IMPLEMENTING AGREEMENT BETWEEN THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM AND THE GOVERNMENT OF JAPAN PURSUANT TO ARTICLE 10 OF THE AGREEMENT BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM AND JAPAN FOR AN ECONOMIC PARTNERSHIP

Preamble

The Government of the Socialist Republic of Viet Nam and the Government of Japan,

In accordance with Article 10 of the Agreement between the Socialist Republic of Viet Nam and Japan for an Economic Partnership (hereinafter referred to in this Agreement as "the Basic Agreement"),

HAVE AGREED as follows:

Chapter 1
General Provisions

Article 1
Definitions

For the purposes of this Agreement, the term:

(a) "Countries" means the Socialist Republic of Viet Nam and Japan, and "Country" means either the Socialist Republic of Viet Nam (hereinafter referred to in this Agreement as "Viet Nam") or Japan; and

(b) "Parties" means the Government of Viet Nam and the Government of Japan and "Party" means either the Government of Viet Nam or the Government of Japan.

Chapter 2
Customs Procedures

Article 2
Mutual Assistance

1. The Parties shall assist each other through their customs authorities to ensure proper application of customs laws, and to prevent, investigate, and repress any violation or attempted violation of customs laws.

2. The Parties shall cooperate through their customs authorities, when necessary and appropriate, in the area of research, development, and testing of new customs procedures and new enforcement aids and techniques, training activities of customs officers, and exchange of personnel between the customs authorities.

Article 3
Information and Communications Technology

1. The customs authorities of the Parties shall make cooperative efforts to promote the use of information and communications technology in their customs procedures.

2. The customs authorities of the Parties shall exchange information, including best practices, on the use of information and communications technology for the purpose of improving customs procedures.

Article 4
Risk Management

1. In order to facilitate customs clearance of goods traded between the Countries, the customs authorities of the Parties shall continue to use risk management.

2. The Parties shall endeavor to promote, through seminars and training courses, the use of risk management and the improvement of risk management techniques in the Countries and third countries or customs territories.

3. The customs authorities of the Parties shall exchange information, including best practices, on risk management techniques and other enforcement techniques.

Article 5
Enforcement against Illicit Trafficking

1. The customs authorities of the Parties shall cooperate and exchange information in their enforcement against the trafficking of illicit drugs and other prohibited goods at their customs checkpoints.

2. The Parties shall endeavor to promote regional cooperation under the Customs Co-operation Council in fighting trafficking of illicit drugs and other prohibited goods at their customs checkpoints.

Article 6
Intellectual Property Rights

1. The customs authorities of the Parties shall cooperate and exchange information in their enforcement against the importation and exportation of goods suspected of infringing intellectual property rights.

2. The customs authorities of the Parties shall endeavor to promote, through seminars and training courses, effective enforcement of border measures against goods infringing intellectual property rights in the Countries and third countries or customs territories.

Article 8
Sub-Committee on Customs Procedures

1. Pursuant to Article 44 of the Basic Agreement, the Sub-Committee on Customs Procedures (hereinafter referred to in this Article as "the Sub-Committee") shall comprise:

(a) an official from General Department of Viet Nam Customs of the Ministry of Finance of Viet Nam and an official from the Ministry of Finance of Japan, as co-chairs;

(b) for Japan, officials from the Ministry of Finance and the Ministry of Foreign Affairs, and other government officials with the necessary expertise relevant to the issues to be discussed who may be included on an *ad hoc* basis; and

(c) for Viet Nam, officials from relevant government agencies with the necessary expertise relevant to the issues to be discussed who may be included on an *ad hoc* basis.

2. The Sub-Committee may, by mutual consent of the Parties, invite representatives of relevant entities other than the Parties with the necessary expertise relevant to the issues to be discussed.

Chapter 3
Intellectual Property

Article 9
Areas and Forms of Cooperation

Pursuant to paragraph 2 of Article 96 of the Basic Agreement:

(a) the areas of cooperation under this Chapter may include:

(i) intellectual property brokerage or licensing, and intellectual property management, registration, and exploitation;

(ii) intellectual property protection in the digital environment;

(iii) intellectual property education and public awareness programs;

(iv) further modernization of administration of intellectual property protection system;

(v) further improvement of enforcement of intellectual property rights;

(vi) further improvement of the capacity of collective management organizations; and

(vii) further improvement of the capacity of administration and enforcement authority; and

(b) the forms of cooperation under this Chapter may include:

(i) exchanging information and sharing experiences and skills;

(ii) undertaking training and exchange of experts;

(iii) holding seminars and workshops;

(iv) holding consultations on activities relating to enforcement of intellectual property rights;

(v) implementing projects relating to information and communications technology; and

(vi) other forms to be mutually agreed upon by the Parties.

