

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

THE SOCIALIST REPUBLIC OF VIET NAM (“Viet Nam”)

And

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

(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.

2. Reference in paragraph 1 to the extent that and under the conditions which the EU-Viet Nam FTA applied shall not include any areas covered by paragraph 2 of Article 17.24 of the EU-Viet Nam FTA.

ARTICLE 5

References to the euro

Notwithstanding Article 2, references to the euro (including “EUR” and “€”) in the Incorporated Agreement shall continue to be read as such in this Agreement.

ARTICLE 6

Continuation of time periods

1. Unless this instrument provides otherwise:
 - (a) if a time period in the EU-Viet Nam FTA has not yet ended, the remainder of that time period shall be incorporated into this Agreement; and
 - (b) if a time period in the EU-Viet Nam FTA has ended, any ongoing rights or obligations in the EU-Viet Nam FTA shall apply between the Parties, and that time period shall not be incorporated into this Agreement.
2. Notwithstanding paragraph 1, a reference in the Incorporated Agreement to a time period relating to a procedure or other administrative matter, such as a review, committee procedure or notification, shall not be affected.

ARTICLE 7

Further provision in relation to the Trade Committee

1. The Trade Committee which the Parties establish under paragraph 1 of incorporated Article 17.1 shall, in particular, ensure that this Agreement operates properly.
2. Unless the Parties agree otherwise, any decisions adopted by the Trade Committee or the Specialised Committees¹ established by the EU-Viet Nam FTA before the EU-Viet Nam FTA ceased to apply to the United Kingdom shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted upon entry into force of this Agreement, *mutatis mutandis* and subject to the provisions of this instrument, by the Trade Committee or Specialised Committees the Parties establish under this Agreement.

¹ The term “Specialised Committees” here means the Committee on Trade in Goods, the Committee on Customs, the Committee on Sanitary and Phytosanitary Measures, the Committee on Investment, Trade in Services, Electronic Commerce and Government Procurement, the Committee on Trade and Sustainable Development and any other specialised committee established by the Trade Committee under paragraph 4 of Article 17.1 of the EU-Viet Nam FTA.

3. Nothing in paragraph 2 prevents the Trade Committee or any of the Specialised Committees established by this Agreement from making decisions which are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

ARTICLE 8

Review of rice tariff rate quotas

Acknowledging the importance to Viet Nam's economy of the rice sector, the Parties shall consider reviewing the appropriateness of the tariff rate quotas for rice as set out in incorporated Section B of Annex 2-A, either in addition to or as part of any consultations under incorporated Article 2.7.6. Such review shall be initiated after three years from the date of entry into force of this Agreement. Following any such review, a Party may consider any proposal from the other Party to amend these tariff rate quotas to reflect new developments, such as documented changes in trade. Any such amendments shall come into effect in accordance with incorporated Article 17.5.

ARTICLE 9

Final provisions

1. Each Party shall notify the other Party of the completion of its applicable internal legal procedures required for the entry into force of this Agreement.
2. Unless the Parties agree to such other date, this Agreement enters into force on the later of:
 - (a) the first day of the second month following the date of receipt of the latter of the Parties' notifications that they have completed their applicable internal legal procedures; or
 - (b) the date on which the EU-Viet Nam FTA ceases to apply to the United Kingdom.
3. (a) Pending entry into force of this Agreement, the Parties may provisionally apply this Agreement by an exchange of written notifications. Such provisional application shall take effect from the date of receipt of the later of the Parties' notifications.
 - (b) A Party may terminate the provisional application of this Agreement by giving written notice to the other Party. Such termination shall take effect on the first day of the second month following the date of receipt of the notification.

4. Where this Agreement is provisionally applied, the term ‘entry into force of this Agreement’ in any provisionally applied provisions shall be deemed to refer to the date that such provisional application takes effect.

5. The United Kingdom shall submit notifications under this Article to the Ministry of Foreign Affairs of Viet Nam or its successor. Viet Nam shall submit notifications under this Article to the United Kingdom’s Foreign, Commonwealth and Development Office or its successor.

6. This Agreement is drawn up in the English and Vietnamese languages, each of these texts being equally authentic.

IN WITNESS WHEREOF, the undersigned, duly authorised thereto by their respective Governments, have signed this Treaty.

DONE at _____ this _____ day of _____ 2020
in English and Vietnamese languages.

**For the Government of the Socialist
Republic of Viet Nam:**

**For the Government of the United
Kingdom of Great Britain and
Northern Ireland:**