PHẦN VĂN BẢN KHÁC

BỘ NGOẠI GIAO

BỘ NGOẠI GIAO	**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM** **Độc lập - Tự do - Hạnh phúc**
Số: 53/2014/TB-LPQT	*Hà Nội, ngày 11 tháng 8 năm 2014*

THÔNG BÁO
Về việc điều ước quốc tế có hiệu lực

Thực hiện quy định tại khoản 3 Điều 47 của Luật Ký kết, gia nhập và thực hiện điều ước quốc tế năm 2005, Bộ Ngoại giao trân trọng thông báo:

Công hàm trao đổi giữa Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và Chính phủ Nhật Bản về khoản viện trợ không hoàn lại trị giá 353 triệu Yên cho chương trình học bổng phát triển nguồn nhân lực, ký tại Hà Nội ngày 01 tháng 8 năm 2014, có hiệu lực kể từ ngày 01 tháng 8 năm 2014.

Bộ Ngoại giao trân trọng gửi Bản sao Công hàm theo quy định tại Điều 68 của Luật nêu trên./.

TL. BỘ TRƯỞNG
KT. VỤ TRƯỞNG
VỤ LUẬT PHÁP VÀ ĐIỀU ƯỚC QUỐC TẾ
PHÓ VỤ TRƯỞNG

Nguyễn Văn Ngự

EMBASSY OF JAPAN
HANOI

Hanoi, August 1, 2014

Excellency,

I have the honour to refer to the recent discussions held between the representatives of the Government of Japan and of the Government of the Socialist Republic of Viet Nam concerning Japanese economic cooperation to be extended with a view to strengthening friendly and cooperative relations between the two countries and also to providing academic opportunities for Vietnamese students to study in Japanese higher educational institutions, and to propose on behalf of the Government of Japan the following understanding:

1. (1) For the purpose of contributing to the implementation of the Project for Human Resource Development Scholarship (hereinafter referred to as "the Project") by the Government of the Socialist Republic of Viet Nam, the Government of Japan has decided that a grant up to three hundred and fifty-three million Japanese Yen (¥353,000,000) (hereinafter referred to as "the Grant") will be extended to the Government of the Socialist Republic of Viet Nam, in accordance with the relevant laws and regulations of Japan.

(2) The Grant will be made available by concluding a grant agreement between the Government of the Socialist Republic of Viet Nam or its designated authority and the Japan International Cooperation Agency (JICA) (hereinafter referred to as "the G/A").

(3) The terms and conditions of the Grant as well as the procedures for its utilization will be governed by the G/A within the scope of the present understanding.

2. The Grant will be available during such period as may be specified in the G/A, provided that the period will be between the date of entry into force of the G/A and December 31, 2019. The period may be extended by mutual consent between the authorities concerned of the two Governments.

His Excellency
Mr. PHAM VU LUAN
Minister of Education and Training
of the Socialist Republic of Viet Nam

3. The Grant shall be used by the Government of the Socialist Republic of Viet Nam properly and exclusively for the purchase of such services necessary for the implementation of the Project as may be specified in the G/A (hereinafter referred to as "the Services").

4. The Government of the Socialist Republic of Viet Nam or its designated authority shall enter into contracts in Japanese Yen with Japanese nationals for the purchase of the Services. Such contracts will be verified by JICA to be eligible for the Grant (The term "Japanese nationals" in the present understanding means Japanese physical persons or Japanese juridical persons controlled by Japanese physical persons.).

5. The Grant will be executed by JICA, in accordance with provisions of the G/A, by making payments in Japanese Yen to an account to be opened in the name of the Government of the Socialist Republic of Viet Nam at a bank in Japan designated by the Government of the Socialist Republic of Viet Nam or its designated authority.

6. (1) The Government of the Socialist Republic of Viet Nam shall take necessary measures:

(a) to ensure that customs duties, internal taxes and other fiscal levies which may be imposed in the Socialist Republic of Viet Nam with respect to the purchase of the Services be exempted or be borne by its designated authority and shall not be covered by the Grant;

(b) to accord Japanese physical persons and/or physical persons of third countries, whose services may be required in connection with the supply of the Services such facilities as may be necessary for their entry into the Socialist Republic of Viet Nam and stay therein for the performance of their work;

(c) to ensure that the Services be used properly and effectively for the implementation of the Project; and

(d) to bear all the expenses, other than those covered by the Grant, necessary for the implementation of the Project.

(2) While ensuring fair treatment of sources of information, the Government of the Socialist Republic of Viet Nam shall provide the Government of Japan with necessary information, including information on corrupt practice, related to the Project.

7. The two Governments shall consult with each other in respect of any matter that may arise from or in connection with the present understanding.

I have further the honour to propose that this Note and Your Excellency's Note in reply confirming on behalf of the Government of the Socialist Republic of Viet Nam the foregoing understanding shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency's Note in reply.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

岸田文雄

KISHIDA FIMIO
Minister of Foreign Affairs of Japan

MINISTRY OF EDUCATION AND TRAINING
THE SOCIALIST REPUBLIC OF VIET NAM

Hanoi, August 1, 2014

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honour to refer to the recent discussions held between the representatives of the Government of Japan and of the Government of the Socialist Republic of Viet Nam concerning Japanese economic cooperation to be extended with a view to strengthening friendly and cooperative relations between the two countries and also to providing academic opportunities for Vietnamese students to study in Japanese higher educational institutions, and to propose on behalf of the Government of Japan the following understanding:

1. (1) For the purpose of contributing to the implementation of the Project for Human Resource Development Scholarship (hereinafter referred to as "the Project") by the Government of the Socialist Republic of Viet Nam, the Government of Japan has decided that a grant up to three hundred and fifty-three million Japanese Yen (¥353,000,000) (hereinafter referred to as "the Grant") will be extended to the Government of the Socialist Republic of Viet Nam, in accordance with the relevant laws and regulations of Japan.

