

## **Suggestions for Activities in the USAID Trade Facilitation Program (USAID RFP 72044018R00003)**

### **Component 1 - Policies and procedures across GVN units (national horizontal) simplified and harmonized:**

This component involves strengthening the role of the nascent National Committee on Trade Facilitation (NCTF)<sup>1</sup>, which came into existence in October 2016. The contractor must ensure that the NCTF is supported and functioning well to implement and coordinate trade facilitation policies and procedures, effectively interface with the private sector, and provide a convening forum to discuss the simplification and harmonization of processes and procedures. A functional NCTF will facilitate legal and regulatory initiatives that are the highest priority for the GVN and/or hold the best potential for contributing to the effective implementation of the TFA.

The contractor's work under this component must include, but is not limited to, the following:

#### **• 1.1 Needs assessment conducted on relevant bodies that support the NCTF.**

The National Committee on Trade Facilitation, established by Decision 1899, Oct 4, 2016<sup>2</sup> consists of 20 representatives, from 19 ministries and agencies, and one private sector organization, VCCI. Deputy Prime Minister Vương Đình Huệ is the Chairman, **Minister of Finance** Đinh Tiến Dũng is the Vice Chairman.

Relevant bodies that support the NCTF are the Office of Government (OOG), equivalent to the U.S. Executive Office of the President, and key "Partner Government Agencies", (called "State Management Agencies" in Vietnam) with responsibilities for imports and exports safety standards, etc., especially the Ministry of Health/Vietnam Food Administration (MoH/VFA), Ministry of Agriculture and Rural Development (MARD), Ministry of Industry and Trade (MoIT), Ministry of Transport, and Ministry of Science and Technology (MoST). For example, the Ministry of Health/VFA recently issued a new Decree 15, ... to replace Decree 38, ... which had been cited by the USTR National Trade Estimates annual report on Trade Barriers since 2012.<sup>3</sup>

#### **• 1.2 Mapping of GVN offices engaged with TFA implementation**

see 1.1 above and

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<sup>1</sup> "National Committee on Trade Facilitation" (NCTF) is the term used in the WTO TFA, accordingly, NCTF will be used in this paper.

<sup>2</sup> <http://thuvienphapluat.vn/van-ban/Xuat-nhap-khau/Quyết-dinh-1899-QĐ-TTg-Uy-ban-chỉ-đạo-quốc-gia-co-che-mot-cua-ASEAN-mot-cua-quoc-gia-2016-324598.aspx> VỀ VIỆC THÀNH LẬP ỦY BAN CHỈ ĐẠO QUỐC GIA VỀ CƠ CHẾ MỘT CỬA ASEAN, CƠ CHẾ MỘT CỬA QUỐC GIA VÀ TẠO THUẬN LỢI THƯƠNG MẠI and [Prime Minister's Decision regarding the National Committee on ASEAN Single Window, National Single Window, and Trade Facilitation, No. 1899/QĐ-TTg, Oct 4, 2016](#)

<sup>3</sup> "Decree 38" had regularly been cited by the U.S. Trade Representative's annual National Trade Estimates report of foreign trade barriers as a major hindrance to U.S. agricultural exports to Vietnam. "It is broad in scope, containing regulations for a wide variety of horticultural, seafood, and meat products, and it applies to both foreign and domestic products. Its broad scope and uneven enforcement has led to uncertainty for U.S. exporters and Vietnamese importers. The United States will continue to raise these issues with Vietnam." USTR National Trade Estimates, 2016, page 451, <https://ustr.gov/sites/default/files/2016-NTE-Report-FINAL.pdf>

We need to propose how we will help establish a national-provincial cooperation structure. *Question: at the national level, which is the most appropriate GVN unit to be the "national" part of this structure? Presumably this group would oversee national-provincial cooperation and the capacity building efforts at the provincial level. Does it make sense to propose a standing body presumably a unit within GDVC to support the NTFC to perform this function? If yes, which unit within GDVC makes the most sense?*

*GDVC is the "Standing Body" of the NCTF (see Decision 1899, Establishment of NCTF, Oct 4, 2016, Article 4<sup>4</sup>*

Deputy Director General Vu Ngoc An is the leader. The below link is a brief current bio listing his responsibilities.

<https://www.customs.gov.vn/Lists/EnglishIntro/Details.aspx?language=en-US&List=687740d1%2D9f47%2D4017%2D9fe5%2D59a46541d016&ID=31&Web=c00daeed%2D988b%2D468d%2Db27c%2D717ca31ae3ff>

He is in charge of the key departments, Customs Control and Supervision, International Cooperation, Legal, Post-Clearance Audit, as well as oversight of HCMC and Hai Phong Customs Dept. He is also overseeing the GATF "Customs Bond Project."

The Office of Government is also key. A Deputy Minister there is the "action officer," GDVC is more a coordinator, but OOG and Deputy PM Hue are the decision makers. Former OOG Deputy Minister Le Manh Ha, also former vice chairman of HCMC People's Committee, was the key Deputy Minister, but he retired, He could be invited to be a "senior advisor." We arranged for then CBP Deputy Commissioner Kevin MacAleenan and his group to meet Le Manh Ha in July 2016.

