

**THE NATIONAL
ASSEMBLY**

Law No.59/2010/QH12

**SOCIALIST REPUBLIC OF VIETNAM
Independence– Freedom – Happiness**

Hanoi, November 17, 2010

LAW

ON PROTECTION OF CONSUMERS' RIGHTS

*Pursuant to the Constitution 1992 of the Socialist Republic of Vietnam, of which some articles were amended and supplemented under the Resolution No.51/2001/QH10;
The National Assembly hereby promulgated the Law on protection of consumers' rights,*

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of Regulation

This Law regulates the rights and obligations of consumers, the liability of organizations or individuals trading goods and/or services to consumers, the liability of social organizations in protecting the interests of consumers; resolving disputes between consumers and organizations or individuals trading goods and/or services, the liability of the State on the protection of consumers' interests.

Article 2. Subjects of Application

This law applies to consumers; organizations or individuals trading goods, services; agencies, organizations or individuals involved in activities to protect the interests of consumers in the territory of Vietnam.

Article 3. Interpretation of Terms

In this Law, the terms below are construed as follows:

1. *Consumer* is a person who purchase or use goods and/or services for personal use or use for families or use for organizations.

2. *Organization or individual trading goods and/or services* is an organization or individual that perform one, several or all of the stages of the investment process, from production to sales of goods or supply of services in market for profit, including:

a) Traders as defined by the Commercial Law;

b) Individual who performs commercial activities independently, regularly, without business registration.

3. *Defective goods* are goods that do not ensure safety to consumers, likely causing damage to lives, health and property of consumers, even though such goods are manufactured in accordance with current technical standards or norms, with no defects being detected at the time the goods are supplied to consumers, including:

a) Mass-produced goods with defects arising from engineering design;

b) Single goods with defects arising from the production, processing, transportation and storage;

c) Goods with the potential to deteriorate the safety during use, but no adequate instructions, warning being provided to consumers.

4. *Disturbance to consumers* means a direct or indirect approach to consumers in an attempt to introduce goods or services, organizations or individuals dealing in goods, services or contract proposals against wishes of consumers, obstructing, affecting the normal works or activities of consumers.

5. *Form-based contract* is a contract composed by organizations or individuals trading goods and/or services to do business with consumers.

6. *General trading conditions* are regulations, rules of sales, service delivery announced by organizations or individuals trading goods and/or services, and applicable to consumers.

7. *Mediation* means a settlement of disputes between consumers and organizations or individuals trading goods and/or services through third parties.

Article 4. Principle of protecting consumers' interests

1. Protecting the interests of consumers is the common responsibility of the State and the entire society.

2. Interests of consumers are respected and protected as prescribed by laws.

3. Protecting the interests of consumers must be exercised timely, fairly, transparently and lawfully.

4. Activities to protect the interests of consumers do not infringe upon the interests of the State, lawful rights and interests of organizations or individuals dealing in goods, services, and other organizations or individuals.

Article 5. The State's policy on protection of consumers' rights

1. Creating favorable conditions for organizations or individuals to actively participate in protecting the interests of consumers.
2. Encourage organizations or individuals to apply and develop advanced technologies for producing good quality and safe goods or providing good quality and safe services.
3. Implementing regularly and synchronously measures to manage and supervise the legal compliance of organizations or individuals trading goods and/or services.
4. Mobilizing all resources to increase investment in facilities and equipments, to develop human resource for agencies or organizations protecting the interests of consumers, frequently enhancing counseling, support, dissemination and guidance of knowledge to consumers.
5. Promoting integration and expansion of international cooperation, and sharing information and management experience in protecting the interests of consumers.

Article 6. Protection of consumer information

1. Consumers' information shall be kept safe and confidential when they participate in transactions, use of goods or services, except where competent state agencies required the information.
2. Where the collection, use and transfer of consumer information, the organizations or individuals trading goods and/or services shall:
 - a) Notify clearly and openly the consumer of the purpose of the collection and use of consumer information before such activities being done;
 - b) Use information in conformity with the purpose informed to consumers, and with the consent by the consumers;
 - c) Ensure safety, accuracy, completeness during collection, use and transfer of consumer information;
 - d) Update or adjust by themselves or help consumers to update and adjust as the information is found to be incorrect;
 - e) Only transfer consumer information to third parties upon the consent of consumers, except where otherwise provided by law.

