

EXHIBIT 12



CATALOG OF LEGAL UPDATES

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The U.S.-Vietnam Trade Council has worked to promote economic and political normalization between the two countries since its founding in 1989. Its affiliate, the U.S.-Vietnam Trade Council Education Forum, provides technical assistance to Vietnam on issues relating to the BTA and international economic integration. This document is compiled by our in-country technical assistance team, with support from Phillips Fox Lawyers. For additional information, please contact the Trade Council in Washington at 202-547-3800, 844-822-3653 in Hanoi, 848-824-3651 in Ho Chi Minh City, or visit our website at <http://www.usvtc.org>.

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Catalog of Legal Updates

Since the signing of the U.S.-Vietnam Bilateral Trade Agreement (BTA) in July 2000, the U.S.-Vietnam Trade Council Education Forum under the auspices of its International Commercial Law and Trade Policy Technical Assistance Program has worked to catalog legislation and regulatory efforts made by Vietnam in areas relating to the BTA and in accordance to international trade and investment standards. The compilation that follows is an attempt to itemize these changes as they relate to specific area commitments in the BTA. It does not judge compliance. This is a working document, updated monthly, with new items identified in the margins.

Ratification and Entry into Force

Ratification: Vietnam's National Assembly ratified the BTA on 28 November 2001. Resolution 48-2001-NQ-QH10 of the National Assembly on the Ratification of the Vietnam-U.S. Bilateral Trade Agreement dated 11 November 2001 passed by a vote of 278-85, with 17 absentees. The Resolution states that Vietnam's "National Assembly Standing Committee, Government, Legislative agencies [are] to map out a uniform plan of action to make amendments and supplements to legal documents serving the implementation of the BTA, strengthen the legal system, finalize policies, enhance human resources training, create a favorable conditions for businesses to facilitate the implementation of the agreement." The U.S. and Vietnam exchanged letters in Washington, DC, bringing the BTA into force on 10 December 2001.

Consultations: The Joint Committee on Development of Economic and Trade Relations - a bilateral committee established under the BTA - has been set up as an instrument and a forum for the discussion of compliance issues. Decision 53/2002/QD-TTg issued on April 23, 2002 on the establishment of Vietnam's division of the Joint Committee for Economic and Trade Relationship Development between Vietnam and the United States formally establishes this. The division is chaired by Deputy Minister of Trade Luong Van Tu. Standing members include officials from the Office of Government and the ministries of Trade, Foreign Affairs, Planning and Investment and Finance. The Office of the U.S. Trade Representative will chair the interagency Committee on the U.S. side. Deputy USTR Ambassador Jon Huntsman visited Hanoi May 6-7 for the first official meeting.

Annual NTR Status Renewal: As part of the annual renewal procedure, President Bush submitted to Congress his intent to renew presidential authority to grant waivers under the Jackson-Vanik amendment, and his intent to extend the waiver for Vietnam in particular. Under the Trade Act of 1974 as amended, a Jackson-Vanik waiver is required annually for the continuation of NTR status, EXIM, OPIC and USAID operations for Vietnam. On July 23rd, the U.S. House of Representatives defeated H.J. Res. 101 - a disapproval resolution on extending this waiver for Vietnam - by a vote of 338 - 91 in favor of extending the Jackson-Vanik waiver for Vietnam.

Implementation

Overall Plan for Implementation of the BTA: The Prime Minister's Office has issued Decision 35-2002-QD-TTg outlining Vietnam's overall plan for implementing the BTA in all aspects including calling for: 1) Public awareness through dissemination via public media, public education of ministries, universities and businesses; 2) Legal Review of Vietnamese law; 3) Preparation for and evaluation of increased competition by government agencies and businesses, and plans for increasing foreign direct investment; 4) Preparation for the protection of IPR; 5) Preparation for promoting trade, investment and tourism in the US market; 6) Preparatory plans by relevant ministries in areas that affect national security in Vietnam; 7) The training of the labor force; and 8) Overall organizational issues by the joint bilateral committee, various ministries, agencies, and People's Committees.

Legislative Changes and Plans for Implementing the BTA: Vietnam conducted a preliminary review of its laws and found 148 legal documents at the central level to have inconsistencies in relation to the provisions of the BTA. The 148 documents comprise 26 Laws, 19 Ordinances, 1 Presidential Decision, 54 decrees, 8 Prime Ministerial Decisions, 2 Prime Ministerial Instructions, 23 Ministry Circulars, 13 Ministry Decisions and 1 Ministry Instruction. Currently, Vietnam is working on amendments for 24 documents, overall changes for 39 documents, and the abolishment of 9 documents.

In December 2001, the Prime Minister's office approved the Ministry of Justice's initial review of legal instruments that need to be amended in order to comply with Vietnam's international undertakings, including the Vietnam-US Bilateral Trade Agreement ("BTA"). Official Letter 6172-VPCP-TCQT of the Office of Government dated 18 December 2001 instructs Ministries, branches and people's committees to continue to check the legal instruments within the sectors for which they are responsible and the instruments issued by them. The Decision assigns the Ministry of Justice with specific tasks of "commencing work with the National Assembly and the Government to prepare the program for drafting laws for the year 2002-2003, aimed at complying with Vietnam's international undertakings, including the BTA; [Presiding] over drafting a Government program for submission to the National Assembly on amending the legal system for the whole period of the 10th Session National Assembly 2002-2003, giving priority to the need to implement the BTA and to be able to provide undertakings when Vietnam joins the World Trade Organization; [Reviewing] and [providing] statistics on the number of international treaties in which Vietnam participates and the number of new ones that Vietnam must sign during the process of integration into the international economy; [Taking] charge of co-ordination with ministries, branches and people's committees to strengthen step by step the legal systems of ministries, branches and enterprises; [Providing] legal training for staff of ministries, branches, localities and enterprises, in order to satisfy the requirements for providing undertakings during the process of integration into the international economy."

On 8 April 2002, the Minister of Justice reported that the first stage of review of all laws issued by ministries and central bodies had been completed, and that the Government is now being asked to issue amendments to 150 legal instruments. Vietnam is now conducting the second stage of reviewing laws issued by administrative bodies, in particular for the major cities of Hanoi, Ho Chi Minh City, Da Nang and Hai Phong.

2002 Legislative Plan for Vietnam: Vietnam's National Assembly has approved and issued the Law Making Plan for 2002. Resolution 52-2001-QH10 of the National Assembly dated 25 December 2001 on the Program for Building Laws & Ordinances reveals plans for amending current laws or the introduction of new laws of relevance to the BTA including the Law on Amendments of and Additions to the Law on Issuance of Legal Instruments; Law on Business Bankruptcy; Law on Amendments of and Additions to the Commercial Law; Law on Accounting; Ordinance on Commercial Arbitration; Ordinance on Dealing with Administrative Offences; Ordinance on Amendments of and Additions to the Ordinance on Rights & Obligations of Foreign Organizations and Individuals Leasing Land in Vietnam; Ordinance on Pricing; Ordinance on E-Commerce; Ordinance on MFN and National Treatment.

Legislation expected to be considered at the next session of Vietnam's National Assembly in October – November 2002 includes: 1) the Amendments to the Commercial Law; 2) Amendments to the Law on Business Bankruptcy (not expected to be ratified until April 2003); 3) Law on Social Insurance; 4) Law on Accounting; 5) Ordinance on Arbitration; 6) Amendments to the Ordinance on Rights and Obligations of Foreign Organizations and Individuals Leasing Land in Vietnam. Other legislation that may be scheduled for commentary in the next National Assembly session include the Civil Prosecution Code (as amended); the Law on Land (as amended) and the Law on State-owned Enterprises (as amended). To date, Vietnam has ratified the Ordinance on Pricing (26 April 2002, effective 1 July 2002); Ordinance on Self-Protection in Import of Foreign Goods into Vietnam (25 May 2002, effective 1 September 2002); Ordinance on MFN and National Treatment (25 May 2002, effective 1 October 2002); and the Ordinance on Post & Telecommunications 25 May 2002, effective 1 October 2002); and the Ordinance on Dealing with Administrative Offences. (2 July 2002, effective 1 October 2002)

Trade in Goods

Most-Favored-Nation Status: On May 25, the Standing Committee of Vietnam's National Assembly approved the Ordinance on MFN and National Treatment involving trade in goods, codifying important principles in the BTA and representing a significant move forward towards Vietnam's WTO accession. Ordinance 41-2002-PL-UBTVQH10 introduces the concept of MFN and National Treatment, applicable to imports and exports, services and foreign-service providers, investment and foreign investors, and foreign organizations or individuals who are holders of IP rights. (See each section for elaboration of MFN and National Treatment application) MFN is applicable in the following situations: 1) Where Vietnamese law requires that it is applicable; 2) Where Vietnam has signed an international treaty requiring that MFN be granted; 3) To countries that Vietnam has reciprocal MFN arrangements; and 4) other cases as determined by the Government. (Article 6) The ordinance lists exceptions for the application for MFN in trade in goods including 1) in cases where Vietnam is member to international treaties granting preferential treatment; 2) in cases where Vietnam extends preferential treatment with countries sharing territorial borders; 3) in cases of preferential treatment afforded to developing or under-developed countries; and 4) in cases where Vietnam is member to an international treaty for transit of goods. (Article 8) Under the ordinance, the scope

for application of MFN extends to 1) Taxes, fees and other charges relating to imports, exports or anything relevant to import/export; 2) payment methods and payment transfers for import/export; 3) Regulations and procedures relating to import/export; 4) Taxes, direct and indirect charges for imports; 5) Quantitative restrictions and import/export licenses; 6) Other legal regulations affecting orders, purchases, transportation, distribution, and warehousing in Vietnam. (Article 7) The Ministry of Trade is the principal Government Body for state administration of on MFN and National Treatment with responsibilities for the promulgation and implementation of legal documents; decisions on application or non-application; the signing, participation and implementation of international treaties concerning MFN and National Treatment; establishment of implementing policies; the gathering and provision of information; the inspection of activities enforcing MFN and National Treatment; and the resolution of any complaints and related violations. (Article 18) The Ordinance is subject to the issuance of detailed implementing regulations and is effective 1 September 2002.

National Treatment: Ordinance 41-2002-PL-UBTVQH10 on MFN and National Treatment introduces the concept of MFN and National Treatment, applicable to imports and exports, services and foreign-service providers, investment and foreign investors, and foreign organizations or individuals who are holders of IP rights. The provision of national treatment in trade in goods is defined in the ordinance as the provision of treatment no less favorable than that provided to domestic goods. (Article 3.1) The provision of national treatment in general is subject to the following exceptions including: 1) Procurement conducted by the Government of Vietnam; 2) Government subsidies and supports provided to domestic manufacturers and their use of domestic content products; 3) Time allotment restrictions on broadcasting and television production and 4) Domestic transportation costs calculated on the basis of commercial activities of transportation. (Article 17)

Safeguards: Vietnam's Standing Committee of the National Assembly has also ratified an Ordinance 42-2002-PL-UBTVQH10 on Self-Protection in Import of Foreign Goods into Vietnam, which came into effect on 1 September 2002. The Ordinance allows Vietnam to take protective measures (such as imposing higher import duties, imposing import quotas, and "other measures decided by the Government") in order to safeguard its own domestic manufacturing industries against serious losses (defined in article 4.2) in circumstances where there is a sudden increase in import of goods "beyond the levels", which is defined in article 4.1 as "the import of goods in a volume, quantity or at a value which increases in an absolute or relative way in comparison to the volume, quantity or cost of equivalent goods or of directly competitive goods which are manufactured domestically". Article 8 provides for compensation to be payable for any loss resulting from application of self-protective measures (to be determined by consultation).

The Ministry of Trade may investigate the need for application of self-protective measures on its own initiative or upon request by any domestic manufacturer which manufactures at least 25% of the volume of similar or directly competing domestic goods (article 10). Article 13 provides for a wide consultative process prior to any decision by the Ministry of Trade on application of self-protective measures. Pending any such decision, the Ministry of Trade may impose the requirement for import permits for goods under investigation (purely for statistical purposes, not to limit volumes of goods) for a maximum 200 days (articles 15 and 20.5). The matters to be investigated include: changes in market sales, changes in volumes being manufactured, employees' productivity, coefficients of utilization of production capacity, profit and loss figures, employment figures for the industry which manufactures the goods the same as the import goods, and ratio of import goods over similar or directly competing goods being sold on the domestic market (article 16). The time-limit for investigations is 6 months (may be extended for 2 months in unspecified cases of necessity) and any decision must be publicized. The duration of application of self-protective measures is limited to 4 years, except in specified cases where application may be extended for another 6 months (article 22). Re-application of self-protective measures is subject to conditions (article 27). A complaints procedure is provided for in article 30.

Anti-Dumping: The Ministry of Trade is currently drafting an Antidumping Ordinance with plans to submit it to the National Assembly for approval next year.

Customs Valuation: Vietnam is committed to transitioning to methods of valuating goods at the border for customs purposes based on GATT valuation standards. In June 2001, Vietnam's National Assembly passed a new Customs Law introducing GATT Valuation principles into its system. On 6 June 2002 the Government issued Decree 60-2002-ND-CP regulating the determination of the dutiable price for imported goods subject to Import tax. This decree is effective beginning on 1 July 2002. Imported goods subject to Decree 60 are those officially imported under a commercial contract from countries or organizations where Vietnam is committed to implement the General Agreement on Tariff and Trade (GATT). There are 6 methods of determination of the dutiable price for imported goods: (1) Method of transaction value (2) Method of transaction value of identical goods (3) Method of transaction

value of equivalent goods (4) Method of selling price less profit margin (5) Method of cost calculation (6) Method of assumption. Previously, almost all imported goods were subject to a minimum taxable price if the declared price for Import tax was 70% less than the minimum price.

Customs Clearance: Regulations have also been introduced to streamline processing and administrative tasks in this area, including the shift to exemption from inspection of numerous categories of goods, random inspection of specified categories of goods, and actual inspection of goods only where a breach of law is suspected or the goods owner is a repeat customs offender. Initial testing is being conducted at Saigon Port #2 and Hai Phong Port #1. Results from these trial runs have been complimentary, with quicker goods clearance (reduction of inspection officials per shipment from 17 to six individuals. In Ho Chi Minh City, seaports of the Saigon Port system is set to run trials aiming at completing procedures within an hour and reducing required documents by half to two thirds by the usage of common documents in some cases. Procedures will be conducted at the port offices instead of the ship and fax and email documents will be considered legal dossiers. Foreign ships will not need permission to dock at Saigon port if it has already completed procedures at another port in Vietnam.

In December 2001, further details of the new streamlined customs clearance process were provided by Decree 101-ND-CP, Decree 102-ND-CP and a number of Decisions of the General Department of Customs. In July 2002, importers will be greatly assisted at ports in Haiphong, Dong Nai, Ho Chi Minh City and Binh Duong by the introduction of electronic customs declarations procedures. The Ho Chi Minh City Customs Department began trial runs for 30 businesses in a pilot project on June 17.

The General Department of Customs has also recently introduced new forms for use when completing customs formalities. Decision 1473-QD-TCHQ dated 24 May 2002, effective 15 June 2002 revokes certain forms set out by Decision 40-TCHQ-GSQL dated 4 May 1996 while launching declaration forms relating to non-commercial imports and exports; for frontier exports; for the applying to imports to and exports from a bonded warehouse; applicable to cars exported and imported through road frontier border gates; and for goods in transit. Others include a license for the temporary export of cars for re-import for a fixed period of time; a register book relating to cars and motorbikes temporarily imported for re-export; and a register book relating to cars and motorbikes temporarily exported for re-import.

Effective as of 4 September 2002, the General Department of Customs has been merged into the Ministry of Finance, pursuant to Decision 113-2002-QD-TTg of the Prime Minister dated 4 September 2002.

