



# ANNUAL REPORT 2015

VIETNAM COMPETITION AUTHORITY



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ABBREVIATION	MEANING
ACCP	ASEAN Committee on Consumer Protection
AEGC	ASEAN Expert Group on Competition
APEC	Asia - Pacific Economic Cooperation
ASEAN	Association of Southeast Asia Nation
DoIT	Department of Industry and Trade
EC	European Commission
EU	European Union
FTA	Federal Trade Agreement
ICN	International Competition Network
ICPEN	International Consumer Protection Enforcement Network
JICA	Japan International Cooperation Agency
M&A	Merger and Acquisition
MOIT	Ministry of Industry and Trade
OECD	Organization for Economic Cooperation and Development
VCA	Vietnam Competition Authority
VCL	Vietnam Competition Law
VINASTAS	Vietnam Standard and Consumer Protection Association
WTO	World Trade Organization

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## FOREWORD

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*As the State agency charged with three areas competition, consumer protection and trade remedies, the Vietnam Competition Authority (VCA) acknowledges that they are all important missions to foster the fair competition environment and protect consumers' rights in Vietnam.*

*In continuation of previous successes by resolute efforts and positive spirit, the VCA recorded a number of significant achievements in its development path in 2015.*

*Regarding the competition area, the VCA completed the assessment of 10-year competition law enforcement and received various comments and feedbacks from experts and business community. On this basis, the VCA will apply more measures to improve the legal framework and strengthen the competition enforcement activities in the future.*

*Regarding the consumer protection area, the VCA received and handled a great number of consumer complaints via the Call Center 1800.6838. Particularly in 2015, the VCA presented its proposal to the Ministry and the Government to recognize March 15 as the Vietnamese Consumer Rights Day. Accordingly, March 15 will be the annual occasion for relevant organizations and individuals to conduct the education and dissemination activities on consumer protection law and policy.*

*Regarding the trade remedies area, in addition to the achievements on defending trade disputes, the VCA actively provided consultations for business community on detecting and handling the unfair trade practices of foreign companies in Vietnam.*

*With an aim to compile and record the accomplishments in 2015 as well as to build up the work plan for 2016, the VCA releases "Annual Report 2015" as a yearly publication for our colleagues and partner agencies as well as enterprises for their updates and cooperation.*

*Truly./.*

**Mr. Bach Van Mung**  
Director General of the VCA



## STATE ADMINISTRATION OVER COMPETITION



## DRAFTING LEGAL DOCUMENTS **A**

In 2015, VCA took part in the process of drafting the Decree No. 124/2015/ND-CP revising and supplementing a number of articles in Decree No. 185/2013/ND-CP on administrative fines for trading and production of counterfeit and prohibited goods and protecting the rights of consumers. This Decree was promulgated on November 19, 2015 and took effect since January 5, 2016.



# B COMPETITION LAW & POLICY ENFORCEMENT

## 1. The Competition Restriction Investigation

### 1.1. Competition Restriction Cases

In 2015, VCA completed the official investigation on the competition restriction case No. 14 KN HCT 01 related to the complaint filed by the Trading - Tourism Co., Ltd. (*ABTours Company*):

#### BOX 1: ABTOURS CASE

##### a. Case fact

On April 2014, VCA received a complaint from the Trading - Tourism Co., Ltd. (*ABTours Company*) which accused the Anh Duong Manufacturing - Trading - Services - Import & Export Co., Ltd. (*Anh Duong Company*) of implementing the conducts of abusing dominant position on the market of tour organizing for tourists from Russia to some provinces in Vietnam.

##### b. Investigation process

After handling the complaint, on 5th May 2014, the VCA issued the Decision to preliminarily investigate the competition case No 14 KN HCT 01 as said above. And on 17th June 2014, VCA issued the Decision to officially investigate this case in order to clarify all the complaints in the case.

In 2015, VCA completed its investigation on the case and is in the process of making final report and case documents for transferring to the Vietnam Competition Council for settlement.

### 1.2. Initial investigation

The VCA has always attached importance to monitoring and supervising competition activities of enterprises on the market. In 2015, VCA actively conducted initial investigations on many markets, sectors in order to gather information, signs of violation against provisions of the Vietnam Competition Law (*VCL*) and also continued keeping an eye on the markets, sectors which were touched in the previous years.

For example, initial investigations were carried out on the milk market, beer market, seaport market, maritime transportation, banking and electricity price.

Two out of investigations dealt with the service market and three dealt with the product market. For those initially investigated cases, the VCA will continue supervise and monitor to detect signs of violations in due course as well as take interventions if necessary.

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Tổng
Initial Investigation	5	3	7	7	10	10	14	12	10	5	83
Investigation	0	1	1	1	1	2	1	0	1	0	8
Decision	0	0	0	1	2	0	0	1	1	0	5

TABLE 1. STATISTICS OF COMPETITION RESTRICTION CASES DURING THE PERIOD OF 2015-2016

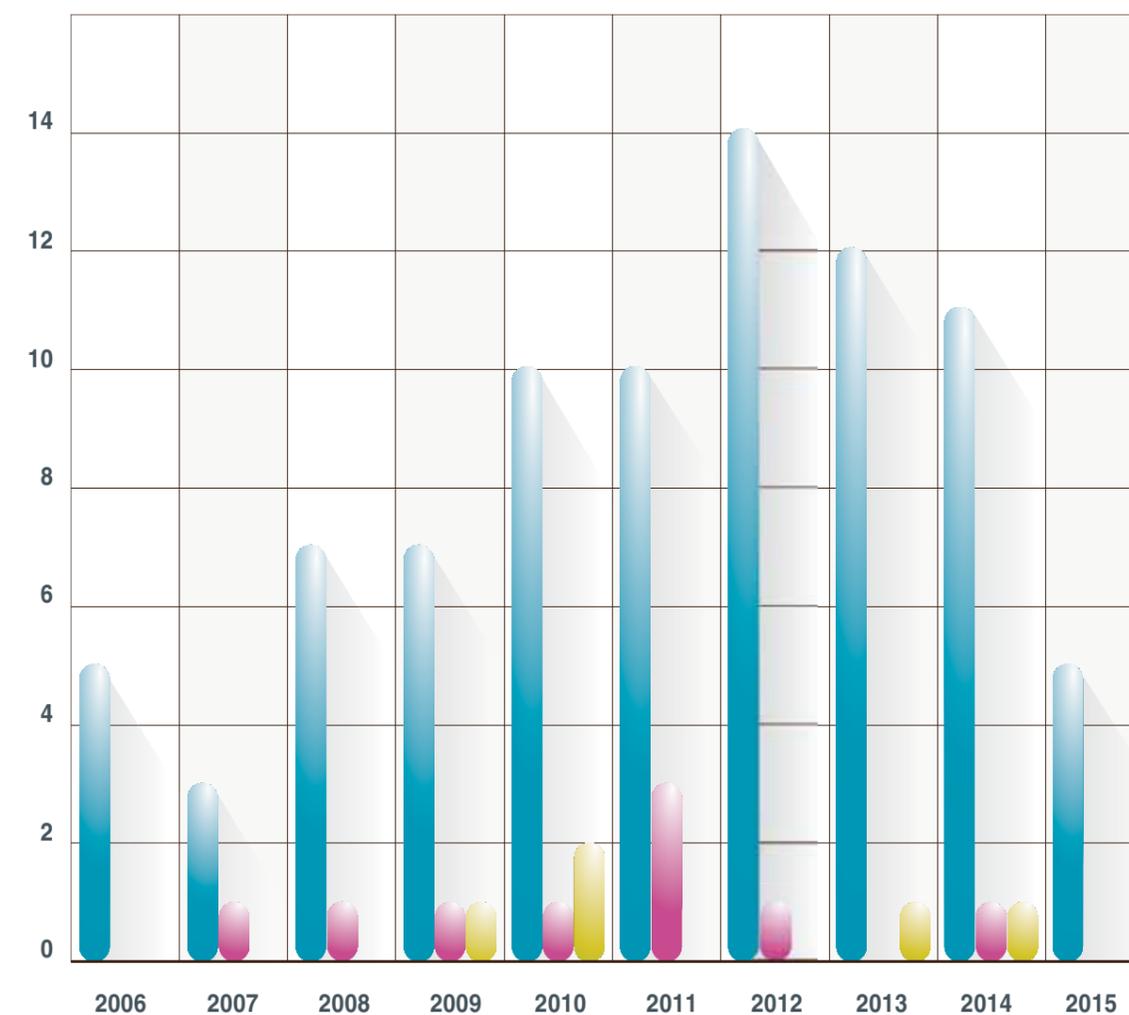


FIGURE 1. STATISTICS OF COMPETITION RESTRICTION CASES DURING 2006 - 2015

■ Initial Investigation    ■ Investigation    ■ Decision



### 1.3. Coordination in handling cases having signs of violation against Article 6 of the VCL on prohibited acts applied for State management agencies

Though the number of cases decreased in comparison with that of 2014, there were still cases where local State management agencies issued imperative administration documents with contents that might harm the competition environment and had signs of violating Article 6 of the VCL. In order to solve this problem, the VCA actively coordinated with the Agency of Examination of Legal Normative Documents - Ministry of Justice, other relevant authorities and local agencies to verify the information, directly discuss in order to understand, analyse the cases from multi dimensions

Based on the collected information and the provisions of the VCL, the VCA officially requested the issuing agencies to revise the contents which were not in accordance with the competition policy and law. Soliciting the opinions of the VCA, the local agencies made appropriate and duely changes. At the same time, the VCA reported and recommended the MOIT leader to issue and transfer official documents to the People's Committees of provinces and cities nationwide in order to detail MOIT's suggestions on building a collaborating mechanism to implement the Article 6 of the VCL in an effective manner.

#### BOX 2: WARNING DOCUMENT BY MINISTRY OF TRADE AND INDUSTRY

##### a. Information

- On 20th October 2015, Ministry of Industry and Trade issued the official document No. 10809/BCT-QLCT on collaboration in implementing the Article 6, Competition Law.

##### b. Document contents

- With an aim to assuring effectiveness of Article 6, the VCL on prohibited practices applied for the State agencies, the MOIT kindly request the People's Committees of provinces and metropolitan cities to collaborate with the People's Committees of all levels and Departments/Branches not to issue measures that might violate the Article 6 of the VCL when providing recommendations to the provincial leaders in the course of executing socio-economic activities.

## 2. Investigation and settlement of unfair competition cases

### 2.1. Investigation and settlement of unfair competition cases

In 2015, improvements were made in investigating and handling unfair competition cases. The number of unfair competition cases increased in comparison with that of the year 2014.

Till 31st December 2015, the VCA conducted pre-litigation investigations on 46 cases related to the unfair competition acts, of which 28 cases were initiated. In addition, 2 cases that had been initiated in 2014 were brought to and end with final decisions on settlement.

Of 28 initiated cases, the Director General of the VCA issued settlement decisions on 21 cases and 7 cases are on-going. As the monetary fine stipulated in the Decree No. 71/2014/ND-CP is much higher than that provided in the Decree No.120/2005/ND-CP, the amount of fine contributed to the State budget revenue was 1,843,500 dong.

### 2.2. Analyzing, evaluating the violations

The unfair competition conducts brought to investigation in 2015 were mainly the advertisements providing false or misleading information, direct comparison advertisement and illegal multilevel sales. Among those conducts, most of them were the advertisements providing false or misleading information.

Regarding the nature of violations, compared to the previous years, the violations were more sophisticated and complicated. In particular, there were some very complicated cases requiring more time for investigating and settling, hence lasted from 2014 to 2015.





BOX 2: NUMBER OF THE UNFAIR COMPETITION INVESTIGATIONS INITIATED IN THE YEAR 2015

TYPES OF UNFAIR COMPETITION ACTS	2009	2010	2011	2012	2013	2014	2015
Advertising for unfair competition purpose	5	20	33	37	2	6	24
Sales promotion for unfair competition purpose	2	2					
Disturbing business activities of enterprises				1			
Discrediting other enterprises	4	1	2				
Misleading indications		1				1	
Illegal multi-level sales	3	4	1	3	1		4
TOTAL	14	28	36	41	3	7	28



### 2.3. Outstanding cases in the year 2015

#### BOX 3: A NGUYEN TRADING CO., LTD DIRECTLY COMPARED ITS PRODUCTS TO THE PRODUCTS OF SPRAYWAY - TPR CO., LTD

- In 2014, A Nguyen Trading Co., Ltd organized a seminar to introduce its products in Ho Chi Minh City and invited lot of its customers to attend. At the seminar, the speaker of A Nguyen carried out an experiment which showed a direct comparison between its products and the products of Sprayway - TPR Co., Ltd, leading to an implication that the products of Sprayway - TPR Co., Ltd contained the unhealthy elements causing the environment pollution and health problems.

