

UPDATE
SEPTEMBER 2003



Deputy Prime Minister Vu Khoan and Trade Minister Truong Dinh Tuyen keynote New York Life International/USVTC conference on “Vietnam’s Accession to the World Trade Organization: Strategies for Negotiations and the Implementation Process” in August. (See *WTO Seminar in Technical Assistance Updates*)

USVTC Hosts Luncheon for Minister of Trade Truong Dinh Tuyen Washington visit 16 – 20 September

The U.S.-Vietnam Trade Council was pleased to welcome back to Washington, DC Minister of Trade Truong Dinh Tuyen. A VTC luncheon sponsored by ACE, Boeing, New York Life International, Nike, Oracle, and PhRMA was held in his honor at the Willard Hotel. While in Washington, Minister Tuyen and his delegation met with Secretary of Commerce Don Evans; Senator Diane Feinstein (D-CA); Richard Fisher – Kissinger & Associates; and Virginia Foote – President, U.S.-Vietnam Trade Council.

Vice Minister of Trade Luong Van Tu Leads Delegation to WTO Ministerial in Cancun 10 – 14 September Vietnam participated as an Observer Government at the WTO Ministerial in Cancun. Vice

UPCOMING HIGHLIGHTS

- ★ USVTC, Singapore Ministry of Foreign Affairs & Vietnam Ministry of Finance Joint Cooperative Technical Assistance Program - “*The Impact of Tariffs: Econometric and Empirical Analysis in Support of WTO Accession*”, 29-30 September
- ★ Vice Minister of Planning and Investment Nguyen Bich Dat to visit Houston, TX 23-25 September 2003
- ★ Visiting Fellows from Hanoi and HCMC Law Faculty to Participate in Harvard University Kennedy School Executive Program on International Trade Negotiations 28 September – 10 October
- ★ Foreign Minister Nguyen Dy Nien to visit Washington, DC with US Ambassador to Vietnam Ray Burghardt, 1-3 October
- ★ Minister of Planning & Investment Vo Hong Phuc to visit Washington, DC and New York, 5-10 October

Please contact us for more information.

Minister Luong Van Tu spoke on 13 September 2003. His speech is available on our website at: <http://www.usvtc.org/WTO/VM%20Tu%20Heads%20Delegation%20to%20Cancun.htm>.

Many thanks to Delegates representing the U.S.-Vietnam Trade Council at the WTO Ministerial - New York Life International and The Limited - who hosted a dinner in their honor.

Vietnam Publishes Applied MFN Tariff Schedule

On 22 July 2003, the Ministry of Finance released Decision 110-2003-QD-BTC promulgating the Preferential Import Tariffs of Vietnam. The Decision is effective 1 September 2003 and includes Vietnam's MFN tariff schedule listing 10,721 items. The Decision was published in the Official Gazette (No 117-128) on 12 August 2003 and is available in English. The tariff schedule is based on HS 2002 (8-digits) and conforms with ASEAN's Harmonized Tariff Nomenclature (AHTN). Average tariff rates are 29.27% and 17.03% for Agriculture and Non-Agricultural Goods respectively. This tariff schedule is expected to be submitted to Vietnam's WTO Working Party at the end of September as the basis for market access negotiations.

USDOC/USITC Final Determinations on Catfish case goes to International Trade Court

On 17 June, the U.S. Department of Commerce (DOC) announced its final determination in the antidumping investigation on imports of certain frozen fish fillets from Vietnam, finding that Vietnamese producers/exporters have made sales to U.S. customers at less than fair value, with margins ranging from 36.84 to 63.88 percent. The International Trade Commission issued its final injury determination on 23 July 2003 and on this basis, DOC will now apply antidumping duties on Vietnamese imports. The case is now being appealed to the U.S. Court of International Trade. For more information, including our testimony, please refer to http://www.usvtc.org/General_Info/Catfish/catfish1.htm

Vietnam Human Rights Act

The House of Representatives passed a version of the human rights bill introduced by Congressman Chris Smith as an amendment to the Foreign Relations Authorization Act on 14 July 03. *See our website for the Amendment and full Bill.*

Vietnam Jackson-Vanik Waiver

The Bush Administration waiver to the Jackson Vanik amendment was renewed this year without action by the Congress. Congressman Dana Rohrabacher introduced a resolution of disapproval that the Congress did not move on.

