

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 WTO 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 1

Objectives and general definitions

Article 1.1

Establishment of a Free Trade Area

The Parties hereby establish a free trade area, in conformity with Article XXIV of GATT 1994 and Article V of 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

Partnership and Cooperation Agreement

For the purposes of this Agreement, "Partnership and Cooperation Agreement" means the *Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part*, signed in Brussels on 27 June 2012.

Article 1.4

WTO Agreements

For the purposes of this Agreement:

- (a) "Agreement on Agriculture" means the *Agreement on Agriculture* contained in Annex 1A of the WTO Agreement;
- (b) "Agreement on Government Procurement" means the *Agreement on Government Procurement* contained in Annex 4 of the WTO Agreement;
- (c) "Agreement on Preshipment Inspection" means the *Agreement on Preshipment Inspection* contained in Annex 1A of the WTO Agreement;
- (d) "Agreement on Rules of Origin" means the *Agreement on Rules of Origin* contained in Annex 1A of the WTO Agreement;
- (e) "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;

- (f) "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;
- (g) "DSU" means the *Understanding on Rules and Procedures Governing the Settlement of Disputes* contained in Annex 2 of the WTO Agreement;
- (h) "GATS" means the *General Agreement on Trade in Services* contained in Annex 1B of the WTO Agreement;
- (i) "GATT 1994" means the *General Agreement on Tariffs and Trade 1994* contained in Annex 1A of the WTO Agreement;
- (j) "Import Licensing Agreement" means the *Agreement on Import Licensing Procedures* contained in Annex 1A of the WTO Agreement;
- (k) "Safeguards Agreement" means the *Agreement on Safeguards* contained in Annex 1A of the WTO Agreement;
- (l) "SCM Agreement" means the *Agreement on Subsidies and Countervailing Measures* contained in Annex 1A of the WTO Agreement;
- (m) "SPS Agreement" means the *Agreement on the Application of Sanitary and Phytosanitary Measures* contained in Annex 1A of the WTO Agreement;
- (n) "TBT Agreement" means the *Agreement on Technical Barriers to Trade* contained in Annex 1A of the WTO Agreement;
- (o) "TRIPS Agreement" means the *Agreement on Trade-Related Aspects of Intellectual Property Rights* contained in Annex 1C of the WTO Agreement; and
- (p) "WTO Agreement" means the *Agreement Establishing the World Trade Organization*, done at Marrakesh on 15 April 1994.

Article 1.5

General Definitions

For the purposes of this Agreement, unless otherwise specified:

- (a) "day" means a calendar day;
- (b) "domestic" means, with regard to legislation, law or laws and regulations for the Union and its Member States and for Viet Nam ⁽¹⁾, respectively, legislation, law or laws and regulations at central, regional or local level;
- (c) "goods" means products as understood in GATT 1994, unless otherwise provided for in this Agreement;
- (d) "Harmonized System" means the Harmonized Commodity Description and Coding System, including all legal notes and amendments thereto (hereinafter referred to as the "HS");
- (e) "IMF" means the International Monetary Fund;

⁽¹⁾ For greater certainty, for Viet Nam the relevant forms of legislation, law or laws and regulation at the central level or local level are provided for in the Law No. 80/2015/QH13 of 22 June 2015 on the Promulgation of Legal Normative Documents, as amended.

- (f) "measure" means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action or any other form;
- (g) "natural person of a Party" means a national of one of the Member States of the Union or of Viet Nam, according to their respective legislation ⁽²⁾;
- (h) "person" means a natural person or a legal person;
- (i) "third country" means a country or territory outside the scope of territorial application of this Agreement as defined in Article 17.24 (Territorial Application);
- (j) "UNCLOS" means the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982;
- (k) "WIPO" means the World Intellectual Property Organization; and
- (l) "WTO" means the World Trade Organization.

CHAPTER 2

National treatment and market access for goods

Article 2.1

Objective

The Parties shall progressively liberalise trade in goods and improve market access over a transitional period starting from the entry into force of this Agreement in accordance with the provisions of this Agreement and in conformity with Article XXIV of GATT 1994.

Article 2.2

Scope

Except as otherwise provided for in this Agreement, this Chapter applies to trade in goods between the Parties.

Article 2.3

Definitions

For the purposes of this Chapter:

- (a) "agricultural export subsidies" means subsidies as defined in paragraph (e) of Article 1 of the Agreement on Agriculture, including any amendment of that Article;
- (b) "agricultural good" means a product listed in Annex 1 to the Agreement on Agriculture;
- (c) "consular transactions" means the procedure of obtaining from a consul of the importing Party in the territory of the exporting Party, or in the territory of a third country, a consular invoice or a consular visa for a commercial invoice, certificate of origin, manifest, shipper's export declaration or any other customs documentation in connection with the importation of the goods;
- (d) "customs duty" means any duty or charge of any kind imposed on or in connection with the importation of a good, including any form of surtax or surcharge imposed on or in connection with such importation, and does not include any:
 - (i) charge equivalent to an internal tax imposed in accordance with Article 2.4 (National Treatment);

⁽²⁾ The term "natural person" includes natural persons permanently residing in Latvia who are not citizens of Latvia or any other state but who are entitled, under the laws and regulations of Latvia, to receive a non-citizen's passport (Alien's Passport).