

UPDATE
JULY 2004



Trade Minister Tuyen with Rep. Rob Simmons (R-CT) and Rep. Lane Evans (D-IL), Washington, DC, June 2004.

Vietnam Trade Minister Visit to Washington, DC

Vietnam Minister of Trade Truong Dinh Tuyen visited Washington June 8-11. During the course of the week, Minister Tuyen's agenda included meetings with the U.S.-Vietnam Congressional Caucus, Members of the House and Senate, U.S. Trade Representative Robert Zoellick, Secretary of Commerce Don Evans, a luncheon discussion with USVTC members, a reception hosted by the Embassy of Vietnam, and a meeting with textile and apparel companies. He also met with senior officials from the U.S. Treasury and the National Security Council. Minister Tuyen's visit came on the eve of Vietnam's Working Party meeting in Geneva, and included discussions on the pending anti-dumping shrimp case, textiles, the BTA and WTO accession.

U.S.-Vietnam BTA Joint Committee Meeting

The annual Joint Committee meeting of the U.S.-Vietnam Bilateral Trade Agreement was held in Washington the week of May 17th. Josette Shiner, Deputy USTR, chaired for the U.S. side and Vice Minister of Trade Luong Van Tu chaired for the Vietnamese.

UPCOMING HIGHLIGHTS

(SEE PAGE 4 FOR FURTHER DETAILS)

- ★ **Visit of Deputy USTR Josette Shiner to Hanoi, July 22-23**
- ★ **Meeting for Trade Council Members with Vietnam Ambassador- Designate Michael Marine, August 4**
- ★ **Meeting for Trade Council Members with Assistant Secretary of State James Kelly, TBD**
- ★ **USVTC International Trade Law Workshops for Hanoi Law University, HCMC University of Law, Ministry of Justice, and HCMC Bar Association, Aug. 2-8**
- ★ **USVTC/General Sciences Library IPR Seminar Series (2): "Trademark Protection in Vietnam", August 11**
- ★ **USVTC Seminar on "Copyright Protection Issues for Librarians", August 12**
- ★ **International Trade Law English Training Program in Hanoi, July 23 to September 26**

Trade Council Meeting with Deputy USTR Josette Shiner on issues relating to BTA Implementation and WTO Accession

In preparation for this joint committee meeting, the U.S.-Vietnam Trade Council met with Deputy USTR Josette Shiner to discuss issues of interest. In addition, the Trade Council submitted an issues paper and an update to our recent report, "The U.S.-Vietnam Bilateral Trade Agreement: Survey of U.S. Companies on Implementation Issues". For more information, please refer to our website at <http://www.usvtc.org>.



Vice Minister of Trade Luong Van Tu with Ambassador Tran Trong Toan – Ministry of Foreign Affairs (left), and Ambassador Ngo Quang Xuan – Vietnam Geneva Mission at USVTC Reception (right) in Geneva.

Vietnam WTO Working Party Meeting

Vietnam held its most recent WTO Working Party Meeting in Geneva on 15 June 2004, having submitted a new round of paperwork including improved offers on goods and services in late April 2004. Several bilaterals were also conducted with WTO Members, including Australia, the EU, and most importantly with the U.S. As next steps, Members agreed to produce a *Draft Working Party Report* and hold the 9th Working Party session in early-December 2004. Members are expected to submit new questions by the end of July, and Vietnam will circulate replies by the end of September. USVTC President Virginia Foote and Chief Legal Advisor Demetrios Marantis were in Geneva during this time and hosted a reception for the Vietnamese and U.S. delegations, and the WTO Secretariat on June 15th at the Geneva offices of Sidley Austin Brown and Wood LLP.

The EU and Vietnam recently conducted bilateral negotiations in mid-July and will continue negotiations in Brussels at the end of this month with the goal of concluding bilateral negotiations by the year's end. Vietnam will also conduct informal WTO talks with the U.S. during a visit to Hanoi led by Deputy USTR Josette Shiner July 21-23.

President Bush Signs Letter to Congress Renewing the Jackson-Vanik Waiver for Vietnam

On 3 June 2004, the President sent his recommendation to U.S. Congress that the *Jackson-Vanik Amendment* for Vietnam be waived

allowing for the renewal of NTR status. Under the Trade Act of 1974 as amended, based on freedom of emigration criteria, the President can grant a one-year extension of NTR, EXIM, OPIC and USAID operations for Vietnam. The President's decision goes forward unless both Houses of Congress enact a joint resolution of disapproval by 1 September each year.

