8 March 2018

His Excellency
Mr. J.Jayasiri
Secretary General
Ministry of International Trade and Industry
Malaysia

Dear Secretary General,

In connection with the signing on 8 March 2018 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 Malaysia and the Government of the Socialist Republic of Viet Nam ("Viet Nam"):

> 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 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 agreement or agreements shall be deemed to satisfy Viet Nam's obligations under paragraphs (2), (3) and (4) with respect to that supplier.

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

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the Agreement as modified by Article 11.21 (Dispute Settlement) of Chapter 11 (Financial Services) of the Agreement, which shall enter into force on the date of entry into force of the Agreement as between Malaysia and Viet Nam.

Sincerely,

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

8 March 2018

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

Dear Minister,

I am pleased to acknowledge receipt of your letter of 8 March 2018 which reads as follows:

"In connection with the signing on 8 March 2018 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 Malaysia and the Government of the Socialist Republic of Viet Nam ("Viet Nam"):

> 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 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 agreement or agreements shall be deemed to satisfy Viet Nam's obligations under paragraphs (2), (3) and (4) with respect to that supplier.

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

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the Agreement as modified by Article 11.21 (Dispute Settlement) of Chapter 11 (Financial Services) of the Agreement, which shall enter into force on the date of entry into force of the Agreement as between Malaysia and Viet Nam."

I have the honour to confirm that the above reflects the agreement reached between our Governments, and that your letter and this letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement") as modified by Article 11.21 (Dispute Settlement) of Chapter 11 (Financial Services) of the Agreement, which shall enter into force on the date of entry into force of the Agreement as between the Socialist Republic of Viet Nam and Malaysia.

Sincerely,

J.Jayasiri
Secretary General
Ministry of International Trade and Industry
Malaysia