

May 20, 2026

His Excellency Lê Minh Hưng

Prime Minister

Socialist Republic of Vietnam

1 Hoang Hoa Tham, Hanoi, Vietnam

U.S. BUSINESS COMMUNITY CONCERNS REGARDING DECREE GUIDING THE IMPLEMENTATION OF THE LAW ON ARTIFICIAL INTELLIGENCE

Your Excellency,

The undersigned organizations appreciate the Government of Vietnam's efforts to develop a legal framework for Artificial Intelligence (AI). As AI technologies continue to evolve rapidly and play an increasingly important role across numerous industry sectors, establishing clear and practical implementing regulations will be important to support responsible AI development and deployment while maintaining an environment conducive to innovation and investment in Vietnam –in line with the objectives of Resolution 57 on science, technology, innovation, and digital transformation.

In this context, our member companies have reviewed the recently issued Decree No. 142/2026/ND-CP guiding the implementation of the Law on Artificial Intelligence and are concerned that certain provisions will unnecessarily restrict the benefits AI can bring to Vietnam. We raise two strategic concerns and five specific issues.

First, Resolution 57 emphasizes that science, technology, innovation, and national digital transformation should serve as strategic breakthroughs and key drivers of Vietnam's future growth. However, the stringent regulatory approach and timeline for AI systems, particularly new systems coming online, risks constraining innovation, delaying the deployment of new technologies, and reducing incentives to invest, research, and commercialize AI products and services in Vietnam. Such constraints would not only slow the development of a dynamic digital economy, but also risk undermining the very objectives of Resolution 57 by making it more difficult for Vietnam to foster technological advancement, strengthen competitiveness, and position itself as an attractive destination for digital innovation.

Second, the United States and Vietnam reaffirmed, in their October 2025 Joint Statement on a Framework for an Agreement on Reciprocal, Fair, and Balanced Trade, a shared commitment to work constructively to reduce trade frictions, address non-tariff barriers, and finalize commitments on digital trade, services, and investment. In spirit of that framework, AI implementing regulations that are unnecessarily restrictive or operationally burdensome risk creating avoidable friction for U.S. technology and digital service suppliers and send an unintended signal that is not fully aligned with the cooperative and forward-looking direction of the bilateral relationship. A more proportionate, practical, and innovation-supportive approach to AI regulation therefore serves both Vietnam's domestic development objectives, while reinforcing confidence in

Vietnam’s commitment to constructive digital policies and a stable, predictable environment for bilateral trade and investment.

Given these concerns, we respectfully request that Vietnam:

- Introduce a phased implementation period for new AI systems that is aligned with the implementation for existing AI systems.
- Ensure there is sufficient public consultation for the development of the high-risk AI list so that industry feedback may be incorporated.
- Clarify that General Purpose AI (GPAI) systems are not treated as high-risk or even medium risk, absent specific high / medium risk use cases.
- Allow companies to leverage internationally recognized standards for high-risk AI requirements.
- Adopt more practical, flexible, and technology-neutral labeling requirements and/or clarify to which actor the labeling requirements reasonably pertain to.

We respectfully encourage the Government to consider amending the Decree to incorporate these changes and ensure Vietnam’s AI regulation is proportionate, practical, and supportive of innovation. We would also welcome continued engagement with relevant stakeholders to discuss how to include these changes. We have also included more detail on the specific provisions in the annex below.

We look forward to continued dialogue with the Government to help ensure that the implementation of Vietnam’s groundbreaking AI Law both safeguards public interests and supports the continued growth of Vietnam’s AI and innovation ecosystem.

Respectfully Yours,

Adam Sitkoff Executive Director AmCham Hanoi	Jared Ragland, PhD Vice President, Policy – APAC Business Software Alliance (BSA)
Jason Oxman President and CEO	Sean Heather Senior Vice President, International Regulatory Affairs

Information Council	Technology	Industry	U.S. Chamber of Commerce
Bui Thi Viet Lam Senior Country Representative, Vietnam Office U.S. - ASEAN Business Council			

Cc: Ministry of Science & Technology
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Detailed Comments

Implementation Phase for New AI Systems

To ensure that the new regulatory framework does not inadvertently hinder innovation, we respectfully encourage the Government to consider a phased implementation approach. While Article 35 of the Law on Artificial Intelligence provides transition periods for existing AI systems, new AI systems are not afforded a similar grace period.

The Law on AI, enacted in December 2025 and effective from 1 March 2026, therefore creates a gap in transitional coverage for systems that are being prepared for operation close to the law's effective date. This presents practical challenges for businesses developing AI models and systems that have products ready for market launch, as compliance requirements are complex and may require delaying product releases. This in turn can impact business planning and financial timelines. Immediate compliance obligations for newly launched systems may also create unintended barriers to market entry and discourage new product development and investment in Vietnam's emerging AI ecosystem.