Keep in mind the experience of the OOG and the MoH with respect to the replacement of Decree 38 with Decree 15, where MoH did not follow the PM's instructions or the DPM/OOG instructions until the Sep 8 meeting, where the DPM issued an order to redo Decree 38 based on industry recommendations. See my summary in my VTFA Monthly Detail Reports for Sep 2017 and Jan 2018.<sup>5</sup>

Also, the recently issued Decree 116, 116/2017/NĐ-CP, Oct 17, 2017, "ON REQUIREMENTS FOR MANUFACTURING, ASSEMBLY AND IMPORT OF

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<sup>4</sup> <http://thuvienphapluat.vn/van-ban/Xuat-nhap-khau/Quyết-dinh-1899-QĐ-TTg-Uy-ban-chỉ-đạo-quốc-gia-co-che-mot-cua-ASEAN-mot-cua-quoc-gia-2016-324598.aspx> VỀ VIỆC THÀNH LẬP ỦY BAN CHỈ ĐẠO QUỐC GIA VỀ CƠ CHẾ MỘT CỬA ASEAN, CƠ CHẾ MỘT CỬA QUỐC GIA VÀ TẠO THUẬN LỢI THƯƠNG MẠI and [Prime Minister's Decision regarding the National Committee on ASEAN Single Window, National Single Window, and Trade Facilitation, No. 1899/QĐ-TTg, Oct 4, 2016](#)

<sup>5</sup> VTFA Monthly Detail Report, Jan 2018

<https://www.dropbox.com/s/7qwly7yoa83a0qy/180212%20Monthly%20Detail%20Report%20Jan%202018.docx?dl=0>

and VTFA Monthly Detail Report, Sep 2017 – see especially the minutes of the Sep 8 meeting between DPM and DMoH

<https://www.dropbox.com/s/ncrzb820ijkr0f0/171015%20Monthly%20Detail%20Report%20Sep%202017.docx?dl=0>

MOTOR VEHICLES AND TRADE IN MOTOR VEHICLES, WARRANTY AND MAINTENANCE SERVICES,”<sup>6</sup> proposed by the Ministers of MoIT and Minister of Transport illustrates a similar protectionist domestic industrial development policy regulation proposed by specialist ministries over-ruling WTO commitments in the TFA and TBT Agreement. For example, the Deputy Director-General of the Trade Ministry’s Import-Export Department, was quoted as saying, “that Decree 116 was a supportive measure for domestic companies to set up a number of technical barriers to limit the number of imported cars.”<sup>7</sup> “Though import tariffs for vehicles from ASEAN countries will be set to zero, the decree would ensure there was no “wave of cheap cars,” that would hit the domestic market, he said.”

### • 1.3 Technical assistance to harmonize and simplify procedures needed to clear goods at customs points.

The NCTF has issued a “Plan for Preparation and Implementation of the WTO Trade Facilitation Agreement,”<sup>8</sup> which entered into effect on Feb 22, 2017.

There are no dates for the plan’s objectives to be completed, so it would be good to meet with the Office of Government Deputy Minister on the NCTF and key officials of the GDVC “Standing Body” to learn what the plan’s timeline is to achieve the objectives, for example,

- “Continuing to find technical support to implement the TFA from international organizations like the WTO, WB, WCO, UNCTAD, ADB and developed countries like the United States, the United Kingdom, and Japan”
- “Building the official timeline to implement the Category B and C commitments.”
- “Informing the implementation plan of the Category B and C commitments to WTO.”
- “Checking the implementation process regularly in the transitional period for Category B, providing technical assistance and capacity building to implement Category C”

<sup>6</sup> <https://thuvienphapluat.vn/van-ban/Thuong-mai/Nghi-dinh-116-2017-ND-CP-san-xuat-lap-rap-nhap-khau-kinh-doanh-dich-vu-bao-hanh-bao-duong-o-to-353034.aspx> **NGHỊ ĐỊNH QUY ĐỊNH ĐIỀU KIỆN SẢN XUẤT, LẮP RÁP, NHẬP KHẨU VÀ KINH DOANH DỊCH VỤ BẢO HÀNH, BẢO DƯỠNG Ô TÔ** and click the “Tiếng Anh” tab for the Eng version

Resulted in Toyota and Honda suspending exports to Vietnam

<https://www.dropbox.com/s/0r7s0dsvhz9lqpr/1801117%20Toyota20and%20Honda%20suspend%20exports%20to%20Vietnam%20-%20Nikkei%20Asian%20Review.pdf?dl=0> and letters of protest from the Vietnam Automobile Manufacturers Association (VAMA) and the Japan Automobile Manufacturers Association (JAMA).

VAMA Letter at below link ...

<https://www.dropbox.com/s/pbsmqf01plm3cna/4th%20VAMA%20petition%20letter%20on%20Decree%20116%20-ENG%5B1%5D.pdf?dl=0>

JAMA Letter at below link ...

<https://www.dropbox.com/s/52nc9b7yzx2c4sp/JAMA%20Letter%20to%20Vietnam%20on%20Decree%20116%20-%28Final%29.pdf?dl=0>

<sup>7</sup> <https://www.evernote.com/l/AQI7e6xmgSRAKbSdy0PGdPsfH29f3AIH80U>

<sup>8</sup> <http://thuvienphapluat.vn/van-ban/Thuong-mai/Quyết-dinh-1969-QĐ-TTg-chuan-bi-hiep-dinh-tao-thuan-loi-thuong-mai-to-chuc-thuong-mai-the-gioi-2016-325846.aspx> Quyết định 1969/QĐ-TTg chuẩn bị hiệp định tạo thuận lợi thương mại tổ chức thương mại thế giới 2016, Oct 13, 2016 “PHÊ DUYỆT KẾ HOẠCH CHUẨN BỊ VÀ TRIỂN KHAI THỰC HIỆN HIỆP ĐỊNH TẠO THUẬN LỢI THƯƠNG MẠI CỦA TỔ CHỨC THƯƠNG MẠI THẾ GIỚI” and [Prime Minister’s Decision approving the plan to prepare and implement the WTO Trade Facilitation Agreement, No. 1969/QĐ-TTg, Oct 13, 2016](#)

In addition, it would be good to review the Category A commitments to see if Vietnam's regulations are in compliance with the WTO TFA, and, if not, to revise regulations to come into compliance. [They are not in compliance for Advance Rulings or Authorized Economic Operator, for example].