- The Sprayway - TPR collected some video clips recorded at the above seminar and lodged a complaint to the VCA.

- The investigation process lasted from 2014 to 2015, the VCA issued its final conclusion that the A Nguyen Trading Co., Ltd made direct comparison between its products and the products of Sprayway - TPR Co., Ltd that Item 1, Article 45, Competition Law. The VCA decided to fine A Nguyen Trading Co., Ltd for the act of advertising for the purpose of unfair competition by means of direct comparative advertising.

### 2.4. The management over multi-level sales

In 2015, the VCA implemented its task to assist the Minister of Industry and Trade on the State administration over multi-level sales as stipulated in the Decree No. 42/2014/ND-CP on managing multi-level sales, details as below:

- Verify and re-issue/exchange Certificate on Multilevel sales Registration for 50 enterprises;
- Verify, issue the amended/supplementary Certificate of Multilevel sales Registration for enterprises in accordance with the Decree No. 42/2014/ND-CP;
- Grant 5,471 Certificates on Multilevel Sales Trainer;
- Coordinate with the Department of Industry and Trade in Hanoi and Hochiminh City to inspect more than 40 enterprises' compliance with regulations on multilevel sales;
- Investigate and fine 24 enterprises at 2.5 billion dong based on direct inspection and reflections of DoITs.

At the same time, the VCA has been active in conducting education and dissemination activities on multilevel sales. In detail, the VCA organized 3 seminars on introducing new regulations on multi-level sales management, collaborated with DoITs to organize training courses on multi-level sales management.





BOX 5: MODELEZ INTERNATIONAL, INC BY USING ITS AFFILIATED COMPANY NAMED CADBURY ENTERPRISES PTE, LTD (CADBURY) TO ACQUIRE THE BUSINESS OF CONFECTIONARY MANUFACTURING FROM THE KINH DO JOINT STOCK COMPANY

- On 24th April 2015, the VCA received a consultation dossier on economic concentration from Mondelez, Inc via its affiliation Cadbury expressing its intention to acquire the business of confectionary manufacturing from the Kinh Do Joint Stock Company by purchasing the right to control the Kinh Do Binh Duong JSC - a subsidiary company of Kinh Do JSC. After reviewing the case with reference to the VCL, the VCA found that the case doesn't fall into the regulation scope of prohibited acts under the VCL. Therefore, related parties were permitted to proceed economic concentration as provided by law.



## ACTIVITIES TO SUPPORT COMPETITION LAW & POLICY ENFORCEMENT



### 1. Competition policy supervision

With its assigned function and mission of supervising competition policy, the VCA has always been proactively participating in the preparation of legal documents, policies, programs, projects to ensure a fair competition environment. Over the last year, to ensure the completion and consistency of the competition policy within the economy, the VCA participated and contributed comments to the draft of the amended Penal Code, the draft of Decree on implementation guidance of the Investment Law, the draft of Decree on revising and supplementing some articles of the Decree No. 185/ND-CP of the Government dated 15th November, 2013 on administrative fines for trading and production of counterfeit and prohibited goods and protecting the rights of consumers, the draft of the Decree on organization and performance of inspection in the industry and trade sector, etc.

In addition, the VCA is the contact point of receiving consultation enquiries from both domestic and foreign enterprises, the sectoral regulators on competition related regulations. In 2015, the VCA dispatched staffs to join the inter-ministerial mission to examine the phenomenon of FDI enterprises manipulating the aquafeed market in Vietnam. In order to supervise and ensure competition on the market,

the VCA contributed opinions on the report by the Ministry of Finance submitted to the Prime Minister covering the status of implementing price stabilization measures regarding milk products for kids under 6; reviewed the case related to Ensure liquid milk imported into Vietnam.

Inheriting the success of previous reports, the VCA conducted the Competition Assessment Report on 10 sectors in 2015. The Report selected 10 sectors including: seaport, deliver, gas and liquid petroleum gas, bankcard, pay television, construction steel, cement, aquafeed, vegetable oil and instant noodle. The report analyses the market structure, impacts of institutional, policy and legal framework on the competition environment in respective sectors; as well as reflects the real competition behaviors in the market of each sector. On this basis, the report comes out with some general conclusions about the level of competition as well as the prevailing competition concerns in the market. This is also the foundation on which the report provides recommendations towards relevant State management agencies, policymakers and business community to maintain a healthy and fair competition culture. The Report is expected to be finalized and introduced in early 2016.



## 2. Review on 10 year enforcement of the VCL

In order to review the Competition Law after 10 year enforcement, in 2015, VCA organized 03 seminars with the topic of reviewing the competition law after 10 year enforcement in Hanoi and Ho Chi Minh City with the attendance and contribution from the business community as well as relevant State administration bodies. Moreover, the VCA conducted a survey via mail to solicit business opinions and in-depth interviews with experts on competition policy and law implementation in Vietnam.

The VCA also carried out researches to review, analyse the effectiveness of enforcement activities and put forward recommendations on how to consolidating the legal system on competition. Those studies focus on assessing current competition regulations in Vietnam together with international experiences/practices so as to provide suggestions on amending/supplementing competition regulations.

## 3. Negotiation on competition policy in some bilateral and multilateral FTAs

The year 2015 marked a successful year of Vietnam in the negotiations of bilateral and multilateral FTAs. The content of competition policy has played an increasingly important role, contributing to the creation of new generation FTAs indicating comprehensive cooperation. With its assigned functions and duties, in 2015, VCA concluded its negotiation on the contents of competition policy, state owned enterprises, state aid and trade remedies in some important FTAs such as Trans-Pacific Partnership (TPP) and Europe - Vietnam Free Trade Agreement (EVFTA). Being part of those commitments on competition policy and SOEs will help improve the fair and healthy competition environment and at the same time enhance competition enforcement in Vietnam.

Additionally, the VCA participated as a member of the negotiation team on competition policy and trade remedies in the FTA between Vietnam and Europe Free Trade Agreement (EFTA), between Vietnam and Israel and the Regional Comprehensive Economic Partnership (RCEP).

## 4. Education and advocacy activities

In 2015, the VCA continued to promote the education and advocacy of competition law and policy to business community, trade associations in the form of organizing conferences, seminars and by other indirect methods as such printing leaflets, via internet tool, etc.

Apart from that, the VCA also cooperated with the Japan resident advisor in the process of implementing activities under “JICA Technical Cooperation Project for the improvement of legal framework for competition law and policy in Vietnam”, carried out and introduced the Report on reviewing provisions of Competition Law in comparison with sectoral regulations so as to provide grounds for revision of the VCL in the coming time.

Moreover, to diversify the channels of information and create a forum for exchanging knowledge and experience about competition law and policy among policy makers, researchers, researchers, entrepreneurs and consumers, VCA has bi-monthly published the “Bulletin on Competition and Consumers” in both English and Vietnamese editions.





## 5. International cooperation on competition

### a. ASEAN

- In 2015, the VCA attended annual meetings of the ASEAN Expert Group on Competition (AEGC) and proactively contributed to the ASEAN Competition Action Plan till 2020 and the Handbook on competition advocacy in ASEAN.
- The VCA successfully organized the 5th ASEAN Conference on Competition in Ho Chi Minh City in June, 2015.

### b. ICN

- In 2015, the VCA dispatched a delegation to attend the 14th ICN Annual Conference and the 7th Annual Forum on competition policy in Australia. The VCA staffs were also facilitated to join some online training/seminar hosted by ICN Secretariat.

### c. Asia

- In 2015, the VCA cooperated with relevant agencies to organize the 11th East Asia Top Level Officials' Meeting on Competition

Policy and the 9th East Asia Conference on Competition Law and Policy in August, 2015 in Ho Chi Minh City.

### d. Other partners

- The VCA kept on bilateral cooperation with other competition agencies from the US, Japan, South Korea, Australia, New Zealand, etc and received great support from GIZ, AANZFTA ECWP, JICA, DFAT (Australia), the National Legislative Project (Canada) in conducting co-operation activities.



# STATE ADMINISTRATION OVER CONSUMER PROTECTION



## A - Legal Document Promulgation

In order to put consumer protection law and policy into life, in 2015, the VCA consulted and submitted to upper level leaders to promulgate legal documents which support implementation of consumer protection law and policy:

- Directive No. 15/CT-BCT dated September 23, 2015 by Minister of Industry and Trade for enhancing consumer protection.
- Plan No. 9754/KH-BCT dated September 21, 2015 by Minister of Industry and Trade for organizing Vietnam Consumer Rights Day 2016.
- Decision No.1035/QĐ-TTg dated July 10, 2015 on Vietnam Consumer Rights Day.
- Circular No. 22/2015/TTLT-BCT-BNV dated June 30, 2015 provides guidelines on functions, duties, jurisdiction and organization of specialized agencies for industry and trade under provincial and district level people's committee.
- Decision No. 35/2015/QĐ-TTg on amending a number of articles of the Decision No. 02/2012/QĐ-TTg on promulgation of essential goods and services for which standard contracts and general transaction conditions must be registered, supplementing some essential goods and services include ground mobile information service (*payment option: prepaid*); domestic debit card issuance, opening and using clearance account service (*applied for individuals*), individual loan (*for consumption*), and life insurance.

## B - Implementing Law On Protection Of Consumer Rights



### 1. Handle consumer complaints and denunciation

#### 1.1. Call Center

Vietnam Competition Authority has been operating the Call Center 1800 6838 (*free of charge nationwide*) since March 2015. Until November 30, 2015, there were nearly 10,000 incoming calls of which VCA answered 60%. There were 1,689 complaints and enquiries from consumers via the Center.

In order to enhance effectiveness of supporting and consultation activities, the VCA has expanded its consultation scope by collaborating with the sectoral regulators and the business community. Some typical cooperation partners to be mentioned might be the Ministry of Information and Communication, which helps handle consumer's complaints on the value added services on mobile phone; units of State Bank and enterprises who helps handle complaints on consumption loans.

#### 1.2. Website on consumer protection and Email

In 2015, there were 97 cases received via website and 46 cases received via email (*bvntd@noit.gov.vn*) with contents of different sectors. All cases were well handled by VCA's staff. Besides successfully handled cases at the VCA (*account for 85%*), some cases were transferred to Departments of Industry and Trade, consumer associations and other authorized agencies to settle in accordance with law.



### 1.3. Direct or by post enquiries

- Although the number of these complaints was not high (about 49 cases), most of them were serious or complicated such as San Ho LK28 adjacent apartments (San Ho Company) in Quang Ninh. Up to now, all of these cases were well handled by the VCA or transferred to relevant competent agencies.

### 1.4. Cooperate with relevant agencies and organizations

- The VCA has actively cooperated with other agencies inside and outside the MOIT. Besides, the VCA cooperated with Departments of Industry and Trade and Consumer Associations throughout the country in implementing consumer law and policy.



### TYPICAL CONSUMER CASES IN 2015

#### BOX 6: CONSUMER DISPUTE ABOUT COMPENSATION CLAIMS AGAINST AMWAY'S PRODUCT

- A consumer used an Amway's product which caused allergy to him and seriously affected his job and daily life. However, Amway company refused to compensate and said that consumer's allergy is not relevant to Amway's product.

- After receiving complaints, the VCA met with relevant parties to collect necessary documents. As a result of mediation among the VCA, Amway and the consumer, the consumer was compensated 130 million dong in accordance with the Law on Protection of Consumer's Rights and Civil Law (~6000 USD).

#### BOX 7: DISPUTE ABOUT THE QUALITY OF HONDA'S MOTORBIKE

- A consumer used a Honda Future motorbike and detected some problems such as: serious vibration and wobble, loud sound... The consumer had submitted a complaint to Honda Company but Honda denied its responsibility. After receiving the complaint, the VCA settled a mediation in which Honda Company agreed to re-buy the motorbike at 90% of its value (approximately 23 million dong ~ 1000 USD).



#### BOX 8: INSURANCE SERVICE (BAO MINH INSURANCE JOINT STOCK COMPANY)

- A consumer and his wife bought an international health insurance from Bao Minh Insurance Joint Stock Company (headquarter in Ho Chi Minh City). After getting medical treatment in Singapore, they returned and submitted all necessary documents to Bao Minh for insurance benefit. However, Bao Minh only agreed to pay for medical treatment according to charge standard in Vietnam - but not Singapore standard.

