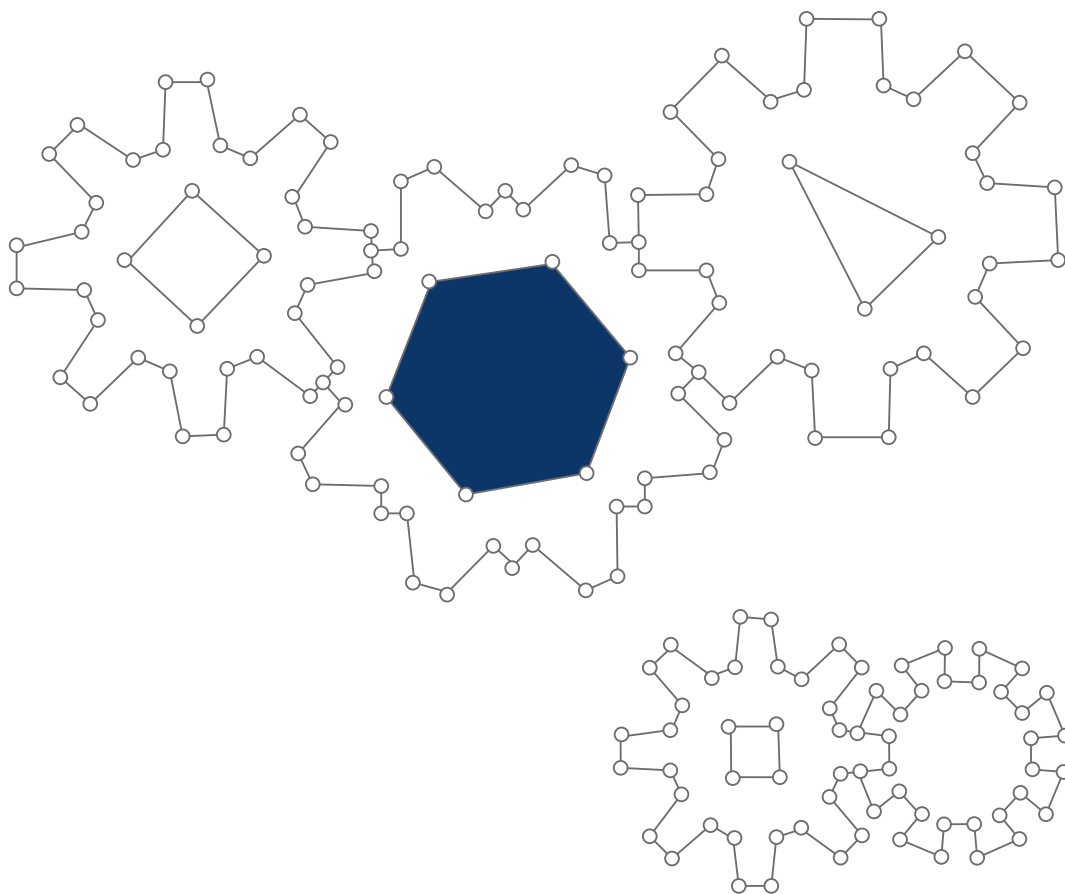




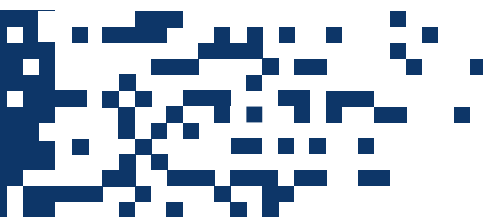
British Embassy  
Hanoi



Vietnam Chamber of  
Commerce and Industry



Reviewing Vietnam legal framework against  
WTO, EVFTA and TPP commitments on  
**Services Market Access for Foreign Investment**





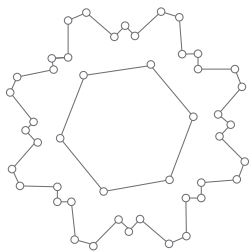
VIETNAM CHAMBER OF COMMERCE AND INDUSTRY  
Center for WTO and Economic integration

