

EVFTA: Committees and Working Groups¹

1. Trade Committee

2. Specialised committees under the Trade Committee

- (a) Committee on Trade in Goods (Chapter 2);
- (b) Committee on Customs (Chapter 4);
- (c) Committee on Sanitary and Phytosanitary Measures (Chapter 6);
- (d) Committee on Investment, Trade in Services, Electronic Commerce and Government Procurement (Chapters 8, 9);
- (e) Committee on Trade and Sustainable Development (Chapter 13).

3. Working groups under the Committee on Trade in Goods

- (a) Working Group on Intellectual Property Rights, including geographical indications (Chapter 12);
- (b) Working Group on motor vehicles and motor vehicles parts (Annex 2B. Motor vehicles and motor vehicle parts and equipment).

Duties and functions of Committees and Working Groups under EVFTA

1. Trade Committee

The Trade Committee shall:

The Trade Committee shall:

- (a) ensure the proper operation of this Agreement;
- (b) supervise and facilitate the implementation and application of this Agreement, and further its general aims;
- (c) supervise and coordinate the work of all specialised committees, working groups and other bodies established under this Agreement, recommend to those bodies any necessary action, and evaluate and adopt decisions, where provided for in this Agreement, regarding any subject matter referred to it by those bodies;
- (d) consider ways to further enhance trade and investment relations between the Parties;
- (e) without prejudice to Chapter 15 (Dispute Settlement), seek to solve problems which might arise in areas covered by this Agreement, or resolve disputes that may arise regarding the interpretation or application of this Agreement; and
- (f) consider any other matter of interest relating to areas covered by this Agreement.

¹ Original article: http://evfta.moit.gov.vn/default.aspx?page=overview&category_id=28369fcc-0cf3-4b59-a8d7-bf03fbd13392

The Trade Committee may, in accordance with the relevant provisions of this Agreement:

- (a) decide to establish specialised committees, working groups or other bodies, to allocate responsibilities to them in order to assist it in the performance of its tasks, and to dissolve them; the Trade Committee shall determine the composition, remit and tasks of the specialised committees, working groups or other bodies it establishes;
- (b) communicate on issues falling under the scope of this Agreement with all interested parties, including the private sector, social partners, and civil society organisations; consider and recommend to the Parties amendments to this Agreement or, in cases specifically provided for in this Agreement, amend, by decision, provisions of this Agreement;
- (c) adopt interpretations of the provisions of this Agreement, which shall be binding on the Parties and all bodies set up under this Agreement, including arbitration panels referred to under Chapter 15 (Dispute Settlement);
- (d) adopt decisions or make recommendations as envisaged by this Agreement;
- (e) adopt its own rules of procedure; and
- (f) take any other action in the exercise of its functions in accordance with this Agreement.

2. Specialised committees under the Trade Committee

a. Committee on Trade in Goods (Chapter 2. National Treatment and Market Access for goods)

The Committee on Trade in Goods comprising representatives of the Parties shall consider any matter arising under this Chapter and Protocol 1 (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Cooperation).

The Committee on Trade in Goods shall carry out the following tasks in accordance with Article 17.2 (Specialised Committees):

- (a) reviewing and monitoring the implementation and operation of the provisions referred to in paragraph 2;
- (b) identifying and recommending measures to resolve any difference that may arise, and to promote, facilitate and improve market access, including any acceleration of tariff commitments under Article 2.7 (Reduction or Elimination of Customs Duties);
- (c) recommending the Trade Committee to establish working groups, as it deems necessary;
- (d) undertaking any additional work that the Trade Committee may assign; and
- (e) proposing decisions to be adopted by the Trade Committee for amending the list of fragrant rice varieties included in subparagraph 5(c) of SubSection 1 (Union Tariff Rate Quotas) of Section B (Tariff Rate Quotas) of Annex 2-A (Reduction or Elimination of Customs Duties).

b. Committee on Customs (Chapter 4. Customs and Trade Facilitation)

The Committee on Customs shall ensure the proper functioning of this Chapter, the enforcement of intellectual property rights by customs in accordance with Sub-Section 4 (Border Enforcement) of Section C (Enforcement of Intellectual Property Rights) of Chapter 12 (Intellectual Property), Protocol 1 (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Cooperation), Protocol 2 (On Mutual Administrative Assistance in Customs Matters) and any additional provisions relating to customs that the Parties may agree upon.

The Committee on Customs shall examine the need for, and adopt, decisions, opinions, proposals or recommendations on all issues arising from the implementation of the provisions referred to in paragraph 2. It shall have the power to adopt decisions on mutual recognition of risk management techniques, risk criteria and standards, security controls and trade partnership programmes, including aspects such as data transmission and mutually agreed benefits.

c. SPS Committee (Chapter 6. Sanitary and Phytosanitary Measures)

The SPS Committee shall include representatives of the competent authorities of the Parties. All decisions made by the SPS Committee shall be by mutual agreement.

The SPS Committee may propose to the Trade Committee to establish working groups which shall identify and address technical and scientific issues arising from this Chapter and explore opportunities for further collaboration on SPS matters of mutual interest.