Article 7. Protect the interests of consumers in dealing with individual doing commercial activities independently, regularly, without business registration

1. Based on the provisions of this Law and other provisions of the relevant law, the Government providing detailed regulations on protection of consumers' interests in transactions with individual

doing commercial activities independently, regularly, and without registering his/her business activities.

2. Based on the provisions of this Law, provisions of the Government and the specific conditions of the localities, People's Committees of communes, wards, towns, management boards of market or commercial zone, shall execute specific measures to ensure the quality, quantity and food safety for consumers when buying and using goods and/or services by individual doing commercial activities independently, regularly, without business registration.

Article 8. Consumer Rights

1. Being protected safely as to their life, health, property, and other legitimate rights and interests when being involved in transactions, use of goods and/or services provided by organizations or individuals trading goods and/or services.

2. Being provided accurate and complete information about organizations or individuals trading goods or services; contents of transaction of goods and/or services; the source and origin of goods; being provided with invoices and vouchers and documents relating to the transactions and other necessary information about goods and/or services that consumers purchase and/or use.

3. Being entitled to select goods or services, organizations or individuals trading goods and/or services according to their actual needs and conditions; decide to participate or not participate in the transaction and agreed contents when joining transaction with organizations or individuals trading goods and/or services.

4. Being entitled to offer suggestions to organizations or individuals trading goods and/or services on price, quality of product or service, service style, trading methods and other content concerning transactions between consumers and organizations or individuals trading goods and/or services.

5. Being entitled to participate in formulating and implementing policies and legislation on protection of the interests of consumers.

6. Being entitled to require compensation if the provided goods or services do not match technical standards or norms, quality, quantity, features, usage, pricing or other contents that organizations or individuals trading goods and/or services already announced, posted, advertised or pledged.

7. Being entitled to complaint, denounce and take a lawsuit or propose social organization to take a lawsuit in order to protect their rights under the provisions of this Law and other provisions of law involved.

8. Getting Advice, support and guidance on the knowledge for consumption of goods and/or services.

Article 9. Obligations of consumers

1. Checking before receiving the goods; selecting and consume goods and/or services with clear origin or source, without cause harm to the environment, contrary to the fine customs and social morals, not causing harm to their lives or health and that of others; observing precisely and fully the manual of goods and/or services.

2. Informing state agencies, organizations or individuals concerned when detecting goods and/or services circulating in the market are not safe, causing damage or threatening to cause damage to life, health and property of consumers, behaviors of organizations or individuals trading goods and/or services infringe upon the legal rights or interests of consumers.

Article 10. Prohibited behaviors

1. Attempt of organizations or individuals trading goods and/or services in deceiving or misleading consumers via advertising activities, or hide or provide information that is incomplete, false or inaccurate about one of the following details:

a) Goods and/or services that organizations or individuals trading goods and/or services provided;

b) Reputation, business ability, and ability to provide goods and/or services of organizations or individuals trading goods and/or services;

c) The contents and characteristics of transaction between consumers and organizations or individuals trading goods and/or services.

2. Organizations or individuals trading goods and/or services harasses consumers through the marketing of goods and/or services contrary to the wishes of consumers 02 or more times or other acts that obstruct or affect normal works or activities of consumers.

3. Organizations or individuals trading goods and/or services force consumers through the implementation of one of the following acts:

a) Using force, threatening to use force or other means to cause damage to life, health, honor, prestige, dignity and property of consumers;

b) Taking advantage of disadvantaged consumers or taking advantage of natural disasters and diseases to force a trade.

4. Organizations or individuals trading goods and/or services conduct the trade promotion activities, or suggest transactions directly with a person who have no capacity for civil acts or who have lost their civil act capacity.

5. Organizations or individuals trading goods and/or services require a consumer to pay for goods or services provided without prior agreement with the consumer.

6. Consumers, social organizations participating in protection of the interests of consumers, organizations or individuals trading goods and/or services take advantage of the protection of

consumer rights to infringe upon the interests of the State, the legitimate rights or interests of other organizations or individuals.

7. Organizations or individuals trading goods and/or services take advantage of disadvantaged consumers or take advantage of natural disasters and diseases to provide goods and/or services that does not guarantee quality.

8. Organizations or individuals trading goods and/or services with poor quality that causes damage to lives, health and property of consumers.