Non-Tariff Barriers: Vietnam issued Decision 46-2001-QD-TTg on 4 April 2001 effectively eliminating non-tariff barriers and quantitative restrictions for most products by 2003. The decision will also reduce excessive bureaucracy and increase transparency in allocating quotas. While restrictions on some key products will remain, the decision seeks to streamline Vietnam's trading regime through the elimination of non-tariff barriers, import export licensing (only seven items - petrol, glass, iron, vegetable oil, sugar, motorbike and nine-seat motorized vehicles - require a trading license from the trade ministry) and more transparent procedures governing quota allocation. Since entry into force of the BTA, the Ministry of Finance has disposed of policies to collect surtaxes applied to imports and has pledged not to issue further fees and surcharges that result in discrimination between imported and domestically produced goods.

Tariffs: Vietnam adopted the Harmonized System for classification of tariffs on 1 January 2000. Through their obligations under the ASEAN Free Trade Agreement (AFTA) CEPT Scheme, tariff rates since 2000 have been reduced for 4230 categories of products. Between now and 2003, tax cuts will apply to a further 1,900 categories. Vietnam has also committed to lowering the duty on 6,130 categories to 0-5% by 2006 and on nearly all commodities to 0% by 2015. On 13 May 2002, the Government released Decree 53/2002/ND-CP amending and supplementing the tax codes and names and tax rates for certain commodities in the CEPT list of 2002. The amended list includes cheese, coffees and some internal combustion piston engines. Decree 53 is effective retrospectively from 1 January 2002. In an effort to accelerate on its commitments related to AFTA, Vietnam has further increased the number of goods under which tariffs are to be reduced to 0-5% by 2003. This brings into force 80% of Vietnam's tariff reductions under AFTA. With the entry into force of the BTA, tariffs for U.S. goods will be reduced from 35% to 26% for approximately 244 bound items and phased in over a period of 3 years. 80% of these tariff items are agricultural while 20% are agricultural. In addition to AFTA and the BTA, Vietnam has also committed through Decision 86-2002-QD-BTC dated 1 July 2002 to reducing tariffs for textile products (HS Chapters 50-63) originating from the EU with a roadmap for phasing in reductions until 2005.

Trading and Distribution Rights – Domestic Enterprises: Through the implementation of Vietnam's new Enterprise Law, trading and distribution rights previously restricted to only state trading entities have been extended to all Vietnamese enterprises. The Enterprise Law's implementing regulations have streamlined and eliminated business-licensing procedures in many sectors. Since January 2001, 160 sub-licenses have been removed, and 11,150 businesses were incorporated as a result of reform in this area. An additional 20 sublicense requirements, including those in the cosmetic and film advertising field, are expected to be done away with by February 2002 and the government has identified a further 70 sub-sectors where licensing procedures will either be removed or amended. A new online system and the establishment of the Enterprise Information Centre has made registering for business licenses Hanoi, Hai Phong and Ba Ria-Vung Tau significantly faster (from seven or eight days to as little as one hour) and cheaper.

Trading & Distribution Rights – Foreign Enterprises: Following a recent directive issued by the Deputy Prime Minister Nguyen Manh Cam (Official Letter 2630-VPCP-KKTH of the Office of the Government dated 20 May 2002), the Ministry of Trade is currently coordinating with the Ministry of Justice and the Ministry of Planning & Investment on the preparation of specific regulations on import and distribution rights for foreign investors, for submission to the Government.

Currently, under Decree 24-2000-ND-CP of the Government dated 31 July 2000, foreign direct investment in the import and distribution sector is subject to conditions and Prime Ministerial approval pursuant to separate regulations which have not yet been issued (as confirmed in Official Letter 3067-TM-DT of the Ministry of Trade dated 7 August 2002). To date, only case-by-case exceptions have been approved. However, the Ministry of Trade has proposed that trading (import) and distribution rights be extended to foreign companies by the following mechanism (Official Letter 2177-TM-DT dated 5 June 2002):

- First, the scope of applicability of the 1997 Commercial Law should be expanded to govern foreign companies established in Vietnam to conduct commercial activities; foreign invested enterprises (FIEs) directly investing in the import services and distribution services sector; and currently-operating FIEs engaging in activities in the import services and distribution services sector. The Law on Amendments of and Additions to the 1997 Commercial Law is expected to be submitted to the National Assembly in October – November 2002.
- Then, a Government decree guiding the implementation of the Commercial Law with respect to import and distribution business activities by FIEs should be passed. The basic draft decree already prepared by the Ministry of Trade adopts the following definitions: "Import Services" as the commercial business activities of importing goods, comprising direct import, importing as an authorized agent, authorizing someone else to import, temporary import for re-export, and import in transit; "Distribution services" comprise the business of distribution of imported goods and of goods manufactured in Vietnam via wholesale, retail and agency systems. The draft decree provides, inter alia, that: 1) The decree will govern foreign companies established in Vietnam to conduct commercial activities; FIEs directly investing in the import services and distribution services sector; FIEs investing in the manufacturing sector which provide import and distribution services. 2) FIEs not deemed to operate in the import-distribution sector include FIEs investing in services sector, such as hotels, offices and residential housing for lease, training, auditing, consulting and so forth; export processing enterprises; and investment projects in the form of Business Cooperation Contracts. (BCCs) 3) Foreign companies and FIEs investing in the import-distribution sector will be permitted to import and distribute goods which are not on the list of prohibited imports and goods the trading of which is not conditional, subject to compliance with their business registration certificates or investment licenses. 4) FIEs investing in the manufacturing sector which engage in import and distribution will be restricted to the types of goods they manufacture as provided for in their investment licenses. 5) The Ministry of Trade will be designated as the State administrative body responsible for FIEs operating in the import-distribution sector.

In the above way, notwithstanding that the procedures for establishment and rights and obligations of FIEs remain governed by the Law on Foreign Investment, the import and distribution activities of FIEs can be regulated pursuant to the Commercial Law.

The proposed time line for the promulgation and entry into effect of the above decree is end of 2004, which is consistent with Vietnam's commitments under the BTA to allow U.S. companies to engage in trading and distribution activities three years after entry into force of the BTA, subject to restrictions listed in Annex B, C and D of the BTA.

Border Tax Adjustments: The General Department of Taxation of the Ministry of Finance has recently issued legislation allowing the exemption of Value-Added Tax (VAT) applied to goods sold to exporters by Vietnamese enterprises specifically for the purpose of export.

Commercial Arbitration: The latest draft (12 April 2002) of the Ordinance on Commercial Arbitration, drafted by the Vietnam Lawyers Association (VLA), with the input of the Ministry of Trade, and has been submitted by the VLA to the Government for its consideration prior to submission to the National Assembly (first scheduled for ratification mid July – mid August 2002, now carried over into the October – November session). The draft Ordinance seeks to improve the operations of the Vietnam International Arbitration Center – a non-governmental organization under the auspices of the Vietnam Chamber of Commerce and Industry (VCCI). The draft ordinance includes improved provisions for the enforcement of arbitration awards by Vietnamese courts, with international arbitration procedures and foreign substantive law able to be applied in limited circumstances. The draft also includes provisions that permit foreign citizens to act as arbitrators under limited circumstances and provided that they satisfy prescribed conditions. Although the draft continues to fall short of UNCITRAL Model Law, it represents a vast improvement on previous law. The Center currently has 76 arbitrators specializing in economic and legal disputes. It is chaired for a three year term by newly elected Chairman Nguyen Minh Chi, Head of the Legal Department, Ministry of Trade.

In a very significant development to investors, a foreign arbitral award has recently been recognized by a Vietnamese court. In June 2002, the Ho Chi Minh City People's Economic Court recognized a foreign arbitral award (for the first time in Ho Chi Minh City) in the much watched Tyco Services Singapore Pte. Ltd. v. Leighton Contractors (VN) Ltd. dispute.

Intellectual Property Rights

MFN: Ordinance 41-2002-PL-UBTVQH10 dated 25 May 2002 introduces the concept of MFN, applicable to foreign organizations or individuals who are holders of IP rights, including that of rights of authors (copyright) & relevant rights; industrial property rights including patents, utility solutions, industrial designs, trademarks, geographical indications including appellations of origin of goods, trade names, trade secrets, layout designs (topographics) of integrated circuit, and plant species; and "rights to oppose competition deemed unfair by the law on industrial property rights, and other intellectual property rights." (Article 13)

National Treatment: Ordinance 41-2002-PL-UBTVQH10 dated 25 May 2002 provides the extension of no less favorable treatment than that extended to domestic organizations and individuals on the acquisition, protection, enjoyment and enforcement of all intellectual property rights and any benefits derived thereof from organizations and individuals of the country. (Article 2.8)

Intellectual Property Protection: Laws introduced over the last few years have provided protection in patents, trademarks, trade secrets, trade names, industrial designs, and copyright. In February 2001, the National Office for Industrial Property under the Ministry of Science Technology and Environment (MOSTE) issued additional regulations governing the implementation of systems for patent and trademark registration, including the simplification and streamlining of procedures for registration.

NEW!! **Copyright Royalties:** On 11 June 2002, Vietnam introduced a new regime for copyright royalties with the promulgation of Decree 61-2002-ND-CP of the Government on Regimes for Royalties. Decree 61 is pursuant to the copyright provisions in the Civil Code of Vietnam dated 28 October 1995 and Decree 76-CP of the Government dated 29 November 1996 providing guidelines for implementation of the Civil Code with respect to copyright. Effective as of 26 June 2002, Decree 61 prescribes the royalty regime for authors and copyright owners to include written works, lectures and speeches, theatrical works and other forms of artistic performance, cinematographic and video works, radio broadcasting and television broadcasting works, press works, musical works, architectural works, sculptural works and applied fine art, photographic works, scientific projects, architecture or scientific projects, translated, adapted, and rewritten, transformed, compiled and annotated works, books of selected works and anthologies; and computer software. The decree prescribes a royalty framework applicable to each category of works and the methods for calculating royalty payments.

Decree 61 provides that 1) the payment of royalties must be reasonable as between the interests of the author or owner of the work, the interests of the user of the work, and the interests of the person who possesses or enjoys the work, consistent with the socio-economic status of the country; 2) The level of royalties paid to the author or owner of a work must be based on the category and quality of the work and the socio-economic consequences of the work,

pursuant to a contract for use of the work; 3) The user of the a copyright work must complete payment of all royalties to the author or owner of the work within 60 days from the date on which the work is published or disseminated. 4) An additional incentive royalty payment must be paid by the user of a work to the author of works for children or for ethnic minority groups, Vietnamese authors who write directly in a foreign language; Kinh Vietnamese who write directly in the language of an ethnic minority of Vietnam; a person from one ethnic minority who writes directly in the language of another ethnic minority; and authors of works which are produced in difficult or dangerous conditions, and in other stipulated circumstances. 5) A royalties fund must be maintained by the user of a work in order to pay royalties to the author or owner of the work; 6) Royalties belong to the State when there is no heir to the author or owner of a work, or when the heir disclaims inheritance or is not entitled to inherit the estate, or when authorship of a work is unclear or when it is an anonymous work. The Ministry of Culture and Information is responsible to administer and guide the implementation of royalties in such cases.

Enforcement - Criminal Procedures: Vietnam's new Criminal Code entered into effect on 1 July 2000 containing provisions concerning criminal enforcement against violators of intellectual property, including provisions that significantly boost the government's ability to combat counterfeiting and copyright violations. In general, counterfeiters or traders of counterfeit goods (foods, fertilizers, veterinary medicines, plant preservations, animals and plane strains) could face punishment of 1-5 years imprisonment or up to 15 years in serious cases.

Enforcement – Civil Procedures: In December 2001, Vietnam's Supreme Court issued specific guidelines for resolving copyright disputes in civil courts. These guidelines were issued to ensure uniform application of the Civil Code in dealing with copyright disputes and include information on the types of copyright disputes and jurisdiction, right to initiate legal action, applicable laws involved, and guidelines for the co-ordination between courts, inspectorates and Copyright Offices. Vietnam is currently drafting a new Civil Procedure Law.

Enforcement – Administrative Measures: Vietnam has issued regulations dealing with administrative offenses in the commercial sector for importers and manufacturers involved in trading, transporting, or storing for sale of any kinds of goods, labels or packages coinciding or similar to protected trademarks. In addition to a fine of VND5-20 million (USD\$330 - \$1300), suspension from circulation, confiscation and destruction of goods and compulsory compensation are other punitive measures that will be undertaken for trademark violations. On 2 July 2002, the National Assembly's Standing Committee issued Ordinance 44-2002-PL-UBTVQH10 on the maximum penalties facing individuals and organizations that break non-criminal law. This Ordinance which comes into effect on 1 October 2002 cites fines of up to VND100 million for violations of intellectual property.

Enforcement of IP Rights at Border: Articles 57-59 (Section 5) of the Customs Law, effective 1 January 2002, provide procedures for IP holders to register their IP rights with Vietnamese Customs and to request for the provisional suspension of goods suspected of IP infringements. Decree 101-ND-CP dated 31 December 2001 provides more detailed guidelines on this area.

Trade in Services

MFN: Ordinance 41-2002-PL-UBTVQH10 dated 25 May 2002 on MFN and National Treatment passed by the National Assembly provides the extension of no less favorable treatment than that extended to a third country for like services and service suppliers in Vietnam. MFN is not applicable in the following cases including 1) the extension of and exceptions on MFN in services as stipulated in bilateral or multilateral agreements to which Vietnam is party to; 2) the advantages extended to services or service providers of adjacent countries in order to facilitate exchanges limited to contiguous frontier zones of services that are both locally produced and consumed; 3) preferential treatment extended to services and service providers as stipulated in regional economic agreements, free trade agreements and other agreements that Vietnam is party to; 4) the tendering activities of service providers on projects using funds from international organizations, other countries or other projects as stipulated by the Government; and 5) other cases as decided by the Government. (Article 10)

National Treatment: Ordinance 41-2002-PL-UBTVQH10 dated 25 May 2002 on MFN and National Treatment provides no less favorable treatment to services and service suppliers of a country than that accorded to like domestic services and service suppliers. The provision of national treatment in general is subject to the following exceptions including: 1) Procurement conducted by the Government of Vietnam; 2) Government subsidies and supports provided to domestic manufacturers and their use of domestic content products; 3) Time allotment restrictions on broadcasting and television production and 4) Domestic transportation costs calculated on the basis of commercial activities of transportation. (Article 17)

Auditing: The Ministry of Finance is on its way to finishing a Vietnamese auditing system that will bring the country in line with international audit standards. On 21 December 2001, the Ministry of Finance issued Decision 143-2001-QD-BTC completing six standards in the third phase of its overhaul of local auditing practices, with new standards on fraud, planning, risk assessment and internal supervision, sample selection, the checking of audit estimates, and internal audits. On 23 April 2002, the Ministry of Finance issued Decision 53-2002-QD-BTC providing regulations on recruitment examinations and the issuance of auditors' certifications, replacing Decision 237/TC-QD-CDKT dated 19 March 1994. The ministry will continue to formulate six other standards for its fourth phase of the review and it is expected that over the next two years, it will release 10 new standards, including guidelines on environmental audits, the use of experts, comparative data and financial reports.

Accounting: Vietnam has recently released the first batch of norms largely based on International Accounting Standards (IAS) including norms on inventories (Standard No. 02); tangible fixed assets (Standard No. 03); intangible fixed assets (Standard No. 04); and revenue and other income. (Standard No. 14) It is expected to issue six more new standards in 2002 (including General Standard on Accounting; Lease Assets; Effect of Changes in Foreign Exchange Rates; Constructions Contracts; Borrowing Costs and Cash Flow Statements) and 35 new accounting norms from now to 2005. Currently, there are 21 auditing and accounting companies in operation. Six of these are state-run, nine are private, five are wholly foreign-invested and one is a joint-venture company.