Dr. Nguyen Thi Thu Trang (chief author)

Reviewing Vietnam legal framework against  
WTO, EVFTA and TPP commitments on  
**Services Market Access for Foreign Investment**



Hanoi 2017



# Introduction

As of May 11, 2016, Vietnam has committed on services market access for foreign investors in the WTO framework and several bilateral or multilateral agreements, especially the Trans-Pacific Partnership Agreement (TPP) and the Free Trade Agreement between Vietnam and European Union (EVFTA). According to preliminary statistics, Vietnam has committed to enable market access for all of 12 services sectors with over 150 services sub-sectors.

In fact, with the management method and adoption of policies segmenting in services sectors, the system of policies and legislations on Vietnam's services market access for foreign investors is particularly complex not only in quantity of documents, but also in the methods and mechanisms of enabling market access in these documents.

On the one hand, this makes the system of policies and legislation on the Vietnam's services market access non-transparent, and causes problems for foreign investors in these sectors. On the other hand, this circumstance leads to a difficulty to control the implementing extent of Vietnam's commitments on services market access, and obstructs the process of trade liberalization, in general, and the services sectors liberalization, in particular.

This Review of Vietnamese legal framework against the commitments on services market access under the WTO, TPP and EVFTA is conducted with the aim of creating an overview of the extent of Vietnam's services market access in comparison with the WTO, TPP and EVFTA commitments on this issue, thereby creating the first foundation for the transparency of services markets institution, contributing to the liberalization process of this important economic sector.

This Review is in the series of 09 Reviews of Vietnam legal framework against the TPP and EVFTA commitments on major institutional sectors (including Investment, Government Procurement, Intellectual Property, Customs and Trade Facilitation, Transparency, Services Market Access), prepared by the Vietnam Chamber of Commerce and Industry (VCCI) within the framework of 02 stages of the Program: Review Vietnam legal framework against institutional commitments in the new-generation free trade agreements with the support of the Embassy of United Kingdom of Great Britain and Northern Ireland in Vietnam.

Hopefully this Review Report will be a useful supplementary information source for the process of reviewing the domestic legal framework on services market access, ensuring the implementation of Vietnam's relevant commitments in the framework of the WTO, TPP and EVFTA as well as endeavoring to promote transparency and competition in the services markets in Vietnam.

The Vietnam Chamber of Commerce and Industry would like to express the deepest gratitude to the Embassy of United Kingdom of Great Britain and Northern Ireland for supporting VCCI in the process of conducting this truly meaningful program./.

**The Vietnam Chamber of Commerce and Industry  
The Center for WTO and Economic Integration**

The Vietnam Chamber of Commerce and Industry would like to express our gratitude to the sharp and comprehensive comments for this Review made by the following experts:

1. Mr. Ngo Chung Khanh - Deputy Head of Multilateral Trade Policy Department under the Ministry of Industry and Trade; Leader of Group Negotiating Services, Vietnam's TPP and EVFTA Negotiation Delegation.
2. Mr. Pham Manh Dung - Partner of Law Firm R&T LCT Lawyers; Former Director of Legal Affairs, Ministry of Planning and Investment
3. Mr. Nguyen Tuong - Representative of Vietnam Logistics Association in Hanoi.
4. Ms. Cao Thi Hong Vinh - Foreign Trade University

# Contents

Introduction.....	5
List of Abbreviation.....	8
<b>Part one: Summary about results of the review.....</b>	<b>9</b>
I. Background of the Review.....	10
II. Scope of the Review.....	11
1. Limitation on content.....	11
2. Limitation on the scope of the commitment on market access.....	12
3. Limitation on the Vietnam legislation under review.....	13
III. Summary of Review results.....	15
1. Regarding the services sectors that Vietnam has committed to access.....	15
2. Regarding the extent of market access being given in services sectors.....	19
3. The status of services market access under the Vietnam legal framework.....	26
<b>Part two: The summary review table.....</b>	<b>35</b>
<b>Part three: The detailed review table.....</b>	<b>69</b>