8 March 2018

His Excellency
Mr. HERALDO MUÑOZ VALENZUELA
Minister of Foreign Affairs
Chile

Dear Minister,

In connection with the signing on this date of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement"), I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of the Republic of Chile ("Chile"):

Nothing in Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) to Chapter 11 (Financial Services) of the *Trans-Pacific Partnership Agreement*, done at Auckland, New Zealand on 4 February 2016, incorporated, by reference, into and made part of the Agreement *mutatis mutandis,* 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 on a requirement that such electronic payment services are processed through a national switching facility licensed by the State Bank of Viet Nam, and that facility is positioned between such supplier and financial institutions[1]/payment intermediaries in 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);

2. not result in a competitive disadvantage to the service suppliers of another Party;

3. ensure the security, speed or reliability of the services, and preserve the ability of service suppliers of another Party to innovate; and

4. not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If the national switching facility of Viet Nam and a supplier of another Party 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

[1] For the purpose of this letter, financial institutions include foreign bank branches in Viet Nam.

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 the honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments, which shall enter into force on the date of entry into force of the Agreement as between Viet Nam and Chile.

Sincerely,



Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

Santiago, Chile, 8 March 2018

His Excellency
Mr. Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister,

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

"In connection with the signing on this date of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement"), I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of the Republic of Chile ("Chile"):

Nothing in Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) to Chapter 11 (Financial Services) of the *Trans-Pacific Partnership* Agreement, done at Auckland, New Zealand on 4 February 2016, incorporated, by reference, into and made part of the Agreement *mutatis mutandis,* 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 on a requirement that such electronic payment services are processed through a national switching facility licensed by the State Bank of Viet Nam, and that facility is positioned between such supplier and financial institutions[1]/payment intermediaries in 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);

2. not result in a competitive disadvantage to the service suppliers of another Party;

3. ensure the security, speed or reliability of the services, and preserve the ability of service suppliers of another Party to innovate; and

4. not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If the national switching facility of Viet Nam and a supplier of another Party 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

[1] For the purpose of this letter, financial institutions include foreign bank branches in Viet Nam.

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 the honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments which shall enter into force on the date of entry into force of the Agreement as between Viet Nam and Chile."

I have the honour to confirm that the above reflects the agreement reached between the Government of the Republic of Chile and the Government of the Socialist Republic of Viet Nam, and that your letter and this letter of confirmation in reply shall constitute an agreement between our Governments, which shall enter into force on the date of entry into force of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* as between the Republic of Chile and the Socialist Republic of Viet Nam.

Sincerely,

HERALDO MUÑOZ VALENZUELA
Minister of Foreign Affairs
Republic of Chile