Advertising: The Ordinance on Advertising passed on 16 November 2001, allowing foreign advertising service suppliers to establish branch offices and directly engage in advertising activities, came into force in May 2002. The Ministry of Culture & Information is currently drafting a decree to guide implementation of the Ordinance and is soliciting input from the business community. Under Article 20 and Article 16.3 of the Ordinance, the Government is to issue specific regulations on foreign advertising branches, and the Ministry of Culture & Information is to issue specific regulations concerning advertising permits respectively. Under current law, foreign service-suppliers have to partner with domestic enterprises to engage in the Vietnamese market. Although the Ordinance represents a step in the right direction, it continues to be criticized for its restrictive practices concerning the conditions for advertising foreign imported goods.

Under recent Decree 59-2002-ND-CP dated 4 June 2002, the Government has abolished the requirement for licenses for advertising medicines and cosmetics. Effective as of early July 2002, manufacturers and distributors now only have to submit a product advertisement file to the Ministry of Health (or authorized Health Department) and are automatically entitled to place the product advertisement if the authorities do not make a request for amendment within 15 days.

Basic Telecommunications: The Standing Committee of Vietnam's National Assembly has recently passed Ordinance 43-2002-PL-UBTVQH10 on Posts & Telecommunications dated 25 May 2002. Effective as of 1 October 2002, the Ordinance reforms the existing State monopoly in the posts and telecom sector in light of Vietnam's international commitments. The State monopoly remains with respect to provision of postal services to the public but domestic mail delivery services have been opened to enterprises from all economic sectors. With respect to telecoms, there will no longer be a State monopoly over provision of network infrastructure, but provision of network infrastructure is still restricted to State owned enterprises or State controlled enterprises, however, telecom services have now been opened to enterprises from all economic sectors.

In the last year, state run monopoly Vietnam Posts and Telecommunications Corporation's (VNPT) monopoly has gradually been lifted, with new service providers such as Military Communications Co (Vietel), the semi-private Saigon Posts and Telecommunications (Saigon Postel), and the Electricity Telecommunications and Information Company. (ETIC) ETIC, an affiliate of the state utility Electricity of Vietnam, now has a license to lease its cables for domestic long-distance service. VNPT has also allowed one of its affiliates, Cable and Telecommunications Material Co (SACOM), to undergo privatization and it is now on Vietnam's stock exchange. Further, the country's first privately invested mobile phone venture between Saigon Postel, South Korea's SLD Telecom, LG Corporation and Dong A Corporation are set to introduce a mobile network based on CDMA technology. U.S. company Sprint has also recently teamed up with VTI, a unit of VNPT to provide collect call services to the U.S. The monopoly on international basic telecommunication services is expected to continue although Vietnam Shipping Telecom Company (Vishepel) has applied to provide this service and is expected to receive its license in the next two years.

Internet Services: The Vietnamese government has introduced new rules that ease restrictions on Internet service provision. Vietnam's telecom regulator, the General Department of Post and Telecommunications (GDPT), submitted proposals for a government decree allowing non-state-owned or controlled enterprises to provide internet services in Vietnam. (Decree 55-2001-ND-CP dated 23 August 2001) On 20 November 2001, the GDPT issued

Circular 04-2001-TT-TCBD providing guidelines for the implementation of this decree (effective 5 December 2001), including detailed provisions on the rights and obligations of internet-related enterprises and the conditions and procedures for licensing. Gateway provider Vietnam Data Corp (VDC) has recently signed an agreement with Singapore's Singtel to be its primary Internet bandwidth provider. Another contract has been signed between VDC and US based Teleglobe Communications to open direct satellite communications circuit with North America IP trunk to increase international data transmission speed. In another recent but significant development, the GDPT has awarded Financing & Promotion Technology (FPT) Company and Vietnam's military-owned telecom company, Viettel licenses to provide internet access services, breaking VDC's monopoly in this sector. Several additional Internet Access Providers (IXPs) are expected to be licensed by 2005, as are 40 Internet Service Providers (ISPs) and numerous Online Service Providers. (OSPs) There are also plans to turn 8 of VNPT's affiliate companies including VDC into a limited liability company restricted to investment from state agencies only but operational under the Enterprise Law and open to competition. U.S. telecom firm ITXC Corp has recently signed a deal with Viettel giving it access to IXTC's global Internet-based network. Viettel is one of four state-run telecom firms and its service is currently limited to domestic VOIP calls. VNPT has also recently signed a joint venture with Korean Telecom to offer Asymmetric Digital Subscriber Line (ADSL) high speed Internet service in Vietnam.

Legal Services: In March 2002, Vietnam's Ministry of Justice submitted to the government its most recent draft list of amendments for Decree 92-1998-ND-CP governing Vietnam's legal services market. The draft aims to expand the scope of operation for foreign law firms in the country to meet requirements of the BTA by allowing foreign law companies to set up 100 percent foreign-owned law firms, branch offices (currently the only form of operation allowed), joint branch offices; or joint ventures with Vietnamese firms. The draft also proposes that Vietnamese lawyers be permitted to be employed by foreign law firms in Vietnam (currently prohibited); that foreign lawyers may be employed on a contractual basis by a Vietnamese lawyer's office or partnership law firm; and that more than 2 branch offices may be established. The current draft however does not propose that foreign lawyers be allowed to advise on Vietnamese law.

Shipping Services: Vietnam has recently opened up all of its domestic ports to foreign shipping lines. Although meant to help reduce freight costs for exporters, Decision 4306-QD-BGTVT also provides greater access for importers while eliminating licensing requirements for foreign shipping lines to operate to and from Vietnam. The Decision however still requires foreign shipping lines to enter Vietnam using Vietnamese agents.

Banking – Foreign Currency Regulation: Vietnam's Central Bank has recently announced the decision to allow all businesses and banks in Vietnam to conduct foreign exchange transactions without having to seek prior government approval. Local banks and businesses will also be able to open foreign bank accounts and make international payments without advance permission. This is expected to come into effect on April 10. Effective as of 15 May 2002, foreign currency controls have been relaxed. Under Decision 61-2002-QD-TTg of the Government, the percentage of foreign currency revenue from current transactions which it is compulsory for resident Vietnamese economic organizations, foreign invested enterprises, foreign parties to business co-operation contracts, foreign company branches, and foreign contractors to sell to banks has been reduced from 40% to 30%.

Also, in an effort to give the currency market more freedom to operate, the State Bank of Vietnam issued Decision 679-2002-QD-NHNN to broaden the trading band for banks to set their dollar exchange rates. Effective 1 July 2002, credit institutions can now set their spot rates for the dollar within 0.25% of the State Bank's inter-bank exchange rate, previously set at 0.1%. In addition to this, the State Bank has also made across the board increases in bands for the forwards and swap dollar transactions of banks, ranging from 0.5% for 7-30 days to 2.5% for 91-180 day periods. These were previously 0.4% and 2.35% respectively.

Banking – Interest Rates: Effective 1 February 2002, commercial banks will be given greater autonomy over lending, including improved policies aimed at making access to loans for small and medium enterprises easier. Effective as of 1 June 2002, loan interest rates have been de-regulated. Under Decision 546-QD-NHNN of the State Bank of Vietnam dated 30 May 2002, commercial banks may now set their own interest rates on Vietnamese dong loans (as they been able to do for foreign currency loans since mid-2001). The State Bank will continue to publish a basic interest rate for dong loans for market reference purposes (currently set at 0.62% per month/7.44% per year, under Decision 933-QD-NHNN dated 30 August 2002, effective 1 September 2002).

Banking - Reserves: On 4 July 2002, the State Bank of Vietnam issued regulations on compulsory reserve payments in Vietnamese dong by credit institutions involved in the inter-bank electronic system. Decision 700-2002-QD-NHNN applies from the compulsory reserve period for July and sets out the responsibilities of credit institutions, provincial and municipal State Bank branches, the State Bank Transaction Office and the Information

and Technology Department of the State Bank relating to compulsory reserve deposits of credit institutions involved in the inter-bank electronic system. Accordingly, deposits are to be made into the following accounts: 1) Sight deposit accounts of credit institutions at the at the State Bank Transaction Office or at the provincial or municipal State Bank branch where the credit institutions head office is located; 2) Sight deposit accounts of credit institutions at the State Bank Transaction Office involved in the inter-bank electronic payment.

Banking - Commercial Licenses: Vietnam has thus far issued commercial branch licenses to American banks Citibank (in Hanoi and Ho Chi Minh City) and JP Morgan Chase (in Ho Chi Minh City). Other banks that have been granted commercial licenses include ANZ (in Hanoi and Ho Chi Minh City), Hong Kong & Shanghai Bank (in Ho Chi Minh City), and Singapore's United Overseas Bank. (in Ho Chi Minh City)

Insurance: Passed in December 2000, the Insurance Business Law came into force on 1 April 2001, with Decrees 42 and 43 issued in August 2001 guiding its implementation. Under the new law, foreign-invested insurers and brokerage companies will be permitted to set up full business operations in Viet Nam. The structure of these operations can be wholly foreign-owned ventures, representative offices, or joint-venture firms with Vietnamese partners. The Ministry of Finance released its draft Decree on Dealing with Administrative Offenses in the Insurance Business sector on 18 April, requesting comments from insurance companies in Vietnam (including foreign invested insurance companies) by 6 May 2002, in order to prepare the final draft submission to the Government.

Currently, only four wholly owned foreign invested companies have licenses to operate in Vietnam – AIA, Prudential, Manulife Financial Corporation, and Allianz/AGF, the last of which is the only company in the non-life business. Allianz/AGF has recently been licensed to offer insurance products to Vietnamese small & medium private enterprises; share-ownership and limited liability enterprises; and joint-stock enterprises. US based Crawford Company has also been granted a 100% foreign owned license to provide services to insurance companies, self-insured companies and government entities. Vietnam National Reinsurance Company (VINARE) and Korean Samsung Fire and Marine Insurance Company are also expected this year to receive a license under a 50-50 joint venture. American insurers seeking licenses to sell directly to the Vietnamese market include ACE, New York Life, and John Hancock. Under the BTA, Vietnam is required to allow joint ventures (with maximum capital contribution of 50%) within three years upon entry into force, and it is required to eliminate limitations on capital contribution altogether for investors in the insurance business within five years.

Securities: Under the 2002 Action Plan for Vietnam's Stock Market, authorities aim to have between 20 and 25 companies, including partially foreign-owned companies, list their stocks in the stock market this year. The Ministry of Planning & Investment has submitted to the Government the final draft of the decree on foreign invested shareholding enterprises providing for the establishment of new foreign invested shareholding companies (FISCs) and the conversion of existing foreign invested enterprises into FISCs, in which both foreign and Vietnamese investors may purchase shares (subject to minimum 30% foreign shareholding), although it is currently not known in which sectors FISCs will be permitted. The State Securities Commission (SSC) has submitted to the Government amendments to the regulations governing the operation of foreign investment funds in Vietnam with the objective of increasing trade on Vietnam's securities market. In April 2002, foreign-owned Vietnam Frontier Fund was given in-principle approval to invest in Vietnam's securities market, becoming the second Fund (after Vietnam Enterprise Investment Limited) to partake in such activity. Under the BTA, Vietnam is not required to eliminate such restrictions for 3 years.

For further detail on regulations and developments concerning banking and financial services including regulations governing credit institutions, insurance companies and securities companies, please refer to:
<http://www.usvtc.org/Documents/Vietnam%20Laws/Banking&Finance-Vietnam2002.pdf>

Investment

MFN: Ordinance 41-2002-PL-UBTVQH10 on MFN and National Treatment dated 25 May 2002 recently passed by the National Assembly extends the provision of no less favorable treatment than that accorded to investors and investments of a third country in like situations. (Article 2.3) The scope of application of MFN for investment, as stipulated in the Ordinance, includes that of relating to the establishment, selling, purchasing, expansion and management operations of businesses and investments. MFN exceptions for investments or investors should be in accordance with Vietnamese law or international treaties to which Vietnam is party to. (Article 12)

National Treatment: Ordinance 41-2002-PL-UBTVQH10 on MFN and National Treatment introduces the concept of National Treatment, applicable to imports and exports, services and foreign-service providers, investment and foreign investors, and foreign organizations or individuals who are holders of IP rights. The provision of national treatment in investment is defined in the ordinance as the provision of treatment no less favorable than that provided to domestic goods. (Article 3.1) The provision of national treatment in general is subject to the following exceptions including: 1) Procurement conducted by the Government of Vietnam; 2) Government subsidies and supports provided to domestic manufacturers and their use of domestic content products; 3) Time allotment restrictions on broadcasting and television production and 4) Domestic transportation costs calculated on the basis of commercial activities of transportation. (Article 17)

Elimination of Dual Pricing: Vietnam is gradually eliminating its dual pricing system in areas such as tourism, air, rail transportation, seaport charges, charges for TV advertising and utilities such as telephone charges, electricity and water. The Ministry of Planning & Investment is also currently drafting legislation that proposes the elimination of dual pricing on land. Currently, rent for foreign investors is 40% higher than that for local investors.

Land Use and Leasing Rights: Although foreigner entities continue to be denied land use rights, Vietnam has extended such rights to Overseas Vietnamese and allowed foreign investors to mortgage the value of land with Vietnamese joint stock or foreign bank branches. Decision 79-2001-ND-CP dated November 1, 2001 of the Government on the amendment of and supplementation to Decree 17-1999-ND-CP dated March 29, 1999 on procedures for exchange, transfer, lease and sub-lease of a land use right and mortgage of the value of land use rights, and Decree 81-2001-ND-CP dated 5 November 2001 allowing overseas Vietnamese to buy a house in Vietnam provides guidance on these changes. The General Department of Land Administration has submitted to the Prime Minister a revised Ordinance on the Rights & Obligations of Foreigners and Organizations and Individuals Leasing Land in Vietnam, after which it is expected to be submitted to the Standing Committee of the National Assembly in October/November 2002. This ordinance is expected to address land transferal, increase land lease periods, and leasing land from private individuals. In its bid to attract foreign investment, Long An Province in the Southwest, is planning the establishment of an Industrial Complex providing foreign investors not only with preferential policies, but affording foreign investors land-use rights as well.

The Central Bank of Vietnam is also currently considering how to permit foreign investors to use as collateral land-use rights when securing loans from off-shore banks including whether all foreign invested firms or only those meeting criteria such as a minimum capital of \$30 million should be so permitted, and whether they could mortgage through banks or any financial institution.

TRIMs: Vietnam has eliminated trade-balancing requirements previously undertaken through restrictions on importation of goods used for production by foreign investors. In the same vein, it is currently drafting legislation to remove restrictions based on export performance. The decision to eliminate export performance requirements for most goods has recently been issued and currently only 14 items remain on the compulsory export list. Previously investors in most categories were required to export 80% of output. With the lifting of these restrictions, the licenses of foreign investors with export performance requirements will be modified.

Foreign exchange controls for importation of products by foreign investors have also been eased. Under the proposed amendments to Decree 24-2000-ND-CP dated 31 July 2000 currently being drafted by the Ministry of Planning & Investment, foreign investors will be permitted to purchase foreign currency to satisfy their current transaction requirements and for other permitted transactions from any banks (currently only from authorized commercial banks) licensed to trade in foreign currencies in Vietnam. (Article 67)

Investment Licensing and Registration: Vietnam has committed to the elimination of investment licensing for most sectors and is shifting towards an investment registration regime. Registration and licensing processes under the jurisdiction of the Ho Chi Minh City Department of Planning and Investment have been streamlined and sped up tremendously. Licensing for projects in the largest category (Group A) for example, has been reduced to a maximum of 15 days. In Da Nang, the government is piloting the licensing of foreign invested projects in 20 hours and hopes to see this reduced to 15 hours soon.

