



and Education Forum ★ [www.usvtc.org](http://www.usvtc.org)

## UPDATE JANUARY 2003

### **One Year Anniversary of the BTA – December 10**

The Trade Council and the Embassy of Vietnam hosted a reception in Washington, DC to mark the one year anniversary of the U.S.-Vietnam Bilateral Trade Agreement. On behalf of our members and staff, we would like to express our congratulations to both nations on this special occasion.

### **Ambassador Ray Burghardt Briefing**

On January 24, U.S. Ambassador to Vietnam Ray Burghardt will address the U.S. business community in Washington and on January 21, Amb. Burghardt will give an address to the Asia Society also in Washington. Please contact the Trade Council for further information.

### **Senator McCain Visit to Vietnam**

Senator John McCain and his family visited Vietnam in late December – early January. While in Vietnam, Senator McCain had senior level meetings with Vietnamese government officials in Hanoi, visited the Central Highlands, Ha Long Bay and Ho Chi Minh City

### **Richard Fisher Visit to Vietnam and Hanoi Law School**

Former Deputy US Trade Representative Richard Fisher, now Managing Partner, Kissinger McLarty Associates, and Senior Advisor to the Board for the U.S.-Vietnam Trade Council will visit Hanoi and Ho Chi Minh City January 13 - 16. Ambassador Fisher will meet with Deputy Prime Minister Vu Khoan, Minister of Justice Uong Chu Luu, Minister of Trade Truong Dinh Tuyen, Vice Minister of Foreign Affairs Le Van Bang, Vice Chairman of the HCMC Peoples Committee Nguyen Thien Nhan, and other senior Vietnamese officials. He will also speak at the Hanoi Law School. The Trade Council will host a private luncheon for our member companies. In Ho Chi Minh City, Ambassador Fisher will meet representatives from Amcham. Please contact the Trade Council for further information.

### **U.S. Congressional Staff Delegation to Vietnam, April 12 - 27**

In preparation for Vietnam's Jackson-Vanik renewal this summer, the Trade Council is planning to host a Congressional staff delegation in Vietnam during the

### UPCOMING HIGHLIGHTS

- ★ Ambassador Burghardt Briefing with U.S. ASEAN Business Council, January 14
- ★ Luncheon for USVTC Members with Senior Advisor to the Board, Richard Fisher  
Hanoi, January 14
- ★ Richard Fisher Speech at Hanoi Law School, January 14
- ★ Amcham luncheon for Richard Fisher, Ho Chi Minh City, January 15
- ★ Asia Society Conference  
Hanoi, March 5 - 7
- ★ USVTC led Congressional Staff Delegation to Vietnam  
April 12 – 27
- ★ Catalogue of Legal Updates - monthly

Congressional Easter recess in April. We look forward to working with our member companies and others on this very important visit. Please contact the Trade Council for additional information.

### **Catfish Dumping Case**

On December 20, U.S. Senator John McCain (R-AZ) and Senators Chuck Hagel (R-NE), Olympia Snowe (D-ME), Susan Collins (R-ME) and Diane Feinstein (D-CA) sent a letter to the US Secretary of Commerce, Donald Evans, urging that all facts in the dumping investigation be carefully analyzed

before any decisions are made. A decision on dumping margins based on an Indian or Bangladesh comparison is expected January 24.

#### **WTO Position Paper**

The Education Forum is assisting with the drafting of Amcham's position paper in support of Vietnam's WTO Accession for submission to the Asia/Pacific Council of American Chambers (APCAC). This position paper will be finalized by Amcham's Board of Governors to be used during its APCAC's annual "Washington Doorknock" in June.

#### **Asia Society Conference in Vietnam – "Opening Markets & Continuing Growth: Vietnam and the Asian Economy", March 5-7**

This conference at the Melia Hotel in Hanoi will look at the long-term ramifications of Vietnam's emergence for the Asia Pacific region as a whole. Registration is available through the Asia Society and information is available through the Trade Council.

#### **Approval of VTC BTA Implementation Work Plan**

Vietnam's Steering Committee for the BTA Implementation Technical Assistance Program has formally approved the Education Forum's USAID funded Work Plan for 2003 in support of implementation of the Agreement. Under this plan, the Education Forum will conduct study missions and follow-on activities on specific topics including Banking & Financial Services, IPR enforcement, Sanitary & Phytosanitary Measures (SPS), Standards, Telecommunication Services, Trading & Distribution Rights & Services, and Investment Disputes under ICSID. We look forward to working with our Vietnamese counterparts and both the U.S. public and private sector on these programs.

#### **Legal Curriculum and Technical Assistance Updates**

##### **WTO Trade Commitments Chart**

To assist with Vietnam's WTO accession process and as part of our legal curriculum development project, the U.S.-Vietnam Trade Council's Education Forum has compiled a comparative chart providing an overview of key commitments undertaken by recent applicants to the WTO including that of Macedonia, China, Taiwan, Lithuania, Moldova, Croatia, Oman, Albania and Jordan. The chart also includes related obligations made by Vietnam in the U.S.-Vietnam Bilateral Trade Agreement (BTA). Commitments covered include those that are related to trade in goods (e.g., tariff rates, "zero for zero" initiatives, agricultural export subsidies, TRIMS, and SPS), trade in services (e.g., telecom, insurance, banking, and legal), and trade-related intellectual property rights. This document has been completed in cooperation with the Ministry of Trade and has been provided to key ministries involved in the WTO process. This document will be updated periodically and is available in Vietnamese. For a copy, please see our website.

##### **WTO Agreement on Customs Valuation**

Richard Belanger – USVTC Senior Advisor and Partner, Sidley Austin Brown & Wood LLP has provided a memo on the WTO Agreement on Implementation of Article VII. The memo addresses rules concerning reservations for existing minimum values and difficulties faced by newly acceding Members on implementation.

##### **WTO TRIMS Agreement**

To assist with Vietnam's WTO Accession process, USVTC Chief Legal Advisor Demetrios Marantis has completed an FAQ sheet relating to TRIMs extension requests under the WTO, including case studies of such requests granted by the WTO to ASEAN country members. The memo also addresses the narrowness of such requests, what member countries have done in order to obtain these extensions, and whether or not newly acceding countries have been granted TRIMs extensions.

##### **WTO Special & Differential Treatment**

To assist with Vietnam's WTO Accession process, USVTC Chief Legal Advisor Demetrios Marantis has also provided the Ministry of Planning & Investment with a list general questions and answers regarding special and differential ("S&D") treatment, particularly with respect to the TRIMs Agreement. Issues discussed in this memo include S&D provisions in the TRIMs Agreement, case studies where developing

countries have used these provisions, S&D provisions in other WTO Agreements, and how S&D provisions factor into WTO accession negotiations.

#### **ICSID Accession**

As a follow-up to the study mission on investment issues, the Education Forum has provided Vietnamese translations of all the conventions of the International Centre for the Settlement of Investment Disputes (ICSID). We look forward to providing further assistance on issues relating to Vietnam's accession process.

#### **“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.

#### **Other**

##### **Trade Council Staff Developments**

Beginning in January, International Trade Policy Analyst Shiumei Lin is dividing her time between Vietnam and Singapore. Shiumei will work on developing further cooperative opportunities with Singapore and other ASEAN nations, while continuing work in Vietnam to assist with the development of our legal curriculum and WTO and BTA technical assistance projects. In November 2002, Legal Consultant Lee Baker left the Trade Council to pursue her burgeoning business interests in Vietnam. We wish Lee all the best in her future endeavors and look forward to working with her still as a successful member of the American business community in Vietnam!