

CONVINCED that joint efforts between the Parties towards an advanced free trade agreement will develop an enhanced framework for the promotion and development of economic and trade relations between the Member States of the Eurasian Economic Union and Viet Nam in their common interest and for their mutual benefit;

HAVE AGREED as follows:

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1.1

General Provisions and Definitions

For the purposes of this Agreement, unless otherwise specified:

- a) **“central customs authority”** means the highest authorised customs authority of each of the Member States of the Eurasian Economic Union or Viet Nam exercising, in accordance with the respective domestic laws and regulations, the functions of implementing the relevant government policies, regulations, control and supervision in the customs sphere;
- b) **“customs authorities”** means the customs authority or customs authorities of the Member States of the Eurasian Economic Union or Viet Nam;

- c) “**customs duty**” means any duty or charge of any kind imposed on or in connection with the importation of a good, but does not include any:
- i. charge equivalent to an internal tax imposed consistently with Article III.2 of GATT 1994;
 - ii. fee or other charge in connection with the importation commensurate with the cost of services rendered; and
 - iii. duty imposed consistently with Chapter 3 (Trade Remedies) of this Agreement;
- d) “**days**” means calendar days including weekends and holidays;
- e) “**declarant**” means a person who declares goods for customs purposes or on whose behalf the goods are declared;
- f) “**Eurasian Economic Commission**” means the permanent regulatory body of the Eurasian Economic Union in accordance with the Treaty on the Eurasian Economic Union of 29 May 2014 (hereinafter referred to as “the Treaty on the EAEU”);
- g) “**GATS**” means the General Agreement on Trade in Services, in Annex 1B to the WTO Agreement;

- h) **“GATT 1994”** means the General Agreement on Tariffs and Trade 1994 and its interpretative notes, in Annex 1A to the WTO Agreement;
- i) **“good”** means any merchandise, product, article or material;
- j) **“Harmonized System”** or **“HS”** means the Harmonized Commodity Description and Coding System established by the International Convention on the Harmonized Commodity Description and Coding System, done on 14 June 1983 as adopted and implemented by the Parties in their respective laws and regulations;
- k) **“laws and regulations”** includes any law or any other legal normative act;
- l) **“measure”** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, practice or any other form;
- m) **“originating”** means qualifying under the rules of origin set out in Chapter 4 (Rules of Origin) of this Agreement;
- n) **“Parties”** means the Member States of the Eurasian Economic Union and the Eurasian Economic Union acting jointly or individually within their respective areas of competence as derived from the Treaty on the EAEU, of the one part, and Viet Nam, of the other part;

- o) **“person”** means a natural person or a juridical person;
- p) **“SCM Agreement”** means the Agreement on Subsidies and Countervailing Measures, in Annex 1A to the WTO Agreement;
- q) **“SPS Agreement”** means the Agreement on the Application of Sanitary and Phytosanitary Measures, in Annex 1A to the WTO Agreement;
- r) **“TBT Agreement”** means the Agreement on Technical Barriers to Trade, in Annex 1A to the WTO Agreement;
- s) **“TRIPS Agreement”** means the Agreement on Trade-Related Aspects of Intellectual Property Rights, in Annex 1C to the WTO Agreement;
- t) **“WTO”** means the World Trade Organization established in accordance with the WTO Agreement; and
- u) **“WTO Agreement”** means the Marrakesh Agreement Establishing the World Trade Organization, done on 15 April 1994.

ARTICLE 1.2

Establishment of Free Trade Area

The Parties hereby establish a Free Trade Area consistent with Article XXIV of GATT 1994 and Article V of GATS.

ARTICLE 1.3

Objectives

The objectives of this Agreement are:

- a) to liberalise and facilitate trade in goods between the Parties through, *inter alia*, reduction of tariff and non-tariff barriers and simplification of customs formalities;
- b) to liberalise and facilitate trade in services between the Parties;
- c) to facilitate, promote and enhance investment opportunities between the Parties through further development of favourable investment environments;
- d) to support economic and trade cooperation between the Parties;
- e) to protect adequately and effectively intellectual property and promote cooperation in the field thereof; and

- f) to establish a framework to enhance closer cooperation in the fields agreed in this Agreement and facilitate communications between the Parties.

ARTICLE 1.4

Joint Committee

The Parties hereby establish a Joint Committee comprising representatives of each Party, which shall be co-chaired by two representatives – one from the Eurasian Economic Union or from a Member State of the Eurasian Economic Union and the other from Viet Nam. The Parties shall be represented by senior officials delegated by them for this purpose.

