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	OFFICIAL GAZETTE	DECREES:	Chapter / CENTED A POONVERDARE	Article 1 Governing scope	This Decree provides for activities of multi-level sale of goods and management of such activities in the territory of the Socialist Republic of Vietnam.	-Article 2 Subjects of application	This Decree shall apply to enterprises engaged in multi-level sale of goods and participants in the multi-level sale network.	Article 3 Multi-level sale of goods	1. Multi-level sale of goods means an approach of marketing to retail goods which meets the	conditions specified in Clause 11, Article 3 of the Competition Law.	 Enterprises shall be allowed to organize multi- ievel sale of goods only after ceing granted multi- level sale registration papers according to the 	provisions of Article 16 of this Decree.	<i>Article</i> 4 Participants in multi-level sale of goods	 Participants in multi-level sale of goods (hereinafier referred collectively to as participants) 	are individuals who have full civil act capacity and have entered into contracts for participation in multi-	iever sale or gooos wuu murur-rever sale enterprises, except for individuals defined in Clause 2 of this Article.	2. The following individuals must not participate	A LEGAL FORUM AND A LEGAL FOR A LEGAL F	
	Công Báo no 05 (05-5° OFFICIA)	THE STATE PRESIDENT		DECISION No. 958/2005/CD-CTN of August 26, 2005, permitting the naturalization in Vietnam	Under this Decision, which lakes effect after its signing, the State President permits 2 Chinese (Taiwanese) citizens, 2 Cambodian citizens, 1 Pakistani citizen, and 2 stateless persons to be	naturalized in Vietnam				THE GOVERNMENT		DECREE No. 110/2005/ND-CP OF AUGUST 24, 2005, ON MANAGEMENT OF MULTI-LEVEL	SALE OF GOODS	THE GOVERNMENT	Pursuant to the Decomber 25, 2001 Law on Organization of the Government;	Pursuant to the December 3. 2004 Competition Law;	At the proposal of the Trade Minister.	A NEINAM LAW & LEGAL FORUM	
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 Chapter II Chapter II MULTI-LEVEL SALE ACTIVITIES MULTI-LEVEL SALE ACTIVITIES Article 6 Responsibilities of multi-level sale enterprises Multi-level sale enterprises shall have to formulate and publicly announce the rules of activities of enterprises and participants in multi- level sale activities; Multi-level sale enterprises shall have to supply the persons who wish to join their multi-level sale networks with documents regarding the following contents;
ater () ALE ACTIVITIES ALE ACTIVITIES oilities of multi-level aterprises shall hav announce the rule and participants in m aterprises shall hav ish to join their multi- ish to join their multi- ish to join their multi-
LE ACTIVITIES LE ACTIVITIES ties of multi-level rprises shall hav nounce the rule d participants in n d participants in n rfprises shall hav no join their multi- ments regarding
ACTIVITIES a of multi-level prices shall hav hounce the rule participants in n participants in n prises shall hav o join their multi-l
of multi-level ses shall hav unce the rule urticipants in m riticipants in m ruticipants in r ses shall hav oin their mutti-l tts regarding
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licipants in <i>n</i> es shall hav in their multi-f s regarding
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es shall hav in their multi-f s regarding
n their multi-I s regarding
al Sale programs, covering modes of bonus
payment; model contracts which enterprises would
enter into with participants and all other agreements
on the rights and obligations of participants;
information on quality standards or quality
certificates (if any), prices, utilities and use
instructions for goods sold, regulations on warranty, return or http://heary of poods sold
•
b/ Programs on training of participants, covering
iraining contents, training invaluon; order and procedures for granting training certificates; duration and contents of periodical training courses
>
c/ Operation rules containing guidance on
transaction modes and regulations concerning
d/ Responsibilities of participants;
el Economic benefits which participants may
enjoy through activities of marketing or directly
selling goods, as well as conditions for obtaining

B-2-2

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OFFICIAL GAZETTE	 In cases where they fail to comply with the provisions of Article 8 of this Decree. thus causing damage to consumers or other participants. muki- 	level sale participants shall have to pay compensations for such damage. <i>Article</i> 13 Information on benefits from	participation in multi-level sale In cases where an individual participates in a multi-level sale network to introduce sale activities, the multi-level sale network to introduce sale activities.	the multi-revel sale enterprise of the participant must clearly state his/her name, age, address, participation duration and profit earned in each period, certified by lax payment receipts issued by the fax office which collects lax from such individual.	Chapter III MANAGEMENT OF MULTI-LEVEL SALE ACTIVITIES	Article 1.4. Conditions for granting multi-level sale registration papers Enterprises shall be granted multi-level sale registration papers when fully satisfying the following conditions:	 Having paid deposits according to the provisions of Article 17 of this Decree. Trading in goods in accordance with business lines and trades stated in their business registration certificates. Saltsfying all business conditions or being granted certificates of salisfaction of business conditions as provided for by law in cases where they trade in provided for by law in cases where 	and the second business.
Công Báo nơ 05 (Quanta yang) OFFICIAL	by participants to receive such goods, if there is no ground for deduction under the provisions of Paint b of this Clause;	b/ In cases where enterprises must bear management and re-warehousing expenses as well as other administrative expenses, they shall have to refund a total sum which is not smaller than	90% of the amount alroady paid by participants to raceive such goods. 3. When refunding money according to the	provisions of Clause 2 of this Article. multi-level sale enterprises may deduct commissions, bonuses and/or other economic benefits which have been enjoyed by participants from the receipt of such goods.	4. The provisions of Clauses 1 and 2 of this Article shall not apply to goods which are not subject to buy-back, including goods which are expired upon return, seasonal goods or goods for sale promotion.	Article 12 Responsibilities binding between mutti-level sale enterprises and participants 1. Mutti-level sale enterprises shalt have to pay damages to consumers or participants in the following cases:	 al Participants cause damage to consumers or other participants while strictly observing operation rules and sale programs of enterprises; bl Participants have not been supplied with adequate information on goods according to the provisions of Clause 2, Article 6 of this Decree. 2. Multi-level sale enterprises shall have to regularly supervise activities of participants in order to ensure that the latter strictly observe their 	operation rules and sale programs. Conditional but the sale programs.
GAZETTE *Công Sáo no 05 (05-3-2005)	1. Participants have the right to tarminate participation contracts by sending written notices to multi-level sale enterprises at least T working	days before terminating the contracts. 2. Multi-lavel sale enterprises have the right to terminate contracts with participants when the latter determinates the conversion of anticipants of this Dereva		 Within 15 working days after the termination of contracts, multi-level sale enterprises shall have the following responsibilities: To buy back goods already sold to the participants according to the provisions of Article 	11 of this Decree; b/ To pay the participants commissions, bonuses and economic benefits enjoyable, by participants in the course of participating in the multi-level sale networks.	Article 11 Buying back goods from participants upon termination of multi-level sale participation contracts 1. Multi-level sale enterprises must buy back	goods arready sold to participants when such yours satisfy the following conditions: a/ They can be re-sold for their initial use purposes; b/ They are returned within 30 days after the participants receive them. 2. In cases where they must buy back goods under the provisions of Clause 1 of this Article, multi-level sale enterprises shall have to:	al Refund the total money amount already paid
22 OFFICIAL GAZETTE	a/ To produce their multi-fevel sale network member cards before introducing goods or marketing for sale of godds.	b/ To notify all contents specified in Clause 2. Article 6 of this Decree to other persons under their sponsorship for participation in multi-level sale	networks; • c/ To supply truthful and accurate information on type, quality, prices, utilities and usage of goods for sale;	d/ To comply with regulations in operation rules and safe programs of enterprises. 2. Participants are forbidden to lake the following acts:	a/ Requesting persons under their sponsorship for participation in multi-level sale networks to pay any charges for study courses, training courses, seminars, social activities or other sifnilar activities; b/ Supplying deceitful information on benefits	from the participation in multi-level safe, unitudhiul information on characteristics and utilities of goods, activities of multi-level sale enterprises in order to entice other persons to participate in multi-level sale.	Article 9 Contracts on participation in truut- level sale 1. Multi-level sale enterprises must anter into written participation contracts with participarts in their respective multi-level sale networks. 2. The Trade Ministry shall have to guide the basic contents of model contract for multi-level sale activities.	Article 10 Termination of contracts on al Refund participation in multi-level sale OVIERMAN LAVE REGAR FORUM

B-2-3

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2¢ OFFICIAL GAZETTE	GAZETTE Công Báo no 05 (05-9-2005)	Căng Báo no 06 (05-4 J) OFFICIAL	OFFICIAL GAZETTE
 4. Having transparent sale programs which are not contrary to law. 5. Having clear programs on training of participants. 	the contents specified at Point b. Clause 2. Article 6 of this Decree. <i>Article</i> 16 Procedures for granting and supplementing multi-level sale registration papers	their sale networks to provinces or centraliy-run cities other than those where they are headquartered, they shall have to notify such development to Trade Services or Trade-Tourism Services of such provinces or centrally-run cities.	cases where they trade in goods on the list of goods subject to conditional business; c/ Enterprises intentionally include in their dossiers of request for multi-level sale registration papers untruthful information;
Article 15 Dossiers of request for multi-level sale registration papers Dossiers of request for multi-level sale registration papers shall be filed with provincial- level Trade Services or Trade-Tourism Services where enterprises have made their business registrations. Such a dossier comprises:	1. Within 15 working days after receiving complete and valid dossiers, provincial-level Trade Services or Trade-Tourlsm Services where enterprises have made their business registrations shall have to grant multi-level sale registration papers to such enterprises, provided that their dossiers fully satisfy the conditions specified in	 6. The Trade Ministry shall set the forms of multi-level sale registration papers and multi-level sale organization notices. Article 17. Deposits 1. A multi-level sale enterprise must pay a deposit which is equal to 5% of its charter capital 	 d/Enterprises commit serious iaw-breaking acts in multi-level sale activities. 2. In cases where multi-level sale enterprises have their multi-level sale registration papers withdrawn under the provisions of Clause 1 of this Article. they shall have to immediately stop the multi-level sale and the recruitment of new
 A written request for multi-level sale registration paper, made according to a form set by the Trade Ministry. Notarized copies of the business registration certificate. 	Ancient Point and Decreed In case of refusal to grant the multi-level sale registration papers, provincial-level Trade Services or Trade-Tourism Services must issue written replies clearly stating the reasons therefor. 2. Enterprises requesting the grant of multi-level	and must not be lower than VND one billion at a commercial bank operating in Vietnam. 2. Upon receiving notices on cessation of multi- level sale activities, multi-fevel sale enterprises may use deposits to pay commissions, bonuses or sums for, buving back goods from participants.	participants, and fulfil their responsibilities toward participants according to the provisions of Article 11 of this Decree, or compensate consumers or participants for cases or matters arising from previous transactions before the wilt:drawal of multi-level sale registration papers.
 A bank's written certification of the deposit amount according to the provisions of Clause 1, Article 17 of this Decree. A. Notarized copies of the certificate of satisfaction of business conditions in cases where the enterprise trades in goods on the list of goods subject to conditional business. 	sal concert co	 Upon termination of multi-level sale activities. Upon termination of multi-level sale activities. multi-level sale enterprises may withdraw the whole deposit amount only in cases where there is no complaint or lawsuit initiated by multi-level sale participants concerning the payment of commissions, bonuses or sums for buying back goods. 	 Decisions on withdrawal of multi-level sale registration papers shall be sent by provincial-level Trade Services or Trade-Tourism Services to the competition-managing office of the Trade Ministry and publicized on the mass media. Article 19 Suspension or termination of multi- trade or devision or termination of multi- and or or
 The list and curricula vitae of leaders of the enterprise with their photos and certifications by police offices of communes or wards where they reside. For foreigners, certifications by Vielnam- reside. 		Article 18 Withdrawal of multi-level sale registration papers 1. Provincial-level Trade Servicos or Trade-	rever sale acuviues 1. When wishing to suspend or terminate multi- level sale activities, multi-level sale enterprises shall have the following obligations:
based embassies or consulates of foreign countries of which such persons are citizens are required. 6. The sale program which has the contents specified at Point a, Clause 2, Article 6 of this Decree.	additional grant of multi-level sale registration papers, provincial-level Trade Services or Trade- Tourism Services shall have to report such in writing to the competition-managing office of the Trade Ministry.	Tourism Services shall withdraw multi-level sale registration papers in the following cases: a/ Enterprises have their business registration certificates withdrawn; b/ Enterprises have their certificates of	al To abide by regulations on suspension or termination of business activities according to the provisions of law on enterprises; bl To notify such to provincial-level Trade Services or Trade-Tourism Services where they
7. The program on training of participants, with 5. When a victivian Law a Legal FORUM	5. When multi-level sale enterprises develop	satisfaction of business conditions withdrawn in have made the	have made their business registrations; and at the

Appendix B-2

B-2-4

OFFICIAL GAZETTE	Article 24 Competence and procedures for handling administrative violations 1. Competence for handling acts of	administrative violation specified in Article 23 of this Decree shall comply with the provisions of the Competition Law and the Ordinance on Handling	2. Procedures for handling acts of administrative violation specified in Article 23 of this Decree shall	comply with the provisions of law on handling of administrative violations. Chapter IV	IMPLEMENTATION PROVISIONS Article 25. Implementation effect	 This Decree takes effect 15 days after its publication in "CONG BAO." Multi-level sale enterprises which make business registrations 	before the effective date of this Decree shall have to carry out procedures of request for multi-level sale registration papers at provincial-level Trade Services or Trade-Tourism Services where they have made business registrations within 3 months as from the effective date of this Decree.	 Ministers, heads of ministerial-fevel agencies, heads of Government-attached agencies and presidents of People's Committees of provinces or centrally-run cities shall have to implement this Decree. 	On behaif of the Government Prime Minister PHAN VAN KHAI
Công Báo no 05 (05-9-2000) OFFICIAL	conditions therefor are not fully satisfied; b/ Violating the regulations on subjects eligible for participating in multi-level sale;	c/ Violating the regulations on goods permitted to be traded by mode of multi-level sale; d/ Failing to fully notify the required information	to new sale network participants under their sponsorship; e/ Taking acts which multi-level sale enterprises	and participants are forbidden to take; If Failing to enter into written contracts with participants;	9/ violating the regulations on termination of multi-level sale participation contracts; h/ Failing to comply with the reporting regime provided for in Article 20 of this Decree.	If Altering contents of sale programs without carrying out procedures of request for additional grant of multi-level sale registration papers;	 If Violating the regulations on deposits and payments made from deposits in the course of operation; k/ Failing to pay taxes according to the provisions of law; If Failing to abide by the requests of competent 	-	material benefits of concerned organizations or Individuals, they shall have to pay damages according to the provisions of law.
GAZETTE Cong 84a no 05 (05-9:200:	b/ Directly inspecting or examining multi-leve sale activities when deeming it necessary; handling according to its competence acts of violating the provisions of law on multi-level sale activities;	c/ Proposing the Government to promulgate o amend legal documents on assurance of order ir organizing multi-level sale activities, protection o	benefits of participants in the multi-level salt networks, consumers, and maintenance of socio economic stability.	Article 22 Responsibilities of provincial municipal People's Committees 1. Provincial/municipal People's Committees	shall have to perform the state management over the mode of multi-level sale according to their respective competence and the Trade Ministry's directions and instructions under the provisions o	this Decree and other relevant provisions of law. 2. Provincial-level Trade Services or Trade Tourism Services shall assist provincial/municipa	People s commutees in gramming multi-tevel sale registration papers: regularly inspect and supervise multi-level sale activities in their localities and periodically report to the competition-managing office of the Trade Ministry on such inspection of supervision.	Article 23 Handling of violations committed by multi-level sale enterprises or participants 1. Multi-level sale enterprises or participants that commit the following acts of violation shall, depending on the nature and seriousness of their violations, be administratively sanctioned according	to the provisions of law on handling of administrative violations:: a/ Organizing multi-level sale while the specified
28 OFFICIAL GAZETTE	same time, to post up the suspension or termination at their headquarters and notify participants thereof within 30 working days before the suspension or termination of activities.	 In case of suspension or termination of multi- level sale activities, multi-level sale enterprises shall have to liquidate multi-level sale participation 	contracts with participants according to the provisions of Article 10 of this Decree within 30 working days after multi-level sale activitles are	suspended or terminaled. <i>Article</i> 20 Periodical reports of multi-level sale enterprises	Once every six months, mutt-level sale enterprises shall have to report to provincial-level Trade Services or Trade-Tourism Services where	they have made their business registrations on the number of participants, their turnovers and paid tax amounts as well as personal income tax amounts of particpants they have paid on the latter's behalf.	Article 21 Responsibilities of the Trade Ministry 1. The Trade Ministry shall be answerable to the Government for performing the function of state management over multi-level sale activities	throughout the country. 2. The competition-managing office of the Trade Ministry shall have to assist the Trade Minister in the following specific management contents: a/ Guiding provincial-level Trade Services or Trade-Truism Services in maniformulti-level sale	registration papers; inspecting the management of the provegistration papers; inspecting the management of administrative multi-level Trade administrative Services or Trade-Tourism Services; al Organiz Services or Trade-Tourism Services; Contract

B-2-5

THE GOVERNMENT	to as enterprises) and professional associations	written in its retail invoice according to the	b/ The length of time required for the supply of
	operating in Vietnam, as provided for in Article 2 of	provisions of law.	a product or service to the market when there is a surfan increase to remark
	de Competuon Law.	5. The "interchangeability" of a product or	
	Article 3 Responsibility to supply information	service shall be defined as follows:	
DECREE No. 116/2005/NU-CF OF	State agencies, financial, credit, accounting and	al Products or services shall be regarded as	d/ ine supply substitutability under the provicions of Article & of this Doctoo
SEPTEMBER 15, 2005, OCIAILING THE	audit institutions, other organizations and	interchangeable in characteristics if they have many	
ADTICLES OF THE COMPETITION LAW	individuals involved in competition cases or	similar physic, chemical characteristics, technical	7. In case of necessity, the competition-
	 procedures for implementation of exemptions shall 	properues, side effects on users and absorbability.	managing agency or the competition case-handling
	have to supply full, truthful and accurate necessary	b/ Products or services shall be regarded as	panel may loanury an adolutonal group of
THE GOVERNMENT	information in a bimely manner at the request of	interchangeable in intended use if they have similar	consumers invirig in the relevant geographical area
Dureviant to the December 25, 2001 Law on	the competition-managing agency or the	intended uses;	Who carinot switch to only another product of service
Cusuality of the Government's and the covernment's	Competition Council.	c/ Products or services shall be regarded as	Which has characteristics and interneed use similar
		interchangeable in price if, in case of an increase	
Pursuant to the December 3, 2004 Competition	Chapter II	of over 10% in the prices of such products or	use in case of an increase of over 10% in the price
Law;		services which is maintained for six consecutive	of such product or service, which is maintained for
Pursuant to the August 28, 2001 Ordinance on	CONTROL OF COMPETITION-RESTRICTING	months, over 50% of a random sample of 1,000	six consecutive months.
Charges and Fees;	ACTS	consumers living in a relevant geographical area	
Pursuant to the July 2, 2002 Ordinance on		switch ar intend to buy other products or services	Article 2 Definition of relevant product market
Handling of Administrative Violetions:		with the characteristics or intended use similar to	in special cases
		orodirets or services which they are usion of intend	1. A relevant product market may be defined to
At the proposal of the Itade Mullister anal	BARDELO		be the market of a specific product or a group of
consuling the President of the Supremine Freques			soarific products hasad on the market structure
Court,	Article 4 Definition of relevant product markets	In case the number of consumers living in a	specific products based on the mained subscripts
	1. A relevant product market is a market of	relevant geographical market stated at this Point	and consumer practices.
DECREES:	products or services which are interchangeable in	is less than 1,000, a random sample must include	2. When defining a relevant product market in
·	terms of characteristics, intended use and price.	at least 50% of the number of such consumers.	the case specified in Clause 1 of this Article. the
	n' Abandahar of a norther of the section of the	6. In case the result of definition of the	market of products complementary to the relevant
	2. Cliaracteristics of a provide of state following	"interchangeability" of products or services by the	product may be taken into consideration.
GENERAL PROVISIONS		method. defined in Clause 5 of this Article is	Products shalf be regarded as complementary
		insufficient for reaching a conclusion on the	to the relevant product if an increase or decrease
Article 1 Scope of regulation	ar Physic characteristics:	"interchangeability" of such products or services,	in their price will result in a corresponding increase
This Decree provides in detail for the	b/ Chemical characteristics;	the competition-managing agency or the	or decrease in the relevant product.
internation of a number of adicles of the	d Technical properties;	competition case-handling panel may additionally	
	d/ Sida effects on users:	consider one or more of the following factors for	Article 6. Determination of supply
Competition Law regarding current vi competition		defining the "interchangeability" of products or	substitutability
restricting acts and competition proceedings.	e/ Absorbability.	services:	Currents authorithtich in the second of as
Article 2. Subjects of application	Intended use of a product or service shall be	$= \frac{1}{2} \sum_{i=1}^{n-1} \sum_{i$	auplity substitutioning is use depending of an
	determined as its most principal intended use.	ar the rate of change in the demand for a	enterprise that is prouverig or distributing a product
This Decree shall apply to pusiness	4. The state of a section, as conside is the price	product or service as a result of a change in the	or service to switch to produce or distribute another
organizations and individuals (hereinatter reterred		price of another product of service;	product or service, in case of a price increase of

Appendix B-3

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such product or service, within a short period of	entry as specified in Article 8 of this Decree.	1. A group of enterprises shall be regarded as	shares of credit institutions
time without incurring significant costs.	4 rivels R . Ramiars to market entry	directly organizationally and financially associated	Timovar for datarmining the worket show of a
<i>Article</i> 7 - Definition of relevant geographical		(hereinatter collectively referred to as group of	credit institution shall be the appreciate of the
	barriers to market entry include:	associated enterprises) if it has a common	following incomes:
	1. Inventions, utility solutions, industrial designs,	executive body and its capital invested by this body.	
1. Relevant geographical market means a	marks, geographical indications according to the	2. Sales turnover, purchase turnover with	1. interests.
specific geographical area where exist products or	provisions of law on industrial property.	respect to a product or service for determining the	2. Service charges.
services which are interchangeable under similar	2. Financial barriers, including costs of	market share of a group of associated enterprises	incomes from foreign evolution foreigner
conditions of competition, and which is	investment in production, distribution, trade	shall be the aggregate of sales turnovers or	
considerably differentiated from neighboring areas.		purchase turnovers with respect to such product	4. Profits from contributed capital and/or
2. The boundaries of a geographical area		or service of all member enterprises and non-	purchased shares.
defined in Clause 1 of this Article shall be	Administrative decisions of state management	business units operating according to the	E lacence from sites to second some second sec
demined in the following projugs:	agencies.	assignment of the common executive body defined	J. Incomes nom oner puscess operations.
	 Requisitions on conditions on trading and use 	in Clause 1 of this Article.	6. Other incomes.
al A geographical area where a pusiness	of acode or convices or ordersional standards		
establishment of an enterprise participating in the			Article 13 Determination of market shares of
distribution of the relevant product is based;	5. Import duties and import quotas.	to a product or service of a group of associated	enterprises on relevant markets
h/ A husiness establishment of another		enterprises shall not include turnover from the sale	· · · · · · · · · · · · · · · · · · ·
entervise is based in a neighboring area	6. Consumer practices.	of the product or the provision of the service	1. The market share of an enterprise with
and price is based in a nucleum state of the	Ket.	between the common executive body and member.	respect to a certain product or service on a relevant
summerrory was to use years approve that the		enterprises or non-business units operating	market shall be determined under the provisions
at Point a of unis clause to the participation in the	Soution 2 DETERMINATION OF SAFES	according to the assignment of the common	of Clause 5, Article 3 of the Competition Law, except
9: T 818		executive body defined in this Clause.	for cases specified in Clauses 2 and 3 of this Article.
geographical area;	TURNOVER, PURCHASE JUHNUVER, MARNE		· · · ································
c/ Transportation costs in the geographical area	SHARES FOR CONTROL OF COMPETITION .		 Ine marker share of a newly established
defined in Clause 1 of this Article.	" RESTRICTING ACTS	P .	enterprise which has conducted business
	これは 内川 いっかい 数理合 含んぽい 人名英格兰人		operations for less than one fiscal year before
D. I he time of variaborization of the product of			joining an economic concentration shall be its
provision of the service in the geographical area	determining market shares of enterorises	an insurance enterprise shall be the aggregate of	market share on the relevant market in a month or
defined in Clause 1: of this Article;		insurance premiums and re-insurance premiums	a quarter counting from the time the enterprise
e/ Barriers to market entry	An enterprise's sales turnover or purchase		starts operation to the time one month before the
3 A decorachical area may he considered	 tumover with respect to a 'product or service shall 	established insurance enterprise which has	date indicated in the notice on its joining in the
	be determined in accordance with the provisions		economic concentration
naving similar competition continuous and being	of law on tax, accounting standards of Vietnam and		
significantly differentiated from neignooring	the provisions of Articles 10, 11, and 12 of this	insurghra mamines and rainsurance namines	3. The market share stated in the exemption
geographical areas if it satisfies one of the following			application dossier of a newly established
criteria:			enternrise which has conducted husiness
a/ Transnortation costs and time will result in an	Sales turnover, ourchas		conceptions for loss than and finant transfer to the
increase of no more than 10% in the retail Drices	for determining market shares of Ornitos of	rding	
		to the provisions of Article 13 of this Decree.	market share on the relevant market in a month of
or products.	enterprises which are orrectly urganizationally and		a quarter counting from the time the enterprise
b/ There exists one of the barriers to market	financially associated	Article 12 Tumover for determining market	starts operation to the time one month before the
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	Article 16 Agreements on restriction or control	to impose one or some of the following ore-	
on lirectly		וה הקטוב עוב ער שמיום עו גום ומושאייים אים-	the agreement;
RESTRICTION S lirectly or indirectly	of próduced. purchased or sold quantitles or	conditions before signing a contract:	b/ Purchasing seling products or contrac at a
s state toor S directly or indirectly	volumes of nonducts or services	al Restriction of production or distribution of	- not the second s
S lirectly or indirectly		other products introbase or provision of other	
lirectly or indirectly	1. An agreement on restriction of produced,	services not directly related to the commitments of	a party to the agreement unable to enter the
lirectly or indirectly	purchased or sold quantities or volumes of products	the arent according to the provisions of law on	relevant market.
	or services is an agreement to cut or reduce the		2. An agreement on prevention, restraint or
	produced, purchased or sold quantity or volume of		prohibition of another enterprise from developing
An anreament on directly or indirectly fixing the " goo	 goods or services on a relevant market, compared 	b/ Restriction of the place for re-sale of products.	business is an agreement not to transact with an
	to bafore.	except for products on the list of those subject to	enterprise not being a party to the agreement or to
	2 As successed as control of anduced	conditional business or restricted business	take concerted practices in one of the following
		according to the provisions of law;	forms:
1. Application of a single price to some or all purc	purchased or solid quantities of volumes of products	c/ Restriction of customers who can purchase	
customers. Or s	or services is an agreement to my the produced,	products for resale, except for products stated at	ar Requesting, appealing, inducing distributors
Price increase or decrease at a given level.	purchased or sold quantity or volume of goods or _	Point b of this Clause;	or retailers that are transacting with the parties to
	services at a level sufficient to create their scarcity	d/ Restriction of the form and manifiv of	the agreement to discriminate, when purchasing
Application of a common pricing formula. on a	on a market.	oraducts to be subplied.	or selling products, against an enterprise not being
4. Maintenance of a fixed price rate of the			a party to the agreement in a way that causes
	Article 11 Agreements on restriction of	An agreement on forcing of another enterprise	difficulties to this enterprise in consuming products;
	ogical develop	to accept obligations not directly connected with	- to see the standard set of the second second set of the second second set of the second set of the second set of the second set of the second s
it or application of a	restriction of investments	the object of the contract is an agreement binding	
uniformi price discount.	4 An annual an restriction of technical	another enterprise, when purchasing or selling the	
6. Offer of credit dividas to customers.		product or service with any enterprise being a party	a party to the agreement unable to expand its
	thorogram developments is an agreement to	to the agreement, to purchase other products or	
	purchase inventions, utility solutions of incoverial s	services from a designated supplier or person or	Article 20 - Acceements on elimination from the
agreement are notified thereof.		to perform one obligation or some obligations	market of enterorises out heim marties to the
 B. Use of a uniform price at the time when price 	2. An agreement on restriction of investments	unnecessary for the performance of the contract.	acreements
ŝ	is an agreement not to increase capital for		
	production expansion or improvement of the	** 'Article 19Agreements on prevention, restraint	An agreement on elimination from the market
	product or service quality or for other expansion or	or prohibition of other enterprises from entering the	of enterprises not being parties to the agreement
sources of supply of products, provision of services _ devi	development.	market or developing business	is an agreement not to enter into transactions with
		1. An agreement on prevention, restraint or	enterprises not being parties to the agreement while
	Article 18 Agreements on imposition on other	prohibition of another enterprise from entering a	taking concerted practices in a form specified at
e	enterprises of conditions for signing product or	market is an acceement not to transact with an	Point a, Clause 1 and Clause 2, Article 19 of this
	service purchase or sale contracts or on forcing of	entermise not heinright to the accement or to	Decree, or to purchase or sell products or services
group of customers for each party to the agreement.	other enternises to accept obligations not directly	on to monthly gen on the original protocological	at a price sufficient for rendering such enterprises
2. An agreement on sharing of the source of	udial enclopinges to accept oungerous rationary commonly with the abiost of such contracts	Lake concerted practices in one of the following	to withdraw from the relevant market.
8			•• • •
	1. An agreement on imposition on other	a/ Requesting, appeating, inducing one's	Article 21 Collusion to help one or all of the
eu	enterprises of conditions for signing a product or		parties to an agreement to win bids for supply of
	service purchase or sale contract is an agreement	use services of an enterprise not being a party to	products or provision of services
		() VIETVAN AW & FEGAL FORM	Leevi topim.

