

TRADE

Energy Services

**Agreement Between the
UNITED STATES OF AMERICA
and the SOCIALIST REPUBLIC OF
VIETNAM**

Effected by Exchange of Letters at
Hanoi May 31, 2006



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

SOCIALIST REPUBLIC OF VIETNAM

Trade: Energy Services

*Agreement effected by exchange of letters
at Hanoi May 31, 2006;
Entered into force May 31, 2006.*



MINISTRY OF TRADE
THE SOCIALIST REPUBLIC OF VIETNAM

31 MAY 2006

The Honorable Karan Bhatia
Deputy U.S. Trade Representative
Washington, DC 20508

Dear Honorable,

I have the honor to refer to bilateral discussions between representatives of the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of the United States of America ("United States") regarding market access for service suppliers in the context of the negotiations on Viet Nam's accession to the World Trade Organization (WTO). In that context, I have the honor to inform you of my Government's policy regarding energy services that may be supplied by U.S. companies operating in Viet Nam pursuant to a contract.

In this bilateral context, I confirm that juridical persons of the United States seeking to supply services incidental to mining and/or related scientific or technical consulting services, under the terms of Viet Nam's commitments in its Schedule of Specific Commitments, pursuant to a contract lawfully undertaken with a Vietnamese oil or gas company, or with a foreign oil or gas company legally operating in Viet Nam, will not be required to form a joint venture or otherwise establish a commercial presence in Viet Nam. However, juridical persons of the United States seeking to supply such services pursuant to a contract may be required to register with the Government of Viet Nam and/or appoint a representative within Viet Nam to serve as a responsible party before the relevant Vietnamese regulator or ministry.

Viet Nam and the United States have an important trade relationship in the energy sector and recognize that both sides benefit from bilateral cooperation between our governments and our respective industries. I hope you will agree that, by signing our agreement in this area bilaterally, in conjunction with our proposed WTO commitments, Viet Nam has created commercially significant opportunities for U.S. energy service suppliers.

I have the honor to request that you confirm by letter in reply that your government shares this understanding and propose that this letter and your letter of confirmation in reply shall constitute an agreement between our governments to enter into effect when Viet Nam becomes a Member of the WTO.

Sincerely,

A handwritten signature in black ink, appearing to be 'Truong Dinh Tuyen', written over a large, light-colored scribble or watermark.

Truong Dinh Tuyen
Minister of Trade
The Socialist Republic of Vietnam

EXECUTIVE OFFICE OF THE PRESIDENT
DEPUTY UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

May 31, 2006

H.E. Truong Dinh Tuyen
Minister of Trade
The Socialist Republic of Vietnam

Dear Minister Truong:

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

I have the honor to refer to bilateral discussions between representatives of the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of the United States of America ("United States") regarding market access for service suppliers in the context of the negotiations on Viet Nam's accession to the World Trade Organization (WTO). In that context, I have the honor to inform you of my Government's policy regarding energy services that may be supplied by U.S. companies operating in Viet Nam pursuant to a contract.

In this bilateral context, I confirm that juridical persons of the United States seeking to supply services incidental to mining and/or related scientific or technical consulting services, under the terms of Viet Nam's commitments in its Schedule of Specific Commitments, pursuant to a contract lawfully undertaken with a Vietnamese oil or gas company, or with a foreign oil or gas company legally operating in Viet Nam, will not be required to form a joint venture or otherwise establish a commercial presence in Viet Nam. However, juridical persons of the United States seeking to supply such services pursuant to a contract may be required to register with the Government of Viet Nam and/or appoint a representative within Viet Nam to serve as a responsible party before the relevant Vietnamese regulator or ministry.

Viet Nam and the United States have an important trade relationship in the energy sector and recognize that both sides benefit from bilateral cooperation between our governments and our respective industries. I hope you will agree that, by signing our agreement in this area bilaterally, in conjunction with our proposed WTO commitments, Viet Nam has created commercially significant opportunities for U.S. energy service suppliers.

I have the honor to request that you confirm by letter in reply that your government shares this understanding and propose that this letter and your letter of confirmation in reply shall constitute an agreement between our governments to enter into effect when Viet Nam becomes a Member of the WTO.

Page Two
Minister Truong

I have the honor to confirm that my government shares this understanding and that your letter and this reply shall constitute an agreement between our two Governments to enter into force when Viet Nam becomes a Member of the World Trade Organization.

Sincerely,

A handwritten signature in black ink, appearing to read "Karan Bhatia". The signature is fluid and cursive, with the first name "Karan" and last name "Bhatia" clearly distinguishable.

Karan Bhatia