Article 11. Handle violations of laws on protection of consumers' interests

1. Individuals violating the law on protecting the interests of consumers, depending on the nature and seriousness of their violations, shall be administratively sanctioned or examined for penal liability, if causing damage, shall pay compensation in accordance with laws.

2. Organizations that violate the law on protecting the interests of consumers, depending on the nature and seriousness of their violations, shall be administratively sanctioned, in case of causing damage, shall pay compensation as prescribed by laws.

3. Individuals who abuse their positions and powers to violate the law on protection of the interests of consumers, depending on the nature and seriousness of their violations, shall be disciplined or prosecuted for criminal liability, if causing damage, shall be required to pay compensation as prescribed by laws.

4. The Government shall detail the sanctions against administrative violations in protecting consumers' interests.

Chapter 2.

RESPONSIBILITIES OF ORGANIZATIONS OR INDIVIDUALS TRADING GOODS AND/OR SERVICES TO CONSUMERS

Article 12. Responsibilities of organizations or individuals trading goods and/or services in providing information about goods and/or services to consumers

1. To label goods as prescribed by law.

2. To publicly post the prices of goods and/or services at places of business, service offices.

3. To show warning if goods and/or services may be harmful to health, life and property of consumers, and the preventive measures.

4. To provide information on the availability of components and spare parts of goods.

5. To provide manual or guidance; conditions, duration, location, warranty procedures in case of goods and/or services with warranty.

6. To inform accurately and fully to consumers of the form-based contracts, general conditions for transaction before the transaction.

Article 13. Liability for third parties in providing information about goods and/or services to consumers

1. Where organizations or individuals trading goods and/or services provide information to consumers through a third party, the third party shall:

a) Provide accurate and full information about the provided goods and/or services;

b) To request organizations or individuals trading goods and/or services to provide evidence proving the accuracy and completeness of information on goods and services;

c) Take joint responsibility for providing incomplete or inaccurate information, unless already done to prove all the measures prescribed by law to check the accuracy and completeness of information about goods and services;

d) Comply with the provisions of laws on the press, laws on advertising.

2. Where organizations or individuals trading goods and/or services provide information to consumers through the media, the media owner or the media service provider shall:

a) Implement the regulations in Clause 1 of this article;

b) Establish, develop technical solutions to prevent means and services under their management that are used for purposes of harassing consumers;

c) Refuse to let organizations or individuals trading goods and/or services use means and services under their management, if such use is likely to result in harassment of consumers;

d) Cease the permission for Organizations or individuals trading goods and/or services to use means and services under their management to perform acts of harassing the consumers at the request of consumers or competent State agencies.

Article 14. Contracts concluded with consumers

1. Form of contracts with consumers should comply with civil laws.

2. Where a contract is concluded with consumers in writing, the language of the contract must be clear, easily understood.

Language used in contracts with consumers is Vietnamese, unless the parties agree otherwise or otherwise provided by law.

3. Where the contract is concluded by electronic means, the organizations or individuals trading goods and/or services must let consumers check the entire contract before signing.

4. The Government shall detail the other forms of signing contracts with consumers.

Article 15. Explanation of contracts concluded with consumers

In case of different interpretation of the contract, the competent organizations or individuals shall resolve the dispute in consideration of consumers' interests.

Article 16. Invalid terms of the contracts concluded with consumers and invalid general trading conditions

1. Terms of the contracts concluded with consumers and general trading conditions shall have no effect in the following cases:

a) Where they exclude liability of organizations or individuals trading goods and/or services to consumers as prescribed by laws;

b) Where they restrict or exclude the right to complaint and take lawsuits by consumers;

c) Where they allow organizations or individuals trading goods and/or services to unilaterally change the conditions of the contract agreed in advance with the consumer or the rules, regulations for good sales or service supply applies to consumers when buying and using goods and/or services do not specifically indicate in the contract;

d) Where they allow organizations or individuals trading goods and/or services to unilaterally determine the consumer who fails to perform one or more obligations;

e) Where they allow organizations or individuals trading goods and/or services to set forth or change the price at the time of delivery of goods or providing of services;

f) Where they allow organizations or individuals trading goods and/or services to explain the contract in case of different interpretation of the terms;

g) Where they exclude liability of organizations or individuals trading goods and/or services in cases where organizations or individuals trading goods or services sell goods or provide services through a third party;

h) Where they force consumers to comply with obligations even if the organizations or individuals trading goods and/or services have not fulfilled their obligations;

i) Where they allow organizations or individuals trading goods and/or services to transfer rights and obligations to third parties without the consumer's consent.

