

Distribution Services Management in Vietnam in the Context of International Economic Integration

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Abstract: In the period of 2011-2020, Vietnam has entered the 3rd strategic phase of Doi Moi (Renovation). That scientific bases are studied for making plans for distribution services in Vietnam in the context of integration not only comes from the internal development of such industry but it is also considered as a necessary requirement in implementing the national socio-economic development strategy. It is done by analyzing the main state orientations on improving the management of the distribution services as well as institutional framework and regulations, thereby discussing achievements and limitations in this field. As a result, in this article, the author has suggested some recommendations to the Government, the Ministry of Industry and Trade and local Departments of Industry and Trade to improve the distribution services management in Vietnam in the context of integration.

Key words: distribution services; distribution; state management; institutions

JEL codes: D30

1. Main Orientations Given by the State in Developing and Improving the Distribution Services Management

Pursuant to the Prime Minister's Decision No. 27/2007/QĐ-TTg dated February 15, 2007, on approving the Scheme on domestic trade development up to 2010 and orientations toward 2020, the overall objectives of the development policy on distribution services in Vietnam is to build a firmly developed and modern domestic trade with a reasonable structure of distribution systems and channels involving all economic sectors and various types of organization and operating in a competitive environment under the State's macro-management and regulation; To attach importance to developing small-sized enterprises and business households; at the same time, to encourage and promote the formation of large-sized enterprises throughout the course of accumulation and concentration, with a view to establishing big distributors of Vietnamese brands; To open the distribution market in strict accordance with the roadmap of World Trade Organization (WTO) accession commitments; To establish linkages between large-sized and small-sized enterprises in organizing markets, thus gathering strengths for effective cooperation and competition with foreign conglomerates after Vietnam opens its distribution service market. On this basis, to promote the role and position of domestic trade in orientating and boosting production development, guiding and satisfying increasingly diversified consumption demands of the people, thus

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contributing to developing export and stepping up economic restructuring and growth.

Some main development orientations are as follows:

- To develop enterprises of diversified types and different sizes, which will increase in quantity and operate after modern and professional models in accordance with the rules of goods circulation.
- To develop diversified types of trade infrastructure suitable to the characteristics and development level of the market in each geographical area (region, area, locality or the whole country), and harmoniously combine traditional trade with modern trade.
- To develop models of circulation based on each goods line's market, suitable to production characteristics and level, consumption trend and satisfaction modes, and meeting requirements of the State's macro-management.

2. Some Legal Frameworks for Distribution Services Management

The current distribution services management system is divided into two levels, namely, central one and local one.

At the central level:

The Government issues legal documents and guides for implementation, modifies policies if necessary, monitors and inspects the implementation, etc. Ministries and Governmental agencies that take part in the management of distribution services are:

The Ministry of Industry and Trade is a Government agency whose functions are to perform the State management of domestic goods circulation, the market management, and the development of a general trade master plan with a focus on developing the trade infrastructure plannings towards the strategic improvement of domestic distribution channels. A number of regional master plans have also been developed to develop the national market.

Of the 30 units under the Ministry of Industry and Trade, Planning Department, Domestic Markets Department, Multilateral Trade Policy Department are responsible for advising the Minister about performing the State management of goods circulation (including licensing and/or checking and approving in some cases) and conducting the market development as required by law. In addition, the Ministry of Industry and Trade has its own nationwide market management network that monitors, inspects and prevents all fraudulent distribution acts such as: doing business not in accordance with the license, selling counterfeit and pirated goods, etc.

In addition, relevant ministries such as Ministry of Planning and Investment, Ministry of Health, Ministry of Agriculture and Rural Development, etc. also coordinate with Ministry of Industry and Trade to perform the state management, especially of the circulation of goods (i.e.: pharmaceuticals, food, plant varieties, domestic animals, veterinary drugs, plant protection drugs, etc.) under the state management of specialized ministries.

At the local level:

Departments of Planning and Investment in the provinces and cities are agencies that issue "business registration certificates" for Vietnamese enterprises. Business registration is governed by the Enterprise Law and a number of Decrees and Circulars guiding the implementation of business registration (i.e.: Decree 96/2015/ND-CP).

Department of Planning and Investment is also an agency whose function is to receive the dossiers of foreign investment companies that want to do business in Vietnam. Upon approval of applications, Department of

Planning and Investment will advise People's Committee about issuing an Investment Certificate, which is part of the business registration process. Investment certificates are issued in accordance with Law on Investment, Decree No. 118/2015/ND-CP, Enterprise Law and Commercial Law, Decree No. 09/2018/ND-CP, Circular No. 08/2013/TT-BCT for distribution and trade activities.

