

FREE TRADE AGREEMENT

BETWEEN THE EUROPEAN UNION AND THE SOCIALIST REPUBLIC OF VIETNAM

The European Union, hereinafter referred to as “the Union”,

and

the Socialist Republic of Vietnam, hereinafter referred to as “Vietnam”,

RECOGNISING their longstanding and strong partnership based on the common principles and values reflected in the Partnership and Cooperation Agreement, and their important economic, trade and investment relationship;

DESIRING to further strengthen their relationship as part of and in a manner coherent with their overall relations, and convinced that this Agreement will create a new climate for the development of trade and investment between the Parties;

RECOGNISING that this Agreement will complement and promote regional economic integration efforts;

DETERMINED to strengthen their economic, trade, and investment relations in accordance with the objective of sustainable development, in its economic, social and environmental dimensions, and to promote trade and investment under this Agreement in a manner mindful of high levels of environmental and labour protection and relevant internationally recognised standards and agreements;

DESIRING to raise living standards, promote economic growth and stability, create new employment opportunities and improve the general welfare and, to this end, reaffirming their commitment to promoting trade and investment liberalisation;

CONVINCED that this Agreement will create an expanded and secure market for goods and services and a stable and predictable environment for investment, thus providing an opportunity to enhancing the competitiveness of their firms in global markets;

REAFFIRMING their commitment to the *Charter of the United Nations* signed in San Francisco on 26 June 1945 and having regard to the principles articulated in *The Universal Declaration of Human Rights* adopted by the General Assembly of the United Nations on 10 December 1948;

RECOGNISING the importance of transparency in international trade to the benefit of all stakeholders;

SEEKING to establish clear and mutually advantageous rules governing their trade and investment and to reduce or eliminate the barriers to mutual trade and investment;

RESOLVED to contribute to the harmonious development and expansion of international trade by removing obstacles to trade through this Agreement and to avoid creating new barriers to trade or investment between the Parties that could reduce the benefits of this Agreement;

BUILDING on their respective rights and obligations under the World Trade Organization Agreement and other multilateral, regional and bilateral agreements and arrangements to which they are party,

DESIRING to promote the competitiveness of their companies by providing them with a predictable legal framework for their trade and investment relations;

HAVE AGREED as follows:

CHAPTER ONE

OBJECTIVES AND GENERAL DEFINITIONS

Article 1.1

Establishment of a Free Trade Area

The Parties to this Agreement hereby establish a free trade area, consistent with Article XXIV of the GATT 1994 and Article V of the GATS.

Article 1.2

Objectives

The objectives of this Agreement are to liberalise and facilitate trade and investment between the Parties in accordance with the provisions of this Agreement.

Article 1.3

Definitions of General Application

For purposes of this Agreement, unless otherwise specified:

“Agreement on Agriculture” means the *Agreement on Agriculture* contained in Annex 1A of the WTO Agreement;

“Agreement on Government Procurement” means the Agreement of Government Procurement contained in Annex 4 of the WTO Agreement;

“Agreement on Preshipment Inspection” means the *Agreement on Preshipment Inspection* contained in Annex 1A of the WTO Agreement;

“Anti-Dumping Agreement” means the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994* contained in Annex 1A of the WTO Agreement;

“Customs Valuation Agreement” means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994* contained in Annex 1A of the WTO Agreement;

“day” means a calendar day;

“DSU” means the *Understanding on Rules and Procedures Governing the Settlement of Disputes* contained in Annex 2 of the WTO Agreement;

“GATS” means the *General Agreement on Trade in Services* contained in Annex 1B of the WTO Agreement;

“GATT 1994” means the *General Agreement on Tariffs and Trade 1994* contained in Annex 1A of the WTO Agreement;

“Harmonized System” means the Harmonized Commodity Description and Coding System, including all legal notes and amendments thereto (hereinafter referred to as the ‘HS’);

“IMF” means the International Monetary Fund;

“Import Licensing Agreement” means the *Agreement on Import Licencing Procedures* contained in Annex 1A of the WTO Agreement;

“measure” means any law, regulation, rule, procedure, decision, administrative action, practice or any other form;

“natural person of a Party” means a national of Vietnam, or of one of the Member States of the Union, according to their respective legislation;

“Partnership and Cooperation Agreement” means the *Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part*, signed on [...];

“person” means a natural person or a juridical person;

“Safeguards Agreement” means the *Agreement on Safeguards* contained in Annex 1A of the WTO Agreement;

“SCM Agreement” means the *Agreement on Subsidies and Countervailing Measures* contained in Annex 1A of the WTO Agreement;

“SPS Agreement” means the *Agreement on the Application of Sanitary and Phytosanitary Measures* contained in Annex 1A of the WTO Agreement;

“TBT Agreement” means the *Agreement on Technical Barriers to Trade* contained in Annex 1A of the WTO Agreement;

“TRIPS Agreement” means the *Agreement on Trade-Related Aspects of Intellectual Property Rights* contained in Annex 1C of the WTO Agreement;

“WIPO” means the World Intellectual Property Organization;

“WTO Agreement” means the *Marrakesh Agreement Establishing the World Trade Organization* done at Marrakesh on 15 April 1994;

“WTO” means the World Trade Organization.