2. Declaration and settlement of the invalid terms of contracts concluded with consumers or invalid general trading conditions must comply with civil laws.

Article 17. Implementation of form-based contracts

1. When signing the form-based contract, organizations or individuals trading goods and/or services must give reasonable time for consumers to consider the contract.

2. Organizations or individuals trading goods and/or services must keep the concluded form-based contract until the contract expires. Where contract kept by consumer is lost or damaged, the organization or individual trading goods or services shall take responsibility for give consumer a copy of the contract.

Article 18. Implementation of general trading conditions

1. Organizations or individuals trading goods and/or services using the general trading conditions shall be obliged to publicly announce the general trading conditions prior to the transaction with the consumer.

2. The general trading condition must specify the time of application and must be listed at a convenient place within the location of transaction in order that consumers can see it.

Article 19. Control of form-based contract and of general trading conditions

1. Organizations or individuals trading goods and/or services in the List of essential goods and services issued by the Prime Minister must register the form-based contract and general conditions for transactions with competent state management agencies with respect to protecting the interests of consumers.

2. State administration bodies have authority on protecting the interests of consumers themselves, or at the request of consumers, require organizations or individuals trading goods and/or services to cancel or modify the form-based contract or general trading conditions in a case where the form-based contract or general trading condition is found to violate the interests of consumers.

3. The Government shall specify this Article.

Article 20. Responsibility to provide evidence of transaction

1. Organizations or individuals trading goods or services are obliged to offer consumer bills or vouchers and documents relating to transactions under the provisions of law or requested by consumers.

2. In the case of transactions by electronic means, the organizations or individuals trading goods and/or services shall create conditions for consumers to access, download, store and print invoices, vouchers, documents provided in clause 1 of this article.

Article 21. Responsibility for warranty for goods, components and accessories Goods, components or accessories are guaranteed by the agreement of the parties or guaranteed compulsorily under provisions of laws. Where goods, components or accessories are warranted, organizations or individuals trading goods shall:

1. Fully comply with warranty obligations for goods, components or accessories supplied by them;
2. Provide consumers with the receipt of the warranty, clearly stating the duration of the warranty. The period for implementation of the warranty is not included in the warranty duration for the goods, components and accessories. Where organizations or individuals trading goods replace components, accessories or exchange commodities, such warranty duration for components, accessories or goods are calculated from the time of replacing components, accessories or of exchanging new commodity;
3. Provide consumer with similar goods, components or accessories for temporary use or provide other forms of settlement accepted by consumers during implementation of the warranty;
4. Exchange new similar goods, components or accessories or take back goods, components or accessories and return money to consumers in the case where time for warranty implementation run out while failing to repair or solve the error.
5. Exchange new similar goods, components or accessories, or take back the goods give money back to consumers in the case where the warranty is implemented 03 times or more within the warranty duration as to goods, components or accessories without fixing the error;
6. Bear the cost of repairs and bear freight to transport goods, components or accessories to the place of warranty, and freight to transport them from the place of warranty to the residence of the consumer;
7. Be Responsible for the warranty of goods, components or accessories to consumers even in the event of authorizing other organizations or individuals to perform the warranty.

Article 22. Responsibility for recalling defective goods

Upon detection of defective goods, organizations or individuals manufacturing or importing the goods shall:

1. Promptly take all necessary measures to stop the supply of defective goods in the market;
2. Inform publicly about the defective goods and the recovery of the goods by at least 05 consecutive issues of daily newspaper or 05 consecutive days through the radio or television in area where such goods are circulated with the following details:

- a) Description of the goods to be recovered;
 - b) Reasons for recovery of the goods and warning on the risk of damage caused by the defects of the goods;
 - c) Time, place and way of recovery of the goods;
 - d) Time and mode of overcoming the defects of the goods;
 - e) The measures necessary to protect the interests of consumers in the course of recovery of the goods;
3. Implementation of the recovery of the defective goods in line with the publicly-informed content and bear the expenses incurred in the recalling process;
4. Reporting the results to the provincial state management agency for the protection of consumers' interests where the recovery of the defective goods take place after completion of the recall, in the case where the recall of the defective goods is conducted on the territories of two or more provinces, the results shall be reported to the central state management agencies for the protection of consumers' interests.

