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by *Le Hung Long and Nguyen Thi Thu Hien*

30. Surviving the Covid-19 Pandemic: Legal Protection & Digital Economic Model for The Disadvantaged Small and Medium Enterprises272

by *Retno Mawarini Sukmarinings, Le Ho Trung Hieu and Agus Nurudin*

31. Does The Change OfThe Law On Enterprises 2020 Create Positive Development To The Socialist-Oriented Market Economy In Vietnam?.....279

by *Le Ho Trung Hieu, Nguyen Trung Thanh, Nguyen Thi Khanh Ngan, Eko Nursanty and Jennifer Baylon Verano*

32. The Compatibility Of Vietnam Competition Law With International Trade Agreements291

2

by *Ly Mai Nguyen*

33. Factors Influencing Entrepreneurial Intention of Vietnamese Women299

by *Nguyen Quoc Cuong, Nguyen Thi Thanh Van, Nguyen Thanh Long and Nguyen Minh Tu Anh*

34. The Current Status Of The Electronic Currency In The World, The Current Status Of Vietnam Law On The Electronic Currency And Policy Proposed For Vietnam.310

by *Nguyen Duc Viet*

35. Swedish Models Of Social Security And Suggestions Of Social Security Policy And Law Planning In Vietnam321

by *Ho Thi Duyen and Nguyen Nhu Son*

36. Scenarios And Challenges When Tackling Algorithmic Collusion: An Approach From European Law328

by *Mai Nguyen Dung*



The Compatibility Of Vietnam Competition Law With International Trade Agreements

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Abstract:

Vietnam has been actively engaged in globalization after Doi Moi. In addition to the integration of politics, national security, Vietnam has opened its market with about 60 partners around the world through being a member of many international organizations and signing free trade agreements (FTAs). Vietnam also adopted and maintained competition law since 2004 to protect competition and promote economic efficiency. A question that might be asked is that whether the new law is compatible with international trade laws regulating Vietnam's public behaviours. To understand to what extent the current competition laws ensure the effectiveness of international trade integration, this article will review Competition Law 2018 and two international trade agreements in which Vietnam is a member in 2019.

Keywords: *Vietnam Competition Law, international trade integration, new-generation FTAs*

1. Introduction

Since the 20th century, the Havana Charter and International Trade Organization have recognized a conflict between objectives and application of international trade laws and national competition laws⁹⁸. Competition law regulates the private behaviour of firms to maintain vigorous competition. Thanks to that, all producers have entry opportunities, compete or withdraw from the market. Consumer welfare and economic efficiency also are maximized by effective competition enforcement. In contrast, international trade laws regulate public behaviour carried out by the government to protect domestic producers through non-tariff and tariff market barriers⁹⁹. Instead of protecting consumers welfare and marketplace efficiencies, trade laws prevent the domestic market and domestic producers from predatory actions of foreign firms. By enforcing trade laws, a country aims at supporting exporters to access the other member countries' markets.

With different targets, conduct serving a benefit protected by one law might harm other interests of the other law. For example, a government's approval of agreements among domestic producers on price-cutting to remove the access of foreign firms. In converse, the application of anti-dumping as a trade remedy can support domestic firms' cartels¹⁰⁰. Because of the differences in target, institution perspectives, and legal principles, it is unrealistic for the peaceful coexistence along a parallel universe of competition laws and international trade



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With different targets, conduct serving a benefit protected by one law might harm other interests of the other law. For example, a government's approval of agreements among domestic producers on price-cutting to remove the access of foreign firms. In converse, the application of anti-dumping as a trade remedy can support domestic firms' cartels¹⁰⁰. Because of the differences in target, institution perspectives, and legal principles, it is unrealistic for the peaceful coexistence along a parallel universe of competition laws and international trade laws¹⁰¹. However, since both laws play a key role in the economic development of most countries, international trade organization and governments have made efforts to find solutions to harmonize this tension¹⁰².

