ĐIỀU ƯỚC QUỐC TẾ

BỘ NGOẠI GIAO

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

Số: 18/2021/TB-LPQT

Hà Nội, ngày 10 tháng 6 năm 2021

THÔNG BÁO
Về việc điều ước quốc tế có hiệu lực

Thực hiện quy định tại Điều 56 của Luật Điều ước quốc tế năm 2016, Bộ Ngoại giao trân trọng thông báo:

Hiệp định giữa Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và Chính phủ Đại Hàn Dân quốc về dự án Thành lập Trung tâm tư vấn và giải pháp công nghệ Việt Nam - Hàn Quốc, ký tại Hà Nội ngày 11 tháng 12 năm 2020, có hiệu lực từ ngày 11 tháng 12 năm 2020.

Bộ Ngoại giao trân trọng gửi bản sao Hiệp định theo quy định tại Điều 59 của Luật nêu trên./.

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

Nguyễn Văn Ngự

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

AND

THE GOVERNMENT OF THE REPUBLIC OF KOREA

ON

THE PROJECT OF ESTABLISHMENT OF

VIET NAM - KOREA TECHNOLOGY ADVICE AND SOLUTIONS FROM KOREA (VITASK) CENTER

This Agreement is made on the basis of the results of the Joint Committee on Industry between Ministry of Industry and Trade of Vietnam and Ministry of Trade, Ministry of Industry and Energy of Korea according to Verbal Note dated June 25th, 2019 by Ministry of Trade, Industry and Energy of Korea with regards to the confirmation of granting non-refundable aid to implement the Project of Viet Nam - Korea Technology Advice and Solutions from Korea Center.

The content of this Agreement is as follows:

Article 1. Project overview

1.1. Project title and related agencies

- Project title: Establishment of Viet Nam - Korea Technology Advice and Solutions from Korea (VITASK) Center.

- Project implementation site: Lot TTĐT5, Education and Training Zone, Hoa Lac High-tech Park, Thang Long Freeway, Thach That District, Hanoi.

- Operation duration of project: 5 years.

1.2. Sponsoring agency and implementing agency (Korean side)

- Sponsoring agency: Ministry of Trade, Industry and Energy (MOTIE).

- Implementing agency: Korea Institute for Advancement of Technology (KIAT).

1.3. Line agency and and Project agency (Vietnamese side)

- Line agency: Ministry of Industry and Trade (MOIT)

- Project agency: Viet Nam Industry Agency (VIA)

1.4. Conditions and ability of granting ODA

- Capital limit: 15 million USD

- Conditions of granting ODA: None

- Korea's ability of granting ODA: 10.6 million US dollars provided by the Korean Government as non-refundable aid through MOTIE in accordance with the laws and regulations in effect in the Republic of Korea.

- Viet Nam's ability of counterpart financing: 4.4 million US dollars self-provided by MOIT from the Supporting Industry Development Program, annual budget and available facilities of MOIT.

1.5. Objectives of the project

- Establishing technical infrastructure and facilities, developing supporting services for entrepreneurs in the supporting industry sector with a view to improving entrepreneurs' capacity in the supporting industry sector, participating in global production chain through technology transfer, improvement of production capacity.

- Supporting transfer of Korean technology to Vietnamese enterprises; improving production capacity for domestic enterprises through consulting activities, training, business networking, etc.

1.6. Outcomes of the project

- Organizing programs of human resources training in the industrial sector; industrial consultants training in Vietnam.

- Organizing programs of technical consultancy to improve production capacity for industrial manufacturing enterprises.

- Introducing supporting industrial products and organizing programs of technology introduction and exchange among Vietnamese enterprises and Korean enterprises.

1.7. Content and main activities of the project

The main components and activities and content of the project include:

Component 1: Establishment of technical infrastructure and facility for VITASK center

- Setting the premise and basic infrastructure for the center;

- Procurement and installation of office equipment for the center;

Component 2: Supplying and operating machines and equipment for functional areas of VITASK center

- Machinery and equipment for VITASK center;

- Equipment and machinery for trial production, testing and analysis of electronic and automotive components and spare parts;

- Registering/Submitting the list of machines and equipment for import tax exemption and other related taxes for the project.

Component 3: Organizing training programs

- Organize training courses of human resources in the field of supporting industry: expected 160 people in theoretical and practical training.

