

# RECENT LEGAL DEVELOPMENTS IN VIETNAMESE LAW ON TRADE REMEDIES – ASSESSMENT OF IMPACT ON TRADE REMEDIES CASES IN VIET NAM

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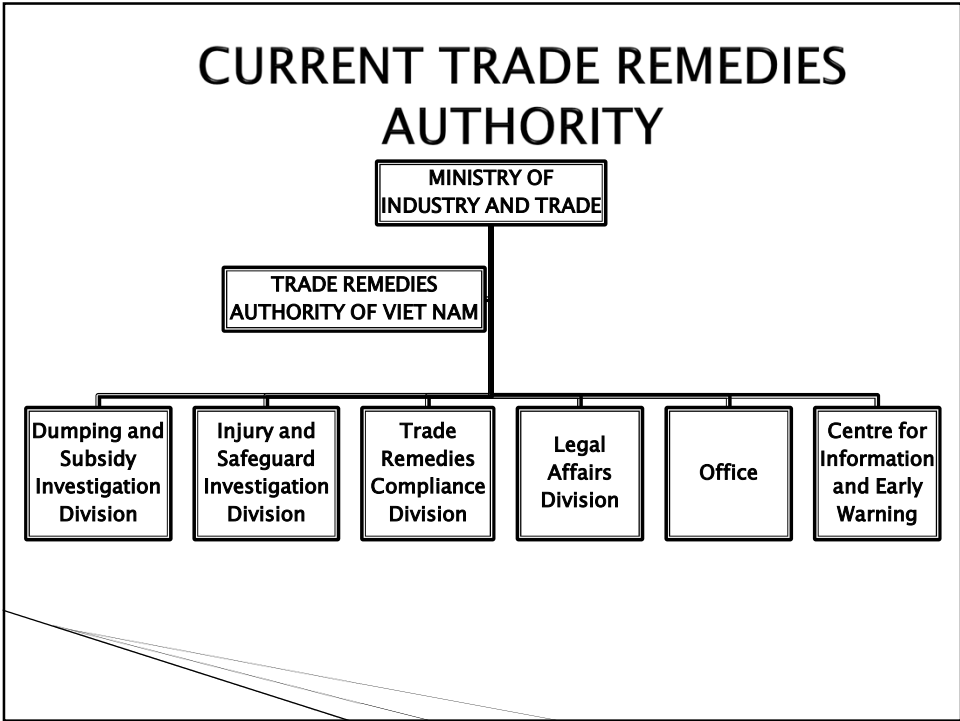
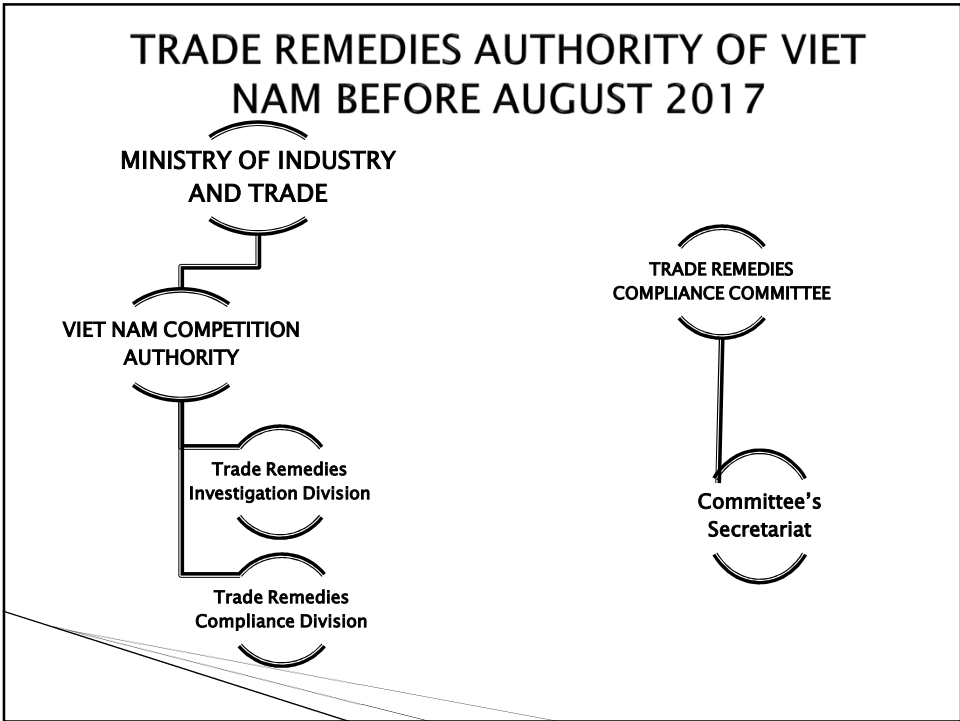
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TRADE REMEDIES AUTHORITY AND LEGAL FRAMEWORK  
BEFORE AND AFTER 1 JANUARY 2018

