



VIETNAM



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Trade remedies in Vietnam

On April 20, 2018 the Ministry of Industry and Trade issued Circular No. 6/2018/TT-BCT detailing provisions on trade remedies (Circular 6).

Circular 6 provides for detailed regulations on interested parties in an investigation case; on provision and collection of information and documents, and confidentiality of information and documents; on spoken and written languages used during an investigation; on management of imports subject to trade remedy investigations; and on cases of exemption from trade remedies.

Under Circular 6, cases which are exempted from trade remedies include (i) imports with special characteristics which are different from those of similar goods or directly competitive goods produced domestically and where such similar goods or directly competitive goods produced by a domestic production industry are not replaceable; (ii) imports being special products of similar goods or of directly competitive goods produced domestically; (iii) similar goods or directly competitive goods produced domestically but not sold on the domestic market on the same commercial terms; and (iv) the volume or quantity of similar goods or directly competitive goods produced domestically is insufficient to meet domestic demand.

“If the investigating authority does not accept a request for confidentiality, then within seven business days after such request it shall reply to the applicant specifying its reasons”

The statutory language used during an investigation for application of trade remedies is Vietnamese. Interested parties are entitled to use their own spoken and written mother languages with the presence of accompanied interpreters/translators.

The investigating authority shall consider any request for confidentiality of the following information which has been furnished by an interested party:

- (i) Business secrets relating characteristics of some products or production process;
- (ii) Information concerning the enterprise's production and business, including

production costs, selling expenses, terms of sales other than the non-confidential ones, sale price of each transaction, estimated transaction or other offers for sale, information concerning clients, distributors or suppliers, and the enterprise's financial information;

- (iii) Information concerning an accurate dumping margin of a specific transaction in an anti-dumping investigation;
- (iv) Information concerning interests received by the requesting party under a subsidy program to be investigated or reviewed in a trade remedy investigation except the program specification, amounts specified in documents or announced publicly, and the subsidy rate for each sales transaction which is calculated and allocable to the requesting party under a subsidy program; and
- (v) Other information which is found by the investigating authority to hurt or cause material injury to the competitive advantage of the information provider.

If the investigating authority does not accept a request for confidentiality, then within seven business days after such request it shall reply to the applicant specifying its reasons.

In addition, Circular 6 specifies the information permitted to be publicly announced during the investigation of trade remedies.

Circular 6 took effect on June 15, 2018.

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