

AID-FOR-TRADE: CASE STORY

EUROPEAN UNION

Multilateral Trade Assistance Project III in Vietnam

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EXECUTIVE SUMMARY

The Multilateral Trade Assistance Project III builds on two previous Trade-Related Assistance projects also co-financed by the EU budget, and supports the capacity of the Ministry of Industry and Trade to deliver on its core policy making responsibilities in the areas of trade and competition policy.

The project has yielded positive results thanks to a number of key factors contributing to effective delivery, notably strong alignment to the country's strategies and plans, strong ownership by the Government, in-built flexibility which permitted to adapt the project to a rapidly changing trade environment, and involvement of a broad range of stakeholders, such as the private sector, universities/research institutes, as well as line ministries.

ISSUES ADDRESSED

The Multilateral Trade Assistance Project III (MUTRAP III) is executed by the Ministry of Industry and Trade (MOIT) of the Socialist Republic of Vietnam in partnership with the European Union. The project supports the strengthening the capacity of the MOIT to deliver on its core responsibilities in the areas of trade policy making (notably implementation of WTO accession commitments, multilateral trade negotiations, negotiation and implementation of regional integration and free trade agreements, and their interaction with the WTO negotiations) and competition policy.

OBJECTIVES PURSUED

After joining the WTO in January 2007, Vietnam pursued stronger integration into the global trading system as a means to achieve sustained and pro-poor economic growth. The MUTRAP III project supports the implementation of Vietnam's trade and economic integration strategy, notably by strengthening the capacity of MOIT's to implement WTO commitments, conduct multilateral, regional and bilateral trade negotiations, and ensure fair competition in the domestic markets and consumer protection. Beyond support to the MOIT, the MUTRAP III project also strengthens the capacity of stakeholders to provide high quality inputs into the trade-policy formulation process, promoting, at the same time, the ability of MOIT to coordinate with these stakeholders.

Specifically, the project is organized around five main areas:

i) improved capacity of the MOIT to coordinate and implement WTO commitments and participate in

multilateral trade negotiations;

ii) improved interaction and coordination of the MOIT with stakeholders including line ministries, private sector organisations and associations, universities and research institutions to develop a coherent, socially and environmentally sustainable trade integration strategy;

iii) increased capacity of the MOIT to effectively negotiate and coordinate regional trade agreements such as AFTA, the ASEAN plus dialogue, and bilateral FTA negotiations with major trade partners including the EU;

iv) improved facilitation in trade in services, through better coordination, statistics and analysis;

v) strengthened capacity to implement the competition and consumer protection laws to ensure a fair and level playing field for all businesses, and consumer protection

DESIGN AND IMPLEMENTATION

The project builds on two earlier projects, also co-financed by the EU. The MUTRAP I project launched a wide range of WTO-related background studies (including on agricultural, fishery and industrial products in light of WTO negotiations; MFN exemptions in services and investment liberalization; agricultural export subsidies and domestic support mechanisms; the implementation of the SPS and TBT Agreements). The MUTRAP II project strengthened the capacity of the Government of Vietnam and other stakeholders to manage WTO accession and implement related obligations and commitments.

The project has been developed in the context of support by other donors to Vietnam. The longstanding Trade-Related Assistance by the European Commission, and in particular the previous capacity building provided to the MOIT, justified a specific project approach.

The total cost of the programme is estimated at € 10.7 million, including a € 0.7 million contribution from the Government of Vietnam.

Activities under MUTRAP III mainly consist of capacity-building and training; institutional strengthening (including IT and systems development); policy-oriented research, workshops, conferences and other events to enhance public awareness and participation by key stakeholders; and curricular development for trade-related teaching. While the main focus of the project is increasing the capacity of the MOIT, nearly all the activities undertaken under each component have involved other stakeholders, notably line ministries, trade and business associations, universities and research institutes, the competition authorities and consumer protection associations, and the statistical office. This aspect of coordination and inclusiveness has evolved over time as an essential element of the project.

Project timeline

Project Start date:	6 August 2008
Project completion:	17 June 2012
Inception Phase:	6 August – 31 December 2008
Overall Work Plan:	6 August 2008 – 17 June 2012
Closure Phase:	1 January – 17 June 2012

Coherence with the main trade and economic strategic documents

The project is fully aligned with the two main relevant strategic documents by the Vietnamese Government, the Government's Socio-Economic Development Plan (SEDP) and the Post-WTO Action Plan for the implementation of WTO commitments, as well as with the Vietnam-European Community Strategy Paper

(2007-2013).

One of the objectives pursued by the SEDP is the expansion of trade through the acceleration of Vietnam's international economic integration. The SEDP recognizes inter alia the need to adapt the trade legislation to international practices and treaties concluded by Vietnam, to make it supportive to the liberalization of trade and investment in goods and services, and to protect intellectual property rights according to Vietnam's commitments. The Post-WTO Action Plan significantly contributes to the objectives of the SEDP in the field of international trade. Support for the development of a legal framework for the implementation of WTO commitments underlines a large number of activities under MUTRAP III.

The strong ownership of stakeholders in the design and implementation phase

Ownership of the project is ensured through its institutional and management settings. The Project is managed by a Director from the MOIT under the supervision and policy-guidance of a Project Steering Committee chaired by a vice-Minister of MOIT and composed by members from different 12 line Ministries and Departments. Participation from line Ministries is an important element to ensure that the cross-cutting issues of trade promotion are being brought into the sectoral policy spheres.

The Project Director also ensures local ownership by involving key stakeholders such as trade and business associations, universities and research institutes in the design and implementation of the identified activities. Experts were often requested to revise their reports in the light of comments made by the beneficiaries.

Stakeholders have been fully involved both in the design of the project and in the implementing phase. Indeed, during the design phase the stakeholders have been required to comment and to provide feedback to any MUTRAP decision regarding the strategy and the selection of the activities to be supported by the project. It should be pointed out that the project, in identifying the needs to be satisfied, adopted a bottom up approach: besides the needs, the beneficiaries have been requested to send their proposal regarding the technical instruments to be utilized for the satisfaction of their needs (i.e. training courses, researches, workshops, etc.): as the requests for support received by MUTRAP quadrupled the available resources, MUTRAP had to operate a selection, which has been carried out in a transparent manner and with the potential beneficiaries fully informed about the strategic decisions taken. After the selection of the activities to be implemented, MUTRAP, in cooperation with the beneficiary, fine tuned the methodologies to be adopted for providing the technical support; the beneficiaries have been even involved in the selection of the national and international experts. Later, the beneficiaries participated to the implementation of each activity: this ensured the ownership as well as a design of the activity fitting with the real needs of the beneficiaries

The adaptability of program design to the changing needs of the beneficiary

The MUTRAP III project is sufficiently flexible as to respond to changing priorities and focus of the trade negotiations, as well as external circumstances. The project management was able to adapt the existing activities or designed new project activities to respond to the changing needs and priorities of the beneficiaries.

For example, the project was originally designed to respond to Vietnam's needs related to the implementation of the WTO commitments, to assist in the preparation and negotiation of FTAs, and to strengthen the involvement of stakeholders in trade coordination and consultation. Since the Government of Vietnam identified trade in services, competition policy and consumer protection as among the most important issues in the economic and trade reforms pursued, the project was adapted to included specific components dealing with them.

In addition, in the context of the global financial crisis and Vietnam's deepening trade deficit, MUTRAP III conducted a special activity to analyze the trade deficit situation and the possible recourse to WTO balance

of payment provisions.

As for FTA negotiations, MUTRAP III was originally designed to study the main bilateral and regional FTAs in which Vietnam was involved with its neighbours (such as ASEAN-China, ASEAN-Korea, ASEAN-Japan FTAs). Given the developments of the FTA negotiations, the project management decided to merge these various studies, and to conduct a comprehensive analysis of the horizontal impact and the commitments undertaken by Vietnam in the different FTAs. In the area of services, MUTRAP III originally supported a study on trade in services only- the scope was later expanded to cover the entire service sector development strategy, which was more relevant to the needs of the country. Furthermore, during the expiry review of an antidumping duty applied to a Vietnamese product, the project organized a number of activities to support the enterprises in responding appropriately to the questionnaire sent by the investigating country.

A good practice example was the setting up of a WTO-Center in Hanoi in cooperation with the WTO. Whereas MUTRAP supported hardware and translations in Vietnamese, the WTO supplied the content and initial training. The small grant projects for business associations led to stronger involvement of business associations and better teaching and research of universities. More experts became available for studies in the frame of the project. European Business Associations shared their expertise with their Vietnamese counterparts and worked together to improve the business climate.

Trade reforms need a strong support in the country and in Government, therefore awareness creation activities and strong media work were included from the beginning involving the national leadership and provincial officials.

Finally, several laws and decrees could be updated including the preparation of the first Consumer Protection Law.

PROBLEMS ENCOUNTERED AND MITIGATING STRATEGIES

One key challenge faced by MUTRAP III was how to effectively involve stakeholders beyond the MOIT and improve their thus far limited contribution to the trade policy strategy of the Government. This entailed a very important outreach effort towards the private sector, consumers associations, universities and research institutes, through the production of a wide variety of outputs disseminated via all the available channels (technical reports on legal and economic issues made available in both full and simplified formats; handbooks, brochures and leaflets; manuals and textbooks adopted by universities, research institutes and business associations as reference materials); workshops and training courses fine-tuned to the needs of participants; web-sites to improve the dissemination of trade-related data; and an awareness raising campaign on different subjects launched through all the available media (television, radio, newspaper and internet). The project also targeted government departments other than the MOIT and which are highly relevant for the formulation of trade policy, such as the Ministry of Planning and Investment and the four Central Agencies (Party Office, Government Office, National Assembly Office and President Office).

A second challenge was the large amount of activities to be coordinated by the Project Director and the Team Leader. Most activities require broad consultation and cooperation with several consultants. Willingness to ensure high quality activities requires sometimes high workload and willingness to revise draft reports several times. Using direct grants for business associations and universities reduced the work load of the project office and enabled more stakeholders to carry out many useful activities and become more involved in trade policy.

FACTORS FOR SUCCESS / FAILURE

- a) The project is fully in line with the main development strategies of the country (see above)
- b) The ownership of the project is high
- c) The project is flexible to adapt to the requirements and needs of the beneficiary (see above). This allows the project to address the most important and sensitive trade-related issues identified by the country.
- d) The project has successfully reached out to stakeholders, through the production of a wide variety of

- outputs disseminated to a multiplicity of stakeholders through all the available channels; a number of activities also targeted participants living outside the main cities;
- e) The project extended support to line Ministries (i.e. Ministry of Planning and Investment, Ministry of Finance, Ministry of Communication) which had originally not been included among the direct beneficiaries.
 - f) The project recognized that "aid for trade" cannot be targeted only to government bodies: raising the awareness, the skills and the involvement of other stakeholders has been crucial to the success of the project;

RESULTS ACHIEVED

Besides the specific results obtained by each project components (WTO commitment implemented, trade-related awareness raised, trade policy in line with the objectives of the country and with international commitments, the private sector initiated to participate to the trade policy formulation, curricula focused on trade-related subjects in the universities) MUTRAP III and its predecessors MUTRAP I and MUTRAP II promoted Vietnam as a fully pro-active member of the international trade and economic community.

In 2000, before the start of MUTRAP I, Vietnam was one of the poorest countries in the world, isolated from the rest of the world and with a very weak economy. In the last ten years, Vietnam successfully concluded WTO accession (2007) and pro-actively participated in several negotiations, as a member of ASEAN, for the conclusion of FTAs with China (2004), Korea (2005), Japan (2008), India (2009) and Australia-New Zealand (2009). In 2008, Vietnam started FTA negotiations with Chile, and in 2010 it decided to be part of the negotiations aiming to the creation of a Trans-Pacific Partnership (TPP) with other 8 countries (among them, US, Australia and New Zealand). It also decided to begin negotiations for a FTA with the EU. In 2010, for the first time, Vietnam initiated a procedure before the Dispute Settlement Body of the WTO against the US (frozen shrimp) and it participates, as a "third party" to other WTO disputes

Vietnam has decisively focused its economic development on trade: indeed, it is very export-oriented and very open to import too. For some products, like footwear, Vietnam is one of the most important exporters in the world (e.g. the second exporter in EU). The stability and predictability of the legal and economic environment brought about by the reforms carried out in the context of WTO accession led to a huge increase of foreign direct investment. Vietnam's open policies contributed significantly also to the reduction of poverty.

The contribution of the various MUTRAP projects to these achievements has been significant, as recognized in a number of independent reviews, including the recent mid-term evaluation of the project. The project also contributed to the decision by the Government to reject protectionism as a way to cope with exogenous economic shocks, including the huge increase of the price of foods and raw material in 2007 and 2008, and the international financial and economic crisis of 2008 and 2009.

Indeed, MUTRAP has been a point of reference in Vietnam for any trade-policy related activity. Of course, other projects are working on a number of trade-related issues. STAR, supported by USAID (the amount of the support during the third phase is yet to be determined), is an important project which has been active for around a decade. However, its scope is strictly limited to legal issues, and, differently from MUTRAP, does not have a similar broad scope. Another important programme is Beyond WTO (13.2 million USD), supported by DFID and AUSAID. It does not focus on one Ministry like MUTRAP, but addresses specific trade-related issues across more than 10 Ministries. Furthermore, differently from MUTRAP, it is mainly domestically-oriented.

It should be pointed out that important resources of MUTRAP are spent to support international negotiations and the participation of Vietnam to the regular work of the main trade-related international organizations. Moreover, one of the peculiarities of MUTRAP is the huge involvement of international short term experts,

compared to the other two important projects. International short-term experts, involved in highly owned activities of the beneficiaries, ensure innovative inputs which proved to be very useful in the formulation of the trade policy of Vietnam. Therefore the projects have a different approach and angle and cooperate well with each other. There are no overlaps and the teams meet regularly.

All the above-mentioned results have been obtained through an accurate mix of activities dealing either with specific needs of the beneficiary (e.g. contribution to the drafting of laws, such as the law on consumer protection, or decree, as the decree regulating the retail sector in Viet Nam) or contributing to wider objectives, such as the support in designing trade strategies in key sectors for the development of the country. The output of some activities became the pillar for further developments in specific disciplines. It is worth to mention few examples:

- the report on the Strategy for Service Sector Development to 2020 with a vision to 2025, which analyses in detail the evolution of most of the service sectors, has been adopted by a number of Ministries for the drafting of the future strategies in the service sector and it is utilized by other donors as a reference document illustrating the “state of art” of service sectors in Viet Nam;

- the report on the “strategy for imports-exports” of the Ministry of Industry and Trade is the main document illustrating the evolution of imports and exports in the last years and providing guidelines to the Government for a more efficient development of trade relations with foreign partners;

- the two internet portals set up with the support of the project (the export portal and the portal on foreign markets) became a crucial information tool for national and foreign companies (around 300.000 access in 2010 for both);

- the periodical conferences organized by the project in cooperation with the MOIT, with the participation on-line by the Vietnamese trade counsellors and businessmen in eight selected markets and by the representative of national enterprises, will become a fundamental instrument for the future strategies of the exporting companies in Viet Nam.

Moreover, some reports and other outputs are now considered the reference materials even among the experts and the academia: among the others, it is relevant to mention the book on competition law and policy, adopted in many universities as the compulsory reference material for the students in the competition law courses and the report assessing the impact of all the ASEAN FTAs, taken as the basis in many training courses illustrating the appropriate methodologies for conducting an impact assessment analysis.

In short, the MUTRAP project has accompanied Vietnam in its vision to fully integrate in the global trading and economic system. Vietnam is now an important player in defining trade policy at regional level (it chaired ASEAN in 2010) and it fully participates in all multilateral trade fora.

LESSONS LEARNED

See ‘Factors for success’. The factors of success can be considered lessons learned.

ANNEXES / REFERENCES

1. Description of the project
2. Logframe
3. Project Mid-Term Review
4. Project website: <http://www.mutrap.org.vn/en/default.aspx>

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ANNEX

ACTION FICHE FOR THE SOCIALIST REPUBLIC OF VIETNAM

1. IDENTIFICATION

Title	Multilateral Trade Assistance Project III (EU-Vietnam MUTRAP III), ASIE/2007/18844		
Total cost	10.67 million EUR: EC contribution: 10 million EUR ; Government of Vietnam contribution: 0.67 million EUR		
Aid method / Management mode	Project approach –decentralised management		
DAC-code	3310	Sector	Trade Policy and Administrative Management

2. RATIONALE

2.1. Sector context

Vietnam has joined the WTO in January 2007 in a period characterized by a booming economy and fast growth in foreign investment and trade. Since then, Vietnam has declared its intention to negotiate bilateral trade agreements with key trade partners including Japan and the United States of America. Concerning the recently launched EU-ASEAN Free Trade Agreement negotiations, Vietnam has taken on the role of coordinator. This confirms the high priority Vietnam gives to its accelerated global economic integration and export-led growth strategy.

One of the principal tasks laid out for the country by the Government's Socio-Economic Development Plan (SEDP) for 2006-2010 is the expansion of trade through an acceleration of Vietnam's international economic integration. The Vietnamese Government has recently adopted a Post-WTO Action Plan for the implementation of WTO commitments and as a basis for further international integration. The proposed MUTRAP III project is fully in line with this Action Plan and focuses on strengthening the capacity of the Ministry of Industry and Trade (MIT) concerning its core responsibilities of trade policy making, WTO coordination, ongoing negotiations of regional and free trade agreements and implementation of integration commitments and competition policy. The Ministry of Industry and Trade lacks analytical and research capacity to sufficiently assure and take on the parallel negotiations which are emerging within the WTO-Doha Development Agenda and the increasing number of regional and bilateral trade agreements including with the EU. The implementation of WTO commitments is likely to be more demanding on the Government and the country at large than the accession process and it will therefore require a significantly greater trade-related assistance (TRA) than in the past. Vietnam will face increasing pressure in the coming years from trade competition and adverse effects on its society from the

uneven distribution of benefits between rural and urban areas. Adjustments are likely to be especially severe since the country's commitments to the WTO relating to the agricultural sector will greatly impact on the more than 70 percent of the country's labour force that is currently employed in that sector. Vietnam's growing integration into the multilateral trading system will require building capacities of government and business structures at central and decentralised level that are capable of implementing the agenda of economic transformation. In that sense, the Government faces enormous challenges in building smoothly working trade institutions and introducing consistent market economy reforms. Notwithstanding the contribution of MUTRAP I and II, private sector associations, universities and civil society organisations still lack a full understanding to provide meaningful input into trade policy making and to inform their constituencies about implications of trade integration, free trade agreements (FTA's) and business opportunities. Equally, they still lack professionally trained staff and funds to carry out their own research agenda. On top of the challenges stemming from the WTO accession, Vietnam has to deal with structural reform and economic transition issues and start its preparation for important reform areas which will become more relevant in FTA negotiations in the future. These include the implementation of the recently passed competition law and long-term capacity building of the new Competition Department within the MIT to manage the economy in a market-economy way. Also Trade in Services is of growing importance on the trade agenda of Vietnam and the management capacity of the MIT for those sectors and the system of services statistics needs further strengthening in cooperation with the general statistical office (GSO).

2.2. Lessons learnt

The proposed project extends earlier trade-related assistance in Vietnam under the MUTRAP I and MUTRAP II and incorporates lessons learnt from those projects. It will allow to further consolidate a leading role of the European Commission among the donor community in the trade-related assistance area. MUTRAP III further builds on earlier achievements of the MUTRAP II project using the same management mechanism, but being more focussed on capacity building of the Ministry of Industry and Trade. More particularly the following major achievements of MUTRAP II will constitute the basis for further strengthening Vietnam's capacities and making them more sustainable:

- MUTRAP II intensively engaged in training and dialogue activities, which resulted in building capacity for government officials, local authorities and civil society *not only* in the areas of understanding, mastering and well applying different dimensions of trade related policies in a new spectrum of economic integration *but also* in networking them to enable prompt policy response and actions. The project built up a network of more than 100 local short term experts. Frequent Policy Networking Sessions have been organised for policy makers/implementers involved in the WTO negotiations and implementation, which reinforced significantly inter-ministerial coordination and accelerated decision making. This in turn contributed to the successful end of Vietnam's accession negotiations to the WTO and the fact that 25 WTO related laws were drafted and adopted in 2005 alone and changed about 100 related legal documents in 2006 in the run-up of WTO membership. The enhanced capability of Vietnam officials has been shown in their first ever role of coordinator for the ASEAN-EU FTA negotiations

- Apart from short-term training courses (on negotiation technique, dispute settlement and risk assessment), the project has produced a reference book on “Introduction to the multilateral trading system: Economics, Politics and Institutional Mechanics of the World Trade Organisation (WTO) and curricula for trade teaching at Universities in Vietnam. A central repository for trade-related publications has been created for all researchers and policy makers at the Vietnam National Library. A virtual library has also been created on the MUTRAP website to provide wide access to the project research and workshop papers.
- MUTRAP II has been the most important project in disseminating information on Vietnam’s WTO commitments with a series of highly visible and attractive PR activities with extensive media coverage including TV programmes. Activities organised by MUTRAP II have attracted more than 5,500 participants (of which, 40% were government officials, 30% business representatives, 15% university lecturers and 5% others (diplomats, foreign donors, press etc). About 40% of the participants were female.
- The project adopted both sectoral and horizontal technical approaches covering a wide ranges of trade related policy issues. This resulted in important inputs of the project into the policy making and subsequently contributed to steer the domestic economic reform process toward international best practices, creating favourable conditions for economic growth and poverty reduction as well as social welfare.
- Assisting the country in the implementation of its WTO commitments, MUTRAP has built necessary and sustainable institutions for economic integration of Vietnam such as the TBT and SPS enquiry points and supported the setting-up of the economic integration units in all 64 local trade departments. MUTRAP II also contributed to the issuance of Decree 16 of the Government in implementing WTO commitments. A network of contact people for WTO issues and implementation is also set up to help prompt action in this regard.

The Trade Needs Assessment from 2005, the mid-term evaluation of MUTRAP II and other TRA projects in Vietnam have generated the following key lessons that have been taken into account in the design of the different elements of the recommended components and activities:

- a) Focussing on one main implementing Ministry like MIT increases impact and effectiveness of implementation. In addition using grant contracts allows implementation of complementary smaller actions involving other partners without conflicts of interest.
- b) Key elements of success of the MUTRAP II project were (i) highly qualified technical staff in the project office including international experts and good financial management as proven by financial and systems audits, (ii) autonomy and independence of the Project Task Force in operational activities that streamline decision-making processes, (iii) flexibility and adaptability to the changing needs of Vietnam’s economy in its transition to a market economy that would be fully integrated into the world economic system.

- c) Vietnam still lacks strong coordination and consultation mechanisms for both inter-ministerial coordination and government-business consultation.
- d) Involving the business community increases the impact and efficiency of interventions.
- e) Coordination and complementarity among the major EU member states and EC projects in Vietnam should be further strengthened, and coordination with regional cooperation projects such as the EC-funded projects concerning intellectual property, standards and customs creates valuable synergies.

2.3. Complementary actions

Close coordination will be ensured with EC-funded regional cooperation projects to support ASEAN integration and intellectual property rights. Technical assistance for the implementation of the Post WTO Action Plan will be mainly provided by the “Beyond WTO” initiative, a multi-donor trust fund managed by the Government Office and funded by the UK and Australia. MUTRAP III will contribute in kind to this initiative, mainly through the provision of European experts based on specific demands as planned in the Annual Work Plans. Furthermore MUTRAP III will closely cooperate with planned projects from Italy in the area of trade teaching, from France and Switzerland concerning competition policy and with the Hungarian support to the General Statistical Office and any other European and international support projects. Regular information sharing is planned with the private sector development projects from Denmark, Germany and UNIDO. In the spirit of division of labour and focussing on comparative advantages MUTRAP III will particularly provide European experiences and will therefore be complementary to the American STAR-project delivering American experiences into the trade integration process.

2.4. Donor coordination

The Government is the owner of TRA, exercising leadership in developing and implementing the SEDP in which trade has been mainstreamed. Donor coordination is at the heart of the Paris Declaration and will be aligned with the Post-WTO Action Plan of the Government which is a response to the need for increased coordination as mentioned in the EC Trade Needs Assessment Study from 2005. The Office of the Government jointly with the Ministry of Industry and Trade will set up a new mechanism for donor coordination in this area. The “Beyond WTO initiative” is tasked to ensure intensive coordination on the project level involving all line Ministries and governmental agencies concerned, to avoid any duplication and create synergies. The project will coordinate with the Beyond-WTO initiative and invite their representatives together with those from Italy, France, Hungary and any other active member states in this field to the Steering Committee. The European Commission and the Member States are the biggest TRA contributors in Vietnam and the EU private sector working group will also be used for informal coordination.

3. DESCRIPTION

3.1. Objectives

The overall objective is to assist Vietnam to implement the SEDP and the Post-WTO Action Plan for sustained pro-poor economic growth through stronger integration into the global trading system. The purpose is to strengthen the capacity of the Ministry of Industry and Trade to further implement and develop Vietnam's trade and economic integration strategy. Particular emphasis will be given to the provision of European experiences in coordination with Member States.

3.2. Expected results and main activities

The project supports capacity building of the Ministry of Industry and Trade in their core policy related tasks to achieve the following five results through carrying out the following main activities:

a) Increased capacity of MIT to coordinate and implement WTO commitments including progress on sector specific issues.

- Training in specific WTO-related fields through courses and internships in Vietnam and Europe with special emphasis on sharing experiences of new EU members, former transition economies;
- Strengthen the capacity of the Legal Department of MIT to ensure consistency of Vietnam's trade related legislation with international treaties;
- Facilitate the participation of the MIT in the regular work of the WTO and multilateral trade negotiations;
- Support the preparations for the first trade policy review of Vietnam in the WTO;
- Facilitate the compliance of Vietnam with the WTO notification requirements;
- Assess the potential impacts of Vietnam to join international economic and trade-related conventions and support joining selected conventions;
- Introduce E-Governance in the area of Trade and within MIT
- Provide assistance to MIT to strengthen inter-ministerial coordination in the area of trade facilitation;
- Prepare studies on non-market-economy status, WTO-compliant industry support mechanisms, distribution market liberalisation, etc;
- Provide information on TBT and SPS provisions applied in the EU and their application to facilitate the access to the EU market;
- Provide assistance on IPR enforcement;
- Support the BEYOND WTO Initiative.

b) Increased coordination of the MIT with the private sector, training and research institutions to develop a coherent, social and environmental sustainable trade integration strategy.

- Training on skills to analyze trade policies, data, market diagnostics and multi-stakeholder consultation for trade policy making and implementation;
- Increase coherence of industrial policy with trade policy through research and consultations;
- Strengthening the coordination mechanisms on trade policy issues;

- Improve trade information network of the Ministry of Industry and Trade and related agencies, including setting up a platform for direct interaction with businesses on trade related issues and strengthen the Trade Watch centre to timely and appropriately capture social-environment related trade issues;
- Provide research and studies on trade and environment and poverty-related aspects of trade including gender (socio-economic and environmental impact assessments);
- Enhancing awareness and trade analysis capacity of business advisory groups and other forms of trade institutions (associations of farmers, industry-trade, small and medium enterprises, consumers etc);
- Provide assistance to private sector organisations to inform their members about trade issues;
- Provide assistance to Universities to strengthen teaching and research on trade policy and trade law;
- Enhancing capacity of existing international/regional trade policy institutes.

c) Increased capacity of the MIT to effectively negotiate and coordinate regional trade related arrangements such as AFTA, ASEAN plus dialogue partners and to engage in FTA negotiations with major trade partners including the EU.

- Enhance the domestic institutional capacity to deal with regionalization issues through the provision of EU experiences;
- Identify a mechanism to harmonize the process of regional integration and WTO accession;
- Training on FTA negotiation skills
- Study the developments of different FTAs in the regions: their models, economic reasoning, trade creation effectiveness and welfare;
- Study the FTAs between EU and other countries for possible lesson learnt by Vietnam;
- Analyse the most important provisions of relevant bilateral and regional agreements, including different dispute settlement mechanisms;
- Study, with other ASEAN countries together, the different stages of the EU integration process and draw the lessons for ASEAN integration;
- Support MIT in its role as coordinator for EU-ASEAN FTA negotiations;

d) Improved facilitation of trade in services through better coordination, statistics and better analytical capacity.

- Improve the coordination between trade regulation agencies and sectoral agencies in managing trade in services in sub-sectors such as tourism, professional and business services, etc.;
- Support the improvement of trade in services statistics system including pilot surveys in complex sectors;
- Setting up a database system for trade in services in cooperation with the GSO and the Hungarian Statistical Office;
- Support the management of fair competition in service sectors;
- Carry out comparative studies on China, transition economies, other countries and ASEAN on services liberalisation;
- In-depth evaluation of WTO-membership's impact on some service sub-sectors based on a set of criteria for monitoring and assessment of social and economic effects of service liberalisation;

- Study and support the development and linkages of supporting services for key industries to enhance their competitiveness and value addition;
- Study distribution services sector and suggest models for liberalisation;
- Strengthen the GATS enquiry point
- Support in drafting a national strategy for services development in Viet Nam up to 2020.

e) Strengthened capacity of the competition administration to ensure consumer protection and a fair and level playing field for all businesses through the implementation of the new competition law.

- Support the implementation of newly-enacted competition law and transferring EU practical experiences in dealing with anti-competition practices;
- Strengthen the interaction between competition administration department and sectoral regulators;
- Strengthen the information centre and the training centre of the competition administration department;
- Strengthen the Vietnam Competition Council and the Vietnam Consumer Protection Association;
- Support drafting and implementing a consumer protection law and support its implementation
- Support the implementation of trade defence instruments (TDI);
- Raise awareness on competition policies, consumer protection and TDI's promoting a fair-competition culture in doing business;
- Study the international dimensions of competition policies, consumer protection and TDI's.

3.3. Stakeholders

MIT has been recently established through the merging of the previously separate Ministries of Industry on the one hand and the Ministry of Trade on the other hand. The new Ministry will be more powerful and is the key Ministry for trade policy making and will act as the implementing agency for the project. It's predecessor has successfully managed Vietnam's accession to the WTO and takes the lead for the integration into ASEAN. The mid-term evaluation of MUTRAP II has confirmed the good management capacity of the Ministry of Industry and Trade and recommended a continued support using a decentralised approach. However their capacity to analyse policy options and potential integration commitments is still limited. The increasing number of Free-Trade Agreement negotiations puts severe strain on the limited resources of the MIT to engage in high-level negotiations or to act as focal point for the entire ASEAN grouping concerning the EU-ASEAN FTA negotiations. The proposed project is based on a high quality proposal from the MIT and therefore ownership of the content is high.

The Government Office (GO) is managing the "Beyond WTO" trust fund and intends to play an increased role in coordination among all concerned ministries and agencies. However, they lack technical competence on trade and play therefore a mainly coordination role. The MIT will continue to support the GO in the coordination task and concerning the substance of all global integration issues. The GO will be indirectly a beneficiary and also directly through the proposed in-kind contribution to the "Beyond WTO" trust fund. The GSO was already a partner of

MUTRAP II and has gained significant expertise on services statistics. The GSO receives general capacity building assistance from the UNDP, Hungary and Sweden with which any assistance will be closely coordinated. Nevertheless there is an important need to provide sector specific assistance to conduct surveys and to start collecting sub-sector specific service statistics.

The private sector organisations, business associations, universities and research institutions in general lack the capacity to provide consistently high quality inputs into the negotiation process and they do require continues training and exposure to trade policy issues. A number of them were also partners of MUTRAP II (HCMC Institute of Economic Research, Universities for Foreign Trade, Economic and Law, VCCI and some major business associations). Civil society and business organizations outside of Hanoi lack a deeper understanding of trade policy and the implications and opportunities of further trade integration. They have shown keen interest to be further involved into MUTRAP III and have the proven capacity to manage small action/grants for the benefit of the business community and to strengthen their own capacity. Business organizations were consulted during the preparation process and were already beneficiaries during MUTRAP II implementation.

The final beneficiaries will be the small and medium enterprises and the population as a whole through increased economic growth leading to employment opportunities and increased wealth.

3.4. Risks and assumptions

It is assumed that Vietnam will continue its policy of global integration, will implement its commitments as member of the WTO and other regional integration mechanisms and will remain committed to preserve social inclusion and to address the adverse effects of WTO accession. Unexpected economic shocks in the region and/or Vietnam may put at risk Vietnam's commitment to an outward oriented trade policy. The success of the EC project also relies on continued overall political stability and a continuation of the reform policies towards a transition to a market-oriented economy and improved governance. Improved overall coordination and implementation of WTO commitments will also depend on implementation of the “Beyond-WTO project” and a strong steering of the process by the Government Office. The EC will offer its full support to the “Beyond-WTO project and provide advice to the GoV through its bilateral policy dialogue and participation in the global budgetary support policy dialogue to ensure an appropriate continuation of the reform policies.

3.5. Crosscutting Issues

Vietnam trade policies and regulations should aim at maximizing the positive effects and minimizing the negative impacts on the environment as well as for animal plant and human health and safety. Studies undertaken by the project will in particular assess the environmental and social dimensions of trade integration. Increased growth and investment will lead to an increase in formal employment and could support increased public expenditures, ideally on social services. Interventions in this area will also aim at ensuring that gender participation in all activities is on an equal opportunity basis. Strengthening the capacity of the Ministry of Industry and Trade

and improving coordination on policy making with stakeholders in society contributes to improvements in good governance. Implementation of the competition law and policy and introduction of a consumer protection law will contribute to reduced corruption and improved rights of the population towards the Government and the business community.

4. IMPLEMENTATION ISSUES

4.1. Implementation method

Decentralised management through the signature of a financing agreement with the Socialist Republic of Vietnam.

The implementation will be carried out as follows:

The Commission will manage in a centralised way the contracts for technical assistance, grants, evaluations and audit.

a) Service will be managed by the EC Delegation in Vietnam through the signature of service contracts following calls for tenders.

b) Grants will be managed by the EC Delegation through the signature of grant contracts following calls for proposals.

c) Supplies will be managed by the Beneficiary Government through the signature of service contracts following calls for tenders.

The Commission controls ex ante the contracting procedures for procurement contracts >10 000 euro and ex post for procurement contracts ≤ 10 000 euro.

Through the programme estimates, payments are decentralised for operating costs and contracts up to the following ceilings:

Works	Supplies	Services	Grants
< € 300.000	< € 150 000	< € 200 000	≤ € 100 000

4.2. Procurement and grant award procedures

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EC external actions. The maximum possible rate of co-financing for grants is 90% in view of the limited financial capability of the emerging business associations in Vietnam and very limited available funding of Universities for curriculum and staff development. Full financing may only be applied in the cases provided for in Article 253 of the

Implementing Rules of the Financial Regulation where financing in full is essential to carry out the action in question. All programme estimates must respect the procedures and standard documents laid down by the Commission, in force at the time of the adoption of the programme estimates in question.

4.3. Budget and calendar

Category Breakdown	EC	Vietnam	Total	Contracting Authority	Paying Authority
<u>1. Services</u>	<u>5 200 000</u>	<u>100 000</u>	<u>5 300 000</u>	<u>EC or EA</u>	<u>EC or EA</u>
1.1 TA	4 900 000		4 900 000	EC	EC
1.2 Government Seconded Staff		100 000	100 000	MIT	MIT
1.3 Monitoring, evaluation	200 000		200 000	EC	EC
1.4 Audit	100 000		100 000	EC	EC
<u>2. Supplies (Office equipment, IT hardware and software for different partners)</u>	<u>500 000</u>		<u>500 000</u>	<u>MIT</u>	<u>MIT</u>
<u>3. Grants</u>	<u>1 700 000</u>	<u>170 000</u>	<u>1 870 000</u>	<u>EC</u>	<u>EC</u>
3.1 Call for proposals (trade policy information activities of business associations and trade teaching of Universities)	<u>1 200 000</u>	<u>120 000</u>	<u>1 320 000</u>	<u>EC</u>	<u>EC</u>
3.2 Call for proposals (to address issues of market access and trade policy coordination with the private sector)	<u>500 000</u>	<u>50 000</u>	<u>550 000</u>	<u>EC</u>	<u>EC</u>
<u>4. Operating Costs</u>	<u>2 300 000</u>	<u>400 000</u>	<u>2 700 000</u>	MIT	MIT
4.1 Local support staff	400 000		400 000	MIT	MIT
4.2 Operational expenditure of PTF	400 000	250 000	650 000	MIT	MIT
4.3 Other operational costs	1 500 000	150 000	1 650 000	MIT	MIT
<u>5. Information</u>	<u>200 000</u>		<u>200 000</u>	MIT	MIT
<u>6. Contingencies</u>	<u>100 000</u>		<u>100 000</u>	<u>EC or MIT</u>	<u>EC or MIT</u>
TOTAL	<u>10 000 000</u>	<u>670 000</u>	<u>10 670 000</u>		

The tender for the recruitment of the Technical Assistance will be launched in time for a seamless continuation of MUTRAP II. The Call for Proposals should be launched during the first year. The operational duration of the project will be 48 months as from signature of the Financing Agreement including an inception phase and a consolidation phase at the end.

