



**Asia-Pacific
Economic Cooperation**

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Session 3.2

Experiences in Coordination and Stakeholder Consultation

Submitted by: Viet Nam



**Capacity Building Workshop on Regional
Trade Agreement and Free Trade Agreement
Negotiation Skills on Transparency
13-14 January 2022**

MINISTRY OF INDUSTRY AND TRADE

Session 3: Experiences in Coordination and Stakeholder Consultation

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1. Transparency regulations on consultation during the negotiation process



Law on Treaties No.108/2016/QH13



Decision No. 06/2012/QD-TTg dated January 20, 2012 of the Prime Minister on consultation with the business community on international trade agreements

Law on Treaties No.108/2016/QH13

Prepare for negotiating an international treaty:

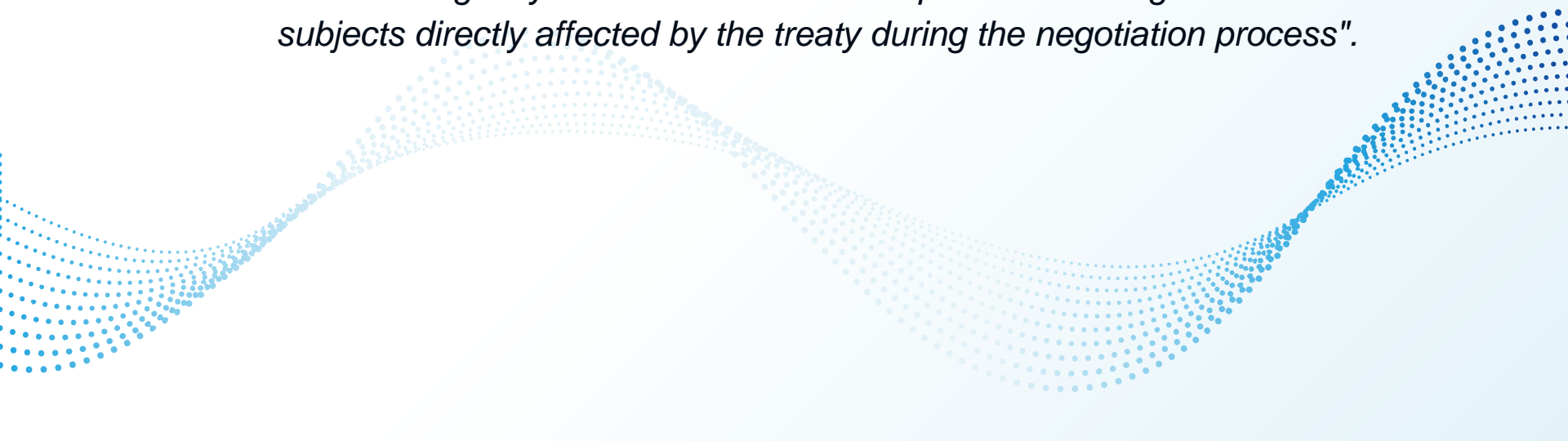
Paragraph c, Clause 1, Article 9 of Law on International Treaties No. 108/2016/QH13: *“The host agency is responsible for consulting the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies and organizations before submitting to competent state agencies for decision on the negotiation of the treaty.”*

Propose to sign an international treaty:

Clause 2, Article 13 of Law on International Treaties No. 108/2016/QH13: *“Before proposing to sign a treaty, the host agency shall consult relevant agencies and organizations, inspection opinions of the Ministry of Foreign Affairs and appraisal opinions of the Ministry of Justice”.*

Law on Treaties No.108/2016/QH13

*Clause 3, Article 12 of Law on International Treaties No. 108/2016/QH13:
"The host agency shall consult with the representative organization of the
subjects directly affected by the treaty during the negotiation process".*



Decision No. 06/2012/QĐ-TTg dated January 20, 2012 of the Prime Minister on consultation with the business community on international trade agreements

