REPORT FROM INVESTMENT AND TRADE WORKING GROUP

Presented by
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Investment and Trade Working Group

On behalf of the Investment & Trade Working Group, we wish to present the following issues for consideration. Some of these issues have already been the subject of Working Group meetings and stakeholder consultations, and much progress has been made in certain areas. Please forgive us for using our valuable time to focus on the issues that still need more work.

1. ARBITRATION

The first major issue we would like to raise is the issue of recognition and enforcement of arbitration awards. We raised this issue one year ago and there have been at least two stakeholder workshops which have collected data and provided some preliminary assistance to the legal community. However, for the situation we face in terms of the poor record of recognition and enforcement of arbitration awards remains basically unchanged and much more needs to be done.

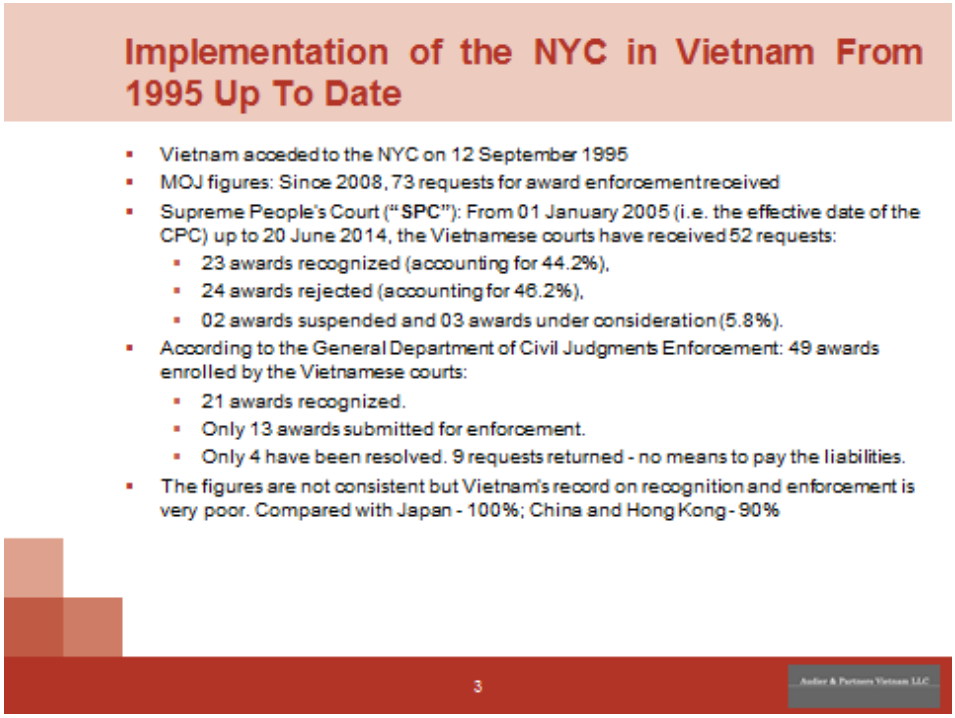
a. Status

Although reliable statistics are hard to come by, it seems that the majority of arbitration awards, whether they are from foreign or domestic arbitration organizations, are not respected by the courts of Vietnam. They are dismissed, often for spurious technicalities that appear to be driven by prejudicial attitudes, a misinformed understanding of the concept of arbitration or in some cases undue influences. Specifically, according to statistics provided by the Vietnam International Arbitration Centre ("**VIAC**"), 19 out of 44 of its awards submitted for recognition and enforcement were set aside in 2014. This means almost half of the awards challenged were set aside. This compares unfavourably to the statistics in other countries, as presented in our stakeholder meeting (see below).

Vietnam has done a lot of good work to build the legal framework for arbitration is an important supplement to the judicial system and one that has been a crucial factor in attracting foreign investment trade and investment over the years. Vietnam joined the 1958 Convention on Recognition and Enforcement of Foreign Arbitral Awards inSeptember, 1995. Its most Law on Commercial Arbitration was adopted in and was a significant improvement on the prior decree. Other laws and regulations support the operation and implementation of arbitration proceedings the enforcement of arbitration awards.