÷.,			•
	•		
ses for the lease 19. Other cash expenses according to the	depreciation of fixed assels, expenses for the lease	Se	 Financial capacity of the economic croanization or individual that has established the
	instruments of production used in workshops.		2 Givencial canability of the BCONOMIC
	employees, costs of materials, tools and	form and no longer suitable to consumers' taste;	1. Financial capability of the enterprise.
d to workshop 17. Product warranty expenses.	working shift meal money paid to workshop	stock which are detenorated in quality, obsolete in	grounds:
allowances, mid- to the circulation of products, services.	of the enterprise, such as salaries, allowances, mid-		ad on one ar same of the fo
	costs arising at workshops and business sections	al Reducing the prices of	restrict competition on a relevant market shalf be
15. Interests on business loans.	3. General costs of production, including general	9	. The capability of an enterprise to significantly
Sal	insurance premiums, trade union dues for workers.	selling products below costs of production in order	competition on relevant markets
	working shift meals, social insurance and medical		capability of enterprises to significantly restrict
	allowances of salary nature, expenses for mid-	50	Article 22 Grounds for determining the
	production, such as salaries, wages and	or costs of or chercie 25	
ly engaged in 13. Services purchased from outside.	payable to laborers personally engaged in	by Create of circulation of products of Services	POSITION, ABUSE OF MONOPOLY POSITION
uding amounts 12. Loading and unloading of products.	2. Direct costs of labor, including amounts	resale;	Section 4. ABUSE OF DOMINANT MARKET
11. Tools, utensiis.	services of the enterprise.	this Decree, or prices of purchasing goods for	
of products or 10. Materials.	directly consumed for production of products or	a/ Expenses constituting costs of production of	5. Other acts prohibited by law
duding cuerts of 9. Depreciation of fixed assets.	r. Direct code of supplies, incouning code of the first first first first and mutive force	10 10	given perlod of time.
			number of times each party will win the bid for a
cts or services /. Indiapolication.	Casts of production of products or services include the following direct expenses:		4 All narries to an ancentent pre-determine the
G. Wrapping.	services	Article, the sale of products or provision of services	as to pre-determine one.or more parties that will
	Article 24 Costs of production of products or		with conditions unacceptable to the bid inviter, so
		eli	competitive bids or competitive bids accompanied
	must be publicity and dearly posted up at shops		3. All parties to an agreement agree to offer non-
ces are applied 3. Agent commissions, broker commission.	and the period when reduced prices are applied	Article 23 Sale of pr	materials or to sign subcontracts or otherwise.
ces, new prices 2. Allowances payable to salespersons.	in Ctause 2 of this Article, old prices, new prices		participate in a bidding, by refusing to supply raw
prices specified 1. Salaries.	3. In cases of reducing selling prices specified		difficulties to non-parties to the agreement which
	current provisions of law on prices.	objects.	One or more parties to an agreement cause
	price stabilization policies in accordance with	6. The right to own or use industrial property	parties to the agreement win the bid.
ite to implement services snair cover the following costs ansing front the nonzers of product construction or denote	f/ Measures applied by the State to implement	5. Technological capability.	their bids already submitted so that one or more
	production, business orientations;		withdraw from participating in the bidding or retract
;	business activities, relocation, change of		1. One or more parties to an agreement
Sel	bankruptcy, dissolution, termination of production,	provisions of law or the enterprise's charter.	in a bidding:
ces in case of <u>Artisto 25 - Costs of airculation of products and</u>	e/ Reducing the selling prices in case of		concerted practices ig one of the following forms
atoresaid expenses.	law;	ind	provision of services is an agreement to take
	promotion programs according to the provisions of	3. Financial capability of the organization or	agreement to win bids for supply of products or
	or Reducing the selling prices of products uncer	enternrise.	Collusion to help one or all of the parties to an

Appendix B-3

B. **

B-3-4

 Article 26 Enterprise management expense Article 26 Enterprise management expense is the sum of Enterprise management expenses administrative Enterprise management expenses, administrative Enterprise management expenses, administrative Interprise, including: a/ The quality of production of purchase orders are placenterprise, including: 1. Salaries and allowances, mid-working shift b) There was no explaned money payable to the directorate and calamity, enemy sabotag managerial staff in different sections and units, the price of provision of the for all managerial personnel of the enterprise. 2. Costs of office supplies, depreciation of fixed to before. 	damage to customers if purchase prices imposed on the same relevant market are lower than the costs of production of products or services under the following conditions: a/ The quality of products or services for which purchase orders are placed is not inferior than that of previously purchased products or services; b/ There was no economic crisis, natural calarnity, enemy sabotage or abnormal fluctuation that caused the wholesale price of the product or the price of provision of the service on the relevant market to fall under the costs of production within the minimum period of 60 consecutive days, compared to before.	markets, obstruction of technical and technological developments, causing damage to customets 1. Restriction of the production or distribution of a product or service, causing damage to customers is an act of:	conditions under similar transaction conditions in order to create unfair competition
	 relevant market are lower than the luction of products or services under conditions: ality of products or services for which lers are placed is not inferior than that purchased products or services; was no economic crisis, natural rany sabotage or abnormal fluctuation the wholesale price of the product or forvision of the service on the relevant t under the costs of production within m period of 60 consecutive days, before. 	developments, causing damage to customers 1. Restriction of the production or distribution of a product or service, causing damage to customers is an act of:	order to create unfair competition
	Incition of products of services under conditions: ality of products or services for which lers are placed is not inferior than that purchased products or services; was no economic crisis, natural my sabotage or abnormal fluctuation the wholesale price of the product or forvision of the service on the relevant I under the costs of production within m period of 60 consecutive days, before.	 Restriction of the production or distribution of a product or service, causing damage to customers is an act of: 	
	conditions: ality of products or services for which lers are placed is not inferior than that purchased products or services: was no economic crisis, natural my sabotage or abnormal fluctuation the wholesale price of the product or rovision of the service on the relevant t under the costs of production within m period of 60 consecutive days, before.	of a product or service, causing damage to customers is an act of:	Imposition of different trading conditions under
n o sate to	ality of products or services for which lers are placed is not inferior than that purchased products or services: was no economic crisis, natural my sabotage or abnormal fluctuation the wholesale price of the product or rovision of the service on the relevant t under the costs of production within m period of 60 consecutive days, before.	customers is an act of:	similar transaction conditions in order to create
g p g z z z z z g	lers are placed is not inferior than that purchased products or services: was no economic crisis, natural my sabotage or abnormal fluctuation the wholesale price of the product or rovision of the service on the relevant I under the costs of production within m period of 60 consecutive days, before.		unfair competition is an act of discriminating against
	purchased products or services; was no economic crisis, natural imy sabotage or abnormal fluctuation the wholesale price of the product or rovision of the service on the relevant t under the costs of production within m period of 60 consecutive days, before.	of Cutting of a sector that the sector of a sector.	enterprises regarding purchase or sale conditions.
	was no economic crisis, natural imy sabotage or abnormal fluctuation the wholesale price of the product or rovision of the service on the relevant t under the costs of production within m period of 60 consecutive days, before.	ar cumig or reducing the volume or a product	price, payment deadline, and oughtity in
	rmy sabotage or abnormal fluctuation the wholesale price of the product or rovision of the service on the relevant I under the costs of production within m period of 60 consecutive days, before.	ur service supplied on the relevant market	transactions of purchasing or selling products or
	the wholesale price of the product or rovision of the service on the relevant I under the costs of production within m period of 60 consecutive days, before.	compared to the previously supplied volume of the	Services which are similar in value or characteristics
	rovision of the service on the relevant rovision of the service on the relevant I under the costs of production within m period of 60 consecutive days, before.	product or service while there is no significant	so as to niace now or some enterstices in a
	rovision of the service on the relevant I under the costs of production within m period of 60 consecutive days, before.	fluctuation in the demand-supply relation; there is	
	t under me coss of production within m period of 60 consecutive days, before. immoveme sale mines of products of	no economic crisis, natural calamity or enemy	competition position more advantageous than other
<u> </u>	n period of 60 consecutive days, before. immoveme sale mires of products of	sabotage; there is no big technical incident; or there	enterprises.
8	before. Immneinn sala mires of products or	is no state of emergency;	Article 30 - Imposition of coorditions on other
	immeine sale nrices of products or	b/ Fixing the supplied volume of a product or	entermises to sine contracts for surchase or colo
	in managed in annual place Bullooding	service at a level sufficient for creation a seasoity	
	services shall be regarded as irrational, causing	Solving at a rever summer to meaning a suarcity	or products or services or torcing of other
	damage to customers if the demand for such		enterprises to accept obligations not directly related
expenses for the Whole childrance as joilows.	orodiucts or services sees to sticked increase in	c/ Stockpiling the product to destabilize the	to the objects of contracts
a/ Provisions for bad debts, provisions for	produce of the desire reserving an erodistion	market.	1 Immosition of coorditions on other outcomicol.
	re design capacity of production		
	capacity of the enterprise and the following	2. Limitation of the market, causing damage to	to sign contracts for purchase or sale of products
conditions are satisfied;	e satisfied:	customers is an act of:	or services is the imposition of the following pre-
,	a/ The average retail price on the same relevant	a/ Supplying a product or service only within one	conditions before signing contracts:
	market within the minimum period of 60 consecutive	or some certain deographical areas:	al Destrictions as another as destrictions
	data has hose invested and by more than 5% of		ar resurctions on production of distribution of
innovations, expenses for training to raise job skills days nas use		b/ Buying a product or service only from one or	other products; purchase or provision of other
	increased more than once with a total increase	some certain supplying sources, except for the case	services not directly related to the commitments of
	exceeding 5% compared with the actual sale price	where other supplying sources fail to meet	the agents according to the provisions of law on
	before such minimum period of time;	reasonable conditions imposed by the buyer in	agency:
c/ Expenses for anvironmental protection; b/ There i	b/ There is no abnormal fluctuation resulting in	conformity with normal practices.	b/ Restrictions on naces for resale of amounte
d/ Expenses for female laborens; an increase	an increase of more than 5% in the costs of	3 Obstruction of technical or technological	except for goods on the list of those surviver to
e/ Exnenses for enterprise guard.	production of the product or service concerned	developments register damage to mistomers is an	business conditions, acods subject to restricted
	within the minimum period of 60 consecutive days		business according to the provisions of law
3. Payment of loan interests. before the pr	before the price is increased.		
1	3 Eiving the minimum result office causing	al Buying an innovation, utility solution or	of Restrictions on customers that buy products
-	and manufacture to and all applied	industrial design for destruction ar non-use;	for resale, except for goods stated at Point b of
		b/ Threatening or compelling those who are	this Clause;
m re-sale prices causing damage to		doing a research for technical or technological	d/ Restrictions on the form and ouantity of
customers price lower u	price lower than the pre-liked price.	developments to stop or cancel such research.	products allowed to be supplied.
1. Acts of imposing purchase prices of products Article	Article 28 Restriction of production.		
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		WILTHAM I AN & LECAL CONTRA	

obligations not directly related to the object of the contract is an act of linking the purchase or sale of a preduct or service being the object of the contract	forms: 1. Unilaterally modifying or canceling signed	exercise the right to control or dominate the acquired enterprise or only exercises this right in a compulsory manner in order to achieve the resale	with use following uccurrents: 1. Written declaration of the charter capital, fixer assets, movable assets and amounts due to it, with "the certification of an independent audi
with the computsory purchase of another product	contracts without having to notify in advance	purpose.	organization according to the provisions of law.
or service from a designated supplier of person of with the performance of one or more obligations beyond the necessary scope of performing the contract.	customers thereof and without facing any penalty. 2. Unilaterally modifying or canceling signed contracts on the basis of one or more grounds not related to the conditions necessary for the	 The insurance enterprise or credit institution stated in Clause 1 of this Article must send to the competition-managing agency an acquisition notification dossier with the contents specified in 	 Written declaration of taxes paid within the period from the time the enterprise starts operation to the time one month before the enterprise is required to make financial statements for notifying
Article 31 Prohibition of new competitors from entering the market	continued performance of the contract, without facing any penalty.	Clause 1, Article 21 of the Competition Law. 3. The time limit for resale of enterprises	the economic concentration.
Prohibition of new competitors from entering the market is an act of creating the following barriers:	Section 5. ECONOMIC CONCENTRATIONS	specified in Clause 1 of this Article may be extended by the head of the competition-managing agency at the proposal of the acquiring enterprise if it	Articete 300-1 topices to economic contractionation notifications 1 Banilas to economic concentration
 Requesting one's customers not to anter into transactions with new competitors. 	Article 34 Control or domination of all or one of trades of other enterorises	proves that it cannot resell the acquired enterprise within one year.	notifications shall be issued in writing.
 Threatening or forcing distributors and retail shops not to distribute products of new competitors: 	Control or domination of all or one of trades of other enterphises as provided for in Clause 3, Article	rprises in da	 Ine competition-managing agencys written replies to economic- concentration notifications must be addressed to the following:
 Selfing products at a price sufficient for rendering products unable to enter the market. 	17 of the Competition Law is the case where an enterprise (hereinafter referred to as controlling	1. An enterprise in danger of dissolution is an	
which, however, does not fall into the case specified in Article 23 of this Decree.	enterprise) acquires the right to own the assets of another enterprise (hereinatter referred to as	enterprise which falls into the case of dissolution as provided for by law or its charter but has not yet carried out dissolution procedures or is carrying	egeneration, promprovent of permission according consolidation, acquisition or joint venture according to the provisions of law; a second second second
Article 32 - Imposition of unfavorable conditions	controlled enterprise) which is summer when inverting over 50% of the voting right in the shareholders	out dissolution procedures but a dissolution	b/ Lawful representatives of the parties to economic concentrations:
on customers by enterprises having monopoly positions	congress or the management board or is at a level which, as provided for by law or the controlled	agency according to the provisions of law interest	c/ Parties to economic concentrations.
Imposition of unfavorable conditions on customers by enterprises having monopoly consisters is an act of forcing customers to	enterprise's charter, is sufficient for the controlling enterprise to dominate financial policies as well as the operation of the controlled enterprise for the	.2. An enterprise falling into bankruptcy is an enterprise as provided for by the Bankruptcy Law	Section 6. PROCEDURES FOR IMPLEMENTATION OF EXEMPTIONS
unconditionally accept obligations causing	purpose of obtaining economic benefits from buckness merations of the controlled enterprise.	Article 37 Financial statements in economic concentration notification dossiers for newly	Article 39 Financial statements in exemption
difficulties to customers in the process of		established enterprises which have carried out	application dossiers for newly established
Article 33 - Ahrse of monopoly position to	Article 35 Acquisition of outer circle hises which is not regarded as economic concentration	business activities for less than one fiscal year .	enterprises which have carried out business activities for less than one fiscal year '
unilaterally modify or cancel signed contracts	1. The case where an insurance enterprise or a	concentration notification dossier of an enterprise	For newly established enterprises which have
without plausible reasons	credit institution acquires another enterprise for the	joining an economic concentration which is newly	carried out business activities for less than one
Abuse of monopoly position to unilaterally modify or cancel signed contracts without plausible	purpose of resame whight up incommunity for a contract of one year shall not be regarded as economic		inscent year, innancial statements in unsu exemption application dossiers may be substituted with the

	• Append	ix B-3
OFFICIAL GAZETTE	 b/ Name and address of the complainent; d/ Name and address of the complained party; d/ Names and addresses of persons with related interests or obligations (if any); e/ Specific matters proposed to the complained interests or obligations (if any); e/ Specific matters proposed to the complainent if Ful names and addresses of witnesses (if any); g/ Grounds to prove that the complainant deams necessary for the settlement of the complainant, for complainant being organizations. if Signature or fingerprint of the complainant, for complainants being organizations. J. Documents stated at Points g and h, Clause of the complainants being organizations. J. Documents stated at Points g and h, Clause of the complainant for complainants being organizations. J. Documents stated at Points g and h, Clause of the written complaint included in the dossier of complainant shout return of such dossiers for supplementation of dossiers of complaint about a competition case. Article 46 Requests for supplementation of dossiers of the written complaint included in the dossier of complaint about a competition case. 1. Within seven working days as from the date of receipt of a dossier of complaints about return of such dossiers of complaints about competition case, the complaint about a competition case, the complaint about a complaint about a complaint about a complaint about a complaint thereof 1. Within seven working days as from the date of receipt of a dossier of complaint about a complaint about a competition case. 	
Công Báo nos 38-39 (L-2-2005) OFFICIAL	 economic concentration falling within the b Mame and address of he examplion-granting competence of the Prime d Name and address of he division or grant of exemptions. Artricle 43 Publication of decisions on grant of the d Name and address of the divisions on the grant of exemptions. Within seven working days as from the date of seven working days as from the date of the divisions on the grant of exemptions. Within seven working days as from the date of the division and the following forms: Posting them up at its head office. Announcing them on the mass media. Antricle 44. Errors not regarded as frauds in second participants being organiz is statement figures and do not alter the principal determs the scheding mistakes. Which are not related to financial and use of organiz is statement figures and do not alter the principal determs the scheding mistakes. Article 45. Contents of written complaint about a competition case the complain about a competition raw, the complain about a competition raw, the complain about a competition raw the and complaint in a dossiers of annotal about a competition raw the and the explanation with a dossiers of annotal about a competition raw the and a dossiers of annotal about a competition raw the address of the complain about a complaint about a competition raw the and the evolution tak the dossiers of annotal about a complaint in a dossier of complaint is about a complaint about a complaint in a dossier of complaint about a complaint about a complaint in a dossier of complaint in a dossier of complaint about a complaint in a dossier of complaint	
3.4.2.E.T.T.E. Cang Bio nos 38-39 (25-9-2005)	 Where an economic concentration falls within the scope of the exemption-granting competence of the Prime Minister. It accompetition-managing agency shall have to evaluate the exemption application dossier and propose the Trade Minister is seen a written request to concentrations of their opinions on this case within 50 days as from the date of receipt of the complete dossier. For complicated cases, this time limit shall be 100 days. Within 15 days as from the date of receipt of the completed days as from the date of receipt of the written request from the Trade Ministry for opinions on this case within 50 days as from the date of receipt of the written request from the Trade Ministry for opinions on the exemption applications shall have to study and send their opinions in writing to the competition-managing agency. Within 15 days as from the date of receipt of the opinions on the exemption agencies and organizations shall have to study and send their opinions in writing to the competition-managing agency. Within 15 days as from the date of receipt of the opinions of the consulted agencies and organizations within 90 the consulted agencies and organizations with the date of receipt of the opinions of the consulted agencies and organization dosting agency. Within 15 days as from the date of receipt of the opinions of the consulted agencies and organizations of the consulted agencies and organization of the opinions of the consulted agencies and organization dosting agency. Article 42 Principal contents of documents of documents of a date of decision. A document of or the Evaluation of an exemption application dossier shall contain the following principal contents: A document of the explanation of an exemption application dossier shall contain the satisfaction of conditions for exemption from a given period: I The consistency of the explanation of an exemption and docision. I subust so the consist	
20 OFFICIAL GAZETTE	 following documents: 2. Where a following documents stated in Clause 1. Article 37 of the scope of the s	

B-3-7

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tere and

case در مع المالية completion of the completion	 The competition-managing agency shall return a dossier of complaint about a competition case in the following cases: a/ The statute of limitations for lodging or all the statute of limitations for lodging complaints specified in Clause 2. Article 58 of the Competition Law has expired: b/ The case does not fall within the scope of its 	3 The competition-managing agency shall		Cases
return case composition composition composition case chan case case case case case case case case	In a dossier of complaint about a competition a in the following cases: If The statute of limitations for lodging plaints specified in Clause 2, Article 58 of the apetition Law has expired; If The case does not fall within the scope of its			
case Cart the Community of the Community of the Community of the constraints of the const	in the following cases: // The statute of limitations for lodging plaints specified in Clause 2, Article 58 of the npetition Law has expired; // The case does not fall within the scope of its	accept a dossier of complaint about a competition	1. Where a person with related interests or	
ດດາມ ເມີຍ ເມືອງ ເມີອງ ເມີອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມີອ ເມີອ ເມອ ເມ	If The statute of limitations for lodging plaints specified in Clause 2. Article 58 of the apetition Law has expired; If The case does not fall within the scope of its	case only after it receives a receipt of an advance	obligations does not participate in proceedings	Charges for handling of a competition case as
ດີ ເມື່ອ เป็อ เป็อ เป้อ เป้อ เป้อ เป้อ เป้อ เป้อ เป้อ เป้	plaints specified in Clause 2. Article 58 of the petition Law has expired; <i>it</i> The case does not fall within the scope of its	on expenses for the handling of the competition	together with the complainant or investigated party	provided for in Article 52 of the Competition Law
Com b b b Clau creation clau the 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	petition Law has expired; v/The case does not fall within the scope of its	case, except for cases where the completingin is	according to the provisions of Article 71 of the	
שליש האשרי האשרי לושע לושע לושע לושע לושע לושע לושע לושע	<pre>// The case does not fall within the scope of its</pre>		Competition Law, he/she shall have the right to	1. Charges for settlement of a complaint about
ມ ກາຍເບິ່ງ ເມີຍ ເມືອງ เ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ เ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ เ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ ເມືອງ เ ເມືອງ เ เ เ เ เ เ เ เ เ เ เ เ เ เ เ เ เ เ เ		56 of this Decree.	make an Independent request if meeting the	a competition case according to the complaint
the contract of the contract o	attaction compatence.		following conditions:	dossier provided for in Article 58 of the Competition
the 3 the 3 the 3 the 3		Section 2. PERSONS WITH RELATED	a/ The settlement of the competition case is	Law or charges for settlement of a competition case
the Claurant the 3 the 1 the 1	cf The complainant fails to modify of supplement	INTERESTS OR OBLIGATIONS, THEIR	related to his/her interests or obligations;	where indication of violation of the Competition Law
Clau Clau the 3 Clau the 3	the dossier at the request of the competition-	LAWYERS	by this than independent request is related to the	have been detected by the competition-managing
Clau the 1 of the 1	managing agency within the time limit specified in	a state a Bornoor with Interests at ablinations	competition case being settled:	agency.
the 1 the 1	Clause 1 of this Article.		of The celtiment of his/her independent reduest	2. Charges for settlement of an independent
the T the	The complainant may lodge a complaint with			request filed by a person with related interests or
ther	the Trade Minister within five working days as from	1. A person with interests or obligations related	In the same competition case will thelp same the	obligations
retur	the date of receipt of the dossier of complaint	to a competition case is a person whose interests	case in a more accurate and tapin manner.	
100	returned by the competition-managing agency.	or obligations are related to the settlement of a	2. Independent requests shall be made	Article 52 Principles for collection, remittance
5	Within seven working days as from the date of	competition case and who does not complain about	according to procedures for lodging complaints	and management of charges for handling of
	receint of such a mmnlaint. the Trade Minister must	the case or who is other than the investigated party	about competition cases as provided for in Section	competition cases, fees for evaluation of exemption
issue	issue either of the following decisions on:	but who makes a request on his/her own or at the	1 of this Chapter.	application dossiers
		request of the complainant or the investigated party	A mint for a manage of marcons with related	and additionant in antibuckies
ល	a/ Upholding the return of the cossist.	to participate in proceedings in the capacity as a		1. Charges for nanoliring or competition cases
q	b/ Requesting the competition-managing	person with related interests or obligations and	Interests of coligations	and fees for evaluation of exemption application
agei	agency to accept the dossier.	such request is accepted by the competition-	1. Lawyers who are qualified for participating in	dossiers must be fully and prompty remitted into
•	to a strain of doctions of complaint	managing agency or the competition case-handling	legal proceedings according to the provisions of	the state budget.
* i		panel.	law and authorized by persons with related interests	Advances on expenses for handling of
800		· 2 Where a nerson has his/her interests or	or obligations shall have the right to participate in	competition cases shall be paid to the competition-
-	1. Upon receiving a complete and valid dossier	chinations related to the settlement of a	competition proceedings to protect legitimate rights	managing agency for depositing in temporary
ofc	of complaint about a competition case, the		and interests of such persons.	custody accounts opened at the State Treasury and
CON	competition-managing agency must immediately	narthrinata in proceedings in the capacity as a	2. When participating in competition proceedings.	be withdrawn for the execution of competition case-
noti	notify the complainant of the payment of an	percon with related interests or obligations, the	lawvers of persons with related interests or	handling decisions as decided by the competition-
adv	advance on expenses for the handling of the case.		obligations shall have rights and obligations	managing agency or competition case-handiing
BXC	except for cases of exemption therefrom as		specified in Article 67 of the Competition Law.	panel.
prov	provided for in Article 56 of this Decree.	pertininate in proceedings in the capacity as a		3. Where a payer of an advance on expenses
	2 Within 15 clave as from the date of receipt of	perception with related interests or obligations.	Saction 3 CHARGES FOR HANDLING OF	for handling of a competition case stated in Clause
	the activities of the compatition-managing		COMPETITION CASES, FEES FOR	2 of this Article is entitled to reimbursement of part
au	and nounceutin of the compound managers	Article 49 The right of persons with related	EVALUATION OF EXEMPTION APPLICATION	or whole of the paid amount, the competition-
200	ageiney as surved created of a manufacture of expenses	int		managing agency must carry out procedures for
	for the handling of the competition case.			, reimbursing this amount to the payer.
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-2. Where the involved parties request an	Low-income consumers as certified by	agency to pay charges for handling of competition	obligations is VND 10,000,000.
provided for by law.	charges for handling of compatition cases	investigated party or the competition-managing	request filed by a person with related interests or
advance on expertise expense unless otherwise	competition cases, exemption from payment of	1. The liability of the complainant, the	of The charde for settlement of an independent
1. The requester for an expertise must pay an	of advances on expenses for handling of	of competition cases	100,000,000;
on experise expense	Article 56 Cases of exemption from payment	Article 55 Liability to pay charges for handling	case involving a competition-resulting act is VND
Article 60 The obligation to pay an advance	1 and 2 of this Article.	into the state budget.	trictorions for solitament of a romoefition
	of the charge according to the provisions of Clauses	expenses for handling of the case shall be remitted	
iaw.	party(ies) must still be liable to pay his/her portion	88 of the Competition Law, the advance paid on	- au the charge for semement of a cumpotition rase involving an unfair competition act is VND
or individual in accordance with the provisions of	charge for handling of a competition case. the other	is stopped under the provisions of Clause 1, Article	of the shares for settlement of a competition
calculated by the expertise-conducting organization	Where a party is exampt from payment of the	3. Where the investigation of a competition case	competition cases are specified as follows:
reasonable amount payable for an expertise and			1. The rates of charge for settlement of
2. Expertise expense is a necessary and	the competition case-handling panel shall make	the date the competition case-nantilling decision	competition cases
panel for conducting an expertise.	to pay; if they cannot not reach such an agreement,	Clause 1 of this Article shall be 30 days as trom	advances on expenses for the handling of
managing agency or competition case-handling	competition case which each of them shall be liable	of the paid amount or the balance thereof stated in	competition cases and the obligation to pay
 All auralities on expenses expense is all amount temporarily calculated by the competition- 	portions of the charge for handling of the	2. The time limit for reimbursement of the whole	Article 53 Rates of charges for handling of
	persons with related interests or obligations may	competition case-handling panel.	suit the actual price levels.
ALLON VOL VALINGS OI GANGIASO GANGIASO	The complainant, the investigated party and	decision of the competition-managing agency or	specifically determined in cash in this Decree, to
	this Decree.	itable to pay the charge which; theread its tess than the naid advance under a legally effective	exemption application dossiers, which are
expense for interpreters and expense for lawyers.	competition case as provided for in Article 53 of	charge for handling of the competition cases of are	ni aujuaning ura rates of visages to revenue of
expertise expense, expense for witnesses,	to pay 50% of the charge for handling of the	balance thereof if they are not liable to pay the	Ministry snan coordinate with the relation of investigation the rates of character for handling of
Other proceeding expenses shall include	with related interests or obligations shall be liable	be reimbursed the whole of the paid amount or the	services see a fluctuation of 20% of littles, use trace
Article 58 Other proceeding expenses	complainant, the investigated party and persons	expenses for handling of competition cases shall	6. When the market prices of products or
	1. Article 101 of the Competition Law, the	1. Those who have paid an advance on	
application dossier is VND 50.000.000.	is stopped under the provisions of Point b. Clause		Finance Ministry.
The fee for evaluation of an exemption	3. Where the settlement of a competition case		give receipts thereof, which are issued by the
exemption application dossiers	payment thereof stated in Article 56 of this Decree.	Article 54 - Diconsal of advances paid on	dossiers. the competition-managing agency must
Article 57 Rate of fee for evaluation of	handling panel, except for cases of exemption from	Clause 1 of this Article.	fees for evaluation of exemption application
	competition-managing agency or competition case-	which is equal to 30% of the charge specified in	
cases of non-paying the charges for handling of	requests if their requests were rejected by the	on expenses for settlement of competition cases,	E Hoon cullection advance amounts for
advance on expenses for nandling of competition	competition cases with regard to their independent	requests in competition cases must pay an advance	handling panel takes effect.
agency from paying part or the whole of the	shall be liable to pay charges for handling of	interests or obligations who have filed independent	competition-managing agency or competition case-
may be exempted by the competition-managing	2. Persons with related interests or obligations	the Competition Law and persons with related	budget immediately after the decision of the
organizations of the localities where they reside	56 of this Decree.	Decree, the complainants stated in Article 58 of	advance amount must be remitted into the state
Committees), agencies when they work or social	of exemption from payment thereof stated in Article	competition cases specified in Article 56 of this	the charge for handling of the case, the collected
(hereinafter referred to as commune-level People's	Article 63 of the Competition Law, except for cases	payment of advances on expenses for handling of	for handling of a competition case is liable to pay
commune, ward or township People's Committees	cases shall be determined under the provisions of	2. Except for the cases of exemption from	/ Whore a never of an advance on expenses
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26 OFFICIAL GAZETTE	GAZETTE Cong Bio nos 18-39 (25.9-2005)	Cáng Báo nos 38-39 (25-5	OFFICIAL GAZETTE
expertise of the same object, each party shall be liable to pay half of the advance on expertise	 The person who has requested the competition-managing agency or competition case- housing regard to summon a witness shall be liable 	proceeding documents, the obligation to serve or notify campetition-proceeding documents The compatition-magazing accords	notifying competition-proceeding documents sha inctude: a/ Persons conducting competition proceeding:
expense, unless otherwise provided for by law. Article 61. Disposal of advances paid on	to pay expenses for such winess if the winess's statements conform to the facts but do not support	ayondy all be oblig n-proceed his Decreed	and other persons of the competition-proceeding document-issuing agency who are assigned to arant. serve or notify competition procedures:
expertise expenses 1. Where a person who has paid an advance	Where the statements of a witness conform to	uccuments specified in residence of a new power of the complainant, the investigated party, other proceeding participants and concerned	b) Commune-level People's Committees of the places where commetting on more adving participants
on expertise expense is not fiable to pay expertise expense, the person liable to pay expertise expense under a decision of the competition-	the facts and support the request of the person who has requested the summon of such withess, expense for such witness shall be paid by the party	organizations and individuals in accordance with the provisions of the Competition Law and this	reacts must compound proceeding paragram reside dragencies or organizations where they work, as requested by the competition-managing
managing agency or competition case-handling panel must refund the paid advance to the person who has reid it.	that has made a request independent from the request of the person who has requested for the summon of the witness.	Article 66 Competition-proceeding documents which must be granted, served or notified	estimation of the persons as provided for by law. 2. Persons who are responsible for granting
2. Where a person who has paid an advance	Article 64 Expenses for interpreters, lawyers	Competition-proceeding documents which must	serving or notifying competition-proceeding
on expertise expense is liable to pay expertise expertise expense. If the paid advance is fower than the	1. Expense for an interpreter is a sum of money	be granted, served or notified include:	sourcents out law to properly periodic mean units the shall, depending on the nature and seriousness o
actually incurred expertise expense, he/she must	payable to an interpreter in the course or sementerin of a competition case as agreed upon between the	I. Decision on the investigation of a competition- case, made by the head of the competition-	their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing
pay an additional arrount to cover the definition incurred paid advance is higher than the actually incurred	interpreter-inviting person and the interpreter or as provided for by law.	managing agency. 2. Competition case-handling decision, made	damage, they must pay compensation therefor according to the provisions of taw.
experies expense, normal superfluous amount.	2. Expense for a lawyer is a sum of money	by the competition-managing agency or commention case-handlion name!	Article 68 Methods of grant, serving or
Article 62. The obligation to pay expertise		3. Written complaint about a competition case,	notification of competition-proceeding documents The grant, serving or notification of competition.
The obligation to pay expertise expense shall		written complaint about a competition case- handling decision	proceeding documents shall be effected with one
be determined as follows:		4. Notices, summonses and invitations in	or some of the following memory. 1. Grant serving or notification of competition.
1. A person who has requested an expertise shall be liable to pay expertise expense if the	paid by the interpreter- or lawyer-inviting persons, unless otherwise agreed upon by the involved	competition proceedings.	proceeding documents directly to the addressees
expertise result proves that his/her request is	ed	3. receipts of auvalices of expenses to handling of a competition case; the charge for	by post or through an authorized third party. 2. Public posting.
yrounces. 2. A nerson who refuses to accept a request for	 Where we competition case-hand 	handling of a competition case and other expenses.	3. Announcement on the mass media.
an expertise shall be liable to pay expertise		o. Outer occurrence in cumperant procecuritys as provided for by law.	Article 69 Procedures for grant, serving or
request of the expertise requestor is grounded.		Article 67 Persons responsible for granting.	notification of competition-proceeding documents directly to individuals
Article 63 Expenses for witness	Securit 4. GRANI, SECTURE AD IL TOTILO	serving or nomying competition-processing documents	1. Persons responsible for granting, serving or
 Reasonable and actual expenses for witnesses shall be paid by the witness-inviting party. 	Article 65 The obligation to grant competition-	1. Persons responsible for issuing, serving or	notifying competition-proceeding documents musi
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Appendix B-3

27

2 LTE	Article 72- Procedures for mass media announcement announcement 1. The mass media announcement shall be made only when it is so required by law or there are grounds that public posting shall not secure that the person to be granted, served or notified of a competition-proceeding document shall receive information on such document. 2. The mass media announcement may be made at the request of the complainant, the investigated party or persons with related interests or obligations. The fee for such announcement must be rearried on a competition-proceeding document. 3. The mass media announcement must be carried barby the requester for such announcement. The investigated party or persons with related interests or obligations. The fee for such announcement the investigated party or persons with related interests or obligations. The fee for such announcement is be rearried as a competition-proceeding document. <i>Article 73</i> - Notification of the result of grant, serving or notification of a competition-proceeding documents is other than the competition-proceeding document is other than the competition-proceeding document for the grant, serving or notification of a competition-proceeding document is other than the competition for the grant, serving or notification of a competition for the grant, serving or notification of a competition for the grant, serving or notification of the grant, serving or notification of the test of the grant, serving or notification of the test of the grant, serving or notification of the test of the grant, serving or notification of the test of the grant, serving or notification of the test of the grant, serving or notification of the test of the grant, serving or notification of the test of the grant, serving or notification of the test of the grant, serving or notification of the test of the grant, serving or notification of the test of t
Công Báo nos 38-39 (25-9-2005) OFFICIAL GÁZETTE	 Where the agency or organization which is granted, served with or notified of a competition-proceeding the proceeding for a competition-proceeding in the proceedings of a competition-persons shall sign for receipt of such document, such persons shall sign for receipt of such document. Arricle 71 Procedures for public posting of a competition-proceeding document shall be effected only when the whereabouts of the person who is granted, served with or notified of such document is unknown or when it is impossible to arrange the direct grant, serving or notification thereof. The public posting of a competition-proceeding document shall be effected directly by the competition-managing agency or Competition-proceeding document shall be effected directly by the competition council or authorized to the posterior of such document is unknown or when it is impossible to arrange the direct grant, serving or notification thereof. The public posting of a competition-proceeding document shall be effected directly by the competition council or authorized to the commune-level People's Committee of the place where the person who is granted, served with or notified of such document resides or last resided according to the following procedures: a' The original document shall be posted up at the head office of the competition-managing agency, the Competition Council or the competition of such document resides or last resided is the place where the person who is granted, served with or notified of such document resides or last resides or last resided:
LAZETTE Cong Bio nos 38-39 (25-9-2005)	 in person. Such record must be signed by the person who has agreed to hand over the competition-proceeding document to its addresse, the person in charge of granting, serving or notifying the document, and a witness. 4. Where the person who is granted, served with or notifying the document trust has moved to a competition-proceeding document trust has moved to a row address, such document trust has moved to a row address, such document trust has moved to a competition-proceeding document trust has absent and the time of his/her whereabouts is unknown, the person who is granted, served with or notifying the document must make a record on the impossibility to grant, serve or notified of a competition-proceeding document trust frage of granting, serving or notifying the document frust and the information supplier. 6. Where the person who is granted, served with or notifying the document trust are a record on the impossibility to grant, serve or notified of a competition-proceeding document trust areas of fracting, serving or notifying the document trust areas or notified of a competition-proceeding document trust areas the document trust areas a record or the street population group, the comment must make an according document trust is an agency or organization. 1. Where the person who is granted, served with or notification by the hard of the stered secting document trust is an agency or organization. 1. Where the person who is granted, served with or notification by the traceling document, who must sign for receipt of such document.
28 - OFFICIAL GAZETTE	 personally grant, serve or notify competition-proceeding documents must sign on the person who persons who are granted, served with or notified of competition-proceeding documents must sign on the records or in the books of hand-over and receipt of the docomfind of competition-proceeding documents. 2. Where a person who is granted, served with or notified of a competition-proceeding document is absent, such competition-proceeding document is absent, such competition-proceeding document is absent, such competition-proceeding documents. This relative must sign for the receipt of the document and shall be granted, served with or notified of the active study contract of the dise of signing by the corresiding relative must sign for the receipt of the competition-proceeding document. Where there is no co-residing relative who has full capacity for virtic the receipt of the competition persoel as the date of the competition persoel as the date of signing by the corresiding relative shall be regarded as the date of the competition-proceeding document. Where there is no co-residing relative who has full capacity for virtic the receipt of the village or there is such document the hand of the street population granted, served of the street population granted, the information but it hefshe refuses to receive a competition-like intervention between the recipient resides, who shall be asked to a street of the village or the person must may be handed over the receiper or the person such person must may a record clearly to a date street and or the section of the street population group), the comment mether section of the street population group, the chief of the street population group, the chief of the street population group, the chief of the village or harmet (hereinather refered to a strend of the street population group, the chief of the village or harmet (hereinather elected to a competition-proceeding document the recipient resides, who shall be asked to notified of the street populat

