ĐIỀU ƯỚC QUỐC TẾ

BỘ NGOẠI GIAO

Số: 603/BNG-LPQT

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

Hà Nội, ngày 12 tháng 02 năm 2025

THÔNG BÁO
Về việc điều ước quốc tế có hiệu lực

Thực hiện quy định tại Điều 56 của Luật Điều ước quốc tế năm 2016, Bộ Ngoại giao trân trọng thông báo:

Thỏa thuận giữa Chính phủ Hợp chúng quốc Hoa Kỳ và Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam về lệnh áp thuế chống bán phá giá đối với cá phi-lê từ Việt Nam, ký ngày 17 tháng 01 năm 2025, có hiệu lực từ ngày 17 tháng 01 năm 2025.

Bộ Ngoại giao trân trọng gửi Quý Cơ quan bản sao Thỏa thuận theo quy định tại Điều 59 của Luật nêu trên./.

TL. BỘ TRƯỞNG
KT. VỤ TRƯỞNG
VỤ LUẬT PHÁP VÀ ĐIỀU ƯỚC QUỐC TẾ
PHÓ VỤ TRƯỞNG

Nguyễn Hữu Phú

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM
REGARDING THE ANTIDUMPING DUTY ORDER ON
FISH FILLETS FROM VIET NAM

The Socialist Republic of Viet Nam ("Viet Nam") on January 8, 2018, requested consultations with the United States of America ("United States") in the World Trade Organization ("WTO") pursuant to Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Article XXII:1 of the *General Agreement on Tariffs and Trade 1994*, and Articles 17.2 and 17.3 of the *Agreement on Implementation of Article VI of the GATT 1994* regarding the U.S. antidumping duty order on frozen fish fillets from Viet Nam.

On July 20, 2018, the WTO Dispute Settlement Body established a panel pursuant to Article 6 of the DSU at the request of Viet Nam. The panel has paused its work to facilitate discussions by the parties to find a mutually agreed solution.

Desiring to ensure a mutually agreed solution of *United States – Anti-Dumping Measures on Fish Fillets from Viet Nam* (DS536), the United States and Viet Nam intend as follows:

I. Definitions

"Fish Fillets Order" means *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 Fed. Reg. 47,909 (Aug. 12, 2003);

"CBP" means U.S. Customs and Border Protection;

"Covered Entries" means entries of frozen fish fillets from Viet Nam subject to the Fish Fillets Order produced and exported by Vinh Hoan, which entered, or were withdrawn from warehouse, into the customs territory of the United States, for consumption, on or after August 1, 2021, and that remain unliquidated as of the signature date of this Agreement;

"DOC" means the U.S. Department of Commerce; and

"Vinh Hoan" means the Vinh Hoan Corporation, a respondent in multiple administrative reviews of the Fish Fillets Order, and other entities related to Vinh Hoan as previously determined by DOC. Namely, the Vinh Hoan Corporation is a collapsed entity consisting of Vinh Hoan Corporation, Van Duc Food Export Joint Stock Company, Van Duc Tien Giang Food Export Company, Thanh Binh Dong Thap One Member Company Limited, and Vinh Phuoc Food Company Limited.

II. General Provisions

A. *Revocation of Vinh Hoan from the Fish Fillet Order*

1. On the signature date of this Agreement, DOC intends to revoke the Fish Fillets Order as it applies to the Covered Entries of Vinh Hoan and submit for publication a corresponding notice in the *Federal Register*.

2. No later than seven days after the publication of the *Federal Register* notice referenced in paragraph II.A.1, DOC will transmit the instructions in Appendix 1 to CBP.

B. *Mutually Agreed Solution with Respect to the WTO dispute United States – Anti-Dumping Measures on Fish Fillets from Viet Nam (DS536)*

1. On the same day as the revocation of the Fish Fillets Order as referenced in paragraph II.A.1, the United States and Viet Nam shall sign and submit to the WTO Dispute Settlement Body the Notification of Mutually Agreed Solution, contained in Appendix 2 of this Understanding, of the WTO dispute *United States – Anti-Dumping Measures on Fish Fillets from Viet Nam* (DS536), and shall sign and submit the notification, contained in Appendix 3 of this Understanding, to the WTO Panel.

2. Viet Nam shall not initiate any additional WTO disputes addressed to any factual or legal issue covered by its Request for the Establishment of a Panel in *United States – Anti-Dumping Measures on Fish Fillets from Viet Nam* (DS536):

a. Claims involving the alleged "practice of zeroing," specifically the claims set out in section 2.1.2 of the Request for the Establishment of Panel by Viet Nam, filed on June 8, 2018 (WT/DS536/2), with respect to Articles 1, 2 (including 2.1, 2.4, and 2.4.2), 9 (including 9.1, 9.3, and 9.4), 11 (including 11.1, 11.2, 11,3, and 11.4), and 18.4; Articles VI:1 and VI:2 of the GATT 1994; Article XVI:4 of the Marrakesh Agreement; Part I.2 of the Protocol of Accession of the Socialist Republic of Viet Nam; and paragraphs 254 and 255 of the Report of the Working Party on Accession of Viet Nam.

b. Claims involving revocation "under Department of Commerce regulation 19 CFR 351.222(e)," specifically the claims set out in section 2.2.2 of the Request for the Establishment of Panel by Viet Nam, filed on June 8, 2018 (WT/DS536/2), with respect to Articles 11.1, 11.2, and 11.4 of the Anti-Dumping Agreement.

c. Claims involving Section 129(c)(1) of the Uruguay Round Agreements Act, specifically the claims set out in section 2.4.2 of

the Request for the Establishment of Panel by Viet Nam, filed on June 8, 2018 (WT/DS536/2), with respect to Articles 1, 9.2, 9.3, 11.1, and 18.1 of the Anti-Dumping Agreement.