Article 23. Liability for compensation for damage caused by defective goods

1. Organizations or individuals trading goods shall be liable for damages in the case where defective goods, which supplied by them, cause damages to life, health, properties of consumers, even if the defects are not known to or not caused by those organizations or individuals, except as provided in Article 24 of this Laws.
2. Organizations or individuals trading in goods as defined in clause 1 of this article include:
- a) Organizations or individuals producing goods;
 - b) Organizations or individuals importing goods;
 - c) Organizations or individuals attaching trade name to goods or using trademark or commercial instruction, by which organizations or individuals producing or importing goods are identified;
 - d) Organizations or individuals directly providing defective goods to consumers in case of failure to identify organizations or individuals responsible for damages prescribed in Points a, b and c of this Clause.
3. The compensation complies with civil laws.

Article 24. Exemption from liability for damage caused by defective goods

Organizations or individuals trading goods specified in Article 23 of this Law shall be exempt from compensation if they can prove that the defects of the good could not be detected with the scientific and technical knowledge at the time organizations or individuals trading goods supplied the defective good to consumers.

Article 25. Requirement of state management agencies to protect consumers' interests

1. Upon discovering that violations of laws on protection of consumers' interests by organizations or individuals trading goods and/or services cause damage to the interests of the State, the interests of many consumers, public interest, the consumers, social organizations may request verbally or in writing to the State management agency on protection of consumers' interests of the district where the transaction take place to handle.
2. Consumers or social organizations are obliged to provide information and evidence related to violations of organizations or individuals trading goods and/or services.

Article 26. Resolving the request to protect consumers' interests

1. Upon receipt of the request of consumers, the district-level state management agencies for protection of the interests of consumers shall request the parties to explain and provide information, evidence or by themselves verify and collect information and evidence to deal with as prescribed by law.
2. District-level state management agencies for protection of the interests of consumers shall respond in writing with respect to their resolution to the consumers; in the case where organizations or individuals trading goods services are found to violate the interests of consumers, a written reply must contain the following:
 - a) The violation behaviors;
 - b) Measure to overcome the consequences;
 - c) The duration for applying the measure of overcoming the consequences;
 - d) Measures for handling administrative violations, if any.
3. Remedies for overcoming the consequences prescribed in Point b, Clause 2 of this Article include:
 - a) Forcing organizations or individuals trading goods and/or services to withdraw and destroy goods or stop supplying goods or services;
 - b) Suspending or suspending temporarily the business activities of the violating organizations or individuals;

c) Forcing organizations or individuals trading goods and/or services to eliminate provisions that violate the interests of consumers from the form-based contract, general trading conditions.

4. In addition to the measures specified in Clause 3 of this Article, re-violating organizations or individuals trading goods and/or services may also be introduced to the List of organizations or individuals trading goods and/or services violating customers' interests.

5. The Government shall specify this Article.

Chapter 3.

RESPONSIBILITIES OF SOCIAL INSTITUTIONS IN PROTECTING THE INTERESTS OF CONSUMERS

Article 27. Social organizations to protect consumers' interests

1. Social organization established in accordance with the law and operating under charter is eligible for participating in activities of protecting the interests of consumers.

2. Activities to protect the interests of consumers of social organizations must comply with the provisions of this Law and other relevant laws.

Article 28. What to be taken to protect the interests of consumers by social organizations

1. Social organizations shall protect consumers' interests with the following activities:

a) Instructing and assisting, counseling consumers upon request;

b) Taking legal action on behalf of consumers or taking legal action by virtue of the public interests;

c) Providing state management agencies for protection of the interests of consumers with information on violations of organizations or individuals trading goods and/or services;

d) Independent doing survey, trial; announcing the results of survey and trial on the quality of goods and/or services done by them; providing information and/or warning to consumers about goods and/or services and bearing liabilities by laws for the information and/or warning, and requiring competent state agencies to handle violations of the legislation on protection of consumers' interests;

e) Participating in making laws, guidelines, policies, directions, plans and measures for protecting the interests of consumers;

f) Performing the tasks assigned by state agencies as prescribed in Article 29 of this Law;

g) Participating in the propagation, dissemination, legal education and knowledge on consumption.

2. The Government shall define conditions for social organizations that participate in protection of the interests of consumers to exercise their right to take lawsuit by virtue of the public interest specified in Point b, Clause 1 of this Article.

