powers, shall cooperate with the Ministry of Industry and Trade in state management of competition;
- People's Committees of provinces, within their tasks and powers, shall perform state management of competition.



A

LEGISLATION DEVELOPMENT

1. Decree No. 35/2020/ND-CP dated 24 March 2020 on detailing a number of articles of the competition law

To ensure the implementation of the Competition Law 2018, on 24 March 2020, the Government issued Decree No. 35/2020/ND-CP detailing a number of articles of the Competition Law, took effective from 15 May 2020. Decree 35/2020/ND-CP is an important legal basis providing detailed guidance for the enforcement of the Competition Law 2018.

Decree 35/2020/ND-CP includes 07 Chapters, 30 Articles, detailing a number of articles of the Competition Law, including identification of relevant markets, assessment of significant anti-competitive effects, economic concentration; competition proceedings and other violations against competition laws.

2. Developing a Decree detailing the tasks, powers and organizational structure of the National Competition Commission

In 2020, VCCA advised the Ministry of Industry and Trade (MOIT) to report to the Government and the Politburo about the development of the organizational model of the National Competition Commission, equivalent to the general department, which is the basis for completing the Draft Decree defining the functions, tasks and organizational structure of the National Competition Commission.

VCCA will continue to strictly implement the instructions of all levels and sectors to soon submit to the Government for promulgation a Decree detailing the tasks, powers and organizational structure of the National Competition Commission.

B

ENFORCEMENT OF COMPETITION LAW AND POLICY

1

Anti-trust case investigation

In 2020, VCCA has conducted:

- A research report on competition law regulations and enforcement experiences of CPTPP member countries to develop and complete various types of documents for the implementation of competition law in Viet Nam.

- Monitoring and collecting information of some key markets: Pork, Aviation, fertilizers, pesticides, petroleum, CNG liquefied gas, building materials.

Regarding the implementation of state management on competition, VCCA received and handled complaints of enterprises on the market in accordance with its authority of state management. A number of cases have been carried out:

- Regarding the increase of pork price: Based on the collected and provided information on the current situation of the complicated developments in the pork industry occurred in the late 2019 and early 2020, VCCA cooperated with the units inside and outside the Ministry of Industry and Trade to conduct inspections over enterprises, organizations and individuals participating in other stages in the chain of breeding, manufacturing, trading, distributing, and supplying pig breeds, live pigs (porkers) and pork products according to the directions of the Government, Prime Minister, and the MOIT's leaders.
- Warning issued about signs of abuse of monopoly position in the field of supply of low pressure gas products: VCCA received a report from CNG (Compressed Natural Gas) production and trading enterprises about the signs of abuse of monopoly position in the supply of low pressure gas products of Petro Vietnam Low Pressure Gas Distribution Joint Stock Company. From the provided information, VCCA has verified the complaint and at the same time given the warning to Vietnam Low Pressure Gas Distribution Joint Stock Company which has been alleged to abuse the monopoly position.



BOX

01

Case of construction material prices

1. Related party:

- Bac Trung Co., Ltd;

2. Case content:

In March 2020, Bac Trung Co., Ltd. sent a written complaint regarding the potential violation of competition law of raw material prices, specifically as follows:

- Bac Trung Company Limited is a construction company. Bac Trung Co., Ltd. claimed that during the epidemic, when the price of input materials, for instance iron ore, for some construction materials in the world decreased, the product cost of the construction materials did not decrease.

- Bac Trung Co., Ltd proposed to check all construction material prices nationwide.

On the basis of the the information, Bac Trung Co., Ltd. believes that the above-mentioned acts suggested a potential violation of Article 11.1 – Competition Law 2018.

3. Handling result

Based on the complaint, VCCA initially checked the cost of some materials such as steel, brick, cement, and stone. Through the examination, the cost of raw materials in the first quarter and the second quarter 2020 did not increase as reflected by Bac Trung but showed signs of price decrease. There were only some small cases caused by the interruption of the supply chain due to the social distancing, and the price of some products such as sand and stone increased by 5-10%. VCCA continues to oversee this market.



BOX

02

Bayer CropScience Viet Nam Case

1. Related party::

- Hiep Thanh Company Limited;

- Bayer CropScience Viet Nam;

2. Case content:

In July 2020, Hiep Thanh Co., Ltd. complained that Bayer Viet Nam engaged in discrimination conduct as it applied different discount policies for it's agents (agents in An Giang enjoyed greater discounts than others).

Hiep Thanh Co., Ltd is a pesticide distribution agent in Ben Tre province provided of Bayer Viet Nam Co., Ltd. During the reported time, Bayer Viet Nam had a separate discount policy that offers more incentives for the agents in An Giang province (more than 20%) compared to others in the South. This caused an unfair competitive environment, resulting in damages to the agents.

Hiep Thanh Co., Ltd. representing the group of pesticide distribution agents in the southern provinces requests Bayer Viet Nam to respond to the concern and restore a fair competitive environment.

3. Handling result:

Based on the reflected information, VCCA initially requested the parties to provide additional information. Through inspection and assessment, Bayer Viet Nam was aware that its behavior may have caused harmful effects on the competition environment of pesticide products in the southern provinces. Bayer Viet Nam has cancelled the above preferential policy.



2

Unfair competition cases investigation and handling

In 2020, VCCA continued to receive many complaints from stakeholders about the acts showing signs of violation of regulations on unfair competition in the market.

VCCA responded to 11 cases in 2020, specifically:

- Food, beer production (03 cases) related to illicit offering to customers (Article 45.5 - Competition Law 2018); Forcing customers and business partners of other enterprises (Article 45.2 - Competition Law 2018);
- Electrical equipment production, related to providing dishonest information (Article 45.3 - Competition Law 2018) and disrupting the operation of other enterprises (Article 45.4 - Competition Law 2018);
- Real estate broker, illicit offering to customers (Article 45.5- Competition Act 2018);
- Beauty services, related to illicit offering to customers (Article 45.5 - Competition Law 2018);
- Online business, related to illicit offering to customers (Article 45.5 - Competition Law 2018);
- Cosmetics, related to illicit offering to customers (Article 45.5 - Competition Law 2018);
- Animal feed, related to providing dishonest information (Article 45.3 - Competition Law 2018);
- Machine manufacturing (2 cases), related to trade secret infringement (Article 45.1 - Competition Law 2018), illicit offering to customers (Article 45.5 - Competition Law 2018).

Although VCCA has been currently unable to conduct the investigation according to competition legal procedures under the Competition Law 2018 (because the Decree on the structure, functions and duties of the National Competition Commission has not been issued), VCCA still receives complaints from related parties on the sign of competition law violation to clarify the situation and give necessary recommendations to prevent unfair competition in the market and to consolidate records to be processed after the National Competition Commission is established.





BOX

03

Case of illicit offering to customer

1. Related party:

The complainant: Viet Nam Dairy Products Joint Stock Company;
Investigated party: Duc Viet confectionery food processing facility;
Related products: Packing of product with the brand name Vinamilk;

2. Case content:

On February 7, 2020, VCCA received a complaint from Viet Nam Dairy Products Joint Stock Company that Duc Viet Confectionery Food Processing Facility had been manufacturing and distributing a number of confectionery products illegally under the trademark of Vinamilk, causing confusion to consumers for the purpose of unfair competition.

The act of manufacturing products with the similar usage and packaging to the products that already present in the market a sign of unfair competition conducts under Paragraph a, Clause 5, Article 45 of the Competition Law 2018, causing damage to different stakeholders in the market:

- Confusing consumers, luring consumers to buy unsatisfactory products without knowing.
- Causing damages to a business whose product is being confused.

3. Handling result:

VCCA has requested Duc Viet Confectionery Food Processing Facility to stop using/printing the package, manufacturing, and processing products using Vinamilk brand and other protected brands according to unfair competition's regulations. Simultaneously, VCCA issued a written request to the People's Committee of Hoai Duc District (where the headquarters of Duc Viet Confectionery Food Processing Facility is located) to take administrative measures and supervise Duc Viet Facility and similar manufacturing facilities to avoid repeating similar violations in the area.



3

Exemption

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

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

On December 22, 2014, the Prime Minister issued Decision No. 2327/QĐ-TTg granting exemption of economic concentration for Viet Nam National Payment Joint Stock Company (NAPAS).

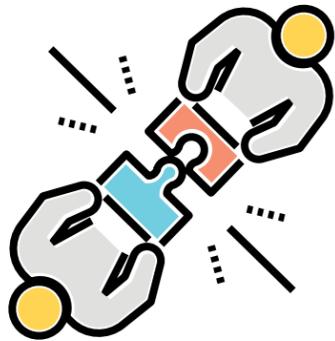
In 2020, VCCA supervised the implementation of above mentioned exemption decisions, as well as consulted the enterprise to prepare dossiers of request for exemption in accordance with the provisions of the Competition Law 2018.

In addition, VCCA also reviewed the implementation of the conditions and obligations necessary for the exemption that had been changed to Viet Nam National Payment Corporation (NAPAS) according to Decision No. 2327/QĐ-TTg dated December 22, 2014 of the Prime Minister on the exemption of economic concentration.



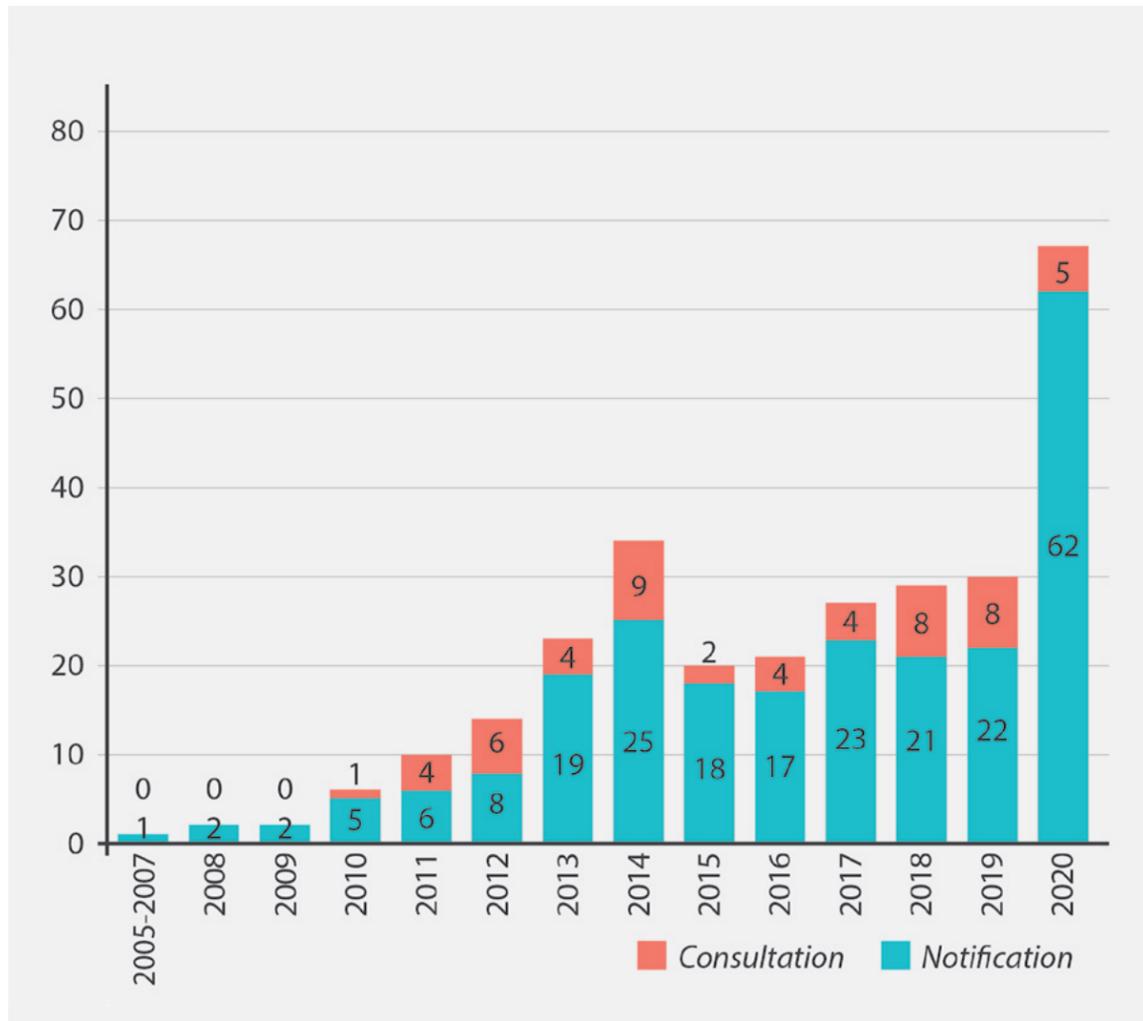
4

M&A Control



To practice the function of state management on economic concentration activities, in 2020, VCCA: (1) received and handled 62 economic concentration notifications in accordance to the Law on Competition, of which, 90% were acquisitions, 10% were mergers and consolidation cases. Economic concentration dossiers mainly related to areas such as real estate, alcohol and beverage, retail, feed additive, insurance, steel, aviation, automobile manufacturing and distribution, cement, logistics, milk and dairy products, oil and gas, etc.

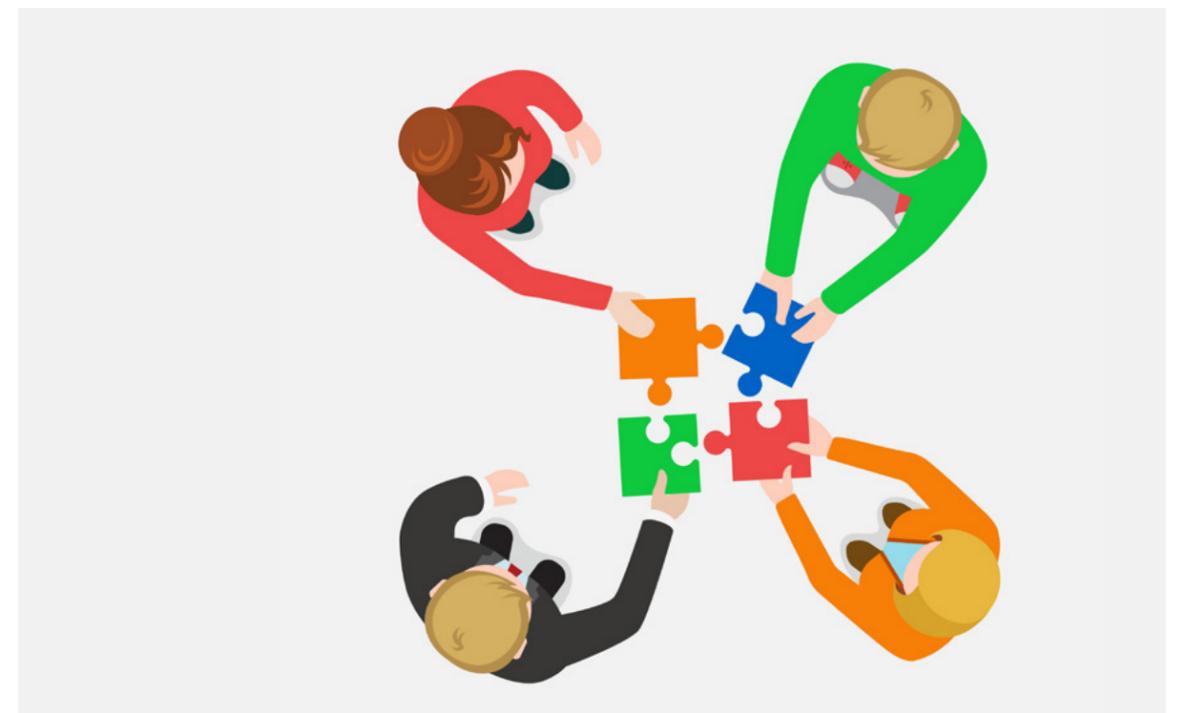
Chart 1. Statistics table of the number of economic concentration consultation and notification cases from 2005 to 2020



In addition, VCCA regularly reviewed transactions of economic concentration in the market, updated, made statistics and synthesized data on mergers, acquisitions, consolidations, and joint ventures of the above enterprises nationwide, foreign enterprises doing business in Viet Nam. VCCA also issued a report on the current situation of competition in the field of pharmaceutical distribution in Viet Nam in corporation with the Japan International Cooperation Agency (JICA) under the framework of "Project for improving competition policy and enhancing the effective enforcement of Competition Law".