TECHNICAL ASSISTANCE UPDATES

Telecom Study Mission to Washington, DC 12 - 19 July

As part of the U.S. Agency for International Development (USAID) supported program to assist Vietnam on the implementation of the BTA, Education Forum organized a telecom study mission to Washington DC from 12 – 20 July 2003. This mission focused primarily on the legal and practical aspects of the BTA's telecom services provisions, including the "trade in services" obligations of Chapter III, the market access

and national treatment commitments in Annex G, and the detailed provisions of the GATS Telecom Annex and WTO Reference Paper (incorporated in the BTA through Annex F). Many thanks to the Federal Communications Commission, USTR, U.S. Department of Justice, U.S. Department of Commerce, U.S. Department of State, AT&T, Verizon and the Telecom Industry Association for helping make this program a success.

SPS Study Mission to Washington, DC and Oklahoma, 19 - 27 July

As part of the USAID supported program to assist Vietnam on the implementation of the BTA, the Education Forum organized a study mission to Washington DC, and Oklahoma City/Ardmore, OK from 19 – 27 July 2003. This study mission focused primarily on issues relating to SPS related provisions embodied in Chapter 1, Article 2 of the BTA and on the WTO Agreement on Sanitary & Phytosanitary Measures. Delegates studied the inter-relationship between science, agriculture and trade policy, including policy and regulatory issues with regard to the establishment of a transparent SPS regime and the importance of applying scientifically-based technical standards for plant and animal protection and food safety. Many thanks to the US Department of Agriculture; U.S. Foreign Agricultural Service in Hanoi; the U.S. Food & Drug Administration; DTB Associates; Biotechnology Industry Organization; the American Farm Bureau; Grocery Manufacturers of America; U.S. Department of State; the Oklahoma Departments of Commerce and Agriculture; and the Noble Foundation for making this program a success.

Ambassador Burghardt and Deputy Chief of Mission Robert Porter Host Dinner in Honor of USVTC/USAID Study Missions

We would like to thank Robert Porter – Deputy Chief of Mission, U.S. Embassy for hosting a dinner and to Amb. Burghardt for his remarks in honor of delegates from our study missions at his residence earlier this week. Attendants including delegation members representing the SPS Study Mission (July 2003); Telecom Study Mission (July 2003); IPR Study Mission (March 2003); State Bank of Vietnam Delegation (January 2003); ICSID/Investment Delegation; and Financial Services Study Mission (January 2002).

Technical Assistance for Vietnam WTO Negotiation Team, 30 July – 1 August

To assist with preparatory work in support of Vietnam's next round of submissions to the WTO Working Party, the Education Forum was pleased to host the visit of Cato Adrian – Counsellor, Accessions Division, WTO. While in Hanoi, Mr. Adrian worked intensively with members of Vietnam's negotiation team and participated in a two-day seminar titled '*Vietnam's Accession to the World Trade Organization: Strategies for Negotiations and the*

Implementation Process” sponsored by New York Life International. (See below)

New York Life International Seminar in Support of WTO Accession, 5 - 6 August

The Trade Council was pleased to have been part of a New York Life International sponsored seminar titled *Vietnam's Accession to the WTO: Strategies for Negotiations and the Implementation Process*, organized in conjunction with the visit of CEO Gary Benanav. The two-day seminar featured distinguished speakers including Deputy Prime Minister Vu Khoan; Minister of Trade Truong Dinh Tuyen; Vice Minister of Trade Luong Van Tu; Robert Porter - Deputy Chief of Mission, US Embassy; Cato Adrian - Counsellor, Accessions Division, WTO; David Hartridge – Former Acting WTO Director General and Attorney, White & Case LLP; Mike Samuels – Samuels International; and Demetrios Marantis – Chief Legal Advisor, U.S.-Vietnam Trade Council.

Comparative Chart: BTA and WTO

In conjunction with Mr. Adrian's visit and the seminar on *Vietnam's Accession to the World Trade Organization: Strategies for Negotiations and the Implementation Process*, the U.S.-Vietnam Trade Council designed a chart analyzing the relationship between commitments made in the BTA and the requirements of accession to the WTO, examining key BTA obligations in the context of (1) the corresponding WTO general and (2) the accession commitments of the four most recently acceded WTO Members (Macedonia, Armenia, Taiwan, and China). This document is also available in Vietnamese and English. For more information, please refer to our website.