Chapter 4
Cooperation in the Field of Agriculture, Forestry, and Fisheries

Article 10
General Principles

Pursuant to Chapter 12 of the Basic Agreement, the Parties, recognizing the importance of securing stable food supply, of sustainable development of agriculture, forestry, and fisheries, and of development of rural areas, shall cooperate in the field of agriculture, forestry, and fisheries on the basis of mutual benefit.

Article 11
Areas and Forms of Cooperation

Pursuant to Article 112 of the Basic Agreement,

(a) the areas of cooperation under this Chapter may include:

(i) human resource development related to agriculture, forestry, and fisheries; and

(ii) other areas of cooperation as may be agreed by the Parties; and

(b) the forms of cooperation under this Chapter may include:

(i) exchanging views and information;

(ii) encouraging and facilitating visits and exchanges of experts;

(iii) promoting seminars and workshops; and

(iv) other forms of cooperation as may be agreed by the Parties.

Article 12
Working Group on Agriculture, Forestry, and Fisheries

1. Pursuant to Article 114 of the Basic Agreement, the Working Group on Agriculture, Forestry, and Fisheries (hereinafter referred to in this Article as "the Working Group") shall be established under the Sub-Committee on Cooperation (hereinafter referred to in this Agreement as "the Sub-Committee"). The functions of the Working Group shall include:

(a) exchanging views and information on cooperation in the field of agriculture, forestry, and fisheries and identifying ways of further cooperation;

(b) monitoring, reviewing, and discussing issues concerning the effective implementation of this Chapter;

(c) reporting the findings and actions taken by the Working Group to the Sub-Committee regarding issues related to the implementation of this Chapter; and

(d) discussing other issues related to cooperation in the field of agriculture, forestry, and fisheries.

2. The Working Group shall be composed of the following:

(a) for Japan, officials from the Ministry of Agriculture, Forestry, and Fisheries, the Ministry of Foreign Affairs and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed; and

(b) for Viet Nam, officials from the Ministry of Agriculture and Rural Development and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed.

3. The Working Group may invite representatives of relevant entities other than the Governments, with the necessary expertise related to the issues to be discussed.

Chapter 5
Cooperation in the Field of Trade and Investment Promotion

Article 13
General Principles

Pursuant to Chapter 12 of the Basic Agreement, the Parties, recognizing that efforts of the Parties to facilitate exchange and collaboration between the parties, one or both of whom are entities other than the Parties, will promote trade and investment between the Countries, shall cooperate in promoting trade and investment activities conducted by private enterprises of the Countries.

Article 14
Forms of Cooperation

Pursuant to Article 112 of the Basic Agreement, the forms of cooperation under this Chapter may include:

(a) exchanging views and information on trade and investment;

(b) co-organizing seminars and other events for further expansion of trade and investment in the Countries;

(c) encouraging exchanges of experts, specialists, trainees, and researchers to promote and improve knowledge on trade and investment in the Countries;

(d) exchanging information on investment environment and laws and regulations related to business, to promote further trade and investment and relevant business operations between the Countries; and

(e) other forms as may be agreed by the Parties.

Article 15
Existing Forms of Cooperation

1. The cooperation between the Ministry of Industry and Trade of Viet Nam, the Ministry of Planning and Investment of Viet Nam and their attached agencies and other relevant institutions and Japan External Trade Organization is specified as one of the forms of cooperation under this Chapter.

2. The Parties shall, where necessary and appropriate, facilitate such cooperation conducted by the Ministry of Industry and Trade of Viet Nam, the Ministry of Planning and Investment of Viet Nam, Japan External Trade Organization, and other relevant institutions.

Chapter 6
Cooperation in the Field of Small and Medium Enterprises

Article 16
General Principles

Pursuant to Chapter 12 of the Basic Agreement, the Parties, recognizing the fundamental role of small and medium enterprises (hereinafter referred to in this Chapter as "SMEs") in maintaining the dynamism and enhancing the competitiveness of the national economies of their respective Countries, shall cooperate in promoting the development of SMEs of the Countries.

