JOINT UNDERTAKING

BETWEEN THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM AND THE GOVERNMENT OF THE KINGDOM OF CAMBODIA

ON

ADMINISTRATIVE CO-OPERATION

IN THE FRAMEWORK OF ARTICLE 56(1)(a) OF THE COMMISSION DELEGATED REGULATED (EU) 2015/2446 OF 28 JULY 2015 SUPPLEMENTING REGULATION (EU) NO 952/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS THE DETAILED RULES CONCERNING CERTAIN PROVISIONS OF THE UNION CUSTOMS CODE

FOR BICYCLE ACCESSORIES AND PARTS

JOINT UNDERTAKING

BETWEEN THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM AND THE GOVERNMENT OF THE KINGDOM OF CAMBODIA

ON ADMINISTRATIVE CO-OPERATION IN THE FRAMEWORK OF ARTICLE 56(1)(a) OF THE COMMISSION DELEGATED REGULATION (EU) 2015/2446 OF 28 JULY 2015 SUPPLEMENTING REGULATION (EU) NO 952/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS DETAILED RULES CONCERNING CERTAIN PROVISIONS OF THE UNION CUSTOMS CODE FOR BICYCLE ACCESSORIES AND PARTS

The Government of the Socialist Republic of Viet Nam, hereinafter referred to as "Viet Nam",

and

The Government of the Kingdom of Cambodia, hereinafter referred to as "Cambodia",

hereinafter jointly referred to as "the Parties", or individually referred to as a "Party",

RECOGNISING their longstanding and strong trade relationship within ASEAN and the joint aim of further fostering the development of trade capacity in the ASEAN region;

RECOGNIZING that this Joint Undertaking serves as the Administrative Cooperation Undertaking that is required for the purposes of implementing extended cumulation between the Parties according to Article 56(1) of the Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code, for materials originating in Viet Nam used in the manufacture of bicycles in Cambodia;

UNDERTAKING the commitment to (a) ensure compliance with the relevant rules of origin under Protocol 1 of the EU-Viet Nam Free Trade Agreement for the Vietnamese originating materials to be used in the manufacture of

bicycles in Cambodia, and of the rules of origin under the Generalised System of Preferences as applicable to Cambodia with regard to the products exported to the European Union, and (b) provide the administrative co-operation necessary to ensure the correct implementation of these rules with regard to the Union and also between themselves.

COMPLYING with any applicable international treaties, to which Viet Nam and Cambodia are contracting parties, and domestic laws of respective Party;

HEREBY AGREE ON THE FOLLOWING:

Article 1

Definitions

For the purposes of this Joint Undertaking, unless otherwise specified:

(a) "Commission" means the European Commission;

(b) "Delegated Regulation" means the Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code;[1]

(c) "EBA" means the "Everything But Arms" special arrangement provided by the Union to least developed countries as part of the GSP according to Chapter IV of the GSP Regulation;

(d) "EU" or "Union" means the European Union;

(e) "EU-Viet Nam FTA" means the Free Trade Agreement between the European Union and the Viet Nam including all its Annexes and Protocols;[2]

[1] Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code, OJ [2015] L 343/1.

[2] Free Trade Agreement between the Socialist Republic of Viet Nam and the European Union, OJ [2020] L 186/3.

(f) "government authorities" means any authority of a Party mandated to implement this Joint Undertaking;

(g) "GSP Regulation" means Regulation (EU) No 978/2012 of the European parliament and the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008;[3]

(h) "GSP" means the "Generalised System of Preferences" by which the Union provides preferential access to its market through any of the preferential arrangements referred to in Article 1(2) of the GSP Regulation;

(i) "Implementing Regulation" means the Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code.[4]

(j) "materials" means, *inter alia*, any raw material, component or part, whether or not in assembled form, used in the manufacture of bicycles listed in the AHTN 2022 which appears as Annex 1 of this Joint Undertakings.

(k) Protocol 1 to the EU-Viet Nam FTA refers to Protocol 1 concerning the definition of the concept of originating products and methods of administrative cooperation annexed to the Viet Nam - EU FTA.

Article 2

Evidence of the originating status

1. When originating materials are exported from Viet Nam to Cambodia with a view to being incorporated in a bicycle which is

[3] Regulation (EU) No 978/2012 of the European parliament and the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008, OJ [2012] L 303/1.