Workshop on Vietnam WTO Accession for Ho Chi Minh City Bar Association, 1 July

On 1 July 2003, Chief Legal Advisor Demetrios Marantis spoke to Members of the Ho Chi Minh City Bar Association on Vietnam's WTO Accession. Issues discussed included Vietnam's current status, the relationship of the BTA to WTO Accession and the benefits of Membership in the global trading body.

“Business Hotline” – WTO Accession

For the month of July, a program on “WTO Accession” featuring interviews with Vice Chairman of the Ho Chi Minh City People's Committee Nguyen Thien Nhan and Virginia Foote - President, U.S.-Vietnam Trade Council was aired on VTV's “Business Hotline” program. Co-sponsored by the Trade Council, the “Business Hotline” is a TV and Radio Program produced by the Economics University of Ho Chi Minh City. It airs weekly in north and south parts of Vietnam with expansion plans of nationwide. The programs broadcast discussion on issues relating to Vietnam's international economic

integration. (see “Upcoming” section for the Business Hotline's next program)

UPCOMING

***“The Impact of Tariffs: Econometric and Empirical Analysis in Support of WTO Accession”* 29 – 30 September 2003**

The U.S.-Vietnam Trade Council is pleased to be co-organizing with the Singapore Ministry of Foreign Affairs the first of trilateral cooperative technical assistance programs with Vietnam. To assist with Vietnam's WTO Accession and Market Access Negotiations, an intensive workshop on *“The Impact of Tariffs – Econometric and Empirical Analysis in Support of WTO Accession”* will take place in Hanoi on September 29-30 at the Vietnam-Singapore Training Centre with the participation of Vietnam's Ministry of Finance and other agencies involved with fiscal policy. This workshop will be conducted by Mike Leu Gwo-Jiun – Associate Professor, Division of Applied Economics, Nanyang Technological University.

Intellectual Property Rights (IPR) Reference Collection at the General Sciences Library in HCMC

To promote understanding about intellectual property rights in Vietnam, the U.S.-Vietnam Trade Council is setting up a reference collection for IPR Law in Vietnam's business hub. A section of the General Sciences Library in Ho Chi Minh City will be allocated and maintained specifically for books, journals, laws and other resources on intellectual property rights, protection and enforcement. This resource will be open to the public and available for judges, lawyers, businesses, academics, and others interested in IPR development.

Upcoming “Business Hotline” Discussion – Catfish Dispute

The Business Hotline program, co-sponsored by the Trade Council, conducted a program on the “Catfish Dispute” at the Ho Chi Minh City Economics University on 12 September 2003. The program, parts of which will be aired on Vietnam Television (VTV) and Ho Chi Minh City Television (HTV), featured a lively discussion of the lessons learned from the catfish dispute and the steps Vietnam can take to prepare for further disputes. Trade Council Chief Legal Advisor Demetrios Marantis participated in the broadcast, stressing the importance of the WTO as a means of providing a multilateral forum to review bilateral antidumping actions. Other speakers included the President of Agifish, the President of the Ho Chi Minh Bar Association, key Ho Chi Minh City-based lawyers, and university professors. Please stay tuned for the next program on Intellectual Property Rights.

**Harvard University Kennedy School of Government
Executive Fellowship Program on the Practice of
Trade Policy & International Trade Negotiations -
September 28 - October 10**

The Education Forum looks forward to sponsoring two Vietnamese fellows - Nong Quoc Binh and Tran Viet Dung – U.S.-Vietnam Trade Council Legal Curriculum counterparts from the Hanoi and Ho Chi Minh City Law Schools respectively - to participate in *The Practice of Trade Policy: Economics, Negotiations and Rules* at the Kennedy School of Government, Harvard University. The program combines advanced concepts in international trade economics and institutional analysis with training in negotiation 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.

“Catalog of Legal Updates” - Monthly

As a follow on to the Education Forum’s Road Map of BTA Commitments funded by USAID, the Education Forum have since July 2000 and on a monthly basis compiled the Catalogue of Legal Updates identifying laws and regulations promulgated by Vietnam as they relate to obligations under the BTA and in preparation for WTO Accession. The Catalogue is done in cooperation with Phillips Fox Lawyers and is available on our website.

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

The USVTC website promotes public awareness and outreach on issues relating to the BTA. It provides information on U.S. regulations, U.S. and Vietnamese business practices, a BTA summary, materials developed under technical assistance programs, news clippings, relevant links and research materials.