Departments of Industry and Trade under the People's Committees of provinces and cities are responsible for guiding enterprises on relevant legal documents, licensing, implementation of local trade plans and policies, and supervising market operation, collecting and processing market information, reporting and suggesting recommendations, if any, to the Ministry of Industry and Trade.

3. Legal Documents on Distribution Services Management

Policies on domestic trade development can be divided into the following three groups: 1) The first one is to regulate the establishment and operation of enterprises; 2) The second one is to manage activities in the market; and 3) The third one is to monitor, check and control the market. Specifically as follows:

3.1 The System Regulating the Establishment and Operation of Enterprises

Investment Law and Enterprise Law 2014 stipulating the establishment and operation of private enterprises, foreign-invested enterprises such as limited liability companies and joint-venture companies; Documents guiding the establishment and operation of enterprises under these laws, namely, Decree No. 96/2015/ND-CP on detailing a number of articles of the Enterprise Law regarding business registration; Decree No.118/2015/ND-CP on detailing a number of articles of the Investment Law; etc.

Commercial Law 2005 recognizing the legal status of foreign traders in Vietnam in the form of representative offices, branches, joint venture companies and 100% foreign-owned companies; Documents guiding the establishment and operation of enterprises under these laws, namely, Decree No. 35/2006/ND-CP and Decree No.120/2011/ND-CP of the Government amending the Government's Decree No. 35/2006-CP on detailing the Commercial Law regarding franchise activities; the Government's Decree No. 187/2013/ND-CP on detailing the implementation of the Commercial Law regarding the activities of trading international goods and the commission activities of buying, selling, processing and transiting goods with foreign countries; Decree No. 09/2018/ND-CP on detailing the Commercial Law and the Law on Foreign Trade Management on goods trading and trading activities and activities directly related to the sale and purchase of goods by foreign investors, foreign-invested economic organizations in Vietnam; Circular No. 08/2013/TT-BCT on distribution and trade activities.

Law on Cooperatives (amended) regulating the establishment and operation of cooperative economy and cooperative organizations in Vietnam.

For foreign enterprises, the roadmap for the purchase and sale of goods and distribution activities is issued in the Minister of Industry and Trade's Circular No. 34/2013/TT-BCT dated December 24, 2013 to implement Vietnam's WTO commitments.

3.2 The System Managing Activities in the Market:

Regulations to enforce international commitments in opening distribution markets include: Ordinance on most favoured nation (MFN) treatment and national treatment in international trade; Ordinance on self-defense in importing foreign goods into Vietnam; Ordinance on combat against subsidy for goods imported into Vietnam; Ordinance on anti-dumping of goods imported into Vietnam. These regulations are aimed at preventing unhealthy

commercial acts arising from foreign countries into Vietnam, causing negative impacts on fair competition in the market of Vietnam.

Investment Law (2014) and Commercial Law (2005) classify commercial behaviors belonging to groups such as free business, business bans, business restrictions and conditional business. Also, in order to guide in detail the implementation of Commercial Law, the Government has issued a number of Decrees related to commercial activities. They are: Decree No. 35/2006/ND-CP and Decree No. 120/2011/ND-CP on amending Decree No. 35/2006-CP on franchise activities; Decree No. 09/2018/ND-CP on detailing the Commercial Law and the Foreign Trade Management Law on the activities of trading goods and the activities directly related to the sale and purchase of goods by foreign investors, foreign-invested economic organizations in Vietnam; etc.

Competition Law (2018), taking effective from July 01, 2019, is an important law governing the market, etc.

Tax laws such as export & import tax, value added tax, excise tax, corporate income, etc. used to regulate income, encourage or restrict investment and trade in accordance with the economic development plans and strategies.

Other laws governing activities in the market include: Civil Code (2015), Law on Intellectual Property (2005), Law on Electronic Transactions (2005), Law on Goods and Products Quality (2007) etc.; Price Law (2012) allowing the Government to regulate and stabilize prices of some essential commodities such as petroleum, liquefied gas, cement, steel, fertilizer, rice, coffee, cereals and cotton fiber, sugar, salt, some medicines for human treatment.