C TL	3 Orininal documents lawfully notarized or	by himself/herself and sign it. Where the	capacity restricted must be conducted in the
2. The party opposing another persons		complainant, a person with related interests or	presence of a lawful representative of such person
complaint or request with respect to itself shall have		oblications or a witness cannot write a statement	
the right to prove that its opposition is grounded	documents or copies supplied and certified by		Minules of statements of the complainant, the
and must produce evidence to prove such.	competent agencies or organizations shail be		investigated party and persons with related
	regarded as evidence if the contents of such	the competition case-handling panel shall take his/	interests or obligations shall be regarded an integral
3. The competition-managing agency shall have	documents are readable.	her stalement. The person who takes a statement	part of the written explanations of these persons
the obligation to prove acts of violation of the law		shall record by himself/herself or a hearing clerk	
on competition in the case specified in Clause 2.	4. Expertise conclusions shall be regarded as	shall record in a minutes the statements of the	<i>åcticl</i> e 79 . Takino of statements of the
Article 65 of the Competition Law	-evidence if such expertise has been conducted	complainant persons with related interests pr	
	according to law-established procedures.		
Article 75 - Circumstances events which are		obligations and/or withesses.	1 In rase of nevesity investinators or members
	A minto 77 - Submission of avidence	2. The taking of statements provided for in	
voi required to prove		Clause 1 of this Article shall be conducted at the	ol ure compeniuon case-nanoling parter may take
The following circumstances and events shall	1. The involved parties shall have to submit		statements of the investigated parties.
not he remitred to ormie.	avidence to the competition-managing agency of	outce of the competition-mainaging agency of	9. The accordings for tables statements of the
		Competition Council; in case of necessity, the	
 Apparent circumstances or events known to 		taking of statements may be conducted outside the	investigated parties shall be similar to the
everyone and accepted by the competition-	investigation and settlement of a competition case.	office of the competition-managing agency or	procedures for taking statements as provided for
managing searcy or compatition case-handling	. The arithmical of arithmical in Clarica		in Article 78 of this Decree.
panel.	1 of this Article must be recorded in writing. Such a	3. A statement minutes must be read by or to	Article 80 - Solicitation of exnertice
o A second size and a second size of the second siz	record must contain the name, form, content and	the statement since who shall affir his ther	
2. Appropriate circuitistatices of events an early	characteristics of evidence: number of copies and		1. The head of the competition-managing
ascertained in legally effective court judgments or	the firms of social of the firms of social	signature or ingerprint on it. The statement giver	in long adhed and adhed an wood
decisions, legally effective competition case-		may request to have alterations and/or additions	
handling decisions of the competition-managing	thereof; the signature or fingerount of the submitter	recorded in the minutes and affix his/her signature	make decision by himself/herself or at the proposal
arenew or competition rase-handling name! Of	and the signature of the recipient and the seal of	or fingement for certification thereof. A minutes	of an investigator or of the involved parties to solicit
agency or contributions case-itationing parts of	the competition-managing agency or Competition		an expertise. Such a decision must contain the
legally effective decisions of competent state		must be signed by the statement taker and the	name and address of the success the chieve to be
agencies.	Conjucti, it must be made its two copies, one to be	minutes recorder and affixed with the stamp of the	name and address of the expert, the object to be
	filed in the competition case dossier and the other	comoetition-manacino acency or Comoetition	expertised, matters to be expertised and specific
Circumstances or events already recorded	to be given to the evidence submitter.		questions which need the conclusion of the expert.
and lawfuliv notarized or authenticated.	-	councit; if a minutes has loose pages, each page	•
	Article 78 . Taking of statements of	must be signed and affixed with an overlapping	The expert specified in an expertise-soliciting
and a second		stampi	decision must conduct an expertise according to
Article / 0'+ (deutinication) of extreme	complainants, persons with related interests or		
 Evhibite must be original objects related to a 	obligations, witnesses	Where a statement minutes is made outside the	LICE DIOVISIONS OF RAW.
		head office of the competition-managing agency	3. Where it is deemed that the expertise
case.	1. Investigators, memoers of a competition case-	or Competition Council, a witness or certification	conditision is incomplete Thelear or in violation of
2 Witness's statements and explanations of	handling panel shall take statements of the	of the commune-level People's Committee or police	
the state of the s	complainant or a person with related interests or		law, the head of the competition-managing agency
	obligations only when such person has not vet	of the place of the agency of organization where	or competition case-handling panel shall make
regarded as evidence if they are recorded in writing.	mode a writen avrianation or his/her evelanation	the minutes is made shall be required.	decision on an additional expertise or a re-
recording tapes, recording discs, video tapes, video		 The taking of statements of the complainant 	expertise. A re-expertise may he conducted by the
discs or other audio or video recording equipment,	is incomplete or unclear.		
and the formation monthly for the formeriad	The complainant, a person with related interests	a person with related interests of obligations of a	previous expert or another protessional
Success with documents certaining the recorded		witness who is a minor or has his/her civil act	organization according to the provisions of law.
events, or oral statements at hearings.	or obligations or a writess must write a statement	÷.	
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 Arricle 31 Sonication or expenses or avidance. I. Where evidence is denounced to be forged. I. Where the product of the competition-managing agency or and every evidence. J. Where the traging of evidence shows criminal indications. I. Where the forging of evidence shows criminal indications. I. Where the forging of evidence shows criminal indications. J. Where the forging of evidence shows criminal indications. J. Where the forging of evidence shows criminal indications. J. Where the forging of evidence shows criminal investigation agency or competition case-handling panel. J. Those who produce forged evidence shall refer the competition case-handling panel. J. Those who produce forged evidence shall refer the competition case-handling panel. J. Where an evidence to other persons. J. Where an evidence to other persons. J. Where an evidence to other persons. J. Where an evidence to shall and use in a public manner. J. Where an evidence to submitted to the competition-managing agency or competition-managing panel. J. Where an evidence and evidence and use in a public manner the following evidence. J. Where an evidence to bas vortange the competition-managing panel. J. Where an evidence to bas bumitte	 augravaning vicunisatures augravaning vicunisatures aurate. Externating circumstances in the handling of violation's error seach restricting acts shall include: a / Voluntary declaration of acts of violation restricting acts shall include:	Autore oo commission of a violation many times in the same domain Commission of a violation many times in the same domain means the case where a person commits a violation of competition law in the domain where he/she previously committed a violation but has not yet been handled for such violation but yet expired. Article 87. Recidivism in the same domain Recidivism in the same domain means the case where a person commits a violation of competition taw in the domain where he/she has been handled for a previously committed violation of rom year time limit counting from the time he/she has completely served the handling decision or from the expired.
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	ਸ਼ੁਰੂ ਨੂੰ ਕੋਵੇਸ਼ ਰਹੇ ਹੋ	
 each evidence. Article 84 Publicization and us 1. All evidence must be publicize an equality public manner, except specified in Clauses 2 and 3 of this 2. The competition-managin competition case-handling panel mu and use in a public manner the follov al Evidence classified by law as b/ Evidence alapting to fir professional secrets, business secre privacy at the [goltimate request of party. 3. When deeming it necessary, th managing agency or competition of panel may publicize and use in a p in order to ensure proper investigation of competition cases. A Proceeding conduction of 	צָּשָּ בּישַ קָּיָשָּ נוּסָ הַ אָּגָשַ קָּיָשָ	
 Article 84 Publicization and us 1. All evidence must be publicize an equality public manner, except specified in Clauses 2 and 3 of this specified in Clauses 2 and 3 of this 2. The competition-manner, except and use in a public manner the follow as by Evidence classified by law as b/ Evidence classified by law as professional secrets, business secreprivacy at the legitimate request of parel may publicize and use in a power investigation of competition cases. 4 Proceeding conduction as a difference of a pink and the evidence at a pink and the evidence at a pink and by some pieces of evidence at a pink and by some pieces of evidence at a pink and by some pieces of evidence at a pink and by some pieces of evidence at a pink and by some pieces of evidence at a pink and by some pieces of evidence at a pink and by some pieces of evidence at a pink and by some pieces. 	<u>ה ה מ ב א</u>	
 Article 84. Publicization and us 1. All evidence must be publicize an equally public manner, except specified in Clauses 2 and 3 of this 2. The competition-managin competition case-handling panel mu and use in a public manner the follow ar Evidence classified by law as b/ Evidence classified by law as b/ Evidence classified by law as professional secrets, business secre professional secrets, business secre privacy at the legitimate request of party. 3. When deaming it necessary, th managing agency or competition of panel may publicize and use in a point or only some pieces of evidence at ap in order to ensure proper investigation of competition cases. 		
 All evidence must be publicize an equally public manner, except specified in Clauses 2 and 3 of this 2. The competition-managin competition case-handling panel mus and use in a public manner the follow and use in a public manner the follow b/ Evidence classified by law as b/ Suthence classified by law as b/ Evidence classified by law as b/ Evidence classified by law as b/ Suthence classified by law as b/ Evidence at equest of panel may publicize and use in a p cony some pieces of evidence at ap in order to ensure proper investigation of competition cases. 		
 All evidence must be publicize an equally public manner, except specified in Clauses 2 and 3 of this The competition-managin competition case-handling panel mu; and use in a public manner the follow al Evidence classified by law as b/ Evidence classified by law as b/ Evidence classified by law as professional secrets, business secre privacy at the jegitimate request of i party. When deeming it necessary, th managing agency or competition of panel may publicize and use in a p confy some pieces of evidence at ap in order to ensure proper investigation of competition cases. 		
 an equally public manner, except specified in Clauses 2 and 3 of this 2. The competition-managin competition case-handling panel mu and use in a public manner the follow al/ Evidence classified by law as b/ Evidence classified by law as 		
 The competition-managin competition case-handling panel murang and use in a public manner the follow and use in a public manner the follow as b/ Evidence classified by law as b/ S. When deeming the nequest of party. When deeming it necessary, the managing agency or competition the panel may publicize and use in a pointy some pieces of evidence at ap in order to ensure proper investigation of competition cases. 		
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a čast	al Having committed a violation many times or	
a a a		
of <u>j</u> . C <u>b</u> j	8	1190
6 5 5		
a 5 i 's		I INVESTIGATION, HANDLING OF COMPETITION
5 <u>5</u> 5	namner competent agency's decision on rejecting	CASES
ō jā	te time enjoyment of exemptions or decision on annulling	
ō		
		Article 88 Administrative preventive measures
	c/ Continuing to commit an act of violation	르.
-	s and though a competent person has requested to	
3 In case of necessity to hand over evidence to proceeding participants must keep secret according	cording terminate such act;	
		In order to prevent in time violations of
	and a committed violation.	8
competition-managing agency or competition case-	3. For acts of violations of provisions on	٠
handling panel shall make a decision to this effect according to the provisions of Clause 2 of this	CO	
and a record on the hand-over of such evidence to Article.	entropy white and a second and a second and a second s	
contractions of the shall have		
une unito personi loi jueseivauoni, muo siiai nave 		of a competition case:
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take responsibility for the preservation.	apply extenuating circumstances and aggravating	Ĭ
	circumstances specified in Articles 8 and 9 of the	
Article 83 Assessment of evidence Article 30 Exteriorating circumistances	inces, Ordinance on Handling of Administrative Violations.	2. Detention of exhibits and means employed
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	or the desired of the second o	administrativa violatione as sonoriflad in Plause 2	od i for an an an an an and the second of the
in the commission of a violation of competition law.	to make decision to decain persons in the course		
-	of investigation or handling of competition cases	of this Article and get their written approval. In cases	sanctioning form of confiscation of such detained
3. Body search.	according to administrative procedures:	where the issued decision is not approved by his/	exhibits or means is not applied.
4. Search of means or objects.	aniaraam majjiraamaa ad ja baad adt ta	her superior, the decision issuer must immediately	The firms limit for demonstrate of exclusion and
		cancel such decision and return the detained	
5. Search of places where exhibits or means	agency;	chiarte money anode and/or meane	means employed in violations or competition law
employed in the commission of a violation of	b/ The chairman of the Competition Council.	onjecto, money, goodo anarov meano.	may be extended in complicated cases where
competition law are hidden.	al Dorroos defined in Article 45 of the Ordiosore	4. The detention of exhibits and/or means	verification is required but must not exceed 60 days
		employed in violations of competition law must be	as from the date of detention of such exhibits and
. Article 89. Principles for application, change	on Handling of Administrative violations.	recorded in writing. Such a record must confain	means. The extension of such time limit must be
or cancellation of administrative preventive	2. Where persons defined in Clause 1 of this	the names or antifice and types of exhibits and/or	decided by one of the persons defined in Clause 2
measures in the course of investigation or handling	Article are absent, their authorized deputies may	means as well as sinnatures of the detainer and	of this Article
	make decision to detain persons according to		
		the violator. The detertion decision issuer and the	7. The detention of exhibits and means
The application, change or cancellation of		detainer shall have to preserve such exhibits and/	employed in violations of competition law must be
administrative preventive measures in the course	for their decisions.	or means; if such exhibits or means are lost, sold,	decided in writing, enclosed with a detention record.
of investigation or bandling of competition (2565		fraudulently swapped or damaged due to their fault,	Their conies must be given to the violator or
	Article 92 Detention of exhibits and means	such persons shall have to compensate therefor	restriction of the wolation organization
must compiy with the provisions of Clauses 2, 3	employed in victations of competition law	and he handled according to the provisings of law	representance of mis violaming organization.
and 4, Article 61; Clause 6, Article 76; Clause 4,			
Article 79; Clause 2, Article 81 of the Competition	1. The delention of exhibits and means	Where exhibits or means need to be sealed up,	Article 93 Body search according to
Law the provisions of this Section and the	employed in the commission of violations of	they must be sealed up in the presence of the	administrative procedures
are of the Ordinance on Handling of	competition taw may be applied in cases where it	wielester where the violator is abreast that mine to	
	is recession by verify circumstances used as a	Violatori, Writere une violatori is auseriti, litery inust de	1. Body search according to administrative
Administrative. Violations.		sealed up in the presence of a representative of	procedures shall be conducted only when there are
·	basis for making decision on handling a competition	his/her family, a representative of an organization	orounds to believe that a nerson is hiding articles
Article 90 Detention of persons according to	case or to promptly stop acts of violation.	or local administration, and a witness.	to maintain a minimum and the maintain of the second se
administrative procedures	8 - 20 - 1915		
	2. Competent persons specified in Article 91 of	5. For Vietnamese currency, foreign currencies,	competition law on his/her cody.
1. The detention of persons according to	this Decree may make decision to detain exhibits	gold, silver, gems, precious metals, narcotics and	2 Comnetent nersons defined in Article 91 of
administrative procedures shall be applied in cases	and means employed in violations of competition	other objects subject to a special management	
where it is necessary to gather and verify important		ranime the messenation thereof shall complexity	this decree may make decision to conduct a body
tion material and an a brain for making design			search according to administrative procedures.
	3. Where there are grounds to believe that	the provisions of law.	Where there are nonincis to believe that articles
on handling a competition case.	ustass avhibits and means employed in violations	For exhibits or means employed in violations	
 The detention of nergons stated in Clause 1 		" which are eased to deteriorate an articles the	documents or means employed in a violation or
	or competition taw are promipily detailied, usey may		competition law may be dispersed unless a body
of this Article must comply with current provisions	be dispersed or destroyed, the direct supenors of	detention decision issuer must bandle them in	search is promptly conducted, apart from persons
of law on detention of persons.	people's policemen, border guards, forest rangers,	accordance with the provisions of Clause 3, Article	defined in Article 91 of this Decree, people's
	customs officers, market controllers or specialized	61 of the Ordinance on Handling of Administrative	policemen, members of coast quard professional
Article 91 Competence to detain persons in	inspectors may make decision to detain such	Violations.	souads horder ouards forest rangers or market
the course of investigation or handling of	exhibits and means. Within 24 hours as from the	► Mithin 40 dates at factor the date of data in the date	controlling the real of the man analysis is hade
competition case according to administrative	the desired and a desired the desired instant	5. YVIININ 10 GAYS AS ITOM UNA GARA OF GERENDOR,	
	ume or issuing such a decision, the decision issuer	the detention decision issuer must handle detained	search according to administrative procedures,
	must report it to his/her superior who has the power	exhibits and means by applying the measures	then immediately send a written report thereon to
1. The following persons shall have the power	to detain exhibits and means employed in	stated in the detention decision or return them to	their superiors being those who are defined in
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Appendix B-3

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36 OFFICIAL	OFFICIAL GAZETTE Congeto nos 38-39 (25-9-2005)	Công Báo nas 38-39 (2>) OFFICIAL	OFFICIAL GAZETTE
 Article 91 of this Decree and must take responsibility before law for such body search. 3. A body search must be decided in writing, except for prompt search must be decided in writing. 4. Before conducting a body search, the searcher must notify the body search decision to the person to be searched. In a body search, the searcher and the search must be conducted to the witness of a person of the same sex. 5. Every body search must be recorded in writing. The copies of the body searched person. Article 94 Search of places where exhibits and means employed in violations of competition law are concealed. 	•	 preventive measures: <i>if</i> Administrative preventive measures which need to be applied and other specific recommendations. The petitioner must, depending on his/her petition for the application of administrative preventive measures, supply the head of the competition. Council evidence to prove the necessity to apply such administrative preventive measures. The head of the competition-managing agency or the chairman of the necessity to apply such administrative preventive measures. The head of the competition. The head of the competition. 	administrative preventive measures in the course of investigation or handling of competition cases if there is no petition on the application thereof according to the provisions of Article 95 of this Decree. <i>Article 97.</i> Forced implementation of security measures The complainant in a competition case shall, when submitting a petition to the head of the competition-managing agency or the chairman of the Competition Council to apply one of administrative preventive measures, must deposit a sum of money, some preclous metal, gem or valuable papers in a blocked State Treasury account within a time limit fixed by the head of the competition-managing agency or the chairman of the Competition Council.
The search of a place where exhibits and means emoloyed in violations of competition law are concealed shalt comply with the following provisions: 1. Campetent persons defined in Article 91 af this Decree may issue decisions to search places where exhibits and means employed in violations of competition law are concealed. 2. A place where exhibits and means employed in violations of competition law are concealed is a place where articles, money, goods and/or means employed in a violation of competition law are concealed by the violation of competition law are fidden by the violation of competition law are provisions of Article 93 of this Decree. 3. Where a place where exhibits and means employed in a violations of competition law are provisions of Article 93 of this Decree.	administrative preventive measures 1. Those who propose the head of the competition-managing sgency or the chairman of the Competition Council to apply administrative preventive measures defined in Clause 2. Article 61 of the Competition Law must make and send petitions to the latter. A petition for the application of administrative preventive measures must contain the following principal details: a/ Date of making of the petition; b/ Name and address of the petition; b/ Name and address of the petitioner; c/ Name and address of the petitioner; d/ Brief account of the act that infringes upon the petitioner's fegitimate rights and interests; e/ Grounds for the application of administrative	the head of the competition-managing agency or the chairman of the Competition Council must issue a written notice, clearly stating the reason therefor. Where the competition case-handling panel receives a petition for the application of administrative preventive measures at a hearing, the president of the hearing shall propose the shairman of the Competition Council. to consider and issue a decision to apply such measures immediately or after the petition provides a security as provided for in Article 97 of this Decree. Article 96. Issuance of decisions to apply administrative measures by the head of the competition-managing agency or the chairman of the Competition-managing agency or the chairman of the Competition-managing agency or the chairman of the Competition-managing agency or the chairman of the Competition-managing agency	 measures, application of additional ones When it is deemed that the applied administrative preventive measure is no longer appropriate and should be changed or an additional one should be applied, the procedures for change of administrative preventive measures or application of additional ones shall be similar to those specified in Article 95 of this Decree. Article 99 Cancellation of the application of administrative preventive measures 1. The head of the competition-managing agency or the chairman of the Competition Council must decide to cancel the applied administrative preventive measures in one of the following cases: a' The cancellation of such administrative preventive measures in one of the petitioner for the application of such administrative preventive measures. b' The time timit for detention of exhibits and
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Appendix B-3

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38 OFFICIAL GAZETTE	3AZETTE - Cóng Báo nos 18-39 (25-9-2005)	Cáng Báo nos 38-39 (222005) OFFICIAL	OFFICIAL GAZETTE
means employed in the violation of competition law	raising questions and listening to statements of the	the investigated party and person's with related	person with related interests or obligations, who is sheard at the heading the set of landid connecentation
has expired. 2 in most of connectation of an administrative	companiant, are involged a party party and other related interests of obligations, and other	1 The complainant the investigated party and	participating in the hearing.
preventive measure. the person who has petitioned	participants in the proceedings; consider and	persons with related interests or obligations must	The investigated party or a person with related
for the application of such administrative preventive	examine documents and evidence aiready	be present at a hearing in response to the	interests or obligations falls into the case spacified
measure shall be entitled to receive back the	connected, its off to any structure of the investigation conclusions. A competition	summonses of the competition case-handling	in Clause 2, Article 103 of this Decree.
security which is a sum of money, some precious	case-handling decision shall be based only on the	panel; a hearing must be postponed if any of them	<i>4 dicle</i> 105.≟The presence of tawyers
metal, gem or valuable papers as provided for in	result of the questioning at the hearing, arguments	is absent for the tirst time for a plausible reason.	
Article 97 of this Decree, except for the case	and evidence examined and verified at the hearing.	2. If the complainant, the investigated party or a	1. Lawyers of the complainant, the investigated
specified in Clause 3, Anicle of or life Compension	3 The nuestioning and argumentation at a	person with related interests or obligations is still	party and persons with related interests or
Law.	bearing must be uninterruptedly conducted.	absent though he/she has been summoned for the	obligations must participate in the hearings in
Article 100 Effect of decisions to apply, change	excluding breaks. Members of the competition	second time, the competition case-handling panel	response to the summonses of the competition
or cancel administrative preventive measures	case-handling panet must participate in the hearing	shall still conduct a hearing to settle the competition	tase-recolling parter, it any of upers is absent for the first time for a plausible rescon the hearing
	from the beginning to the end, except for the case	case in their absentia.	the mathematic resource reacting the mathematic
1. Decisions to apply, citatige of carteer	specified in Clause 1, Article 102 of this Decree.	3. If a person with related interests or obligations	
administrative prevenuve measules sual lane	tr a crocial race crevified in this Decree a	who has filed an independent request is still absent	2. If the lawyer of the complainant, the
ettect instantly.		though he/she has been summoned for the second	investigated party or a person with related interests
2. The head of the competition-managing	deve and he resumed after this time-limit.	time, he/she shall be deemed to have abandoned	or obligations is absent though he/she has been
agency or the chairman of the Competition Council		' his/her independent request and the competition	property summoned for the second time, the
shall grant or send the decisions to apply, change	4. Each heading must be participated by at least	case-handling panel shall issue a decision to stop	competition case-handling panel shall proceed with
or cancel administrative preventive measures	one member of the Competition Council other than	the settlement of his/her independent request.	settling the competition case; in this case, the
immediately after the issuance thereof to the	mambers of the competition case-handling panel.	provided that it is agreed by both the complainant	complainant, the investigated party or the person
petitioners, the persons to whom the administrative	of the state of the second of the second sec	and the investigated party.	with related interests or obligations shall have to
preventive measures shall be applied, and other	Article 102 Replacement of merioeis of the		defend by himself/herself their legitimate rights and
concerned organizations and individuals.	competition case-handling panel in special cases	Article 104 Conduct of hearings to settle	interests.
	1. Where a member of the competition case-	competition cases in cases where the complainant,	
Section 8. HEARINGS, COMPETITION CASE-	handling panel is unable to continue participating	the investigated party or a person with related	Article 106 The presence of witnesses
HANDLING DECISIONS OF THE COMPETITION	in a hearing, the member of the Competition	interests or obligations is absent	1 Witnesses shall he chilced to narticinate in
CASE-HANDLING PANEL	Council who participates in the hearing shall	The competition case-handling panel shall still	the hearings in response to the summonses of the
•	replace such person.	conduct a hearing to settle a competition case in	competition case-handling panel to help clarify
Article 101 General requirements for hearings	2. Where the president of a hearing is unable to	the following cases:	details of the competition case. In the absence of
A A harden must be readucted on time and at	continue participating in a hearing, the hearing shall	1. The complainant, the investigated party or a	a witness who has given his/her statements directly
1. A nearing must be continuously on ante and an unit of the state of	stop for no more than one working day during which	person with related interests or obligations, who is	or sent his/her written statements to the competition
the place as indicated in the development we have used the	the chairman of the Competition Council shall	absent at the hearing, has requested in writing the	case-handling panel, the president of the hearing
hearing of in the libuce of the re-operation of a hearing.	appoint another member of the competition case-	competition case-handling panel to settle the	shall publicize such statements.
	handling panel to replace such person.	competition case in his/her absentia.	2. In the absence of a witness, the competition
2. The competition case-handling panet must		2 The complainant the investigated party or a	case-bandling ganel shall make decision to
directly identify details of a competition case by			
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postpone the hearing or proceed with it; if a witness is absent at the hearing without a plausible reason and his/her absence causes difficulties to the settlement of the competition case, such witness may be ascorted by police to the hearing if it is so	notity the read of the competition-managing agency thereof. Article 110. Time limit for postponement of hearings and making of decisions to postpone hearings	 The unarritation of the competition counted statilisaties internal rules for hearings with the following principal rules: 1. Persons aged under sixteen years shall not be allowed to enter the hearing hall, unless they contact the principal statilises. 	the following details: a/ Major contents of the decision on the opening of the hearing as stated in Clause 2; Article 102 of the Competition Law;
Article 107 The presence of experts 1. Experts must participate in the hearings in	1. Where the competition case-handling panel decides to postpone a hearing under the provisions of Clause 2, Article 73 or Clause 2, Article 55 of the	and summaries of the version ease remaining panel to participate in the hearing. 2. All persons present in the hearing half must stand up when the competition case-handling panel	b/ All happenings in the hearing from the beginning to the end of the hearing; c/ Questions, replies and opinions expressed in the hearing.
response to the summonses of the competition case-handling panel so as to help clarify matters related to the expertise and expertise conclusions. 2. In the absence of an expert, the competition	Competition Law and Articles 103, 105, 107, 107, 108, 109, 117, and Clause 4, Article 123 of this Decree, the time limit for postponement shall not exceed 30 days as from the date of making of such decision.	enter the halt, respect the competition case- handling panel, keep order and comply with the orders of the president of the hearing. 3. Persons may raise questions, reply or express	In the nearing. 2. Except for the recording of the minutes of a hearing, the audio and video recording of the happenings at a hearing may be comducted only when it is so permitted by the competition case-
case-handling panel shall make decision to postpone the hearing or proceed with it. <i>Article 108.</i> • The presence of interpreters 1. Interpreters must participate in the hearings		opinions only when they are permitted by the competition case-handling panel and must do so while standing. They may do so while being seated for health reasons and with the permission of the president of the hearing.	handling panel. 3. After the end of a hearing, the president of the hearing must check the minutes and sign on it together with the hearing cierk.
in response to the stummonses of the competition case-handling panel. 2. Where an interpreter is absent for him/her and there is no substitute, the competition case-	case-handling panel and of other proceeding-' conducting persons; c/ The competition case brought up for settlement;	Article 112 Procedures for issuance of decisions of competition case-handling panels at hearings	4. Proceeding participants may examine the minutes of the hearing immediately effer the end of the hearing, request it to be modified or added and sign on it for certification.
handling panel shall postpone the hearing, unless it is requested by the involved parties to proceed with the hearing. Article 109 The presence of investigators	 d/ Reason for the postponement; e/ Time and place for reopening of the hearing. 3. A decision on the postponement of a hearing must be signed by the president of the hearing on behalf of the competition case-handling panel. 	 A competition case-handling decision must be deliberated and adopted by the competition case-handling panel behind closed doors. Decisions on change of proceeding- conducting persons, experts or interpreters, on 	Article 114 Preparations for the opening of a hearing Bearing Before opening a hearing, the hearing clerk must perform the following tasks:
 The head of the competition-managing agency shall appoint two investigators, at least one of whom has investigated the competition case, to participate in the hearings. For a competition case invested by the 	publicized to the participants in the proceedings and sent to those who were absent at the hearing. 4. Where the competition case-handling panel cannot re-open the postponed hearing at the time and place as indicated in the postponement	stoppage of the settlement of a competition case or on postponement of a hearing must be deliberated and adopted behind closed doors and made in writing. 3. Decisions on other matters shall be	 Publicizing the internal rules of the hearing. Checking and ascertaining the presence or absence of participants in the hearing in response to summonses and notices of the competition case- handling panet; clarifying reasons for any absence.
competition-managing agency under the provisions of Clause 2, Article 65 of the Competition Law if both appointed investigators cannot continue participating in a hearing, the competition case- handling parel shatt postpone the hearing and	decision, it must promptly notify the participants in the proceedings of the new time and place for re- opening of the hearing. Article 111 Internal rules of hearings	deliberated and adopted in the hearing halt and recorded in the hearing's minutes rather than being recorded in separate documents. Article 113 Minutes of a hearing	 Keeping order in the hearing hall. Requesting persons present in the hearing hall to stand up when the competition case-handling panel enter the hall.