4.4. Performance monitoring

Annual external monitoring missions will be fielded in addition to the monitoring by the Delegation and the monitoring system established by the project task force. As much as possible, monitoring missions will be carried out jointly with other donors involved in the sector. Key indicators measuring progress will monitor trade flows, implementation of trade policy commitments, quality of new trade agreements and implementation of the Government's Post-WTO Action Plan.

4.5. Evaluation and audit

Independent consultants recruited directly by the Commission on specifically established terms of reference will carry out a mid-term evaluation and final evaluation which will be coordinated with other donors. Six-monthly external audits will be contracted to check all expenditures.

4.6. Communication and visibility

Public relations and awareness raising will be designed to increase the visibility, and thus the effectiveness, of the programme. They will also serve to give the European Union co-operation a maximum of visibility.

LOGICAL FRAMEWORK TABLE

	Intervention logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions and risks
Overall Objectives	<ul style="list-style-type: none"> To assist Viet Nam to implement the SEDP and the Post-WTO Action Plan for sustained pro-poor economic growth through stronger integration into the global trading system. 	<ul style="list-style-type: none"> The value of exports (absolute and relative to GDP) has increased in line with the expectations of SEDP In 2010 the export reached 67.5 billion USD (cumulatively 257 billion in the period 2006-2010) Export turnovers in 2010 <ul style="list-style-type: none"> Heavy industrial items: 85,6 billion USD (annual increase of 12.9% average from 2006) Light industrial items: 110.2 billion USD (annual increase of 18.4% average from 2006) Import: average growth rate 2006-2010 to reach 14.8% (with total import turnover of 286.5 billion) The geographical and sectoral diversification of import and export are increased (compared to 2007) The absolute and relative value of high value added goods exports is increased The inequality across regions and the income inequality are reduced The level of competitiveness (Global Competitiveness Index and Business Competitiveness Index) is increased The reduction in poverty rate promoted by the trade-reforms 	<ul style="list-style-type: none"> The media reports GSO statistics Terms of trade index Gini index and poverty rate across regions index IFC Doing Business in Vietnam World Bank reports 	<ul style="list-style-type: none"> No major economic shocks and continuation of reform policy.
Project Purpose	<ul style="list-style-type: none"> The capacity of the MOIT to further implement and develop Viet Nam's trade and economic integration strategy is strengthened; with particular emphasis on the provision of European experiences. 	<p><i>The pre-conditions capacity for further implement and develop Viet Nam's trade and economic integration is strengthened</i></p> <ul style="list-style-type: none"> Number of officials trained on international trade issues which are relevant for future trade negotiations Number of representatives of the business sector who participated to the training workshops Number of enterprises which have contacted the 	<ul style="list-style-type: none"> Secretariat Report of negotiations (WTO, Doha, regional, EU) Media reports Evaluation and tests 	<ul style="list-style-type: none"> Positive growth in world trade and open trading system; Relatively stable macroeconomic environment; Continued commitment of Government of Viet Nam to increase liberalisation of

	Intervention logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions and risks
		<p>websites providing international trade-related information and data</p> <ul style="list-style-type: none"> Number of articles, handbook, bulletins, brochures and leaflets informing the business sector and consumers on trade-related issues <p><i>The ability of identifying, developing and further implementing the trade and economic integration strategies is strengthened</i></p> <ul style="list-style-type: none"> Progress in multilateral, regional and bilateral trade negotiations: number of new negotiations participated by Viet Nam Number of statements/proposals presented by Viet Nam in international trade fora (WTO/ASEAN/APEC etc.) Number of statements/comments or proposals relevant for the trade policy presented by the business sector Number of legislative and administrative WTO and FTAs-compliant acts prepared and enacted The number of counterfeit and pirated products detected by competent authorities compared to previous years The number of complaints raised by consumers and the number of decisions taken by competent authorities following to the application of the law on protection of consumers' rights. Trade and environment, social rights, Government procurement-related act prepared and (eventually) implemented in view of the future EU-Viet Nam FTAs. 	<p>carried out before and after the training courses</p> <ul style="list-style-type: none"> The printed version of the documents Official reports of international negotiations Annual reports of business associations/media reports Official Journal of Viet Nam Reports of competent enforcing authorities Annual reports of VCA/media reports Official Journal of Viet Nam 	<p>the economy;</p> <ul style="list-style-type: none"> Absence of energy shocks, infectious disease and other unexpected events in the world economy.

	Intervention logic	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions and risks

	Intervention logic and differences with the original log-frame	Objectively verifiable indicators of achievement	Sources and means of verification	Assumptions and risks

<p>Result 1</p>	<p>Increased capacity of MOIT to coordinate and implement WTO commitments including progress on sector specific issues.</p>	<ul style="list-style-type: none"> • Ten officials participated to the regular work of the WTO (WTO-1), ten to the Doha Round Negotiations (WTO-4) and six to TPRB (WTO-3) • Three reports on different WTO related issues ready and disseminated (WTO-6, WTO-6A, WTO-9) • One handbook on IP infringement practices, questions and answer publication on administrative sanctions for IP infringements disseminated (WTO-10) • One database on pirated products, counterfeit, list of relevant regulators involved, relevant legislation and list of violating companies published and disseminated (WTO-10) • Eleven workshops/PNS/exhibitions on different WTO-related issues organized (WTO-6, WTO-6A, WTO-11) • Six training courses on different WTO issues organized (WTO-9, WTO-C1) • One two-week training course in Europe for high level officials completed (WTO-C1) • Six Doha Bulletin published • 1 book, 1 database, 1 leaflet and a number of relevant documents prepared, translated and disseminated 	<ul style="list-style-type: none"> • The WTO Secretariat Reports on the regular works of the different organs (it provides both attendance and record of statements) • The WTO Secretariat Report on Doha Negotiations progresses • The WTO Secretariat Report on Trade Policy Review Body meetings • The reports • The handbook • The database ; the MOIT report on the status of the database • The agenda, list of attendance and materials of the conference • The agenda, list of attendance and materials of training courses • The travelling documents and the agenda of the study tour • The Doha Bulletin • The materials 	<ul style="list-style-type: none"> • WTO continues its regular works • Doha negotiations do not collapse • Positive attitude of Viet Nam in participating to WTO works • The Government shows a positive attitude in the coordination issues for trade policy review and for reforming the internal organization • Continuous commitment of the Government in fighting counterfeiting and IPRs violations
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		<ul style="list-style-type: none">• Researches and other contribution to cope with sudden developments of the international trade environment (WTO-C2)	<ul style="list-style-type: none">• The reports of the researches and agendas of workshops	
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<p>Result 2</p>	<p>Increased coordination of the MOIT with the business sector, training and research institutions to develop a coherent, social and environmental sustainable trade integration strategy.</p>	<ul style="list-style-type: none"> • Sixteen workshops of different issues promoting the coordination of MOIT with local government body, business sector, professional, business and consumer associations are organized (CB-1 and CB-4) • The procedure for registering the first Vietnamese product as GI in Europe completed (CB-2) • Four training courses have been organized and implemented (CB-5 follow up and CB-6) • SEQUA /VINASME, EUROCHAM, LEFASO and VCCI carried on the implementation of project for improving the integration of Business Associations to international trade (CB-7) • One handbook on FTA (CB-1), four online conferences (CB-2 follow up), 3 reports (CB-4, CB-6) and 1 Survey (CB-6) 	<ul style="list-style-type: none"> • The agendas and the list of attendances of WSs • The periodical reports of the activities of business associations • The periodical reports of the local departments of industry and trade • The report with the status of GI registration • The agenda, syllabus, training material and list of participants to the training courses • The six months project reports of the activities implemented by the associations/organizations • The Handbook published and disseminated • The reports published and disseminated • The survey reports 	<ul style="list-style-type: none"> • Business associations, enterprises are aware about the possibility of influencing the legislative and negotiating activities of policymakers and they exploit it without hesitation • The Government is willing to take into consideration the concerns/proposals and suggestions from the business sectors, the university and the other relevant associations (consumers, etc.)
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<p>Result 3</p>	<p>Increased capacity of the MOIT to effectively negotiate and coordinate regional trade related arrangements such as AFTA, ASEAN plus dialogue partners and to engage in FTA negotiations with major trade partners</p>	<p><i>MOIT acquired the necessary skills to fully satisfy the pre-conditions for effectively negotiate and RTAs</i></p> <ul style="list-style-type: none"> • Ten Governmental officials participated to international negotiations (FTA-8) • Dissemination of four studies on the impact-assessment on the economy of Viet Nam of a number of Free Trade Areas(FTA-HOR) • One study on the impact of international economic integration on some macroeconomic and trade-related variables • Nine (and one summary) reports on various issues relevant for future trade negotiations prepared and disseminated (FTA-5, FTA-5A, FTA-6, FTA-7C) • One training course on trade negotiations • One manual to be adopted as training material in the training on trade negotiations (FTA-7) • Three training for trainers on trade negotiations issues • Thirteen workshops organized for MOIT and other Ministries officials, enterprises on FTAs-related issues, Rules of Origin, Non Tariff Barriers organized (FTA-5 and FTA-5 A, FTA-6, FTA-7C, FTA-HOR follow up) 	<ul style="list-style-type: none"> • Report of the different Secretariats of FTA negotiations • The official records of FTA negotiations • Internal report of the MOIT departments regarding trade negotiations • The reports containing the studies • The manual, the syllabus of the training courses and the list of participants • The agenda and the list of attendance of the WS/Roundtables. 	<ul style="list-style-type: none"> • The Government focus its attention on the negative problems following from regional trade integration • Willing of the Government to keep on participating to FTAs negotiations • Trainers trained shall have enough time to provide trainings
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<p>Result 4</p>	<p>Improved facilitation of trade in services through better coordination, statistics and better analytical capacity</p>	<ul style="list-style-type: none"> • Eight workshops/seminars round-tables for enterprises, government officials, research institutes, universities organized covering a number of issues involving services (SERV-1, SERV-3, SERV-4A, SERV-4B, SERV-9) • The GATS enquiry point is established (SERV-9) • Four studies on a number of issues regarding trade in services (SERV-1, SERV-3, SERV-4B,) • One training course (SERV-6) 	<ul style="list-style-type: none"> • The attendance lists of the workshops and the materials distributed • The report of MOIT regarding the setting up of the enquiry point • The reports containing the studies • The attendance lists of the training courses and the materials distributed 	<ul style="list-style-type: none"> • The absence of international shocks in services sectors • The absence of international shocks in the economy in general • Willingness of other countries to host Vietnamese officials for study tour, courses and international conferences • Willingness of the Government to post the competent persons to international courses and study tours • Willingness of the Government to promptly complete all the procedures for the setting up of GATS enquiry point
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<p>Result 5</p>	<p>Strengthened capacity of the competition policy and consumer policy stakeholders to ensure customer protection and a fair and level playing field for all businesses through the implementation of the new competition law</p>	<ul style="list-style-type: none"> • A number of consumers and consumers' protection organizations participated to five workshops awareness raising on the Law on Protection of Consumers' Rights (COMP-6) • Handbook on concrete case studies pertaining to consumer 	<ul style="list-style-type: none"> • The agenda, the materials distributed and the list of participants to the workshops • Media report • The handbook 	<ul style="list-style-type: none"> • VINASTAS has enough dedicated personnel to support the activity • Full cooperation of stakeholders concerned and availability of experts
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		<p>protection ready and disseminated (COMP-6)</p> <ul style="list-style-type: none"> • Brochure containing a clear explanation of the procedural steps to enforce consumer protection law available and disseminated (COMP-6) • Number of phone call to the call center (COMP-6A) • Number of contacts to www.baovenguoitieudung.gov.vn and www.consumerprotection.gov.vn (COMP-6B) • The Decree with guidelines for the implementation of the law on consumer protection approved and into force (COMP-6C) 	<ul style="list-style-type: none"> • The brochure • The report of the call center • The webmaster report • The official Gazette of Vietnam 	
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European Commission

Mid-term Review of Multilateral Trade Assistance Project III (EU-Vietnam MUTRAP III)

Final Report

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LIST OF ACRONYMS AND ABBREVIATIONS

AANZFTA	ASEAN – Australia – New Zealand Free Trade Agreement
ACFTA	ASEAN – China Free Trade Agreement
ADB	Asian Development Bank
ADETEF	Association pour le Développement des Échanges en Technologies Économiques et Financières
AFTA	ASEAN Free Trade Area
AKFTA	ASEAN – Korea Free Trade Agreement
APEC	Asia Pacific Economic Cooperation
APRIS II Project	ASEAN – EU Programme for Regional Integration Support II
ASEAN	Association of Southeast Asian Nations
ASMED	Association of Small and Medium Enterprise Development
AWP	Annual Work Plan
BCI	Business Competitiveness Index
BOP	Balance of Payment
BTA	Bilateral Trade Agreement
CIDA	Canadian International Development Agency
CIEM	The Central Institute for Economic Management
CPA	Consumer Protection Act
DMI	Development, Management International Associates
DOIT	Department of Industry and Trade
DPI	Department of Planning and Investment
EC	European Commission
EUD	Delegation of the European Union to Vietnam
EDF	European Development Fund
ERAV	Electricity Regulation Authority of Viet Nam
ETV	The European Technical Assistance Programme for Viet Nam
EU	European Union
EUROSTAT	European Statistics Office
FAO	Food and Agriculture Organization
FATS	Foreign Affiliate Trade Statistics
FCA	Framework Agreement on Cooperation
FTA	Free Trade Agreements
GATS	General Agreement on Trade in Services
GCI	Global Competitiveness Index
GDP	Gross Domestic Product
GoV	Government of Vietnam
GSO	General Statistics Office
GSP	Generalized System of Preferences
GSTP	Global System of Trade Preferences
GTZ	German Society of Technical Cooperation
HACCP	Hazard Analysis and Critical Control Points
IAS	Impact Assessment Study
IDR	Institute for Development Research (Former Institute for Economic Research, Ho Chi Minh City)
IFC	International Finance Corporation
ILO	International Labour Organization
IPR	Intellectual Property Rights
ISO	International Organization for Standardization
LEFASO	Viet Nam Leather Footwear Association
LTAT	Local Technical Assistance Team
MARD	Ministry of Agriculture and Rural Development
MDG	Millennium Development Goals
MOF	Ministry of Finance
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MIC	Ministry of Information and Communications

MOIT	Ministry of Industry and Trade
MOJ	Ministry of Justice
MOT	Ministry of Transport
MPI	Ministry of Planning and Investment
MST	Ministry of Science and Technology
MTR	Mid-Term Review
MTPD	Multilateral Trade Policy Department (MOIT)
MUTRAP III	Multilateral Trade Assistance Project Phase III
NAMA	Non-Agricultural Market Access
NIC	National Indicative Programme (2007-2010)
NCIEC	National Committee on International Economic Cooperation
NGO	Non-Government Organization
NTB	Non-Tariff Barriers
ODA	Official Development Assistance
OECD	Organization for Economic Co-operation and Development
OVI	Objectively Verifiable Indicators
OWP	Overall Work Plan
PE	Programme Estimate
PCA	Partnership Co-operation Agreement
PRSC	Poverty Reduction Strategy Credit
PSC	Project Steering Committee
PSO	Provincial Statistics Office
PTF	Project Task Force
ROOs	Rules of Origin
RTA	Regional Trade Areas
SBV	State Bank of Viet Nam
SECO/SDC	Swiss Cooperation Office
SEDP	Socio-Economic Development Plan 2006-2010
SMEs	Small and Medium Enterprises
SPS	Sanitary and Phytosanitary Measures
STAR	Support for Trade Acceleration Programme
TA	Technical Assistance
TAT	Technical Assistance Team
TA T/L	Technical Assistance Team Leader
T/L	Team Leader of the evaluation team
TBT	Technical Barriers to Trade
TOR/TORs	Terms of Reference
TOT	Training of Trainers
TPR	Trade Policy Review
TRA	Trade-Related Assistance
TREATI	Trans-Regional EU-ASEAN Trade Initiative
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TRTA	Trade-Related Technical Assistance
UN	United Nations
UNCTAD	United Nation Conference on Trade and Development
UNDP	United Nations Development Programme
UNIDO	United Nations Industrial Development Organization
USAID	United States Agency for International Development
VCAD	Viet Nam Competition Administration
VCC	Viet Nam Competition Council
VCCI	Viet Nam Chamber of Commerce and Industry
VDG	Viet Nam Development Goals
VICOFA	Viet Nam Coffee and Cocoa Association
VINAFOOD	Viet Nam Food Association
VINASME	Viet Nam Association of Small and Medium Enterprises
VINASTAS	Viet Nam Standards and Consumers Association
VINATEA	Viet Nam Tea Association
VITAS	Viet Nam Textile and Apparel Association

VSA	Vietnam Statistics Association
WCO	World Customs Organization
WHO	World Health Organization
WTO	World Trade Organisation

EXECUTIVE SUMMARY

As pointed out in the National Indicative Programme 2007-2010 (Vietnam), trade is one of the six priority areas for the EC development cooperation. Its importance is also emphasized in the Government of Vietnam's Socio-Economic Development Plan 2006-2010 (SEDP), in which EC support is anchored. The EC has further committed itself in the Doha Ministerial Declaration to support developing countries through trade-related technical assistance and capacity building. This reflects the recognition that trade can play an important role in generating pro-poor growth. At the same time, integration into the world economy is a high priority for the Vietnamese Government.

The SEDP makes it clear that one of the principal tasks for the country is the expansion of trade through an acceleration of Vietnam's international economic integration. Since joining the WTO in 2007, the Government of Vietnam (GoV) has adopted a Post-WTO Action Plan for the implementation of WTO commitments and as a basis for further international economic integration. The GoV has also declared its intention of negotiating bilateral agreements with key trading partners, including Japan and the United States, and it has taken on the role of coordinator for the EU- ASEAN Free Trade Agreement negotiations, launched in March 2010. This confirms the high priority Vietnam attaches to its accelerated economic integration and export-led growth strategy.

In pursuance of Vietnam's Post-WTO Action Plan, the MUTRAP III has been proposed. It extends earlier trade-related assistance in Vietnam under the MUTRAP I and MUTRAP II and incorporates lessons learnt from those projects. MUTRAP III builds on earlier achievements of the MUTRAP II project and uses the same mechanisms, but is more focused on strengthening the capacity of the Ministry of Industry and Trade (MOIT) in its core responsibilities of trade policy-making, effective coordination with other ministries and the private sector to develop a coherent trade integration strategy, increased capacity to effectively negotiate and coordinate regional trade-related arrangements and to engage in FTA negotiations with major trade partners including the EU, to improve facilitation of trade in services and to ensure better implementation of the competition law.

Notwithstanding the contribution of MUTRAP I and II, MOIT lacks the analytical and research capacity to sufficiently assure and take on the parallel negotiations which are taking place within the WTO-Doha Development Agenda and the increasing number of regional and bilateral trade agreements in the Asian region. Since the implementation of WTO commitments is likely to be more demanding on the Government and the country at large than the WTO accession process, Vietnam will require significantly more trade-related assistance than in the past. For their part, private sector associations, universities and civil society organisations still lack a sufficient understanding to provide substantial input into trade policy making and to inform their constituencies about implications of trade integration, free trade agreements (FTAs) and business opportunities arising from increased trade and investment. Equally, they still lack professionally trained staff and funds to carry out their own research agenda. On top of the challenges stemming from WTO implementation, Vietnam has to deal with structural reform and economic transition issues and start its preparation for important reform areas which will become more relevant in FTA negotiations in the future. These include the implementation of the competition law and long-term capacity building of the new Competition Council within the MOIT to manage the economy in a market-economy way. Also, Trade in Services is of growing importance on the trade agenda of Vietnam and the management capacity of the MOIT for those sectors and the system of services statistics needs further strengthening in cooperation with the General Statistics Office (GSO).

The overall objective of the MUTRAP III is to assist Vietnam to implement the SEDP and the Post-WTO Action Plan for sustained pro-poor economic growth through stronger integration into the global trading system. The project purpose is to strengthen the capacity of MOIT to further implement and develop Vietnam's trade and economic integration strategy, with particular emphasis on the provision of European experiences. The 'results' which MUTRAP III is required to pursue are set out in detail in Chapter 1.1 (Overview of MUTRAP III).

The MUTRAP III Financing Agreement was signed on 17th June 2008 between the European Commission and the Government of Vietnam, represented by the MOIT. The total budget of MUTRAP III is EUR 10,670,000, of which the EU contribution is EUR 10,000,000. The Government of Vietnam is expected to provide 670,000 EUR to the project (a financial contribution of EUR 420,000 and an in-kind contribution to the counter-value of EUR 250,000). The Project began in August 2008 and this evaluation is being done at the mid-point of the four-year project.

The main objective of the Mid-Term Evaluation is to review the progress of the project, to check results against targets, to provide a clear and concise opinion as to how the project has progressed and to make recommendations regarding the course of action to be taken until the conclusion of MUTRAP III, in June 2012. The evaluation team has employed the evaluation approach and methodology based on the evaluation guidelines published by the EC. The mission work-plan, the tools to be applied in the field phase and the issues and evaluation questions proposed, were raised in the Inception Report, and subsequently discussed with the EUD. The Key Findings of the Mid-Term Evaluation are set out in Chapter 2. They focus on:

- the Project Design, Relevance, Coherence and EC Value-Added (2.1);
- the Achievements of the Results (Performance and Effectiveness) by reference to each of the five components of MUTRAP III (2.2);
- Efficiency (value for money) and Financial Management (2.3); and
- Impact and Sustainability (2.4);

The Mid-Term Evaluation also addresses Cross-Cutting Issues (Chapter 2.5) and EC Visibility (2.6). Chapter 3 sets out the main Conclusions and Lessons Learnt from MUTRAP III so far and Chapter 4 provides the Key Recommendations for the remaining period of MUTRAP III.

The methodology used to conduct the evaluation assignment included gathering and analysing over 150 documents sent to the evaluators (including the Financing Agreement, Overall Programme Estimates, Annual Programme Estimates, Progress Reports, Activity and Financial Reports) during the home-base stage, as well as designing an evaluation questionnaire which was distributed to over 700 key stakeholders for their feedback. A summary of the 62 responses to the questionnaire is reproduced in Annex 5.

During the 12 day in-country stage of the assignment there were extensive consultations with the EUD, the MUTRAP Office, various departments of MOIT, many stakeholders in both the public and private sector, and other donors (the list of persons interviewed in Hanoi is in Annex 3). The preliminary findings and recommendations were provided in a draft Aide Mémoire submitted to the EUD and discussed with the First Secretary (Economic Cooperation & Governance) and the Programme Officer (Co-operation Section) on 10 June. They were subsequently refined and discussed at a workshop involving over 50 stakeholders from Hanoi and other parts of Vietnam on 15 June. At that meeting the Deputy Minister of Industry and Trade stated that he agreed in general with the evaluators' assessment of project results. After the field phase was completed, the MUTRAP Office also made some observations in regard to the 'Lessons Learnt' and 'Preliminary Recommendations' in the final version of the Aide Mémoire and these have been taken into account in the preparation of this report.

The Key Findings of the Mid-Term Evaluation can be summarized as follows:

- MUTRAP III is widely perceived as being a successful project so far. This is due to a large extent to the commitment, hard-work and professional talents of the Project Director and TA Team Leader, with excellent support and guidance provided by the EU Delegation;
- Other factors responsible for the success of the project are: a very proficient technical staff in the MUTRAP Office and, for the most part, well qualified national and DMI experts;
- The design of MUTRAP III is aligned to, and is fully consistent with, the GoV's SEDP for 2006-2010, Vietnam's National Indicative Programme (2007-2010) and the Vietnam-European Community Strategy Paper (2007-2013);
- The Financing Agreement for MUTRAP III remains relevant and reflects current realities and challenges;
- MUTRAP's Logical Framework remains valid but the column summarising 'Sources and means of verification' could be made more precise, as explained in chapter 2.1.2;
- MUTRAP III is highly relevant to the needs and priorities of stakeholders, and is demand-driven. Stakeholders have been closely involved not only in the design but also in the management and implementation of the project;
- Local ownership of MUTRAP III is high. While the project has demonstrated that it can adapt to changing needs, current EC Regulations make it difficult for the project to make the necessary adjustments to the implementation of components in order to meet some new Vietnamese priorities – such as those that may have arisen in the wake of the financial crisis - which was highlighted by the Deputy Minister of Industry and Trade during the meeting with the evaluators on 1 June;

- The EC trade-related assistance provided under MUTRAP III is coherent with the Vietnam European Community Strategy Paper (2007-2013) and is widely perceived as having provided added value by other donors;
- Co-ordination with other donors has been very effective and has created synergies with other donor activities in trade-related technical assistance (TRTA) in Vietnam;
- Good progress has been made in achieving the results, particularly in regard to Components 1 (MOIT coordination for implementation of WTO commitments), 2 (coordination with the private sector, training and research institutions) and (to a lesser extent) Component 3 (increased capacity regarding negotiation of regional and bilateral trade arrangements). The services sector (Component 4) has not been given priority by the GoV compared to agricultural and industrial policies. There remains a number of impediments to services, including a scarcity of skilled human resources and a low level of entrepreneurship. In regard to Component 5, progress in developing an effective competition policy and a viable consumer protection law has been slow;
- The implementation of MUTRAP III activities are well on schedule. As of December 31, 2009, the total disbursement of the EC funding for MUTRAP III was about 3 million EUR which was 32% of the total MUTRAP III budget of 9.3 million EUR. The remaining budget - 6.3 million EUR or 68% of the EC budget - is expected to be spent from 1 January 2010 to 30 June 2012;
- The DMI, PTF and EUD are managing the budgets separately for the three components of the EC budget according to the Financing Agreement. The Audit Reports on the PTF account confirmed that the Project Funds were utilized according to the EC rules in Vietnam;
- Many activities have developed capacity among stakeholders and there are indications that MUTRAP III will be sustainable, but it is too early to make a final assessment of this. The use of long-term consultants is likely to create a deeper and more productive relationship between international consultants and the MOIT and underpin sustainability, as would a greater emphasis on the training of trainers;
- Cross-cutting issues have been addressed in the implementation of MUTRAP III so far. For example: 41% of participants in MUTRAP activities are women; a number of activities can be expected to have a positive impact on the environment (e.g. the application of sanitary and phytosanitary measures under the WTO); and various activities facilitate the adoption of transparent laws and regulations which play an important role in promoting good governance;
- The MUTRAP team has followed closely the EU Visibility Guidelines for External Actions (10/2002). A number of different initiatives have been taken – including a regularly updated website (visited 35,300 times in the past year alone), newsletters, publications of handbooks, brochures and manuals, media exposure and two portals supported by MUTRAP - to provide a high level of visibility for MUTRAP in Vietnam.

The major lessons learnt from the implementation of MUTRAP III so far are as follows:

- There is a good degree of coordination and cooperation between MUTRAP III, MOIT, other Ministries, universities and the private sector to develop Vietnam's trade and economic integration strategy but a problem appears to be the lack of infrastructural resources to communicate effectively with the private sector and a lack of awareness on the part of private enterprises of the importance and relevance of international trade-related issues for their business;
- Various business organisations believe they have not been given the same attention under MUTRAP III as the government sector. This perception may be due to a misunderstanding, on the part of some business groups, of the overall objective and purpose of the project. Some adjustments could nonetheless be made to the implementation of activities, as explained in the Key Recommendations;
- Deploying a large number of short-term experts to conduct a wide range of activities for short durations has not been conducive to creating sustained professional relationships between international and local experts;
- While the relationship between international and PTF experts is sometimes good, there is a general perception that the interaction between the two is not as productive as it could be. This is due, in part, to the fact that international experts are usually in-country for a short time and that PTF experts are not always available to work with international experts or sufficiently motivated or well qualified to make the expected inputs. At the time of finalising this report, the evaluators have been advised by the MUTRAP Office that DMI experts are now being allocated 40 days in-country instead of 25 days (in 2009);

- A major source of dissatisfaction on the part of PTF experts is the very poor pay they receive. This means that a lot of highly qualified local experts are unwilling to participate in MUTRAP III activities, preferring instead to work for other donors like UNDP or JICA;
- A number of stakeholders have drawn the evaluators' attention to the need for a comprehensive data base concerning Vietnam's trade flows with other countries, and updated information on the requirements of EU countries. Despite various efforts that have been made to improve the situation, there is still a shortage of current and accurate economic and statistical data in Vietnam.

The Key Recommendations for the second half of MUTRAP III are explained in chapter 4. They can be summarized as follows:

- To ensure that well qualified and motivated PTF experts can be put to best use it will be essential to remunerate them at a rate similar to that provided by other donors. This may involve dispensing of the outsourcing services of YKVN Lawyers;
- Other steps are also required to facilitate an effective collaboration between international experts, on the one hand, and PTF experts and Vietnamese officials on the other, including the need for international experts to arrive in Hanoi a few days before an activity to familiarize themselves with local conditions, expectations etc.;
- Consideration should also be given to having two long-term experts – one to work on WTO/FTA issues and the other on trade in services – to strengthen the working relationship between international and local experts/officials, which is essential for the purpose of transferring skills and ensuring better prospects for the sustainability of the project. This could involve 150 WDs per year in Hanoi for each long-term international expert. Office accommodation in MOIT for those experts could also be considered;
- Instead of having a large number of short-term international experts involved in the project, there should be fewer of them and their stay in Hanoi should be longer than is currently the case. Since preparing the first draft of this report, the evaluators have been advised that steps have been taken now to extend the stay of international experts in Hanoi. This is a move in the right direction.
- Greater efforts should be made to promote well-focussed dialogue between the MOIT and other ministries, on the one hand, and the business and agricultural sectors, on the other. MOIT could be approached again about the desirability of establishing a permanent mechanism, such as an over-arching committee of government/academic/business representatives that would meet regularly to consider WTO and trade integration issues. The evaluators have been advised that this was proposed in discussions for the overall work-plan, but not considered feasible at the time. In the evaluators' view this issue could be raised again with MOIT.
- Workshops with business community groups should be largely replaced by brain-storming, round-table meetings with a strong focus on practical issues;
- MUTRAP III may also need to conduct more activities in areas of the country where there is a significant concentration of farmers and SMEs to ensure that they understand the implications and advantages of greater economic integration, as well as options available to take advantage of it. The subject matter and the tools used to convey information and skills to SMEs and the farming community will need to be carefully calibrated to meet different interests, needs and levels of understanding;
- An essential tool for sharing relevant information more broadly would be the establishment of a data base (that is more comprehensive than those that currently exist) providing statistical information of Vietnamese trade flows, as well as relevant information concerning EU laws, regulations and practices relevant to Vietnamese exporters;
- For the remainder of the project, MUTRAP III should give some priority to awareness programmes, assistance in the development of effective laws and proper enforcement of intellectual property rights to make it easier for Vietnam to observe the TRIPS Agreement – a cornerstone of the WTO system;
- In the future, there should be less reliance on surveys to measure satisfaction with particular activities. Where appropriate, tests should be administered to determine to what extent understanding and skills have been transferred. Simulated negotiation sessions should also be introduced. The evaluators understand that they are now being planned;
- It will be important to continue to develop synergies with other projects – particularly the *Beyond WTO Program* and, for legal issues, the five-year Justice Partnership Programme (which was due to start in July 2010).

- Progress Reports need to be more carefully drafted and Workshop Reports should provide helpful information on 'Findings, Conclusions and Recommendations'.

1. INTRODUCTION

1.1 OVERVIEW OF MUTRAP III

The MUTRAP III Financing Agreement was signed on 17th June 2008 between the European Commission and the Government of Vietnam (GoV), represented by the Ministry of Industry and Trade (MOIT). The total budget of MUTRAP III is EUR 10,670,000, of which the EU contribution is EUR 10,000,000. The GoV is expected to provide 670,000 EUR to the project (a financial contribution of EUR 420,000 and an in-kind contribution to the counter-value of EUR 250,000).

The overall objective of the MUTRAP III is to assist Vietnam to implement the SEDP and the Post-WTO Action Plan for sustained pro-poor economic growth through stronger integration into the global trading system.

The project purpose is to strengthen the capacity of the Ministry of Industry and Trade (MOIT) to further implement and develop Vietnam's trade and economic integration strategy, with particular emphasis on the provision of European experiences.

The project pursues the following main results:

- Increased capacity of MOIT to coordinate and implement WTO commitments including progress on sector specific issues;
- Increased coordination of the MOIT with the private sector, training and research institutions to develop a coherent, social and environmental sustainable trade integration strategy;
- Increased capacity of the MOIT to effectively negotiate and coordinate regional trade related arrangements such as AFTA, ASEAN plus dialogue partners and to engage in FTA negotiations with major trade partners including the EU;
- Improved facilitation of trade in services through better coordination, statistics and better analytical capacity;
- Strengthened capacity of the competition policy stakeholders to ensure consumer protection and a fair and level playing field for all businesses through the implementation of the new competition law.

The MOIT is the Implementing Agency, through the MUTRAP III Project Task Force (PTF).

As foreshadowed in the Financing Agreement, a Project Steering Committee (PSC) was established in July 2008. It is responsible for policy guidance and co-ordination between all institutions and groups involved in the project, and meets twice a year. It is chaired by the Vice Minister of Trade and Industry - Mr Nguyen Thanh Bien. Its membership also includes representatives of the relevant Departments of MOIT, the Government Office, the Ministry of Finance, the Ministry of Foreign Affairs and the Ministry of Planning and Investment. The Project Task Force (PTF) was established by the MOIT on 25 June 2008. Within the framework of the work-plans and disbursement schedules approved by the Executing Authority and the EU, the PTF has the operational autonomy to cover technical, administrative, financial and human resources related to project co-ordination, implementation and management. It consists of seconded Vietnamese Government staff and local supporting staff. The PTF is headed by the Project Director, Ms Nguyen Thi Hoang Thuy, Deputy Director-General of the Multilateral Trade Policy Department of MOIT. The Project Co-ordinator is Ms Le Thu Ha. The Technical Assistance Team (TAT) assists the Beneficiary in the implementation of the project. Its tasks include the provision of advice on policy matters and legislation, the preparation of studies, the provision of training, and financial management. The TAT T/L is Professor Claudio Dordi from Italy.

MUTRAP III extends earlier EC trade-related assistance to Vietnam under MUTRAP I and MUTRAP II, and seeks to draw lessons from those projects. MUTRAP III further consolidates the EU's leading role among the donor community in the area of trade-related assistance. It further builds on earlier achievements of the MUTRAP II project using the same management mechanism, but being more focused on the Ministry of Industry and Trade (MOIT) in its core responsibilities of trade policy making, WTO coordination and free trade agreements, and implementation of integration commitments and competition policy.

MUTRAP III has outsourced, for the first time, the service of recruiting national experts (PTF experts) to a local consulting firm. For MUTRAP I and II, the PTF performed the task.

As of December 31, 2009, the total actual disbursement of MUTRAP III funding from the EU in the first 17 months was close to 3 million EUR. This is about 32% of the total budget indicated in the Overall Workplan. This is in line with the efficiency and forecasting of the budget expenditure of the project. It is anticipated that the project will make use of the remaining 68% of the MUTRAP budget in the second half of the project and that the remaining activities will be completed by June 2012

The EC budget was divided into three key components, i.e. the service component for international experts was managed by DMI, and the component for local experts and the operating costs are managed by PTF, while the grants were managed by the EU Delegation. The audit reports confirmed that the project funds were utilized according to the EC rules and that there was no misuse of project funds.

Because the EUD initiated the project identification/formulation phase and the tendering process for the international TA concurrently, the project managed to start relatively quickly. This enabled rapid mobilisation of the project T/L in August 2008, the signature of the Financing Agreement and the prompt implementation of urgent activities.

MUTRAP III has employed various methods to deliver the activities. These include training programs, workshops, seminars, study tours, internships, support of key officials in WTO/FTA negotiations and joint studies between international and national experts. These approaches have proven to be quite effective. In particular, through the joint studies, the national experts have strengthened their analytical capacities and improved their knowledge and skills substantially. Twelve of the 50 activities that have been identified were completed by 31 May 2010 (the cut-off time for the mid-term evaluation of this project) and 26 are ongoing. The remaining 12 have not yet commenced.

1.2 DESCRIPTION OF THE MID-TERM EVALUATION ASSIGNMENT

The main objective of the Mid-Term Evaluation of the MUTRAP III project is to review project progress, to check results against targets, to provide a clear and concise opinion as to how the project has progressed and to make recommendations regarding the course of actions to be taken until the end of implementation of the Project.

The mission is intended to assist the MOIT and the MUTRAP III project in developing their strategic vision for the remaining part of the project. The mission should provide recommendations on which particular results to specifically focus during the remaining time, keeping in mind the means available in terms of budget and human resources for the project and the functioning of the implementation agency MOIT and the MUTRAP III project. In this respect the mission will assess the relevance, efficiency, effectiveness, impact and sustainability of the MUTRAP III related to its stated purpose and results, and will identify weaknesses and challenges, whilst proposing measures and recommendations to tackle these, including recommendations for any required change/modification to project scope (including objectives, management arrangement, financing etc.) in order to support effective implementation and the delivery of a sustainable benefit stream.