In addition, other legal documents include: Decision No. 27/2007/QĐ-TTg dated February 15, 2007 of the Prime Minister approving the Scheme on domestic trade development up to 2010 and orientations toward 2020; Decree No. 114/2009/ND-CP of the Government on amending and supplementing Decree No. 02/2003/ND-CP dated January 14, 2003; Decision No. 23/QĐ-TTg dated January 06, 2010 of the Prime Minister on approving the Scheme on “Rural trade development in the 2009-2015 period and orientations to 2020”; Decision No. 1371/2004/QĐ-BTM dated September 24, 2004 of the Minister of Trade on promulgating regulations on supermarkets and commercial centers (the only legal document on supermarket activities).

3.3 The System Monitoring, Checking and Controlling the Market

This system are operated by the Ministry of Health, the Ministry of Agriculture and Rural Development, the Ministry of Natural Resources and Environment, Market Surveillance Agency and Vietnam Competition Authority (Ministry of Industry and Trade); Departments responsible for goods quality management and intellectual property rights (Ministry of Science and Technology), etc. to prevent unhealthy trading activities, etc.

4. Assessment of the State Management of Distribution Services

4.1. Some Achievements

The speed of attracting employees into the industry is faster than that of the economy, as well as the service industry. This is a positive contribution of the industry into employment creation and labor structure shift during the industrialization period.

Along with the transition to a market economy, the wholesale, retail and repair industry is now one of the industries which are less dependent on investment from the state budget. The proportion of state investment in this sector accounts for only 10-20% of total social investment, much lower than the proportion of state investment in the economy (about 37-47%) and in the service sector (about 40-50%).

In this industry, development investment capital is more highly efficient than that in the whole economy and the service sector. If the capital investment to GDP ratio is calculated against the GDP growth rate, the Incremental Capital-Output Ratio (ICOR) of the economy in 2018 is 6.11 and that of the service sector is 6.3 but that of this industry is only 3.6. If compared in terms of investment capital and GDP per capita, the industry's average investment capital is 1/4 to 1/3 compared to the average of the service sector and 1/3 to 1/2 of the average of the economy, but a GDP per capita in this industry is only about 20% lower than that in the service sector and 1.1-1.2 times higher than that of the economy.

There has been a rapid increase in the number of enterprises, especially non-state-owned ones and foreign-invested ones in the industry during recent years. Therefore, the structure of wholesale, retail and repair of automobiles, motorbikes and other motor vehicles is becoming more diverse with various types of businesses in term of the number of enterprises and the level of participation in to the distribution channels, etc. A number of large-scale wholesale enterprises are operated towards the integration between wholesale activities and retail ones. Also, state-owned wholesale and retail enterprises still play an important role in the distribution of goods and services, especially in the areas which are considered to be critical.

Sub-sectors in the distribution services industry have been fully developed, including wholesale, retail, commission activities and franchising. In particular, the franchise sub-sector has tended to grow rapidly in during the recent years and some enterprises have carried out its franchise activities abroad.

The rapid growth of enterprises in the wholesale sub-sector, on the one hand, shows the increasing trend of demand in ensuring the supply and consumption of goods in the economy. On the other hand, it also shows that wholesale enterprises in the industry are increasingly playing an important and positive role in the growth and expansion of the economy.

In the retail sub-sector, modern retail forms have established rapidly, changing the appearance of the retail market in Vietnam, especially the retail market in big cities. Also, the quality of retail services on the market is also gradually improved to ensure convenience, comfort level, ability to provide sufficient information about goods, etc. for buyers.

There has been a lot of great progress in the legal and management system of the distribution sector since reforms, especially merging two previous investment laws (domestic investment and foreign investment), simplifying business licensing system and allowing foreign investors to own 100% capital of enterprises established in Vietnam.

Through the orientations and policies for domestic trade development, commercial infrastructure has been significantly improved. In particular, traditional markets have been upgraded; many supermarkets and commercial centers, etc. have been newly built. This has better and better met the consumers' needs of spending and purchasing goods and promoted goods circulation.

4.2 Shortcomings, Limitations and Causes

In addition to the above results, in general, the distribution services industry in Vietnam is still developing at a low level, with a small and dispersed scale, and high costs. Specifically as follows:

Individual business units are still mainly considered as economic units in the industry. Also, there are mainly small-sized enterprises in the industry. In particular, enterprises with less than 5 employees account for 56.19% and ones with their capital of less than VND 1 billion account for 21.9%. This figure will reach 64% of the total number of enterprises in the industry in term of capital of less than VND 5 billion.

Wholesale channels are usually long channels with many participants, including agents, main wholesalers, sub-wholesaler, etc. Also, wholesalers who take part in the small scale are mostly households or very small and small enterprises. Wholesalers have almost no capacity to provide logistics services, as well as other value-added services. As a result, distribution costs are high due to the complexity and length of distribution channels, as well as the shortage of logistics services, etc.