Phase 1: Feasibility research stage

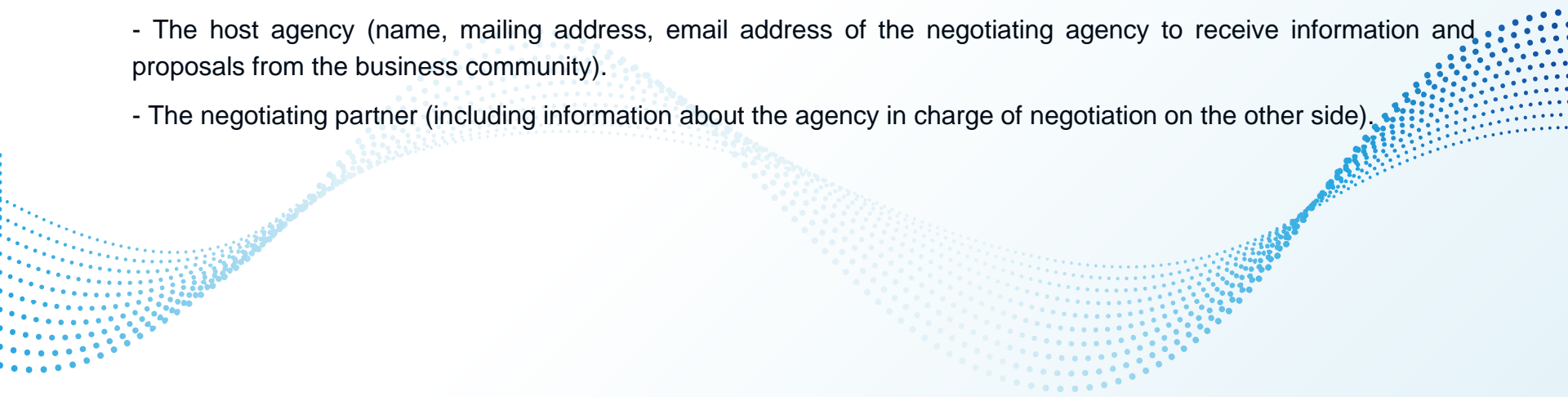
The host agency shall publish on the website of the host agency the following information:

1. The decision of the competent authority to conduct a feasibility study of an international trade agreement.
2. Host agency (name, mailing address, email address of the host agency to receive information and proposals from the business community).
3. Potential partners to negotiate international trade agreements (including information about the agency in charge of negotiation on the counterpart's side); summary of economic and trade relations between Viet Nam and potential partners.
4. Requirements set for the feasibility research and expected time to finish the feasibility study.
5. Time limit for receiving proposals from the business community.

Decision No. 06/2012/QD-TTg dated January 20, 2012 of the Prime Minister on consultation with the business community on international trade agreements

Phase 2: Negotiation

The host agency shall publish the decision to initiate the negotiation on the website of the host agency and the information includes:

- The decision of the competent authority on the initiation of negotiations for an international trade agreement.
 - The host agency (name, mailing address, email address of the negotiating agency to receive information and proposals from the business community).
 - The negotiating partner (including information about the agency in charge of negotiation on the other side).
- 
- A decorative graphic consisting of a series of blue dots arranged in a wavy pattern, starting from the left side of the page and extending towards the right, partially overlapping the bottom of the text area.

Decision No. 06/2012/QĐ-TTg dated January 20, 2012 of the Prime Minister on consultation with the business community on international trade agreements

Phase 2: Negotiation

Additionally, the host agency also provides the following documents to the business community, including the Viet Nam Chamber of Commerce and Industry (VCCI), by email or on its website:

- Typical market access agreements that the negotiating partner has signed with a third party. The negotiating agency only provides the original in the absence of a Vietnamese translation.
- Typical market access agreements (equivalent to international trade agreements on market access being negotiated) that Viet Nam has signed with third parties.
- Other documents that the host agency deems possible and necessary to inform the business community.
- Announce the schedule, time, location and content of conference and seminar activities dedicated to the business community to be held on the sidelines of the negotiation sessions in case the parties involved in the negotiations hold these activities.

Decision No. 06/2012/QĐ-TTg dated January 20, 2012 of the Prime Minister on consultation with the business community on international trade agreements

Phase 2: Negotiation

The host agency, upon receiving the proposal from the business community shall:

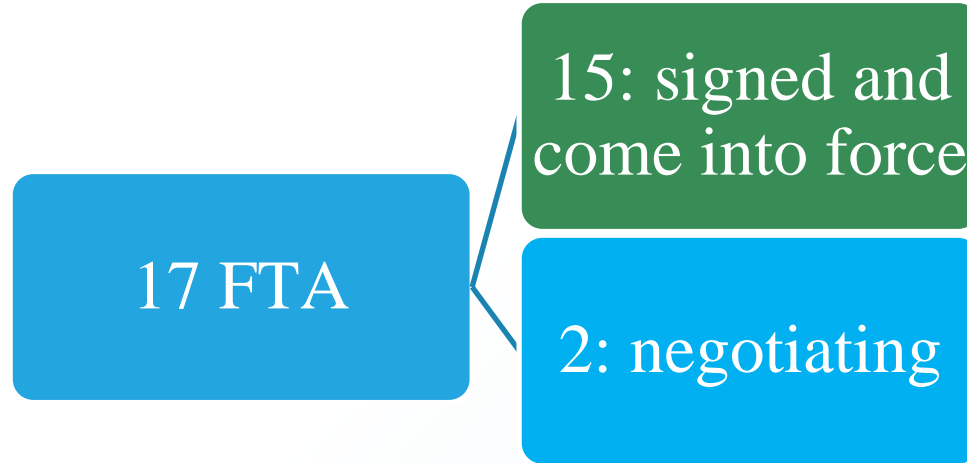
- Confirm that the comments have been received by email or on the website of the negotiating agency.
- Receive, process information and do research suggestions from the business community.



