

Labour

Letter from His Excellency Tran Tuan Anh

8 March 2018

The Honourable François-Philippe Champagne
Minister of International Trade
Canada

Dear Minister,

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 Canada share common understanding 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 Canada 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), Canada 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 the Agreement for Viet Nam.
3. If Canada 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) of Chapter 19 (Labour), Canada 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) of Chapter 19 (Labour), 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 in reply, equally valid in English and French, confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Agreement as between Viet Nam and Canada.

Yours sincerely,

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

Response from the Honourable François-Philippe Champagne

8 March 2018

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

Excellency,

I have the honour to acknowledge the receipt of your letter of today's date, 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 Canada share common understanding 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 Canada 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), Canada 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 the Agreement for Viet Nam.
3. If Canada 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) of Chapter 19 (Labour), Canada 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) of Chapter 19 (Labour), 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 in reply, equally valid in English and French, confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Agreement as between Viet Nam and Canada."

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply, equally valid in English and French, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Comprehensive and

Progressive Agreement for Trans-Pacific Partnership as between Canada and the Socialist Republic of Viet Nam.

Sincerely,

The Honourable François-Philippe Champagne
Minister of International Trade