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Page: 1/2

**Council for Trade in Goods
Working Party on State Trading Enterprises**

STATE TRADING

NOTIFICATION OF VIET NAM IN RESPONSE TO THE UNITED STATES' COUNTER-NOTIFICATION
OF VIET NAM'S STATE TRADING ENTERPRISES PURSUANT TO PARAGRAPH 4 OF THE
UNDERSTANDING ON THE INTERPRETATION OF ARTICLE XVII¹

UNITED STATES FOLLOW-UP QUESTIONS TO VIET NAM'S REPLIES² TO FURTHER QUESTIONS
FROM THE UNITED STATES REGARDING VIET NAM'S STATE TRADING ENTERPRISES

Corrigendum

Please note that under "**Follow-up Question 4**" on page 2 of the document G/C/W/786 - G/STR/Q1/VNM/8, the underlining for emphasis was missing. It should read as follows:

Follow-up Question 4

In its reply to US Question 4 regarding Viet Nam National Coal – Mineral Industries Holding Corporation Limited, Viet Nam did not reply to one of our questions. Therefore, we will state our question again:

- Office of the Government Announcement 346/TB-VPCP clearly states that two companies, including Vinacomin or TKV, are designated by the state as coal intermediaries:

[MOIT] shall direct Electricity Vietnam, PetroVietnam, and other enterprises with a need for imported coal to sign contracts with the TKV and Dong Bac General Corporations (the two enterprises designated as coal import intermediaries) to supply coal in accordance with the law and international customs; contracts should include a guarantee that contracts will be executed, to create conditions for these intermediaries to find a stable source of supply with appropriate quality and price.³ (emphasis added)

Viet Nam asserts that this measure is "not a legal normative document to grant exclusive or special privileges to TKV to importing or exporting coal." Again, is Viet Nam representing that directives from the Deputy Prime Minister do not carry legal authority?

¹ See G/STR/N/15/VNM and G/STR/N/16/VNM (original notifications of Viet Nam) (dated 15 April 2016); G/STR/Q1/VNM/4 - G/C/W/750 (United States' counter-notification) (dated 9 January 2018); G/C/W/755 - G/STR/Q1/VNM/5 (Viet Nam's notification in response to United States' counter-notification) (dated 27 August 2018); G/C/W/755/Corr.1 - G/STR/Q1/VNM/5/Corr.1 (corrigendum) (dated 25 September 2018); G/C/W/760 - G/STR/Q1/VNM/6 (further questions posed by the United States in response to Viet Nam's response to the counter-notification from the United States) (dated 9 October 2018); and G/C/W/776 - G/STR/Q1/VNM/7 (Viet Nam's responses to further questions posed by the United States in response to Viet Nam's response to the counter-notification from the United States (dated 5 March 2020).

² G/C/W/776 - G/STR/Q1/VNM/7 (dated 5 March 2020).

³ Paragraph 3, Section 1, Office of the Government Announcement 346/TB-VPCP on the conclusions of Deputy Prime Minister Hoang Trung Hai at the meeting on the coal import situation, dated 26 August 2014.

Furthermore, please note that under "**Follow-up Question 6**" on page 3, reference made to Question 4 should have been Question 6, as follows:

Follow-up Question 6

In its reply to US Question 6, Viet Nam did not reply to one of our questions. Therefore, we will state our question again:

- Please clarify the statement that a Prime Ministerial Decision is not a "legal normative document". Is Viet Nam asserting that decisions by the Prime Minister do not have legal authority?
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