

ANNEX IV

SCHEDULE OF VIET NAM

Obligations Concerned:	Article 17.6.1(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam Article 17.6.1(b) (Non-commercial Assistance)
Entity:	All state-owned enterprises and designated monopolies.
Scope of Non-Conforming Activities:	<p>With respect to Article 17.6.1(a) (Non-commercial Assistance), Viet Nam may provide any financing necessary to the restructuring¹ of the Entity, provided that the financing does not cause:</p> <ul style="list-style-type: none">(a) a significant increase in the market share of a good produced and sold by the Entity in the relevant market in the territory of Viet Nam; or(b) a significant price-undercutting of a good produced and sold by the Entity as compared with the price in the same market of a like good produced and sold by an enterprise that is a covered investment of another Party, or a significant price suppression, price depression or lost sales in the same market. <p>With respect to Article 17.6.1(a) and Article 17.6.1(b) (Non-commercial Assistance), Viet Nam may provide the Entity with assistance in the form of a one-time purchase of non-performing loans or unused assets at market value and financing of the government to settle excess employees, provided that the assistance is non-recurrent, non-repeated and is given for purposes of equitisation².</p>

¹ Except any financing related to the equitisation of an enterprise.

² For the purpose of this entry, “equitisation” means the transformation of an enterprise which is 100 per cent state-owned into a joint stock company.

Obligations Concerned:	<p>Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations)</p> <p>Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations)</p> <p>Article 17.6.1(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam</p> <p>Article 17.6.2(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam</p>
Entity:	All state-owned enterprises and designated monopolies.
Scope of Non-Conforming Activities:	<p>With respect to Article 17.4.1(a) and Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations), as a means of ensuring economic stability or providing public goods as defined in its laws and regulations, Viet Nam may, pursuant to its laws or regulations, require a state-owned enterprise or a designated monopoly:</p> <ul style="list-style-type: none"> (a) to sell or purchase goods at a regulated price, quantity or other terms and conditions; and (b) to produce or sell a good to the public, as defined as public goods in its laws and regulations, within the territory of Viet Nam. <p>With respect to Article 17.6.1(a) and Article 17.6.2(a) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide the Entity with non-commercial assistance to cover the reasonable costs, including any contributions to employee welfare funds, as a result of the implementation of such measure.</p>

Obligations Concerned:	<p>Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations)</p> <p>Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations)</p> <p>Article 17.6.1(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam</p> <p>Article 17.6.2(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam</p>
Entity:	All state-owned enterprises and designated monopolies.
Scope of Non-Conforming Activities:	<p>With respect to Article 17.4.1(a) and Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations), as a means of promoting and facilitating the economic development of remote and mountainous areas, borderlands and offshore areas, areas under extremely difficult socio-economic conditions or areas where the standard of living is abnormally low or where there is serious underemployment, Viet Nam may require or direct the Entity to take into account factors other than commercial considerations in its purchase of goods pursuant to a government measure.</p> <p>With respect to Article 17.6.1(a) and Article 17.6.2(a) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide the Entity with compensation for the implementation of such measure.</p>

Obligations Concerned: Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations)
Article 17.4.1(b) (Non-discriminatory Treatment and Commercial Considerations)
Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations)
Article 17.4.2(b) (Non-discriminatory Treatment and Commercial Considerations)

Entity: All state-owned enterprises and designated monopolies.

Scope of Non-Conforming Activities: With respect to Article 17.4.1(a), Article 17.4.1(b), Article 17.4.2(a) and Article 17.4.2(b) (Non-discriminatory Treatment and Commercial Considerations), as a means of promoting and facilitating the development of small and medium-sized enterprises as defined by its laws and regulations³, Viet Nam may require or direct the Entity to:

- (a) take into account factors other than commercial considerations; and
- (b) accord preferential treatment to small and medium-sized enterprises that are investments of Vietnamese investors in the territory of Viet Nam,

in its purchase of a good or service from small and medium-sized enterprises pursuant to a government measure.

³ For greater certainty, the term “small and medium-sized enterprise” for Viet Nam is consistent with the entry in Annex II – Viet Nam – 7.

Obligations Concerned: Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations)
Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations)
Article 17.6.1(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam
Article 17.6.2(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam

Entity: Viet Nam Oil and Gas Group (PETROVIETNAM) and its subsidiaries⁴ and successors.

Scope of Non-Conforming Activities: With respect to Article 17.4.1(a) and Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations), the Entity, pursuant to a governmental measure, may be required to take into account factors other than commercial considerations with respect to sales of a good and may accord preferential treatment in its purchases of a good or service supplied by enterprises that are investments of Vietnamese investors in the territory of Viet Nam in the following activities: oil and gas exploration, prospecting and exploitation, and flight operation services.

The preferential treatment accorded to a good or service described above is accorded pursuant to the entry in Annex I – Viet Nam – 35. For greater certainty, Viet Nam has not scheduled against Article 17.4.1(b) and Article 17.4.2(b) (Non-discriminatory Treatment and Commercial Considerations) for these preferences by virtue of Article 17.2.11 (Scope).