[4] Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, OJ [2015] L 343/558.

exported to the EU within the framework of the EBA arrangement, the evidence of originating status of the materials exported from Viet Nam shall be established on the basis of the provisions in Section D of Protocol 1 to the EU-Viet Nam FTA. Pursuant to Article 15(2) of Protocol 1 to the EU-Viet Nam FTA, the following proofs of origin shall be given by:

(a) A certificate of origin made out in accordance with Articles 16 (Procedure for the Issuance of a Certificate of Origin) to 18 (Issuance of a Duplicate Certificate of Origin) of Protocol 1 to the EU-Viet Nam FTA; or

(b) An origin declaration made out in accordance with Article 19 (Conditions for Making out an Origin Declaration) of Protocol 1 to the EU-Viet Nam FTA by any exporter for consignments the total value of which is to be determined in the national legislation of Viet Nam and shall not exceed EUR 6 000; or

(c) An origin declaration made out in accordance with Article 19 (Conditions for Making out an Origin Declaration) of Protocol 1 to the EU-Viet Nam FTA by an exporter approved or registered in accordance with the relevant legislation of Viet Nam.

2. In the case of Cambodia, the evidence of originating status of the finished product to be exported to the EU shall be given by a statement on origin made out by a registered exporter in accordance with the relevant provisions of the REX system, as laid down in the Implementing Regulation.

Article 3

Administrative Cooperation: Notification of Government Authorities

1. To ensure the necessary administrative co-operation for the implementation of the origin rules, the Parties shall notify one another, as well as the Commission, of the names, addresses and contact details of the relevant government authorities responsible for:

(i) Monitoring the implementation of the applicable origin rules and the compliance of the procedural requirements listed in Article 2; and

(ii) This Joint Undertaking.

2. Any changes to the information referred to in paragraph 1 of the present Article shall be communicated immediately from one Party to another through their government authorities, as well as to the Commission.

Article 4

Administrative Cooperation: Operational Modalities

1. The Parties shall assist one another through their respective government authorities in verifying the authenticity of the documentary proofs of origin and of the information therein.

2. Any dispute that may arise in relation to the verification procedures shall be settled according to the relevant provisions contained in the EU GSP rules of origin.

Article 5

Cooperation in preventing origin fraud

The Parties shall commit to provide the administrative cooperation and mutual administrative assistance in preventing origin fraud, including the following obligations:

(a) Verify the originating status of the materials exported from Viet Nam to Cambodia and the finished bicycle products exported from Cambodia to the EU;

(b) Carry out the subsequent verification of the proof of origin and providing the results of that verification to the other Party;

(c) Annually exchange the proofs of origin data;

(d) Exchange the import-export turnover data of the materials-exported from Viet Nam to Cambodia and the finished bicycle products exported from Cambodia to the EU when required;

(e) Annually provide information on Vietnamese exporters of materials and Cambodian enterprises importing materials for cumulative use.

Article 6

Amendments

1. Any proposal to amend this Joint Undertaking by one Party shall be communicated in writing to the other Party as well as to the Commission.

2. Any proposed amendment shall be adopted by consensus of the Parties and the Commission.

Article 7

Validity and Entry into force

1. This Undertaking shall enter into force on the date of its signature.

2. This Undertaking will have a duration of 05 (five) years starting from its date of entry into force and shall be automatically extended every 05 (five) years. This Undertaking will terminate its effects 03 (three) months after either Party notifies the other Party, through diplomatic channel, of the intention of terminating the Undertaking.

3. When this Undertaking terminates its validity, its provisions will still be applied for unfinished contracts signed within its period of validity.

Signed in Phnom Penh, Kingdom of Cambodia in duplicate in the English language on November .....8th....., 2022.

FOR THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM	FOR THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
NGUYEN HONG DIEN **Minister of Industry and Trade**	**PAN SORASAK** **Minister of Commerce**

ANNEX 1

Materials used in the manufacture of bicycles and finished bicycle products listed in the AHTN 2022

