

Ha Noi, 21 July 2014

Pursuant to the Law on Organization of the Government dated 25 December 2001; Pursuant to the Competition law dated 3 December 2004; Pursuant to the Law on Dealing with Administrative Offences dated 20 June 2012; On the proposal of the Minister of Trade and Industry, The Government hereby issues this Decree implementing the Law on Competition on dealing with breaches in the competition sector.

CHAPTER 1: General provisions

Article 1: Governing scope

1. This Decree regulates dealing with organizations and individuals who commit breaches of the provisions of the competition law.

2. Conduct in breach of the competition law as stipulated in this Decree comprises:

(a) Conduct in breach of the provisions on control of competition restriction acts;

(b) Conduct in breach of the provisions on unfair competition practices

(c) Conduct in breach of other provisions of the competition law.

Article 2: Applicable entities

This Decree applies to the following organizations and individuals:

1. Organizations and individuals conducting business (hereinafter referred to as enterprises) and industry associations operating in Vietnam (hereinafter referred to as *associations*) as stipulated in article 2 of the *Competition law*.

2. Other organizations and individuals conducting the practices stipulated in Section 5 of Chapter 2 of this Decree.

Article 3: Forms of sanction for breaches of competition law

1. For each breach of the competition law, one of the following principal sanctions must be imposed on the organization or individual in breach:
 - (a) Warning;
 - (b) Fine.
2. Depending on the nature and seriousness of a breach, one or more of the following additional forms of sanction may be imposed on the organization or individual in breach of the competition law:
 - (a) Withdrawal of enterprise registration certificate; revocation of right to use a license or practicing certificate;
 - (b) Confiscation of material evidence and facilities used to commit the breach of the competition law, including confiscation of profit earned from the practice in breach.
3. In addition to the forms of sanction stipulated in clauses 1 and 2 of this article, one or more of the following measures for remedying consequences may also be applied to an organization in breach of the competition law:
 - (a) Restructure of an enterprise which has abused its dominant market position;
 - (b) Division or split of an enterprise which has merged or consolidated; compulsory re-sale of that part of an enterprise which has been acquired;
 - (c) Public retraction;
 - (d) Removal of illegal terms and conditions from a contract or business transaction;
 - (đ) Compulsory use or re-sale of inventions, utility solutions or industrial designs which have been purchased but not used;
 - (e) Compulsory removal of measures which prevent or impede other enterprises from participating in the market or from developing

business;

- (g) Compulsory restoration of conditions for technical or technological development which an enterprise has impeded;
- (h) Compulsory removal of disadvantageous conditions imposed on customers;
- (i) Compulsory restoration of contractual conditions which have been changed without any legitimate reason;
- (k) Compulsory restoration of a contract which has been cancelled without any legitimate reason.

Article 4: Determining amount of fines applicable to breach of provisions on control of competition restriction practices

1. The amount of a fine for a breach of the provisions on control of practices in competition restriction shall be determined as a %age of turnover from the sale, or of the turnover [or volume] of input purchase of the goods or services relevant to the practice in breach during the time when the breach was conducted and applicable to each enterprise in breach.
2. If the amount of turnover referred to in clause 1 above is unable to be determined, then the amount of the fine shall be determined as a %age of the overall turnover of the enterprise in breach in the financial year prior to the year in which the breach was committed.
3. When determining the amount of a fine as prescribed in clauses 1 and 2 above, the competent agency shall rely on information and data in the financial books of account and accounting data which the enterprise provides. If an enterprise fails to provide such data, then the competent agency shall rely on other information and data which it collects or which is available.
4. The competent agency shall determine the appropriate ratio described in clauses 1 and 2 above by relying on one or more of the following factors:
 - (a) Level of competition restriction caused by the practice in breach;
 - (b) Amount of loss caused by the practice in breach;

- (c) Capability of the entity in breach to restrain competition;
 - (d) Period of time during which the practice in breach occurred;
 - (đ) Scope of the practice in breach;
 - (e) Profit gained as a result of the practice in breach;
 - (g) Other necessary factors in each specific case.
5. Regarding the extenuating or aggravating circumstances stipulated in article 85 of Decree 116-2005- ND-CP implementing the *Competition law*, the amount of a fine for a breach as determined in accordance with clause 1 above shall be reduced or increased by 15%.
 6. In any case, the amount of a fine for a breach of the provisions on control of practices in competition restriction shall not exceed the maximum fines prescribed in sections 1, 2 and 3 of Chapter 2 of this Decree.

Article 5 Determining amount of fines applicable to breach of provisions on unfair competition practices and breach of other provisions of the competition law

1. The maximum amount of a fine for a breach of provisions on unfair competition practices or a breach of other provisions of the competition law shall be one million (1,000,000) Vietnamese dong in the case of an individual and two million (2,000,000) Vietnamese dong in the case of an organization.
2. The amount of fines prescribed in sections 4 and 5 of Chapter 2 are applicable to an enterprise in breach; the amount of a fine applicable to an individual shall be one half of that applicable to an organization.
3. The specific amount of a fine for a breach of the provisions on unfair competition practices or a breach of other provisions of the competition law shall be the average of the fine framework applicable to such breach; if there are extenuating circumstances then the fine may be reduced but not to less than the minimum of the applicable fine framework; and if there are aggravating circumstances then the fine may be increased but not to above the maximum level of the fine framework.
4. Regarding the extenuating or aggravating circumstances stipulated in article 85 of Decree 116-2005- ND-CP implementing the *Competition*

law, the amount of a fine for a breach as determined in accordance with clause 3 above shall be reduced or increased by 15%.

Article 6: Compensation for loss caused by breach of competition law

1. Any organization or individual breaching the competition law and thereby causing loss to the interests of the State or to the lawful rights and interests of other organizations and individuals must pay compensation for such loss.
2. Payment of compensation for loss as stipulated in clause 1 of this article shall be implemented in accordance with the civil law.

Article 7: *Limitation period for lodging complaint about competition case and limitation period for issuance of decision to investigate when the competition authority discovers indications of breach of competition law*

The limitation period for lodging a complaint about a competition case and the limitation period for issuance of a decision to investigate when the competence agency for competition discovers indications of a breach of the competition law stipulated in article 65.2 of the *Competition law* is two years from the date on which the indications of the breach of the *Competition law* are discovered.