To ensure the notification obligation, VCCA has developed and posted on its website some following documents:

- Guideline on procedures for filling the notification dossier of economic concentration to the Ministry of Industry and Trade;
- The procedure of assessment of economic concentration filling in accordance with the provisions on assessment of economic concentration under competition law;
- Economic concentration notification form;
- Note on some contents in the notification dossier.



Regarding the procedure of assessment of economic concentration, the procedure is detailed as below:

PREMILINARY ASSESSMENT PROCEDURE

Organization in-charge	Procedure	Time
MOIT	1 Receive dossiers from organizations/enterprises	7 working days
	↓	
	2 Transfer to the VCCA	
VCCA	3 Receive and handle	
	↓	
VCCA	4 Assign to the division in-charge	
	↓	
VCCA	5 Check for completeness and validity	30 working days
	↓	
VCCA	6 Request additional information (if necessary)	
	↓	
VCCA	7 Develop preliminary assessment report	30 working days
	↓	
VCCA	8 Report to MOIT's leaders	
	↓	
	✗ If the time limit is expired, no reply is issued, the economic concentration may be effected	
MOIT	9 Issue official response	11. Conduct official assessment
VCCA	10 Economic concentration is approved, recorded	

OFFICIAL ASSESSMENT PROCEDURE

Organization in-charge	Procedure	Time
VCCA	11 Conduct official assessment	90 days (extension of 60 days) Not included in the assessment period
VCCA	12 Request enterprises to submit additional information and documents (not exceeding 2 times)	
VCCA	13 Consult industry-sector management agencies, businesses, and related organizations and individuals	
VCCA	14 Develop official assessment report	
MOIT	15 Consider and approve	
MOIT	16 Issue a decision on economic concentration	
	↓	
	EC is approved	
	EC is approved with conditions	
	EC is prohibited	



BOX
04

Economic concentration case between Vinamilk and Kido

1. Related party:

- Viet Nam Dairy Products Joint Stock Company (Vinamilk);
- Kido Group Joint Stock Company (Kido);

2. Case content:

On August 25, 2020, the Ministry of Industry and Trade received the notification dossier of economic concentration between Viet Nam Dairy Products Joint Stock Company (Vinamilk) and Kido Group Joint Stock Company (Kido) that the parties intended to contribute capital to the establishment of a joint venture company.

Accordingly, Vinamilk and Kido Company planned to contribute capital to establish a joint venture (as prescribed at Article 29 of the Competition Law) in the form of a limited liability company with two or more members. After economic concentration, the newly established joint venture company will be 51% owned by Vinamilk and 49% owned by Kido.

The enterprises participating in the economic concentration (Vinamilk and Kido) are all established under the law of Vietnam, having business activities in the field of food ice cream in Vietnam. As a result, they have complied with the law on competition and have submitted the notification dossier of economic concentration to the Ministry of Industry and Trade.

3. Handling result:

On October 29, 2020, on the basis of current regulations, the Ministry of Industry and Trade based on the assessment conducted by the VCCA in accordance with Clause 2 Article 37 of the Competition Law, announced that the above-mentioned economic concentration is not prohibited under the provisions of Article 30 of the Competition Law. Since Vinamilk and Kido have large market shares in relevant markets, the competition authority will strengthen supervision over enterprises to ensure that they maintain a healthy and effective competition environment on the food ice cream market in Viet Nam. Simultaneously, the enterprise after economic concentration must also ensure compliance with the provisions of the Competition Law.





BOX

05

Economic concentration case between Elanco Animal Health Incorporated and Bayer AKTIENGESELLSCHAFT

1. Related party:

- Elanco Animal Health Incorporated;
- Bayer AKTIENGESELLSCHAFT;

2. Case content:

On January 22, 2020, the Ministry of Industry and Trade received the notification of economic concentration in animal health from Elanco Animal Health Incorporated Company (hereinafter referred to as Elanco) - headquartered in the United States and Bayer AKTIENGESELLSCHAFT Company (referred to as Bayer AG) - headquartered in Germany.

Accordingly, Elanco planned to acquire the entire animal health business of Bayer AG for \$ 7.6 billion outside Vietnam. In Viet Nam, both companies have business in the animal health sector with product lines such as biological products, pharmaceuticals, pest control agents and dietary supplements for animals.

The enterprises participating in the economic concentration (Elanco and Bayer AG) although are not established under the law of Vietnam but they have business activities in the field of animal healthcare in Vietnam. As a result, they have complied with the law on competition and have submitted the notification dossier of economic concentration to the Ministry of Industry and Trade.



3. Handling result:

On May 5, 2020, the Ministry of Industry and Trade based on the assessment conducted by the VCCA in accordance with Clause 2 Article 37 of the Competition Law issued a written response that the economic concentration between Elanco and Bayer AG is not prohibited under the provisions of Article 30 of the Competition Law 2018. However, the business after economic concentration has a dominant position in the market of antibiotics for pigs in Viet Nam. Therefore, in order to strengthen market supervision for enterprises with a dominant market position, the Ministry of Industry and Trade recommended that enterprises formed after economic concentration take some measures in accordance with the Competition Law 2018.





BOX

06

Economic concentration among Green City Development Joint Stock Company, DRIGP 2 Joint Stock Company and MV1 Viet Nam Real Estate Company Limited

1. Related party:

- Green City Development Joint Stock Company;
- DRIGP 2 Joint Stock Company;
- MV1 Viet Nam Real Estate Company Limited;

2. Case content:

Information about the economic concentration among Green City Development Joint Stock Company, DRIGP 2 Joint Stock Company and MV1 Viet Nam Real Estate Company Limited is as follows:

On December 7, 2020, VCCA received a complete and valid notification dossier of economic concentration in the real estate sector of Green City Development Joint Stock Company (Green City) and DRIGP 2 Joint Stock Company (DRIGP 2) and MV1 Viet Nam Real Estate Company Limited (MV1).

In the form of acquiring enterprises as prescribed in Clause 4, Article 29 of the Competition Law, the Green City Company (the acquired party) planned to transfer 80% of its capital contribution in MV1 Company (target company) to DRIGP Company 2 (the acquiring party). Thus, after the transaction is completed, DRIGP 2 Company would own 80% of the contributed capital in MV1 Company, and therefore, DRIGP 2 Company would control and dominate MV1 Company according to the provisions of Clause 1, Article 2 of Decree 35/2020/ND-CP dated March 24, 2020 of the Government, detailing a number of articles of the Competition Law (Decree 35).



The enterprises participating in the economic concentration (Green City Company, DRIGP 2 Company and MV1 Company) were all established under the law of Viet Nam, having business activities in the field of real estate in Viet Nam. As a result, they have complied with the law on competition and have submitted the notification dossier of economic concentration to the Ministry of Industry and Trade.

3. Handling result:

On December 22, 2020, on the basis of the current regulations, the Ministry of Industry and Trade announced the economic concentration among Green City Development Joint Stock Company, DRIGP 2 Joint Stock Company and MV1 Viet Nam is not prohibited under the provisions of Article 30 of the Competition Law and is allowed to conduct in compliance with the provisions of Clause 2, Article 14 of Decree 35.

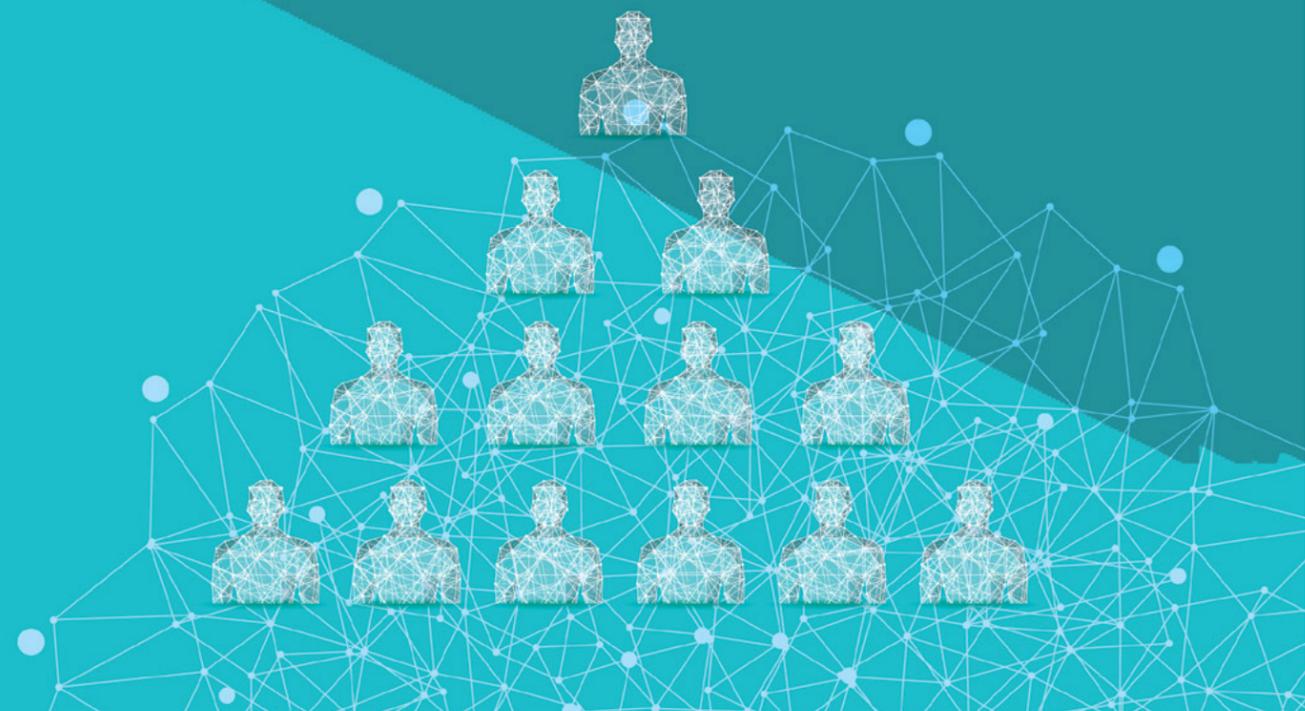




MINISTRY OF INDUSTRY AND TRADE
VIETNAM COMPETITION AND CONSUMER AUTHORITY

STATE MANAGEMENT OVER MULTI-LEVEL MARKETING ACTIVITIES

In 2019, there were 03 enterprises newly granting of multi-level sales registration certificates; 04 enterprises actively terminated operations; and 05 enterprises being recalled multi-level sales registration certificates for dismeet the conditions as prescribed in the Government's Decree No. 40/ND-CP dated March 12, 2018 on the management of multi-level marketing activities.



A

LEGISLATION DEVELOPMENT

1. *Promulgation of a Scheme to improve the efficiency of state management over multi-level marketing activities in the period 2021-2025*

On November 5, 2020, the MOIT issued Decision No. 2837/QD-BCT on promulgating a Scheme to improve the efficiency of state management over multi-level marketing activities in the period 2021-2025.

2. *Amending and supplementing a number of articles of the Decree No. 40/2018/ND-CP dated March 12, 2018 on the administration of multi-level marketing activities*

On the basis of reviewing the process of enforcing the Decree No. 40/2018/ND-CP dated March 12, 2018 on the administration of multi-level marketing activities, and opinions of the Department of Industry and Trade of Viet Namese municipalities, VCCA prepared a proposal to develop a Decree to amend and supplement a number of articles of Decree No. 40/2018/ND-CP. The proposed changes focus on the following issues:

- (i) The conditions for business registration of multi-level marketing activities;
- (ii) The administration of international sponsorship activities;
- (iii) Business presence of multi-level marketing businesses at provincial level;
- (iv) Handling the deposit .



3. *Coordinate with the General Department of Market Surveillance to develop Decree No. 98/2020/ND-CP on sanction for administrative violations in trading, manufacturing of counterfeit and banned goods and consumer protection*

In addition, the Decree will also adjust a number of technical issues to improve the feasibility of specific regulations.

Up to now, the proposal has been submitted to the Prime Minister by the Minister of MOIT for consideration and decision. If it is agreed by the Prime Minister, the Decree is expected to be submitted to the Government in December 2021

In 2020, VCCA closely coordinated with the General Department of Market Surveillance in the course of drafting Decree No. 98/2020/ND-CP on sanction for administrative violations in trading, manufacturing of counterfeit and banned goods and consumer protection, which include provisions of sanction for violations in the field of multi-level marketing activities.

B

ENFORCEMENT OF LEGISLATION ON MULTI-LEVEL MARKETING ACTIVITIES

In 2020, VCCA continued to maintain the efficiency of multi-level marketing administration nationwide.

1

The reception and settlement of administrative procedures

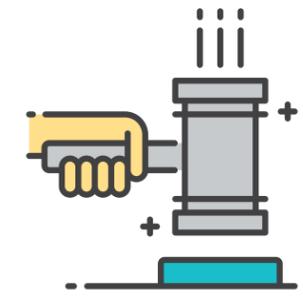
The reception and settlement of administrative procedures were strictly implemented, ensuring compliance with the legislation.

VCCA received 36 registration dossiers of granting new multi-level sales registration certificates, 39 dossiers of amendment and supplementation of certificates, 76 notification dossiers of information changing in the list of goods traded by the multi-level marketing method, 25 dossiers of extension the certificates.

2

Inspection and examination

- VCCA inspected the training practice of 01 multi-level marketing training institution;
- Promote monitoring activities, collecting evidences to directly handle or transfer to the police for handling of unauthorized multi-level business activities;
- Conduct specialized inspection to 03 multi-level marketing enterprises as planned;



In 2020, VCCA issued sanctioning decision to 05 businesses with a total fine up to VND 2.435 million (including 02 enterprises inspected from 2019), an increase compared to 2019, specifically:

Table 1: List of sanctioned multilevel enterprises

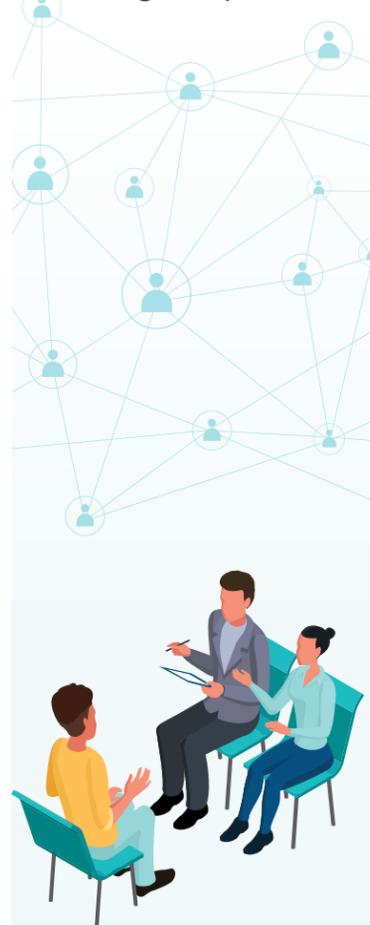
No.	Time	Name	Decision No.	Sanctions (VND)
1	03/01/2020	Morinda Viet Nam Co., Ltd	01/QĐ-XPVPHC	605,000,000
2	09/03/2020	Sunrider Viet Nam Co., Ltd	21/QĐ-CT	370,000,000
3	28/08/2020	Toan Thang Franchise Company Limited	76/QĐ-XPVPHC	500,000,000
4	19/10/2020	My Loi Trading Company Limited	116/QĐ-XPVPHC	710,000,000
5	03/11/2020	VINA-LINK GROUP.,JSC	124/QĐ-XPVPHC	250,000,000
Total				2,435,000,000

In this regard, 100% of the inspected and sanctioned enterprises complied with the sanctioning decisions for administrative violations.