AHTN 2022	Description
I	Finished Bicycle Products Exporting to European Union and United Kingdom
8711.60.11	- - - Bicycles
9503.00.10	- Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages
8712.00.30	- Other bicycles
II	Materials Used in the Manufacture of Bicycles
3209.90.00	- Other
3923.50.00	- Stoppers, lids, caps and other closures
4011.50.00	- Of a kind used on bicycles
4012.90.90	- - Other
4013.20.00	- Of a kind used on bicycles
4016.99.19	- - - - Other
7307.99.90	- - - Other
7318.24.00	- - Cotters and cotter-pins
7606.92.00	- - Of aluminium alloys
7608.10.00	- Of aluminium, not alloyed
7616.10.20	- - Staples and hooks; bolts and nuts
8302.50.00	- Hat-racks, hat-pegs, brackets and similar fixtures
8311.30.29	- - - Other
8507.60.90	- - Other
8528.72.92	- - - - Liquid crystal devices (LCD), light-emitting diodes (LED) and other flat panel display type
8537.10.19	- - - Other
8714.10.10	- - Saddles
8714.91.91	- - - - Parts for forks
8714.91.91	- - - - Parts for forks
8714.91.99	- - - - Other
8714.92.90	- - - Other
8714.93.90	- - - Other
8714.94.90	- - - Other
8714.95.90	- - - Other
8714.96.90	- - - Other
8714.99.91	- - - - Handle bars, pillars, mudguards, reflectors, carriers, control cables, lamp brackets or bracket lugs; other accessories
3208.90.90	- - Other
3923.90.90	- - Other

4011.50.00	- Of a kind used on bicycles
4012.90.90	- - Other
4013.20.00	- Of a kind used on bicycles
4016.99.17	- - - - Bicycle parts
4819.10.00	- Cartons, boxes and cases, of corrugated paper or paperboard
4823.90.99	- - - Other
4819.20.00	- Folding cartons, boxes and cases, of non-corrugated paper or paperboard
4821.10.90	- - Other
4908.90.00	- Other
4911.99.90	- - - Other
7303.00.19	- - Other
7304.90.90	- - Other
7315.11.10	- - - Bicycle or motorcycle chain
7318.22.00	- - Other washers
7326.90.99	- - - Other
7415.33.20	- - - Bolts and nuts
7601.20.00	- Aluminium alloys
7608.20.00	- Of aluminium alloys
8714.91.91	- - - - Parts for forks
8714.91.99	- - - - Other
8714.92.90	- - - Other
8714.95.90	- - - Other
8714.99.11	- - - - Handle bars, pillars, mudguards, reflectors, carriers, control cables, lamp brackets or bracket lugs; other accessories
8714.91.99	- - - - Other
8714.92.90	- - - Other
8714.95.90	- - - Other
8714.99.91	- - - - Handle bars, pillars, mudguards, reflectors, carriers, control cables, lamp brackets or bracket lugs; other accessories
3814.00.00	Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers.
8302.50.00	- Hat-racks, hat-pegs, brackets and similar fixtures

ANNEX 2

List with addresses/contact details of the government authorities responsible for issuing and verifying the proofs of origin required under Articles 2 and 3 of this Joint Undertaking

For Cambodia

I-Manhattan-Svay Rieng Special Economic Zone
Address: National Road No.1, Sangkat Bavet, Krong Bavet, Svay Rieng Province, Kingdom of Cambodia. Phone: (855) 44 715 104, Fax: (855) 44 715 104, Email: sezadmin@manhattan.com.kh ***Signatory and Certifying Authority:*** Name and Surname: Mr. KHIM PHALLY Title: The Representative of Ministry of Commerce to Manhattan-Svay Rieng Special Economic Zone Phone: (855) 97 587 7777, Email: phally.khim@gmail.com
II-Tai Seng Bavet Special Economic Zone
Address: National Road No.1, Bavet District, Bavet City, Svay Rieng Province, Cambodia. Phone: (855) 23 723 494 / 723 596, Fax (855) 723 594, Email: taisengimpex@yahoo.com ***Signatory and Certifying Authority:*** Name and Surname: Mr. LONG RATANA Title: The Representative of Ministry of Commerce to Tai Seng Bavet Special Economic Zone Phone: (855) 97 583 8293 , Email: ratana.tsez@gmail.com
III-Qilu Jian Pu Zhai Special Economic Zone
Address: National Road No.1, Sangkat Svay Teur, Svay Rieng City, Svay Rieng Province, Kingdom of Cambodia. Phone: (855) 44 67 22222, Email: qljjtq2014@163.com ***Signatory and Certifying Authority:*** Name and Surname: Mr. MOUN CHANNHEAK Title: The Representative of Ministry of Commerce to Qilu Jian Pu Zhai Special Economic Zone Phone: (855) 12790006, Email: mounchannheak.boran@gmail.com

For Viet Nam

Agency of Foreign Trade, Ministry of Industry and Trade of Viet Nam

Address: 54 Hai Ba Trung street, Hoan Kiem district, Ha Noi, Viet Nam.
Phone: +8422205444; +8422205361
E-mail: xnk-xxhh@moit.gov.vn; co@moit.gov.vn.