 The practicant of the montilation of the compliant, the interglo of the compliant, the interglo of the compliant, the interglo of the compliant of the interglo of the inte	•	•		
 the reaction therefor. <i>Article 117. Consideration of and dicision on posytonement of a hearing in the offorwing order.</i> <i>Article 117. Consideration of and dicision on postponement of a hearing in the offorwing order.</i> <i>Article 117. Consideration of and dicision on postponement of a hearing in the offorwing order.</i> <i>Article 117. Consideration of and dicision on postponement of a hearing in the offorwing order.</i> <i>Article 117. Consideration of an dicision on postponement of the normplainant may add (hisher ophions.</i> <i>Brein y request for the apending point of the investigated party on the ophion of the investigated party or the proson of the investigated party proson of the prove that such or colligations are ordinated or the investigated party present with order or the proson with related interests or colligations are ordinated program and evidence to prove that such or colligations are ordinated party and present with order or the presentation or the proson with related interests or colligations are ordinated party. Parameter or the presentation of the complainant, the investigated party present with order or the presentation of the properties of the complainant, the investigated party present with order or the presentation of the properties of the complai</i>	Article 115 Opening of a hearing	Competition Law: in case of refusal, it must give	the competition case-handling panel shall hear the	 persons specified at Point a. Clause 1 of this Article
 Arricle 117. Consideration of and decision on party presons with related interests or obligations presents the presons When a person who is required to participate in the following order: The lawyer of the completion case- inding para interspectione is any ormediation take. The average of the analycent the investigated party or the presents the presons presents the presons presents the presons. When a person who is required to participate in the following order: The lawyer of the completion case- inding para investigated party order of the harring is the persons. When a person who is required to participate in the preson in the presents the investigated party order presents the presents the properties of the harring is abreat the investigated party order presents the investigated party order presents the provendant such the same presents the provendant such the same presents the provendant such the same presents the properties of the investigated party or present the investigated party or the present and evidence to prove that such the same of returnat. In must give the completion the investigated party or the present and evidence to prove that such the same of the investigated party or the present and evidence to prove that such proposal of the investigated party or the present and evidence to prove that such proposal of the investigated party or the same of returnat. In must give the completion the investigated party or the same of returnat. The investigated party or the same of returnat, the investigated party or the same of returnat. The investigated party or the request and proposal of such measures to make an interests or obligations are such the investigated party or the same of the rearring of the rearring the investigated party or the same of returnat. The investigated party or the resonand induced part and the returnat and the resonand induced part and the returnat and the resonand induced part and the returnat and the reson	.1. The president of the hearing opens the	the reason therefor.	explanations of the complainant, the investigated	shall be replaced with the investigator's report.
 posponement of a hearing in case of absence of	rearing by reading aloud the decision on the		party, persons with related interests or obligations	
 The lawer of the completion presents the completion to reacting parent in a difficult presents the properties of request if there is any completion of the investigated party on the completion of the investigated party on the completion of the investigated party on the prosents if such completion of the investigated party on the completion of the investigated party propersi is grounded and iswit. The completion of the investigated party is section; in case of refusal, it must give the asson therefor. Article T13_Assurance of the impartibility of and moderse is prover that such proposal is grounded and iswit. The investigated party is section; in case of refusal, it must give the asson therefore. Article T13_Assurance of the impartibility of an completion of the completions; The case of refusal, it must give the asson therefore. Article T13_Assurance of the impartibility of an completion of the completion of the investigated party in the resonant of the maximum process. Article T13_Assurance of the impartibility of the completion of the investigated party in the resonant of the maximum process. The case of refusal, it must give the investigated party or proses is grounded and iswith. The investigated party or proses is grounded and iswith. The investigated party persons with related interests or obligations are interests or obligations and interests	opening of the hearing.	postponement of a hearing in case of absence of	. In the following order:	
 Whan a person who is required to participate in the investigated party may add hishine options: and information case in the investigated party presents in the person may add part is grounded and tawful. The person integrates is any complainent to the complainant the investigated party presents is such complainent. The investigated party presents is such complainent to the investigated party in the person integrate in the integrated in chapter of the hearing it there is any complainent of the investigated party in the person integrates is any complainent in the investigated party presents is such complainent. The investigated party may add hishine options: and progress is grounded and tawful. The investigated party in the person integrates is any marked in chapter of the hearing it there is any complainent of the complainent. The investigated party in the person integrates is any marked in chapter of the hearing presents is provided and tawful. The investigated party in the person integrated in chapter of the investigated party in the person integrated in chapter of the investigated party in the person integrated in chapter of the investigated party in the investigated party investigated party person with related interests in the investigated party person with related interests in the investigated party person may prove that such complainer. The investigated party person integrated party person with related interests or obligations from witheses. Where he addimenses is the paralder of the examplation integrated party person with related interests or obligations from witheses. Where he addimense interests or obligations from witheses and proposal and wither in the eveloper and interests or obligations from witheset interests or obligations from witheses. To	C The hearth and the homostilion	persons	a/ The lawyer of the complainant presents the	
 when the present of the investigated and tawfal. The averter of properties the neutring is absend who has the metring, the presents that the investigated party presents that the investigated party presents the neutring is absend who has maring shall ask if there is any resident of the hearing; if hearing; if	2. The rearing distribution in the component	1	complaint of the complainant and evidence to prove	
 a nearing parter must posttome the hearing, there is any compliant may add his/her ophilons case handing parter must posttome the hearing, there is any consident of the hearing, there is any consident of the hearing, there is any consident of the completion case handing parter are express that explores the posttome to the hearing, there is any consident of the completion case handing parter are expressible to accept the new signated party must posttome the hearing the posttome to the hearing start a trans of returns it and decide to accept to accept to accept the according to the portal posttome parter area of the impartiability of the complainert. The investigated party the investigated party in a decide to accept to accept to accept to accept the according to the portal posttome in the complainert, the investigated party the independent accelers to accept to accept to accept to accept to accept the according to the posttome in the complainert, the investigated party the independent accelers to accept the accordinations and proposal accelers to accept to accept to accept to accept the accordination accelers to accept to accept to accept to accept the accordination accelers to accept the acceleration accelerat	sate-handing panel on the presence and anserted		that such comptaint is grounded and tawful. The	of investigation by the competition-managing
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 and evidence is any resident of the hearing shell ask if there is any request sin the postponent of the hearing shell ask if there is any requests in the competition case-handling if there are events in excerning of the person with rotated intervels is such a request, the competition taw and recent is according to the proceaures operating if there is any request and proposal is according to the investigated party, the investigated party on the season therefor. a such a request, the competition case-handling part may add his/her opinions; a such a request in Chapter Voi the anny and the investigated party on the related thereas. a tracter 112. Assurance of refusal, it must give the origination to the complainer, opinions and proposal of the investigated party or integration of approximation taw and proposal of such person with related intervels; on the application of approximation of and and and and and and and and and and	learing in response to the summonses and houces	rail futo the case where the competition case-	h/ The Jawwer of the investigated party presents	the Competition Law, of the investigated party and
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Article 119 Hearing of explanations of the complainant, the investigated party, persons with related interests or obligations 4. For a competition case without a complainant treated interests or obligations 1. To start the settlement of a competition case. 1. To start the settlement of a competition case. Proposal. 1. To start the settlement of a competition case. 1. To start the settlement of a competition case. Proposal.		related interests or obligations from witnesses.	evidence to nove their complaint regisest or	Taurare which could be an entry and and the
Article 119 Hearing of explanations of the complainant complainant, the investigated party, persons with related interests or obligations in the investigated by the competition-managing agency as provided for in Clause 2. Article 55 of a gency as provided for in Clause 2. Article 55 of a gency as provided for in Clause 2. Article 55 of a gency as provided for in Clause 2. Article 55 of the Competition Law, the presentations by the vite two settlement of a competition case.	Where there is a request for change of a			
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Teleform For the settlement of a competition case, the Competition Law, the presentations by the given settlement of a competition case, the Competition Law, the presentations by the given settlement of a competition case, the Competition Law, the presentations by the given settlement of a competition case, the Competition Law, the presentations by the given settlement of a competition case, the Competition Law, the presentations by the given settlement of a competition case, the Competition Law, the presentations by the given settlement of a competition case, the Competition Law, the presentations by the given settlement of a competition case, the Competition Law, the presentations by the given settlement of a competition case, the competition case, the Competition Law, the presentations by the given settlement of a competition case, the competi	interpreter, the competition case-handling panel	complainant the investigated party persons with	4. For a competition case without a complainant	presentations of the other parties and their lawyers.
1. To start the settlement of a competition case, the Competition Law, the presentations by the given agency as provided for in Clause 2. Article 65 of perturbative start the settlement of a competition case, the Competition Law, the presentations by the given start start settlement of a competition case, the Competition Law, the presentations by the given start settlement of a competition case, the Competition Law, the presentations by the given start settlement of a competition case, the competition Law, the presentations by the given start settlement of a competition case, the competition case is a competition case can be competed at the competition case.	must consider and make decision to accept or	complements are interested for a sub-	and investigated by the competition-managing	3. The complainant, the investigated party and
1. To start the settlement of a competition case, the Competition Law, the presentations by the start FoRUM and FORUM.	refuse to accept such request according to the		agency as provided for in Clause 2. Afficle 65 of	nersons with related interests or oblinations may
	procedures specified in Chapter V of the	1. To start the settlement of a competition case.	the Competition Law, the presentations by the	give their replies of their lawyers may give replies
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and they add their opinions. conclusions and grounds Article 122 Questioning of witnesses 2. Proceeding-participatir 1. Where there are more than one witness, they present at the hearing'may display be questioned one after another. 2. Proceeding-participatir 1. Where there are more than one witness, they present at the hearing'may display be questioned one after another. 2. Proceeding-participatir 2. Bafore questioning a witness, the president of the hearing must ask questions clarifying their conclusions or matters contracted the hearing must ask questions clarifying their conclusions or matters contracted to the nearing party and persons with related interests or differences. 3. Where an expert is not put the president of the hearing the hearing may ask for the assistance of his/her 3. Where a witness is a minor, the president of the hearing may ask for the assistance of his/her 4. When a proceeding-or		al The lawyer of the complainant makes a presentation. The complainant may add his/her	stall decide to return to the questioning; after
resses a witness, they er. the president clarifying their in the rests ar in the rests ar e president of nce of his/her	Ausions. Ing-participating persons who are hearing'may give comments on the itusions, raise questions concerning tradictory matters in the expertise matters contradictory to other details tion case.	a/ The lawyer of the complainant makes a presentation. The complainant may add his/her	shail decide to return to the questioning; after
resses a witness, they er. the president clarifying their interests ar interests ar e president of nce of his/her	ing-participating persons who are hearing'may give comments on the iusions, raise questions concerning tradictory matters in the expertise matters contradictory to other details tion case.	presentation. The complainant may and his/her	
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er. the president clarifying their in investigated interests ar e president of nce of his/her	nearing may give comments on the lusions, raise questions concerning tradictory matters in the expertise matters contradictory to other details tion case.	epinions;	argument.
er. the president clarifying their in erests ar in terests ar e president of nce of his/her	iusions, raise questions concerning Mradictory matters in the expertise matters contradictory to other details tion case.	t The formation of the formation of t	
the president clarifying their te investigated interests or e president of nce of his/her	Itradictory matters in the expertise matters contradictory to other details tion case.	u nie lawyers ur une wyesugared party makes	Article 128 The investigated party's final words
clarifying their te investigated interests or e president of nce of his/her	matters contradictory to other details tion case. texpert is not present at the hearing,	a presentatori. The investigated party may and new	When the arguers have finished their
le investigated interests ar e president of nce of his/her	tion case. • expert is not present at the hearing,	ner opinions;	presentations, the president of the hearing shall
interests ar the e president of ex nce of his/her		of The lawyer of the person with related interests	declare to ferminate the armiment
interests of the e president of nce of his/her		or obligations makes a presentation. The person	
th e president of ex nce of his/her		with related interests or oblications may add his/	The investigated party shall be allowed to give
ê	ar the nearing shall publicize the	her oninions	his/her final words. No question shall be raised
	tusions.		when the investigated party gives his/her final
		Where the complainant, the investigated party	words. The competition case-handling panel may
narat anardian ar harabar in Anartianian anak	4. When a proceeding-participating person	 or a person with related interests or obligations has 	request the investigated party not to speak about
	disagrees with the expertise conclusions publicized	no lawyer, helshe may makes a presentation.	mailters irrelevant to the competition case but must
minor. at a hearing ar	at a hearing and request additional expertise or	L c	not limit the speaking time of the investigated sector
4. The president of the hearing shall ask re-expertise, the	re-expertise, the competition case-handling panel	3. FOF a competition case involving no	
	shall consider and make decision to accept or	complainant and investigated by the competition-	If, in his/her final words, the investigated party
	refuse to accept such request; in case of	managing agency as provided for in Clause 2,	discloses new circumstances of importance to the
	te panel shall make decision to	Article 65 of the Competition Law, the presentation	competition case, the competition case-handling
	,	by the complainant's lawyer stated at Point a.	panel shall make decision to return to the
	Compo	Clauce 1 of this Adirle chall he rentared by the	
by them, which are incomplete or conflict to one			-Simoneonh
	Article 124 lermination of the questioning at	presentation by an investigator.	Activity 129 - Defineration before issuind
conflict to the explanations of other persons a nearing		A state dis Decomposition of anti-	decisions on handling convertion more
		Article 120 Presentation of arguments	necesions on narionical companyon cases
•	I. Deiore terminating the questioning at a	1. When giving their assessment of evidence	1. After terminating the argument, the
5. After giving their statements, witnesses shalt hearing, the pre-	hearing, the president of the hearing shall ask the	and everystim their views on the settlement of the	competition case-bandiing papel shall meet hehind
	complainant, the investigated party, persons with		
	reiated interests or obligations, their lawyers and	competition case, the arguers shall pase	cicsed doors to deliberate and issue decisions on
	other proceeding-participating persons if they have	themselves on the tollowing grounds:	handling the competition case.
	any more questions; if there are any questions, the	a/ Documents and evidence already considered	2. During deliberation, members of the
witnesses and their relatives, the competition case- president of the hearing shall	hearing shall consider and make	and examined at the hearing;	comnetition case-handling gapel shall resolve <i>≥l</i> t
handling panel shall decide not to disclose decision to contri-	decisión to continute the ouestioning	h(The results of the association of the hospine:	matters related to the compatition rase by mainriby
information on their relatives and prevent persons			sto Holdom of minority coloring and many moto united
	2. If there is no more question, the president of	2. The president of the hearing must not limit .	vuertioners of finding optimus study make withen
	the hearing shall make decision to move on to the	the time for argument.	
Article 123 - Questioning of experts argument sessio	argument session provided for in Article 125 of this		dossiers.
		Article 127 Return to questioning	3. The deliberation provided for in Clause 2 of
. 1. The president of the hearing shall request		Through argument if deeming that a detail of	this Article shall be based only on documents and
	<i>Article</i> 125 - Order of oreseatetion of armiments	the Mmnetition case has not hean examined vet	and revelopments developments and available and available and available and available and available available a
expertised matter. When presenting, the expert		the second reaction of the second sec	contractive an easy which are and overlined at the second states
may give additional explanations on the expertise 1. The order o	1. The order of presentation of arguments is as	ט מואיטיטטווין כאמוזווונט טו מטוומטומו פיוושווער אומו	ricaling, une results of the questioning at the nearing
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	concentrations.	d/ An act of violation of competition law shall be	4. In addition to sancioning forms societad
	bi Acts of violating provisions on unfair	handled only once, an enterprise that commits more	ö
	competition;	than one act of violation shalt be handled for each	
DECREE No. 120/2005/ND-CP OF		of such acts;	application of one or some of the following
SEPTEMBER 30, 2005, PROVIDING FOR	competition law.	e/ Acts of violation showing criminal signs shall	
HANDLING OF VIOLATIONS OF LAW IN THE	E Article 2 Suthlects of annication	not be handled according to the provisions of this	al Forcible restructuring of enterprises having
		Lectee.	abused their dominant market position;
	organizations and individuals:	2. The handling of acts of violation of provisions	b/ Forcible division, separation of enterprises
THE GOVERNMENT		on untair competition acts shall abide by the	which have been merged or consolidated: forcible
Directant to the December 35, 3004 Jam		principles specified in Clause 1 of this Article and	sale of component(s) which enterprises have
Organization of the Government		Administrative Violence on Handling of	thought;
		August and August	c/ Forcible public rectification:
Pursuant to the December 3, 2004 Competition		3. The handling of acts of violation of other	d/ Forrible removel of illoant in-
Law;	in which to the Configence Law.	provisions of competition law shall ablde by the	Contract or husiness transaction:
Pursuant to the July 2, 2002 Ordinance on		principles specified in Article 3 of the Ordinance	
Handling of Administrative Violations:		on Handling of Administrative Violations.	er rordore use of sale of inventions, utility
	of this Decree.		solutions of industrial designs which have been
At the proposal of the Trade Minister,		Article 4 Forms of handling of violations of	bought and left unused;
	Article 3 Principles for handling violations of	competition law .	th Forcible cancellation of measures of
DECREES:	competition law	1. The forms of headling of violations of	preventing and restraining other enterprises from
	 The handling of acts of violation of provisions 	competition laws comprise samples for the	entering the market or developing business:
Chonler /	on control of competition-restricting acts must abide	remedies	
r iandiano	by the following principles:		for horizon and and and and and and
GENERAL PROVISIONS		2. For each act of violation of competition law.	ectinological conditions which enterprises have
	a/ All acts of violation must be promptly detected.	organizations or individuals shall be subject to one	oastructed;
	The handling of acts of violation must be carried	of the following principal sanctioning forms:	h/ Forcible removal of unfavorable conditions
Article 1 Scope of regulation	out quickly, fairly and thoroughly; all consequences		already imposed on customers:
1. This Decree provides for the handling of	caused by such acts must be re-	a/ Caution;	
Otranizations and individuals that have introdised.		bi Fine.	In religious restoration of contractual terms which
organization and incircled a transformer with the second states of the second sec	by The handling of acts of violation much follows	3. Demending on the native and accordence	nave been modified without plausible reasons;
or an internormal continued acts of Yiuladon of the		violations organizations as a dute of their	j/ Forcible restoration of contracts which have
provisions of competition law.	. are compared in proceeding areas and proceedings	romantition item and item and individuals violating	been cancelled without plausible reasons.
2. Acts of violating competition law under the		competition law may also be subject to the	-
provisions of this Decree include:		application of one of same of the following	Article 5 Levels of fine for acts of violation of
		additional sanctioning forms:	competition law
al Acts of violating provisions on control of	articles of the Competition Law and comply with	al Withdrawal of business registration	
competition-restricting acts, including acts of	the provisions of this Decree;	certificates, deprival of the right to use practice	1. For acts of violation of provisions on control
violating provisions on competition restriction	c/ The handling of acts of violation must be	permits or certificates:	of competition-restricting acts, agencies competent
agreements, abuse of dominant market position,	carried out by competent persons according to their	ht Contraction of astric is	
abuse of monopoly position and economic	Dowers defined by law		specified in Sections 1, 2 and 3, Chapter II of this
•		tur ure commission of the violations,	Decree, which, however, must not exceed 10% of
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	Appendix D-4
OFFICIAL GAZETTE	 d'Agreement to sustain a fixed price rate of the relevant product; e'Agreement to offer no price discount or apply a uniform price discount; e'Agreement to offer no price discount or apply a uniform price discount or apply a uniform price discount. if Agreement to offer no price decrease if other parties to the agreement are not notified thereof; h'Agreement to use a uniform price at the time when price negotiations start. 2. Affine of between 5% and 10% of total tumover generated in the fiscal year preceding the year of commission of acts of violation by each of the acts perified in Clause 1 of this Article in one of the acts specified in Clause 1 of this Article in one of the acts specified in Clause 1 of this Article in one of the acts specified in Clause 1 of this Article in one of the acts specified in Clause 1 of this Article in one of the acts specified in Clause 1 of this Article in one of the acts specified in Clause 1 of this Article in one of the following cases: a' Relevant products or services are food, to disting the year of commission of acts of violation and treatment, which have a combined share of 30% or more on the relevant and trugs, fartilizers, animal feeds, plant protection drugs, plant varielies, animal breeds, and medical and healthcare services; b' Violating enterprises act as organizers, inducing other subjects to participate in the agreement. b' Violating enterprises act as organizers, inducing other subjects to and and dibonal sarctioning farms and remedies: a' Confiscation of the violation, including additional sarctioning additional sarctioning farms and remedies: a' Confiscation of the violation. b' Forcible removal of illegal terms in the commission of the violation.
Công Báo nos te-11 (14-10-2005) OFFICIA	detects signs of viciation of competition law as the viciation of competition law are by oyears as from the date of violation. Competition law are by oyears as from the date of violation of acts of violation. Sufficient of organizations or fact the rigarding by competent are avaited in Clauses 1 of this article. If organizations or individuals commit new acts of violation of competition law are committed or from the time acts of shifting or gomeated in advances of violation of competition law are committed or from the time acts of shifting or gomeated in advances. <i>Chapter II</i> arguint are acts of violation of competition law are committed or from the time acts of shifting or gomeated in advances of violation of competition law are committed or from the time acts of shifting or gomeated in advances. <i>Chapter II</i> Agreem acts of violation of competition law are committed or from the time acts of shifting or gomeated in advances. <i>Chapter II</i> Agreemated or from the time acts of shifting or gommission advances of provision state of the commission of a competition duration of competition duration of competition duration of competition duration of a commission of the finances of agreemant to directly fix prices of products or eaviers and the finance of 30% or more on the relevant market, shall of the finances of agreemant to directly or products or services the finances of agreemant, which have a commission of the finances. <i>Jarket Shall advances of the common of advances of the common of advances of the commuted advances of the commeted and the difficult of the commission of the imposed or one or the relevant market, shall be imposed or one or the commeted and the difficult of the co</i>
OFFICIAL GAZETTE Cong 3áo nos 10-11 (10-10-2005)	 The extant of damage caused by the act of violation. The violators' capability of causing competition restriction. The lime of commission of the act of violation. Froft earned from the commission of the act of violation. Froft earned from the commission of the act of violation. Froft earned from the commission of the act of violation. Froft earned from the commission of the act of violation. Froft earned from the commission of the act of violation. Front earned from the commission of the act of violation. Front earned from the commission of the act of violation. Front earned from the commission of the act of violation. For acts of violations of provisions on control aggravating circumstances and aggravating circumstances specified in Section 6. Chapter III of Decree No. 116/2005/ND-CP of September 15, 2005, detailing the implementation of a number of articles of the Competition Law. For acts of violation of on the provisions of competition Law. For acts of violation of on the provisions of competition law, competition cases, statute of limitations for issuing and aggravating circumstances specified in Article 8 - Statute of limitations for issuing investigation decisions in cases where the competition-managing agency detects signs of violation of competition cases and and agency detects signs of violation of competition cases and and agency detects signs of violation of competition cases.
12 CFFICIAL	 The side lurrover generated by the violating enterprises in the fiscal year preceding the year when the violations are committed. Where the violating enterprise is newly established and has operated for under one fiscal year preceding the year of commission of the violation of the viol

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After a tr, had digenerating the trade of contract and montract, and montract	contract or business transaction concerned.	parties to an agreement, which have a combined	production expansion or improvement of the	according to the provisions of law:
 be intossed for one of the following acts: be along and the variation by each of the interased or and aunity for volume of produces or an elevant market, compared to an agreement, which mittaises or a relevant market, compared to a commission of acts of volution by each of enterprises bring prefersed in the fiscal year of the agreement is the produced, purchased or one of the agreement is the produced, purchased or an expressed in the fiscal year of the agreement with the imposed for one of the agreement is one of the agreement is the imposed for one of the agreement is one of the adreement is one of the agreement is one of the adreement is one of the agreement is one of the agreement is one of the agreement is one			product or service quality or for other expansion or	- Restriction of customers who can purchase
 a Agreement to cut or reduce the produced, ministor or and agreement is compared to mere of preduction of a start of 30% of rotatirumover market, compared to a start of 30% of rotatirumover market, compared to a start of 30% of rotatirumover and sear of the services at a services on a relevant market, compared to a matter with market, compared to a start of 30% of rotatirumover at a services on a relevant market, compared to a matter with market, compared to a matter with market, compared to an early of the produced, by determined and quantity or volume of pockets or a market, shall be imposed for one of the acts synthese of a services at a combined start of 30% or rotation by each of the produced, by determined in the fact of the produced in clause 1 (1) the cases specified in Clause 2. Article 10 of this product or the or and the interprises being partiella to a rear and the cases specified in clause 2. Article 10 of this predict of the cases specified in clause 2. Article 10 of this predict in clause 1 (1) the addition to fines imposed under clauses 1 (1) the cases specified in clause 1 (1) the cases specified in clause 2. Article 10 of this predict of the cases specified in clause 1 (1) the cases specified in clause 2. Article 10 of this predict of the cases specified in clause 1 (1) the cases 1 (1) the case 1 (1) the cases 1 (1) the cases 1 (1) the cases 1 (1) the c	Article 17 Acts of agreement to share outlets,		development.	products for resale, except for products on the list
 any service of molecular of produces on a relevant marker, compared to molecular by reach of enterprises being parters of mile by apprending they acro of enterprises being parters of mile by apprending they acro of enterprises being parters of mile by apprending they acro of an acro mile services on a relevant marker, shall be imposed for one of enterprises and a marker, shall be imposed for one of enterprises and a marker. 2. Anno of the products or services on a relevant marker, compared to mean the acro of unbar according to hyster of a services on the relevant marker, shall be imposed for one of enterprises may be a difficult to reset specified in Clause 2. And/64 100 this parent on the network marker, shall be imposed for one of an acro of unbar according to hyster of acros or and/exist and the acros of violation by each of an acro of a parter of this parent of the acros of acros of a marker, shall be imposed for one of an acro of violation by each of an acro of violation by each of an acros of violation one of a set of violation or acros of violation one of a set of violation or acros of violation one of a set of violation or acros of violatin or acros of violatin or acros of violation or acros of viola	sources of supply of products of services	al Agreement to cut or reduce the produced,	2. A fine of between 5% and 10% of total turnover	of those subject to conditional business or restricted
 An observe and present market, compared to many present and an apprement, which have a combined after an other and appresent, which have a combined after and the products or services and appresent, which have a combined after at of a products or services. An adjectury to the volume or place for a compare at a magnement, which have a combined after at of a products or services. An adjectury to the volume or place for a compare at a magnement, which are additionaby a real of a products or services. An addition to the volume or place for a present of a magnement, which are accompleted after at a factor and the volume or place for a present of a compared at a suprement, which are accompleted after at a factor and the volume or place for a present of a compared at a suprement, which are accompleted after at a factor and the volume or place for a present of a compared at a compared	1. A fine of up to 5% of total turnover generated		generated in the fiscal year preceding the year of	business according to the provisions of law;
 Y violation have according to below. Y violation have according to reare on the produced, purchasaci of and golds on many the produced, purchasaci of and golds on many to violation by acid or an antick. Y violation have according to violation to acid of violation partial or and safe of produces or antick. Y violation be reflect that acid partial to acid acid stant of yords or antick. Y violation to the volume or place for an acid to acid of violation partial to an agreement, which are according to a part of constraints or a case of produces or antick. Y violation to the volume or place for an antick. Y violation to the acid to acid to	in the fiscal year preceding the year of commission		commission of acts of violation by each of	- Restriction of the form and quantity of products
 an agreement, which mer a combined by agreement lofk the produced, purchased or more of the addition of meria of uper administry, and the meria of meria administry of a produced purchased or analysis. <i>Subsection of the olivering addition of the addition of meria of uper addition of meria induced.</i> <i>Anter addition of addition of meria induced.</i> <i>Anter addition of meria and the meria addition of addition of meria and the meria additional sensition of addition of meria market.</i> <i>Anter addition of addit</i>	of acts of violation by each of enterprises being		enterprises being parties to an agreement. which	to be supplied.
 30% create on the relationary dark: 30% create on the relationary dark: 30% create on the relationary dark: 30% creates and sea of products or services, or or generating the year of the advances. 30% creates and sea of products or services, or or generating the year of a dark of chear, unnover a dark of the first search party to the creates and search or and or and search or and sea	parties to an agreement, which have a combined		have a combined share of 30% or more on the	, b/ Agreement binding another enterorise, when
 and for one of the following acts: and selection to the following acts: and selection the volume of the application of acts of volution by each of the application of acts of volution to acts of volutint acts of volution to acts	share of 30% or more on the relevant market, shall		relevant market, shall be imposed for one of the	purchasing or selling a product or service with any
 <i>prement</i> on the volume or place for place 12 Article 10 of this present and the and sevences, or on menission or pareneal in the facel year preceding the year of a and 2 of this Article, violating enterprises being parties being parties to an agreement, which means year and 2 of this Article 10 of this bereat and the addition by each of an agreement. In impose or the addition to fine fine year of the addition to fine a transfer in the fact. That he imposed for eace state of the addition to fine fine year of the addition to fine a transfer in the fact. That are a combined share of 30% or more on the addition to fine fine year preceded in Clause 2. Article 10 of this bereat. and 2 of this Article 10 of this bereat market, shall be imposed for cover of the addition by each of a sepecified in Clause 2. Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this Article 10 of this bereat. and 2 of this article 10 of this be	be imposed for one of the following acts:	fevel sufficient to create their scarcity on a market.	acts specified in Clause 1 of this Article in one of	enterprise being a party to the agreement, to
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and 2 of this Article, violating enterprises may be subject to the application of one or some of the additional sanctioning forms and remedies subject to the application of one or some of the additional sanctioning forms and remedies subject to the application of one or some of the provisions to the additional sanctioning forms and remedies specified in Clauses 3. Article 10 of this Decree. 3. In addition to fines imposed under the amendies and the following cases: Article 17. Acts of collation of the application of one or some of the parties collargo an agreement to windston vertices and the article in the following cases: 3. In addition to the article in the article in the article in the article in the following cases: Article 18. Acts of selling provisions of acts of volds on by acts of collargo and acts of volds on by acts of collargo and acts of rolation by acts of the following cases in the following cases in the following cases in the article in the following cases in the article in the following case of collargo acts in the following case of the following case of collargo acts in the following case of collargo of the following case of the foll	2. A fine of between 5% and 10% of total tu		2. Article 10 of this Decree.	belonging to a group of enterprises having
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of the partners to an agreement to win bad for supply Section 2, ACTS OF VIOLATION OF Inducing other enterprises in the group having dominant positions to jointy commit the violation. of products or provision of services Inducing other enterprises in the group having dominant positions to jointy commit the violation. 1. A fine of up to 5% of lotal turnover generated in the fiscal year of commission of acts of violation by each of enterprises being perducts, providing acts in biddings: Section 2, ACTS OF VIOLATION OF In ducing other enterprises in the group having dominant positions to jointy commit the violation. 1. A fine of up to 5% of lotal turnover generated in the fiscal year of commission of acts of violation by each of enterprises being perducts, providing acts in biddings: In addition to fines imposed under the provisions of the following acts in biddings: addition by each of enterprises being perducts, providing acts in biddings: Article 18 Acts of selling products, providing provisions of the following acts in biddings: I. A fine of up to 5% of total turnover generated in the fiscal year of commission of enterprises having dominant market positions may be subject to the services below total common or the rollowing of the commission of enterprises having dominant market positions in the fiscal year of commission of enterprises having dominant market positions in the fiscal year of commission of enterprises and remedies: add fibrand senter that one or more parties to the agreement with the bidding or retract their bids already submitted in the fiscal year of commission of enterprises having dominant market positions in the fibrane in the fiscal year of commission of enterprises having d	Clause 2. Article 10 of this Decree.	Article 17 Acts of collusion to help one or all		b/ Being the enterprise acting as organizer,
or products or provisions of services or products or provisions of services or products or provisions of pointy commit the violation of the violation of the violation of the following acts of violation by each of enterprises being provisions of a difficient of fines imposed under the provisions of enterprises violation previsions on abuse of products, provisions of fines imposed under the provisions of enterprises violation provisions of a difficient of fines imposed under the provisions of enterprises violation by each of enterprises being provisions or abuse of products, provisions of the following acts in biddings: 4. In addition to fines imposed under the provisions on abuse of provisions on abuse of provisions on abuse of the following acts in biddings: af Agreement to the effect that one or more parties to the bidding or retract their bids already submitted in the bidding or retract their bids already submitted in the bidding or retract their bids already submitted in the bidding or retract their bids already submitted in the fiscal year of commission of and the commission of the violation, including or settact their bids already submitted in the fiscal year of commission of and the violation, including or settact their bids already submitted in the fiscal year of commission of the commission of the violation, including or settact their bids already submitted in the fiscal year of commission of an or some of the violation, including or settact their bids already submitted in the fiscal year of commission of an or some of the violation, including or settact their bids already submitted in the bids of the commission of the violation, including or settact their bids already submitted in the fiscal year of violation by enterprises having dominant the commission of the violation, including or settact the tot mater already submitted in the fiscal year of violation by enterprises having dominant confisca	3. In addition to fines imposed under Clau	or the parties to an agreement to win		Inducing other enterprises in the group having
1. A fine of up lo 5% of lotal turnover generated in the fiscal year of commission of acts of violation by eaach of enterprises being protection by eaach of enterprises violating provisions on abuse of position by eaach of enterprises violating provisions on abuse of provisions of the following acts in biddings:	and 2 of this Article, violating enterprises m		PROVISIONS ON ARTISE OF DOMINANT	dominant positions to jointly commit the violation.
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of acts of violation by each of enterprises being products, providing provisions on abuse of parties to an agreement shall be imposed for one of the following acts in biddings: a/ Agreement to the effect that one or more participation of the following acts in biddings: a/ Agreement to the effect that one or more participation are competitors a/ Agreement to the effect that one or more participation of the following additional services below total costs of production in order to application of one or some of the following acts in biddings: a/ Agreement to the effect that one or more participation are competitors a/ Agreement withdraw from participating in the bidding or retracted in the bidding or retractioning forms and means employed in the bidding or retraction of all profits earned from the violation by enterprises having dominant, confiscation of all profits earned from the violation of a line bidding or acts of violation by enterprises having dominant, confiscation of all profits earned from the violation of a line bidding or acts of violation by enterprises having dominant, confiscation of all profits earned from the violation by enterprises having dominant, confiscation of all profits earned from the violation of all profits earned from the commission of all profits earned from the violation of all profits earned from the second from the commission of all profits earned from the second from the commission of all profits earned from the second from the second from the second from the commission of all profits earned from the second from the commission of all profits earned from the second from the	additional sanctioning forms and reme	5.		An addition to miss imposed under up a provisione of Channel 1 2 and 2 at the Author
Parties lo an agreement shall be imposed for one of the following acts in biddings: Article 18 Acts of selling products, providing dominant market positions may be subject to the application of one or some of the following acts in biddings: a/ Agreement to the effect that one or more parties to the agreement withdraw from participating in the bidding or retracted in the bidding or retracted in the bidding or retraction of ant one or more parties to the agreement win Article 18 Acts of selling products, providing dominant market positions may be subject to the application of one or some of the following acts in biddings: a/ Agreement to the effect that one or more parties to the agreement withdraw from participating in the bidding or retracted in the bidding or retracted in the fiscal year preceding the year of commission of all profits earned from the violation by enterprises having dominant, confiscation of all profits earned from the side afree from the sid	specified in Clause 3, Article 10 of this Decre			provisions of clauses 1, 2 and 3 of unis Article,
of the following acts in biddings: al Agreement to the effect that one or more parties to the agreement withdraw from participating in the bidding or retract their bids already submitted in the bidding or retract their bids already submitted in the fiscal year preceding the year of commission of all profits earned from the or acts of violation by enterprises having dominant, confiscation of all profits earned from the Agreement withdraw from participating additional senctioning forms and remedies: a Confiscation of all profits earned from the Agreement withdraw from participating additional senctioning forms and remedies: Agreement with draw from participating additional senctioning forms and remedies: Agreement with draw from participating additional senctioning forms and remedies: Agreement with draw from participating Agreement with draw from participating Agreement with draw from the Agreement with draw from the draw fr			Article 18 Acts of selling products, providing	dominant market accitized and be aution to the
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a Agreement to use enect that one or more anothened to the of up to 5% of total turnover generated a/ Confiscation of exhibits and means employed in the bidding or retract their bids already submitted in the fiscal year preceding the year of commission of the violation, including so that one or more parties to the agreement win of acts of violation by enterprises having dominant. Confiscation of all profits earned from the or atternant of the second from the parties the agreement win of acts of violation by enterprises having dominant.	the market enterprises not being parties to		eliminate competitors	application of othe or some or the following
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so that one or more parties to the agreement win of acts of violation by enterprises having dominant. Confiscation of all profits earned from the state of the relation the relation by enterprises having dominant.	1. A firm of ino to 5% of total trimover news		1. A fine of up to 5% of total turnover generated	al Confiscation of exhibits and means employed
	in the fiscal year preceding the year of commit		at the listed year preceding the year of commission of acts of violation by entermised braview dominant	for the commission of the violation, including
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pe	4, Article 18 of this Decree.	obstructed.	conformity with normal practices;	of this Decree.
	sanctioning forms and remedies specified in Clause	technological conditions which the enterprises have		one of the cases specified in Clause 3 of Article 18
	application of one or some of the additional	d/ Forcible restoration of technical and		of the acts specified in Clause 1 of this Article, in
_	dominant market positions may be subject to the	entering the market or developing business;		dominant market positions shall be imposed for one
	enterprises violating provisions on abuse of	preventing and restraining other enterprises from		belonging to a group of enterprises having
	provisions of Clauses 1, 2 and 3 of this Article.	c/ Forcible cancellation of measures of	ç	commission of acts of violation by enterprises
	. 4. In addition to fines imposed under the	bought but left unused;	d/ Supplying a product or service only within one	generated in the fiscal year of
• .	of this Decree.	solutions or industrial designs which have been	market;	3. A fine of between 5% and 10% of total turnover
	one of the cases specified in Clause 3 of Article 18	b/ Forcible use or sale of inventions, utility	c/ Stockpiling a product to destabilize the	Article 18 of this Decree.
	of the acts specified in Clause 1 of this Article, in			Article, in one of the cases specified in Clause 2 of
	dominant market positions shall be imposed for one	snecified in Clause 4. Acticle 18 of this Decree:	SERVICE at a level sufficient for weaking a seriory	for one of the acts specified in Clause 1 of this
	belonging to a group of enterprises having	- a/ Additional sanctioning forms and remedies	or rixing are supplied volume of a product of	having dominant market positions shall be imposed
	commission of acts of violation by enterprises	additional sanctioning forms and remedies:	Li Civica the sumalized values of a product of	commission of acts of violation by enterprises
	generated in the fiscal year preceding the year of	application of one or some of the following	is no state of emergency.	generated in the fiscal year preceding the year of
	3. A fine of between 5% and 10% of total turnover	dominant market positions may be subject to the	sabolade: there is no bid technical incident; or there	2. A fine of between 5% and 10% of total turnover
	Arucie 18 of this Decree.	enterprises violating provisions on abuse of	accusacion in any contanta dependitation estatuaria estatuaria estatuaria dependente	
	Article, in one of the cases specified in Clause 2 of	provisions of Clauses 1, 2 and 3 of this Article,	product or service while there is no significant a survivor in the domand errory relation: there is	b/ Fixing the minimum resole price, causing
•	for one of the acts specified in Clause 1 of this	4 to addition to finas imposed under the	compared to the previously supplied volume of the	
	having dominant market positions shall be imposed	Decree,	or service supplied on the relevant market	prices of produces of services, causing variage
	commission of acts of violation by enterprises	cases specified in Clause 3 of Article 18 of this	a/ Cutting or reducing the volume of a product	al imposing irrational purchase prices, sale
	denerated in the fiscal year preceding the year of	substituted in Clause 1 of this Article in one of the	be imposed for one of the following acts:	-
	2. A fine of between 5% and 10% of total turnover	group of enterprises having wormmany market	enterprises having dominant market positions shall	
	advantageous than other enterprises.	COMMISSION OF ACIS OF VIOLATION AY ENTERPITISES OF A	market positions or each enterprise of a group of	group or enterprises naving commany menor cositions shall be imposed for one of the following
	enterprises in a competition position more	generated in the fiscal year preceding the year of	of acts of violation by enterprises having dominant	market positions or each enterprise belonging to a
	value or characteristics so as to place one or some	3. A fine of between 5% and 10% of lotal turnover	in the fiscal year preceding the year of commission	of acts of violation by enterprises having dominant
	or selfing products or services which are similar in		1. A fine of up to 5% of total turnover generated	in the fiscal year preceding the year of commission
	deadline and durantity in transactions of purchasing	Anicle, in one of the cases spectred at oracse z of static 10 of this Doctor	developments, causing damage to customers	1. A fine of up to 5% of total turnover generated
	discriminating against outer enterprises regarding	for one of the acts specified in Ulause 1 of unis	obstructing technical and technological	
	positions shall be imposed for their acts of	having dominant market positions shall be imposed	distribution of products, services, limiting markets,	minimum re-sale prices, causing variage to
	group of enterprises having dominant market	commission of acts of violation by enterprises	Article 20 Acts of restricting production.	prices, sale prices of products or services of fixing
	market positions or each enterprise belonging to a	generated in the fiscal year preceding the year of	4. VINCIE 10 OI 11/2 COMOC.	Article 19 Acts of imposing irrational purchase
	of acts of violation by enterprises having dominant	2. A fine of between 5% and 10% of total turnover	sanctioning forms and remedies specified in Ulause	-
	in the fiscal year preceding the year of commission	development to stop or cancel such research.	application of one or some of the additional	dominant market positions.
	 1. A fine of up to 5% of total turnover generated 	doing a research for technical or technological		c/Forcible restructuring of enterorises having
	order to create unfair competition	g/ Threatening or compelling those who are	enterprises violating provisions on abuse of	contract or business transaction concerned;
	conditions under similar transaction conditions in	industrial design for destruction or non-use;	provisions of Clauses 1, 2 and 3 of this Article.	b/ Forcible removal of illegal terms in the
	Article 21 Acts of imposing different trading	f/ Buying an innovation, utility solution or	4. In addition to fines imposed under the	commission of the violation;
	Article 21. Acts of imnosing different trading	a Duving on Internation of Additive Columbian of	off repair brokeni and a transfer	
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of acts of violation by merging enterprises and	customers;	rendering competitors unable to enter the market,	performance.
in the fiscal year preceding the year of commission	osing unfavorable conditions on	cl Selling products at prices sufficient for	more obligations unnecessary for the contract
1. A fine of up to 5% of total turnover generated		shops not to distribute products of new competitors;	designated supplier or person or to perform one or
enterprises	, Article 22; and Clause 1, Article 23 of	by Threatening of forcing distributors and retail	enterprise peing a party to the agreement, to purchase apother product or service from a
Article 25. Banned acts of merger of	ar Acts spectified in Clause 1, Article 15, Clause 1, Article 19; Clause 1, Article 20; Clause 1, Article	al Requesting one's customers not to enter into transactions with new commetions.	from or selling products or services to any
CONCENTRATIONS		acts;	b/ Binding other enternaises when purchasing
SECTION 3. ACTS OF VIOLATION OF PROVISIONS ON ECONOMIC	positions shall be imposed for one of the following acts:	group or enterprises having dominant market positions shall be imposed for one of the following	 Restrictions on the form and quantity of products allowed to be supplied.
	of acts of violations by enterprises having monopoly	market positions or each enterprise belonging to a	of law;
been cancelled without plausible reasons.	in the fiscal year oracreding the year of commission	of acts of violation by enterprises having dominant	to restricted business according to the provisions
If Forcible restoration of contracts which have	4 A Gara advise to 4000 - Etected to	in the fiscal year preceding the year of commission	subject to business conditions and goods subject
have been modified without plausible reasons;	Article 24 Acts of abusing monopoly positions	1. A fine of up to 5% of total turnover generated	for resale, except for goods on the list of those
e/ Forcible restoration of contractual terms which		irom entering the market	· Restrictions on customers that buy products
already imposed on customers;	served in y lotins and remedies specified in Clause 4. Article 18 of this Derrea	Article 23 Acts of preventing new competitors	business according to the provisions of law:
d/ Forcible removal of unfavorable conditions	application of one or some of the additional		business conditions and occess subject to
obstructed;	dominant market positions may be subject to the	4. Article 13 of this Decree	 Restrictions on places for resale of products,
technological conditions which the enterprise have	enterprises violating provisions on abuse of		· • • • • • • • • • • • • • • • • • • •
c/ Forcible restoration of technical and	provisions of Clauses 1, 2 and 3 of this Article,		ure agents according to the provisions of law on
contract or business transaction;	4. In addition to fines imposed under the	enterprises violating provision	services not directly related to the commitments of
b/ Forcible removal of illegal terms from the	Decree.		other products: purchase or provision of other
profits earned from the commission of the violation:	cases specified in Clause 3 of Article 18 of this		- Restrictions on production or distribution of
for the commission of the violation, including all	specified in Clause 1 of this Article, in one of the	ol uns necrea.	or sale:
a/ Confiscation of exhibits and means employed	positions shalf be imposed for one of the acts		signing contracts for product or service purchase
additional sanctioning forms and remedies:	group of enterprises having dominant market		al Imposing the following pre-conditions before
to the application of one or some of the following	commission of acts of violation by enterprises of a	dominant market positions shall be imposed for one	acts:
abusing their monopoly positions may be stabled	denerated in the fiscal year preceding the year of		positions shall be imposed for one of the following
 III addition to lines imposed under the provisions of Clause 1 of this Addition out-out-out-out-out-out-out-out-out-out-			group of enterprises having dominant market
acing any penalty.	Article, in one of the cases specified in Clause 2 of Article 18 of this Doctor	l 3. Alifie of activeen 3% and 10% of lotal jumover Appendiation the fiscal vest proceeding the unstat	ur acts of violation by Enterplises naving dominant market nositions or each entermise belonsion to a
continued performance of the contract, without	for one of the acts specified in Clause 1 of this		in the fiscal year preceding the year of commission
related to the conditions necessary for the	having dominant market positions shall be imposed	Article 18 of this Decrees specifica in Glause 2 of Article 18 of this Decree.	1. A fine of up to 5% of total turnover generated
contracts on the basis of one or more grounds not	commission of acts of violation by enterprises		
d/ Unitaterally modifying or canceling signed	generated in the fiscal year preceding the year of		to, accept obligations not directly related to the
customers thereof and without facing any penalty.	2. A fine of between 5% and 10% of total turnover		or products or services or forcing other enterprises
contracts without having to notify in advance	in Clause 1, Article 19 of this Decree.		enterprises to sign contracts for purchase or sale
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2. A fine of between 5% and 10% of total tumover	enterprises; b/Forcible division or separation of consolidated enterprises.	Article in cases where their joint ventures have resulted in significant product or service price increases on the relevant market.	20,000,000 shall be imposed for acts of misleading indication specified in Clause 1 of this Article in one of the following cases:
	Article 27 Banned acts of acquisition of	 In addition to fines imposed under the provisions of Clauses 4 and 2 of this Article init. 	 a/ Relevant products or services are those specified at Point a. Clause 2. Article 10 of this
ел	ω	venture enterprises may have their business	
	1. A fine of up to 5% of total turnover generated	registration certificates withdrawn.	b/ Products or services are circulated or supplied
imposed for acts of merger specified in Clause 1 in the fiscal of this Article in cases where merging enterprises of acts of y	in the fiscal year preceding the year of commission of acts of violation by accuuring enterprises shall	Article 29 Acts of failure to notify economic	in two or more provinces or centrally run cities;
	be imposed for acts of acquisition of part or all of	concentrations	3. In addition to fines imposed under Clauses 1
3. In addition to fines imposed under the assets of	assets of other enterprises banned under the	A fine of between 1% and 3% of total turnover	and 2 of use Armer, violanty enterprises may be subject to the apprintion of one or some of the
	provisions of Article 18 of the Competition Law.	generated in the fiscal year preceding the year of	following additional sanctioning forms and
	A fine of between 5% and 10% of total turnover	commission of acts of violation by enterprises	remedies:
d enterprises and merging	generated in the fiscal year preceding the year of	specified in Clause 1, Article 25, Clause 1, Article	a/ Confiscation of exhibits and means employed
ones as perore merger.	commission of acts of violation by acquiring	25; Clause 1, Article 27; and Clause 1, Article 28 of	for the commission of the violation, including all
26 Banned acts of consolidation of	enterprises shall be imposed for acts of acquisition specified in Clause 1 of this Article in cases where	uns betree shall be imposed for acts of economic concentration without performing the obligation to	profits earned from the commission of such
ertierprises acquiring ei	acquiring enterprises compel acquired enterprises	notify thereaf under the provisions of Article 20 of	Viotauori, 67 maaatri - aatri - aatri - aatri - ta
1. A fine of up to 5% of total turnover generated to self all or	to self all or part of their assets.	the Competition Law.	or Forciole public recurcation.
in the fiscal year preceding the year of commission 3. In ac of acts of violation by consolidated enterprises shall	3. In addition to fines imposed under the	Section 4. ACTS OF VIOLATION OF	Article 31 Acts of infringement upon business secrets
	acquiring enterprises may be forced to self the	PROVISIONS ON UNFAIR COMPETITION	1 A fine of hetween VND 5 000 non and VND
we provisions of Auctor 10 of the Competituar Law. assets that	assets that they have acquired.	Article 30 - Acts of misleadino indiration	10.000.000 shall be imposed for one of the
2. A fine of between 5% and 10% of total turnover			following acts:
ent	Article 28 Banned acts of joint venture among erorises	1. A fine of between VND 5,000,000 and VND	a/ Accessing and collecting information
		10,000,000 Shak be kniposed for one of the	belanging to business secrets by conneraction the
enterprises shalf be imposed for acts of merger 1. A fine	1. A fine of up to 5% of total turnover generated	totiowing acts:	security measures applied by lawful owners of such
	in the fiscal year preceding the year of commission	a/ Using instructions containing information	business secrets;
	or acts of violation by each party to the joint venture	causing confusions about trade names, business	b/ Disclosing, using information belonging to
	of our of all of accepting other enternation because	mortoes, pusiness logos, packings, geographical	business secrets without permission of owners of
3 in addition to fines imposed under the undertheor	under the provisions of Article 18 of the Competition	indications to mistered customers about goods of services of their own and other anthemician for the	such business secrets;
			c/ Breaching security contracts or deceiving or
	2. A fine of between 5% and 10% of total himover		taking advantage of the trust of persons having the
application of one or some of the following generated in	denerated in the fiscal year preceding the year of	w irading in products or services using misterding indinations of constraint of Date 2, 24	security duty in order to access, collect or disclose
additional sanctioning forms and remedies: commission	commission of acts of violation by each party to	this clause mucators as specified at FORM a O	information belonging to business secrets of
a/ Withdrawal of business registration the joint ver	the joint venture concerned shall be imposed for		owners of such ousiness secrets;
certificates already granted to consolidated acts of joint	acts of joint venture specified in Clause 1 of this	2. A fine of between VND 10,000,000 and VND	d/ Accessing, collecting information belonging
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 OFFICIAL to business secrets of other parsons when such persons carry out procedures according to the previsions of law on business, carry out procedures for product circulation. of product circulation or by counteracting the security measures applied by state agencies, or using such information for the brindenses purposes or for application for licenses relating to business or product circulation. A fine of between VND 10,000,000 and VND 20,000,000 and the following cases: J Using business secrets for production and circulation of products or products or products or products or provision of services in WD circulation of products or provision of services in WD control products or provision of services in WD configures of owners of such business secrets. J Using business secrets for production and circulation of products or provision of services in WD configures of owners of such business secrets. J Using business secrets for production and circulation of products or provision of services in WD configures of owners of such business secrets. J Using business secrets for production and circulation of fines imposed under Clause 1 of this Article. J addition to fines imposed to acts of constraint of the confistence or production. A fine of between VND 5,000,000 and the terret for the enterprises by threatening or foracting the imp