(2) The Grant will be made available by concluding a grant agreement between the Government of the Socialist Republic of Viet Nam or its designated authority and the Japan International Cooperation Agency (JICA) (hereinafter referred to as "the G/A").

(3) The terms and conditions of the Grant as well as the procedures for its utilization will be governed by the G/A within the scope of the present understanding.

His Excellency
KISHIDA FUMIO
Minister of Foreign Affairs of Japan

2. The Grant will be available during such period as may be specified in the G/A, provided that the period will be between the date of entry into force of the G/A and December 31, 2019. The period may be extended by mutual consent between the authorities concerned of the two Governments.

3. The Grant shall be used by the Government of the Socialist Republic of Viet Nam properly and exclusively for the purchase of such services necessary for the implementation of the Project as may be specified in the G/A (hereinafter referred to as "the Services").

4. The Government of the Socialist Republic of Viet Nam or its designated authority shall enter into contracts in Japanese Yen with Japanese nationals for the purchase of the Services. Such contracts will be verified by JICA to be eligible for the Grant (The term "Japanese nationals" in the present understanding means Japanese physical persons or Japanese juridical persons controlled by Japanese physical persons.).

5. The Grant will be executed by JICA, in accordance with provisions of the G/A, by making payments in Japanese Yen to an account to be opened in the name of the Government of the Socialist Republic of Viet Nam at a bank in Japan designated by the Government of the Socialist Republic of Viet Nam or its designated authority.

6. (1) The Government of the Socialist Republic of Viet Nam shall take necessary measures:

(a) to ensure that customs duties, internal taxes and other fiscal levies which may be imposed in the Socialist Republic of Viet Nam with respect to the purchase of the Services be exempted or be borne by its designated authority and shall not be covered by the Grant;

(b) to accord Japanese physical persons and/or physical persons of third countries, whose services may be required in connection with the supply of the Services such facilities as may be necessary for their entry into the Socialist Republic of Viet Nam and stay therein for the performance of their work;

(c) to ensure that the Services be used properly and effectively for the implementation of the Project; and

(d) to bear all the expenses, other than those covered by the Grant, necessary for the implementation of the Project.

(2) While ensuring fair treatment of sources of information, the Government of the Socialist Republic of Viet Nam shall provide the Government of Japan with necessary information, including information on corrupt practice, related to the Project.

7. The two Governments shall consult with each other in respect of any matter that may arise from or in connection with the present understanding.

I have further the honour to propose that this Note and Your Excellency's Note in reply confirming on behalf of the Government of the Socialist Republic of Viet Nam the foregoing understanding shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency's Note in reply.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration."

I have further the honour to confirm on behalf of the Government of the Socialist Republic of Viet Nam the foregoing understanding and to agree that Your Excellency's Note and this Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of this Note in reply.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

PHAM VU LUAN
Minister of Education and Training
of the Socialist Republic of Viet Nam

Record of Discussions

With reference to the Exchange of Notes between the Government of the Socialist Republic of Viet Nam and the Government of Japan dated August 1, 2014 concerning Japanese economic cooperation to be extended with a view to strengthening friendly and cooperative relations between the two countries and also to providing academic opportunities for Vietnamese students to study in Japanese higher educational institutions (hereinafter referred to as "the Exchange of Notes"), the representatives of the Vietnamese Delegation and of the Japanese Delegation wish to record the following:

1. With regard to paragraph 3 of the Exchange of Notes, the representative of the Japanese Delegation stated that the Government of Japan understands that the Government of the Socialist Republic of Viet Nam will take necessary measures to prevent any offer, gift or payment, consideration or benefit which would be construed as a corrupt practice in the Socialist Republic of Viet Nam from being made as an inducement to or reward for the award of the contracts referred to in paragraph 4 of the Exchange of Notes.

2. The representative of the Vietnamese Delegation stated that the Vietnamese Delegation has no objection to the statement by the representative of the Japanese Delegation referred to above.

Hanoi, August 1, 2014

PHAM VU LUAN
Minister of Education and Training
of the Socialist Republic of Viet Nam

KISHIDA FIMIO
Minister of Foreign Affairs of
Japan

Record of Discussions

With reference to the Exchange of Notes between the Government of Japan and the Government of the Socialist Republic of Viet Nam dated August 1, 2014 concerning Japanese economic cooperation to be extended with a view to strengthening friendly and cooperative relations between the two countries and also to providing academic opportunities for Vietnamese students to study in Japanese higher educational institutions (hereinafter referred to as "the Exchange of Notes"), the representatives of the Japanese Delegation and of the Vietnamese Delegation wish to record the following:

1. With regard to paragraph 3 of the Exchange of Notes, the representative of the Japanese Delegation stated that the Government of Japan understands that the Government of the Socialist Republic of Viet Nam will take necessary measures to prevent any offer, gift or payment, consideration or benefit which would be construed as a corrupt practice in the Socialist Republic of Viet Nam from being made as an inducement to or reward for the award of the contracts referred to in paragraph 4 of the Exchange of Notes.

2. The representative of the Vietnamese Delegation stated that the Vietnamese Delegation has no objection to the statement by the representative of the Japanese Delegation referred to above.

Hanoi, August 1, 2014

KISHIDA FIMIO
Minister of Foreign Affairs of Japan

PHAM VU LUAN
Minister of Education and Training of the Socialist Republic of Viet Nam