Notwithstanding all this good work, it seems that one crucial link in the chain is still missing. Specifically, judges in Vietnam often misunderstand most basic principle of arbitration, which is based on the contractual agreement between businesses to submit their disputes to a certain form of expedited, simplified dispute settlement. On the contrary, Vietnamese judges apply highly technical procedural standards to arbitration awards that are simply not appropriate. These judges second-guess the decisions of qualified arbitrators, who often have specialist expertise which they apply to their serious deliberations of the issues presented for arbitration. What is most frustrating is that when these judges disregard the arbitrators, considered awards, they do so without providing any opportunity for appeal and very little transparency.

Below is a slide from the April, 2015 Working Group meeting on arbitration issues summarizing the implementation of the New York Convention to date.



Typically, judges set aside arbitration awards (that would be valid in any other jurisdiction) on spurious procedural grounds. The two most popular excuses for not respecting an arbitration award are:

a) claiming that the arbitration procedure failed to follow strictly the procedural provisions of the Civil Procedure Code, when more flexible procedures relevant to arbitration proceedings should be valid and recognized; and
b) (b) claiming that the arbitration award somehow violates the "fundamental principles of Vietnamese law".

b. Issues

In both cases, this approach is inconsistent with Vietnam's treaty obligations under the Convention.

i. Procedural Standard

On the first point, it is a fundamental principle of our arbitration each party have notice of the proceedings and have an opportunity to be heard in them. If it does not, then the arbitration award may be set aside by a court of competent jurisdiction. However, a technically deficient power of attorney is irrelevant if the party in fact had notice, did appear and participate in arbitration. Arbitration is meant to be a flexible procedure without having to invoke the time and expense of applying the evidentiary and procedural rules that would apply in a judicial setting. This is part of the appeal of arbitration globally, and it is why it can be an effective and efficient supplement to the judicial system. Parties agree as a matter of contract to submit their disputes to arbitration and, when doing so, they stipulate the rules of arbitration apply. Whether the arbitration organization is the Vietnam International Arbitration Centre, the Singapore International Arbitration Centre or an institution in London, Geneva, New York or elsewhere, they all follow the same principle, which is that dispute resolution by arbitration is a contractually agreed process that doesn't necessarily require all the same procedural trappings that litigation does.

ii. The "Fundamental Principles of Vietnamese Law" Exception

Second, on the issue of what are the "Fundamental principles Vietnamese law", we acknowledge that this standard varies from one country to another. In all countries, a contract for slavery would be invalid, while in another a contract purporting to waive workers' rights in terms of overtime requirements or waiver of statutory benefits would be deemed to constitute a violation of "fundamental principles" and would not be enforceable notwithstanding an arbitration agreement recognizing it. But in Vietnam, it seems that courts take the position that anything that is not entirely compliant with Vietnamese administrative requirements and consistent with the outcome that would be reached under Vietnamese law somehow violates quote "fundamental principles". For example, in one recent case, a well considered arbitration award was set aside on the basis of the "fundamental principle" that they contract had been denominated in a foreign currency in violation of Vietnam's foreign exchange regulations requiring that all contracts be denominated in Vietnamese dong.

It does not help in developing a jurisprudence of what "fundamental principles" are that court decisions in Vietnam are nearly impossible for the public or the legal community to access, so they rely on anecdotal information.

These failures are seriously undermining investor confidence in Vietnam's legal system. Without a backstop to enforce contracts, none of the laws of Vietnam has worked so hard to put into place mean anything. In order to begin to address this problem, we respectfully propose the following preliminary steps which, among others may start us in the right direction of improving the situation.

c. Proposals

To address these issues, we suggest the following measures:

i. Inspection and Assessment

First, we recommend that an appropriate body be charged with the authority to review the cases that have been set aside for legal soundness, as well as to check to ensure that no undue influence has affected any of the cases that have been decided against the enforcement of the arbitration awards.