Work on implementing some TFA commitments that are likely in Category C could be initiated, for example, support GDVC and the HCMC Customs Department in working with WCO to conduct a "Time Release Survey," a WTO TFA Commitment,<sup>9</sup> to identify areas for improvement.

Support the GATF "Customs Bond Project,"<sup>10</sup> by organizing workshops to explain the system to the Trade when the project is launched on a trial basis in Q3 or Q4, 2018.

Launch monthly consultations between private sector trade representatives and frontline managers and officials in provincial customs departments to identify areas for improvement and propose solutions ("communicate with purpose," as CBP Official Maria-Luisa Boyce<sup>11</sup> explained).

Work with NCTF, GDVC, and U.S. CBP to conclude a Customs Mutual Assistance Agreement (CMAA)<sup>12</sup> to establish a framework for technical assistance to GDVC from U.S. CBP. When then CBP Deputy Commissioner [now Commissioner] Kevin MacAleenan

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<sup>9</sup> WTO TFA Article 7. Release and Clearance of Goods 6 Establishment and Publication of Average Release Times 6.1 Members ... measure and publish their average release time of goods periodically and in a consistent manner, using tools such as, inter alia, the "Time Release Study of the World Customs Organization" (referred to in this Agreement as the "WCO" and [http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/time-release-study/time\\_release\\_study\\_eng.pdf?db=web](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/time-release-study/time_release_study_eng.pdf?db=web)

<sup>10</sup> <http://en.nhandan.com.vn/business/item/5468302-modern-bond-project-launched-to-facilitate-customs-clearance-in-vietnam.html> and

WTO, TFA Article 7, Release and Clearance of Goods, **3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges**

3.1 Each Member shall adopt or maintain procedures allowing the release of goods prior to the final determination of customs duties, taxes, fees, and charges, if such a determination is not done prior to, or upon arrival, or as rapidly as possible after arrival and provided that all other regulatory requirements have been met.

As a condition for such release, a Member may require:

(a) payment of customs duties, taxes, fees, and charges determined prior to or upon arrival of goods and a guarantee for any amount not yet determined in the form of a surety, a deposit, or another appropriate instrument provided for in its laws and regulations; or  
(b) a guarantee in the form of a surety, a deposit, or another appropriate instrument provided for in its laws and regulations.

<sup>11</sup> Former Senior Advisor, Trade and Private Sector Engagement & Director, Office of Trade Relations, U.S. Customs and Border Protection, <https://www.linkedin.com/in/marialuisaboyceconnell/>

<sup>12</sup> WTO TFA **ARTICLE 12: CUSTOMS COOPERATION** 1.2 Members are encouraged to share information on best practices in managing customs compliance, including through the Committee. Members are encouraged to cooperate in technical guidance or assistance and support for capacity building for the purposes of administering compliance measures and enhancing their effectiveness. And, <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/wto-atf/dev/cbps-cmaa.pdf?la=en> and <http://www.wcoomd.org/en/topics/wco-implementing-the-wto-atf/atf/customs-cooperation.aspx>

visited Vietnam in July 2016, agreement was reached on a “foundation agreement,”<sup>13</sup> but this has not yet been upgraded to a formal CMAA.

## **Component 2: National-Provincial (vertical) coordination strengthened:**

Under this component, the contractor must work in at least five targeted provinces (which will be determined after award has been made with consultation with USAID, NTFC, and GDVC) and the national level to strengthen coordination and communication in order to more effectively implement trade facilitation policies and procedures.

The contractor’s work under this component must include, but is not limited to, the following:

### **• 2.1 Propose and secure agreement on target provinces at the provincial and national level**

Target provinces should include those with

- large volumes of trade and FDI, for example, HCMC, Binh Duong, Dong Nai, Hanoi, Hai Phong. Note: Southern ports in HCMC and BR-VT account for over 80% of cargo, according to Vietnam Ports Association.<sup>14</sup>
- understanding of the TFA and commitments
- representative of the “Key Economic Regions,  
Southern Key Economic Region<sup>15</sup> “it has attracted more than half of foreign investment capital into Vietnam and contributed 60% of the national GDP.”  
Northern Key Economic Region<sup>16</sup>

<sup>13</sup> VTFA Monthly Detail Report, July 2016. “In a July 29, 2016 wrap-up meeting with the Office of Government Deputy Minister Le Manh Ha, Executive Assistant Commissioner of CBP Brenda Smith reported that both CBP and GDVC had had “very productive meetings” [over five hours] and had agreed to

1. A “foundation agreement” on intelligence and information sharing, as a first step toward a full Customs Mutual Assistance Agreement, which was agreed on as a goal to move towards;
2. U.S. CBP would share with GDVC “lessons learned” about implementation of a “National Single Window” (called “[Automated Commercial Environment](#)” ACE in the U.S.), including [technology requirements](#);
3. “Public-Private Partnerships” [and [Stakeholder Engagement](#) such as COAC Customs Commercial Operations Advisory Committee, and Customs User Fee Advisory Committee] in consultations on technical requirements and implementing the systems; this PPP would help both government and business benefit from sharing perspectives of what works to lower costs, improve efficiency and competitiveness;
4. coordinating operations with “Partner Government Agencies” [“Specialized State Management Agencies” in Vietnam], through the U.S. version of the National Committee on Trade Facilitation, [which is called the “[Border Interagency Executive Council](#)”, and established by Executive Order.] [Executive Order 13659 — Streamlining the Export/Import Process for America’s Businesses, Feb 19, 2014](#)
5. guidance on TPP and TFA, especially Rules of Origin and government procedures, this is important since transparency and predictability in government helps both business and government;
6. technical assistance on risk management by sharing customs enforcement techniques that protect revenue and safety.”