3

Examination and certification of legal knowledge in multi-level marketing activities

In 2020, VCCA conducted the examination on legal knowledge in multi-level marketing activities, thereby provided certifications for 18 people of 10 multi-level marketing companies.



4

Coordination in multi-level marketing management

From the beginning of 2020, VCCA continued to effectively coordinate with relevant agencies to govern multi-level marketing activities in Viet Nam:

- Closely coordinated with several Ministry of Health's departments, several MOIT's departments (including the Viet Nam Directorate of Market Surveillance, Inspection Department, Legal Department) and Department of Industry and Trade at provincial level, and local taxation authorities to establish inspection working group to multi-level marketing enterprises.

- Closely coordinated with the police in monitoring and dealing with unauthorized multi-level marketing companies. For example, the case related to the Goldtime Coffee system was handled under criminal legislation.

- Coordinated with the MOIT's Office and other related departments, the Viet Nam Multi-Level Marketing Association, press and media to advocate and disseminate the legislation on multi-level marketing.

On the basis of reviewing and evaluating the results of the Scheme to improve efficiency of administration over multi-level marketing activities issued in 2018, VCCA developed and submitted to the Minister for promulgation of the Scheme to improve the efficiency of state management over multi-level marketing activities in the period 2021-2025 in order to

(i) Enhance the active and synchronous coordination of government agencies from the central to the provincial and city levels; from the provincial and city levels to the district, town and lower levels of administration;

(ii) Comprehensively improve the efficiency of state administration, ensure the legitimate environment for multi-level marketing enterprises, and prevent and minimize violations, negative impacts, damage of the people as a results of illegal multi-level business activities.

The project also gives specific tasks, solutions and assignments to each related agencies and units.

5

Advocacy

In 2020, VCCA kept focusing in the warning, advocacy, and dissemination of the legislation on multi-level marketing.

Following the direction of MOIT's Leaders, VCCA developed a Report on the orientation and communication plan in term of multi-level marketing administration. On that basis, VCCA took lead and coordinated with relevant agencies to effectively implement many activities:

- Applying and upgrading information technology system for the state administration of multi-level marketing activities such as: building and completing website, iMLM app (on both iOS and Android platforms), issue a Q&A handbook on multi-level marketing legislation;

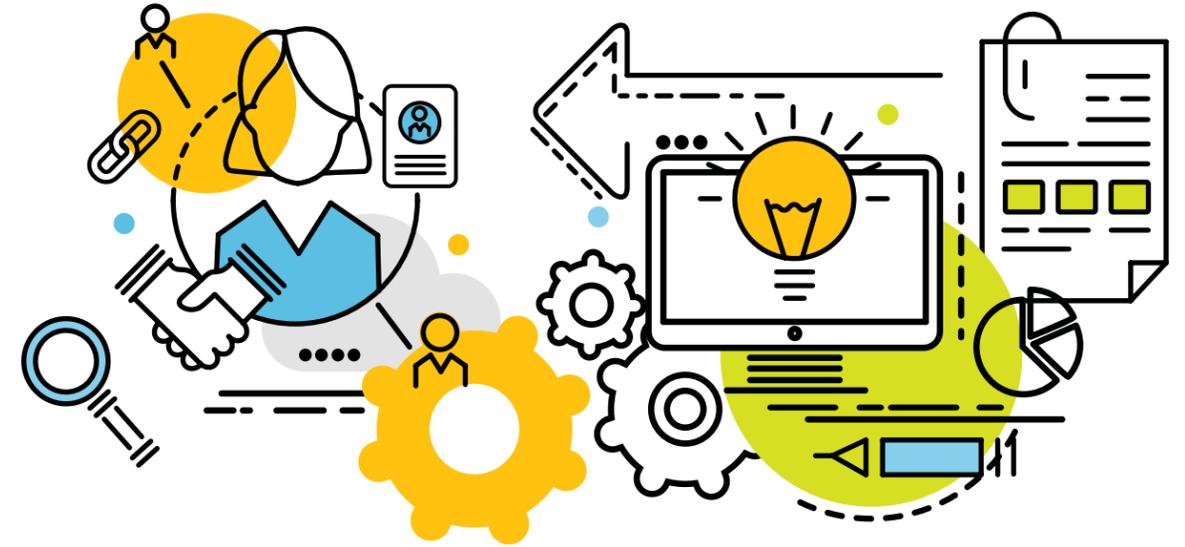




- Coordinated with the Thanh Nien Newspaper and Business Forum Newspaper to organize online seminars in Hanoi and Ho Chi Minh City with the topic of identifying illegal multi-level marketing;

- Coordinated with media agencies such as Viet Nam Television (VTV1, VTV24), ANTV, Viet Nam News Agency, VOV Traffic, Business Forum Newspaper (VCCI) to implement advocacy, warning activities regarding illegal multi-level marketing conducts.

- VCCA also regularly published warning on its website about enterprises phenomenally engaging in multi-level marketing without being authorized such as Vital 4U, Atomy, etc., or engaging in multi-level marketing of crypto currency such as BBI, Aladdin, etc. The warning messages of VCCA have been reposted and shared by many press and media agencies, achieving significant communication efficiency, raising the people's awareness as well as preventing unnecessary damage to the people.



6

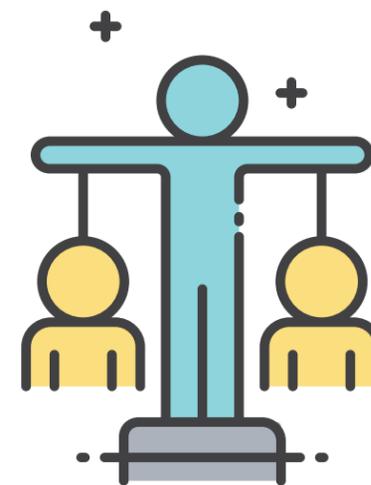
Handling the complaints

In 2020, VCCA received about 98 complaints, petitions, accusation, etc. related to multi-level marketing representatives (some applications are under multiple names).

The received claims were mainly related to enterprises whose certificate of registration for multi-level marketing were revoked and enterprises operating without a certificate of multi-level marketing registration.

The complaints and accusation related to multi-level marketing activities and illicit multi-level marketing enterprises continue to be received and handled by VCCA in accordance with the legal regulations.

For complaints with signs of fraudulance or appropriation of property, VCCA has transferred such claims to the competent police agency for handling according to legal regulations





MINISTRY OF INDUSTRY AND TRADE
VIETNAM COMPETITION AND CONSUMER AUTHORITY

STATE MANAGEMENT OVER CONSUMER PROTECTION

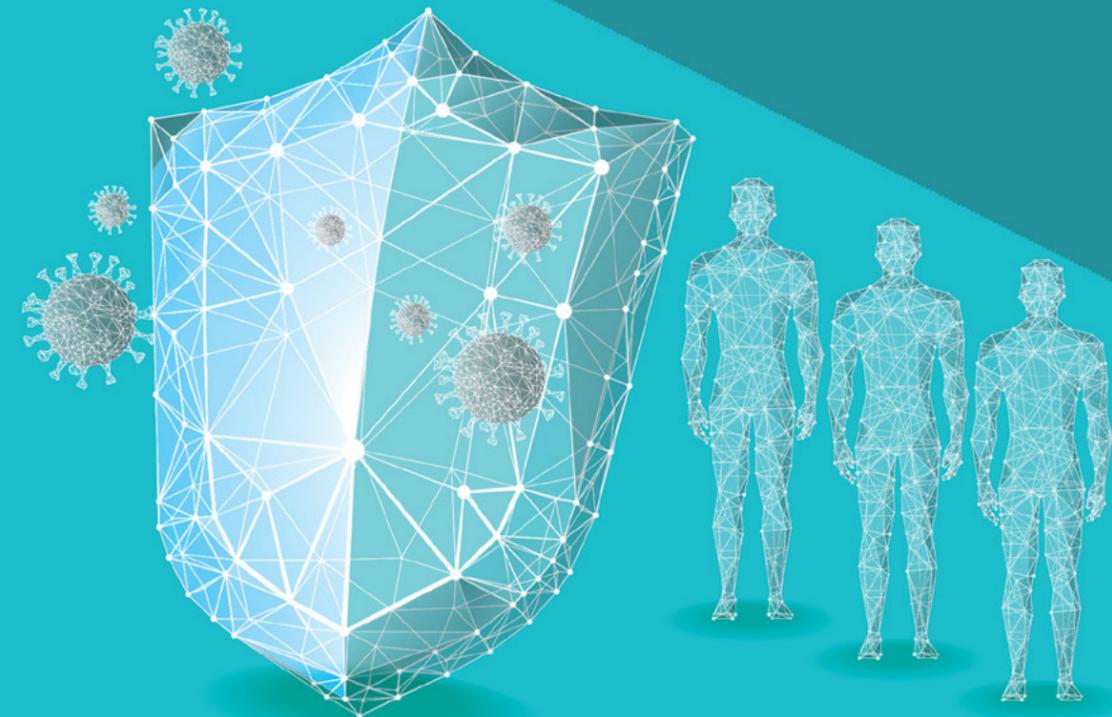


LEGISLATION
DEVELOPMENT



CONSUMER PROTECTION
ENFORCEMENT

The Law on Protection of Consumer Rights provides the rights and obligations of consumers; responsibilities of goods and service traders toward consumers; responsibilities of social organizations for consumer right protection; settlement of disputes between consumers and goods and service traders; and state management responsibilities for consumer right protection.



A

LEGISLATION DEVELOPMENT



1. Resolution No. 82/NQ-CP on the Promulgation of an Action Plan to implement Directive No. 30-CT/TW dated January 22, 2019 of The Secretariat of the Central Committee of the Communist Party of Viet Nam on strengthening the Party's leadership and the Government's administration over consumer protection.

On May 26, 2020, the Government issued Resolution No. 82/NQ-CP on the Promulgation of an Action Plan to implement Directive No. 30-CT/TW dated January 22, 2019 of The Secretariat of the Central Committee of the Communist Party of Viet Nam on strengthening the Party's leadership and the Government's administration over consumer protection. Coupled with the Resolution is the Government's Action Program to implement Directive No. 30-CT/TW dated January 22, 2019 of The Secretariat of the Central Committee of the Communist Party of Viet Nam on strengthening the Party's leadership and the Government's administration over consumer protection.

2. Action Plan No. 1907/QD-BCT of the MOIT to implement the Government's Resolution No. 82/NQ-CP dated May 26, 2020 about the Government's Action Plan to implement Directive No. 30/CT-TW dated January 22, 2019 of The Secretariat of the Central Committee of the Communist Party of Viet Nam on strengthening the Party's leadership and the Government's administration over consumer protection.

In order to implement the Government's Action Plan, on July 21, 2020, the MOIT issued Decision No. 1907/QD-BCT about the Action Plan of the MOIT to implement Resolution No. 82/NQ-CP dated May 26, 2020 on the government's action plan to implement Directive No. 30/CT-TW dated January 22, 2019 of The Secretariat of the Central Committee of the Communist Party of Viet Nam on strengthening the Party's leadership and the Government's administration over consumer protection. Accordingly, the Action Plan has outlined specific tasks for many department under MOIT including VCCA, other related MOIT's departments, and provincial Department of Industry and Trade.

Decision No. 1907/QD-BCT was issued to specify tasks and solutions related to the industry and trade sector as outlined in the Directive No. 30/CT-TW dated January 22, 2019 of The Secretariat of the Central Committee of the Communist Party of Viet Nam on strengthening the Party's leadership and the Government's administration over consumer protection; and the Resolution No. 82/NQ-CP on the Promulgation of an Action Plan to implement the Directive No. 30-CT/TW. Solutions and tasks prescribed at Action Plan No. 1907/QD-BCT detailed the content and timeframe, specific assignment to

departments under MOIT in particular and the industry and trade sectors in general, which focuses on a number of points as follows:

- Strengthen the responsibility of state administration over consumer protection;
- Complete legal framework, organizing a comprehensive and specified mechanism for consumer protection, including clearly defining roles of related parties in term of regulating and monitoring consumer protection activities; enhance enforcement capacity of staffs participating in the consumer protection activities, ensuring efficiency and effectiveness of the state administration over consumer protection;
- Promote advocacy, education and dissemination of the consumer protection policies and laws; provide information on quality of goods and services and warnings about risks of unsafety products to consumers on the principle of openness, transparency with diversified methods of communication;
- Strengthen inspection, examination, supervision, violation handling and consumer support;
- Step up socialization, enhance the role and responsibility of for-profit organizations and individuals as well as non-profit organization in term of consumer protection;
- Proactively and actively engage into international cooperation for consumer protection within the framework of ASEAN, APEC and FTAs.

3. Proposal for amending and supplementing a number of articles of the Consumer Protection Law is submitted to the National Assembly to be included into the National Assembly's Law and Ordinance development plan

Directive No. 30-CT/TW dated January 22, 2019 of the Secretariat of the Central Committee of the Communist Party of Viet Nam of the Government assigned the MOIT the task of "Review the enforcement and propose to amend and supplement the Consumer Protection Law". In order to carry out the above tasks, in recent years, the MOIT coordinated with relevant agencies and organizations to develop a proposal on the amendments and supplements of the Consumer Protection Law. The Draft Proposal has been posted on the website of the MOIT and uploaded on the Government's website.

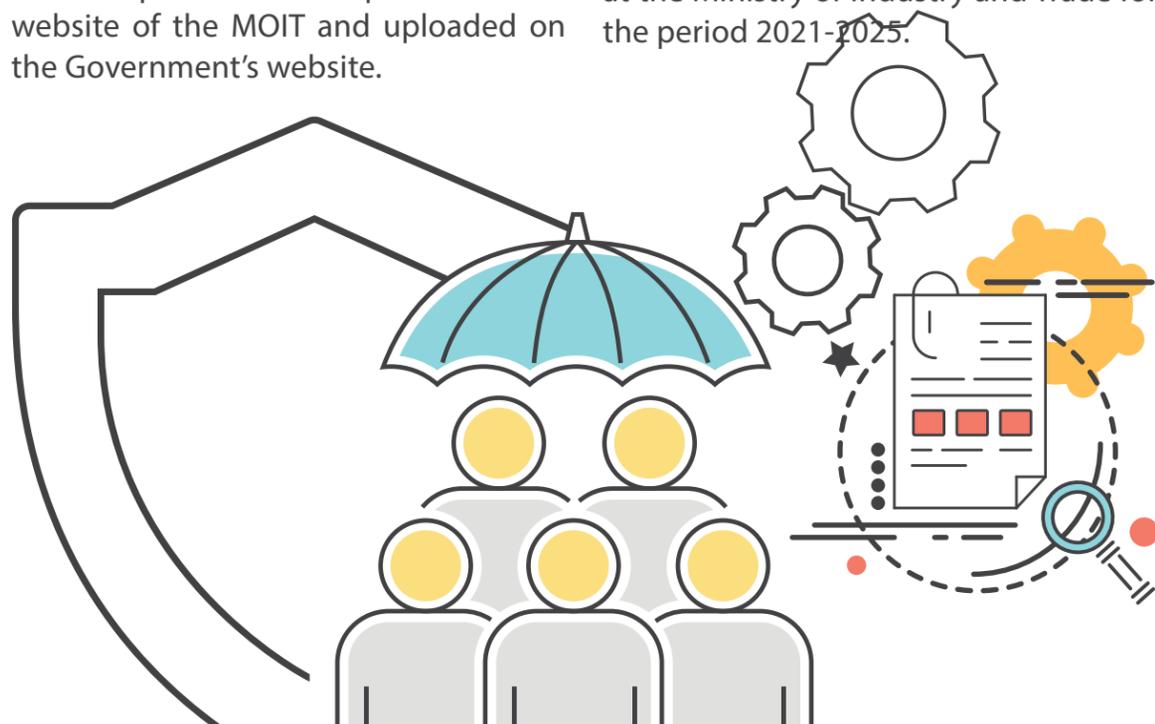
4. Promulgating and implementing Projects to enforce Decision No. 1997/QD-TTg dated October 18, 2016 of the Prime Minister approving the Program to develop consumer protection activities in 2016 -2020

(i) Ethnical-Enterprise-For-Consumers Program

On December 31, 2020, the MOIT issued Decision No. 3620/QD-BCT approving the Ethnical-Enterprise-For-Consumers Program for the period of 2021-2025.