The specific objectives of this mid-term evaluation are:

- To assess the progress made towards the achievement of the project objectives as laid out in the financing agreement;
- To identify specific constraints affecting the efficiency of the implementation and the effectiveness of the project (project design, institutional framework, organisational relationships, project implementation arrangements and placement/ performance of the experts and the MUTRAP III Project Task Force, as well as performance of other participants involved);
- To draw conclusions on the relevance of the project;
- To make recommendations and provide guidance for the best implementation during the remaining period with a view to ensuring maximum levels of efficiency and effectiveness, and sustainability.

1.3 EVALUATION APPROACH AND METHODOLOGY

The evaluation team has employed the evaluation approach and methodology based on the evaluation guidelines published by the EC, which was fully discussed with the EUD during the

preparation of the Inception Report of the MUTRAP III mid-term evaluation. An evaluation questionnaire was designed by the evaluation team and circulated to more than 700 key stakeholders of MUTRAP III.

(i) Home-base phase: During this phase, the two evaluators gathered and reviewed over 150 documents and materials sent to them by the consultancy firm and/or directly by the EUD and the MUTRAP Office. The evaluators reviewed the Financing Agreement, Overall Programme Estimates (overall work plans), Annual Programme Estimates (annual work plans), Progress Reports, Activity and Financial Reports. An evaluation questionnaire was designed by the evaluation team and circulated to over 700 key stakeholders in the project seeking their response and comments on the extent to which the evaluation criteria were met during the first half of MUTRAP III. During this phase, a draft mission work-plan was also prepared by the evaluators and the MUTRAP Office prepared a schedule of meetings for the evaluators in Hanoi. A schedule of the meetings actually held during the evaluators' stay in Hanoi is included as Annex 3.

(ii) In-country: Meetings and Workshop: The two evaluators were briefed on the first day in-country by Mr. Hans Farnhammer, First Secretary (Economic Co-operation and Governance of the European Delegation) and also by Ms Vo Thi Tuan Anh (Programme Officer, Cooperation Section). They were subsequently briefed by the MUTRAP III Project Director and the TA T/L. This was followed by additional briefings by the Project Coordinator and the Financial Controller.

The second day of the mission involved meetings with Deputy Minister Nguyen Thanh Bien and five other senior officials in the MOIT. The two evaluators decided that for the rest of the mission each would attend meetings with officials who handled the component relevant to the allocation of work agreed between them prior to arrival in Hanoi. The T/L and the senior expert split up interviews relating to component (a) (MOIT coordination and implementation of WTO commitments). As for the rest of the components, the T/L concentrated on components (b) (increased coordination of the MOIT with the private sector, training and research institutions) and (e) (strengthened capacity on competition policy) while the Senior Expert concentrated on interviews relating to component (c) (handling of regional agreements, and FTA negotiations) and (d) (trade in services).

The Workshop itself, on 15 June, was attended by over 50 participants, including the Deputy Minister of Industry and Trade, who said he agreed in general with the assessment of project results and would consider the recommendations made by the evaluation experts. Also present were various officials from Hanoi, Da Nang (the Deputy Director-General of Da Nang Department of Industry and Trade), the Director of the WTO Center in HCM City, some leading economists, university lecturers and the representatives of business associations (eg the General Secretary of the Ho Chi Minh City Union of Business Association, Vice Chairman of LEFASO, the representative of the Vietnam Fruit and Vegetable Association) from various parts of the country. Many of them referred to the conclusions and recommendations of the two evaluation experts and agreed with them in general terms. One was left with the impression that a number of them felt that there could be greater engagement with the business community in the future, including at the most basic primary producer level where issues would have to be explained very simply. Most speakers also commented on the very positive impact of MUTRAP III so far. Minutes of the workshop have been prepared (in Vietnamese only).

By 15 June 2010, 62 responses had been received to the 7-page Questionnaire. Although many have not responded to the Questionnaire, the evaluators have, in preparing this report, relied to some extent on the answers provided to the very specific questions included in the Questionnaire. They have based this report to a greater extent on the views expressed orally by various stakeholders in the course of meetings held with them in Hanoi between 31 May and 11 June 2010 and views expressed by various commentators at the Workshop on 15 June. Moreover, in preparing this report, they have drawn heavily on the many official project documents referred to above and also from information gleaned from their own separate researches.

2. KEY FINDINGS OF THE MUTRAP III MID-TERM EVALUATION

2.1 PROJECT DESIGN, RELEVANCE, COHERENCE AND EC VALUE-ADDED

2.1.1 Project Design

The design of MUTRAP III is aligned to, and fully consistent with, the GoV's SEDP for 2006-2010, Vietnam's National Indicative Programme (2007-2010) and the Vietnam-European Community Strategy Paper (2007-2013).

For example, the SEDP recognises the need to perfect the law on trade and services corresponding to international practices and treaties adopted by Vietnam, and the importance of creating a legal foundation for meeting the needs for trade liberalisation, investment, services and protection of intellectual property rights to which Vietnam has committed itself (SEDP, p.127). Support for the development of a legal framework for the implementation of WTO commitments underlines a large number of activities under MUTRAP III. The activities undertaken by MUTRAP III correspond to those envisaged in the National Indicative Programme (NIC) – namely, capacity-building and training for central and provincial authorities, as well as the private sector; policy-oriented research, workshops, conferences and similar events to enhance public awareness; and participation in the formulation and implementation of trade policies and trade related issues, including the Doha Round, trade facilitation, competition policy, TBT/SPS measures; institutional strengthening (including IT and systems development) and curricular development for trade-related teaching. By assisting Vietnam to consolidate its integration into the international economy as it continues its transition to a market economy, and assisting it to meet its WTO obligations, MUTRAP III is also fully consistent with the principal objectives of the EC-Vietnam Strategy Paper (2007-2013)

In pursuing the five main results identified in the ToRs, it is clear that the principal responsibility of MUTRAP III is to strengthen the capacity of the MOIT in coordinating commitments, developing trade integration strategies, and improving negotiation capacities, as well as strengthening the capacity of competition policy stakeholders and facilitating trade in services through better coordination and analytical capacity. While the first three of the expected results focus on the increased capacity of the MOIT, nearly all the activities undertaken under each component have included many other stakeholders: a number of line ministries, universities, chambers of commerce and businesses, competition authorities and consumer protection associations, and the statistical office. While this is an essential and inevitable consequence of the project, it creates – as was pointed out in Monitoring Report of 9 November 2009 – a broader framework than the original logframe suggests and, consequently, the Project Purpose and expected results do not fully reflect what MUTRAP is actually doing.

2.1.2 Relevance to the Needs and Priorities of the Beneficiaries

Over 80 % of the respondents to the Questionnaire stated that the MUTRAP components were 'highly relevant' to the needs and priorities of Vietnam and also relevant to the needs of their organizations and themselves.

Stakeholders have been closely involved not only in the design but also in the management and implementation of the project. The beneficiaries are requested to prepare the proposals for the MUTRAP activities so that MUTRAP III is essentially demand-driven. For example, shortly after the inception of MUTRAP III, the PTF cooperated closely with international experts to organise a series of meetings with MOIT departments and stakeholders to discuss the framework of MUTRAP III and their technical assistance needs.

The Deputy Minister of Industry and Trade, however, has expressed some concern to the evaluators about what he termed the 'inflexibility of the EC Financial Regulations' to make adjustments to the implementation of components in order to meet new priorities. He mentioned in particular those that have arisen in the wake of the global financial crisis and Vietnam's serious trade deficit with China. This is certainly an important point but MUTRAP has demonstrated that it can, in the framework of EC rules, adapt the program design to meet changing needs – as explained in 2.1.4 (*below*).

While the components/activities are relevant to the perceived needs and priorities of Vietnam, it is uncertain whether they can be said, at this early stage, to have had a direct impact on Vietnam's

economic reforms (Doi Moi) or on promoting pro-poor economic growth. The views of stakeholders and experts which the evaluation team consulted varied a great deal on this matter. This is not surprising given the difficulties of drawing a direct cause and effect relationship in this area.

The MUTRAP objectives and pursuit of five 'results' are realistic, though they are also quite vague and can be interpreted in different ways. They involve *assistance* to Vietnam to implement the SEDP and the Post-WTO Action Plan, *increase* the capacity of MOIT in designated areas, *improve* facilitation of trade in services and *strengthen* the capacity of the competition policy stakeholders. This can be quite easy to achieve, or rather difficult, depending on how one interprets the key words in italics used above.

MUTRAP's Logical Framework remains valid. It contains a lot of useful details but it could be more precise. The evaluators are of the view that the column summarizing 'Sources and means of verification' rely too much on 'reports' and other documentation. While this is appropriate in many cases there are a number of situations where other means of verification are relevant – eg tests that measure to what extent knowledge and skills have been transferred, the adoption of new laws to implement international obligations, important breakthroughs in negotiations (eg in the WTO context, or in FTA negotiations) that can be traced to the acquisition of greater negotiation skills learnt in the course of MUTRAP III.

2.1.3 Local Ownerships and Stakeholder Participation

Local ownership of the project is ensured by the 'bottom up' approach of the Project Director in designing and implementing the activities identified for implementation and in the regular interactions that take place between the experts, the MUTRAP PTF and the beneficiaries. Experts were often requested to revise their reports in the light of comments made by the beneficiaries.

During the first mission in Vietnam, from 15 to 26 September 2008, the DMI experts, in cooperation with PTF staff, conducted meetings with relevant stakeholders, interested agencies, business associations and universities to identify their TRTA needs in regard to all five components. This included, for example, consultation meetings with different departments and agencies of MOIT, NCIEC, VCCI, the Economic Committee of the National Assembly, the Danang College of Economics, the SPS and TBT Offices, and *Beyond WTO*. It also included Policy Networking Sessions with Universities, research institutes in Hanoi, including the Foreign Trade University, and with various business associations in Hanoi, HCM City and Danang, including VINASME, VSA, and LEFASO to discuss the framework for their activities, the components and objectives of the project.

In designing the activities to be implemented in 2009, the PTF and DMI experts developed 18 ToRS which were subsequently forwarded to the main stakeholders and beneficiaries for comments before submitting them to the EC Delegation for approval. After completing the final version of the Programme Estimate 2008-2012 (PE), the Project Director and the TA T/L worked intensively on the PE 2009 to take into consideration all the suggestions, comments and requests formulated by the PSC members.

There has been a high level of local ownership in the identification and implementation of the activities as well. For example, in regard to CB-3 (Certificates of Free Sale), the local experts prepared the draft regulation and the DMI expert then commented on the draft and explained how the subject was approached in other countries. The implementation of CB 7 – which involved the award of seven grant contracts to business associations and universities to develop their capacity on trade policy and trade law – is under the complete autonomy of the organisations which have been awarded the contracts. For this activity, MUTRAP plays a co-ordinating and monitoring role to verify that the format and output of the activities are in line with MUTRAP's objectives and purpose.

2.1.4 Adaptability of Program Design to the Changing Needs

Vietnam joined the WTO in January 2007. The MUTRAP III was designed to primarily respond to the needs for the implementation of the WTO commitments of Vietnam as well as to assist Vietnam in the FTA related preparation and negotiations. MUTRAP III was also intended to strengthen the capacity of business associations and academic institutions in trade coordination and consultation process. Since the trade in services and competition/consumer protection were identified by the Vietnamese beneficiaries as the most important sectors/issues in the economic and trade reforms in Vietnam after

the WTO accession, MUTRAP III also included the two components specifically dealing with the trade in services and competition and consumer protection issues.

It took more than 12 years for Vietnam to join the WTO. However, the implementation of the WTO commitments and the associated FTA negotiations and implementations are far more demanding for trade-related assistance than the WTO accession effort. In particular, the trade negotiations in the WTO and FTAs are always changing focus, depending on the interests and priorities of trade negotiating partners. As a result, the project management team has demonstrated flexibility in adapting or designing new project activities to respond to the changing needs and priorities of the beneficiaries. For example, given the global financial crisis and the deepening trade deficit of Vietnam, the WTO component of MUTRAP III instituted a special activity to analyze the trade deficit situation in Vietnam and provided specific recommendations not to use the balance of payment (BOP) provisions in the WTO. The conclusions and recommendations of the study convinced the Vietnamese authorities not to use the BOP provision to solve the trade deficit problem. Under the FTA component, MUTRAP III was originally designed to study the bilateral/regional FTAs with which Vietnam was involved, such as ASEAN-China, ASEAN-Korea, ASEAN-Japan FTAs. Given the developments of the FTA negotiations in Vietnam, the Project has decided to merge those FTA studies and to conduct a comprehensive study on the horizontal impact of these FTAs on Vietnam in order to compare Vietnam's commitments in those FTAs. In the services component, originally the strategy study was focused on the trade in services only. At the request of MPI, the project team was flexible in expanding the scope of the study to cover the entire service sector development strategy, which is more relevant to the needs of the country.

MUTRAP III has also displayed flexibility in the timing for implementation of activities. This included flexibilities in regard to the timing of workshops organized within the framework of CB-1, and also the dates of the missions of the COMP-3 experts - which were revised in order to accommodate the requirements of the Drafting Committee on the Law on Consumer Protection. MUTRAP has also responded well to emergencies. For example, PTF was able to organise urgently activities in October 2008 to support LEFASO in dealing with the anti-dumping review procedure initiated by the EC earlier that month.

2.1.5 Link with the EC Country Development Strategy

The *Vietnam-European Community Strategy Paper, 2007-2013 ('Strategy Paper')*, summarises the challenges faced by Vietnam, the context in which assistance of the EU is to be provided, and sets down corresponding objectives and priorities for EU support for Vietnam, together with an indication of the means to be used to provide aid. Among other things, the *Strategy Paper* states that the 'overarching objective of EU support is the sustainable reduction of poverty, in line with the 'European Consensus on Development', and states that this objective will be achieved mainly by providing support for the implementation of the SEDP and support for the health sector. Moreover, the EC also funds additional actions in the fields of Trade-Related Assistance and provides support for the EC-Vietnam strategic dialogue under the bilateral Co-operation Agreement.

The *Strategy Paper* points out that 'Vietnam needs to consolidate its integration into the international economy as it continues its transition to a market economy and accedes to the World Trade Organisation, while ensuring its WTO obligations are met and that the benefits of economic growth are available to all. Economic transition, international integration, and sustained poverty reduction need to be accompanied by progress and reforms in a range of governance-related fields, such as the judiciary and the law, decentralization, public financial management, social security reform and an enhanced role for the National Assembly. Adequate attention also needs to be paid to cross-cutting issues such as the improvement of governance, environmental protection, and the position of women in society, and EC support will reflect this, as well as addressing human rights issues.' The *Strategy Paper* also states that it is fully aligned to SEDP and that EC assistance will be provided whenever possible through budget and sector support, '...so as to secure sustainable, effective policy dialogue, Government ownership and leadership and co-ordination with other donors.'

It is clear, therefore, that the overall objective of MUTRAP III of assisting Vietnam to implement the SEDP and the Post-WTO Action Plan for sustained pro-poor economic growth through stronger integration into the global trading system is fully consistent with the *Strategy Paper* - as is its focus on increasing the capacity and coordination of the MOIT, and various stakeholders. For example, a

number of activities have been designed to promote the proper implementation of WTO commitments in Vietnam's legal system while others aim to improve the capacity of Vietnam to negotiate regional trade agreements. Other activities are aimed specifically at raising awareness among stakeholders or promoting research and surveys aimed at clarifying the best strategy for the consolidation and integration of the business community into the international economy. In pursuing the five main results referred to in the TOR, MUTRAP III is engaged in capacity-building and awareness raising among government officials, institutes of higher learning, chambers of commerce, business associations and the broader public that are essential for Vietnam's economic transition, international integration and sustained poverty reduction.

2.1.6 Coherence and EC Value-Added

The European Commission (EC) has been playing an important role in the trade-related capacity building in Vietnam in the last 15 years. MUTRAP has been recognised as a flagship trade assistance programme in the country. After the implementation of MUTRAP I and II, MUTRAP III decided to focus on the capacity building efforts in the MOIT in order to address the long-term capacity deficiency of the country. Since the EC is a major player in the global trade system and a strong supporter of Vietnam in the international integration process, the trade-related assistance under MUTRAP and other trade-related regional and country initiatives also reflects the key competence of the EC in this particular area.

The EC trade-related assistance under MUTRAP is coherent with the Vietnam-European Strategy Paper 2007- 2013 and also shows the EC value-added in comparison with other EU member states and other donors. The Vietnam-European Strategy Paper clearly identified that trade-related assistance is closely linked with sustainable development and poverty reduction through economic reforms and deeper economic integration of the country into the global trade system. The EC is able to maximize the potential benefits in the area and to establish a strong correlation and coherence between the EC's work in development cooperation and the EC's leadership in the global trade system.

Although the EU members states and other donors also provide trade-related assistance to Vietnam, MUTRAP III is able to coordinate with the EU member states and other like-minded donors on the priorities and focused areas of the trade-related capacity building of the country. For example, MUTRAP III particularly focuses on the capacity building of various departments of the MOIT to strengthen the government institutions in trade policy formulation, trade negotiations and trade coordination/consultation. In comparison, the *Beyond WTO Program* - supported by DFID, AusAid and other donors - primarily focuses on the implementation of the WTO commitments and the required adjustments for the Vietnamese society. For the Competition and Consumer Protection component, MUTRAP III focuses on the capacity building of the Competition Council within MOIT, while other donors are supporting the competition-related legislation and regulations and the promotion of a more competitive business environment in Vietnam.

Since the EC is the largest donor in the area of trade-related assistance in Vietnam, naturally EC is also playing a coordinating role to reflect the EC's leadership and value added. As a result, MUTRAP is closely working with EC-supported regional and country projects as well as with other donors to achieve the goal of donor coordination and aid effectiveness in this particular area.

2.1.7 Coordination with Other Projects and Donors

There are a number of other donor countries and international agencies that are providing support to Vietnam on trade and WTO issues. They include the *Beyond WTO Program*, which was launched in 2007 in response to a request from the GoV for donor support to assist with managing economic integration and the transition to a market economy following Vietnam's accession to the WTO. It also includes the USAID 'Star Vietnam' project, which has focused on the implementation of US-Vietnam Bilateral Trade Agreement of 2001, and which has developed productive relationships with the TA T/L.

In the short time available in Hanoi, the evaluators were able to speak to only a handful of other donors, including AusAid, DFID and the Swiss Cooperation Office. Some of the major donors – including UNDP, JICA and the Swedish aid agency – were not available. The Deputy Head of the Swiss Cooperation Office (SCO) mentioned that MUTRAP had performed well in coordinating

activities. The donors visited in Hanoi all expressed satisfaction with the spirit of cooperation that existed among donors and the productive relationships they had developed with MUTRAP III, which they perceived as a leader in the field.

The effective coordination that prevails in Hanoi among aid donors has been facilitated by the *Hanoi Core Statement on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results*. This key development policy statement, adopted by the GoV and development partners in 2005, requires (among other things) donors to rationalise their systems and procedures by implementing common arrangements for planning, design, implementation, and reporting to the GoV on donor activities and aid flows. At the EU level, Vietnam was nominated a pilot country for EU co-ordination of policy and harmonisation of procedures, and a Roadmap for closer coordination and harmonisation among EU donors in Vietnam was adopted in February 2005. This Roadmap has been closely followed by MUTRAP III.

2.1.8 Summary of Key Findings

- The design of MUTRAP III is aligned to, and fully consistent with, the GoV's SEDP for 2006-2010, Vietnam's National Indicative Programme (2007-2010) and the Vietnam-European Community Strategy Paper (2007-2013);
- MUTRAP III is highly relevant to the needs and priorities of stakeholders, and is demand-driven;
- Local ownership of the project is assured by the 'bottom up' approach of the Project Director in designing and implementing the activities identified for implementation and in the regular interactions that have taken place between the experts, the MUTRAP PTF and the beneficiaries;
- The trade-related assistance provided by MUTRAP III is coherent and is widely perceived as providing EC value-added; and
- MUTRAP III is perceived by other donors as being a leader in the field of trade-related assistance in Vietnam, and has played a significant role in donor coordination and aid effectiveness.

2.2 ACHIEVEMENTS OF THE RESULTS (PERFORMANCE AND EFFECTIVENESS)

2.2.1 Summary of the Project Activities: Achievements and Shortfalls

The following section summarizes the progress, achievements and shortfalls by component and activity in the 22 months of implementation until 31 May 2010. First, the WTO Component includes 12 activities, of which five have been completed (WTO-2, WTO-5, WTO-7, WTO-8 and WTO-12), two are planned for the remaining period (WTO-6, WTO-11) and the remaining five activities are ongoing (WTO-1, WTO-3, WTO-4, WTO-9 and WTO-10). Table 2.2.1 briefly summarizes the progresses, achievements and shortfalls of the WTO component.

Table 2.2.1.1 Summary of WTO Component Activities: Progress, Achievements and Shortfalls (As of 31 May 2010)

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
	Component 1 - Increased capacity of MOIT to coordinate and implement WTO commitments, including progress on sector specific issues			
WTO-1	Facilitation of Vietnamese officials in the WTO regular work	Ongoing	4 VN officials participated in WTO meetings/reports prepared; 8 more officials are planned to attend WTO meetings in 2010/2012.	Improved WTO participation; Increased skills in trade negotiations; Enhanced knowledge about the WTO system
WTO-2	Briefing of high-level decision makers and negotiators on trade negotiations	Completed	18 top officials briefed. Two-week training conducted in Geneva with SECO	Increased understanding of WTO by top VN officials; Enhanced cooperation with SECO.
WTO-3	Assist MOIT to make preparations for the first WTO trade policy review	Ongoing	Completed selection of PTF experts. 1 st mission rescheduled in July/2010 based on the request of beneficiaries.	Increased understanding of TPR process; Improved transparency of

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
			A joint paper planned on TPR procedures. Two training sessions planned.	VN trade system; Strengthened capacity in TPR.
WTO-4	Support Vietnam's participation in the DDA negotiations	Ongoing	Joint report prepared on DDA. One networking session and one workshop on DDA delivered. 7 DDA bulletins prepared and printed. 4 VN officials attended DDA in 2009. 8 more officials attend DDA in 2010. Three DDA bulletins planned in 2010	More active participation in DDA; Increased public awareness of DDA through networking session workshop and bulletins
WTO-5	Support MOIT to improve the quality of Vietnamese trade laws and make them compatible with international obligations	Completed	Purchase of WTO DS reports 1996-2007. World trade law database subscribed. A report on law consistency prepared. Two workshops with 80 participants each.	Inconsistency of laws with international obligations analyzed; Legislative amendments; Better understanding of legal requirements of trade treaties
WTO-6	Assess the accession of Viet Nam to international economic conventions and make domestic laws compatible with international obligations	Planned Q3/2011	It is still in the planning stage No outputs yet	NA
WTO-7	Assistance to the WTO commitments in the SPS and TBT areas	Completed	Two short papers prepared on SPS and TBT requirements. 5 workshops organized. A study tour to Philippines on SPS/TBT.	Improved understanding on SPS/TBT; Difficult to engage industries and businesses, local experts too busy.
WTO-8	Analyzing Vietnam's trade deficit and the balance of payments provisions of the WTO	Completed	A joint report prepared on BOP issues. A policy networking session organized.	Contributing factors to VN's trade deficit analyzed; WTO compatible proposal adopted.
WTO-9	Increase the capacity of central agencies in assessing impact of international economic integration on the economy, policy making and legislative coordination	Ongoing	Two workshops organized. Impact of 2-year WTO membership assessed and options discussed. Three more workshops planned. A joint policy report planned.	Increased understanding of central agencies on WTO issues; More market-economy policies promoted.
WTO-10	Upgrading capacity of IP law enforcers to overcome sophisticated techniques	Ongoing	Decree drafted on administrative sanctions for counterfeiting goods. Three workshops planned. A handbook in the drafting process publication on Q&A on Decree planned. A website on genuine/counterfeit products planned; Study tour to Europe planned.	Once the activities are completed, and the Decree approved, they are expected to lead to Increased understanding of the issues, and enhanced legal instruments for IP protection in the area .
WTO-11	Organize one public awareness raising campaign, with special focus on IP enforcement	Planned Q2/2011	It is still in the planning stage. No outputs yet.	NA
WTO-12	Support to study the non-market economy status of Vietnam and its implications	Completed	A report on NME prepared. One workshop organized.	Improved understanding of NME; One workshop (instead of 2 as originally planned).

Source: Provided by the MUTRAP Office and based on consultants' interviews

The Capacity-Building component (CB) includes seven activities, one of which has been completed (CB-3), three are ongoing (CB-1, CB-2, CB-7) and three have not yet started (CB-4, CB-5 and CB-6). Table 2.2.2 briefly summarizes the progresses, achievements and shortfalls of the WTO component.

Table 2.2.1.2 Summary of CB Component Activities: Progress, Achievements and Shortfalls (up to 31 May 2010)

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
Component 2 – Increased coordination of the MOIT with the private sector, training and research institutions to develop a coherent, social and environmental sustainable trade integration strategy				
CB-1	Strengthening the coordination ability of MOIT and relevant Ministries, local government bodies and the private sector with respect to the negotiation and the enforcement of Vietnam's international trade and economic agreements (including WTO, ASEAN, FTAs)	Q3/2008-Q1/2012 On-going	* Deployment of two PTF experts (33 days each) and preparation of two handbooks explaining Vietnam's WTO and FTA commitments in a number of important areas *Thirteen workshops/training courses to disseminate information and raising awareness on WTO, FTA issues for local government bodies, journalists, association of lawyers and private sectors.	* Three Handbooks published; * Assisted MOIT, WTO Center in HCM City, Vietnam News Agency, Da Nang Dept of Industry and Trade, Hue Dept of Industry and Trade, Economic Committee-National Assembly. Ho Chi Minh Institute of Political Studies, the Political Military Academy, the National Committee for International Economic Cooperation to organize 13 workshops on anti-dumping, customers' interests protection, the global economic crisis and its impact on the Vietnam's economy, integrated economic development and security-national defence, economic stimulus policies, WTO notification, the Vietnam-Japan Economic Partnership Agreement, opportunities and challenges for female officials and employees after three years of WTO membership.
CB-2	Strengthening the foreign information system for enterprises in order to support their import-export activities and support for the registration in the EU of Vietnamese GI products	Q1/2009-Q4/2010 On-going	*Two workshops for launching export enterprises portal and database; * Five workshops/training courses to identify for enterprises the features and the advantages of utilizing the Export Portal; *Study tour for 2 officials to Europe for 5 days , to be implemented in Q3/Q4 2010.	*Assisted Vietnam E-commerce and IT Agency to set up, train, disseminate and launch Vietnam Export Portal with the aim of assisting enterprises to promote export and enhance competitiveness. Greater awareness on the part of enterprises of the advantages of using the portal. *Assistance to Kien Giang PC and Phu Quoc Fish sauce to complete procedures for registration of the Protected Designation of Origin in the European Union.
CB-3	Support MOIT in drafting a Prime Minister's decision on the promulgation of regulations on the issuance of Certificates of Free Sale	Q2 – Q4 2009 Completed.	*Study tour for officials from MOIT to some selected countries	System for issuing CFS for products to be exported in selected countries was provided in the draft decision on CFS, which was based on the recommendations provided by DMI experts. Various aspects of the draft decision have been

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
			<p>adopting Certificates of Free Sale (CFS)</p> <p>* Report identifying all the necessary administrative documents and procedures required for the issuance of CFS for exports. One workshop to introduce the regulation to businesses and CFS issuing authorities.</p> <p>* Prime Minister's Decision on the Certificate of Free Sale for imported and exported products – CFS promulgated on 10th February 2010.</p>	modified to take into account the suggestions of DMI experts. This activity has promoted a fully WTO-consistent legal act.
CB-4	Researches on trade related environmental and social issues	Q2/2011 Not yet started		
CB-5	Training courses on trade policy analysis, data and market diagnosis, and other issues	Q3-Q4/2010 Not yet started		
CB-6	Raising awareness and strengthening the management capacity of local government departments in dealing with international economic integration	Q2-Q4/2010 Not yet started	To be implemented in cooperation with <i>Beyond-WTO Program</i>	
CB-7	Capacity building of trade policy for Vietnamese Business Associations and Universities	Q4/2009-Q4/2011 On-going	*Seven 'grant contracts' have been awarded – to various universities, chambers of commerce and business associations (VCCI, SEQUA and VINASME, EUROCHAM, LEFASO, FTU, HLU) – to implement this component, through a 'call for proposals'	<p>*Production of manuals, articles and booklets for dissemination of information regarding trade policy and trade law (in Vietnamese).</p> <p>* Among other things, preparation of curricula etc for trade-related courses, introduction of new trade-related post-graduate courses and exchange of lecturers in trade policy and trade law between Vietnamese and European universities that have strengthened the teaching and research capacities of Vietnamese universities on trade policy and trade law.</p>

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
			<p>procedure organized by the EUD in Vietnam.</p> <p>* Budget of Euro 1.7 million is being spent to increase capacities of the Vietnamese business associations to become an efficient consultation partner to the Government and to provide efficient assistance to their members on trade issues, improve teaching and research on trade policy and trade law of Vietnamese universities.</p>	

Source: Provided by the MUTRAP Office and based on consultants' interviews

The FTA component includes nine activities. Two activities (FTA-1 and FTA-7A) were completed in 2009 and other two activities (FTA-2 and FTA-9) were almost completed in the first half of 2010. As agreed with the beneficiaries and the EUD, the four activities (FTA-2, FTA-4, FTA-5, and FTA-9-EU) were merged into one horizontal FTA study in order to compare/measure the impact of those FTAs on Vietnam. Attached is a summary table of this component.

Table 2.2.1.3 Summary of FTA Component Activities: Progress, Achievements and Shortfalls (as of 31 May 2010)

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
Component 3 - Increased capacity of MOIT to effectively negotiate and coordinate regional trade related arrangements such as AFTA, ASEAN plus dialogue partners and to engage in FTA negotiations with major trade partners including the EU.				
FTA-1	Impact assessment of ASEAN-China FTA on Vietnam's economy	Almost Completed	Final report on the impact of the ASEAN-China FTA prepared but not approved yet. A technical workshop delivered with 84 participants. Policy networking organized.	Improved ability to conduct FTA impact analysis; Increased understanding of the impact of ASEAN-China FTA on Vietnam.
FTA-2	Impact assessment of ASEAN-Korea FTA on Vietnam's economy	Merged into FTA-HOR	Interim report prepared. For health reasons, one expert resigned & another worked home. Activity integrated into FTA-HOR	Improved understanding of FTA impact; Methodology and skills transferred
FTA-3	Impact assessment of ASEAN-India FTA on Vietnam's economy	Merged	Activity integrated into FTA-HOR	Good progress made
FTA-4	Impact assessment of ASEAN-Australia-New Zealand FTA on Vietnam's economy	Merged	Activity integrated into FTA-HOR	Good progress made
FTA-5	Analyze and compare the Rules of	Planned	DMI experts selected and PTF	NA

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
	Origin (ROOs) in bilateral and multilateral trade agreements	Q3-4 2010	experts contracted. Participation of 10 officials in ROO meetings planned in 2010/2011.	
FTA-6	Legal analysis and impact assessment of FTA partners' and ASEAN countries' NTBs	Planned Q2-4 2011	At the request of beneficiaries moved to 2011 for sequencing. No outputs yet.	NA
FTA-7	Training on Trade Negotiating Skills	Planned Q3/ 2010	Still in the planning stage No outputs yet	NA
FTA-7A	Support Vietnam in EU-ASEAN trade negotiations	Completed	20 VN trade counsellors trained	Better understanding of EU rules and EU-Vietnam trade negotiations.
FTA-7B	Support Vietnam in Viet Nam – EU trade negotiations	Completed	22 VN trade counsellors trained in Brussels	Better understanding of trade counsellors on trade negotiations.
FTA-8	Facilitate the participation of Vietnamese officials in ASEAN and other regional trade negotiations	Ongoing	16 officials attended ASEAN & regional meetings. 14 more officials will attend regional trade meetings in 2010 and 2011.	Increased participation of VN officials in FTAs. Enhanced understanding of VN officials on ASEAN-EU trade negotiations.
FTA-9	Impact assessment of AFTA and other FTAs, including ASEAN-EU FTA on Vietnam's economy	Merged	Split into two sub-activities: FTA9-EU and FTA9-AFTA, see below	
FTA9-EU	Impact assessment of EU-VN FTA on Vietnam	Ongoing	A study on impact of EU-VN FTA on Viet-Nam's economy conducted, however final report has not yet been provided. One workshop planned.	Methodology and skills transferred. NA
FTA9-AFTA	Impact of AFTA on Vietnam	Merged	Activity to be integrated into FTA-HOR	NA
FTA-HOR	FTA-2, FTA-3, FTA-4 and FTA9-AFTA are merged into one FTA-HOR to study the comprehensive impact of Vietnam's FTAs with those partners on Vietnam	Newly created Ongoing	The study has just been started. Baseline data collected. DMI/PTF experts selected.	NA

Source: Provided by the MUTRAP Office and based on consultants' interviews

The Trade in Services Component includes ten activities. SERV-2A was added on at the request of the beneficiaries (MPI) and completed in 2009. Three more activities (SERV-4, SERV-7, SERV-9), which began to be implemented in 2009, will be completed in 2010. The remaining activities are either ongoing or at the planning stage.

Table 2.2.1.4 Summary of the Services Activities: Progresses, Achievements and Shortfalls (as of 31 May 2010)

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
Component 4 - Improved facilitation of trade in services through better coordination, statistics and better analytical capacity				
SERV-1	Assessment of economy-wide impact of service liberalizations in key sectors	Ongoing	Recruitment of experts is under way. No output yet.	Transfer the analytical skills and knowledge to Vietnamese universities and research institutes.
SERV-2	Research on competitiveness of key services sectors and strategy development	Ongoing	Just started. Two services sectors selected: telecommunication & securities No output yet	NA
SERV-2A	Formulation of the draft comprehensive strategy for services sector development to 2020 and a	Completed	This activity was added at the request of MPI. Comprehensive report	The strategy for the service sector development strategy approved;

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
	vision to 2025		prepared. No workshop conducted (No request to organize a workshop from MPI) .	transfer of analytical skills and knowledge.
SERV-3	Support for development of logistical services	Planned for 2011	Still in planning stage. No outputs yet.	NA
SERV-4	Regulatory review of Vietnam's distribution services and recommendations for sector regulations	Ongoing	Regulatory review on distribution services completed. Advice on distribution services. Study visit to Germany on development of distribution system completed. Recommendations on improving regulations on wholesale and retail for further amendment of Commercial Law. Two more missions planned in Q3 and Q4, 2010 and three workshops planned. Translation and publication planned.	WTO-consistent law on retails drafted and being reviewed; possible amendment to Commercial Law 2005; Better understanding of the impact of distribution services; Increased capacity of VN experts in the area.
SERV-5	Comparative study on the domestic regulations of distribution services in EU, ASEAN and selected East Asian countries	Ongoing	DMI & PTF experts recruited. Study tour on the domestic regulations of distribution services in Czech and Germany conducted (March 2010) Study tour to Korea and Japan conducted (June 2010). Three workshops planned.	Better understanding of distribution services in EU, ASEAN and others; Better decree on distribution; Increased capacity in FTA negotiations in the area.
SERV-6	Training courses on services negotiations	Planned for 2011	No outputs yet.	NA
SERV-7	Capacity building to improve the statistical system for trade in services	Ongoing	A study on ITS benchmark census completed; 2-week internship completed (Hungary). A benchmark census plan prepared. Two training workshops on benchmark census of services conducted. Study tour to EUROSTAT completed; pilot sample survey of FATS planned. On-the -job training on FATS planned. 2 officials in the OECD seminar planned. More workshops planned.	Enhanced capacity of GSO, MOIT & PSO in service-related statistics; the benchmark census conducted for the first time; strong ownership of GSO of the activity as GSO experts delivered the activity; quarterly sample survey can be launched in 2010 with the assistance of MUTRAP III.
SERV-8	Capacity building to statistical analysis and forecasting of financial services development	Planned for 2011	Still in a planning stage No outputs yet	NA
SERV-9	Support for the establishment of a GATS enquiry point	Ongoing	A report on GATS Enquiry Point completed. Study tour to China completed. Training of GATS Enquiry Point planned. Training workshop planned. Purchase of software and hardware for the GATS Enquiry Point planned.	GATS Inquiry point studied and prepared; Increased transparency of the service sectors;

Source: Provided by the MUTRAP Office and based on consultants' interviews

The Competition Policy Component includes seven activities. Two have been completed (COMP-3 and COMP-5), four are on-going (COMP-1, COMP-2, COMP-6 and COMP-7), and one has not yet started (COMP-4).

