

ANNEX

MOTOR VEHICLES AND MOTOR VEHICLES' PARTS

Article 1

General Provisions

1. This Annex shall apply to motor vehicles in UNECE vehicle regulations' category M1 as well as parts and equipment regulated in UNECE regulations applying to UNECE vehicle category M1, originating in the Parties and falling in particular under HS Chapters 40, 84, 85, 87 and 94 of HS 2012. Where an UNECE Regulation applicable to M1 vehicles also regulates parts and equipment of UNECE vehicle regulations' categories M2 and N3, these parts and equipment originating in the Parties shall also be covered by this Annex. All these products are hereinafter referred to as “products covered by this Annex”.

Motor vehicles, parts and equipment are to be understood as defined under the UNECE 1958 Agreement and its Regulations. For the purposes of this Annex, "originating" means qualifying under the rules of origin set out in [Chapter on Rules of Origin].

2. With regard to the products covered by this Annex, the Parties confirm the following shared objectives and principles:
 - (a) eliminating and preventing non-tariff barriers to bilateral trade;
 - (b) promoting compatibility and convergence of regulations based on international standards;
 - (c) promoting recognition of approvals based in particular on approval schemes applied under the UNECE 1958 Agreement "Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions" administered by the World Forum for Harmonization of Vehicle Regulations (hereinafter referred to as the "WP.29") within the framework of the United Nations Economic Commission for Europe (hereinafter referred to as "UNECE");

- (d) establishing competitive market conditions based on principles of openness, non-discrimination and transparency;
- (e) securing the protection of human health, safety and the environment; and
- (f) enhancing cooperation to foster continued mutually beneficial development in trade.

Article 2

International Standards

1. The Parties recognize that the UNECE Regulations of WP.29 are the relevant international standards for the products covered by this Annex.
2. Vietnam is encouraged to become a signatory of the *Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions* (UNECE 1958 Agreement).
3. The Parties shall recognize technical requirements of UNECE Regulations as providing a sufficient level of protection for ensuring road safety or the protection of the environment or public health in the area regulated by such UNECE Regulation. The Parties shall not stipulate any further technical requirements in the area regulated by such UNECE Regulation.

Article 3

Regulatory Convergence

1. (a) The Parties shall at any time refrain from introducing any new domestic technical regulation, markings and conformity assessment procedures diverging from technical requirements of UNECE Regulations in areas covered by such Regulations, or where the completion of such Regulations is imminent, unless there are substantiated reasons, based on scientific or technical information, why a specific technical requirement of UNECE Regulation is ineffective or inappropriate for ensuring road safety or the protection of the environment or public health.

- (b) A Party which introduces a new domestic technical regulation as referred to in subparagraph (a) shall, upon request from the other Party, identify the parts of the domestic technical regulation, markings and conformity assessment procedures which substantially deviate from the relevant technical requirements, markings and conformity assessment procedures of UNECE Regulations and provide due justification as to the reasons for the deviation.
2. Insofar as a Party has introduced and maintains, in accordance with paragraph 1, domestic technical regulations that diverge from existing technical requirements, markings and conformity assessment procedures of UNECE Regulations, that Party shall review these domestic technical regulations at regular intervals, not exceeding five years, with a view to increasing their convergence to the relevant technical requirements, markings and conformity assessment procedures of UNECE Regulations. When reviewing their domestic technical regulations, the Parties shall consider whether the circumstances that gave rise to the divergence still exist. The outcome of these reviews, including scientific and technical information used, shall be notified to the other Party upon request.

Article 4

Market Access

1. The Parties shall accept on its market as compliant with its domestic technical requirements and conformity assessment procedures, without further testing or marking requirements to verify or attest compliance with requirements in the area regulated by the relevant UNECE Regulations, products covered by this Annex and which are covered by a valid UNECE type-approval certificate.
- 2.1. In the case of parts and equipment, the product to be imported shall normally be accompanied by the relevant UNECE type approval certificate. The importing Party shall endeavor to consider a valid UNECE type approval marking affixed to a product as sufficient proof of the existence of a valid type approval certificate.
- 2.2. When Viet Nam is a Contracting Party to the 1958 Agreement, it shall accept, according to the principles and procedures of the above-mentioned Agreement, a valid UNECE type approval marking affixed to a product covered by this Annex as sufficient proof of the existence of a valid type

approval certificate where such UNECE marking is prescribed explicitly by the relevant UNECE Regulations to which the EU has acceded.