ARTICLE 1.5

Functions of the Joint Committee

1. The Joint Committee shall have the following functions:
 - a) considering any matter related to the implementation and operation of this Agreement;
 - b) supervising the work of all committees and other bodies established under this Agreement;
 - c) considering ways to further enhance trade relations between the Parties;

- d) considering and recommending to the Parties any amendment to this Agreement; and
 - e) taking other actions on any matter covered by this Agreement as the Parties may agree.
2. In the fulfilment of its functions, the Joint Committee may establish subsidiary bodies, including *ad hoc* bodies, and assign them with tasks on specific matters. The Joint Committee may, if necessary, decide to seek advice of third persons or groups.
3. Unless the Parties agree otherwise, the Joint Committee shall convene:
- a) in regular session every year, with such sessions to be held alternately in the territories of the Parties; and
 - b) in special session within 30 days of the request of a Party, with such sessions to be held in the territory of the other Party or at such location as the Parties may agree.
4. The Joint Committee shall meet within 30 days of a Party giving an advance notice in accordance with Article 15.3 of this Agreement in order to discuss the implications of that action for the Parties and for any arrangement made under this Agreement.

5. All decisions of the Joint Committee, committees and other bodies established under this Agreement shall be taken by consensus of the Parties.

ARTICLE 1.6

Priority Investment Projects

1. Priority investment projects shall be approved by the respective Governments of the Member States of the Eurasian Economic Union on the one side and the Government of Viet Nam on the other side.
2. Notwithstanding other provisions of this Agreement and as a result of consultations of the Parties aimed at support of priority investment projects, the Parties shall be entitled to provide additional preferences. Such decisions shall be made by the relevant authorities of the respective Parties within their competence.

ARTICLE 1.7

Contact Points

1. Each Party shall designate a contact point or contact points to facilitate communications between the Parties on any matter covered by this Agreement and shall notify the Joint Committee of its contact point or contact points.

2. Upon request of a Party, the other Party's contact point or contact points shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communications with the requesting Party.

ARTICLE 1.8

Confidential Information

1. Each Party shall, in accordance with its respective laws and regulations, maintain the confidentiality of information provided in confidence by the other Party pursuant to this Agreement.
2. Nothing in this Agreement shall require a Party to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

ARTICLE 1.9

General and Security Exceptions

1. Article XX of GATT 1994 and Article XIV of GATS are incorporated into and form part of this Agreement, *mutatis mutandis*.
2. Article XXI of GATT 1994 and Article XIV *bis* of GATS are incorporated into and form part of this Agreement, *mutatis mutandis*.
3. The Joint Committee shall be informed to the fullest extent possible of measures taken under paragraph 2 of this Article and of their termination.

ARTICLE 1.10**Dual Use Goods and Services**

The Parties recognise the sovereign right of the Member States of the Eurasian Economic Union and Viet Nam to regulate trade in dual use goods and services subject to their respective export control laws and regulations as well as international obligations.

ARTICLE 1.11**Measures to Safeguard the Balance of Payments**

Article XII of GATT 1994 and the Understanding on the Balance-of-Payments Provisions of GATT 1994 are incorporated into and form part of this Agreement, *mutatis mutandis*.

ARTICLE 1.12**Relation to Other International Agreements**

1. This Agreement shall apply without prejudice to the rights and obligations of the Parties arising from bilateral and multilateral agreements to which the Parties are party, including the WTO Agreement and the Parties' respective WTO obligations and commitments.
2. Without prejudice to Article 4.7 of this Agreement, the provisions of this Agreement shall neither apply between the Member States of the Eurasian Economic Union or between the Member States of the Eurasian Economic Union and the Eurasian Economic Union, nor shall they grant Viet Nam

the rights and privileges that the Member States of the Eurasian Economic Union grant exclusively to each other.

ARTICLE 1.13

Transparency

1. Each Party shall ensure, in accordance with its respective laws and regulations, that its laws and regulations of general application as well as its respective international agreements, with respect to any matter covered by this Agreement, are promptly published or otherwise made publicly available, including wherever possible in electronic form.
2. To the extent possible, in accordance with its respective laws and regulations, each Party shall:
 - a) publish in advance such laws and regulations referred to in paragraph 1 of this Article that it proposes to adopt; and
 - b) provide interested persons and the other Party with a reasonable opportunity to comment on such laws and regulations referred to in paragraph 1 of this Article that it proposes to adopt.
3. Upon request of a Party, the other Party shall promptly respond to specific questions and provide information on the laws and regulations referred to in paragraph 1 of this Article.