ii. Transparency

Second, there should be more transparency in the system. There should be public information available regarding the number and substance of cases submitted for judicial recognition and enforcement. The result of those applications should be published along with the judicial reasoning underlying them. Currently, these records, although they are supposed to be public, are not.

iii. Skills Training

Third, because at least some of the arbitration awards may have technical deficiencies in them, more should be done to strengthen the arbitration skills of Vietnam's arbitrators and its key arbitration institutions. This is an area where technical assistance in years past has been lacking and more should be done in terms of focusing technical assistance efforts going forward to ensure that Vietnam can reduce risk for investors and traders and maintain competitiveness in its increasingly integrated economy.

iv. Appeals

Fourth, while the grounds for appealing an arbitration award should be very narrow and strictly applied, there should be a special appeal mechanism for judicial decisions that set aside arbitration awards on spurious grounds.

Although part of the purpose of arbitration is to cut short time-consuming and expensive process litigation, when it comes to recognition and enforcement of arbitration awards, the current procedure is manifestly unfair and its application requires some sort of appeal in order to encourage better behavior at the initial review level. If it would take too long to amend the law or issue a decree correcting it, we suggest that the State Inspectorate or other some other supervisory authority be delegated to check to ensure that no undue influence has affected any of the cases that have been decided against the enforcement of the arbitration awards. In any case, there should be some recourse or the absolute power currently enjoyed by the first court will be too tempting to abuse.

Other measures would no doubt be welcome but these are the four most immediate measures that we can suggest to improve the system. This is urgent work and needs to be done soon before too many more bad experiences destroy Vietnam's reputation as a country that takes seriously the concept of the rule of law and the concept of party autonomy in selecting the mechanism that enterprises prefer to use to resolve their commercial disputes.

2. ENTERPRISE LAW ("EL") & INVESTMENT LAW ("IL") IMPLEMENTATION ISSUES

a. Investment Certificates and Business Registration Certificates

In our recent stakeholder meetings regarding the implementing decrees for the amended Enterprise Law and Investment Law, our members were told that the new licensing requirements would be simpler and more efficient than under the previous rules even though they will be required to get two documents with different applications as compared to the former system which only required either an investment Certificate or a Business Registration Certificate. Now, investors are required to get both an Investment Certificate and a Business Registration Certificate.

Can you please explain how doubling the paperwork is consistent with the important policy to reform administrative procedures? We don't understand why a single application form cannot suffice to apply for both applications since each authority checks informally with the other already. We also do not see any real efficiency arising out of the new two step procedure. We are hopeful that promises that it made about greater efficiencies will come true.

b. Conditional Investment Sectors

We're also concerned that in the very many areas where foreign investment is subject to conditions, the conditions have not yet been worked out and therefore there may be obstacles to foreign investment. The IL compiles a list of 267 conditional business lines from numerous existing international treaties, laws, ordinances and decrees. The implementing decree of the IL must clarify what laws would prevail if there is a discrepancy between the IL (and its implementing decree) and the specific laws. Also, if there are changes to any of these 267 conditional business lines, it is important to identify what laws, the IL or the specific laws, will enact such changes? Also, We assume that the authorities will continue to have discretionary authority to approve investment projects on a case-by-case basis even where there subject to conditions. Can you please confirm that?

c. The relationship between charter capital and contributed capital

Under the new IL and EL, the charter capital and contributed capital are two different concepts, where charter capital is contributed by an investor to establish the legal entity, and the contributed capital is contributed by the investor to implement an investment project. The charter capital must be contributed within 90 days from the establishment of the legal entity, whereas the contributed capital can be contributed as required in accordance with the progress of the investment project. This distinction is great, in the sense that the investor will not be required to contribute the entire contributed capital within 90 days.

However, the legal entity is established in order to own and operate the investment project, and it is unclear how these capital amounts relate to each other on the various important documents of the legal entity, including the Investment Registration Certificate ("**IRC**"), the Enterprise Registration Certificate ("**ERC**"), and its balance sheet and financial statement. Does it mean that after each phase of contributed capital is paid, the legal entity would need to amend its ERC to reflect the increased charter capital? (We think it should, as the nature of these two amounts are equity from the investor). From a banking regulation perspective, shall commercial banks base themselves on the IRC to allow contributed capital to come in, or on the charter capital amount as under the current law and practice?

