



NEW REGULATION ON THE IMPOSITION OF ADMINISTRATIVE PENALTIES UNDER THE SCOPE OF COMPETITIVE LAW (PART 2): INCREASE OF PENALTIES AND ADDITION OF MITIGATIONS

1. Increasing the penalties applicable to most of violations under the scope of competitive law:

Accordingly, the capped penalties applicable to the violations on competitive restriction agreement, abuse of dominant position, monopolization, remains at the rate of 10% of total income of violating enterprise;

The capped penalties applicable to the violations on economic concentration, is 05% of total income of violating enterprise (currently the penalty ratio is 10%);

The trade secret infringement will be fined from VND 200 million to 300 million (currently the penalty amount is VND 10 to 30 million);

Coercion in business will be fined from VND 100 to 300 million, the double amount shall be imposed when the violation is committed in more than one province. (currently the penalty amount is VND 50 to 150 million);

The violation of providing incorrect information about other enterprises shall be fined from VND 100 to 300 million, the double amount shall be imposed when the violation is committed in more than one province (currently the penalty amount is VND 50 to 150 million);

Furthermore, the Decree also supplemented the fine to the violation of limit pricing, which shall be from VND 800 million to 01 billion, and up to VND 02 billion,

doubling in the amount, if the violation is committed in more than one province.

2. Specifying regulations on the aggregation and mitigation to the penalty of violation under the scope of competitive law

About mitigating circumstances, Decree 75 has eliminated extenuating factor of 'Positive impacts on acts of violation of economic development'; additionally supplement factors of 'Violation under coercion or dependence'; and 'Probation violation';

Simultaneously, Decree 75 has also eliminated the aggregation of 'Committing violations after receiving a decision of competent agencies on rejecting enjoyment of exemptions or decision on annulling the decision on granting exemptions'; in addition, regulated the aggregation of 'organized violations', 'The act of taking advantage of war, natural disaster, epidemic or other tragic circumstances of society to commit violations'; and 'Violations of large-scale, large quantity or large value of goods'.

Moreover, the Decree also stipulated factors, which were used to apply the leniency policy, will not be counted as a mitigating circumstance.

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