



MINISTRY OF INDUSTRY AND TRADE
THE SOCIALIST REPUBLIC OF VIETNAM

Auckland, February 4, 2016

His Excellency
Mr. Shuichi Takatori
State Minister of Cabinet Office of Japan

Excellency,

In connection with the Trans-Pacific Partnership Agreement (hereinafter referred to as “the Agreement”) signed this day, I have the honour to confirm, on behalf of the Government of the Socialist Republic of Viet Nam (hereinafter referred to as “Viet Nam”), the following understanding reached between representatives of the Government of Viet Nam and the Government of Japan during the course of negotiations regarding electronic payment services.

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

If the national switching facility of Viet Nam and a supplier of another Party of the Agreement enter into an agreement or agreements for the processing of electronic payment 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.

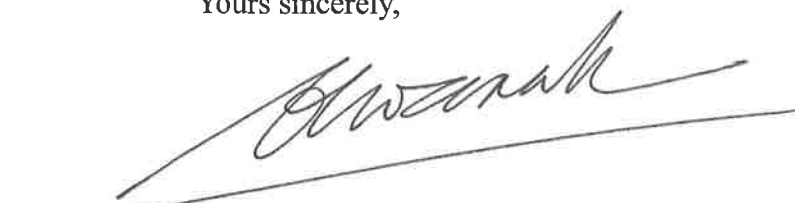
I have further the honour to propose that this letter and Your Excellency’s letter in reply confirming that your Government shares this understanding shall constitute an



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agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the Agreement, which shall enter into force on the date of entry into force of the Agreement with respect to Viet Nam and Japan.

Yours sincerely,



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

Auckland, February 4, 2016

His Excellency
Dr. Vu Huy Hoang
Minister of Industry and Trade
Socialist Republic of Viet Nam

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's letter of today's date, which reads as follows:

"In connection with the Trans-Pacific Partnership Agreement (hereinafter referred to as "the Agreement") signed this day, I have the honour to confirm, on behalf of the Government of the Socialist Republic of Viet Nam (hereinafter referred to as "Viet Nam"), the following understanding reached between representatives of the Government of Viet Nam and the Government of Japan during the course of negotiations regarding electronic payment services.

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

If the national switching facility of Viet Nam and a supplier of another Party of the Agreement enter into an

agreement or agreements for the processing of electronic payment 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 further the honour to propose that this letter and Your Excellency's letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the Agreement, which shall enter into force on the date of entry into force of the Agreement with respect to Viet Nam and Japan."

I have further the honour to confirm, on behalf of the Government of Japan, that my Government shares this understanding, and that Your Excellency's letter and this letter in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the Trans-Pacific Partnership Agreement (hereinafter referred to as "the Agreement"), which shall enter into force on the date of entry into force of the Agreement with respect to Japan and Viet Nam.

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Shuichi Takatori
State Minister of Cabinet Office of Japan