(ii) Call Centre Program

On December 31, 2020, the Ministry of Industry and Trade issued Decision No. 3619/QD-BCT approving the Program to develop the Call Center system for consulting and supporting consumers at the Ministry of Industry and Trade for the period 2021-2025.



1 Consultation and settlement of consumer complaints

In order to improve efficiency in consulting, supporting and resolving requests, petitions and complaints of consumers, on September 7, 2020, VCCA issued Decision No. 82/QD-CT on the establishment of Working Group to provide advisories, resolve requests, petitions and complaints of consumers (Working Group), including members from VCCA's Office, Division of Consumer Protection, Office of Standard & General Conditions Control Division and Centre for Information, Consultation and Training.

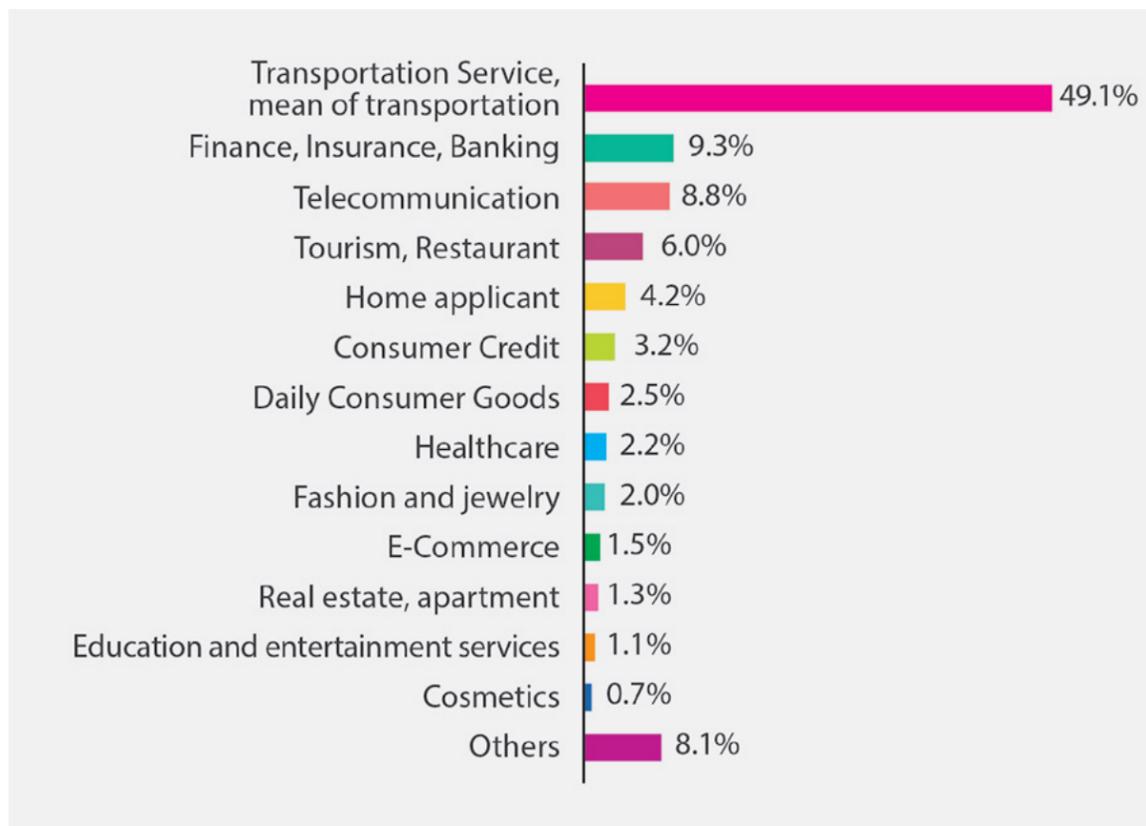
The year of 2020 recorded a sudden increase in the number of requests, petitions and complaints sent by consumers to VCCA compared to previous years. Specifically, by the end of December 31, 2020, the Consumer Protection Division has received 1428 consumer reports, requests, recommendations, complaints, mainly via: Email khieunai@bvntd.gov.vn; Online receiving complaint system The system receiving online requests, petitions and complaints at <http://khieunai.bvntd.gov.vn> and post.

Overall, about 90% of consumer requests, petitions and complaints were successfully resolved on the basis VCCA's recommendation for negotiation. The remaining requests, petitions and complaints (about 10%) have been in the process of solving or being suspended because consumers successfully negotiated with the businesses or individuals or they did not provide sufficient ground for their complains.

1.1. Handling consumer requests, petitions and complaints by sectors of goods and services

Under the influence of the Covid-19 pandemic, in 2020, the proportion of complains to VCCA by sectors of goods and services changed significantly with a sudden increase in the number of requests, petitions and complaints related to the transportation service, means of transportation; finance, insurance, banking; restaurant, tourism, etc.

Chart 2: Proportion of consumer requests, petitions and complaints by the field of goods and services

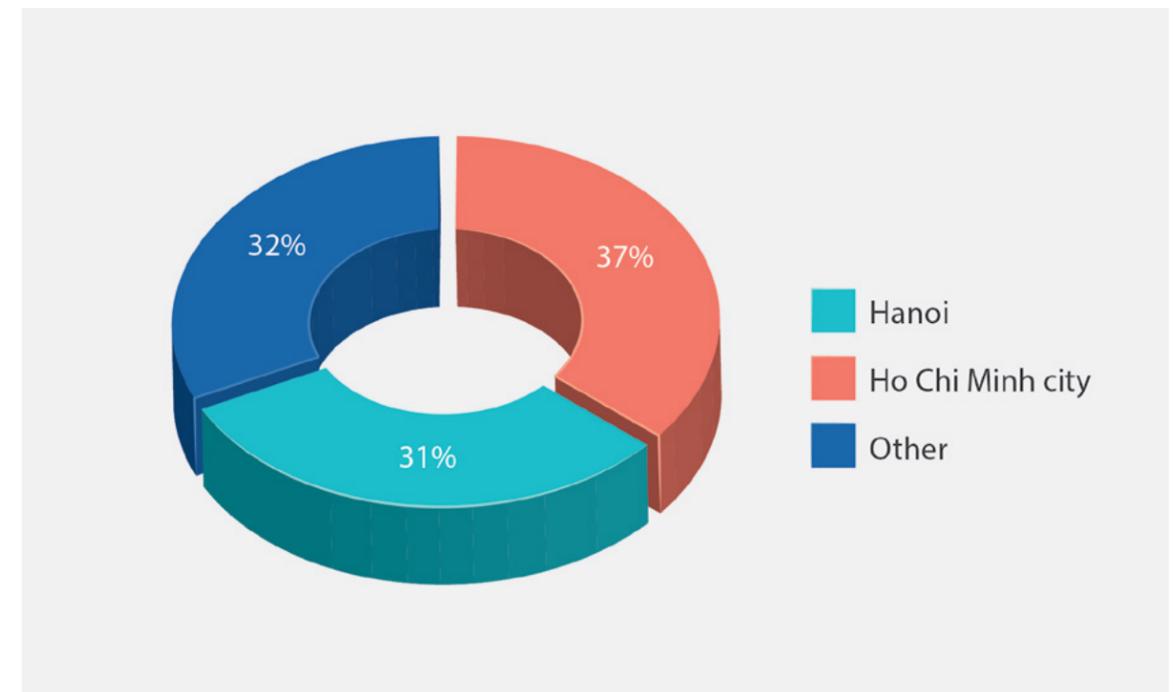


Accordingly, the sectors affected by the Covid-19 pandemic such as aviation, tourism, finance, and insurance saw an increase in complaints between consumers and business. Besides, telephone, telecommunications; household electronics; consumer credit; Daily consumer goods was still having the highest number of complaints as in previous years.

1.2. Handling of consumer requests, petitions and complaints by region

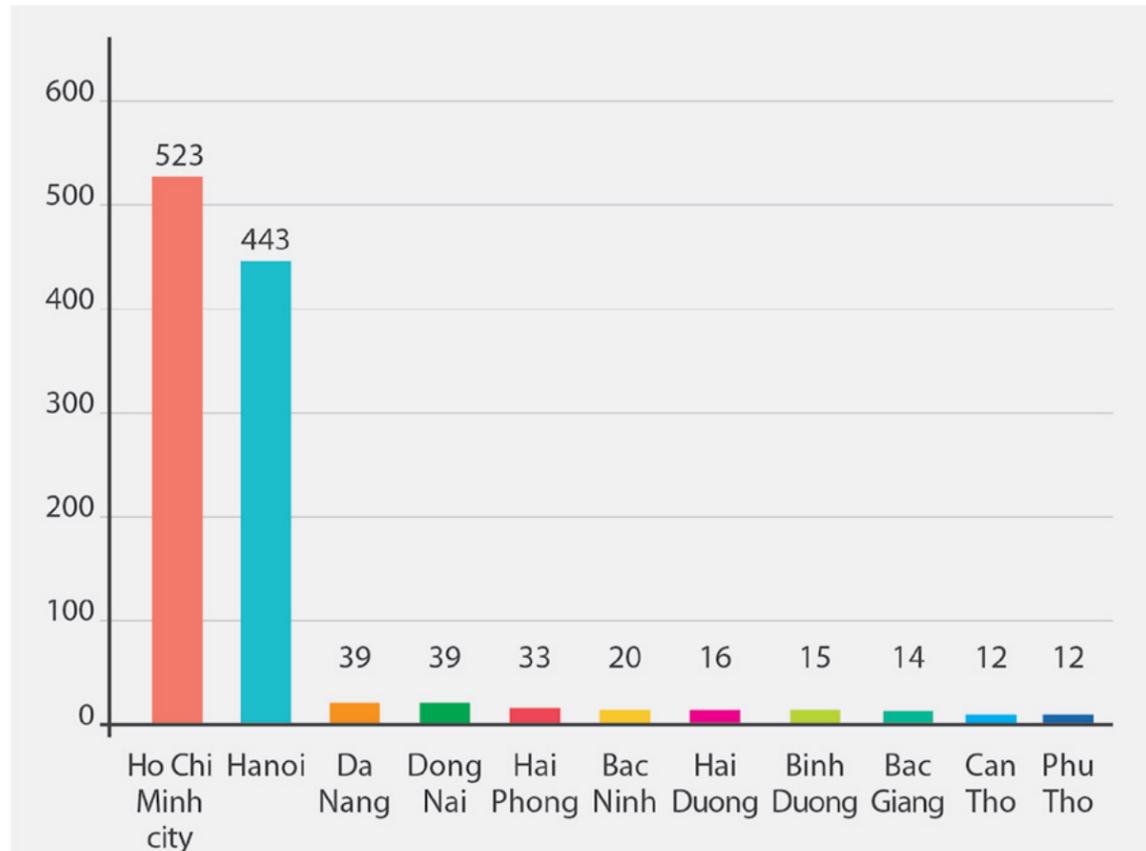
In 2020, the two major cities including Ho Chi Minh City and Hanoi were still leading the country in term of the number of requests, petitions and complaints received, accounting for 69% (Ho Chi Minh City: 37%; Hanoi: 32%). Meanwhile, the number of requests, petitions and complaints of consumers of other provinces and cities nationwide accounted for about 31%.

Chart 3. Proportion of consumer requests, petitions and complaints by region



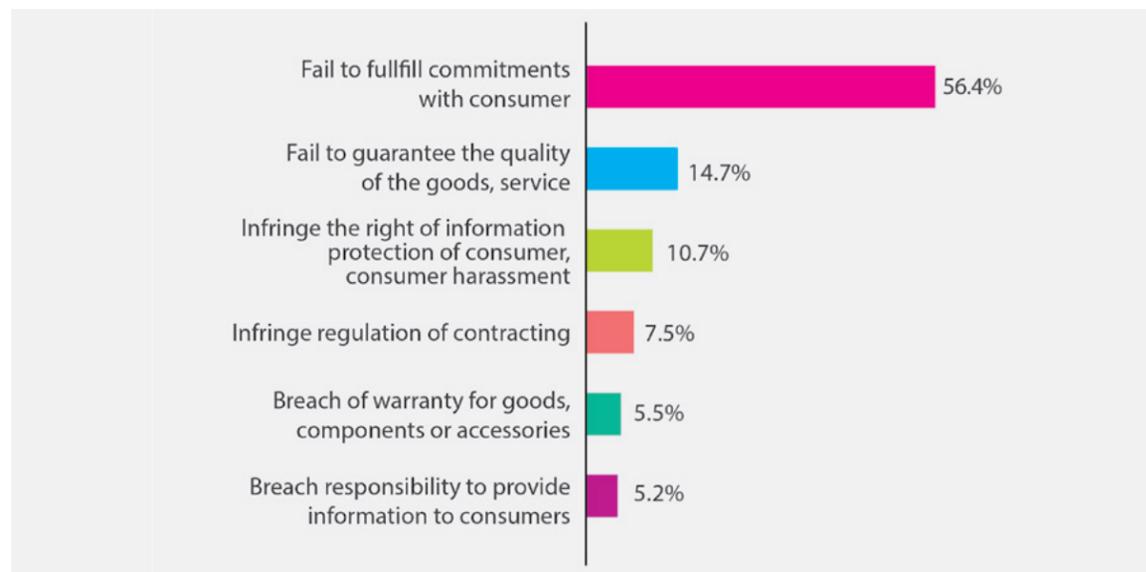
Besides Hanoi and Ho Chi Minh City, out of the remaining 61 municipalities, the provinces having large number of consumer requests, petitions and complaints resolved by the VCCA included Da Nang, Dong Nai, Hai Phong, Bac Ninh, Hai Duong, Binh Duong, Bac Giang, Can Tho and Phu Tho. However, the number of requests, petitions and complaints of consumers of these provinces were still far less than the number of the two big cities.

Chart 4. The regions with the greatest number of consumer requests, petitions and complaints



1.3. Handling of consumer requests, petitions and complaints by type of behaviors

Chart 5. Proportion of consumer requests, petitions and complaints by type of violations



Most of the requests, petitions and complaints of consumers (about 56.4%) related to enterprises failing to fulfill commitments to consumers. In which, most of the above cases were mainly reflect the complain that aviation enterprises did not refund tickets for cancelling flights within the time period the enterprises had committed with consumers (from 90 to 120 days from the date of refund confirmation).

In addition, there were also complaints about organizations and individuals trading goods and services that do not guarantee quality, causing damage to consumers (mainly related to transactions on the internet); violating the rights to protection of consumer information, harassing consumers (related to consumer credit); Violation of regulations on contracting (mainly related to real estate, apartments, housing; travel and resort packages) is also relatively common.

In addition, violations of warranty responsibilities for goods, components, accessories (typically the conduct of refusing to perform warranty, not fulfilling warranty obligations, not providing warranty papers ...); breaching the responsibility to provide information to consumers about goods or services, mainly electronics, household appliances or other everyday consumer goods, is also frequently complained by consumers.