Wholesale costs have tended to increase in recent years, especially labor costs, transportation costs and warehousing costs. In fact, according to statistics, the profitability of wholesale enterprises decreased from 1.40% in 2010 to 0.95% in 2017.

Wholesale goods in traditional markets and wholesale markets (mainly agricultural products and handicrafts) are mostly not labeled with the products, or names and trademarks of wholesalers.

Currently, retail activities in Vietnam are still mainly undertaken by small business households and these households often use their houses as retail stores. According to the results of the General Statistics Office of Vietnam, individual business establishments account for over 90% of the total economic units in the industry and their revenue tends to increase, reaching nearly 60% of the total retail sales. Therefore, it can be said that most of the retail forces still lack professionalism and ability to provide customers with a full range of retail services such as price information, goods quality, sales environment comfort, etc.

Retail enterprises which only have one sales establishment account for a large proportion. These enterprises often lack the initiative to ensure goods sold, especially the ability to maintain prices due to the dependence on wholesalers, including sub-wholesalers.

During the recent year, there has been a growing tendency for costs in retail activities, especially labor costs, transportation costs and costs of renting and purchasing retail premises. In fact, according to the statistics, there is a reducing tendency for the profitability of retail enterprises.

It is very difficult to control the origin, quality and price of retail goods sold in traditional markets and private stores (Legal regulations on listing retail prices are hardly followed), etc.

Modern retail methods from multinational corporations (MNC) such as Korean Lotte, Japanese Aeon and Seiyu, Malaysian Parkson, Big C, Hong Kong Dairy Farm, CP All Thailand, etc. has created a dynamic development in the retail sector. However, Vietnam's distribution sector in general and Vietnam's retail sector in particular is still in a state of low productivity and competitiveness.

The current management system for distribution services is still inconsistent and unclear mainly due to the decentralization of functions and powers from the central to local levels. The current management system is also negatively affected by the lack of transparency and inconsistency in terms of conditions for entering the distribution services market.

Here are some major causes for the above said shortcomings:

Firstly, it can be said that it is the underdevelopment of the economy that is a reason for the underdevelopment of the distribution services industry. In fact, in 2009, Vietnam surpassed the threshold for low-income countries (GDP per capita is 1,000 USD or more). The majority of consumers are still only able to pay for their essential consumer needs but are not able to pay for value-added services in the distribution sector. Also, industrialization and urbanization have only been strong in the past twenty years. The economy is still in the transition from small farm production scale to industrial one. The scales and modes of production and consumption are small, scattered and outdated. The labor force involved in distribution activities is still mainly untrained people working in the agricultural field. There are many limits in infrastructure conditions, especially

transportation infrastructure. Therefore, there are many limits in conducting the large-scale supply of goods because of high and expensive costs.

Secondly, legal frameworks governing distribution activities are still in the development and amendment period. For examples, the Law on Enterprises and the Law on Private Enterprises were first enacted in 1990 and later amended in 1999, 2005 and 2014 or many new legal provisions such as the Competition Law, the Law on Quality of goods and products are enacted. Therefore, most of the enterprises in the private sector in general and in the distribution services sector in particular have a development history of about 10-15 years and often need to adjust their operations in accordance with the changes of policies in the innovation and completion process. The majority of State-owned enterprises in the distribution sector have just been equitized and reorganized. Moreover, there has not been a complete clearance between the management rights of the State and the production and business management rights of State-owned enterprises.

Besides, in the field of distribution, regulations related to wholesale and retail activities are still under review. Some people say that it is necessary to develop a Law on wholesale and retail activities, while others think that it is only necessary to enact by-laws. In addition, a very important issue is transparency during the development of new laws and regulations. In particular, local authorities have no formal obligation to systematically consult with stakeholders in the drafting (and pre-drafting) stages of the regulations. There are also a lot of confusion and inequality in business due to the inconsistency in the interpretation and application of local management agencies' regulations on the same document issued by the central level.

Thirdly, implementing integration policies has had a lot of positive impacts on the economy, especially in production and export development. However, it is domestic enterprises focus more on export that has reduced the development of the domestic market in general and the distribution channels of goods in particular. In fact, social investment levels in the distribution services industry in recent years is quite modest, especially investment from the State sector. Low investment is considered as the main reason for the scarcity of retail premises, especially in big cities, the lack of facilities to ensure the source of goods sold; the limited ability to provide wholesale and retail services, etc.