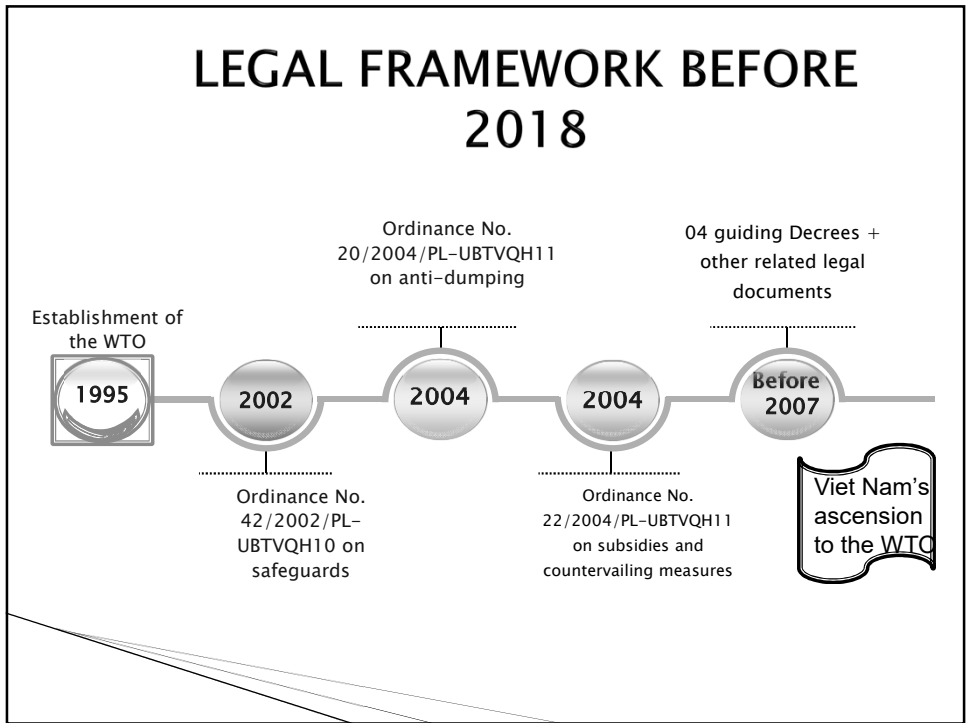
SOME MAIN FEATURES OF THE NEW LEGISLATION