- Organizing training courses for consultants: expected 80 consultants at 3 levels: basic, intermediate, advanced.

Component 4: Organizing technical consultancy program

Organizing intensive technical consultancy programs targeting about 100 enterprises.

Component 5: Organizing technology introduction and exchange program

Conducting survey on the need for technology cooperation, organization of technology introduction and exchange programs among Vietnamese enterprises and Korean enterprises.

Component 6: Management and operation of VITASK center

- Expenses for personnel dispatched by Korean side (payment by Korea) and Vietnamese side (payment by Vietnam) in operating and managing the center;

- Support for Korean experts: visa procedures, residence cards, work permits, personal income taxes of experts;

- Cost of maintaining the regular operation of the center.

Article 2. Execution Plan of the Project

MOIT (via VIA) and MOTIE (via KIAT) shall set up, negotiate and agree on the overall plan and detailed annual cost estimates of the project (tentative execution plan in Appendix I).

Article 3. Personnel for project implementation

3.1. Korean side

MOTIE (via KIAT) will notify MOIT (via VIA) of its projected personnel at least 14 working days before entering into Viet Nam, including but not limited to details of working trip, goals, missions, location, time and cost (details of the Korean proposed personnel in Appendix III).

3.2. Vietnamese side

MOIT will support the administrative procedures under its authority for MOTIE's nominated personnel to fulfil their assigned responsibility in Vietnam.

Article 4. Project support

4.1. Project management

- Form of project management organization of Vietnamese side: MOIT establishes Project Management Board to manage the Vietnamese side's tasks, undertake directly and coordinate with the Korean side to manage and implement the project.

- The non-refundable aid of approximately US $ 10.60 million will be directly managed by KIAT. The disbursement of this fund will comply with the rules and regulations in accordance with Korean and Vietnamese Government. In case the regulations on the management and use of funds between the Vietnamese law and the Korean laws are different, the provisions of the Korean Law will be applied. KIAT shall dispatch experts to Representative Office of KIAT in Viet Nam to manage and operate VITASK center.

- MOIT (via VIA) and MOTIE (via KIAT) will set forth and agree on the project management and operation regulations.

4.2. Support project implementation

In order to achieve the project's objectives, MOIT and MOTIE will work together to carry out the following activities:

4.2.1. Support in fulfilling necessary administrative procedures to implement the project in accordance with the laws and regulations of the two countries, including:

a. MOTIE: Support in fulfilling necessary administrative procedures to implement the project, including the selection of project implementation agency, dispatch of experts, procurement of Korea-funded equipment, planning and organizing the implementation of detailed programs of the project.

b. MOIT: Support in fulfilling necessary administrative procedures to implement the project, including the provision of a separate premises for VITASK center, visa application, work permit and accomplishing necessary

procedures for personal income tax exemption for Korean experts (and family members as per current regulations), support during customs clearance and tax exemption for equipment provided by the Korean side within the project framework.

4.2.2. The two sides will make every effort to resolve unforeseen issues that may occur during project implementation.

4.3. Project equipment

- The two sides committed to provide project equipment according to Appendix IV in accordance with the project schedule and plan. The process of purchasing, transporting and installing equipment is carried out according to the current procedures, regulations of each country.

- Machines and equipments provided by both sides will be used in accordance with the operational objectives of the VITASK center.

- The Vietnamese side supports quick customs procedures, procedures for import duty exemption and other types of duty charges for equipment imported from Korea funded by the Korean government for the project in accordance with the provisions of law of Viet Nam.

- Each party (MOIT and MOTIE) will arrange personnels to operate provided machines and equipments to implement the project.

- The list of equipment is subject to change by mutual agreement. In this case, the role of the two parties in providing, training experts, supporting administrative procedures (including tax exemption) will remain unchanged.

4.4. Advertisement propaganda

- Promoting VITASK center to the public through advertisement in the media and newspapers.

- Logo "ODA on Korean industrial technology" shall be displayed on promotional materials according to Vietnamese laws.

- Specific information related to the event, souvenirs (type, size, color ...) shall be decided by mutual agreement of the two parties.

Article 5. Other provisions

5.1. During the implementation of the Agreement, if any problems related to interpretation, implementation of the agreement and future plans (such as schedules, financial estimates, list of equipments and machines etc.) occur, the two sides will discuss and negotiate in amicable manner.

5.2. Project premises, time of project implementation and other issues related to project operation is subject to change as agreed by both sides.