Article 29. Performing missions assigned by state agencies

1. When performing the tasks assigned by state agencies, social organizations that protect consumers' interests are supported funds and other conditions by the State prescribed by Laws.

2. The Government shall specify the tasks assigned by state agencies to social organizations that protect the interests of consumers.

Chapter 4.

SETTLEMENT OF DISPUTES BETWEEN CONSUMERS AND ORGANIZATIONS OR INDIVIDUAL TRADING GOODS AND/OR SERVICES

Article 30. Modes of settling disputes between consumers and organizations or individuals trading goods and/or services

1. Disputes arising between consumers and organizations or individuals trading goods and/or services are addressed through:

a) Negotiation;

b) Reconciliation;

c) Arbitration;

d) Court.

2. No negotiation or mediation is permitted in case of disputes causing damage to the interests of the State, the interests of many consumers, the public interest.

Section 1. NEGOTIATION

Article 31. Negotiation

1. Consumers have the right to submit a request to organizations or individuals trading goods and/or services to negotiate when their legitimate rights or interests are deemed to be infringed upon.

2. Organizations or individuals trading goods and/or services are obliged to receive and negotiate with consumers for a period not exceeding 07 working days after receipt of the request.

Article 32. Negotiation results

The result of a successful negotiation between the organizations or individuals trading goods and/or services and consumers shall be made in writing unless the parties otherwise agree.

Section 2. MEDIATION

Article 33. Mediation

Organizations or individuals trading goods, services, and consumers have the right to agree to select a third party, that is, individual or organization to perform the mediation.

Article 34. Mediation Principles

1. To ensure objectivity, honesty and good will, no force or deceit.
2. Organizations or individuals conducting the mediation, the mediation-participating parties must ensure confidentiality of information relating to the mediation, unless the parties agree otherwise or otherwise provided by law.

Article 35. Mediation organization

Organizations or individuals that have adequate conditions specified by the Government are eligible for establishing a mediation organization to resolve disputes between consumers and organizations or individuals trading goods and/or services.

Article 36. Records of the mediation

1. Minutes of the mediation must contain the following principal contents:
 - a) Organizations or individuals to conduct the mediation;
 - b) The parties in the mediation;
 - c) Content of mediation;
 - d) Time and place of mediation;
 - e) The opinions of the parties in the mediation;
 - f) Results of the mediation;
 - g) The duration for implementing the mediation results.
2. Minutes of mediation must be signed by the parties in the mediation and the signature for confirmation of the organization or individual conducting the mediation.

Article 37. Performing the results of the successful mediation

The parties are responsible for implementing the results of successful mediation within the agreed period prescribed in minute of mediation; in case where one party does not implement voluntarily, the other party shall have right to suit at court for settlement in accordance with laws.

Section 3. ARBITRATION

Article 38. Effect of arbitration Clause

Organizations or individuals trading goods and/or services must notify of the arbitration terms and condition before concluding the contract and the notification must be accepted by consumers. Where the arbitration term and condition is incorporated into the form-based contract or the general transaction condition by organizations or individuals trading goods and/or services, if any disputes happen, consumers as individual have the right to select other modes to resolve the dispute.

Article 39. The order and procedures for dispute resolution at arbitration

The order and procedures for settling disputes at arbitration was observed in accordance with the law on commercial arbitration.

Article 40. Burden of proof

Burden of proof in the dispute settlement at arbitration shall comply with the provisions of Article 42 of this Law.

Section 4. SETTLEMENT OF DISPUTES BY COURT

Article 41. Civil cases on the protection of consumers' interests

1. Civil cases on the protection of consumers' interests is the case that the suitor is a consumer or social organizations that protect consumers' interests under the provisions of this Law.

2. Civil cases on the protection of consumers' interests are resolved by simple procedures prescribed in the law on civil proceedings when all the following conditions are met:

a) Individual as a consumer takes lawsuit against organizations or individuals that directly provide goods or services to consumers subject to the lawsuits;

b) The case is simple, and evidence is clear;

c) The transaction value of less than VND 100 million.

Article 42. Burden of proof in civil cases on protecting the interests of consumers

1. Consumers are obliged to provide evidence and prove as to the evidence in civil cases on protecting the legitimate rights and interests in accordance with the law on civil proceedings, except for proving the fault of the organization or individuals trading of goods and/or services.

2. Organizations or individuals trading goods and/or services are obliged to prove their innocence in causing the damage.