Vietnam has been actively engaged in globalization after Doi Moi. In addition to the integration of politics, national security, Vietnam has opened its market with a number of countries around the world through being a member of many international organizations and signing free trade agreements (FTAs)¹⁰³. To promote economic efficiency and minimize adverse impacts of international trade integration on domestic market, Vietnam has adopted a new Competition law¹⁰⁴. A question that might be asked is that whether the new law is

⁹⁸ Michael J Trebilcock, Competition Policy and Trade Policy: mediating the interface, *Journal of World Trade*, 71 (1996), 71-106, 88

⁹⁹ Julian Epstein, "The other side of harmony: Can trade and competition laws work together in the international marketplace?" 2002, *American University International Law Review*, 343, 345

¹⁰⁰ Messerlin, Patrick, "Anti-dumping Regulations or Pro-Cartel Law? The EC Chemical Cases." *The World Economy* 13(4), 465-492, 488, 491

¹⁰¹ Julian Epstein, 345

¹⁰² Michael J Trebilcock, 73, Julian Epstein, 368

¹⁰³ Ministry of Industry and Trade of the Socialist Republic of Vietnam, "Hội nhập kinh tế quốc tế, hướng đi đúng đắn, sáng suốt mà Đảng đã lựa chọn cho phát triển kinh tế đất nước", [International trade integration, the right and wise direction that the Communist Party has chosen for the country's economic development] August 21, 2020 < <https://moit.gov.vn/web/guest/vin-chi-tiet/-chi-tiet-hoi-nhap-kinh-te-quoc-te-huong-di-dung-dan-sang-suot-ma-dang-da-lua-chon-cho-phat-trien-kinh-te-dat-nuoc-20299-3301.html>>



compatible with international trade laws regulating Vietnam's public behaviours. To understand to what extent the current competition laws ensure the effectiveness of international trade integration, this article will review the content of Competition Law 2018 and two international trade agreements that officially came into force in 2019.

Section 2 explains the reason why competition laws could impede free and fair trade despite the national commitments in international trade negotiations. Section 3 introduces the development of competition laws of Vietnam and three free trade agreements in which Vietnam is a member. Section 4 reviews how the competition laws of Vietnam are compatible with international commitments on free trade. Section 5 draws a conclusion.

2. Why law on competition could hinder free trade?

One might doubt the reason to adopt competition law besides the international trade laws. Once a country establishes free trade with others, there is no room for competition law because instead of maintaining a national competition, free trade will create international competition for all businesses in member countries. More regulations, further, would create costs for businesses.

However, the engagement in FTAs has brought to member country both opportunities and challenges to develop the economy. On one side, the opening of their national markets for foreign firms forces domestic firms to compete at the national and international level. The competitiveness of domestic producers thanks to the trade integration would be enhanced significantly. As a result, incapable businesses have to leave the markets, and consumers can consume high-quality products provided by businesses allocating resource more efficiently. On the other side, the domestic market and producers might be affected by the harm of conducts of dominant foreign firms such as the selling products below the price to drive domestic competitors out of business. Domestic firms from developing countries also struggle to overcome the non-tariff barriers to access the overseas marketplace of more developed countries.

The adoption of competition law is to establish a level playing field for all businesses, prevent competition from predatory behaviours. Although the home country might apply trade remedies such as anti-dumping as a method to prevent anti-competitive practices of foreign firms, international trade law only applies to countries. Likewise, trade liberalization might require a home country to boost the process of privatization, public monopolies just swift to private ones, and monopolies can still abuse their market power to distort competition. Besides, the competition law is also an effective tool to protect the process of competition from national and international firms' anticompetitive behaviours to maximize consumer welfare, which is not the purpose of trade laws. Moreover, if a home country cannot get any benefits from trade integration, it at least can control the negative effects of the domestic market from foreign firms by adopting competition law.

Competition law in general is concerned with (1) anti-competitive agreements, (2) abusive behaviour, (3) mergers, and (4) public restriction of competition¹⁰⁴. Based on a definition of "competition" is the rivalry between actual and potential rivals, those practices aimed at reducing the number of competitors on the relevant market. As a result, present firms could control the price and output of products, leading to a decrease in consumer welfare. Those anti-competitive behaviours also cause the inefficient allocation of resources when firms do not have to make effort to exploit resources. Effective enforcement of competition law will allow all the rivals to act independently, not collusively.

However, competition law has certain natural limits¹⁰⁵. A market with only a supplier does not mean that the resources are not allocated effectively when the only supplier is a natural monopoly. And in many cases, the State could harm competition in several ways¹⁰⁷. Competition law is even enacted to serve other purposes

¹⁰⁴ The Government of Vietnam, "Tờ Trình về Dự Án Luật Cảnh Tranh (Sửa Đổi) [Proposal on the Law on Competition (Amended)]" (337/TT-CP, 2017), 2 <http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=1346&TabIndex=2&TaILieuID=2798>

¹⁰⁵ Whish Richard and Bailey David, "Competition Law" Oxford University Press, eight edition, 2015, Chapter 1.3

