

AGREEMENT ON TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

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

Desiring to strengthen further the friendly relations existing between the two countries by the promotion of technical cooperation, and

Considering mutual benefits derived from promoting the economic and social development of their respective countries,

Have agreed as follows:

ARTICLE I

The two Governments will endeavor to promote technical cooperation between the two countries.

ARTICLE II

On the basis of this Agreement, the two Governments will enter into separate arrangements in written form to carry out specific technical cooperation programs to be agreed upon between the two Governments.

ARTICLE III

The Government of Japan will, in accordance with the laws and regulations in force in Japan and under the arrangements referred to in Article II of this Agreement, carry out at its own expense the following forms of technical cooperation:

- (a) receiving Vietnamese nationals for technical training in Japan;
- (b) dispatching Japanese experts (hereinafter referred to as "the Experts") to the Socialist Republic of Viet Nam;
- (c) dispatching Japanese missions (hereinafter referred to as "the Missions") to the Socialist Republic of Viet Nam to conduct surveys of economic and social development projects of the Socialist Republic of Viet Nam;
- (d) providing the Government of the Socialist Republic of Viet Nam with equipment, machinery and materials; and
- (e) providing the Government of the Socialist Republic of Viet Nam with other forms of technical cooperation as may be mutually agreed upon between the two Governments.

ARTICLE IV

The Government of the Socialist Republic of Viet Nam will ensure that the techniques and knowledge acquired by Vietnamese nationals as a result of the Japanese technical cooperation as provided for in Article III of this Agreement will contribute to the economic and social development of the Socialist Republic of Viet Nam, and not be utilized for military purposes.

ARTICLE V

In case the Government of Japan dispatches the Experts and the Missions, the Government of the Socialist Republic of Viet Nam will take at its own expense the following measures:

- (a) to provide suitable office and other facilities including telephone and facsimile services required for the performance of the duties of the Experts and the Missions, as well as to bear the expenses for their operation and maintenance;
- (b) to provide the local staff (including adequate interpreters, if necessary) as well as the Vietnamese counterparts to the Experts and the Missions necessary for the performance of the duties of the Experts and the Missions;
- (c) to bear expenses of the Experts whenever local conditions and financial possibilities of authorities concerned of the Government of the Socialist Republic of Viet Nam permit for
 - (i) daily transportation to and from their place of work,
 - (ii) their official travels in the Socialist Republic of Viet Nam, and
 - (iii) their official correspondence;
- (d) to provide rent - free housing accommodation for the Experts and their families whenever local conditions and financial possibilities of authorities concerned of the Government of the Socialist Republic of Viet Nam permit; and
- (e) to provide free medical care and facilities for the Experts and their families as well as members of the Missions whenever local conditions and financial possibilities of authorities concerned of the Government of the Socialist Republic of Viet Nam permit.

ARTICLE VI

1. (1) The Government of the Socialist Republic of Viet Nam will:

- (a) exempt the Experts and members of the Missions from income tax and other charges imposed on or in connection with any emoluments or allowances remitted to them from overseas;
 - (b) exempt the Experts and their families as well as members of the Missions from consular fees, customs duties, taxes and other charges of a similar nature other than those for storage, cartage and similar services, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation of
 - (i) personal and household effects and consumer goods to be agreed between the relevant authorities of the two Governments, and
 - (ii) one motor vehicle per Expert assigned to stay in the Socialist Republic of Viet Nam for a period amounting to or exceeding 183 days;
 - (c) exempt the Experts assigned to stay in the Socialist Republic of Viet Nam for a period amounting to or exceeding 183 days who do not import any motor vehicle into the Socialist Republic of Viet Nam from special consumption tax and value added tax on one motor vehicle per Expert in case of local purchase; and
 - (d) exempt the Experts from the registration fee of the motor vehicles mentioned in (b) and (c) above.
- (2) The motor vehicles mentioned in sub - paragraph (1) above will be subject to payment of customs duties and taxes if they are subsequently sold or transferred within the Socialist Republic of Viet Nam to individuals or organizations not entitled to exemption from such duties and taxes or similar privileges.

