

Side Letter between New Zealand and Viet Nam

[insert date]

Minister Bộ Công Thương
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister

I refer to the *Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area* done at Cha-am on 27 February 2009 (AANZFTA) and the *Trans-Pacific Partnership Agreement* done at [location] on this date (TPP) (Agreements).

I have the honour to confirm the following understandings relating to the Agreements reached by New Zealand and the Socialist Republic of Viet Nam during the course of the negotiations on TPP. Nothing in TPP will derogate from the rights and obligations of New Zealand or the Socialist Republic of Viet Nam under AANZFTA. To the greatest extent possible, the Agreements will be interpreted consistently. Where AANZFTA or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or the Socialist Republic of Viet Nam, that exporter, service supplier or investor is entitled to claim the more favourable of the treatment accorded to that exporter, service supplier or investor under that Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments on the application between New Zealand and the Socialist Republic of Viet Nam of rights and obligations contained in TPP, and on the interpretation of the Agreements, which shall enter into force on the date on which TPP enters into force for both New Zealand and the Socialist Republic of Viet Nam.

Yours sincerely

Hon Tim Groser
Minister of Trade
New Zealand

[insert date]

Hon Tim Groser
Minister of Trade
New Zealand

Dear Minister Groser

I have the honour of acknowledging receipt of your letter of today's date, which states as follows:

"I refer to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area done at Cha-am on 27 February 2009 (AANZFTA) and the Trans-Pacific Partnership Agreement done at [location] on this date (TPP) (Agreements).

I have the honour to confirm the following understandings relating to the Agreements reached by New Zealand and the Socialist Republic of Viet Nam during the course of the negotiations on TPP. Nothing in TPP will derogate from the rights and obligations of New Zealand or the Socialist Republic of Viet Nam under AANZFTA. To the greatest extent possible, the Agreements will be interpreted consistently. Where AANZFTA or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or the Socialist Republic of Viet Nam, that exporter, service supplier or investor is entitled to claim the more favourable of the treatment accorded to that exporter, service supplier or investor under that Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments on the application between New Zealand and the Socialist Republic of Viet Nam of rights and obligations contained in TPP, and on the interpretation of the Agreements, which shall enter into force on the date on which TPP enters into force for both New Zealand and the Socialist Republic of Viet Nam."

I have the further honour to confirm that your letter reflects the undertakings made by the Governments of the Socialist Republic of Viet Nam and New Zealand during the course of the negotiations on TPP and that your letter and this letter in reply shall constitute an agreement between the Socialist Republic of Viet Nam and New Zealand.

Yours sincerely

Minister Bộ Công Thương
Minister of Industry and Trade
Socialist Republic of Viet Nam