



18 JUNE 2026

COMMENTS OF TRUSTED FUTURE  
TO THE SOCIALIST REPUBLIC OF VIETNAM'S MINISTRY OF INDUSTRY AND  
TRADE REGARDING DRAFT LAW AMENDING AND SUPPLEMENTING CERTAIN  
ARTICLES OF COMMERCIAL LAW, COMPETITION LAW, FOREIGN TRADE  
MANAGEMENT LAW, CONSUMER RIGHTS PROTECTION LAW



## Introduction

On behalf of Trusted Future, a non-profit organization dedicated to the belief that we need smart well-informed policies to enhance trust throughout today's digital ecosystem, we welcome this opportunity to provide input to the draft law amending and supplementing the Commercial Law, Competition Law, Foreign Trade Management Law, and Consumer Rights Protection law.

At Trusted Future, we believe in advancing an evidence-based approach to identify demonstrable competition failures, specific consumer harm, proven interventions and to fully evaluate the necessity, efficacy and risks associated with any proposed intervention. At a time of such dynamic change, when trust in digital ecosystems is being challenged nearly every day, and trust has emerged as a central enabler for digital adoption and a basis for consumer gains, we believe it's vital that any measure that the Ministry considers in this domain be viewed through a lens of trust.

This will help ensure that Vietnamese users are able to take full advantage of a vibrant mobile digital ecosystem that is innovative, safe and secure, competitive and trustworthy. This is an ecosystem where people are able to improve their lives because they have access to trustworthy technologies that protect their privacy, safety and security.

Around the world, digital regulations are taking different forms and approaches. This complex network of international regulations can be difficult to navigate. Indeed, as Ngo Duc Minh, Director of the Department of Legal Affairs, acknowledged [last month](#), the Ministry of Industry and Trade had faced "dual pressure" amid increasingly complex and unpredictable developments both internationally and domestically. But this also provides opportunities to learn from other countries' experiences and what policy approaches have worked and where there have been dangerous unintended consequences.

We at Trusted Future have been closely studying recent international regulatory developments, particularly those in Europe and its experience with the Digital Markets Act (DMA). The DMA, while well-intentioned and wide-ranging, has [resulted in conditions that it did not set out to achieve and that harm the consumer](#). Your Ministry has the opportunity to avoid those mistakes from the outset.

Below we provide assessments of some of the proposed amendments and the challenges that they present to a trusted digital environment.

## Proposed Amendments and Challenges

### ***Amendment to Article 27 Regarding Self-Preferencing***

Prohibitions on self-preferencing can create challenges where platforms integrate services in ways that improve user experience, security, or efficiency. Digital ecosystems

often rely on integrated offerings to reduce fraud, improve interoperability, and streamline transactions. However, self-preferencing prohibitions can make it difficult to distinguish between anti-competitive conduct and legitimate product design decisions. If a company is concerned that routine ranking, recommendation, or integration decisions could trigger regulatory action, they may become more cautious in deploying innovative features, potentially reducing the quality and convenience of digital services available to users.

Here, there is a recent valuable lesson from the European Union. Apple launched a new artificial intelligence assistant, Siri AI. This feature is not available in the European Union because under a broad interpretation of the DMA rules Apple would have to give an equal level of direct user data to any virtual assistant whether or not essential protections are in place. While the European Commission [says](#), the “The decision not to roll out Siri AI in the EU is Apple’s and Apple’s only because absolutely nothing in the DMA prohibits Apple from introducing new products in the EU,” this is besides the point. The problem is that Apple could not introduce the more innovative version that is available in the United States and other jurisdictions without compromising users’ privacy and data. The result is that European iPhone customers do not have access to the most cutting-edge consumer products. As *The Washington Post* [described](#) it, “In the name of fairness and competition,” Europe has written laws that leave its citizens without access to the most advanced technology. Vietnam should avoid repeating Europe’s mistakes.

### ***Amendment to Article 27 Regarding Restrictions on Commercial Terms and Conditions***

Rules prohibiting “unreasonable” pricing, payment, warranty, or contractual terms on the surface can appear to promote fairness, but in practice can ignore the economic reality, particularly if the restrictions are not clearly defined. As we have seen with marketplaces like Google Play and the Apple App Store, certain fees and conditions are part of creating a trusted app ecosystem that creates an economic opportunity for small and medium enterprises to be able to reach consumers, safeguards apps from viruses and malware, cultivates a secure and trustworthy environment, and protects user data.

This trusted digital marketplace creates economic benefits for both individual firms seeking more consumers as well as the economy more broadly. A study by Professor Fradkin and Dr. Burley of the Analysis Group highlights how developers on the app store have more ways than ever to monetize their apps. Apple’s app store, for example, is a trillion-dollar economic engine for app developers. The study found that in 2024, Apple’s global app store helped developers achieve \$1.3 trillion in sales and billings. These developer revenues fuel local businesses, enable competition, and help support the creation of entirely new kinds of apps that improve people’s lives and create new business opportunities. In fact, [one study from 2023](#) done by the Progressive Policy Institute found that the app economy created 108,000 jobs in Vietnam. Vietnam has a well-known gaming industry, but its app economy also serves as a massive digital hub integrating artificial intelligence (AI), travel tech, and comprehensive software



developments. With a smart approach, Vietnam’s economy and innovators will continue to benefit from a trustworthy app ecosystem.