- With support from VCA, the consumers and Bao Minh negotiated and settled mediation. Finally, Bao Minh agreed to pay the whole insurance benefit based on Singapore standard equal to 336,070,000 dong (~15.000 USD) for the consumer and 71,860,000 dong (~3,500 USD) for his wife.

#### BOX 9: DISPUTE ABOUT CEMENT'S QUALITY OF HOANG LONG COMPANY

- A consumer bought cement from Hoang Long Company for plastering his house's ceiling and wall. However, cement quickly peeled off. The consumer enquired for compensation as of 50,000,000 million dong (including the expense of buying the old cement, the new one for re-plastering and hiring workers). After many unsuccessful times negotiating and mediating at consumer associations, the consumer lodged a complaint to the VCA. Thanks to the support of the VCA, the consumer got compensation (25,000,000 dong) from Hoang Long company.

#### BOX 10: MAZDA 3 ENGINE FAULT INDICATOR

A great number of consumers lodged complaints to the VCA about engine fault indicator in Mazda 3 car (distributed by Truong Hai Auto Company). After mediation, Truong Hai Company informed publicly about free-of-charge fixing for engine fault indicator. Regarding the reason for this error, the company is now in the process of investigating and committed to notify the VCA about solutions in the coming time.



#### BOX 11: PREVOIR INSURANCE COMPANY STOPS RENEWING HEALTHCARE INSURANCE

In November 2015, VCA received more than 10 complaints from consumers about Prevoir Insurance Company stopping V4 healthcare insurance renewal. This caused a lot of difficulties to pregnant consumers who had bought that insurance package but would not get insurance benefit or turn to other insurance companies. The VCA settled mediation with consumers and the enterprise, which results in enterprise agreeing to provide some support methods to consumers. Although consumers were very indignant, with support from the VCA, relevant parties had a clearer legal and reasonable view on this case. At present, the number of complaints continues growing, the VCA plans to organize another mediation to come up with final solutions for the two parties.

#### 2. Defective product Recall

One of enterprises' responsibilities in accordance with the Law on Protection Consumer's Rights is product recall when detecting products are defective. In 2015, VCA received and handled 19 defective product recalls. Most of enterprises proactively implemented recall and notified to the VCA.

TABLE 3: LIST OF DEFECTIVE PRODUCTS RECALLED IN 2015

No	Product	Technical error	Enterprise
1	Piaggio Vespa LXV/GTS and imported Beverly	Gasoline pump rotor automatically stops when temperature gets high	Acer Vietnam Co. Ltd
2	Range Rover and Range Rover Sport manufactured by Land Rover	Air bag	UK Car Joint Stock Company - Thanh Do Group
3	E-Class and CLS-Class car by Mercedes-Benz	Rubber lining assembling error	Mercedes-Benz Vietnam Co. Ltd (MBV Company)
4	Charger cord Linetek LS - 15 for Acer laptop "Acer", "Gateway" and "eMachines"	When using, charger cord overheats, which may lead to ignition	Acer Vietnam Co. Ltd
5	Lenovo Laptop's battery (about 200.000 lithium-ion)	Battery could cause overheat, fire or burning for consumer	Lenovo (Singapore) Pte. Ltd (Lenovo Company)
6	Honda Civic 2005~2011 and CR-V 2008~201	Air blower's pressure could be excessive due to gas partial fluctuate in wide range	Honda Vietnam Co. Ltd
7	Mitsubishi Outlander and imported Lancer	Engine's V strap error	VINASTAR Company
8	Ford Fiestta	Install additional pad separating wires and gearbox hold	Ford Vietnam Co. Ltd
9	Nissan Pick up, Nissan Sunny, Nissan Xtrail, Nissan Patrol	Air bag	NISSAN Vietnam Co. Ltd (NVL)
10	Kia Sorento	Digital lock error	Truong Hai Auto Joint Stock Company
11	Honda SH (new model) 125cc/150cc	Smart key	Honda Vietnam Co. Ltd
12	Suzuki Swift (AZF414F)	Hard Break pedal on low speed (under 10km/h)	Suzuki Vietnam Co. Ltd

13	Mazda 3 All New	Light engine error	Truong Hai Auto Joint Stock Company
14	Some models of Piaggio	Fuel pump error	Piaggio Vietnam Co. Ltd
15	BMW Series 3 E46	Airbag	Euro Auto Joint Stock Company
16	BMW Series 3, Series 5, X3 and Z4	Brake support system error (roller)	Euro Auto Joint Stock Company
17	Canon Powershot SX50HS	Rubber parts on camera turn white, affecting consumer's health	Canon Marketing Vietnam Co. Ltd (CMV)
18	Laptop charger cord	Overheat leads to unsafety	Lenovo (Singapore) Pte.Ltd
19	iPhone's charger	Overheat leads to unsafety	Apple Inc.



## C - Standard Contract & General Transaction Conditions

### 1. Handling dossiers registering for standard contract and general transaction conditions

In 2015, VCA received and handled 755 dossiers registering for standard contract and general transaction, doubled total number of dossiers in 3 previous years (110 dossiers in 2012, 78 dossiers in 2013 and 194 dossiers in 2014).

In particular, dossier registering in banking account for 48.6% (367/755 dossiers).

Housing Law 2014 and Law on Real Estate Trading came into effect since July 1, 2015. At the same time, the Decision No.35 / 2015 / QĐ - TTg coming into effect since October 15, 2015, which leads to dramatic increase in dossiers registering for standard contract and general transaction conditions. However, 100% of dossiers were processed in due course and in accordance with laws and there were no complaints from relevant enterprises.



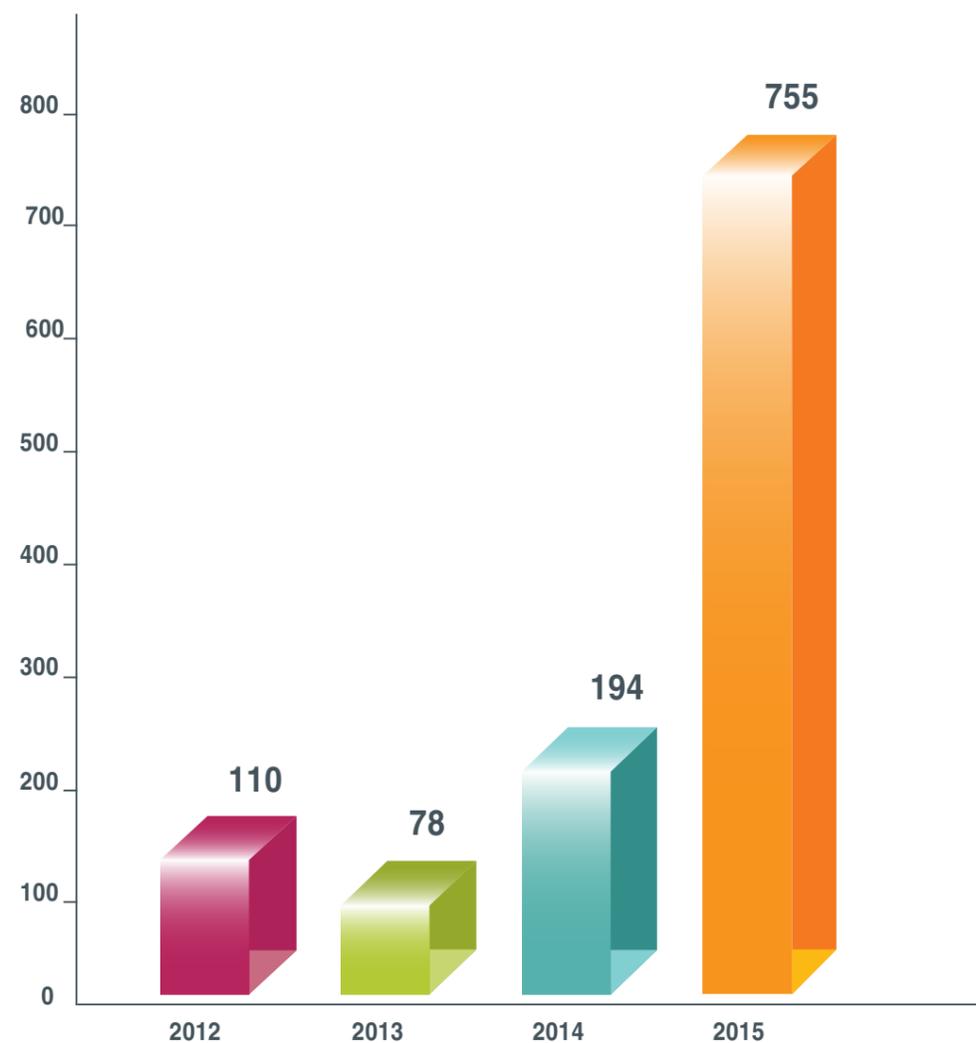


FIGURE 4: NUMBER OF DOSSIERS IN 2015 IN COMPARISON WITH PREVIOUS YEARS

Furthermore, the MoIT organizes training courses for staffs of DoITs, consumer associations and enterprises... annually in order to support and provide updated information/consultation for implementing regulations on standard contracts and general transaction conditions.

Currently, the VCA is applying the IT system in receiving and handling procedure and supplying online public service at level 4 (*the highest level*). Up to now, the entire procedure is operated on software, which helps strengthen transparency as well as facilitates for enterprises.

TABLE 4: STANDARD CONTRACT AND GENERAL TRANSACTION CONDITIONS MANAGEMENT IN 2015

No	Services	Approval	Disapproval	Withdrawal of application	On-going	Total
1	Apartment trading, living services provided by apartment management units.	95	72	12	0	
2	Ground mobile information service	0	0	0	0	0
3	Internet access service	0	0	0	0	0
4	Residential electricity supply	2	1	0	0	3
5	Air transport services for traveling passenger	2	4	0	0	6
6	Residential water supply	1	0	0	0	1
7	Paid television	2	1	1	0	4
8	Ground landlines service	1	1	0	0	2
9	Railway transport for traveling passenger	0	0	0	0	0
10	Life Insurance	5	200	0	0	205
11	Domestic card issuance, open and operate payment service ( <i>apply for individual customer</i> ), <i>personal loan (for consumption)</i>	63	255	31	0	349
	<b>TOTAL</b>	174	537	44	0	755

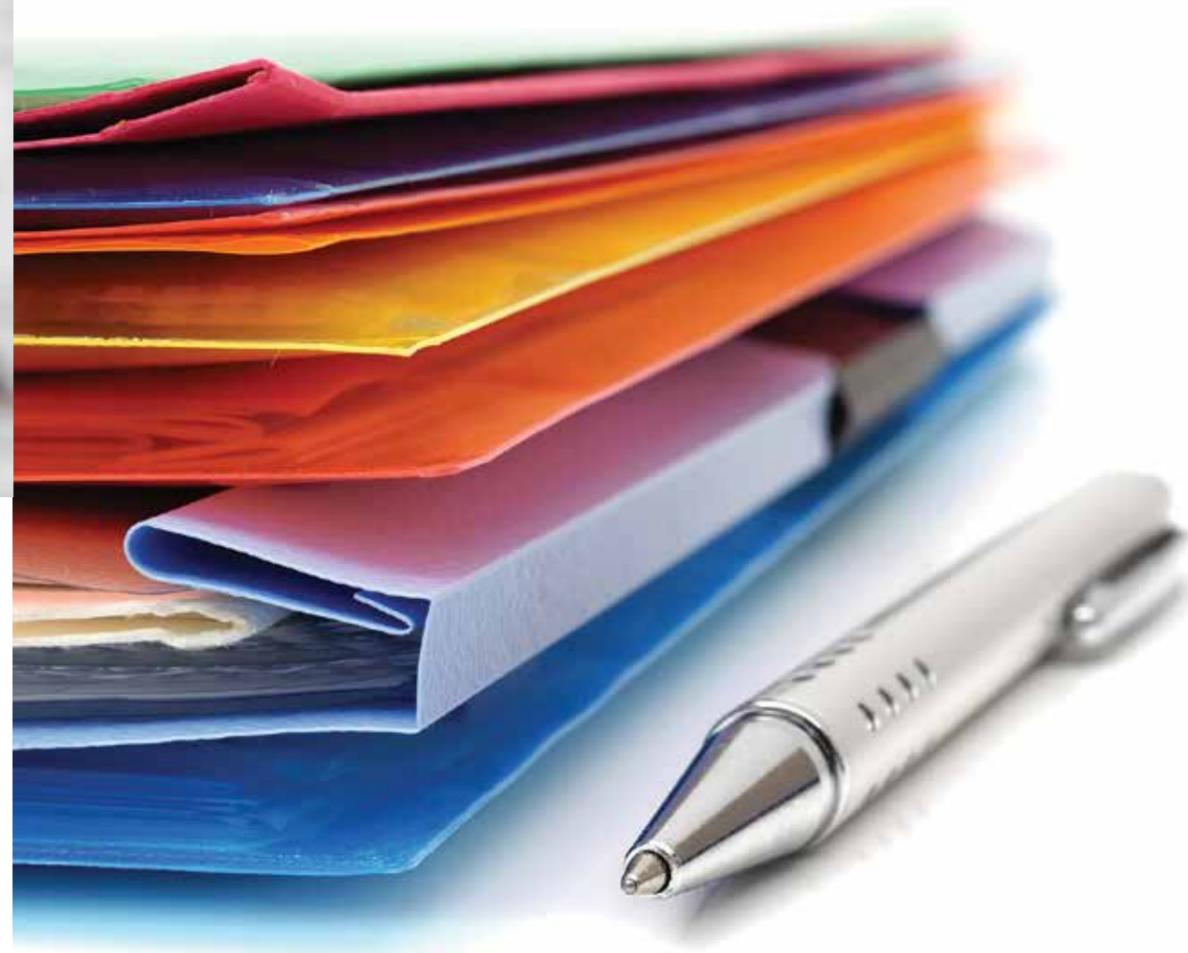
## D - Activities To Support Implementing Consumer Protection Law And Policy