5. Conclusion and Some Recommendations

Distribution services play important roles in the economy. They not only make contribution to GDP and employment creation but they also play extremely important roles in supporting manufacturing industries as a service industry. Currently, the distribution services industry contributes about 13-14% of Vietnam's GDP. In fact, during the recent year, the distribution services industry has experienced a rapid growth in most of the development targets, especially an increase in the number of enterprises in the industry. In order to implement solutions for improving the distribution services management, it requires the participation and good implementation of state management functions at all levels and sectors, as well as the efforts of economic units in the industry. Specifically, the Government, concerned ministries, branches, the Ministry of Industry and Trade and economic units, professional associations and organizations are required to perform some of the following major tasks:

5.1 For the Government

Early review and propose the National Assembly of the Socialist Republic of Vietnam to put into a new drafting program, amend and issue a number of legal documents related to the development of the distribution

services industry such as: amending and supplementing the Commercial Law; or formulating a new law on regulating activities by sub-sectors of wholesale, retail, franchise and agent; amending and supplementing the Law on Intellectual Property to create a legal corridor to the development of franchise services; etc.

Direct ministries and branches to urgently elaborate and submit to the Government for promulgating legal documents on detailing and guiding the implementation of laws and decrees related to distribution activities (on the management of sales of goods subject to business restrictions or conditional business; administrative sanctions in the trade field, etc.); review and revise legal documents concerning hygiene and food safety, environmental protection, sustainable development (quality standards, food hygiene and safety standards, environmental standards) in order to protect the domestic market and consumers' interests; etc.

Develop a mechanism to coordinate and manage specialized ministries according to their assigned functions and tasks of directing functional bodies in intensifying market inspection and control; strictly handle acts of committing trade frauds, trading in counterfeit goods, goods of inferior quality, goods not up to food hygiene and safety standards, and industrial property-infringing goods, in order to assure the interests of consumers, enterprises and the State;

Formulate policy directions to support the development of distribution services industry and direct relevant ministries and sectors to issue support policies (investment support policies; incentives on taxation, credit and interest rate, etc.).

5.2 For Ministry of Industry and Trade

Assume the prime responsibility for formulating and submitting to the Prime Minister a scheme on raising the effectiveness of domestic market inspection in general and of distribution services inspection in particular. In particular, the leading state management agency role of Ministry of Industry and Trade needs to be enhanced in the field of distribution services, in the effectiveness of market inspection and control in goods quality and standards, food safety and hygiene, intellectual property, smuggling and trade fraud combat, business registration, to meet development and integration requirements, creating an equal competitive environment for entities of all economic sectors, and protecting consumers' interests.

Direct units within the Ministry and Departments of Industry and Trade to develop, review and approve or submit to competent authorities for approval sectorial development plannings and trade infrastructure development plannings throughout the country and in different economic regions, which are compliant with current provisions of law; inspect and supervise the implementation of the master plan on trade development and the plannings on infrastructure development.

Formulate and submit to the Government for promulgating a decree on regulating the competence and conditions and criteria for licensing wholesale and retail business facilities from the second onwards to foreign distributors; a decree on sanctioning administrative violations in the distribution services, etc.; review and revise legal documents concerning technical barriers (quality standards, food hygiene and safety standards, environmental standards) in order to protect the domestic market and consumers' interests;

Newly formulate/revise and issue regulations on managing distribution activities. In the immediate future, focus on a number of regulations: Regulations on the standards of retail stores in Vietnam used to replace the Regulations on supermarkets and trade centers under the Ministry of Trade's Decision No. 1371/2004/QĐ-BTM dated September 24, 2004; Regulations on the inspection, check and supervision of wholesale and retail activities in line with the State's management objectives; Regulations on the inspection of food hygiene and safety, origin of

goods, quality of goods, expiry date, etc.

5.3 For Department of Industry and Trade

Review, newly develop and submit trade development plans to the Provincial People's Committee for approval. Particularly, it is necessary to pay attention to the development of wholesale and retail systems and networks in the provinces.

Advise the Provincial People's Committee about developing, appraising and guiding to implement investment projects on the development of commercial infrastructure in the area according to the schemes and plans approved by the provincial People's Committee.

Advise the Provincial People's Committee about allocating and using investment capital sources for commercial infrastructure, including State budget-based investment support funds efficiently, practically and properly.

Improve the state management of wholesale, retail, agent and franchise activities in the provinces to promptly handle or suggest recommendation to competent authorities to handle violations.

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