### ***Amendment to Article 27 Regarding Restrictions on Tying and Bundling***

Prohibiting platforms from requiring users to adopt related services can limit the ability of platforms to offer integrated solutions that enhance security, convenience, and functionality. Many digital ecosystems rely on bundled services—such as payments, authentication, cloud infrastructure, or logistics—to create seamless user experiences and maintain platform integrity. Creating a closed, cohesive ecosystem reduces vulnerabilities associated with third-party integrations, reduces the attack surface, and allows for privacy best practices like data minimization and consistent encryption. Consumers are better served if they are given the choice for a more secure, private, and trusted experience.

### ***Amendment to Article 27 Regarding Alternative Platforms***

Digital platforms, such as official app stores like Google Play and Apple’s App Store, establish rules governing quality standards, security, and privacy to protect users and maintain an expected level of service quality. If requiring business users to access alternative platforms would result in forcing device manufacturers to allow third party and unofficial app stores that do not have the same level of protections, it is essentially breaking the system that protects mobile devices against security intrusions, privacy violations, and harmful content – creating an untrustworthy environment.

Once again, the [lesson from the EU](#) can be instructive as the DMA is creating new backdoors and ways to get around the pre-existing and proven app governance systems without replacing it with any kind of new app governance system:

- Between October 2023 and February 2025, Trusted Future analyzed 59,767 apps removed from Apple’s App Store in Europe: 98.7% of these apps, many removed for nefarious or harmful content, are able to get right back on European devices because of DMA loopholes that allow apps to bypass trusted app store review systems through direct downloads from the Internet – a process known as sideloading.
- Sideloaded apps can maliciously trick users with links used to hijack accounts or give away sensitive information via fake login pages. The \$200 billion cryptocurrency exchange Coinbase, for example, found it necessary to warn all of its European customers that as a result of the DMA, consumers need to be aware of fraudulent Coinbase apps on iOS which could be used “to intercept your personal information, financial assets and other sensitive data.”
- While official app stores don’t allow them, DMA mandates now require that smartphones give European users expanded access to pornographic, illicit, and related adult apps through third party app stores — including new hard-core



pornographic distribution apps — and do so in a way that gets around built-in device level parental controls.

As an antitrust law matter, despite claims to the contrary, the proposed law and forced alternative platforms and sideloading would undermine, not enhance competition. In smartphones for example, the only United States court to have fully considered federal antitrust claims against Apple, the United States Court of Appeals for the Ninth Circuit, [held](#) that Apple was not a monopoly, and Apple's app store and no-sideloading rules were pro-competitive, not anti-competitive, providing both interbrand competition and giving consumers the ability to choose the safer alternative. This proposed legislation would undermine the considered and adjudged competition on the merits, choice, and user security in an era of cyber conflict. In short, the proposed legislation would abandon vital and proven antitrust law in favor of failed technology market regulation and undermine Vietnam's national security. This is the wrong path in an era of global technology opportunity.

#### ***Amendment to Article 27 Regarding Data Access and Data Sharing Requirements***

A trustworthy digital ecosystem depends on confidence that data will be handled securely and responsibly, making it essential that competition objectives be carefully balanced against privacy and security considerations. Requiring companies to provide business users with access to data generated through their activities can also create tensions with privacy, cybersecurity, intellectual property, and trade secret protections. Determining which data must be shared, under what conditions, and at what cost can be highly complex.

Europe's experience with the DMA provides an instructive experience here. Under Article 6.7 of the DMA, one company was [required to provide](#) third-party devices with access to the content of all smartphone notifications. In practice, this gave third parties access to a broad range of sensitive and personal information that even the smartphone provider itself can't see. These changes enable third-party connected apps to intercept, store, and monitor personal communications at scale without basic protections — sidestepping the security and privacy protections built into the platform's governance mechanisms. The rules also undermine the built-in security of notifications by busting open the inherent strength of end-to-end-encryption that protects notifications from being interrupted or unencrypted. Vietnam should avoid repeating Europe's mistakes.

#### ***Amendments to Articles 10 and 26 Regarding Market Share and Substantial Market Power***

A trustworthy digital ecosystem depends not only on preventing anti-competitive conduct but also on ensuring that regulatory standards are transparent, predictable, and consistently applied. The proposed amendments seek to modernize competition analysis for the digital economy by expanding how market share and market power are assessed,



incorporating factors such as user numbers, transaction volumes, supplier participation, data collection capabilities, and a platform's ability to influence transactions and user behavior. While these changes recognize that digital markets often function differently from traditional markets, they also introduce significant uncertainty into competition enforcement. High user participation or access to large datasets does not necessarily indicate durable market power, particularly in rapidly-evolving technology markets where switching costs may be low and competitive conditions can change quickly.

Moreover, concepts such as the ability to "exploit data" or "influence user behavior" can be difficult to measure objectively and may encompass many legitimate business practices that improve user experience, security, and service quality. Without clear definitions and predictable methodologies, businesses may face challenges determining when they are likely to be considered dominant, increasing compliance risks and potentially discouraging investment, innovation, and market entry.

## **Conclusion**

Trusted Future appreciates the Ministry providing this opportunity to provide comments on the amendments it is considering. We share the goal of wanting to create a digital environment that protects consumers and benefits all. We also believe that trust is essential to achieve this goal and is how we view the above comments. We have closely studied the lessons from policy experiments around the world and humbly offer this advice based on that analysis.

We hope the Ministry will use this opportunity to take an approach that continues to support the essential elements necessary for driving trust throughout the mobile ecosystem by ensuring any changes ensure privacy, safety, and security measures remain a core priority.