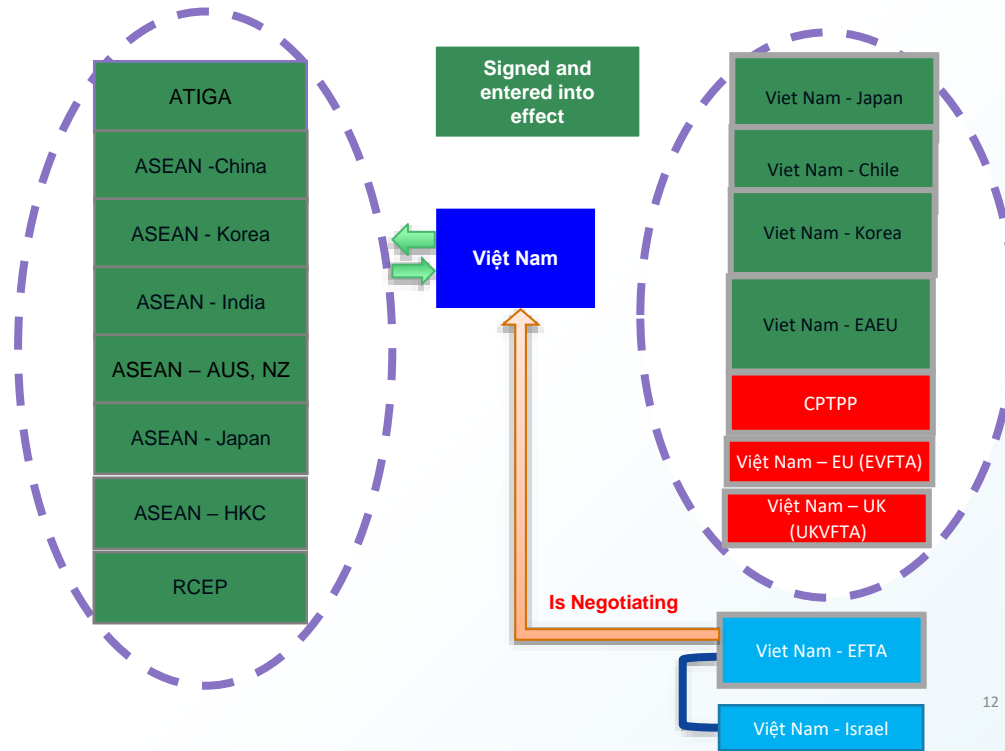
2. THE ACTUAL IMPLEMENTATION ON STAKEHOLDER CONSULTATION



FTA AND VIET NAM



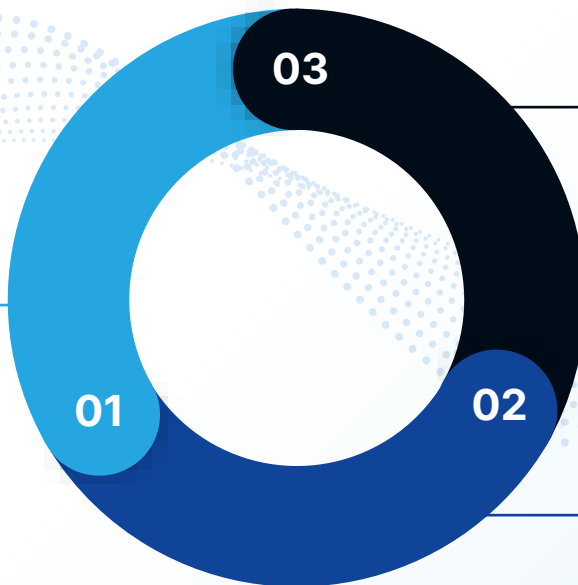
VIET NAM'S FTA



NEW GENERATION FTAs VIET NAM PARTICIPATED

The Comprehensive and Progressive Agreement for Trans-Pacific (CPTPP)