Chapter II

CONDUCT IN BREACH OF THE COMPETITION LAW, FORMS AND LEVELS OF SANCTION

Section 1: Conduct in breach of provisions on competition restriction agreements

Article 8. Agreements either directly or indirectly fixing price of goods and services

1. A fine of up to 10% of the total revenue in the financial year prior to the year in which the breach was committed shall apply to each enterprise being one of the parties participating in the agreement with the combined market share of 30% or more in the relevant market for one of the following breaches:

- a) Agreement to apply uniformly a price to some or all;
- b) Agreement to increase or reduce the price by a fixed amount;
- c) Agreement to apply a uniform pricing formula;
- d) Agreement to maintain a fixed ratio for the price of related goods;
- đ) Agreement not to discount prices or to apply a uniform rate of discount;
- e) Agreement to give credit available for customers, except where the agreement relates to customers operating in lending activities in accordance with the law on credit institutions;
- g) Agreement not to reduce prices without notification to other members of the agreement;
- h) Agreement to use a uniform price at the commencement of negotiations.

2. In addition to the fines stipulated in clauses 1 of this article, one or more of the following additional forms of sanction and measures for remedying consequences may also be applied to an enterprise in breach:

- a) Confiscation of all profits earned from the practice in;
- b) Compulsory removal of illegal terms and conditions from the contract or business transaction.

Article 9. Agreements to share consumer market, resources of supply of goods and services

1. A fine of up to ten % of total revenue in financial year prior to the year in which the breach was committed shall applied for each enterprise being one of the parties participating in the agreement with a combined market of thirty (30) % or more in the relevant market for one of the following breaches:

- a) Agreement on the quantity of or location of purchase and sale of goods and services or on the group of customers for each of the parties participating in the agreement;
- b) Agreement that all parties participating in the agreement will only purchase goods or services from one or more specified sources of supply.

2. In addition to the fines stipulated in Clause 1 of this Article, one or more of the additional forms of sanction and measure for remedying consequences stipulated in Clause 2 of Article 8 of this Decree may also be applied to an enterprise in breach.

Article 10. Agreements to restrain or control quantity or volume of goods and services produced, purchased or sold

1. A fine of up to ten (10) % of the total revenue in the financial year prior the year in which the breach was committed shall apply to each enterprise being one of parties participating in the agreement with a combined market share of thirty (30) or more in the relevant market for one of the following breaches:

- a) Agreement to cease or reduce quantity or volume of goods produced, purchased or sold or of services supplied on the relevant market as compared to previously;
- b) Agreement to fix the quantity or volume of goods produced, purchased or sold or of services supplied at a level sufficient to create a shortage in the market.

2. In addition to the fines stipulated in Clause 1 of this Article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in Clause 2 Article 8 of this Decree may be also applied to an enterprise in breach.

Article 11. Agreement to restrain technical developments or technology or to restrain investment

1. A fine of up to ten (10) % of the total revenue in the financial year prior to the year in which the breach was committed shall apply to each enterprise being one of parties participating in the agreement with a combined market share of thirty (30) % or more in the relevant market for on of the following breaches:

- a) Agreement to purchase an invention, utility solution or technical design in order to destroy it or keep it from being used;
- b) Agreement not provides more capital for expanding production, for improving the quality of goods and services or for other development and expansion.

2. In addition to the fines stipulated in Clause 1 of this Article, one or more of the additional forms or measures for remedying consequences stipulated in Clause 2 Article 8 of this Decree may be also applied to an enterprise in breach.

Article 12. Agreements to impose on other enterprises conditions for signing contracts for purchase and sale of goods and services or to force other enterprises to accept obligations not related in a direct way to subject matter of contract

1. A fine of up to ten % of the total revenue in the financial year prior to the year in which the breach was committed shall apply to each enterprise being one of the parties of participating in the agreement with a combined market share of thirty % or more in the relevant market for one of the following breaches:

a) Agreement to impose on other enterprises any one of the following precedent conditions prior to signing contracts for the purchase and sale of goods and services: restriction on production or distribution of other goods; purchase or supply of other services not related in a direct way to the undertaking of the party accepting to act as an agent in accordance with the agency law; restriction on locations for re-sale of goods, except for goods on the list of goods the trading of which is conditional or restricted in accordance with law; restriction on customers who purchase goods for re-sale, except for goods on the list of goods the trading of which is conditional or restricted in accordance with law; restriction on form or quantity of goods which may be supplied.

b) Agreement to force other enterprises, when they are conducting purchases and sales of goods and services with any of the enterprises participating in the agreement to purchase other goods and services from a pre-nominated suppliers or entities or to implement one or more obligations outside the essential scope of performance of the contract.

2. In addition to the fine stipulated in Clause 1 of this Article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in Clause 2 Article 8 of this Decree may be also applied to an enterprise in breach.

Article 13. Agreements which prevent, impede or do not allow other enterprises to participate market to develop business

1. A fine of up to ten % of total revenue in the financial year prior to the year in which the breach was committed shall apply to each enterprise being one of the parties participating in the agreement for one of the following breaches:

- a) Agreement not to trade with enterprises not being parties to the agreement;
- b) Agreement to act together in enquiring, encouraging or enticing one's own customers not to conduct purchase and sale of goods with or use services of enterprises not being parties of the agreement;
- c) Agreement to act together in conducting purchase and sale of goods and services at prices sufficient to ensure that enterprises not being parties to the agreement will not be able to participate in the relevant market;
- d) Agreement to act together in enquiring, encouraging or enticing distributors, retailers which are working with [enterprises being parties to the agreement] to be discriminatory when purchasing or selling goods of enterprises not being parties to the agreement by causing difficulties for the sale of the goods of such enterprises;
- đ) Agreement to act together to conduct purchase or sale of goods and services at prices sufficient to ensure that enterprises not being parties to the agreement will not be able to expand their business scale;

2. In addition to the fine stipulated in clause 1 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 8.2 of this Decree may also be applied to an enterprise in breach.