The SPS Committee may address any matter related to the effective functioning of this Chapter, including facilitating communication and strengthening cooperation between the Parties. In particular it shall have the following responsibilities and functions:

- (a) developing the necessary procedures or arrangements for the implementation of this Chapter;
- (b) monitoring the progress in the implementation of this Chapter;
- (c) providing a forum for discussion of problems arising from the application of certain SPS measures with a view to reaching mutually acceptable EU/VN/en 65 solutions and promptly addressing any matters that could create unnecessary obstacles to trade between the Parties;
- (d) providing a forum to exchange information, expertise and experiences in the field of SPS matters;
- (e) identifying, initiating and reviewing technical assistance projects and activities between the Parties; and
- (f) carrying out any other function as mutually agreed between the Parties.

d. Committee on Investment, Trade in Services, Electronic Commerce and Government Procurement (Chapter 8. Liberisation of Investment, Trade in Services and Electronic Commerce and Chapter 9. Government Procurement)

The Committee on Investment, Trade in Services, Electronic Commerce and Government Procurement shall be composed of representatives of the Parties.

The Committee on Investment, Trade in Services, Electronic Commerce and Government Procurement shall be responsible for the implementation of this Chapter. To that end it shall monitor and regularly review the implementation by the Parties and consider any matter in relation to this Chapter that is referred to it by a Party.

For issues on government procurement, this Committee shall be able:

- (a) to discuss the exchange of statistical data in accordance with paragraph 5 of Article 9.17 (Post-Award Information);
- (b) review pending notifications of modifications to coverage and approve the revised list of procuring entities in Sections A (Central Government Entities) to C (Other Covered Entities) of Annexes 9-A (Coverage of Government Procurement for the Union) and 9-B (Coverage of Government Procurement for Viet Nam);
- (c) approve the compensatory adjustments resulting from modifications affecting coverage;

- (d) consider issues regarding government procurement that are referred to it by a Party; and
- (e) discuss any other matters related to the operation of this Chapter.

e. Committee on Trade and Sustainable Development (Chapter 13. Trade and Sustainable Development)

The Committee on Trade and Sustainable Development shall comprise senior officials from the relevant administrations of each Party or officials they designate.

The Committee on Trade and Sustainable Development shall meet within the first year after the date of entry into force of this Agreement, and thereafter as necessary, to review the implementation of this Chapter, including cooperation under Article 13.14 (Working Together on Trade and Sustainable Development). The Committee on Trade and Sustainable Development shall establish its own rules of procedure, and reach its conclusions by mutual agreement.

Each Party shall convene a new or consult an existing domestic advisory group or groups on sustainable development with the task of advising on the implementation of this Chapter. Each Party shall decide on its domestic EU/VN/en 232 procedures for the establishment of its domestic advisory group or groups and the appointment of the members of such group or groups. The group or groups shall comprise independent representative organisations, ensuring a balanced representation of economic, social and environmental stakeholders, including, among others, employers' and workers' organisations, business groups, and environmental organisations. Each domestic advisory group may, on its own initiative, submit views or recommendations to its respective Party on the implementation of this Chapter.

Members of the domestic advisory group or groups of each Party shall meet in a joint forum to conduct a dialogue on sustainable development aspects of trade relations between the Parties. By joint agreement, domestic advisory groups of both Parties may involve other stakeholders in meetings of the joint forum. The forum shall be based on a balanced representation of economic, social and environmental stakeholders. The report of each meeting of the joint forum shall be submitted to the Committee on Trade and Sustainable Development and thereafter be made publicly available.

Unless the Parties agree otherwise, the joint forum shall meet once a year and in conjunction with the meetings of the Committee on Trade and Sustainable Development. On such occasions, the Parties shall present to the joint forum an update on the implementation of this Chapter. The Parties shall agree on the operation of the joint forum no later than one year after the date of entry into force of this Agreement.

3. Working Groups under the Committee on Trade in Goods

a. Working Group on Intellectual Property Rights, including geographical indications (Chapter 12. Intellectual Property)

The Working Group on Intellectual Property Rights, including Geographical Indications, established pursuant to Article 17.3 (Working EU/VN/en 218 Groups), shall consist of representatives of the Parties for the purposes of monitoring the implementation of this Chapter, intensifying their cooperation and holding dialogues on intellectual property rights, including geographical indications.

The Working Group on Intellectual Property Rights, including Geographical Indications may consider any matter related to the implementation and operation of this Chapter. In particular, it shall be responsible for:

- Preparing a recommendation for the Parties to amend Annex 12-A (List of Geographical Indications) as regards geographical indications in accordance with Article 12.26 (Amendment of the List of Geographical Indications);
- Exchanging information on legislative and policy developments on geographical indications and any other matter of mutual interest in the area of geographical indications; and
- Exchanging information on geographical indications for the purposes of considering their protection in accordance with Sub-Section 3 (Geographical Indications) of Section B (Standards Concerning Intellectual Property Rights) of this Chapter.

b. Working Group on Motor Vehicles and Parts (Annex 2B. Motor Vehicles and Vehicle Parts and Equipment)

In the Working Group on Motor Vehicles and Parts established by Article 17.3 (Working Groups), the Parties shall cooperate and exchange information on any issues relevant for the implementation of this Annex.

Pursuant to Chapter 16 (Cooperation and Capacity Building), a Party shall, upon request by the other Party, give appropriate consideration to proposals that the other Party makes for cooperation under this Annex. That cooperation shall be undertaken, inter alia, through dialogue in appropriate channels, joint projects, technical assistance and capacity-building programmes on technical regulations and conformity assessment procedures, as mutually agreed.

Subject to Chapter 16 (Cooperation and Capacity Building), cooperation shall focus on building up technical capacity with regard to enhancing testing competence and procedures for acceptance of type-approvals. Cooperation may include training, internships or exchange of experiences for officials of Viet Nam's type-approval authority in Union type-approval authorities or similar projects.