

Ways and means to strengthen Competition Law Enforcement and Advocacy - Vietnam's practice

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The views expressed in this presentation do not necessarily reflect those of UNCTAD, the VCA or her leaders

Vietnam's Practice

- 1. Goals**
- 2. Communications**
- 3. Impact Assessment**

1. Goals

Objectives of the Vietnam Competition Law (VCL)

- Control competition restriction acts
- Protect the legitimate rights of enterprises from unfair competition acts
- Create and sustain a fair competitive environment



Enhance consumer welfare

Objectives of Competition Law in AMSs

	Efficiency	Consumer Welfare	Economic Development	Competitiveness	Free and Fair Trade
Indonesia	✓	✓		✓ (firms)	✓
Malaysia	✓	✓	✓		
Singapore	✓			✓ (economy)	
Thailand	✓		✓		✓
Viet Nam	✓	✓			

Source: <http://www.eria.org/ERIA-DP-2013-03.pdf>

Enforcement

Stages

2005-2007:
Build up
capacity

2007-2012:
start up
enforcement

2012 –
review and
strengthen
enforcement

Advocacy

Stages

Bring the law
into business
life and society

2005-2007:
“pure”
advocacy

Enhance
enforcement
capacity

2007-2011:
enforcement
as a channel
of advocacy

Improve the
position of VCA
at domestic and
intel’ level

2011-2015:
domestic
advocacy on
selected
sectors and
hosting intel’
events

2. Communications

Internal Communications

- Group ware, a tool of evaluating staff performance (operated since early 2014)
- Internal competition investigation handbook, guideline
- Q&A handbook on competition law

VCA Groupware

The screenshot shows a web browser window with the address bar displaying `http://gw.vca.gov.vn/nanum/nflow_vt/login/index_bz`. The page features the VCA Groupware logo in the top left corner. The main content area has a background image of a blue sky with white clouds and a butterfly. In the center, there is a "LOGIN" form with the following fields and options:

- Tên đăng nhập (Username):
- Mật khẩu (Password):
- Lưu tên đăng nhập (Remember me)

A "Đăng nhập" (Login) button is located to the right of the password field. Below the form, there is a link: [Tải và cài đặt SmartFlow.](#)

The Windows taskbar at the bottom shows the Start button, Internet Explorer, File Explorer, VLC, Google Chrome, Mail, Word, Paint, and a folder icon. The system tray on the right shows the language set to EN, the Windows logo, and the time 4:04 PM on 7/2/2015.

External Communications: applying different channels

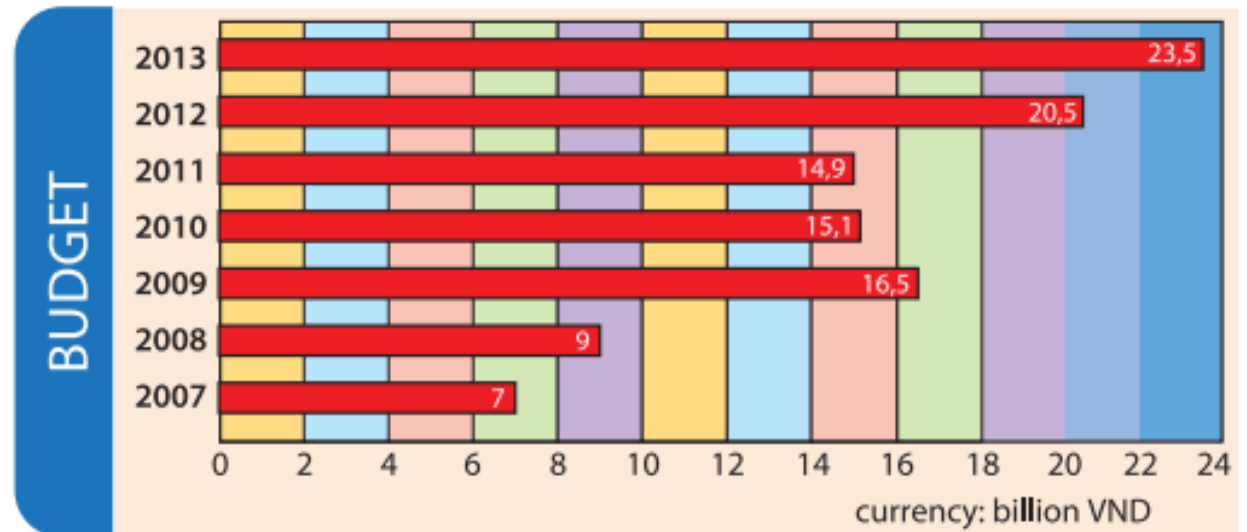
- Regular cooperation with sectoral bodies, social associations, etc in handling competition cases
- Collaboration with research institutions to conduct market studies
- Get involved in the process of drafting legal sectoral documents (Law on telecommunications, Law on price, Law on electricity, etc)
- Outreach to multi stakeholders
etc.

