

CHAPTER 2

TRADE IN GOODS

ARTICLE 2.1

Most-Favoured-Nation Treatment

1. With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation, and with respect to all matters referred to in paragraphs 2 and 4 of Article III of GATT 1994, any advantage, favour, privilege or immunity granted by a Party to any good originating in or destined for the territory of any third country shall be accorded immediately and unconditionally to the like good of the other Party or like good destined for the territory of such Party.
2. Nothing in paragraph 1 of this Article obliges a Party to provide the other Party with an advantage, favour, privilege or immunity on a most-favoured-nation basis which the former Party provides to any other third country fulfilling any of the following criteria:
 - a) to adjacent countries for the purposes of facilitating frontier traffic;
 - b) to the participants of a customs union, free trade area or regional economic organisation, or any other regional trade agreements as defined in Article XXIV of GATT 1994; or

- c) to developing and least developed countries in accordance with GATT 1994, Generalized System of Preferences under United Nations Conference on Trade and Development or the respective laws and regulations of the Parties.

ARTICLE 2.2

National Treatment

Article III of GATT 1994 and the interpretative notes to this Article are incorporated into and form part of this Agreement, *mutatis mutandis*.

ARTICLE 2.3

Reduction and/or Elimination of Customs Duties

1. Except as otherwise provided for in this Agreement, each Party shall progressively reduce and/or eliminate customs duties on originating goods of the other Party in accordance with its schedule of tariff commitments in Annex 1 to this Agreement and shall not increase any customs duty or adopt any new customs duty resulting in the customs duty rate for originating goods of the other Party exceeding the level specified in its schedule of tariff commitments in Annex 1 to this Agreement.
2. A Party may, at any time, unilaterally accelerate the reduction and/or elimination of customs duties on originating goods of the other Party set out in its schedule of tariff commitments in Annex 1 to this Agreement. This shall not preclude either Party from raising a customs duty to the

level established in its schedule of tariff commitments in Annex 1 to this Agreement for the respective year following a unilateral reduction. A Party considering such raise, reduction and/or elimination of a customs duty shall inform the other Party as early as practicable before the new rate of customs duty takes effect.

3. The Parties may consider accelerating the reduction and/or elimination of customs duties set out in their schedules of tariff commitments in Annex 1 to this Agreement by amending this Agreement in accordance with Article 15.5 of this Agreement.
4. If the rate of customs duty on an originating good of a Party applied in accordance with Annex 1 to this Agreement is higher than the most-favoured-nation applied rate of customs duty on the same good, such good shall be eligible for the latter one.

ARTICLE 2.4

Changes to HS Code and Description

1. Each Party shall ensure that any change to its HS code and description shall be carried out without impairing tariff concessions undertaken in accordance with Annex 1 to this Agreement.
2. Such change to the Eurasian Economic Union HS code and description and Viet Nam HS code and description shall be carried out by the Eurasian Economic Commission and Viet Nam, respectively. The Parties shall make any change to their HS code and description publicly available

in a timely manner and inform each other every three months.

ARTICLE 2.5

Fees, Charges and Formalities Connected with Importation and Exportation

1. Article VIII of GATT 1994 and the interpretative notes to this Article are incorporated into and form part of this Agreement, *mutatis mutandis*.
2. Each Party shall ensure that its competent authorities make available through their official websites information about fees and charges it imposes.

ARTICLE 2.6

Administration of Trade Regulations

Each Party shall administer in a uniform, impartial and reasonable manner all its laws, regulations, judicial decisions and administrative rulings of general application pertaining to trade in goods between the Parties in accordance with Article X of GATT 1994.

ARTICLE 2.7

Subsidies

1. The rights and obligations of the Parties in respect of subsidies for goods not covered by the Agreement on Agriculture, in Annex 1A to the WTO Agreement, shall be governed by the provisions of Article XVI of GATT 1994, the SCM Agreement and their respective WTO obligations and commitments.
2. The Parties share the objective of multilateral elimination of export subsidies for agricultural goods.
3. The rights and obligations of the Parties in respect of export subsidies on any agricultural good destined for the territory of the other Party shall be governed by their respective WTO obligations and commitments.
4. Each Party shall ensure transparency in the area of subsidies covered by this Article. Upon request of a Party, the other Party within a reasonable period of time shall give notice on a specific subsidy, as defined in the SCM Agreement, that it grants or maintains. Such notice shall contain the information set out in Article 25.3 of the SCM Agreement.

ARTICLE 2.8

Import Licensing

1. Each Party shall ensure that its import licensing procedures, as defined in Articles 1 through 3 of the Agreement on Import Licensing Procedures, in Annex 1A to the WTO Agreement (hereinafter referred to as “the Agreement on Import Licensing Procedures”), are implemented in a

transparent and predictable manner, and applied in accordance with the Agreement on Import Licensing Procedures.