If IRC and ERC co-exist for a legal entity that reflect 2 different equity amounts, would M&A transactions be conducted to sell the charter capital under the ERC, or the contributed capital under the IRC? This question becomes a little uncertain under the new laws. As such, we see the need for the charter capital and contributed capital to be reconciled and consistent, so that they actually reflect the equity amount that has been paid by the foreign investor. This link still is missing in the implementing decrees of the IL and EL. We hope that the pending implementing decrees (due out before this Forum) will clarify these points.

3. DRAFT CIRCULAR ON IMPORT OF USED EQUIPMENT

We held two stakeholder consultations on Circular 20/2014/TT-BKHCN, which is intended to replace suspended Circular 20/2014/TT-BKHCN that became effective on September 1, 2014 – Imports of Used Machinery, Production Lines and Equipment.

Draft Circular No. 20/2014/TT-BKHCN that is to take effect on July 1, 2015 purports to encourage imports of new machinery, equipment and production lines that are manufactured with the latest technology, presumably to enhance economic growth and development. At a public consultation in Ho Chi Minh City on March 17th, 2015, Director General Mr. Do Hoai Nam of the Department of Technology Auditing, Examination and Assessment of the Ministry of Science and Technology explained that, in addition, there was great concern that Vietnam would become a "dumping ground" of old technology and scrap machinery due to a new decree or regulation in China that prohibited imports of used machinery and equipment. He expressed the view that the draft Circular was a measure necessary to avoid this problem in Vietnam.

According to the strong consensus of the enterprises attending, regrettably, the new trade restrictions in the draft Circular are likely to have an effect opposite to that intended. A practical example: progressive dies or other specialized new tooling and high-tech controls items are used with multi-ton and multi-year capital equipment such as, stamping presses or machine tools in many industrial applications. While the dies, specialized tooling and computerized controls items may be new, the presses and machine tools in which they are used have useful lives of many years, well exceeding the arbitrary limits of "10 years" or, an arbitrary and impractical "remaining quality of 80% or higher" standard stated in the draft Circular.
Rather than enacting a new restriction on imports, the goal of encouraging imports of

manufacturing equipment for high technology industries is better served by providing new duty and tax incentives for investment in such new equipment and technologies.

The restrictions in the draft circular will actually discourage such investments and imports because of likely unintended coverage of long-term capital equipment, parts and accessories, due to the broad scope of the Harmonized System customs classification codes involved that are listed with the draft Circular. The consideration of slowing or limiting transfer of useful high-technology manufacturing equipment to Vietnam is particularly applicable to machines and equipment used for semiconductor, automotive, flat panel, optical and solar cell industries.

This is because it is faster and more cost-effective for an investor to obtain high-quality used manufacturing machines in these industries, often moving equipment from existing factories in another country, for example, from China, Mexico, Costa Rica, Malaysia, Thailand, Korea, Japan, the U.S. or EU, than to order new equipment because of long lead times for highly specialized equipment and the significantly greater expenses involved.

The new draft Circular is also intended to ensure that such goods meet requirements of quality, safety, energy saving and environment protection. However, instead of enacting new trade-restricting measures, a better approach that involves modernization and enhancement of existing compliance regulations and their enforcement by regulatory agencies through up-to-date implementation of international standards and electronic processing of administrative procedures is recommended. Such an approach will be in keeping with international trade agreement requirements for implementation of the National Single Window by Vietnam.

The new draft Circular mandates a new Pre-Shipment Inspection requirement for a "Quality Inspection Certificate," to be a condition of importation and customs release of used machinery, production lines and related accessories and parts. This new administrative measure is not in keeping with the priorities announced in **Prime Minister's Resolution No. 19 for 2015** because; it will increase customs clearance times and add administrative burdens for business and trade stakeholders. In addition, the arbitrary standards of either a 10-year machine life or "80% of useful life" are not international standards, according to industry experts and quality inspection and testing services. As a result, the new measure appears to be inconsistent with the WTO Agreement on Pre-shipment Inspection (Article 2(4) "Standards") that is part of GATT 1994. The new measure also appears to be not in accord with the WTO Agreement on Technical Barriers to Trade (Article 2) that is also contained in GATT 1994.