With respect to Article 17.6.1(a) and Article 17.6.2(a) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide non-commercial assistance to the Entity in order to carry out a project in the oil and gas, hydrocarbon and hydrocarbon derivative and related industries with the objectives of regional or socio-economic development within the territory of Viet Nam.

⁴ A list of subsidiaries of PETROVIETNAM can be found at www.pvn.vn.

Obligations Concerned: Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations)
Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations)
Article 17.6.1(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam
Article 17.6.2(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam

Entity: Viet Nam Electricity (EVN) and its subsidiaries⁵ and successors;

Any existing or future state-owned enterprise that engages in power generation, including nuclear power or any types of renewable energy.

Scope of Non-Conforming Activities: With respect to Article 17.4.1(a) and Article 17.4.2(a) (Non-discriminatory Treatment and Commercial Considerations), pursuant to a government measure, the Entity must ensure the development of a sustainable power system and fulfil the requirements to provide safe, stable and efficient power supply at regulated prices and other terms and conditions, and may accord differential treatment in its purchase of a good or service in the areas of power generation by hydropower, nuclear power and security-related power generators, transmission and distribution of all types of electricity, power and alternative or substitute of electricity.

The differential treatment accorded to a good or service described above are accorded pursuant to the entry in Annex I – Viet Nam – 25 and the entry in Annex II – Viet Nam – 22. For greater certainty, Viet Nam has not scheduled against Article 17.4.1(b) and Article 17.4.2(b) (Non-discriminatory Treatment and Commercial Considerations) for this differential treatment by virtue of Article 17.2.11 (Scope).

With respect to Article 17.6.1(a) and Article 17.6.2(a) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide loans or loan guarantees to the Entity for the purpose of establishing power generation facilities with the objectives of regional or socio-economic development.

⁵ A list of subsidiaries of Viet Nam Electricity can be found at www.evn.com.vn.

Obligations Concerned: Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations), with respect to the sale of a good
Article 17.6.1(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam
Article 17.6.2(a) (Non-commercial Assistance), with respect to production and sale of a good in competition with a covered investment in the territory of Viet Nam

Entity: Viet Nam National Coal – Mineral Industries Holding Corporation Limited (Vinacomin) and its subsidiaries and successors in the mining sector.

Scope of Non-Conforming Activities: With respect to Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations), the Entity may sell coal or any minerals in the territory of Viet Nam on terms and conditions other than those based on commercial considerations, pursuant to the applicable laws and regulations.

With respect to Article 17.6.1(a) and Article 17.6.2(a) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide non-commercial assistance to the Entity for the maintenance of its existing activities in remote areas or areas of strategic importance in its production of coal and minerals in the territory of Viet Nam, provided the assistance does not cause:

- (a) a significant increase in the market share of a good produced and sold by the Entity in the relevant market in the territory of Viet Nam; or
- (b) a significant price-undercutting of a good produced and sold by the Entity as compared with the price in the same market in the territory of Viet Nam of a like good produced and sold by an enterprise that is a covered investment of another Party, or a significant price suppression, price depression or lost sales in the same market.

Obligations Concerned:	Article 17.4 (Non-discriminatory Treatment and Commercial Considerations) Article 17.6 (Non-commercial Assistance)
Entity:	State Capital Investment Corporation (SCIC) and its subsidiaries and successors.
Scope of Non-Conforming Activities:	Asset management, investment and related activities, using financial assets of Viet Nam.

This entry will cease to have effect when SCIC becomes a full member of the International Forum of Sovereign Wealth Funds or within five years after the date of entry into force of this Agreement for Viet Nam, whichever comes first.

Obligations Concerned:	<p>Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations)</p> <p>Article 17.4.1(c) (Non-discriminatory Treatment and Commercial Considerations)</p> <p>Article 17.6.1(b) (Non-commercial Assistance)</p> <p>Article 17.6.1(c) (Non-commercial Assistance)</p>
Entity:	<p>Viet Nam National Financial Switching Joint Stock Company (Banknetvn);</p> <p>Debt and Asset Trading Corporation (DATC);</p> <p>Viet Nam Development Bank (VDB);</p> <p>Viet Nam Bank for Agriculture and Rural Development (Agribank) and its subsidiaries;</p> <p>Social policy funding entities, co-operative banks, and any development financial institutions;</p> <p>A mortgage refinance bank; and</p> <p>their successors.</p>
Scope of Non-Conforming Activities:	<p>With respect to Article 17.4.1(a) and Article 17.4.1(c) (Non-discriminatory Treatment and Commercial Considerations), pursuant to a government measure, the Entities listed in this entry (except Banknetvn) may take into account factors other than commercial considerations and provide financial services (except insurance and securities) solely to or accord preferential treatment to Vietnamese nationals or enterprises in the territory of Viet Nam. These services are not intended to displace or impede private financing.</p> <p>With respect to Article 17.6.1(b) and Article 17.6.1(c) (Non-commercial Assistance), Viet Nam may provide non-commercial assistance to Banknetvn to provide financial switching services.</p>

Obligations Concerned:	Article 17.4 (Non-discriminatory Treatment and Commercial Considerations) Article 17.6 (Non-commercial Assistance)
Entity:	Any state-owned enterprises owned or controlled by the Ministry of National Defence of Viet Nam or the Ministry of Public Security of Viet Nam, except Viettel Global Investment Joint Stock Company and enterprises exclusively engaged in commercial activities not related to national defence, public order or public security.
Scope of Non-Conforming Activities:	All existing and future activities.