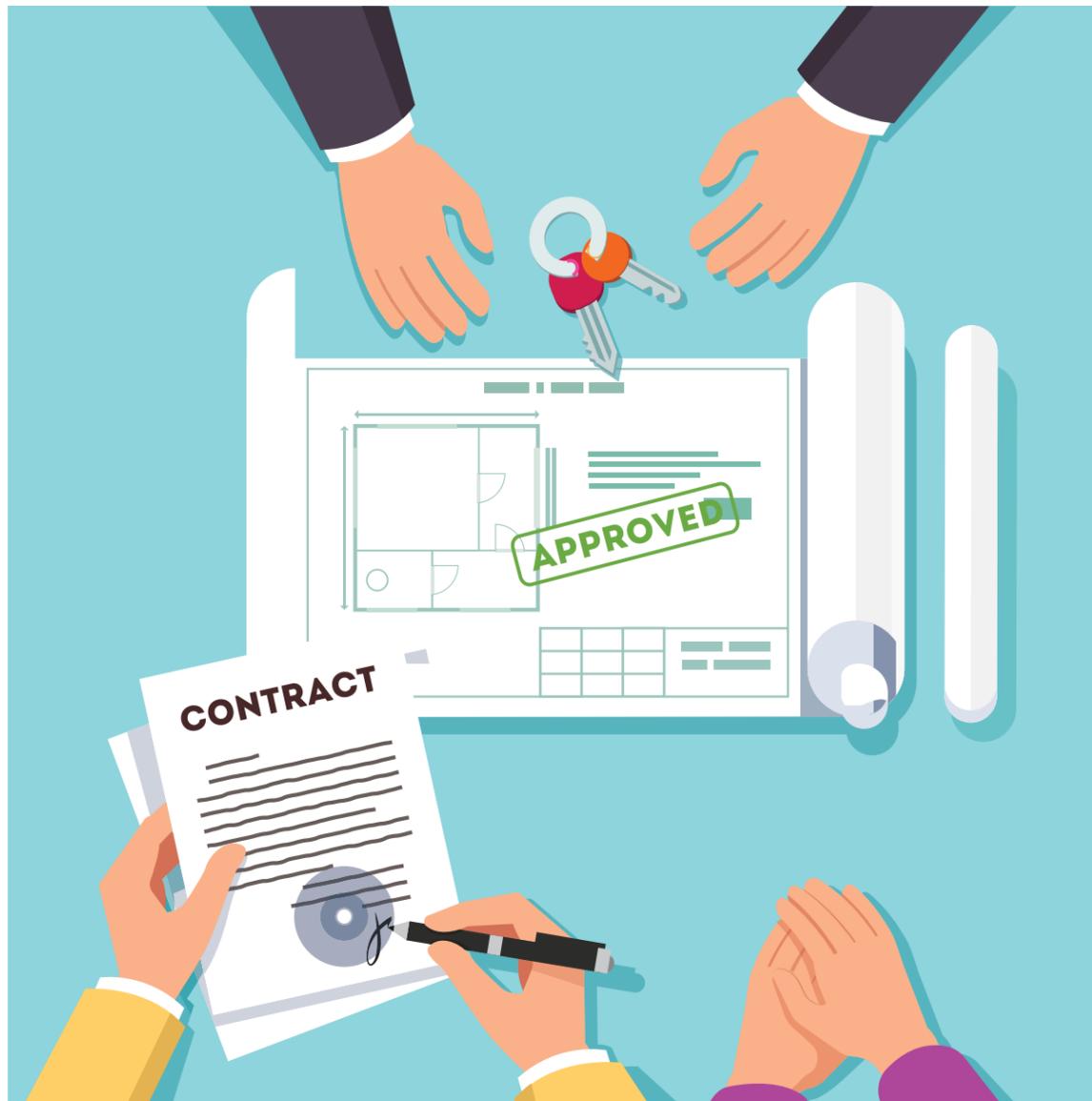
Regarding the goods and services required registration of standard contracts and general trading conditions, in 2020, VCCA received and resolved complaints, petitions and complaints about disputes arising mainly in the field of real estate, housing; life insurance and consumption water.

Basically, consumer's complains were addressed in accordance with functions, duties and authority of VCCA. As for the real estate and housing sector, due to the relatively complicated nature of the complaints, the handling time was often prolonged, some cases were transferred to the provincial Department of Industry and Trade for handling.



1.4. Handling complains related to the registration of standard contract and general trading conditions

In 2020, VCCA received and dealt with 42 cases of consumer complaints and recommendations related to standard contracts and general trading conditions focusing mainly on 03 areas: apartment, insurance and clean water. Accordingly, VCCA investigated any sign of violations and coordinated with the parties to advise the resolution in accordance with the law, including some cases that affect the many consumers.



BOX

07

The case of refund - cancellation of airline tickets, tours

1. Related party:

Some airlines, travel agencies; resorts; domestic and foreign consumers.

2. Case content:

Due to the Covid-19 epidemic leading to social distancing, many consumers have been unable to travel by flight as booked and pre-paid. As the number of cancellations were large, airlines and travel agencies found difficult to refund flight tickets and accommodation booking fee for consumers, especially overseas consumers.

Consumers also found difficult to reclaim money for the tickets and tour booking as the transactions involving many parties such as banks, card organizations. In particular, overseas consumers also encountered restraint in term of communication and inadequate information about the epidemic situation in Viet Nam, leading to their inability to claim for airfare and vacation.

3. Handling result:

VCCA coordinated and requested related companies to settle consumer complaints, and at the same time, posted many notices for consumers on VCCA's website.





BOX

08

Cases related to E-commerce platform

1. Related party:

E-commerce floors (e-commerce) and consumers;

2. Case content:

Consumers usually complained about the goods purchased on some e-commerce platforms mismatched their advertisement. In this regard, consumers were explained that the claimed transactions were beyond the system, so they were not entitled to the return - refund policy (the status of orders on the platform were still "waiting to pick up"). Consumers were very frustrated because before that, someone had contacted them and confirmed with the correct name, address, phone number, product delivery. The case illustrated signs of seller's fraud on e-commerce platform. In particular, after receiving the order, the seller would voluntarily cancel the order, then contact the consumer to deliver another product. The e-commerce platform said that in the above cases, the order code delivered to consumers was not the same as the code registered at the platform, and the delivery partner was also not the one associated with the platform.

The case shows signs of seller's fraud on e-commerce platforms. Meanwhile, e-commerce platforms was unable to prevent sellers from cancelling the orders and contacting consumers themselves to deliver other products.

3. Handling result:

VCCA worked with a number of related e-commerce platform to resolve complaints. Accordingly, the e-commerce platform punished the violating sellers and accepted a number of complaints that meet the conditions of return - refund policy.



2

Defective product recall

In 2020, VCCA received and supervised 36 cases of product recall, of which, mainly related to automobile.

Table 2: List of defective product recalls

No.	From - To	Company	Product	Program	Quantity
1	06/01/2020 - 05/01/2022	Mitsubishi Motor Viet Nam Company Limited	Pickup truck Mitsubishi Triton GLS	Mitsubishi Triton car recall program for replacement of footplate studs for affected vehicles	612
2	06/01/2020 - 05/01/2022	Mitsubishi Motor Viet Nam Company Limited	Mitsubishi Outlander Sport	A recall program for the Mitsubishi Outlander Sport to replace the front wipers control mechanism for affected vehicles.	903
3	15/7/2019 - 15/7/2021	World Automotive Company Limited	Tiguan	Recall program to replace two rear shock springs (Suspension springs) on affected Tiguan vehicles	375
4	16/12/2019 - 16/12/2020	Toyota Motor Viet Nam Company	Toyota Hilux dual-cabin pickup truck	Toyota Hilux recall program to replace the fuel hose, related clamps and gaskets	32
5	17/01/2020 - 17/01/2022	Toyota Motor Viet Nam Company	7-seat passenger car, Alphard	Recall program for inspection / replacement of seat belts on Alphard vehicles	24
6	21/12/2019 - 31/12/2022	Toyota Motor Viet Nam Company	Lexus RX350 5-seater passenger car	Recall program to update the ECM's integrated transmission control software and replace the gearbox if there is a damage on the RX350 vehicle imported and distributed by the Company	282

No.	From - To	Company	Product	Program	Quantity
7	06/01/2019 - 06/01/2022	Toyota Motor Viet Nam Company	Corolla Car	The recall program to inspect and replace the air pump cluster of the front passenger seat airbag on a Toyota Corolla was implemented by the Company at the request of Toyota Motor Corporation Japan	35
8	23/03/2020 - 23/03/2021	World Automotive Company Limited	Imported car Volkswagen Golf	Volkswagen Golf car recall program to update gearbox controller software on affected Golf vehicles imported and distributed by World Motor Company Limited	4
9	21/02/2020 - 21/07/2020	Thaco Mazda Automobile Manufacturing One Member Company Limited	Mazda 3	The program recall and updates the brakes support system control software (SBS) to overcome the phenomenon of the brake assist system (SBS) automatically activating on some vehicles of All New Mazda3 models by one member limited liability company. Manufacturing Cars Thaco Mazda produces and assembles.	640
10	20/3/2020 - 31/12/2022	Sweden Auto Company Limited	SUVs, sedans and Estate Volvo brands	Program to recall and update software for emergency brake control for Volvo cars.	732
11	01/06/2020 - 01/06/2023	Toyota Motor Viet Nam Company	multi-purpose vehicle CBU Lexus, Land Cruiser 200, Alphard and Fortuner	Vehicle recall program to inspect and replace fuel pump on imported CBU models Lexus, Land Cruiser 200, Alphard and Fortuner imported and distributed by Toyota Motor Viet Nam Company.	3763

No.	From - To	Company	Product	Program	Quantity
12	01/06/2020 - 01/06/2023	Toyota Motor Viet Nam Company	CKD Camry, Corolla, Innova cars	Vehicle recall program to check and replace fuel pump on domestic assembled vehicles (CKD) Camry, Corolla, Innova which are officially produced and distributed by Toyota Motor Viet Nam Company.	29513
13	01/01/2020 - 31/05/2020	Decathlon Viet Nam Company Limited	Scooter B1 (Product code: 8338477)	Recall program of scooter B1 (Product code: 8338477) distributed by Decathlon Viet Nam Co., Ltd.	5
14	04/06/2020 - 20/05/2022	General Motors Viet Nam Company Limited	Chevrolet Cruze, Orlando, Trax	Vehicle recall program to inspect and replace driver airbags on Chevrolet Cruze, Chevrolet Orlando and Chevrolet Trax vehicles manufactured, assembled and imported by General Motors Viet Nam (GMV) Ltd. within a period of time from 2014 to 2018.	14456
15	15/06/2020 - 20/06/2022	Mitsubishi Motor Viet Nam Company Limited	Imported cars Pajero & I-Miev	Vehicle recall program to replace passenger-side airbag fuses for affected vehicles	830
16	15/06/2020 - 14/06/2022	Mitsubishi Motor Viet Nam Company Limited	Imported car Lancer	Vehicle recall program to check and replace sunroof and / or automatic belt tensioners for affected vehicles	13

No.	From - To	Company	Product	Program	Quantity
17	01/11/2016 - 31/12/2020	Asia Automotive Company Limited	Imported Audi Q7 cars	Recalling Audi Q7 car to check third row rear seat leg cushion replacement for affected vehicles	215
18	01/05/2017 - 31/12/2020	Asia Automotive Company Limited	Imported Audi Q5 cars	Recall Audi Q5 to check, fix or replace the ceiling airbag for affected vehicles	47
19	15/04/2018-30/09/2020	Asia Automotive Company Limited	Imported Audi A4, A5 cars	Recalling Audi A4 and Audi A5 cars to replace the thread brace (chrome plated) on the door grille for affected vehicles	89
20	01/08/2017-31/12/2020	Asia Automotive Company Limited	Imported Audi Q3 cars	Recall Audi Q3 car to check and update the control box software to process information for affected vehicles	33
24	25/07/2018-19/09/2021	Asia Automotive Company Limited	Imported Audi A5, A6 cars	Recalls Audi A5, A6 cars to replace the auxiliary water pump for affected vehicles	20
22	01/05/2017-30/11/2022	Asia Automotive Company Limited	Imported Audi A5, A6 cars	Recall Audi A5 and Audi A6 cars to check for error reading and update engine control box software, in charge of controlling auxiliary cooling water pump for affected vehicles	401
23	01/12/2018-01/12/2020	Asia Automotive Company Limited	Imported Audi A6 cars	Recalling Audi A6 cars to replace the front seat airbags for affected vehicles	103

No.	From - To	Company	Product	Program	Quantity
24	22/04/2019-22/04/2021	Asia Automotive Company Limited	Imported Audi A7, A8, Q7 cars	Recalling Audi A7, A8, Q7 vehicles to replace fuel system low pressure piping for affected vehicles	182
25	10/06/2019-31/12/2020	Asia Automotive Company Limited	Imported Audi Q5 cars	Recall Audi Q5 to inspect and replace (if necessary) the main brake cylinder for affected vehicles	21
26	21/10/2019-21/10/2023	Asia Automotive Company Limited	Imported Audi Q5 cars	Recall Audi Q5 to reinforce the fenders for affected vehicles	566
27	16/12/2019-16/12/2020	Asia Automotive Company Limited	Imported Audi Q3 cars	Recall the Audi Q3 car to update the power board controller software for the affected vehicles	25
28	20/01/2020-20/01/2023	Asia Automotive Company Limited	Imported Audi Q5 cars	Recall the Audi Q5 to replace the rear wheel fender fixing screw on the body of the affected vehicle	618
29	20/04/2020-20/10/2020	Asia Automotive Company Limited	Imported Audi Q7 cars	Recall Audi Q7 vehicle to check the tightening bolts between the steering shaft and steering mechanism for affected vehicles	3
30	06/7/2020-31/12/2021	Kawasaki Motors Viet Nam Company Limited	Motorcycle Kawasaki Ninja ZX-10R (ZXT002E)	Recalling Kawasaki Ninja ZX-10R motorcycle (ZXT002E) to update the ECU electronic control software and replace the air intake valves on the affected vehicles	19

No.	From - To	Company	Product	Program	Quantity
31	15/8/2020-31/3/2022	Asia Automotive Company Limited	Imported Audi A3 SEDAN 1.8 cars	Recall of Audi A3 car for inspection and replacement of the hydraulic gearbox's accumulator cover for affected vehicles	69
32	31/8/2020-30/8/2022	Mitsubishi Motor Viet Nam Company Limited	Imported Mitsubishi Pajero cars	Recall of Mitsubishi Pajero Cars to replace right front lower swingarm on affected vehicles	202
33	31/8/2020-30/8/2022	Mitsubishi Motor Viet Nam Company Limited	Imported Mitsubishi I-Miev Cars	Recall of Mitsubishi I-Miev Cars to replace vacuum pumps for affected vehicles	3
34	11/9/2020-11/9/2023	Toyota Motor Viet Nam Company	Assembled Toyota Fortuner	Recalling Toyota Fortuner Car to inspect and replace the brake assist vacuum tube for affected vehicles	190
35	08/9/2020-08/9/2021	Toyota Motor Viet Nam Company	Toyota Innova, Fortuner assembled cars	Recall of Toyota Innova and Fortuner cars to tighten the connection bolts between the drive disc and tissue change for the affected vehicles	752
36	27/10/2020-27/4/2021	LG Electronics Viet Nam Hai Phong Company Limited (LGE)	TV OLED	Voluntary program: Supply circuit replacement service	1304
37	15/11/2020-15/11/2021	Asia Automotive Company Limited	Imported Audi A8 TFSI 4.0	Audi A8 car recall program with a TFSI 4.0 engine capacity to install a seal shield between the bonnet and engine compartment for affected vehicles	33

3

Inspection and examination

In 2020, VCCA conducted 5 inspections and 1 examination to check the compliance of some enterprise with the consumer protection law, thereby sanctioned 03 enterprises violated the law on consumer protection with the total amount of fine was 297,000,000 VND.

(i) Inspected 5 enterprises on their compliance with the consumer protection law including:

- Viet Star Real Estate Investment Company Limited;
- Shopee Company Limited;
- No Va Land Investment Group Corporation and subsidiaries;
- Grab Company Limited according to the Decision No. 52/QD-CT dated July 15, 2020;
- Ti Ki Joint Stock Company according to the Decision No. 53/QD-CT dated July 16, 2020.