As a result, enterprises participating in the consultation sessions recommended that the restrictions on imports of machinery and equipment contained in the draft Circular be abandoned, while new administrative procedures to ensure compliance with international standards of safety, energy savings and environmental requirements be simplified and incorporated into the National Single Window project.

In sum, we believe that rather than enacting new restrictions on trade, concerns about Vietnam becoming a "dumping ground" of old technology and scrap machinery are best addressed on a case-by-case basis, through enforcement by the General Department of Vietnam Customs and other relevant agencies of existing laws and measures that involve antidumping, subsidies and countervailing measures, appropriate customs valuation of imports and prevention of customs fraud with such imports. These are the appropriate tools provided for in international agreements and in Vietnam's implementing legislation to prevent unfair trade and other unlawful import practices.

4. NEW DRAFT CIRCULAR ON FOOD SAFETY OF IMPORTS ("THE DRAFT")

We are concerned that the Draft new Circular on Food Safety results in unnecessary and onerous new administrative procedures that are inconsistent with the Government's efforts to streamline the administrative environment.

a. Inspection Methods

i. **Compliance incentive reduced:** First, the number of inspection methods reduces from 4 to 3, which reduces the flexibility in inspection compliance. The current systems of 4 methods, which sets forth various eligibility criteria (e.g. food of low risk, certified by third party in exporting country), facilitates higher compliance incentives of importers. The Draft has eliminated most of these criteria;

ii. **Possible discrimination and further delay in customs clearance:** Under Decision No.23, GMP/HACCP qualified food is only be subject to sensory inspection of representative samples. Now, under this Draft, GMP/HACCP qualified food is subject to sensory inspection of the whole consignment, and also subject to further testing if the inspection agency detects any sensory suspicion. GMP and HACCP are food safety management systems that are internationally accepted methods to control the food safety. New regulations may provoke:

- Further controversy regarding national treatment principle as compared with similar GMP/HACCP qualified food produced in Vietnam;
- Delay in customs clearance procedure, which contradicts current reform in customs management as implemented by the new Law on Customs;

iii. **MFN Inconsistency and substantial restriction in scope of imports eligible for Dossier Inspection (Method of Reduced Inspection):** In addition to imports mutually recognized under mutual recognition agreements, only imports that have qualified for 5 consecutive Normal Inspections that have conducted in 1 year time are eligible for Dossier Inspection. This means that only imports that are imported into Vietnam more than 5 times a year are eligible for this inspection method. Such a regulation is de facto inconsistent with the MFN principle when establishing discrimination between imports from larger vs. smaller traders.

Such a regulation also slows down the customs clearance process as the number of imports subject to Normal Inspection is increased.

b. Inspection Duration

Though, the timeline is more clearly defined, the actual time for a consignment to be released will be longer. Particularly, for Dossier Inspection, the current duration for receiving the Notification is only 2 working days since arrival date, while, under the Draft, it may take up to 4 working days since arrival date to receive the Notification.

c. Notification Issuing Authority

There is inconsistency in regulating the Notification Issuing Authority. Pursuant to Section 3, Article 11 of the Draft, VFA and local divisions of VFA are entitled to issue the Notification of Food Safety Qualification / Non-Qualification. However, the Draft only provides the jurisdiction of VFA under Article 20 of the Draft without providing any jurisdiction of local division of VFA. As such, pursuant to Section 1, Article 20, only VFA is entitled to issue the Notification.