Article 14. Agreements which exclude from market other enterprises which are not parties to agreement

1. A fine of up to ten per cent of the total revenue in the financial year prior to the year in which the breach was committed shall apply to each enterprise being a party to the agreement, for one of the following breaches

- a) Agreement not to trade with enterprises which are not parties to the agreement and to act together in requiring, encouraging or enticing one's own customers not to conduct purchase and sale of goods with or to use services of enterprises not being parties to the agreement

b) Agreement not to trade with enterprises which are not parties to the agreement and to act together in purchasing and selling goods or services at a price sufficient to force enterprises not being parties to the agreement to withdraw from the relevant market.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 8.2 of this Decree may also be applied to an enterprise in breach

Article 15. Conduct constituting collusion in order for one or more parties to agreement to win tender for supply of goods and services

1. A fine of up to ten per cent of the total revenue in the financial year prior to the year in which the breach was committed shall apply to each enterprise being a party to the agreement, for one of the following breaches

a) Agreement for one or more of the parties to the agreement to withdraw from participation in tendering or to withdraw a tender which has already been lodged in order for one or more of the parties to the agreement to win the tender;

b) Agreement for one or more of the parties to the agreement to cause difficulties for others not being parties to the agreement to participate in tendering by refusing to supply the latter with raw materials, by refusing to sign sub-contracts or by causing difficulties in other ways;

c) Agreement for all parties to the agreement to agree to set non-competitive prices or a competitive price with conditions attached which the party calling for tenders will not be able to accept, in order to pre-determine the one or more parties which will win the tender;

d) Agreement determining in advance the number of times each of the parties will win a tender within a fixed period.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 8.2 of this Decree may also be applied to an enterprise in breach.

Section 2: Conduct in breach of abuse of dominant market position and monopoly position

Article 16. Selling goods or providing services below total prime cost aimed at excluding competitors

1. A fine of up to ten per cent of the total revenue in the financial year prior to the year in which the breach was committed by an enterprise in a dominant market position or by each enterprise in a group of enterprises in a dominant market position shall apply to an enterprise which sells goods or provides services below total prime cost aimed at excluding competitors.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the following additional forms of sanction and measures for remedying consequences may also be applied to an enterprise in breach of the provisions on abuse of dominant market position:

- a) Confiscation of profit earned from the practice in breach;
- b) Compulsory removal of illegal terms and conditions from the contract or business transaction;
- c) Compulsory restructure of the enterprise in a dominant market position.

Article 17. Fixing unreasonable selling or purchasing price or fixing minimum re-selling price of goods or services, thereby causing loss to customers

1. A fine of up to ten per cent of the total revenue in the financial year prior to the year in which the breach was committed by an enterprise in a dominant market position or by each enterprise in a group of enterprises in a dominant market position shall apply for either of the following breaches:

- a) Fixing an unreasonable selling or purchasing price of goods or services, thereby causing loss to customers;
- b) Fixing a minimum re-selling price of goods or services, thereby causing loss to customers.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 16.2 of this Decree may also be applied to an enterprise in breach of the provisions on abuse of dominant market position.

Article 18. Restraining production or distribution of goods or services, limiting the market, or impeding technical or technological development thereby causing loss to customers

1. A fine of up to ten per cent of the total revenue in the financial year prior to the year in which the breach was committed by an enterprise in a dominant market position or by each enterprise in a group of enterprises in a dominant market position shall apply for one of the following breaches:

- a) Ceasing the supply or reducing the quantity supplied of goods and services on the relevant market compared to the amount of goods or services previously supplied in conditions where there are no large fluctuations in the supply and demand relationship, where there is no economic crisis, natural disaster or destruction by an enemy, and where there is no significant technical breakdown or no emergency situation;
- b) Fixing the quantity of goods or services supplied at a level sufficient to create a shortage in the market;
- c) Hoarding and not selling goods in order to create instability in the market;
- d) Supplying goods and services in only one or a number of specific geographical areas;
- đ) Purchasing goods or services from one or a number of specified sources of supply only, except where other sources of supply fail to satisfy the conditions set by the purchaser and such conditions are both reasonable and consistent with normal commercial practice;
- e) Purchasing an invention, utility solution or industrial design in order to destroy it or keep it from being used;
- g) Threatening or coercing a person engaged in research into technical or technological development to suspend or abandon such research.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the following additional forms of sanction and measures for remedying consequences may also be applied to an enterprise in breach of the provisions on abuse of dominant market position:

- a) Additional forms of sanction and measures for remedying consequences stipulated in article 16.2 of this Decree;
- b) Compulsory use or re-sale of inventions, utility solutions or industrial designs which have been purchased but not used;

- c) Compulsory removal of measures which prevent or impede other enterprises from participating in the market or from developing business;
- d) Compulsory restoration of conditions for technical or technological development which an enterprise has impeded.

Article 19. Applying different commercial conditions to same transactions aimed at creating inequality in competition

1. A fine of up to ten per cent of the total revenue in the financial year prior to the year in which the breach was committed by an enterprise in a dominant market position or by each enterprise in a group of enterprises in a dominant market position shall apply for the practice of discriminating between enterprises regarding conditions for purchase and sale, price, time for payment, or volumes of transactions of purchase and sale of goods and services of a similar value or nature in order to place one or more enterprises in a better competitive position than other enterprises.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 16.2 of this Decree may also be applied to an enterprise in breach of the provisions on abuse of dominant market position.

Article 20. Imposing conditions on other enterprises signing contracts for purchase and sale of goods and services or forcing other enterprises to agree to obligations which are not directly related to subject matter of contract

1. A fine of up to ten per cent of the total revenue in the financial year prior to the year in which the breach was committed by an enterprise in a dominant market position or by each enterprise in a group of enterprises in a dominant market position shall apply for one of the following breaches

a) Imposing on other enterprises the following conditions precedent prior to signing contracts for the purchase and sale of goods and services: restriction on production and distribution of other goods; purchase or supply of other services not related in a direct way to undertakings of a party accepting to act as an agent in accordance with the law on agency; restriction on locations for re-sale of goods, except for goods on the list of goods the trading of which is conditional or restricted in accordance with law; restriction on customers which may purchase goods for re-sale, except for goods on the list of goods the trading of which is conditional or restricted in accordance with law; restriction on form and

quantity of goods which may be supplied;

b) Forcing other enterprises, when they are conducting purchases and sales of goods and services with any of the enterprises which are a party to the agreement, to purchase other goods and services from a pre-nominated supplier or other entity or to implement one or more obligations outside the essential scope of performance of the contract

2. In addition to the fine stipulated in clause 1 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 16.2 of this Decree may also be applied to an enterprise in breach of the provisions on abuse of dominant market position.

Article 21. Preventing market participation by new competitors

1. A fine of up to ten per cent of the total revenue in the financial year prior to the year in which the breach was committed by an enterprise in a dominant market position or by each enterprise in a group of enterprises in a dominant market position shall apply for one of the following breaches:

a) Requiring one's customers not to trade with a new competitor;

b) Threatening or compelling distributors or retail sales outlets not to agree to distribute the goods of a new competitor;

c) Selling goods at prices at a level sufficient to ensure that a new competitor is not able to access the market, other than in the case stipulated in article 16.1 of this Decree.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 16.2 of this Decree may also be applied to an enterprise in breach of the provisions on abuse of dominant market position

Article 22 Abuse of monopoly position

1. A fine of up to ten (10) per cent of the total revenue in the financial year prior to the year in which the breach was committed by an enterprise in a monopoly position shall apply for one of the following breaches:

- (a) Breaches stipulated in articles 16.1, 17.1, 18.1, 19.1, 20.1 and 21.1 of this Decree;
- (b) Imposing disadvantageous conditions on customers;
- (c) Changing or cancelling unilaterally a signed contract without prior notice to the customer and without having to bear any sanction;

- (d) Changing or cancelling unilaterally a signed contract based on one or more grounds not directly related to conditions essential for continued and complete performance of the contract and without having to bear any sanction.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the following additional forms of sanction and measures for remedying consequences may also be applied to an enterprise in breach of the provisions on abuse of monopoly position:

- (a) Confiscation of profit earned from the practice in breach;
- (b) Compulsory removal of illegal terms and conditions from the relevant contract or business transaction;
- (c) Compulsory restoration of conditions on technical or technological development which the enterprise has impeded;
- (d) Compulsory removal of disadvantageous conditions which have been imposed on customers;
- (d) Compulsory restoration of contractual conditions which have been changed without legitimate reason;
- (e) Compulsory restoration of a contract which has been cancelled without legitimate reason.

Section 3: Conduct in Breach of Provisions on Economic Concentration

Article 23 Prohibited merger of enterprises

1. A fine of up to 10 per cent of the total revenue in the financial year prior to the year in which the breach was committed by the merging enterprises and the merged enterprise shall apply for a prohibited merger of enterprises as stipulated in article 18 of the Competition Law.

2. In addition to the fine stipulated in clause 1 of this article, the enterprise

receiving the merger may be subject to compulsory demerger or split of the merged enterprise.

Article 24: Prohibited consolidation of enterprises

1. A fine of up to 10 per cent of the total revenue in the financial year prior to the year in which the breach was committed by the consolidating enterprises shall apply for a prohibited consolidation of enterprises as stipulated in article 18 of the Competition Law.

2. In addition to the fine stipulated in clause 1 of this article, one or more of the following additional forms of sanction and measures for remedying consequences may also be applied to the consolidating enterprises:

(a) Withdrawal of enterprise registration certificate issued to the consolidated enterprise; Compulsory division or demerger of the consolidated enterprise.

(b) Compulsory division or demerger of the consolidated enterprise.

Article 25 Prohibited acquisition of enterprises

1. A fine of up to 10% of the total revenue in the financial year prior to the year in which the breach was committed of the acquiring enterprise and of the acquired enterprise shall apply to a prohibited acquisition of a part or all of the assets of another enterprise as stipulated in article 18 of the *Competition law*.

2. In addition to the fine stipulated in clause 1 of this article, the acquiring enterprise may be required compulsorily to re-sell the assets it has acquired.

Article 26 Prohibited joint venture between enterprises

1. A fine of up to 10% of the total revenue in the financial year prior to the year in which the breach was committed shall apply to each party to a joint venture which is prohibited by article 18 of the *Competition law*.

2. In addition to the fine stipulated in clause 1 of this article, the enterprise registration certificate of the joint venture enterprise may be withdrawn.

Article 27 Failure to notify economic concentration

A fine of up to 10% of the total revenue in the financial year prior to the year

in which a breach was committed of each enterprise participating in the economic concentration shall apply to a failure to notify an economic concentration as required by article 20 of the *Competition law*.

Section 4: Conduct in Breach of Provisions on Unfair competition Practices

Article 28 Conduct constituting breach of provisions on industrial ownership

1. A fine of from ten million (10,000,000) up to forty million (40,000,000) Vietnamese dong shall apply for either of the following breaches:

(a) Using the protected trademark of a country which is a member of an international treaty of which Vietnam is also a member, where such treaty prohibits the representative or agent of the trademark owner using such trademark, if the user is the representative or agent of the trademark owner and such use did not have consent of the trademark owner and there was not a satisfactory reason for using same;

(b) Registering or appropriating the use right or using the same or a similar domain name which causes confusion with the protected trademark or commercial name of another person or with the geographical indications for which the offender does not have the use right aimed at appropriating a domain name and/or abusing or causing harm to the reputation and prestige of the corresponding trademark, commercial name or geographical indications.

2. A fine of from fifty million (50,000,000) up to one hundred million (100,000,000) Vietnamese dong shall apply for either of the following breaches:

(a) Using instructions which contain misleading information about commercial names, business slogans, business logos, packaging and geographical indications, or about a trademark or goods mark or other factors as stipulated in Government regulations in order to mislead customers in their understanding of goods and services for competitive purposes;

(b) Conducting business in goods and services which contain the misleading information prescribed in sub-clause (a) above.

3. A fine of twice the amount prescribed in clause 2 shall apply to any breach

stipulated in clause 2 in the following cases:

(a) The relevant goods and services are essential goods and services as prescribed by law;

(b) The breach was conducted in two or more provinces or cities under central authority.

4. In addition to the fines stipulated in clauses 1, 2 and 3 of this article, one or more of the following additional forms of sanction and measures for remedying consequences may also be applied to an enterprise in breach:

(a) Confiscation of material evidence and facilities used to commit the breach, including confiscation of all profit earned from the practice in breach;

(b) Public retraction.

Article 29 Conduct constituting infringement of business secrets

1. A fine of from ten million (10,000,000) up to thirty million (30,000,000) Vietnamese dong shall apply for the following breaches:

(a) Accessing or collecting information in the category of business secrets by countering the security measures taken by the lawful owner of such business secret;

(b) Disclosing or using information in the category of business secrets without permission from the lawful owner of such business secret;

(c) Breaching a confidentiality contract or cheating or abusing the confidence of a person with an obligation to maintain confidentiality, aimed at accessing, collecting and disclosing information in the category of business secrets of the owner of such business secret;

(d) Accessing or collecting information in the category of business secrets of a person when such person is conducting procedures stipulated by law in relation to business or procedures to circulate products by countering security measures taken by State agencies, or using such information for business objectives or for the objective of applying for the issuance of a business-related permit or a permit to circulate products.

2. In addition to the fine stipulated in clause 1 of this article, the following measure may also apply to an enterprise in breach, namely confiscation of material evidence and facilities used to commit the breach, including

confiscation of all profit earned from the practice in breach.