### 1. Development of the network of relevant agencies and organizations

By the end of 2015, there were 50 local consumer associations and 01 national consumer association (*Vietnam Standard and Consumer Association - Vinastas*) throughout the country. Among those, there were 17 associations assigned and partially funded by provincial People's Committees and 7 associations were recognized as specific ones (*Binh Duong, Tien Giang, Dong Thap, Khanh Hoa, Dak Lak, Ca Mau, Ben Tre*) and were regularly funded and staffed. On annual basis, consumer associations handle about

4,000 complaints with success rate of 80-82%, as for some associations the rate even reaches above 90%. In 2015, there was one new association to be established namely Bac Ninh.

During the year, the VCA cooperated with DoITs and Consumer Associations to organize more than 10 advocacy activities, of which there were some big events such as National Summary Conference or activities on the occasion of March 15.



### 2. Examine and oversight enterprises who must register for standard contracts and general transaction conditions.

In 2015, the VCA established Examining Teams in the North and the South to work with nearly 30 enterprises to instruct them how to comply consumer protection law and policy. Up to now, there are about 50% enterprises under examination have already completed procedure for registering to the competent State management agencies.



## 2. Consumer protection law and policy education and advocacy

### ■ Seminars/Talk shows/Training courses

In 2015, the VCA hosted or cooperated with relevant agencies to successfully organize 20 seminars/talk shows/training courses targeted at State management agencies, social organizations, enterprises and consumers including some big activities such as international seminars on consumers' right to be informed (cooperated with KCA, JICA in Da Nang, Ho Chi Minh City).

Particularly, there was a training course for AMSs organized in Hanoi from August 31 to September 2, 2015 on practical topics. The training course was arranged in a more interactive and fresh way so it was highly appreciated by all participants.

### ■ Activities responding to March 15

Over the last year, the MoIT chose "Consumers' right to be informed" as the topic of March 15 and other consumer protection activities. In the context of limited budget, the VCA made great efforts to encourage 60/63 provinces and cities nationwide to

implement celebrating activities on the occasion of March 15. The VCA cooperated with 8 provinces and cities to directly implement activities in local areas by means of supporting expertise, funding, assisting establishment of consumer associations, etc.

### ■ Advocacy materials

Thanks to support from JICA, KOICA, GIZ, the VCA publicized some advocacy materials including:

**(1) Guidelines on establishing consumer associations (sent to local governments which have no consumer associations for reference and implement necessary preparation to establish associations);**

**(2) Leaflets about Call Center 18006838 and about guidelines on consumer loans;**

**(3) Video clip introducing about the VCA, consumer protection and Call Center 18006838.**

Furthermore, the VCA is currently developing 02 documents: consumer law and policy Q&A (*Handbook*) and Frequently Asked Questions (*FAQ*) for consultants. These 02 documents are expected to be released in early 2016.

## 3. International cooperation on consumer protection

### a. ASEAN

- As a member of ASEAN Committee on Consumer Protection (ACCP), the VCA actively contributed to ACCP's activities, for example, participating in regional consumer protection seminars, developing consumer protection training strategy for ASEAN, developing advocacy materials such as ASEAN consumer protection leaflet, ASEAN consumer protection portal, etc.

### b. ICPEN

- In addition to joining and speaking at the Annual Conference and Workshop organized by ICPEN in Sweden and the UK, the VCA participated in sharing experiences in implementing law and policy with ICPEN's members via teleconferences of working groups.

### c. Japan

Under the cooperation framework with JICA, the VCA continued to implement the Project "Technical support for enhancing capacity in implementing consumer protection laws and policies in Vietnam". However, due to restricted human resources from Japanese side, the VCA and JICA agreed to narrow down the Project scope, in details:

- Enhancing capacity in consulting consumer law and policy: focus on developing Q&A Handbook, FAQs, organize workshops in Vietnam and Japan for staffs working in the area of consumer's complaint handling;
- Supporting advocacy in consumer protection: organize seminars in local area in response to Vietnam Consumer Rights Day on March 15.





## STATE MANAGEMENT OVER TRADE REMEDIES

# DUMPING

## A TRADE REMEDIES LAW ENFORCEMENT

### 1. Trade remedies enforcement

#### 1.1. Overview of trade remedy investigations in 2015

In the context that international economic integration and trade liberalization is the inevitable development of the society and economic promotion, the domestic goods are put under the pressure of fierce competition with imported goods which create negative impact on and difficulties for domestic business and industries. To deal with the unforeseen development and dumped imports, the VCA takes initiative to organise meetings and working groups to discuss with related businesses and associations for consulting and explaining trade remedies application procedures, then together finding out reasonable solutions for problems; guiding businesses how to collect information and data, how to prepare trade remedies application dossiers and protect legitimate rights and benefits of domestic businesses and industries by law.

## 1.2. Information of investigations

In 2015, the VCA has carried out investigations as below:

### ■ A - The investigation to apply safeguard measure to monosodium glutamate imported into Vietnam.

#### BOX 12: THE INVESTIGATION TO APPLY SAFEGUARD MEASURE ON MONOSODIUM GLUTAMATE IMPORTED INTO VIETNAM

##### a) General information

- In the context of surged quantity of monosodium glutamate imported into Vietnam causing difficulties and serious injuries to Vietnamese domestic industry, on June 9, 2015, Vedan Vietnam Company., Ltd lodged a request to apply safeguard measure on monosodium glutamate under HS 2922.4220 originated from other countries/territories to Vietnam.

- Under Vietnamese safeguard regulations, the VCA received and assessed the contents of this request. On June 22, 2015, the VCA issued the document No. 470/QLCT-P2 requesting Vedan to provide supplementary information. Vedan submitted the information as requested on July 20, 2015.

- On July 31, 2015, the VCA issued the official paper No. 596/QLCT-P2 confirmed the validity of the request as prescribed, then the VCA proposed the Minister of Industry and Trade to issue the investigation decision related to this case.

##### b) Case progress

- On September 1, 2015, the MOIT issued Decision No. 9269/QD-BCT on initiation of investigating application of safeguard measure on certain monosodium glutamate, under HS 2922.42.20 imported into Vietnam.

- Basing on that, the VCA sent the public notification on investigation to all related parties and circulated official questionnaires to Vietnamese producers, importers and foreigner producers / exporters.

- After considering and analysing information collected from the responses to questionnaires submitted by related parties, in November and December 2015, the VCA carried out the on-the-spot verification with domestic monosodium glutamate producers and importers.

##### c) Next steps

- During the process of safeguard investigation, the public hearing is scheduled to be held for interested parties to present their opinions and viewpoints about this case in January 2016.

- Under Article 18 of the Ordinance on Safeguards, this case is scheduled to be finished on February 2016. In case of necessity, the time of investigation could be extended once but not more than two continuous months.

### ■ B - The investigation to apply safeguard measure on certain semi-finished and finished products of alloy and non-alloy steel.

#### BOX 13: THE INVESTIGATION TO APPLY SAFEGUARD MEASURE TO CERTAIN SEMI-FINISHED AND FINISHED PRODUCTS OF ALLOY AND NON-ALLOY STEEL

- According to the information and data provided by the Vietnam Steel Association (VSA) and steel manufactures, the global economy in general and Chinese development in particular; and the domestic demand of steel was going down, which led to the surplus supply of steel products. Therefore, the steel manufacturers, especially Chinese companies pushed up the steel export activities offering low price to different countries for the purpose of pay-back and dealing with overstocks. Facing this situation, there were many companies in the steel industry had to stop production and changed to imported low-price steel products to remain their operation. In order to protect their own legitimate rights and benefits, on December 15, 2015, the group of four steel manufactures submitted the dossier for application of safeguard measure on certain semi-finished and finished products of alloy and non-alloy steel.

- On December 18, 2015, the VCA issued Document No. 1120/QLCT-P2 confirmed the validity and adequacy of this request.

- On December 25, 2015, the MOIT issued Decision No.14294/QD-BCT about the investigation for safeguard measure application on certain semi-finished and finished products of alloy and non-alloy steel, under HS code 7207.11.00; 7207.19.00; 7207.20.29; 7207.20.99; 7224.90.00; 7213.10.00; 7213.91.20; 7214.20.31; 7214.20.41; 7227.90.00; 7228.30.10; 9811.00.00 imported into Vietnam.

- Currently, the VCA is receiving the responses to questionnaires from related parties.





### 1.3. Review on trade remedy law compliance of goods imported into Vietnam

#### a) Review on safeguard measure application to certain refined vegetable oil imported into Vietnam.

In August 2013, the MOIT issued Decision No. 5987/QD-BCT about application of safeguard measure to certain refined vegetable oil, under HS code 1507.90.90; 1511.90.91; 1511.90.92 and 1511.90.99, imported into Vietnam. As the result, the definite safeguard duty which was applied from 07/5/2013 to 06/5/2014 as of 5% and has been liberalised year by year.

Pursuant to Article 24 of Ordinance on Safeguards and Article 7.4 of Agreement on Safeguards regarding safeguard measure review, since May 2015, the VCA collected information, sent questionnaires to related parties, received comments and opinions of related parties for purpose of analysis, evaluation and mid-term review for safeguard measure application to certain refined vegetable oil as mentioned above. On August 10, 2015, the MOIT issued Decision No. 8287/QD-BCT publishing notice on mid-term review for safeguard duty application to refined vegetable oil imported into Vietnam. Consequently, the safeguard measure application was remained as same as scheduled, and would be removed from May 8, 2017 (*in case of no extension*).