Article 17
Areas and Forms of Cooperation

Pursuant to Article 112 of the Basic Agreement,

(a) the areas of cooperation under this Chapter may include:

(i) strengthening of management and competitiveness of SMEs;

(ii) human resource development related to SMEs;

(iii) development of supporting industry; and

(iv) other areas of cooperation which the Parties deem important; and

(b) the forms of cooperation under this Chapter may include:

(i) exchanging information on SMEs policies and best practices on SMEs development and promotion;

(ii) capacity building for SMEs;

(iii) promoting seminars and workshops;

(iv) enhancing training opportunities; and

(v) encouraging exchanges of experts.

Article 18
Working Group on Small and Medium Enterprises

1. Pursuant to Article 114 of the Basic Agreement, the Working Group on Small and Medium Enterprises (hereinafter referred to in this Article as "the Working Group") shall be established under the Sub-Committee. The functions of the Working Group shall include:

(a) exchanging views and information on cooperation in the field of SMEs and identifying ways of further cooperation in such field;

(b) monitoring, reviewing, and discussing issues concerning the effective implementation of this Chapter;

(c) reporting the findings and actions taken by the Working Group to the Sub-Committee regarding issues related to the implementation of this Chapter; and

(d) discussing other issues related to cooperation in the field of SMEs.

2. The Working Group shall be composed of the following:

(a) senior officials from the Ministry of Planning and Investment and the Ministry of Industry and Trade of Viet Nam and the Ministry of Economy, Trade, and Industry of Japan, as co-chairs;

(b) for Japan, officials from the Ministry of Economy, Trade, and Industry and the Ministry of Foreign Affairs and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed; and

(c) for Viet Nam, officials from the Ministry of Industry and Trade and the Ministry of Planning and Investment and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed.

3. The Working Group may invite representatives of relevant entities other than the Governments, with the necessary expertise related to the issues to be discussed.

Chapter 7
Cooperation in the Field of Human Resource Management and Development

Article 19
General Principles

Pursuant to Chapter 12 of the Basic Agreement, the Parties, recognizing that sustainable economic growth and prosperity largely depend on people's knowledge and skills, shall cooperate in the field of human resource management and development.

Article 20
Areas and Forms of Cooperation

Pursuant to Article 112 of the Basic Agreement,

(a) the areas of cooperation under this Chapter may include:

(i) language training and education on culture and social values;

(ii) education and training;

(iii) human resource management and development with knowledge and skills at an advanced level;

(iv) harmonization of competency standards; and

(v) other areas of cooperation which the Parties deem important; and

(b) the forms of cooperation under this Chapter may include:

(i) encouraging visits and exchanges of experts, scholars, researchers, teachers, trainers, and government officials;

(ii) promoting joint seminars, workshops, and meetings;

(iii) exchanging information, including information on good practices;

(iv) encouraging cooperation among educational and research institutions; and

(v) other forms of cooperation which the Parties deem important.

Article 21
Working Group on Human Resource Management and Development

1. Pursuant to Article 114 of the Basic Agreement, the Working Group on Human Resource Management and Development (hereinafter referred to in this Article as "the Working Group") shall be established under the Sub-Committee. The functions of the Working Group shall include:

(a) exchanging views and information on cooperation in the field of human resource management and development and identifying ways of further cooperation;

(b) monitoring, reviewing, and discussing issues concerning the effective implementation of this Chapter;

(c) reporting the findings and actions taken by the Working Group to the Sub-Committee regarding issues related to the implementation of this Chapter; and

(d) discussing other issues related to cooperation in the field of human resource management and development.

2. The Working Group shall be composed of the following:

(a) for Japan, officials from the Ministry of Foreign Affairs of Japan and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed; and

(b) for Viet Nam, officials from the Ministry of Education and Training and the Ministry of Labour, War Invalids, and Social Affairs and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed.

3. The Working Group may invite representatives of relevant entities other than the Parties, with the necessary expertise related to the issues to be discussed.

Chapter 8
Cooperation in the Field of Tourism

Article 22
General Principles

Pursuant to Chapter 12 of the Basic Agreement, the Parties, recognizing that tourism will contribute to the enhancement of mutual understanding between peoples of the Countries and that tourism is an important industry for the economies of their respective Countries, shall cooperate in promoting and developing tourism in the Countries.