2. Each Party shall publish its rules and information concerning licensing procedures in a manner consistent with Article 1.4 of the Agreement on Import Licensing Procedures. A Party which introduces licensing procedures or changes in these procedures shall notify the other Party of such licensing procedures or changes in these procedures within 60 days of publication. Such notification shall contain information set out in Articles 5.2 and 5.3 of the Agreement on Import Licensing Procedures. The information shall be provided through a contact point of each Party designated for this purpose.

ARTICLE 2.9

Quantitative Restrictions

1. Neither Party may adopt or maintain any quantitative restriction, including prohibition or restriction on the importation of any good of the other Party or on the exportation of any good destined for the territory of the other Party, except in accordance with its WTO obligations and commitments, and to this end Articles XI and XIII of GATT 1994 and the interpretative notes to these Articles are incorporated into and form part of this Agreement, *mutatis mutandis*.
2. Each Party shall ensure the transparency of any quantitative restriction permitted in accordance with paragraph 1 of this Article and shall ensure that any such measure is not prepared, adopted or applied with a view to,

or with the effect of, creating unnecessary obstacles to trade between the Parties.

ARTICLE 2.10

Trigger Safeguard Measures

1. The Eurasian Economic Union may apply a trigger safeguard measure to originating goods of Viet Nam listed in Annex 2 to this Agreement and imported into the territories of the Member States of the Eurasian Economic Union if the volume of imports during any calendar year exceeds the relevant trigger level for that year specified in Annex 2 to this Agreement.
2. A trigger safeguard measure shall be applied in the form of a customs duty equal to the most-favoured-nation rate of customs duty applied with respect to the goods concerned on the date when the trigger safeguard measure comes into effect.
3. A trigger safeguard measure shall be applied for a period of time not exceeding six months.
4. Notwithstanding paragraph 3 of this Article, if on the date of the application of the trigger safeguard measure the volume of imports concerned exceeds 150 percent of the relevant trigger level, the period of application of such measure may be extended by another three months.

5. The Eurasian Economic Commission shall publish the data on the volume of imports concerned in a readily accessible manner for Viet Nam. Upon finding that the conditions referred to in paragraph 1 of this Article are met, the Eurasian Economic Commission shall immediately give notice thereof in writing. The Eurasian Economic Commission shall also give notice in writing at least 20 days before taking decision on the application of a trigger safeguard measure, as well as three days after taking such decision, provided that such decision comes into effect not earlier than 30 days from the date the decision is taken, without prejudice to the right of the Eurasian Economic Union to apply such measure. If the Eurasian Economic Union decides not to apply the trigger safeguard measure it shall promptly notify Viet Nam of its decision in writing.
6. Upon request of a Party, the other Party shall promptly enter into consultations and/or provide the requested information with the aim of clarifying the conditions of imposition and application of a trigger safeguard measure under paragraphs 1 through 4 of this Article.
7. Every three years from the date of entry into force of this Agreement, the Parties shall review the operation of this Article and, if necessary, jointly decide to amend this Article as well as Annex 2 to this Agreement in accordance with Article 15.5 of this Agreement.

ARTICLE 2.11

State Trading Enterprises

Each Party shall ensure that its state trading enterprises operate in consistence with Article XVII of GATT 1994 and its WTO obligations and commitments.

ARTICLE 2.12

Committee on Trade in Goods

1. The Parties hereby establish the Committee on Trade in Goods (hereinafter referred to as “the Goods Committee”), comprising representatives of each Party.
2. The Goods Committee shall meet upon request of either Party to consider any matter arising under this Chapter and under Chapters 3 (Trade Remedies), 4 (Rules of Origin), 5 (Customs Administration and Trade Facilitation), 6 (Technical Barriers to Trade) and 7 (Sanitary and Phytosanitary Measures).
3. The Goods Committee shall have the following functions:
 - a) reviewing and monitoring the implementation and operation of the Chapters referred to in paragraph 2 of this Article;
 - b) reviewing and making appropriate recommendations, as needed, to the Joint Committee on any amendment to the provisions of this Chapter and to the schedules of tariff commitments in Annex 1 to this Agreement in order to promote and facilitate improved market access;

- c) identifying and recommending measures to resolve any problem that may arise;
- d) reporting the findings on any other issue arising from the implementation of this Chapter to the Joint Committee.

CHAPTER 3

TRADE REMEDIES

ARTICLE 3.1

Countervailing Measures

1. The Parties shall apply countervailing measures in accordance with the provisions of Articles VI and XVI of GATT 1994 and the SCM Agreement.
2. For the purposes of conducting countervailing investigations and applying countervailing measures by Viet Nam, the Member States of the Eurasian Economic Union shall be considered individually and not as the Eurasian Economic Union as a whole, unless there are subsidies within the meaning of Article XVI of GATT 1994 and the SCM Agreement available at the level of the Eurasian Economic Union for all Member States of the Eurasian Economic Union.

ARTICLE 3.2

Anti-Dumping Measures