2. The Government of the Socialist Republic of Viet Nam will take the following measures:
 - (a) to permit the Experts and their families as well as members of the Missions to enter, leave and sojourn in the Socialist Republic of Viet Nam for the duration of their assignment therein, offer them the convenience for procedures of alien registration requirements and exempt them from consular fees;
 - (b) to issue to the Experts and their families as well as members of the Missions identification cards to secure the cooperation of all Governmental organizations necessary for the performance of the duties of the Experts and the Missions;
 - (c) to offer the Experts the convenience for acquisition of car driving license; and
 - (d) other measures necessary for the performance of the duties of the Experts and the Missions.
3. The Government of the Socialist Republic of Viet Nam will accord the Experts and their families as well as members of the Missions such privileges, exemptions and benefits as are no less favorable than those accorded to experts and their families as well as members of missions of any third country or of any international organizations performing a similar mission in the Socialist Republic of Viet Nam.

ARTICLE VII

The Government of the Socialist Republic of Viet Nam will bear claims, if any arises, against the Experts and members of the Missions resulting

from, occurring in the course of or otherwise connected with the discharge of their duties, except when the relevant authorities of the two Governments agree that such claims arise from gross negligence or willful misconduct on the part of the Experts or members of the Missions.

ARTICLE VIII

1. In case the Government of Japan provides the Government of the Socialist Republic of Viet Nam with equipment, machinery and materials, they will become the property of the Government of the Socialist Republic of Viet Nam upon being delivered c. i. f. at the port of the disembarkation to authorities concerned of the Government of the Socialist Republic of Viet Nam. The equipment, machinery and materials mentioned above will be utilized for the purpose for which they will be provided unless otherwise agreed upon, and not for military purposes.

The Government of Japan will instruct the executing agency referred to in Article X of this Agreement to submit the Vietnamese executing agency concerned a list of the equipment, machinery and materials referred to in this paragraph prior to their arrival to facilitate the procedure mentioned in paragraphs 2 and 3 of this Article.

2. The Government of the Socialist Republic of Viet Nam will exempt the equipment, machinery and materials referred to in paragraph 1 of this Article from consular fees, customs duties, taxes and other charges of a similar nature, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage.

3. The expenses for the transportation within the Socialist Republic of Viet Nam of the equipment, machinery and materials referred to in paragraph 1 of this Article and the expenses for their replacement, maintenance and repair will be borne by the Government of the Socialist Republic of Viet Nam.

4. The equipment, machinery and materials which the Experts and members of the Missions carry with them for the performance of their duties will remain the property of the Government of Japan unless otherwise agreed upon.

The Experts and members of the Missions will be exempted from consular fees, customs duties, taxes and other charges of a similar nature, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage in respect of the importation of such equipment, machinery and materials.

ARTICLE IX

The Experts and members of the Missions will maintain close contact with the Government of the Socialist Republic of Viet Nam through organizations designated by it.

ARTICLE X

1. The Government of the Socialist Republic of Viet Nam will admit the Japan International Cooperation Agency (hereinafter referred to as "JICA"), the executing agency for technical cooperation by the Government of Japan, to maintain an overseas office of JICA in the Socialist Republic

of Viet Nam (hereinafter referred to as "the Office") and will accept a Resident Representative and his/her staff to be dispatched from Japan (hereinafter referred to as "the Representative and Staff") who discharge the duties to be assigned to them by JICA relative to the activities of the technical cooperation programs under this Agreement.