In the event that DOC does not revoke the Fish Fillets Order as it applies to the Covered Entries of Vinh Hoan, or DOC is required by law to rescind any such revocation and such rescission is final and conclusive, paragraph II.B.2 shall be considered null and void.

3. Nothing in this Agreement shall be construed as preventing Viet Nam from filing for WTO dispute resolution in the event that the United States changes a law, regulation, or practice covered by sections 2.1.2, 2.2.2, and 2.4.2 of the Request for the Establishment of Panel by Viet Nam (WT/DS536/2) in a manner which renders Viet Nam's commitments under paragraph II.B.2 of this Agreement moot.

III. Other Provisions

A. If any specified date provided for under this Agreement falls on a weekend or U.S. federal holiday, the applicable date will be the next business day.

B. For all purposes hereunder, communications and notice under this Agreement will be given by electronic means to:

Office of the General Counsel
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Trade Remedies Authority of Viet Nam
Ministry of Industry and Trade of the Socialist Republic of Viet Nam
23 Ngo Quyen Street
Hoan Kiem District
Hanoi, Viet Nam

C. This Agreement takes effect on the date that the Government of the United States of America and the Government of the Socialist Republic of Viet Nam sign the Agreement.

Signed, in duplicate, this 17th day of January, 2025.

For the Government of the United States of America

Juan A. Millán
Acting General Counsel
Office of the United States Trade Representative

For the Government of the Socialist Republic of Viet Nam

Nguyen Sinh Nhat Tan
Deputy Minister
Ministry of Industry and Trade

LIST OF APPENDICES

The descriptions in this list are only general descriptions, and do not affect the interpretation of this Agreement

Appendix 1	Draft instructions to CBP related to the intended revocation of Vinh Hoan from the Fish Fillets Order
Appendix 2	Notification of Mutually Agreed Solution
Appendix 3	Notification to the WTO Panel

Appendix 1
Draft instructions to CBP related to the intended revocation
of Vinh Hoan from the Fish Fillets Order

Type: LIQ

Subtype: CMPNY REVOC – Company Revocation

Re: Revocation of antidumping duty order, in part, on certain frozen fish fillets from the Socialist Republic of Vietnam (A-552-801)

1. Commerce has revoked the antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam, in part, and published the notice of revocation in the Federal Register (XX FR XXXX) on XX/XX/2025. This partial revocation applies to certain frozen fish fillets from the Socialist Republic of Vietnam produced and exported to the United States by the producers and exporters identified below. Specifically, both the producer and the exporter must be a company identified below for the partial revocation to apply, although the producer and exporter need not be the same company. This partial revocation does not apply to subject merchandise produced by one of the companies identified below but exported by a company not identified below. Similarly, this partial revocation does not apply to subject merchandise exported by one of the companies identified below but produced by a company not identified below. The effective date of the revocation is [date], as specified in the Federal Register notice of revocation (XX FR XXXX, XX/XX/2025).

Producer and Exporter: Vinh Hoan Corporation; Van Duc Food Export Joint Stock Company; Van Duc Tien Giang Food Export Company; Thanh Binh Dong Thap One Member Company Limited; Vinh Phuoc Food Company Limited

Case number: A-552-801-083

2. Therefore, CBP is directed to terminate the suspension of liquidation for all shipments of certain frozen fish fillets from the Socialist Republic of Vietnam which were both produced and exported to the United States by any combination of the producers and exporters identified in paragraph 1 and entered, or withdrawn from warehouse, for consumption on or after [date] (the effective date of revocation). Merchandise entered, or withdrawn from warehouse, for consumption on or after [date] should be liquidated without regard to antidumping duties (i.e., release all bonds and refund all cash deposits).

3. Notice of the lifting of suspension of liquidation of entries covered by paragraphs 1 and 2 which were entered, or withdrawn from warehouse, for consumption on or after [date] occurred with the publication of the notice of revocation in the Federal Register (XX FR XXXX, XX/XX/2025).

4. As noted above, merchandise both produced by and exported to the United States by any

combination of the producers and exporters identified in paragraph 1, entered, or withdrawn from warehouse, for consumption, on or after the effective date of revocation, [date], are no longer subject to the antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam.

5. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. There are no injunctions applicable to the entries covered by this instruction.