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OFFICIAL GAZETTE	 by Causing disturbances at hearings. by Causing disturbances at hearings. 2. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed for one of the acts specified in Clause 1 of this Article in cases where disclosed information or documents are specially important for the correct settlement of competition cases. 3. In addition fines imposed under Clauses.1 and 2 of this Article, violating organizations or individuals shall have exhibits and means erriployed for the commission of their violations confiscated. 3. Article 41 Acts of agreement on competition restriction. Article 41 Acts of agreement on competition restriction or economic concentration committed before exemption-granting decisions are issued by competent agencies. 1. A fine of between VND 30,000,000 and VND 30,000,000	
Công Bảo nos 10-110-2005) OFFICIAI	 Arricle 39- Acts of violation of provisions on supply of information and documents 2. A fine- 1. A caution shall be served or a fine of between 3.000.000 s 2. Not 5500.000 and VND 1.000.000 shall be finposed for fin for one of the following acts: 3.000.000 s 4. Failing to supply or supplying insufficient information and documents later information and documents and the frequest of competent agencies; d' Fortigo the supplying fiste information or documents; d' Fortigo the supplying information or documents; d' Fortigo the supplying information or documents; d' Fortigo the supplying information and documents; d' Fortigo the supplied in Clauses 1 of this Article in cases where the supplied of the supplied in supply sufficient information and documents. 3. In addition to fines imposed to the supplied to be supplied to be supplied in supply sufficient information and documents. Article 40 Acts of violation of other provision and documents. Article 40 Acts of violation of other provision and documents. Article 40 Acts of violation of other provision and documents. Article 40 Acts of violation of other provision and documents. Article 40 Acts of violation and documents. Article 40 Acts of v	
OFFICIAL GAZETTE 65ng Báo nos 10-11 {(0-10-2005) ¹	 Government's Decree No. 110/2005/ND-CP of August 24. 2005, on management of multi-level sale. d' Not committing to allow participants to return products and receive the sums of morey already transferred to the enterprises as provided for in Article 11 of the Government's Decree No. 110/2005/ND-CP of August 24. 2005, on management of multi-level sale. e/ Obstructing participants to return products as result of termination of contracts for participation in multi-level sale: e/ Obstructing participants commissions, bonuses or other economic benefits which are gained mostly from the enticement of other people to participate in the multi-level sale. f/ Giving participants commissions, bonuses or other economic benefits which are gained mostly from the enticement of other people to participate in the multi-level sale. f/ Supplying false Information on the benefits of the participate in the multi-level sale. f/ Supplying false Information on the henefits of the participate in the multi-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Supplying false Information on the nature and utili-level sale. f/ Soft the Article in the multi-level sale. f/ Soft this Article in the multi-level sale. f/ Article 30 of this Article in the multi-level sale of this Article in the or some of additional	
26 OFFICIAL	 al Refusing to admit enterprises. eligible for admission or refusing to allow enterprises to August 24. withdraw from the associations in a discriminatory sele; way placing such enterprises at a competitive drive drive advantage; bl Irrationally restricting business activities of member drive in the associations by Irrationally restricting business activities of member drive in the other business-related activities of member drive in the introverses. 2. A fine of between VND 50,000,000 and VND 70 from the entitlewel suffactions, causing three exolutions. 2. A fine of between VND 50,000,000 and VND 70,000,000 and VND	

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B-4-9

Article 44 Powers of the chairman of the Chapter III of the Government's Decree No. 116/ Competition Council 2005/ND-CP of September 15, 2005, detailing the The chairman of the. Competition Council shall 2005/ND-CP of September 15, 2005, detailing the The chairman of the. Competition Council shall implementation of a number of articles of the have powers to decide to apply, change or sancel Article 48 Procedures for application, change administrative preventive measures after receiving Article 48 Procedures for application, change Article 45 Powers of other agencies measures	is' powers to sanction acts of one on unfair competition related erty rights shall be defined under aw on handling of administrative CEDURES FOR HANDLING 5 OF COMPETITION LAW cedures for handling of violations	or handling of violations of mprise the following procedures: for handling of violations of ol of competition-restricting acts and nistrative preventive measures. If andling of violations of other attion law. Annolling of violations of other edures for handling of violations acts of violation of provisions ition-restricting acts and unfair low the order and procedures edings provided for in Chapter in Law and the provisions of
managing agency and its head Articit 1. For acts of violation of provisions on unfair Competition and other acts of violation of other provisions of competition law specified in Section 5. Chapter II of this Decree. the competition- managing agency shall have the following powers: a' To issue cautions; Article	 b/ To impose fines: c/ To confiscate exhibits and means employed vio in the commission of violations: d/ To force violators to make public rectification. the force violators to make public rectification. 2. The head of competition-managing agency shall have powers to decide to apply, change or cancel administrative preventive measures pending transfer of competition case dossiers to the Competition Council for handling. Artricle 43 Powers of the Connetition Council. 	 if or the Trade Article 43 Powers of the Competition Council, Procedures 16 Competition case-handling panels for acts of violations of provisions on control of competition law contrast net exceed 3% competition-restricting acts, the Competition for acts of joint are the following powers: of ouncil and competition case-handling panels shall have the following powers: of violation by joint have the following powers: of or acts of joint the the provisions on control of competition by joint have the following powers: of or acts of joint the provisions of provisions on control of competition by low the set the following powers: 1. To issue cautions. 2. To impose fines. 3. To confiscate exhibits and means employed the provisions of competition by the star. a for acts of joint the commission of violations. 3. Procedures for acts of joint the commission of violations. 5. To confiscate exhibits and means employed to the provisions on control decisions by the star. a for acts of provisions of violations. 5. To confiscate exhibits and means employed to the provisions on control in the commission of violations. 5. To request competent agencies to withdraw business registration certificates; to deprive of the the row business registration certificates; to deprive of the the row business registration certificates or permits. 6. To request competent agencies to apply measures specified at Points a and b, Clause 4, the Acticle 4, the Competition must for measures specified at Points a and b, Clause 4, the Competition proce or competition proceed at the the the the the the the the the th
	decisions by the Prime Minister or the Trade Minister. 4. A fine of between VND 30,000,000 and VND 50,000,000, which, however, must not exceed 3% of lotal turnover generated in the year preceding the year of commission of acts of violation by acquiring enterprises, shall be imposed for acts of acquisition eligible for exemptions under the provisions of Article 19 of the Competition Law, pending the issuance of exemption-granting decisions by the Prime Minister or the Trade	accisions by the Prime Minister or the Trade Minister. 5. A fine of between VND 30,000,000 and VND 50,000,000, which, however, must not exceed 3% of total tumover generated in the year preceding the year of commission of acts of violation by joint venture parties, shall be imposed for acts of joint venture eligible for exemptions under the provisions of Article 19 of the Competition Law, pending the issuance of exemption-granting decisions by the Prime Minister or the Trade Minister. Chapter II Chapter III COMPETENCE, PROCEDURES FOR HANDLING VIOLATIONS OF COMPETITION LAW Section 1. COMPETENCE TO HANDLE VIOLATIONS OF COMPETITION LAW Article 42 Powers of the competition-

	representative of the violating organization;	time limit, persons with handling competence must	agencies within 3 working days after the date such	Clause 1 or Clause 2 of this Article. if the handle
	i/ Full names, addresses of witnesses, damaged	not issue violation-handling decisions. If violation-	decisions are issued.	organizations or individuals fail to voluntarily como
	persons or representatives of damaged	handling decisions are not issued within this time		with the decisions forcible execution of such
—	ons (if any).	limit due to their faults, they shall be handled	Article 52 Transfer of dossiers in cases where	decisions shall be anniad to them under th
	2. A record much he made in at least the second	according to the provisions of law.	competition cases show criminal signs	provisions of Articles 55 and 56 of this Decree
	 A record fillust us fillade fill at reast two cupies, and simped by its maker and the violation individual 		If seeing that acts of violation show criminal	
	are the removementative of the violation emergence.	Article 51 Decisions on handling violations of	sions, competent agencies must transfer dossiers.	Article 54 Place of payment of fines
	investigation of the primary of the	other provisions of competition law	exhibits, and means employed in the violations to	Organizations and inclividuals that are fined
	representatives of damaged ormanizations such	1. A decision on handling a violation of other	criminal proceeding-conducting agencies	under competition case-handling decisions
	persons must also sime the record: where a record	provisions of competition law shall contain the		decisions on handling of violations of othe
	consists of many pages. The persons mentioned in	foltowing details: .	Competition Law. Where violation-handling	provisions of competition law must pay fines a
	this Clause must sign on each of such pages. If	al Date of issuance of the decision.	decisions have been issued, the issuing agencies	State treasuries as indicated in such decisions.
	the violating individual, the representative of the	h/ Full name and nositing of the devision maker	must issue decisions to cancel such decisions.	
	violating organization, a witness, a damaged		Within 3 working days after canceling violation-	Article 55 Forcible execution of competition
	person or a representatives of a damaged	. C/ Full name, address and occupation of the	handling decisions, the issuing agencies must	case-handling decisions
	organization refuses to sign the record, the record	Violating individual of name and address of the	transfer dossiers of the violations to criminal	1. After the expiration of the time limit specified
	maker must clearly write the reason therefor in the		proceeding-conducting agencies.	in Clause 1, Article 53 of this Decree, i
	record.	d/Act of violation; circumstances related to the	:	organizations or individuals handled for violations
ŀ	4 One conv of the completed record must he	settlement of the violation; applied articles and	Saction 3. PROCEDURES FOR EXECUTING	fail to voluntarity comply with competition case.
	handed to the violating individual or organization	clauses of legal documents;	COMPETITION CASE-HANDLING DECISIONS,	handling decisions or do not initiate lawsuits before
	if the violation falls beyond the handling power of	e/ The principal sanctioning form, additional	DECISIONS ON HANDLING VIOLATIONS OF	courts under the provisions of Section 7, Chapter
1	the record maker, helshe must send the record to	sanctioning form (if any), remedies (if any);	OTHER PROVISIONS OF COMPETITION LAW	V of the Competition Law, the parties in favor of
	a competent person for handling.	If Time and place for execution of the decision		whom the decisions are executed may make written
		and signature of the decision maker;	Article 53 Compliance with competition case-	requests, asking competent agencies defined in
	Article 50 Time limit for issuance of decisions	g/ The right to complain about the decision	handling decisions, decisions on handling	Clause 2 or 3 of this Article to organize the
	on handling violations of other provisions of	according to the provisions of law.	violations of other provisions of competition law	execution of the decisions which fall within the
	competition law	2. Decisions on handling violations of other	1. Enterprises handled for violations must	scope of the functions, tasks and powers of such
	1. The time limit for issuance of derisions on	provisions of law must clearly state that the handled	comply with competition case-handling decisions	agencies.
	handling violations of other provisions of	individuals or organizations shall be forced to	of competition case-handling panels or the	2 Competent acencies shall have to withvira
	competition law is 10 days as from the date of	execute the decisions if they do not voluntarily	competition-managing agency within 30 days as	husiness registration restificates. Aminuted
	making of records on the violations; this time limit	comply with them.	from the date such decisions take legal effect.	practice permits or certificates they have oranted
⁻	shall be 30 days for complicated cases.	3. Decisions on handling violations of other	2. Organizations or individuals handled for	to the enterprises violating provisions of competition
	9. Whore it is nancessar is have more time for	provisions of taw shall take effect from the date of	viotations of other provisions of competition law in	law at the request of competition case-handling
,	2. Where it is necessary to have more under to workform and collocitor outdowed compation	their signing, unless other effective dates are	Section 5, Chapter II of this Decree must comply	panels made in competition case-handling
	verinying and correcting evidence, cumperant	indicated therein.	with decisions on handling violations of other	decisions.
	immediate superiors ack for nemolection to extend	4. Devisions on handling violations of athors	provisions of competition law within 10 days as from	2 Other states to the second s
	this time limit only once for no more than 30 days:	Travisions of law must be sent to bendlod	the date they are handed over such decisions.	 Unter competent againers shall have to consist the combation of the following measures.
	extension must be decided in writing Beyond this		3 At the evolution of the time limit coorified in	
		nterviewers of organizations and mile-collecting		loced restructuring of enterprises abusing
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OFFICIAL GAZETTE 31	Minetic Decree Chapter V Imber of articles MPLEMENTATION PROVISIONS Imber of articles MPLEMENTATION PROVISIONS Imber of articles Article 62- Implementation effect Implaints about This Decree takes effect 15 days after its bublication in CONG BAO. Article 63- Implementation responsibilities This Decree takes effect 15 days after its bublication of this Decree. Impontions of the provisions of the downment this presidents of the downment the trave the related model to the downment the trave the related to the down the down the trave the related to the down the do
Cáng Báo nos 10-11 (10-10-2005) OFFICIA.	 Section 10. Chapter III of the Government's Decree No. 116/2005/ND-CP of September 15, 2005, detailing the implementation of a number of articles of the Competition Law. Article 59 Settlement of complations of other provisions of competition law, decisions on application of administrative preventive measures. The settlement of complatins about decisions on handling violations of competition law, decisions on application of administrative preventive measures shall comply with the provisions of law on complaints and denunciations. Article 60 Settlement of denunciations on acts of violations. Article 60 Settlement of denunciations of denunciations. Article 60 Settlement of denunciations and denunciations. Article 61 Initiation of administrative lawsuits and violations of romplaints and denunciations. Article 61 Initiation of administrative lawsuits are violations of completition law in the provisions of law on complaints and denunciations. Article 61 Initiation of administrative lawsuits are violations of completition law in the provisions of recess of handling decisions of Article 61 Initiation of administrative lawsuits and denunciations. J. If disagreeing with complaint-settling decisions of competent agencies under the provisions of competent agencies under the provisions of administrative lawsuits concerning some or all of the contents of such decisions of competent agencies under the provisions of and decisions of competent agencies under the provisions of administrative lawsuits concerning some or all of the contents of such decisions of competent agencies under the provisions of Article 59 of this Decree, the related parties may initiate administrative lawsuits concerning some or all of the contents of such decisions of competent agencies under the provisions of Article 59 of this Decree, the related parties may initiate administrative lawsuits concerning some or all of the contents of such decisions a
LAZETTE Cáng Báo nas 10-11 (10-10-2005)	 representatives may lodge complaints with competent agencies about competition case-handling eccisions or decisions on handling eccisions of other provisions of competition law violations and harmful to their legitimate rights and interests. 2. Organizations or individuals subject to the application of administrative preventive measures may lodge complaints with competiton council or the head of the competition of such measures issued by the chairman of the Competition Council or the head of the competition of such measures issued by the chairman of the competition council agencies issued by the chairman of the competition council or the head of the competition council or the head of the competition of such measures issued by the chairman of the competition council or the head of the competition council agencies acces of violations of competition law, the agencies acces of violations of competition law, the agencies, organizations or individuals. 3. Every clitzen may denounce to competent agencies of agencies, organizations of mandling of violations of competition law, thus affecting the prestiges of the number access of agencies, organizations or individuals. 4. All organizations or individuals that have made untruthful complaints or denounced persons shall be handled according to the completion. case-handling decisions issued by competition case-handling decisions issued by competition case-handling agency shalt comply with the provisions of section factor the accellance of the complaints about competition case-handling gency vial complaints about complaints apout competition case-handling decisio
32 OFFICIAL GAZETTE	 dominant market positions, division or separation of merged or consolidated eiterprises or forced an entry est of merged or consolidated eiterprises or forced and entry mandling panels made in the request of competition-rase-handling decisions. 4. Civil judgment entiorcement agencies of grounds to be provinces or centrally run cities where the parties that must competition case-handling decisions have their head offices. Places of and harmulat decisions have their head offices. Places of application of restdence or property related offices. Places of application of the execution of vocances or contrally run cities where the parties in favor of accompetition are execution of such decisions are execution of the provisions of the parties in favor of application of may lodge competition law whom such decisions are executed for no the final of the complex with decisions are executed for no the final of the complex with decisions or handling of administrative violations and berrer No subject to forcible execution of the condition for head offices. Supplication of mergen or his procedures for administrative violations and berrer No subject to forcible execution of the condition for procedures for a decisions are violations. After the expiration for mercedures for administrative violations. After the condition for procedures for decisions are violations. Article 55 Complexing of Administrative violations. Article 57 Complexing and for administrative violations. Article 57 Complexing and for agencial administration and violations. Article 57 Complexing and for agencial administration administration are violations of competition advisitions. Article 57 Complains, demonstration administration administrati

Appendix B-4

B-4-12

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Công Bảo nos 10-11 (10-10-2005)

OFFICIAL GAZETTE

Section 10, Chapter III of the Government's Decree No. 116/2005/ND-CP of September 15, 2005, detailing the implementation of a number of articles of the Competition Law.

Article 59.- Settlement of complaints about decisions on handling violations of other provisions of competition law, decisions on application of administrative preventive measures

The settlement of complaints about decisions on handling violations of other provisions of competition law, decisions on application of administrative preventive measures shall comply with the provisions of law on complaints and denunciations.

Article 60 .- Settlement of denunciations

The settlement of citizens' denunciations on acts of violation committed in the process of handling of violations of competition law shall comply with the provisions of law on complaints and denunciations.

Article 61.- Initiation of administrative lawsuits

1. If disagreeing with complaint-settling decisions of competent agencies under the provisions of Article 58 of this Decree, the related parties may initiate administrative lawsuits concerning some or all of the contents of such decisions according to the provisions of Article 115 of the Competition Law.

2. If disagreeing with complaint-settling decisions of competent agencies under the provisions of Article 59 of this Decree, the related parties may initiate administrative lawsuits concerning some or all of the contents of such decisions according to the provisions of law on complaints and denunciations and procedures for settlement of administrative cases.

Chapter V

IMPLEMENTATION PROVISIONS

Article 62.- Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO."

Article 63.- Implementation responsibilities

1. The Trade Minister shall have to organize the implementation of this Decree.

 Ministers, heads of ministerial-level agencies, heads of Government-attached agencies, and presidents of People's Committees of provinces and centrally run cities shall have to implement this Decree.

Ón b	ehalf of the Government					
	Prime Minister					
	PHAN VAN KHAT					

DECREE No. 121/2005/ND-CP of September 30, 2005, detailing and guiding the implementation of a number of articles of the Law on Emulation and Commendation and the Law Amending and Supplementing a Number of Articles of the Law on Emulation and Commendation

This Decree takes effect 15 days after its publication in "CONG BAO."-

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GOVERNMENT

No : **05**/2006/N§-CP SOCIALIST REPUBLIC OF VIET NAM Independence - Freedom - Happiness

*H*μ *N*éi, *January* 9, 2006

DECREE

On establishment, functions, duties, powers and organizational structure of Vietnam Competition Council

GOVERNMENT

Pursuant to the Law on Organization of the Government dated 25 December 2001;

Pursuant to the Law on Competition dated December 3, 2001;

Pursuant to the Decree No 86/2002/NĐ-CP dated November 05, 2002 by the Government on functions, duties, powers and organizational structure of ministries, ministerial-level agencies;

Pursuant to the Decree No 29/2004/NĐ-CP dated January 16, 2004 by the Government on functions, duties, powers and organizational structure of the Ministry of Trade;

Upon the request of the Minister of Trade,

DECREE :

Article 1. Establishment of Vietnam Competition Council

Vietnam Competition Council shall be established. Its transaction name in English shall be Vietnam Competition Council, which shall be abbreviated as VCC.

The Vietnam Competition Council shall have the legal status, a stamp imprinted with the national coat of arms, be allowed to open its bank account in the State Treasury as stipulated by law.

The fund for the operation of the Vietnam Competition Council shall be allocated from the state budget and prepared in the annual estimated budget of the Ministry of Trade.

Article 2. Position and function

The Vietnam Competition Council is an independent executive agency, has the function of handling limited competition acts.

Article 3. Duties and powers

The Vietnam Competition Council shall have the following duties and powers:

1. to organize the handling of affairs related to limitted competition acts as stipulated by law.

2. to establish a Council for handling competition cases which will handle a concrete case

3. to request the concerned organizations, individual people to provide information, documents needed to implement the assigned duties.

4. to decide on application, change, abolishment of administrative prevention measures after receiving a file of competition case as stipulated by law.

5. to handle complaints, denouncements against competition cases related to limitted competition acts as stipulated by law.

6. to do other duties, powers as stipulated by law.

Article 4. Organizational structure

1. The Vietnam Competition Council shall have from 11 to 15 members who are appointed, deappointed by the Prime Minister upon the request of the Minister of Trade. The members of the Vietnam Competition Council shall have to fully meet the requirements provided for in Article 55 of the Law on Competition.