#### b) Review on the antidumping measure on certain cold-rolled stainless steel imported into Vietnam.

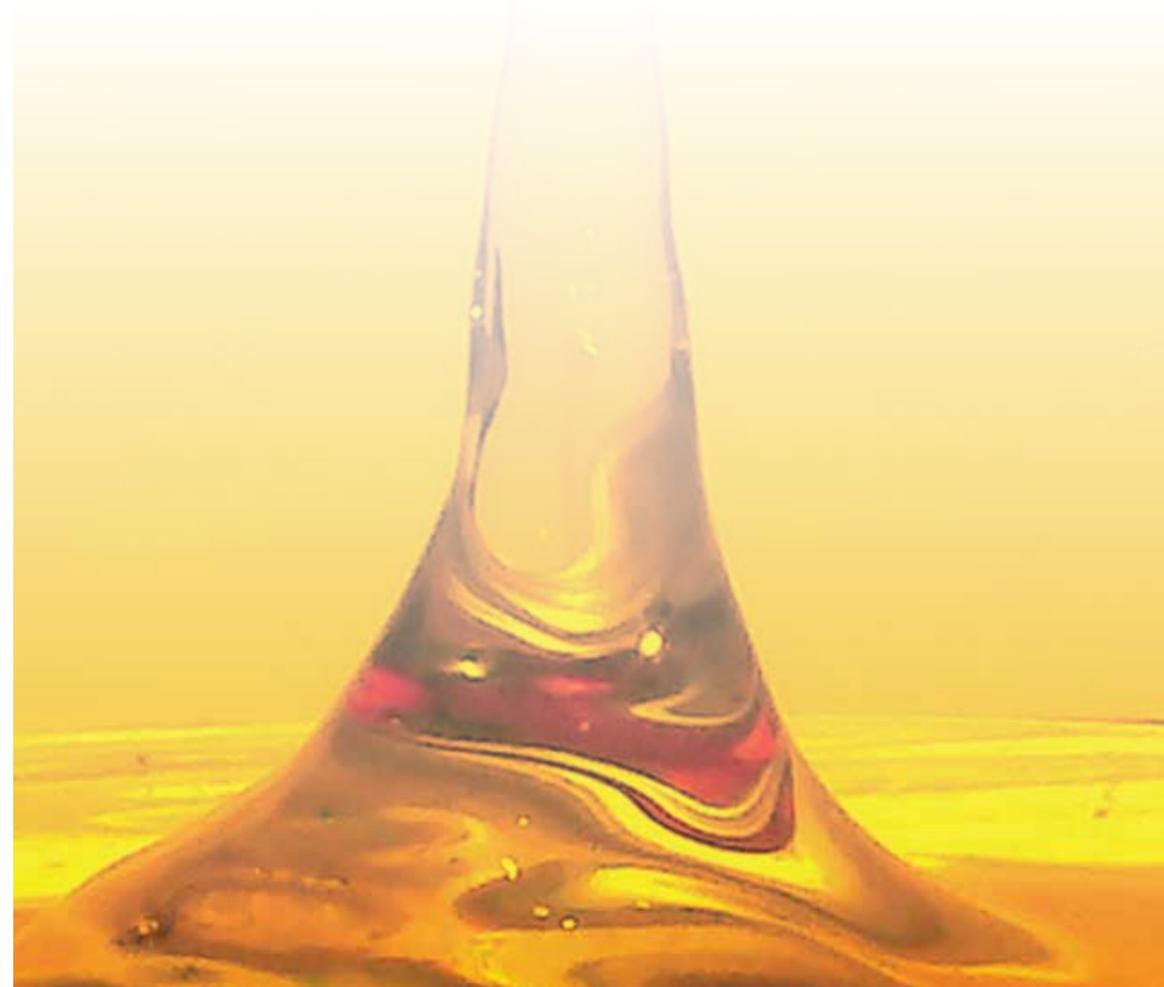
On September 5, 2014, the MOIT issued the Decision 7896/QD-BCT on antidumping measure application to certain cold-rolled stainless steels imported into Vietnam from countries/territories including the People's Republic of China (*hereinafter referred as China*), The Republic of Indonesia (*hereinafter referred as Indonesia*), Malaysia and Chinese Taipei.

Pursuant to Article 24 of the Ordinance 20/2004/PL-UBTVQH11 on Anti-dumping of imported goods into Vietnam, after one year from the date of issuance of a decision applying anti-dumping measures, one or more interested parties could propose the Minister of Industry and Trade to issue a decision to review the anti-dumping measures on the basis of a consideration of the evidence provided by such parties.

On September 15, 2015, the VCA received the dossier of Posco VST and Inox Hoa Binh requesting the review for the antidumping measure to certain cold-rolled stainless steels, HS code: 7219.3200, 7219.3300, 7219.3400, 7219.3500, 7219.9000, 7219.2010, 7220.2090, 7220.9010, 7220.9090, imported into Vietnam.

On October 21, 2015, the MOIT issued the Decision No. 11353/QD-BCT on the review on the anti-dumping measure mentioned above.

In December 2015, the VCA received the responses to questionnaires from interested parties. Based on the case records and information submitted by interested parties, the VCA conducted the analysis as prescribed.



## 2. Trade remedies compliance

With the responsibility to coordinate and guide government agencies, associations and businesses in handling anti-dumping cases, anti-subsidy and safeguard measures on exports of Vietnam, in 2015, the VCA handled 14 new cases of trade remedies including 12 anti-dumping cases, 1 anti-circumvention case and 1 safeguard case. In addition, it has continued to follow-up and handle ongoing cases.

TABLE 5: NUMBER OF TRADE REMEDIES CASES ON VIETNAMESE EXPORTED GOODS

	Before 2009	2009	2010	2011	2012	2013	2014	2015	Tổng
Anti-dumping	25	4	1	3	8	3	5	12	61
Safeguard	6	2	1	2	2	1	4	1	19
Anti-subsidy	0	1	0	1	1	2	2	0	7
Anti-circumvention	5	1	1	1	1	0	2	1	12
<b>TOTAL</b>	<b>36</b>	<b>8</b>	<b>3</b>	<b>7</b>	<b>12</b>	<b>6</b>	<b>13</b>	<b>14</b>	<b>99</b>

Thanks to activeness and efforts of the VCA, in 2015, there were achievements in many trade remedies cases, details as below:

**(1) Canada conducted anti-subsidy investigation on certain oil country tubular goods (OCTG) imported from Vietnam**

On July 21, 2014, the Canada Border Service Agency (CBSA) initiated the anti-dumping and anti-subsidy investigation to certain OCTG imported from Vietnam and some other countries.

On April 2, 2015, the CBSA decided to terminate the anti-subsidy investigation.

- In this case, although Vietnamese exporters/producers did not cooperate with the CBSA but the VCA still consulted, proposed and received the approval of Heads of MOIT for full participation and cooperation with the CBSA.

The investigation termination of the CBSA recognised the positive and successful performance of Vietnamese Government. This result reflected the efforts, the full cooperation of Vietnamese Government agencies (at both central and local level with 5 provinces/cities and the Vietnam Trade Office in Canada) who have participated in handling the case for the whole year.

The Decision on non-application of countervailing duty reduced the difficulties of Vietnamese steel industry in front of recent trade remedy measures to Vietnamese exports as well as excluding a bad precedent for Canadian businesses who would like to conduct similar investigations in the future.

**(2) Australia conducted the antidumping investigation on certain power transformers imported from Vietnam**

On July 26, 2013, the Australian Anti-dumping Commission (ADC) officially initiated the anti-dumping investigation to certain power transformers imported from Vietnam and some other countries.

On December 2, 2014, the ADC issued a final report of the investigation. Based on that, the dumping margin of Vietnam was 3.8%.

Under the direction of the Heads of MOIT, the VCA cooperated with Asia - Pacific Market Department, Vietnam Trade Office in Australia and mandatory respondents to collect related information and data, in order to research and develop arguments to protect legitimate rights and benefits of Vietnamese businesses.

On October 30, 2015, Australia officially noticed the termination of the duty application decision mentioned above. This decision did not only help businesses to be relieved from the burden of anti-dumping duty, but also maintained the market. Besides, this decision reflected good result of full cooperation between Vietnamese Government (the VCA is the focal point) and exporters/producers in the process of handling trade remedy investigations.



**(3) Australia conducted the antidumping investigation to certain galvanized steel products imported from Vietnam**

On July 11, 2014, the ADC initiated the anti-dumping investigation to certain galvanized steel products imported from Vietnam and India.

After receiving the case information, the VCA contacted the VSA, the General Department of Vietnam Customs in order to update and evaluate the situation as well as keep contact and cooperate with the respondents. During the investigation, to support enterprises effectively, the VCA also recommended the lawyer for respondents.

From 11 to 16 February 2015, the ADC conducted the on-spot verification. Because that was the first anti-dumping verification of the ADC in Vietnam, the VCA officials joined with the ADC mission to support and provide consultation for businesses to achieve the best results.

On June 16, 2015, the ADC announced the statement of essential fact.

On July 30, 2015, the ADC announced the notice No. 2015/93 to terminate the anti-dumping investigation on certain the galvanized steel products imported from India and Vietnam. That was the best result of this case as Vietnamese exporters would have no burden of anti-dumping duty, maintained the market and created the good precedent for future cases. This result reflected the effectiveness of full cooperation between businesses and the investigating authority; the consultation of lawyers and the close cooperation between the Vietnamese Government and businesses.

**(4) Turkey conducted the anti-circumvention investigation of antidumping measure to certain granite products**

On December 12, 2014, Turkey initiated the anti-circumvention investigation of antidumping measure on certain granite products imported from Vietnam because of the suspicion of circumvention being existed after Turkey applied anti-dumping measure on these products originated from China. After receiving the information, the VCA sent notices to related businesses and associations and held the meeting with the largest granite exporter of Vietnam to Turkey in order to find the solution for this case.

On December 8, 2015, the investigating authority issued the announcement on information and evaluation. Accordingly, there were 2 respondents to be determined no circumvention behavior.

This was the huge opportunity for these two businesses to promote the exportation, to expand market and access Europe via Turkey. This result reflected the important role of effective and close cooperation between exporters and Government (VCA is appointed as the contact point) as well as the consultation of lawyer in handling case.



**(5) India conducted the safeguard investigation to certain cold rolled stainless steel products**

On September 19, 2014, India officially initiated the safeguard investigation to certain cold rolled stainless steel products imported from Vietnam.

On March 23, 2015, India issued the final determination to terminate and not apply safeguard duty because there was no evidence of increasing import volume, serious injury or threat to serious injury as well as causality.

OTHER CASES WERE HANDLED BY THE VCA IN 2015

**BOX 14: U.S CONDUCTED ANTI-DUMPING INVESTIGATION TO CERTAIN CIRCULAR WELLED CARBON QUALITY STEEL PIPES IMPORTED FROM VIETNAM**

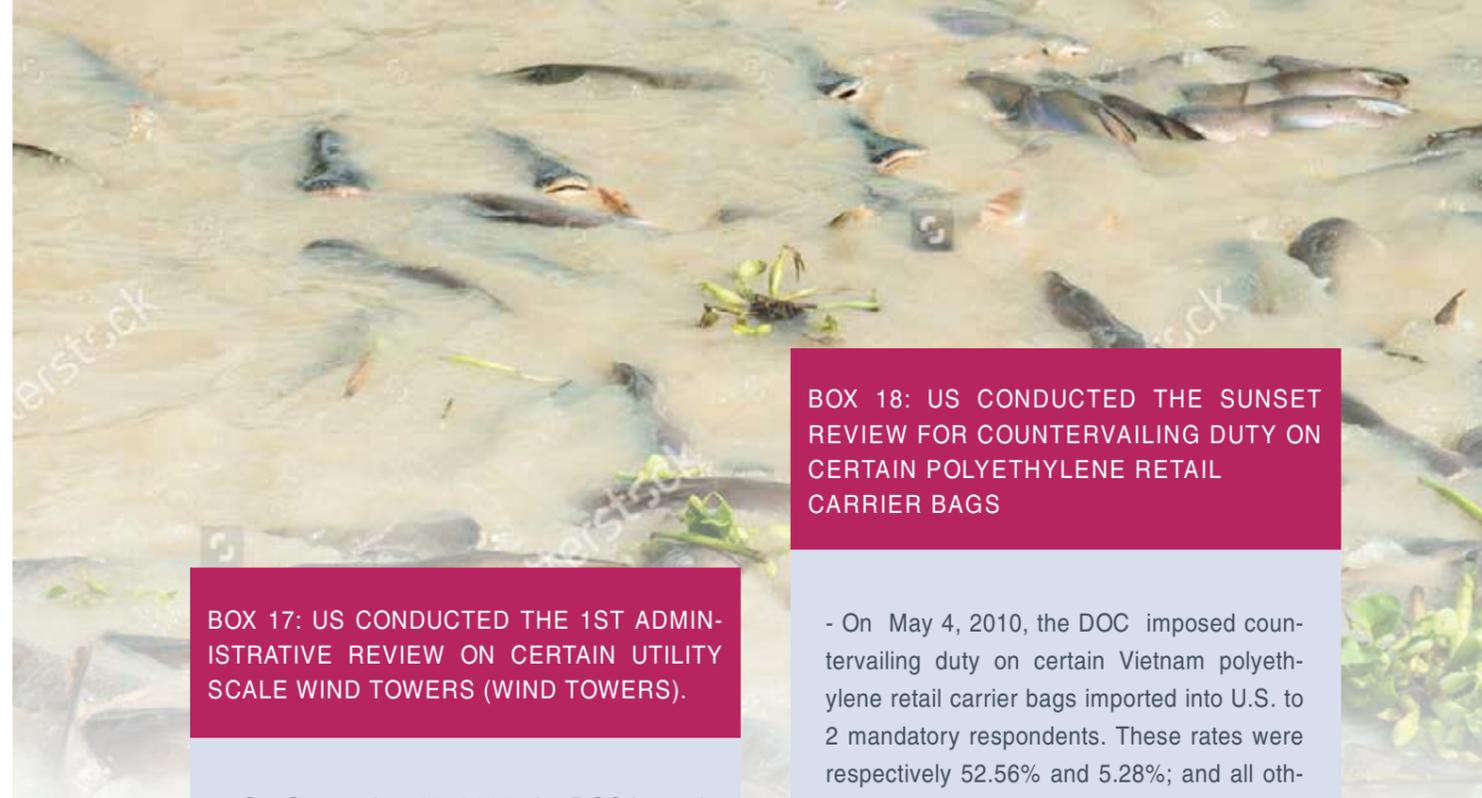
- On November 17, 2015, US initiated the anti-dumping case.
- Consequently, on December 11, 2015, the International Trade Commission (ITC) issued preliminary injury determination. According to it, the ITC determined the existence of material injury of the domestic industry. Basing on the ITC's determination, the Department of Commerce (DOC) continued to investigate the matters of dumping. Preliminary determination on dumping margin is scheduled to be issued on April 5, 2016.