5.3. The two sides will appoint the Vietnam Industry Agency (VIA) and the Korea Institute for Advancement of Technology (KIAT) as the focal points for the project.

5.4. After project finished, Korean side will hand over the project results and assets to Vietnamese side for management.

5.5. The two sides are committed to make full use of the aid in order to achieve to objectives of the project.

5.6. Hold a completion ceremony and install a commemorative monument signifying the completion of the Project. Further details regarding the completion ceremony and commemorative monument (e.g. form, size, location, wording, etc.) shall be decided through the mutual consultation of both parties.

5.7. A joint team appointed by both parties will undertake the evaluations of the Project. In accordance with the results of the evaluation, both parties take necessary measures to address matters that may be mutually considered insufficient for the achievement of the Project objectives.

Article 6. Effect of agreement

6.1. Attached to this Agreement are Appendices I, II, III and IV. These Appendices are an integral part of the Agreement and shall be amended by mutual agreement of both parties.

6.2. This Agreement is valid from the last signing date of both parties until the conclusion of the project and can be extended by mutual agreement of both parties.

6.3. The content of this Agreement can be amended with the written consent of both parties. Amendments constitute an integral part of this Agreement.

6.4. To ensure the rigidity during implementation process, the implementation of the agreement shall comply with Vietnamese laws, Korean laws and relevant international treaties to which each party is a member.

6.5. This Agreement is signed in duplicate in two (2) originals in English by Korea and Vietnam. Both copies are equally valid. The Parties have signed this Agreement on the date shown below in succession.

ON BEHALF OF THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM	**ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF KOREA**
.....	.....
TRAN TUAN ANH	**SUNG YUN MO**
MINISTER OF INDUSTRY AND TRADE	**MINISTER OF TRADE, INDUSTRY AND ENERGY**
2020./12./11.	**2020./12./11.**