The members of the Vietnam Competition Council shall work on basis of a 5-year term and may be re-appointed.

2. The Vietnam Competition Council shall be assisted by a Secretariat. Functions, duties, organizational structure of the Secretariat of the Vietnam Competition Council shall be specified by the Minsiter of Trade.

3. The Vietnam Competition Council shall be responsible for elaborating a regulation on its organization and operation and submit it to the Minister of Trade for approval.

Article 5. Leadership of the Vietnam Competition Council

The Vietnam Competition Council shall be headed by a Chairman. The Chairman of the Vietnam Competition Council shall be appointed, deappointed among the members of the Vietnam Competition Council by the Prime Minister upon the request by the Minister of Trade.

The Chairman of the Vietnam Competition Council shall be responsible for organizing its operation.

Article 6. Implementation effect

This Decree shall take effect 15 days after the date of its publishment on the Gazette.

Article 7. Implementation responsibility

The Minister of Trade, the ministers, the heads of the ministerial-level agencies, the heads of the Government-affiliated agencies, the chairmen of the People's Committee or the provinces, the centrally-run cities shall be responsible for implementing this Decree./.

ON BEHALF OF THE GOVERNMENT PRIME MINISTER

Recipients: Phan Văn Khải – S

Phan Văn Khải – Signed - Central Party Secretariat; - Prime Minister, Deputy Prime Ministers; - Ministries, ministerial-level agencies, Government-affiliated agencies; - People's Councils, People's Committees of provinces, centrally-run cities; - Central PartyOffice and Party Committees; - President Office; - Ethics Council and Committees of National Assembly; - National Assembly Office; - Supreme People's Court; - Supreme People's Procuracy; - Central offices of associations; - National Public Administration Academy - Government Office: BTCN, TBNC, c,c PCN, BNC, - Management Board of Programme 112; - Spokeman of Prime Minister, attached departments, units, Gazette; - Archives: Filing clerk, Organization and Personnel Department (5 copies), Hoà (315b).

GOVERNMENT

No : **06**/2006/N§-CP

SOCIALIST REPUBLIC OF VIET NAM Independence - Freedom - Happiness

*H*μ *N*éi, *January* 9, 2006

DECREE

On functions, duties, powers and organizational structure of Vietnam Competetion Administration Department

GOVERNMENT

Pursuant to the Law on Organization of the Government dated 25 December 2001;

Pursuant to the Law on Competition dated December 3, 2001;

Pursuant to the Ordinance on Protection of Rights of Customers dated April 27, 1999;

Pursuant to the Ordinance on Self Defense in Importing foreign goods into Viet Nam dated May 25, 2002;

Pursuant to the Ordinance on Combat against Dumping of Goods Imported into Viet Nam dated April 29, 2004;

Pursuant to the Ordinance on Combat against Subsidy for Goods Imported into Viet Nam dated August 20, 2004;

Pursuant to the Decree No 29/2004/NĐ-CP dated January 16, 2004 by the Government on functions, duties, powers and organizational structure of the Ministry of Trade;

Upon the request of the Minister of Trade,

DECREE :

Article 1. Position and functions

1. The Vietnam Competition Administration Department shall be an organization affiliated to the Ministry of Trade, have a function of assisting the Minister of Trade to exercise the state management over the competition, combat against dumping, combat against subsidy, application of self defense measures

towards goods imported into Viet Nam; protecting rights of customers; coordinating with enterprises, goods industry associations to deal with lawsuits in international trading, which are related to the breaking of prices, the subsidy and the application of self defense measures.

The Vietnam Competition Administration Department has the transaction name in English as Vietnam Competition Administration Department, which is abbreviated as VCAD.

2. The Competition Administration Department shall have a legal status, a stamp imprinted the national coat of arms, be allowed to open its bank account, to use its respective stamp for its transaction as stipulated by law. Fund for the operation of the Vietanm Competition Administration Department shall be allocated from the state budget.

The Vietnam Competition Administration Department shall have its headquarter located in Ha Noi City and representative offices in provinces, other cities.

The establishment of its representative offices shall be decided by the Minister of Trade.

Article 2. Duties, powers

The Vietnam Competition Administration Department shall exercise duties, powers according to the legislation on competition, combat against dumping, combat against subsidy, protection of customers' rights and the following duties, powers:

1. To elaborate and submit to the Minister of Trade legal documents on competition, combat against dumping, combat against subsidy, application of self defense measures towards goods imported into Viet Nam, protection of customers' rights; to organize the implementation of the legal documents after they are issued.

2. To instruct to examine, evaluate and synthesize the implementation of legal documents, approved planning, plans, programmes, projects of the work areas falling under the function of the competition administration agency.

3. To investigate and request the concerned agency(ies) to handle, within their competence, the legal documents of which the contents do not conform with the legislation on competition, combat against dumping, combat against subsidy, application of self defense measures towards goods imported into Viet Nam, protection of customers' rights

4. With regard to competition:

a. To handle, to organize the investigation of competition cases related to limitted competition acts for the Competition Council to handle as stipulated by law.

b. To organize investigation of competition cases related to unhealthy competition acts and the acts that violate the legislation on competition as stipulated by law.

c. To evaluate files of requests for being entitled to an exception according to the legislation and submit them to the Minister of Trade or to the Prime Minister for decision.

d. To supervise the process of economic centralization.

đ.To build up, to manage a system of information about dominant enterprises in the market, mono-power enterprises, competition principles applied to associations, exception cases.

5. With regard to handling cases (vu viec) of combat against dumping, combat against subsidy and application of self defense towards goods imported into Viet Nam.

a. To take the main responsibility for and coordinate with the concerned agencies to organize the implementation of the legal provisions on combat against dumping, combat against subsidy and application of self defense towards goods imported into Viet Nam.

b. To receive, to organize the investigation of the importing of foreign goods into Viet nam and propose measures of combat against dumping, combat against subsidy and self defense as stipulated by law.

c. To make request to the Minister of Trade to give decision on application of tax on combat against dumping, combat against temporary subsidy and application of self defense measures as stipulate by law.

d. To report the results of the investigation to the Council for Handling Cases, to make a report to the Minister of Trade for decision on application or non application of measures for combat against dumping, combat against temporary subsidy and self defense towards goods imported into Viet Nam.

d) To take the main responsibility for and coordinate with the concerned agencies to guide and review the implementation of the decisions on application of measures for combat against dumping, combat against subsidy and self defense.

6. To coordinate with enterprises, goods industry associations in handling complaints related to combat against dumping, combat against temporary subsidy and self defense towards goods imported into Viet Nam.

7. To handle complaints, denouncements falling under competentce and violations of the legislation on protection of customers' rights.

8. To carry out international co-operation activities in elaborating and implementing the legislation on competition, combat against dumping, combat against temporary subsidy, application of measures of self defense and protection of customers' rights.

9. To request organizations, individual people to provide necessary information, documents for the implementation of the assigned duties; to be entitled to using local and foreign consultants in a necessary circumstance as stipulated by law.

10. To apply administrative prevention measures, administrative violation punishment forms and consequence resolving measures as stipulated by law.

11. To propagadize, to educate, to disseminate the legislation and the policies related to competition, combat against dumping, combat against subsidy, application of self protection towards goods imported into Viet Nam and protection of customers' right.

12. To organize training, upgrading for improved professional qualification to the officials implementing management over competition, combat against dumping, combat against subsidy, application of self protection and protection of customers' right.

13. To manage the organization, the contingent of public servants, public officials, property, finance assinged as stipulated and delegated by the State.

14. To organize, to develop a database, to manage and to provide information for state agencies, organizations, individual people having a demand for as stipulated by the legislation on competition.

15. To do other duties assigned by the Minister of Trade.

Article 3. Organizational structure

1. The assistant apparatus to the Head of the Vietnam Competition Administration Department:

- Committee of Limitted Competition Investigation

- Committee of Competition Supervision and Management

- Committee of Unhealthy Competition Investigation

- Committee of Customer Protection

- Committee of Handling of Combat Against Dumping, Combat Against Subsidy and Protection

- Committee of International Cooperation

- Office

2. Service delivery organizations affiliated to the Vietnam Competition Administration Department

- Information Center.

- Center for Training of Investigators

3. Other units affiliated to the Vietnam Competition Administration Department, including:

- Representative Office in Da Nang.

- Representative Office in Ho Chi Minh City.

Functions, duties, powers and organizational structure of the units affiliated to the Vietnam Competition Administration Department shall be specified according to the decision by the Minister of Trade.

The representative offices of the Vietnam Competition Administration Department shall have their own seals and be entitled to opening an account in the State Treasury as stipulated by law.

Article 4. Leadership

The Vietnam Competition Administration Department shall have a director and a number of deputy directors. The Director of the Vietnam Competition Administration Department shall be appointed, deappointed at the proposal of the Minister of Trade and be accountable to the Minister of Trade for all the operation of the Vietnam Competition Administration Department.

The Deputy Directors, the Heads of the representative offices of the Department shall be appointed, deappointed by the Minister of Trade at the

proposals of the Director of the Department and be accountable to the Director of the Department for their assigned work.

Article 5. Staff

The staff of the Vietnam Competition Administration Department shall be decided on among all the staff of the Ministry of Trade by the Minister of Trade

Article 6. Implementation effect

This Decree shall take effect 15 days after the date of its publishment on the Gazette. The previous provisions contrary to this Decree shall be annulled.

Artile 7. Implementation responsibility

The Minister of Trade, the minister, the heads of ministerial-level agencies, the heads of the Government-affiliated agencies, the chairmen of the People's Committees of provinces, centrally-run cities and the Director of the Vietnam Competition Administration Department are responsible for implementing this Decree./.

ON BEHALF OF THE GOVERNMENT PRIME MINISTER

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Recipients:
- Central Party Secretariat;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies,
Government-affiliated agencies;
- People's Councils, People's Committees of
provinces, centrally-run cities;
- Central PartyOffice and Party Committees;
- President Office;
- Ethics Council and Committees of National
Assembly;
- National Assembly Office;
- Supreme People's Court;
- Supreme People's Procuracy;
- Central offices of associations;
        National
                      Public
                                   Administration
                                                        Academv
(Signed)
- Government Office: BTCN, TBNC, c,c PCN, BNC,
       Management Board of Programme 112;
Phan Văn Khải
- Spokeman of Prime Minister, attached
departments, units, Gazette;
- Archives: Filing clerk, TCCB (5 copies)
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THE MINISTRY OF TRADE

SOCIALIST REPUBLIC OF VIETNAM

Independence- Freedom- Happiness

No.19/2005/TT-BTM

Hanoi, November 8, 2005

CIRCULAR

Guiding a number of contents in the Government's Decree No. 110/2005/ND-CP dated August 24, 2005, on management of multi-level sale of goods

Pursuant to Decree No. 29/2004/ND-CP of January 16, 2004 of the Government, defining the functions, tasks, powers and organizational structure of the Ministry of Trade;

Pursuant to Decree No. 110/2005/ND-CP dated August 24, 2005, on management of multi-level sale of goods,

The Ministry of Trade hereby guides a number of contents in Decree No. 110/2005/ND-CP as follows:

1. Subjects applying for multi-level sale registration papers

Subjects applying for multi-level sale registration papers are enterprises established in Vietnam under the provisions of law on enterprises and wishing to organize multi-level sale after the effective date of Decree No. 110/2005/ND-CP dated August 24, 2005, on management of multi-level sale of goods.

2. Agencies granting multi-level sale registration papers

Agencies granting multi-level sale registration papers are provincial/municipal Trade Services or Trade-Tourism Services with which enterprises applying for multi-level sale registration papers have made their business registrations.

3. Responsibilities of the agencies granting multi-level sale registration papers

a) To post up instructions on the conditions, order, time and administrative procedures for granting multi-level sale registration papers at their head offices;

b) To grant multi-level sale registration papers to enterprises, which have dossiers satisfying the conditions specified in Article 14 of Decree No. 110/2005/ND-CP;

c) To consider the grant of multi-level sale registration papers within the time limit provided for in Article 16 of Decree No. 110/2005/ND-CP and under the guidance in this Circular;

d) To collect, manage and use the fee for grant of multi-level sale registration papers under the guidance of the Ministry of Finance;

e) To report in writing to the competition-managing office of the Ministry of Trade on the grant, additional grant or re-grant of multi-level sale registration papers according to the provisions of Clause 4, Article 16 of Decree No. 110/2005/ND- CP;

f) After granting multi-level sale registration papers, to assume the prime responsibility for, and coordinate with other competent state agencies in, inspecting and supervising the organization of multi-level sale according to the granted multi-level sale registration papers; to detect violations of provisions of law on management of multi-level sale activities and apply measures to handle such violations according to their competence or report them to competent authorities for handling;

g) To fully comply with regulations on archive of dossiers of application for multi-level sale registration papers, dossiers of application for supplementation of multi-level sale registration papers and dossiers of application for re-grant of multi-level sale registration papers according to the provisions of law on archives;

h) Other responsibilities provided for by law.

4. Dossiers of application for multi-level sale registration papers

a) A dossier of application for a multi-level sale registration paper shall comprise the documents specified in Article 15 of Decree No. 110/2005/ND-CP.

b) Applications for multi-level sale registration papers shall be made according to form MD-1 in Appendix II to this Circular (not printed herein).

c) Heads of enterprises defined in Clause 5, Article 15 of Decree No. 110/2005/ND-CP include owners of private enterprises, partners of partnerships, members of members' councils, chairpersons of companies, members of managing boards, directors (general directors) and other important managerial posts defined in the charters of limited liability companies or joint stock companies.

5. Principal contents of the model contract on participation in multi-level sale

a) The name, address of the head office and at-law representative of the multi-level sale enterprise;

b) The full names, registered places of permanent residence (or registered places of sojourn, for foreigners), registered places of temporary residence, numbers of identity

cards (or numbers of passports, for foreigners) of participants; numbers of working permits of participants being foreigners;

c) The origin, category, quality, price, utility and usage of goods on sale, reselling price of goods warranty, conditions and scope for goods (if any);

d) The method of calculating commissions, bonuses and economic benefits to be enjoyed by participants for their goods marketing and sale activities and by subordinate participants in the networks organized by participants themselves and accepted by the multi-level sale enterprise;

e) Rights and obligations of the multi-level sale enterprise and participants, including the responsibility of the multi-level sale enterprise to pay damages to consumers or participants;

f) Cases of contract termination and liquidation.

6. Procedures for grant of multi-level sale registration papers

a) Receipt of dossiers of application for multi-level sale registration papers

- The agencies granting multi-level sale registration papers shall have to receive dossiers of application for multi-level sale registration papers.

- The dossier-receiving agencies must write dossier receipts. A dossier receipt shall be made in two copies according to form MTB-1 in Appendix II to this Circular (not printed herein). One copy shall be handed to the enterprise applying for a multi-level sale registration paper while the other shall be kept at the agency granting multi-level sale registration papers.

- For incomplete and invalid dossiers of application for multi-level sale registration papers, the dossier-receiving agencies shall, within three working days after receipt of such dossiers, ask in writing the enterprises to amend and complete their dossiers according to form MTB-2 in Appendix II to this Circular (not printed herein).

- Enterprises may request the dossier-receiving agencies to clearly explain the required amendment to and completion of dossiers while the dossier-receiving agencies shall have to satisfy such request of enterprises.

- Where no amendment to dossiers is required, the time limit for examination of dossiers shall be counted from the date of receipt of dossiers.

b) Examination of dossiers before making decision to grant multi-level sale registration papers

- Within 15 working days after the date of receipt of complete and valid dossiers, the

agencies competent to grant multi-level sale registration papers shall, on the basis of relevant current provisions of law, examine such dossiers before deciding to grant or not to grant multi-level sale registration papers.

- In case of refusal to grant multi-level sale registration papers, agencies competent to grant multi-level sale registration papers shall have to reply in writing, clearly stating reasons therefor.

c) Multi-level sale registration papers

- Multi-level sale registration papers shall be made according to form MG-1 in Appendix II to this Circular (not printed herein).

- A multi-level sale registration paper shall be made in two original copies. One copy shall be granted to the applying enterprise while the other shall be kept at the agency granting the multi-level sale registration paper.

- Agencies granting multi-level sale registration papers shall write the serial numbers of registration papers according to the following regulations:

+ Provincial codes: two-digit numbers (specified in Appendix 1 to this Circular, not printed herein).

+ Enterprise type codes: 01 denotes private enterprises, 02 denotes limited liability companies with two members or more, 03 denotes joint-stock companies, 04 denotes onemember limited liability companies, 05 denotes partnerships, 06 denotes cooperatives, 07 denotes joint-venture enterprises, 08 denotes enterprises with 100% foreign investment capital, and 09 denotes state enterprises.

+ Ordinal numbers of enterprises: 6-digit numbers, from 000001 to 9999999.

+ Codes and numbers are joined with hyphens.

An example of the numbering of a multi-level sale registration paper: A private enterprise which makes its business registration in Hanoi shall have its multi-level sale registration paper numbered as follows:

01-01-000002 (multi-level sale registration paper granted to the second private enterprise in Hanoi).

d) Collection of the fee for grant of multi-level sale registration papers

Before handing multi-level sale registration papers to the applying enterprises, the agencies granting multi-level sale registration papers shall collect a fee for grant of multi-level sale registration papers under the guidance of the Ministry of Finance.

7. Supplementation of multi-level sale registration papers

a) A dossier of application for supplementation of a multi-level sale registration paper shall comprise:

- An application for supplementation of a multi-level sale registration paper, made according to form MD-2 in Appendix II to this Circular (not printed herein);

- The original multi-level sale registration paper granted by a competent agency;

- Documents related to changes in the sale program.

b) The procedures for supplementation of multi-level sale registration papers shall comply with the guidance in Clause 6 of this Circular.

Agencies which approve the supplementation of multi-level sale registration papers shall only write the additionally registered contents and certifications on the multi-level sale registration papers already granted to enterprises.

8. Re-grant of multi-level sale registration papers

a) Re-grant of multi-level sale registration papers in cases where they are lost

- When losing their multi-level sale registration papers, enterprises shall have to promptly declare the loss to the commune-level police offices of the places where their multi-level sale registration papers are lost and notify such to the agencies which have granted the multi-level sale registration papers.

- Within seven working days after making declarations to the police offices, the enterprises shall have to request the agencies which have granted the multi-level sale registration papers to re-grant multi-level sale registration papers to them.

- A dossier of application for re-grant of a multi-level sale registration paper comprises:

+ An application for re-grant of a multi-level sale registration paper, made according to form MD-3 in Appendix II to this Circular (not printed herein);

+ The commune-level police office's certification that the enterprise has declared the loss of its multi-level sale registration paper.

b) Re-grant of multi-level sale registration papers in cases where they are torn or ragged

- Where their multi-level sale registration papers are tom or ragged, enterprises may apply for re-grant thereof.

- A dossier of application for re-grant of a multi-level sale registration paper comprises:

+ An application for re-grant of a multi-level sale registration paper, made according to form MD-3 in Appendix II to this Circular (not printed herein);

+ The torn or ragged original multi-level sale registration paper.

c) Procedures for re-grant of multi-level sale registration papers in cases where they are lost, torn or ragged

- Upon receiving the dossiers of enterprises in the cases specified at Points a and b of this Clause, the agencies granting multi-level sale registration papers shall have to write dossier receipts. A dossier receipt shall be made in two copies according to form MTB-1 in Appendix II to this Circular. One copy shall be handed to the applying enterprise while the other shall be kept at the agency granting multi-level sale registration papers.

- Within five working days after the date of receipt of complete and valid dossiers, the agencies granting multi-level sale registration papers shall re-grant multi-level sale registration papers, made according to form MG-1 in Appendix II to this Circular, to enterprises. The serial numbers of re-granted multi-level sale registration papers shall be those of the lost, torn or ragged ones. Re-granted multi-level sale registration papers must specify the re-granting time.

- Before handing multi-level sale registration papers to enterprises which apply for re-grant thereof, the agencies granting multi-level sale registration papers shall collect a fee therefor under the guidance of the Ministry of Finance.

d) Re-grant of multi-level sale registration papers in cases where they are withdrawn or their use right is deprived of.

For enterprises which have their multi-level sale registration papers withdrawn or their right to use such papers deprived of, their dossiers of application for re-grant of multi-level sale registration papers shall not be considered by the agencies granting multi-level sale registration papers within one year after the date of issue of the withdrawal or right deprival decisions.

- The re-grant of multi-level sale registration papers to enterprises, which have had their multi-level sale registration papers withdrawn or their right to use such papers deprived of by competent state agencies shall be conducted as for the grant of new multi-level sale registration papers.

9. Multi-level sale network member cards

a) Within seven working days after entering into a contract on participation in multi-level sale, a multi-level sale enterprise shall have to grant multi-level sale network member cards to the participants.

b) A multi-level sale network member card shall contain the following basic information:

- The name of the multi-level sale enterprise;
- The address of the head office and telephone number of the multi-level enterprise;
- The full name and the number of the identity card (or passport) of the participant;
- The serial number of the multi-level sale network member card;

- A 4 cm x 6 cm photo of the participant taken within six months before the contract on participation in multi-level sale is entered into;

- The date of grant of the card, the signature and seal of the multi-level sale enterprise's atlaw representative;

- Rules for the card holder.

c) Multi-level sale network member cards shall be laid out according to form MT-1 in Appendix III to this Circular.

d) Multi-level sale enterprises shall renew old cards or grant new cards to participants in the following cases:

- Cards are torn, ragged or lost;

- One or several contents specified at Point b of this Clause is/are changed.

e) Multi-level sale enterprises shall have to withdraw multi-level sale network member cards upon termination of contracts on participation in multi-level sale according to the provisions of Article 10 of Decree No. 110/2005/ND-CP.

10. Notification of multi-level sale when multi-level sale enterprises develop their sale networks

a) When a multi-level sale enterprise develops its sale network to provinces or centrallyrun cities other than the province or centrally-run city where it is headquartered, it shall have to notify the Trade Services or Trade and Tourism Services of such provinces or centrally-run cities of such development. Such notice shall be made according to the form of multi-level sale organization notice (MTB-3) set in Appendix III to this Circular (not printed herein).

b) After receiving multi-level sale notices of enterprises, the provincial/municipal Trade Services or Trade and Tourism Services shall have to inspect and supervise multi-level sale activities in their respective localities and handle violations of law provisions on management of multi-level sale activities according to their competence or report them to competent authorities for handling.

11. Organization of implementation

a) Provincial/municipal Trade Services or Trade and Tourism Services shall base themselves on the provisions of law and the guidance in this Circular to assist provincial/municipal People's Committees in organizing the grant of multi-level sale registration papers; and regularly inspect, supervise and handle violations in multi-level sale activities in their localities.

b) Before January 15 every year, provincial/municipal Trade Services or Trade and Tourism Services shall have to report to the competition-managing office of the Trade Ministry on the inspection, supervision and handling of violations in multi-level sale activities in their localities.

c) In case of necessity, provincial/municipal Trade Services or Trade and Tourism Services shall have to report on matters related to multi-level sale activities in their localities at the request of the competition-managing office of the Ministry of Trade.

This Circular takes effect 15 days after its publication in CONG BAO. Any problems arising in the course of implementation should be promptly reported by the concerned branches and localities to the Ministry of Trade for study, amendment or supplement.

FOR THE MINISTER OF TRADE
VICE MINISTER
(Signed and sealed)
Le Danh Vinh
(This translation is for reference only)

Comparative Chart of Competition Laws: Viet / Jpn

Unfair Trade Practices	Section III	Art. 39-48	Unfair Trade Practices			 Designation of Unfair Trade Practices, June 18, 1982 June 18, 1982			
Cartel		Art. 8-10	Competition Restriction	Sec.3	Prohibition of Private Monopolization or Unreasonable Restraint of Trade	- Guides.			
Monopolization	Section II	Art. 11-15	Abuse of Monopoly	e na	Prohibition of Private Monopolization or Unreasonable Restraint of Trade	- Guidelines			
M&A		Art. 16-24	Economic Concentration	Sec.9-16	Restriction of Business Combination	- Guidelines			
		Vietnam	Competition Law (No.27/2004/QH11)		Japan Act Concerning Prohibition of Private Monopolizatin and Maintenance of Fair Trade (Act No. 54 of 14 April 1947)				

provision of Unreasonable Restraint of Trade when such activities cause a substantial restraint of competition.

Advocacy Leaflet Outline (initial draft: as of Dec. 2, '05)

Target: Major target focus is SME

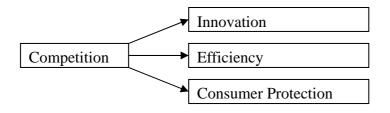
Objectives: - to promote awareness on the Competition Law to SME

- to guide SME how to conduct their bisiness activities (how to behave in the market)
- to advocate how to make claim and/or complaint against unfair trade practices (procedure for complaints)

Contents:

- 1. Overview of Market Economy and Transitional Economy (2 pages)
 - background of market development in Vietnam
 - up to the Doi Moi starts and since then up to present (maybe pictures)
 - SME data to explain the current situation of SME (chart, figures)
 - explaining current situation of competition in Vietnam
- 2. Significance of Competition (1 page)

<expamle> chart oriented explanation



- 3. Background and Overview of Introduction of Competition Law (1 page)
 - why Vietnam has introduced Competition Law
 - structure: how many articles, scope, subject, legal system (law, decree, guideline), related regulation (decree, guideline, decision)
- 4. Breakdowns of Regulated Areas in terms of Provisions of Competition Law
 - impact and reason of these 4 areas
- 4-1 Restriction Agreement + Example Business Practice (2 pages)
- 4-2 Abuse of Dominant Position + Example Business Practice (2 pages)

4-3 Economic Concentration (M&A), Exemption

+ Example Business Practice (2 pages)

- 4-4 Unfair Trade Practices (referring Art.39 1-9) + Example Business Practice ("multi-level sales" may require a full page) (2 pages)
- 5. Procedure (2 pages)- chart of from filing, investigation to court
- 6. Function of CAD and Council (1 page)
- 7. What if Violate Law (1 page)- explain penalty
- 8. What SME should act in the Business Activities? (1 page)
 - how to claim/make complaint when face to the unfair trade
 - how to follow the provision of Law (ie. consult with CAD in advance)
- 9. Who to be Contact (1 page)

Drafting Schedule (by the end of Dec. '05)

Dec.15, 2005

Subject	CAD	TA	Viet	Eng	Name
1. Overview of Market Economy and Transitional Economy (2 pages)	Check	Draft	2	1	Ishida Hien
2. Significance of Competition (1 page)	Draft Points	Draft	2	1	Ishida Hien
3. Background and Overview of Introduction of Competition Law (1 page)	Draft	Draft Points	1	2	
4. Breakdowns of Regulated Areas in terms of Provisions of Competition Law	-	-	-	-	-
4-1 Restriction Agreement + Example Business Practice (2 pages)	Draft	Case Points	1	2	
4-2 Abuse of Dominant Position + Example Business Practice (2 pages)	Draft	Case Points	1	2	
4-3 Economic Concentration (M&A), Exemption+ Example Business Practice (2 pages)	Draft	Case Points	1	2	
4-4 Unfair Trade Practices (referring Art.39 1-9) + Example Business Practice ("multi-level sales" may require a full page) (2 pages)	Draft	Case Points	1	2	
5. Procedure (2 pages)	Draft		1	2	
6. Function of CAD and Council (1 page)	Draft		1	2	
7. What if Violate Law (1 page)	Draft		1	2	
8. What SME should act in the Business Activities? (1 page)	Draft	Draft Points	1	2	
9. Who to be Contact (1 page)	Draft		1	2	

SUMMATION OF COMMENTS ON THE BOOKLET (DRAFT 1^{ST})

The first draft was translated into Vietnamese and circulated to relevant officials (12) in the VCAD on 6th, February 2006. The original English version was necessarily attached with the Vietnamese version as to minimize the negativity of mistranslation.

On 10th February 2006, all comments were collected and synthesized as follow:

I. GENERAL COMMENTS

In general, the draft was well prepared with necessary information related to the Competition Law. The draft reveals a great effort of the elaborating team in conveying complicated legal terms to readers through such simple languages and illustrating examples. This strong point should be developed further in revised drafts.

Nevertheless, to further serve the advocacy purpose of the booklet, the followings should be taken into account.

II. SPECIFIC CONSIDERATIONS

1. Comments on the structure of the booklet

There was a consensus on the need of revising the structure of the booklet. A number of comments pointed out that the structure of the booklet could be improved to focus more on the goal of advocating the Competition Law.

A majority of comments agreed on removing part 1 of the draft since it seems to focus more on providing an overview of the economy and major economic achievements following the introduction of "doi moi" policy in 1986 and some basic concepts on market economy and economy in transition included in the part might not be adequate and necessary for Competition Law advocacy purpose. Other parts are necessary and relevant however, a new structure of the draft was recommended as follow: Background and Overview of Competition Law (6 pages)

1. Significance of Competition (1 page)

<The "Fair and Open Competition">

<Why is the "Fair and Open Competition" important?>

2. Background of the Introduction of Competition Law (1 page)

3. Overview of the Competition Law (2 page)

<The Law>

<The Objectives>

<Subjects of Application>

<Scope of Application>

<<Conducts in Restriction of Competition>>

<<Unfair trade practices>>

<Structure of the Law> (1 page)

4. Implementation guidelines of the Competition Law (2 page)

<Decree 05/2006/ND-CP on determining functions, tasks, powers, and organization structure of the Competition Council dated January 9, 2006>

<Decree 06/2006/ND-CP on determining functions, tasks, powers, and organization structure of the Competition Administration Department dated January 9, 2006>

<Decree 116/2005/ND-CP on setting forth detailed provisions for implementing a number of provisions of the Competition Law dated September 15, 2005>

<Decree No.120/2005/ND-CP on administrative offences in the field of competition dated September 30, 2005>

<Decree No.110/2005/ND-CP on management of multi-level sale of goods dated August 24, 2005>

<Circular No. 19/2005/TT-BTM of November 8, 2005 guiding a number of contents in the Government's Decree No. 110/2005/ND-CP>

Conducts fall within the scope of application of the Competition Law (11 pages)

1. General concepts (1 page)

<What are Conducts in Restriction of Competition? What do they include? Why do they fall within the scope of application?>

<What are Unfair competition acts? What do they include? Why do they fall within the scope of application?>

<Difference between the two categories with regards to their impact on competition environment and forms of sanctions?>

2. Conducts in Restriction of Competition & competition acts in greater details <agreements in restriction of competition <example>> (2 pages)

<<pre><<pre>continues

<<exemptions>>

<<*examples*>>

<abuse of dominance position, abuse of monopoly<example>> (2 pages)

<<pre><<pre>conducts

<<exemptions>>

<<examples>>

<economic concentration<example>> (2 pages)

<<pre><<pre>prohibited cases>>

<<exemptions>>

<<*examples*>>

<Unfair competition acts (6 pages)>

<<Misleading indications>>

<<Infringement upon business secrets>>

<<Constraint in business>>

<<Discrediting other enterprises>>

<<Disturbing business activities of other enterprises>>

<<Advertising for the purpose of unfair competition>>

<<Sale promotion for the purpose of unfair competition>>

<<Discrimination by associations>>

<<Illicit multi-level sale>>

<<*Other unfair competition acts* according to the criteria determined in clause 4,

Article 3 of the Competition Law and prescribed by the Government>>.

Enforcing agencies of the Competition Law (4 pages)

1. Competition Managing Agency				
	<establishment></establishment>			
	<organization></organization>			
	<tasks &="" powers=""></tasks>			
2. Competition Council				
	<establishment></establishment>			
	<organization></organization>			
	<tasks &="" powers=""></tasks>			
3. The relationship between Competition Managing Agency and Competition Council				
4 Competition I aw enforcement acti	vities			

4. Competition Law enforcement activities

Procedure for handling of competition cases (2 pages)

<Ministry of Trade Procedure> <Court Procedure>

Forms of sanctions (1-2 pages)

<Conducts in Restriction of Competition > <Unfair competition acts> <Criminal Offences>

What should enterprises act? (1-2 pages)

<to ensure the compliance with the Law> <to be protected from anti-competitive acts>

Contact Information (1 page)

Recommended Readings (1 page)

<competition &="" guidelines="" implementation="" its="" law=""></competition>
<the act="" and<="" canada="" competition="" of="" th=""></the>
observations, 2004, Ministry of Trade of
Vietnam>
<"Enforcement of Fair Trade Law in Taiwan -
Selected Cases", 2005, National Political
Publishing House>
<"The policy and practice of competition law
of French Republic", 2005, National Political
Publishing House>
<"Guidelines of Canadian Competition Act",
2006, National Political Publishing House>
<"Q&A on Competition Law of Việt Nam",
National Political Publishing House>

2. Specific comments on included contents

- In general, terms used should be consistent with those used in law texts.

- "Anti-competition acts" does not refers to acts in restriction of competition only, but also unfair competition acts. In the booklet (page 7), this term is used as competition restriction act. Also, please bear in mind that the term "Anti-competition acts" is not officially used in the Competition Law.

- The term "dominating market share" (used in page 17) should be replaced by the term "dominant position on the market".

- When using examples, it is necessary to spell out that the example only illustrates a single form of infringements, for instance: *"this example illustrates one type of price fixing only"*. Also, please provide a short explanation of the example used in written language.

- The Competition Law No. 27/2004/QH11 was passed by the National Assembly on December 3, 2004 and came into effect on July 1, 2005. Thus please revise paragraph 2 of part 3 of the draft (page 6).

- The concept of SME in page 18 should not be used since relevant provisions are likely to be amended in future.

- The organization chart, functions & powers of the two competition authorities must accordingly follow 2 Decrees that was passed recently.

- Summarization of provisions is necessary, however please check to ensure the compatibility with the original provisions.

- Where applicable, please use short highlight in bullet form instead of essay paragraph. This would draw readers' attention to most important points.

- Please make sure that overlaps are avoided in the booklet.

Above is summation of comments of VCAD officials on the booklet draft 1st for your consideration.