Table 2.2.1.5 Summary of Competition/Consumer Protection Activities: Progress, Achievements and Shortfalls (up to 31 May 2010)

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
Component 5 – Strengthened capacity of the competition policy stakeholders to ensure consumer protection and a fair and level playing field for all businesses through the implementation of the new competition law.				
COMP-1	Capacity building and technical assistance for VCC	Q2/2009 - Q4/2011 Ongoing	* Sessions on international competition law conducted by two international experts, assistance in organisation of conference, 5 days of training for VCC staff and other beneficiaries in Hanoi, assistance to VCC for the acquisition of an encyclopedia on competition for reference and study purposes. And translation of documents for the website	* Provided effective support for the VCC; * Training courses achieved the objective of training the judges and high-ranking staff with the aim of having the competition adjudicatory role carried out effectively and efficiently.
COMP-2	Best administrative practices to hear and adjudicate cases on Competition Law	Q3/2009 - Q3/2010 Ongoing	* Assisted two VCC members to participate in inter-governmental conference on competition law and policy (7-9/7/2009) in Geneva' * Assisted two VCC members to participate in the European Competition Day 6 – 7/10/2009 in Sweden and in meetings with the Competition Authority of Sweden and Norway	* The expected outcomes are: to have VCC involved in a network of excellence with the competition authorities of third countries; and to have VCC staff informed of the best practices in third countries and to have its adjudicatory role carried out effectively and efficiently.
COMP-3	Upgrading Vietnamese Consumer Protection Legislation	Q3/2009 - Q1/2010 Completed	* Round Table discussions and workshops with the involvement of 2 DMI experts and 5 PTF experts, involving, <i>inter alia</i> , review of the compatibility of Vietnam's legislation on consumer protection with the WTO and related reviews of legislation * Two reports completed: 1. Review, systematize current regulations on consumer protection 2. Recommendations on Draft Law on Consumer Protection.	* Assisted drafting Committee of Consumer Protection Law to review Vietnamese legislation on consumer protection, provided comments to improve the draft law and assess its compatibility with the EU and WTO consumer protection rules; * The revised draft of the Consumer Protection Law, which takes into consideration the comments of the experts, will be submitted to the National Assembly in 2010.
COMP -4	Strengthen Vietnam's consumer organisations' capacity to handle complaints	Q1- Q4/2010 Ongoing	DMI expert was not available in Q1-Q2. Hence this activity was moved to Q4.	
COMP-5	One public awareness campaign, with special focus on the regulation of anti-competitive practices	Q2- Q4/2010 Completed	*Visit of 2 DMI Experts, *Five one-day workshops organised by MUTRAP and VCCI on 'Legislation governing anti-competitive practices: EU experiences and lessons learnt for Vietnam' were held in 5	*The awareness of the importance of competition law has been substantially raised in Vietnam; *The activity contributed to the dissemination of

MUTRAP III Activity	Planned Activities	Current Status	Outputs/Outcome/Results	Achievements/ Shortfalls
			<p>major cities and attended by around 650 participants;</p> <p>* Seven brochures introducing Vietnam Competition Law completed and disseminated (2000 copies);</p> <p>2000 copies of Handbook entitled 'Anti-competitive practices: Some EU case studies' has been published and disseminated</p> <p>* One press conference in Hanoi and approx. 80 article, TV features and interviews</p>	<p>information regarding the first two competition cases settled by the Vietnam Competition Council;</p> <p>* Understanding of Competition Law has increased at all levels: Ministerial (handbook); business (brochures), and among the general public (press campaign).</p>
COMP -6	One public awareness raising campaign, with special focus on consumer protection	Q4/2010	* Awaiting National Assembly to approve the law	NA
COMP-7	Increasing awareness of business anti-dumping procedures threatening Vietnamese exporters	Q4/2008 – Q1/2011 Ongoing	<p>* Two workshops - held in Hanoi (10/10/08) and HCM City (16/12/08) – in cooperation with LEFASO, to raise awareness of the importance of fully complying with international rules and of the relevance of trade defense instruments (anti-dumping, countervailing measures and safeguards);</p> <p>* Two seminars were held involving the participation of more than 100 representatives from enterprises in the leather footwear sector;</p> <p>* MUTRAP supported LEFASO to create 2 hotlines operated by two lawyers (one in Hanoi and the other in HCM City) to assist LEFASO and leather and footwear enterprises to deal with the formal and substantial requirements of the EU expiry review of anti-dumping measures on footwear with uppers of leather.</p>	* Among other things, the workshops clarified the formal and substantial requirements to be fulfilled by the Vietnamese enterprises affected by the EU Expiry review of anti-dumping measures on footwear and uppers of leather.

2.2.2 Assessment of the Results of the Five Components

2.2.2.1 Component 1: Coordination and implementation of WTO commitments

Generally speaking, the 12 activities under the WTO Component are highly relevant to the needs and priorities of Vietnam. Vietnam joined the WTO in January 2007. As a new member of the WTO, Vietnam needs to strengthen its negotiating capacity in the WTO. Most of the activities under the component were designed to enhance the capacity of MOIT in the WTO negotiations and implementation of Vietnam's WTO accession commitments. Some activities were intended to bring the Vietnamese laws and regulations in compliance with the WTO requirements while others were designed to address the emerging issues such as the financial crisis and trade deficit, and the non-market economy status of Vietnam.

The first activity under this component involved the facilitation of Vietnamese officials in the WTO regular work. Five Vietnamese government officials attended WTO meetings in Geneva (14-25

September 2008) involving the Committee on Agriculture, the Committee on Regional Trade Agreement and the Symposium on Movement of Natural Persons. Four MOIT officials also participated in the TRIPS meetings in Geneva from 28-29 October 2008. The participation of Vietnamese Government officials at regular meetings of WTO bodies contributed to their knowledge of the operation of WTO and is likely to assist them in dealing more effectively with WTO issues in the future. Reports were prepared by the officials who attended WTO meetings.

Of the completed activities, **WTO-2** (*Briefing of high-level decision makers and negotiators on developments in international trading system*) involved two one-week training courses in the WTO building in Geneva (21-25 September 2009 and 14-18 December 2009) for 18 Vietnamese high-level officials and negotiators from different ministries. The activity was implemented with the Swiss Cooperation Office (SECO), which was responsible for the organization of the training while MUTRAP III provided financial support for travel and subsistence. The instructors included the chairmen of some of the most important topics (eg Agriculture, Services) discussed in the Doha Round, the representatives of a number of key WTO members (including the EU, China and the US), four WTO Deputy Directors-General, professors specializing in WTO issues, and representatives from institutions, such as the FAO and the International Trade Center.

This activity was considered to be very helpful to the Vietnamese officials and negotiators and could be followed up with similar activities during the remainder of MUTRAP III. As suggested in the Six Month Technical and Financial Progress Report (July-December 2009) SECO could, for example, continue to provide a 'coaching activity' for the negotiators in the framework of activities under WTO-1, WTO-4 and FTA-8.

Another completed activity is **WTO-5** (*Support to MOIT to improve the quality of Vietnamese trade related laws and making them fully compatible with international obligations*). This activity – which involved, *inter alia*, workshops and support for subscription to a database (www.worldtradelaw.net for 2009-2012) and the acquisition of WTO Appellate Body Reports from 1995 to 2008 -- provided support to the MOIT (Legislation Department), the MoJ, the National Assembly Office and line ministries in identifying inconsistencies that still exist between national legislation (in particular, the Commercial Law, the Competition Law and the Ordinance on Trade Defense Measures), with recommendations on the best way to overcome the inconsistencies. Four DMI and six PTF experts prepared a report entitled *Building capacities in the MOIT to improve the quality of trade related laws and make them compatible with WTO obligations*. The report is based on an analysis of the relevant Vietnamese legislation and case-laws and on a number of meetings with relevant stakeholders and experts.

The methodology proposed in the report could be applied to all other domestic laws that are incompatible with WTO obligations, and this would assist in creating a more predictable business environment. The results of the activity have been presented in two workshops (Hanoi, 16/11/09) and HCM City (17/11/09), which involved the participation of around 80 persons in each workshop. The GoV is now considering seeking from the National Assembly the necessary revision of the law, following in large part the suggestions provided by the DMI and PTF experts.

One of the important contributions of MUTRAP III was to bring the four Central Agencies (i.e. Party Office, Government Office, National Assembly Office and President Office) together to organise workshops and seminars on economic integration issues. This activity was quite effective in educating the Vietnamese senior officials and top decision makers about the changing trading environment after Vietnam joined the WTO. For example, due to the trade deficit situation in Vietnam, some advised the Government of Vietnam to use the Balance of Payment provision in the WTO to impose import barriers. As a member of the WTO, Vietnam could legally use the provision. However, this would have seriously damaged the reputation of Vietnam in the world trading system. MUTRAP III has carried out the study and analyzed the trade deficit situation, particularly the Vietnam-China trade imbalance, and finally concluded that Vietnam's trade deficit situation was due to many factors and Vietnam should make concerted efforts to increase its competitiveness rather than use the balance of payment provision in the WTO.

The study on the non-market economy status and the two studies on the SPS and TBT issues in Vietnam were also well received by the Vietnamese beneficiaries. After Vietnam joined the WTO,

many developed countries, including the European Union and the United States, continue treating Vietnam as a non-market economy when they apply their anti-dumping laws to Vietnamese exports. A surrogate country is used for the anti-dumping investigations on Vietnamese anti-dumping cases, resulting in higher dumping margins. This is not fair for Vietnamese exporters. The study has helped the Vietnamese exporters to understand better the antidumping regimes of many developed countries and also taught them how to defend their trade interest when they are engaged in an antidumping case. The SPS and TBT studies have highlighted the technical issues in these specialized fields. They also helped to strengthen the Vietnamese capacity in dealing with the SPS and TBT inquiry points and notification requirements. The Vietnam TBT and SPS Offices highly appreciated the assistance from MUTRAP III in their respective areas.

There have been few activities so far in regard to the intellectual property items of this component – WTO 10 (Upgrading capacity of IP law enforcers to overcome sophisticated techniques) and WTO 11 (Organize one public awareness raising campaign, with special focus on IP enforcement). The latter is still in the planning stage. A Decree had been drafted applying administrative sanctions against counterfeit goods. A handbook on the Decree is also being planned, as are workshops and a website on genuine/counterfeit products, a study tour to Europe and a public awareness-raising campaign, with a special focus on IP enforcement.

Further work is still required on the draft Decree, particularly in regard to draft Art. 4. The view expressed by the National Office of Intellectual Property (Mr Thanh) to the T/L (at a meeting held on 2 June 2010) was that the Vietnamese community's understanding of counterfeit issues was very low, and that MUTRAP should focus in the future on civil actions and the training of judges in civil courts. The evaluators believe, however, that much more should be done since the TRIPS Agreement requires not only civil and administrative sanctions but also the criminalization of some intellectual property violations (for trademark counterfeiting or copyright piracy on a commercial scale – see Art. 61 of the TRIPS Agreement). There appears to be a poor understanding of intellectual property issues on the part of the authorities (including the police and judges), and the public at large, in Vietnam. Although there is already an important project on intellectual property for the region run from Bangkok (the 2008 ECAP Programme) it will be important for MUTRAP III to give some priority to awareness programmes in Vietnam, the development of effective laws and proper enforcement of IPR in the remaining period of the Project to make it easier for Vietnam to observe the TRIPS Agreement – a cornerstone of the WTO system.

The evaluators have interviewed many stakeholders and beneficiaries and almost all of them highly appreciated the assistance of MUTRAP III under the WTO component. In particular, the MOIT officials have confirmed that the MOIT capacities have been substantially strengthened as a result of the implementation of MUTRAP activities. The Vietnamese have become better trade negotiators and they are more heavily engaged in the process than before. Occasionally they have also made proposals in negotiating sessions rather than just played a passive role. Through the joint studies, the participating officials have also learned from foreign experts how to conduct research and develop analytical skills. As one of the senior officials from MOIT has indicated, 'the lasting impact of MUTRAP III is to build the capacity of MOIT which can be sustainable for the country.'

2.2.2.2 Component 2: MOIT coordination with private sector, training and research institutions

While the main focus of this component is to increase the coordination capacity of the MOIT, all the activities undertaken have included other stakeholders – including other ministries, universities, professional and business associations. This component has focused on: the preparation of handbooks explaining Vietnam's WTO and FTA commitments and 13 workshops/training courses to disseminate information and raising awareness on WTO/FTA issues for local government bodies, journalists, association of lawyers and the private sector (CB-1), workshops to launch the Export Portal and database and assistance to *Kien Giang PC* and *Phu Quoc Fish Sauce Producing Association* to complete procedures for registration of the Protected Designation of Origin in the EU (CB-2); a study tour to selected countries adopting Certificates of Free Sale, a report identifying all the necessary administrative documents and procedures required for the issuance of CFS for exports, culminating in the Prime Minister's Decision on CFS for imported and exported products promulgated on 10 February, 2010 (CB-3); and the issuance of seven 'grant contracts' to various universities and business associations to improve teaching and trade policy/law in Vietnamese universities, and to

increase the capacities of Vietnamese business associations to provide efficient assistance to their members on trade issues and become an efficient 'consultation partner' to the Government (CB-7).

The activities have been designed in close cooperation with the beneficiaries. Some activities have been aimed at different beneficiaries and covered a multitude of subjects (e.g. CB-1 and CB-7) while others have had a more specific focus (CB-2 and CB-3). CB-1 involved the printing and dissemination of three handbooks on trade in services, legislation on consumers' interest protection and the Vietnam-Japan Economic Partnership Agreement (2000 copies of each book were disseminated to interested organisations) and 13 workshops/training courses while CB-3 focussed on support to MOIT in drafting the regulations on the issuance of the Certificates of Free Sale. Similarly, CB 2 has a relatively narrow focus (Vietnam overseas market information portal and support for the registration in the EU of Vietnamese GI products) while CB 7 covers a very wide field – namely, capacity-building for various Vietnamese business associations and universities.

All the activities under this component also complement each other and are coherent. They have given rise to a better awareness on the part of MOIT, other government agencies, universities and the private sector to issues relating to the negotiation and implementation of WTO rules and international trade agreements generally, coupled with the promulgation of the necessary laws and regulations to facilitate consistency with WTO obligations on particular subjects.

The activities under component 2 were also effective and efficient, though this is more readily measurable for some activities than for others. For example, the Vietnam Overseas Market Information Portal, supported by MUTRAP, has attracted many visitors. In the first four months of 2010, there were 88,178 visitors to the website with 327,880 pages viewed. On 21 April 2010, the Portal won the Sao Khue Award 2010 for the quality of the Portal. As for the drafting of the Prime Minister's decision on the promulgation of regulations on the issuance of CFS (CB-3), the assessment of the consortium of YKVN, PBC Partners and the Ho Chi Minh City Institute of Development Research considered that two of the four PTF experts they had provided to execute this activity had not been up to the task though it appears that the problem has not had a major impact on the promulgation of the CFS on 10 February 2010. Another problem is that, according to the MOIT, the manufacturers of the fish sauce in the provinces still do not have a good understanding of the relevance, or importance, of following international rules in order to register their products in other countries.

Judging from the responses to the Questionnaire and comments made at meetings with stakeholders in Hanoi, there is little doubt that the results of this component were attained. The survey of participants assessment of the relevant activity indicated, in general, a high level of satisfaction with the content and management of workshops. Surveys are, however, not the best way to measure to what extent knowledge and skills have been transferred. In future, tests designed to measure to what extent participants have understood the subject-matter and acquired skills should be developed and employed wherever feasible. Another problem is that Workshop Reports are, in many cases, superficial. Some of them are poorly written and many contain only one or two sentences of 'Findings, Conclusions and Recommendations'. For example, the Workshop Report CB-1 on *Disseminating the Vietnam-Japan Economic Partnership Agreement* contains only one sentence for Findings, Conclusions and Recommendations.

A number of stakeholders have expressed the view to the evaluators (and also at the Workshop on 15 June) that MUTRAP III gives greater support to the MOIT, other ministries, universities, law reform institutions than the business sector. This criticism may be a little unfair to the extent that MUTRAP III's objectives are focused on capacity building of the MOIT and governmental bodies connected with the implementation of WTO rather than the private sector. While a lot activities have involved the private sector in the cities as well as in the provinces, it would nevertheless be desirable for MUTRAP to ensure that future activities with business associations focus on their priorities, particularly in regard to developing well-targeted, and regularly updated, electronic data on international trade issues. Interactions with the business community could also focus more on brain-storming sessions rather than just awareness-raising and - as one representative at the 15 June Workshop proposed - take a more practical "bottom-up approach" that is intelligible to farmers as well as to business executives.

The impact and sustainability for this component is high. The organisation of various workshops and study tours and, above all, the publication of three handbooks, the establishment of a widely-used

export portal, assistance in the registration in the EU of Vietnamese GI products, and the production (under the seven 'grant contracts' awarded to various universities, chambers of commerce and business associations, with a substantial budget of around €1.6 million) of manuals, articles and booklets for dissemination of information regarding trade policy and trade law (in Vietnamese) are widely considered to have had a beneficial impact and to have gone a long way in meeting the overall and specific objectives of the project. While it is too early to measure their impact on pro-poor economic growth in Vietnam, there is little doubt that they are materially assisting Vietnam in implementing the Post-WTO Action Plan and facilitating stronger integration into the global trading system.

2.2.2.3 Component 3: FTAs

In the last few years, Vietnam, along with other ASEAN members, has been actively engaged in free trade agreement negotiations. Vietnam joined the ASEAN Free Trade Area (AFTA) in 1993. Through the trade and investment mechanisms in ASEAN, Vietnam has been negotiating with its ASEAN members on tariff reductions, services opening and investment liberalization. ASEAN countries are now moving in the direction of an ASEAN Economic Community which requires much more negotiations and consultations among ASEAN members. In addition, Vietnam has been active in negotiating with China, Korea, Japan, Australia, New Zealand, India, and recently with the EU on FTAs either through ASEAN as a group or with individual ASEAN members only. The ASEAN-China FTA became effective in 2009. ASEAN-Korea; ASEAN-Japan; ASEAN-Australia/New Zealand FTAs have also been signed. The ASEAN-India FTA negotiations are ongoing and the FTA negotiations with the EU have just started.

Given the situation, the FTA component of MUTRAP III originally designed 9 activities to address the needs of Vietnam in the FTA area. These activities were primarily devoted to carry out the impact studies on various FTAs in which Vietnam was involved. Some activities were intended to strengthen the negotiating skills of Vietnamese officials in the FTA negotiations, and others were designed to analyze the impact of non-tariff barriers and rules of origins on Vietnam.

While most of the activities under this component are relevant to Vietnam, the evaluators found that the experts had devoted the impact analysis of FTAs to the legal analysis rather than the economic impact analysis which is mostly required under the project. In particular, since these FTAs are inter-related, the impact analysis of one particular FTA will have to link the impacts of other FTAs which Vietnam is negotiating or has negotiated. Therefore, the MUTRAP Team made the right adjustment to merge the remaining four FTA impact studies into one FTA horizontal study later in order to carry out a comprehensive study on the impact of all FTAs which Vietnam is negotiating and/or implementing. This adjustment is a move in the right direction and makes the FTA impact studies more relevant to Vietnam.

However, the impact studies require current and accurate data for the analysis. This seems a big problem in Vietnam. Many international and national experts have expressed their concerns on the quality of the impact analysis due to the lack of accurate and current economic data in Vietnam. This is the area that GoV and the donor community need to invest in the near future.

As of May 31, 2010, there were three completed activities under this component – two training activities for the Vietnamese trade counsellors in Europe and one FTA impact study on China prior to the merge. The evaluators have contacted the Vietnamese trade counsellors who participated in the training programs in Geneva and Brussels. Most of them praised highly the training activities and confirmed that their understanding of the WTO negotiation process and the issues involved was substantially strengthened as the result of the training activities. They have become much better and effective trade negotiators and trade and investment promoters in their country of posting in the EU. The ASEAN-China impact study completed is of a relatively good quality although it would have been preferable if there had been a greater concentration on economic impact issues rather than a long explanation of the legal provisions of FTA agreements.

Other activities under this component are either ongoing at this moment or planned for the next two years. It seems they are on schedule and the project team does not expect any delays for completion of the ongoing and planned activities at the end of MUTRAP III. The evaluators have interviewed many government officials from MOIT, MPI and other line-ministries, and selected business

associations, and they have raised high hopes for the FTA horizontal impact study in order to give them some directions on the FTA negotiations and policy-making as well as the preparation of future business adjustments under the new trading environment. However, due to the lack of economic data in the economic analysis, some have expressed their concerns about the final result of the FTA horizontal economic impact study.

Most of the component activities are research-based and jointly being carried out by international and Vietnamese experts. As a result of this team approach, it is likely the research and analytical skills are being transferred from international experts to Vietnamese experts. On the other hand, international experts can also learn the Vietnamese domestic conditions and policy reforms. The skills transfer will have a lasting impact on the trade-related capacity building in Vietnam. However, some international experts have expressed concerns about the availability of Vietnamese experts while they are in Vietnam. According to their terms of reference, they are required to be stationed in Vietnam (mostly in Hanoi) 85% of their working days, but it is difficult to meet their Vietnamese experts assigned to work on their studies as these Vietnamese partners are too busy with other work at the same time.

The capacity building initiatives under this component are expected to have a long-term impact on the participating ministries and agencies, particularly MOIT. It is anticipated the strengthened negotiating skills and research capacity will go a long way to support the WTO and FTA trade negotiations and policy analysis in Vietnam. However, it is difficult to quantify this impact and perhaps it will take years to see the positive impact of the capacity building initiatives. Many Vietnamese stakeholders have confirmed that the sustainability of this component is quite high as Vietnam will stay on course in regard to trade liberalization and regional trade negotiations. The FTA negotiations will be an important vehicle to achieve the policy goal. The institutions that have benefited from the component are likely to be sustainable as they are the government agencies for regional trade negotiations and studies. But it is crucial to strengthen the national trade-related capacity (including the business community and universities) in order to make it more sustainable.

2.2.2.4 Component 4: Trade in Services

The service sector plays an important role in economic development in many countries. However, the services sector in Vietnam is underdeveloped. As a result, the GoV wishes to expand the services sector substantially in the next 10 to 15 years. Vietnam also made a lot of WTO commitments in the services areas in the WTO accession process. In the FTA negotiations, Vietnam is making further commitments on services. Therefore, Vietnam is also facing many challenges in the services area. Under MUTRAP III, there were originally nine planned activities. At the request of the beneficiaries, particularly the MPI, SERV-2A was added to this component. In fact, this was the first activity that was carried out under the component. This is the formulation of the services sector development strategy to 2020 and a vision to 2025. This was considered very necessary and relevant as the MPI was mandated by the GoV to lead the service sector strategy formulation for the country. About five years ago, UNDP assisted MPI in the trade in services strategy formulation. However, it focused on trade in services issues only. MPI wanted to expand to cover all the service sectors. MUTRAP III responded to the request of MPI positively and immediately added an activity for the purpose. The evaluators met with the MPI representatives, who expressed high appreciation for the support of MUTRAP III and the flexibility shown for the service sector strategy formulation which is more relevant than a trade in services development strategy.

In addition to the above services strategy formulation activity, the Vietnamese stakeholders emphasize that the other nine activities are also relevant to the needs and priorities for Vietnam. In particular, the trade in services statistical capacity building with the General Statistical Office was highly regarded as a relevant and successful activity (SERV-7). A series of planned training initiatives were carried out to strengthen the statistical capacity of GSO to carry out the ITS benchmark census and finally a pilot sample survey was planned and conducted in Vietnam. The officials have confirmed that the capacity of GSO has been substantially strengthened in this particularly area. This activity is almost completed. It is planned that the follow-up statistical initiative will focus on the capacity building of the statistical forecasting in the financial services development (SERV-8). It is well-targeted and systematically planned to strengthen the statistical capacity of GSO in the trade in services area.

The other two activities under the Services Component are almost completed. These include the study of the impact of the distribution services on Vietnam (SERV-4) and the support of the

establishment of the GATS inquiry point (SERV-9). The distribution service is playing an important role in Vietnam and Vietnam has also made some commitments on distribution services in the WTO accession process. As a member of the WTO, Vietnam is required to establish a GATS inquiry point. Under these two activities, the MUTRAP carried out a series of initiatives to strengthen the capacities of the participating government agencies and research institutions. The study on distribution services carried out by DMI and PTF experts is of a good quality although the recommendations are relatively weak. The study visit to China on the GATS inquiry point was particularly relevant as China was also a new member to the WTO and its GATS inquiry point has also been established not long ago.

In the next two years, MUTRAP III will carry out several planned studies in the services sectors. These include the assessment of the economy-wide impact of services liberalization in key sectors (SERV-1), the research on competitiveness of key services sectors and strategy development (tentatively telecom and financial services sectors selected for the studies) (SERV-2), the support to development of logistical services in Vietnam (SERV-3) and the comparative study of the domestic regulations of the EU, ASEAN and Vietnam in the services sectors. These are all considered highly relevant to the needs and priorities of Vietnam. Apart from these, the planned activity on services negotiation skills is also very relevant to strengthen the capacity of the Vietnamese trade negotiations in this highly technical area.

Most of the component activities are either ongoing or planned except for the completed study on the service sector strategy mentioned above. The three almost finished activities have produced good results, particularly the support to the GSO on trade in services statistical data. The distribution services study is of a good quality. Other ongoing and planned activities are on schedule. The evaluators are not in the position to comment on the effectiveness of those activities as there are no results yet.

It is anticipated that long-term impact will be relatively high for this component if the planned activities are carried out. In particular, the services sector strategy study is currently being reviewed by the top Vietnamese policy makers. The findings and recommendations are likely to be considered by the GoV to incorporate into the policy formulation process in the services sectors. In that case, the impact will be much higher if the policy recommendations are implemented. The capacity building initiatives with the GSO and other participating Vietnamese institutions are expected to be sustainable as there are a series of activities designed to strengthen their capacities in those technical areas. In particular, the GSO has already seen the early harvest of the capacity building efforts of MUTRAP III.

2.2.2.5 Component 5: Competition Policy

Of the seven activities that were planned under this component, two have been completed (COMP-3, COMP-5); four are ongoing and one (COMP-6: One public awareness-raising campaign with special focus on consumer protection) is not due to begin until the fourth quarter of 2010. The assessment of the results of this component will be examined under each of the three topics dealt with under the component: competition policy; consumer protection and anti-dumping measures.

Competition Policy: The Vietnamese Law on Competition is one of the most important legal instruments that underpins the Vietnamese economy. Although it entered into force in July 2005, awareness and understanding of that legislation is limited to a small circle of people and enterprises. Since 2005 there have only been a few anti-competitive cases heard and investigated in Vietnam, where effective and competitive business practices remain weak.

Activities for this topic under MUTRAP III included capacity building and technical assistance for the staff of the Vietnam Competition Council, assistance to VCC members to participate in a conference on competition law and policy in Geneva and meetings with the Competition Authority of Sweden and Norway, workshops organised by MUTRAP and the VCCI on legislation governing anti-competitive practices and the dissemination of brochures (2000 copies) introducing the Vietnamese competition law together with one press conference in Hanoi, the publication of approximately eighty articles as well as TV features and interviews. Among other things, MUTRAP also assisted VCC in organising an international conference in HCM City (18/12/2009) on 'Enforcement of Competition Law in ASEAN countries and International Practice', with the participation of the French Competition Council, high-ranking competition officials and experts from ASEAN countries and relevant agencies in Vietnam. The activities target not only officials of the VCC, the MOIT, relevant ministries, universities, consumer

associations, and private sector representatives but also judges and the VCCI International Arbitration Centre.

The activities were coherent and complemented each other well, combining as they did an international conference with the participation of ASEAN officials, workshops, close interaction with French, Swiss, Swedish and Norwegian competition experts, and the production and wide dissemination of brochures, the acquisition of an encyclopedia on competition for reference and study purposes as well as TV exposure to competition issues. Not only did VCC staff members and Vietnamese officials participate in the activities but also judges, who will have a major responsibility in enforcing the Competition Law, attended the events.

Despite the best efforts of the MUTRAP III and the DMI/PTF consultants, the Vietnamese authorities do not appear to be making meaningful reforms on the ground. The evaluators were informed that the cost of medicines, petrol and milk remain very high in Vietnam because of the existence of monopolies in these areas, and it appears that the competition authorities were doing very little to tackle the problem. The evaluators were also informed by a DMI expert of the problems she had encountered in obtaining from the Vietnamese authorities access to relevant files, such as those pertaining to the milk industry. From comments received, it appears that not a lot of support was provided by PTF experts either so far. It is, however, too early to make an assessment of the results for the competition segment of this component. But if this segment of the component is to meet the evaluation criteria there will need to be the political will on the part of the authorities to tackle monopolies in Vietnam.

Consumer Protection. So far, this activity has involved the participation of two DMI experts and five PTF experts in reviewing Vietnam's draft legislation on consumer protection, provide comments on how to improve the draft law and assess its compatibility with EU and WTO consumer protection standards. International and local experts prepared two technical reports – one on 'Review, systematize current regulations on consumer protection' and the other entitled 'Recommendations on the Draft Law on Consumer Protection.' The recommendations on how to improve the draft Vietnamese Consumer Protection Act (CPA) covered sixteen topics and were submitted to, and subsequently discussed with, the Drafting Committee in order to clarify some controversial issues.

The DMI experts have explained to the Vietnamese authorities why the first draft CPA is not sufficiently precise with respect to the rights of consumers, and consistent with international best practices. The Vietnamese Drafting Committee has responded by explaining that the current draft lacks details because a number of protections (minimum information requirements, safety and product liability) are already covered in separate Vietnamese Decrees. While the contribution of the DMI and PTF experts has improved the quality of the proposed legislation, there are still deficiencies in the draft law. The DMI expert explained to the evaluators that in her 2009 report and power point presentation she had proposed amendments to Vietnamese officials to the draft law on consumer protection but that these proposed amendments had not been taken up in the latest draft. She also expressed reservations about VINASTAS' commitment to meaningful reform in the area of consumer protection, and she advised them to take a higher profile in the community to promote consumer protection.

MUTRAP III assisted VINASTAS in organising a workshop entitled 'Comments on Draft Law on Consumers' Interests Protection' in Ha Tinh province (on 18/3/2010), which involved the participation of members of the Drafting Committee, the Vietnam Competition Authority (VCA), the MOIT (together with municipal and provincial representatives of MOIT) and representatives of 38 provincial association members of VINASTAS. Members of the Drafting Committee explained that they had consulted widely in preparing the draft law (including obtaining technical assistance from the Federal Trade Committee of the USA, and also from India and Russia) and participants at the workshop recognised that some significant improvements had been made to the previous draft, but it appears that there are still a number of issues and problems with the text that need to be discussed and resolved.

The General Secretary of VINASTAS confirmed at a meeting with the evaluators that the concept of consumer protection was something novel in a centrally-planned economy, such as Vietnam's, and that MUTRAP had only been recently involved with his organisation. He thought it was best for

MUTRAP to present proposals to VINASTAS for consideration but the evaluators suggested that VINASTAS could also take the initiative in approaching the MUTRAP office when they required clarifications or assistance.

While the introduction of a law on consumer protection will be an important first step, the real test is whether a culture of consumer protection will emerge in Vietnam in the short to medium term, and whether further amendments will be made to the Draft Law on Consumers' Interests Protection (before it is formally adopted by the National Assembly in October 2010) to ensure greater conformity with international best practice and that it will be effectively enforced by the authorities and the courts. This remains an open question despite the best efforts of MUTRAP and the DMI experts so far.

So far the activities of MUTRAP in regard to consumer protection and the proposed law have been relevant, coherent and have added EC value. As already mentioned in regard to Component 2, a greater effort needs to be made to improve the quality of mission reports and, above all, to provide meaningful 'Findings, Conclusions and Recommendations'. This applies to the Workshop Reports entitled 'Consumer Protection Legal Framework and Dispute Settlement Procedures in Vietnam' (Da Nang, 27/3/2009) and 'Consumer Protection Information and Complaint Settlement Procedures in Vietnam' (Da Nang, 25/8/2009). On the other hand, the 70- page paper entitled 'Upgrading Vietnamese consumer protection legislation' is a substantial contribution to the subject. The activities undertaken by MUTRAP III so far have been effective and efficient, and are likely to be sustainable. It remains to be seen, however, to what extent the proposed law will be further amended and effectively protect the interests of consumers. This will depend on the policy choices made by the Vietnamese authorities and on the integrity and professionalism of law enforcers and judges.

Anti-dumping measures: This activity aims to increase awareness of business anti-dumping procedures threatening Vietnamese exporters and to make business representatives aware of the dangers anti-dumping procedures represent and assist them to follow export strategies which may help them avoid the initiation of such procedures. The activity involved: two workshops (one in Hanoi and the other in HCM City, on 10/10/08 and 16/12/08 respectively) to raise awareness of the importance of fully complying with international rules and of the relevance of trade defense instruments (anti-dumping, countervailing measures and safeguards); two seminars involving more than 100 representatives from enterprises in the leather footwear sector; and MUTRAP support for LEFASO to create two hotlines operated by two lawyers (one in Hanoi and the other in HCM City) to assist LEFASO, and leather and footwear enterprises, to deal with the formal and substantial requirements of the EU expiry review of anti-dumping measures on footwear with uppers of leather.

Among other things, the workshops helped to clarify the formal and substantial requirements to be met by the Vietnamese enterprises involved in the expiry review procedure. This is a good example of an activity prepared at short notice to overcome an immediate problem, and which had a practical effect. It was relevant to the needs of Vietnam. It was also coherent and it added EC value. It was carried out effectively and efficiently to meet an immediate need, and it is likely to be sustainable.

2.2.3 Contributions to the Overall Objective of the MUTRAP III

- Although $\frac{3}{4}$ of the of those who responded to the Evaluation Questionnaire thought that MUTRAP III activities played a substantial role in accelerating economic reforms and in implementing pro-poor economic reform through stronger integration into the global trading system, one has to treat this response with some caution;
- Some of the officials and other stakeholders visited in Hanoi made it clear to the evaluators that it is uncertain whether it can be said that MUTRAP has had, at this early stage, a direct impact on Vietnam's economic reforms (Doi Moi) or on promoting pro-poor economic growth;
- On the other hand, there is little doubt that MUTRAP's activities have had a significant impact on Vietnam's integration into the global system by virtue of the many activities it has sponsored to that end, including various activities to ensure greater consistency between Vietnamese policies, laws and practices with the rules of the WTO and regional agreements.

2.2.4 Summary of Key Findings

- The five components and most of the activities under MUTRAP III are relevant to the needs and priorities of Vietnam and the targeted institutions.
- MUTRAP III has maintained the flexibility to respond to the changing needs and priorities of the beneficiaries.
- There have been some problems in establishing efficient cooperation between DMI and PTF experts.
- Component 1 has strengthened research and analytical skills among officials involved in trade issues. The various activities undertaken have been effective in educating Vietnamese senior officials and top decision-makers about the changing trading environment, following accession to the WTO. Among other things, they have also improved the capacity of Vietnamese negotiators at international conferences and strengthened capacity in dealing with SPS and TBT inquiry points and notification requirements.
- Component 2. The activities undertaken under this component complement each other and are coherent. They were also conducted in an effective and efficient manner, and their impact and sustainability are high. Instead of relying essentially on surveys to measure to what extent knowledge and skills have been transferred, tests should be applied in the future wherever practicable. With the business community, there should be a greater emphasis on brain-storming sessions.
- Component 3 has focused on the impact studies of FTAs on Vietnam which are particularly relevant to Vietnam. However, the legal analysis should be reduced in order to focus on the economic impact studies. The merged FTA horizontal study is more relevant as the FTAs will impact on each other.. The capacity building efforts under the component are effective, particularly those relating to commercial counsellors posted in Europe.
- Component 4 has targeted the services sector for the interventions which is relevant in Vietnam as the services sector is underdeveloped and there are many impediments in this sector. The service sector development strategy is particularly important if the recommendations are followed and implemented in the next few years. The distribution services sector study is of a good quality. The services statistical capacity building with the GSO will have a long-lasting impact on Vietnam although the scale of the activities is relatively small. It requires a longer and larger project (or component of a project) to support the capacity building effort in the area.
- Component 5. The activities undertaken under the competition segment of this component were well-targeted, coherent and complemented each other but all this is overshadowed by the fact that the competition law is not applied evenly in regard to all businesses. The MUTRAP III activities in regard to consumer protection have been relevant, coherent and have added value but questions remain as to whether the draft law will be further amended to effectively protect the interests of consumers. The activities undertaken in regard to anti-dumping measures were relevant to the (urgent) need for action at the time. They were coherent, added value, were carried out effectively and efficiently, and are likely to be sustainable.

2.3 EFFICIENCY (VALUE FOR MONEY) AND FINANCIAL MANAGEMENT

2.3.1 Summary of Financial Contributions and Expenditures

The total budget of MUTRAP III is €10,670,000, of which the EU contributes €10,000,000 while the Government of Vietnam is expected to provide €670,000 to the implementation of the MUTRAP activities (€420,000 cash contribution and €250,000 in-kind contribution). Like MUTRAP I and II, MUTRAP III was implemented through the EC decentralized management system under which the total EC budget was allocated into three parts, i. e. (1) the services for international experts managed by DMI; (2) the services for local experts and MUTRAP Office operation and local activities managed by the Project Task Force; and (3) the grants for business associations and universities managed by the EU Delegation to Vietnam.