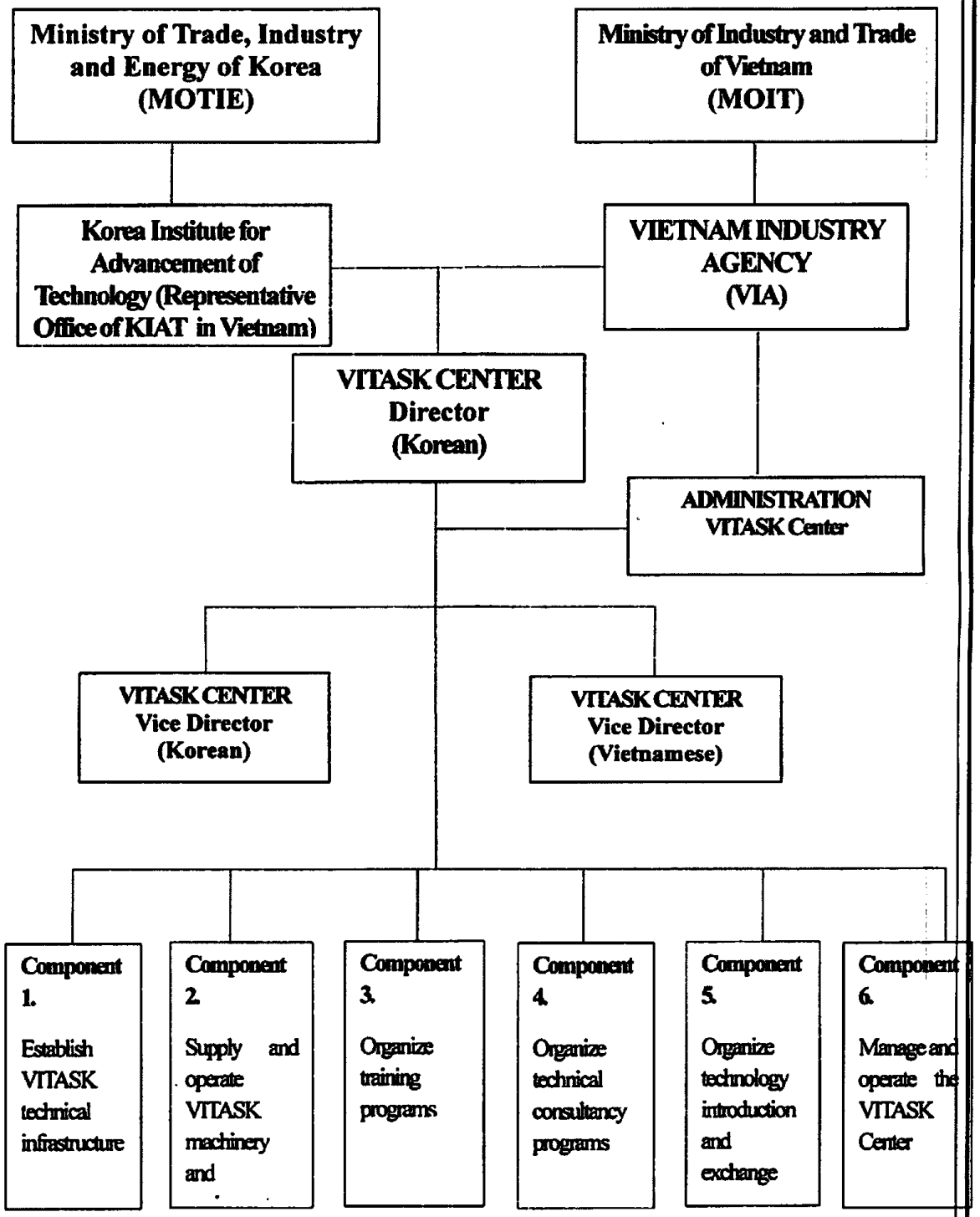
APPENDIX I

PROJECT IMPLEMENTATION PLAN

No	Activity	Detailed activity	Duration					
			Year 1 (2019)	Year 2 (2020)	Year 3 (2021)	Year 4 (2022)	Year 5 (2023)	Year 6 (2024)
1	Establishment and operation of VITASK Center	Operate a team of project execution						
2		Dispatch of Korean experts to Viet Nam						
3		Set overall plan and project implementation roadmap						
4		Operate VITASK center						
5	Technical consultancy at the enterprises	Select enterprises to participate in the project						
6		Select technical experts						
7		Conduct technical advice (consultancy) in the enterprises						
8	Human resource training I (engineer)	Conduct survey on capacity and select universities for cooperation						
9		Develop training programs						
10		Curriculum design						
11		Establish a team of trainers						
12		Organize training programs						
13	Human	Development of						

APPENDIX II

ORGANIZATIONAL CHART



APPENDIX III

LIST OF KOREAN EMPLOYEES AND POSITIONS BY EACH COMPONENTS

No.	List of Experts	Implementing agencies (Korea)	Nationality	Literacy	Duration of stay in Vietnam
Component 3. Organize training programs					
I	**Human resource training**				
1	Expert 1	KIAT	Korean	Doctor	1 month/year for 5 years
2	Expert 2		Korean	Doctor	1 month/year for 5 years
3	Teaching assistant				1 month/year for 5 years
4	Teaching assistant				1 month/year for 5 years
II.	**Consultant training**				
1	Expert 1	KIAT	Korean	Bachelor	5 days/month for 5 years
2	Expert 2		Korean	Bachelor	5 days/month for 5 years
3	Expert 3		Vietnamese	Bachelor	2 years
4	Expert 4		Vietnamese	Master	2 years
5	Expert 5		Vietnamese	Bachelor	2 years
6	Expert 6		Vietnamese		2 years
7	Expert 7		Vietnamese		2 years
Component 4. Organize the technical consultancy program					
1	Director – Expert 1	KIAT	Korean	Doctor	5 days/month for 5 years
2	Vice director – Automotive– Expert 2		Korean	Doctor	5 years
3	Expert 3		Korean	Bachelor of Engineering	5 days/month for 5 years
4	Expert 4		Korean	Doctor	5 years

No.	List of Experts	Implementing agencies (Korea)	Nationality	Literacy	Duration of stay in Vietnam
5	Engineer – Interpreter		Vietnamese		5 years
6	Expert 5 – Electronic	KIAT	Korean	Doctor	5 years
7	Expert 6		Korean	Doctor	5 years
8	Expert 7		Korean	Doctor	5 years
9	Engineer – Interpreter		Vietnamese		5 years
Component 5. Organize technology introduction and exchange program					
1	Expert 1	KIAT	Korean	Master	5 days/month
2	Expert 2		Korean	Master	5 years
3	Expert 3		Korean	Bachelor	5 years
Component 6. Operate the Vitask Center					
1	Chief of Representative Office of KIAT in Vietnam	KIAT	Korean	Master	5 years
2	Director of VITASK	KIAT	Korean	Doctor	5 days/month for 5 years
3	Vice director of Vitask – automotive expert	KIAT	Korean	Doctor	5 years