¹⁰⁶ Stephen Martin, "Globalization and the natural limits of competition" In the International Handbook of Competition, edited by Manfred Neumann and Jürgen Veigand. Cheltenham, UK-Northampton, MA: Edward Elgar, 2012, 11-40

¹⁰⁷ Eleanor, M Fox and Healy Deborah, "When the state harms competition – the role for competition law" (2013). New York University Law and Economics Working Papers, Paper 336, 3-4



rather than supporting a competitive market as the norms considered orthodox by the International Competition Network or the World Bank¹⁰⁸. Competition law, therefore, is not always used to maintain a competitive market. In addition to defeats in the content of competition law, the governments can distort both national and international market by enforcing or not enforcing competition law. In the scope of this paper, the author reviews the legislation only rather than consider all factors affecting trade laws.

On the theory, by signing a free trade agreement or joining an international trade organization, a country commits to allow foreign firms to access their domestic market with the removal of tariff and non-tariff measures. However, before accessing the consumers in the domestic market, firms need to have a distribution network or cooperate with domestic distributors. At this time, there exist some anti-competitive practices that can distort the market access of overseas businesses. For example, vertical agreements between those producers and distributors might exist to preclude foreign firms to access consumers. Similarly, new entrants can be locked or eliminated by predatory behaviour such as price-cutting of a colluding group or a dominant firm¹⁰⁹. As a consequence, free trade negotiations are no longer useful for market access if the domestic competition law does not proscribe those conduct.

As a requirement of free trade negotiations, governments are prohibited from discriminating against domestic and international firms. All the legislations, including competition law, should establish a level playing field for all players in the market. Nevertheless, the competition law can create some discriminations for state-owned enterprises (SOEs) and private enterprises in some countries. For example, in Spanish and Malaysia, the SOEs are liable to conduct in cartel while private firms are prohibited¹¹⁰. The SOEs in the Antimonopoly Law of China are protected in all large-scale domestic industries¹¹¹. From the survey of United Nations Conference on Trade and Development, in competition law of several countries, SOEs can be exempted from anticompetitive conducts ordered by the State while the private enterprises are limited or cannot defend themselves¹¹². In short, foreign firms might be discriminated by the domestic competition law despite the existence of free trade agreements.

From those above-mentioned arguments, a home country needs to ensure that their domestic competition laws are an effective tool to remove anti-competitive practices that could preclude firms of other member countries from accessing domestic consumers. In order to ensure the effectiveness of international trade commitments, most FTAs contain competition policy as an essential condition¹¹³. The next section will review both FTAs that Vietnam is a member of and the competition law to understand whether Vietnamese competition law is compatible with those FTAs or not.

3. Competition laws of Vietnam and international commitments on free trade

3.1. Competition laws of Vietnam

Vietnam enacted the first legislation on competition in 2004 with 123 clauses that regulate anti-competitive practices and unfair competition practices¹¹⁴. Anti-competitive practices consist of agreements on

¹⁰⁸ Mark Williams, Chapter 4: China, in "The Political Economic of Competition Law in Asia", mark Williams (ed) Edward Elgar Publishing (2013), 116

¹⁰⁹ Michael J Trebilcock, Competition Policy and Trade Policy: mediating the interface, Journal of World Trade, 71 (1996), 87

¹¹⁰ Eleanor M Fox, Deborah Healy, "When the state harms competition – the role for competition law" (2013), New York University Law and Economics Working Papers, Paper 336, 318

¹¹¹ Article 7 of Chinese Antimonopoly Law; Mark Williams, Chapter 4: China, in "The Political Economic of Competition Law in Asia", Mark Williams (ed) Edward Elgar Publishing (2013), 116

¹¹² Eleanor M Fox, Deborah Healy, "When the state harms competition – the role for competition law" (2013), New York University Law and Economics Working Papers, Paper 336, 319, 320, 338, 339

¹¹³ Organisation for Economic Co-operation and Development, Competition provisions in trade agreements, December 5, 2019

¹¹⁴ <<https://www.oecd.org/daf/competition/competition-provisions-in-trade-agreements.htm>>

¹¹⁴ Vietnam Competition Law 2004, section 1



competition restriction, market power abuse of companies having a dominant position or monopoly position in the market, and concentrations of companies. After 12 years of implementation, this law revealed several limitations because of the development of the national economy, including the absence of provisions for novel anticompetitive conduct emerging in the complex and ever-changing business environment in the digital age¹¹⁵.