VCAD Web-Site Designing Worksheet (version 1.13)

Pi	blic	1		Backen	d		Category	Sub-Cate	norv	3rd layer	r		1		
General	Membership		User		Admin.	1.	Category	Pull-downs	Contents to be retrieved / Remarks	In the page navigation	Contents to be retrieved / Remarks	Contents Frameworks	Contents Availability	Contents Source Access	
	Member					-				(Headings w/abstucts)			· · · ·		
Page Search (Index	Search	Search Categ		Add., De											
Search?)	(Index + Full- text Search)	(Ind. + F		Modify	Log Trackin	ng									
		1									Backgroud history of Competition Law	- Development of Policy		Draft>Mr.??	
										History	& Policy, the Authority (VCAD)	 Development of Law Development of VCAD 	Need to rewrite and draft.	Approve>DG. Loan	
										General Introduction (Default)	General remarks from VCAD (word from DG?)	This contents can be re- arranged, to updates significance of competition, trade remedy and roles of business communities, consumers, and authority. Also meaning of WTO			
												activities.			
										Mandates	Mandate of VCAD	Need to touch upon the	Replace from MOT HP + ?		
				-		-	About us			Organization Chart	- Role & functions of each divisions	Decree 05/06? updates			
				-		-	abs			Contact Information	Address, e-mail, tel #, ect.	updates			
							Hrizontal Top T			What's New in VCAD	Organizational Events: ie.recruitment info., VCAD Events etc	updates on event schedule for public (main forcus is not VCAD internal activities. Should be something related to the public, such as recruitment, seminar for advocacy, etc)			
							Forum					Need to think			
												P. 1. 1			
		╟─╂				- 1	Contact us					link to contact info?			
		╢─┼					Help		1	1	1	Need to think			
						- 11	Sitemap					updates		Draft by Time Univ ??	
							News Update	News Update	- Contents are for Default Indication in the Center Area - List (with abstract) 4-6 newest items - (Full test) as for a link button to lead full text	Full text (@ each news)	Full text of each news	updates			
								News Backnumbers		News Backnumbers (in the page navigation)	Indication reference: Center Area column bellow contents	pudates			
								General Introduction	Contents			Need to elaborate the function of Competition and System and VCAD function focusing on COMPETITION.			
								Notices	Contents on - Notices on Cases - Notices on VCAD Activities (one page rayout at beginning)			Example announcement needed. (Instead of just put "under construction", we need something like, "in the future, the following information will be projected in this page." in this page.			
								Legal resources	Contents on - Laws - Decrees - Guidelines - Leagal Search (link to Category) (one page rayout at begining)			We need all the legal texts in digital form, (Vietnamese & English) Need to prepare "Index" of each text.			
										- Introduction to Unfair Competition Acts	Contents	updates			
								Unfair Competition		- Illicit multi-level sale	-> link to MLS website (need to be discussed) www.vcad.gov.vn/MLS/index.html??	expanation contents mentioning Decee			
							Competition			- How to complain > Procedures > Proforma	Contents ("-" to top heading, ">" to title heading)	procedural chart, explanation contents			
										 Submit information online Unfair competition case updates 	Contents	updates			
		╟─┠								- Onfair competition case updates	Contents	updates			
										 Introduction to Competition Restricting Acts Competition Restricting Agreement Abuse of Dominance/Monopoly Economic concentration 	Contents ("-" to top heading, ">" to title heading)	updates			
								Competition Restriction		- How to complain > Procedures > Proforma > Submit information online	Contents ("-" to top heading, ">" to title heading)	procedural chart, explanation contents			

Appendix C-3

Sept. 4, 2006

Seminar Operation Step and Work Allocation Worksheet

			TA Seminar			ADV Seminar	
		Timing	Remarks	In Charge	Timing	Remarks	In Charge
Invitation	List						
	Dispatch						
	Confirmation						
	- List of Participants						
Materials	Draft Collection						
	Translation						
	- JPN>ENG						
	- ENG>VN						
	(- VN>ENG)						
	Binding						
	- Design Check						
	> Due Design						
	> Due Approval						
	- index (English)						
	> Program						
	> CV						
	> Opening Remarks Texts ?						
	> Slot Materials (PP)						
	> Appendix						
	> Questionnaire						
	- index (Vietnamese)						
	> CV						
	> Opening Remarks Texts ?						
	> Slot Materials (PP)						
	> Appendix						
	> Questionnaire						
Back Drop	Banner Text						
	Logo C/P						
	Logo JICA						
	Banner Design						
	Banner Arrangement						
Layout	Participants Seats						
	Opening Layout						
	Lecturers Desk Setting						
	- # of chairs						
	- podium						
	Reception Table						
	Direction Sign						
Stationary	Name Plates on the table						
	Name Tags						
	Pen & Pad						
PA	# of standing mic.						
	# of lecturers mic.						
	# of pin mic.						
	# of wireless mic.						
	LCD Projector						
	- Screen						
	LCD Table						
	LCD Connector						
	Lap Top PC for LCD						
	Lazor Pointer						
	White Board w/Color Markers						
	OHP	_			J		l
	- Screen						
	- OHP Sheets						
	- Color Marker						
Interpreter	Simul Booth						
	Simul Equipments						
	- Head sets #						
	- Booth setting equip.						
	VN> <jpn interpreter<="" td=""><td></td><td></td><td></td><td> </td><td></td><td></td></jpn>						
Reception	# of receptionists						
	- Participants Check						
Proceeding	MC						
	Moderator						
	Opening Remarks						
	Opening Remarks						
	Closing Remarks						

Advocacy Seminar, March 8, 2006 ----- (in Vietnamese) ------

QUESTIONNAIRE FOR PARTICIPANTS

------ (in Vietnamese) ------

1. Profile of Participant/

2.

3.

4.

Very much so

Which sector are you from? (tick one)

Government	Private	Professional/NGO	
- Name of Organizati			
- Position / Title, Sect	ion:		
Basic Knowledge/ Did you know well ar	ıd/or were you famili	ar with Competition	Law?
Know Very well	Partly Knew	Knew title only	Did not know
Evaluation 1/ Is this Seminar usefu	l for you?		
Very much useful	Fairly useful	Acceptable	Not at all useful
Evaluation 2/ After this Seminar, o structure?	lo you have a clear	rer idea about Comp	petition Law and its

Acceptable

Not yet clear

Fairly so

Advocacy Seminar, March 8, 2006 ----- (in Vietnamese) ------

5. Evaluation 3/

Which slot of the Seminar do you think informative to you?

Significance of Competition Law (the First Slot by Vietnamese Official)



Competition in the Market Economy (the Second Slot by Japanese Official)



Overview of Structure & Points of Competition Law in Vietnam (the Third Slot by Vn Expert)



Experiences in Japan (Competition Law / Policy) (the Forth Slot by Jpn Official)

6. Comments/

Please write down any comments. (use back side of this sheet, if necessary)

(Please fill in the questionnaire and give it to the Organization Board at the end of March 8th, 2006)

Advocacy Seminar, June 13, 2006 ----- (in Vietnamese) ------

QUESTIONNAIRE FOR PARTICIPANTS

------ (in Vietnamese) ------

1. Profile of Participant/

2.

3.

4.

Which sector are you from? (tick one)

Government	Private	Professional/NGO	
- Name of Organizatio			
- Position / Title, Sect			
- Business Sector: <u>(ex</u>	. Textile Industry)		
Basic Knowledge/ Did you know well an	d/or were you famili	iar with Competition	Law?
Know Very well	Partly Knew	Knew title only	Did not know
Evaluation 1/ Is this Seminar usefu	l for you?		
Very much useful	Fairly useful	Acceptable	Not at all useful
Evaluation 2/ After this Seminar, c structure?	lo you have a clear	rer idea about Comp	petition Law and its

Acceptable

Not yet clear

Advocacy Seminar, June 13, 2006 ----- (in Vietnamese) ------

5. Evaluation 3/

Which slot of the Seminar do you think informative to you?

Introdu

troduction of Vietnam Competition Law and Guidelines (the First Slot by Vietnamese Official)

Competition in the Market Economy (the Second Slot by Japanese Official)



Preparation for Implementing Vietnam Competition Law Over the past time (the Third Slot by Vn Expert)



Competition Law & Enforcement of Japan (the Forth Slot by Japanese Official)

6. Comments/

Please write down any comments. (use back side of this sheet, if necessary)

(Please fill in the questionnaire and give it to the Organization Board at the end of June 13, 2006)

Advocacy Seminar, Sept. 18, 2006 ----- (in Vietnamese) ------

QUESTIONNAIRE FOR PARTICIPANTS

------ (in Vietnamese) ------

1. Profile of Participant/

2.

3.

4.

Which sector are you from? (tick one)

Government	Private	Professional/NGO	
- Name of Organizatio	on:		
- Position / Title, Sect			
- Business Sector: <u>(ex</u>			
Basic Knowledge/ Did you know well an Know Very well	d/or were you famili D Partly Knew	ar with Competition	Law? Did not know
Evaluation 1/ Is this Seminar usefu	l for you?		
Very much useful	Fairly useful	Acceptable	Not at all useful
Evaluation 2/ After this Seminar, c structure?	lo you have a clear	er idea about Comp	etition Law and its

Very much so

Fairl	y	S 0
-------	---	------------

Acceptable

Not yet clear

Advocacy Seminar, Sept. 18, 2006 ----- (in Vietnamese) ------

5. Evaluation 3/ Which slot of the Seminar do you think informative to you? Introduction of Vietnam Competition Law and Guidelines (Part 1) (the First Slot by Vietnamese Official in the AM) Introduction of Vietnam Competition Law and Guidelines (Part 2) (the Second Slot by Vietnamese Official in the AM) What Conducts will be subject of Provision? <Competition Law & Enforcement of Japan (Part 1) > (the Third Slot by Japanese Official in the AM) How the Conducts were assessed? <Competition Law & Enforcement of Japan (Part 2: Cases) (the Forth Slot by Japanese Official in the PM) What Companies Want from Competition Agencies (the Fifth Slot by Vietnamese Official in the PM) What Competition Agencies Want from the Business Community (the Sixth Slot by Japanese Official in the PM)

6. Comments/

Please write down any comments. (use back side of this sheet, if necessary)

(Please fill in the questionnaire and give it to the Organization Board at the end of Sept. 18, 2006)

TRAINING COURSE (1)

Technical Cooperation for the Study on Capacity Building for Enforcement of Competition Law and Implementation of Competition Policy in Vietnam (The Press Club, Hanoi, 1st - 3rd March 2006)

Moderator: Mr. Tran Anh Son, Deputy Director-General, Vietnam Competition Administration Dept. (CAD)

Co-moderator: Mr. Hidekazu TANAKA, JICA TA Team

Speakers:

Mr. Hideyuki SHIMOZU

Researcher, Economic Research Office, Economic Affairs Bureau Japan Fair Trade Commission (JFTC)

Mr. Kazuhiro MARUYAMA

Official, Economic Research office, Economic Affairs Bureau Japan Fair Trade Commission (JFTC)

Professor Shingo SERYO

Professor of Law, Doshisha University Faculty of Law, Graduate School of Law

Theme : Market Survey Method and Practice concerning Monopolistic Situation Objective: Introduction of Competition Law to related ministries and other governmental institutions and Technology transfer concerning market survey to CAD officials Participants

 1st Day : For CAD, other related ministries and other governmental institutions (70) Theme : Competition Law of Vietnam and Japanese Antimonopoly Act
 2nd . 3rd Day : For CAD officials (35)

1 st March	Theme : Competition Law of Vietnam and Japanese Antimonopoly Act	Presentation
08:30 - 09:00	Registration	
09:00 - 09:30	 Opening and Introduction Mr. Tran Anh Son-DDG of VCAD Mr. Yasuhiro Tojo, Senior Deputy Resident Representative, JICA Vietnam Office Mr. Hideyuki SHIMOZU Researcher, Competition Policy Research Center, 	VCAD JICA JFTC
09:30 - 10:30	JFTC Competition Law & Policy in Vietnam	Mr. Le Sy Giang
		Offcial-VCAD
10:30 - 11:00	Coffee Break	
11:00 - 12:00	Background and History of Japanese Antimonopoly Act (AMA) (1) - Outline of Japanese AMA and JFTC	Prof. Seryo
12:00 - 13:30	Lunch Break	
13:30 - 14:30	Background and History of Japanese Antimonopoly Act (AMA) (2) - Outline of Japanese AMA and JFTC	Prof. Seryo

	(Comments by JFTC Officials)	
14:30 - 15:30	Vietnam Competition Administration Department and	Mr. Le Thanh
	Competition Investigation Procedures	Vinh
		Official of VCAD
15:40 - 16:10	Coffee Break	
16:00 - 16:30	Q&A Session	VCAD/JFTC/Prof.
		Servo

2 nd March	Theme : Market Survey Method and Practice concerning	
	Monopolistic Situation	
08:30-09:00	Registration	
09:00-09:30	Opening	
09:30-10:30	 Monopoly and Oligopoly Regulation under the Antimonopoly Act Negative effect caused by monopoly and oligopoly in the course of domestic market growth - Definition of monopolistic situation (Section2(7)(8)) 	Mr. Hideyuki SHIMOZU
	 Guidelines concerning "monopolistic situations" <materials></materials> - Corresponded articles (including decrees) 	
	- Guidelines concerning the interpretation of "Specific business field" as defined in the provisions of "monopolistic situations" in the Antimonopoly Act	
10:30-11:00	Coffee break	
11:00-12:00	 Monopoly and oligopoly regulation under the Antimonopoly Act Measures against a monopolistic situation - Guidelines concerning "monopolistic situations" (cont.) & related decrees 	Mr. Hideyuki SHIMOZU
	- Measures against a monopolistic situation(Section 8-4)	
	 Corresponded articles (including decrees) Guidelines concerning the interpretation of "Specific business field" as defined in the provisions of "monopolistic situations" in the Antimonopoly Act 	
12:00-13:30	Lunch Break	
13:30-15:00	Monopoly and oligopoly regulation under the Antimonopoly Act - Application of the provisions concerning a monopolistic situation - Measures against a monopolistic situation(Section 8-4) (cont.) - Procedural regulations and its characteristics up to application of the provisions - Historical background at the time of the introduction of provisions concerning monopolistic situation (Why this provision was needed and how it evolved to be such a complex provision) <materials> - Corresponded articles (including decrees) - Guidelines concerning the interpretation of " Specific business field" as defined in the provisions of "monopolistic situations" in the Antimonopoly Act - Figure of Procedures against a monopolistic situation</materials>	Mr. Hideyuki SHIMOZU
		Mr Hidarul-
15:30-16:00	Recent Discussions on the Monopoly and Oligopoly Regulation under the Antimonopoly Act - Recent discussions on Section 8-4 <materials> - Report of Study Group on Antimonopoly Act (2003 October) (Abstract) Figure of "Pavision of Monopoly/Oligopoly Pagulations"</materials>	Mr. Hideyuki SHIMOZU
	- Figure of "Revision of Monopoly/Oligopoly Regulations" Q&A Session	
16:00-16:30		

3 rd March	Theme : Market Survey Method and Practice	
	concerning Monopolistic Situation	
08:30-09:00	Registration	
09:00-09:10	Opening	
09:10-10:30	Market Survey Method on Monopolistic Situation (1)	Mr. Kazuhiro
09.10 10.50	- Outline of the concentration ratio survey -	Maruyama
	- Background of the survey	iviar a y anna
	- Significance and objectives of the survey	
	- Survey method on concentration ratio -	
	- Operating procedures	
	- Method of selecting targeted items	
	- Framing of questionnaire design	
	<materials></materials>	
	-The method of market survey against a monopolistic situation	
	-Questionnaire of concentration(A,B,C,D1,D2), Instructions of the	
	questionnaire (A,B,C,D1,D2)	
	-Material 1,2,3,4,5	
10:30-11:00	Coffee Break	
11:00-12:00	Market Survey Method on Monopolistic Situation (2)	Mr. Kazuhiro
	- Subject matter of the survey	Maruyama
	- Method of collecting and compiling data	
	- Utilization of the results for JFTC activities	
	<materials></materials>	
	-The method of market survey against a monopolistic situation	
	-Questionnaire of concentration(A,B,C,D1,D2), Instructions of the	
	questionnaire (A,B,C,D1,D2)	
12:00-13:30	-Material 1,2,3,4,5 Lunch Break	
12:00-13:30	Q&A Session	JFTC/Prof
13:30-13:30	Q&A SESSION	Seryo
15:30-16:00	Coffee Break	Seryu
16:00-16:30	Q&A session	JFTC/Prof
10.00-10.30	Qar session	Seryo
		Beryo

TRAINING COURSE (2)

- Case Handling Skills -

Technical Cooperation for the Study on Capacity Building for Enforcement of Competition Law and Implementation of Competition Policy in Vietnam (The Press Club, Hanoi, 19th - 22nd June 2006)

Moderator: DG Dr. Dinh Thi My LOAN, Vietnam Competition Administration Dept. (CAD) Co-moderator: Mr. Hidekazu TANAKA, JICA TA Team

Speakers:

Mr. Ken KODA

Senior Investigator, Forth Investigation Division, Investigation Bureau Japan Fair Trade Commission (JFTC)

Mr. Osamu IHORI

Investigator, Fifth Investigation Division Investigation Bureau

Japan Fair Trade Commission (JFTC)

Professor Shingo SERYO

Monday, 19 Ju	ne (DAY 1)	
08:30 - 09:00	Registration	
09:00 - 09:30	Opening	
	- Dr. Dihn Thi My Loan, Director General, CAD	
	- Mr. Hidekazu TANAKA, TA Team	
09:30 - 10:30	Flow of Procedure for Handling Illegal Cases in JFTC	Mr. KODA
	(Overview)	Senior Investigator
10:30 - 10:45	Questions and Answers	
10:45 - 11:00	Coffee Break	
11:00 - 11:30	Abuse of Dominant Position in Vietnamese Competition	Mr. Le Thanh Vinh
	Law	Official - VCAD
11:30 - 12:00	Questions and Answers	
12:00 - 14:00	Lunch Break	
14:00 - 15:00	Development of Japanese Antimonopoly Law focusing	Prof. SERYO
	on "Resale Price Maintenance" and "Abuse of Dominant	
	Bargaining Position" and its Implication to Vietnam (1)	
15:00 - 15:15	Questions and Answers	
15:15 - 15:30	Coffee Break	
15:30 - 16:30	Development of Japanese Antimonopoly Law focusing	
	on "Resale Price Maintenance" and "Abuse of Dominant	
	Bargaining Position" and its Implication to Vietnam (2)	
	Questions and Answers	

Professor of Law, Doshisha University Faculty of Law, Graduate School of Law

Tuesday, 20	June (DAY 2)	
09:00 - 10:00	Nissan Chemical Industries, Ltd. Case (1)	Mr. KODA
	- Case Overview	Senior Investigator
10:00 - 10:15	Questions and Answers	
10:15 - 10:30	Coffee break	
10:30 - 11:30	Nissan Chemical Industries, Ltd. Case (2)	
	- Investigation Process	
11:30 - 12:00	Questions and Answers	
12:00 - 14:00	Lunch	
14:00 - 15:00	Nissan Chemical Industries, Ltd. Case (3)	
	- Investigation Methods and Decisions of Measures	
15:00 - 15:15	Questions and Answers	
15:15 - 15:30	Coffee break	
15:30 - 16:30	Nissan Chemical Industries, Ltd. Case (4)	
	- Measures, etc.	
16:30 - 16:45	Questions and Answers	

Wednesday, 21 June (DAY 3)		
09:00 - 10:00	Mitsui Sumitomo Banking Corporation Case (1)	Mr. IHORI
	- Case Overview	Investigator
10:00 - 10:15	Questions and Answers	
10:15 - 10:30	Coffee break	
10:30 - 11:30	Mitsui Sumitomo Banking Corporation Case (2)	

	- Investigation Process
11:30 - 12:00	Questions and Answers
12:00 - 14:00	Lunch
14:00 - 15:00	Mitsui Sumitomo Banking Corporation Case (3)
	- Investigation Methods and Decisions of Measures
15:00 - 15:15	Questions and Answers
15:15 - 15:30	Coffee break
15:30 - 16:30	Mitsui Sumitomo Banking Corporation Case (4)
	- Measures, etc.
16:30 - 16:45	Questions and Answers

Thursday, 22	June (DAY 4)	
09:00 - 10:00	Recent Cases of Unfair Trade Practices (1)	Mr. KODA
10:00 - 10:15	Questions and Answers	Mr. IHORI
10:15 - 10:30	Coffee break	
10:30 - 11:30	Recent Cases of Unfair Trade Practices (2)	
11:30 - 12:00	Questions and Answers (incl. Q & A for whole seminar)	
12:00 - 14:00	Lunch	
14:00 - 15:00	Questions and Answers for whole seminar (cont.)	Mr. KODA
	Summing up comments	Mr. IHORI
15:00-15:30	Closing	Prof. SERYO
	- Dr. Dihn Thi My Loan, Director General, CAD	
	- Mr. TANAKA, Leader, TA Team	

TRAINING COURSE (3)

Technical Cooperation for the Study on Capacity Building for Enforcement of Competition Law and Implementation of Competition Policy in Vietnam
"Monopoly Position, Economic Concentration and Simulated Case Handling" ("Le Monde", 1st fl. of the Press Club, Hanoi, 5th – 8th September 2006)

Moderator: DDG Mr. Dzung, Vietnam Competition Administration Dept. (VCAD) Co-moderator: Mr. Hidekazu TANAKA, JICA TA Team

Speakers:

Mr. Koichi HOSODA

Director General, Criminal Investigation Department

Japan Fair Trade Commission (JFTC)

Ms. Keiko TOMOYUKI

Chief Investigator for Mergers and Acquisitions, Mergers and Acquisitions Division Economic Affairs Bureau, Japan Fair Trade Commission (JFTC)

Professor Shingo SERYO

Professor of Law, Doshisha University Faculty of Law, Graduate School of Law

Purpose:

Technical and information transfer relating to the implementation of the competition law to the officials of the VCAD

- use two cases, one of them is a case on merger that includes discussion of market definition
- enhance understanding of the adoption to the Vietnamese Competition Law through participation-type workshop session (called "simulation case handling")

Participants: 20 officials in total (VCAD officials and a few offiticals from agencies closely relating to the implementation of Competition Law, such as Legislating Division of Ministry of Commerce, Ministry of Justice, Prosecutors' Office and Courts)

Tuesday, 5 Se	eptember (DAY 1)	
08:30-09:00	Registration	
09:00-09:30	Opening	
	- Representative from VCAD	
	- Mr. Hidekazu TANAKA, TA Team	
09:30-10:30	Market Concentration (M&A) Regulations in Japanese	Prof. SERYO/
	AMA and the Guideline (in comparison with Vietnamese	TA Team
	Competition Law)	
10:30-10:45	Coffee Break	
10:45-11:50	Market Concentration Review Procedure (1)	Ms. Tomoyuki
11:50 -12:00	Questions and Answers	
12:00-13:30	Lunch Break	
13:30-14:30	Market Concentration Review Procedure (2)	Ms. Tomoyuki
14:30-14:45	Questions and Answers	
14:45-15:00	Coffee Break	
15:00-16:00	Market Concentration Review Procedure (3)	
16:00-16:15	Questions and Answers	
16:15-16:30	Preparation for Simulated Case Handling Exercise on	TA Team
	DAY2	
	(explanation on simulated M&A case, etc.)	

Wednesday,	6 September (DAY 2)	
08:30-10:00	Simulated Case Handling Exercise on M&A	TA Team/ VCAD
	- Presentation of the rule and methodology of the exercise	
	- Group Discussion	Lecturers as advisors
10:00-10:15	Coffee break	
10:15-12:00	Group Discussion	
12:00-13:30	Lunch	
13:30-15:00	Group Discussion/Group Presentation	
15:00-15:15	Coffee break	
15:15-16:30	Group Presentation (continued)	
	Comments/advice from lecturers	

Thursday, 7 S	September (DAY 3)	
08:30-09:30	Private Monopolization Regulations in Japanese AMA and	Prof. SERYO/
	Recent Cases (in comparison with Vietnamese Competition	TA Team
	Law)	
09:00-10:30	Private Monopolization Regulations and the NTT Case (1)	Mr. Hosoda
10:30-10:45	Coffee break	
10:45-11:45	NTT Case (2)	Mr. Hosoda
11:45-12 :00	Questions and Answers	
12:00-13:30	Lunch	
13:30-14:30	NTT Case (3)	Mr. Hosoda
14:30-14:45	Questions and Answers	
14:45-15:00	Coffee break	
15:00-15:45	NTT Case (4)	Mr. Hosoda
15:45-16:00	Questions and Answers	
16:00-16:30	Preparation for Simulated Case Handling on DAY4	TA Team
	(explanation on simulated private monopolization case,	
	etc.)	

Friday, 8 Sep	tember (DAY 4)	
08:30-10:30	Simulated Case Handling Exercise	TA Team/ VCAD
	Group Discussion	Lecturers
10:30-10:45	Coffee break	
10:45-12:00	Group Presentation	TA Team/ VCAD
	Comments/ advice from lecturers	Lecturers
12:00-13:30	Lunch	
13:30-15:30	Group Presentation (continued)	
	Comments/ advice from lecturers (continued)	
	Q&A for whole seminar	
15:30-15:45	Interim Presentation on Trial Market Research	TA Team
15:45-16:00	Questions and Answers	(Mr. Kagohashi)
16:00-16:30	Closing	
	- Representative from CAD	
	- Mr. TANAKA, Leader, TA Team	
	- Summing up comments	
	- Presentation of certificates	

Technical Cooperation for the Study on Capacity Building for Enforcement of Competition Law and Implementation of Competition Policy in Vietnam "Competition Restriction Agreement and Simulated Investigation" ("Le Monde", 1st fl. of the Press Club, Hanoi, 27th - 29th Nov. 2006

Co-moderators: Mr. Tran Anh SON, DDG, VCAD Mr. Hidekazu TANAKA, JICA TA Team Speakers:

Mr. Yoshinori MAEDA

Deputy Director, Investigation Division II, Investigation Bureau, JFTC Mr. Kiyohito UCHIDA (Attorney)

> Chief Investigator for Hearing Procedures, Management and Planning Division Investigation Bureau, JFTC

Professor Shingo SERYO

Professor of Law, Doshisha University Faculty of Law, Graduate School of Law

Purpose:

Technical and information transfer relating to the implementation of the competition law to the officials of the VCAD.

Targeted Topic(s):

"Chapter II, Section 1: Competition Restriction Agreements"

- Horizontal Agreement (cartel) -> Art. 8.1 of Vietnamese law
- Bid-rigging (cartel to receive order) -> Art 8.8 of Vietnamese law (interested sectors: construction, IT, etc.)

Style:

Combination of theory and overview, case introduction from Japanese AMA side by lectures, and application to the Vietnamese Competition Law through participation-type workshop session (called "investigation simulation")

Program 1997

	(DA)(A) Maradan (DZ Man				
	(DAY 1) Monday, 27 Nov.				
08:30-9:00	Registration				
09:00-09:20	Opening				
	- Representative from VCAD				
	- Mr. Hidekazu TANAKA, TA Team				
09:20-10:20	Competition Restriction Agreement in Japanese	Prof. SERYO			
	Antimonopoly Act and Recent Cases (in comparison with				
	Vietnamese Competition Law)				
10:20-10:30	Questions and Answers				
10:30-10:45	Coffee Break				
11:45-12:00	Experience of Investigation in Cartel Case (Cartel by	JFTC			
	Producers of Modifier for polyvinyl chloride)				
12:00-13:30	Lunch Break				
13:30-14:45	Experience of Bid-Rigging Case (Bid-Rigging on Jet Fan				
	for Highway Tunnel)				
14:45-15:00	Coffee Break				
15:00-16:15	Discussion and Questions and Answers relating to Case				
	Handling with the emphasis of investigation				
	=> Viewpoint of Discussion				

16:15-16:30	Presentation	regarding	the	Simulated	Investigation	TA Team
	Exercise					

(DA	DAY 2) Tuesday, 28 Nov.		
	Simulated Investigation Exercise (Facilitator: TA Team)		
	08:30 - 09:00	Explanation of the mission by TA Team	TA Team/VCAD • A simulated case on cartel or
			bid-rigging with evidences is prepared by the TA Team.
	09:00 - 10:15	Exercise	• TA Team members play roles of
	10:15 - 10:30	Coffee break	suspect-companies; VCAD groups will
	10:30 - 12:00	Exercise	play the roles of investigators.
	12:00 - 13:30	Lunch	• The clue -> information/evidence
	13:30 - 15:00	Interim Presentation by Groups	gathering (e.g. hearings) -> application
	15:00 - 15:15	Coffee break	of law -> reporting and decision shall
	15:15 - 16:30	Exercise	be conducted by each group.
			• VCAD is in charge of groupings
			• Lecturers are asked to make comments/
			advice

(DA	(DAY 3) Wednesday, 29 Nov.					
	08:30 - 10:30 Simulated Investigation					
			Exercise			
			Presentatio	n by Groups		
		Comments from Lecturers				
10:3	0 - 10:45	Coffee break				
10:4	5 - 11:15	Questions and Answers Session				
11:1	5 - 12:00	Closing				
		- VCAD Representative				
		- JICA Representative				
		- Presentation of certificate				
12:0	0 - 13:30			(Lunch)		

Third TA Seminar Simulated Case Handling Exercise

Following documents were prepared for Simulated Case Handling on DAY 2 (M&A) and DAY 4 (Abuse of dominant position):

DAY 2 Simulated Case on Business Combination of Pharmaceutical Companies I Mission Letter II Fact Sheet III Background Data Additional Mission

DAY 4 Simulated Case on Private Monopolization by Newspaper Publisher I Mission Letter II Fact Sheet III Background Data

DAY 2 Simulated Case on Business Combination of Pharmaceutical Companies

This set of material consists of:

I. Mission Letter (what your team is required to do),

II. Fact (what the companies did), and

III. Background data of the market.

I. MISSION LETTER

As the competition-managing agency, Your Team is in charge of accepting economic concentration notification dossier and examining whether the notified case of business combination is consistent with the Competition Law of Vietnam.

Use every possible details in your Law and in the given Fact and Background data. Try to be concrete as possible.

1. Group Discussion

During the Group Discussion (before lunch) Your Team is expected to identify following points:

(1) Confirm the procedure stipulated by the Law, using actual date in "II. Fact".

(2) Discuss and decide application of the law

- What is your decision (existence of violation)?

- Which provision(s) shall be applied?

(3) Reasoning of the application above

- What is the reasoning of application?

- Which fact(s) shall be taken into consideration?

- What is the further evidence/ information to strengthen your decision?

(4) Possibility of application of alternative provisions?

- Is there any room to apply other provision(s)?

- In such case what kind of fact(s)/evidence(s) can help?

All these discussion shall be recorded in writing.

2. Presentation

After Discussion, Reporter of each group shall make presentation to explain 1.(1)-(4) above. Your can use any visual tools.

(Lecturers will make some comments.)

3. Drafting written notice

Your Team is expected to draft a written notice to reply the dossier-submitting enterprises.

II. Fact

August 3, 2007

Your Team has received following dossier from one of the pharmaceutical companies.

Form MTB-1 (Promulgated with Decision No. 17/QD-QLCT of the Director General of VCAD dated 4 July,2006) (Partly omitted)

1st of August, 2007

Notification on economic concentration To: Competition Administration Department

1. Information on enterprise intending to participate in economic concentration

A. Name of the second enterprise: *First Drag Corporation*Name of the enterprise in short: *First Corp*.
Business sector: *R&D, import, manufacture and sale of pharmaceutical products*Head office's address: HCMC

B. Name of the first enterprise: *Three Pharmaceutical Corporation*Name of the enterprise in short: *Three Corp*.
Business sector: *R&D, import, manufacture and sale of pharmaceutical products*Address of the head office: Hanoi

2. Description of the economic concentration that both sides intend to carry out *We, First Corp. and Three Corp., have reached a consensus to establish a common shareholding company under which pharmaceutical business will be integrated.*

We kindly request the VCAD to consider the notification on economic concentration and the attached dossier and reply by official document whether the economic concentration is prohibited or not in accordance with regulations of Competition Law. We pledge to take full responsibility before the law on the truth and accuracy of the content of this notification on economic concentration and attached dossier.

Enterprises notifying the economic concentration

(Signed and sealed)

To: Competition Administration Department

Attached: business information (omitted)

August 10, 2007

Your Team has sent request to the dossier-submitting enterprises to submit supplemental information regarding details of the products and sales thereof.

August 25, 2007

Your Team has gathered following information.

1. Market condition of three important drugs demanded by medical institutions (hospitals, etc.) are as follows.

(1) Anti-ACE (angiotensin-converting enzyme) drugTotal Sales: \$ 900 millionNumber of competitors: 47 companiesShare and ranking of the share of First Corp.: 10% (4th)Share and ranking of the share of Three Corp.: 15% (3rd)

(2) Wound Healing drugTotal Sales: \$ 100 millionNumber of competitors: 37 companiesShare and ranking of the share of First Corp.: 10% (3rd)Share and ranking of the share of Three Corp.: 5% (15th)

(3) Nonsteroidal drugTotal Sales: \$ 910 millionNumber of competitors: 88 companiesShare and ranking of the share of First Corp.: 10% (3rd)Share and ranking of the share of Three Corp.: 35% (1st)

2. Your Team has interviewed a few competitors and found out that:

(1) It is relatively easy for the competitors to increase production of drugs 1.(1)-(3) above. Therefore, the competitors have excess supply capacity.

(2) There seems no significant difference between the products among competitors, including those produced by First Corp. and Three Corp.

(3) One of the competitors has a plan to sell a new type of nonsteroidal drug, which is already sold in the other countries and expected to gain a certain share in domestic market.

(4) The other competitor started to sell a new wound healing drug since 2 years ago, and has been expanding the share up to now.

3. Your Team has also interviewed a few hospitals and found out that:

(1) Because of the current tendency of saving medical expense, the hospitals try to procure less expensive drugs. All pharmaceutical companies, therefore, try to offer their products by competitive price.

