FRAMEWORK AGREEMENT

ON GRANT AID

BETWEEN

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

AND

THE GOVERNMENT OF THE REPUBLIC OF KOREA

The Government of the Republic of Korea and the Government of the Socialist Republic of Viet Nam (hereinafter referred to as "the Parties"),

Desiring to further strengthen the friendly relations existing between the two countries through the promotion of grant aid, and

Considering the mutual benefits to be derived from promoting the economic and social development of their respective countries,

Have agreed as follows:

ARTICLE I

The Parties shall endeavor to promote grant aid between the two countries.

ARTICLE II

On the basis of this Agreement, the Parties shall enter into separate written arrangements to carry out specific grant aid programs to be agreed upon between the Parties.

ARTICLE III

The Government of the Republic of Korea (hereinafter referred to as "the Korean Government") shall, in accordance with the laws and regulations in force in the Republic of Korea and under the arrangements referred to in Article II of this Agreement, carry out at its own expense one or more of the following forms of grant aid:

a. inviting Vietnamese nationals to training programs in the Republic of Korea;

b. dispatching experts (including Korean medical personnel) from the Republic of Korea (hereinafter referred to as "the Experts") to the Socialist Republic of Viet Nam to transfer Korea's experience, knowledge and skills and to conduct projects and programs upon the Government of the Socialist Republic of Viet Nam (hereinafter referred to as "the Vietnamese Government")'s request;

c. dispatching missions from the Republic of Korea (hereinafter referred to as "the Missions") to the Socialist Republic of Viet Nam to conduct studies of economic and social development projects in the Socialist Republic of Viet Nam and implement joint or coordinated programs in the Socialist Republic of Viet Nam upon the Vietnamese Government's request;

d. providing the Vietnamese Government with equipment, machinery, and materials;

e. coordinating with the authorities concerned of the Vietnamese Government in implementing aid projects for the economic and social development of Viet Nam;

f. dispatching volunteers from the Republic of Korea (hereinafter referred to as "the Volunteers") to the Socialist Republic of Viet Nam upon the Vietnamese Government's request; and

g. providing the Vietnamese Government with other forms of grant aid as may be mutually agreed upon between the Parties.

ARTICLE IV

The Vietnamese Government shall ensure that the techniques and knowledge acquired by Vietnamese nationals as a result of the Republic of Korea's grant aid as provided for in Article III of this Agreement shall be used

to contribute to the economic and social development of the Socialist Republic of Viet Nam, and not be utilized for military purposes.

ARTICLE V

In case the Korean Government dispatches the Experts, Missions and/or Volunteers to the Socialist Republic of Viet Nam, the Vietnamese Government shall take, at its own expense unless otherwise agreed in separate arrangement(s) referred to in Article II, the following measures:

a. to provide suitable office(s) and other facilities including telephone and facsimile services required for the performance of the duties of the Experts, Missions and Volunteers, as well as to bear the expenses for their operation and maintenance;

b. to provide local staff (including adequate interpreters, if necessary) as well as Vietnamese counterparts to the Experts, Missions and Volunteers, necessary for the performance of the duties of such Experts, Missions and Volunteers;

c. to bear expenses of the Experts and the Volunteers, whenever local conditions and the financial resources of the authorities concerned of the Vietnamese Government permit, for:

(i) daily transportation to and from their place of work,

(ii) their official travel in the Socialist Republic of Viet Nam, and

(iii) their official correspondence;

d. to provide rent-free housing accommodation for the Experts and their families as well as the Volunteers, whenever local conditions and the financial resources of the authorities concerned of the Vietnamese Government permit;

e. to provide free medical care and facilities for the Experts and their families, members of the Missions and the Volunteers whenever local conditions and the financial resources of the authorities concerned of the Vietnamese Government permit; and

f. to designate, after consultation with the Korean Government, hospitals in which the Korean medical personnel shall carry out the above-mentioned duties and authorize their medical practice in accordance with related Vietnamese laws and regulations upon the presentation of medical licenses issued by the Korean Government.

ARTICLE VI

1. The Vietnamese Government shall:

a. exempt the Experts, members of the Missions and the Volunteers from income tax and other charges imposed on or in connection with any emoluments or allowances remitted to them from overseas;

b. exempt the Experts and their families, members of the Missions and the Volunteers from consular fees, customs duties, taxes, and other charges of a similar nature other than those for storage, cartage, and similar services, as well as from the requirements of obtaining import licenses and certificates of foreign exchange coverage, in respect of the importation of:

(i) personal and household effects and consumer goods to be agreed between the relevant authorities of the Parties, and

(ii) one motor vehicle per Expert assigned to stay in the Socialist Republic of Viet Nam for a period amounting to or exceeding 183 days;

c. exempt the Experts assigned to stay in the Socialist Republic of Viet Nam for a period amounting to or exceeding 183 days who do not import any motor vehicles into the Socialist Republic of Viet Nam from special consumption tax and value added tax on one motor vehicle per Expert in case of local purchases; and

d. exempt the Experts from the registration fees for the motor vehicles mentioned in (b) (ii) and (c) above.