The competition law in 2018 was passed by the National Assembly of Vietnam on June 12, 2018, replacing the 2004 version of the law. With 10 chapters, the Vietnam Competition law in 2018 (VCL) continues to identify three groups of anticompetition behaviours similar to the law in 2004. However, it is the first time legal and economic perspectives are coordinated in the substantive provisions of the new competition law, meaning that conduct will be assessed based on its pro-and anti-economic efficiency. This amendment, therefore, has significant meaning in investigating and controlling competition matters.

For the international trade integration, competition law is a significant condition because this law would maintain competition and market access for all businesses. Based on this understanding, new Competition law of Vietnam has been enacted to meet requirements of trade integration and be suitable with international trade obligations recorded in new-generation FTAs¹¹⁶. This first ground determines that Vietnam ensure international trade commitments and opportunities to do business for companies from all economic sectors. Vietnam Government confirmed that the enforcement of competition law is to support the implementation of other policies, including international trade policy¹¹⁷.

3.2. International commitments in FTAs of Vietnam

Up to 2020, Vietnam has expanded its market with nearly 60 partners through the negotiation of 16 FTAs, in which 12 FTAs have been implemented¹¹⁸. During the enactment process of competition law in 2018, Vietnam has negotiated two important FTAs, which are the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and European-Vietnam Free Trade Agreement (EVFTA)¹¹⁹. This paper focuses on commitments in CPTPP and EVFTA because of two reasons. First, both Agreements officially came into force in 2019 that is after the adoption of VCL. Secondly, the negotiation process of both agreements and enactment process of competition law was principally conducted by the Ministry of Industry and Trade (MoIT) of the Socialist Republic of Vietnam. These equivalent factors between Agreements and VCL would give a more suitable reviewing on time and Government institution's opinions.

According to CPTPP, Vietnam commits to allow firms from other member countries to access the Vietnam market by eliminating from 97% to 100% of import tariffs over a 10-year period¹²⁰. Meanwhile, Vietnam will open markets for goods, services, and investment to partner countries in EVFTA. In particular, Vietnam will remove import duties on 48.5% of tariff lines right after the agreement enters into force¹²¹, and the elimination process will be implemented on a roadmap from 4-year to 11-year period depending on types of

¹¹⁵ The Government of Vietnam, "Tờ Trình về Dự Án Luật Cạnh Tranh (Sửa Đổi) [Proposal on the Law on Competition (Amended)]" (337/TT-CP, 2017), 2
<http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=1346&TabIndex=2&TitleID=2798>

¹¹⁶ The Government of Vietnam, 1-2

¹¹⁷ The Government of Vietnam, 1-2

¹¹⁸ Bui Thanh Son, "Implementing new generation free trade agreements in the period of extensive and comprehensive international economic integration", August 30, 2020.
<https://www.tapchiconsan.org.vn/web/english/international/detail/-/asset_publisher/ZcSwfJtMgN/content/implementing-new-generation-free-trade-agreements-in-the-period-of-extensive-and-comprehensive-international-economic-integration>

¹¹⁹ Bui Thanh Son

¹²⁰ Chapter 2 CPTPP, National Treatment and Market Access for Goods, Annex 2-D (Tariff Commitments) on Elimination of Customs Duties of Vietnam
<<https://wtoecenter.vn/chuyen-de/12782-full-text-of-cptpp>>

¹²¹ Bui Thanh Son



goods¹²². In both agreements, Vietnam has affirmed that its policies would support international integration and trade liberalization¹²³.

Simultaneously, Vietnam has recognized and obliged commitments in Competition policy in Chapter 16 and Chapter 10 in CPTPP and EVFTA, correspondingly. The Competition policy contains basic clauses on competition law and competition implementation. The next section reviews how Vietnam competition law is compatible with those above commitments.

4. The compatibility of Vietnam competition law and international trade commitments

4.1. The compatibility

Firstly, Vietnam has adopted comprehensive legislation on competition to regulate anticompetitive conduct as the first requirement in EVFTA and CPTPP. Both agreements require domestic competition law to have an objective of "promoting economic efficiency and consumer welfare". For this content, VCL is compatible because Vietnam Government has identified it as a tool to promote economic efficiency and consumer welfare¹²⁴. In comparison with the 2004 version of the law, the new law has coordinates economic and legal perspectives, and the Competiti on authority can review economic efficiency and adopt some benefits as a reasonable business justification for the decision¹²⁵. Consumer welfare, further, is promoted by VCL since it is determined as one of the objections of Competition law¹²⁶ and one of the grounds for exemptions of Competition law¹²⁷.