After the MUTRAP III contract was signed, a Vietnamese Project Director was appointed as the Authorizing Officer while an Accounting Officer was appointed from the MOIT to act as co-signatory to the PTF account with the Programme Director. According to the external audit reports of the PTF

account of MUTRAP III, the financial disbursement of the programme operation generally follows the accounting procedures and there were no discrepancies found in terms of the fund utilization of the PTF budget. The evaluators were not provided with the auditors' reports of the DMI and EUD accounts. However, the DMI, EUD and PTF provided the financial disbursement figures to the evaluators. The following table compiled by the evaluators and the Financial Controller of PTF shows the overall financial disbursement of MUTRAP III at the end of 2009.

MULTILATERAL TRADE ASSISTANCE PROJECT (EU-VIETNAM MUTRAP III)
ACCUMULATED DISBURSEMENT BY MAIN BUDGET LINE AGAINST OWP BUDGET
As of 31 Dec 2009

F. A Budget	F.A Budget	OWP Budget /contracted	Actual expenditures from beginning to 31/12/2009	Percentage of accumulated disbursement/O WBB
Category Breakdown				
1. Services	5,200,000.00	4,763,246.00	1,471,793.18	30.90%
1. Expert	4,900,000.00	4,650,700.00	1,404,265.58	30.19%
1.1 DMI Experts	4,200,000.00	3,981,000.00	1,291,259.00	32.44%
Fees		3,861,000.00	1,274,856.00	33.02%
<i>Long-term expert (Team leader)</i>		990,000.00	342,000.00	34.55%
<i>Component 1-WTO</i>		669,320.00	304,868.00	45.55%
<i>Component 2- CB</i>		401,340.00	46,496.00	11.59%
<i>Component 3-FTA</i>		592,400.00	164,060.00	27.69%
<i>Component 4-SERV</i>		515,080.00	109,696.00	21.30%
<i>Component 5-COMP</i>		312,620.00	79,928.00	25.57%
<i>Others</i>		380,240.00	227,808.00	59.91%
Incidental Expenditure		80,000.00	4,403.00	5.50%
Expenditure Verification		40,000.00	12,000.00	30.00%
1.2 PTF Experts	700,000.00	669,700.00	113,006.58	16.87%
1.2.1 Experts provided by PTF	50,000.00	50,000.00	25,691.84	51.38%
1.2.2 Experts provided by YKVN *	650,000.00	619,700.00	87,314.74	14.09%
1.3 Monitoring, evaluation	200,000.00	55,546.00	33,327.60	60.00%
1.4 Audit	100,000.00	57,000.00	34,200.00	60.00%
2. Supplies	500,000.00	500,000.00	122,340.59	24.47%
2.1 Equipment for PTF		140,000.00	105,484.01	75.35%
2.2 Other suppliers		360,000.00	16,856.58	4.68%
3. Grants**	1,700,000.00	1,590,797.20	663,397.42	41.70%
VCCI		245,966.00	84,740.00	34.45%
EUROCHAM		225,000.00	117,635.02	52.28%
Foreign Trade University (1)		230,193.00	107,422.40	46.67%
Foreign Trade University (2)		233,456.00	84,024.00	35.99%
Vietnam Leather & footwear Asso.		224,995.00	89,644.00	39.84%
HANOI LAW UNIVERSITY		183,971.20	68,576.00	37.28%
VINASME-SEQUA-GGMBH		247,216.00	111,356.00	45.04%
4. Operating Costs	2,300,000.00	2,300,000.00	740,712.55	32.20%
4.1 Local support staff	400,000.00	400,000.00	125,901.18	31.48%
4.2 Operational Expenditures of PTF	400,000.00	400,000.00	126,704.77	31.68%
4.3 Other operational costs	1,500,000.00	1,500,000.00	488,106.60	32.54%
5. Information	200,000.00	200,000.00	70,051.33	35.03%
5.1. Visibility (Leaflets & brochures, CD)		80,000.00	29,047.63	36.31%
5.2. Website maintenance		10,000.00	2,933.93	29.34%
5.3. Publication, data collection		10,000.00	378.75	3.79%

F. A Budget	F.A Budget	OWP Budget /contracted	Actual expenditures from beginning to 31/12/2009	Percentage of accumulated disbursement/O WBB
Category Breakdown				
5.4. Communication (Newsletters ,etc)		100,000.00	37,691.02	37.69%
6. Contingency	100,000.00	100,000.00		0.00%
TOTAL MUTRAP OWBP	10,000,000.00	9,354,043.20	3,068,295.07	32.80%

* Disbursement from March 2009 to September 2009

** The numbers here are the grants that EU has disbursed to those grant recipient organizations

Source: provided by the MUTRAP III Office, EUD and DMI

The original budget of the Financing Agreement indicated that the EC makes €10,000,000 contribution to MUTRAP III of which €4.900,000 goes to the services component (€4,200,000 for DMI experts and €700,000 for local PTF experts). During the tendering process, DMI made an offer of the service at €3,981,000 for international experts (DMI experts). This portion of the budget is managed by DMI – a consulting company in France, which also provides the backstopping service and takes responsibility for recruiting international experts. The budget for the services of national experts (PTF experts) stood at €669,700 through the Vietnamese national tendering process. The consortium of YKVN Lawyers, Ho Chi Minh City Institute of Development Research and the PBC Partners won the bid to recruit the national experts for MUTRAP III. In addition, MUTRAP III has also allocated €500,000 for office supplies, €200,000 for the information dissemination and visibility for MUTRAP III. €2,300,000 were allocated for the operating costs for the MUTRAP III activities. The budget allocations for PTF experts, office supplies and the operating costs are managed by the PTF of the MUTRAP Office. In addition to the above two components of the EU budget, the MUTRAP III has also allocated €1,700,000 for the grants to the capacity building of some business associations and Vietnamese universities. Through the open bidding process, four (4) business associations and two (2) universities (Note: Foreign Trade University received two grants) were selected for the grant holders for a total budget of €1,590,797.20. This grant money of MUTRAP III is managed directly by the EU Delegation.

2.3.2 Cost Effectiveness of the MUTRAP Activities

As described above, the total MUTRAP III budget stood at €9,354,043.20 according to the Overall Work Plan. As of December 31, 2009, the total spending of the project budget was €3,068,295, which accounted for 32.8% of the total EC budget for the first 17 months of the project duration. Given there are more than 30 months to go, it is expected that €6.2 million can be spent for the remaining period of the project. As a result, it can be reasonably concluded that the project spending is on schedule and there is no need to worry about an extension of MUTRAP III due to an unspent budget at the end of the contract date.

MUTRAP III got an early start up because of the previous experiences with MUTRAP I and II. The Project Director and the Team Leader are very experienced and they were able to plan the project activities very quickly. With the joint efforts of key stakeholders, particularly the dedicated Project Director, Team Leader and MUTRAP Team, it is expected that the project will run smoothly for the remaining period of time.

From the above table, it seems that the disbursement of service fees for the DMI experts is in line with the total expenditure of the project budget (also at 32%). However, the spending by components varies. For example, the WTO Component has spent 45% of its fee budget while the Capacity Building component has spent less than 12% of its allocated fee budget. The disbursement to the PTF experts seems quite low but the evaluators were informed that the numbers from the local consulting firm (YKVN consortium) only cover the period from March to September 2009. Numbers are not available after September 2009. For the time being, the fee expenditures for both DMI and PTF experts are on schedule.

In order to build the capacity of business associations and universities, the EU Delegation selected VCCI, EuroCham, Vietnam Leather and Footwear Association, and VINASME as well as Hanoi Law University and Foreign Trade University as the grant holders for their trade-related activities. The total grants to the seven holders stood at €1,590,797, with each accounting for about €200,000 - €250,000.

As of December 31, 2009, the total disbursement of the grant money was €663,397, accounting to about 41.7% of the total grants. The evaluators met some of the business associations and universities. It seems that they are doing some interesting work, particularly training and information dissemination on WTO and trade issues to their members and students. As a result, their capacities have been built through those activities supported by the grants. Many have confirmed that the money is well spent and it is an excellent investment for MUTRAP III to build the capacities of the business associations and universities although some feel that the numbers of the grants and the total budget are still too small, given the numbers of business associations and universities.

MUTRAP III has also allocated €2,300,000 as the operating costs for the MUTRAP Office and the implementation of project activities. As at December 31, the total expenditure of the operating costs was also at 32% as both the costs for the MUTRAP Office and project activities are both in line with the total budget expenditure. According to the EC rules, the PTF has engaged in the audit of its expenditures from time to time. The Auditor's report has confirmed that the PTF funds are spent according to the EC rules.

For the first time MUTRAP engaged a local consortium firm to recruit local experts for project activities. Under MUTRAP I and II, this job was done by the MUTRAP Office directly. The rationale to engage a local firm for recruiting local experts was to reduce the workload of the MUTRAP Office so that the MUTRAP Team could concentrate on support for the implementation of project activities. The consortium formed by YKVN Lawyers, HCMC Institute of Development Research and PBC Partners went through the tendering process and won the bid. The evaluators met with the consortium representatives and were informed that the consulting firm did a relatively good job by recruiting qualified local experts for the project (though this has not been the case with all local experts). It also prepared the operational and financial reports according to the contract they have signed with the project. However, since the consortium members have to cover their overheads they have to reduce the fees for local experts. As a result, the evaluators have received a lot of complaints from local experts, indicating their fees are too low – sometimes less than half of the fees paid by other donors. This has made the EC rates very unattractive and uncompetitive in the Vietnamese market.

2.3.3 Summary of Key Findings

- The implementation of MUTRAP III activities are well on schedule. It is expected that the MUTRAP will complete the planned activities without the need to request an extension;
- MUTRAP III had a quick start-up due partly to the previous experience in MUTRAP I and II and also due to the previous work experience of the TA T/L in Vietnam;
- As of December 31, 2009, the total disbursement of the EC funding for MUTRAP III was about 3 million EUR which was 32% of the total MUTRAP III budget of 9.3 million EUR. The remaining budget - 6.3 million EUR or 68% of the EC budget - will be spent between January 2010 and June 2012;
- The DMI, PTF and EUD are managing the budgets separately for the three components of the EC budget according the Financing Agreement. The Audit Reports on the PTF account confirmed that the Project Funds were utilized according to the EC rules in Vietnam;
- MUTRAP III began to use a local consulting firm to recruit local experts. Although the workload of the PTF was reduced, the fees for local experts were also reduced due to the overheads of the consulting firm. This has resulted in uncompetitive fees for local experts recruited for this project compared to those provided by other donors in Vietnam.

2.4 IMPACT AND SUSTAINABILITY

MUTRAP III is widely perceived as having some positive impact on the SEDP but it is difficult to measure the extent of this at this moment. According to the responses to the Evaluation Questionnaire, a majority of respondents considered that the components and activities in which they were involved contributed substantially to the implementation of the Post-WTO Accession Action Plan in Vietnam.

The most important impact of MUTRAP III is the trade-related capacity building which was embedded in the program design. The targeted beneficiaries have enhanced their capacities substantially. Many

trade officials were trained through various MUTRAP III activities. The international experts have transferred their skills and knowledge to the Vietnamese experts, particularly when undertaking joint studies. Training activities have targeted not only junior and middle level officials but also high ranking officials of four central agencies – the Office of the Government, National Assembly, State Presidents Office and the Central Party Office – all of which play a key role in the formulation of government policy options.

MUTRAP's impact on SMEs, and business in general, is difficult to measure. Its public awareness campaigns are laudable but there is some concern – among the many stakeholders consulted – that the business community's needs are not addressed as well as those of the MOIT and the public sector in general. In view of the extensive work undertaken by MUTRAP III with SMEs and various other business interest, this criticism may be a little unfair. Moreover, it needs to be borne in mind that the main focus of MUTRAP III is on increasing the capacity of MOIT.

Many activities undertaken by MUTRAP III are conducive to sustainability. They include training courses for senior Vietnamese officials negotiators in Hanoi and Geneva, support for courses and training activities at universities (including the preparation of text books, such as the one on competition which is being used in universities) and assistance in the design of trade related programmes at the Foreign Trade University.

Some participants have expressed the view that the addition of a couple of longer-term consultants (eg for WTO/FTA negotiations and for Trade in Services) would underpin sustainability by the continuous attention that could be provided to particular issues and would facilitate the relationship between international consultants and the MOIT, which is not always as productive as it could be. It may be too late to arrange this for the remainder of MUTRAP III, but it should be given serious consideration in any follow-up programme in 2012.

In response to the Evaluation Questionnaire, about ¼ of the respondents only 'agreed somewhat' that the components/activities were likely to become sustainable. This would suggest some scepticism about the future sustainability of the project. For the remainder of the project, it will be important to place greater emphasis on the training of trainers and institutional capacity building, such as trade-related research institutes and the WTO information center.

The capacities of MOIT and other government agencies have been significantly strengthened as a result of the implementation of MUTRAP III so far. These capacities are enhanced by the implementation of activities with MOIT on the part of a number of other donors. There are concerns, however, about Vietnam's ability to negotiate FTAs effectively, particularly those involving some powerful trading partners such as the EU and the USA.

2.5 CROSS-CUTTING ISSUES

General: It appears that there is no formal strategy that has been adopted by MUTRAP III to address cross-cutting issues in the implementation of the five components. Consideration will need to be given to the adoption of a practical strategy to address cross-cutting issues effectively for the remainder of the project.

2.5.1 Gender Equality

MUTRAP III has sought to implement cross-cutting issues in its activities – particularly in regard to good governance and transparency issues. However, judging by the 62 responses to the Questionnaire that was sent to hundreds of persons involved in the project, the impact of MUTRAP activities on women in Vietnam, and on other cross-cutting issues, is generally considered to be only moderate. This may not be an entirely fair assessment given that, according to the MUTRAP Office, women account for 41 % of participants in MUTRAP activities.

Moreover, various efforts have been made by MUTRAP III to address gender issues. One recent such activity was the workshop held on 29 December 2009 in HCM City where MUTRAP collaborated with MOIT and the Committee for Progress of Women to address issues relating to 'Opportunities and Challenges for Female Officials and Employees in the Industry and Trade Sector following 3-Year WTO Membership'. The seminar involved the active participation of many female delegates representing various organizations and enterprises. One of the conclusions that came out of the

workshop was that Vietnam's membership of the WTO has created more job opportunities for women, particularly in industries that are labor-intensive – such as textile, leather shoes, and jobs in the agricultural and aquatic product areas, where demand for labor is increasing. MUTRAP III's increasing activities to support SMEs and consumer protection are other examples where gender equality is likely to improve though it may take time to see concrete results.

2.5.2 Environment

There are a number of activities that have an impact on the environment. The most obvious one is WTO-7 (Assistance to the WTO commitments in the SPS and TBT areas) – which has involved the preparation of papers on SPS and TBT requirements, five workshops and a study tour to the Philippines. For example, the activities that have taken place relating to the *Agreement on the Application of Sanitary and Phytosanitary Measures* can be expected to assist the Vietnamese authorities to protect: human or animal life from food-borne risks which arise from the use of additives, contaminants, toxins or disease-causing organisms; human health from animal or plant-carried diseases; and animals and plants from pests and diseases.

Other activities that are relevant to enhanced protection of the environment include those relating to upgrading the Vietnamese consumer protection legislation and raising awareness of consumer protection. The consultants on the subject have recommended the inclusion of a chapter in the proposed legislation to protect health and safety, and to require producers to only place safe products in the market. This, of course, would keep out products that can create environmental as well as personal damage.

The TA T/L has advised the evaluators that environmental issues were touched upon in regard to component 4 (trade in services) and that climate change issues would become a significant element in the consideration of some other activities under MUTRAP III in the next two years.

2.5.3 Other Cross-Cutting Issues

There are a number of indicators for 'good governance.', including government effectiveness, the rule of law and control of corruption. It is expected that MUTRAP III will contribute directly or indirectly to all these goals. The rule of law in particular is already being promoted. This is the case, for example, in regard to the adoption of new laws and regulations pertaining to Vietnam's Post-WTO Action Plan for the Implementation of WTO commitments. Examples of this include activities under WTO-5 (Support MOIT to improve the quality of Vietnamese trade laws and make them compatible with international obligations), upgrading laws on intellectual property, the preparation of consumer protection laws, assistance in the preparation of CFS regulations and specific guidelines for export enterprises to approach foreign markets where CFS requirements are requested, enhancing the capacity of provincial judges and members of the VCC in settling competition restriction cases and supporting programmes at the Foreign Trade Institute and Law centres (such as the Hanoi Law University) to develop greater awareness of trade policy and legal issues not just among the university fraternity but also to encourage them to work closely with policy makers and business associations.

Support for the trade coordination activities of the MOIT, and capacity-building across a wide range of trade areas, are creating the conditions for a more rules-based and transparent trading system in Vietnam that will help to provide a better level playing field and minimize corruptive practices.

2.6 EC VISIBILITY

2.6.1 Activities and Assessment of EC Visibility under MUTRAP III

Like MUTRAP I and II, MUTRAP III enjoys great visibility in Vietnam. The MUTRAP team closely followed the EU Visibility Guidelines for External Actions (10/2002) during the course of the MUTRAP implementation. First of all, an information officer was appointed in the PTF team at the very beginning of the programme in 2008. In the two years since its inception, the MUTRAP III used various means and communication tools to promote the EC visibility through the implementation of MUTRAP III activities. These included workshops and events, radio and television broadcasts, press conferences, newsletters and bulletins, website publications and updates, and trade portals, etc.

According to the Information Officer of MUTRAP III, the project conducted the following EC visibility actions in the last two years: more than 70 workshops and events were organized by MUTRAP III with

a total participation of more than 8,000 persons. This does not include the workshops and events organized by the seven grant holders under CB-7. More than 43 reports were dedicated to MUTRAP activities in Vietnam and three video-clips were specifically made about MUTRAP. These were related to (1) the EU-Vietnam MUTRAP III, (2) Foreign Market Information Portal, and (3) Vietnam Export Portal (VNEX). In addition, more than 500 articles relating to MUTRAP III activities were published in Vietnamese newspapers and relevant websites.

The MUTRAP III team also made efforts to increase the EC visibility in Vietnam by publishing and distributing newsletters in Vietnam. In the last two years, eight e-newsletters and six paper newsletters were published and distributed, consisting of 75 articles in Vietnamese and 75 articles in English and distributed to more than 300 subscribers in the government circle and business community.

In order to keep the general public informed about the WTO negotiations, the MUTRAP team also published seven volumes of the Doha Bulletin, consisting of 73 articles in Vietnamese and 73 articles in English. The MUTRAP also maintains an active website (www.mutrap.org.vn), which is updated on a regular basis. The website publishes the news about MUTRAP, lists all MUTRAP studies and events. In the last year alone, more than 35,300 have visited the MUTRAP website. The two portals supported by MUTRAP also enjoy a good reputation in Vietnam. The Foreign Market Information Portal was selected by the Government of Vietnam to receive the award for the best website in Vietnam in 2010.

In order to increase the visibility of the project and reach a larger audience, MUTRAP III has also published a number of handbooks, brochures, and manuals. These include the brochure on the Vietnam Competition Law (in Vietnamese), a Handbook on Anti-Competitive Practices (in both English and Vietnamese), a Handbook on the Legislation of Consumer Protection (in Vietnamese), The Commentary by Insiders on the Commitments of Vietnam in Trade in Services upon the WTO Accession (in Vietnamese), and the Information Package on Vietnam-Japan Economic Partnership Agreement (in Vietnamese). These publications have substantially improved the understanding of the Vietnamese public of the WTO and FTA negotiations as well as increased the visibility of MUTRAP and EC assistance in Vietnam.

2.7 OVERALL ASSESSMENT OF MUTRAP III

2.7.1 Quality of Project Management and Appropriateness of Resource Allocation

The quality of the project management is high. The Project Director and TA T/L have formed a strong professional partnership and have played an effective coordinating and monitoring role to ensure that the format and output of the activities are fully consistent with MUTRAP's objectives and purpose. The MUTRAP management team has also been flexible in adopting or designing new project activities to respond to the changing needs and priorities of the beneficiaries, and has also displayed flexibility in the timing for implementation of activities.

The quality of the 35 international experts has, generally speaking, been very good but the commitment and quality of PTF experts has been uneven. DMI has provided an adequate backstopping in the recruitment of international experts. As has already been mentioned in previous reports (eg *DMI Progress Report January-June 2009*), there have been problems in cooperation between DMI and PTF experts in a number of cases. In some cases PTF experts have not been available for meetings with international experts, or have presented their contribution well after deadlines, while in other cases their contribution was 'minimal'. This will need to be addressed urgently.

Judging by the way the MUTRAP III office is run, and by its very impressive contribution - in terms of organizing and coordinating activities, awareness and publicity campaigns, financial management etc - one can conclude that the resource allocation within the office is very good. There was no time for the evaluators to examine this in any depth but the discussions held with the Project Director, TA T/L and a number of staff members pointed to a high level of professional satisfaction within the office, a clear understanding on the part of staff members of their respective responsibilities in the implementation of MUTRAP III, satisfaction with the resources made available to them and excellent handling of the visit of the evaluators.

2.7.2 Risks and Mitigating Strategies

Risk 1: Stronger integration on the part of Vietnam into the world trading system through the implementation of international trade-related commitments raises concerns associated with trade policy reform and liberalization. This is particularly the case among the rural sector, which accounts for 74% of the population and ½ the workforce in Vietnam. They and SMEs also find it difficult to understand, and accept, changes imposed by new international standards. This may in turn create a climate of defiance to trade and economic integration.

Mitigating strategy: The fostering of greater awareness among the public at large of the advantages of trade liberalization, with concrete examples of what industries stand to benefit from greater access into the markets of other WTO members and regional treaty partners. MUTRAP has been undertaking a lot of activities to raise public awareness and to disseminate WTO-related information and knowledge among stakeholders (government agencies, manufacturing and business entities, professional associations, consumer associations) and has employed a number of methodologies to do this – workshops, publications of newsletters, booklets, articles and books, press conferences, TV features and the establishment of a website etc. For the remainder of MUTRAP III, it will be important to ensure that the particular concerns of different elements of the business and rural communities are addressed through, *inter alia*, more workshops involving representatives of the agricultural industry and business associations, the distribution of well-targeted information sheets and the establishment of a website that addresses their particular needs and interests.

Risk 2: Lack of skilled GoV policy advisers makes it difficult for Vietnam to comply in a timely manner to international obligations under the WTO and regional agreements, to establish the procedures that have to be implemented under international agreements and to cope effectively with complaints from other trading partners.

Mitigating strategy: Greater emphasis for the remainder of MUTRAP III in training of officials on issues identified as creating serious potential problems for Vietnam in the future. For example, more effective enforcement of intellectual property and competition laws and other relevant laws in Vietnam is a major issue and will require a greater emphasis on training of, and better coordination between, policy makers/advisers, the judiciary and law faculties, as well as middle level and younger Government officials. To ensure sustainability of training to promote better compliance with WTO and regional agreements, it will be important to *inter alia* work also in close cooperation with locally established research/training centres and universities.

Risk 3: Insufficient capacity on the part of MOIT to coordinate other ministries, training and research institutions and the private sector in achieving the five main results pursued by MUTRAP III and insufficient support from other stakeholders in contributing to stronger Vietnamese integration into the global trading system. While the MOIT has the principal responsibility for implementing WTO obligations, it cannot do this without the cooperation of other ministries and public and private organizations involved in international trade issues. In terms of MOIT's relationship with the private sector, one of the problems appears to be a lack of infrastructural resources to communicate effectively with the private sector and insufficient awareness on the part of private enterprises and associations of the importance and relevance of international trade-related issues for their business. They need to increase their capacity in communicating their needs, concerns and proposals to ministers/ministries.

Mitigating strategy: Continuing emphasis on capacity-building within MOIT, and greater emphasis on training in line ministries – such as MOJ for the purposes of effective implementation of WTO and regional obligations into domestic laws. Hanoi Law University, which forms part of MOJ, could provide the advice and research required to ensure effective implementation of international obligations.

As for more effective coordination between ministries and also between the government and the private sector, the MOIT should consider establishing a permanent committee consisting of representatives of all relevant ministries, representatives from the business and agricultural sectors, universities and research institutes. Such a committee could meet once a month (under the chairmanship of an experienced former Minister of Trade or current Deputy Minister of Industry and

Trade), to keep the different stakeholders informed of international trade developments of particular interest to Vietnam and to develop appropriate policies in response to these developments, and to consider possible Vietnamese initiatives.

Risk 4: Lack of pre-negotiation studies on the impact of policy reforms; lack of skilled officials in middle-level positions; lack of information-sharing with the private sector, which does not provide an input in the negotiations.

Mitigating strategy: Continuing exposure of Vietnamese officials – both in Hanoi and Geneva - to the development of negotiation skills, including effective preparation for international conferences. This should include simulated negotiation sessions and other inter-active exercises to identify particular problems that can come up in international negotiations, and what options are available to deal with them. It is important that officials chosen to attend training sessions abroad should be persons actually involved in negotiations and should include both senior negotiators as well as promising, younger officials who are embarking in a career of international trade work. It will be important also to improve the ability of the private sector to provide relevant inputs into the preparation of negotiations work.

Risk 5: Insufficient input from PTF experts regarding Vietnamese trade issues and insufficient cooperation and coordination between international and PTF experts.

Mitigating strategy: urgent review of compensation of local experts and longer stay of international experts in Vietnam. Consideration should be given to using fewer international experts and to require them to stay longer in Vietnam to develop productive professional relationships with local experts and officials in key ministries, universities, business associations etc. International or local experts should have their duties clearly explained to them and those who do not perform should be counselled and warned that they will not be paid and/or employed again in the future. The evaluators also agree with the Recommendation on p.68 of the Six Month Technical and Financial Progress Report (July-December 2009) that the 'first contribution of DMI experts (i.e. Work-plan, outlines, etc.) should be prepared at least one month before the first mission in Hanoi'.

2.7.3 Adequacy of Reporting

The quality of reporting by the MUTRAP Office, DMI and international experts has been very uneven.

The Six Month Technical and Financial Progress Reports contain a lot of important details but they give the impression that most activities were unqualified 'successes' when in fact some of them did not fully meet expectations –either because of poor performance by the international or local experts (though this was rare), poor coordination between them or failure on the part of the authorities to be attentive to the need to meet international minimum standards. For example, while the July-December 2009 Progress Report mentions some of the problems associated with the competition law it does not sufficiently emphasize the problems with the monopoly situations in Vietnam and corruptive practices which not only stifle an effective competition climate but also seriously distort trade. It does not make any reference either to the failures of government and VINASTAS in promoting a climate of better consumer protection in Vietnam.

There are also some discrepancies between the accounts given in progress reports and the formal and informal reports that have been given to the evaluators by international experts. For example, according to the responses to the Evaluation Questionnaire, 20 respondents (out of 62) thought that MUTRAP III components/activities in which they were involved contributed only modestly or moderately to the implementation of the Post-WTO Accession Action Plan in Vietnam (see response to Q.17, Annex 5). Although the majority of respondents considered that the activities contributed substantially to the implementation of the Post-WTO Accession Plan (see 2.4 above) the fact that nearly a third of respondents believed otherwise suggests that there is some scepticism about the effectiveness of the components/activities on the implementation of the Post-WTO Accession Action Plan. In response to Question 18, 18 respondents out of 62 stated that they did not completely agree that MUTRAP III and its components/activities are likely to produce a positive impact on Vietnam and become sustainable. Some of the views expressed orally by at least two DMI experts were even more negative. It seems, therefore, that the problem with the progress reports is that they leave the reader with the impression that just about everything undertaken has been a runaway success when in fact a

number of experts intimately involved with the project have provided a more nuanced perspective. Because these more sceptical views have been expressed only by a small minority of respondents to the Evaluation Questionnaire, and persons interviewed, they have not weighed significantly on the evaluators' high opinion of the results of MUTRAP III so far. They are mentioned here to reinforce the point that progress reports have tended to skate over problems encountered in the implementation of the project, and have failed to explain how they could be overcome in the future.

The progress reports are also not always clearly written and the syntax and spelling in these reports also leave a lot to be desired. The tables provided in the Six Month Technical and Financial Progress Report with their columns referring to "Planned" and "Implemented (justification)" are also somewhat confusing and it would be better, in future, to use the format adopted in the DMI reports.

A number of workshop Reports are superficial. This may be because they tend to follow a particular format and are quite brief. Some of them are poorly written and many contain only one or two sentences for 'Findings, Conclusions and Recommendations' – which should be the most important part of the report. For example, the Workshop Report CB-1 on *Disseminating the Vietnam-Japan Economic Partnership Agreement* contains only one sentence for Findings, Conclusions and Recommendations! In contrast many of the papers on particular issues prepared by a team of international and PTF experts are informative and of high quality – eg the Report entitled *Supporting Viet Nam's Participation in the Doha Development Round* (September 2009), and the reports (one by local experts and the other by international experts) on upgrading Vietnamese consumer protection legislation.

3. CONCLUSIONS AND LESSONS LEARNT FROM MUTRAP III

3.1 GENERAL CONCLUSIONS AND SUCCESS FACTORS

The successes of MUTRAP III far outweigh any failures. In addressing the five 'results' that need to be achieved under its ToRs the Project Director and the TA T/L, with the effective support of the EUD and the international consultancy firm, DMI, have wasted no time in setting in motion a number of activities both in Vietnam and other countries that have focused not only on capacity-building of Vietnamese officials and negotiators but also on greater awareness in the private sector and the development of relevant trade programmes in universities and specialized institutes. This has been complemented by a very effective publicity campaign to stimulate public awareness in international trade issues, including the establishment of a helpful and frequently updated website, the publication of articles in newspapers and magazines, television exposure etc. Among the donor community MUTRAP is widely perceived as playing a central role in trade-related issues in Vietnam.

It is widely acknowledged that, through its many different activities, MUTRAP III has greatly assisted stronger integration by Vietnam into the global trading system though it is too early to say whether this is having a direct impact on Vietnam's economic reforms (Doi Moi) or on sustained pro-poor economic growth – which is one of the overall objectives of the project. The project purpose of strengthening the capacity of MOIT to further develop Vietnam's economic integration strategy, with particular emphasis on European experiences, is easier to measure – judging by the wide variety of activities that have taken place to meet that purpose and the skills that have been developed in the process (as explained in MUTRAP reports, the views expressed to the evaluators by a wide variety of stakeholders, and some of the successes Vietnam has enjoyed in international trade negotiations).

The various activities that have taken place to achieve the five "results" set out in the Financing Agreement have been described in detail in chapter 2.2 and an assessment of the results so far for each of the components is provided in 2.2.2. It is clear from the examination of the activities, and an assessment of their outcomes so far, that there are significant differences in achievements between components and between activities within components.

In general terms, one may confidently conclude that the many activities undertaken under Components 1 and 2 have led to a number of measurable and beneficial results – such as better preparation for international negotiations, improved understanding of SPS/TBT issues, and strengthened capacities in the MOIT and Vietnamese universities of trade policy and trade law. Component 3 (negotiation and coordination of regional and bilateral trade related arrangements) involves impact studies of all FTAs which Vietnam is negotiating and/or implementing, but the quality of these studies is affected by the lack of accurate and current economic data in Vietnam. On the other hand, the training of Vietnamese trade counsellors in Europe has helped them to understand better the WTO negotiating process and improve their skills as negotiators and trade and investment promoters in their country of posting. While the results of this component are limited compared to those of Components 1 and 2 they are nevertheless an important first step in achieving the purpose of this Component. Component 4 targets an area (the services sector) which is under-developed in Vietnam. The impediments to services in Vietnam include a scarcity of skilled human resources, a dearth of relevant statistical information, and a low level of entrepreneurship. Notwithstanding these fundamental problems there has been some improvement in capacity building as a result of activities undertaken in regard to this component, including in the GSO, and the activities that are being undertaken and planned are producing a better understanding of the subject on the part of Vietnamese stakeholders. But there is still a long way to go before the services sector becomes a viable industry in Vietnam. As for Component 5 (competition policy/consumer protection) there has also been some progress made by MUTRAP in creating greater awareness and strengthening the capacity of competition stakeholders but there remain some fundamental institutional and transparency problems in Vietnam that stand in the way of rapid reform. To meet international standards more is required than just training organizations (such as the VCC and VINASTAS), officials and eventually judges. There also has to be the political will on the part of the GoV to tackle institutional barriers to reform, corruptive practices etc, coupled with a determination to promote a culture of greater transparency and accountability.

It appears that the constraints affecting the effective implementation of MUTRAP III in Vietnam have more to do with broader political and economic transitional issues in Vietnam than with any defect in

the project design, the relevance of activities, the effectiveness and efficiency with which they have been pursued, or the quality of the EUD, the MUTRAP staff and experts. As has been pointed in chapter 2 (Key Findings) the evaluation criteria are being met and the achievements of MUTRAP so far have met expectations, and even exceeded them in some areas – for example, the very impressive promotional campaign. But like any other project, MUTRAP is constrained by the political, economic and cultural context in which it has to operate.

The successes of MUTRAP III are manifold. As pointed out in Chapter 2, the results of the Evaluation Questions (Project design, Relevance to the needs and priorities of the beneficiaries, Coherence and EC Value-Added, Effectiveness, Efficiency, Impact and Sustainability) are very positive. This assessment is based on the discussions the evaluators have had with over 60 stakeholders in Hanoi, the answers to the Evaluation Questionnaire and their own independent research. There has been good progress also in achieving the five results articulated in the ToRs, but the progress has been more tangible for some components than for others for the reasons already explained. On present indications the project will complete its mandate on time and will have spent the budget allocated to it.

3.2 MAJOR LESSONS LEARNT FROM MUTRAP III

The successes of MUTRAP III are due not only to good management and the implementation of activities that go some way in meeting the project objectives and results, but also to the fact that the project is very much demand-driven. The Project Director, who is a senior official in the MOIT, is responsible to the Executing Authority for delivering the project results, preparing the Work-plan and budgets to be submitted to the PSC for approval, executing the activities etc. PSC members and stakeholders make suggestions and comments on the activities to be implemented. Other activities are completely under the autonomy of the organizations which have been awarded the contracts (eg CB-7). This ensures a high level of local ownership and a continuing commitment to the project on the part of stakeholders

While the involvement of a large number of PTF experts in the implementation of the project also strengthens local ownership, problems have arisen because of the low level of their remuneration. This has meant that MUTRAP has not always been able to attract the best qualified local experts and that those who have been recruited are not always available to work with DMI experts when required or to make the expected inputs in the implementation of particular activities. This problem must be addressed as soon as possible because it affects not just the relationship between international and PTF experts but also the quality of project implementation. If feasible, it may be necessary to revert here to the practice of MUTRAP I and MUTRAP II by dispensing with the services of the local contracting firm.

In any long-term project such as MUTRAP III, it is also necessary to develop solid relationships between international and local experts, and between international experts and the beneficiary/stakeholders. This is difficult to achieve when there have been at least 35 international experts who have been involved in MUTRAP III during the relatively short period since the project really got under way. A number of international experts have been involved with local stakeholders for only a very short time. This, combined with the problems regarding the availability of PTF experts, means that prospects for close collaborative work, transferring skills, and the sustainability of the project inevitably suffer.

A number of spokespersons for the business sector have complained, rightly or wrongly, that they have not been given the same attention under MUTRAP III as the government sector. This point has been made not only by some of the stakeholders spoken to in Hanoi but also by a significant number of respondents to the Evaluation Questionnaire and by representatives of the business sector at the Workshop on 15 June. Although some good websites and export portals have been established, it seems that more could be done to establish a permanent channel of communication between MOIT and other relevant ministries and business/primary producer representatives. There is already the VCCI's Consulting Committee on trade policy but it might be more productive to establish a permanent committee in MOIT – the central coordinating ministry for trade issues – consisting of government and business representatives, which could meet once a month to discuss, and brief each other, on current trade integration issues relevant to Vietnam. MUTRAP III may also need to conduct more activities in areas of the country where there is a significant concentration of farmers and SMEs

to ensure that they understand the implications and advantages of greater economic integration, as well as options available to take advantage of it.

Judging from comments made to the evaluators by stakeholders it may be desirable to develop further a trade data base, providing statistical information on Vietnamese trade flows, as well as relevant information concerning EU laws, regulations and practices relevant to Vietnamese exporters. This would ensure that Vietnamese exporters are better informed of laws, regulations and practices in major trading partners that affect the export of their goods and services. There already exists a portal on foreign market information but, judging from a number of comments received by the evaluators, it seems that some of them would like to have something more comprehensive and responsive to their particular needs. The precise needs should be explored further with the Vietnamese stakeholders – including business associations – and, if found necessary, a more comprehensive data base should be prepared by a team of experts;

The shortage of current and accurate economic and statistical data is a source of concern in that it hampers research and the development of policy. MUTRAP III is making a small contribution to try and overcome the problems but without a clear policy on the part of the GoV requiring GSO, Customs, MOF and SBV to disseminate promptly the data, it will be very difficult to make progress in this area.

With the exception of the emergence of trade experts in universities and research institutes, there seems to be a shortage of trainers within MOIT. MUTRAP could assist MOIT in adopting a more proactive role in developing, in collaboration with universities/research institutes, a core of trainers in international trade policy and law..

4. KEY RECOMMENDATIONS FOR THE REMAINING PERIOD OF MUTRAP III

While MUTRAP III has made very good progress so far in achieving the objectives of the project it is clear from this report that there are some matters that could be addressed fairly quickly to ensure an even better outcome by mid-2012, when the project comes to an end.