<sup>14</sup> Vietnam Port Statistics, 2016

<https://www.dropbox.com/s/pay69rdngzan9s8/VPA%20Port%20Statistics%20-%202016.xlsx?dl=0>

<sup>15</sup> <http://english.vov.vn/economy/connecting-southern-key-economic-region-328386.vov>

<sup>16</sup> [http://en.vietrade.gov.vn/index.php?option=com\\_content&view=article&id=965:the-northern-vietnam-key-economic-region&catid=106:n-phm-ting-nc-ngoai&Itemid=124](http://en.vietrade.gov.vn/index.php?option=com_content&view=article&id=965:the-northern-vietnam-key-economic-region&catid=106:n-phm-ting-nc-ngoai&Itemid=124)



Central Key Economic Region<sup>17</sup>

Mekong Delta Economic Region (ABCD Provinces Alliance)<sup>18</sup> not a formal government-designated “Key Economic Region,” but a private-sector-led alliance of business and government/party leaders in four key Mekong Delta provinces (An Giang, Ben Tre, Can Tho, and Dong Thap).

- *Potential for cooperation.* Here we will be looking for quality and engagement of leadership, awareness of and commitment to institutional goals and the TFA commitments, interaction among the different actors, etc .

Good. Also use the VPCI rankings for indicators. Danang is always high ranking in this. ABCD is a Business-Government group actually led by businesses.

- *Innovation.* Suggested by David Anderson. Not sure what this would look like but seems like a good idea (these include HCMC and some others close by), including the Mekong ABCD Provinces.

- *Volume.* Probably something to do with volume – focus on the provinces with high volume of goods coming through

- *GVN priority.* Something to do with GVN priority areas, industrial zones, industry clusters and ability to augment other USAID programs such as the upcoming SME project. For example, proximity to overland border crossings to take advantage of investment in new roads and protect porous borders. From David: There may be interest in land/river crossings, which favors locations around HCMC as it has goods moving through Thailand and Cambodia to the sea. (see excerpt from meeting notes Mr. Tran Thanh HAI, Dep. Dir. Gen., Agency of For. Trade, MOIT Jan 26) Mr. Hai’s Priority 1 for 2018 – Creating a market for logistics services (both local and international); building better connections with China, Laos, Cambodia, and Thailand. We want to create a channel for goods to move across Vietnam to the sea. Such trade now exists, but it is minimal.

Good idea. Japanese firms in particular seem to be using land transport from Thailand. There is also barging traffic on the rivers. We could get data from Saigon Newport, which is a leader in offering this service, World Bank also promotes barging industry as low-cost, low-carbon effective transport in Vietnam.<sup>19</sup>

Vietnam has designated three Key Economic Zones, South, North, and Central. Southern Key Economic Region. See above, footnotes 15-17 and <http://www.amchamvietnam.com/hcm-city-southern-key-economic-region-infrastructure-ports-and-industrial-parks-update-3-sep-12/>

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<sup>17</sup> <http://english.vov.vn/economy/developing-a-key-economic-region-in-central-vietnam-326991.vov>

<sup>18</sup>

[http://www.angiang.gov.vn/wps/portal/en1/NewsDetail?WCM\\_GLOBAL\\_CONTEXT=/English/AGPortal/sa-potential/e4d37f8049c4d6bf935bb7657ca5464d](http://www.angiang.gov.vn/wps/portal/en1/NewsDetail?WCM_GLOBAL_CONTEXT=/English/AGPortal/sa-potential/e4d37f8049c4d6bf935bb7657ca5464d)

<sup>19</sup> World Bank. “Facilitating Trade through Competitive, Low-carbon Transport: Vietnam’s Inland Waterways”

<http://documents.worldbank.org/curated/en/800501468320727668/pdf/830300PUB0978100Box379862B00PUBLIC0.pdf>

• **2.2 Assist NCTF to establish a National-Provincial cooperation structure**

NCTF, together with VCCI, could ask provinces to establish a Provincial Committee on Trade Facilitation (PCTF) and work to implement TFA commitments. Under Resolution 35/2016/NQ-CP,<sup>20</sup> Chairmen of People's Committees are directed to sign MOUs with VCCI outlining their commitments to improve the business environment. A PCTF could work to implement TFA commitments, improving SMEs' access to international markets. The NCTF, in cooperation with VCCI, could organize two "Trade Symposiums" a year, October and April, in Hanoi and HCMC, to discuss implementation of the TFA and improving customs efficiencies. See Component 4 for more detail.

• **2.3 Assist the National-Provincial cooperation structure to review, prioritize, and implement trade commitments related to risk management and harmonize trade policy implementation**

**Work with WCO** Capacity Building Directorate and U.S. CBP to deliver training programs, see details of training products/materials in Component 3 below. U.S. CBP Attaché Robert Thommen [for Greater Mekong Subregion: Vietnam, Cambodia, Laos, Thailand, Myanmar], based in U.S. Embassy Bangkok, has agreed to work with AmCham/VTFA to deliver training agreed on by the USAID-CBP Inter-Agency Agreement to the Vietnamese local Customs Department front line officials.

**Component 3: Provincial level implementation and inter-provincial coordination in at least five targeted provinces strengthened (provincial horizontal):**

Under this component, the contractor must train provincial level customs and inspections officers in the targeted provinces under Component 2 to implement the trade facilitation policies and procedures. This will reinforce the professionalism and integrity of the workforce in trade facilitation as well as determine and develop appropriate skill sets to implement risk management approaches. Additionally, the contractor must strengthen or establish provincial level relationships between NCTF and General Department of Vietnam Customs (GDVC), and between GDVC and the private sector.