Secondly, VCL meets the requirements of both Agreements on the content of domestic competition law. Take EVFTA as the first example. Article 10.2 of EVFTA requires that a competition law shall effectively address two groups of conducts based on Article 81 and Article 82 of Treaty establishing European Commission: "(a) agreements between enterprises, decisions by associations of enterprises and concerted practices which have as their object or effect the prevention, restriction or distortion of competition; (b) abuses by one or more enterprises of a dominant position, and concentrations between enterprises which would significantly impede effective competition".

Despite the absence in the words of Article 10.2, the concentrations between firms which could impede competition are also proscribed by the competition law¹²⁸. VCL, therefore, consists of all anti-competitive conduct listed in EVFTA.

Article 16.2 of CPTPP, besides, does not detail which practices are anti-competitive but it advises all member countries to contemplate the APEC Principles to Enhance Competition and Regulatory Reform, done in Auckland, September 13, 1999. Instead of giving a list of anticompetitive conduct, this Guideline identifies principles that members should make efforts to achieve, including "Address anti-competitive behaviour by implementing competition policy to protect the competitive process"¹²⁹. By comparing competitive conduct in VCL and those principles, it is undoubted that VCL is compatible with the requirement about the content of CPTPP.

¹²² Chapter 2: National Treatmen and Market access for goods, Annex-2: Reduction or elimination of Customs duties of EVFTA

< <https://trungtamwto.vn/file/19673/appendix-2a2.pdf>>

¹²³ Bui Thanh Son

¹²⁴ The Government of Vietnam, "Tờ Trình về Dự Án Luật Cảnh Tranh (Sửa Đổi) [Proposal on the Law on Competition (Amended)]" (337/TTr-CP, 2017), 8

<http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=1346&TabIndex=2&Ta iLieuID=2798>

¹²⁵ The Government of Vietnam, 8

¹²⁶ Luật Cảnh Tranh Việt Nam [Vietnam Competition Law] 2018 Article 6

¹²⁷ Luật Cảnh Tranh Việt Nam [Vietnam Competition Law] 2018 Article 14

¹²⁸ Under Council Regulation No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, para [7], [27], concentration between undertakings are regulated by Article 81 and Article 82 EC Treaty.

¹²⁹ APEC Principles to Enhance Competition and Regulatory Reform

<https://www.apec.org/Meeting-Papers/Leaders-Declarations/1999/1999_aclm/attachment_apec.aspx>



Thirdly, both Agreements require non-discrimination, autonomy, transparency, and cooperation in the implementation of competition law¹³⁰. Overall, VCL partly satisfies these criteria to support businesses in international trade.

First, the new law affirms the non-discrimination principle. There are three groups of regulated entities listed in Article 2 of VCL:

"1. Business organizations and individuals (hereinafter referred to as enterprises), including enterprises that produce and provide public-utility products and services, enterprises that operate in state-monopolized sectors/domains, public sector entities and foreign enterprises that operate in Vietnam.

2. Industry associations operating in Vietnam.

3. Relevant domestic and foreign agencies, organizations, and individuals."

This provision has established a level playing field for all businesses, including SOEs and other private enterprises, including international and national. It is because private businesses were challenged to compete with a large number of SOEs in Vietnam which usually received more favourable access to resources before 2018¹³¹. One might question the effectiveness of this provision because SOEs was one of the regulated entities in the competition law in 2004. This uncertainty may partly true because of several provisions limiting the official and unofficial benefits of SOEs. For instance, Article 2 of VCL identifies that State agencies are one of three groups of regulated entities. In particular, the central and local public authorities are prohibited from acting in a manner that distorts competition, supports anti-competition conduct or discriminates against market players¹³². Although the Competition law in 2004 had a provision prohibiting state agencies from certain acts, state agencies were not subjected to the law¹³³.

Foreign agencies, organizations, and individuals are governed by VCL if these entities engage in anticompetitive conduct. Apparently, this addition addresses the difficulty in the dealing with anticompetitive practices of foreign entities, which might be regulated by international trade laws.

Secondly, VCL also expands the scope of this law, which means that Vietnam National Competition Commission (NCC) can control anticompetitive conduct happening outside the territory. MoIT also believes that this expansion will support Vietnam to "maintain and ensure a fair competitive environment in most new-generation FTAs"¹³⁴. In order to do that, Section 7 of VCL also governs the principles and content of international cooperation in competition legal proceedings.