In the first place, it is important to ensure that well-qualified and motivated PTF experts should be involved in the project to facilitate better inputs and more effective coordination with international experts. To do this it will be essential to provide remuneration for their services which is comparable to that paid by other donors. This may mean no longer using the services of YKVN Lawyers as an intermediary.

In addition to providing better pay for local experts, it would be mutually beneficial if both international and local experts have enough time together to prepare and follow up on activities. This may mean that international experts should arrive in Vietnam several days before an activity in order to familiarize themselves with the environment and prepare, in collaboration with PTF experts, the material to be used in individual activities. Consideration could also be given to employing long-term experts - one to work on WTO/FTA issues, and the other on trade in services - to assist the Project Director and TA T/L to fulfil their mandate. Both could be required to work in-country for 150 working days, instead of the normal 220 days per year, to attract a wider field of candidates. If this is not possible for the remainder of MUTRAP III it should certainly be seriously considered in any follow-up project. Another innovation that could help in creating a closer relationship between, on the one hand, international experts and, on the other, local experts and the beneficiary, would be for MOIT to provide office space for international experts – especially any long-term one – as occurs in many donor projects in other countries. Moreover, instead of having a large number of short-term international experts involved in the project, there should be fewer of them and their stay in Hanoi should be longer than is currently the case. This would facilitate regular interactions between international experts and local officials, which is essential for the purpose of transferring skills and ensuring better prospects for the sustainability of the project.

Second, it is recommended that greater efforts should be made to promote well-focussed dialogue between the MOIT and other ministries, on the one hand, and the business and agricultural sectors, on the other. MOIT could be approached about the desirability of establishing a permanent mechanism, such as a permanent committee of government/academic/business representatives that would meet regularly to consider WTO and trade integration issues. This has been done in some other countries and could be beneficial to both the GoV and the private sector not just in terms of keeping each other informed of developments in their respective areas but also to discuss their mutual needs and expectations, and what practical steps can be taken to meet them. MUTRAP III may also need to conduct more activities in areas of the country where there is a significant concentration of farmers and SMEs to ensure that they understand the implications and advantages of greater economic integration, as well as options available to take advantage of it. The subject matter and the tools used to convey information and skills to SMEs and the farming community will need to be carefully calibrated to meet different interests, needs and levels of understanding.

An essential tool for sharing relevant information more broadly would be the establishment of a comprehensive data base providing statistical information of Vietnamese trade flows, as well as relevant information concerning EU laws, regulations and practices relevant to Vietnamese exporters. This would ensure that Vietnamese exporters are better informed of laws, regulations and practices in major trading partners that affect the export of their goods and services. The precise needs should be identified by the Vietnamese stakeholders – including business and primary production representatives – and the data base prepared by a team of experts.

Third, as MUTRAP III has less than two years to run, it will be essential to ensure that a viable system for training of trainers is in place. A pool of able and motivated officials from the MOIT, universities and the private sector could be identified for this purpose and assisted by MUTRAP and international experts in preparing the required material. This will be conducive to greater sustainability and local ownership after the project comes to an end. Institutional capacity-building (eg with the WTO Information Center) should also constitute an important focus of future activities for the purposes of promoting sustainability.

Fourth, Vietnam lags behind many other WTO members in its implementation of the TRIPS Agreement. It will be important for MUTRAP III to give some priority to awareness programmes, assistance in the development of effective laws and proper enforcement of IPR in the remaining period of the Project to make it easier for Vietnam to observe the TRIPS Agreement – a cornerstone of the WTO system.

Fifth, more attention could be given to establishing effective mechanisms in place to determine to what extent the beneficiary and stakeholders have acquired new knowledge and skills to handle trade integration issues and to negotiate effectively. Surveys to determine satisfaction, or otherwise, with a workshop or training course is certainly not sufficient. Wherever practicable and appropriate, the main focus should be on testing participants (eg through multiple answer questions) and performance in simulated debates etc.

Sixth, it will be important to continue to develop synergies with other projects – particularly the *Beyond WTO Program* and, for legal issues, the five-year Justice Partnership Programme (which was due to start in July 2010).

Seventh, to do justice to the very good performance of MUTRAP III so far, it is important that progress reports should be carefully drafted. Similarly, Workshop Reports should provide helpful information on 'Findings, Conclusions and Recommendations'.

ANNEX 1

TERMS OF REFERENCE

Annex 1 Terms of Reference

SPECIFIC TERMS OF REFERENCE Mid-Term Evaluation of Multilateral Trade Assistance Project III (EU-Vietnam MUTRAP III) ASIE/2007/18844

FWC BENEFICIARIES 2009 LOT 10: No. 235622 version 1 EuropeAid/127054/C/SER/multi

1. BACKGROUND

Vietnam has joined the WTO in January 2007 in a period characterized by a booming economy and fast growth in foreign investment and trade. Since then, Vietnam has declared its intention to negotiate bilateral trade agreements with key trade partners including Japan and the United States of America. Concerning the recently launched EU-ASEAN Free Trade Agreement negotiations, Vietnam has taken on the role of coordinator. This confirms the high priority Vietnam gives to its accelerated global economic integration and export-led growth strategy.

One of the principal tasks laid out for the country by the Government's Socio-Economic Development Plan (SEDP) for 2006-2010 is the expansion of trade through an acceleration of Vietnam's international economic integration. The Vietnamese Government has adopted a Post-WTO Action Plan for the implementation of WTO commitments and as a basis for further international integration. In line with this Action Plan, the project MUTRAP III has been proposed. It extends earlier trade-related assistance in Vietnam under the MUTRAP I and MUTRAP II and incorporates lessons learnt from those projects. It will allow to further consolidate a leading role of the European Union among the donor community in the trade-related assistance area. MUTRAP III further builds on earlier achievements of the MUTRAP II project using the same management mechanism, but being more focussed on strengthening the capacity of the Ministry of Industry and Trade (MOIT) in its core responsibilities of trade policy making, WTO coordination, regional and free trade agreements and implementation of integration commitments and competition policy. The Ministry of Industry and Trade lacks analytical and research capacity to sufficiently assure and take on the parallel negotiations which are emerging within the WTO-Doha Development Agenda and the increasing number of regional and bilateral trade agreements. The implementation of WTO commitments is likely to be more demanding on the Government and the country at large than the accession process and it will therefore require a significantly greater trade-related assistance (TRA) than in the past. Vietnam will face increasing pressure in the coming years from trade competition and adverse effects on its society from the uneven distribution of benefits between rural and urban areas. Adjustments are likely to be especially severe since the country's commitments to the WTO relating to the agricultural sector will greatly impact on the more than 70 percent of the country's labour force that is currently employed in that sector. Vietnam's growing integration into the multilateral trading system will require building capacities of government and business structures at central and decentralised level that are capable of implementing the agenda of economic transformation. In that sense, the Government faces enormous challenges in building smoothly working trade institutions and introducing consistent market economy reforms. Notwithstanding the contribution of MUTRAP I and II, private sector associations, universities and civil society organisations still lack a full understanding to provide meaningful input into trade policy making and to inform their constituencies about implications of trade integration, free trade agreements (FTA's) and business opportunities. Equally, they still lack professionally trained staff and funds to carry out their own research agenda. On top of the challenges stemming from the WTO accession, Vietnam has to deal with structural reform and economic transition issues and start its preparation for important reform areas which will become more relevant in FTA negotiations in the future. These include the implementation of the recently passed competition law and long-term capacity building of the new Competition Department within the MOIT to manage the economy in a market-economy way. Also Trade in Services is of growing importance on the trade agenda of Vietnam and the management capacity of the MOIT for those sectors and the system of services statistics needs further strengthening in cooperation with the general statistical office (GSO).

The MUTRAP III Financing Agreement was signed on 17th June 2008 between the European Union and the Government of Vietnam, represented by the Ministry of Industry and Trade.

The total cost of the project, is set at EUR 10,670,000, of which the EU contribution is EUR 10,000,000. The Government of Vietnam shall provides 670,000 EUR to the project (a financial contribution of 420 000 EUR and an in-kind contribution to the counter-value of 250,000 EUR)

The overall objective of the MUTRAP III is to assist Vietnam to implement the SEDP and the Post-WTO Action Plan for sustained pro-poor economic growth through stronger integration into the global trading system.

The project purpose is to strengthen the capacity of the Ministry of Industry and Trade (MOIT) to further implement and develop Vietnam's trade and economic integration strategy; with particular emphasis on the provision of European experiences.

The project pursues the following main results:

- a. Increased capacity of MOIT to coordinate and implement WTO commitments including progress on sector specific issues;
- b. Increased coordination of the MOIT with the private sector, training and research institutions to develop a coherent, social and environmental sustainable trade integration strategy;
- c. Increased capacity of the MOIT to effectively negotiate and coordinate regional trade related arrangements such as AFTA, ASEAN plus dialogue partners and to engage in FTA negotiations with major trade partners including the EU;
- d. Improved facilitation of trade in services through better coordination, statistics and better analytical capacity;
- e. Strengthened capacity of the competition policy stakeholders to ensure consumer protection and a fair and level playing field for all businesses through the implementation of the new competition law.

For more information, follow the link: <http://www.mutrap.org.vn/>

The Ministry of Industry and Trade is the Implementing Agency, though the MUTRAP III Project Task Force (PTF) following decentralised ex-ante management procedures.

The Financing Agreement foresees:

Project Steering Committee

- a. The Executing Authority has established a Project Steering Committee (PSC) with responsibility for policy guidance and co-ordination between all institutions and groups involved in the project.
- b. The PSC meets twice a year and assists the Executing Authority by providing guidance on policy and strategy to the Programme.
- c. The PSC reviews and endorses the Project task Force (PTF) six-monthly reports, as well as the policy and strategic implications of Overall and Annual Work Plans and budgets drafted by the PTF before they are sent to the Executing Authority and European Union for final consideration and approval.
- d. The PSC also assists in facilitating overall project implementation.
- e. The PSC is chaired by the Deputy Minister of MOIT and membership include representatives of the relevant Departments of MOIT, the Government Office, the Ministry of Finance, the Ministry of Foreign Affairs and the Ministry of Planning and Investment. The management of

the programme “Beyond WTO” and donors are invited as observers. EU representatives are invited to the PSC meetings as observers with the right to speak.

Project Task Force

- a. The Ministry of Industry and Trade established a Project Task Force (PTF). This PTF is based in offices provided by the Ministry of Industry and Trade.
- b. Within the framework of the Work Plans and disbursement schedules approved by the Executing Authority and by the Union, the PTF will have operational autonomy to cover the technical, administrative, financial and human resources aspects related to project co-ordination, implementation and management.
- c. The PTF, undertakes, in particular, the following tasks:
 1. Prepare the Initial Plan of Activities (IPA), the Overall Work Plan and Budget (OWP), and the Annual Work Plans and Budgets (AWP) for the approval of the Executing Authority and the Union;
 2. Ensure the management of all financial, personnel and administrative affairs;
 3. Execute the activities as approved by the Executing Authority and by the Union in accordance with EU procedures;
 4. Assist and support implementing staff and beneficiaries with technical and planning know-how.

Project Director

- a. The PTF is headed by the Deputy Head of Multilateral Trade Department (MOIT) as Project Director, appointed by the Ministry of Industry and Trade and endorsed by the Union. The Project Director should have confirmed management capacities. The Project Director acts as Secretary to the PSC.
- b. The Project Director is fully responsible for the activities of the PTF. The Project Director is responsible to the Executing Authority for delivering the project results and for making the most effective and efficient use of resources made available to the project, irrespective of their nature (human, technical or financial resources) and their origin (local or European).
- c. The Project Director's responsibilities include:
 1. Approving the Work Plans and Budgets to be submitted to the PSC and subsequently to both the Executing Authority and the Union for approval;
 2. Executing the activities, as approved by the Executing Authority and by the Union, in accordance with EU procedures, including:
 3. Approving the tender dossiers and calls for proposals dossiers to be submitted to the Union for approval before being officially launched;
 4. Signing the contracts to be concluded by the Beneficiary after having submitted them to the Union for approval;
 5. Executing payments from the project account (costs as foreseen in section 3.5 below) and requesting payments to be processed by the Union (all other cases as foreseen in section 3.5 below) or by the Executing Authority (for the Beneficiary's financial contribution);
 6. Ensuring that project activities are well co-ordinated and that necessary pre-conditions are met concerning post-project ownership, operation, maintenance and sustainability;

7. Preparing standardised six-monthly progress reports to monitor all technical, financial and administrative aspects on the utilisation and impact of all resources made available to the project;
8. Preparing and attaching to the final year AWP a proposed blueprint for phasing out Project activities and preparation for the post-project situation;
9. Informing the Executing Authority and the Union of any event which might jeopardise the success of the project;
10. Control of accurate implementation of accounting systems and the respect of EU procedures.

Technical Assistance Team TAT

- a. Technical Assistance Team (TAT) will assist the Beneficiary in the implementation of the project, including the provision of:
 1. Technical expertise tasks, including
 - Provision of advice on policy matters and legislation, and other specific technical expertise;
 - Preparation of studies;
 - Provision of training;
 - Other related tasks as needed.
 2. Administrative, preparatory and ancillary tasks relating to planning, monitoring, reporting on project components, procurement, and financial management.

These tasks involve neither the exercise of public authority nor the use of discretionary powers of judgement.

- b. The TAT works under terms of reference agreed by both the Executing Authority and the Union.
- c. The TAT Team Leader assists the Project Director in drafting Work Plans and Budgets, as well as reports. The TAT Team Leader verifies, before adoption by the national Project Director, the Work Plans and Budgets, the reports, tender dossiers and calls for proposals dossiers, draft contracts, as well as payment proposals from the project account. A register of the above verifications will be maintained at the PTF.
- d. The TAT Team Leader reports to the Project Director, but has the obligation to directly inform the Union of any problem of any nature as soon as it arises. In any event, the TAT Team Leader submits to the Union a six-monthly progress report. The TAT Team Leader attends PSC meetings as an observer with the right to speak.

The first part of the TAT, including the TAT Team Leader and a provision of unallocated short-term international expertise is provided under the service contract with DMI Associates, in consortium with Egis BCEOM International, IDOM Ingeniera y Consultoria SA, ADETEF and INCOM, which is signed and managed by the Delegation of the European Union to Vietnam.

The second part of the TAT, including key experts and a provision of unallocated short-term expertise, is provided by the service contract with the YKVN Lawyers in association with Ho Chi Minh City Institute of Development Research and PBC Partners, which is signed and managed by the MUTRAP III Project Task Force under the Ministry of Industry and Trade.

The Financing Agreement foresees an external mid-term evaluation.

2. DESCRIPTION OF THE ASSIGNMENT

2.1 Global objective

The main objective of the Mid-Term Evaluation is to review project progress, to check results against targets; to provide a clear and concise opinion as to how the project has progressed and to make recommendations regarding the course of actions to be taken until the end of implementation of the MUTRAP III Project.

The mission is intended to assist the MOIT and the MUTRAP III project in developing their strategic vision for the remaining part of the project. The mission should provide recommendations on which particular results to specifically focus during the remaining time, keeping in mind the means available in terms of budget and human resources for the project and the functioning of the implementation agency MOIT and the MUTRAP III project. In this respect the mission will assess the relevance, efficiency, effectiveness, impact and sustainability of the MUTRAP III related to its stated purpose and results, and will identify weaknesses and challenges, whilst proposing measures and recommendations to tackle these, including recommendations for any required change/modification to project scope (including objectives, management arrangement, financing etc.) in order to support effective implementation and the delivery of a sustainable benefit stream.

2.2 Specific objective(s)

The specific objectives of this review are:

- To assess the progress made towards the achievement of the project objectives as laid out in the financing agreement;
- To identify specific constraints affecting the efficiency of the implementation and the effectiveness of the project (project design, institutional framework, organisational relationships, project implementation arrangements and placement / performance of the experts and the MUTRAP III Project Task Force , as well as performance of other participants involved);
- To draw conclusions on the relevance of the project;
- To make recommendations and guidance for the best implementation during the remaining period with a view to ensure maximum levels of efficiency and effectiveness; and sustainability.

2.3 Requested services, including suggested methodology

2.3.1 Project Design and Relevance

- Review the project's Financing Agreement and assess whether or not it still reflects the present general context, realities and challenges faced by the project and whether it needs to be updated;
- Assess the extent to which the project is/remains consistent and supportive of, the policy and programme framework within which the project is placed;
- Assess the design of the project and the validity and coherence of its strategies and activities, as well as the inter-linkages between components.
- Evaluate the relevance of the overall approach in relation to the project's overall objective. Assess if this objective, the project purpose, the anticipated results and the activities carried out by the project are in line with the needs and aspirations of the beneficiaries;
- Review the project's logical framework and assess the validity and appropriateness of the indicators (including the availability of data, baseline/target values), both quantitative and qualitative, and means of verification in the context of measuring progress towards the achievement of the objective and purpose of the project. Suggest indicators for the log frame of MUTRAP III to be achieved until the end of the implementation period.

2.3.2 Progress of Implementation, Efficiency and Effectiveness

- Analyse the achievement of the project against its stated results in the TAPs and logical framework, and assess whether results and purpose are being addressed and are attainable in the remaining project period. Comparison should be made against what was planned;
- Assess the project performance with respect to efficiency (input delivery, cost control and activity management) and effectiveness (delivery of outputs and progress towards achieving the purpose), its strengths and weaknesses, as well as key challenges that have emerged in the course of implementation.
- Assess the project management and coordination arrangements, and the extent to which timely and appropriate decisions are being made to support effective implementation and problem resolution. Assess the adequacy and appropriateness of the implementation modalities that have been put in place. Assess the role of the funding and executing agencies, implementing body (MUTRAP III PTF), Project Steering Committee (PSC), and their effectiveness in carrying out their respective tasks. Recommend specific measures/actions to improve or strengthen project management and implementation, if need be;
- Analyse the quality and adequacy of the Technical Assistance. Review the tasks and composition of the TA team with regard to the project objective and purpose; (For reference, please look at <http://capacity4dev.ec.europa.eu/guidelines-making-technical-cooperation-more-effective> and to the latest version of the Quality Grid http://www.cc.cec/dgintranet/europeaid/activities/quality_support_groups/documents/financing_proposal/tc_quality_grid_100224.doc).
- Assess the quality of operational work planning, budgeting and risk management; Analyse the adequacy of the project's budget with regard to realistic future plans and propose necessary alignments;
- Assess the quality of information management and reporting, and the extent to which key stakeholders are kept adequately informed of project activities (including beneficiaries/target groups);
- Analyse the adequacy of the monitoring approach/methodology and the results of monitoring activities that have been conducted so far;
- Assess the effectiveness of the project's approaches and strategies in relation to the stated objective, purpose and results;
- Assess the effectiveness of the project in exchanging information with other EU-supported initiatives in Vietnam, with international/regional bodies with relevance to the project and with co-operation projects supported by other donors;
- Assess the coherence with the regional policies and of their implementation at regional level.
- Assess the need for coordination and possible adjustment.

2.3.3 Likely Impact

- Analyse the overall effects of the project to date, be they positive or negative, in a broad context: against the project's objectives but also in a generic development sense;
- Assess the success and the visibility of the project in raising the profile of the European Union as a co-operation partner in Vietnam.
- Review the existing and proposed government policies for managing the human resource development and the employment strategy. Describe the current and expected legal and other bottlenecks that may stall the implementation of core project activities;

2.3.4 Sustainability

- Assess if policies and strategies adopted by the project are sustainable in the long term and – when necessary – propose adjustments that would contribute to ensure the sustainability of project results;

- Asses how the local institutional capacity and structures are being prepared for the post project situation and analyse how opportunities for alternative financing of project activities after the end of EU support are being explored;
- Analyse to what extent the project supports or have an impact on ongoing development of coherent and social and environmental sustainable trade and economic integration strategy as part of economic policy reform process and give recommendation on what particular parts of the project could be further strengthened to impact on ongoing development;
- Provide an overview of cooperation areas that need further assistance beyond the end of MUTRAP III.

Under sections 2.3.2, 2.3.3. and 2.3.4: Progress should be examined also against the indicators given in the original log framework for the programme.

2.3.5 Methodology

The mission will follow the [Evaluation methodology Guidelines http://ec.europa.eu/europeaid/evaluation/methodology/guidelines/gba_en.htm](http://ec.europa.eu/europeaid/evaluation/methodology/guidelines/gba_en.htm) The adopted methodology will be a mix of documentation research and a series of on the spot in-depth interviews or surveys resulting in workshop and reports.

Desk Phase

During this Phase, the relevant programming documents should be reviewed, as well as documents shaping the wider strategy/policy framework. The evaluation team will then analyse the logical framework as set up at the beginning of the project and as reconstructed by the project task force. The relevant programming documents should also be reviewed, as well as documents shaping the wider strategy/policy framework. On the basis of the information collected the evaluation team should:

- Describe the development co-operation context.
- Comment on the logical framework.
- Comment on the issues / evaluation questions suggested (see section 2.3.1-2.3.4) or, when relevant, propose an alternative or complementary set of evaluation questions justifying their relevance. Develop the evaluation into sub-questions identify provisional indicators and their verification means, and describe the analysis strategy.
- Present an indicative methodology to the overall assessment of the project/programme.
- Present each evaluation question stating the information already gathered and their limitations provide a first partial answer to the question, identify the issues still to be covered and the assumptions still to be tested, and describe a full method to answer the question.
- Identify and present the list of tools to be applied in the Field Phase;
- List all preparatory steps already taken for the Field Phase.
- Confirm the final time schedule
- Comment on the final report structure (see annex)
- Submit its detailed work plan with an indicative list of people to be interviewed, surveys to be undertaken, dates of visit, itinerary, and name of team members in charge. This plan has to be applied in a way that is flexible enough to accommodate for any last-minute difficulties in the field. If any significant deviation from the agreed work plan or schedule is perceived as creating a risk for the quality of the evaluation, these should be immediately discussed with the evaluation manager.

During the inception stage an inception report shall be prepared (see section 5).

During this phase the consultants are expected to read the MUTRAP III Financing Agreement, workplans and reports and other important reports as supplied by the Delegation. Draft mission workplan and tentative meeting schedule have to be prepared and sent to the Delegation at least 07 days before experts' arrival in Vietnam.

Field phase

The Field Phase should start upon approval of the Desk Phase report by the evaluation manager. The evaluation team should:

- Hold briefing meetings with officials of the Ministry of Industry and Trade, MUTRAP III PTF in Hanoi and the EU Delegation in the first days of the field phase.
- Interview the project/programme management, EU services and key partners in the concerned country or countries when relevant.
- Ensure adequate contact and consultation with, and involvement of, the different stakeholders; working closely with the relevant government authorities and agencies during their entire assignment. These include the members of the Project Steering Committee, the business associations, universities, and other relevant parties in the sector, including individuals who benefited from project activities carried out (study tour; training/workshops). The consultant will exchange views with the MOIT and the MUTRAP III PTF on different issues raised at the mission and discuss key findings with the later before finalising the report. Use the most reliable and appropriate sources of information and will harmonise data from different sources to allow ready interpretation.
- Summarise its field works at the end of the field phase, discuss the reliability and coverage of data collection, and present its preliminary findings with the project /programme management, the EU Delegation, the PSC and relevant stakeholders..

The consultant will be given access to all relevant documentation by the MUTRAP III PTF and the EU Delegation. At least one workshop with a cross section of all stakeholders has to be held to discuss the results of the mission.

Synthesis phase

This phase is mainly devoted to the preparation of the draft final report. The consultants will make sure that:

- Their assessments are objective and balanced, affirmations accurate and verifiable, and recommendations realistic.
- When drafting the report, they will acknowledge clearly where changes in the desired direction are known to be already taking place, in order to avoid misleading readers and causing unnecessary irritation or offence.

If the evaluation manager considers the draft report of sufficient quality, he/she will circulate it for comments to the project management and stakeholders, , and convene a meeting in the presence of the evaluation team.

On the basis of comments expressed by the project management and stakeholders, and collected by the evaluation manager, the evaluation team has to amend and revise the draft report. Comments requesting methodological quality improvements should be taken into account, except where there is a demonstrated impossibility, in which case full justification should be provided by the evaluation team. Comments on the substance of the report may be either accepted or rejected. In the latter instance, the evaluation team is to motivate and explain the reasons in writing.

2.4 Required outputs

The mission must draw, after having assessed the abovementioned objectives, its own conclusions about the achievements reached and their sustainability, the lessons from the project difficulties/disappointments, and must propose clear recommendations, which could be used as guidelines for the project stakeholders during the remaining period of implementation of the project.

The specific outputs are: 1) a Final Mid-Term Evaluation Report; and 2) the workshop and debriefing session(s) with parties concerned and the Delegation in Hanoi. More details on the required written output are provided in chapter 5.

3. EXPERTS PROFILE

3.1 Number of requested experts per category and number of man-days per expert

The mission team will consist of two senior experts. One of them should be the Team Leader who should co-ordinate the mission.

The assignment will comprise 51 working and travel days, tentatively distributed as follows:

ACTIVITIES TO BE UNDERTAKEN Expressed in Working Days	Expert	Total
Initial study at home base	5 / each	10
Travel to the Mission	1 / each	2
In-country: including briefings at the EU Delegation on 31st May 2010 , meetings with (national) authorities, MUTRAP III PTF; interviews/survey stakeholders and donors; workshop, debriefings with EU Delegation, executing agency and relevant authorities and draft report writing.	12 / each	24
Travel to home base	1 / each	2
Final report writing at home base	5 / each	10
TOTAL	24	48
Team Leader (TL) at home-base	3 / TL only	51

3.2 Profile required (education, experience, references and category as appropriate)

The experts should have profiles complementing each other to cover the whole range of the technical aspects of the areas of MUTRAP III project results as specified on page 2.

The experts must be senior expert with the following qualifications, skills and experience:

- At least Masters Degree Academic level in law, economics or related disciplines;
- Minimum 10 years practical experience with in-depth knowledge in trade-related issues, especially on WTO and regional trade agreement negotiations, implementation of commitments, impact assessment, trade in services, statistics on trade in services, competition law and consumer protection. Any offer which does not cover these skills will be declared non eligible for further examination.
- Experience in Asian countries is required;
- Has good coordination and communication skills to link all technical and conceptual aspects of the project in an overall trade and economic medium and long-term perspective;
- Has extensive experience in the delivery of trade related technical assistance programmes and in particular the provision of trade-related capacity building to public authorities. Experience in the provision of such assistance to ASEAN countries would be an advantage;
- Knowledge of Project Cycle Management procedures and use of the Logical Framework is a must; Previous experience with EU-funded projects is considered an asset;
- Experience of dealing at a senior level with governmental or private sector institutions; Experience in working in a complex structure of government ministries and agencies, and private sector organisations; Sensitivity concerning Vietnamese economy, culture and customs;
- Previous experience in monitoring and evaluation is a must;

3.3 Working Language

All experts should have excellent command of both, oral and written English. It is forbidden to replace English language skills required from the expert's by an interpretation and / or translation service.

The team will operate under the direct supervision of the Team Leader, who will be directly responsible to the EU for the overall quality and consistency of reports and documents produced by the team. The experts must have sound communication skills and be capable of working as a team. Each must be able to produce high quality reports rapidly. The team will be able to work independently in terms of computer and office facilities. The team will have excellent writing and editing skills. If the team proves to be unable to meet the level of quality required for drafting the reports, the consulting firm will provide, at no additional cost to the Union, immediate technical support to the team to meet the standards required.

4. LOCATION AND DURATION

4.1 Starting period

The start of the mission is expected to be May 2010. The field work in Vietnam will start with a briefing at the EU Delegation in Hanoi.

4.2 Foreseen finishing period or duration

The overall duration of this assignment should ideally be completed before 30th September 2010.

4.3 Planning including the period for notification for placement of the staff as per art 16.4 a)

In Vietnam, the team will liaise closely with the EU Delegation and include a briefing at the beginning of the mission and a debriefing before departure from the country. The MUTRAP III PTF will provide the Mid-Term Evaluation mission with access to project-related documents and correspondence as requested by the mission's Team Leader. The Delegation will also make available all relevant documentation in its possession. The mission itself must be generally self-sustaining. The MUTRAP III PTF Office will also give assistance for arranging meetings, interviews.

The mission will visit relevant authorities, beneficiaries, stakeholders and TRTA donors. At the end of the mission in Vietnam at least one workshop will be organised with the presence of the MUTRAP III PTF, representatives of MOIT, the PSC and the Delegation to discuss the findings of the mission.

The purpose of this workshop being to provide participants with a clear and concise understanding of the team's view and assessment of the MUTRAP III Project, as well as to present and discuss preliminary recommendations pertaining to the nearby and mid term future of the project.

4.5 Location(s) of assignment

The mission will take place in Hanoi, Vietnam

5. REPORTING

5.1 Content

- The team will produce a concise written Aide-Memoire containing initial Summary of Findings with a maximum 10 pages
- Draft report (see structure in annex). Besides answering the evaluation questions, the draft final report should also synthesise all findings and conclusions into an overall assessment of the project/programme.
- The final version of the Mid-Term Evaluation Report shall not exceed 40 pages, excluding the annexes and it will contain an executive summary of no more than 05 pages, incorporating any comments received from the concerned parties on the draft report.

5.2 Language

In both English and Vietnamese for all items under point 5.1 above

5.3 Submission/comments timing:

- The Aide-Memoire to be presented to the EU Delegation, MUTRAP III PTF and MOIT, as a basis for discussion only, three days before the workshop, debriefing meetings.
- The draft report containing the information requested in this TOR will be submitted by the team to the EU Delegation by electronic mail by the 20th July 2010 at the latest, copy to MOIT and the MUTRAP III PTF.
- Comments on the draft report should be sent to the contractor within a maximum of 04 weeks after the receipt of the document, to be integrated into a revised version (the Draft report) within a maximum of 01 week after receipt of the comments;
- The final version of the Mid-Term Evaluation Report shall not exceed 40 pages, excluding the annexes and it will contain an executive summary of no more than 05 pages.

5.4 Number of report(s) copies

The Final Report will be submitted to the EU Delegation in Hanoi, electronically and in addition by Special Delivery in five copies in English and three in Vietnamese.

The Final Report will clearly contain on the cover page the following indication: "Letter of contract, number (.....) of the (....) Framework contract". It will follow EU guidelines for evaluation reports obtainable from EuropeAid's website:

http://ec.europa.eu/europeaid/evaluation/methodology/tools/ind_how_en.htm

6. ADMINISTRATIVE INFORMATION

6.1 Interviews if necessary indicating for which experts/position

N/A

6.2 Language of the specific contract

English

6.3 Other authorized items to foresee under 'Reimbursable

Provision for interpretation/translation and other costs should be made under "reimbursable";

(Follow the link for UN-EU costs norms:

http://www.delvnm.ec.europa.eu/eu_vn_relations/development_coo/publications.htm)

6.4 For riders only: operational conditionality for intermediary payment if foreseen as per article 7.2 b) of the Special conditions

N/A

6.5 Others

- Visas for Vietnam must be obtained prior to commencement of the mission. The EU Delegation in Hanoi can assist the experts to this purpose;
- During all contacts with the Vietnamese Authorities or any other project or organisation, the consultants will clearly identify themselves as independent consultants and not as official representatives of the European Union. All documents and papers produced by the consultants will clearly mention on its first page a disclaimer stating that these are the views of the consultant and do not necessarily reflect those of the European Union.

Annex – Layout, structure of the Final Report

The final report should not be longer than approximately 50 pages. Additional information on overall context, programme or aspects of methodology and analysis should be confined to annexes.

The cover page of the report shall carry the following text:

“ This evaluation is supported and guided by the European Union and presented by [name of consulting firm]. The report does not necessarily reflect the views and opinions of the European Union”.

The main sections of the evaluation report are as follows:

Executive Summary

A tightly-drafted, to-the-point and free-standing Executive Summary is an essential component. It should be short, no more than five pages. It should focus mainly on the key purpose or issues of the evaluation, outline the main analytical points, and clearly indicate the main conclusions, lessons learned and specific recommendations. Cross-references should be made to the corresponding page or paragraph numbers in the main text that follows.

1. Introduction

A description of the project/programme and the evaluation, providing the reader with sufficient methodological explanations to gauge the credibility of the conclusions and to acknowledge limitations or weaknesses, where relevant.

3. Answered questions/ Findings

A chapter presenting the evaluation questions and conclusive answers, together with evidence and reasoning.

The organization of the report should be made around the responses to the Evaluation questions which are systematically covering the DAC evaluation criteria: relevance, effectiveness, efficiency, impact and sustainability, plus coherence and added value specific to the EU. In such an approach, the criteria will be translated into specific questions. These questions are intended to give a more precise and accessible form to the evaluation criteria and to articulate the key issues of concern to stakeholders, thus optimising the focus and utility of the evaluation.

This annex proposes an indicative list of issues which deserve to be studied in a project/programme evaluation. The evaluation should focus on a limited number of precise issues/questions. It should ensure that there is a balance of evaluation criteria.

Further guidance on evaluation questions for the following sectors - health, education, transports, rural development, water and sanitation - is available on the following link
http://www.cc.cec/dgintranet/europeaid/activities/evaluation/sec_en.htm

The appropriate evaluation questions and sub questions, based on this set of issues, should be elaborated for each project/ programme evaluation case.

3.1 Problems and needs (Relevance)

The extent to which the objectives of the development intervention (projects/ programme) are consistent with beneficiaries' requirements, country needs, global priorities and partners' and EC's policies.

The analysis of relevance will focus on the following questions in relation to the design of the project:

- the extent to which the project has been consistent with, and supportive of, the policy and programme framework within which the project is placed, in particular the EC's Country Strategy Paper and National Indicative Programme, and the Partner Government's development policy and sector policies
- the quality of the analyses of lessons learnt from past experience, and of sustainability issues;
- the project's coherence with current/on going initiatives;

- the quality of the problem analysis and the project's intervention logic and logical framework matrix, appropriateness of the objectively verifiable indicators of achievement;
- the extent to which stated objectives correctly address the identified problems and social needs, clarity and internal consistency of the stated objectives;
- the extent to which the nature of the problems originally identified have changed
- the extent to which objectives have been updated in order to adapt to changes in the context;
- the degree of flexibility and adaptability to facilitate rapid responses to changes in circumstances;
- the quality of the identification of key stakeholders and target groups (including gender analysis and analysis of vulnerable groups) and of institutional capacity issues;
- the stakeholder participation in the design and in the management/implementation of the project, the level of local ownership, absorption and implementation capacity;
- the quality of the analysis of strategic options, of the justification of the recommended implementation strategy, and of management and coordination arrangements;
- the realism in the choice and quantity of inputs (financial, human and administrative resources)
- the analysis of assumptions and risks;
- the appropriateness of the recommended monitoring and evaluation arrangements ;

3.2 Achievement of purpose (Effectiveness)

The effectiveness criterion, concerns how far the project's results were attained, and the project's specific objective(s) achieved, or are expected to be achieved.

The analysis of Effectiveness will therefore focus on such issues as:

- whether the planned benefits have been delivered and received, as perceived by all key stakeholders (including women and men and specific vulnerable groups);
- whether intended beneficiaries participated in the intervention
- in institutional reform projects, whether behavioural patterns have changed in the beneficiary organisations or groups at various levels; and how far the changed institutional arrangements and characteristics have produced the planned improvements (e.g. in communications, productivity, ability to generate actions which lead to economic and social development);
- if the assumptions and risk assessments at results level turned out to be inadequate or invalid, or unforeseen external factors intervened, how flexibly management has adapted to ensure that the results would still achieve the purpose; and how well has it been supported in this by key stakeholders including Government, EU (HQ and locally), etc.;
- whether the balance of responsibilities between the various stakeholders was appropriate, which accompanying measures have been taken by the partner authorities;
- how unintended results have affected the benefits received positively or negatively and could have been foreseen and managed.;
- whether any shortcomings were due to a failure to take account of cross-cutting or over-arching issues such as gender, environment and poverty during implementation;

3.3 Sound management and value for money (Efficiency)

The efficiency criterion concerns how well the various activities transformed the available resources into the intended results (sometimes referred to as outputs), in terms of quantity, quality and timeliness. Comparison should be made against what was planned.

The assessment of Efficiency will therefore focus on such issues as:

- the quality of day-to-day management, for example in:
 - a. operational work planning and implementation (input delivery, activity management and delivery of outputs), and management of the budget (including cost control and whether an inadequate budget was a factor);
 - b. management of personnel, information, property, etc,
 - c. whether management of risk has been adequate, i.e. whether flexibility has been demonstrated in response to changes in circumstances;
 - d. relations/coordination with local authorities, institutions, beneficiaries, other donors;

- e. the quality of information management and reporting, and the extent to which key stakeholders have been kept adequately informed of project activities (including beneficiaries/target groups);
 - f. respect for deadlines;
- Extent to which the costs of the project have been justified by the benefits whether or not expressed in monetary terms in comparison with similar projects or known alternative approaches, taking account of contextual differences and eliminating market distortions.
 - Partner country contributions from local institutions and government (e.g. offices, experts, reports, tax exemption, as set out in the LogFrame resource schedule), target beneficiaries and other local parties: have they been provided as planned?
 - EU HQ/Delegation inputs (e.g. procurement, training, contracting, either direct or via consultants/bureaux): have they been provided as planned?;
 - Technical assistance: how well did it help to provide appropriate solutions and develop local capacities to define and produce results?
 - Quality of monitoring: its existence (or not), accuracy and flexibility, and the use made of it; adequacy of baseline information;
 - Did any unplanned outputs arise from the activities so far?