**BOX 15: US CONDUCTED THE 9TH ADMINISTRATIVE REVIEW TO CERTAIN FROZEN WARM WATER SHRIMPS**

- On September 15, 2015, the DOC issued final determination on the anti-dumping duty to certain Vietnamese frozen warm water shrimps imported into the US during the period from January 1, 2013 to January 31, 2014 (*stage of 9th anti-dumping duty review - POR9*).
- According to this determination, the DOC determined the definite duties for 3 mandatory respondents respectively as of 1.39%, 0.00% and 1.16%. The duty determined for voluntary respondents was based on the average of anti-dumping duties of mandatory respondents as of 0.91% and the country-wide rate remained constant at 25.76%. These rates were relatively low compared to that of previous POR8 (*4.98% and 9.75% for 2 mandatory respondents and 6.37% for voluntary respondents*). The positive result of POR9 reflected efforts of businesses, the lawyer, tight cooperation among Vietnam Government agencies including the MOIT, Ministry of Agriculture and Rural development, VASEP and related others.

**BOX 16: US CONDUCTED THE 11TH ADMINISTRATIVE REVIEW TO CERTAIN FROZEN FISH FILLETS**

- On September 14, 2015, the DOC issued a preliminary determination of the 11th administrative review (*POR 11*) to certain Vietnam frozen fish fillets imported into U.S. during the period from August 1, 2013 to July 31, 2014. Preliminary country-wide rate remained 2.39 USD/kg, mandatory respondent's rates were 0.36 - 0.84 USD/kg; voluntary respondents' rate was 0.6 USD/kg. The DOC would be expected to announce the final determination on March 14, 2016.



**BOX 17: US CONDUCTED THE 1ST ADMINISTRATIVE REVIEW ON CERTAIN UTILITY SCALE WIND TOWERS (WIND TOWERS).**

- On September 15, 2015, the DOC issued final determination of the 1st administrative review (*POR1*) on certain wind towers during the period from February 13, 2013 to January 31, 2014. According to this determination, the final rate of mandatory respondents (*CS Wind Vietnam*) was 0.00% and the country - wide rate remained 58.54%.

**BOX 19: MALAYSIA CONDUCTED ANTI-DUMPING INVESTIGATION ON CERTAIN PRE-PAINTED, PAINTED OR COLOR COATED STEEL COILS IMPORTED FROM VIETNAM.**

- On April 28, 2015, Malaysia initiated anti-dumping investigation on certain pre-painted, painted or color coated steel coils imported from Vietnam and China.
- On September 25, 2015, the Ministry of Industry and Trade International (MITI) issued official announcement on preliminary determination. As the result, preliminary anti-dumping duties applied to Vietnamese exporters were from 5.68% to 16.45%.

**BOX 18: US CONDUCTED THE SUNSET REVIEW FOR COUNTERVAILING DUTY ON CERTAIN POLYETHYLENE RETAIL CARRIER BAGS**

- On May 4, 2010, the DOC imposed countervailing duty on certain Vietnam polyethylene retail carrier bags imported into U.S. to 2 mandatory respondents. These rates were respectively 52.56% and 5.28%; and all others rate was 5.28%.
- On July 24, 2015, the DOC issued final determination of sunset review for above countervailing case. Accordingly, the DOC decided to extend the duty application and remain respondent rate as same as the first investigation. This determination became effective from August 5, 2015.

**BOX 20: TURKEY REVIEWS ANTI-DUMPING DUTY TO CERTAIN BICYCLE INNER AND OUTER TIERS FROM VIETNAM**

- On July 15, 2015, the Ministry of Economy announced review on anti-dumping duty to bicycle inner and outer tiers.
- This case is under investigation and determination making process.
- Previously, in 2004, Turkey issued the decision to apply anti-dumping duty on certain bicycle inner and outer tiers imported from Vietnam. In 2010, Turkey continued to review and apply duties, particularly bicycle tires were from 30% to 44% and motorbike tiers were from 29% to 49%.

**BOX 22: INDONESIA CONDUCTED THE SUNSET REVIEW ON ANTI-DUMPING DUTY ON CERTAIN COLD ROLLED STEELS IMPORTED FROM VIETNAM**

- On September 8, 2015, the Anti-dumping Committee of Indonesia (*KADI*) announced to conduct sunset review for this case. This case is under investigation and determination making process.

- Previously, on September 21, 2012, *KADI* issued the final determination on duties applied for Vietnam from 13.5% to 36.6%. The current duties are from 12.3% to 27.8% after the interim review.

**BOX 23: THAILAND CONDUCTED THE REVIEW FOR IMPOSING SAFEGUARD MEASURE TO CERTAIN HOT ROLLED STEEL FLAT PRODUCTS**

- On July 27, 2015, the Department of Foreign Trade (*DFT*) notified to review to extend safeguard measure application to certain hot rolled steel flat products. Currently, the case is under investigation to determine injury of the domestic industry.

- Previously, on November 27, 2012, the *DFT* initiated this case.

- On September 25, 2013, the *DFT* issued the final determination. Accordingly, safeguard duty was applied in 3 years and took effect from September 15, 2013 to February 26, 2016 as follows: (1) The first year: 44.20%; (2) The second year: 43.57%; (3) The third year: 42.95%. In which, Vietnam was excluded from the list of countries to be imposed safeguard duty due to negligible imports (*according to WTO regulation*).

**BOX 21: INDIA CONDUCTED THE ANTI-DUMPING INVESTIGATION ON CERTAIN MELAMINE TABLE WARE AND KITCHEN WARE PRODUCTS IMPORTED FROM VIETNAM**

- On October 28, 2014, India initiated the above case.

- On October 20, 2015, the Directorate General of Anti-Dumping and Allied Duties (*DGAD*) issued the final determination on this case. As a result, dumping margins of Vietnam were from 60% to 70% (*1732.11 USD/ton*).



# **B** ACTIVITIES TO SUPPORT TRADE REMEDIES LAW IMPLEMENTATION

## **1. Activities to support investigations**

### **1.1. Advocacy and dissemination on trade remedy law**

In 2015, the VCA organized “Training course on investigation and handling skills on trade remedy cases” in Quang Binh province. The training course provided the VCA’s and other related agencies’ staffs a series of calculation methodologies in investigation as well as experiences in handling cases to Vietnam’s exports.

## 1.2. Consultation activities for businesses and associations

*Under the pressure of the rapid and sudden increasing of imports in the recent period, as well as the signal of imports' negative impacts on domestic industry, the VCA held several meetings with associations and related businesses aiming to discuss on process, procedure to apply trade remedies measures; and consulted, supported to solve businesses' difficulties, as follows:*

### ■ BILLETS AND RE-BARS

During the period of 2014 and the beginning 9 months of 2015, the semi-finished and finished steel imports have increased suddenly and dramatically, caused negative impacts on domestic industry, Vietnam Steel Association (VSA) and some domestic producers had a meeting with the VCA to be consulted the possibility of applying suitable trade remedy measures on steel imports.

After receiving information, the VCA's working group visited on spot to collect information, examined imports' impacts on the domestic industry. Besides, the VCA consulted and explained technical issues on trade remedy measures to help them understand and prepare the necessary legal procedure to submit the dossier aiming to protect the domestic industry's legitimate rights from imports' fierce competition.

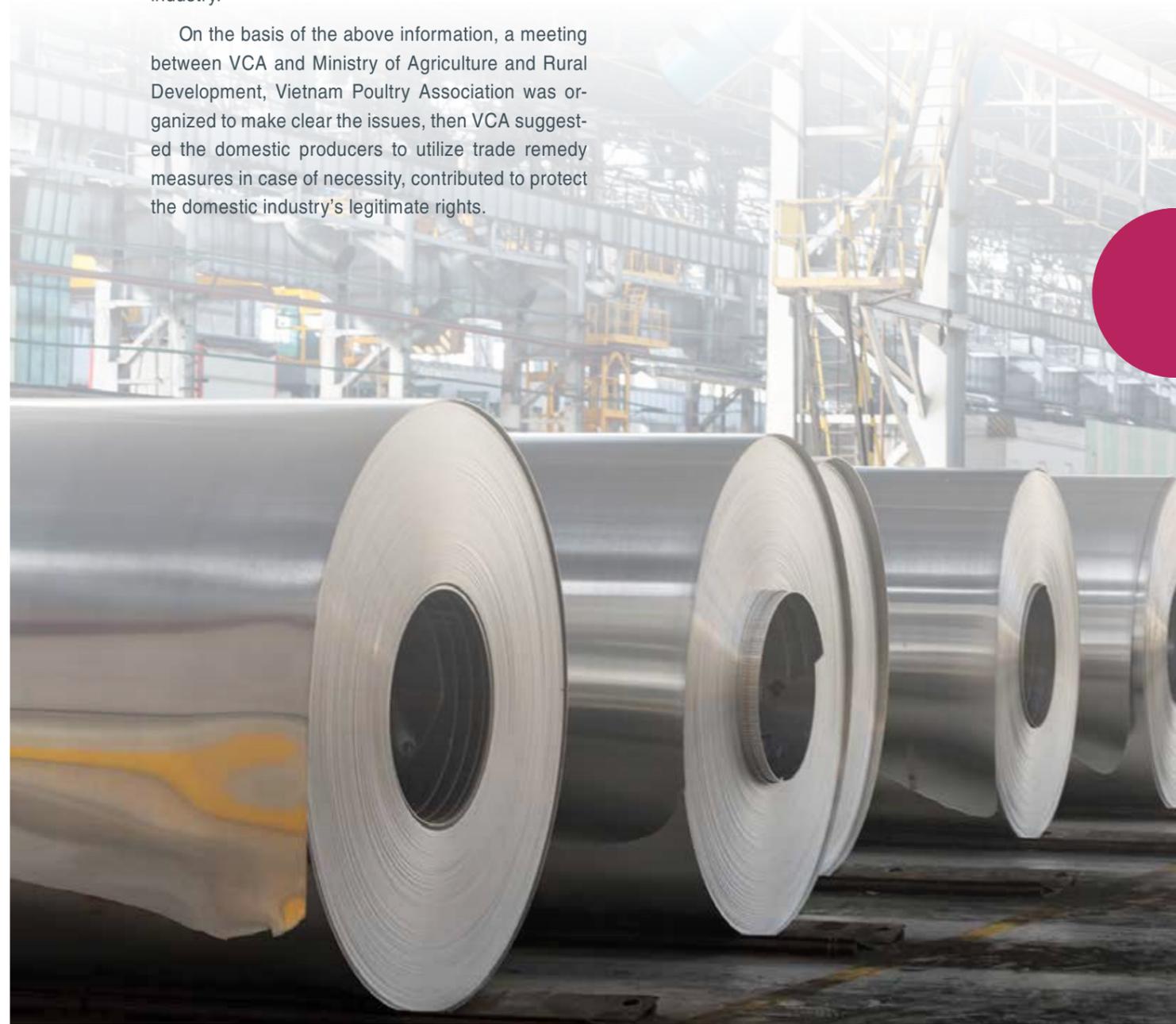


### ■ CERTAIN COATING GALVANIZED STEELS

Similar to above mentioned steel products, in the period from the ending of 2014 to the beginning 9 months of 2015, the quantity of certain imported coating galvanized steels had a sudden increase, caused injury to domestic producers in Vietnam. Consequently, the meeting between VSA and several members was held for purpose of searching out and discussing the trade remedy measures to protect the domestic industry from such imports.

