

SPECIFIC RULES FOR VIET NAM  
ON STATE-OWNED ENTERPRISES,  
ENTERPRISES GRANTED SPECIAL RIGHTS OR PRIVILEGES,  
AND DESIGNATED MONOPOLIES

1. Chapter 11 (State-Owned Enterprises, Enterprises Granted Special Rights or Privileges, and Designated Monopolies) does not apply to the adoption, enforcement or implementation of the privatisation, equitisation, restructuring or divestment of assets owned or controlled by the Government of Viet Nam.
  
2. Chapter 11 (State-Owned Enterprises, Enterprises Granted Special Rights or Privileges, and Designated Monopolies) does not apply to measures by the Government of Viet Nam with a view to ensuring the economic stability in Viet Nam. To that end, the Government of Viet Nam may require or direct a state-owned enterprise or a designated monopoly to sell or purchase at a regulated price, in a quantity or on terms and conditions other than those which that enterprise or designated monopoly could decide on the basis of commercial consideration, subject to its laws, regulations or governmental measures.

3. Chapter 11 (State-Owned Enterprises, Enterprises Granted Special Rights or Privileges, and Designated Monopolies) does not apply to measures by the Government of Viet Nam relating to development issues in Viet Nam, such as income security and insurance, social security, social welfare, social development, social housing, poverty reduction, public education, public training, public health, and childcare, promoting the welfare and employment of ethnic minorities and people living in disadvantaged areas, provided that the activities undertaken to implement such measures do not circumvent Article 11.4 (Non-Discrimination and Commercial Considerations) with respect to the commercial activities of the enterprises and entities referred to in Article 11.1 (Definitions).
  
4. Article 11.4 (Non-Discrimination and Commercial Considerations) does not apply to the purchase of goods or services by a state-owned enterprise or a designated monopoly from Vietnamese small or medium-sized enterprises as defined by Viet Nam's laws and regulations if that purchase is made pursuant to domestic laws and regulations or a governmental measure.

5. Articles 11.4 (Non-Discrimination and Commercial Considerations) and 11.6 (Transparency) do not apply to the following enterprises, their subsidiaries and successors pursuing the same public mandate, engaged in, and limited to, the activities described below:

5.1. Viet Nam Oil and Gas Group (PETROVIETNAM)

Activities: Prospecting, exploration and exploitation of oil and gas and flight operation services for oil and gas activities.

5.2. Viet Nam Electricity (EVN) and any enterprise

Activities: Power generation by hydropower, nuclear power and security-related power generators; transmission; distribution of all types of electricity, power and alternatives or substitutes for electricity.

5.3. Viet Nam National Coal – Minerals Holding Corporation Limited (Vinacomin)

Activities: Sale of coal and minerals, pursuant to laws and regulations of Viet Nam.

5.4. State Capital Investment Corporation (SCIC)<sup>1</sup>

Activities: Asset management, investment and related activities, using financial assets of the Government of Viet Nam.

5.5. Debt and Asset Trading Corporation (DATC)

Activities related to the restructuring of debts pursuant to a law, regulation or governmental measure limited to the fulfilment of a public purpose or mandate.

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<sup>1</sup> For greater certainty, this provision does not include SCIC's portfolio investments. Within five years after the entry into force of this Agreement, SCIC shall endeavour to become a member of the International Forum of Sovereign Wealth Funds or endorse the Generally Accepted Principles and Practices ("Santiago Principles") issued by the International Working Group of Sovereign Wealth Funds, October 2008, or such other principles and practices as may be agreed by the Parties.

5.6. Airport Corporation of Viet Nam

Activities: Ground handling services.

5.7. State-owned enterprises in the printing, publishing, mass-communication and audio-visual services sectors

Activities: Any activities in the printing, publishing and mass-communication sectors; sale and purchase of audio-visual productions and distribution services.

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