Article 23
Areas and Forms of Cooperation

Pursuant to Article 112 of the Basic Agreement,

(a) the areas of cooperation under this Chapter may include:

(i) promotion and development of tourism;

(ii) human resource development related to tourism; and

(iii) other areas of cooperation which the Parties deem important; and

(b) the forms of cooperation under this Chapter may include:

(i) encouraging exchanges of experts;

(ii) exchange of information;

(iii) provision of appropriate assistance for tourism promotion campaigns;

(iv) promotion of training of persons engaged in the tourism industry; and

(v) encouragement and facilitation of cooperation between private entities of the Countries.

Article 24
Working Group on Tourism

1. Pursuant to Article 114 of the Basic Agreement, the Working Group on Tourism (hereinafter referred to in this Article as "the Working Group") shall be established under the Sub-Committee. The functions of the Working Group shall include:

(a) exchanging views and information on cooperation in the field of tourism and identifying ways of further cooperation;

(b) monitoring, reviewing, and discussing issues concerning the effective implementation of this Chapter;

(c) reporting the findings and actions taken by the Working Group to the Sub-Committee regarding issues related to the implementation of this Chapter; and

(d) discussing other issues related to cooperation in the field of tourism.

2. The Working Group shall be composed of the following:

(a) senior officials from the Ministry of Culture Sports and Tourism of Viet Nam and the Ministry of Land, Infrastructure, Transport, and Tourism of Japan, as co-chairs;

(b) for Japan, officials from the Ministry of Land, Infrastructure, Transport, and Tourism and the Ministry of Foreign Affairs and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed; and

(c) for Viet Nam, officials from the Ministry of Culture Sports and Tourism and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed.

3. The Working Group may invite representatives of relevant entities other than the Parties, with the necessary expertise related to the issues to be discussed.

Chapter 9
Cooperation in the Field of Information and Communications Technology

Article 25
General Principles

Pursuant to Chapter 12 of the Basic Agreement, the Parties, recognizing the rapid development of information and communications technology (hereinafter referred to in this Chapter as "ICT") and its benefits in fostering sustainable economic and social development, promoting sound business practices, and enabling partnerships between and among the Parties, private sector, and other non-governmental entities in the Countries, shall cooperate in promoting and implementing activities towards the development of ICT sector in the Countries.

Article 26
Areas and Forms of Cooperation

Pursuant to Article 112 of the Basic Agreement,

(a) the areas of cooperation under this Chapter may include:

(i) human resource development related to ICT, including skill standards;

(ii) Next Generation IP-based Network, broadband networks and ubiquitous networks;

(iii) mobile communications technology;

(iv) promotion of information exchange on development of technology;

(v) circulation of digital contents over broadband networks;

(vi) research and development; and

(vii) other areas of cooperation which the Parties deem important; and

(b) the forms of cooperation under this Chapter may include:

(i) conducting dialogues and exchanging information on policy and regulatory issues including best practices on ICT;

(ii) encouraging exchanges of experts;

(iii) promoting capacity building programs, including seminars, workshops, and pilot programs;

(iv) promoting cooperation between the private sectors, academia, and other entities of the Countries; and

(v) promoting cooperation in international fora related to ICT.

Article 27
Working Group on
Information and Communications Technology

1. Pursuant to Article 114 of the Basic Agreement, the Working Group on Information and Communications Technology (hereinafter referred to in this Article as "the Working Group") shall be established under the Sub-Committee. The functions of the Working Group shall include:

(a) exchanging views and information on cooperation in the field of ICT and identifying ways of further cooperation;

(b) monitoring, reviewing, and discussing issues concerning the effective implementation of this Chapter;

(c) reporting the findings and actions taken by the Working Group to the Sub-Committee regarding issues related to the implementation of this Chapter; and

(d) discussing other issues related to cooperation in the field of ICT.

2. The Working Group shall be composed of the following:

(a) for Japan, officials from the Ministry of Foreign Affairs, the Ministry of Internal Affairs and Communications, and the Ministry of Economy, Trade and Industry and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed; and

(b) for Viet Nam, officials from the Ministry of Information and Telematics and the Ministry of Science and Technology and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed.

3. The Working Group may invite representatives of relevant entities other than the Parties, with the necessary expertise relating to the issues to be discussed.

Chapter 10
Cooperation in the Field of Environment

Article 28
General Principles

Pursuant to Chapter 12 of the Basic Agreement, the Parties, recognizing the importance of strengthening capacity to protect the environment and promote sustainable development and the critical role of multilateral environmental agreements, shall cooperate in the field of environment.