The contractor's work under this component must include, but is not limited to, the following:

- 3.1 Assisting establishment of province-level trade implementation
- 3.2 Conducting skills assessments and trainings for provincial level customs officials
- 3.3 Facilitating interaction and learning among provincial customs officers

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<sup>20</sup> <https://thuvienphapluat.vn/van-ban/Doanh-nghiep/Nghi-quyet-35-NQ-CP-ho-tro-phat-trien-doanh-nghiep-2020-2016-311331.aspx> VN and "Tiếng Anh" tab for English version

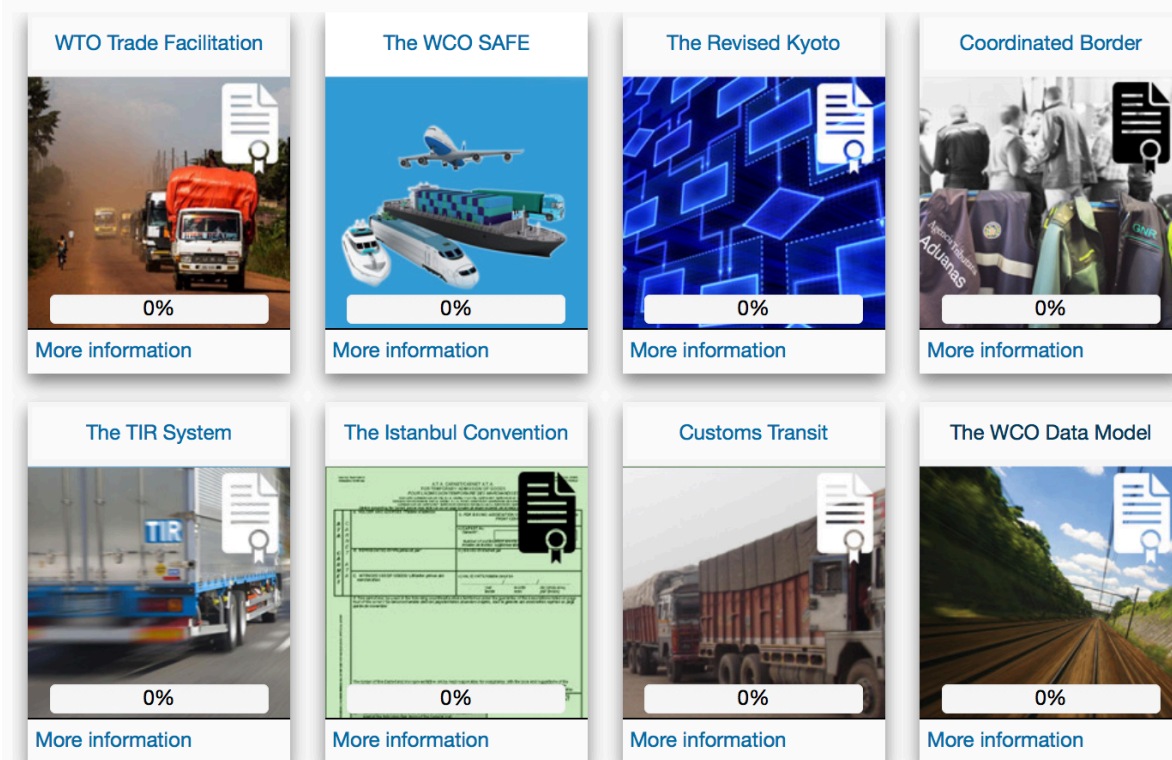
**DECREE ON SUPPORT FOR ENTERPRISE DEVELOPMENT POLICY TO 2020**

"III. Implementation 3. The presidents of People's Committees of provinces shall sign a Statement of Commitments to create favorable business environment with the Vietnam Chamber of Commerce and Industry within the third quarter of 2016, in the presence of the Steering Committee " "VCCI shall Quarterly submit a status report on the implementation of the Statement of Commitments signed between the People's Committee of provinces and Vietnam Chamber of Commerce and Industry and publish such reports on the website of the Vietnam Chamber of Commerce and Industry."

### 3.4 Creating learning products for other neighboring provinces including training materials and approaches.

We have proposed to work with the WCO e-learning programme of the [Capacity Building Directorate](#) and the Vietnam Customs School to develop learning products, starting with WCO e-Learning products such as the “Procedures and Facilitation” modules shown below, from the WCO-OMD [CLiCK! E-learning](#) web site.

**Selected category:** [Home](#) > [E-learning](#) > [Courses in English](#) > [Procedures & Facilitation](#)



Specifically, we in AmCham and the Vietnam Trade Facilitation Alliance have proposed to help customs officers, especially in HCM City, use the WCO e-learning modules and training kits for improving their understanding of WCO best practices. Widely disseminated, they are constantly being updated and are also used by the WCO Secretariat as powerful knowledge management means inside the organization. Those standardized tools can be reviewed and adapted by any WCO Members in order to be fully complementary with the national training policy and material. They are available to WCO Members through the WCO platform [CLiCK!](#) (WCO Customs Learning and Knowledge Community).

AmCham/VTFA has already received positive communications from both the WCO e-learning programme director and the Vietnam Customs School indicating their willingness to cooperate in producing and delivering the proposed training. WCO Technical Attaché Vyara Filipova offered to help access the training materials. The AmCham/VTFA plan is that we would help Vietnam Customs translate the WCO training materials into Vietnamese, so as to help the Vietnamese customs officials understand the English language content, then organize and manage the on-line training for the local Customs Departments, via a multi-lingual web-site to be developed.

“Dear Mr. Cochran,



“Following your messages, and as far as CLiKC! is concerned, there could be ways for cooperation if the final aim is to train Vietnamese Customs officers. We will basically not grant access to the CLiKC! website to staff from private organizations (e.g. the members of your Chamber) but it could be given to Customs trainees part of a programme run by such a private organization.

“You will shortly receive an access to CLiKC! in order to assess the feasibility of using the WCO e-learning courses in the framework of the project funded by USAID. However, the translation and dissemination of the e-learning courses will need to be done under the auspices of Vietnam Customs.