U.S. Department of Commerce Assesses Antidumping Duties on Shrimp Imports from Vietnam

The U.S. Department of Commerce announced on Tuesday, 6 July 2004 its preliminary determination on antidumping duties for shrimp imports from Vietnam and China in the dumping investigation filed against imports from Vietnam, China, Brazil, Ecuador, India and Thailand. Preliminary tariffs set ranged from 12.11% to 93.13% for Vietnam, and 7.67% to 112.81% for China. The dumping assessment for the remaining four countries is expected in late July. Approximately 78 percent of Vietnamese shrimp imports will face duties ranging between 12.11% and 19.60%. The remaining 22% of Vietnamese imports will face the higher 93.13% duties. Additional materials will be submitted soon. In the meantime, the U.S. Customs Service will collect a cash deposit or bond equal to the estimated dumping margin; in the event of a negative determination, this will be refunded. As next steps, the Department of Commerce is expected to make its final determination on dumping margins on November 24, 2004. In early January 2005, the U.S. International Trade Commission will then make its final determination on whether dumped imports have caused injury to the U.S. industry.

Vietnam Human Rights Act Passes U.S. House of Representatives

On 19 July 2004, H.R. 1587 – Vietnam Human Rights Act of 2003 - passed the U.S. House of Representatives by a vote of 323-45. H.R. 1587 advocates the capping of U.S. non-humanitarian aid to Vietnam at levels of the current fiscal year, which ends Sept. 30, unless the president certifies substantial progress by Vietnam in releasing political and religious prisoners and respecting religious freedom. Such certification would be renewable annually. The bill has been referred to the Senate which will have to be voted on before the end of the Congressional year. The U.S.-Vietnam Congressional Caucus and the U.S.-Vietnam Trade Council have both submitted letters to Members of Congress opposing this bill.

TECHNICAL ASSISTANCE UPDATES

USVTC Senior Advisor, Ambassador Richard Fisher Meets PM Pham Van Khai in Vietnam

The U.S.-Vietnam Trade Council was pleased to host the visit of USVTC Advisory Board Member Ambassador Richard Fisher to Vietnam. During his visit, Ambassador Fisher met with Prime Minister Phan Van Khai, Deputy Prime Minister Vu Khoan, and Minister of Trade Truong Dinh Tuyen. While in Ho Chi Minh City, Ambassador Fisher also conducted a workshop on trade negotiation strategies with members of the Ho Chi Minh City Bar Association. Ambassador Fisher is former Deputy U.S. Trade Representative and was instrumental in the successful conclusion of negotiations on the U.S.-Vietnam Bilateral Trade Agreement (BTA).

USVTC Program on WTO Accession in Cooperation with Singapore Ministry of Foreign Affairs, 28 June – 2 July

As part of the Trade Council's Singapore Cooperation Program, an intensive five-day course on *WTO Accession and International Trade Law* was organized in Hanoi from 28 June to 2 July 2004 at the Vietnam-Singapore Training Centre. With cooperation from Vietnamese counterpart, the National Committee for International Economic Cooperation (NCIEC), participants representing various think-tanks, academic institutions, the National Assembly, Central Committee, and government agencies attended the program conducted by Rajesh Srinivasan – Partner, Rajah & Tann. This training program was the second co-operative effort between Singapore and the USVTC to provide technical assistance to Vietnam on issues relating to international global integration, including Vietnam's accession to the WTO.

USVTC-Singapore Cooperation Program

During a visit to Singapore, Trade Council President Virginia Foote met with Robert Chua – Director, Technical Cooperation, Ministry of Foreign Affairs, to discuss further cooperation on assistance to the Government of Vietnam. We look forward to our continued collaboration with the Government of Singapore for the 2004-2005 including assisting Vietnam on specific issues relating to implementation of key WTO obligations.

USVTC/HCMC Economics University “Business Hotline” TV and Radio Shows

As part of the USVTC-supported “*Business Hotline*” TV and Radio series, programs on “The Settlement of Bad Debt in the Vietnamese Banking System”; “The Role of Debt Trading Companies in a Market Economy”; and “Commercial Arbitration: The

Preferred Dispute Settlement Procedure for Businesses” were recently recorded. The first two programs aired from 10 - 18 July on Vietnam Television and broadcasted on Vietnam Radio through that week. The program featured a lively discussion by economic and banking experts on the current status of global economic integration of the Vietnamese banking system, what Vietnamese banks need to do for financial liberalization, and analyses of the experiences of neighboring countries such as Singapore, China, and Thailand. The program on arbitration aired from 10 – 14 July on Vietnam and Ho Chi Minh City Television Networks and discussed what Vietnam is doing to develop arbitration rules in light of international integration. A program on “Stock Exchange and Equitization” is currently underway and is expected to be aired at the end of July. The “*Business Hotline*” program is a joint USVTC project with the Ho Chi Minh City University of Economics. Filmed monthly and broadcast weekly on radio and television, the programs provide analysis and discussions of key international economic issues facing Vietnam today.