The Ministry of Planning & Investment has submitted to the Government its proposal for amendments to Decree 24-2000-ND-CP dated 31 July 2000 guiding the implementation of the Foreign Investment Law. These amendments are expected to be approved by late September – early October. Currently, under Decree 24-2000-ND-CP, projects eligible for investment registration must satisfy 3 mandatory conditions (not being Group A projects; conforming with approved planning; not requiring an environmental impact statement) as well as satisfying one of the following

alternative conditions: 1) exporting all their products; 2) investing in an industrial zone and satisfying MPI's export ratio criteria; or 3) belonging to the manufacturing sector with up to USD\$5 million invested capital and exporting at least 80% of their products. As of 6 August 2002, proposed amendments to Article 105 of Decree 24 ease the criteria to be met. The alternative conditions for registration are proposed to be amended to: 1) export ratio requirement of 80%; 2) investment projects in industrial zones which do not belong to Group A projects, but are included in the list of projects in which investment is encouraged or specially encouraged; or 3) belonging to the manufacturing sector with a total of invested capital of up to USD\$5 million. This proposed revision is in accordance with the schedule Vietnam has committed to under the BTA. (Side Letter on Investment)

According to the latest draft of the amendment, preliminary designs indicating the proposed architecture of an investment project will have to be submitted for those investing in the construction of the following works: bridges, roads, airports, ports, infrastructure facilities of industrial zones, export processing zones and high tech zones, construction of ecological tourism zones, entertainment areas, works for artistic performance and advertising works, buildings, offices and apartments; schools; hospitals and sports facilities. (Article 95) In addition, provisions have also been included that (i) reduces the number of sets of a registration file which must be submitted to the investment licensing body to 3 sets (from 5 sets); and (ii) expresses a statement that, where a project satisfies all necessary conditions for registration under article 105, the investment licensing body must issue the investment license without obtaining recommendations from any other body.

National Treatment: Although foreign investors currently operate under Vietnam's Foreign Investment Law, (while local companies operate under the Domestic Investment Law) the government is planning to continue narrowing the gap between the two policy regimes by allowing joint stock foreign-invested companies and test-running partnership investments.

Capital Requirements and Legal Entity Restrictions: The Ministry of Planning & Investment has submitted to the Government the final draft of the decree providing for the establishment of new foreign invested shareholding companies (FISCs) and the conversion of existing foreign invested enterprises into FISCs, in which both foreign and Vietnamese investors may purchase shares (subject to minimum 30% foreign shareholding), although it is currently not known in which sectors FISCs will be permitted. Up to 24 foreign invested enterprises operating in Vietnam are seeking permission to convert to a foreign invested shareholding enterprise. It is expected that the first pilot conversions will be approved by end of 2002. Effective 25 May, the MPI issued a list of sectors in which foreign investors may purchase shares (maximum 30%) in unlisted non-State owned enterprises (under Decision 260-2002-QD-BKH dated 10 May 2002), including agriculture, forestry and fishing; industry and processing; hotels and tourism; transport; storage; communications; technology & science; medical care and education. In a recent decision issued by the Government, calls for foreign direct investment including joint ventures and 100% Foreign Owned Entities (FOE) have been made in the fields of textiles, footwear, agriculture, coffee processing, minerals processing, chemicals and fertilizers, mechanical electrical industry, steel processing, paper, tourism, health, culture and educational.

The Ministry of Planning & Investment has also submitted its proposal for amendments to Decree 24-2000-ND-CP dated 31 July 2000 guiding the implementation of the Foreign Investment Law. These amendments are anticipated to be approved by the Government by late September – early October. Under the proposed amendments, regulations on the forms of 100% foreign invested enterprises are expected to be diversified to allow new 100% Foreign Owned Enterprises (FOEs) to be formed between existing 100% FOEs or mergers between operating FIEs with a foreign investor to set up new ventures in Vietnam (Article 21).

Technology Transfer and Capital Requirements: It is expected that upcoming amendments to Decree 24-2000-ND-CP dated 31 July 2000 will abolish the current restriction that any paid-in capital in the form of technology transfer must not exceed 20% of chartered capital (Article 81).

Income Tax on Equity Investment: The Ministry of Finance has recently issued Official Letter 4321-TC-TCT on Tax Policy Applicable to Organizations and Individuals Engaging in Securities Investing in Vietnam dated 7 May 2002 confirming that (i) foreign individuals investing in securities continue to be exempt from personal income tax, as provided under Decision 39-2000-QD-TTg dated 27 March 2000 issuing provisional regulations on preferential tax treatment for securities trading; (ii) the profits from securities investment of foreign companies carrying on business in Vietnam that is not under the Law on Foreign Investment (not foreign invested enterprises) are subject to tax under Circular 169-1998-TT-BTC dated 22 December 1998; and (iii) upon remittance of profits overseas, both foreign companies and individuals investing in securities in Vietnam must pay 5% remittance tax.

Grandfathering: Under proposed amendments by the Ministry of Planning and Investment to Decree 24-2000-ND-CP dated 31 July 2000, any new legal provisions which offer foreign investors more favorable treatment than previous ones will apply automatically, following amendment of existing investment licenses at the written request of foreign investors. Upon license amendment, such favorable treatment will apply as from the date on which the legal provision providing for such favorable treatment comes into effect (that is, not only from the date on which the amended investment license becomes valid). (Article 121)

Transparency

Publication of Laws: Vietnam has committed to ensuring the publication of all legal instruments and regulations concerning issues covered by the scope of the BTA. The Office of the Government is expected to pass the Law on Amendments of and Additions to the Law on Issuance of Legal Instruments in June 2002, while designating the Official Gazette as the primary notification document for new laws and regulations and ensuring that all laws are published no later than 15 days after it is promulgated. Ministries and government bodies have also established web sites for the notification of information under their jurisdictions. Some include (<http://www.vietlaw.gov.vn>; <http://www.mof.gov.vn>; <http://www.mofa.gov.vn>; and www.hcmtax.gov.vn www.saigonsecurities.com) In November 2001, Vietnam issued a Decision to require the mandatory publication of all statistics relating to its state budget.

Official Gazette: As of April 2002, 6 issues of the Official Gazette (English and Vietnamese versions will be published per month. This is up from 4 issues per month previously.

Others

MFN for EU: Vietnam's Office of the Government has issued Official Letter 250/VPCP-QHQT dated 15 January 2002 on MFN between EU and American enterprises in economic and trade cooperation confirming that Vietnam will not discriminate against EU companies and will treat companies of EU origin no less favorably than US companies. While European companies may be able to attain similar tariff levels for goods entering Vietnam through MFN stipulated through bilateral agreements with individual European states, the enforceability of this letter remains uncertain for European companies seeking market access in the areas of investment and services.

Secured Transactions: On 12 March 2002, Vietnam's National Office for Registration of Secured Transactions officially came into operation in Hanoi. Officially established in July 2001, the National Office's entry into formal operation has been long awaited and allows credit providers to register their security transactions (mortgages, pledges, guarantees) as required by law. Branch offices of the National Office are planned to be opened throughout Vietnam. On 26 August 2002, the branch in Ho Chi Minh City officially opened. Detailed guidelines for implementation of Decree 165-1999-ND-CP of the Government dated 19 November 1999 with respect to signing and performance of security contracts and realization of security property were issued under Circular 06-2002-TT-BTP of the Ministry of Justice dated February 28, 2002. On 12 April 2002, the tariff fees for registration of security transactions and for information relating to registered security transactions was promulgated under Joint Circular 33-2002-TTLT-BTC-BTP of the Ministry of Finance and the Ministry of Justice, effective April 27. Any security transaction entered into prior to 27 April 2002 is exempt from payment of fees provided it is registered prior to end of July 2002.

Constitutional Amendments: Amendments made to the 1992 Constitution of Vietnam during the 10th session of the National Assembly in December 2001 contain improvements in administrative functions that will assist in making Vietnam's administrative bodies more effective. The Constitution also for the first time provides that "the State shall adopt consistent policies on the development of a socialist-oriented market economy." (Article 15) This is being viewed as a significant development since reference to the term "market economy" has never been made before. The foreign investment sector, also a new development, is for the first time being recognized as a legitimate sector of Vietnam's economy. Article 16 of the amended Constitution provides that the State is to bring into full play the potential of the various economic sectors, which includes "the economy with foreign owned capital."

Labor Code Amendments: 56 Amendments to the Labor Code were passed by the National Assembly on 1 April 2002 (effective 1 January 2003) providing the following relevant changes: (i) Except for special cases where the maximum amount of overtime per year has been increased to 300 hours, the maximum amount of overtime remains 200 hours per year; (ii) Foreign companies are now allowed to recruit employees directly (previously foreign companies had to go through labor supply agencies); (iii) Definite term labor contracts now automatically become

indefinite term labor contracts if no new contract is signed upon expiry of the definite term labor contract; (iv) Retrenchment allowances remain 1 month's pay for every year of employment (Article 17) but provisions on severance allowances (Article 41) have expanded; (v) Overtime wages for holidays and paid leave days have been raised from 200% to 300%; (vi) Collective labor agreements become effective either from the date agreed by the parties as stated in the collective labor agreement or from the date of signing; and registration at the provincial labor office is still required although a lack of registration alone is no longer a ground for invalidity; (vii) Employers are entitled to dismiss employees when they are absent for 5 days a month (previously 7 days) or 20 days a year without proper reasons; (viii) Social insurance contributions will be mandatory for all employees employed under labor contracts with a term of 3 months or more; (previously, social insurance contributions were only mandatory where an employer employed over 10 employees) (ix) The government is to issue "detailed guidelines on re-training of unemployed laborers, rates of unemployment insurance premium, conditions for and amounts of unemployment insurance premium, conditions for and amounts of unemployment allowances, and establishment, management and use of unemployment insurance fund"(Article 140.1).

A national unemployment scheme is likely to be introduced under the proposed Law on Social Insurance, which is expected to be considered by the National Assembly at its next session in October-November 2002.

Enforcement of Civil Judgments: On 27 February 2002, the Ministry of Justice issued Circular 05-2002-TT-BTP providing guidelines for referral of civil cases to the local people's committees responsible for direct enforcement of judgments. These guidelines represent steps to improve the enforcement of civil judgments, particularly in the provinces.

Representative Office Licensing: Decision 32-2002-QD-UB of the Ho Chi Minh City People's Committee dated 2 April 2002 authorizes the Ho Chi Minh City Department of Trade to grant and revoke Representative Office licenses previously undertaken only by the Ministry of Trade in Hanoi.

Competition and Monopoly Pricing: Vietnam's National Assembly has recently approved the Ordinance on Prices, codifying and consolidating other pieces of legislation on prices and price controls. Ordinance 40-2002-PL-UBTVQH10 dated 26 April 2002 lays down new forms of price management including regulations appraising asset values, controlling monopoly prices and preventing dumping. The Ordinance allows the State to fix prices (issuance of standard or specific price levels, floor or ceiling prices or price ranges) for land, water surfaces and important natural resources; State assets to be sold or leased; monopoly goods and services; and for goods and services important for the national economy and people's livelihoods. To control monopolistic pricing behavior, the State management body may 1) suspend the implementation of prices where organizations or individuals are involved in price fixing; 2) Require an organization or individual engaged in price fixing to buy or sell at the prices prescribed before the price fixing took place; 3) Fix or adjust prices itself; 4) Deal with price-related violations. The Ordinance also specifies the rights and obligations of organizations and individuals engaged in production of business, what is involved in the State management of prices, when inspection must be carried out, the duties of price inspectors and how to deal with price-related offences. The Ordinance came into effect on 1 July 2002. This Ordinance on Prices lays the foundation for the later implementation and entry into force of a Competition Law that is not expected to be passed until late 2003.

Printing and Publication: Decree 59-2002-ND-CP dated 4 June 2002 issued by the Government aimed at improving the business environment, abolishes the requirement for licenses for printing "technical instructions on production; introduction of products; instructions on use of goods; leaflets on instruction of products, goods or enterprises." This decree is effective as of July 2002.

Central Bank Restructuring: The State Bank of Vietnam (SBV) is reportedly preparing to undertake the SBV Reform Project aimed at restructuring planes to implement monetary policies more efficiently. Under the Reform Project, the SBV will establish a system of monetary policy instruments that fall in line with international practice. These will include open market operations, and discount and rediscount operations. The SBV will also establish banking inspection standards in accordance with the Basel Committee on Banking Supervision.

Commercial Contracts: Vietnam's Ministry of Trade is currently considering the Law on Amendments of and Additions to the Commercial Law and is expected to submit this to the National Assembly in October – November 2002. It is expected that the proposed amendments will reconcile differences between Vietnamese commercial law and international commercial laws in order to accommodate requirements arising from the BTA and other international agreements. Currently, business contracts may be governed by the Commercial Law, the Civil Code or the Ordinance on Economic Contracts. It is highly anticipated that the Law on Amendments of and Additions to

the Commercial Law will address the difficult inter-relationship of the above legislation by repealing the Ordinance on Economic Contracts (see also section on trading and distribution rights above).

General Fees and Charges: On 24 July 2002, the Ministry of Finance issues Circular 63/2002/ TT-BTC providing guidelines for the implementation of legal regulations on fees and charges. Under the document, competent authorities for collecting charges and fees are entitled to collect the ones indicated in the detail list of charges and fees issued together with Decree 57/2002/ND-CP dated 03 June 2002 of the Government detailing the implementation of the Ordinance on Charges and Fees. Accordingly, the competence of fixing charges is attributed as follows: the Government is responsible for fixing some important charges with large revenue and in connection with the socio-economic policies of the Republic; the provincial people's committee is responsible for fixing charges related to management of land, natural resources within administration of the local authorities; and the left ones are fixed by the Ministry of Finance. As for fees, the competence of fixing some important fees with large revenue and international legal signification is pertained to the Government while the Ministry of Finance is in charge of the remaining. The Circular also makes detailed provisions on level of charges and fees collection; management and utilization of charges and fees belonging to the State budget and not belonging to the State budget; certain cases where charges and fees are exempted or reduced; responsibilities of the State bodies on management of charges and fees. This circular shall be of full force and effect as of effective date of Decree 57/2002/ND-CP and replaces Circular 54/1999/TT-BTC dated 10 May 1999 of the Ministry of Finance providing guidelines for implementation of Decree 04/1999/ND-CP dated 20 January 1999 of the Government on fees and charge under the State budget; and Circular 21/2001/TT-BTC dated 03 April 2001 of the Ministry of Finance amending some contents in Circular 54/1999/TT-BTC.

UK-Vietnam Investment Agreement: On 1 August 2002, the United Kingdom and Vietnam concluded a bilateral Agreement on the Promotion and Protection of Investments. This Agreement provides coverage to although not exclusively to every kind of asset including 1) movable and immovable property and any other property rights such as mortgages, liens or pledges; 2) shares in and stock and debentures of a company and any other form or participation in a company; 3) claims to money or to any performance under contract having a financial value; 4) intellectual property rights, goodwill, technical processes and know-how; 5) business concessions conferred by law or under contract, including concessions to search for, cultivate, extract or exploit natural resources. The Agreement extends protection for covered investments including the provision of MFN and national treatment; compensation from losses; protection from expropriation including guarantees on prompt adequate and effective compensation against losses in cases of expropriation; repatriation of investments and returns; investor-state dispute settlement including access to international arbitration mechanisms; and guarantees of dispute settlement between contracting parties through local tribunals. An Annex to the Agreement lists exemptions on national treatment for investment.

NEW!!