Such a new regulation is a big step backward against the administrative reform. Under the current regulations of Decision No.23, an inspection agency assigned by VFA is entitled to issue the Notification. Now under the new regulation of the Draft, the inspection agency is only allowed to conduct the inspection, and then it must submit the inspection result to the

VFA. Only VFA is entitled to issue the Notification. Turning one step into two steps obviously doubles the possibility for obstructionism and error.
Taking into account the volume of food importation, actual delay shall occur during implementation and this will drive up the cost of food products for consumers in Vietnam. In such event, the inspection timeline set forth in the Draft will predictably be violated constantly, and unreasonable burdens will be imposed on importers. This new regulation also creates pressure on the current staff of the VFA due to sudden surge in workload, and results in unnecessary demand of recruiting a larger number of civil servants to secure the timeline, which contradicts the reform policy of personnel reduction in governmental organizations.

5. TAX ADMINISTRATION

According to most international surveys, Vietnam remains a difficult place to do business. For example, in 2015 a World Bank "Ease of Doing Business Survey" ranks Vietnam 78th out of 189 countries, a slip of 6 places from 2014. When compared to Vietnam's GDP ranking (52nd), Vietnam's is clearly lagging in terms of ease of business.

According to this Survey, by far the biggest problem in the ease of doing business ranking is tax, where Vietnam ranks 173 out of 189 countries, slipping 2 places vs. 2014.

When it comes to "paying taxes" (the administration of tax payment and audits) Vietnam ranking was lower than every other country in Asia and the Asia Pacific.

REGION	East Asia & Pacific
INCOME CATEGORY	Lower middle income
POPULATION	89,708,900
GNI PER CAPITA (US$)	1,730
CITY COVERED	Ho Chi Minh City

DOING BUSINESS 2015 RANK	DOING BUSINESS 2014 RANK***	CHANGE IN RANK
78	72	↓ -6

DOING BUSINESS 2015 DTF** (% POINTS)	DOING BUSINESS 2014 DTF** (% POINTS)	CHANGE IN DTF** (% POINTS)
64.42	64.11	↑ 0.31

Rankings | Distance to Frontier

TOPICS	DB 2015 Rank	DB 2014 Rank	Change in Rank
Starting a Business	125	120	↓ -5
Dealing with Construction Permits	22	23	↑ 1
Getting Electricity	135	135	No change
Registering Property	33	34	↑ 1
Getting Credit ✔	36	30	↓ -6
Protecting Minority Investors	117	115	↓ -2
Paying Taxes ✔	173	171	↓ -2
Trading Across Borders	75	74	↓ -1
Enforcing Contracts	47	47	No change
Resolving Insolvency	104	104	No change

Surveys such as these are not the only source of information regarding the poor state of Vietnam's tax administration system. Members of the Tax and other Working Groups regularly provide accounts of the burden of tax compliance; drawn out audits, illogical post-audit assessments, such as requiring importers to pay VAT twice on the same import transaction; and appeals going unresolved well beyond the statutory 60 day period because the local and central governments are not aligned.

Interestingly the major problem with Vietnam's tax is not the base CIT tax rate (currently 22%), where Vietnam ranks in the top half of countries. Additional taxes such as VAT, and mandatory employee-related contribution drive the total tax as % of net profit to over 40%.

However the vast majority of business complaints relate to the cost and time of compliance and the lack of predictability, simplicity and transparency in tax policy and enforcement.

This gap has a silver lining, it suggests that perhaps the most significant step the government can take in attracting investment (and increasing the tax base) is improving tax administration. The reverse is also true: Failing to improve tax administration forces Vietnam to focus on reduced rates as a means of proving its tax friendly credentials and attracting investment. In other words, failure to reform is negatively impacting revenue collection because both the base (fewer investors) and the rate (lower rates to encourage investment) are lower.

