

Technical Assistance Update December 2001

★ BTA Ratification and Entry into Force

U.S. Trade Representative Robert Zoellick and Vietnamese Minister of Trade Vu Khoan formally exchanged letters bringing the U.S.-Vietnam Bilateral Trade Agreement into force on December 10, 2001. On this date, U.S. tariff rates for Vietnamese products entering the U.S. shifted from Column 2 to Column 1 rates, falling on an average from non-NTR rates of 40% to NTR rates of about 3%. Importers may file claims for refunds with the U.S. Customs Service on imports for which NTR rates have not been extended during the transition period immediately after December 10, 2001. Vietnam's National Assembly ratified the BTA on November 28, 2001 with a 64% vote in its favor.

★ U.S.-Vietnam Economic Normalization Conference & Banquet in Honor of Deputy Prime Minister Nguyen Tan Dung

On the occasion of Deputy Prime Minister of Vietnam Nguyen Tan Dung's visit to Washington, the U.S.-Vietnam Trade Council was pleased to organize our 5th annual conference on U.S.-Vietnam Economic Normalization and dinner banquet to celebrate the successful entry into force of the BTA. We would like to thank all speakers who contributed to lively panel discussions, and sponsors of this event including ACE, APL, Boeing, Citigroup, Conoco, Fedex, GE, NIKE, Oracle, Procter & Gamble, Unocal, the US-ASEAN Business Council, U.S. Chamber of Commerce, and the Embassy of Vietnam.

★ Ministry of Justice – BTA Implementation

As part of our technical assistance team, Dan Price – Attorney, Powell, Goldstein, Frazer & Murphy LLP held workshops at the Ministry of Justice in November to discuss issues relating to BTA compliance and implementation. The session included participants from various ministries including the Ministry of Justice, Ministry of Finance, Ministry of Health, State Bank of Vietnam and the Ministry of Planning & Investment.

★ Ministry of Finance – Financial Services

While in Vietnam, Mr. Price also held workshops providing technical assistance to the Ministry of Finance's Economic Integration Department on financial services obligations related to the BTA. Areas of discussions focused on legal and regulatory policies regarding autonomous liberalization in the financial sector, including taxation, auditing and accounting and insurance services.

★ Ministry of Foreign Affairs –Dispute Settlement under the BTA and Developments at Doha

Technical assistance provided to the Ministry of Foreign Affairs Multilateral Economic Integration Department focused on dispute settlement issues including concepts within the BTA such as consultations, balance of concessions, and investment dispute settlement. Mr. Price also provided insight on dispute settlement under the WTO and new developments of the Dispute Settlement Understanding at Doha.

★ Kennedy School Trade Policy Fellowships

With funding provided by the Bureau of Educational and Cultural Affairs, U.S. Department of

State, the Forum hosted Mr. Pham Quoc Tru – Head of Policy Analysis and ASEAN Division, Department of Multilateral Economic Cooperation; and Ms. Hoang Thi Hoa Binh – Head of Trade Section, Economic Department of the Ministry of Foreign Affairs on a two week program at the Harvard JFK School of Government on “The Practice of Trade Policy, Economics, Negotiations and Rules.” This program is designed to help participants improve their ability to analyze and assess the political and economical impact of international trade policy, become more knowledgeable about the WTO, work with key institutions, develop frameworks for analyzing and negotiating trade agreements, and overcome the structural, strategic, psychological, institutional, and cultural barriers to negotiate and resolve trade agreements and disputes. The Forum hosted Mr. Tru and Ms. Binh in Washington, DC where they had meetings with the U.S. Department of Agriculture, Unocal Corporation, State Department, U.S. International Trade Commission, Department of Commerce, and the World Bank.

★ **Trade Related Investment Measures (TRIMS) Analysis Project**

At the request of the Ministry of Planning & Investment, the U.S.-Vietnam Trade Forum is currently conducting an in-depth analysis of Vietnamese Law in relation to TRIMs obligations required by the WTO and made under the BTA. The Forum has been working with the law firms of Russin & Vecchi and Powell, Goldstein, Frazer & Murphy LLP, and will soon complete this project.

★ **Alex Koff Visit – BTA Implementation**

The Forum hosted visiting WTO expert and former Resident Legal Advisor Alex Koff – Attorney, Powell, Goldstein, Frazer & Murphy LLP in Vietnam. While in Hanoi, Mr. Koff provided technical assistance to the Ministry of Justice and other ministerial representatives on BTA Implementation, covering language under all chapters of the agreement. Mr. Koff was also a guest speaker at the Ho Chi Minh Bar Association, providing technical expertise to judges and lawyers on commercial transactions and dispute settlement.

★ ★ **Catalog of Legal Updates**

The U.S.-Vietnam Trade Forum continues to work on its Catalog of Legal Updates, which keeps track of legal instruments issued since the signing of the BTA in July 2000 that address specific area provisions of the agreement. We look forward to working in close cooperation with local law firm Phillips Fox and the Ministry of Justice on the issuance of this document on a monthly basis.