

EXECUTIVE OFFICE OF THE PRESIDENT  
THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON, D.C. 20508

February 4, 2016

The Honorable Vu Huy Hoang  
Minister of Industry and Trade  
Socialist Republic of Viet Nam

Dear Minister Hoang:

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honor to confirm the following agreement reached between representatives of the Government of Viet Nam (Viet Nam) and the Government of the United States of America (United States):

Nothing in Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) of the TPP Agreement restricts the right of Viet Nam to adopt or maintain measures that condition the cross-border supply of electronic payment services into Viet Nam by a service supplier of another Party on a requirement that such electronic payment services are supplied through a gateway operated by a national switching facility licensed by the State Bank of Viet Nam. Any such requirement shall:

- (1) not be used as a means of avoiding Viet Nam's obligations under Section D (Electronic Payment Card Services);
- (2) not result in a competitive disadvantage to the service suppliers of another Party;
- (3) ensure the security, speed or reliability of the services, and preserve the ability of service suppliers of another Party to innovate, and
- (4) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If the national switching facility of Viet Nam and a supplier of another Party enter into an agreement or agreements for the processing of electronic payments transactions that set out standards for operation of that facility, compliance with the terms of the agreement or agreements shall be deemed to satisfy Viet Nam's obligations under paragraphs (2), (3) and (4) with respect to that supplier.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Viet Nam.

Sincerely,



Ambassador Michael B. G. Froman



MINISTRY OF INDUSTRY AND TRADE  
THE SOCIALIST REPUBLIC OF VIETNAM

February 4, 2016

The Honorable Michael Froman  
United States Trade Representative  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

Dear Ambassador Froman,

I am pleased to acknowledge your letter of February 4, 2016 which reads as follows:


Nothing in Section D (Electronic Payment Card Systems) to Annex 11-B (Specific Commitments) of the TPP Agreement, Section D restricts the right of the Socialist Republic of Viet Nam (Viet Nam) to adopt or maintain measures that condition the cross-border supply of electronic payment services into Viet Nam by a service supplier of another Party on a requirement that such electronic payment services are supplied through a gateway operated by a national switching facility licensed by the State Bank of Viet Nam. Any such requirement shall:

- (1) not be used as a means of avoiding Viet Nam's obligations under Section D (Electronic Payment Card Systems);
- (2) not result in a competitive disadvantage to the service suppliers of another Party;
- (3) ensure the security, speed, or reliability of the services, and preserve the ability of service suppliers of another Party to innovate, and
- (4) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If the national switching facility of Viet Nam and a supplier of another Party enter into an agreement or agreements for the processing of electronic payments transactions that set out standards for operation of that facility, compliance with the terms of the agreement or agreements shall be deemed to satisfy Viet Nam's obligations under paragraphs (2), (3) and (4) with respect to that supplier.

I have the honor to confirm that my Government shares this understanding, and that this letter and your reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States of America and Viet Nam.

Sincerely,



Vu Huy Hoang  
Minister of Industry and Trade  
Socialist Republic of Viet Nam