Overall, VCL partly meets the requirement on competition policy in CPTPP and EVFTA, including the adoption of national competition law, substantive provisions on anti-competition conduct, and the implementation of the law with non-discrimination and cooperation principles. The following paragraph presents some limitations in VCL that might hinder trade liberalization in Vietnam.

4.2. Possible challenges

Several limitations affect the effectiveness of VCL compared to CPTPP and EVFTA.

First, VCL does not have complete autonomy in competition matters. One might argue that VCL is the principal legislation to regulate anti-competition conduct and unfair competition behaviour in the territory of Vietnam¹³⁵ and NCC is directly responsible for consulting competition management, initiating competition legal proceedings and other duties relating to the competition. Nonetheless, VCL does not have priority over other laws relating to anti-competitive practices, economic concentration, unfair competition practices and handling of unfair competition practices in certain circumstances¹³⁶. In other words, a law can come into force regardless of its anti-competitive impacts. Moreover, most SOEs in Vietnam are managed by local governments and line

¹³⁰ EVFTA, Chapter 10, Article 10.3; CPTPP, Chapter 16, Article 16.2, Article 16.4, Article 16.7

¹³¹ OECD (2018), OECD Peer Reviews of Competition Law and Policy: Vietnam, <http://oc.ed/vn>, 24

¹³² Luật Cảnh Tranh Việt Nam [Vietnam Competition Law] 2018 Article 8.1

¹³³ Luật Cảnh Tranh Việt Nam [Vietnam Competition Law] 2004 Article 6

¹³⁴ Explanation of Detailed Provisions in Draft of Competition Law of 2018, 3 <http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=1346&TabIndex=2&TaILieuID=2801>

¹³⁵ Luật Cảnh Tranh Việt Nam [Vietnam Competition Law] 2018 Article 4

¹³⁶ Luật Cảnh Tranh Việt Nam [Vietnam Competition Law] 2018 Article 4



ministries¹³⁷, one might doubt the neutrality of regulations adopted by the government that is both regulator and the owner of a regulated business. This issue reduces the autonomy to implement the VCL of Vietnam NCC since there is no rationale behind the article, even in the newest detailing Decree¹³⁸. It should be noted that this provision seems to be a step backwards from the Competition Law in 2004, which confirmed that the Competition Law shall prevail over other laws if there is any discrepancy between this law and other laws¹³⁹. Once the VCL lacks autonomy, it is possible for firms, especially foreign ones to face challenges in accessing the market as well as accusing of anti-competition practices.

State's policies on competition in Article 4 of VCL also failed to achieve competition objectives mentioned in Article 16.1 of CPTPP. One of the recommendations in APEC Principles to Enhance Competition and Regulatory Reform is "Identify and/or review regulations and measures that impede the ability and opportunity of businesses (including SMEs) to compete based on efficiency and innovation". Even if a law that hampers businesses' opportunity is identified, there is no motivation to review it because it shall prevail the Competition Law 2018.

Another shortcoming is the transparency of exemption condition. Though conditions for the exemption from the prohibition on anticompetitive conduct as well as the procedures to be granted exemption are listed in VCL, there exist an unclear rationale for the exemption grants. For example, Article 14.2 provides that labour agreements, cooperation agreements in specific sectors shall be exempted without considering whether those agreements are anti-competitive or not. This article, as a result, might allow the line ministries to support domestic collusion and indirectly impede foreign firms from accessing the Vietnam market.

5. Conclusion

Although both competition law and international trade law serve national interests, their means of regulations might adversely impact each other. Since this friction originates from the conflicts in objectives and application of both laws, national governments are the only subject that could find a solution.

Vietnam has recognized the effects of Competition law on international trade integration. The adoption of VCL replacing the 2004 version of law demonstrates great efforts of the Government and Ministry of Industry and Trade in protecting competition as well as supporting trade liberalization. Although the new competition law is partly compatible to trade commitments in EVFTA and CPTPP, this legislation still reveals some limitations that could hinder the market access of firms from other member countries. Vietnam government, therefore, is recommended to balance both interests and choose the most suitable strategy for the country's economic development.

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Ly Nguyen Mai, Vinh University

2 Structure

1. Research question
2. Methodologies
3. Main findings
4. Policy implications
5. Conclusion

3 1. Background and Research question

Background

- The difference in purpose of competition policy and free trade policy
 - Competition law protect competition environment; producers and consumer welfare
 - International trade laws protect domestic markets and domestic producers
- Implementation of trade law could violate competition law
 - a government's approval of an agreement on price-cutting among domestic producers
 - the application of anti-dumping as a trade remedy

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Notes Comments

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