**SEQUENCE AND PROCEDURES FOR INVESTIGATING AND HANDLING COMPETITION CASE**

Unfair competitive practices among businesses, organizations, and individuals is one of the prohibited acts under competition law. However, for thoroughly handling this violation, it is not simply that parties resolve it themselves, but the party detecting the behavior has signs of an unfair competitive practice should require handling of the competition case at the competent authority. Some helpful information for clients to have the most general view of the sequence and procedures for resolving a competition case.

1. **Step 1: File a competition case complaint**

When organizations and individuals believe that their legitimate rights and interests have been infringed by unfair competition acts, they have the right to file a competition case complaint to the National Competition Commission (“**NCC**”).

Complaint records include:

1. Complaint form according to the form issued by the NCC;
2. Evidence to prove the complaint contents are grounded and lawful;
3. Other relevant information and evidence that the complaining party considers necessary to settle the case.

Note:

The statute of limitations for filing a complaint is 03 years from the date that acts showing signs of violation of the competition law are committed.

Evidence is the real thing, which is used as a basis to determine whether or not there is a violation of the competition law, the violating enterprise and other significant circumstances in the settlement of the competition case.

1. **Step 2: Receive and review complaint files**
2. The NCC considers the completeness and validity of the complaint file:

* In case the complaint file is complete and valid: The NCC shall notify the complainant of the receipt of the dossier and at the same time notify the complained party.
* Time for implementation: Within 07 working days from the date of receiving the complaint file.

1. The National Committee of the National Assembly considers the complaint file:

* In case the complaint file does not meet the prescribed requirements: The NCC shall notify in writing the addition of the complaint file to the complainant.
* Time limit for implementation: Within 15 days from the date of notification to related parties about receipt of complaint dossiers.
* Time limit for supplementing dossiers: no more than 30 days from the date of receiving the notice requiring additional dossiers. The NCC may extend one time but not more than 15 days at the require of the complainant.

1. Return of complaint files: The NCC will return complaint files in the following cases:

* Statute of limitations for complaints has expired;
* Complaints are not under the jurisdiction of the NCC;
* Complaining party fails to complete the required documentation;
* Complaining party requires to withdraw the complaint file.

1. **Step 3: Investigate the competitive practices**
2. If a complaint about a competition case meets the requirements for acceptance and is not subject to the return of the complaint file, the head of the competition case investigation agency shall issue a decision to investigate the competition case and proceed with the investigation.
3. Time limit for investigating an unfair competition case is: 60 days from the date of issuance of the investigation decision; for complicated cases, it may be extended once but not more than 45 days. The investigation extension must be notified to the investigated party and related parties no later than 07 working days before the end of the investigation time limit.
4. **Step 4: Handling and sanctioning acts of unfair competition**
5. Within 15 days from the date of receipt of the case file, investigation report and investigation conclusion, the President of the National Committee of National Police must issue one of the following decisions:

* Handling cases of unfair competition;
* Require the Competition Investigation Agency to conduct additional investigations when it finds that the collected evidence is not enough to determine unfair competition acts. The time limit for additional investigation is 30 days from the date of issuance of the decision;
* Suspend the settlement of unfair competitive practices.

1. Time limit for handling an unfair competition case in case of additional investigation is 10 days from the date of receipt of the dossier, investigation report and conclusion of the additional investigation.
2. Principles of handling violations, forms of handling violations and remedial measures for violations of the law on unfair competition.

* Organizations and individuals that violate the competition law shall, depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing damage to the interests of the State, the lawful rights and interests of organizations and individuals, they must compensate for the damage in accordance with the Law.
* For each act of violating the competition law, the violating organization or individual shall be subject to one of the following main sanctioning forms:
* Warning
* Monetary fine
* Apply one or more additional sanctions such as: (a) Revocation of business registration certificates or equivalent documents, deprivation of the right to use licenses or practice certificates; (b) Confiscation of material evidence and means used to violate competition laws; (c) Confiscation of profits obtained from the commission of the offense.
* In addition to sanctioning forms, one or several remedial measures may be applied such as public rectification or other necessary measures to overcome the impact of the violation.

1. **Step 5: Execution of the decision on handling the competition case**

After 15 days after the decision on handling the competition case takes legal effect if the judgment debtor fails to voluntarily execute it, the oblige or the NCC may require the competent state agency to organize the enforcement of the decision execution. In case the decision to handle a competition, case is related to the assets of the debtor, the NCC shall require the competent civil judgment enforcement agency to organize the enforcement of the decision.

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