Obligations Concerned:	<p>Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations)</p> <p>Article 17.4.1(c) (Non-discriminatory Treatment and Commercial Considerations)</p> <p>Article 17.6.1(b) (Non-commercial Assistance)</p> <p>Article 17.6.2(b) (Non-commercial Assistance)</p>
Entity:	<p>Airports Corporation of Viet Nam, Vietnam Airlines Corporation, Viet Nam National Shipping Lines and their subsidiaries and successors.</p>
Scope of Non-Conforming Activities:	<p>With respect to Article 17.4.1(a) and Article 17.4.1(c) (Non-discriminatory Treatment and Commercial Considerations), Airports Corporation of Viet Nam may provide ground handling services to Vietnamese national airlines at preferential rates, pursuant to a governmental measure.</p> <p>With respect to Article 17.6.1(b) (Non-commercial Assistance), Vietnam Airlines Corporation may receive non-commercial assistance in the form of a loan guarantee as part of an international financial arrangement or contract, provided that the assistance does not directly cause:</p> <ul style="list-style-type: none"> (a) significant increase in the market share of a service provided by Vietnam Airlines Corporation in the relevant market; or (b) a significant price-undercutting of a service provided by Vietnam Airlines Corporation as compared with the price in the same market of a like service provided by an enterprise that is a covered investment of another Party, or a significant price suppression, price depression or lost sales in the same market. <p>With respect to Article 17.6.1(b) and Article 17.6.2(b) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide non-commercial assistance to Viet Nam National Shipping Lines pursuant to a restructuring plan with respect to the supply of maritime transportation services.</p>

Obligations Concerned:	Article 17.6.1(a) (Non-commercial Assistance), with respect to the production and sale of goods in competition with a covered investment in the territory of Viet Nam Article 17.6.2(a) (Non-commercial Assistance), with respect to the production and sale of goods in competition with a covered investment in the territory of Viet Nam
Entity:	Shipbuilding Industry Corporation (SBIC) and its subsidiaries and successors in the shipbuilding and related sectors.
Scope of Non-Conforming Activities:	With respect to Article 17.6.1(a) and Article 17.6.2(a) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide non-commercial assistance to the Entity pursuant to a restructuring plan.

Obligations Concerned: Article 17.6.1(a) and Article 17.6.2(a) (Non-commercial Assistance), with respect to the production and sale of a good in competition with a covered investment in the territory of Viet Nam

Entity: Vietnam National Coffee Corporation.

Scope of Non-Conforming Activities: With respect to Article 17.6.1(a) and Article 17.6.2(a) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide non-commercial assistance to the Entity for the production and sale of coffee in the territory of Viet Nam.

Obligations Concerned:	<p>Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations) Article 17.6.1(b) (Non-commercial Assistance) Article 17.6.2(b) (Non-commercial Assistance)</p>
Entity:	<p>Any state-owned enterprises in the printing, publishing, audio-visual services, mass communication (press, news-gathering agencies, publishing, radio and television broadcasting, in any form) and telecommunications sectors.</p>
Scope of Non-Conforming Activities:	<p>Any activities of the Entity in the mass communication, printing and publishing sectors.</p> <p>With respect to Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations), the Entity in the telecommunications sector may sell or purchase goods and services at a regulated price or on other terms and conditions pursuant to a government measure.</p> <p>With respect to Article 17.4.1(a) (Non-discriminatory Treatment and Commercial Considerations), any state-owned enterprise may take into account factors other than commercial considerations and accord differential treatment to the purchase and sale of audio-visual productions and distribution services.</p> <p>The differential treatment accorded to a good or service described above are accorded pursuant to the entries in Annex I – Viet Nam – 9, Annex I – Viet Nam – 10, Annex I – Viet Nam – 11 and Annex I – Viet Nam – 12, and the entries in Annex II – Viet Nam – 13, Annex II – Viet Nam – 14, Annex II – Viet Nam – 19, Annex II – Viet Nam – 20 and Annex II – Viet Nam – 21. For greater certainty, Viet Nam has not scheduled against Article 17.4.1(b) (Non-discriminatory Treatment and Commercial Considerations) for these preferences by virtue of Article 17.2.11 (Scope).</p> <p>With respect to Article 17.6.1(b) and Article 17.6.2(b) (Non-commercial Assistance), Viet Nam, its state enterprises or state-owned enterprises may provide non-commercial assistance to the Entity with respect to overseas broadcasting of Vietnamese language programming.</p>