“Vietnam Trade Policy Regime: 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 has since July 2000 and on a monthly basis compiled the *Catalog of Legal Updates* identifying laws and regulations promulgated by Vietnam as they relate to obligations under the BTA and in preparation for WTO Accession. Beginning in March 2004, this document, now the “*Vietnam Trade Policy Regime: Catalog of Legal Updates*”, will focus on legal developments with a view towards what Vietnam has undertaken or will undertake for its WTO accession. The Catalog is prepared in cooperation with Phillips Fox 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.

UPCOMING HIGHLIGHTS

Visit of Deputy U.S. Trade Representative Josette Shiner to Hanoi, July 22-23

Vietnam's Ministry of Trade will host Deputy U.S. Trade Representative Josette Shiner, and Director for Southeast Asia & APEC Affairs, Elena Bryan, in Hanoi from July 21-23. The delegation from USTR will be in Hanoi to discuss issues of BTA implementation and WTO accession. The U.S. side recently conducted bilateral and multilateral talks with Vietnam in June 2004 in conjunction with Vietnam's 8th Working Party meeting in Geneva. In preparation for this meeting and to provide feedback from the business community, the Trade Council has submitted an *issues paper* to USTR, available on our website at <http://www.usvtc.org>

International Trade Law English Training Program in Hanoi, July 23 to September 26

The U.S.-Vietnam Trade Council is pleased to be partnering with Cleverlearn® to provide intermediate legal English training for international trade law lecturers and experts in Hanoi. The training program will also be offered to experts and lecturers in Ho Chi Minh City beginning in September. As a follow-on to this program and beginning in 2005, we hope to be able to select candidates for further advanced education in international trade law and legal English training abroad.

Trade Council Meeting with Vietnam Ambassador designate Michael Marine, Aug. 4

The U.S.-Vietnam Trade Council is pleased to be organizing a briefing for member companies with Vietnam Ambassador-designate Michael Marine. Mr. Marine was most recently deputy chief of mission in Beijing and will be the third post-war U.S. Ambassador in Hanoi. Special thanks to GE Corporation for hosting the meeting.

USVTC International Trade Law Seminar with Hanoi Law University and Ho Chi Minh University of Law, August 2 - 8

The U.S.-Vietnam Trade Council is pleased to bring Professor David Gantz, Professor of Law and Director of the International Trade Program at the University of Arizona College of Law, to Vietnam on August 2 through 8. Professor Gantz's visit is part of the international trade law curriculum program -- funded by the Atlantic Philanthropies -- that the Trade Council is undertaking with Vietnam's Ministry of Justice. This program is developing a curriculum on international trade and investment law for Vietnam's law schools as well as providing training for law faculty and experts on this subject. During his visit, Professor Gantz will conduct an

intensive workshop on international trade law at the Hanoi Law University, hold a seminar on international investment law at the Ministry of Justice, and lead a workshop on antidumping and other trade remedies at the Ho Chi Minh City Bar Association.

USVTC Seminar on "Trademark Protection" at the IPR Reference Collection, August 11

The U.S.-Vietnam Trade Council and the General Sciences Library are pleased to be organizing the second seminar in our 2004 seminar series on intellectual property rights issues in Ho Chi Minh City. The upcoming program will focus on "Trademark Protection" The seminar series is held bi-monthly at the General Sciences Library, focusing on legal aspects of intellectual property rights protection and enforcement. Participants will include lawyers, judges, faculty members and students from local universities and government officials.

USVTC Seminar on "Copyright Protection Issues for Librarians", August 12

The U.S.-Vietnam Trade Council and the General Sciences Library are pleased to be organizing a special seminar on IPR protection for Ho Chi Minh City librarians. The program will focus on copyright protection issues, particularly as they relate to research facilities. Participants will include employees at public and university libraries throughout HCMC.

For more information on specific programs and events, please contact the U.S.-Vietnam Trade Council at 202-547-3800 ext. 115 (Washington, DC); 844-9361700 (Hanoi); or 848-824-3651 (Ho Chi Minh City). <http://www.usvtc.org>