3.4 Achievement of wider effects (Impact) Comments: probably too early for this type of detailed analysis?)

The term impact denotes the relationship between the project's specific and overall objectives.

At Impact level the evaluation will make an analysis of the following aspects:

- Extent to which the objectives of the project have been achieved as intended in particular the project planned overall objective.
- whether the effects of the project:
 - a. have been facilitated/constrained by external factors
 - b. have produced any unintended or unexpected impacts, and if so how have these affected the overall impact.
 - c. have been facilitated/constrained by project/programme management, by co-ordination arrangements, by the participation of relevant stakeholders
 - d. have contributed to economic and social development
 - e. have contributed to poverty reduction
 - f. have made a difference in terms of cross-cutting issues like gender equality, environment, good governance, conflict prevention etc.
 - g. were spread between economic growth, salaries and wages, foreign exchange, and budget.

3.5 Likely continuation of achieved results (Sustainability)

The sustainability criterion relates to whether the positive outcomes of the project and the flow of benefits are likely to continue after external funding ends or non funding support interventions (such as: policy dialogue, coordination).

The evaluation will make an assessment of the prospects for the sustainability of benefits on basis of the following issues:

- the ownership of objectives and achievements, e.g. how far all stakeholders were consulted on the objectives from the outset, and whether they agreed with them and continue to remain in agreement;
- policy support and the responsibility of the beneficiary institutions, e.g. how far donor policy and national policy are corresponding, the potential effects of any policy changes; how far the relevant national, sectoral and budgetary policies and priorities are affecting the project positively or adversely; and the level of support from governmental, public, business and civil society organizations.
- institutional capacity, e.g. of the Government (e.g. through policy and budgetary support) and counterpart institutions; the extent to which the project is embedded in local institutional structures; if it involved creating a new institution, how far good relations with existing institutions

- the adequacy of the project budget for its purpose particularly phasing out prospects;
- socio-cultural factors, e.g. whether the project is in tune with local perceptions of needs and of ways of producing and sharing benefits; whether it respects local power- structures, status systems and beliefs, and if it sought to change any of those, how well-accepted are the changes both by the target group and by others; how well it is based on an analysis of such factors, including target group/ beneficiary participation in design and implementation; and the quality of relations between the external project staff and local communities.
- financial sustainability, e.g. whether the products or services being provided are affordable for the intended beneficiaries and are likely to remained so after funding will end; whether enough funds are available to cover all costs (including recurrent costs), and continued to do so after funding will end; and economic sustainability, i.e. how well do the benefits (returns) compare to those on similar undertakings once market distortions are eliminated.
- technical (technology) issues, e.g. whether (i) the technology, knowledge, process or service introduced or provided fits in with existing needs, culture, traditions, skills or knowledge; (ii) alternative technologies are being considered, where possible; and (iii) the degree in which the beneficiaries have been able to adapt to and maintain the technology acquired without further assistance.
- Wherever relevant, cross-cutting issues such as gender equity, environmental impact and good governance; were appropriately accounted for and managed from the outset of the project.

3.6 Mutual reinforcement (coherence)

The extent to which activities undertaken allow the European Union to achieve its development policy objectives without internal contradiction or without contradiction with other Union policies. Extent to which they complement partner country's policies and other donors' interventions.

Considering other related activities undertaken by Government or other donors, at the same level or at a higher level:

- likelihood that results and impacts will mutually reinforce one another
- likelihood that results and impacts will duplicate or conflict with one another

Connection to higher level policies (coherence)

Extent to which the project/programme (its objectives, targeted beneficiaries, timing, etc.):

- is likely to contribute to / contradict other EU policies
- is in line with evolving strategies of the EU and its partners

3.7 EU value added

Connection to the interventions of Member States. Extent to which the project/programme (its objectives, targeted beneficiaries, timing, etc.)

- is complementary to the intervention of EU Member States in the region/country/area
- is co-ordinated with the intervention of EU Member States in the region/country/area
- is creating actual synergy (or duplication) with the intervention of EU Member States
- involves concerted efforts by EU Member States and the EC to optimise synergies and avoid duplication.

4. Visibility

The consultants will make an assessment of the project's strategy and activities in the field of visibility, information and communication, the results obtained and the impact achieved with these actions in both the beneficiary country and the European Union countries.

5. Overall assessment

A chapter synthesising all answers to evaluation questions into an overall assessment of the project/programme. The detailed structure of the overall assessment should be refined during the evaluation process. The relevant chapter has to articulate all the findings, conclusions and lessons in

a way that reflects their importance and facilitates the reading. The structure should not follow the evaluation questions, the logical framework or the seven evaluation criteria.

6. Conclusions and Recommendations

6.1 Conclusions

This chapter introduces the conclusions relative to each question. The conclusions should be organised in clusters in the chapter in order to provide an overview of the assessed subject.

Note:

The chapter should not follow the order of the questions or that of the evaluation criteria (effectiveness, efficiency, coherence, etc.)

It should feature references to the findings (responses to the evaluation questions) or to annexes showing how the conclusions derive from data, interpretations, and analysis and judgement criteria.

The report should include a self-assessment of the methodological limits that may restrain the range or use of certain conclusions.

The conclusion chapter features not only the successes observed but also the issues requiring further thought on modifications or a different course of action.

The evaluation team presents its conclusions in a balanced way, without systematically favouring the negative or the positive conclusions.

A paragraph or sub-chapter should pick up the 3 or 4 major conclusions organised by order of importance, while avoiding being repetitive. This practice allows better communicating the evaluation messages that are addressed to the Union.

If possible, the evaluation report identifies one or more transferable lessons, which are highlighted in the executive summary and presented in appropriate seminars or meetings so that they can be capitalised on and transferred.

6.2 Recommendations

They are intended to improve or reform the project/ programme in the framework of the cycle under way, or to prepare the design of a new intervention for the next cycle.

Note:

The recommendations must be related to the conclusions without replicating them. A recommendation derives directly from one or more conclusions.

The ultimate value of an evaluation depends on the quality and credibility of the recommendations offered. **Recommendations** should therefore be as realistic, operational and pragmatic as possible; that is, they should take careful account of the circumstances currently prevailing in the context of the project, and of the resources available to implement them both locally and in the Union.

They could concern policy, organisational and operational aspects for both the national implementing partners and for the Union; the pre-conditions that might be attached to decisions on the financing of similar projects; and general issues arising from the evaluation in relation to, for example, policies, technologies, instruments, institutional development, and regional, country or sectoral strategies.

Recommendations must be clustered and prioritised, carefully targeted to the appropriate audiences at all levels, especially within the Union structure (the project/programme task manager and the evaluation manager will often be able to advise here).

Annexes o the report

The report should include the following annexes:

- The Terms of Reference of the evaluation
- The names of the evaluators and their companies (CVs should be shown, but summarised and limited to one page per person)
- Detailed evaluation method including: options taken, difficulties encountered and limitations. Detail of tools and analyses.
- Logical Framework matrices (original and improved/updated)
- Map of project area, if relevant
- List of persons/organisations consulted
- Literature and documentation consulted
- Other technical annexes (e.g. statistical analyses, tables of contents and figures)
- Page DAC summary, following the format in Annex V (http://ec.europa.eu/europeaid/evaluation/methodology/egeval/examples/mod_tor_pro_en.doc)

ANNEX 2

EVALUATORS' PROFILES

Annex 2 Evaluatorss Profiles

1. **Family name:** DE STOOP – Team Leader
2. **First names:** Dominique, François
3. **Date of birth:** 5 November 1940
4. **Nationality::** Belgian/Australian
5. **Education:**

Institution / Dates	Degree(s) or Diploma(s) obtained:
University of Paris, 1966 – 1969	Doctorat de l'Université (in international law)
University College, London, 1968-1969	Master of Laws (LL.M.)
University of Melbourne, 1960 – 1965	Bachelor of Laws (LL.B)
University of Melbourne, 1960 – 1965	Bachelor of Arts (BA)

6. **Language skills:** Indicate competence on a scale of 1 to 5 (1 - excellent; 5 - basic)

Language	Reading	Speaking	Writing
French	1	1-mother tongue	1
English	1	1	1
Spanish	4	3	3

7. **Membership of professional bodies:** Solicitor, High Court of Australia, Admitted as Barrister & Solicitor of the Supreme Court of Victoria, 1971.

8. Other skills:

- extensive experience in trade/WTO, legal and justice reform projects, intellectual property, and teaching negotiating skills in Asia, Central Asia and South Africa
- As former senior civil servant and team leader, extensive experience in dealing with ministers, senior civil servants, business associations, NGOs and academics in many countries, particularly in Asia

9. **Present position:** Independent consultant

10. **Years within the firm:** 13 years as independent consultant (including two years as consultant to Melbourne University Law Faculty) and 26 years as Australian Government lawyer, senior diplomat, and part-time University lecturer. A total of 17 years experience in developing countries (including posting in South America)

11. **Key qualifications** (Relevant to the project)

- Former ambassador/senior civil servant and Team Leader for various EC-funded trade related technical assistance projects – particularly in WTO related matters – in Asian countries;
- Extensive knowledge of trade-related issues, regional trade agreements, intellectual property and legal/judicial reform issues;
- Have undertaken several trade evaluation, identification, monitoring and formulation missions for the EC in Asian countries;
- Extensive experience in co-ordinating with government officials and donor organisations in different political and cultural settings;
- Broad experience in EC project cycle management, preparation of Logical Framework and financial statements;
- Computer skills.

12. Professional experience

Date	Location	Company	Position	Description
May-July 2010	Hanoi, Vietnam	HTSPE Jan.muegge@htspe.com	Team Leader	Mid-Term Evaluation of Multilateral Trade Assistance Project. EU-Vietnam with heavy emphasis on implementation of the Vietnamese Government's Post-WTO Action Plan for the implementation of WTO commitments.
March-April 2009	Brussels and New Delhi, India	Agriconsulting, Brussels Mr.R.Tintis, R.Tintis@aesagroup.eu ; Tel.(32 2) 736 2277	Team Leader	T/L of four- person EC project formulation mission, 'EU-India Capacity-building Initiative for Trade Development (CITD)' covering Food Safety/SPS, Standards and Technical Barriers to Trade (TBT), Customs and Competition Policy/Law. Involved in coordination discussions with other donors. This project also involved monitoring of some existing trade capacity building programmes in India. Responsible for project cycle management and preparation of Logical Framework.
February -March 2009	Geneva and Muscat (Oman)	United Nations Institute for Training and Research Rabih.haddad@unitar.org	Lecturer	Lecturer in Training Course for middle level Saudi and Omani diplomats on the subject, 'Effective International Negotiation in Multilateral Conferences'
October 2008	Hanoi and Ho Chi Minh City, Vietnam	SOFRECO Ms Cvijeta Jekic Cvijeta.JEKIC@sofreco.com Tel.(33 1)4127 9595	International Short Term Expert in Commercial Law	Facilitation of two training seminars for Vietnamese judges and other officials (four days each in Hanoi and Ho Chi Minh City) and presentation of international comparative practice and experience related to protection, and enforcement, of intellectual property rights.
June 2008 – August 2008	Brussels and New Delhi, India	SOFRECO Mrs Tatiana De Lizaso Tatiana.DE-LIZASO@sofreco.com Tel. (33 1) 4127 9595	Trade Policy Expert	Final Evaluation of the "EU-India Trade and Investment Development Programme and Identification of a follow-up programme". Dealt with various Ministries in New Delhi, embassies, donor organisations and various stakeholders. Organised and was a principal participant in Round Table meeting with stakeholders. An important focus of this assignment was on the evaluation of the Trade and Investment Development Programme, which had run for a period of three years, and the monitoring of related programmes. Contributed to project cycle management and preparation of Logical Framework. During this assignment I dealt principally with intellectual property and customs issues.
June 2006 – May 2007	Cambodia	Altair Asesores, S.L., European Commission Ricardo Lopez r-lopez@altairasesores.es	Expert in International Negotiations	Capacity building for Ministry of Foreign Affairs and International Co-operation. Organised and delivered training programmes in international law, treaty interpretation and implementation, and international negotiations/diplomacy with an emphasis on international trade (including tariffs and General Agreement on Trade in Services) as well as international negotiations. Preparation and distribution of 320 page handbook on international law and international negotiations, including 7 chapters on the WTO and 6 chapters on international negotiations.

Date	Location	Company	Position	Description
April 2005 – June 2006	Lao PDR	GTZ, European Commission Bernhard Abele Bernhard.Abele@gtz.DE Tel. (49)(6196) 793105	Team Leader/ Trade Assistance Expert	EU Multilateral Trade Assistance Project. The main focus of this project was to organise 12 activities with Lao Ministry of Commerce, and 3 research programmes at the National University of Laos, to provide advice and Handbooks explaining what reforms are required to enable Lao PDR to accede to the WTO . Covered all aspects of WTO, including competition issues and trade in services. Regular contact with other donors – both from EC countries (eg France, Germany) and other donors (Australia, Canada, USA, Japan, ADB).
Feb – April 2005	Bangladesh	HTSPE, European Commission Adam Pierzchala Adam.pierzchala@htspe.com (44 1442) 202400	Team Leader/ Trade Reform Consultant	Mission to identify the constraints that Bangladesh is facing in participating in the world trading system, to propose a strategy to overcome these constraints while meeting Bangladesh's poverty reductions strategy, and to provide a set of recommendations for future projects (2006-2012) for EC. In making recommendations, discussed with the Ministry of Commerce options for improving its working methods and coordination with other Ministries and various donors, and business associations in order to improve its trading performance. Evaluated and monitored existing programmes and participated in donor coordination meetings.
2004 – 2005	Kazakhstan	BCEOM, European Commission Mrs Tatiana De Lizaso Tatiana.DE-LIZASO@sofreco.com Tel. (33 1) 4127 9595	Chief Training Advisor/ Trade Policy Expert	Key expert in the BCEOM Team, which won the contract entitled "Compliance with International Commitments made by Kazakhstan in the Partnership and Co-operation Agreement". Covered various topics relating to approximation in trade and commercial law . In charge of training and responsible for preparing a Handbook on IPR and training on EC and WTO related policy and legal issues, including application of tariffs. The stakeholders for this project were the Ministry of Commerce and various other Ministries as well as private associations (on intellectual property etc.) involved in international trade issues.
April 2004	India	AGRER SA, European Commission Sabine Dresselaers sabine.dresselaers@agrer.com	Team Leader	Team Leader for a Verification Mission in India regarding the Intellectual Property Rights component of the EC-India Trade and Investment Development Program. Involved in co-ordination with senior Government officials and private enterprise representatives, and making recommendations to the European Commission.
Sep 2002 – August 2003	Indonesia	P-E International, European Commission Adam Pierzchala Adam.pierzchala@htspe.com (44 1442) 202400	Expert in Project Identification	Consultant to European Commission for Good Governance in the Indonesian Judiciary. involved project identification, and providing consultancy to the appraisal team. Conducted an in-depth assessment of the judiciary sector, including courts in the Indonesian provinces, and made recommendations for EC interventions to support reform. Involved in identification of programmes, preparation of Logical Framework, budgeting, devising monitoring mechanisms and preparation of reports. Extensive co-ordination with senior officials, other donor organisations, NGOs, law associations and private enterprise.

Date	Location	Company	Position	Description
June – August 2002	Cambodia and Laos	P-E International, European Commission Adam Pierzchala Adam.pierzchala@htspe.com (44 1442) 202400	Team Leader/ Trade Reform Expert	Team Leader of European Union Delegation to design project for Cambodia and Laos to assist them in acceding to the WTO and to recommend programmes for sustainable economic growth. Initiated meetings with donor organisations, various Ministries, business representatives and NGOs to identify institutional and coordination problems that impeded Cambodia's trade performance, and to discuss options to facilitate accession to the WTO. Monitored existing programmes relating to accession issues. Co-chaired with Minister of Commerce a "wrap-up" seminar with officials from several Ministries, donor organisations, representatives from private enterprise and NGOs to discuss draft recommendations for institutional and other reforms that are required for sustainable economic growth and to facilitate accession to the WTO. Prepared Financing Report.
June 2001 – March 2002	Jakarta, Indonesia	World Wide Project Management, AusAID	Team Leader	Australian-Indonesian Legal Reform Project. This involved assessing and identifying legal reform projects for Indonesian partners, under an Australian Indonesian Government MOU, with particular emphasis on judicial reform, anti-corruption and intellectual property issues. Co-ordinated with Indonesian officials, donors and NGOs, prepared and implemented programmes, and disbursed funds. Engaged in monitoring and evaluation of programmes, preparation of Logical Framework, Financing Agreement etc.
Feb – June 2001	Jakarta, Indonesia	Sagric International, World Bank	Team Leader	This involved the preparation of a manual on intellectual property law (with comparative and international law references) in Indonesia. Involved close coordination with relevant Ministries and Universities, negotiations with governmental officials.
March 2001	Hanoi, Vietnam	AusAID	Trainer in WTO issues	Training in World Trade Organization (WTO) issues for middle-level Vietnamese civil servants. The training involved explaining to participants the workings of the various WTO Multilateral Agreements, including the tariff system and trade in services.
2000	Pretoria, South Africa	GRA and AusAID	Trainer in WTO issues	Training in WTO issues and international negotiations for middle-level and senior South African civil servants. Prepared Handbook on WTO and international negotiations skills.
2000	Geneva, Switzerland	Australian National Uni.	Consultant	Consultations with senior officials of WTO , including Deputy Director-General.
2000	Hanoi, Vietnam	Melbourne Uni. ADB	Trainer	Teaching aspects of the WTO to Vietnamese practitioners , including the tariff system and examining legal reforms that would be required to facilitate Vietnam's entry into WTO.
2000	London, Mauritius, Seychelles	International Maritime Organization	Consultant	Consultancy with UN International Maritime Organization (London) to review Merchant Shipping Acts of Mauritius and Seychelles, and application of International Labour Organization Conventions (London, Mauritius, Seychelles, Canberra).
1999	Laos	UNDP	Consultant on Laos' accession to the WTO	Consultant on intellectual property to prepare Lao PDR for accession to WTO. This involved working with senior officials and the Lao PDR Deputy Attorney-General to identify what is required under the TRIPS Agreement in terms of changes to Lao domestic law, practices and the judicial system to facilitate accession. Made contact with other donor organisations to examine prospects for coordination of aid delivery.
1998 – 1999	Mongolia, Vietnam , Australia	Melbourne University, ADB	Consultant in Comparative Commercial Law	Successfully completed assignments in Vietnam (2 visits in 1999), Mongolia (visit to Ulaanbaatar 1998) and Australia (training Mongolian officials in commercial law and legal skills program, conducted at Melbourne University in 1999).

Date	Location	Company	Position	Description
1998 – 1999	Vietnam	Melbourne International Enterprises Ltd AusAID	Consultant on international commercial and contract law issues, and WTO	Involving four visits to Hanoi training and advising Vietnamese civil servants. Taught one session on commercial law in Asian countries and WTO. Trained Vietnamese participants in the major Multilateral Agreements of the WTO and various regional agreements. Prepared Handbook on commercial law, which includes an explanation of the various WTO Agreements and also outlined Asian regional agreements .
1997 – 1999	Melbourne Australia	Law Faculty, University of Melbourne	Visiting Fellow, and Consultant	Trainer of Vietnamese and other Asian officials at Melbourne Law Faculty and Consultant/Trainer in various countries in international and comparative law, WTO, intellectual property law, international negotiations, international environmental law, foreign investment law, commercial law, human rights etc. Prepared and implemented programmes.
1996 – 1997	Venezuela	BHP, Shell International Ltd	Consultant in legal issues	Consultant to BHP and Shell International Ltd on economic growth, investment development and legal issues in Venezuela.
1991-95	Venezuela	Australian Gov.	Ambassador	Venezuela, with joint accreditation to Colombia, Ecuador and Peru.
1987 – 1991	Canberra, Australia, and various other countries to negotiate treaties	International and General Legal Branch, Department of Foreign Affairs and Trade	Head (Senior Assistant Secretary)	Chief Australian Negotiator at a number of inter-governmental conferences in Europe, USA and the Asia-Pacific region, primarily involved in negotiations on international environmental issues. Provided legal advice on major international legal issues to Ministers, State Government. Managed 26 professional and support officers and dealt with personnel, financial and administrative matters. Developed networks with a number of Law Faculties in Australia, Law Reform Commissions and NGOs.
1986 – 1988	Canberra, Australia	Australian National University (ANU)	University Lecturer (Part-time)	International Law. Lectured post-graduate students in international law and was guest Lecturer in international law at various Universities including the ANU, Melbourne, Monash and Adelaide. Guest lecturer in environmental law at a meeting of the International Bar Association in Montreux, Switzerland.
1982 – 1983	Sydney, Australia	Law Reform Commission	Part-time Consultant	Consultant on Sovereign Immunity of States in international law.
1983 – 1987	Canberra, Australia	International Legal, DFAT	Assistant Secretary	Provided general legal advice to Australian Government and agencies on a wide variety of matters. Represented Australia at various international conferences and was Head of Australian Delegation that successfully negotiated the South Pacific Regional Environment Treaty with the USA, France, UK, NZ and South Pacific countries.
1981 – 1983	New York, USA	Department of Foreign Affairs	Chief Representative	Australian Representative on Legal Committee of the United Nations.
1978 – 1981	London, UK	Australian High Commission	Political/ Legal Counsellor	Responsible for handling various issues affecting relations between Australia and the UK, including trade and the protection of the environment. Represented Australia at IMO Legal Committee and commodity agreement meetings held in London, transfer of technology meetings conducted in Geneva; and at an international shipping conference in Hamburg.
1975 – 1978	Canberra, Australia	General Legal Section Department of Foreign Affairs	Director	Provided general legal advice to the Australian Government and agencies on a wide variety of matters. Deputy Leader of Australian Delegation to negotiate new Protocols Additional to the Geneva Conventions, 1949, applying to international and non-international conflicts (1976-77). Managed professional and support staff within the section.

Date	Location	Company	Position	Description
1971 – 1974	Canberra, Australia	Attorney-General's Dept.	Legal/ Senior/ Principal Legal Officer	Major focus was on international criminal law, human rights, intellectual property protection and preparation of legislation.

13. **Other relevant information (e.g. publications):**

- * ***International Law in the Contemporary World (text book in preparation);***
- * ***Handbook on International Law and International Negotiations (2007)***. A 320 page book funded by the **EC/Altair Asesores, S.L.**
- * ***International and European Union Standards for the Protection of Intellectual Property (2004)***– co-author of book published with funding from **EC** and translated from English into Russian and Kazakhstan language;
- * ***Good Governance in the Indonesian Judiciary (2003)***. This report examines in detail the judicial sector in Indonesia and makes recommendations for **EC interventions**. It was published in January 2003.
- * ***Intellectual Property Laws Curriculum*** (2001). This is an 89 page monograph explaining **intellectual property laws** in Indonesia, with comparative and international law references.
- * Manual entitled ***International Law, Commercial and Economic Issues in Asia***. I have written eleven chapters of the Manual (for Vietnamese participants) which was funded by AusAID (1999). It includes chapters and sections on the **WTO, regional free trade agreements, and intellectual property**.
- * Monograph entitled ***International Negotiations and the World Trade Organization***, funded by AusAID (January 2000).
- * **Training material for students, legal practitioners and business people on *International Contracts*** (funded by Victorian Law Foundation).
- * Two articles on **international human rights treaties and human rights in armed conflicts** in *Australian Yearbook of International Law*.
- * **Awarded United Nations Human Rights Fellowship** in 1975.
- * Two chapters in book entitled ***Environmental Liability*** (publisher: Graham & Trotman, UK, 1990).
- * One article on **international environmental law** in U.S. legal periodical.
- * Two articles in Australian Law Journal on law and medical technology.
- * **Publication of feature articles on international political and legal issues in “The Age” (Melbourne).**

SENIOR EXPERT: WENGUO CAI

1. **Family name:** **CAI**
2. **First names:** **Wenguo**
3. **Date of birth:** November 15, 1956
4. **Nationality:** Canadian
5. **Civil status:** Married

6. Education:

Institution/Date	Degree(s) or Diploma(s) obtained:
1989 – 1991	M.A. in Public Administration, Carleton University, Canada
1988 – 1989	Visiting Scholar, International Trade Law, University of British Columbia
1982 – 1985	M.A. in Economics, Nankai University, Tianjin, China
1978 – 1982	B.A. in English, Anhui Normal University, Wuhu, Anhui, China

7. Language skills: Indicate competence on a scale of 1 to 5 (1 - Excellent; 5 - Basic)

Language	Reading	Speaking	Writing
English	1	1	1
Chinese (Mother tongue)	1	1	1
Vietnamese	5	5	5
French/Spanish	4	5	5

8. Membership of professional bodies:

Canadian Association of International Development Consultants

9. Other skills:

- Excellent written and oral English communication and multiple-stakeholder consultation and inter-personal skills, and very efficient and effective project management and leadership skills;
- Proven capacity in institutional building, policy analysis, capacity development, project formulation, implementation, monitoring and evaluation, fund raising, financial administration, and human resource management;
- At ease with complex government, business, academic and donor organizations at both domestic and international fronts;
- Excellent computer, quantitative and qualitative analysis and report writing skills; and
- Good knowledge of and sensitivity to Asian and other cultures and customs

10. **Present employer and position:** Director of International Programs, The Conference Board of Canada, Ottawa, Canada K1H 8M7, tel: 1-613-526-3090, ext. 363 (office); 1-613-232-0943 (home); Email: cai@confereneboard.ca; wenguo_cai@rogers.com

11. **Years within the firm:** 6 years and 5 months

12. Key qualifications: (Relevant to the project)

- Mr. Cai is an international trade expert specializing in trade-related technical assistance and capacity building (TRTA/TRCB) in developing countries and transition economies. He brings more than 20 years of extensive and practical experiences in developing countries for TRTA/TRCB needs assessments, trade policy analysis, design and implementation of trade policy projects, conducting trade-related monitoring and evaluation, and preparing trade policy and business recommendations. Mr. Cai has designed, implemented and evaluated many trade projects/programs for EC, CIDA, UNDP, the World Bank and DFID in the last seventeen years either as a Team Leader or as a Senior Trade Expert. He has designed and delivered numerous WTO training and technical assistance programs for participants from developing countries. He has also published extensively on trade policies, WTO negotiations, and their implications for developing countries. He has excellent knowledge of WTO, regional integration, trade and investment policy and development issues.
- Mr. Cai has rich project experience in Vietnam. In the past fifteen years, he has traveled to Vietnam for his various project activities for more than 20 times. In 1996-1997, he designed and implemented a CIDA-funded Vietnam-WTO training program for the Ministry of Trade. His paper entitled "Vietnam's Accession to the WTO: Background and Issues" was the first appeared in the academic journal (*Journal of World Trade*) in Geneva in December 1996 and was translated into Vietnamese.
- From 1998 to 2003, he designed and coordinated the \$10-million CIDA-funded Vietnam-Canada Financial Management Project (VCFMP) in collaboration with the Vietnamese Ministry of Finance and PricewaterhouseCoopers/IBM Consulting as the Senior Advisor and Training

Coordinator. He also served as an Acting Canadian Project Director in the Field Office in Hanoi for six months. He conducted numerous WTO-related training programs in Vietnam, China, Canada and Switzerland (Geneva) for Vietnamese officials. He also provided technical advice on legal and regulatory issues of Vietnam's WTO accession to senior officials from the Government Office, Ministry of Trade, Ministry of Finance, Ministry of Justice and other agencies and business associations.

- From 2002 to 2003, he was invited by UNDP Vietnam to design a \$2.55 million Trade in Services project (VIE/02/009) for the Vietnamese Ministry of Planning and Investment (MPI) and served as the Senior Technical Advisor for six months. In that capacity, he managed the Project Office and designed GATS and services export training programs in Vietnam, coordinated the trade in services statistical study with the GSO, prepared the TORs for the three services sectoral studies, and coordinated a study tour on trade in services in the United States for the Vietnamese senior officials.
- In 2004, Wenguo was hired by the BearingPoint and the Vietnamese Ministry of Justice to design and coordinate a study visit of a MOJ delegation to Canada to study the Canadian trade remedy laws and practices. He designed the program and successfully implemented it.
- In November and December of 2006, he worked closely with other two international consultants to conduct the mid-term evaluation of MUTRAP II for EU in Vietnam and prepared the mid-term evaluation report in collaboration with other two international consultants.
- In 2008, he travelled to Vietnam and other ASEAN member states to conduct the consultation for the proposed ASEAN common external tariff (CET) based on the EC and other regional integration models.
- In the last five years, he has served either as a Team Leader or Trade Expert (TBT, SPS, Trade in Services, or Private Sector Development) for the EC trade project evaluation in Vietnam, Pakistan, India, Bangladesh, Indonesia and the Philippines.

13. Specific experiences in the region:

Country	(Date) from- (Date) to
Vietnam	1996-2009, traveled to Vietnam more than 20 times and worked with MoT, MoF, MPI, MoJ, GO & others on various trade projects funded by EC, CIDA, & UNDP
China	1993-2009, traveled to China more than 30 times on various trade projects funded by CIDA, and WB
Thailand	1998-2009, traveled to Thailand more than 20 times for many trade projects
Lao PDR	1998, 2009, traveled to Laos three times for UNDP trade projects
Indonesia	1998-2008, traveled to Indonesia five times for EC, APEC & UNDP projects
Philippines	2002-2010, traveled to the Philippines seven times for CIDA and APEC projects
Bangladesh	1999-2009, traveled to Bangladesh 18 times for EC & CIDA projects
Geneva, Switzerland	1986-2009, traveled to Geneva more than 20 times on various trade training and capacity building programs for Vietnamese, Bangladeshis, Thais, and Chinese
Brussels	2007, debriefed EuropeAid on the Pakistan and India Trade Identification Mission
Russia	1998, delivered WTO training courses in Moscow and St. Petersburg
Italy	2000, served as the keynote speaker on the EU-China trade relations
Singapore, Seattle, Doha, Cancun, Hong Kong	Participated in the first WTO Ministerial Conference in Singapore in 1996, the third in Seattle in 1999, the fourth in Doha in 2001, the fifth in Cancun in 2003 and the sixth in Hong Kong in 2005

14. Professional experiences

Date	Location	Company	Position	Description
2005-2010	Canada	Conference Board of Canada (CBoC) warren@conferenceboard.ca	Director	Director of International Programs. Serving as the Director of Business Development at CBoC, responsible for trade policy analysis and trade-related technical assistance project formulation, implementation and evaluation in developing countries; work closely with trade experts to implement project activities in China, Vietnam, Thailand, Bangladesh, Pakistan, Indonesia, Laos and others.
2009 – 2010	Canada/Latin America	CBoC/CIDA warren@conferenceboard.ca	TRTA Expert	Currently serving as the Trade-Related Technical Expert for the CIDA-funded 5-year, \$17-million Canada-Americas Trade-Related Technical Assistance (CATRTA) project in Latin America and the Caribbean (LAC). CATRTA includes environment, labour TBT, SPS, Customs, and trade promotion, currently assisting CATRTA in designing activities.
2009	Philippines	EC Delegation Benedikt.madl@ec.europa.eu	Team Leader	Served as the Team Leader for the final evaluation of the Trade-Related Technical Assistance (TRTA) 1 in the Philippines and recommendations for future trade assistance in the Philippines. The Philippine TRTA includes WTO Capacity Building, TBT, SPS, Customs components.
2009	Pacific Islands	PIFS mlord@montagueldord.com	AfT Expert	Served as the Aid-for-Trade Expert to assist the Pacific Island Forum Secretariat and its 14 Forum Island Countries to formulate the AfT project proposals; visited FSM, Marshall Islands, Palau, Fiji, Vanuatu and Manila for the field mission and prepared a major report on AfT project formulation for PIFS
2008-2009	ASEAN	InWent/ASEAN mlord@montagueldord.com	Senior Trade Expert	Served as senior trade expert for the ASEAN common external tariff (CET) study commissioned by the ASEAN Secretariat, visited six ASEAN countries for stakeholder consultations and finally prepared a major technical report based on the EU and other regional integration models.
2008	India	EC/India fpabbate@hotmail.com	SPS/TBT Expert	Served as a TBT/SPS specialist to conduct the final evaluation of EU-India Trade and Investment Development Programme (TIDP) and the identification of a follow-up programme; prepared many reports and documents by focusing on the SPS/TBT, standards and export quality infrastructure issues.
2008	Bangladesh	EC/Sogerom SA Antonin.b@sogerom.com	Team Member	Joined the five-member team to conduct the mid-term review of Bangladesh Trade Support Programme and to formulate a new Trade Policy Support Programme for Bangladesh; prepared many product documents, including the mid-term review report, action fiche and logframe for the new project
2008	Indonesia	EC/CAPMEX hat@capmex.com	Team Leader	Served as the Team Leader to conduct the final evaluation of the EC-funded Indonesia Trade Support Programme and prepared a major final evaluation report
2007	Pakistan	EC/TICON ticongeneva@yahoo.co.uk	Private sector Expert	Served as the Private Sector Development Specialist to identify the €14 million trade project for Pakistan. Visited Islamabad, Karachi, Lahore and Sialkot to interview many government and private sector stakeholders to identify the needs and priorities and to analyze the programming options
2007	China	CIDA/CBoC warren@conferenceboard.ca	Team Leader	Served as the Investigator and Coordinator of two study tours of two senior Chinese central and provincial government delegations in Canada on the cyclic economy, climate change, environmental protection and sustainable development
2007	Bangladesh	CIDA/Bangladesh Omar.khan@international.gc.ca	Team Leader	Served as the Team Leader and Coordinator for a study tour of Bangladeshi delegation in Canada, specializing in Canada's trade and investment regimes and practices and bilateral trade and investment relations between Canada and Bangladesh
2007	Lao PDR	UNDP/LAO PDR Sureshbalakrishnan1@gmail.com	Team Leader	Conducted a trade and investment study in Xiengkhouang Province of Lao PDR, identified trade and investment barriers and opportunities, and prepared a major report for UNDP Lao PDR
2007	Thailand	CIDA/ Omar.khan@international.gc.ca	Team Leader	Designed and delivered a WTO training course for Bangladeshi trade officials in Bangkok and gave lectures on NAMA, GATS, and WTO rules and principles

Date	Location	Company	Position	Description
2006	Vietnam	EC Vietnam Johann.FARNHAMM@ec.europa.eu	Team Member	Worked closely with other two EU consultants to conduct the mid-term MUTRUP II evaluation and prepared a major evaluation report by focusing on the trade in services component of MUTRUP II
2005	EU-Canada	EC/Canada Lemaire@conferenceboard.ca	Team Leader	Prepared and published a major report on EU-Canada trade and investment relationships in light of the EU enlargement to 25 member states
2005	Bangladesh	CIDA/omar.khan@international.gc.ca	Team Leader	Conducted a trade-related capacity building needs assessment and programming options study in Dhaka and completed a major report for the Bangladesh Division of CIDA
2005	Bangkok, Thailand	CBoC/warren@conferenceboard.ca	Team Member	Designed and delivered a training program on trade negotiations skills in Bangkok for Southeast Asian countries including eight from Vietnam, in collaboration with the WTO Secretariat
2004	Bangladesh	DFID/NSI aweston@idrc.ca	Team Leader	Participated in a trade-related capacity building program evaluation with The North-South Institute team by focusing on the case study of Bangladesh as the team leader and prepare the Bangladesh report
2004	Vietnam	CIDA ticongeneva@yahoo.co.uk	Team Leader	Coordinated a study tour of a senior Vietnamese delegation in Canada on trade defence instruments (antidumping, countervailing duties, and safeguards) under the CIDA-funded Legal Reform Assistance Project (LERAP) through Bearing Point
1999-2003	Canada Vietnam	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Coordinated and supervised 18 scholarship graduate students studying for their masters' degrees in Canadian universities across under the Vietnam-Canada Financial Management Project (VCFMP)
1998-1999	Hanoi, Vietnam	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Served as Acting Canadian Project Director and Training Advisor to the \$10 million VCFMP and managed the Project Field Office in Hanoi
1999-2003	Vietnam Canada	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Conceived and designed the \$10 million Vietnam-Canada Financial Management Project (VCFMP) in the Vietnamese Ministry of Finance by focusing on financial policy formulation and coordination and capacity development and financial services liberalization
1999-2003	Vietnam Canada China	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Designed and implemented many project activities in Vietnam, Canada and other countries, including in-country training programs, Training the trainers programs, internship programs, leadership programs, study tours in Canada, China, Geneva, etc.
1999-2003	Vietnam Canada	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Designed and coordinated many project activities in the areas of human resource management, taxation, auditing, accounting, budgeting, economic forecasting, and trade and investment, etc.
1998-2003	Canada USA, Geneva	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Coordinated with CIDA, the World Bank, IMF, WTO, UNCTAD, ITC and UNDP on various project activities in Ottawa, Washington DC, New York, Geneva, and Beijing, China
1998-2001	Canada	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Designed and organized two leadership training programs, one internship program, one TOT program, and four study tours in Canada for more than 100 Vietnamese officials and researchers
1999	Vietnam	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Designed and delivered a one-day seminar entitled "Financial Implications of Vietnam's Accession to the WTO: Experiences and Recommendations" for 128 senior Vietnamese government officials and representatives from academe, donor agencies, private business, and state-owned enterprises
1998	Vietnam	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Advised the Vietnamese Prime Minister's Research Group on External Economic Relations on legal aspects of Vietnam's pending membership in the WTO and APEC, Vietnam-US trade agreement negotiations, and the implementation of Vietnam's commitments under the ASEAN Free Trade Area
1997-1998	Vietnam	CIDA/DoVietDung@mof.gov.vn	Advisor & Trainer	Advised the Vietnamese Ministry of Finance on financial policy and the proposed free economic zones and organized a study tour of the MOF delegation in China on the topic

