

Subject to Legal Review for Accuracy, Clarity and Consistency

The Honorable Vu Huy Hoang
Minister of Trade and Industry
Ministry of Trade and Industry
Hanoi, Vietnam

Dear Minister Hoang,

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honor to confirm the following agreement reached between representatives of the Government of Vietnam (Vietnam) and the Government of the United States of America (United States):

Nothing in Annex 11-B, Section D restricts the right of Vietnam to adopt or maintain measures that condition the cross-border supply of electronic payment services into Vietnam by a service supplier of another Party on a requirement that such electronic payment services are supplied through a gateway operated by a national switching facility licensed by the State Bank of Vietnam. Any such requirement shall:

- (1) not be used as a means of avoiding Vietnam's obligations under Section D;
- (2) not result in a competitive disadvantage to the service suppliers of another Party;
- (3) ensure the security, speed, or reliability of the services, and preserve the ability of service suppliers of another Party to innovate, and
- (4) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If the national switching facility of Vietnam and a supplier of another Party enter into an agreement or agreements for the processing of electronic payments transactions that set out standards for operation of that facility, compliance with the terms of the agreement or agreements shall be deemed to satisfy Vietnam's obligations under paragraphs (2), (3), and (4) with respect to that supplier.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Vietnam.

Sincerely,

Ambassador Michael B. G. Froman

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The Honorable Michael B. G. Froman
United States Trade Representative
Executive Office of the President
Washington, D.C.

Dear Ambassador Froman,

I am pleased to acknowledge your letter of this date, which reads as follows:

Nothing in Annex 11-B, Section D restricts the right of Vietnam to adopt or maintain measures that condition the cross-border supply of electronic payment services into Vietnam by a service supplier of another Party on a requirement that such electronic payment services are supplied through a gateway operated by a national switching facility licensed by the State Bank of Vietnam. Any such requirement shall:

- (1) not be used as a means of avoiding Vietnam's obligations under Section D;
- (2) not result in a competitive disadvantage to the service suppliers of another Party;
- (3) ensure the security, speed, or reliability of the services, and preserve the ability of service suppliers of another Party to innovate, and
- (4) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If the national switching facility of Vietnam and a supplier of another Party enter into an agreement or agreements for the processing of electronic payments transactions that set out standards for operation of that facility, compliance with the terms of the agreement or agreements shall be deemed to satisfy Vietnam's obligations under paragraphs (2), (3), and (4) with respect to that supplier.

I have the honor to confirm that my Government shares this understanding, and that this letter and your reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States of America and Vietnam.

Sincerely,

Minister Vu Huy Hoang
Minister of Trade and Industry