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RESEARCH ARTICLE

VIETNAMESE LAW ON CONSUMER RIGHTS PROTECTION FOR IMPORTED GOODS

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Abstract

This article analyzes the current legal framework regarding consumer rights protection for imported goods in Vietnam in the context of increasingly extensive international economic integration. The study aims to identify existing limitations in current regulations and propose comprehensive solutions to ensure consumer rights align with international practices. Utilizing analytical and comparative legal research methods, the article examines key legal documents such as the Law on Consumer Rights Protection 2023, the Law on Quality of Products and Goods, and related decrees. Research findings indicate numerous gaps in the legal system: lack of uniformity in quality control, difficulty in assigning legal liability for cross-border transactions, inefficient management coordination, and a limited role for consumer protection organizations. The article recommends improving the legal framework towards synchronization, enhancing enforcement capabilities, clarifying the responsibilities of e-commerce platforms, and fostering societal roles in consumer protection, thereby promoting a safe, transparent, and sustainable consumer environment.

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Introduction:-

In the context of profound globalization and extensive international economic integration, the number of goods imported into Vietnam is continuously increasing, varying widely in type, origin, and distribution channels. Along with the vigorous development of cross-border e-commerce, Vietnamese consumers can now access imported goods more quickly and conveniently than ever before. Nevertheless, these opportunities are accompanied by numerous legal and practical risks: substandard imported goods, untraceable origins, violations of safety standards, label fraud, false advertising, or difficulty in identifying the responsible party when damage occurs. This reality poses an urgent need to refine the legal framework for consumer rights protection concerning imported goods.

Current Vietnamese law, especially the Law on Consumer Rights Protection 2023, has initially established fundamental principles, rights, and safeguard mechanisms for consumers. However, these provisions remain general and do not fully reflect the specific characteristics of imported goods. The lack of uniformity among the Law on Consumer Rights Protection, the Law on Foreign Trade Management, the Law on Quality of Products and Goods, the Commercial Law, and their guiding documents leads to overlaps, omissions, or conflicts in determining the legal liability of importers, distributors, and intermediary organizations. Meanwhile, mechanisms for quality

control, origin traceability, and dispute resolution pertaining to imported goods remain significantly limited, particularly when foreign business entities operate via digital platforms or e-commerce. Studying the theoretical and practical foundations of consumer rights protection for imported goods holds significant scientific and practical importance. On one hand, it aids in clearly identifying the nature and characteristics of the legal relationship between consumers, importers, and related parties; on the other hand, it serves as a basis for proposing solutions to perfect the law and enhance implementation effectiveness, aligning with the requirements of international economic integration and ensuring human rights within the Socialist Rule of Law State of Vietnam. This article focuses on analyzing: (i) a general overview of consumer protection for imported goods; (ii) the current situation of legal provisions in Vietnam; and (iii) several solutions to improve laws and enhance the effectiveness of consumer protection in the new context.

Literature Review:-

Consumer protection is considered as an interdisciplinary institution, established in order to address information asymmetry and economic power imbalance between consumers and producers/businesses. According to the United Nations Guidelines for Consumer Protection (UNCTAD)¹, policies and laws on consumer protection are understood as “the totality of principles, mechanisms, and measures aimed at ensuring that consumers are safe, informed, able to choose, and able to complain and receive compensation when their legitimate rights and interests are infringed upon”. From a market governance perspective, OECD (2020)² identifies that “consumer protection is an essential component of a market economy, contributing to strengthening trust, promoting fair competition, and sustainable development”³. This approach places consumer protection in an organic relationship with market efficiency and the State's regulatory capacity.

From an academic perspective, international scholars such as Howells and Ramsay (2006) assume that consumer protection is “a mechanism for balancing power in the market, by limiting the abuse of informational and economic power by manufacturers and traders against consumers”⁴. Therefore, the essence of consumer protection is not merely establishing rights for a vulnerable social group, but also serving as a market regulation tool, ensuring fairness and social trust in commercial activities. In Vietnam, the concept of consumer protection has evolved in an expansive direction, moving from solely focusing on the civil rights of purchasers to a broader scope, encompassing social rights, human rights, and the public duty of the State in protecting public interests. Consumer protection is an activity of the State and society aimed at ensuring consumers enjoy safe, quality goods and services that meet standards, and have mechanisms for redress and compensation when their rights are infringed upon; thereby contributing to maintaining social order, safety, and fairness in consumer relations.

