



LEGAL UPDATE

VIETNAM PROPOSES KEY CHANGES TO COMPETITION LAW FOR THE DIGITAL ECONOMY

1. Introduction

In early June 2026, the Ministry of Industry and Trade published for public consultation the Draft Law amending and supplementing a number of articles of the Commercial Law, the Competition Law, the Law on Foreign Trade Management and the Law on Protection of Consumers' Rights ("**Draft Law**"). Among these, the proposed amendments to the 2018 Competition Law are particularly noteworthy given the growing role of the digital economy, digital platforms, data and artificial intelligence ("**AI**") in reshaping the way businesses compete in the market.

This article focuses on key proposed amendments to the 2018 Competition Law, particularly those that may affect technology enterprises and foreign investors.

2. Expanded Scope of Competition Control for the Digital Economy

i. Additional criteria for determining market share and substantial market power in digital markets

With respect to the determination of market share in the relevant market, the Draft Law introduces additional calculation methods based on the proportion of users or customers, the proportion of suppliers participating on digital platforms, and the proportion of transactions conducted or visits made on digital platforms, to better reflect competitive positions in digital markets.¹

This change has practical significance for digital platform models, particularly e-commerce, as an enterprise's competitive position may be reflected by the scale of its user base, access to data, network effects or control over market access even where it has not generated significant revenue.

With respect to the determination of substantial market power, the Draft Law introduces additional criteria specific to the digital economy, including the scale of users, customers and suppliers participating on digital platforms; the ability to collect, accumulate, control and exploit data;

network effects; switching barriers; the degree of integration within an e-commerce ecosystem; the ability to control other enterprises' market access; and the ability to use algorithms, AI or other digital technologies to coordinate or control transactions, prices or user behaviour.²

ii. Additional forms of abuse of dominance and unfair competition on digital platforms

The Draft Law introduces several additional forms of conduct that may constitute abuse when carried out by an enterprise or group of enterprises holding a dominant market position, particularly in relation to digital platforms. Specifically, the Draft Law introduces six additional forms of conduct: self-preferencing; imposing unreasonable trading conditions; tying access to a platform to the use of other services; restricting business users' access to competing platforms; restricting the removal or replacement of pre-installed applications or services; and restricting business users' access to data generated from their lawful activities. These additions reflect increasing regulatory attention to how digital platforms influence competition through algorithms, ecosystem integration and control over data.³

The scope of unfair competition is expanded by prohibiting (a) the use of commercial signs or information through e-commerce platforms, business documents, the design or presentation of business premises, or other means that causes or is likely to cause confusion regarding a business entity, its business activities or the commercial origin of goods or services,⁴ as well as (b) the abuse of rights relating to the grant, renewal, maintenance or termination of sales licences or equivalent approvals where such conduct obstructs the lawful business activities of another enterprise.

3. Amendments to Economic Concentration Regulations

i. Transactions excluded from economic concentration control

¹ Article 2.3 of Draft Law

² Article 2.8 of Draft Law

³ Article 2.9 of Draft Law

⁴ Article 2.14 of Draft Law



The Draft Law authorises the Government to specify cases where corporate reorganisations, acquisitions of enterprises or joint ventures between enterprises are not regarded as economic concentrations.⁵

This is a notable change, as the 2018 Competition Law does not currently contain an express provision authorising the Government to specify categories of corporate reorganisations, acquisitions or joint ventures that are not regarded as economic concentrations. Once implementing regulations are issued, the amendment may help enterprises determine at an early stage whether a proposed transaction is subject to merger notification requirements.

ii. Time limit for applying conditions

The Draft Law provides that the National Competition Commission will determine both the applicable conditions and the duration of those conditions based on the results of the official appraisal.⁶ This addresses the absence of an express time limit under the current Competition Law and may provide greater certainty for enterprises subject to conditional merger clearance.

4. Key Procedural Changes

The Draft Law shortens the time limit for issuing exemption decisions for prohibited anti-competitive agreements from

60 days to 45 days from the date the application is accepted for consideration and appears to remove the existing extension mechanism for complex cases.^{7 8}

It also introduces a five-year limitation period for imposing administrative sanctions relating to competition law violations.⁹

5. Conclusion

The Draft Law reflects Vietnam's efforts to modernise its competition regime in response to the growing role of digital platforms, data and AI. Technology enterprises and foreign investors should assess the potential implications for their platform governance, use of data and algorithms, competition compliance and transaction planning. As the Draft Law remains under consultation, businesses should continue to monitor its development and the issuance of implementing regulations.

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⁵ Article 2.10 of Draft Law

⁶ Article 2.13 of Draft Law

⁷ Article 2.7 of Draft Law

⁸ Article 20.2 of 2018 Competition Law

⁹ Article 2.18 of Draft Law