Article 30 Conduct constituting coercion in business

1. A fine of from fifty million (50,000,000) up to one hundred million (100,000,000) Vietnamese dong shall apply for a breach being coercing customers or business partners of another enterprise by threatening or coercive conduct in order to compel such entities not to transact or to cease a transaction with such other enterprise.

2. A fine of from one hundred million (100,000,000) up to one hundred and fifty million (150,000,000) Vietnamese dong shall apply for a breach stipulated in clause 1 of this article in the circumstances:

(a) The customer or business partner who was coerced was the largest competitor;

(b) The breach took place in two or more provinces or cities under central authority.

3. In addition to the fines stipulated in clauses 1 and 2 of this article, the following measure may also apply to an enterprise in breach, namely confiscation of material evidence and facilities used to commit the breach, including confiscation of all profit earned from the practice in breach.

Article 31 *Discrediting other enterprises*

1. A fine of from ten million (10,000,000) up to fifty million (50,000,000) Vietnamese dong shall apply for a breach being discrediting another enterprise by any indirect act of providing untruthful information which adversely affects the reputation, financial position and business activities of such other enterprise.

2. A fine of from fifty million (50,000,000) up to one hundred million (100,000,000) Vietnamese dong shall apply to:

(a) A breach of discrediting another enterprise by any direct act of

providing untruthful information which adversely affects the reputation, financial position and business activities of such other enterprise;

(b) A breach of discrediting another enterprise by any indirect act of providing untruthful information which adversely affects the reputation, financial position and business activities of such other enterprise if the breach took place in two or more provinces or cities under central authority.

3. A fine from one hundred million (100,000,000) up to one hundred and fifty million (150,000,000) Vietnamese dong shall apply to a breach prescribed in clause 2(a) above if the breach occurred in two or more provinces or cities under central authority.

4. In addition to the fines stipulated in clauses 1, 2 and 3 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 28.4 of this Decree may also be applied to an enterprise in breach.

Article 32 Causing disruption to business activities of another enterprise

1. A fine of from fifty million (50,000,000) up to one hundred million (100,000,000) Vietnamese dong shall apply for a breach being causing disruption to the lawful business activities of another enterprise by any direct or indirect act which hinders or interrupts the business activities of such other enterprise.

2. A fine of from one hundred million (100,000,000) up to one hundred and fifty million (150,000,000) Vietnamese dong shall apply for a breach stipulated in clause 1 of this article in the following circumstances:

(a) The breach being disruption to business activities of another enterprise resulted in the disrupted enterprise being unable to continue to conduct normal business activities;

(b) The breach took place in two or more provinces or cities under central authority.

3. In addition to the fines stipulated in clauses 1 and 2 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 28.4 of this Decree may also be applied to an enterprise in breach.

Article 33 Advertisements aimed at unfair competition

1. A fine of from sixty million (60,000,000) up to eighty million (80,000,000) Vietnamese dong shall apply for the following advertisements:

(a) Advertisement directly comparing the goods and services of the enterprise with those of the same type of another enterprise;

(b) Advertisement imitating another advertising product in order to mislead customers.

2. A fine of from eighty million (80,000,000) up to one hundred and forty million (140,000,000) Vietnamese dong shall apply for an advertisement providing false or misleading information to customers about one of the following: price, quantity, quality, usage, design, type, packaging, date of manufacture, use expiry, origin of goods, manufacturer, place of manufacture, processor or place of processing; manner of use, method of service, warranty period; or other false or misleading information.

3. In addition to the fines stipulated in clauses 1 and 2 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 28.4 of this Decree may also be applied to an enterprise in breach.

Article 34 Promotions aimed at unfair competition

1. A fine of from sixty million (60,000,000) up to eighty million (80,000,000) Vietnamese dong shall apply for the following breaches:

(a) Holding a promotion providing false information about prizes;

(b) Holding a promotion which is untruthful or misleading about goods and services in order to deceive customers;

(c) Discriminating between similar customers in different promotional areas within the same promotional campaign;

(d) Offering free goods to customers for trial use but requiring exchange of goods of the same type produced by another enterprise which such customer is currently using in order that the customer will use the goods of the promoting enterprise.

2. A fine of from eighty million (80,000,000) up to one hundred million (100,000,000) Vietnamese dong shall apply for any breach stipulated in clause 1 of this article if the scale of the promotion encompasses two or more provinces or cities under central authority.

3. In addition to the fines stipulated in clauses 1 and 2 of this article, one or more of the additional forms of sanction and measures for remedying consequences stipulated in article 28.4 of this Decree may also be applied to an enterprise which holds a promotion aimed at unfair competition.

Article 35 Conduct by associations constituting discrimination

1. A fine of from ten million (10,000,000) up to thirty million (30,000,000) Vietnamese dong shall apply for one of the following breaches:

(a) Refusing admission to or refusing withdrawal from the association by any organization or individual satisfying the conditions for admission or withdrawal, if such refusal constitutes discriminatory treatment and places such organization or individual at a competitive disadvantage;

(b) Unreasonably restricting the business activities or other activities involving a business objective of member enterprises.

2. A fine of from thirty million (30,000,000) up to fifty million (50,000,000)

Vietnamese dong shall apply for a breach stipulated in clause 1 of this article in either of the following cases:

- (a) Committing a number of offences in relation to one enterprise;
 - (b) Committing an offence in relation to a number of enterprises at the same time.
3. A fine of from fifty million (50,000,000) up to one hundred million (100,000,000) Vietnamese dong shall apply to a breach prescribed in clause 2 above which unreasonably restricted [*activities*] in order that a member enterprise was forced to withdraw from the association.