Hence, this concept emphasizes two essential elements: (i) the State's guarantee – demonstrated by establishing the legal framework and enforcement mechanisms; and (ii) the social aspect – reflected in the participatory role of organizations, businesses, and consumers themselves. This perspective is consistent with the multi-stakeholder approach developed by European scholars like Howells and Ramsay (2006), which views consumer protection as a shared responsibility among the State, businesses, and civil society. From this, it can be broadly concluded that consumer protection is the totality of legal-social views, principles, and measures aimed at ensuring consumers enjoy their legitimate rights and interests in the process of purchasing and using goods and services; while also ensuring order, transparency, and safety in the consumer market. From the subject matter, imported goods is a broad concept, approached from various perspectives. According to the U.S. Customs and Border Protection (CBP), imported goods are any goods brought into the customs territory of the United States from abroad, regardless of

¹ UNCTAD (2017), United Nations Guidelines for Consumer Protection, United Nations Publication, New York and Geneva. <https://unctad.org/topic/competition-and-consumer-protection/un-guidelines-for-consumer-protection> accessed on October 24th, 2025.

² OECD (2020), Consumer Policy Toolkit, OECD Publishing, Paris. https://www.icpen.org/sites/default/files/documents/OECD_Consumer_Policy_Toolkit.pdf accessed on October 24th, 2025.

³ OECD (2020), Consumer Policy Toolkit, OECD Publishing, Paris. https://www.icpen.org/sites/default/files/documents/OECD_Consumer_Policy_Toolkit.pdf accessed on October 24th, 2025.

⁴ Howells, G., & Weatherill, S. (2006). Consumer Protection Law (2nd ed.). Farnham: Ashgate Publishing Company.

whether such goods are subject to import duties. Key characteristics of imported goods include: Imported goods may be subject to import duties, special consumption tax, or may be exempt from duty, depending on the type of goods and trade agreement. Some goods must comply with strict regulations from the FDA (Food and Drug Administration), USDA (Department of Agriculture), and EPA (Environmental Protection Agency). Forms of import include: commercial import, personal import, temporary import and re-export import. According to the European Union (EU)⁵ Customs Code (Regulation No 952/2013), imported goods are defined as: “Goods originating from outside the European Union that are brought into the customs territory of the EU, regardless of their intended use”. One key characteristic of EU imported goods is that they must comply with rules of origin, safety standards, and environmental protection regulations, such as CE Marking (certification that a product conforms to European standards). Import duties are applied based on the EU's Common Customs Tariff (CCT). Some goods may be subject to import quotas or strict controls (ex: food and medicines).

The concept of imported goods according to the Customs Law of China is: “Goods brought into the customs territory of China from abroad or from special areas such as Free Trade Zones (FTZ) for consumption, production or circulation”. Chinese imported goods apply a flexible import tariff schedule, with different duty rates based on bilateral or multilateral trade agreements. Lots of goods must comply with national GB standards (Guobiao Standards) to ensure safety and quality. China implements strict control policies for imported goods in strategic categories such as high-tech products, food and pharmaceuticals⁶. According to the Customs Law of Japan, imported goods are goods brought into the territory of Japan from abroad that have not yet completed customs clearance procedures⁷. One key characteristic is that imported goods are subject to import duties, consumption tax (similar to VAT), and other customs fees. Japan applies strict standards for quality, food safety, and environment, which are controlled by agencies such as the Ministry of Health, Labor and Welfare (MHLW). Several goods, such as fresh food, chemicals, and electronic devices, must undergo special inspections before being circulated in the market.