Date	Location	Company	Position	Description
2002-2003	Vietnam	UNDP/Vietnam info@undp.org/vn	Program Director	Designed a \$2.55 million Trade in Services Project and also served as Acting Senior Technical Advisor to the project to organize two training programs on GATS and trade in services Vietnam and a study tour on trade in services in the US; prepared three TORs for services sectoral studies
2000 – 2003	Bangladesh, Geneva & Canada	CIDA/ mustafiz@cpd.bangladesh.org	Program Director	Served as the Canadian Director for the four-year \$2 million Bangladesh-trade analysis project to strengthen the capacity in trade policy analysis and trade dialogue in Bangladesh. Under the project, many TORs were prepared - four annual workshops were conducted in Dhaka, many policy papers were produced, and study tour and internship programs were organized in Geneva and Canada
2001 – 2003	China Canada	CIDA shelleyp@agriteam.ca	Program Director	Served as principal investigator of a two-year training project on “China Textiles Sector Reform and Capacity Development Project” under the Public Sector Reform Program (PSRP); prepared the TORs to work with consultants from Canada and Bangladesh on the project activities
2000 – 2002	China Canada	CIDA shelleyp@agriteam.ca	Program Director	Served as principal investigator of a two-year training project on “China Fishery Policy and Capacity Development Project” under the Public Sector Reform Program (PSRP); more than 150 Chinese fishery officials and managers were trained in two workshops and two study tours were organized in Canada
2002	Southeast Asia	DFID/mlord@montaguelord.com	Program Director	Designed and delivered a training workshop in Bangkok on the impact of trade liberalization on poverty alleviation, with special case studies on Vietnam and Indonesia
1999 – 2000	China Canada	CIDA Lemaire@conferenceboard.ca	Program Director	Served as principal investigator of a two-year capacity building project on “Reconciling China’s Industrial and Trade Policies: China’s Automotive Industrial Policy Options” under the Public Policy Options Program (PPOP). Under the sub-project, four seminars were delivered in Beijing, Shanghai, Xiamen and Guangzhou; advising the Chinese government officials on policy options for achieving consistency of China’s auto policies with its WTO obligations and commitments; and prepared a major report with the Chinese partners
1999	China, Canada	UNDP	Expert	Designed and delivered a training course on human resources management for the China State Commission Office for Public Sector Reforms in Canada funded by UNDP
1999	China	World Bank	Program Director	Designed and delivered a lecture in Beijing on “China’s Accession to the WTO at the Turn of the Century: Prospects, Opportunities, and Challenges” at the World Bank Institute-Beijing University Training Seminar on International Trade and Global Integration
1999	Vietnam	UNDP-UNCTAD	Team Leader	Served as Team Leader of a UNDP Project Evaluation Mission in Vietnam on “Capacity Development for Sustainable Integration of Vietnam into the World Trading System.” (VIE/95/024)
1998	Nepal	CIDA	Team Leader	Designed and managed a training program on NAFTA and SAFTA for the SAARC Secretariat staff and officials from SAARC member states; delivered two lectures on the experience of the ASEAN Free Trade Area, and textiles trade and its implications for SAARC states
1998	Asia (VN, Indonesia, Laos, etc)	UNDP-ESCAP	Program Director	Served as Trade and Investment Specialist to evaluate the US\$14 million project in the Asia-Pacific region for UNDP entitled “Strengthening Capacities for Growth through Trade and Investment in Asia and the Pacific” (RAS/92/041)
1997	Russia	CIDA	Program Director	Designed and delivered two lectures in Moscow and St. Petersburg on Russia’s accession to the WTO; focused on China’s WTO accession experience, and issues relating to trade in services.
1997	Pakistan	CIDA	Program Director	Designed, managed, and evaluated a WTO project in Pakistan on the impact of the Uruguay Round Agreements; delivered four seminars on Pakistan and the Uruguay Round Agreements
1996	Vietnam	CIDA	Program Director	Designed, managed, and evaluated a one-year training project on the outstanding issues of Vietnam’s WTO membership; prepared a background paper and delivered introductory training courses in Vietnam and WTO accession negotiation training courses in Canada
1993-1996	China	CIDA	Program Director	Served as principal investigator examining the issues, opportunities, and challenges relating to China’s WTO membership under the three-year CIDA-funded China and GATT/WTO accession to the WTO

Date	Location	Company	Position	Description
1993-1996	China	CIDA	Program Director	Advised Chinese government officials, open-city mayors, and senior business executives on China's membership in GATT/WTO, trade defence instruments, and other trade policy issues
1996-2005	Worldwide		Program Director	Attended the first WTO Ministerial Conference in Singapore (1996), the third WTO Ministerial in Seattle (1999), the fourth WTO Ministerial in Doha (2001), the fifth WTO Ministerial in Cancun, Mexico (2003), and the sixth WTO Ministerial in Hong Kong, China (2005)
1985-1988	China	Ministry of Foreign Trade and Economic Relations	Economist and Section Chief	Drafted China's position papers regarding its participation in UNCTAD/GATT multilateral trade negotiations; conducted trade policy analyses; prepared background reports for Chinese trade negotiators and senior policy makers; participated in UNCTAD meetings in Geneva and briefed the Ministry of Finance and the Bank of China officials on trade policies and implications for China
1973-1978	Anhui, China	Dagudian High School	Teacher	Taught Chinese, English and Mathematics in a Chinese High School in Huoqiu County, Anhui Province

15. Other relevant information (eg, publications, presentations and reports)

- Final Evaluation of the TRTA 1 in the Philippines and Recommendations for Future Assistance – Final Report prepared for EC, August 2009
- Aid-for Trade and Project Proposal Formulation in the Pacific Island Countries, a major report prepared for the Pacific Island Forum Secretariat, May 2009
- Moving towards the Common External Tariff Regime in ASEAN: Options and Consequences – Final Report prepared for ASEAN, December 2008
- India Trade and Investment Development Programme and Identification of a Follow-Up Programme – Final Report prepared for EC, October 2008
- Bangladesh Trade Support Programme – Mid-term Review Report, prepared for EC, 2008
- Indonesia Trade Support Programme – Final Evaluation Report, prepared for EC, 2008
- Pakistan Trade Project Identification Report, prepared for EC, December 2007
- Trade and Investment in Xiengkhouang Province of Lao PDR – Report prepared for UNDP, February 2007
- A Mid-Term Evaluation Report on Multilateral Trade Assistance in Vietnam (MUTRAP II), prepared for EC, December 2006
- Lost over the Atlantic: the Canada-EU Trade and Investment Relationship. Co-authored with Dan Lemaire, published by CBoC, June 2006
- The Hong Kong WTO Ministerial Conference: Implications for the APEC-EIP Economies, January 2006
- The Best Practices in Capacity Building for Trade Facilitation in APEC. Published by the APEC Secretariat, October 2005
- An Impact Assessment of the BC/Alberta Trade, Investment and Labour Mobility Agreement (TILMA) prepared for the Ministry of Economic Development of British Columbia, Co-authored with Paul Darby and Alicia Coughlin, September 2005
- APEC Tourism Impediments Study Stage 2 Report, A comprehensive report prepared for the APEC Secretariat, September 2004
- “Rules of Origin: Issues and Concerns of Developing Countries and LDCs”. Centre for Policy Dialogue, Dhaka, Bangladesh, November 2003
- “Costs and Benefits of Tourism Services Liberalization under the General Agreement on Trade in Services (GATS): Experiences of Selected APEC Economies”, Co-authored with Stephen Smith, a comprehensive report prepared for the APEC Secretariat, May 2003
- “Negotiations of Trade Facilitation in the WTO: Implications for Bangladesh and Other LDCs”, Co-authored with Sarah Geddes, Centre for Policy Dialogue, Dhaka, Bangladesh, April 2003
- “Transition Economies and the International Trading System,” Chapter Seven, in *Russia and the International Trading System* (translated into Russian), edited by A. VanDuzer, S. F. Sutyryn, & V. I. Kapustrin (St. Petersburg, Petropolis Publishing House, 2000), pp. 322-396
- “China’s Accession to the WTO at the Turn of the 21st Century: Prospects, Opportunities and Challenges,” a paper prepared for the World Bank and presented at the World Bank-Beijing University WTO training seminar in July 1999 (prepared in both English and Chinese).
- International Trade in Textiles and Clothing after the Uruguay Round: Opportunities and Challenges for ESCWA Countries” (translated into Arabic), *CTPL Occasional Papers in International Trade Law and Policy*, No. 46. Ottawa: CTPL, December 1997
- “Pakistan and the Uruguay Round Agreements: Issues, Implementation, and Impact.” Co-authored with Maria Isolda P. Guevara and Colleen Hamilton. *CTPL Occasional Papers in International Trade Law and Policy* (translated into Urdu) No. 44. Ottawa: CTPL, April 1997
- “Vietnam’s Accession to the World Trade Organization: Background and Issues, (translated into Vietnamese)” co-authored with Michael Hart, *Journal of World Trade*, 30, no. 6 (December 1996)
- *China’s Accession to the World Trade Organization: Requirements, Realities and Resolution* (published in Chinese and English), co-edited with M. Smith and Xu X. (Ottawa and Beijing: CTPL and ITRI, 1996)
- “China’s GATT Membership: Selected Legal and Political Issues.” *Journal of World Trade* 26, no. 1 (Jan 1992).
- “Canadian and US Antidumping Laws and Chinese Exports.” *World Competition: Law and Economics Review* 14, no. 1 (September 1990).
- October 1997 – Delivered a keynote lecture on China’s integration into the world trading system and implications for Sino-EU trade and economic relations at an international conference in Milan, Italy.
- November 1996 – Testified before the Senate Standing Committee on Foreign Affairs on “China’s Accession to the WTO: What Can Canada Contribute?”

ANNEX 3

MEETING SCHEDULE AND LIST OF PEOPLE INTERVIEWED

Annex 3 Meeting Schedule and List of People Interviewed

MUTRAP III MID- TERM EVALUATION: TENTATIVE MEETING SCHEDULE May 31 – June 15, 2010

Prepared for Dr. Dominique De Stoop (Team Leader)
Mr. Wenguo Cai (Senior Expert)

Time	Meeting	Meeting with	Venue	Evaluators attended
May 31				
9h00 – 11h30	EU Delegation	Mr. Hans Farnhammer, First Secretary Ms. Vu Thi Tuan Anh Program Officer	EU Delegation Office 17-18th Fl, Pacific Place, 83B Ly Thuong Kiet, Hanoi	Both
14h00 – 15h00	MUTRAP Team Leader Project Director	Mr. Claudio Dordi Technical Assistant Team Leader Ms Nguyen Thi Hoang Thuy Project Director Ms. Le Thu Ha Project Coordinator	MUTRAP Office 9 th Floor, Miexport building, 28 Ba Trieu Str. Tel: 04-62702158	Both
15h00 – 17h00	PTF Coordinator,PTF Financial Controller, Information Officer	Ms. Vu Ngoc Huong Finance Controller Mr. Pham Ngoc Khoi Information Officer And Mutrap Officers	MUTRAP Office 9 th Floor, Miexport building, 28 Ba Trieu Str. Tel: 04-62702158	Both
June 1				
9h00 – 9h30	MUTRAP PSC Chairman	Deputy Minister Nguyen Thanh Bien,	Ministry of Industry & Trade (MOIT) 54 Hai Ba Trung 22202204	Both
9h35- 10h35	European Market Dept.	Mr. Dang Hoang Hai DG	MOIT 54 Hai Ba Trung Tel: 04-22205376 Mobile: 0988668899	Both
10h35- 11h35	Planning Dept.	Mrs. Hoang Tuyet Hoa DDG	MOIT 54 Hai Ba Trung Tel: 04-22202319 Mobile: 0913591261	Both
14h00- 15h00	Domestic Market Dept. MOIT	Mr. Truong Quang Hoai Nam Director General (DG)	MOIT 54 Hai Ba Trung Tel: 04-22205495 Mobile: 0903437371	Both
15h00- 16h00	Import- Export Dept.	Mr. Ho Quang Trung Deputy Director General (DDG) Mr. Tran Ba Cuong PTF Expert	MOIT 54 Hai Ba Trung Tel: 04 22202368	Both
June 2				
9h00 – 10h00	PTF Expert	Mr. Tran Huu Linh DDG	MOIT, E-Commerce and Information Technology 25 Ngo Quyen Tel: 0422205394 Mobile: 0904100022	Both
10h30- 11h30	PTF Expert	Mr. Le Quang Lan DDG	MOIT 54 Hai Ba Trung Tel: 04-22205413 Mobile: 0983001117	Wenguo Cai
14h00 – 15h00	Trade Institute	Mr Hoang Tho Xuan	MOIT, Trade Institute 46 Ngo Quyen, HN Mobile: 0903467858	Wenguo Cai
14h00 – 15h00	Swiss Cooperation Office for the Mekong Region, Vietnam	Ms Nguyen Nam Phuong Program Assistant	Swiss Cooperation Office 44B Ly Thuong Kiet, G.B. Box 42, Hanoi	Dominique De Stoop

Time	Meeting	Meeting with	Venue	Evaluators attended
			Tel: 0439346627	
15h30 – 16h30	National Office of Intellectual Property	Mr. Luu Duc Thanh Head of Division	386 Nguyen Trai, Thanh Xuan Tel: 0438583069 ext 117 Mobile: 0913351850	Dominique De Stoop
15h30 – 16h15	DMI expert (FTA-HOR)	David Vanzetti DMI expert	MUTRAP Office	Wenguo Cai
16h30-17h30	Delegation of the European Union to Vietnam	Mr Antonio Berenguer Trade Counsellor	17-18th Fl, Pacific Place, 83B Ly Thuong Kiet, Hanoi	Both
June 3				
9h00 – 10h00	TBT Office	Mr. Le Quoc Bao and Director Ms. Pham Thi Kim Yen Vice director	TBT Office 8 Hoang Quoc Viet Tel: 0437911599 Mobile: 0989097452	Wenguo Cai
10h30 – 11h30	Eurocham	Ms Mai Thanh Huong Program manager	Sofitel Plaza No1 Thanh Nien, Mobile	Wenguo Cai
10h30 – 11h30	VINASTAS	Mr Do Gia Phan General Secretary	VINASTAS 214/22 Ton That Tung Tel: 04-38520981 Mobile: 0906522596	Dominique De Stoop
14h00 – 15h00	Vietnam Association of Seafood Exporters and Producers	Mr Nguyen Hoai Nam	Vietnam Association of Seafood Exporters and Producers Mobile: 0983609228	Wenguo Cai
14h00 – 15h00	Ha Noi Law University	Ms Nguyen Thanh Tam Director	Ha Noi Law University 87 Nguyen Chi Thanh. Mobile: 0904397947	Dominique De Stoop
15h30 – 16h30	PSC Member	Mr. Do Minh Hung –DDG , Dept. of Multilateral Economic Cooperation	MOFA 8 Khuc Hao Tel: 0437993708 Mobile: 0988092648	Dominique De Stoop
15h30 – 16h30	LEFASO	Ms. Nguyen Thi Tong Tong General Secretary	160 Hoang Hoa Tham Tel: 0437281560 Mobile: 0913238568	Wenguo Cai
16h45 – 17h45	Institute of Labour Science and Social Affairs	Ms. Nguyen Lan Huong Director of Institute	2 Dinh Le Tel: 0913383942	Dominique De Stoop
June 4				
9h00 – 10h00	Government Office	Mr. Phan Chi Thanh DDG	1 Hoang Hoa Tham Mobile: 0913218095	Wenguo Cai
9h00-10h00	STAR Project	Phan Vinh Quang- Deputy Director	53 Quang Trung Tel: 04 944 7391 - 4 Mobile: 090 342 9990	Dominique De Stoop
10h30 – 11h30	PTF Expert,	Dr. Le Hong Hanh, Chairman of Institute of Legal Science	MUTRAP Office Mobile: 0903404583	Dominique De Stoop
14h00 – 15h00	GSO	Ms. Tran Thi Hang, Ms. Le Minh Thuy	Room 505, E Building. 6B Hoang Dieu, HN Tel: 0438435454 Mobile: 0913583339	Wenguo Cai
15h00 – 16h00	Dept. for service economy, MPI	Mr. Luu Quang Khanh DG	2 Hoang Van Thu Tel: 08044426 Mobile: 0903293889	Wenguo Cai
June 7				
9h00 – 10h00	FTU	Ms Trinh Thi Thu Huong, Vice Dean- Faculty of Economic and international Business	91 Chua Lang Tel: 04-38356800 ext 528 Mobile: 0936576494	Dominique De Stoop
9h00 – 10h00	Dept of Foreign Economic Relations, MPI	Mr. Pham Hoang Mai- DDG Ms. Phan Thu Hang - (EU Desk)	Dept of Foreign Economic Relations, MPI	Wenguo Cai

Time	Meeting	Meeting with	Venue	Evaluators attended
			2 Hoang Van Thu Mobile: 0914 330737	
10h30 – 11h30	Party Central Office	Mr Dinh Van An	68 Phan Dinh Phung, HN	Wenguo Cai
14h00 – 15h00	Participant	Mr. Pham Tuan Anh,	MOF, 28 Tran Hung Dao Mobile: 0948581175	Wenguo Cai
14h00-15h00	University of Economics and Business	Dr. Nguyen Hong Son Vice Principal	Unit 602- E4 144 Đường Xuân Thủy Mobile: 0912257733	Dominique De Stoop
15h30-16h30	YKVN & PBC	Mr. To Tuan Anh Mr Vu Dzung	YKVN Office 17 Ngo Quyen Mobile: 0983385589	Wenguo Cai
15h30 – 16h30	VCCI – Legal Dept.	Dr. Tran Huu Huynh Dr. Nguyen Thi Thu Trang	So 9 Dao Duy Anh Mobile: 0902118110	Dominique De Stoop
June 8				
9h00 – 10h00	Competition Council	Mr Ngo Viet Manh, Economist	20 Ly Thuong Kiet Tel: 0422205451 Mobile: 0913283861	Dominique De Stoop
9h00 – 10h00	WTO Division, MTDP, MOIT	Mr Ngo Chung Khanh, PTF Expert	MOIT, 54 Hai Ba Trung Mobile: 0989288898	Wenguo Cai
10h30 – 11h30	CIEM –Central Institute For Economic Management	Ms. Pham Lan Huong Head of Division	68 Phan Dinh Phung	Wenguo Cai
10h30 – 11h30	NCIEC- National Committee for International Economic Cooperation	Mr. Nguyen Huu Anh Deputy Director General	2 Pham Su Manh Tel: 0913532235	Dominique De Stoop
14h00 – 15h00	Multilateral Trade Policy Department, MOIT	Mr. Tran Quoc Khanh- DG	54 Hai Ba Trung Mobile: 0903404525	Wenguo Cai
14h00 – 15h00	Department of Legal Affairs, MOIT	Mr. Le Dinh Ba -DG, <i>(Was out of Hanoi at the time and no other meeting could be arranged)</i>	54 Hai Ba Trung Tel: 22202585 Mobile: 0983761049	Dominique De Stoop
15h30 – 16h30	Vietnam Retailers Association	Ms. Dinh My Loan Chairwoman	MUTRAP Office Mobile: 0912647237	Wenguo Cai
15h30 – 16h30	Institute of Viet Nam Economy	Mr. Nguyen Chien Thang <i>(Meeting organized but Mr Thang was not available at time and no other meeting could be organized)</i>	477 Nguyen Trai, Thanh Xuan, Hà Nội Tel: 0435522808 ext 313 Mobile: 0986996914	Dominique De Stoop
June 9				
9h00 – 10h00	AusAid	Mr Nguyen Quang Anh Program Officer	Australian Agency for International Development Tel: 04 831 7754/5 Mobile: 09032 88813	Wenguo Cai
10h30 – 11h30	DFID	Ms Tu Thu Hien Program Officer	Tel: 0904003537 Central Building, 4th floor, 31 Hai Ba Trung street	Wenguo Cai
14h-15h	MUTRAP PO	Vu Minh Nguyet (WTO Component)	MUTRAP Office	Wenguo Cai
14h00 – 15h00	MUTRAP PO	On Mai Sa (FTA Component)	MUTRAP Office	Wenguo Cai
15h-16h	MUTRAP PO	Le Thu Ha (SERV Component) Project Coordinator	MUTRAP Office	Wenguo Cai
June 10				
10h-10h30	MUTRAP PO	Nguyen Hong Van (Competition Policy Component)	MUTRAP Office	Dominique De Stoop
15h30 – 16h30	Participant (MPI)	Mr. Tran Hao Hung DDG, Legal Affair Dept <i>Meeting organized but Mr Hung was not available at time and no other</i>	2 Hoang Van Thu Mobile: 0903 446346 Tel: 0804 4146	Dominique De Stoop

Time	Meeting	Meeting with	Venue	Evaluators attended
		<i>meeting could be organized)</i>		
17h	EUD	Mr. Hans Farnhammer, First Secretary	EU Delegation Office 17-18th Fl, Pacific Place, 83B Ly Thuong Kiet, Hanoi	Both
June 11				
9h00-10h	MUTRAP Team Leader, Project Director	Mr. Claudio Dordi	MUTRAP Office	Both
10h-11h	MUTRAP PO	Le Hoang Giang (Capacity building Component)	MUTRAP Office	Dominique De Stoop
Afternoon	MUTRAP Director	General Discussion	MUTRAP Office	Dominique De Stoop
June 14	Submission of Aide-Memoire and preparation for the workshop			
June 15				
9h00 – 11h00	Workshop	PSC members, Beneficiaries, EUD and Stakeholders		Both
18-00 – 20.30 hrs	Meeting with TA T/L and DMI Project Director, Mrs C. Berry	MUTRAP Office and restaurant		Both
June 16	Experts Depart for their home bases			

ANNEX 4

LIST OF DOCUMENTS AND MATERIALS REVIEWED

Annex 4 List of Documents and Materials Reviewed

EC. Financing Agreement of Multilateral Trade Assistance Project III (EU-Vietnam MUTRAP III)
EC. Specific Terms of Reference for the Mid-Term Evaluation of Multilateral Trade Assistance Project III
MUTRAP III. Programme Estimate Operational Period from 6 August 2008 to 17 June 2012
MUTRAP III. Programme Estimate Start-up Period: from 6 August to 31 December 2008
MUTRAP III. Programme Estimate Operational Period from 1 January to 31 December 2009
MUTRAP III. Programme Estimate Operational Period from 1 January to 31 December 2010
MUTRAP III. First Six Month Technical and Financial Report, August – December 2008
MUTRAP III. Six Month Technical and Financial Report, January – June 2009
MUTRAP III. Many terms of references
MUTRAP III. Six Month Technical and Financial Report, July – December 2009
MUTRAP III. Any technical and financial report for 2010
MUTRAP III. Project Steering Committee minutes of meetings
MUTRAP III. Any annual technical and financial reports
MUTRAP III. Any MUTRAP III monitoring and audit reports
YKVN Lawyers, HCMC Institute of Development Research and PBC Partners. Technical and Financial Progress Report, 23 March – 30 September 2009
Reports prepared by individual experts on those MUTRAP III activities
EC. The EC-Vietnam Strategy Paper 2007-2013
EC. Economic integration and Vietnam's Development, Final Report, December 2009
Government of Vietnam. Social and Economic Development Plan, 2006-2010
Government of Vietnam. Post-WTO Accession Action Plan, 2007
MOIT. Industrial Production Development Plan and Trade Activities of the 5 years 2011-2015
MOIT. The Final Report of the Implementation of the Plan and Tasks of the Year 2009 and the Plan for the Year 2010 of the Industry and Trade
EuroCham Vietnam. Trade Issues and Recommendations, 2010

ANNEX 5

SUMMARY OF COMPLETED EVALUATION QUESTIONNAIRES

Annex 5 Summary of completed Evaluation Questionnaires

Mid-term Evaluation of Multilateral Trade Assistance Project III – EU-Vietnam MUTRAP III ASIE/2007/18844

Evaluation Questionnaire

The Multilateral Trade assistance Project (MUTRAP III) is a four-year EU-funded project in Vietnam with a total funding of EUR10,670,000, of which the EU contribution is EUR10,000,000 and the Government of Vietnam contributes EUR670,000. The project commenced in July 2008. The overall objective of the project is to assist the Vietnamese Government to implement its Socio-Economic Development Plan (SEDP) for 2006-2010 and the Post-WTO Action Plan for sustained pro-economic growth through stronger integration into the global trading system. Under the Terms of Reference for the project, the Technical Assistance Team (TAT) is required to support the Government of Vietnam to achieve the following results:

- a) Increased capacity of MOIT to coordinate and implement WTO commitments including progress on sector specific issues;
- b) Increased coordination of the MOIT with the private sector, training and research institutions to develop a coherent, social and environmental sustainable trade integration strategy;
- c) Increased capacity of the MOIT to effectively negotiate and coordinate regional trade related arrangements such as AFTA, ASEAN plus dialogue partners and to engage in FTA negotiations with major trade partners including the EU;
- d) Improved facilitation of trade in services through better coordination, statistics and better analytical capacity;
- e) Strengthened capacity of the competition policy stakeholders to ensure consumer protection and a fair and level playing field for all business through the implementation of the new competition law.

This is the third phase of the EU multilateral trade assistance projects in Vietnam, following the implementation of MUTRAP I and II. The EC Delegation has now decided to conduct a mid-term evaluation of MUTRAP III. A two-member evaluation team has been selected for this purpose.

This questionnaire has been designed by the evaluation team and distributed to the MUTRAP III Steering Committee Members, project beneficiaries, MUTRAP director/managers/personnel, Project Task Force (PTF) Staff, Technical Assistance Team (TAT), international and national experts, EC officials, selected MUTRAP trainees and participants, and other stakeholders of the project. The purpose of the questionnaire is to assist the evaluation team in carrying out an objective assessment of the project design, methodology, performance and results in accordance with the six EC project evaluation criteria - i.e. (1) **relevance**, (2) **efficiency**, (3) **effectiveness**, (4) **impact**, (5) **sustainability**, and (6) **coherence and EU value-added**. Responses to the questionnaire will assist the evaluation team in assessing achievements and shortfalls in relation to programme objectives, identifying gaps where improvements can be made, summarizing lessons learned and recommendations for an efficient implementation of the remaining period of MUTRAP III in Vietnam. In this regard, we request your participation in evaluating the specific activities in which you were involved in MUTRAP III by providing your opinions and answers to the questions enumerated below.

Please complete and return the questionnaire to the evaluation team by 1 June 2010 and email it directly to the team (attention: Mr. Wenguo Cai) at cai@conferenceboard.ca.

Confidentiality: Your responses to the questionnaire are confidential. The completed questionnaire will be used by the evaluators **to compile aggregate results only**. No attributions will be made to the responses of individuals, and the responses will not be shared with others, including the EC officials and the MUTRAP team.

Section 1: Background Information: Contact Details

Full Name: _____; Gender _____

Representing Organization: _____

Title/Position in Organization: _____

Contact information (address, phone, email) _____

Results: In total, 62 completed and submitted the questionnaire, of which 36 are male and 26 are female.

Please indicate the components/activities in which you were involved and the role you have played.

Component/Role	MUTRAP Beneficiary	EC Official	DMI/PTF Expert	MUTRAP Management	MUTRAP Participant	Other (specify)
Overall MUTRAP	2		1	5	1	
Comp 1– Implement WTO commitments (WTO)	5		7	1	2	
Comp 2– Trade Strategy & Capacity Building (CB)	9		3	3	2	
Comp 3– FTA Negotiations (FTA)	7		5			
Comp 4– Trade in Services (SERV)	1		9	2		
Comp 5- Competition Policy (COMP)	3		3	1		

Results: Most of the completed questionnaires are from the MUTRAP beneficiaries, the experts and the MUTRAP management team – Note: some respondents have identified more than one roles in the project.

Section 2: Project Design, Relevance, Coherence and EC Value-Added

Q1: To what extent were your MUTRAP III components/activities relevant to the needs and priorities of Vietnam and also relevant to the needs of your organizations and yourself?

Irrelevant to the needs	Partly relevant to the needs	Relevant to the needs	Highly relevant to the needs	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: 9 respondents selected (3); 52 selected (4), and one selected NA

Q2: To what extent do you think that the MUTRAP III & its components/activities were helpful in assisting Vietnam to accelerate its economic reforms (Doi Moi) and to implement the WTO commitments for sustained pro-poor economic growth through stronger integration into the global trading system?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1) and (2); 13 selected (3), 42 selected (4), and 5 selected NA

Q3: Do you agree that MUTRAP III components/activities in which you were involved included realistic targets, work plans, and approaches and that the MUTRAP III team made the necessary adjustments in order to reflect the changing needs of the beneficiaries?

Disagree completely	Somewhat disagree	Somewhat Agree	Completely Agree	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: two respondents selected (2); 17 selected (3), 37 selected (4), and 6 selected NA

Q4: Do you agree that the MUTRAP components/activities were coherent with and complementary to other donors' activities (including other EC projects and those of individual EU Member States)?

Disagree completely	Somewhat Disagree	Somewhat Agree	Completely Agree	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (2); 15 selected (3), 37 selected (4), and 9 selected NA

Q5: Do you think that the MUTRAP III components/activities you were involved have demonstrated the EC's value added?

No Value Added	Some Value Added	Value Added	Full Value Added	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1) and (2); 31 selected (3), 28 selected (4), and 1 selected NA

Section 3: Efficiency and Effectiveness

Q6: To what extent were your MUTRAP III components/activities designed and delivered in an efficient manner? Do you think that your component(s) have used the MUTRAP III funds efficiently?

Inefficient use of MUTRAP III funds	Partly efficient use of MUTRAP III funds	Efficient use of MUTRAP III funds	Most efficient use of the funds	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 4 selected (2); 26 selected (3), 29 selected (4), and 2 selected NA

Q7: Do you think that the MUTRAP III funds allocated to your components/activities were sufficient to achieve the expected results of the project components/activities?

Insufficient	Partly Sufficient	Sufficient	Highly sufficient	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 14 selected (2); 31 selected (3), 11 selected (4), and 5 selected NA

Q8: Do you think the components/activities you were involved have been implemented to ensure the quantity, quality and timeliness according to the overall workplan and annual workplans of MUTRAP III?

Not timely at all	Partly timely according to the plans	Timely according to the plans	Most timely according to the plans	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: 4 respondents selected (2); 26 selected (3), 21 selected (4), and 11 selected NA

Q9: Do you agree that the MUTRAP III component/activities in which you were involved were well supported by the DMI Manager, Project Director, Team Leader, PTF, and the EC Delegation, in terms of timely and appropriate decisions to resolve the problems and to assist in the effective implementation of the component/activities?

Disagree Completely	Somewhat disagree	Agree Somewhat	Completely Agree	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (2); 13 selected (3), 47 selected (4), and 1 selected NA

Q10: To what extent did the intended Vietnamese beneficiaries participate in the MUTRAP III components and activities and have effectively contributed to the implementation of the components/activities?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 6 selected (2); 18 selected (3), 32 selected (4), and 5 selected NA

Q11: To what extent did the MUTRAP III activities improve the capacity and performances of the participants in the beneficiary institutions as a result of the implementation of the MUTRAP III components/activities?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 3 selected (2); 23 selected (3), 29 selected (4), and 6 selected NA

Q12: Generally speaking, are you satisfied with your involvement/participation in the MUTRAP III and the results from implementing the respective components/activities in which you have participated?

Unsatisfied	Somewhat satisfied	Satisfied	Very satisfied	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 4 selected (2); 25 selected (3), 32 selected (4), and 0 selected NA

Q13: What do you think of the quality, adequacy and performance of the International (DMI) Experts employed under your component/activities? Please provide examples and comments below.

Poor	Modest	Good	Excellent	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: 2 respondents selected (2); 22 selected (3), 23 selected (4), and 15 selected NA

Q14: What do you think of the quality, adequacy and performance of the National (PTF) Experts employed for your components/activities? Please provide examples and comments below

Poor	Modest	Good	Excellent	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 6 selected (2); 29 selected (3), 14 selected (4), and 12 selected NA

Q15: What do you think of the quality, adequacy and performance of the Team Leader & PTF provided for your components/activities? Please provide examples and comments below

Poor	Modest	Good	Excellent	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (2); 20 selected (3), 27 selected (4), and 14 selected NA

Section 4: Impact and Sustainability

Q16: To what extent do you think that the MUTRAP III components/activities in which you were involved contribute to the implementation of the Social Economic Development Plan (2006-2010)?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 6 selected (2); 18 selected (3), 28 selected (4), and 9 selected NA

Q17: To what extent do you think that MUTRAP III components/activities in which you were involved contribute positively to the implementation to the Post-WTO Accession Action Plan in Vietnam?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1) and (2); 18 selected (3), 35 selected (4), and 7 selected NA

Q18: Do you agree that the MUTRAP III and its components/activities are likely to produce a positive impact on Vietnam and become sustainable?

Disagree Completely	Somewhat Disagree	Agree Somewhat	Completely Agree	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1); 17 selected (3), 40 selected (4), and 4 selected NA

Q19: Do you agree the capacities of MOIT and other government agencies have been strengthened (as a result of the implementation of MUTRAP III so far) to implement the WTO commitments, to coordinate with other stakeholders, and to effectively negotiate the FTAs as well as to improve the trading environment in the services and competition areas?

Disagree Completely	Somewhat Disagree	Agree Somewhat	Completely Agree	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 2 selected (2); 16 selected (3), 32 selected (4), and 9 selected NA

Q20: To what extent have the advice and recommendations provided through MUTRAP III been followed up by the concerned parties/beneficiaries and have generated or will expectedly generate a positive impact on target institutions and sectors in Vietnam?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: 2 respondents selected (2); 23 selected (3), 23 selected (4), and 14 selected NA

Q21: Do you think that the Vietnamese government policies and strategies supported by MUTRAP III are sustainable in the long run and will be pursued further by local stakeholders/beneficiaries?

Unlikely	Uncertain	Somewhat Likely	Very Likely	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: 3 respondents selected (2); 24 selected (3), 29 selected (4), and 6 selected NA

Q22: Do you think that the beneficiaries of MUTRAP III will be able to make use of the capacities developed after the completion of MUTRAP III?

Unlikely	Uncertain	Somewhat likely	Very likely	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 21 selected (3), 38 selected (4), and 2 selected NA

Q23: Do you think that the implementation of MUTRAP III activities has successfully increased the profile and visibility of the EC as a key development partner in Vietnam?

No difference	Slightly increased	Increased	Substantially increased	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 3 selected (2); 15 selected (3), 36 selected (4), and 7 selected NA

Section 5: Relationship with the Cross-Cutting Issues

Q24 To what extent was the gender equality issue mainstreamed into the MUTRAP III design and implementation and what were the impacts of the MUTRAP III activities on the women in Vietnam?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: one respondent selected (1), 6 selected (2); 25 selected (3), 6 selected (4), and 24 selected NA

Q25: To what extent were the MUTRAP III component/activities in which you were involved linked to the goal of environmental protection or likely have a positive impact on Vietnam's environment?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: 2 respondents selected (1), 9 selected (2); 13 selected (3), 13 selected (4), and 25 selected NA

Q26: To what extent have the MUTRAP III components/activities in which you were involved produced an impact on other cross-cutting issues such as governance, anti-corruption, transparency, and conflict management in Vietnam?

Negligible	Modest	Moderate	Substantial	Do not know or not applicable
1	2	3	4	Na
Please add your comments if any:				

Results: One respondent selected (1), 8 selected (2); 17 selected (3), 19 selected (4), and 17 selected NA

Section 6: Open-Ended Questions

Q27: What are the major strengths and weaknesses of the design and implementation of MUTRAP III? Please provide details in bullet points below:

Component/Activity #	
Strengths	Weaknesses

Q28: What are the major lessons learned from the implementation of MUTRAP III which should be borne in mind to make the remaining period of MUTRAP III more efficient and effective, and with better results and more positive impacts?

Q29: What suggestions and recommendations do you have in order to meet the priority needs and interests of Vietnam for future trade-related assistance? Please identify them in order of importance by listing the most important needs first.

Please complete the questionnaire and email it back to the evaluators by close of business, 1 June 2010. Your opinions count! We thank you for your cooperation.