

12TH EATOP MEETING ON COMPETITION POLICY

SESSION 2: “ACTUAL CASES AND CHALLENGES OF CROSS-BORDER ENFORCEMENT AND COOPERATION”

Tran Thi Minh Phuong
Viet Nam Competition Authority

**The views expressed in this presentation doesn't necessarily reflect those of the VCA or its leaders*

KEY POINTS

- *Vietnam's context*
- *Challenges of cross-border enforcement & cooperation*

VIETNAM'S CONTEXT

LEGAL FRAMEWORK

International base

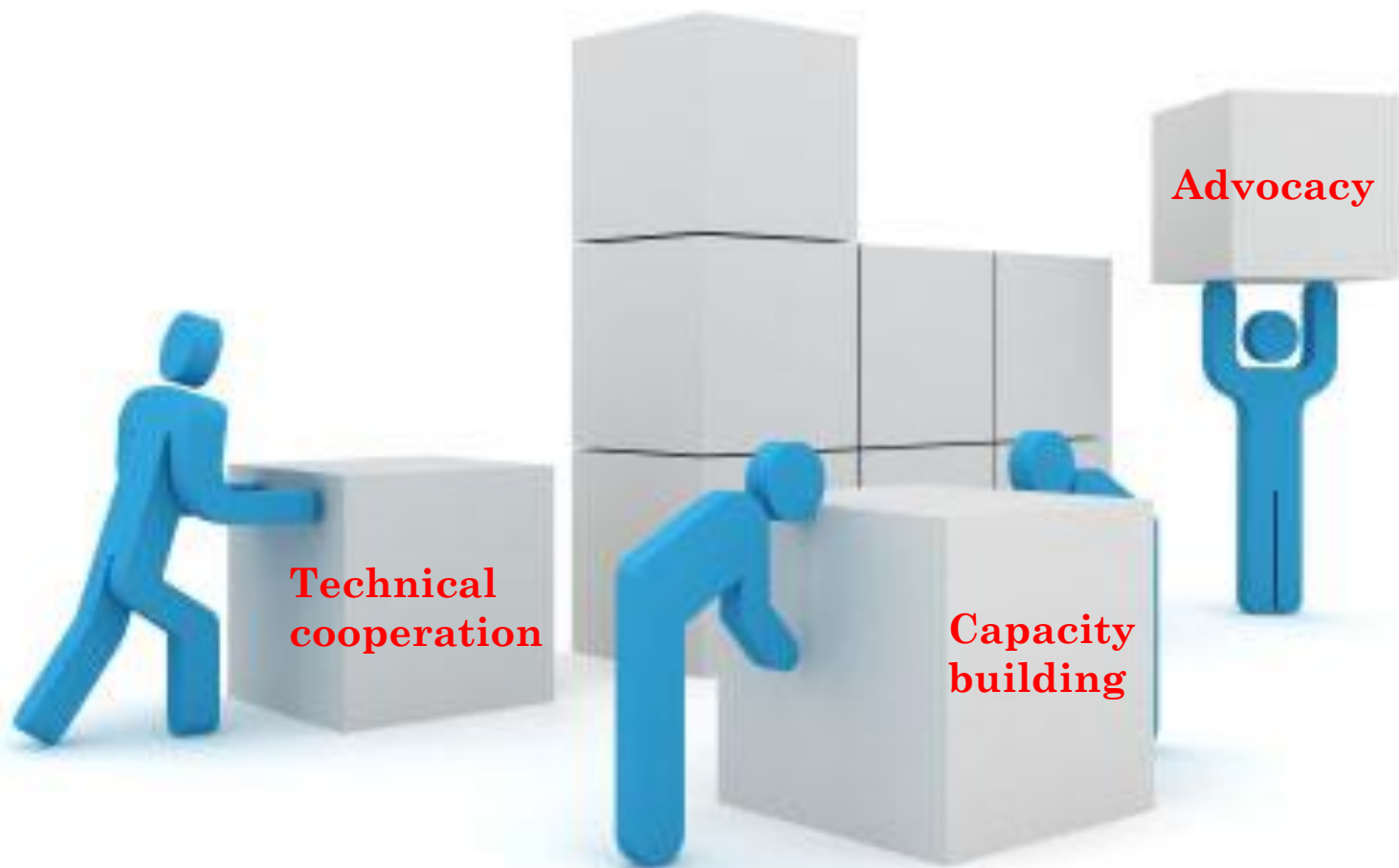
- MOU with FAS (Russia), 2010
- Cooperation Arrangement with JFTC (Japan), 2013

National base

- No specific provisions in the current Competition Law on international cooperation
- Confidentiality: regulated by the Decision issued by Ministry of Public Security about the List of State secrets (Confidentiality level) in the industry and trade sector

VIETNAM'S CONTEXT

INTERNATIONAL COOPERATION (AREAS)



VIETNAM'S CONTEXT

INTERNATIONAL COOPERATION (TYPES)

- **Formal:** MOU, member of competition bodies (AEGC, EATOP, ICN, CPLG, FTAs, etc)
- **Informal:** internship (selected resource staffs), pick-the-phone approach, secondment (from other competition agencies), joint training, case-by-case consultation, networking, information sharing, etc

VIETNAM'S CONTEXT

ACTUAL CASES

CARTELTM

received notifications from ACCC (1), KFTC (1),
FAS (2)



experienced cooperation with FAS in one case
(2014)

Number of cross-border M&A deals handled by the VCA (2007-2015)

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Notification	0	1 (Japan)	1 (Korea)	0	0	2 (Singapore, Thailand)	1 (Japan)	3 (-Malaysia, Japan; -Denmark, France; - Belgium, Chile)	0
Consultation	0	0	0	2 (-UK, US; - Netherlands)	0	4 (- Japan; -Singapore, - Netherlands; - Malaysia)	0	1 <i>(cooperation with FAS)</i>	1 (US)
Exemption	0	0	0		0	0	0	0	0

Source: compiled by VCA

CHALLENGES OF CROSS-BORDER ENFORCEMENT & COOPERATION

From perspective of a late competition adopter:

- Development gap
- Low profile of handling national cases
- Dissimilarity of the national legal regime
- Leniency/immunity program not in place yet
- Increasing sophisticated nature of cross-border cases
- Language barriers

MOVING FORWARD

Legal aspects:

- Regional framework on cooperation
- Support and push for harmonization of national competition laws

Enforcement aspects:

- Capacity building
- Technical cooperation

THANK YOU!



Credit to the owner of this image