Part 2
Specific Commitments of Viet Nam

Note: For the purposes of Sections 1 through 4 of this Part, commitments of Viet Nam are limited to the sectors/sub-sectors included in the Schedule of Specific Commitments of Viet Nam in Annex 5.

Section 1
Short-term Business Visitors of Japan

Entry and temporary stay shall be granted to natural persons of Japan who enter and stay in Viet Nam without receiving remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service supplier for the purpose of negotiating for the sale of the services of that supplier where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The duration of stay of these salespersons is limited to a 90-day period.

Section 2
Intra-corporate Transferees of Japan

1. Managers and executives, and specialists, as defined in paragraphs 2 and 3 respectively, of an enterprise of Japan which has established a commercial presence in Viet Nam, temporarily moving as intra-corporate transferees to that commercial presence and who have been previously employed by the enterprise of Japan for at least one year, shall be granted entry and a stay permit for an initial period of three years which may be extended subject to the term of operation of that commercial presence in Viet Nam. At least 20 percent of the total number of managers and executives, and specialists shall be Vietnamese nationals. However, a minimum of three non-Vietnamese managers and executives, and specialists shall be permitted per enterprise.

2. Managers and executives are those who primarily direct the management of Japan's enterprises which have established a commercial presence in Viet Nam, receiving only general supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the commercial presence or a department or subdivision thereof, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment.

3. Specialists are natural persons working within an organization who possess knowledge at an advanced level of expertise and with knowledge of the organization's services, research equipment, techniques, or management. In assessing such knowledge, account will be taken not only of knowledge specific to the commercial presence, but also of whether the natural person has a high level of skills or qualification referring to a type of work or trade requiring specific technical knowledge. Specialists may include, but are not limited to, members of licensed professions.

4. Managers and executives, and specialists, as defined in paragraphs 2 and 3 respectively, who cannot be substituted by Vietnamese and who are employed outside Viet Nam by an enterprise of Japan which has established a commercial presence in Viet Nam with a view to participating in the Japanese enterprise's activities in Viet Nam, shall be granted entry and a stay permit in conformity with the term of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence.

Section 3
Natural Persons of Japan Who Engage in Business Activities on the Basis of a Contract with Public or Private Organizations in Viet Nam

Natural persons who are employees of a Japan's enterprise having no commercial presence in Viet Nam may enter and stay in Viet Nam for a period of 90 days or for the duration of the contract, whichever is shorter, provided that the following conditions and requirements shall be applied: