

UPDATE AND UPCOMING OCTOBER 2002

WTO and Tariff Study Mission - October 12 - 20, 2002

The U.S.-Vietnam Trade Council Education Forum organized and hosted a delegation of eleven inter-ministerial representatives led by the Ministry of Finance on a tariff study mission in Washington, DC October 13 – 18. The mission assessed policy and technical implications relating to Vietnam's efforts to reduce and bind its tariff levels as committed under its bilateral and multilateral obligations. The program also included important discussions on producing an applied tariff schedule and the tariff issues raised by Vietnam's WTO accession process. Delegates had working sessions with the Offices of the U.S. Trade Representative, International Trade Commission, U.S. Department of Treasury, U.S. Department of Commerce, U.S. Department of Agriculture, U.S. Department of State, and the World Bank, in addition to working sessions with the Law Offices of Sidley Austin Brown & Wood LLP. The study mission was funded with support from Atlantic Philanthropies.

ICSID and Investment Study Mission - October 13 - 18, 2002

The Education Forum hosted 8 inter-ministerial representatives led by the Ministry of Planning and Investment for a study mission to Washington, DC October 13 -18. In particular, the delegation focused on issues relating to its rules and regulations concerning membership, rules and regulations, jurisdiction and arbitration with the International Center for Settlement of Investment Disputes (ICSID) which Vietnam hopes to accede to next year. Delegates also participated in intensive discussions with international practitioners at the law offices of Sidley Austin Brown & Wood LLP on investment licensing, TRIMs, Subsidies, and other ICSID related matters. The delegation also held consultations with the Office of the U.S. Trade Representative, U.S. Department of Commerce, U.S. Export-Import Bank, and the Overseas Private Investment Corporation. A round table discussion with U.S. companies hosted by Proctor & Gamble was also held to discuss specific investment project issues. Funding for this project is pursuant to a grant from the U.S. Agency for International Development.

Technical Assistance – WTO

Delegates from the Tariff and Investment Study Missions, including key officials involved in Vietnam's WTO accession process, also participated in a series of intensive discussions on market/non-market determination, TRIMs, non-tariff barriers,

UPCOMING HIGHLIGHTS

see page 2

- ★ USVTC Companies Briefing with Matt Daley – Deputy Assistance Secretary of State for Political Affairs
October 23, Washington, DC
- ★ *International E-Commerce and Information Infrastructure Policies Workshop* with Demetrios Marantis - Chief Legal Advisor, USVTC, including other speakers
November 12 - 15, Hanoi
- ★ *Catalogue of Legal Updates* - published Monthly

investment, customs, services, trade remedies, subsidies, and intellectual property with the law offices of Sidley Austin Brown & Wood LLP. The program also included a WTO negotiations simulation exercise. Delegates discussed specific issues with Dan Price, Partner, Senior Legal Advisor, USVTC; Andy Shoyer, Partner; Richard Belanger, Partner; David Palmeter, Partner; Neil Ellis, Partner; Stanimir Alexandrov, Senior International Trade Advisor; Brenda Jacobs, Attorney; Amy Porges, Attorney; Patricio Grané, International Trade Advisor; Craig Thorn, Attorney, DTB Associates; Joseph Damond, Associate Vice President for Japan and Asia Pacific, PhRMA; and Demetrios Marantis, Chief Legal Advisor, USVTC.

Reception at Vietnam Ambassador's Residence

The Trade Council would like to extend our thanks to Ambassador Nguyen Tam Chien for hosting both delegations at his Residence on October 17, and our special appreciation to New York Life International for sponsoring the event.

International Trade Law Curriculum

The U.S.-Vietnam Trade Council's Education Forum looks forward to finalizing a Project Memorandum of Understanding with the Ministry of Justice that will support training on WTO principles for Vietnamese officials and professionals. Through this program, we hope to assist in the development of a WTO curriculum in association with the Hanoi Law School and other educational institutions. This project is funded with support from Atlantic Philanthropies.

USAID Program on BTA Implementation

The Education Forum is pleased to be the recipient of a grant renewal from the U.S. Agency for International Development to support efforts to implement the U.S. -Vietnam Bilateral Trade Agreement currently undertaken by the Office of the Government and STAR Vietnam. We look forward to working with the inter-ministerial Steering Committee on this three year project.