Textile Quotas: Vietnam's Ministry of Trade, Ministry of Planning & Investment and Ministry of Industry jointly issued Circular 08-2002-TTBT-BTM-BKHDT-BCN dated 12 August 2002 guiding the granting and implementation of quotas and garments and textiles exported to EU countries, Canada and Turkey for 2003. The Circular provides guidelines and procedures governing quota allocation while stipulating lists of maximum industrial quotas and quotas for export of textile products assigned to enterprises. This year's deadline to register for trade quotas is 15 September 2002. Next year, the deadline for the registration of the export of domestically manufactured clothing products and industry quotas is 30 May 2003 and 15 May 2003 respectively. The Circular states that unmet quotas are to be returned to the Ministry of Trade or the Provincial People's committee for reassignment. Under this new regime, export licenses for 70% of garment categories will be granted automatically to avoid situations of depleted export quota. The remaining quota will be allocated to the People's Committees in Ho Chi Minh City, Hanoi, Hai Phong and Dan Nang, and other businesses.

NEW!!

Penalties and Fines: On 2 July 2002, the National Assembly's Standing Committee issued Ordinance 44-2002-PL-UBTVQH10 on the maximum penalties facing individuals and organizations that break the non-criminal law. The ordinance stipulates the kinds of penalties, bodies with the right to impose penalties methods of preventing violations and procedures for imposing penalties. Some categories of penalties cited include that of labor, goods quality, accounting, justice, social insurance (with fines of up to VND20 million); violations of commerce, customs, environment, construction, securities, banking & technology transfer regulations (fines of up to VND70 million); and violations of intellectual property, maritime, natural resources and taxation laws. (fines of up to VND100 million)

NEW!!

Tendering: The Ministry of Planning & Investment is currently drafting amendments to Decree 88-1999-ND-CP of the Government dated 1 September 1999 on Tendering (as amended by Decree 14-2000-ND-CP of the Government dated 5 May 2000) for submission by the end of 2002 to the Government.

NEW!! **Environmental Standards:** On 25 June 2002, the Ministry of Science, Technology and Environment issued Decision 35-2002-QG-BKHCMNT providing for a new list of environmental standards for local and foreign enterprises and individuals conducting business in Vietnam. The new regulations come into effect 1 January 2003 and include compulsory standards on air quality, noise, water quality, land quality and vibration.

NEW!! **WTO Accession:** Vietnam applied for WTO membership in January 1995 and is now among a list of 23 countries seeking WTO accession. It has set a goal of acceding to the global trading body by 2005, or before the conclusion of the ongoing WTO round. WTO accession negotiations will involve both agreement by Vietnam to take on WTO rules, and bilateral negotiations on market access for goods and services. Through the BTA, Vietnam has already taken on core WTO principles such as MFN, national treatment and non-discrimination, transparency and predictability, thereby providing a solid basis for work on its accession. The BTA also covers substantial portion of WTO disciplines, including the WTO disciplines covering trade in goods, trade in services, and trade-related aspects of intellectual property rights, various IP conventions and the WTO's Basic Telecom Reference Paper. Vietnam's Working Party met for the fifth time in April 2002 to review its market access offer and action plans for implementing WTO agreements on intellectual property (TRIPs), Sanitary and Phytosanitary (SPS) measures and customs valuation, its legislative reform program, and answers to questions from trading partners regarding its trade regime, as well as Vietnam's subsidy and TRIMs programs. Vietnam also met bilaterally to start market access negotiations with 16 countries including the U.S., EU, Japan, Canada, Australia, Switzerland, Norway, Kyrgyzstan, Czechoslovakia, South Korea, Singapore, Thailand, Paraguay, Uruguay, Cuba and China. Its next Working Party meeting is currently scheduled for mid November 2002.



Vietnam: Catalog of Legal Updates

Following is a catalogue of the legal changes made by Vietnam that have relevance to issues raised in the U.S.-Vietnam Bilateral Trade Agreement (BTA).

<p>I. Trade in Goods:</p> <p>Most Favored Nation (MFN) Ordinance 41-2002-PL-UBTVQH10 dated 25 May 2002 on MFN and National Treatment in international trade activities</p> <p>National Treatment Ordinance 41-2002-PL-UBTVQH10 dated 25 May 2002 on MFN and National Treatment in international trade activities</p> <p>Non-Tariff Barriers and Quantitative Restrictions <u>Decision 46-2001-QD-TTg</u> dated 4 April 2001 on import export management for the period of 2001-2005</p> <p><u>Circular 11-2001-TT-BTM</u> dated 18 April 2001 providing guidelines for <u>Decision 46-2001-QD-TTg</u> dated 4 April 2001 of the Prime Minister on import export management for the period of 2001-2005</p> <p><u>Circular 19-2001-TT-BTM</u> dated 20 July 2001 on amendment of and supplementation to clause 2.3 of <u>Circular 11-2001-TT-BTM</u> dated 18 April 2001 of the Ministry of Trade on management of import and export in 2001-2005</p> <p><u>Circular 29-2001-TT-BVHTT</u> dated 5 June 2001 guiding the implementation of <u>Decision 46-2001-QD-TTg</u> dated 4 April 2001 of the Prime Minister on import export management for the period of 2001-2005</p> <p><u>Decision 908-QD-TTg</u> dated 26 July 2001 on management of imports and exports for second half of 2001</p> <p><u>Official Letter 2456-TM-XNK</u> dated 18 September 2001 on the implementation of <u>Decision 908-QD-TTg</u> dated 26 July 2001 of Prime Minister on management of imports and exports for second half of 2001</p> <p>Tariffs <u>Circular 52-2001-TT-BTC</u> dated 2 July 2001 on the implementation of <u>Decree 28-2001-ND-CP</u> dated June 6, 2001 of the Government promulgating the list of goods and import tariff for implementation of the CEPT in 2001</p>	<p>Stipulation of the scale, principles and conditions for application of MFN status for trade in goods</p> <p>Stipulation of the scale, principles and conditions for application of national treatment for trade in goods</p> <p>Elimination of Import-Export Licenses for most sectors Elimination of quantitative restrictions on most products</p> <p>Transparency in quota allocation Implementing regulations for elimination of import-export licenses and quantitative restrictions</p> <p>Implementing regulations for elimination of export licenses, exemption of customs and export quota fees for one year, streamline of customs procedures</p> <p>Began phase-in reduction for tariff rates according to ASEAN Free Trade Agreement requirements</p>
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<p><u>Official Letter 3293-TCHQ-KTTT</u> dated 2 August 2001 of the General Department of Customs on the implementation to Circular 52-2001-TT-BTC dated 2 July 2001 of the Ministry of Finance guiding the implementation to Decree 28-2001-ND-CP dated 6 June 2001 of the Government promulgating the list of goods and import tariff for implementation of the CEPT in 2001</p>	<p>Implementing regulations for reduction of tariff rates under CEPT Scheme</p>
<p><u>Decree 21-2002-ND-CP</u> dated 28 February 2002 providing a list of goods and tariff structure for implementation of the Common Effective Preferential Tariff of ASEAN countries in 2002</p>	<p>Tariff reduction schedule under CEPT Scheme</p>
<p><u>Decree 53-2002-ND-CP</u> dated 13 May 2002 amending and supplementing the code, name and tax rate of several items in Vietnam's goods and tax list observing ASEAN's Common Effective Preferential Tariff Agreement(CEPT) in 2002, enclosed with Decree 21-2002-ND-CP dated 28 February 2002</p>	<p>Revised tariff reduction schedule under CEPT Scheme: 59 additional items added to the preferential tariff list. Elimination of tariffs on five items, and reduction of tariffs on other items.</p>
<p><u>Circular 47-2002-TT-BTC</u> dated 28 May 2002 providing guidelines on the implementation of the Decree 21-2002-ND-CP dated 28 February 2002; the amended and added Decree 53-2002-ND-CP dated 13 May 2002 of the Government on the issuance of the list of commodities and tax rates of Vietnam to implement the Common Effective Preferential Tariff Agreement (CEPT) of ASEAN countries for the year 2002</p>	<p>Implementing regulations for Decree 21-2002-ND-CP and 53-2002-ND-CP</p>
<p><u>Official Letter 2891/TM-DB</u> dated 25 July 2002 on Vietnam's implementation of AFTA scheme</p>	<p>Inclusion of 760 commodity items onto the Common Effective Preferential Tariff (CEPT) regime and transferred from the Temporary Exclusion List to the Inclusion List (IL) next year</p>
<p><u>Decision 45-2002-QD-BTC</u> dated 10 April 2002 on the replacement of export forms</p>	<p>Revision of export tariff schedule</p>
<p><u>Decree No. 60-2002-ND-CP</u> dated June 6, 2002 on evaluation of imported goods for tax calculation in accordance with principles of the Agreement on implementation of Article 7 of General Agreement on Trade and Tariffs (GATT)</p>	<p>Import tariffs will be implemented in accordance with GATT for goods originated from countries or organizations with which Vietnam has committed to applying GATT valuation methods</p>
<p><u>Decision 83-2001-QD-BTC</u> dated 30 August 2001 on amendment, addition to names and tax rates of commodities under the group 2710 in the Preferential Import Tax Form</p>	<p>New tariff rates for some import items</p>
<p><u>Decision 94-2001-QD-BTC</u> dated 1 October 2001 of Ministry of Finance on the amendment and supplement to names and tax rate of certain items in Preferential Import Tariff</p>	<p>Revised tariff rates for imports and harmonization of tariff classifications</p>
<p><u>Decision 105-2001-QD-BTC</u> dated 10 October 2001 on amendment, addition to names and tax rates of commodities under the group 2710 in the Preferential Import Tax Form</p>	
<p><u>Decision 107-2001-QD-BTC</u> dated 15 October 2001 on amendment, addition to names and tax rates of commodities under the group 2710 in the Preferential Import Tariff</p>	