Article 36 Breach related to illegal multi-level sales

1. A fine of from twenty million (20,000,000) up to forty million (40,000,000) Vietnamese dong shall apply for one of the following breaches:

- (a) Conducting multi-level sales without ensuring the conditions for registration of such activity as stipulated by law;
- (b) Failing to conduct procedures requesting additional items in or a change of the certificate of registration of multi-level sales [*"registration certificate"*] when there is a relevant addition or change to the application file for such certificate as already issued;
- (c) Failing to conduct procedures for reissuance of the registration certificate when such certificate is lost or destroyed;
- (d) Providing fraudulent information in an application file for issuance of a registration certificate;
- (đ) Failing to inaugurate multi-level sales within the period of 12 months after the date of issuance of the registration certificate, or suspending multi-level sales for a consecutive period in excess of 12 months;
- (e) Signing a contract for multi-level sales with an individual who fails to satisfy the conditions stipulated by law for participation in such multi-level sales;

(g) Failing to correctly implement obligations relating to training of people participating in multi-level sales as required by law;

(h) Failing to correctly implement obligations relevant to issuing, changing and/or revoking cards for people involved in multi-level sales as required by law;

(i) Failing to fully implement the obligation to publically disclose information at headquarters and to supply people who intend to participate in the multi-level sales network with the information and data which the law requires to be supplied;

(k) Failing to regularly supervise activities of people participating in the multi-level sales network to ensure that they correctly implement the operational rules and program of the enterprise on paying bonuses;

(l) Failing to withhold money being income tax of people participating in the multi-level sales network in order to pay same into the State budget prior to paying out commission, bonuses or other economic benefits to such participants;

(m) Failing to manage participants via the system of cards for members as stipulated by law;

(n) Failing to fully or correctly notify participants in the multi-level sales network of goods in the category which the enterprise is not permitted to re-acquire prior to such participants purchasing those goods;

(o) Failing to sign a written contract with people participating in the multi-level sales network or signing a contract without the complete requirements as stipulated by law.

2. A fine of from forty million (40,000,000) up to sixty million (60,000,000) Vietnamese dong shall apply for one of the following breaches:

(a) Failing to correctly comply with the regulations on business objects subject to multi-level selling, or trading goods without registering such

goods with the agency which issued the business registration certificate for multi-level sales required by law;

- (b) Failing to correctly or fully implement obligations stipulated by law when temporarily suspending multi-level sales or when continuing such selling after a period of suspension;
- (c) Failing to fully implement the obligation to notify the competent agency when terminating multi-level sales activities;
- (d) Selling goods in a central province or city where the enterprise does not have its headquarters without certification from the Department of Industry and Trade that such Department received notification of such activity;
- (dd) Failing to fully implement the obligation to notify the provincial Department of Industry and Trade in a locality where a seminar or training is organized, as required by law;
- (e) Failing to fully implement the obligation to re-acquire goods from people participating in multi-level sales required by law;
- (g) Paying participants in multi-level sales a total value of commissions, bonuses and other economic benefits within a year which exceeds 40% of the turnover from multi-level sales in such year of the multi-level sales enterprise;
- (h) Failing to fully implement obligations required by law when terminating an operation of multi-level selling;
- (i) Withdrawing an escrow deposit without having written consent from the agency which issued the certificate of registration of multi-level selling, except where the enterprise withdraws such deposit from a commercial bank in order to conduct procedures for registration of its multi-level sales operation;
- (k) Failing to change the written certification of the escrow deposit or

conducting procedures to change same without notifying the agency which issued the certificate of registration of the multi-level sales operation;

- (l) Failing to fully implement the obligation to provide periodical reports to the competent agency as required by law.
3. A fine of from sixty million (60,000,000) up to one hundred million (100,000,000) Vietnamese dong shall apply for one of the following breaches:
- (a) Conducting multi-level sales business without having registered such activity with the competent State agency;
 - (b) Requiring persons who wish to participate to pay a deposit or specific sum of money in any form in order to have the right to participate in the multi-level sales network;
 - (c) Requiring persons who wish to participate to purchase in any form an initial quantity of goods in order to have the right to participate in the multi-level sales network;
 - (d) Requiring persons who wish to participate to pay an additional sum of money in order to have the right to maintain, develop or expand their multi-level sales network;
 - (dd) Unreasonable restricting in any form the right of a participant to develop his or her multi-level sales network;
 - (e) Permitting multi-level sales participants to receive commission, bonuses or other economic benefits from their inducing others to participate in multi-level selling;
 - (g) Refusing without a legitimate reason to pay participants the commission, bonuses and other economic benefits to which they are entitled;

- (h) Requiring any participant in the multi-level sales network to recruit new participants or to extend the contracts of a certain number of other participants in order for the former to enjoy commission, bonuses or other economic benefits;
- (i) Requiring attendees at conferences, seminars or training courses on the items in the basic training program of the enterprise to pay money or fees, except for reasonable fees for the purchase of training materials;
- (k) Coercing persons who wish to participate in the multi-level sales network to attend conferences, seminars or training courses on items not included in the basic training program of the enterprise;
- (l) Requiring attendees at conferences, seminars or training courses on items not included in the basic training program of the enterprise to pay money or to pay fees higher than a reasonable amount for such attendance;
- (m) Collecting fees in any form for the issuance or exchange of members' cards [for participants in the network];
- (n) Failing to permit participants to return goods and receive refunds of money which the participants paid to the enterprise;
- (o) Preventing participants from returning goods;
- (p) Providing untruthful or misleading information about the benefits from participation in the multi-level sales network or regarding quality and use of goods or regarding activities of the enterprise, in order to entice other people to participate;
- (q) In relation to any one person participating in the multi-level sales network, maintaining more than one sole business position for such person, more than one sole contract, more than one sole identification

code or more than one other similar attribute;

- (r) Trading in accordance with the pyramid selling model;
 - (s) Purchasing, selling or transferring the multi-level sales network to another enterprise except in a case of corporate acquisition, consolidation or merger;
 - (t) Requiring or enticing a participant to conduct any act which is prohibited by law.
4. A fine of twice the amount prescribed in clause 3 shall apply to any breach stipulated in clause 3 which was conducted in two or more provinces or cities under central authority.
5. In addition to the fines stipulated in clauses 1, 2 and 3 of this article, one or more of the following additional forms of sanction and measures for remedying consequences may also be applied to an enterprise in breach:
- (a) Revocation of the certificate of registration of the multi-level sales business in the case of the breaches referred to in sub-clauses (d) and (đ) of clause 1 above, and in clause 3 above, except in the case of conducting such business without having registered it;
 - (b) Confiscation of material evidence and facilities used to commit the breach, including confiscation of all profit earned from the conduct in breach;
 - (c) Public retraction.

Section 5

Conduct in Breach of Other Provisions of Competition law

Article 37 *Breach of provisions on supplying information and data*

1. A warning or a fine of from two million (2,000,000) up to five million

(5,000,000) Vietnamese dong shall apply for one of the following breaches:

- (a) Failure to supply or incomplete supply of information and data known to the enterprise when requested by a competent agency;
 - (b) Failure to supply information and data on time as requested by a competent agency;
 - (c) Deliberate supply of false or misleading information and data, or falsification of information and data;
 - (d) Coercion of others to supply false information and data;
 - (dd) Concealment or destruction of information and data relevant to a competition case.
2. A fine of from five million (5,000,000) up to ten million (10,000,000) Vietnamese dong shall apply for any one of the breaches stipulated in clause 1 of this article if the information and data requested was of particular importance for a proper resolution of a competition case.
3. In addition to the fines stipulated in clauses 1 and 2 of this article, an organization or individual in breach may be compelled to supply complete information and data.

