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: 37/2015/TB-LPQT	*Hà Nội, ngày 11 tháng 8 năm 2015*

THÔNG BÁO
về việc điều ước quốc tế có hiệu lực

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

Hiệp định về hợp tác tài chính giữa Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và Chính phủ nước Cộng hòa Áo ký tại Hà Nội ngày 27 tháng 7 năm 2015, có hiệu lực kể từ ngày 01 tháng 8 năm 2015.

Bộ Ngoại giao trân trọng gửi bản sao Hiệp định 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

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM
REPRESENTED BY THE MINISTRY OF PLANNING AND
INVESTMENT

AND

THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA
REPRESENTED BY THE FEDERAL MINISTER OF FINANCE

ON
FINANCIAL CO-OPERATION

The Government of the Socialist Republic of Viet Nam represented by the Ministry of Planning and Investment and the Government of the Republic of Austria represented by the Federal Minister of Finance hereunder called the "Contracting Parties",

- desiring to promote further the close and friendly relations existing between their two countries,

- desiring to develop, extend and deepen the successful co-operation in the financial field,

have agreed as follows:

Article 1

The Contracting Parties will endeavour, within the framework of their respective existing laws, regulations and policies as well as their international obligations to promote and expand financial co-operation.

Article 2

For the purpose of promoting and expanding financial co-operation, the Austrian Federal Minister of Finance is prepared to support the provision of tied aid credits on concessional terms, refinanced by Oesterreichische Kontrollbank Aktiengesellschaft (OeKB), Vienna, under its export financing scheme.

An indicative financial framework of up to EUR 100 mln (Euro one hundred million) supplemented by the unutilized portion in the amount of EUR 35 mln (Euro thirty five million) of the previous agreement is envisaged for the validity period from the date of entry into force of this Agreement for projects jointly promoted by the Contracting Parties.

Article 3

Austrian concessional financing is principally offered as tied aid financing in the form of pre-mixed credits.

The terms and conditions of the loans will be set in conformity with international obligations resulting from the "Arrangement on Officially Supported Export Credits" under the auspices of the OECD. Accordingly, the concessionality level will be at least 35 %.

The eligibility of projects to be financed will be appraised taking into consideration the ex-ante guidance gained under the "Helsinki" tied aid disciplines, as well as applicable national allocation criteria.

Article 4

Loan agreements refinanced by OeKB are negotiated and concluded directly between commercial banks acceptable within the Austrian export financing system as lenders and the Ministry of Finance of the Socialist Republic of Viet Nam authorised by the Vietnamese Government acting on behalf of the Government of the Socialist Republic of Viet Nam as borrowers.

Article 5

The formal inclusion of projects into this Agreement shall be agreed upon through exchange of letters between the Ministry of Planning and Investment of the Socialist Republic of Viet Nam and the Federal Ministry of Finance of the Republic of Austria when the supply and financial contracts have been signed. It shall be effected in a consecutive manner during the validity period starting from the date of the entry into force of the present Agreement. Projects under negotiation before the entry into force of the present Agreement shall be included in the same manner as projects initiated after its entry into force.

Article 6

The concessional loans are to be utilized for the purchase of goods and services under delivery contracts awarded to Austrian suppliers either through limited bidding or direct award as applicable. Delivery contracts may include up to 50 % goods and services originating outside Austria.

Article 7

The Ministry of Finance on behalf of the Government of the Socialist Republic of Viet Nam hereby irrevocably and unconditionally guarantees the fulfilment of all payments resulting from Austrian concessional loans granted under this Agreement. The Ministry of Finance of the Socialist Republic of Viet Nam hereby irrevocably waives any claim to immunity from suit or execution it might be entitled to in respect of payments guaranteed under this Agreement.

Article 8

Taxes levied on income and capital shall be in conformity with the Agreement between the Government of the Socialist Republic of Viet Nam and the Government of the Republic of Austria for the avoidance of double taxation and the prevention of physical evasion with respect to taxes on income and on capital concluded on 2nd June 2008.

Article 9

The Contracting Parties will on an annual basis or whenever deemed necessary review progress made in implementing this Agreement. The Contracting Parties may, at any time, revise or amend this Agreement by mutual consent.

Article 10

In order to evaluate the use of the concessional loans provided under this Agreement and the sustainability of the corresponding projects, the Contracting Parties shall facilitate the

provision of all necessary documentation for evaluation, auditing and monitoring of the projects.

Article 11

Any disputes between the Contracting Parties concerning the interpretation and/or implementation of this Agreement shall be settled amicably through diplomatic channels.

Article 12

The provisions of the present Agreement shall enter into force on the first day of the month following the month in which the Agreement was signed by both Contracting Parties. The present Agreement shall be valid for a period of two years. It shall be automatically renewed thereafter for a further two years period unless denounced at any time in writing by either Contracting Party giving six months' notice.

Done in two originals, both in English language.

For the Government of the
Socialist Republic of Viet Nam
represented by the
Ministry of Planning and Investment

Venue/Date
Hanoi, 27th July 2015

For the Government of the
Republic of Austria
represented by the
Federal Minister of Finance

Venue/Date
Vienna, 14th July 2015

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