Article 29
Areas and Forms of Cooperation

Pursuant to Article 112 of the Basic Agreement,

(a) the areas of cooperation under this Chapter may include:

(i) conservation and improvement of the environment; and

(ii) promotion of sustainable development including through measures to address climate change such as Clean Development Mechanism and the co-benefit approach; and

(b) the forms of cooperation under this Chapter may include:

(i) exchanging information, including on laws, regulations, and policies of the Countries;

(ii) promoting capacity building for environment;

(iii) enhancing training opportunities;

(iv) encouraging and facilitating visits and exchanges of experts; and

(v) other forms of cooperation as may be agreed by the Parties.

Article 30
Working Group on Environment

1. Pursuant to Article 114 of the Basic Agreement, the Working Group on Environment (hereinafter referred to in this Article as "the Working Group") shall be established under the Sub-Committee. The functions of the Working Group shall include:

(a) exchanging views and information on cooperation in the field of environment and identifying ways of further cooperation;

(b) monitoring, reviewing, and discussing issues concerning the effective implementation of this Chapter;

(c) reporting the findings and actions taken by the Working Group to the Sub-Committee regarding issues related to the implementation of this Chapter; and

(d) discussing other issues related to cooperation in the field of environment.

2. The Working Group shall be composed of the following:

(a) for Japan, officials from the Ministry of the Environment and the Ministry of Foreign Affairs and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed; and

(b) for Viet Nam, officials from the Ministry of Natural Resources and Environment and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed.

3. The Working Group may invite representatives of relevant entities other than the Parties, with the necessary expertise related to the issues to be discussed.

Chapter 11
Cooperation in the Field of Transportation

Article 31
General Principles

Pursuant to Chapter 12 of the Basic Agreement, the Parties, recognizing the importance of sound and effective transportation for the economies of their Countries, shall cooperate in the field of transportation on the basis of mutual benefit.

Article 32
Areas and Forms of Cooperation

Pursuant to Article 112 of the Basic Agreement,

(a) the areas of cooperation under this Chapter may include:

(i) human resource development related to transportation; and

(ii) other areas of cooperation as may be agreed upon by the Parties; and

(b) the forms of cooperation under this Chapter may include:

(i) exchanging views and information;

(ii) encouraging and facilitating visits and exchanges of experts;

(iii) promoting seminars and workshops; and

(iv) other forms of cooperation as may be agreed by the Parties.

Article 33
Working Group on Transportation

1. Pursuant to Article 114 of the Basic Agreement, the Working Group on Transportation (hereinafter referred to in this Article as "the Working Group") shall be established under the Sub-Committee. The functions of the Working Group shall include:

(a) exchanging views and information on cooperation in the field of transportation and identifying ways of further cooperation;

(b) monitoring, reviewing, and discussing issues concerning the effective implementation of this Chapter;

(c) reporting the findings and actions taken by the Working Group to the Sub-Committee regarding issues related to the implementation of this Chapter; and

(d) discussing other issues related to cooperation in the field of transportation.

2. The Working Group shall be composed of the following:

(a) for Japan, officials from the Ministry of Land, Infrastructure, Transport, and Tourism and the Ministry of Foreign Affairs and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed; and

(b) for Viet Nam, officials from the Ministry of Transportation and, where appropriate, officials from other government agencies with the necessary expertise related to the issues to be discussed.

3. The Working Group may invite representatives of relevant entities other than the Parties, with the necessary expertise related to the issues to be discussed.

Chapter 12
Final Provisions

Article 34
Implementation

This Agreement shall be implemented by the Parties in accordance with the Basic Agreement and the laws and regulations in force in their respective Countries, and within the available resources of each Party.

Article 35
Headings

The headings of the Chapters and Articles of this Agreement are inserted for convenience of reference only and shall not affect the interpretation of this Agreement.

Article 36
Entry into Force

This Agreement shall enter into force at the same time as the Basic Agreement and shall remain in force as long as the Basic Agreement remains in force. The Parties shall, at the request of a Party, consult with each other as to whether to amend this Agreement.

Article 37
Dispute Settlement

Chapter 13 of the Basic Agreement shall apply *mutatis mutandis* with respect to the settlement of disputes between the Parties concerning the interpretation or application of Chapter 2 and this Chapter.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Tokyo on this twenty-fifth day of December in the year 2008 in duplicate in the English language.

For the Government of the Socialist Republic of Viet Nam

Vu Huy Hoang
Minister of Industry and Trade

For the Government of Japan

中曽根弘文

Hirofumi Nakasone
Minister for Foreign Affairs