<p><u>Decision 110-2001-QD-BTC</u> dated 31 October 2001 on amendment of and supplementation to names and import duty rates of commodities under Group 2710 in the Preferential Import Tariff</p> <p><u>Decision 115-01-QD-BTC</u> dated 15 November 2001 on the amendment, addition of the names and tax rates of commodities under the group 2710 in the Preferential Import Tax form</p> <p><u>Decision 120-01-QD-BTC</u> dated 26 November 2001 on the amendment, addition of the names and tax rates of commodities under the group 2710 in the Preferential Import Tariff</p> <p><u>Official Dispatch 10188-TC-QHQT</u> dated 25 October 2001</p> <p><u>Directive 31-2001-CT-TTg</u> dated 13 December 2001 on the import and export orientation in the year 2002</p> <p>Trading and Distribution Rights: Domestic Enterprises <u>Enterprise Law (12 June 1999, effective 1 January 2000)</u></p> <p><u>Decree 02-2000-ND-CP</u> of the Government dates 3 February 2000 on Business Registration</p> <p><u>Decree 03-2000-ND-CP</u> of the Government dated 3 February 2000 providing for the implementation of the Enterprise Law</p> <p><u>Decision 546-CP-DMDN</u> dated on 18 June 2001 on implementation of Enterprise Law</p> <p><u>Circular 07-2001-TTTL-BKH-TCTK</u> dated 1 November 2001 providing guidelines on the lines of business</p> <p><u>Circular 08-2001-TT-BKH</u> dated 22 November 2001 on the procedures for business registration (repealing Circular 03-2000-TT-BKH of the Ministry of Planning & Investment dated 2 March 2000 on business registration procedures)</p> <p><u>Decree 01-2002-ND-CP</u> dated 3 January 2002 on amendment of and addition to a number of articles of Decree 01-CP of the Government dated 3 January 1996 on administrative penalties for Trade Offenses</p> <p>Trading & Distribution Rights: Foreign Enterprises <u>Decree 45-2000-ND-CP</u> dated 6 September 2000 on the Representative Offices and Branches of Foreign Merchants and Tourism Agencies in Vietnam</p> <p><u>Circular 20-2000-TTTL-BTM-TCDL</u> dated 20 October 2000 on Representative Offices and Branches of Foreign Business Entities and Foreign Tourism Enterprises in Vietnam</p> <p><u>Decision 127-2001-QD-UB</u> dated 14 December 2002 of the Hanoi People's Committee issuing Regulations on the</p>	<p>Tariff reduction schedule for 2001-2006</p> <p>Preferential import tariffs for materials, equipment, and modern technology beneficial to industrialization and modernization</p> <p>Trading and distribution rights extended to non-state enterprises</p> <p>Providing for implementation of simplified procedures on business registration</p> <p>Streamlining of business licensing procedures</p> <p>Guidelines on the lines of business to be stated in business registration certificates</p> <p>Revised guidelines on procedures for business registration</p> <p>Introduction of administrative penalties for violations with respect to business registration.</p> <p>Phase in on limited trading and distribution rights for foreign entities</p> <p>Guidelines for implementing Decree 45 providing phase-in of limited trading and distribution rights to foreign entities</p> <p>Guidelines for licensing procedures in Hanoi</p>
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<p>Management of Representative Offices and Branches of foreign Business Entities and Foreign Tourist Companies</p> <p>Customs <u>Customs Law 29-2001-QH10</u> dated 29 June 2001 (Passed by the National Assembly, effective as of 1 January 2002)</p> <p>Customs Valuation <u>Circular 07-2001-TT-TCHQ</u> dated 8 October 2001 guiding the implementation of registration, management and use of import and export number codes when administering of import and export activities</p> <p><u>Circular 08-2002-TT-BTC</u> dated 25 January 2002 providing guidelines on calculating import duties on the basis of foreign trade contracts</p> <p><u>Official Letter 1414-TC-TCT</u> dated 18 February 2002 on duty calculation for contract price</p> <p><u>Decree 60-2002-ND-CP</u> regulating the determination of the dutiable price for imported goods subject to Import tax</p> <p>Customs Inspection <u>Inter-Ministerial Circular 37-2001-TTLT-BKHCMNT-TCHQ</u> dated 28 June 2001 guiding customs procedures and inspection of quality of goods for import or export</p> <p><u>Circular 22-2001-TTBT-TCHQ</u> dated 2 October 2001 on adjustment and supplement to Circular 09-2000-TTBT-TCHQ dated 17 April 2000 guiding the definition and inspection of certificate of origin</p> <p><u>Decree 101-2001-ND-CP</u> dated 31 December 2001 providing guidance on certain articles of the Customs Law relating to customs formalities, examination and inspection systems</p> <p><u>Decree 102-2001-ND-CP</u> dated 31 December 2001 on post-customs clearance inspection of export and import goods</p> <p><u>Decision 1557-2001-QD-TCHQ</u> of the General Department of Customs dated 28 December 2001 Promulgating Provisional Guidelines on Implementation of Articles 29 and 30 of Law on Customs</p> <p><u>Decision 1494-2001-QD-TCHQ</u> of the General Department of Customs dated 26 December 2001 Promulgating Provisional Regulations on Customs Procedures Applicable to Imports and Exports</p> <p><u>Decision 1495-2001-QD-TCHQ</u> of the General Department of Customs dated 26 December 2001 Promulgating Provisional Regulations on Places for Fulfilling Customs Procedures and</p>	<p>Overall streamlining of Vietnam's customs practices including customs valuation in accordance with WTO standards</p> <p>Implementation of Harmonized Tariff system in customs valuation</p> <p>Guidelines for the application of import duties</p> <p>Guidelines for the calculation of import duties</p> <p>Stipulation of method of valuating goods based on GATT standards.</p> <p>Streamlining of customs inspection procedures</p> <p>Certificate of origin inspection exemption for exports, streamlining of certificate of origin procedures for imports</p> <p>Implementing regulations for customs formalities, including guidelines on cases of exemption from inspection; random inspection; and full inspection</p> <p>Regulations on inspection principles, order and procedures, obligations and rights of the inspecting and inspected parties in cases of post-customs clearance inspections</p>
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<p>Customs Procedures for Goods Transferred from One Border Gate to Another Border Gate</p> <p><u>Decision 1548-2001-QD-TCHQ</u> of the General Department of Customs dated 26 December 2001 Promulgating (Provisional) Regulations on Customs Procedures with Respect to Sea-going Vessels Exiting, Entering, Transiting, Transferring from One Port to Another Port and Customs Inspection and Supervision at Sea Ports</p> <p><u>Decision 1549-2001-QD-TCHQ</u> of the General Department of Customs dated 26 December 2001 Promulgating (Provisional) Regulations on Customs Management with Respect to Goods Sold at Duty Free Shops</p> <p><u>Decision 1550-2001-QD-TCHQ</u> of the General Department of Customs dated 26 December 2001 Promulgating (Provisional) Regulations on Customs Procedures with Respect to Parcels, Imported and Exported Goods Sent Via Postal Services and Items, Imported and Exported Goods Sent Via Express Mail Services</p> <p><u>Decision 1551-2001-QD-TCHQ</u> of the General Department of Customs dated 26 December 2001 Promulgating (Provisional) Regulations on Customs Procedures, Customs Inspection and Supervision with Respect to International Trains When Entering into or Exiting from Vietnam</p> <p><u>Decision 19-2002-QD-TCHQ</u> of the General Department of Customs dated 10 January 2002 on Amendments of and Additions to Decisions of the General Department of Customs 1200-2001-QD-TCHQ dated 23 November 2001, 1257-2001-QD-TCHQ dated 4 December 2001, 1494-2001-QD-TCHQ, 1495-2001-QD-TCHQ, 1548-2001-QD-TCHQ, 1549-2001-QD-TCHQ, 1550-2001-QD-TCHQ and 1557-2001-QD-TCHQ dated 28 December 2001</p> <p>Customs Declaration <u>Official letter No. 3027-TCHQ-QSQL</u> dated 20 July 2001 on the streamline of customs declaration registration</p> <p><u>Decision 1473-2002-QD-TCHQ</u> dated 24 May 2002 providing new forms for use when completing certain customs formalities</p>	<p>Streamlining of customs declaration registration procedures</p> <p>New customs declaration forms issued including forms for (1) non-commercial imports and exports, (2) frontier exports, (3) applying to imports to, and exports from, a bonded warehouse, (4) for cars exported and imported through road frontier border gates, (5) for goods in transit, (6) a license for the temporary export of cars for re-import for a fixed period of time, and (7) a register book relating to cars and motorbikes temporarily imported for re-export</p>
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<p>Pilot Customs Program <u>Decision 980-2001-QD-TCHQ</u> dated 10 October 2001 on the pilot customs reform</p> <p><u>Official Letter 4711-TCHQ-GSQL</u> dated 25 October 2001 guiding the implementation of <u>Decision 980-2001-QD-TCHQ</u> dated 10 October 2001 on the pilot customs reform</p> <p><u>Official Letter 5005-TCHQ-GSQL</u> dated 9 November 2001 on the implementation of <u>Decision 908-QD-TTg</u> dated 26 July 2001 of Prime Minister on management of imports and exports for second half of 2001</p> <p>National Treatment - Border Tax Adjustments <u>Official Letter 757-TC-TCT</u> dated 23 January 2002, <u>Official Letter 878-TCT-NV5</u>, <u>Official Letter 877-TCT-NV1</u> dated 25 February 2002, and <u>Official Letter 1607-TCT-NV4</u> dated 15 April 2002 guiding VAT rules for export processors</p>	<p>Streamlining of customs procedures</p> <p>Test sites Hai Phong Port # 1, and Saigon Port #2</p> <p>Implementing regulations providing inspection exemptions for exports in many sectors</p> <p>VAT exemption for goods purchased by exporters for export</p>
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<p>II. Intellectual Property Rights:</p> <p>Most Favored Nation (MFN) <u>Ordinance 41-2002-PL-UBTVQH10</u> dated 25 May 2002 on MFN and National Treatment in international trade activities</p> <p>National Treatment <u>Ordinance 41-2002-PL-UBTVQH10</u> dated 25 May 2002 on MFN and National Treatment in international trade activities</p> <p>Trademarks <u>Decree 06-2001-ND-CP</u> dated 01 February 2001 Amending Certain Provisions in <u>Decree 63-CP</u> dated 24 October 1996 on Industrial Property</p> <p>Trade Secrets <u>Decree 54-2000-ND-CP</u> dated 3 October 2000 on the Protection of Business Secrets, Trade Names, Geographical Indications and Protection of the Rights Against Unfair Competition Acts Regarding Industrial Property Rights</p> <p>Trade Names <u>Decree 06-2001-ND-CP</u> dated 01 February 2001 Amending Certain Provisions in <u>Decree 63/CP</u> dated 24 Oct. 1996 on Industrial Property</p>	<p>Stipulation of the scale, principles and conditions for application of MFN status for intellectual property rights</p> <p>Stipulation of the scale, principles and conditions for application of national treatment for intellectual property rights</p> <p>Updating of Vietnam's system for trademark registration including the protection of affiliated trademarks, well known trademarks and internationally recognized trademarks; Abolition of approval for IP transfers where one party is a State invested entity; Revision of compulsory licensing provisions; Substantial revision of infringement provisions</p> <p>Protection for Trade Secrets and Proprietary Information</p> <p>To the extent trade names are trademarks, <u>Decree 63</u> as amended by <u>Decree 06</u> provides for protection. Otherwise, protection arises under <u>Decree 54</u>. (See below)</p>
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<p><u>Decree 54-2000-ND-CP</u> dated 3 October 2000 on the Protection of Business Secrets, Trade Names, Geographical Indications and Protection of the Rights Against Unfair Competition Acts Regarding Industrial Property Rights</p> <p>Patents <u>Decree 06-2001-ND-CP</u> dated 01 February 2001 Amending Certain Provisions in Decree 63/CP dated 24 Oct. 1996 on Industrial Property</p> <p>Industrial Designs <u>Decree 63-CP</u> dated 24 October 1996 Providing Detailed Regulations on Industrial Property</p> <p><u>Decree 06-2001-ND-CP</u> dated 1 February 2001 amending and supplementing a number of articles in Decree No 63-CP dated 24 October 1996 on Industrial Property</p> <p>Copyright <u>Agreement between the Government of the Socialist Republic of Vietnam and the Government of the United States of America on Establishment of Copyright Relationship</u> dated 27 June 1997; Circular 05-1998-TT-BVHTT dated 12 September 1998 on Implementation of the US-Vietnam Copyright Treaty</p> <p><u>Circular 27-2001-TT-BVHTT</u> dated 10 May 2001 guiding the implementation of Decree 76-CP dated 29 November 1996, Decree 60-CP dated 6 June 1997 of the Government providing regulations on copyright in the Civil Code</p> <p><u>Inter-ministerial Circular 01-2001-TANDTC-VKSNDTC-BVHTT</u> of the Supreme People's Court, the People's General Inspectorate and the Ministry of Culture and Information dated 5 December 2001 Providing Guidelines for Application of Provisions of the Civil Code to Resolution of Copyright Disputes by People's Courts ("Circular 01")</p> <p><u>Decree 61-2002-ND-CP</u> dated 11 June 2002 on regime for royalties</p>	<p>Protection of business secrets and trade names</p> <p>Updating of Vietnam's system for patent registration; Substantial revision of infringement provisions.</p> <p>Protection for industrial designs</p> <p>Simplification of the procedures for the establishment and management of related activities</p> <p>Copyright protection issued</p> <p>Implementing regulations guiding copyright protection</p> <p>Guidelines for resolving copyright disputes under People's Court; Coordination of administrative enforcement bodies.</p> <p>Introduction of a new regime for copyright royalties for authors and owners of copyright works, including written works, lecturers and speeches, theatrical works and other forms of artistic performance, cinematographic and video works, radio broadcasting and television broadcasting works, press works, musical works, architectural works, sculptural works and applied fine art; photographic works; scientific projects, textbooks and teaching materials; sketches, drawings, diagrams and maps related to topography, architecture or scientific projects; translate, adapted, rewritten, transformed, compiled and annotated works, books of selected works, and anthologies, computer software. Prescribes the categories of forms of works and the applicable royalties framework and methods for calculating royalties payment for each category.</p>
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<p>Enforcement: Criminal Procedures <u>Criminal Code</u>, adopted by the NA on 21 December 1999, Article 171</p> <p>Enforcement: Administrative Procedures <u>Decree 12-ND-CP</u> of the Government dated 6 March 1999 on Penalties for Administrative Offenses in Industrial Property</p> <p><u>Circular 31-2001-ND-CP</u> dated 26 June 2001 guiding the administrative fines in the fields of culture and information</p> <p><u>Circular 49-2001-TT-BKHCNMT</u> dated 14 September 2001 on amendment of and supplementation to Circular 825-2000-TT-BKHCNMT dated 3 May 2000 of the Ministry of Science, Technology and Environment guiding the implementation of Decree 12-1999-ND-CP dated 6 March 1999 of the Government on settlement of administrative violations of intellectual property regulations</p> <p><u>Decree 01-2002-ND-CP</u> dated 3 January 2002 on amendment of and addition to a number of articles of Decree 01-CP of the Government dated 3 January 1996 on administrative penalties for Trade Offences</p> <p><u>Ordinance 44-2002-PL-UBTVQH</u> dated 2 July 2002 on dealing with administrative offences</p> <p>Enforcement: Civil Juridical Procedures <u>Inter- Circular 01/2001/TANDTC-VKSNDTC-BVHTT</u> dated 5 December 2001 on the guidelines on applying certain provisions of the Civil Code in resolving copyright-related disputes at a People's Court</p>	<p>Application of criminal procedures and penalties in cases of "willful trademark counterfeiting or infringement of copyright or related rights on a commercial scale"</p> <p>Penalties for and measures against IP infringements</p> <p>Penalties for and measures against copyright infringements</p> <p>Enforcement of punishment for IP violations</p> <p>Introduction of administrative penalties for trading, transporting or storing for sale (fines from VND2-10 million) and for manufacturing or importing (fines from VND5-20 million) any kinds of goods, labels or packages bearing signs which coincide with or are similar to trademarks or appellations of origin of goods under protection, thus causing confusion with them. Additional penalties and punitive measures include: compulsory suspension of circulation of goods labels; confiscation of physical evidence or means used for administrative offences; compulsory compensation for damage suffered by an affected person up to VND1million</p> <p>Administrative penalties from VND5-70 million for infringement in trading and customs, environment protection, railway safety, construction, post and telecommunications, stock exchanges, banking and technology transfer. Administrative penalties up to 100 million for IP infringement, minerals, navigation, civil aviation, and tax infringement. Introduction of some penalties and punitive measures such as: warning, fines, licenses or practice revoke, confiscation of physical evidence or means used for administrative offences, expel, compulsory recovering of the originals</p> <p>Clarification of Civil Code in relation to disputes including literary & artistic or scientific works; computer software design; personal & proprietary rights of authors (& co-authors) and owners of works; inheritance of copyright related rights; contracts for using works or for copyright services</p>
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<p>Enforcement: IP Rights at the Border <u>Customs Law 29-2001-QH10</u> dated 29 June 2001 (Passed by the National Assembly, effective as of 1 January 2002), Section 5, Articles 57-59</p> <p><u>Decree 101-2001-ND-CP</u> dated 31 December 2001 providing guidance on certain articles of the Customs Law relating to customs formalities, examination and inspection systems</p>	<p>Provision of procedures for registering trademarks and provisional suspension of goods</p> <p>Guidelines for provisional suspension of goods</p>
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<p>III. Trade in Services</p> <p>Most Favored Nation (MFN) Ordinance 41-2002-PL-UBTVQH10 dated 25 May 2002 on MFN and National Treatment in international trade activities</p> <p>National Treatment Ordinance 41-2002-PL-UBTVQH10 dated 25 May 2002 on MFN and National Treatment in international trade activities</p> <p>Legal Capital Contribution <u>Law on Foreign Investment in Vietnam</u> dated 12 November 1996, as amended 9 June 2000, effective 1 July 2000</p> <p><u>Decree 24-2000-ND-CP</u> of the Government Setting Forth Detailed Regulations for Implementing Foreign Investment Law</p> <p>Auditing <u>Decision 143-2001-QD-BTC</u> dated 21 December 2001 on the issuance and announcement of 6 auditing standards of Vietnam</p> <p><u>Decision 53-3003-QD-BTC</u> dated 23 April 2002 on the issuance of the Regulations on Examination and Auditor Certification Issuance</p> <p>Accounting <u>Circular 55-2002-TT-BTC</u> dated 26 June 2002 providing guidelines on the application of the Vietnamese accounting system to businesses and foreign invested enterprises, organizations operating in Vietnam</p> <p>Banking <u>Decree 05-2001-ND-CP</u> dated 17 January 2001 Amending and Supplementing a Number of Articles of Decree 63/1998/ND-CP dated 17 August 1998 of the Government on Management of Foreign Exchange</p>	<p>Stipulation of the scale, principles and conditions for application of MFN status for trade in services</p> <p>Stipulation of the scale, principles and conditions for application of national treatment for trade in services</p> <p>Elimination of limits on legal capital contribution for most services except those listed in Annex G of the BTA</p> <p>Implementing regulations for the elimination of limits on legal capital contribution for investors</p> <p>New standards on fraud, planning, risk assessment and internal supervision, sample selection, the checking of audit estimates, and internal audits</p> <p>Regulations on recruitment examinations and the issuance of auditors' certifications</p> <p>Guidelines on the application of the Vietnamese accounting system, including accounting for and dealing with discrepancy of foreign exchange rate; accounting for and dealing with the matters in connection with conversion of recording currency unit from Vietnamese dong to other recording currency units and vice versa; and the transferring of financial statements made at the holding company's request.</p> <p>Increase ratio of local currency deposits from Vietnamese citizens</p>
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<p><u>Circular No 04-2001-TT-NHNN</u> of 18 May 2001 guiding the management of foreign exchange applicable to foreign-invested enterprises and foreign parties to business co-operation contracts</p>	<p>Relaxation of foreign exchange controls</p>
<p><u>Decision 61-2001-QD-TTg</u> dated 25 April 2001 on foreign currency management</p>	<p>National treatment on profit tax</p>
<p><u>Decision 61-2002-QD-TTg</u> dated 15 May 2002 on amendments of Decision 61-2001-QD-TTg of the Prime Minister dated 25 April 2001 on obligations to sell and rights to purchase foreign currency for Residents and Foreign Organizations</p>	<p>Mandatory conversion of foreign currency in current accounts reduced from 40% to 30%</p>
<p><u>Circular 05-2002-TT-NHNN</u> dated 31 May 2002 of the State Bank guiding the implementation of Decision No. 61-2001-QD-TTg dated 25 April 2001 of the Prime Minister on obligations to sell and rights to purchase foreign currency for Residents and Foreign Organizations, effective 15 May 2002.</p>	<p>Guiding regulations on the mandatory conversion of foreign currency as stipulated in Decision 61-2002-QG-TTg dated 15 May 2002</p>
<p><u>Decision 562-2002-QD-NHNN</u> dated 3 June 2002 on amendment of several points in the Circular No. 05-2002-TT-NHNN dated 31 May 2002 of the State Bank guiding the implementation of Decision No. 61-2001-QD-TTg dated 25 April 2001 of the Prime Minister on obligations to sell and rights to purchase foreign currency for Residents and Foreign Organizations</p>	<p>Amends Circular 05-2002-TT-NHNN dated 31 May 2002</p>
<p><u>Decree 16-2001-ND-CP</u> dated 17 May 2001 on organization and operation of financial lease companies</p>	<p>Regulations broadening scope of operations for local and foreign financial leasing companies</p>
<p><u>Decision 718-2001-QD-NHNN</u> dated 29 May 2001 on amending the management regime of interest rates in US dollars applied by credit institutions</p>	<p>Expansion of banks' jurisdiction over the setting of interest rates</p>
<p><u>Decision 980-2001-QD-NHNN</u> dated 1 August 2001 providing fees imposed on foreign loan by enterprises</p>	<p>Elimination of interest rate ceilings on foreign loans, giving Vietnamese enterprises and foreign lenders the liberty to freely negotiate and fix interest rates and fees on overseas loans</p>
<p><u>Decision 1380-2001-NHNN</u> dated 5 November 2001 on amendment of and addition to operating licenses issued to joint venture banks operating in Vietnam</p>	<p>Relaxation of restrictions on the acceptance of deposits for joint venture banks operating in Vietnam</p>
<p><u>Decision 1627-2001-QD-NHNN</u> dated 31 December 2001 promulgating the regulations on lending by credit institutions to clients</p>	<p>Greater autonomy extended to banks on lending</p>
<p><u>Decision 270-2002-QD-NHNN</u> of the State Bank of Vietnam dated 1 April 2002 on Adjustment of Compulsory Reserve Ratio for Foreign Currency Deposits at Credit Institutions</p>	<p>Adjustment of the mandatory foreign currency reserve ratio of banks (including foreign bank branches and joint venture banks) from 10% to 8% for foreign currency on-call deposits and term deposits of less than 12 months</p>
<p><u>Decision 286-2002-QD-NHNN</u> of the State Bank of Vietnam dated 3 April 2002 issuing Regulations on Co-Financing by Credit Institutions, effective as of 18 April 2002</p>	<p>Regulations on co-financing</p>