2. The motor vehicles mentioned in paragraph 1 above shall be subject to payment of customs duties and taxes if they are subsequently sold or transferred within the Socialist Republic of Viet Nam to individuals or organizations not entitled to exemption from such duties, taxes or similar privileges.

3. The Vietnamese Government shall take the following measures:

a. to permit the Experts and their families, members of the Missions and the Volunteers to enter, leave, and sojourn in the Socialist Republic of Viet Nam for the duration of their assignment therein, expedite and facilitate the procedures for alien registration and exempt them from consular fees;

b. to issue to the Experts and their families, members of the Missions and the Volunteers identification cards to secure the cooperation of all

Governmental organizations necessary for the performance of the duties of such Experts, Missions and Volunteers;

c. to expedite and facilitate the acquisition of car driving licenses by the Experts; and

d. other measures necessary for the performance of the duties of the Experts , the Missions and the Volunteers.

4. The Vietnamese Government shall accord the Experts and their families, members of the Missions and the Volunteers such privileges, exemptions and benefits as are no less favorable than those accorded to experts and their families, members of missions as well as volunteers of any third country or of any international organization performing a similar mission in the Socialist Republic of Viet Nam.

ARTICLE VII

The Vietnamese Government shall indemnify and hold harmless the Experts, members of the Missions and the Volunteers from any claims resulting from, occurring in the course of or otherwise connected with the discharge of their duties, except when the relevant authorities of the Parties agree that such claims arise from gross negligence or willful misconduct on the part of the Experts, members of the Missions or the Volunteers.

ARTICLE VIII

1. a. In case the Korean Government provides the Vietnamese Government with equipment, machinery, and materials, these shall become the property of the Vietnamese Government upon being delivered c.i.f. at the port of the disembarkation to authorities concerned of the Vietnamese Government. The equipment, machinery, and materials shall be utilized for the purpose for which they are provided unless otherwise agreed upon, and shall not be utilized for military purposes.

b. The Korean Government shall instruct the executing agency referred to in Article X of this Agreement to submit to the Vietnamese executing agency concerned a list of the equipment, machinery, and materials referred to in this paragraph prior to their arrival to facilitate the procedures mentioned in paragraphs 2 and 3 of this Article.

2. The Vietnamese Government shall exempt the equipment, machinery, and materials referred to in paragraph 1 of this Article from consular fees, customs duties, taxes, and other charges of a similar nature, as well as from the requirements of obtaining import licenses and certificates of foreign exchange coverage.

3. In case the Korean Government provides the Vietnamese Government with equipment, machinery and materials purchased in Viet Nam, the Vietnamese Government shall exempt such equipment, machinery and materials from taxes including value added tax and other obligatory charges.

4. The expenses for the transportation within the Socialist Republic of Viet Nam of the equipment, machinery, and materials referred to in paragraph 1 of this Article and the expenses for their replacement, maintenance, and repair shall be borne by the Vietnamese Government.

5. a. The equipment, machinery, and materials, which the Experts, members of the Mission and the Volunteers carry with them for the performance of their duties, shall remain the property of the Korean Government unless otherwise agreed upon.

b. The Experts and members of the Missions shall be exempted from consular fees, customs duties, taxes, and other charges of a similar nature, as well as from the requirements of obtaining import licenses and certificates of foreign exchange coverage in respect of the importation of such equipment, machinery, and materials.

c. The Vietnamese Government shall exempt the Experts, members of the Missions and the Volunteers from taxes including value added tax and other obligatory charges in respect of the local purchase of the equipment, machinery and materials necessary for the performance of their duties under this Agreement.

ARTICLE IX

The Experts, members of the Missions and the Volunteers shall maintain close contact with the Vietnamese Government through organizations designated by it.

ARTICLE X

1. The Vietnamese Government shall permit the Korea International Cooperation Agency (hereinafter referred to as "KOICA"), the executing agency for grant aid of the Korean Government, to maintain an overseas office in the Socialist Republic of Viet Nam (hereinafter referred to as "the Office") and shall allow a Resident Representative and members of his/her staff to be dispatched from the Republic of Korea (hereinafter referred to as "the Representative and Staff") to discharge the duties to be assigned to them by KOICA in connection with the grant aid programs under this Agreement.

