

4 February 2016

The Honourable Andrew Robb
Minister for Trade and Investment
Australia

Dear Minister,

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (“the TPP Agreement”), I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of Australia during the course of the negotiations of the TPP Agreement regarding Chapter 11 (Financial Services):

Nothing in Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) to Chapter 11 (Financial Services) 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 of the TPP Agreement 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) of Annex 11-B (Specific Commitments) to Chapter 11 (Financial Services) of the TPP Agreement;
- (2) not result in a competitive disadvantage to the service suppliers of another Party of the TPP Agreement;
- (3) ensure the security, speed, or reliability of the services, and preserve the ability of service suppliers of another Party of the TPP Agreement to innovate; and
- (4) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party of the TPP Agreement.

If the national switching facility of Viet Nam and a supplier of another Party of the TPP Agreement 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) above with respect to that supplier.

I have the honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between the Government of the Socialist Republic of Viet Nam and the Government of Australia which shall enter into force on the date of entry into force of the TPP Agreement for both Viet Nam and Australia.

Yours sincerely,

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

4 February 2016

H.E. Dr. Vu Huy Hoang
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister

I have the honour to acknowledge receipt of your letter of 4 February 2016, which reads as follows:

“In connection with the signing on this date of the Trans-Pacific Partnership Agreement (“the TPP Agreement”), I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of Australia during the course of the negotiations of the TPP Agreement regarding Chapter 11 (Financial Services):

Nothing in Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) to Chapter 11 (Financial Services) 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 of the TPP Agreement 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) of Annex 11-B (Specific Commitments) to Chapter 11 (Financial Services) of the TPP Agreement;
- (2) not result in a competitive disadvantage to the service suppliers of another Party of the TPP Agreement;
- (3) ensure the security, speed, or reliability of the services, and preserve the ability of service suppliers of another Party of the TPP Agreement to innovate; and
- (4) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party of the TPP Agreement.

If the national switching facility of Viet Nam and a supplier of another Party of the TPP Agreement 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) above with respect to that supplier.

I have the honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between the Government of the Socialist Republic of Viet Nam and the Government of Australia which shall enter into force on the date of entry into force of the TPP Agreement for both Australia and Viet Nam.”

I have the further honour to confirm that the above reflects the agreement reached between the Government of Australia and the Government of the Socialist Republic of Viet Nam during the course of negotiations of the TPP Agreement, and that your letter and this letter in reply constitute an agreement between the Government of Australia and the Government of the Socialist Republic of Viet Nam.

Yours sincerely

Andrew Robb