In academic research, scholars such as Trebilcock and Howse (2005) consider imported goods to be “the product of cross-border transactions, subject to the simultaneous regulation of the laws of the country where they are imported and the rules of international trade”⁸. In Vietnam, the concept of imported goods is regulated in legal documents such as the Customs Law 2014, the Law on Foreign Trade Management 2017 and guiding implementation documents. According to the provisions of Clause 5, Article 3 of the Customs Law 2014, “Imported goods are goods brought into the territory of Vietnam from abroad or from non-tariff zones into the domestic market”. Imported goods possess a complex nature because their production, inspection and circulation processes occur beyond the direct control of the importing State, thereby making the assurance of consumer rights for these goods highly dependent on the inspection and supervision mechanisms and the responsibilities of the importer. This perspective conveys the meaning that: (i) imported goods are cross-border subjects, involving an intermingling of legal systems; and (ii) consumer protection for imported goods relies on the legal responsibilities of intermediary entities, particularly importers, distributors, and e-commerce platforms.

Therefore, in spite of differences in tax rates, control policies and technical standards, most countries define imported goods as goods brought into their territory from abroad and subject to customs regulations, tariffs, and safety standards. Based on the foregoing foundations, a definition for consumer protection concerning imported goods can be proposed as follows: “Consumer protection for imported goods is the aggregate of legal and social perspectives, principles, and mechanisms designed to safeguard the legitimate rights and interests of consumers in the process of accessing, purchasing, and utilizing goods of foreign origin, through the establishment, delimitation, and enforcement of responsibilities among entities within the cross-border supply chain”. This definition includes three core elements: the protected subjects (consumers – the information-disadvantaged party), the object (imported goods – inherently risky and difficult to control directly), and the protection mechanism (a multi-party, multi-level system of rules and enforcement).

⁵ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast) <https://eur-lex.europa.eu/eli/reg/2013/952/oj/eng>.

⁶ Customs Law of the People's Republic of China, <http://english.customs.gov.cn/statics/644dcae-ca91-483a-86f4-bdc23695e3c3.html>, accessed on October 24th, 2025.

⁷ Customs Act of Japan, <https://www.japaneselawtranslation.go.jp/en/laws/view/3703/en> accessed on October 24th, 2025.

⁸ R. Howse & M. Trebilcock (2005), *The Regulation of International Trade*, Routledge. https://web.stanford.edu/~judy/ps241/tr_ho99d.pdf accessed on October 24th, 2025.

Results and Discussion:-

The current status of Law on Consumer Protection for Imported Goods in Vietnam:-

In the context of deep international economic integration, Vietnam is becoming an open market with an increasingly large and diverse volume of imported goods. The development of cross-border e-commerce, especially through digital platforms such as Shopee, Lazada and TikTok Shop, has brought many opportunities for Vietnamese consumers to access new goods, but at the same time, it has also posed complex challenges in ensuring their rights. Vietnamese law has gradually been established and refined, as evidenced by the Law on Consumer Rights Protection 2010, which has now been replaced and perfected by the 2023 Law, effective from July 1st, 2024. Compared to the previous period, the new Law has expanded its scope of regulation, covering both cross-border transactions and imported goods, while also specifying more concrete provisions for 11 fundamental consumer rights, such as the right to safety assurance, the right to accurate information, the right to complain, the right to compensation for damages, and the right to personal data protection⁹. Nevertheless, in fact, the synchronization between the provisions of this Law and specialized legal documents such as the Law on Product and Goods Quality 2007 (amended 2018), the Law on Food Safety 2010, the Customs Law 2014, the Commercial Law 2005, etc. remains limited, leading to regulatory gaps in addressing acts infringing upon consumer rights concerning imported goods.

A prominent gap lies in the mechanism for controlling the quality of imported goods. Today, the activities of inspection, conformity certification, declaration of technical standards and specialized inspection are carried out concurrently by multiple agencies: the Ministry of Science and Technology, the Ministry of Industry and Trade, the Ministry of Health, the General Department of Customs, and several other ministries. Due to the lack of a unified focal point, the promulgation and application of technical regulations are often overlapping, and sometimes even contradictory. The post-market inspection mechanism remains weak, leading to situations where sub-standard goods, counterfeit goods, prohibited goods, or goods containing hazardous elements can still penetrate the domestic market. As a result, consumers face high risks, while the responsibility for control is fragmented among multiple agencies. Next, identifying the last responsible entity in the imported goods supply chain remains a legal issue not yet thoroughly resolved. The Law 2023 stipulated obligations for organizations and individuals involved in manufacturing, importing, distributing, and retailing¹⁰; however, these provisions are not sufficiently clear for cross-border goods. In many situations, goods are sold via foreign platforms where sellers have no commercial presence in Vietnam, rendering it impossible to determine who the “importer” is to bear legal responsibility. When an infringement or damage occurs, consumers can almost solely contact the e-commerce platform, which acts merely as an intermediary, thus rendering the right to compensation merely formal. This gap significantly diminishes the actual protective effect that the law is intended to provide.

