

Memorandum of Understanding



Between

the Vietnam Ministry of Finance

& the

*National Association of Insurance
Commissioners*

**Memorandum of Understanding
Between the Vietnam Ministry of Finance
And the National Association of Insurance Commissioners**

1. The Vietnam Ministry of Finance (MOF), and the members of the National Association of Insurance Commissioners (NAIC), recognizing the increasing international activity in insurance markets and the corresponding need for mutual cooperation between the relevant supervisory authorities as a means for improving their effectiveness in administering and enforcing the insurance laws of their respective jurisdictions, have reached the following understanding:

Definitions

2. For the purposes of this Memorandum of Understanding, the terms set out below have the assigned meanings unless the context requires otherwise:

Authority means:

- For Vietnam, the Ministry of Finance, Department of Financial & Banking Institutions, Insurance Supervisions Division (MOF)
- The National Association of Insurance Commissioners (NAIC), a non-profit Delaware corporation, acting on behalf of its members, who are the chief insurance regulatory officers in each of the fifty States, the District of Columbia and the U.S. territories.

Requested Authority means an Authority to whom a request under this Memorandum is addressed.

Requesting Authority means an Authority making a request under this Memorandum.

Laws, regulations and requirements means the provisions of the laws, or the regulations and requirements enacted in Vietnam and the fifty States, the District of Columbia and the U.S. territories, for the purpose of regulating the business of insurance.

Objectives

3. This Memorandum sets forth the basis upon which the NAIC, acting on behalf of its members, and the MOF propose to provide for mutual assistance and the exchange of information for the purpose of facilitating the performance of insurance regulatory functions under the respective laws, regulations and requirements of Vietnam and the fifty States, the District of Columbia and the U.S. territories. The



purpose of the Memorandum is to help insurance supervisors maintain efficient, fair, safe and stable insurance markets in Vietnam and the United States for the benefit and protection of policyholders, by providing a framework for co-operation, increased mutual understanding, the exchange of information and technical assistance to the extent permitted by laws, regulations and requirements.

4. The NAIC and the MOF agree to appoint respective liaison officers for the purpose of improving relations between insurance regulators in Vietnam and the United States; to exchange information and to educate members of the MOF and the NAIC on insurance regulatory practices in the respective countries; to foster open communication among regulators; and to encourage cooperation among regulators on matters of common interest.

5. The Authorities intend to:

- a. use their best endeavors to ensure that the fullest mutual assistance is provided within the terms of the memorandum; and
- b. engage in consultations, as appropriate, on mutually agreeable approaches designed to enhance the integrity and efficiency of their respective insurance markets and the exercise of insurance market supervisory functions.

6. This Memorandum does not modify or supersede any laws, regulations and requirements in force in, or applying to, the MOF or members of the NAIC, or the jurisdictions in which they are authorized to regulate the business of insurance. Nor does it create directly or indirectly any enforceable rights.

Scope

7. The MOF and the NAIC propose to ensure that mutual assistance is provided to the other, subject to applicable laws and overall policy, in the areas of administration and enforcement of the laws, regulations and requirements relating to the business of insurance.

8. Liaisons from MOF and the NAIC should meet once a year at mutually agreeable locations, but more meetings may be arranged by mutual agreement, if necessary. For all meetings of the Liaisons, Authorities will provide language interpreters on an alternating basis.

9. The Authorities will provide mutual assistance periodically through:

- a. training held in the host country;
- b. participation in internships with specific educational focus; and
- c. educational seminars held in the host country.
- d. provision of training manuals/material.

10. The Liaisons should establish an annual work program to focus on specific regulatory issues of mutual interest. Information exchange, training, technical assistance programs, and other related activities should be conducted consistent with the work program and based on the availability of expert participants from the NAIC and the MOF.

11. Additional work on issues of common interest that are identified by the Liaisons will be conducted throughout the year as necessary.

12. The MOF and the NAIC recognize the need and desirability of providing mutual assistance and exchanging information to assist each other in better understanding and otherwise coordinating compliance with applicable laws, regulations and requirements. However, assistance may be denied on the grounds of public interest.

Individual Requests for Assistance

13. Any individual request for assistance made under this Memorandum outside the projects identified by the Liaisons will, wherever possible, be in writing, but in cases of urgency it may be oral and confirmed in writing within 10 days.

14. A request for assistance made under this Memorandum shall be addressed to one of the requested Authority's contact points listed in Annex 1, or that individual's nominee.

15. In deciding whether to accept or decline a request the requested Authority will, in particular, take account of:

- a. matters specified by the laws and regulations in the country or jurisdiction of the requested Authority;
- b. whether the request involves an assertion of regulatory jurisdiction not recognized by the country of the requested Authority or a member thereof;
- c. whether it would be contrary to the public interest of the requested Authority, or a member thereof, to give the assistance sought; and
- d. the resources available to the requested Authority to deal with the request.

Consultations and Waiver

16. The MOF and the NAIC will keep the operation of this Memorandum under continuous review and consult with a view to improving its operation and resolving any matters.

17. Where the specific conduct set out in the request for assistance may constitute a breach of a law, regulation or requirement in either the territory of the requesting or the requested Authorities, the relevant Authorities will consult in order

to determine the most appropriate means for each Authority to provide assistance. No provision herein shall be interpreted as superseding, amending, revoking or otherwise changing any law relating to the MOF or in the fifty States, the District of Columbia or the U.S. territories.

18. Any of the conditions of this Memorandum may be amended or waived by mutual agreement.

Termination

19. This Memorandum will continue to have effect unless terminated by one of the Authorities by giving 30 days advance written notice to the other Authority that the understandings set out herein are no longer to have effect.

Contact Points

20. All communications between the Authorities should be between the principal points of contact listed in Annex 1 unless otherwise agreed.

Entry Into Effect

21. This Memorandum will be effective from the date of its signature by the MOF and NAIC.

This Memorandum of Understanding is hereby entered into as evidenced by the signatures of the following representatives of the MOF and the NAIC.

MOF

NAIC

Deputy Minister of Finance of Vietnam

President, National Association of Insurance
Commissioners

Date

Date



Annex 1

NAIC Contact:

Mr. George M. Brady III
NAIC International Counsel
444 North Capitol St. #701
Washington, DC 20001
Tel: 1.202.624.7790
Fax: 1.202.624.8579

Vietnamese Contact:

Mr. Le Quang Binh
Deputy Director of the Banking and Financial Institutions Department
Ministry of Finance
6 Phan Huy Chu Street, Hoan Kiem District
Hanoi, Vietnam
Tel: 84.4.8.241427
Fax: 84.4.8.262266