“I must also point out that the Vietnam Customs School is currently working on implementing a national Learning Management System and translating the courses in Vietnamese is also planned. There should then definitely be some ways for synergies in achieving this. I am copying to this message Mr. Thoang Tran, Acting Head of the School, that you could contact to further discuss the possibilities of working together on this project.

“Please do not hesitate to contact me if you would like to further discuss about this initiative.”

**Thibault Hermes**

*E-learning Programme*

**WCO-OMD**

Capacity Building Directorate

Rue du Marché, 30

B-1210 Brussels – Belgium

Tel. 00 32 (0)2 209 92 33

Fax. 00 32 (0)2 209 94 96



<http://clikc.wcoomd.org>

“Dear Thibault,

“Well known with thanks for the sharing. I am more than happy to work with Mr. Cochran on this matter.

“Thanks again for the meeting yesterday.”

Kindest Regards

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In addition, we have also proposed to the WCO that AmCham/VTFA facilitate HCMC Customs Department implementation of a Time Release Survey, one of the specific commitments in the WTO Trade Facilitation Agreement. I feel confident that WCO, GDVC, and HCMC Customs Department will also respond positively to this training proposal. See details in component 1.3 above, component 4 and footnote 26 below on page 10.

#### **Component 4: Partnerships between customs and the private sector enhanced**

Strengthening the relationship between customs and the private sector is fundamental at all levels - national, provincial, and international. Under this component, the contractor must establish more regular consultations between the businesses and customs authorities to propose policy revisions. The contractor's work under this component must include but is not limited to:

- **Help broker deeper private sector participation [and/or membership] in the NCTF**

The NCTF is a governmental inter-agency group, like the U.S. Border Inter-Agency Executive Council (BIEC),<sup>21</sup> so private sector membership is not appropriate, although VCCI is a member to represent the private sector. RE participation, VTFA plans to work with VCCI and HCMC Customs Dept, in coordination with GDVC, the “Standing Body” of the NCTF, to organize two annual NCTF meetings (October and April) with private sector participants, along the lines of the U.S. CBP “Trade Symposia”<sup>22</sup> for key senior officials to explain highlights of GDVC key programs and upcoming plans and projects. In addition, organize regular “Trade Days”<sup>23</sup> with local customs departments, where private sector trade representatives will have an opportunity to hear and view presentations and directly engage with front line government customs and partner government agency officials.

- **Assist customs authorities to conduct annual survey of businesses on customs services in target provinces**

Work with VCCI, GDVC, and local customs departments to conduct annual business satisfaction surveys,<sup>24</sup> using a multi-lingual web site. VCCI has years of experience managing the USAID-originated Provincial Competitiveness Index (PCI).<sup>25</sup> In addition, work with WCO, GDVC, and selected local Customs Departments to conduct “Time Release Surveys,” a WTO TFA Commitment,<sup>26</sup> to identify specific areas for improvement.

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<sup>21</sup> <https://www.cbp.gov/trade/border-interagency-executive-council-biec>

<sup>22</sup> <https://www.cbp.gov/newsroom/spotlights/collaboration-key-cbp-s-east-coast-trade-symposium> (Dec, 2017) and <https://www.cbp.gov/newsroom/speeches-and-statements/east-coast-trade-symposium> (Dec, 2016)

and <https://www.cbp.gov/trade/stakeholder-engagement/trade-symposium> (Aug 2018)

<sup>23</sup> <https://www.cbp.gov/newsroom/local-media-release/cbp-detroit-hosts-fourth-annual-trade-day>

<sup>24</sup> <https://www.cbp.gov/sites/default/files/assets/documents/2017-Oct/september-custsatisfactionresults-20171002.pdf> (U.S. CBP)

and <https://www.customs.gov.sg/news-and-media/publications/traders-satisfaction-survey-and-pro-enterprise-orientation-results> (Singapore Customs)

and

<https://www.dropbox.com/s/e9e81z6zxgdjgis/Bao%20cao%20Hai%20quan%202016%20FINAL%20Business%20Satisfaction.pdf?dl=0> (VCCI re Vietnam Customs)

<sup>25</sup> <http://eng.pcivietnam.org/gioi-thieu-pci-c2.html>

<sup>26</sup> Article 7. Release and Clearance of Goods 6 Establishment and Publication of Average Release Times 6.1 Members ... measure and publish their average release time of goods periodically and in a consistent manner, using tools such as, inter alia, the “Time Release Study of the World Customs Organization” (referred to in this Agreement as the “WCO”)

- **Assist GDVC to increase applying the Authorized Economic Operator (AEO) status to qualified manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses and distributors**

Work with HMC Customs Dept and VCCI. Consider translating into Vietnamese and using the U.S. CBP Guidelines and Manual as templates,<sup>27</sup> in addition to WCO SAFE package guidelines,<sup>28</sup> which Vietnam agreed to in August 2005. Moreover, work with AmCham companies in Vietnam, such as TUV,<sup>29</sup> that provide C-TPAT training and certification for U.S. CBP, to provide similar training and certification as AEO for GDVC. Revise the GDVC regulation on AEO to comply with the TFA commitment not to discriminate against SMEs, e.g. no export/import value minimum requirements. Set a specific goal of percentage of importers to achieve AEO status. Delegate to HCMC Customs Department authority to determine AEO status, under authority of the “special mechanism” provided by the National Assembly’s resolution 54, Nov 24, 2017.<sup>30</sup>

- **Private Sector engagement: The primary objective of private sector partnerships is to bring ‘know how’ and financial resources into the activity as well as to leverage core business interests (i.e., easing the movement of goods) for sustainability. Coordination and dialogue with individual firms and relevant industry firms will be essential throughout the TFP. Potential partnerships may be with manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses and distributors, and financial institutions.**

Invite the following business associations and key member companies to join or re-join the VTFA:

VITAS (Vietnam Textile and Apparel Association) member in 2015 – 2016.