Signed: 08 March 2018.
Date into effect: 14 January 2019



The United Kingdom of Great Britain and Northern Ireland – Viet Nam Free Trade Agreement (UKVFTA)

Signed: 29 December 2020
Provision Date into effect: 31 December 2020
Date into effect: 01 May 2021


European Union – Viet Nam Free Trade Agreement (EVFTA)

Signed: 30 June 2019
Date into effect: 01 August 2020

THE COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC (CPTPP) AND EUROPEAN UNION – VIET NAM FREE TRADE AGREEMENT (EVFTA)

1

Viet Nam' negotiation process to join the CPTPP AND EVFTA



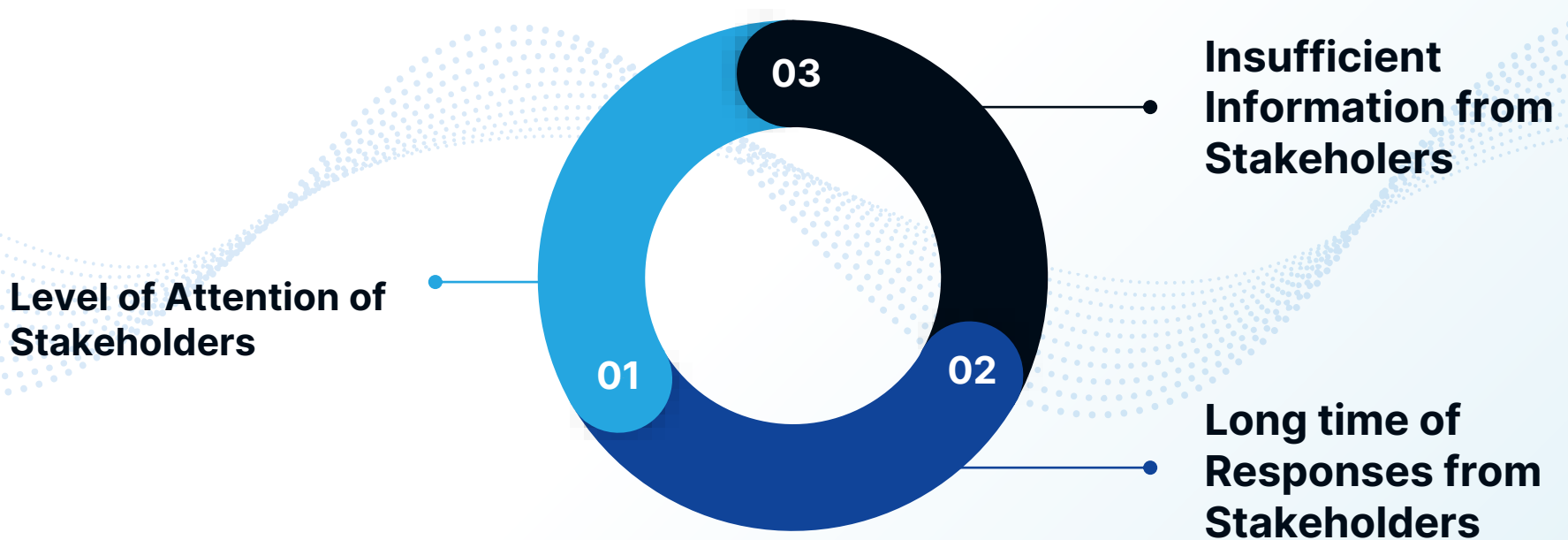
Viet Nam' negotiation process to join the CPTPP and EVFTA

- ***Coordination and consultation with related Ministries and Agencies*** through many official documents and direct meetings. Especially, for each round of negotiation, MOIT will organized at least a preparation meeting, a daily meeting during each round of negotiation and require a report of negotiation result in each fields with related Ministries and Agencies to report an competent authority.
- ***Coordination and consultation with business communities (VCCI and industry associations)*** through appropriate means such as official documents, seminars, workshops, etc.

Viet Nam's considering the UK's accession to the CPTPP

- The Fourth CPTPP Commission on 2nd June 2021: Commence the CPTPP Accession Process for the UK.
- MOIT had a dispatch to consult more than 10 Ministries and Agencies such as Ministry of Justice and Ministry of Foreign Affairs, Ministry of Finance, Ministry of Agriculture and Rural Development
- MOIT had a dispatch to consult 14 associations on issues related to the impact of the UK's accession to the CPTPP on Vietnamese enterprises.

SOME CHALLENGES DURING COORDINATION AND STAKEHOLDER CONSULTATION PROCESS IN VIET NAM



MINISTRY OF INDUSTRY AND TRADE

Thank you for attention!

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