2. The Vietnamese Government shall accord the Representative, Staff and their families as well as the Office the following privileges, exemptions, and benefits:

a. For the Representative, Staff and their families:

(i) exemption from income tax and other charges imposed on or in connection with any emoluments or allowances remitted from overseas,

(ii) exemption from consular fees, customs duties, taxes and other charges of a similar nature other than those for storage, cartage, and similar services, as well as from the requirements of obtaining import licenses and certificates of foreign exchange coverage, in respect of the importation of personal and household effects including one motor vehicle for the Representative and for each Staff member and other items for personal use only,

(iii) exemption from special consumption tax and value added tax on one motor vehicle for the Representative and for each Staff member who does not import any motor vehicle into the Socialist Republic of Viet Nam in case of a local purchase,

(iv) exemption from the registration fees for the motor vehicles mentioned in (ii) and (iii) above,

(v) permission to enter, leave, and sojourn in the Socialist Republic of Viet Nam for the duration of their assignment therein, expediting and facilitation of the procedures for alien registration and exemption from consular fees,

(vi) issuance of identification cards to secure the cooperation of all Governmental organizations necessary for the performance of the duties of the Representative and Staff,

(vii) issuance of identification cards and special passes to enter airport/seaport beyond the passport control point to receive, send off experts and missions of KOICA, and

(viii) expediting and facilitation of the acquisition of car driving license.

b. For the Office:

(i) exemption from customs duties, taxes, and other charges of a similar nature other than those for storage, cartage, and similar services, as well as from the requirements of obtaining import licenses and certificates of foreign exchange coverage, in respect of the importation of office equipment, machinery, motor vehicles, materials and other articles, including telex machines, necessary for office activities,

(ii) importation free of duties, or purchase from bond in the Socialist Republic of Viet Nam, of motor vehicles necessary for office activities whose number is to be agreed between the relevant authorities of the Parties,

(iii) exemption from income tax and other fiscal charges imposed on or in connection with office expenses remitted from overseas.

c. other measures necessary for the performance of the duties of the Office, the Representative and Staff.

3. The motor vehicles mentioned in paragraph 2 above shall be subject to payment of customs duties and taxes if they are subsequently sold or transferred within the Socialist Republic of Viet Nam to individuals or organizations not entitled to exemption from such duties and taxes or similar privileges.

4. The Representative, Staff and their families as well as the Office importing goods free of customs duties, taxes, and other charges of a similar nature in accordance with sub-paragraphs (a)(ii), (b)(i) and (b)(ii) of paragraph 2 above shall present details of such goods to the authority concerned of the Vietnamese Government to assist with import and re-export formalities.

5. The Representative, Staff, and their families as well as the Office shall re-export, sell within the Socialist Republic of Viet Nam or grant to the Vietnamese Government on its approval the items imported free of customs

duties, taxes, and other charges of a similar nature, in accordance with the laws and regulations of the Socialist Republic of Viet Nam.

6. The Vietnamese Government shall accord the Representative, Staff, and their families as well as the Office such privileges, exemptions, and benefits as are no less favorable than those accorded to the representative, staff, and their families as well as the offices of executing agencies of any third country or of any international organization performing a similar mission in the Socialist Republic of Viet Nam.

ARTICLE XI

The Government of the Socialist Republic of Viet Nam shall take the necessary measures to ensure the security of the Experts, members of the Missions, the Volunteers and the Representative and Staff, as well as their families, staying in Viet Nam.

ARTICLE XII

The Parties shall consult with each other in respect of any matter that may arise from or in connection with this Agreement.

ARTICLE XIII

1. The provisions of this Agreement shall also apply to any specific grant aid programs being carried out between the Parties prior to the entry into force of this Agreement, and to the Experts and their families, members of the Missions, the Volunteers, the Representative, Staff, and their families staying in the Socialist Republic of Viet Nam, as well as to the equipment, machinery, and materials brought into the Socialist Republic of Viet Nam to carry out the said programs.

2. The termination of this Agreement shall not affect the specific grant aid, programs being carried out under this Agreement until the date of the completion of the said programs, unless the Parties expressly agree otherwise, nor shall it affect the privileges, exemptions, and benefits accorded to the Experts and their families, members of the Missions, the Volunteers, the Representative, Staff, and their families staying in the Socialist Republic of

Viet Nam for the performance of their duties in connection with the said programs.

ARTICLE XIV

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

2. This Agreement shall remain in force for a period of three years, and shall be automatically renewed for subsequent three-year periods, unless either Party gives to the other Party at least six months' written advance notice of its intention to terminate the Agreement.

3. Amendments or additions to this Agreement may be made by mutual written consent of the Parties at the request of either Party. Such amendments or additions shall constitute an integral part of this Agreement and shall become effective upon the date of acceptance by the other Party.

4. The Agreement on Grant Aid and Technical Cooperation between the Government of the Republic of Korea and the Government of the Socialist Republic of Viet Nam, signed on April 19, 2005, shall be terminated when this Agreement enters into force and be replaced by this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in duplicate at Seoul, on 29 May 2009, in the English language.

FOR THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

Vũ Xuân Tôn
Deputy Minister
Ministry of Foreign Affairs

FOR THE GOVERNMENT OF THE REPUBLIC OF KOREA

Kwon Jong-rak
Vice Minister of
Foreign Affairs and Trade