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and [http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/time-release-study/time\\_release\\_study\\_eng.pdf?db=web](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/time-release-study/time_release_study_eng.pdf?db=web)

<sup>27</sup> <https://www.cbp.gov/sites/default/files/documents/C-TPAT%27s%20Five%20Step%20Risk%20Assessment%20Process.pdf>

and <https://www.cbp.gov/sites/default/files/assets/documents/2016-Jun/Portal%20Manual%204%201%2016%20v2.pdf>

<sup>28</sup> [http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe\\_package\\_iii.pdf](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe_package_iii.pdf) How to Develop an AEO Programme 27 pp incl. 4 annexes and

[http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe\\_package\\_x.pdf](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe_package_x.pdf) AEO and SME FAQ 7 pages and

[http://www.wcoomd.org/-/media/wco/public/global/pdf/events/2016/global-aeo-conference/presentations/s2\\_a-wb-safe.pdf?la=en](http://www.wcoomd.org/-/media/wco/public/global/pdf/events/2016/global-aeo-conference/presentations/s2_a-wb-safe.pdf?la=en) WCO SAFE Framework and AEOs – A World Bank Perspective

[https://www.wto.org/english/tratop\\_e/tradfa\\_e/documents09\\_e/wco\\_april09\\_e.ppt](https://www.wto.org/english/tratop_e/tradfa_e/documents09_e/wco_april09_e.ppt) WCO and WTO

<sup>29</sup> <https://www.tuv.com/world/en/c-tpat-certification.html>

<sup>30</sup> 1 <https://www.dropbox.com/s/upj5rpkmojkul66/Resolution%20No.%2054%20Eng.docx?dl=0> and

2 <https://news.thuvienphapluat.vn/tintuc/vn/thong-bao-van-ban-moi/email/18571/04-sets-of-special-privileges-for-development-of-ho-chi-minh-city> and

3

<https://www.dropbox.com/s/1cm32f7q4sg55wo/Resolution%2054%20The%20Long%20C%20Arduous%20Birth%20Of%20A%20Special%20Mechanism.pdf?dl=0> and

4 <https://thuvienphapluat.vn/van-ban/Dau-tu/Nghi-quyet-54-2017-QH14-thi-diem-co-che-chinh-sach-dac-thu-phat-trien-Thanh-pho-Ho-Chi-Minh-367070.aspx>

HAWA (Handicraft and Wood Industry Association of HCMC - Furniture)  
 LEFASO (Vietnam Leather, Footwear and Handbag Association)  
 VAMA (Vietnam Automobile Manufacturers Association)  
 VLA (Vietnam Logistics Association) (<https://www.vla.com.vn>)  
 Vietnam High Quality Products Business Association (cooperated on food safety, 2017)  
 Leading Business Club (<http://www.lbc.vn>)  
 SCIS HCMC Center for International Studies (<http://scis.hcmussh.edu.vn/>)  
 Council of Taiwanese Chambers in Vietnam (<http://ctcvn.vn>)  
 Korean Chamber of Commerce in HCMC (<https://www.facebook.com/kochamhcm/>)  
 Korean Chamber of Commerce in VN, Hanoi (<http://korchamvietnam.com>)<sup>o</sup>  
 Japan Chamber of Commerce in HCMC (<http://www.jbah.info.vn/jp/about.php>)  
 Japan Chamber of Commerce in Vietnam, Hanoi (<http://jbav.vn/en/>)  
 Hong Kong Business Association in Vietnam (<http://www.hkbav.org>)  
 European Chamber of Commerce in Vietnam (<https://www.eurochamvn.org>)  
 Australian Chamber of Commerce in Vietnam (<https://auschamvn.org>)  
 Canadian Chamber of Commerce in Vietnam (<http://canchamvietnam.org>)  
 VCCI Hanoi (<http://vcci.com.vn>)  
 And some key Vietnamese companies  
 Saigon NewPort (<https://saigonnewport.com.vn/Pages/Default.aspx>)  
 BECAMEX (<http://becamex.com.vn/en>)  
 VSIP (<http://www.vsip.com.vn>)  
 Long Hau Industrial Park (<http://www.longhau.com.vn/en-US/Default.aspx>)  
 Leading AmCham members involved in sourcing and logistics, e.g. Walmart, and UPS  
 AmCham Food & Beverage Committee  
 AmCham Manufacturing Committee  
 AmCham Logistics and Supply Chain Committee

Develop a **web site** with information in English and the languages of major FDI and trading partners (e.g. Japanese, Korean, Chinese (for Hong Kong and Taiwan firms) as part of the coordination and dialogue with industry firms and associations. The TFA requires that “information be published (Art 1.1) and (Art. 1.2.2) provided via the internet ... shall also be made available in one of the official languages of the WTO,” and the TPP provides that **“Article 5.11: Publication** 1. Each Party shall make publicly available, including online, its customs laws, regulations, and general administrative procedures and guidelines, *to the extent possible in the English language.*” [emphasis added] But much of the customs and trade facilitation information is available in Vietnamese only. Publishing the information in English, as well as the languages of the major FDI and trading partners would be a significant contribution to coordination and dialogue with industry firms and associations.

**• Public Sector engagement: Partnerships with the different levels of public sector entities (including subnational and national government agencies as well as bilateral and multilateral development agencies and financing institutions) must primarily be focused on coordination and collaboration, rather than on financial support, but may also work to facilitate access to public funds where feasible.**

HCMC Investment and Trade Promotion Center  
 University of Economics  
 University of Foreign Trade  
 Saigon Center for International Studies (SCIS), University of Social Sciences and Humanities in Ho Chi Minh City (<http://scis.hcmussh.edu.vn/>) See footnote 30 -3 on page 11

ABCD Mekong Connect (Provinces of An Giang, Ben Tre, Can Tho, Dong Thap government-business leaders alliance) (<http://www.mekongconnect.vn/?cat=gioi-thieu> )

More about the proposed web site.