<p><u>Decision 218-2002-QD-NHNN</u> of the State Bank of Vietnam dated 22 March 2002 on Procedures for Conversion of Vietnamese Dong to U.S. Dollars and for Overseas Remittance in Projects with Government Guarantees and Undertakings (GGUs)</p> <p><u>Decision 546-QD-NHNN</u> dated 30 May 2002 on the implementation of negotiable interest rate mechanism in relation to commercial credit activities in Vietnamese dong of credit institutions towards their customers</p> <p><u>Decision 78-2002-QD-TTg</u> dated 17 June 2002 providing amendments to Decision 170-1999-QD-TTg dated 19 August 1999</p> <p><u>Decision 679-2002-QD-NHNN</u> dated 1 July 2002 promulgating the regulations on foreign currency transactions conducted by credit institutions having permission to trade in foreign currency</p> <p><u>Decision 674-2002-QD-NHNN</u> dated 27 June 2002 on allowing six banking units joining directly in inter-bank e-payment network to use inter-bank accounts for accounting their currency remittance transacted via inter-bank e-payment network</p> <p><u>Decision 700-2002-QD-NHNN</u> dated 4 July 2002 on compulsory VND reserve deposit by credit institutions participating in inter-bank electronic payment system</p> <p><u>Decision 797-2002-QD-NHNN</u> dated 29 July 2002 on amendment of and supplementation to regulations on shareholders, shareholdings, shares and registered capitals of stock commercial banks jointed by the State and the public promulgated in conjunction with Decision No. 1122/2001/QD-NHNN dated September 4, 2001 of the State Bank of Vietnam</p> <p><u>Decision 742-2002-QD-NHNN</u> dated 17 July 2002 on the issuance of the regulation on the entrustment and taking entrustment for lending by credit institution</p> <p>Insurance <u>The Law on Insurance Business</u> (April 2001)</p> <p><u>Decree 42-2001-ND-CP</u> dated 1 August 2001 guiding in details the regulations on the certain articles of Insurance business</p> <p><u>Decree 43-2001-ND-CP</u> dated 1 August 2001 stipulating the financial regime of Insurance firms and insurance brokerage</p>	<p>Preferential foreign currency conversion for the repatriation of profit for projects under Government Guarantee & Undertaking Agreements (GGU) e.g. BOT projects such as Nam Con Son Pipeline, Phu My 2.2 and Phu My 3</p> <p>Installation of a negotiable rate mechanism; Elimination of ceiling rate on dong lending for commercial banks</p> <p>Streamline of remittance policy under which two more categories of an institution can receive and deliver foreign currency remitted by overseas Vietnamese to their relatives in Vietnam including (i) credit institutions acting as agents for economics organizations that are providing foreign currency services, (ii) credit institutions acting as agents for licensed credit institutions</p> <p>Broadening of trading band for dollar exchange rates. Credit institutions can set their spot rates for the dollar within 0.25%. Increase in bands for bank's forward and swap dollar transactions, ranging from 0.5% for a period of 7-30 days to 2.5% for a period of 91-180 days.</p> <p>Joint stock banks are allowed to subtract funds from founding funds to add to their chartered capital. They now can raise capital by (i) issuing new shares, or (ii) use the reserve fund for supplementing chartered capital which is financed with the proceeds from the spread between market rate of shares and their par value, or (iii) by reappraising their assets</p> <p>Regulations on entrustment and lending</p> <p>Increase market access for insurance service suppliers</p> <p>Implementing regulations for Law on Insurance Business</p> <p>Investment guidelines for Insurance companies</p>
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<p><u>Circular 72-2001-TT-BTC</u> dated 28 August 2001 guiding the implementation of Decree 43/2001/ND-CP dated 1 August 2001 of the Government providing the financial regime applicable to insurance enterprises and intermediaries</p> <p><u>Circular 71-2001-TT-BTC</u> dated 28 August 2001 guiding the implementation of Decree 42-2001-ND-CP dated 1 August 2001 of the Government providing in detail the implementation of the Law on Business Insurance</p> <p>Legal Services <u>Decree 92-1999-ND-CP</u> on legal practice of Foreign Law Firms in Vietnam on 10 November 1998</p> <p><u>Ordinance 37-2001-PL-UBTVQH-QH10</u> dated 25 July 2001 of the National Assembly Standing Committee on the Ordinance of Lawyers</p> <p><u>Official Dispatch 1226-LS-TVPL</u> dated 26 September 2001 of the Ministry of Justice</p> <p><u>Decree 94-2001-ND-CP</u> dated 12 December 2001 guiding the implementation of Ordinance 37-PL-UBTVQH-QH10 dated 25 July 2001 of the National Assembly Standing Committee on the Ordinance of Lawyers</p> <p><u>Circular 02-2002-TT-BTP</u> dated 22 January 2002 providing guidelines on a number of provisions of Decree 94-2001-ND-CP of the Government dated 12 December 2001 Providing Detailed Regulations for Implementation of the Ordinance of Lawyers</p> <p>Shipping Services <u>Decision 4306-QD-BGTVT</u> dated February 2002 providing the permit for foreign shipping lines to transport goods to and from Vietnam</p> <p><u>Decision 1548-2001-QD-TCHQ</u> of the General Department of Customs dated 26 December 2001 Promulgating (Provisional) Regulations on Customs Procedures with Respect to Sea-going Vessels Exiting, Entering, Transiting, Transferring from One Port to Another Port and Customs Inspection and Supervision at Sea Ports</p>	<p>Implementing regulations for Law on Insurance Business</p> <p>Regulations for foreign law practice in Vietnam</p> <p>Regulations and guidelines for Vietnamese legal service providers</p> <p>Regulations on the activities of lawyers</p> <p>Implementing regulations for Ordinance No. 37 permitting foreign lawyers to be employed by a local law firm and allowing local law firms to establish offices abroad</p> <p>Implementing regulations for Decree 94-2002-ND-CP</p> <p>Ports opened to foreign shippers. Elimination of licenses for foreign shipping lines operating to and from Vietnam. Reduction of freight costs for exporters. Greater access for importers</p>
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<p>Telecommunications: Basic <u>Decision 158-2001-QD-TTg</u> dated 18 October 2001 on the strategy of Vietnam Post and Telecommunications Development from 2001 to 2010 and Development Orientation to 2020</p> <p><u>Directive 09-2001-CT-TCBD</u> dated 30 November 2001 providing guidelines for a prime ministerial decision on telecommunications development strategies</p> <p><u>Ordinance 43-2002-PL-UBTVQH10</u> dated 25 May 2002 on Posts and Telecommunications</p> <p><u>Decision 897-2001-GDPT</u> dated 28 November 2001</p>	<p>Phase out of monopoly on the provision of telecommunications services</p> <p>Phase out of monopoly on telecommunications and Internet services by 2005; 15-20 % increased market access for private and foreign companies</p> <p>Improved conditions for the development of postal and telecom service suppliers and users</p> <p>Reduction of international telephone charges by 15%</p>
<p><u>Official Letter 517-TCBD-KTTH</u> of the General Department of Posts and Telecommunications dated 22 April 2002 on Adjustment of Posts and Telecommunications Charges</p> <p><u>Decision 476-2002-QD-TCBD</u> dated 13 June 2002 issuing charge levels applicable to international telephone services</p> <p>Telecommunication: Value Added Internet Services <u>Decree 55-2001-ND-CP</u> dated 7 September 2001 on managing, providing and using the Internet services</p> <p><u>Circular 04-2001- TT-TCBD</u> dated 20 November 2001 by the Department General of Post and Telecommunications guiding the implementation of Decree 55-2001-ND-CP dated 7 September 2001 on managing, providing and using the Internet services</p> <p><u>Decision 33-2002-QD-TTg</u> dated 8 February 2002 on approval of plan for development of Vietnam Internet in the 2001-2005 period</p> <p><u>Decision 478-2002-QD-TCBD</u> dated 13 June 2002 issuing networking charge levels applicable to mobile phone users</p> <p><u>Decision 479-2002-QD-TCBD</u> dated 13 June 2002 issuing national paging service charges</p> <p><u>Decision 480-2002-QD-TCBD</u> dated 13 June 2002 issuing charge levels applicable to indirect access to the Internet through the PSTN</p> <p><u>Decision 890-2002-QD-BCVTTH</u> dated 15 July 2002 on issuance of charges for the internet installment, subscription and connection via VNN1260, VNN1269</p>	<p>Reduction on telecommunication charges including charges for (i) connection to the public switch telephone network, (ii) long-distance calls, (iii) outgoing international calls, (iv)leasing international telecommunications lines, (v) leasing domestic telecommunications lines, (vi) mobile phones, (vii) internet services</p> <p>Fee reduction on international calls</p> <p>De-monopolization of internet sector</p> <p>Guiding regulations on using internet services</p> <p>De-monopolization of internet sector. Simplification and elimination of licensing procedures</p> <p>Reduction of mobile phone charges</p> <p>Reduction of paging charges</p> <p>Reduction of internet charges</p> <p>Reduction of internet charges</p>