3. Impact assessment

- ✓ No benchmark indicators on impact assessment of competition decisions in place yet
- ✓ Just observations on the impact of competition decisions on some sectors
- ✓ Annual report series (since 2010)
- ✓ No impact assessment exercises by external agencies so far

VCA growth

		2007	2008	2009	2010	2011	2012	2013
		HUMAN RESOURCE						
Number of staffs		40	60	85	92	99	102	104
Average age		32	30	29	31	32	31	31
Major field	Law	10	20	30	18	25	26	26
	Economics	20	35	40	57	59	61	63
	Other	10	15	15	17	15	15	15
Gender	Male	27	42	50	50	51	52	53
	Female	13	28	35	42	48	50	51



VINAPCO case

Case facts:

- Before 2008, VINAPCO was the single supplier of fuel for commercial aviation. VINAPCO unilaterally terminated its fuel supply to Jetstar Pacific Airlines
- Fine: 0.05% of total turnover of 2007
- Later on, another player (PETROLIMEX) was able to enter that market



The first “big bang” contributing to the increase in business community awareness

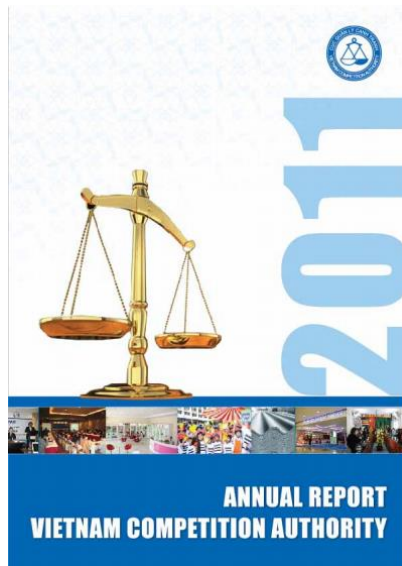
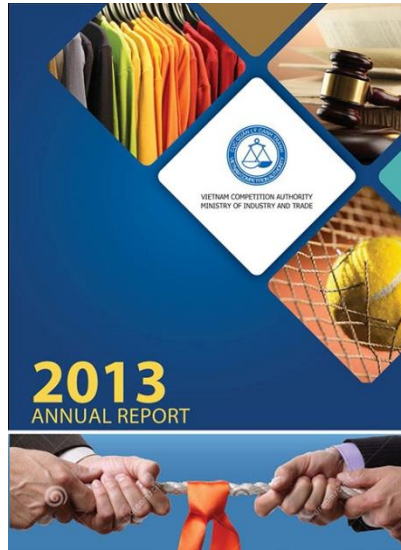
Insurance case

Case facts:

- 19 insurance companies signed “*the cooperation agreement in the field of vehicle insurance*” and “*the clause on insurance premium rates for physical damage to cars*”
- The altogether market share accounted for 99.79% on the relevant market
- Fine: 0.025% of total turnover of 2007



Alarming gesture to other businesses in the context that competition was still a new field



XIN CẢM ƠN!

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