- AMENDED, SUPPLEMENTED AND DETAILED CONTENTS  
COMPARED TO PREVIOUS LEGISLATION
- NEW REGULATIONS

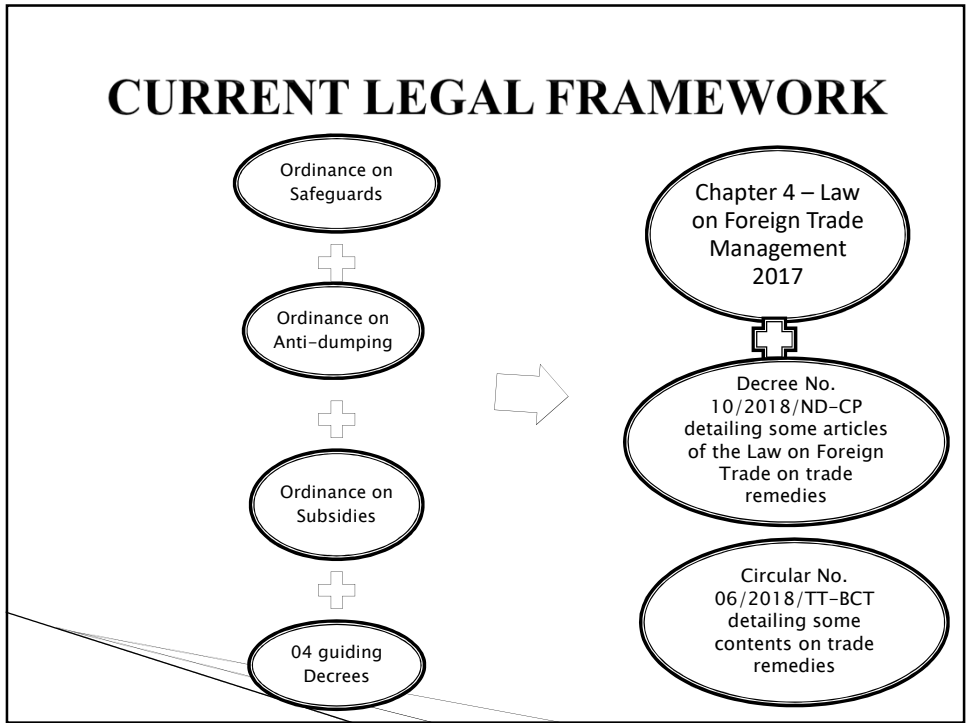
ASSESSMENT OF IMPACT ON TRADE REMEDIES PROCEEDINGS  
IN VIET NAM



# LEGAL FRAMEWORK BEFORE 2018



# CURRENT LEGAL FRAMEWORK



## AMENDED, SUPPLEMENTED AND DETAILED CONTENTS

- ❖ Supplement provisions on determining domestic industry
- ❖ Detail provisions on injury: injury/threat of injury/retardation of establishing new industry
- ❖ Detail calculation methodology for margins of dumping and subsidy
- ❖ Supplement processes, procedures and deadlines for investigation periods to review trade remedies and products
- ❖ Amend the preliminary investigation time
- ❖ Address the gap between application of provisional vs. final measures
- ❖ Monitor imports of products under investigation
- ❖ Amend, abolish some provisions not compatible with investigation practices

## NEW CONTENTS

- ▶ Exclusion from application of trade remedies
- ▶ Anti-circumvention of trade remedies
- ▶ Handling cases where Vietnamese exports are subject to trade remedy investigation and application
- ▶ Special safeguard measures

## NEW CONTENTS

- ▶ (1) Exclusion from the application of trade remedies (Article 7 Decree No. 10/ND-CP and Circular No. 06/2018/TT-BCT)
  - The Ministry of Industry and Trade stipulates the subjects and scope of exclusion from the application of trade remedies.
  - The Ministry of Industry and Trade provides detailed guidance on the process of exclusion from the application of trade remedies.

## NEW CONTENTS

### (2) Anti-circumvention of trade remedies (Article 72 Law on FTM and Chapter 5 Decree No. 10):

- ▶ Stipulate the acts, thresholds, scope and procedures of anti-circumvention investigations



## NEW CONTENTS

(3) Handling cases where Vietnamese exports are subject to trade remedy investigation and application

(Article 76 Law on FTM and Chapter 6 Decree No. 10)

- ▶ Stipulate activities to assist enterprises when exported goods are investigated or subject to trade remedies
- ▶ Early warning system
- ▶ Coordinate with related ministries

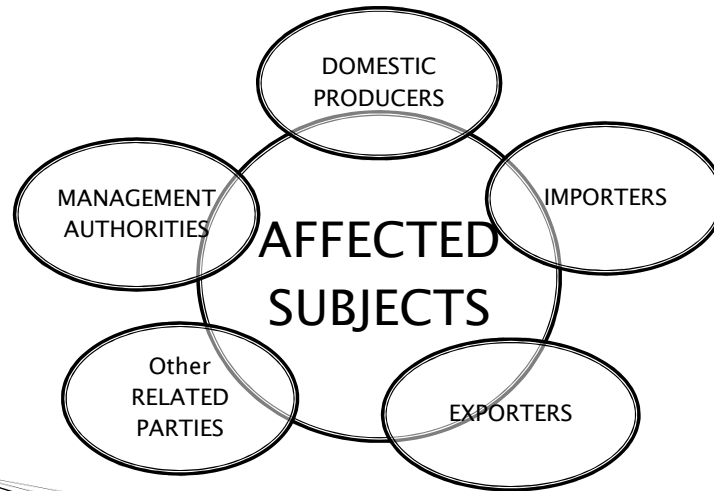
## NEW CONTENTS

▶ (4) Special safeguard measures



Nguồn: Bộ Công Thương

## ASSESSMENT OF IMPACT ON TRADE REMEDIES PROCEEDINGS IN VIET NAM



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## ASSESSMENT OF IMPACT ON TRADE REMEDIES PROCEEDINGS IN VIET NAM

- ▶ COMPLY WITH WTO COMMITMENTS AND TRADE AGREEMENTS OF WHICH VIET NAM IS A SIGNATORY
- ▶ ENHANCE TRANSPARENCY AND CLARITY IN THE INVESTIGATION AND HANDLING PROCESS
  - RIGHT TO ACCESS INFORMATION, CONFIDENTIALITY,
  - COMMENTS ON INVESTIGATION AND DUTY DECISIONS TO PROTECT BENEFITS,
  - AND PUBLIC CONSULTATIONS,
  - CLEAR AND ACCESSIBLE REQUEST DOSSIERS AND FORMS

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## ASSESSMENT OF IMPACT ON TRADE REMEDIES PROCEEDINGS IN VIET NAM

- ▶ ENHANCE EFFICIENCY OF TRADE REMEDIES
  - ANTI-CIRCUMVENTION OF TRADE REMEDIES
  - EXCLUSION FROM APPLICATION OF TRADE REMEDIES
  - REVIEW INVESTIGATIONS
  - MONITOR THE IMPORTED PRODUCTS UNDER INVESTIGATION

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## THANK YOU FOR YOUR ATTENTION



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