(ii) Examined 01 enterprise on the compliance with the consumer protection law:

- Green City Development Joint Stock Company (under Vingroup - District 9 HCMC project).



4 Registration of standard form contract and general transaction conditions

In 2020, VCCA received 205 dossiers for registration of standard form contract and general transaction conditions from enterprises, equal to 81% compared to 2019 (257 dossiers).

VCCA handled totally 205 cases. Among the dossiers, 73 were accepted, accounting for 36%, for the remaining dossiers, after receiving the official responses of VCCA, these enterprises voluntarily withdrew the dossier.

Specifically, the field of registration in 2020 compared to one in 2019 as follow:

Table 3: The registration dossiers by fields/ sectors in 2020

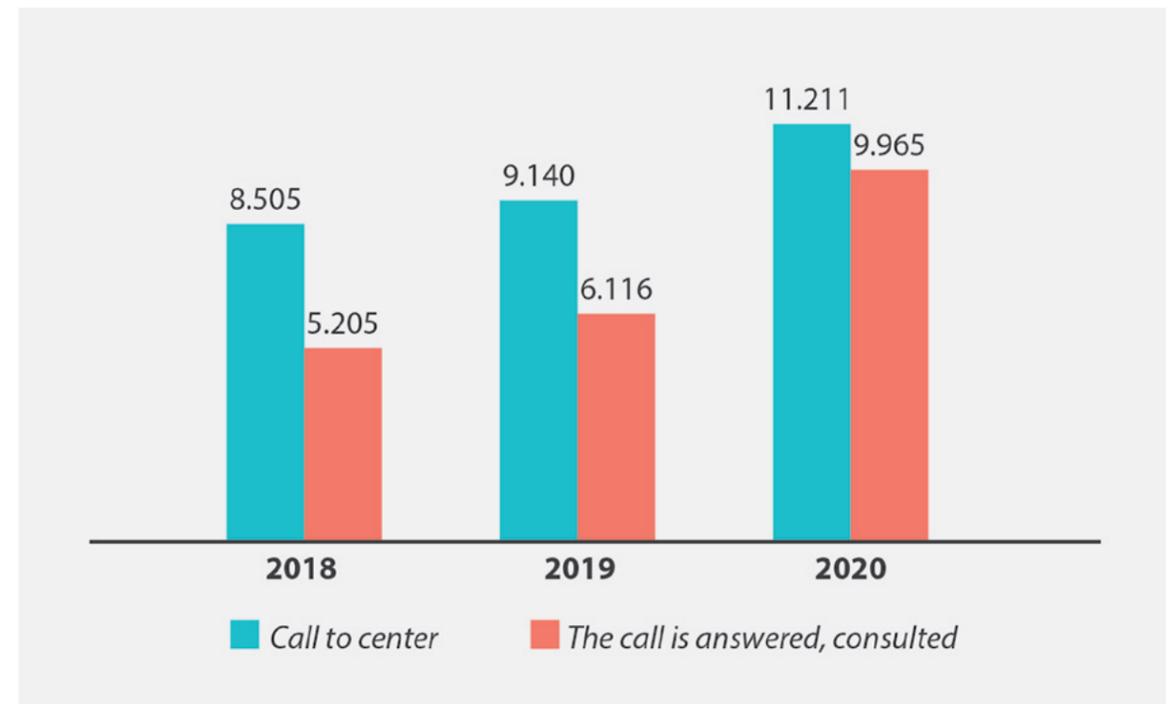
Time	Apartment	Insurance	Telecom -munications	Transport -ation	Electricity/ Water	Total
2019	130	87	34	3	0	254
2020	159	Removed from the List	34	3	9	205



5 Consulting and supporting for consumers

In 2020, the Consumer Support and Consulting Centre 1800.6838 (Call Center) managed and operated by VCCA received 11,211 incoming calls, of which 9,965 calls were answered and consulted based on the consumer protection legislation. The number of calls received in 2020 increased by 23% compared to 2019 and by 32% compared to 2018. It is worth noting that the number of calls answered and consulted by the Call Centre's agents also increased significantly throughout 2020. Particularly, 89% of the calls was successfully handled, an increase of 63% compared to 2019 and 91% compared to 2018. Having said that, some of the remaining calls were not supported or consulted as occasionally the line was busy or the calls came beyond the operating time of the Call Centre.

Chart 6. Statistics of answered and consulted calls via Call Center 2018-2020



Of 60% of the answered or consulted calls, consumers were advised to send requests, petitions and complaints to related competent agencies at central and local levels for settlement.

For the remaining calls, consumers were consulted on how to close transaction properly and effectively. The Call Centre also provided some cautions for consumers while making transaction with organizations and individuals, especially the transactions on the internet (transactions via social media, via telephone, etc.). Consumers were also provided with information about the procedure of resolving the consumer requests, petitions and complaints at VCCA on the on-going defective product recall programs...

Besides the incoming calls related to consumer protection legislation, the Call Centre also received a number of requests went beyond the scope and responsibilities of the Call Centre such as the request to block a phone number calling to the consumer phone; the request to check online bill of lading code or parcel bill of lading code; ask the shipping agents not to transfer money to the seller in the e-commerce transactions...

Besides, in order to meet the increasing demand for consultation and support from consumers, in 2020, on the framework of the Project to build the Call Centre system for consumer at the MOIT, VCCA handed computers, phones and necessary equipment's to 15 agencies across the country (including the Department of Industry and Trade, the Consumers Protection Association at provincial and municipal level), simultaneously connected to the Call Centre located at the MOIT in order to expand and enhance the ability of the Call Centre to handle petitions, request for consultation and support from consumers as well as facilitate sharing data between the agencies and the organizations to promote consumer protection at central and provincial levels.

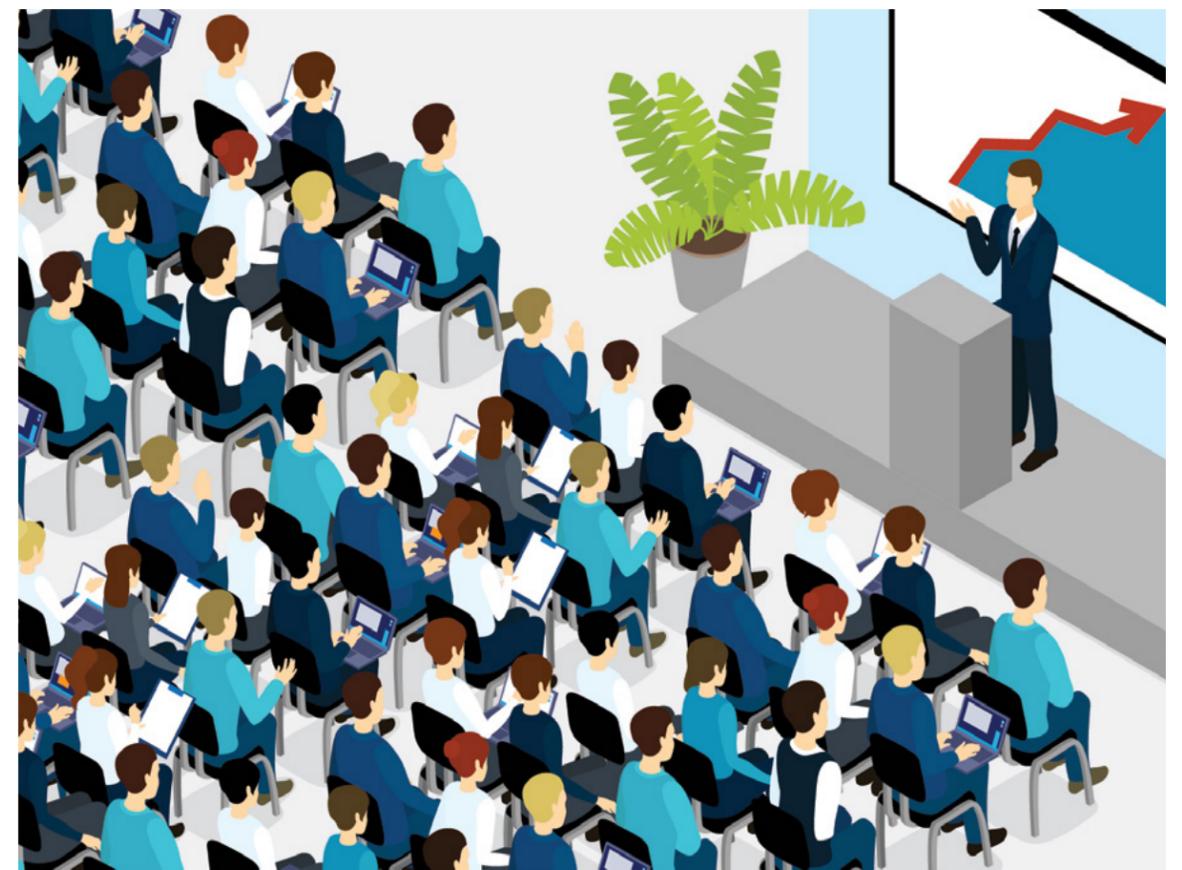


6

Development of network of related authorities and organizations on consumer protection

Up to now, there are 57 Consumer Protection Associations, including 1 Association operating nationwide and 56 Associations operating in provinces and cities directly under the Central Government.

The Association operating nationwide is the Viet Nam Consumers Protection Association (VICOPRO), which was established in December 2018 on the basis of the restructuring of the Viet Nam Standards and Consumer Protection Association. The establishment of VICOPRO not only reflects an important milestone but also creates an opportunity to complete the model and names of the Consumer protection associations in provinces and cities, thereby improving the enforcement effectiveness of the Law on the Protection of Consumer's Rights as well as the implementation of unified advocacy activities among associations throughout the country.





MINISTRY OF INDUSTRY AND TRADE
VIETNAM COMPETITION AND CONSUMER AUTHORITY

OTHER SUPPORTING ACTIVITIES



ADVOCAY



INTERNATIONAL COOPERATION



AGREEMENTS
FTAs



NETWORK OF
CONSUMER PROTECTION

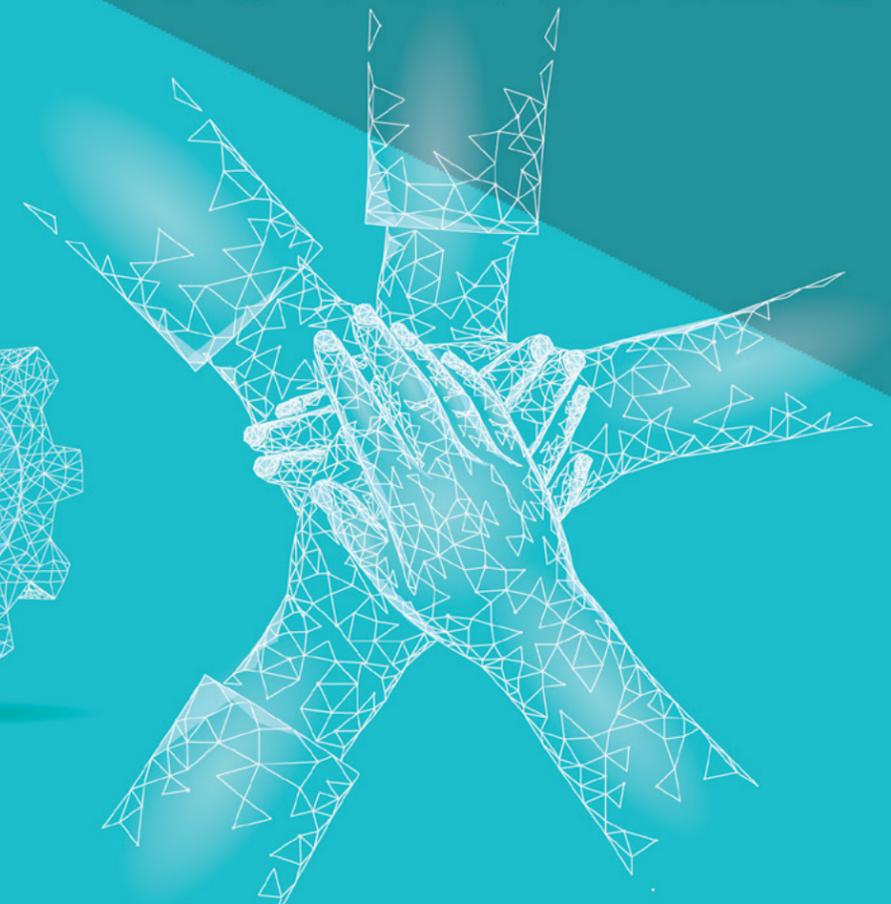
Enhance advocacy activities on competition and consumer protection;

Effectively implement international cooperation activities, improving enforcement capacities of competition and consumer protection laws and policies;

Participate in negotiation and implement commitments on the Chapter of competition and consumer protection in Free Trade Agreements;

Develop a network of relevant organizations on competition and consumer protection;

Actively do researches on competition and consumer protection.

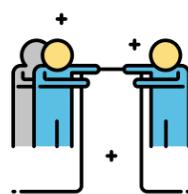


1

Education and advocacy

In order to enhance the advocacy activities, raising awareness of relevant stakeholders, so far, VCCA has collaborated with other agencies to deliver advocacy activities in forms of organizing conferences, seminars, training courses, workshops to disseminate laws and regulations on competition, consumer protection and management over multi-level marketing across the country, specifically:

1.1. Regarding competition



In 2020, the training and dissemination activities of competition law mainly focused on raising awareness and disseminating provisions of the Competition Law No. 23/2018/QH14 and legal documents guiding the implementation of the Law for related stakeholders, including enterprises, associations, relevant state management agencies, representative offices, law firms and the universities/colleagues which have competition law courses, in order to increase the awareness of business and consumer community about newly amended and supplemented contents of Competition Law 2018. Besides, VCCA organized some training courses on analytical and investigation skills of competition cases for VCCA's officials/staffs and other relevant agencies' representatives as a prerequisite for the effective enforcement of the Competition Law, specifically:

- Organized 1 training course on anti-competitive agreement investigation skills for VCCA's officials and related units in Quy Nhon, Binh Dinh;
- Organized 4 seminars on advocacy and dissemination of competition law in Hanoi, Quang Ninh, Lam Dong and Ho Chi Minh city under the framework of JICA Competition Law Project;



Mr. Trinh Anh Tuan, Deputy Director General of VCCA giving speech at public seminar in Ho Chi Minh city



Japanese expert giving lectures at the internal training on competition in Lam Dong

- Organized 4 internal training courses on the assessment of competition in the fields of finance - credit, pharmaceuticals, petroleum and retail services under the framework of the JICA Competition Law Project;



Internal training on competition in the retail sector

- Organized 2 seminars with lecturers and students of the Law Faculty of some universities in Hanoi and Ho Chi Minh City on the enforcement of Competition Law in the context of the new generation of free trade agreements;
- Organized 3 competition training courses in Hanoi and Ho Chi Minh City to provide knowledge, skills and experience for the officials engaged in competition work of VCCA and related stakeholders.
- Conducted 3 market studies in coordination with Japan Fair Trade Commission and Japan International Cooperation Agency (JICA) under the framework of the JICA Competition Law Project.
 - Competition in Pharmaceutical Product Distribution Industry in Vietnam;
 - The current situation of competition in the e-commerce market in Vietnam;
 - Market structure, barriers and competitive assessment in the market of passenger transport services by air in Vietnam.

1.2. Regarding consumer protection

a) Organizing Viet Nam Consumer Rights Day



In order to celebrate Viet Nam Consumer Rights Day 2020, on October 31, 2019, the Ministry of Industry and Trade issued the Plan No. 8261/KH-BCT on the organization of Viet Nam Consumer Rights Day 2020 with the theme “Protecting consumers in e-commerce”.