Article 38 Breach of other provisions on investigations and on dealing with competition cases

1. A warning or a fine of from two million (2,000,000) up to five million (5,000,000) Vietnamese dong shall apply for the following breaches:
- (a) Deliberate or negligent disclosure of information and data the subject of a secret investigation;
 - (b) Disruption of an investigative hearing.

2. A fine of from five million (5,000,000) up to ten million (10,000,000) Vietnamese dong shall apply for any one of the breaches stipulated in clause 1 of this article if the information and data which was disclosed was of particular importance for a proper resolution of the competition case.
3. In addition to the fines stipulated in clauses 1 and 2 of this article, an organization or individual in breach may be subject to confiscation of the material evidence and facilities used to commit the breach.

Article 39: Breaches involving competition restriction agreement or economic concentration prior to issuance of decision by competent agency granting exemption

1. A fine of from one hundred million (100,000,000) up to two hundred million (200,000,000) Vietnamese dong shall apply to each enterprise participating in an agreement in competition restriction within the exempt category as stipulated in article 10 of the *Competition law*, prior to issuance of a decision on [specific] exemption by the Minister of Industry and Trade.
2. A fine of from one hundred million (100,000,000) up to two hundred million (200,000,000) Vietnamese dong shall apply to each enterprise participating in an economic concentration within the exempt category as stipulated in article 19 of the *Competition law*, prior to issuance of a decision on [specific] exemption by the Minister of Industry and Trade.

CHAPTER 3

Authority and Procedures for Dealing with Breaches of Competition law

Section 1 Authority for Dealing with Breaches of Competition law

Article 40 *Authority of competence agency for competition*

1. The head of the competence agency for competition has the following powers with respect to breaches being unfair competition practices and

other breaches of the competition law stipulated in Section 5 of Chapter 2 of this Decree:

- (a) To impose a warning;
 - (b) To impose a fine for the breaches prescribed in Sections 4 and 5 of Chapter 2 of this Decree, namely up to one hundred million (100,000,000) Vietnamese dong if the offender is an individual and up to two hundred million (200,000,000) Vietnamese dong if the offender is an organization;
 - (c) To confiscate material evidence and facilities used to commit the breach of the competition law including confiscation of profit gained from the breach;
 - (d) To compel the entity in breach to make a public retraction.
2. The head of the competence agency for competition has the right to make decisions on application, amendment and revocation of administrative preventive measures prior to the time when a file on a competition case is transferred to the Competition Council to deal with.

Article 41 *Authority of Competition Council and of councils dealing with competition cases*

The Competition Council and councils dealing with competition cases have the following powers to deal with breaches of the provisions on control of practices in competition restriction:

1. To impose a warning.
2. To impose a fine.
3. To confiscate material evidence and facilities used to commit the breach.
4. To apply the measures stipulated in sub-clauses (c), (d), (đ), (e), (g), (h), (i)

and (k) of article 3.4 of this Decree.

5. To request the competent agency to withdraw an enterprise registration certificate or to revoke the right to use a license or practicing certificate.
6. To request the competent agency to apply the measures stipulated in sub-clauses (a) and (b) of article 3.4 of this Decree.

Section 2

Procedures for Dealing with Breaches of Competition law

Article 42 *Procedures for dealing with breaches of competition law*

The procedures for dealing with breaches of the competition law comprise the following:

1. Procedures for dealing with breaches of the provisions on control of practices in competition restriction and on unfair competition practices.
2. Procedures for dealing with breaches of other provisions of the competition law.

Article 43 *Procedures for dealing with breaches of provisions on control of practices in competition restriction and on unfair competition acts*

Dealing with breaches of the provisions on control of practices in competition restriction and on unfair competition acts must follow the order and procedures for competition legal proceedings stipulated in Chapter 5 of the *Competition law* and in Chapter 3 of Decree 116-2005-ND-CP of the Government dated 15 September 2005 providing detailed regulations for implementation of a number of articles of the *Competition law*.

Article 44 *Minutes of breach of other provisions of competition law*

1. Upon discovery of a breach of other provisions of the competition law stipulated in Section 5 of Chapter 2 of this Decree, the authorized person shall issue an order for immediate suspension of the conduct in breach and shall prepare minutes of the breach.
2. The minutes shall contain the following particulars:
 - (a) Date and location of preparation of the minutes;
 - (b) Full name and title of the person who prepared the minutes;
 - (c) Full name, address and occupation of the individual in breach or, in the case of an organization in breach, the name and address of the organization;
 - (d) Date and location of occurrence of the breach;
 - (d) Description of the conduct in breach;
 - (e) Administrative preventive measures (if any);
 - (g) Status of temporarily detained material evidence and facilities (if any);
 - (h) Declaration of the individual in breach or of the representative of the organization in breach;
 - (i) Full name, address and declaration of any witness or of any individual suffering loss or of the representative of any organization suffering loss.
3. At least two copies of the minutes shall be prepared. The minutes shall be signed by the person who prepared them and by the individual in breach or by the representative of the organization in breach; and if there was any witness and any entity suffering loss, the minutes shall

also be signed by the witness (es) and by the individual suffering loss or by the representative of the organization suffering loss. Where the minutes contain more than one page, all of the entities referred to in this clause must sign each page. If any individual in breach, representative of an organization in breach, witness, person suffering loss or representative of an organization suffering loss refuses to sign the minutes, the person preparing the minutes shall note this in the minutes.

4. After the minutes have been completed, one copy shall be handed to the individual or organization in breach; if the breach exceeds the authority to deal with the breach of the person preparing the minutes, the minutes must be forwarded to the agency competent to deal with the breach.

Article 45 *Time-limit for issuing decision dealing with breach of other provisions of competition law*

1. The time-limit for issuing a decision dealing with a breach of other provisions of the law on competition is ten (10) days from the date of preparation of the minutes of the breach; in complex circumstances, this time-limit is thirty (30) days.
2. If an authorized person considers that more time is required to verify or collate evidence, he or she shall provide a written request to extend the time-limit to the person directly in charge of him or her; and any grant of an extension shall be in writing and shall not exceed thirty (30) days.
3. An authorized person shall not issue a decision dealing with a breach after the expiry of the time-limits stipulated above, except to apply the measures prescribed in articles 37.3 and 38.3 of this Decree.