Besides, in 2015, the VCA received information from South East Poultry Association regarding certain chicken imports, that increased in quantity with cheap price, caused material injury to the domestic industry.

On the basis of the above information, a meeting between VCA and Ministry of Agriculture and Rural Development, Vietnam Poultry Association was organized to make clear the issues, then VCA suggested the domestic producers to utilize trade remedy measures in case of necessity, contributed to protect the domestic industry's legitimate rights.



## 1.3. Research, contribution to complete international trade legal framework

In 2015, the VCA took part in amending a Chapter of trade remedies in the Law on Export and Import duty aiming at ensuring the effectiveness, accuracy and consistence in Vietnamese legal framework.

Besides, the VCA joined to do research, contribute views and appoint officials to take part in Drafting and Editing Board of Foreign Trade Management Law project in sector of trade remedy to harmonize with other regulations.

## 2. Activities to support case handling

In 2015, the VCA cooperated with Ministries, agencies Vietnam Institute for Trade and Industry Studying, Vietnam Chamber of Commerce and Industry (VCCI), Hochiminh WTO Center and foreign organizations (MUTRAP, Ausaid Project...), several Industry and Trade Departments to organize the specific seminars on trade remedies regulations, investigation process and procedure of several countries.

The VCA also presented in the seminars to push up advocacy and dissemination of law, regulations, policy, Vietnam and foreign countries' practices in trade remedy and WTO dispute settlement.

Moreover, the VCA actively supported and consulted for Vietnamese exporters and producers in handling trade remedies cases to Vietnam exports, that contributed the positive results in some cases such as Canadian anti-subsidy investigation to certain OCTG products; Australian anti-dumping investigation to certain power transformer; Turkish anti-circumvention of antidumping investigation to certain granite products; Indian safeguard investigation to certain cold rolled stainless steels, etc.

## 3. Extension and development of the early warning system

In order to enhance the effectiveness of early warning activity on anti-dumping cases, the VCA continued actively operating and developing the early warning system on anti-dumping investigations to Vietnam's exports. In which, there were several outstanding activities included:

- Analyzing methodologies applied in current system to re-consider insufficiency, propose solutions to ensure a stable operating system and provide more effective and accurate warnings;
- Amending and updating software in consistent with new calculation formulas;
- Fixing system's interface and providing more tools and information for users' easy access;
- Building plan for import-export data purchase on the operating markets and sectors aiming to maintain the early warning system.

Besides, in order to support business community in handling anti-dumping cases effectively in the context of the deeper economic integration, on June 3, 2015, the VCA held the workshop ***"Effectively utilize of the early warning system to limit damage for anti-dumping cases to Vietnam's exports"***.

## 4. Remedies Negotiation in Free Trade Agreements (FTAs)

In 2015, the VCA participated in the negotiation of several FTAs, as follows:

- **HVietnam - EFTA Free Trade Agreement:** In 2015, VCA assigned officials to participate in 3 negotiation sessions. Based on the proposal of the EFTA, the VCA provided comments, opinions as well as designed negotiation scenarios in trade remedies and competition.
- **HRegional Comprehensive Economic Partnership (RCEP):** In 2015, VCA assigned officials to participate in 4 negotiation sessions in trade remedies.

- In addition, the VCA participated in the negotiations in Trade remedies sector in Trans-Pacific Partnership (TPP), FTAs between Vietnam - EU, Vietnam - Customs Union and Vietnam - Korea.

- In the near future, the VCA continues the preparation for the next sessions of the ongoing FTAs.

## 5. Ministerial-level scientific research project

According to Decision No. 12204/QĐ-BCT dated December 31, 2014 of the Minister of Industry and Trade on the order serving the tasks of science and technology in 2015, the VCA is assigned to undertake the research project "WTO's dispute settlement on anti-dumping and anti-subsidy: International experiences and lessons for Vietnam".

In 2015, the VCA completed the Ministerial-level scientific research project mentioned above.



# C EXPLANATION OF VIETNAM MARKET ECONOMY STATUS

Until the end of 2015, both the Working group on Vietnam's market economy between Vietnam and the EU and between Vietnam and U.S. have conducted 6 official meetings. Regarding the explanation to the EU, in the Assessment report of the Vietnam's Request for Graduation to Market Economy Status, based on the information provided in the working sessions and the explanation notes of Vietnam, EU has preliminarily considered the Criterion 3 of Vietnam as met the requirement (*that means EU has recognized total 2 out of 5 criteria of Vietnam*).



# D WTO DISPUTE SETTLEMENTS & ACTIVITIES RELATED TO THE WTO

## 1. WTO dispute settlement of shrimp case

After the positive result of the WTO1 case (*DS404*) and in order to archive the target that all the shrimp exporters or some major shrimp exporters of Vietnam can be exempted from the anti-dumping measure which has been applied since 2005, on 17 December 2012, Vietnam had sent its request to the WTO Dispute Settlement Body (*DSB*) to establish the Panel for WTO2 (*DS429*).

On November 17, 2014, WTO published the final report of the Panel on the official findings in *DS429* case. Accordingly, in 11 claims raised by Vietnam, the Panel has accepted and supported 7 claims with 4 main contents: zeroing method, country-wide rate, sunset review final determination, escaping from the anti-dumping duty to several Vietnamese exporters/producers.

On January 6, 2015, Vietnam notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation in the Panel's report.

On January 19, 2015, Vietnam received notice of the time of the appellate litigation session from the Appellate Body.

On April 7, 2015, the Appellate Body's report was circulated to Members.

On June 1, 2015, Vietnam had a discussion with U.S. on the Reasonable Period of Time (*RPT*) in Geneva -Switzerland. Due to be not able to reach a consensus in *RPT*, Vietnam and the U.S. decide to use the binding arbitration.

The VCA has sent officers to attend the oral argument before arbitrators.

The VCA is continuing to coordinate with lawyers and Vietnam Delegation in Geneva, Vietnamese shrimp exporters and associations in order to prepare for the next stages of the case.

## 2. . WTO dispute settlement of Flat-rolled product of iron or non-alloy steel (DS496)

On June 1, 2015, Vietnam requested consultations to the WTO Secretariat.

From 27th to 30th July 2015, the VCA's representatives attended the consultation with Indonesia in Bali.

On September 28, 2015, the DSB established the Panel of the DS496 case.

On December 9, 2015, the Director-General of WTO composed the panellist of the Panel of DS496 case.

The VCA is continuing to coordinate with lawyers and Vietnam Delegation in Geneva in order to prepare for the next stages of the case.



## 3. Participate in some WTO dispute cases as a third party

In order to gain experience as well as to obtain information and other documents that could be useful for Vietnam, VCA coordinated with the Vietnam Mission in Geneva to register as a third party in 4 following trade remedies cases:

### 4. Participate in meetings of Committees on Anti-dumping, Anti-subsidies and Safeguards in WTO

The VCA led and coordinated with related agencies to participate in frequent meetings of Committees on Anti-dumping, Anti-subsidy and Safeguards. The VCA took advantages of these forums to express its opinions and concerns on some cases in which Vietnam's exports had been involved to protect the legitimate rights of Vietnamese producers/exporters.

# E INTERNATIONAL COOPERATION IN TRADE REMEDIES

In 2015, the VCA cooperated with Australian Agency for International Development (*Ausaid*) to implement activities aiming to enhance competition policy and trade remedy measures in accordance with international integration commitments and ensure fair international trade environment.

Furthermore, the VCA also involved in providing suggestions for cooperation in trade remedies in several joint-committees between Vietnam and partners such as Malaysia, India, Thailand, Korea, Philippines, ... and prepared trade remedies content for working sessions, forums, bilateral and multilateral conferences of levels of leadership including Vietnam - the Philippines bilateral conference, Vietnam- Indonesia bilateral conference, the bilateral meetings on the side-lines of APEC Trade Ministers Meeting ...





## OTHER ACTIVITIES

*Under the support of the VCA's leaders, the social activities, such as sport, volunteer, art performance have been developed considerably.*

*These activities contribute to not only the health training but also the exchange activities among staff and other departments within the Ministry.*



### A - CULTURAL ACTIVITIES

On the occasion of "Youth month", VCA Youth Union cooperated with the Ministry Youth Union to organize social activities, such as blood donation, cooking contest etc.

Child care and education is also an another frequent activity at VCA. Anually, VCA organized the celebrations to commend and bear the gifts to excellent pupils and pupils with underprivileged conditions. On 1st June, many VCA kids achieved high results during the school year of 2012-2013, or in the national, provincial or city contests and 50 children of VCA officials and staffs were awarded.





## B - SPORT ACTIVITIES

Following the guiding principle “**Khỏe để học tập và công tác tốt**”, literally interpreted as you always need good health to study and work well, the VCA was not only active to participate in sport activities launched by MOIT but also hosted several ones, for example the MOIT Football League in September and October of 2015.



# OVERALL ASSESSMENT OF 2015 AND STRATEGIES FOR 2016





# A OVERALL ASSESSMENT

## 1. Competition

### 1.1. Achievements

Following the outcomes achieved in previous years, in 2015, the VCA continued the investigation on anti-competitive cases. Every year, in addition to investigation based on legal proceedings, the VCA also conducts the pre-litigation investigations in many sectors in order to collect information, and supervise the competition activities; hence timely applying appropriate measures in case of violation.

Besides, via the investigated cases, the VCA contributes to improving awareness and attention of business community, related state agencies as well as the society on competition law. As a result, the law compliance level will also be enhanced. Particularly, there are more companies actively working with the VCA to get the information and consultation related

to competition issued emerged during the course of their business. Several state agencies also proposed to build a cooperation mechanism of regular consultation with the VCA in order to ensure a fair competition environment for the benefits of the whole society.

Moreover, the competition control has recorded significant outcomes. The sectoral regulators paid attention in competition policy in the connection with their sectoral policies in order to ensure a sound environment for enterprises as well as a strong cooperation with the VCA in related issues. Domestic and foreign enterprises in Vietnam have actively complied with competition legislations while doing business. It can be seen that the business environment in Vietnam has been improved during the last couple of years.

### 1.2. Drawbacks

While fulfilling the missions and goals, the VCA also faced with difficulties and challenges stem from objective and subjective factors.

*Firstly*, in the context of the Vietnam economy, the number of cases under investigation has been limited. This is rooted from both objective and subjective reasons, such as the regulations have limitations that needed to be amended and improved in the coming time.

*Secondly*, during the course of implementation, the VCA meets difficulties in cooperating with related state agencies because of their lack of knowledge on competition law. They failed to comply with the law and caused difficulties for the VCA in approaching to collect information.

*Thirdly*, the limitation on human resources, such as facilities also affects the implementation activities.





## 2. Consumer protection

### 2.1. Achievements

One of the outstanding achievements in consumer protection area in 2015 is the issuance of a number of legislations so as to strengthen the legal basis for this area. Particularly, Decision No. 1035/QĐ-TTg creates the Vietnam Consumer Rights Day on March 15 for the Vietnamese people for the first time.

The year 2015 also records the positive outcomes of receiving and handling consumers' complaints. By the application of IT, especially the operation of Call Center 1800 6838 (free toll) supporting consumers, the number of complaints increased dramatically in comparison with those of previous years.

It is remarkable for the VCA's and provinces' efforts in diversifying and strengthening the advocacy on consumer protection, especially on the occasion of March 15. In addition to traditional methods, the advocacy is implemented via modern and various ways and suitable with groups of consumers.

Regarding the management of standard contract, in 2015, though the number of registered standard contracts and general conditions increase dramatically, the VCA still managed to handle these dossiers via the completed internal handling system, which classifies the responsibilities of each level and department.

### 2.2. Drawbacks

However, the state management on consumer protection in 2015 still prevailed the following drawbacks:

- Several issues have been legalized but lack the guiding documents on implementation, such as those related to dispute among enterprises and consumers.
- The government system from central to local level is not unified and does not receive enough support.
- The advocacy activities on consumer issues

are mainly implemented in metropolitan areas and have not reached to far flung areas, where consumers are having a lot of difficulties.

- There has not been a network that links the VCA's Call Center with the hot lines of state agencies and social organizations.
- The social organizations have not cooperated with each other as a unified group regarding name, mission and goal. At present, there are many groups with the names that are different from Consumer Protection Association. These organizations meet challenges in operation and effectiveness.