*Below are the sections in components 1,2,3,4 (see above) with info about the multi-lingual web site.*

*Page 8*

*AmCham/VTFA has already received positive communications from both the WCO e-learning programme director and the Vietnam Customs School indicating their willingness to cooperate in producing and delivering the proposed training. WCO Technical Attaché Vyara Filipova offered to help access the training materials. The AmCham/VTFA plan is that we would help Vietnam Customs translate the WCO training materials into Vietnamese, so as to help the Vietnamese customs officials understand the English language WCO content, then help organize and manage the on-line training for the local Customs Departments, via a multi-lingual web-site to be developed.*

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**• Assist customs authorities to conduct annual survey of businesses on customs services in target provinces**

*Work with VCCI, GDVC, and local customs departments to conduct annual business satisfaction surveys,<sup>[1]</sup> using a multi-lingual web site. VCCI has years of experience managing the USAID-originated Provincial Competitiveness Index (PCI).<sup>[2]</sup> In addition, work ...*

*Pg 11*

Develop a multi-lingual web site with information in Vietnamese, English and the languages of major FDI and trading partners (e.g. Japanese, Korean, Chinese (for Hong Kong and Taiwan firms)) as part of the coordination and dialogue with industry firms and associations. The TFA requires that “information be published (Art 1.1) and (Art. 1.2.2) provided via the internet ... shall also be made available in one of the official languages of the WTO,” and the TPP provides that “**Article 5.11: Publication** 1. Each Party shall make publicly available, including online, its customs laws, regulations, and general administrative procedures and guidelines, to the extent possible in the English language.” [emphasis added] But much of the customs and trade facilitation information is available in Vietnamese only. Publishing the GDVC information in English, as well as the languages of the major FDI and trading partners would be a significant contribution to coordination and dialogue with industry firms and associations, which is important since about 70% of Vietnam’s exports are from FDI factories; and 90% of the export value is imported components and materials.

Examples of customs web sites:

World Bank’s Vietnam Trade Portal (on a server in Laos)

<http://www.worldbank.org/en/news/feature/2017/07/26/new-trade-information-portal-improves-transparency-in-vietnam>

<http://www.vietnamtradeportal.gov.vn>

google - site:[vietnamtradeportal.gov.vn](http://vietnamtradeportal.gov.vn) About 10,700 results/pages indexed by google



Vietnam Customs

<https://www.customs.gov.vn/default.aspx>

English version – very little info, not up-to-date, no links to the relevant page in Vietnamese.

<https://www.customs.gov.vn/home.aspx?language=en-US>

google - site:[customs.gov.vn](https://www.customs.gov.vn) About 84,900 results/pages

U.S. Customs and Border Protection

<https://www.cbp.gov>

google - site:[cbp.gov](https://www.cbp.gov) = About 138,000 results/pages

World Customs Organization

<http://www.wcoomd.org>

google - [site.wcoomd.org](http://www.wcoomd.org) About 23,000 results/pages

CLiCK! WCO e-learning web site

<http://click.wcoomd.org>

google - site:[click.wcoomd.org](http://click.wcoomd.org) 1,790 results/pages

#### Additional WCO Documents for Translation

“Time Release Study of the World Customs Organization” (referred to in this Agreement as the "WCO" and <http://www.wcoomd.org/>

[/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/time-release-study/time\\_release-study\\_eng.pdf?db=web](http://www.wcoomd.org/~media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/time-release-study/time_release-study_eng.pdf?db=web)

[http://www.wcoomd.org/~media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe\\_package\\_iii.pdf](http://www.wcoomd.org/~media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe_package_iii.pdf) How to Develop an AEO Programme 27 pp incl. 4 annexes and

[http://www.wcoomd.org/~media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe\\_package\\_x.pdf](http://www.wcoomd.org/~media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe_package_x.pdf) AEO and SME FAQ 7 pages

#### Some information about Acquia <https://www.acquia.com>

*Acquia is the only true FedRAMPed Drupal PaaS (platform as a service) and SaaS (software as a service) ... plus USAID does their website in Drupal.*

<http://www.acquia.com/resources/case-study/australian-government>

“How do you move an entire government to a new digital platform? Learn why the Government of Australia selected Acquia to move more than 60 government agencies to govCMS.”

And SABMiller global web sites

<https://www.acquia.com/resources/case-study>

**Situation:** Needed to provide consistent brand experiences across an enormous portfolio of websites while simultaneously minimizing risk and reducing costs.

**Challenge:** With more than 200 brands in 80 countries, built up through a series of mergers and acquisitions, it was difficult to guarantee brand consistency at a reasonable price.

**Our Solution:** Acquia Cloud Site Factory

- 90 percent of SABMiller's brand websites are on Acquia Cloud Site Factory
- SABMiller has built / migrated more than 100 sites into the Acquia, across six regions in less than 20 months
- Web production costs: Decreased by 50 percent

<http://www.acquia.com/resources/case-study/city-boston>

- Migrate more than 200,000 web pages and one million words to the new [boston.gov](http://boston.gov)
- The website redesign was delivered under budget (less than \$1 million)
- The new site launched 11 months after the kick-off meeting

#### Case study: Rotary International | Acquia

<https://www.acquia.com/gb/resources/case-study/rotary-international>

The challenge started with the sheer size of the non-profit organization. With more than 1.2 million business, professional, and community volunteers in 34,000 **clubs** on seven continents, **Rotary** needed a website that would create relevance and inspire engagement with members, sponsors, donors, and the general public.

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