

UPDATE AND UPCOMING AUGUST 2002

UPDATE

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.

U.S. House of Representatives Votes 338 - 91 in Favor of Extending the Jackson-Vanik Waiver for Vietnam

As part of the annual renewal procedure, President Bush submitted to Congress his intent to renew presidential authority to grant waivers under the Jackson-Vanik amendment, and his intent to extend the waiver for Vietnam in particular. Under the Trade Act of 1974 as amended, a Jackson-Vanik waiver is required annually for the continuation of NTR status, EXIM, OPIC and USAID operations for Vietnam. On July 23rd, the U.S. House of Representatives defeated H.J. Res. 101 – a disapproval resolution on extending this waiver for Vietnam – by a vote of 338 – 91 in favor of extending the Jackson-Vanik waiver for Vietnam.

U.S. International Trade Commission Preliminary Hearing on Catfish

On July 19, the U.S. International Trade Commission conducted preliminary investigative hearings on “Certain Frozen Fish Filets from Vietnam.” The agency is expected to issue a preliminary finding within 45 days after which if found to be affirmative, the U.S. Department of Commerce proceeds with its investigation.

Ambassador Burghardt Hosts Minister of Justice at his Residence

Many thanks to U.S. Ambassador Ray Burghardt for graciously hosting Minister of Justice Nguyen Dinh Loc and his delegation at his residence. The Minister and his delegation visited Washington and New York in June 2002

UPCOMING HIGHLIGHTS

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- ★ Foreign Minister Nguyen Dy Nien visit to the U.S. – September 10 - 12
- ★ International Trade Lawyer Demetrios Marantis joins the Trade Council as Resident Legal Advisor – September 2002
- ★ Vietnamese Lawyer Pham Minh Tri joins the Trade Council as Legal Expert - August 2002
- ★ Visiting Fellows for Harvard University Kennedy School Executive Program on International Trade Negotiations - September 2002
- ★ BTA Frequently Asked Questions (FAQs) - August 2002
- ★ FAQs: Next Steps for U.S.-Vietnam Trade Relations and WTO Accession - August 2002
- ★ Catalogue of Legal Updates - Monthly

under a program organized by the U.S.-Vietnam Trade Council's Education Forum and sponsored by UNDP.

Technical Assistance on Investment Issues - July 9, 2002

Daniel Price - Chief Legal Expert, U.S.-Vietnam Trade Council and Attorney - Austin Brown & Wood LLP conducted a one-day seminar on investment related issues including ICSID, TRIMs, investment licensing, trading & distribution rights and other issues covered by the BTA. This program was organized in cooperation with the Ministry of Planning & Investment and attended by representatives of various ministries. The program was funded by Atlantic Philanthropies. A follow on visit to Washington D.C. in preparation for Vietnam's ICSID Accession is under discussion.

U.S. Department of Commerce Insurance Seminar - July 10-11, 2002

As follow-up to technical assistance on insurance provided since 1999, the U.S. Department of Commerce's Office of Financial Services conducted a workshop on insurance issues including prudential regulations, implementation of insurance commitments and domestic regulation under the BTA and WTO. As with past Commerce Department and U.S. & Foreign Commercial Service programs, the U.S.-Vietnam Trade Council Education Forum helped sponsor the visit and assisted in private sector input and participation. The Trade Council would like to thank New York Life, AIG, and ACE for their generous support and sponsorship.

Workshop on WTO Financial Services - July 12, 2002

Under a program funded by Atlantic Philanthropies, Andrew Shoyer – Senior Legal Expert, U.S.-Vietnam Trade Council and Attorney, Sidley Austin Brown & Wood LLP conducted a half-day workshop on issues relating to financial services under the WTO. The workshop was attended by key officials involved in Vietnam's WTO accession process including representatives from the Ministry of Finance, Ministry of Trade Multilateral Trade Policy Department, Stock Exchange of Vietnam, and State Bank of Vietnam. A study mission to Washington, DC on tariff-related matters is being discussed as a follow-up to this workshop.

Program for Supreme People's Court, Local & Provincial Judges - July 8 and 11, 2002

At the invitation of STAR Project, Chief Legal Expert for the U.S.-Vietnam Trade Council and Attorney for Sidley Austin Brown & Wood LLP, Dan Price presented to the Supreme People's Court of Vietnam and local and provincial judges on BTA related investment issues.

UPCOMING

Foreign Minister Nguyen Dy Nien visit to the U.S. – September 10 – 12, 2002

With the Vietnam Embassy, the U.S.-Vietnam Trade Council will be pleased to organize a luncheon for Foreign Minister Nien in Washington, DC to meet with the government officials as well as the private sectors during his short trip to the U.S. for a UN General Assembly.

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

The U.S.-Vietnam Trade Council Education Forum looks forward to sponsoring 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 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.

New International Trade Lawyer and Resident Legal Advisor - September 2002

Beginning September 1, international trade lawyer Demetrios Marantis will be join the Trade Council's technical assistance team as Resident Legal Advisor in Hanoi. Mr. Marantis is currently Associate General Counsel at the Office of the U.S. Trade Representative Office and has had much experience working on international trade issues including e-commerce, telecommunications, services, investment, trade enforcement, textiles, WTO accession and procurement. While in Hanoi, he will focus on providing technical assistance and follow-up to our Vietnamese counterparts on issues relating to WTO Accession and BTA Implementation.

New Vietnam Legal Expert Pham Minh Tri - August 2002

Beginning August 1, Vietnamese lawyer Pham Minh Tri will also join the Trade Council's team in Hanoi. Mr. Tri has had four years of experience working for Freshfields Bruckhaus Deringer in Ho Chi Minh City and two years with White & Case in Hanoi. Mr. Tri will work with Resident Legal Advisor Demetrios Marantis on the Trade Council's technical assistance program.

BTA Frequently Asked Questions (FAQs) - August 2002

We look forward to making available answers to a list of frequently-asked-questions (FAQs) basic information relating to the BTA, its implementation and renewal of NTR status. The two-part document will be available soon on our website <http://www.usvtc.org>

FAQs: Next Steps for U.S.-Vietnam Trade Relations and WTO Accession - August 2002

We also look forward to making available 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 will also be available on our website.

"Catalogue of Legal Updates" - Monthly

As a follow on to the USAID funded Road Map of BTA Commitments produced by the Forum with Baker & McKenzie, we 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. 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.