7. This instruction to liquidate entries covered by this message does not limit CBP's independent authority, including its authority to suspend, continue to suspend, or extend liquidation of entries addressed by this message. Accordingly, CBP should examine all entries for which this message directs liquidation to determine whether any such entries are subject to suspension, continued suspension, or extension of liquidation pursuant to CBP's independent authority (e.g., Enforce and Protect Act under section 517 of the Tariff Act of 1930, as amended). If entries of subject merchandise covered by this message are subject to suspension, continued suspension, or extension of liquidation pursuant to CBP's own authority, CBP port officials should follow CBP's internal procedures with respect to continuing any suspension, the lifting of suspension, and/or continuing any extension of liquidation for such entries.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OV:JB.)

9. There are no restrictions on the release of this information.

[Name - USGOV Official]

Appendix 2
Notification of Mutually Agreed Solution

[Month Day, 2025]

H.E. Saqer Abdullah Almoqbel
Chairperson
Dispute Settlement Body
World Trade Organization
Centre William Rappard
Rue de Lausanne 154
1211 Genève 21

Re: *United States – Anti-Dumping Measures on Fish Fillets from Viet Nam* **(DS536): Notification of Mutually Agreed Solution**

Dear Mr. Chairperson:

The Governments of the United States of America and the Socialist Republic of Viet Nam write in regard to the dispute *United States – Anti-Dumping Measures on Fish Fillets from Viet Nam* (DS536). The United States and Viet Nam are pleased to notify the DSB, in accordance with Article 3.6 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), that the parties have reached a mutually agreed solution to the matter raised in this dispute.

In accordance with Article 12.7 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, the parties understand that the report of the panel shall be confined to a brief description of the case and to reporting that a solution has been reached. The parties are providing a copy of this notice directly to the panel in this dispute.

We ask you to circulate this notification to the DSB and the relevant Councils and Committees.

Sincerely,

[TBD]	[TBD]
Permanent Mission of the United States to the World Trade Organization	Permanent Mission of the Socialist Republic of Viet Nam to the World Trade Organization

Appendix 3
Notification to the WTO Panel

[Month Day, 2025]

Mr. José Graça Lima
Chairperson
United States – Anti-Dumping Measures on Fish Fillets from Viet Nam (DS536)
World Trade Organization
Centre William Rappard
Rue de Lausanne 154
1211 Geneva 21

Dear Mr. Chairperson,

Please find attached a joint notification to the Dispute Settlement Body indicating that the United States and the Socialist Republic of Viet Nam have reached a mutually agreed solution to the matter raised in this dispute. In this regard, the parties recall that Article 12.7 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* provides that "[w]here a settlement of the matter among the parties to the dispute has been found, the report of the panel shall be confined to a brief description of the case and to reporting that a solution has been reached."

The parties wish to thank the Members of the Panel, and the Secretariat assisting the Panel, for the work they have undertaken in this dispute.

Sincerely,

[TBD]	[TBD]
Permanent Mission of the United States to the World Trade Organization	Permanent Mission of the Socialist Republic of Viet Nam to the World Trade Organization

January 17, 2025

H.E. Saqer Abdullah Almoqbel
Chairperson
Dispute Settlement Body
World Trade Organisation
Centre William Rappard
Rue de Lausanne 154
1211 Genève 21

Re: ***United States – Anti-Dumping Measures on Fish Fillets from Viet Nam* (DS536): Notification of Mutually Agreed Solution**

Dear Mr. Chairperson:

The Governments of the United States of America and the Socialist Republic of Viet Nam write in regard to the dispute *United States – Anti-Dumping Measures on Fish Fillets from Viet Nam* (DS536). The United States and Viet Nam are pleased to notify the DSB, in accordance with Article 3.6 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), that the parties have reached a mutually agreed solution to the matter raised in this dispute.

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We ask you to circulate this notification to the DSB and the relevant Councils and Committees.

Sincerely,

David F. Bisbee
Chargé d'Affaires, a.i.

Permanent Mission of the United States
to the World Trade Organisation

LE Dinh Ba
Minister-Counsellor
Deputy Permanent Representative

Permanent Mission of
the Socialist Republic of Viet Nam
to the World Trade Organisation

January 17, 2025

Mr. José Graça Lima
Chairperson
United States – Anti-Dumping Measures on Fish Fillets from Viet Nam (DS536)
World Trade Organisation
Centre William Rappard
Rue de Lausanne 154
1211 Geneva 21

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David F. Bisbee
Chargé d'Affaires, a.i.

Permanent Mission of the United States
to the World Trade Organisation

LE Dinh Ba
Minister-Counsellor,
Deputy Permanent Representative

Permanent Mission of
the Socialist Republic of Viet Nam
to the World Trade Organisation

VĂN PHÒNG CHÍNH PHỦ XUẤT BẢN

Địa chỉ: Số 1, Hoàng Hoa Thám, Ba Đình, Hà Nội
Điện thoại liên hệ:
- Nội dung: 080.44417; Fax: 080.44517
- Phát hành: 080.48543
Email: congbao@chinhphu.vn
Website: http://congbao.chinhphu.vn
In tại: Xí nghiệp Bản đồ 1- Bộ Quốc phòng