Moreover, information transparency and traceability of imported goods present another prominent issue. The regulations concerning goods labeling, conformity declaration, and the provision of product information have not kept pace with the specific characteristics of electronic transactions. On online platforms, many imported products do not fully display information regarding their origin, safety standards, or risk warnings. Several selling websites only use foreign languages, lack traceability codes, and do not store sufficient electronic transaction data, thereby making it impossible for consumers to prove the origin or value of goods when filing a complaint. Hence, though legally consumers possess the “right to know”, in fact, this right cannot be effectively exercised. Another significant gap relates to the mechanism for resolving cross-border complaints, compensation, and disputes. Currently, there are no specific regulations on mandatory complaint response deadlines for imported goods, nor has a legalized Online Dispute Resolution (ODR) system been established. Consumers whose rights are infringed upon often have to independently contact numerous agencies, a process that is prolonged and costly, causing the majority of complaints to remain unresolved. Furthermore, the Consumer Rights Protection Associations, which have the role of representing the lawsuit, lack the power and resources to perform this function in a substantive way.

Concurrently, the sanctions for violations infringing upon consumer rights in the field of imported goods are insufficiently deterrent. The current administrative fine levels are, in many circumstances, lower than the economic benefits gained by businesses from such violations. Measures such as the confiscation of illicit gains, public rectification, and temporary business suspension are rarely applied, while the criminalization of certain dangerous

⁹ See Article 4 of the Law on Consumer Rights Protection 2023

¹⁰ See Articles, from Article 14 to Article 36, Law on Consumer Rights Protection 2023

acts (ex: producing or importing goods that affect public health) remains limited. Consequently, businesses may view “violations” as normal business costs, thereby eroding consumer trust and the effectiveness of the law. Another interdisciplinary gap is the lack of effective coordination among regulatory agencies. The mechanism for exchanging information and warning data among Customs, Industry and Trade, Science and Technology, Health, Agriculture, etc., has not yet been digitized and interconnected. There is no central coordinating agency responsible for compilation, leading to a situation of “a lot of points of contact but no ultimate responsibility”. Meanwhile, local surveillance systems, where imported goods circulate widely, lack human resources, funding, and technical tools.

Finally, in the context of digital transformation, a new gap has emerged regarding the nexus between consumer protection and personal data protection. The Law 2023 recognizes data rights, but the scope and methods of their enforcement are heavily dependent on the Law on Personal Data Protection 2025, for which there is currently no clear coordination mechanism between the two statutes. This makes consumers vulnerable to having their personal data collected, used, or transferred abroad without effective protective measures. Overall, the gaps mentioned above show that the legal system on consumer protection for imported goods in Vietnam is still in the stage of completion, lacking consistency and effective enforcement. The fragmented institutional structure, technical standards that have not kept pace with digital reality, vague cross-border legal responsibility, and weak enforcement capacity of consumer protection institutions have created significant limitations in safeguarding consumer rights. Remediating these gaps requires a systemic approach, integrating consumer protection law with laws on trade, customs, technical standards and personal data so as to build a safe, transparent, and fair consumer environment in the era of digital integration.

The gaps and limitations in the legal system to protect consumer rights for imported goods are not only a problem of legislative techniques, but also reflect deep-seated institutional, managerial and resource causes, associated with the characteristics of the transformation and integration process in Vietnam today: Firstly, due to the dispersed legislative mindset and institutional structure. The current law on consumer protection is built in the direction of “multi-sectoral”, governed by many specialized laws such as trade, customs, product quality, food safety, e-commerce, personal data protection, etc. However, there is no unified coordination mechanism or a lead agency primarily responsible for consumer protection policy. This fragmentation results in legal provisions lacking interconnectedness, leading to overlaps or conflicts, particularly in the determination of responsibility and the handling of violations pertaining to imported goods. Consequently, the application of law becomes complex, making it difficult to establish grounds for enforcement when consumer rights are infringed.