(2) Instead of anti-ACE drugs, similar drugs called ABR drugs have been offered by a few companies. Some hospitals are switching their procurement of anti-ACE drugs to ABR drugs.

4. Vitamin B6 and Vitamin C, food additives sold to general consumers via drug stores without prescription by doctor, are also imported and sold by First Corp. and Three Corp. as follows:

(1) Vitamin B6Total Sales Quantity: 18 tonsShare and ranking of the share of First Corp.: 15% (2nd)Share and ranking of the share of Three Corp.: 5% (10th)

(2) Vitamin CTotal Sales Quantity: 7,000 tonsShare and ranking of the share of First Corp.: 10% (3rd)Share and ranking of the share of Three Corp.: 5% (7th)

III. Background Data

Ranking	Company name	Market Share
1	Company A	30%
2	Company B	17%
3	Three Corp.	15%
4	First Corp	10%
5	Company C	7%

1. Anti-ACE (angiotensin-converting enzyme) drug market

2. Wound Healing drug market

Ranking	Company name	Market Share
1	Company A	20%
2	Company B	17%
3	First Corp.	10%
7	Three Corp.	5%

3. Nonsteroidal drug market

Ranking	Company name	Market Share
1	Three Corp.	35%
2	Company A	16%
3	First Corp.	10%
4	Company B	7%
5	Company C	6%

4. Vitamin B6 market

Ranking	Company name	Market Share
1	Company A	22%
2	First Corp.	15%
3	Company B	10%
10	Three Corp.	5%

5. Vitamin C market

Ranking	Company name	Market Share
1	Company A	20%
2	Company B	18%
3	First Corp.	10%
7	Three Corp.	5%

As for the Vitamin C, public trust in quality of products exported from Country D is rapidly increasing. The products are less expensive than the products originally distributed in domestic market.

DAY 2 Simulated Case on Business Combination of Pharmaceutical Companies Additional Mission

III. Background Data was different!!

Different Situation 1

3. Nonsteroidal drug market

Ranking	Company name	Market Share
1	Three Corp.	49%
2	Company A	5%
3	Company C.	4%
4	Company B	4%
5	First Corp	2%

Different Situation 2

4. Vitamin B6 market

Ranking	Company name	Market Share
1	First Corp.	32%
2	Three Corp.	29%
3	Company A	17%
10	Company B	1%

Different Situation 3

3. Nonsteroidal drug market

Ranking	Company name	Market Share
1	Three Corp.	49%
2	Company A	38%
3	Company C.	7%
4	Company B	3%
5	First Corp	2%

Different Situation 4

4. Vitamin B6 market

Ranking	Company name	Market Share	
1	Company A	35%	

2	First Corp.	29%
3	Three Corp.	22%
4	Company B	5%
5	Company B	1%

DAY 4 Simulated Case on Private Monopolization by Newspaper Publisher

This set of material consists of:

I. Mission Letter (what your team is required to do),

II. Fact (what the companies did), and

III. Background data of the market.

I. MISSION LETTER

As the competition-managing agency, Your Team is in charge of investigating abuse of dominant and/or monopolistic position according to the Competition Law of Vietnam.

Use every possible details in your Law and in the given Fact and Background data. Try to be concrete as possible.

Try to figure out missing information in "II. Fact", e.g. dates, intention of parties, etc.

<u>1. Group Discussion</u>During the Group Discussion (before lunch)Your Team is expected to identify following points:

(1) Investigation procedure stipulated by the Law, using actual date in "II. Fact".

(2) Discuss and decide application of the law

- What is your decision (existence of violation)?
- Which provision(s) shall be applied?

(3) Reasoning of the application above

- What is the result of official investigation?
- What is the reasoning of application?
- Which fact(s) shall be taken into consideration?
- What is the further evidence/ information to strengthen your decision?

(4) Possibility of application of alternative provisions?

- Is there any room to apply other provision(s)?
- In such case what kind of fact(s)/evidence(s) can help?

All these discussion shall be recorded in writing.

2. Presentation

After Discussion, Reporter of each group shall make presentation to explain 1.(1)-(4) above. Your can use any visual tools.

(Lecturers will make some comments.)

3. Drafting written notice

Your Team is expected to draft the competition case-handing decision with concrete items of order.

II. Fact

August 3, 2007

Your Team has received the following note from one of your colleagues working for VCAD's HCMC Office.

3rd of August, 2007

Suspicious Case by HCMC Newspaper To: Hanoi Headquarter of Competition Administration Department From: HCMC Office

It is probable that the HCMC Newspaper Co., Ltd. (hereafter HCMC Newspaper) has been trying to block new entry of the competitors into newspaper market.

The competitors came to our office asking for informal consultations and told us about several acts and measures taken by HCMC Newspaper. For example, the competitors said that HCMC has been blocking "wire reports entities" to provide the news reports to them. Also, HCMC Newspaper has registered all the possible names of the newspapers to the Patent Office so that the competitors cannot use such names.

Shall we go ahead?

<u>, 2007</u> Preliminary investigation started.

<u>, 2007</u> Decision made to conduct official investigation.

, 2007

Decision made to conduct official investigation.

, 2007

Hearings undertaken.

Through the hearings and other means of investigation, following facts were identified.

1.1. HCMC Newspaper has a fear that their system to sell morning and evening editions as a set, because in some other areas, other publishers of evening newspapers are stronger than HCMC News.

1.2. HCMC Newspaper was aware that there was a sign of establishment of a new newspaper publishing company, which is Phu Nhuan Press Co., Ltd. (PH Press), since August 2003.

1.3. In October 2003, the Board of Director Meeting of HCMC Newspaper decided that HCMC set up a Council to take measures for HCMC/ Phu Nhuan Area in order to observe such sign of establishment of a new company.

1.4. Each concerned department of HCMC Newspaper would discuss detailed measures to decelerate new establishment of competitor.

1.5. In September 2005, the Board of Director Meeting of HCMC Newspaper decided to take following action so that PH Press cannot develop their business in HCMC/ Phu Nhuan Area:

i) the measure for newspaper title

- ii) the measures for wire agency
- iii) the measures for advertisement soliciting activities
- iv) the measure for TV commercial.

Details of the measures are as follows:

i) the measure for newspaper title

HCMC Newspaper selected all possible newspaper titles that might be used in the case of publication of newspaper in the HCMC/ Phu Nhuan Area.

HCMC Newspaper applied for registration of trademark to the Patent Office regarding nine possible newspaper titles such as "Phu Nhuan Evening", etc., intending to make it impossible for a newspaper publishing company to be newly established in the HCMC/ Phu Nhuan Area to use such titles. HCMC Newspaper itself has no concrete plan to use the registered titles.

ii) the measures for wire agency

As the existing client of BB News Service, HCMC Newspaper expressed BB News Service that HCMC Newspaper has no intention approve delivery of wire reports to PH Press by BB News Service.

BB News answered that BB News would not execute a wire reports contract with PH Press without obtaining an approval of HCMC Newspaper by its policy.

Therefore, PH Press has not been able to execute a wire reports contract with BB News Service since the first publication of PH Press in June 2006, and waiting for the decision by the VCAD.

iii) the measures for advertisement soliciting activities

HCMC Newspaper has been issuing a local information edition as a separately printed pages attached to the evening edition, in order to attempt to expand papers for the HCMC Area competing with the signs of starting publication of new evening newspaper in the HCMC/ Phu Nhuan Area.

HCMC Newspaper has been discounting the advertisement charge for medium and small business entities to be inserted in such local information edition. [Discount of advertisement charge]

50% discount from advertisement charge inserted in the main newspaper was given since November 2002.

iv) the measure for TV advertisement

A TV advertisement was started to announce the new publication of PH Press via TV HCMC Channel.

HCMC Newspaper, then, demanded to TV HCMC Channel not to accept PH Press's request for the advertisement broadcasting.

As the result, PH Press gave up the advertisement broadcasting regarding via TV HCMC Channel.

III. Background Data

1. HCMC Newspaper Co., Ltc. (HCMC Newspaper)

1.1. A company of publication business of general daily newspaper.

1.2. The sales area is HCMC; the share in the area is a majority of the total number of issue of the morning edition.

1.3. HCMC Newspaper sells not only at the store or street, but also by delivery to the consumers house directly every morning and evening.

1.4. Their policy is to contract with each consumers as a set of morning and evening edition.

1.5. In Phu Nhuan area, which is a part of HCMC, the number of issues of HCMC Newspaper has a large percentage of the total numbers of both morning edition and evening edition.

2. Phu Nhuan Press Co., Ltd. (PH Press)

A company issues only evening edition in HCMC/ Phu Nhuan Area, started in 2006 June.

3. Naming of the newspapers

- Local news papers select the name of newspapers (title, such as "HCMC Newspaper" or "Phu Nhuan Press") connected with the name of the area or city.
- The purpose of such naming is (i) profess the newspaper to the local newspaper, and (ii) make use of such titles as a way to acquire subscribers.

4. Wire reports and local newspapers

- Wire reports (from domestic and foreign news agencies) are essential to issue newspapers.
 The newspaper companies such as HCMC Newspaper and PH Press need to buy some articles/news from wire report agencies.
- There are Major entities to provide wire reports in HCMC Area: AA Wire Service and BB News Service

Details of the wire reports entities are as follows:

AA Wire Service

Any entity which desires to receive wire reports from AA Wire Service shall, in principle, become a member of AA Wire Service and bear a part of operational expenses to receive all of its wire reports.

Spot supply is basically not available. In order to receive wire reports selecting necessary reports not under principle of "Member System" above, approval by the board of directors of AA Wire Service is especially required.

It is difficult to receive wire reports on spot supply basis. Therefore, it is difficulty for an entity which newly starts the publication business of general daily newspaper.

BB News Service

BB News Service's policy is to give priority to existing contractors; to receive wire reports service from BB News Service is only possible upon obtaining such existing contractor's consent.

BB News Service provides only necessary wire reports for a newspaper company.

HCMC Newspaper is in the position of the existing contractor in HCMC. Furthermore, HCMC Newspaper is the main customer of BB News Service and the biggest receiver of wire reports in HCMC Area.

5. Advertising Income

- Generally, main source of the income of the publication business of newspaper are: (i) sales of newspaper, and (ii) advertising income. The size of the advertising income has significant effect on newspaper companies' operating revenue.

II. Fact

August 3, 2007

Your Team has received following dossier from one of the pharmaceutical companies.

Form MTB-1 (Promulgated with Decision No. 17/QD-QLCT of the Director General of VCAD dated 4 July,2006) (Partly omitted)

1st of August, 2007

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Business sector: *R&D, import, manufacture and sale of pharmaceutical products*Head office's address: HCMC

B. Name of the first enterprise: *Three Pharmaceutical Corporation*Name of the enterprise in short: *Three Corp*.
Business sector: *R&D, import, manufacture and sale of pharmaceutical products*Address of the head office: Hanoi

2. Description of the economic concentration that both sides intend to carry out *We, First Corp. and Three Corp., have reached a consensus to establish a common shareholding company under which pharmaceutical business will be integrated.*

We kindly request the VCAD to consider the notification on economic concentration and the attached dossier and reply by official document whether the economic concentration is prohibited or not in accordance with regulations of Competition Law. We pledge to take full responsibility before the law on the truth and accuracy of the content of this notification on economic concentration and attached dossier.

Enterprises notifying the economic concentration

(Signed and sealed)

To: Competition Administration Department

Attached: business information (omitted)

August 10, 2007

Your Team has sent request to the dossier-submitting enterprises to submit supplemental information regarding details of the products and sales thereof.

August 25, 2007

Your Team has gathered following information.

1. Market condition of three important drugs demanded by medical institutions (hospitals, etc.) are as follows.

(1) Anti-ACE (angiotensin-converting enzyme) drugTotal Sales: \$ 900 millionNumber of competitors: 47 companiesShare and ranking of the share of First Corp.: 10% (4th)Share and ranking of the share of Three Corp.: 15% (3rd)

(2) Wound Healing drugTotal Sales: \$ 100 millionNumber of competitors: 37 companiesShare and ranking of the share of First Corp.: 10% (3rd)Share and ranking of the share of Three Corp.: 5% (15th)

(3) Nonsteroidal drugTotal Sales: \$ 910 millionNumber of competitors: 88 companiesShare and ranking of the share of First Corp.: 10% (3rd)Share and ranking of the share of Three Corp.: 35% (1st)

2. Your Team has interviewed a few competitors and found out that:

(1) It is relatively easy for the competitors to increase production of drugs 1.(1)-(3) above. Therefore, the competitors have excess supply capacity.

(2) There seems no significant difference between the products among competitors, including those produced by First Corp. and Three Corp.

(3) One of the competitors has a plan to sell a new type of nonsteroidal drug, which is already sold in the other countries and expected to gain a certain share in domestic market.

(4) The other competitor started to sell a new wound healing drug since 2 years ago, and has been expanding the share up to now.

3. Your Team has also interviewed a few hospitals and found out that:

(1) Because of the current tendency of saving medical expense, the hospitals try to procure less expensive drugs. All pharmaceutical companies, therefore, try to offer their products by competitive price.

(2) Instead of anti-ACE drugs, similar drugs called ABR drugs have been offered by a few companies. Some hospitals are switching their procurement of anti-ACE drugs to ABR drugs.

4. Vitamin B6 and Vitamin C, food additives sold to general consumers via drug stores without prescription by doctor, are also imported and sold by First Corp. and Three Corp. as follows:

(1) Vitamin B6Total Sales Quantity: 18 tonsShare and ranking of the share of First Corp.: 15% (2nd)Share and ranking of the share of Three Corp.: 5% (10th)

(2) Vitamin CTotal Sales Quantity: 7,000 tonsShare and ranking of the share of First Corp.: 10% (3rd)Share and ranking of the share of Three Corp.: 5% (7th)

III. Background Data

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Ranking	Company name	Market Share
1	Company A	30%
2	Company B	17%
3	Three Corp.	15%
4	First Corp	10%
5	Company C	7%

1. Anti-ACE (angiotensin-converting enzyme) drug market

2. Wound Healing drug market

Ranking	Company name	Market Share	
1	Company A	20%	
2	Company B	17%	
3	First Corp.	10%	
7	Three Corp.	5%	

3. Nonsteroidal drug market

Ranking	Company name	Market Share	
1	Three Corp.	35%	
2	Company A	16%	
3	First Corp.	10%	
4	Company B	7%	
5	Company C	6%	

4. Vitamin B6 market

Ranking	Company name	Market Share
1	Company A	22%
2	First Corp.	15%
3	Company B	10%
10	Three Corp.	5%

5. Vitamin C market

Ranking	Company name	Market Share
1	Company A	20%
2	Company B	18%
3	First Corp.	10%
7	Three Corp.	5%

As for the Vitamin C, public trust in quality of products exported from Country D is rapidly increasing. The products are less expensive than the products originally distributed in domestic market.

The Simulated Investigation Practice in the 4th TA seminar of the JICA Capacity Building for Enforcement of Competition Law

Receiving the Dossier, participants, as the members of the Investigation Team consists of 5 - 7 members proceeded the investigation process in accordance with the Mission Letter. For each step, following Forms and evidences were prepared by the TA Team:

1. Clue

- FORM 2, to describe the points to be clarified to the complainant

- Dossier

- Enhanced Dossier to be submitted after the confirmation of the complainant.

2. Preliminary Investigation

- FORM 3, Investigation Strategy Plan A

- Record of Road Construction Bidding of Hai Phong City Construction Department (attached)

- Profiles of Companies A, B, C and D
- Business Relation of Road Construction from a research company
- Market share from another research company
- FROM 4, Internal Report on the Preliminary Investigation
- 3. On-the-spot Investigation
- FORM 5, Investigation Strategy Plan B
- Company A's internal documents
- Company B's internal documents
- Company C's internal documents
- Mr. Ahn's Schedule
- Mr. Boom's Schedule memo
- Planned amount of each bidding
- Mail folder report of 4 sales managers
- Telephone record
- Data in Mr. Ahn's Secretary
- 4. Interviews to the related parties
- FORM 6, Investigation Strategy Plan C
- FORM 7. Investigation Minutes
- 5. Sum up and reporting
- FORM 8, Investigation Report

FORMs are prepared to facilitate the simulation exercise. The participants are also encourage to fill the FORM 1(Investigation Procedure) to take note of the issues to be further discussed/ developed.

All FORMs and one of the evidences "Record of Road Construction Bidding of Hai Phong City Construction Department" and the background calculation thereof are attached.

Mission Letter

to the participants of the Simulated Investigation Practice in the 4th TA seminar of the JICA Capacity Building for Enforcement of Competition Law

You are a member of an Investigators' Team in the VCAD.

You are expected to handle the case in accordance with the Competition Law and the Decrees.

This Case is relating to a suspicious bid-rigging in the road construction. You can find some background and the names of related companies in the end of this letter. You have to get other information during the course of investigation.

Trigger

Having received an anonymous complaint on February 2nd of 2006 that the road constructions procured by the City of Hai Phong could be suspected collusion on bidding by the road construction companies in the region, the VCAD has been watching the development.

On 20th of March 2006, one Company operating in north-east of the Hai Duong, neighboring to the Hai Phong, submitted the Dossier saying that it has been asked for cooperation in reception of an order by one of the companies operating the construction in Hai Phong City when it entered into the market in Hai Phong City.

1. Information - Clue

Your case handling will start by receiving a Dossier that causes a clue of the case. Please discuss and identify whether there is lack of information or not. You are invited to write down the result of the discussion over the Dossier on the FORM 2 and show it to the Submitter of the Dossier, including request for additional information to the Submitter.

2. Preliminary Investigation

This process shall be proceeded by following two actions:

- Gather information from public source (You will ask the Public Person)
- When necessary, contact related parties.

(1) Planning of the Strategy of the Preliminary Investigation

Preliminary Investigation must be planned in order to think about the way to get information to identify what should be proved or brought out, and to determine whether the case can be subject to the official investigation. For this sake, the "Investigation Strategy Plan A" (FORM 3) should be developed to identify further steps including;

i) What are the points to be proved/ verified

ii) What kind of information you needed; in which places and how you get the information, and who in the Team get the information.

iii) why the Team thinks that ii) is established by i), and

iv) proceeding schedule for the whole investigation.

(2) Implementation of Preliminary Investigation

Contact related parties. You can start when you are ready. You cannot change your way to do the investigation by looking what the other Teams would do and success/ fail of the others, but you are required to stick on your Strategy Plan A

(3) Review and Report on the Preliminary Investigation

Each Team is expected to draft the Internal Report FORM 4 to submit to the DG of the VCAD in order to facilitate her decision to stop or conduct official investigation.

Comments from the Lecturers on the strategy, implementation and result of the Preliminary Investigation

3. Strategy Planning of the Official Investigation

Before the conduct of the Official Investigation, each Team will discuss and draft "Investigation Strategy Plan B" (FORM 5).

The Official Investigation mainly consists of on-the-spot investigation and interviews.

"Investigation Strategy Plan B" includes issues to be proved, how to prove and expected confiscations acquired by the on-the-spot investigation.

4. Conduct On-the-Spot Investigation

The Team readily prepared will conduct the on-the-spot investigation based on the "Investigation Strategy Plan B" (FORM 5). Again, you cannot change your Strategy Plan B or how to conduct the investigation by looking what the other Teams would do and success/fail of the others. You have to stick to what you planned in your Investigation Strategy Plan B.

5. Organizing and Compiling the Outcome of the On-the-Spot Investigation and Review of the Strategy Plan

Each Team will organize and analyze the confiscations - materials and information seized by the on-the-spot investigations. Based upon the outcome, the investigation strategy is reviewed and elaborated. Then, "Investigation Strategy Plan C" (FORM 6) will be drafted. FORM 6 includes anticipated interviewees and questions.

6. Interviews

(1) Implement interviews in accordance with you plan described in FORM 6. You cannot change your plan by looking at what the other Teams have done before you Team.

(2) Investigation Minutes

Draft Investigation Minutes in accordance with the Law (FORM 7)

7. Investigation Report

Draft the Investigation Report based on the facts proved by confiscations and interviews (FORM 8).

Presentation and Comments 2

Each Team will make a presentation including following issues.

- i) issues in investigation report stipulated in Article 93.2
 - a/ brief account of the case;
 - b/ Verified circumstances and evidences;
 - c/ Proposed handling measures
- ii) contents and development of Investigation Planning Sheet (A) to (C)

iii) possible tasks, issues/ information that should be shared and/or accumulated (by referring to FORM 1 and others)

As the additional task, you are expected to identify the detailed flow of the practical procedures beyond what stipulated in the Competition Law or the Decrees. For this sake, you are expected to fill out the NOTE (blank) in the FROM !as you come across the following points and share during your presentation at the end of the Simulated Investigation Practice:

- Provisions/ wordings that may need further interpretation or clarification
- Necessity of introducing anticipated guidelines or accumulation of the know-hows, if any
- Usability of format of the document prepared and shared within the VCAD
- Other questions, points to keep in mind and shared

Background Information 1

Road construction companies and subcontractors/related companies in Hai Phong City consist of the followings:

Road Construction Companies

Company A
Company B
Company C
Company D

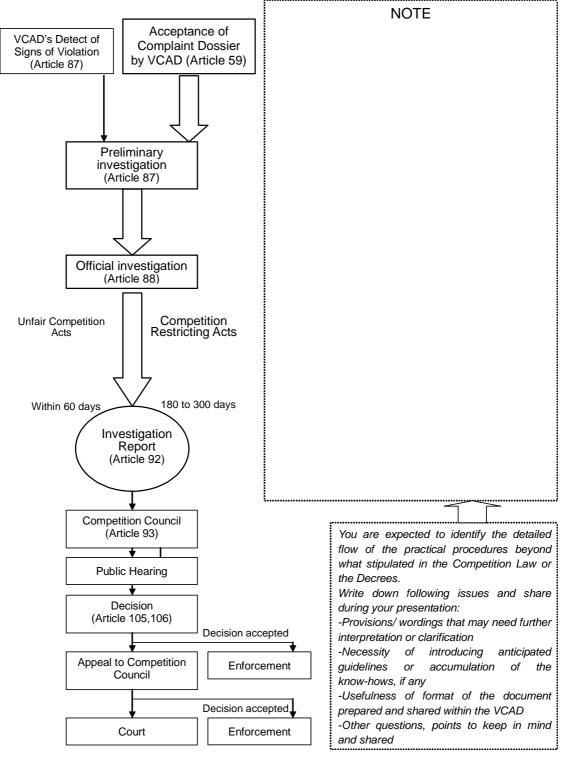
Subcontractor/ Related Companies

small builders office	electric facility	readymixed concrete	heavy machinery
Komkom	Tokyo Electric	Apple Concrete	Sugar Heavy Machinery
Tamtam	Osaka Electric	Orange Concrete	Coffee Heavy Machinery
Pampam	Sapporo Electric	Melon Concrete	Cream Heavy Machinery

FORM 1: Investigation Procedure

TEAM NAME

Steps subject to the Simulated Exercise is emphasized in large letters and bold lines This Chart is partly omitted for the simplification purpose



FORM 2: Review of the Dossier

TEAM NAME_____

Please write down the result of the discussion over the Dossier on the FORM 2 and show it to the Submitter of the Dossier, including request for additional information to the Submitter.

FORM 3: Investigation Strategy Plan A

TEAM NAME_____

"Investigation Strategy Plan A" (FORM 3) should be developed to identify: i) What are the points to be proved/ verified; ii) What kind of information you needed; in which places and how you get the information, and who in the Team get the information; iii) why the Team thinks that ii) is established by i); and iv) proceeding schedule for the whole investigation.

i) Points/ issues to be proved/ verified;

-

-

-

ii) Information to acquire				iii) reasoning why
what	where	how	(by whom of	ii) on left prove i)
			your team)	above
-				
-				
-				
-				
-				

iv) Proceeding Schedule for the Whole Investigation - time frame?

- due date

- others

FORM 4: Internal Report of Preliminary Investigation to DG of the

VCAD

TEAM NAME

Please review your Preliminary Investigation and draft the Internal Report to submit to the DG of the VCAD in order to facilitate her decision to stop or conduct official investigation.

FORM 5: Investigation Strategy Plan B

TEAM NAME_____

Before the conduct of the Official Investigation, each Team will discuss and draft "Investigation Strategy Plan B". The Official Investigation mainly consists of on-the-spot investigation and interviews. "Investigation Strategy Plan B" includes issues to be proved, how to prove and expected confiscations acquired by the on-the-spot investigation.

i) Points/ issues to be proved/ verified;

-

_

Summery of the expected confiscations acquired by on-the-spot investigation
(1)
(2)
(5)
(3)
...

ii) Information	iii) reasoning why			
what	where	how	(by whom of your team)	ii) on left prove i) above
-				
-				
-				
-				
-				

iv) Proceeding Schedule for the Whole Investigation

- time frame?

- due date

- others

FORM 6: Investigation Strategy Plan C

TEAM NAME_____

Please organize and analyze the confiscations - materials and information seized by the on-the-spot investigations. Based upon the outcome, the investigation strategy is reviewed and elaborated. Then, "Investigation Strategy Plan C" (FORM 6) will be drafted. FORM 6 includes anticipated interviewees and questions.

i) Points/ issues to be proved/ verified;

- -
- _

ii) Information already acc	iii) reasoning why		
what	where	how	iii) reasoning why ii) on left prove i)
			above
-			
-			
-			
-			

iii) Anticipated interviewees a	iv) reasoning why			
who (interviewwes)	what	how	iv) reasoning why iii) on left prove i) above	
-				
-				
-				
-				

iv) Proceeding Schedule for the Whole Investigation - time frame, etc

FORM 7: Investigation Minutes (1)

Draft Investigation Minutes in accordance with the Law (FORM 7)

(Minutes 2, 3,....)

FORM 8: Investigation Report

TEAM NAME_____

Draft the Investigation Report based on the facts proved by confiscations and interviews

Bid Announcement	participated company and bid amount			
	* bid winner			
#1182, 11/9, 2005, Bid: 11/30, Contract: 12/15	Company A 15,121,657,000 VDN*			
Full scale road construction in North Hai Phong	Company B 15,238,866,500 VDN			
City	Company C 15,246,870,000 VDN			
#1201, 11/21, 2005, Bid: 12/5, Contract: 12/20	Company C 700,000,000 VDN			
Road repairing in South Hai Phong City	Tam tam 460,000,000 VDN*			
#1235, 12/9, 2005, Bid: 12/28, Contract: 1/20,	Company A 36,022,000,700 VDN			
2006	Company B 36,246,759,000 VDN			
Highway construction project in South Hai	Company C 36,157,699,000 VDN			
Phong City	Company D 35,964,743,200 VDN*			
#1002, 1/10, 2006, Bid: 1/31, Contract: 2/15	Company A 17,237,500,000 VDN			
Full scale industry road construction in East Hai	Company B 17,325,000,000 VDN			
Phong City	Company C 17,185,000,000 VDN*			
#1014, 1/20, 2006, Bid: 2/3, Contract: 2/10	Company C 892,500,000 VDN			
Safety construction (guard rails and signals) in	Tokyo Electric 688,500,000 VDN			
South Hai Phong	Sapporo Electric 612,000,000 VDN*			
#1067, 2/20, 2006, Bid: 3/3, Contract: 3/10	Company C 1,034,320,000 VDN			
Safety construction (guard rails and signals) in	Tokyo Electric 720,330,000 VDN			
North Hai Phong	Osaka Electric 627,980,000 VDN*			
	Sapporo Electric 692,625,000 VDN			
#1085, 3/10, 2006, Bid: 3/31, Contract: 4/14	Company A 18,438,136,200 VDN			
Full scale industry road construction in mid Hai	Company B 18,289,141,160 VDN*			
phong City	Company C 18,475,384,960 VDN			
	Company D 18,531,258,100 VDN			
#1105, 3/20, 2006, Bid: 4/5, Contract: 4/10	Company C 540,000,000 VDN			
Safety construction (guard rails and signals) in	Tokyo Electric 337,500,000 VDN			
West Hai Phong	Osaka Electric 292,500,000 VDN*			
	Sapporo Electric 351,000,000 VDN			
#1113, 4/20, 2006, Bid: 5/5, Contract: 5/12	Company C 630,000,000 VDN			
Safety construction (guard rails and signals) in	Tokyo Electric 480,000,000 VDN			
East Hai Phong	Osaka Electric 408,000,000 VDN*			
#1125, 5/10, 2006, Bid: 5/31, Contract: 6/15	Company A 49,204,665,800 VDN*			
Highway construction project in South Hai	Company B 49,763,242,698 VDN			
Phong City (2)	Company C 49,509,338,653 VDN			
	Company D 49,255,444,609 VDN			
#1140, 5/20, 2006, Bid: 6/5, Contract: 6/12	Komkom 308,000,000 VDN			
Road repairing in West Hai Phong	Tamtam 288,000,000 VDN*			

Hai Phong City Construction Department Record of Road Construction Bidding

	Pampam 340,000,000 VDN		
#1141, 5/20, 2006, Bid: 6/5, Contract: 6/12	Komkom 258,400,000 VDN*		
Road repairing in mid Hai Phong	Tamtam 285,000,000 VDN		
	Pampam 315,400,000 VDN		
#1162, 6/20, 2006, Bid: 7/5, Contract: 7/10	Company C 300,000,000 VDN		
Safety construction (guard rails and signals) in	Tokyo Electric 255,000,000 VDN		
Mid-West Hai Phong	Osaka Electric 212,500,000 VDN*		
	Sapporo Electric 262,500,000 VDN		
#1172, 7/10, 2006, Bid: 7/31, Contract: 8/15	Company A 37,100,800,000 VDN		
Full scale road construction in North-West Hai	Company B 37,213,000,000 VDN		
Phong	Company C 36,876,400,000 VDN*		
#1182, 8/21, 2006, Bid: 9/5, Contract: 9/11	Komkom 490,000,000 VDN*		
Road repairing in south-east Hai Phong	Tamtam 532,000,000 VDN		
	Pampam 644,000,000 VDN		
#1215, 9/11, 2006, Bid: 9/30, Contract: 10/6	Company A 53,245,890,000 VDN		
Highway construction project in South Hai	Company B 52,979,660,550 VDN		
Phong City (3)	Company C 52,819,922,880 VDN		
	Company D 52,447,201,650 VDN*		
#1227, 10/10, 2006, Bid: 10/31, Contract: 11/15	Company A 38,379,529,864 VDN*		
Full scale industry road construction in mid-east	Company B 38,729,140,966 VDN		
Hai phong City	Company C 38,651,449,610 VDN		
#1237, 10/20, 2006, Bid: 11/3, Contract: 11/10	Komkom 779,000,000 VDN		
Road repairing in north-westt Hai Phong	Tamtam 741,000,000 VDN*		
	Pampam 836,000,000 VDN		

* 1.4 billion VDN = 860 USD =10 million JPY

2005	Estimated Price	А	В	С	D			
#1182	15,430,262,245	15,121,657,000	15,238,866,500	15,246,870,000				
		98.00%	98.76%	98.81%				
#1201	5,500,000			7,000,000		4,600,000		
				127.27%		83.64%		
#1235	36,512,429,645	36,022,000,700	36,246,759,000	36,157,699,000	35,964,743,200			
		98.66%	99.27%	99.03%	98.50%			
Total	51,086,400,200	15,121,657,000			35,964,743,200		Ì	
Share	100.00%	29.60%	0.00%	0.00%	70.40%			
2006	Estimated Price	А	В	С	D			
#1002	17,500,000,000	17,237,500,000	17,325,000,000	17,185,000,000	0			
		98.50%	99.00%	98.20%				
#1014	850,000,000			892,500,000		688,500,000	612,000,000	
				105.00%		81.00%	72.00%	
#1067	923,500,000			1,034,320,000		720,330,000	627,980,000	692,625,000
				112.00%		78.00%	68.00%	75.00%
#1085	18,624,380,000	18,438,136,200	18,289,141,160	18,475,384,960	18,531,258,100			
		99.00%	98.20%	99.20%	99.50%			
#1105	450,000,000			540,000,000		337,500,000	292,500,000	351,000,000
				120.00%		75.00%	65.00%	78.00%
#1113	600,000,000			630,000,000		480,000,000	408,000,000	
-	,,			105.00%		80.00%	68.00%	
#1125	50,778,808,875	49,204,665,800	49,763,232,698	49,509,338,653	49,255,444,609			
-	, -,,	96.90%	98.00%	97.50%	97.00%			
#1140	400,000,000					308,000,000	288,000,000	340,000,000
	,					77.00%	72.00%	85.00%
#1141	380,000,000					258,400,000	285,000,000	315,400,000
	,					68.00%	75.00%	83.00%
#1162	250,000,000			300,000,000		255,000,000	212,500,000	262,500,000
				120.00%		102.00%	85.00%	105.00%
#1172	37,400,000,000	37,100,800,000	37,213,000,000	36,876,400,000				
	,,,	99.20%	99.50%	98.60%				
#1182	700,000,000					490,000,000	532,000,000	644,000,000
-	,,					70.00%	76.00%	92.00%
#1215	53.245.890.000	52,713,431,100	52,979,660,550	52,819,922,880	52,447,201,650			
		99.00%	99.50%	99.20%	98.50%			
#1227	38,845,678,000	38,379,529,864	38,729,140,966	38,651,449,610				
		98.80%	99.70%	99.50%				
#1237	950,000,000	00.00%	00.10%	00.00%		779,000,000	741,000,000	836,000,000
	113,000,000					82.00%	78.00%	88.00%
Total	212,381,938,474	87,584,195,664	18,289,141,160	54,061,400,000	52,447,201,650	02.00%	10.00%	00.00%
Share	100.00%	41.24%	8.61%	25.45%	24.69%			
Chart	100.00%	<u>+1.∠</u> +/0	0.01%	20.70/0	27.03/			
Adjust Total	263,468,338,674	87,584,195,664	69,375,541,360	54,061,400,000	52,447,201,650			
Adjust Share	100.00%	33.24%	26.33%	20.52%	19.91%			
Aujust Share	100.00%	33.24%	20.00%	20.02%	13.31%			