

**FREE TRADE AGREEMENT BETWEEN THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE SOCIALIST
REPUBLIC OF VIET NAM**

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
("the United Kingdom"),

And

THE SOCIALIST REPUBLIC OF VIET NAM ("Viet Nam")

(hereinafter referred to as "the Parties"),

RECOGNISING that the Free Trade Agreement between the European Union ("the EU") and the Socialist Republic of Viet Nam done at Hanoi on 30 June 2019 ("the EU-Viet Nam FTA") sets out the preferential conditions of trade and investment that the United Kingdom and Viet Nam wish to apply between them; and

DESIRING specifically that the rights and obligations between them provided for by the EU-Viet Nam FTA should continue,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Definitions and interpretation

1. Throughout this instrument:

"mutatis mutandis" means with the technical modifications necessary to apply the EU-Viet Nam FTA as if it had been concluded between the United Kingdom and Viet Nam, taking into account the object and purpose of this Agreement and any instrument or agreement made by the Parties relating to the interpretation of this term; and

"the Incorporated Agreement" means the EU-Viet Nam FTA to the extent incorporated into this Agreement (and related expressions are to be read accordingly).

2. Throughout the Incorporated Agreement and this instrument, "this Agreement" means the entire Agreement, including anything incorporated by Article 2.

3. Subject to Article 6, references in the Incorporated Agreement to Article 17.16 shall be read as references to Article 9 of this instrument.

4. (a) In the event of an inconsistency between this Agreement and the Protocol on Ireland/Northern Ireland to the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, signed in London and Brussels on 24 January 2020, this Agreement shall not prevent a Party from taking a particular measure not consistent with the obligations under this Agreement and relating to the inconsistency between this Agreement and that Protocol, provided that such a measure is not applied in a manner that would constitute a means of arbitrary or unjustified discrimination against the other Party or a disguised restriction on trade.
- (b) In that event, a Party shall notify the other Party of such a measure and promptly provide, on request of the other Party, supplementary information or clarification thereon, and the Parties shall hold consultations, on request of either Party, in relation to the effects of the measure on this Agreement, and seek a mutually acceptable solution.

ARTICLE 2

Incorporation of the EU-Viet Nam FTA

1. The provisions of the EU-Viet Nam FTA in effect immediately before they cease to apply to the United Kingdom are incorporated into and made part of this Agreement, *mutatis mutandis*, subject to the provisions of this instrument, including the Annex and Protocol.
2. Articles 1.3, 17.1.5, 17.16, 17.18.2, 17.22.2, 17.23, 17.24.1(a) and 17.25 of the EU-Viet Nam FTA shall not be incorporated into this Agreement.

ARTICLE 3

Objectives

The overriding objectives of this Agreement are as set out in incorporated Article 1.2.

ARTICLE 4

Territorial application

1. This Agreement shall apply in respect of the United Kingdom, to the extent that and under the conditions which the EU-Viet Nam FTA applied immediately before it ceased to apply to the United Kingdom.