- 2.3. When Vietnam is a Contracting Party to the 1958 Agreement, the EU shall accept a valid UNECE type approval issued by a Vietnamese type approval authority according to the rights and obligations under the 1958 Agreement.
- 3.1. For whole vehicles of UNECE vehicle category M1,¹ Vietnam shall accept on its market as compliant with its domestic technical regulations and conformity assessment procedures, without further testing or marking requirements to verify or attest compliance with domestic technical requirements, such new whole vehicles covered by this category for which a valid UNECE International Whole Vehicle Type Approval has been issued by an EU type approval authority according to the principles and procedures of the 1958 Agreement. At the first importation of a vehicle type, the product to be imported shall be accompanied by the relevant UNECE type approval certificate.
- 3.2. After 5 years from the date of entry into force of this Agreement, for a following period of 7 years, Vietnam shall accept a valid whole vehicle EC Certificate of Conformity. At the first importation of a vehicle type, the product to be imported shall be accompanied by the relevant EC type approval certificate. Such an EC Certificate of Conformity shall be considered as sufficient proof for the purposes of paragraph 3.1. When such UNECE International Whole Vehicle Type Approval is available for M1 vehicles, Vietnam shall notify the European Union whether it wishes to continue accepting valid whole vehicle EC Certificates of Conformity together with the UNECE International Whole Vehicle Type Approval of a specific vehicle category.
- 3.3. When Vietnam is a Contracting Party to the 1958 Agreement and is a signatory of the UNECE International Whole Vehicle Type Approval, the EU shall accept a valid UNECE International Whole Vehicle Type Approval issued by a Vietnamese type approval authority according to the rights and obligations under the 1958 Agreement.
- 4.1. Every month or at the latest when notifying it to the UNECE, the competent authorities of each Party, which is a signatory to the 1958 Agreement, shall send to the competent authorities of the other Party a list of the wheeled vehicle, equipment or parts, approvals of which it has refused to grant or has withdrawn during the preceding period; in addition, on receiving a request from the competent authority of the other Party, it shall send forthwith to

¹ This includes pick-up vehicles classified in M1.

that competent authority a copy of all relevant information on which it based its decision to grant, refuse to grant, or to withdraw an approval of a whole vehicle or an approval of equipment or parts to the relevant UNECE Regulation.

- 4.2. Should the competent authorities of the Parties find that certain motor vehicles, equipment or parts bearing approval marks issued under UNECE Regulations, or EC laws and regulations for whole vehicles when applicable, by a type approval authority of the other Party do not conform to the approved type, they shall advise the competent authorities of the other Party which issued the approval. That Party shall take the necessary steps to bring these products of its manufacturers into conformity with the approved types and shall advise the other Party applying the Regulation through type approval of the steps it has taken, which may include, if necessary, the withdrawal of approval. Where there might be a threat to road safety or to the environment, the Party which issued the approval and after receiving the information about the non-conformity to the approved type(s) shall inform thereof the other Party about the situation. The Parties may prohibit the sale and use of such motor vehicles, equipment or parts.

In such cases and upon request from one of the Parties, the other Party shall send a copy of all relevant information upon which the approval has been granted.

5. The competent authorities of each Party may verify by random sampling in accordance with its domestic legislation that the products comply with the relevant domestic technical requirements attested by an UNECE International Whole Vehicle Type Approval certificate or, as applicable, an EC type approval certificate in the case of whole vehicles, and an UNECE type-approval certificate showing compliance with the relevant UNECE Regulations in the case of parts and equipment. Each Party may require the supplier to withdraw a product from its market in case the product concerned does not comply with those regulations and requirements.

Article 5

Products with New Technologies or New Features

1. Subject to the laws of each Party, neither Party shall unduly delay the placing on its market of parts and equipment covered by this Annex on the ground that the product incorporates a new technology or a new feature.

2. When a Party decides to refuse the placing on its market or requires the withdrawal from its market of parts and equipment of the other Party covered by this Annex on the ground that it incorporates a new technology or a new feature creating a risk for human health, safety or the environment, it shall immediately notify this decision and its reasoning to the economic operators concerned.

Article 6

Other Measures Restricting Trade

Each Party shall refrain from nullifying or impairing the market access benefits accruing to the other Party under this Annex through other regulatory measures specific to the sector covered by this Annex. This is without prejudice to the right to adopt measures necessary for road safety, the protection of the environment or public health and the prevention of deceptive practices provided such measures are based on substantiated scientific or technical information.

Article 7

Joint Cooperation

1. In the Committee on Trade in Goods, the Parties shall cooperate and exchange information on any issues relevant for the implementation of this Annex.
2. Pursuant to the [Chapter on Cooperation and Capacity Building], upon request, a Party shall give appropriate consideration to proposals that the other Party makes for co-operation under the terms of this Annex. This 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 the [Chapter on 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 such forms as training, internships or exchange of experiences for officials of the Vietnamese Type Approval Authority in EU Type Approval Authorities or similar projects.

Article 8

Implementation

1. The Parties agree to establish a Working Group on Motor Vehicles and Parts under the Trade in Goods Committee in order to facilitate the implementation of this Annex.
2. The Working Group shall monitor the effective implementation of, and may consider any matter relating to this Annex. The two Parties shall establish contact points for effective communication.
3. Unless otherwise specified, this Annex shall come into effect after 3 years from the date of entry into force of this Agreement.
4. Upon request of a Party, but not before 10 years from the date of entry into force of this Agreement, the Parties may convene to review this annex, including a discussion on the coverage of UNECE categories L, M and N.