3. Court shall decide which the party is faulty in civil cases on protecting the interests of consumers.

Article 43. Court charges and court fees for civil cases on protecting the interests of consumers

1. Court charges and court fees for civil cases on protecting the interests of consumers are observed in accordance with the law on court charges and court fees.

2. Consumers initiate civil lawsuits to protect their legitimate rights and interests are not obliged to pay in advance their court charges and court fees.

Article 44. Providing information about the civil case on the protection of consumers' interests by social organization that take the lawsuit

1. Social organizations that protect consumers' interests shall be responsible for informing publicly by appropriate forms of legal action and take responsibility for the information they publish, ensuring no impact on the normal operation of organizations or individuals trading goods and/or services.

2. Contents to inform stipulated in Clause 1 of this article include:

a) Social organizations protecting consumers' interests that take the lawsuits;

b) Organizations or individuals trading goods and/or services being provided;

c) Content for taking lawsuit;

d) Procedures and deadline for registering to join the case.

3. Court shall publicly posted at the courthouse the information about whether or not the case was filed within 03 working days after filing of the case under the provisions of the law on civil proceedings.

Article 45. Notification of the verdict or decision of the Court on settlement of the civil case on the protection of consumers' interests being sued by social organizations

Verdicts and decisions by the Court to settle the civil case on the protection of consumers' interests being sued by social organizations must be publicly posted at the office of the Court and publicized on the mass media using appropriate forms.

Article 46. Money in compensation for damages in civil cases on protecting the interests of consumers being sued by social organizations for the public interest

Money in compensation for damages in civil cases on protecting the interests of consumers being suited by social organizations protecting consumers' interests by virtue of the public interest shall comply with the verdict or decision of the Court.

Chapter 5.

STATE MANAGEMENT RESPONSIBILITIES FOR PROTECTION OF CONSUMERS' INTERESTS

Article 47. State management responsibility for protecting consumers' interests

1. The Government consistently state- manage the protection of consumers' interests.
2. Ministry of Trade and Industry is accountable to the Government in implementing the state administration on the protection of consumers' interests.
3. Ministries, ministerial-level agencies within their duties and powers, shall coordinate with the Ministry of Trade and Industry in state-managing the protection of the interests of consumers.
4. People's Committees at all levels within their duties and power, shall state-manage the protection of the interests of consumers at their localities.

Article 48. Responsibilities of the Ministry of Industry and Trade

1. According to their competency shall promulgate or ask the competent state agencies to promulgate or organize the implementation of strategies, planning, plans, programs, projects, policies and legislation on protecting the interests of consumers.
2. Managing activities to protect the interests of consumers of social institutions and mediation organizations; form-based contracts and general trading conditions stipulated in Article 19 of this Law.
3. Propagating, disseminating and educating the law on the protection of the interests of consumers; giving advice, support and raising awareness of protecting the interests of consumers.
4. Generating a database of information for the protection of consumers' interests; training human resources, enhancing professional knowledge for the protection of consumers' interests.
5. Inspecting, examining and settling complaints and denunciations and handling violations of legislation on protection of consumers' interests within its competence.
6. Implementation of international cooperation on the protection of consumers' interests.

Article 49. Responsibilities of People's Committees at all levels

1. According to their competency, the People's Committees shall promulgate or ask competent state agencies promulgate and organize the implementation of legal documents on the protection of the interests of consumers at their localities.
2. To manage activities to protect the interests of consumers of social organizations and mediation organizations at their localities.
3. To propagate, disseminate and teach the law on protection of the interests of consumers; to give advice, support and to raise awareness of the protection of consumers' interests at their localities.
4. To inspect, examine and settle complaints and denunciations and handle violations of legislation on protection of consumers' interests within their competency.

Chapter 6.

PROVISIONS OF IMPLEMENTATION

Article 50. Effect of implementation

This Law takes effect as from July 1, 2011.

The Ordinance on the protection of the consumers' interests No. 13/1999/PL-UBTVQH10 shall expire after this law takes effect.

Article 51. Specification and guidelines for implementation

The Government shall specify in detail and guide the implementation of the articles and clauses assigned to it as in this Act; guide the other necessary content of this law to meet requirements of state management.

This law was passed by the National Assembly of Socialist Republic of Vietnam XII, 8th session on November 17, 2010.

**CHAIRMAN OF THE NATIONAL
ASSEMBLY**

Nguyen Phu Trong

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