Radio and Television Program in Ho Chi Minh City

The U.S.-Vietnam Trade Council Education Forum is currently helping to support a radio and TV program produced by the Ho Chi Minh City Economics University broadcasting discussions on issues relating to Vietnam's economic integration, including issues such as trade promotion, regional and international agreements, and the U.S.-Vietnam Bilateral Trade Agreement. The program is broadcast several times per week on radio throughout Vietnam and on Vietnam Television. We look forward to working with U.S. companies and other international practitioners on program development

Harvard University Kennedy School of Government Executive Fellowship Program - Practice of Trade Policy & International Trade Negotiations September 29 - October 11, 2002

The Education Forum sponsored two Vietnamese fellows, including Mr. Luong Hoang Thai – Head of WTO Division, Multilateral Trade Policy Department, Ministry of Trade; and Mr. Pham Minh Tri – Legal Expert, U.S.-Vietnam Trade Council, to participate in *The Practice of Trade Policy: Economics, Negotiations and Rules* at Harvard University's Kennedy School of Government. Held annually, the program combines advanced concepts in international trade economics and institutional analysis with training aimed at preparing participants to analyze international trade issues, to negotiate effectively for the conclusion of agreements, and to use the dispute-settlement procedures of the WTO and other institutions.

BTA Summary Now Available!

A Summary of the U.S.-Vietnam Bilateral Trade Agreement (BTA) is now available in print and on our website in both English and Vietnamese. Designed to help facilitate the use and understanding of the BTA, this 30-page document is compiled by the international trade team at Sidley Austin Brown & Wood LLP in cooperation with the Ministry of Trade, with funding provided through USAID and Atlantic Philanthropies. Copies of the BTA Summary have been made available to various ministries and government offices in Vietnam. Please contact our offices in Hanoi, Ho Chi Minh City or Washington for more information.

FAQs: Next Steps for U.S.-Vietnam Trade Relations and WTO Accession

The Education Forum has compiled Frequently Asked Questions (FAQs) on *Next Steps for U.S.-Vietnam Trade Relations and WTO Accession* addressing issues such as Vietnam's WTO accession process, GSP, procedures for PNTR, and prospects for a Bilateral Textile Agreement. This document may be accessed by visiting our website at <http://www.usvtc.org>

Amcham BTA Implementation Committee

The American Chamber of Commerce Ho Chi Minh City Chapter has established its Committee on BTA Implementation to address the concerns of its corporate members on matters covered by the agreement. USVTC Legal Consultant Lee Baker is Chair of this Committee. We look forward to working with the business community on this project. Contact the Trade Council or Amcham for the next meeting schedule.

UPCOMING

Briefing with Matt Daley – Deputy Assistance Secretary of State for Political Affairs

Recently returned from a trip to the region, including Vietnam, Deputy Assistance Secretary of State for Political Affairs, Matt Daley, will provide a briefing at the U.S. Department of State for U.S. companies interested in Vietnam. Please contact the Council for additional information October 23, Washington, DC

Dumping Investigation on Vietnamese Catfish

The U.S.-Vietnam Trade Council and Members have submitted comments to the U.S. Department of Commerce currently conducting a determination on whether Vietnam is a non-market or market economy. Submitted comments are available on our website at <http://www.usvtc.org>. The U.S. Commerce Department's Import Administration has visited Vietnam and is scheduled to make its ME/NME determination in early to mid November and is required to make its final determination on dumping by January 24, 2003. If this is found to be in favor of the petitioner (the U.S. Catfish Producers), the International Trade Commission process will begin.

International E-Commerce and Information Infrastructure Policies Workshop - November 12 - 15, 2002

Organized by the Kenan Institute and STAR Vietnam, USVTC Chief Legal Advisor, Demetrios Marantis will speak at a conference on E-Commerce issues in Hanoi November 12 – 15. Demetrios will speak on E-Commerce and Telecommunications Agenda for the Doha Development Round, and the Agreement on Trade-Related Aspects of Intellectual Property Rights. He will also participate in a seminar on the legal framework for E-Commerce. At the request of the Ministry of Trade and in an effort to assist Vietnam on the drafting of its E-Commerce Ordinance, comments will be provided on the Ordinance including international best practices in this subject area. The Ordinance is expected to be finalized in late November.

“Catalogue of Legal Updates” - Monthly

As a follow on to the USAID funded *Road Map of BTA Commitments* produced by the Education Forum, since July 2000, the Forum has produced a monthly compilation the *Catalogue of Legal Updates* identifying laws and regulations promulgated by Vietnam as they relate to obligations under the BTA. The Catalogue is done in cooperation with Phillips Fox Lawyers and is available on our website.

Website <http://www.usvtc.org>

In order to promote public awareness and outreach on issues relating to the BTA, the U.S.-Vietnam Trade Council continues to update our website offering access to information on U.S. import regulations, American and Vietnamese business practices, a Summary of the BTA, and materials developed under our technical assistance program. In addition, the website archives news clippings, relevant links, research materials, and provides a mechanism for research assistance for questions relating to the BTA.

Please contact us or check our website for further information on any of the items listed above.