Secondly, due to the weak capacity of enforcement and coordination between state management agencies. While the number of imported goods is rapidly increasing, the state management capacity, especially at the local level, has not been strengthened proportionally. The systems for quality inspection, market surveillance, and specialized inspection remain manual, lacking data connectivity among ministries and sectors. The fragmentation of management by sector (e.g., the Ministry of Industry and Trade manages circulation; the Ministry of Science and Technology is responsible for standards; the Ministry of Finance – General Department of Customs controls border gates) results in no single agency holding comprehensive responsibility for the entire supply chain of imported goods. In addition, local enforcement officials lack adequate equipment, specialized knowledge, and technology application skills, leading to a “superficial inspection” approach and an inability to detect goods violating standards or infringing upon consumer rights.

Thirdly, due to the low level of information digitization and standardization. The current laws have not established a national database regarding non-compliant imported goods, product safety warnings, or consumer complaint information. The absence of a unified digital platform renders monitoring, tracing, and data sharing among management agencies slow and inefficient. In the context of the strong development of electronic transactions, this delay not only reduces the state's management capacity, but also makes consumers unable to access timely information to protect their rights. Fourthly, due to the limited legal awareness and self-protection capacity of consumers. One large part of Vietnamese consumers has not yet developed the habit of retaining transaction documents, electronic invoices, or utilizing official complaint channels when their rights are infringed upon. They often choose to “bear the risk themselves”, especially in small transactions or inexpensive imported goods. This lack of proactive engagement prevents regulatory bodies from receiving sufficient social feedback to assess risks, while also reducing the effectiveness of existing consumer protection mechanisms.

Fifthly, due to the coordination mechanism between national law and international commitments has not been fully implemented. Vietnam has participated in numerous new-generation free trade agreements such as CPTPP, EVFTA and RCEP, in which include commitments regarding consumer protection, information transparency, and product safety. However, the domestication of these obligations remains slow and fragmented. Several provisions within these agreements concerning origin traceability, the liability of intermediary service providers or the sharing of goods information have not been consistently implemented within the domestic legal system, thereby preventing Vietnam from fully leveraging “positive technical barriers” to safeguard consumers against the influx of imported goods. Sixthly, due to the weak financial and legal mechanisms of social organizations to protect consumers. Most of the Consumer Rights Protection Association operates based on the State's support funds and voluntary contributions, so there are no conditions to carry out independent supervision activities, social investigations or lawsuit representation. The lack of a legal mechanism enabling the Association to initiate collective lawsuits, participate in the development of technical standards, or engage in policy critiques limits the social role of these organizations, preventing them from becoming an “extended arm” of the State in consumer protection.

Solutions to perfect the law and improve the effectiveness of consumer rights protection for imported goods in Vietnam:-

Based on the gaps and causes analyzed above, it can be seen that perfecting the consumer protection mechanism for imported goods requires a comprehensive approach, combining legal enhancements, strengthening the effectiveness of state management, bolstering the role of civil society and promoting consumers' right to self-protection. Below are several key groups of solutions. Firstly, perfecting the legal framework in the direction of synchronization, transparency and feasibility. First of all, it is necessary to continue to review, amend, and unify the provisions between the Law on Protection of Consumer Rights 2023 and relevant specialized laws such as the Commercial Law 2005, Customs Law 2014, Law on Quality of Products and Goods 2007 (amended 2025), Law on Food Safety 2010, and Law on Personal Data Protection 2025. The core objective is to establish a unified coordination mechanism across these domains, ensuring no gaps exist in determining the legal responsibilities of entities participating in the imported goods supply chain. Additionally, detailed guiding documents must be issued concerning the responsibilities of importing organizations and individuals, distributors, cross-border sales agents, and clearly defining the responsibilities of e-commerce platforms in inspecting and verifying information about imported goods.