Any authorized person, who is at fault in allowing the time-limit for issuing a decision to expire, shall be dealt with in accordance with law.

Article 46 *Decision dealing with breach of other provisions of competition law*

1. A decision dealing with a breach of other provisions of the competition law shall contain the following particulars:
 - (a) Date of issuance of the decision;
 - (b) Full name and title of the person issuing the decision;
 - (c) Full name, address and occupation of the individual in breach or, in the case of an organization in breach, the name and address of the organization;
 - (d) Details of the act, conduct or practice in breach; any circumstances relevant to resolution; and clauses and articles of applicable legal instruments;
 - (d) Principal sanction, additional form of sanction (if any) and measures for remedying consequences (if any);
 - (e) Time-limit for enforcement of the decision, place for enforcement of the decision, and signature of the person issuing the decision;
 - (g) Right in accordance with law to lodge a complaint about the decision dealing with a breach of other provisions of the competition law.
2. A decision dealing with a breach of other provisions of the competition law shall record that, if the individual or organization in breach fails to voluntarily implement the decision, the decision will be enforced compulsorily.
3. A decision dealing with a breach of other provisions of the competition law shall become effective as from the date of its signing, unless the decision itself provides for a different effective date.
4. A decision dealing with a breach of other provisions of the competition law shall be forwarded to the individual or organization in breach, to the

fine-collecting agency and to any other agencies involved for enforcement within three (3) working days from the date of issuance of the decision.

A decision dealing with a breach of other provisions of the competition law shall be delivered personally or sent by registered post, and shall also be notified to the organization or individual who was fined.

If a decision is delivered personally but the offending individual or organization deliberately refuses to accept it, then the authorized person shall prepare minutes of such non-receipt, have the minutes certified by the local authority, and thereafter it shall be deemed that the decision was in fact served on the offender.

Where a decision is served by registered mail, but after 10 days the offending organization or individual for the third time deliberately refuses to receive same, the decision shall be listed at the residential address of the individual or at the headquarters of the organization concerned, or if there are basis for believing that the offender has deliberately avoided service then it shall be deemed that the decision dealing with the breach has already been served.

Section 3

Procedures for the implementation of Decisions Dealing with Competition Cases and Decisions dealing with Breaches of Other Provisions of Competition law

Article 47 Compliance with decision dealing with competition case or decision dealing with breach of other provisions of competition law

1. An enterprise which is subject to a decision dealing with a competition case issued by a council dealing with a competition case or by the competence agency for competition must comply with the decision within thirty (30) days from the date of effectiveness of such decision dealing with the breach.

2. Any organization or individual in breach of other provisions of the competition law and being dealt with pursuant to Section 5 of Chapter 2 of this Decree must comply with the decision dealing with the breach within ten (10) days from the date of service of such decision.
3. If upon expiry of the time-limits stipulated in either clause 1 or clause 2 of this article the organization or individual fails to voluntarily comply with the decision, such decision shall be enforced pursuant to article 49 or article 50 of this Decree.

Article 48 *Payment of fines*

Any organization or individual being fined pursuant to a decision dealing with a competition case or a decision dealing with a breach of other provisions of the competition law must pay the fine to the State Treasury as stipulated in such decision.

Article 49 *Procedures for the implementation of decisions dealing with competition cases*

1. If upon expiry of the time-limit stipulated in article 47.1 of this Decree the organization or individual having a sanction imposed fails to voluntarily comply with the decision and does not institute court proceedings in accordance with Section 7 of Chapter 5 of the *Competition law*, the judgment creditor shall have the right to request the competent agency stipulated in clauses 2 and 3 of this article to enforce the decision dealing with the competition case within the scope of the functions, duties and powers of such agency.
2. A competent agency is responsible to withdraw an business registration certificate or to revoke the right to use a licence or practising certificate which such agency issued to the enterprise which committed an administrative breach, if so required by the council dealing with the competition case in its decision.

3. Other competent agencies are responsible to organize compulsory measures, namely the restructure of an enterprise which abused its dominant market position, the division or split of an enterprise which merged or consolidated, or the compulsory re-sale of that part of an enterprise which has been acquired, if so required by the council dealing with the competition case in its decision.
4. A civil judgment enforcement office of the province or city under central authority where the judgment debtor has its head office or resides or where there are assets of the judgment debtor is responsible to organize implementation of that part of the decision dealing with the competition case relating to assets, at the request of the judgment creditor as named in the decision dealing with the competition case.

Article 50 *Procedures for enforcement of decision dealing with breach of other provisions of competition law*

If upon expiry of the time-limit stipulated in article 47.2 of this Decree the organization or individual having a sanction imposed fails to voluntarily comply with the decision dealing with a breach of other provisions of the competition law, such entity shall be compelled to implement the decision in accordance with law.

CHAPTER 4 Implementing Provisions

Article 51 *Effectiveness*

1. This Decree is of full force and effect as from 15 September 2014, and replaces Decree 120-2005- ND-CP of the Government dated 30 September 2005 on dealing with breaches in the competition sector.
2. In the case of a breach of law in the competition sector which was conducted prior to the effective date of this Decree, the provisions on dealing with same and imposing penalties which are the most favorable to the offender shall be applied.

Article 52 *Responsibility for implementation*

1. In necessary cases, the competence agency for competition has the right to request the Ministry of Finance to co-ordinate in determining the amount of profit earned from any breach as prescribed in this Decree.
2. Ministers, heads of ministerial equivalent and Government agencies, and chairmen of provinces and cities under central authority are responsible for implementation of this Decree.

On behalf of the Government
Prime Minister
NGUYEN TAN DUNG

To:

- Party Central Committee Secretariat;
- The Prime Minister, the Deputy Prime Minister;
- The ministries, ministerial-level agencies, Government agencies;
- People's Council and Committees of provinces and Central Cities;
- Central Office and the Committee of the Party;
- Office of the General Secretary;
- Office of the President;
- Ethnic Council and Committees of Congress;
- Office of National Assembly;
- The Supreme People's Court;
- Institute of the Supreme People's Procure;
- Committee of the National Financial Supervision;
- The State Auditor;
- Bank for Social Policies;
- Vietnam Development Bank;
- Central Committee of the Vietnam Fatherland Front;
- The central offices of the unions;
- Office: Chairman, Vice Chairman, Assistant to the PM, E-portal, Departments, subordinate units
- Note: VT, KTTH (3b) .KN