### 3. Trade remedies

#### 3.1. Achievements

With an aim to specialize the investigation of trade remedy cases, the VCA investigators spent more times on intensive study, gained more knowledge as well as skills than before. As such, the trade remedy investigation was implemented effectively and complied with the regulations of Vietnam and WTO.

Besides, the VCA received timely and appropriate guidance as well as close cooperation of related Ministries and agencies while handling emerging issues during the course of investigation.

#### 3.2. Drawbacks

Though we had smooth beginning of trade remedy investigation against imported goods into Vietnam, with consideration of current situation of unfair competition in international trade in Vietnam, what the VCA have been achieved does not catch up with its potential and capacity.

THESE WEAKNESSES HAPPENED DUE TO THE FOLLOWING REASONS:

- The exported enterprises and goods associations do not have sufficient awareness and knowledge about trade regulations in general and trade remedy regulations in particular; therefore they cannot get notice and actively use the trade remedy measures to protect their legitimate rights in international trade.
- The VCA staffs charged with trade remedy works are at their mature stage but still have not been able to meet the current requirements of trade defence in Vietnam.
- The state agencies have limited knowledge on trade defence, which led to the placement of policies that go against WTO law and caused a number of cases related to anti-subsidy towards Vietnam exports.



## B DIRECTIONS IN 2016

### 1. 2016 scenario

In 2015, the VCA staffs are already equipped with experience, skills, completed legal framework and working infrastructure, especially the information integrated system. The legal framework is improved, especially the authority of handling violation. Besides, the establishment of Asean Economic Community in 2015 and the signing of numerous bilateral and multilateral agreements between Vietnam and partners, such as TPP, Vietnam - EU, Custom Union between Vietnam - Russia - Belarus - Kazastan, etc. will create more favourable conditions for enterprises and consumers. However, there would be difficulties and challenges ahead in 2016. In the domestic market, the socio-economy develops but still faces enormous challenges. The year 2016 witnesses the

continuation of economy restructure, which will have great impact on the business environment. Therefore, many enterprises will meet troubles of capital and market, the M&A and economic concentration will be more dynamic, the state intervention will be lessened, the fierce competition, unfair competition and the violation of consumer protection will be more popular and complicated. In the foreign markets, there has been recovery signs of the world economy but not identical among countries and states. The world economy still contains unstable elements, which leads to more complicated trade disputes. The deeper economic integration and the participation into bilateral, multilateral trade commitment require the proper capability of state management agencies as well as the better competitiveness of enterprises.

■ THIS CONTEXT, THE VCA NEED TO ACHIEVE THE FOLLOWING OBJECTIVES IN 2016:

- *Firstly*, the capacity of VCA's staff and officials must be really talented and experienced applying with the demanding tasks of protecting the interests of business and consumers.
- *Secondly*, the legislation on competition, consumer protection and trade remedies must be really effective in order to create and maintain a healthy competitive environment, protect the legitimate benefits of the consumers. This requires further research to advise the competent authorities properly.
- *Thirdly*, the understanding of business and the awareness of consumers need to be improved. The economic integration and competition bring many opportunities, benefits to the enterprises and consumers; however, in cases when the businesses and consumers lack of knowledge about the law, they might be the subjects of law violations. Hence, the advocacy to increase the awareness of enterprises and consumers are very important to respond and protect their legal rights.
- *Fourthly*, VCA must focus more resources to enhance the investigation and handle more cases on violations of competition, trade remedies and consumer protection, contributing to an equal competition in the market.



## 2. Directions and missions in 2016

*With the achievements of 2015 and the context of 2016, the VCA identifies the directions and missions in 2016 as below:*

### 2.1. The advisory on building legal documents

- Building the Master plan to submit to the Party's Secretariat to issue Order on the enhancement of the consumer protection in the course of economic integration.
- Building the Master plan to submit to Prime Minister the Party's Secretariat to approve the National Program on the enhancement of the consumer protection during period 2016 - 2020.
- Chairing and cooperating with related agencies to submit to MOIT Minister for approval the Circular to revise several regulations of Circular No. 24/2014/TT-BCT detailing contents in Ordinance No. 42/2014/NĐ-CP on multi-level sales management.
- Research, review and provide recommendations on competition to adapt with international regulations and practical conditions in Vietnam.

### 2.2. Competition Management

- Strengthening the management and supervision over competition, especially the control of economic concentration; actively cooperating with related agencies to build and maintain the information of enterprises of dominant position, monopoly enterprises, competition principle in associations and the exemption cases.
- Completing the Report on competition assessment on 10 economic sectors in 2015.
- Guiding on the selection of 01-02 focal economic sectors that raise concerns of competition for review on market structure and competition assessment; Updating the movements of structure of such markets as gas, milk, coal, steel and sugar, which are under review in previous years.
- Strengthening the investigation and handling of competition restriction cases and unfair competition cases: the 2016 goal is to investigate 2-3 anti-competitive cases and handle 40-50 unfair competition cases.
- Managing the activities of multi-level sales in order to keep them in good order and reduce the violations as happened in the past; Enhancing the inspection of multi-level sales activities and handling of violations as stated in the law.

### 2.3. Consumer protection

Bulding and completing the network of consumer protection organizations in a professional manner from the central to local level so as to socialize the consumer protection activities. In details:

- Supporting the DoIT to establish social organizations as the helping hands for the government agencies; guiding the consumer protection associations to improve their operation structure, uniting the name, mission and goal.
- Guiding the DoIT in organizing and implementing the consumer protection activities, including setting up mediation team, procedure of mediation, complaint handling, standard contract and general conditions etc.

Supervise and speed up the individuals and organizations doing business on goods and services under the management scope of Decision

No. 02/2012/QĐ-TTg to register the standard contract/ general trading conditions.

Promoting the inspection, the handling of complaint and violation of consumer protection law nationwide, the concentration is the control of standard contract and general trading conditions.

Implementing Master Plan No. 9754/KH-BCT on organizing the Vietnam Consumer Day; Organizing the 5 year assessment of consumer protection law enforcement; Cooperating with DoIT, international organizations, consumer protection associations to organize at least 10 seminars/training courses.

Strengthening the operation of the Call Center for consumers 1800.6838, regularly intergrating the center with hot lines of DoITs, associations and enterprises.

Enhancing the recall of defective goods; enhancing the cooperation of enterprises as well as their participation in consumer protection activities.

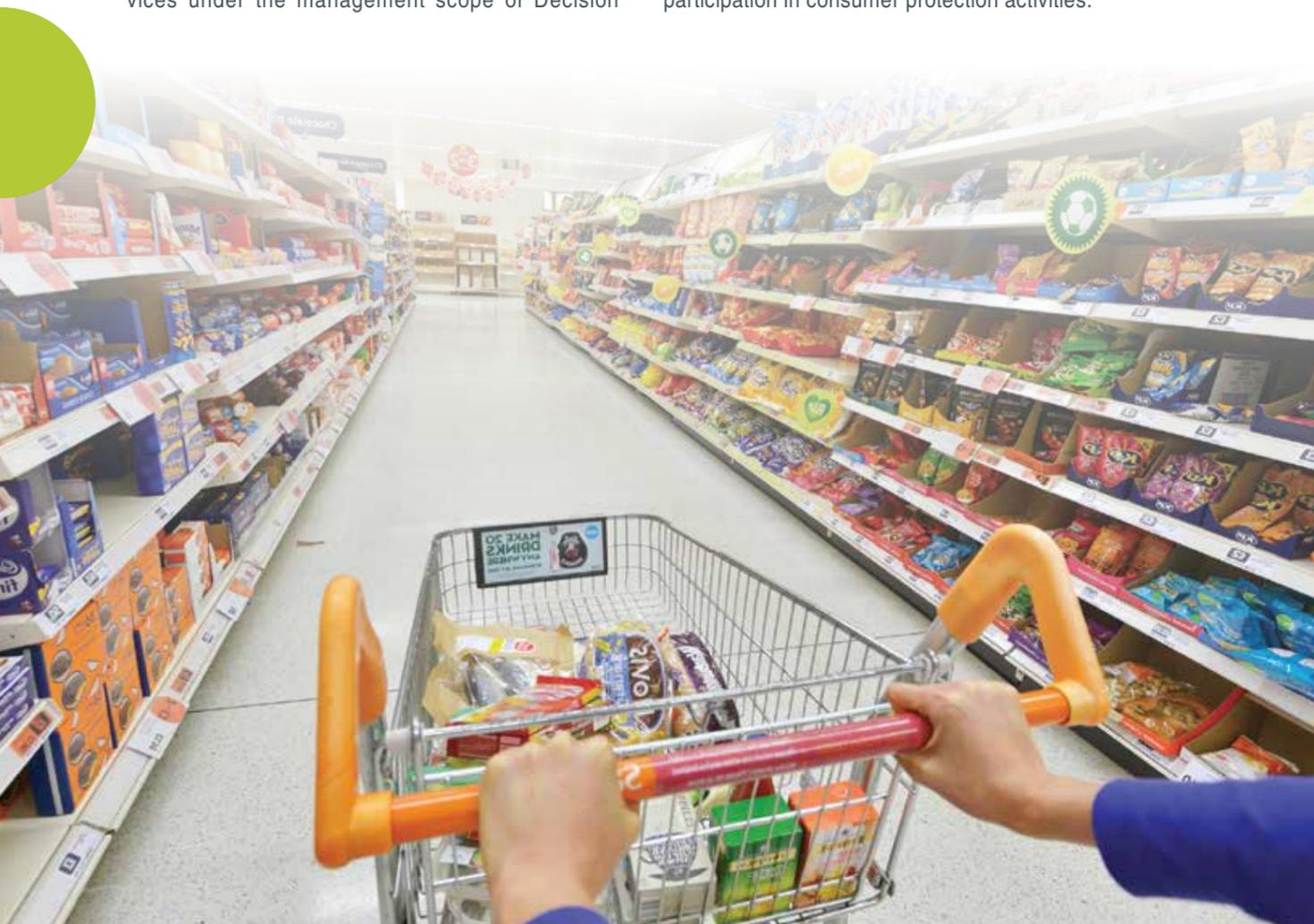
### 2.4. Trade remedies

*With the aim of strengthening the trade remedy legislation enforcement in order to protect the legitimate rights of domestic enterprises in the context of deep intergration of imported products, the VCA builds a plan fort he trade remedies in 2016 as below:*

- Continue the investigation of safe guard measure on seasoning powder, steel billets, long steel; Complying with the safeguard investigation procedure, the VCA continues building the program for on-sight inspection at related enterprises, conducting public hearing and reporting to Minister on the final result.
- Continue the anti-dumping investigation on cold-rolled stainless steel product according to Vietnam legislations; at the same time applying measures on dumping products.
- Do research and collect information on cases that have signs of violation of trade remedy legislations.
- In the coming time, the VCA proactively work with Associations and domestic enterprises to apply the trade defense measures so as to support the sectors that have difficulties in competing with the unfair practices of imported products.
- In order to enhance the awareness of business community on trade remedy measures to protect their own interests, in 2016, the VCA has plan to organize seminars and conferences for enterprises on such fundamental contents related to dossier submission for trade remedy measure application.
- Follow up and update information, review and provide warning on products at high risks of circumvention investigation via trade fraudulent acts, transferring and foreign investment moving from countries exposed of antidumping and safeguard measres into Vietnam in order to protect the common interests of Vietnam's production and exporting.

■ IN ORDER TO STRENGTHEN THE CAPABILITY OF DEALING WITH TRADE DEFENSE LAW SUITS, IN 2016, THE VCA WILL FOCUS ON THE FOLLOWING MISSIONS:

- Follow up and update information on the anti- dumping, anti-subsidy and safeguard cases against Vietnamese exports; Cooperate with and provide technical consultancy to enterprises and tradeassociations in the course of coping with such cases.
- Actively provide the support for the business community to utilize the Early Warning system so as to enhance the effectiveness of trade defense and to deal with the trade barriers set by the important trade partners of Vietnam; cooperate with Ministries and relevant state agencies to cope with the antidumping cases and prevent dumping in the Vietnam market.
- Build the overall plan on international cooperation in 2016, particularly, promote the advocacy activities to enterprises and society on the advantages when Vietnam participates in FTA, the trade disputes and trade measures, the cooperation with associations as well as enterprises at local level.
- Follow up closely and implement the order of the Government and the Minister on the shrimp case between Vietnam and the U.S and steel case between Vietnam and Indonesia.





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