For goods sold through foreign platforms, it is necessary to supplement the regulation on “legal representatives in Vietnam”, who are legally responsible for product quality and safety for Vietnamese consumers. At the same time, the mechanism for mutual recognition of standards and technical regulations with partners in new-generation FTAs should be clearly defined, thereby reducing overlap in specialized inspections but still ensuring product safety requirements. The completion of the legal framework must aim at transparency, consistency and high applicability, rather than just expanding the power on paper. Secondly, strengthening the capacity and effectiveness of state management agencies. One of the prerequisites for laws to be effective is the existence of robust enforcement mechanisms. The State needs to establish a central coordinating agency for consumer rights protection, which could be a unit within the Ministry of Industry and Trade endowed with higher authority, or a specialized inter-agency committee. This agency must have the functions to collect, share, and alert data regarding infringing imported goods, while also coordinating activities among Customs, Science and Technology, Health, Agriculture and market management agencies.

The post-inspection and circulation monitoring system for imported goods needs to be strengthened through the establishment of a national database on products, standards, and violations; by enhancing the application of electronic traceability technology and product identification codes (QR codes); and by investing in inspection equipment and improving the capacity of market management forces and specialized inspectorates. Additionally, it is necessary to establish a real-time data sharing mechanism between ministries and localities, to reduce the situation of “formal inspection” and “management overlap”. Thirdly, enhancing the enforceability of the complaint, compensation and dispute settlement mechanism. It is necessary to supplement mandatory regulations on the time limit for responding to complaints of organizations and individuals trading in imported goods, similar to international practices, within 7-15 working days. At the same time, the State should build and operate an Online Dispute Resolution (ODR) platform, connected to large e-commerce platforms, so that consumers can submit complaints, compare evidence and receive processing results in the digital environment.

For complex or cross-border disputes, a cooperation mechanism should be established between national regulatory bodies and consumer protection organizations within the ASEAN region and with FTA partners, to assist in tracing

suppliers, recalling products, and addressing violations. Along with that, the right to initiate a collective lawsuit and the right to legal representation should be given to social organizations to protect consumers, helping them to intervene earlier and more effectively in cases affecting the common interest. Fourthly, enhancing the capacity, powers and social role of consumer protection organizations. Consumer protection associations need strengthening with financial resources, human resources and legal powers to fully perform their roles. The State may consider establishing a Consumer Protection Fund from the revenue of fines for administrative violations or contributions of enterprises, in order to support independent supervision, legal advice and communication activities.

Concurrently, it is essential to give these organizations the right to compulsory participation in the process of developing technical regulations and policies on imported goods and e-commerce. The inclusion of consumer voices in the policy-making process not only improves democracy in state governance but also helps the law become closer and more feasible in practice. Fifthly, strengthening legal education and promoting the role of self-protection of consumers. Along with perfecting the law, it is vital to concentrate on improving the legal awareness and self-protection capacity of consumers. Law propaganda and dissemination programs should be designed flexibly, associated with the digital transaction environment, helping consumers understand their rights and obligations, know how to store electronic documents, verify the origin of goods and use official complaint channels when infringed. The State, enterprises and social organizations need to coordinate to build a culture of responsible consumption, in which consumers are not only protected, but also active subjects in market monitoring and feedback. The development of a public information platform about violations, recalled products and risk warnings is also an effective measure to help consumers prevent risks and simultaneously create pressure on businesses to comply with the law.

Conclusion:-

The protection of consumer rights in relation to imported goods represents both a pressing practical necessity and a long-term strategic objective in the context of Vietnam's deeper international economic integration. The analysis in this article demonstrates that, although Vietnam has built a relatively comprehensive legal foundation through the Law on Protection of Consumer Rights 2023 and related statutes, the system remains fragmented, inconsistently enforced, and insufficiently adapted to the dynamics of cross-border commerce and digital transactions. The persistence of legal gaps- in quality control, allocation of liability, information transparency, dispute resolution, and inter-agency coordination- reflects structural weaknesses in legislative design, institutional capacity, and policy coherence. Consequently, the protection of consumer rights for imported goods in Vietnam remains more declarative than practical. To address these shortcomings, it is essential to adopt a systemic and integrative reform approach, linking consumer protection with trade, customs, technical standards, and personal data laws. Equally important is strengthening the role of consumer associations, e-commerce platforms, and the consumers themselves in monitoring and enforcing compliance. Only through such a coordinated, multi-stakeholder framework can Vietnam build a modern and resilient legal system that ensures safety, transparency, and fairness in consumer relations- a crucial foundation for sustainable market governance in the digital and globalized era.

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