APPENDIX IV

LIST OF EQUIPMENTS OF VITASK CENTER

I. List of equipment provided by the Korean side

No.	Equipment name		Quantity	Unit price (USD)	Total amount (USD)	Function	Country of origin
1	EMI/EMC Test Chamber	Chamber (RE/RS)	2	361.350,0	722.700,0	Provide an environment for measuring electromagnetic waves, blocking external electromagnetic interference	G7 - Korea
		Shielded	3	80.350,0	241.050,0		
2	EMC/EMI Measurement System	EMI (RE/CE)	1	361.100,0	361.100,0	Measure electromagnetic disturbance	USA
		EMS (RS/BCI)	1	850.890,0	850.890,0	Measure resistance to electromagnetic waves	USA
		Transient (ESD,CTI,CIE)	1	240.070,0	240.070,0	Immunity test with rapid transient / surge in electricity	USA
3	SMT pilot line		1	860.100,0	860.100,0	Check the electronic spare parts connection	G7-Korea
4	Consumables, training and equipment maintenance costs		1	172.400,0	172.400,0		

	Total			**3.448.310,0**		

II. List of reciprocal Vietnamese equipment

No.	Equipment name	Quantity	Unit price (USD)	Total amount	Function
I	**Mold equipment portfolio**			**2.561.423,7**	
1	Medium size 3-axis CNC standing milling center (fine milling)	1	291.504,1	291.504,1	Process equipment of maximum size: 0,65x0,52x0,475 m
2	Small size 3-axis CNC standing milling center (fine milling)	1	244.675,0	244.675,0	
3	3-axis CNC standing milling center (rough milling)	1	284.044,1	284.044,1	Process equipment of maximum size: 0,60x0,56x0,51 m
4	CNC machine	1	203.340,0	203.340,0	
5	Auxiliary equipment for CNC milling machine, electric pulse machine and wire cutting machine	1	103.414,6	103.414,6	Jigs, hydraulic etos, clamps, cutters, drill bits for CNC machines, magnetic tables for electric pulses, isolation transformers, screw air compressors

6	Electric pulse machine	1	197.388,4	197.388,4	Process equipment of maximum size: 0,6x0,4x0,4 m
7	Wire cutters	1	192.107,9	192.107,9	Process equipment of maximum size: 0,6x0,4x0,27 m
8	7-degree arm-shaped laser scanner	1	107.282,0	107.282,0	Check processing equipment
9	X-Ray machine	1	246.213,7	246.213,7	
10	NC flat grinding machine	1	106.734,6	106.734,6	
11	Coordinate measuring machine (integrated scanning function)	1	117.964,5	117.964,5	
12	Vertical saw machine	1	18.038,0	18.038,0	Saw mechanical equipment
13	Drilling machine	1	27.330,7	27.330,7	Drill parts
14	Hardness Testing Machines	1	39.044,0	39.044,0	
15	3D printer	1	171.855,0	171.855,0	
16	Metal composition analyzer	1	68.327,0	68.327,0	
17	Universal tractors	1	142.160,0	142.160,0	
II	**Software**			**880.531,1**	
1	3D design software	2	43.816,0	87.632,0	
2	Software for processing 3D data scans	1	69.541,0	69.541,0	
3	Programming software for 3-axis CNC milling machines	3	36.874,8	110.624,3	

4	Plastic injection molding simulation software	2	82.425,9	164.851,8	
5	Testing and 3D scanning data software	1	19.521,9	19.521,9	
6	Reverse engineering, detailed design software	1	49.342,8	49.342,8	
7	Software for analyzing and simulating flow in metal molds	1	152.228,0	152.228,0	
8	Metal plate stamping simulation software	1	182.973,4	182.973,4	
9	Plastic mold design software	1	43.815,9	43.815,9	
III	**Hardware**			**58.045,2**	
1	Dell PowerEdge computer	1	6.073,5	6.073,5	
2	Workstation Dell Precision Tower	5	2.169,1	10.845,5	
3	Computers for training	30	1.370,9	41.126,2	
	Total			**3.500.000,0**	