BỘ NGOẠI GIAO

Số: 38 /2023/TB-LPQT

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

Hà Nội, ngày 28 tháng 11 năm 2023

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:

Bản ghi nhớ giữa Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và Chính phủ Ma-lai-xia liên quan Mục D (Dịch vụ thẻ thanh toán điện tử) của Phụ lục 11-B (Các cam kết cụ thể) tại Chương 11 (Dịch vụ tài chính) của Hiệp định Đối tác Toàn diện và Tiến bộ xuyên Thái Bình Dương, ký ngày 08 tháng 3 năm 2018 tại San-ti-a-gô đờ Chi-lê, có hiệu lực từ ngày 29 tháng 11 năm 2022.

Bộ Ngoại giao trân trọng gửi bản sao Bản ghi nhớ 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 Lương Ngọc

5 March 2018

His Excellency
Mr. Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister,

In connection with the signing on 8 March 2018 of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement"), I have the honour to confirm the following agreement reached between representatives of the Government of Malaysia and the Government of the Socialist Republic of Viet Nam ("Viet Nam"):

Nothing in Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) to Chapter 11 (Financial Services) of the Agreement restricts the right of Malaysia to adopt or maintain measures that condition the cross-border supply of electronic payment services into Malaysia by a service supplier of another Party on a requirement that such electronic payment services are supplied through a payment system operated in Malaysia by an entity approved by Bank Negara Malaysia (hereinafter referred to as an "approved operator of payment system in Malaysia").

Any such measure shall:

(1) be applicable only to electronic payment services for payment card transactions made in Malaysia using payment cards issued in Malaysia ;

(2) not be used as a means of avoiding Malaysia's obligations under Section D (Electronic Payment Card Services);

(3) not result in creating a competitive disadvantage to any service suppliers of Malaysia and of another Party;

(4) ensure the security, speed, or reliability of the services, and preserve the ability of service suppliers of another Party to innovate; and

(5) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If an approved operator of payment system in Malaysia and a supplier of another Party enter into an agreement or agreements for the processing of electronic payment transactions that set out standards for operation of that payment system, compliance with the terms of the agreement or agreements shall be deemed to satisfy Malaysia's obligations under paragraphs 3, 4 and 5 with respect to that supplier.

I have the honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the Agreement, which shall enter into force on the date of entry into force of the Agreement as between Malaysia and Viet Nam.

Sincerely,

Mustapa Mohamed
Minister of International Trade and Industry
Malaysia

8 March 2018

His Excellency
Mr. Mustapa Mohamed
Minister of International Trade and Industry
Malaysia

Dear Minister,

I have the honour to acknowledge receipt of your letter of 5 March 2018 which reads as follows:

"In connection with the signing on 8 March 2018 of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement"), I have the honour to confirm the following agreement reached between representatives of the Government of Malaysia and the Government of the Socialist Republic of Viet Nam ("Viet Nam"):

Nothing in Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) to Chapter 11 (Financial Services) of the Agreement restricts the right of Malaysia to adopt or maintain measures that condition the cross-border supply of electronic payment services into Malaysia by a service supplier of another Party on a requirement that such electronic payment services are supplied through a payment system operated in Malaysia by an entity approved by Bank Negara Malaysia (hereinafter referred to as an "approved operator of payment system in Malaysia").

Any such measure shall:

(1) be applicable only to electronic payment services for payment card transactions made in Malaysia using payment cards issued in Malaysia ;

(2) not be used as a means of avoiding Malaysia's obligations under Section D (Electronic Payment Card Services);

(3) not result in creating a competitive disadvantage to any service suppliers of Malaysia and of another Party;

(4) ensure the security, speed, or reliability of the services, and preserve the ability of service suppliers of another Party to innovate; and

(5) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If an approved operator of payment system in Malaysia and a supplier of another Party enter into an agreement or agreements for the processing of electronic payment transactions that set out standards for operation of that payment system, compliance with the terms of the agreement or

agreements shall be deemed to satisfy Malaysia's obligations under paragraphs 3, 4 and 5 with respect to that supplier.

I have the honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the Agreement, which shall enter into force on the date of entry into force of the Agreement as between Malaysia and Viet Nam."

I have the honour to confirm that my Government shares this understanding, and that your letter and this letter in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, which shall enter into force on the date of entry into force of the Agreement as between the Socialist Republic of Viet Nam and Malaysia.

Yours sincerely,

Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam