

Subject to Legal Review for Accuracy, Clarity and Consistency

[Letter from Minister Hoang to Ambassador Froman]

Date

The Honorable

Dear

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honour to confirm the following agreement reached between representatives of the Government of Viet Nam (Viet Nam) and the Government of the United States of America (United States) regarding the rights that Vietnam provides foreign pharmaceutical companies under the TPP Agreement.

Viet Nam shall adopt, maintain and enforce appropriate legal instruments allowing foreign pharmaceutical companies to establish foreign-invested enterprises to perform importation of pharmaceuticals, which duly obtain the marketing authorization from Viet Nam's authority. Without prejudice to Viet Nam's Annexes of Non - Conforming Measures, those foreign-invested enterprises are allowed to sell pharmaceuticals legally imported by them to distributors or wholesalers that have the right to distribute pharmaceuticals in Viet Nam.

The foreign-invested enterprises referred to in paragraph 1 also will be allowed to have additional rights, which are: (i) to build their own warehouses to store pharmaceuticals legally imported by them into Viet Nam; (ii) to provide information related to pharmaceuticals legally imported by them to health care practitioners pursuant to the regulations issued by the Ministry of Health; and (iii) to do clinical study/testing to ensure the pharmaceuticals legally imported by them are suitable for the Vietnamese people.

I have the honour 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 Article 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between Viet Nam and the United States.

Sincerely,

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[Letter of reply from Ambassador Froman to Minister Hoang]

Date

The Honorable

Dear

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

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honour to confirm the following agreement reached between representatives of the Government of Viet Nam (Viet Nam) and the Government of the United States of America (United States) regarding the rights that Vietnam provides foreign pharmaceutical companies under the TPP Agreement.

Viet Nam shall adopt, maintain and enforce appropriate legal instruments allowing foreign pharmaceutical companies to establish foreign-invested enterprises to perform importation of pharmaceuticals, which duly obtain the marketing authorization from Viet Nam's authority. Without prejudice to Viet Nam's Annexes of Non - Conforming Measures, those foreign-invested enterprises are allowed to sell pharmaceuticals legally imported by them to distributors or wholesalers that have the right to distribute pharmaceuticals in Viet Nam.

The foreign-invested enterprises referred to in paragraph 1 also will be allowed to have additional rights, which are: (i) to build their own warehouses to store pharmaceuticals legally imported by them into Vietnam; (ii) to provide information related to pharmaceuticals legally imported by them to health care practitioners pursuant to the regulations issued by the Ministry of Health; and (iii) to do clinical study/testing to ensure the pharmaceuticals legally imported by them are suitable for the Vietnamese people.

I have the honour 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 Article 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between Viet Nam and the United States.

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 and Viet Nam.

Sincerely,