2. The Government of the Socialist Republic of Viet Nam will accord the Representative and Staff and their families as well as the Office the following privileges, exemptions and benefits:

(1) For the Representative and Staff and their families:

(a) exemption from income tax and other charges imposed on or in connection with any emoluments or allowances remitted from overseas,

(b) exemption from consular fees, customs duties, taxes and other charges of a similar nature other than those for storage, cartage and similar services, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation of personal and household effects including one motor vehicle for each of the Representative and Staff and other items for personal use only,

(c) exemption from special consumption tax and value added tax on one motor vehicle for each of the Representative and Staff who does not import any motor vehicle into the Socialist Republic of Viet Nam in case of local purchase,

(d) exemption from the registration fee of the motor vehicles mentioned in (b) and (c) above,

(e) permission to enter, leave and sojourn in the Socialist Republic of Viet Nam for the duration of their assignment therein, offer of the convenience for procedures of alien registration requirement and exemption from consular fees,

(f) issuance of identification cards and special passes to enter airport/seaport beyond passport control point to receive and send off experts and missions of JICA, and

(g) offer of the conveniences for acquisitions of car driving license.

(2) For the Office;

(a) exemption from customs duties, taxes and other charges of a similar nature other than those for storage, cartage and similar services, as well as from the requirements of obtaining import license and certificate of foreign exchange coverage, in respect of the importation of office equipment and other articles, including telex machines, necessary for office activities,

(b) importation free of duties, or purchase from bond in the Socialist Republic of Viet Nam, of motor vehicles necessary for office activities whose number is to be agreed between the relevant authorities of the two Governments, and

(c) exemption from income tax and other fiscal charges imposed on or in connection with office expenses remitted from overseas.

3. The motor vehicles mentioned in paragraph 2 above will be subject to payment of customs duties and taxes if they are subsequently sold or transferred within the Socialist Republic of Viet Nam to individuals or

organizations not entitled to exemption from such duties and taxes or similar privileges.

4. The Representative and Staff and their families as well as the Office importing goods free of customs duties, taxes and other charges of a similar nature in accordance with sub—paragraphs (1) (b), (2) (a) and (2) (b) of paragraph 2 above will present specification of such goods to the authority concerned of the Government of the Socialist Republic of Viet Nam for obtaining import and re - export formalities.
5. The Representative and Staff and their families as well as the Office will re - export, sell within the Socialist Republic of Viet Nam or grant to the Government of the Socialist Republic of Viet Nam on its approval the items imported free of customs duties, taxes and other charges of a similar nature, in accordance with the laws and regulations of the Socialist Republic of Viet Nam.
6. The Government of the Socialist Republic of Viet Nam will accord the Representative and Staff and their families as well as the Office such privileges, exemptions and benefits as are no less favorable than those accorded to representative and staff and their families as well as the office of executing agencies of any third country or of any international organization performing a similar mission in the Socialist Republic of Viet Nam.

ARTICLE XI

The Government of Japan and the Government of the Socialist Republic of Viet Nam will consult with each other in respect of any matter that may arise from or in connection with this Agreement.

ARTICLE XII

1. The provisions of this Agreement will also apply to the specific technical cooperation programs being carried out between the two Governments prior to the entering into force of this Agreement, and to the Experts and their families and members of the Missions, the Representative and Staff and their families staying in the Socialist Republic of Viet Nam, as well as to the equipment, machinery and materials brought into the Socialist Republic of Viet Nam to carry out the said programs.
2. The termination of this Agreement will neither affect the specific technical cooperation programs being carried out until the date of the completion of the said programs, unless otherwise the two Governments expressly agree, nor affect the privileges, exemptions and benefits accorded to the Experts and their families, members of the Missions, the Representative and Staff and their families staying in the Socialist Republic of Viet Nam for the performance of their duties in connection with the said programs.

ARTICLE XIII

1. This Agreement will enter into force on the date of the signature thereof.

2. This Agreement will remain in force for a period of one year, and will be automatically renewed every year for another period of one year each, unless either Government has given to the other Government at least six months' written advance notice of its intention to terminate the Agreement.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement.

DONE in duplicate in English at Hanoi on October 20, 1998.

For the Government of
Japan:

Katsuya Suzuki

For the Government of the Socialist
Republic of Viet Nam:

Tran Xuan Gia