Viet Nam Consumer Rights Day 2020 took place in the context of a complicated Sars-CoV-2 pandemic. Therefore, VCCA drafted and submitted to the Minister for signing an open letter calling on the business community to respond to the event through online methods, limiting crowds. Besides, after the implementation of social distancing, VCCA coordinated with a number of units to implement response activities, specifically: organizing training conferences and seminars in Lang Son, Bac Kan, Cau Giay, Me Linh, Hoai Duc districts of Hanoi City.

In addition, within the framework of cooperation to protect consumers’ interests among ASEAN countries, VCCA participated in online meetings to share consumer protection experiences during the Covid-19 period, at the same time, published video clips and leaflets about the protection of consumers’ interests in online shopping on VCCA’s website.



CÁC CƠ QUAN BẢO VỆ NGƯỜI TIÊU DÙNG VÀ VIỆC BẢO VỆ NGƯỜI TIÊU DÙNG TRONG THƯƠNG MẠI ĐIỆN TỬ



- 1** Yêu cầu các điều khoản và điều kiện công bằng trong giao hàng, thanh toán và giải quyết tranh chấp

VĂN CHUYỆN

Text representing chat messages.

THANH TOÁN

Text representing payment details.

BẢO HÀNH

Text representing warranty information.
- 2** Xây dựng các cơ chế giải quyết tranh chấp hiệu quả


- 3** Hợp tác giữa các quốc gia trong khối ASEAN nhằm giải quyết các tranh chấp xuyên biên giới



www.aseanconsumer.org

TÌM HIỂU CÁC QUYỀN CỦA NGƯỜI TIÊU DÙNG VÀ LƯU Ý MỘT SỐ KIẾN THỨC SAU

- TRƯỚC KHI MUA HÀNG**
 - Đọc những nhận xét, đánh giá và nghiên cứu kỹ lưỡng về sản phẩm
- TRONG QUÁ TRÌNH MUA HÀNG**
 - Đảm bảo tính an toàn và bảo mật của trang Web bán hàng
 - Chú ý đến các điều khoản hợp đồng và điều kiện giao dịch chung, đặc biệt về phương thức vận chuyển chi phí và chính sách đổi trả hàng.
- SAU KHI MUA HÀNG**
 - Nếu có bất cứ vấn đề nào xảy ra, hãy liên hệ ngay với nhà bán hàng/sản thương mại điện tử để yêu cầu chính sách bồi thường phù hợp.

MUA SẴM TRỰC TUYẾN RẤT THUẬN TIỆN TUY NHIÊN NÓ CŨNG CÓ NHIỀU RỦI RO

Trong khu vực ASEAN có hơn 120 triệu người tiêu dùng tham gia mua sắm trực tuyến. Con số này tăng gấp hai lần so với con số của năm 2015.

50 triệu (2015) → 120 triệu (2019)

Những phản ánh/ khiếu nại thường gặp khi mua sắm trực tuyến

- SẢN PHẨM NHẬN ĐƯỢC KHÔNG GIỐNG VỚI QUẢNG CÁO
- KHÔNG GIAO HÀNG/ GIAO HÀNG KHÔNG ĐÚNG HẸN
- LỖI THANH TOÁN/ THANH TOÁN KHÔNG AN TOÀN

Photo: cut from ASEAN video clip about e-commerce

Additionally, on November 12, 2020, VCCA collaborated with the Department of Industry and Trade in Hanoi, held a rally in response to Viet Nam Consumer Rights Day and opened the Fair of Goods and Products at Times City Square, Hai Ba Trung District, Hanoi.



Photo: VCCA's Director General Mr. Nguyen Sinh Nhat Tan giving speech at the meeting responding to Viet Nam Consumer Rights Day 2020



Photo: Signing ceremony to protect consumers in e-commerce



b) Implementation of the Program “Ethical Business for Consumers

In 2020, VCCA continued to improve the components of the Program, namely: upgrading the Program’s Website; complete the set of evaluation criteria and continue to promote propaganda activities for the Program:

- Organized 5 seminars to advocate, introduce the operation of the Project. Besides, VCCA also integrated the content of the Program into all other relevant activities organized by VCCA;
- There have been more than 150,000 website visits and participated in the evaluation survey based on the ethical-business-for-consumers criteria system on the Program’s Website;
- On the basis of the results achieved in the period 2019-2020, VCCA continues to propose and is already approved by the Ministry of Industry and Trade to continue implementing the Program in the period of 2021-2025.

c) Implementation of the Program on developing a Call Center to advise and support consumers



In order to implement the Program on developing a Call Center to advise and support consumers, VCCA completed the following tasks:

- Equipped the hardware device to connect Call Center to 15 relevant units;
- Developed, designed, and printed the Manual of Call Center system operation;
- Organized 03 training courses on skills to receive and advise consumers through the Call Center, data entry skills on the Call Center system and the National Database on the protection of consumers’ interests at 3 locations as Hanoi, Ho Chi Minh City and Lam Dong.
- Advocated about the Call Center system by printing and distributing leaflets to introduce.
- Organized a conference to summarize the implementation of the Project on developing a Call Center to consult and support consumers in Hanoi.



d) Organizing trainings and disseminate the law on the protection of consumers’ interests

In 2020, VCCA organized:

- 03 training courses on skills of receiving, consulting, resolving consumer complaints and entering data on the Call Center system and National Database System on consumer protection in Hanoi, Lam Dong and Ho Chi Minh city;
- A conference to summarize the implementation of the Call Center 1800.6838 and the National Database of Consumer Protection in Hanoi;
- 03 training courses on consumer protection policy and law in Hanoi, Danang and Ho Chi Minh City in order to implement some provisions mentioned in The Action Plan of Ministry of Industry and Trade on strengthening the leadership of the Party and responsibilities of State towards consumer protection affairs issued together with the Decision No. 1907/QD-BCT dated 21st July, 2020;
- 01 training course on protection consumers in consumption credit transaction in Ho Chi Minh City in order to provide updated information relating to consumption credit sector for officials and people working in consumer protection affairs in Associations, Departments and Sectors in the Southern Viet Nam.



e) Other advocacy activities

- VCCA organized series of workshops on promoting Directive No. 30-CT/TW of Central Committee Communist Party's Secretariat of Viet Nam, Ethnical Business for Consumers Program, the system to receive and address consumer's requests and complaints in Hanoi, Ho Chi Minh City, Lam Dong and Can Tho. The workshops recognized the participation of state management agencies, consumer protection associations, business community and consumers.



Picture: Mr. Trinh Anh Tuan, Deputy Director General of VCCA giving speech at a conference taken place in Can Tho



Picture: A representative from VCCA giving speech on the system to receive and address requests and complaints from consumers

- More over, in the complicated context of Covid-19 pandemic and the number of complaints in the aviation, e-commerce and consumer loans sectors increased, VCCA launched a series of online webinars focusing on the practical violation on consumer's rights in the mentioned above sectors and international experience for Viet Nam. The series of webinars attracted the attendance from representatives of VCCA, the Australian Competition and Consumer Commission (ACCC) and some related businesses. Normally, each webinar recorded more than 500 views and a lot of interactions and engagements between consumers and VCCA on emerging issues in those sectors.



Picture: Webinars on promoting consumer protection in the field of aviation, e-commerce and consumption loans

1.3. Training, dissemination for legal document on the management of multi-level marketing activities

In the past year, VCCA made big efforts to implement training and dissemination for legal document on the management of multi-level marketing activities towards the society, which all aimed at enhancing consumer's awareness as well as collecting opinions from related parties as reference for the amendment and supplement the Government's Decree No. 40/2018/ND-CP on the management of multi-level marketing activities, specifically:

- Organized 02 Conferences to summarize the management of multi-level marketing activities in 2019 in Hanoi and Ho Chi Minh City;
- Organized 02 Preliminary Conferences to review 6 months of multi-level marketing activities in 2020;
- Organized 02 Consultation Conferences on issues proposed to be amended and supplemented on the Government's Decree No. 40/2018/ND-CP on the management of multi-level marketing activities;
- Organized 10 Training courses on legal knowledge on multi-level marketing under the program recognized by the Ministry of Industry and Trade in Hanoi, Can Tho and Ho Chi Minh City.

2.1. Cooperation in ASEAN framework

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

(i) On competition:

In 2020, VCCA took the role of Chairman of the ASEAN Experts Group on Competition (AEGC Group). As Chairman, VCCA led implementing a number of regional competition activities as follows:

- Issuing a Joint Statement of the ASEAN Experts Group on Competition in response to the Covid-19 epidemic. The Joint Statement has provided the views and directions of the ASEAN's competition authorities on the enforcement of the competition law during the epidemic. The full text of the Joint Statement has been posted on the website of ASEAN Competition Authority (in national language and English);



Picture: The 1st meeting of ASEAN Experts Groups on Competition (AEGC Meeting)



- Developing a Mid-term Review Report on the implementation of the ASEAN Competition Action Plan 2016-2020 (ACAP 2025) to evaluate the effectiveness of regional competition activities in the 2016-2020 period; review and adjust the ACAP for the period 2020-2025 in order to meet the competition requirements of regional countries and in accordance with the regional and global competitive context;

- Leading the 25th ASEAN Experts Groups on Competition Meeting (AEGC Meeting) and other related meetings as AEGC Chair in 2020 which all taken place from 20th to 22th October, 2020 in virtual method.



ii) On consumer protection:

In 2020, as member role of ASEAN Consumer Protection Committee (ACCP), in the context of Covid-19 epidemic, VCCA actively participated in the implementation of cooperation activities on consumer protection in ASEAN. The cooperation activities were held virtually and achieved some following results:

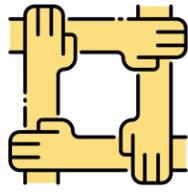
- Approving the development and publication of 02 advocacy materials about consumer protection on ACCP's website, specifically: 01 video clip on consumer protection in e-commerce transactions and a set of leaflets advocating the special interests of consumers in the Covid-19 period. VCCA translated and posted the above publications on its website;
- Discussing some cooperation contents on regional consumer protection, specifically:
 - + Online Dispute Resolutions (ODR);
 - + Mid-term review of the ASEAN Strategic Action Program on Consumer Protection (ASAPCP) for the 2016-2025 period as well as revise Action Plan for the period of 2021-2025;
 - + Alternative Dispute Resolution (ADR) Mechanism;
 - + Completing the ASEAN Consumer Empowerment Index (ACEI);
 - + Developing a proposed consumer protection content for additional proposal in the Competition Chapter under the ASEAN - Australia - New Zealand Free Trade Agreement (AANZFTA) and;
 - + Discussing peer review activity towards Philippine as member of Pear Review Team.
- Chairing the meeting of AANZFTA Competition Commission with representatives of the ASEAN consumer protection authorities to discuss the content of consumer protection included in the competition chapter of the ASEAN - Australia - New Zealand Free Trade Agreement (upgraded) as Chair of AEGC 2020.



The first online meeting of the ASEAN Committee on Consumer Protection (ACCP)



The second online meeting of the ASEAN Committee on Consumer Protection (ACCP)



2.2. Cooperation with competition and consumer organizations

In order to expand cooperation and strengthen the enforcement of competition and consumer protection law, VCCA continues to collaborate with a number of relevant international agencies and organizations through implementing some cooperational project and technical assistance programs on competition and consumer protection, specifically:

- Coordinated with the Japan Fair Trade Commission (JFTC) and the Japan International Cooperation Agency (JICA) to implement “Project for improving competition policy and enhancing the effective enforcement of Competition Law”. A variety of activities, including those described in the previous section 1.1, have been conducted within the framework of the project such as: Organizing advocacy workshops, training courses on competition and developing internal manuals and guidelines for competition law enforcement.
- Coordinated with the German international cooperation and development (GIZ) to implement 02 technical cooperation projects on competition and consumer protection.
 - + On the competition project named “Promoting competition within the framework of the ASEAN integration initiative”, VCCA developed a Handbook/Guideline on competition such as Handbook for competition investigators; Guidelines on identifying relevant markets and calculating the combined market share of businesses participating in economic concentration.
 - + On consumer protection project named “Improving the efficiency of enforcement and completing the legal framework on consumer protection affairs in Viet Nam”, VCCA developed 2 Guidelines on standard contracts and general conditions in condominium and life insurance area; held 3 workshops on promoting Directive No. 30-CT/TW of the Party Central Committee’s Secretariat; held 03 Conferences to implement the Ethical business for Consumers program and several Studies aiming at enhancing the effectiveness of consumer protection.
- Coordinated with the Australian Embassy to implement the project “Strengthening the institution of competition and protecting consumers in Viet Nam” within the framework of the Aus4reform Program. In 2020, VCCA organized 02 training courses on competition investigation skills for VCCA’s officials and some other related authorities’ representatives; developed



several studies, guidelines, handbooks and VCCA’s internal procedures on competition and consumer protection law enforcement;

- Coordinated with the Australian Competition and Consumers Commission (ACCC) to implement series of virtual activities focusing on consumer protection, including 03 (three) online webinars “Consumer Protection in passenger transportation transactions of the aviation sector”, “Consumer protection in e-commerce transactions” and “Consumer protection in the consumer credit sector”. These webinars aimed at raising and enhancing consumer awareness in some recent popular transactions. These three online events all had attendance from representatives of VCCA, ACCC and some other related businesses.
- VCCA also boosted cooperation with competition and consumer protection organizations through the sharing opinions at the 8th United Nations Competition Policy Review Conference; filling out online surveys from International Consumer Protection and Enforcement Network (ICPEN);...



Mr. Nguyen Sinh Nhat Tan - Director General of VCCA giving a speech at Conference on the implementation of consumer protection in the Northern region took place in Hanoi

Negotiation and competition provision enforcement in some Free Trade Agreements (FTAs)

3.1. On negotiation

- Contributed opinions and attending working sessions of Viet Nam and UK Trade and Investment Dialogue Working Group; negotiating the Viet Nam - UK Free Trade Agreement;
- Contributed opinions on the provision of competition and consumer protection in the draft guideline of negotiating the proposed Free Trade Agreement between ASEAN and Canada, the proposed Free Trade Agreement between ASEAN and the EU.
- Proposed consumer protection provision within the framework of negotiations for the upgraded AANZFTA Agreement.

3.2. On implementing FTAs

- Implementing commitments in Competition Chapter of AANZFTA, VJEPA, VN - EAEU FTA, VKFTA Agreements; Joining the Competition Policy Group in the conference of the Joint Commission on the implementation of the AANZFTA and related sessions;
- Implementing commitments according to the Competition Policy Chapter and activities within the framework of the State Enterprise Committee in the CPTPP Agreement;
- Developing plans to implement commitments on the Chapters of Competition, Subsidies and State-owned Enterprises in EVFTA; Conducting advocacy and dissemination of competition regulations, state-owned enterprises and subsidies in EVFTA;
- Sharing ideas and participating in legal review RCEP;
- Carrying out tasks relating to the implementation of the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP Agreement): attending the meeting of the State-owned enterprise Committee and exclusively appointing the 2nd CPTPP to be taken as virtual form;

- Reviewing laws related to competition policy and state-owned enterprises in EVFTA;
- Contributing opinions and joining sessions of Working Group on Trade and Investment Dialogue between Viet Nam and UK; taking part in Viet Nam – UK Free Trade Agreement negotiation;
- Sharing ideas on the provision of competition and consumer protection in the draft guideline on negotiating the proposed Free Trade Agreement between ASEAN and Canada and the proposed Free Trade Agreement between ASEAN and the EU.
- Contributing content on consumer protection within the framework of negotiations for the Upgraded AANZFTA.





