



# Client update

March 2021

## OBTAINING ANTI-TRUST APPROVAL UNDER COMPETITION LAW 2018 AND DECREE 35/2020/ND-CP

24 March 2021 will mark the first anniversary of the promulgation of Decree 35/2020/ND-CP (“**Decree 35**”), which provides guidance for the Competition Law 2018, most notably on the regulations concerning thresholds that trigger the economic concentration notification upon merger, consolidation, acquisition and joint venture between enterprises.

Decree 35, with its no-exception rule, arguably entangles the transactional parties with an additional burdensome licensing procedure. Further, it appears to capture cases, such as an internal restructuring, with no apparent competition impact on the market.

Other concerns raised among enterprises involve the anti-trust review timeline. Specifically, it stipulates 40 days for cases subject to preliminary reviews and 200 days for comprehensive reviews. In the absence of an anti-trust approval, parties are unable to proceed with various key stages of a transaction, for instance executing the definitive agreements, which may cause delays to the contemplated business. The anti-trust approval is issued by the Vietnam Competition and Consumer Authority (“**VCCA**”), which is currently in charge of reviewing the anti-trust application since the National Competition Committee is yet to be established.

According to the VCCA’s official website, numerous deals, mostly mergers and acquisitions, have received the green-light to proceed, though details were undisclosed.

Read more about our Case Study to understand how KPMG helps its clients obtain the anti-trust approval under the Competition Law 2018 and Decree 35/2020/ND-CP in Vietnam.

## Contact us

KPMG Limited | KPMG Tax and Advisory Limited | KPMG Law

KPMG in Vietnam and Cambodia is one of the leading professional services firms, with over 1,700 staff working from our offices in Hanoi, Ho Chi Minh City, Da Nang and Phnom Penh. We work with our colleagues across Asia and around the world to provide a broad range of services.

### Hanoi

46<sup>th</sup> Floor, Keangnam Hanoi Landmark Tower, 72 Building, Plot E6, Pham Hung Street, Cau Giay New Urban Area, Me Tri Ward, South Tu Liem District, Hanoi, Vietnam

T: +84 (24) 3946 1600  
F: +84 (24) 3946 1601  
E: kpmghanoi@kpmg.com.vn

### Ho Chi Minh City

10<sup>th</sup> Floor, Sunwah Tower, No. 115, Nguyen Hue Street, Ben Nghe Ward, District 1, Ho Chi Minh City, Vietnam

T: +84 (28) 3821 9266  
F: +84 (28) 3821 9267  
E: kpmghcmc@kpmg.com.vn

### Danang

Unit D3, 5<sup>th</sup> Floor, Indochina Riverside Tower, No. 74, Bach Dang Street, Hai Chau 1 Ward, Hai Chau District, Danang, Vietnam

T: +84 (236) 351 9051  
F: +84 (28) 3821 9267  
E: kpmgdanang@kpmg.com.vn

Follow us on:   

© 2021 KPMG Limited, KPMG Tax and Advisory Limited, KPMG Law, all Vietnamese one member limited liability companies and member firms of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

[kpmg.com.vn](http://kpmg.com.vn)