We therefore propose that consideration be given to introducing a transitional period of 18–24 months from the Law's effective date for AI systems not yet in operation. In addition, we recommend that the Decree reinstate exemption from administrative sanctions for first-time violations during the transitional period. Such a provision would ensure that enforcement measures remain proportionate and do not penalize entities actively taking steps towards compliance.

Development of the High-Risk AI List

We respectfully encourage Vietnam to allow for a sufficient consultation period before the development and finalization of the high-risk AI list detailed in the implementing decree. Publication of the list without a guaranteed public consultation period creates significant uncertainty for industry, which will impact AI investment and innovation in Vietnam. We also recommend public consultation for future updates of the list.

Scope of General Purpose AI (GPAI)

We respectfully recommend explicitly excluding General Purpose AI (GPAI) and foundational models from default high-risk classification. These technologies are, by their very nature, designed to serve a broad and diverse range of applications across countless sectors and use cases. Classifying them as high-risk by default fundamentally mischaracterizes their purpose and imposes obligations that are misaligned with how these systems are actually built and deployed. High-risk obligations should apply only where a system is specifically designed and intentionally deployed for a listed high-risk purpose, with compliance responsibilities allocated to the appropriate entity at each stage of the AI lifecycle - from design and development through deployment and operation - consistent with that entity's role, context, and capacity to identify, assess, and manage risk.

We also note that systems which merely support human decision-making should generally not be considered high-risk, as the ultimate decision remains with the human user. Additionally, we strongly oppose categorizing entire sectors and applications as universally "high-risk". An AI tool's risk profile inherently varies by specific use case and business context, making flat blanket classifications impractical.

Clarifying that GPAI systems are only considered high-risk when specifically intended or deployed for high-risk purposes would help ensure a proportionate, risk-based framework that supports continued AI innovation in Vietnam.

We further recommend that the Decree clarify that deployers of medium-risk AI systems, such as generative AI systems, treated as low-risk upon fulfilment of relevant transparency, technical marking, and display labelling obligations. Such a mechanism would incentivize compliance and ensure that obligations for medium-risk systems remain proportionate and streamlined.

Assess AI Risk Based on Capabilities and Intended Use

In the development of Vietnam's draft list of high risk AI systems, several ministries have introduced highly prescriptive quantitative triggers in the "Scope and Conditions for Classification" column. We strongly recommend removing all hard numerical limits, user thresholds, geographic criteria, and other arbitrary computational metrics, such as processing power or data volume, from the classification framework, as these measures are not meaningfully tied to the actual capabilities or risk profile of AI systems and create significant compliance uncertainty. Instead, all systems should be evaluated

based on their inherent characteristics, including autonomy, adaptability, and degree of influence, as well as their real-world context of use and potential impact, particularly on health, safety, and fundamental rights.

We caution against relying on compute or scale thresholds as primary determinants of risk, as this approach is imprecise and may lead to the overregulation of systems that do not pose systemic harm while imposing unnecessary monitoring burdens on companies. A capability-based, use-case-driven model offers a more effective and equitable approach, ensuring that regulation remains proportionate, targeted, and innovation-friendly while addressing genuine risks without stifling technological progress.

Internationally Recognized Standards for High-Risk AI Requirements

We encourage Vietnam to leverage globally recognized international standards relevant to the obligations of the Law. Especially for the high-risk AI requirements, we encourage specific reference to ability to use relevant international standards to fulfill these requirements (e.g. ISO/IEC 42001). This will help facilitate global interoperability and harmonization.

Labelling Requirements

We recommend allowing state-of-the-art, technologically neutral labelling methods, such as invisible watermarking and metadata-based provenance tools, as alternatives to mandatory visual labels. In this context, international, industry-developed provenance standards (such as those advanced by the Coalition for Content Provenance and Authenticity (C2PA)) can serve as useful reference frameworks. Regulations should be drafted to remain flexible and ensure that systems leveraging recognized approaches like C2PA can be deemed compliant with the act, alongside other functionally equivalent solutions.

These advanced methods are more robust, difficult to tamper with, and preserve the aesthetic quality and user experience of creative works. By contrast, visible labels can be easily removed or obscured and may lead to “banner fatigue,” reducing their effectiveness over time. Allowing modern, machine-readable marking technologies would better support transparency objectives while ensuring that labelling requirements do not hinder the display or enjoyment of creative content. We further recommend that the list of exceptions to the labelling requirement include a general, future-proof exemption covering situations where the AI nature of the content is self-evident to the user or the public, so as to avoid unnecessary labelling in cases where the risk of deception does not arise.

We also recommend clarifying that responsibility for displaying labels should rest with the implementing party or user who publishes or disseminates the content to the public, rather than AI system providers or deployers. Providers and deployers are not in a position to monitor every prompt or determine how content will ultimately be used or distributed across third-party platforms. Assigning labelling obligations to the publishing party would therefore provide a more practical and enforceable approach while

maintaining transparency for end users. Finally, we recommend that the requirements for technical marking be moderated to account for the technical and financial capacity of providers and deployers.