<p><u>Official Letter 3706-2002-VPCP-KTTH</u> dated 5 July 2002 on changing the internet and telecommunication charges for 2002</p> <p><u>Decision 481-2002-QD-TCBD</u> dated 13 June 2002 issuing charges levels applicable to data communication service (date transmission service)</p> <p><u>Decision 477-2002-QD-TCBD</u> dated 13 June 2002 issuing charge levels to leasing international telecommunications channels</p> <p><u>Decision 482-2002-QD-TCBD</u> dated 13 June 2002 issuing charge levels for Frame Relay service</p> <p><u>Decision 483-2002-QD-TCBD</u> dated 13 June 2002 issuing charge levels for daily subscription of prepaid mobile phone service</p>	<p>Reduction of data communication charges</p>
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<p>IV. Investment</p> <p>Most Favored Nation (MFN) <u>Ordinance 41-2002-PL-UBTVQH10</u> dated 25 May 2002 on MFN and National Treatment in international trade activities</p> <p>National Treatment <u>Ordinance 41-2002-PL-UBTVQH10</u> dated 25 May 2002 on MFN and National Treatment in international trade activities</p> <p>National Treatment: Air and Rail Transportation <u>Decision 114-2001-QD-TTg</u> dated 31 July 2001 on single price regime for Overseas Vietnamese, covering service charges and travel fares</p> <p><u>Circular 2461-2001-TT-BNG</u> dated 5 October 2001 guiding the implementation of Article 1 of Decision 114-2001-QD-TTg dated 31 July 2001 of the Prime Minister on amendment of and supplementation to Decision 210-1999-QD-TTg dated 27 October 1999 of the Prime Minister on some policies applicable to overseas Vietnamese</p> <p><u>Announcement dated 1 November 2001</u> of Vietnam Railway Association on single price for Vietnamese, Overseas Vietnamese and foreigners</p>	<p>Stipulation of the scale, principles and conditions for application of MFN status for investment</p> <p>Stipulation of the scale, principles and conditions for application of national treatment for investment</p> <p>Begin phase out for elimination of dual pricing for Overseas Vietnamese for service charges and travel fares</p> <p>Implementing regulations on single pricing for Overseas Vietnamese</p> <p>Elimination of dual pricing on railway transportation</p>
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<p><u>Official Letter 3907-VPCP-KTTH</u> on the harmonization of fares for passengers on domestic flights</p> <p><u>Decision 26-2001-QD-CHK</u> of the Civil Aviation Authority of Vietnam dated 11 December 2001</p> <p>National Treatment: Land</p> <p><u>Resolution 09-2001-NQ-CP</u> dated 28 August 2001 improving attractiveness for Foreign Direct Investment in Vietnam and on raising its results for the period 2001 – 2005</p> <p><u>Directive 19-2001-CT-TTg</u> dated 28 August 2001 proposing ministries, agencies, people’s committees of centrally governed provinces and cities to take measures in attracting foreign investment and enhancing efficiency of foreign direct investment in line with Resolution 09-2002-NQ-CP</p> <p><u>Decision 79-2001-ND-CP</u> dated 1 November 2001 of the Government on amendment of and supplementation to Decree 17-1999-ND-CP dated 29 March 1999 on procedures for exchange, transfer, lease and sub-lease of a land use right and mortgage of the value of land use right</p> <p><u>Decree 81-2001-ND-CP</u> dated 5 November 2001 allowing overseas Vietnamese to buy a house in Vietnam</p> <p>National Treatment: Utilities</p> <p><u>Decision 53-1999-QD-TTg</u> dated 26 March 1999 On a Number of Measures for Encouragement of Foreign Direct Investment</p> <p><u>Decision 809-2000-QD-TCBD</u> dated 28 June 1999 on Local Telephone Charges in Vietnam</p> <p><u>Decision 87-1999-QD-BVGCP</u> on the Electricity Sale Prices, dated 23 September 1999</p> <p><u>Inter-Ministerial Circular 05-1999-TTTL-BVGCP-BCN</u> Providing Guidelines Applying Electricity Sale Prices dated 24 September 1999</p>	<p>Approval of phase-out of two-tier pricing system for airfares for travel between Hanoi and Ho Chi Minh City; Requirement for Civil Aviation Administration of Vietnam (CAAV) to reach agreement with Government Pricing Committee on maximum prices and harmonization of fares on other domestic flights</p> <p>Phase-in of single pricing regime for airfares; Listing of maximum prices for passenger transport of domestic flights (applicable 1 January 2002)</p> <p>Proposal for the extension of the right to buy, contract, manage or lease domestic enterprises, build and do business with houses and new urban areas for foreign investors</p> <p>Directive requiring ministries, agencies and people’s committees to streamline and publicize procedures for attracting investment</p> <p>Extension of rights on land lease, transfer, guarantee using land use rights, or mortgage</p> <p>In order to borrow short-term loans, land use rights may now be mortgaged by economic organizations leasing land for which rental has been paid in advance for a number of years where the remaining lease duration for which land rental has been paid is less than 5 years</p> <p>Entitlement of Overseas Vietnamese to own residential housing and possess the land use rights for the land on which housing is located</p> <p>Begin phase out for elimination of dual pricing for utilities such as water, telephone charges and electricity</p>
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<p><u>Official Letter 62-VPCP-KTTH</u> dated 23 January 2002 and <u>Official Letter 4953-VPCP-KTTH</u> dated 19 October 19 2001 on principles for utility price harmonization</p> <p><u>Official Letter 951-VPCP-KTTH</u> dated 25 February 2002 guiding adjustment of prices to apply the same fee and charge levels to both Vietnamese and foreigners in Vietnam</p> <p>National Treatment: Seaport Charges <u>Decision 85-2000-QD-BVGCP</u> on Seaport Service Prices, dated 11 November 2000</p> <p><u>Decision 127-VGCP-CNTDDV</u> Regarding Seaport Fees and Charges, dated 28 October 1997</p> <p>National Treatment: TV Advertising Charges <u>Official Letter 1194-THVN</u> dated 22 December 2001 on one-price policy for advertising</p> <p>Investment Licensing <u>Law on Foreign Investment in Vietnam</u> dated 12 November 1996, as amended 9 June 2000, effective 1 July 2000</p> <p><u>Decree 24-2000-ND-CP</u> dated 31 July 2000 Providing Detailed Guidelines for Implementing the Amended Law on Foreign Investment in Vietnam (currently being amended)</p> <p><u>Directive 28-2001</u> dated 23 October 2001 of the Ho Chi Minh City People's Committee regarding administrative reform measures in the area of Foreign Direct Investment</p> <p><u>Decree 93-2001-ND-CP</u> dated 12 December 2001 on delegation of some management tasks to the People's Committee of HCM City</p> <p>Investment Capital Requirements and Restrictions <u>Decision 62-2002-QD-TTg</u> dated 17 May 2002 issuing list of national projects calling for foreign direct investment in period 2001 to 2005</p> <p>Equity Investment <u>Decision 260-2002-QD-BKH</u> dated 10 May 2002 promulgating a list of sectors in which foreigners may purchase shares on non-state owned enterprises in accordance with the Law on Promotion of Domestic Investment</p> <p><u>Decree 64-2002-ND-CP</u> dated 19 June 2002 providing guidelines for transforming State-owned enterprises into joint-stock companies</p>	<p>Phase-out dual pricing system in electricity, post and telecommunication charges</p> <p>Graduated transition to single price system in areas such as advertising rates in the mass media, airline passenger charges, electricity, post and telecommunications</p> <p>Elimination of discrimination in seaport pricing</p> <p>Immediate elimination of discriminatory pricing for TV Advertisements.</p> <p>Begin phase out for elimination of investment licensing procedures</p> <p>Implementation of system for investment registration Quicker and more transparent registration procedures</p> <p>Quicker and more transparent registration procedures</p> <p>Simplification of investment procedures; Speedier application periods</p> <p>Priorities given to projects in applied IT and bio-technologies, oil and gas, electronics, new materials, telecommunications, and infrastructure development</p> <p>Allowance of up to 30% purchase of shares of non state owned enterprises including enterprises in the sectors of agriculture, forestry, fisheries, industries, processing, tourism, hotels and restaurant, transportation, warehouse and communications, healthcare and education, science and technology</p> <p>Guidelines for the equitization of state-owned enterprises including restatement of criteria for foreign ownership and participation of such joint-stock companies on the stock exchange.</p>
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<p>Profit Repatriation <u>Circular 04-2001-TT-NHNN</u> of 18 May, 2001 on Forex management of Foreign Invested Enterprises and Foreign Partners in Business Cooperation Contracts (BCCs)</p> <p><u>Decree 24-2000-ND-CP</u> dated 31 July 2000 Setting Forth Detailed Regulations for Implementing the Law on Foreign Investment in Vietnam (currently being amended)</p> <p><u>Circular 22-2000-TT-BTM</u> Providing Guidelines for Implementing Decree 24-2000-ND-CP date 31 July 2000 on the Import, Export and Other Activities of Foreign Investment Enterprises, issued on 15 December 2000</p> <p><u>Circular 01-1999-TT-NHNN7</u> Providing Guidelines for the Implementation of Decree 63-1998-ND-CP dated 17 August 1998, on Foreign Exchange Control, effective 16 April 1999</p> <p><u>Decision 218-2002-QD-NHNN</u> of the State Bank of Vietnam dated 22 March 2002 on Procedures for Conversion of Vietnamese Dong to U.S. Dollars and for Overseas Remittance in Projects with Government Guarantees and Undertakings (GGUs)</p> <p>Protection from Expropriation <u>Law on Foreign Investment in Vietnam</u> dated 12 November 1996, as amended 9 June 2000, effective 1 July 2000</p> <p><u>Decree 24-2000-ND-CP</u> dated 31 July 2000 Providing Detailed Guidelines for Implementing the Amended Law on Foreign Investment in Vietnam (currently being amended)</p> <p>Dispute Resolution <u>Law on Foreign Investment in Vietnam</u> dated 12 November 1996, as amended 9 June 2000, effective 1 July 2000</p> <p><u>Decree 24-2000-ND-CP</u> dated 31 July 2000 Providing Detailed Guidelines for Implementing the Amended Law on Foreign Investment in Vietnam (currently being amended)</p> <p>TRIMS Trade Balancing Requirements <u>Decree 24-2000-ND-CP</u> dated 31 July 2000 Setting Forth Detailed Regulations for Implementing the Law on Foreign Investment in Vietnam, Articles 67 and 71(2) (currently being amended)</p> <p><u>Circular 22-2000-TT-BTM</u> Providing Guidelines for Implementing Decree 24-2000-ND-CP date 31 July 2000 on the Import, Export and Other Activities of Foreign Investment Enterprises, issued on 15 December 2000</p>	<p>Regulation on capital inflow and capital repatriation, opening accounts with local and overseas bank</p> <p>Elimination of restrictions on profit repatriation</p> <p>Guidelines for preferential foreign currency conversion and repatriation of profit for projects under Government Guarantee & Undertaking Agreements (GGU) e.g. BOT projects such as Nam Con Son Pipeline, Phu My 2.2 and Phu My 3</p> <p>Protection of U.S. investment from expropriation</p> <p>Right of foreign investors to lodge complaints and initiate legal proceedings against unlawful decisions and acts of officials and State authorities</p> <p>Designation of focal authority and regulations on how to solve matters and reconcile disputes that arise in the course of establishment, commencement and implementation of foreign investment projects</p> <p>Elimination of restrictions on importation of goods for production</p>
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<p><u>Circular 26-2001-TT-BTM</u> dated 4 December 2001 on amendment to certain points of Circular 22-2000-TT-BTM dated 15 December 2000 of the Ministry of Trade providing guidelines for Implementing Decree 24-2000-ND-CP dated 31 July 2000 on the Import, Export and Other Activities of Foreign Investment Enterprises, issued on 15 December 2000</p> <p>Foreign Exchange Controls <u>Decree 24-2000-ND-CP</u> dated 31 July 2000 Setting Forth Detailed Regulations for Implementing the Law on Foreign Investment in Vietnam (currently being amended)</p> <p><u>Decision 218-2002-QD-NHNN</u> of the State Bank of Vietnam dated 22 March 2002 on Procedures for Conversion of Vietnamese Dong to U.S. Dollars and for Overseas Remittance in Projects with Government Guarantees and Undertakings (GGUs)</p> <p>Export Performance Requirements <u>Decision 718-2001-QD-BKH</u> dated 7 December 2001 promulgating the list of products of which at least 80% are required to be exported</p>	<p>Elimination of restrictions on exports for foreign investors including coffee, minerals, certain wooden products, and textiles & garments (subject to export quotas)</p> <p>Investors entitled to buy foreign currency from commercial banks in order to meet their current transactions and other authorized transactions</p> <p>Guidelines for repatriation of profit for projects under Government Guarantee & Undertaking Agreements (GGU) e.g. BOT projects such as Nam Con Son Pipeline, Phu My 2.2 and Phu My 3</p> <p>Elimination of export performance requirements for most items except for 14 items. Licenses of FIEs with export performance requirements will be modified</p>
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<p>V. Business Facilitation</p> <p>Right to import equipment <u>Law on Foreign Investment in Vietnam</u> dated 12 November 1996, as amended 9 June 2000, effective 1 July 2000</p> <p><u>Circular 22-2000-TT-BTM</u> dated 15 December 2000 Providing Guidelines for Implementing Decree 24/2000/ND/CP dated July 31, 2000 of the Government on the Import, Export and Other Activities of Foreign Investment Enterprises</p> <p><u>Circular 26-2001-TT-BTM</u> dated 4 December 2001 on amendment to certain points of Circular 22-2000-TT-BTM dated 15 December 2000 of the Ministry of Trade providing guidelines for Implementing Decree 24-2000-ND-CP dated 31 July 2000 on the Import, Export and Other Activities of Foreign Investment Enterprises</p> <p>Right to Lease Office Space <u>Decree 30-2000-ND-CP</u> dated 11 August 2000 on Abolishing 27 Permits and Converting 34 Permits into Business Conditions</p> <p>Non-discriminatory Pricing <u>Decision 53-1999-QD-TTg</u> dated 26 March 1999 on a Number of Measures of Encouragement of Foreign Direct Investment in Vietnam</p>	<p>Right to import equipment for operation</p> <p>Provisions relating to Liquidation of Imported Equipment</p> <p>Right extended to lease office space; Elimination of licensing requirements</p> <p>Elimination of discriminatory pricing for electricity, water, fees and charges, telephone installation, admission fees to historical and cultural, revolutionary sites</p>
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<p><u>Official Letter 951-VPCP-KTTH</u> dated 25 February 2002 guiding adjustment of prices to apply the same fee and charge levels to both Vietnamese and foreigners in Vietnam</p> <p><u>Official Letter 62-VPCP-KTTH</u> dated 23 January 2002 and <u>Official Letter 4953-VPCP-KTTH</u> dated October 19, 2001 on principles for utility price harmonization</p> <p><u>Official Letter 3907-VPCP-KTTH</u> on the harmonization of fares for passengers on domestic flights</p> <p>Direct Advertising <u>Decree 32-1999-ND-CP</u> dated 5 May 1999 on Sales Promotions, Commercial Advertising and Trade Fairs and Exhibition</p> <p><u>Circulars 17 & 18-2001-TT-BTM</u> dated 12 July 2001 guiding sales promotion according to Decree 32/1999/ND-CP dated 5 May 1999 of the Government on commercial advertising, trade fairs and exhibitions</p> <p><u>Ordinance 39-2001-PL-UBTVQH-QH10</u> dated 16 November 2001 on Advertising</p> <p><u>Decision 59-2002-ND-CP</u> dated 4 June 2002 on abolishment of a number of licenses and replacement of a number of licenses by other management methods</p>	<p>Graduated transition to single price system in areas such as advertising rates in the mass media, airline passenger charges, electricity, post and telecommunications</p> <p>Phase-out of dual pricing system in electricity, post and telecommunication charges</p> <p>Approval of phase-out of two-tier pricing system for airfares for travel between Hanoi and Ho Chi Minh City; Requirement for Civil Aviation Administration of Vietnam (CAAV) to reach agreement with Government Pricing Committee on maximum prices and harmonization of fares on other domestic flights</p> <p>Right to engage in direct advertising for registered companies</p> <p>Rights extended to foreign investors to directly advertise goods and services or hire Vietnamese advertising agents for advertisement</p> <p>Streamlining of approval procedures for advertisement of medicine and cosmetics. Automatic approval if no response from relevant authorities after 15 days</p>
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<p>VI. Transparency</p> <p>Publication and Availability of New Laws <u>Official Dispatch 5069-VPCP-TCQT</u> dated 21 November 2000 on the Preparation for Post-BTA</p> <p><u>Resolution 09-2001-NQ-CP</u> dated 28 August 2001 on improving attractiveness for Foreign Direct Investment in Vietnam and on raising its results for the period of 2001-2005</p>	<p>Quicker publication and availability of new regulations Establishment of electronic resources (websites) for notification of new laws, agreements and regulations (http://www.vietlaw.gov.vn; http://www.mof.gov.vn; http://www.mofa.gov.vn; www.hcmtax.gov.vn; www.hochiminhcity.gov.vn)</p> <p>Publication of foreign investment procedures</p>
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<p><u>Decision 182-2001-QD-TTg</u> dated 22 November 2001 on amending and supplementing the regulation on publication of state budget of all levels and agencies</p> <p><u>Document 01-2002-CT-TTg</u> dated 28 January 2002 providing guidelines on the Regulation on publicizing state budget finance</p> <p><u>Circular 01-2002-TT-BTC</u> dated 8 January 2002 on state budget financial publicity</p> <p>Transparency in import licensing procedures <u>Law on Foreign Investment in Vietnam</u> dated 12 November 1996, as amended 9 June 2000, effective 1 July 2000</p> <p><u>Decree 24-2000-ND-CP</u> Setting Forth Detailed Regulations for Implementing the Law on Foreign Investment in Vietnam dated 31 July 2000 (Decree 24 (31 July 2000))</p> <p><u>Circular 22-2000-TT-BTM</u> dated 15 December 2000 Guiding the Implementation of Decree 24/2000/ND-CP issued by the Government 31 Jul 2000 Detailing the Implementation of the Foreign Investment Law of Vietnam in respect of Import, Export activities as well as other Commercial Activities of Foreign Invested Enterprises in Vietnam [Circular 22 (15 December 2000)]</p> <p><u>Circular 26-2001-TT-BTM</u> dated 4 December 2001 on amendment to certain points of Circular 22-2000-TT-BTM dated 15 December 2000 of the Ministry of Trade providing guidelines for Implementing Decree 24-2000-ND-CP dated 31 July 2000 on the Import, Export and Other Activities of Foreign Investment Enterprises</p> <p><u>Decree 45-2000-ND-CP</u> Promulgating the Regulations on Representative Offices and Branches of Foreign Merchants and Foreign Tourism Enterprises in Vietnam dated 6 December 2000</p> <p><u>Circular 20-2000-TTBT-BTM-TCDL</u> dated 20 October 2000 Guiding the Implementation of Decree 45 (6 September 2000) issued by the Government on the Representative Office, Branches of Foreign Merchants and of Foreign Tourism Enterprises in Vietnam [Circular 20 (20 October 2000)]</p> <p><u>Decision 46-2001-QD-TTg</u> dated 4 April 2001 on import export management for the period of 2001-2005</p> <p><u>Circular 29-2001-TT-BVHTT</u> dated 5 June 2001 guiding the implementation of Decision 46-2001-QD-TTg dated 4 April 2001 of the Prime Minister on import export management for the period of 2001-2005</p>	<p>Mandatory publication of estimates and figures of total annual budget revenue and expenditure, annual budget revenue expenditure balance, budget overspending and revenue sources for compensation of budget overspending</p> <p>Expenses of state agencies to be publicized</p> <p>Regulations on contents, forms and time line for making public the state budget at all levels</p> <p>Clearer and more transparent import licensing procedures</p> <p>Establishment of electronic resources (websites) for notification of customs procedures and laws (http://www.customs.gov.vn)</p> <p>Provisions relating to Liquidation of Imported Equipment</p> <p>Elimination of Import-Export Licenses for most sectors; Elimination of quantitative restrictions on most products</p> <p>Transparency in quota allocation; Implementing regulations for elimination of import-export licenses and quantitative restrictions</p>
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<p><u>Circular 19-2001-TT-BTM</u> dated 20 July 2001 on amendment of and supplementation to clause 2.3 of Circular 11-2001-TT-BTM dated 18 April 2001 of the Ministry of Trade on management of import and export in 2001-2005</p> <p><u>Decree 44-2001-ND-CP</u> dated 2 August 2001 of the Government on amendment of and supplementation to Decree 57-1998-ND-CP dated 31 July 1998 of the Government providing in details the implementation of the Commercial Law</p> <p><u>Circular 20-2001-TT-BTM</u> dated 27 August 2001 guiding the implementation of Decree 44-2001-ND-CP dated 2 August 2001 on amendment of and supplementation to Decree 57-1998-ND-CP dated 31 July 1998 of the Government providing in details the implementation of the Commercial Law</p>	<p>Regulations on activities of goods import, export, processing and sale/purchase agency with foreign countries</p>
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