MINISTRY OF INDUSTRY AND TRADE
VIETNAM COMPETITION AND CONSUMER AUTHORITY

DIRECTION IN 2020



LEGISLATION
DEVELOPMENT



ENFORCEMENT
OF LEGISLATIONS



PROPAGATION AND
DISSEMINATION OF THE LAW



CONSULTANCY

Continue to develop and finalize draft legal documents on competition and consumer protection to submit to competent authorities for approval and issuance;

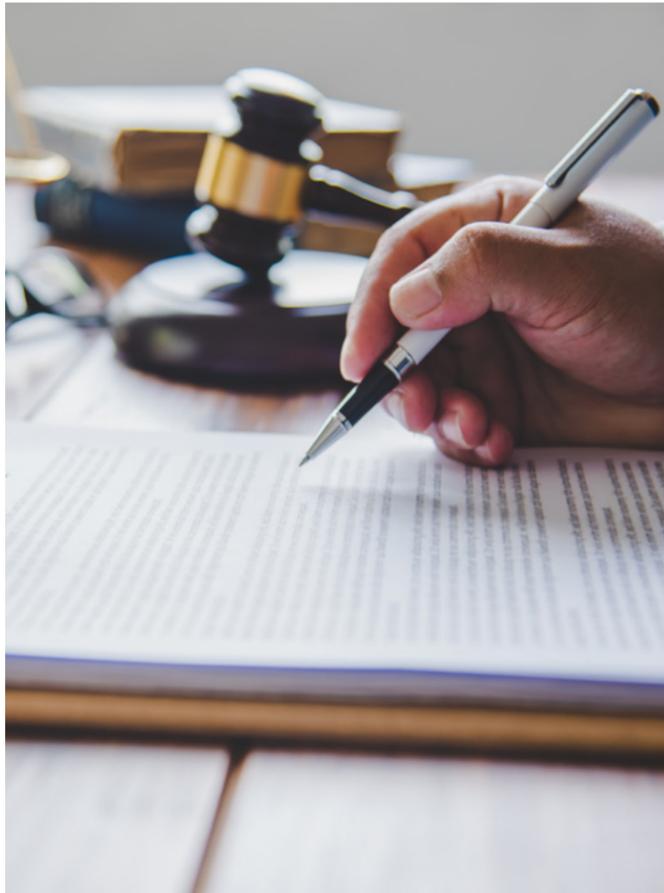
Strengthen the investigation and handle of competition restriction acts, unfair competition practices and the control of economic concentration activities;

Continue to effectively implement the state management over multi-level marketing activities;

Strengthen the protection of consumer rights and control of standard form contract and general transaction conditions;

Effectively conduct advocacy activities, disseminating information about competition, consumer protection and implement other support activities.





1

Legislation development

- Submitting to the Government a Dossier proposing the amendment and supplement of a number of articles of the Law on the Protection of Consumers' Rights.
- Improving to submit the Government for promulgation a Decree detailing the functions, tasks, powers and organizational structure of the Viet Nam Competition Commission in the third quarter of 2021 at the latest.
- Submitting to the Government a dossier proposing the amendments to a number of articles of the Government's Decree No. 40/2018/ND-CP dated March 12, 2018 on the management of multi-level marketing activities.

- Developing a Circular amending and supplementing the Circular No. 10/2018/TT-BCT of the Ministry of Industry and Trade dated May 24, 2018 detailing a number of articles of Decree No. 40/2018/ND-CP dated 12 March 2018 of the Government on the management of multi-level marketing activities and the Circular No. 10/2013/TT-BCT dated May 30, 2013 of the Ministry of Industry and Trade promulgating the registration form for standard contract and general conditions on the revision of the names from "Viet Nam Competition and Consumer Protection Authority" and "Viet Nam Competition Agency" to "Viet Nam Competition Commission".

2

Enforcement of competition law

2.1. Investigate anti-trust behaviors

The Competition Law 2018 with many new amended and supplemented contents will show new impact on both competition authorities and enterprises in the enforcement and application of the provisions of the Competition Law. That helps to increase the ability to detect signs of violations of anti-competitive behavior, including anti-competitive agreements and abuse of dominant market positions and dominant position. The competition restriction agreement control provisions under the Competition Law 2018 ensures that all acts of anti-competitive agreements are controlled, including vertical agreements and horizontal agreements. The leniency policy creates incentives for businesses to report anti-competitive agreements. New regulations on significant market power serve as the basis for determining enterprises with dominant market positions in line with the fluctuations of the economy. These factors contribute to enhancing the ability to detect, investigate and handle anti-competitive behaviors, so the number of anti-competitive cases will increase, expected from 5 to 10 cases in next year. Therefore, in the upcoming year VCCA orients to:

- Completing guidelines on the implementation of regulations on controlling anti-competitive behavior, the abuse of dominant position, the abuse of monopoly position, leniency policy and exemption from prohibited anti-trust agreements and competition proceedings under the Competition Law 2018;
- Completing forms of documents and decisions in competition legal proceedings; Documenting typical international case and case information;
- Training investigation skills for competition investigators;
- Finalizing scientific research report named "Apply a leniency program in investigating and handling anti-trust agreements, international experiences and lessons for Viet Nam";
- Implementing supervision of the compliance with conditions and obligations for exemption;
- Completing the inspection of compliance and compliance with competition laws.
- Completing the report on competition in the implementation of Resolution 58 of the Government promulgating the Action Plan of the Government Action Plan to implement the Resolution No. 50-NQ/TW dated August 20, 2019 of the Politburo on the orientation of completing institutions and policies, improving the quality and efficiency of foreign investment cooperation by 2030.
- Continuing to propagate and disseminate Competition Law 2018 and documents detailing and guiding the implementation of the Competition Law according to Decision No. 1227/QD-TTg dated September 24, 2018 of the Prime Minister on issuing implementation plan of the Competition Law;



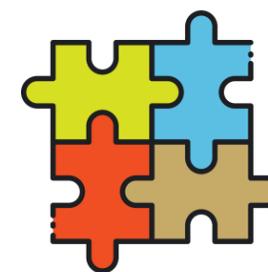
- Organizing training courses on competition investigation skills and internal training courses on specific topics for competition investigators, officials and civil servants of VCCA to strengthen competition capacity;
- Building documents to propagate and disseminate competition law;
- Organizing competition seminars focusing on certain types of behaviors or specific industries or fields.

2.2. Investigate and address unfair competition behaviors

- Launching the investigation of unfair competition cases after Viet Nam Competition and Consumer Protection Commission was established.
- Coordinating with units to propagate and disseminate the provisions of the Competition Law 2018.
- Enhancing staff's capacity and qualifications in investigating and handling unfair competition behaviors.

2.3. Economic concentration control

- Verifying notification of economic concentration in accordance with the Competition Law 2018;
- Strengthening supervision and control over transactions of economic concentration on the market;
- Building a database on market structure in some priority sectors including real estate, logistics, energy, etc;
- Completing Guidelines for the implementation of regulations on economic concentration control in accordance with the Competition Law 2018 (the document for the verification of the National Competition Commission's records on economic concentration);
- Implementing plans/programs realizing competition commitments in the signed FTAs;



- Coordinate with the Information, Consultation and Training Center (ICT) to strengthen propaganda, dissemination and guidance on the implementation of the regulations on economic concentration according to Competition Law towards business community, investors, law firms, consulting offices, etc;
- Performing other assigned duties related to the control of economic concentration.



3

Management on multi-level marketing activities

- Handling dossiers of application, amending and supplementing registration certificates of multi-level marketing activities and related administrative procedures in managing multi-level marketing activities. Officially operating online public service processing process for administrative procedures in the field of multi-level marketing activities.
- Deploying specialized business inspection of implementing the law on multi-level marketing activities as scheduled.
- Promoting activity implementation within the framework of Project enhancing the efficiency of state management in the field of multi-level business.
- Organizing 2 to 3 examinations to check legal knowledge on multi-level marketing, using as basis for granting the Certificate of legal knowledge on multi-level marketing.

4

Enforcement of legislations on consumer protection

4.1. Protection of consumer's rights

- Continuing the amendment and supplement the Law on the Protection of Consumers' Rights and its guiding documents, the draft document is expected to submit to the National Assembly by May 2022.

- Implementing the Plan No. 1907 on Promulgating the Action Plan to implement the Government's Resolution No. 82/NQ-CP dated May 26, 2020 promulgating the Government's Action Plan to implement Directive No. 30/CT-TW dated January 22, 2019 of the Secretariat on strengthening the Party's leadership and State management's responsibility towards the protection of consumers' rights.

- Effectively implementing Viet Nam Consumer's Rights Day on March 15, 2021 with the theme "Promoting sustainable consumption in the new normal period."

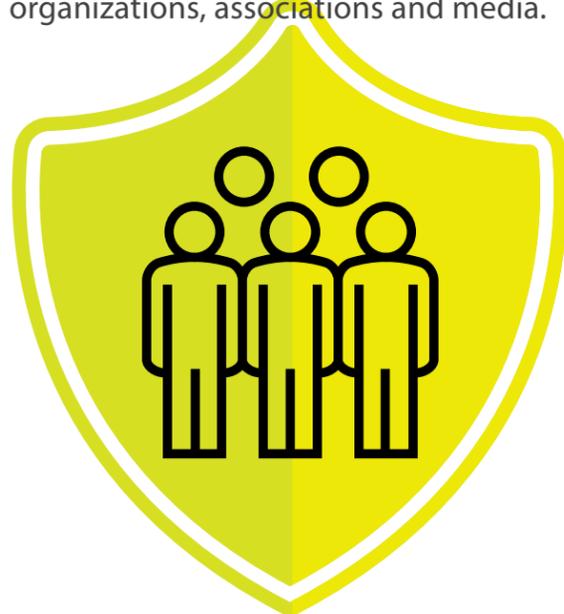
- Strengthen the inspection and handling of violations in the observance of the law on protecting consumer's rights.

- Continuing to develop and finalize mechanisms, policies and schemes to improve the effectiveness of consumer protection activities at the Department of Industry and Trade and Consumer Protection Associations nationwide.

- Increasing advocacy and awareness raising activities on consumer protection, in which, focus on activities aim at connecting and interacting with the community.

- Doing research and implementing consumer protection activities in new, thematic and affecting consumer's areas. For example, fundamental economy, e-commerce, sustainable consumption, etc. Implementing activities for disadvantaged consumers, including children, the elder, people with disabilities, consumers in rural, mountainous, border, island and remote areas.

- Strengthening the call for and encouraging socialized resources' assistance and participation, including business community, foreign organizations, associations and media.



4.2. Control of standard form contract and general transaction conditions

- Continuing to receive and evaluate dossiers for registration of standard form contract and general transaction conditions;

- Continuing to implement solutions proposed in the Report on supervising the implementation of regulations on standard form contract and general transaction conditions in the apartment and e-commerce sectors;

- Completing the Report on supervising the implementation of regulations on standard form contract and general transaction conditions in the telecommunication and television sector;

- Actively coordinating with Departments of Industry and Trade at provinces to address consumer requests, complaints;

- Conducting inspection, examination activities as the plan assigned by the Ministry of Industry and Trade and unexpectedly when there are signs of violation of consumers' interests.



5

Training, propagation and dissemination of the law

In 2021, VCCA is expected to carry out the training, propaganda and dissemination of the law on competition, consumer protection and management of multi-level marketing activities, specifically as follows:

5.1. On competition

- Organizing the compilation of Competition Law textbooks for lecturers and students to use in teaching and learning Competition Law subject at universities and colleges nationwide;
- Organizing conferences, workshops, propaganda and dissemination of competition law for Viet Nameese businesses in order to adapt in the context of that implementing competition commitments have taken effect in some FTAs as a member;
- Compiling and printing documents to propagate and disseminate Competition Law (the General book of competition law; the Manual on Competition Law Complicance for enterprises) on the basis of Competition Law 2018 and documents detailing and guiding the implementation of the Competition Law;
- Developing and conducting the Project on enhancing business' awareness operating in the supporting industry on competition law according to Decision No. 2793/QD-BCT dated October 30, 2020 by the Ministry of Industry and Trade.
- Training competition investigation skills for competition investigators, civil servants and public employees working or supporting the implementation of the state management's competition;



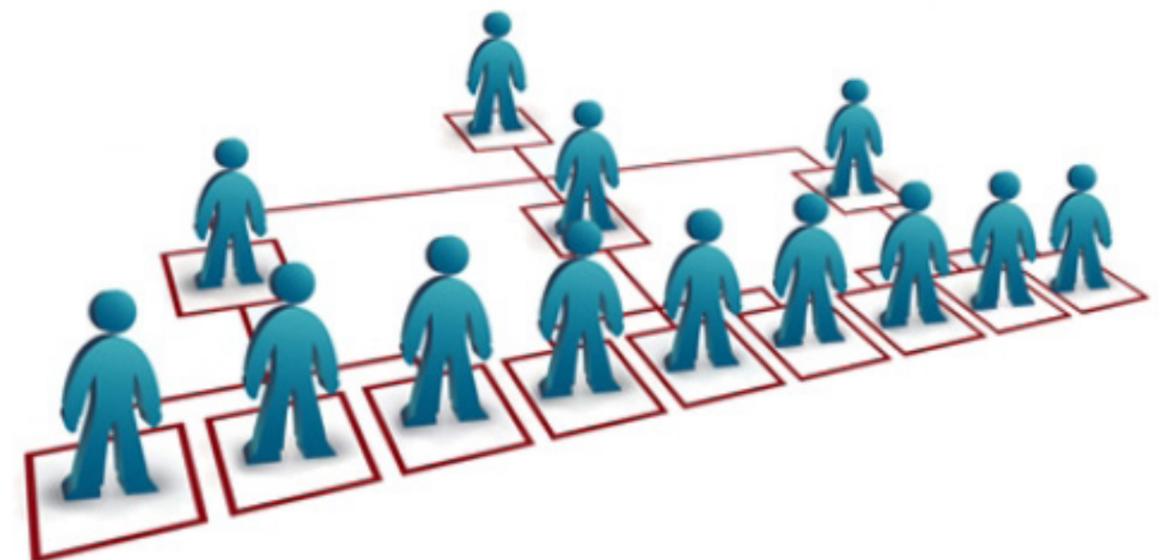
5.2. On the management of multi-level marketing activities

- In 2021, VCCA orients to coordinate with professional agencies and related organizations and individuals to organize training activities and the law dissemination on the management of multi-level marketing activities, as follows:
 - Coordinating with related agencies to organize preliminary 6-month conferences and review the management of business activities in a multi-level method nationwide in 2021;
 - Continuing to organize training courses on legal knowledge on multi-level selling under the program recognized by the Ministry of Industry and Trade for individuals in need;
 - Managing and regularly updating database on multi-level marketing businesses; List of goods; Business operations and violations of multi-level marketing enterprises in order to serve the state management of multi-level marketing activities.

5.3. On consumer protection

In 2021, VCCA orients to coordinate with professional agencies and related organizations and individuals to organize training activities and the law dissemination on consumer protection, as follows:

- Collaborating to organize several activities within the framework of activities to celebrate the Viet Nam Consumer's Right Day;
- Conducting Running tournaments, online conferences, seminars, webinars to promote green consumption trend, sustainable consumption; encouraging businesses applying advanced science and technology in production and operation towards energy saving, environmental protection, contributing to ensure the health and benefits of consumers;
- Implementing several surveys to collect consumer's opinions in order to support the amendment and supplement the Law on the Protection of Consumers' Rights.





6

Consultancy

- Continuing to operate and strictly manage the existing information technology system and database to ensure professional and communication service;
- Making efforts to build and complete tools to look up legal documents, information and data in competition, consumer protection and multi-level marketing activities, specifically software, applications on mobile devices for convenient and quick search. These all support the state management, legal advocacy and education towards the business community and society;
- Coordinating with divisions under VCCA and other related agencies, units, organizations and individuals to promote communication and information sharing in the fields of state administration of VCCA.
- Keeping the implementation of the Project on developing the Consumer Consultant and Support System at the Ministry of Industry and Trade and the Project on building the National Database System on the consumer protection in the period of 2021-2025;
- Remaining to collaborate with internal and external agencies to receive and resolve consumer requests and complaints according to the operation regulation of the Consumer Advisory Group belonging to VCCA;
- Coordinating with divisions under VCCA and other agencies, organizations and individuals to equip information and promote communication activities of VCCA's state management sectors.





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