

**Exchange of Notes between the Government of the Republic of Korea and the
Government of the Socialist Republic of Viet Nam
to Implement the Provisions relating to Cumulation of Origin under the Free Trade
Agreement between the Socialist Republic of Viet Nam and the United Kingdom of
Great Britain and Northern Ireland**

(Viet Nam's Proposing Note)

Place, Xx xx xx 2021

Excellency,

I have the honour to refer to the Free Trade Agreement between the Socialist Republic of Viet Nam and the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the “UKVFTA”) signed in Ha Noi on 29th December 2020 and entered officially into force on 1st May 2021 and to the recent discussions concerning the implementation of the provisions relating to cumulation of origin under Articles 3.11 to 3.15 of Protocol 1 Concerning the Definition of the Concept of “Originating Products” and Methods of Administrative Cooperation (hereinafter referred to as “Protocol 1”) of the UKVFTA (hereinafter referred to as the “cumulation provisions”), which read as follows:

“11. Fabrics originating in the Republic of Korea shall be considered as originating in Viet Nam when further processed or incorporated into one of the products listed in Annex V to this Protocol obtained in Viet Nam, provided that they have undergone working or processing in Viet Nam which goes beyond the operations referred to in Article 6 (Insufficient Working or Processing).

12. For the purpose of paragraph 11, the origin of the fabrics shall be determined in accordance with the rules of origin applicable in the framework of the *Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland, and the Republic of Korea*, done at London on 22 August 2019 except for the rules set out in Annex II(a) to the Protocol concerning the Definition of "Originating Products" and Methods of Administrative Cooperation of that preferential trade agreement.

13. For the purpose of paragraph 11, the originating status of the fabrics exported from the Republic of Korea to Viet Nam to be used in further working or processing shall be established by a proof of origin as if those fabrics were exported directly from the Republic of Korea to the UK.

14. The cumulation provided for in paragraphs 11 to 13 applies if:

- (a) the Republic of Korea applies with the UK a preferential trade agreement in accordance with Article XXIV of GATT 1994;

(b) the Republic of Korea and Viet Nam have undertaken and notified to the UK their undertaking to:

(i) comply or ensure compliance with the cumulation provided for by this Article; and

(ii) provide the administrative cooperation necessary to ensure the correct implementation of this Protocol both with regard to the UK and between themselves.

15. Proofs of origin issued by Viet Nam by application of paragraph 11 shall bear the following entry: "Application of Article 3(11) of Protocol 1 to the Viet Nam - UK FTA".

I have further the honour to propose, on behalf of the Government of the Socialist Republic of Viet Nam, for the implementation of the cumulation provisions, that the Government of the Socialist Republic of Viet Nam and the Government of the Republic of Korea shall undertake the following:

(i) to comply or ensure compliance with the cumulation provisions;

(ii) to provide the administrative cooperation necessary to ensure the correct implementation of the aforementioned Protocol 1 both with regard to the Government of the United Kingdom of Great Britain and Northern Ireland and between themselves;

(iii) to cooperate on the procedures for implementing the cumulation provisions in accordance with their respective laws and regulations. Competent authorities of the two Governments may arrange administrative cooperation that sets out the measures necessary for the implementation of the cumulation provisions; and

(iv) to notify the Government of the United Kingdom of Great Britain and Northern Ireland of the foregoing joint undertaking (i) and (ii); and agree that the Joint Undertaking Notification shall be notified to the Government of the United Kingdom of Great Britain and Northern Ireland.

If the above proposal is acceptable to the Government of the Republic of Korea, I have the honour to propose that this Note, together with Your Excellency's Note in reply indicating acceptance, shall constitute an agreement between the two Governments which shall enter into force on the first day of the first month following the month in which the Government of the United Kingdom of Great Britain and Northern Ireland notifies its receipt of the Joint Undertaking Notification, which will be given to the Government of the United Kingdom of Great Britain and Northern Ireland after Your Excellency's reply. This Note is done in the English language.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

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Minister of Industry and Trade
of the Socialist Republic of Viet Nam
Ha Noi, Viet Nam

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Minister of Trade, Industry and Energy
of the Republic of Korea