



**Asia-Pacific
Economic Cooperation**

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**Free Trade Agreement Commitments on
Transparency - Implementation in Viet Nam from
Business View Point**

Submitted by: Vietnam Chamber of Commerce and Industry



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




FTA commitments on transparency

Implementation in Viet Nam from biz view point



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01

Viet Nam's FTA commitments on Transparency

FTA

commitments on Transparency?



Publication

- Publication of drafts for comments
- Publication of text for acquaintance before entry into force
- Publication in transparent manner (single window, explanation, English, etc)



Proceedings

- Administrative proceedings (general, special proceedings)
- Review and Appeal



Information & others

- Provision of information
- Exchange of information
- Anti-corruption



No	Viet Nam's FTAs (Year of Entry into force)	Chapter on Transparency/ General articles of similar contents	Remarkable provisions on transparency in various chapters/agreements (WTO+)
1	ASEAN AFTA/ATIGA (1996), ATISA (2021)	No	Investment
2	ASEAN - China (ACFTA, 2003)	No	Investment
3	ASEAN – Korea (AKFTA, 2007)	Yes	Investment
4	ASEAN - Japan (AJCEP, 2008)	Yes	No, AJCEP safeguards
5	Viet Nam – Japan (VJEPA, 2009)	Yes	Custom, Bilateral safeguards
6	ASEAN – India (AIFTA, 2010)	No	Custom, Services, Investment
7	ASEAN – Australia, New Zealand (AANZFTA, 2010)	No	TBT, Services, Investment, E-commerce, Transitional safeguards
8	Viet Nam – Chile (VCFTA, 2014)	Yes (Chapter)	TBT, Bilateral safeguards
9	Viet Nam – Korea (VKFTA, 2015)	Yes (Chapter)	TBT, Services, Trade Remedies
10	Viet Nam – EAEU (2016)	Yes	TBT, Bilateral safeguards
11	CPTPP (2019)	Yes (Chapter)	SPS, TBT, Services, Competition, SOE, SME, Trade Remedies, Anti-corruption
12	ASEAN – Hongkong, China (AHKFTA, 2019)	Yes	SPS, TBT, Investment
13	Viet Nam – EU (EVFTA, 2020)	Yes (Chapter)	Custom, TBT, SPS, SOE, Labor and Environment, Trade Remedies
14	Viet Nam – UK (UKVFTA, 2021)	Yes (Chapter)	Custom, TBT, SPS, SOE, Labor and Environment, Trade Remedies
15	RCEP (2022)	Yes	Custom, SPS, TBT, Services, E-commerce, GP, SME, Trade Remedies



02

Implementation of transparency commitments in Viet Nam



Commitments on Publications

Legal status

Totally compliant, in all fields

- Law on law-making 2015, revised 2020
- Implementing texts (Decrees, Circulars)
- Official procedures

Facts

No complaint as to publication of legal text once issued!

More to do with consultation while drafting

- Draft to be published for comments: Updated or not?
- Explanations on the draft contents?
- How to take into account comments?



Commitments on Proceedings



Legal status

Totally compliant

- Law on complaints 2011, Law on civil procedures 2015 (revised 2019) and Implementing texts (Decrees, Circulars)
- Texts on special proceedings (trade remedies, customs, etc)



Facts

Lots have been done, but still lots to do

PCI Survey 2020, VCCI	2016	2020
Share of firms agreeing that provincial courts judge economic cases by the law	83.3%	92.2%
Share of firms agreeing that provincial courts resolved economic cases quickly	59.4%	78%
Share of firms perceiving court judgements as fair	78.4%	88.1%

Commitments on Information



Status

- Official Points for info exchanges between Viet Nam and FTA partners are designated;
- An FTA Portal for Viet Nam biz was set up and functions

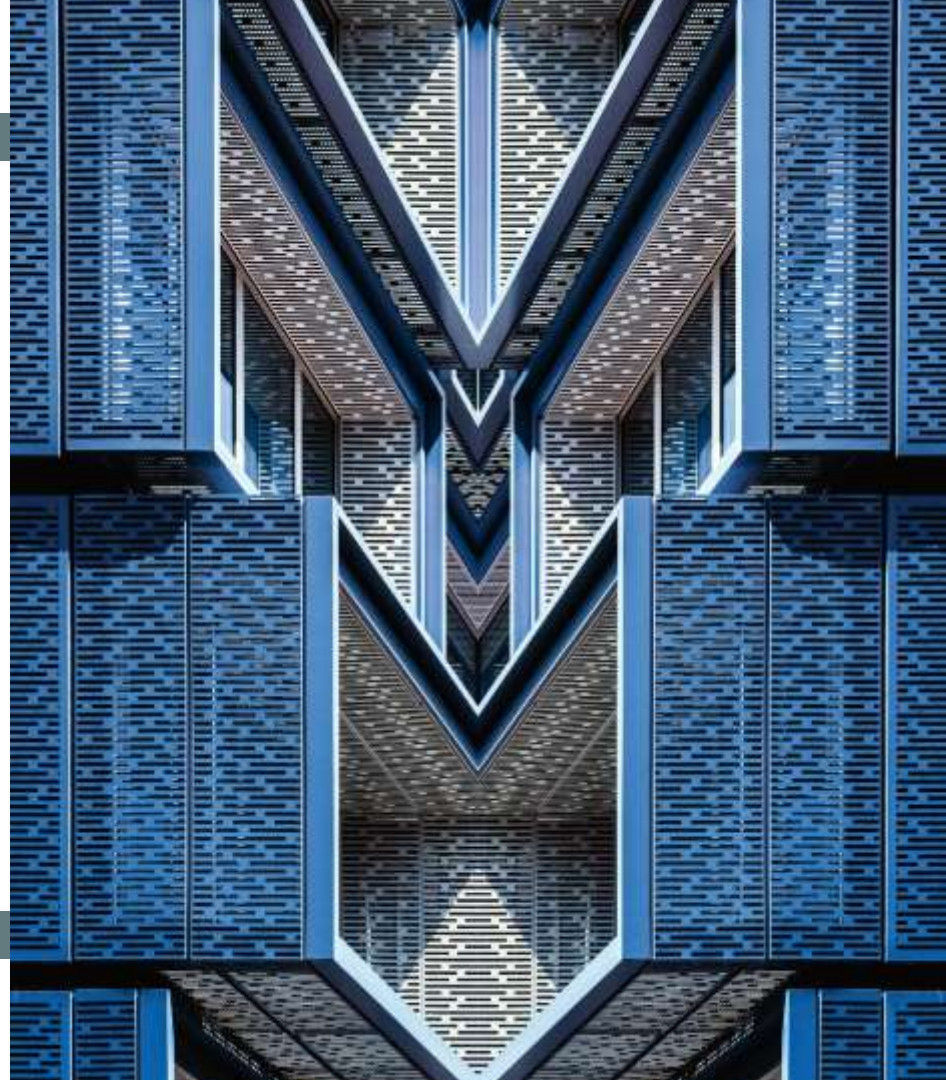
Facts

Biz need more info on FTA commitments, impacts and implementation

- FTA Portal (<https://fta.moit.gov.vn>): Great, but what else besides CPTPP, EVFTA, UKVFTA?
- VCCI Portal (<https://wtocenter.vn>): Yes, but biz sometimes need official info/feedback

03

Final remarks



Some final remarks



Transparency is crucial

- For Biz: info - power (vs competent, competitor)
- For State: transparency - obligation and tool



Transparency in FTAs

- Commitments: Extending scope, binding-nature?
- Implementation: Far to perfection

THANK YOU FOR LISTENING!

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