



October 2, 2002

The Honorable Donald Evans  
Secretary of Commerce  
U.S. Department of Commerce  
Attention: Import Administration  
Central Records Room 1870  
14<sup>th</sup> Street and Constitution Avenue  
Washington, DC 20230

RE: Case No. A-552-801

COMMENTS ON THE DEPARTMENT'S CONSIDERATION OF THE MARKET ECONOMY  
STATUS OF VIETNAM

Dear Mr. Secretary:

These comments are respectfully submitted in response to the Department's 67 Fed. Reg. 52942 (August 14, 2002) request for comments on the status of the economy of Vietnam.

The U.S. Vietnam Trade Council is a leading trade association of American companies doing business in Vietnam. Since its founded in 1989 and through offices in Washington, Hanoi and Ho Chi Minh City, the Council has played an instrumental role in the normalization of both political and economic relations between the U.S. and Vietnam.

Through the period since the U.S. and Vietnam first began talks to normalize trade relations, sign a bilateral trade agreement, and grant reciprocal NTR status, the Council has been provided extensive technical assistance on commercial law reform and international trade and investment norms. Member companies, legal experts, U.S. government programs and multilateral donor activities have successfully assisted to bring Vietnam's economy into regional and bilateral agreements. The Bilateral Trade Agreement (BTA) with the United States is the most comprehensive NTR bilateral trade agreement ever negotiated by the United States and requires major commitment from Vietnam.

Since the U.S. and Vietnam signed the BTA in 2000, the Council has worked to provide assistance to Vietnam in updating its legal structure and has published a monthly *Catalog of Legal Update* which I would like to call to the attention of the Department of Commerce. The September 2002 catalog is available through our website or directly on [www.usvtc.org/Documents/CatalogOfLegalUpdates/Catalog%20Sept%2015%202002.pdf](http://www.usvtc.org/Documents/CatalogOfLegalUpdates/Catalog%20Sept%2015%202002.pdf)

This *Catalog of Legal Updates* shows the sweeping reforms taking place in Vietnam today.

The trade relationship between the U.S. and Vietnam is new with the BTA only coming into force and Vietnam only receiving Column 1 tariffs on December 10, 2001 – less than one year ago. Trade is building slowly but with the BTA now in force, it is being built on a solid foundation of mutual commitments for market access, fair and transparent treatment, and international dispute settlement mechanisms.

A classification of non-market status will be a setback to this progress. It is our hope that in its analysis of Vietnam's economic status, the Department of Commerce will consider Vietnam in comparison to other transitional economies that have been granted market economy status, and will particularly include consideration of the substantial commitments under the BTA and the tremendous progress made to date.

We would welcome the opportunity to participate in hearings on this issue.

Sincerely,

Virginia B. Foote  
President