We urge the government to make tax reform a top priority for improving the business environment and driving economic reform and growth. Reform initiatives should begin with a publically communicated reform plan which would include the following:

- A list of KPI's related to ease and cost of compliance, and transparency and predictability of tax policy.
- This list should include deadlines and the parties accountable for meeting them.
- The list of disallowed deductions should be substantially reduced.
- More resources should be devoted to helping tax payers file correct returns in the first place, rather than catching them out on their errors in the audit process.
- A tax website should report on the most frequent mistakes discovered in post-audit assessment along with recommendations to help companies avoid such mistakes in the first place. Help lines and web-based guidance should be introduced to help willing taxpayers comply with the law and avoid disruptive and even devastating enforcement cases.
- Tax offices should be required to required to receive appeal submissions regardless of their form and both the submitting party and the tax official will sign a copy of that appeal. Tax officials will have the right to request these appeals be corrected if needed, but they shall be responsible for noting the time the appeal was submitted. This will prevent the tax authorities from circumventing the 60 day appeal requirement by refusing to accept the appeal.
- Local tax offices should be required publish the average periods from initial appeal to resolution.

6. DRAFT COSMETIC MANAGEMENT RULES

Our members are also concerned about the proposed circular currently being drafted by the Drug Administration of Vietnam ("**DAV**") that would provide detailed guidance for the management of the cosmetic industry in Vietnam ("**Draft Circular**"). The Draft Circular, which would replace Circular 06/2011/TT-BYT, On Providing Cosmetic Management of the Ministry of Health, would require that cosmetic manufacturers declare certain details regarding their products with the DAV in order to obtain notification numbers that would then have to be printed on the packaging of the cosmetic products they produce ("**Notification Number**").[1] As discussed below, we believe the Notification Number requirement is unnecessary and burdensome, and hope that you will consider alternative measures that meet the legitimate regulatory purposes of the Draft Circular, without adversely effecting the cosmetic industry or Vietnamese consumers.

[1] Article 23 of the Draft Circular.

Why should the Notification Number requirement should be removed from the Draft Circular before it is promulgated?

a. Inconsistency with the ASEAN Community Objectives

The Notification Number requirement does not currently exist under either the ASEAN Cosmetic Directive ("**ACD**") or Decree 89/2006/ND-CP regarding the labelling of goods. As such, this new requirement risks undermining the important ACD objective of harmonizing technical regulations across ASEAN member states as part of creating a unified ASEAN Economic Community by 2015.

b. No Positive Effect for Consumers

The Notification Number requirement does not benefit consumer safety or provide consumers with additional product information. Under current ACD requirements, cosmetic manufacturers must provide notification and self-declare regulatory compliance. The manufacturer then is fully responsible under law for the safety and quality of all products it places on the market.

The Notification Number requirement would not grant consumers any additional protections. Instead, the Notification Number requirement may cause consumers to mistakenly believe that the safety and quality of the cosmetic products they purchase have been approved by Vietnamese authorities when they see notification numbers printed on cosmetic products.

c. Product Traceability not Improved

We appreciate that the DAV inclusion of the Notification Numbering requirement in the Draft Circular is intended to improve product traceability. However, international practice shows that post-market surveillance is the most effective way to ensure product traceability and compliance with quality and safety regulations for cosmetic products. Upon request, we can provide you with information from cosmetic industry associations of other countries or regions which show the ability of these measures to provide effective traceability without harming the industry or consumers.

d. Manufacturing Costs Increased and Consumers Disadvantaged

The Notification Number requirement would considerably increase the cost and complexity of production for cosmetic companies whether they import goods from abroad or produce them in Vietnam. This will increase prices for consumers, slow the pace of innovation and place the Vietnamese economy at a competitive disadvantage within ASEAN and globally.

In practice, the Notification Number requirement would increase manufacturing costs by requiring that packaging be discarded and replaced whenever there is a change in notification numbers following changes in any of the notification information. The Notification Number requirement would also result in delays to production, increased supply chain complexity due to the different packaging required for the same products produced at different locations and other unforeseen consequences. In a large part, the costs created by these manufacturing challenges will increase prices for consumers while reducing consumer choice.

For these reasons, we suggest removing the requirement to print the Notification Number on the product packaging from the Draft Circular.

We acknowledge and appreciate the great efforts that the Vietnam Ministry of Health continues to make towards achieving the objectives of the ACD while meeting its legitimate regulatory objectives. We sincerely hope that you will consider the concerns we have stated above as you deliberate the provisions to be included in the Draft Circular when it is officially promulgated.