8 March 2018

His Excellency
Mr. J. Jayasiri
Secretary General
Ministry of International Trade and Industry
Malaysia

Dear Secretary General,

In connection with the signing of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement") on this date, I have the honour to confirm that the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of Malaysia have reached agreement on the relationship between Chapter 19 (Labour) and Chapter 28 (Dispute Settlement) of the Agreement as follows:

1. From the date of entry into force of the Agreement for Viet Nam, Viet Nam shall fully implement the obligations of Chapter 19 (Labour).

2. If Malaysia seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of Chapter 19 (Labour), Malaysia shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) of Chapter 28 (Dispute Settlement) for a period of three years after the date of entry into force of this Agreement for Viet Nam.

3. If Malaysia seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of paragraph 1(a) of Article 19.3 (Labour Rights), Malaysia shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) of Chapter 28 (Dispute Settlement) for a period of five years after the date of entry into force of the Agreement for Viet Nam.

4. Pursuant to paragraph 2 of Article 19.12 (Labour Council), after the fifth anniversary and before the seventh anniversary of the date of entry into force of the Agreement for Viet Nam, any issues arising from paragraph 3 shall be reviewed in accordance with Article 19.12 (Labour Council) of Chapter 19 (Labour). This is without prejudice to the rights and obligations of both Parties under the Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments, which shall enter into

force on the date on which the Agreement enters into force for both Viet Nam and Malaysia.

Yours sincerely,

Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

8 March 2018

His Excellency
Mr. Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister,

I have the honour to acknowledge receipt of your letter of 8 March 2018, which reads as follows:

"In connection with the signing of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement") on this date, I have the honour to confirm that the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of Malaysia have reached agreement on the relationship between Chapter 19 (Labour) and Chapter 28 (Dispute Settlement) of the Agreement as follows:

1. From the date of entry into force of the Agreement for Viet Nam, Viet Nam shall fully implement the obligations of Chapter 19 (Labour).

2. If Malaysia seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of Chapter 19 (Labour), Malaysia shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) of Chapter 28 (Dispute Settlement) for a period of three years after the date of entry into force of this Agreement for Viet Nam.

3. If Malaysia seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of paragraph 1(a) of Article 19.3 (Labour Rights), Malaysia shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) of Chapter 28 (Dispute Settlement) for a period of five years after the date of entry into force of the Agreement for Viet Nam.

4. Pursuant to paragraph 2 of Article 19.12 (Labour Council), after the fifth anniversary and before the seventh anniversary of the date of entry into force of the Agreement for Viet Nam, any issues arising from paragraph 3 shall be reviewed in accordance with Article 19.12 (Labour Council) of Chapter 19 (Labour). This is without prejudice to the rights and obligations of both Parties under the Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments, which shall enter into force on the date on which the Agreement enters into force for both Viet Nam and Malaysia."

I have the further honour to confirm that the above reflects the agreement reached between the Government of Malaysia and the Government of the Socialist Republic Viet Nam during the course of negotiations on the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, and that your letter and this letter in reply shall constitute an agreement between the Government of Malaysia and the Government of the Socialist Republic Viet Nam.

Yours sincerely,

J.Jayasiri
Secretary General
Ministry of International Trade and Industry
Malaysia