

Letter from Viet Nam to Canada

Dear _____ :

In connection with the signing on [DATE] of the Trans-Pacific Partnership Agreement (“the TPP Agreement”), I have the honour to confirm the following agreement reached between representatives of the Government of Viet Nam and the Government of Canada.

Viet Nam and Canada agree that nothing in Annex 11-B, Section D of the TPP Agreement restricts the right of Viet Nam to adopt or maintain measures that condition the cross-border supply of electronic payment services into Viet Nam 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 Viet Nam. Any such requirement shall:

- (1) not be used as a means of avoiding Viet Nam’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 Viet Nam 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 Viet Nam’s obligations under items (2), (3), and (4) listed above with respect to that supplier.

I have the further honour to propose that this letter and your letter in reply, equally valid in English and French, confirming that your Government shares this agreement between our Governments, shall constitute an agreement between our Governments, which is subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP Agreement as modified by Article 11.21 (Dispute Settlement) of the TPP Agreement, and which shall enter into force on the date of entry into force of the TPP Agreement as between Viet Nam and Canada.

Sincerely,

Reply Letter from Canada to Viet Nam

Dear _____ :

I have the honour to acknowledge receipt of your letter of [DATE], which reads as follows:

[Copy text of letter from Viet Nam to Canada here]

I have the honour to confirm that my Government shares this agreement and that your letter and this letter in reply, equally valid in English and French, shall constitute an agreement between Canada and Viet Nam that shall be subject to dispute settlement under Chapter 28 (Dispute Settlement) as modified by Article 11.21 (Dispute Settlement) of the TPP Agreement.

Sincerely,