

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 Nam¹, 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;
- (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;

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.

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).

- (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.