BỘ NGOẠI GIAO

Số: 43/2023/TB-LPQT

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

Hà Nội, ngày 28 tháng 11 năm 2023

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:

Bản ghi nhớ giữa Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và Chính phủ Ma-lai-xia liên quan đến nghĩa vụ của Việt Nam theo Chương 19 (Lao động) và Chương 28 (Giải quyết tranh chấp) của Hiệp định Đối tác Toàn diện và Tiến bộ xuyên Thái Bình Dương, ký ngày 08 tháng 3 năm 2018 tại San-ti-a-gô đờ Chi-lê, có hiệu lực từ ngày 29 tháng 11 năm 2022.

Bộ Ngoại giao trân trọng gửi bản sao Bản ghi nhớ 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 Lương Ngọc

8 March 2018

H.E. Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister,

In connection with the signing of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement") on this date, I have the honour to confirm that the Government of Malaysia and the Government of the Socialist Republic of Viet Nam ("Viet Nam") have reached agreement on the relationship between Chapter 19 (Labour) and Chapter 28 (Dispute Settlement) of the Agreement, as follows:

1. From the date of entry into force of the Agreement forMalaysia, Malaysia shall fully implement the obligations of the Chapter 19 (Labour);

2. However, if Viet Nam recourses to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of Chapter 19 (Labour), Viet Nam shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) under Chapter 28 (Dispute Settlement) for a period of three (3) years after the date of entry into force of the Agreement for Malaysia;

3. Notwithstanding paragraph 2 of this letter, if Viet Nam recourses to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of paragraph 1(a) of Article 19.3 (Labour Rights) of Chapter 19 (Labour), Viet Nam shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) under Chapter 28 (Dispute Settlement) for a period of five (5) years after the date of entry into force of the Agreement for Malaysia; and

4. Pursuant to paragraph 2 of Article 19.12 (Labour Council) of Chapter 19 (Labour), after the fifth anniversary and before the seventh anniversary of the date of entry into force of the Agreement for Malaysia, any issues arising fromparagraph 3 of this letter shall be reviewed in accordance with Article 19.12 (Labour Council) of Chapter 19 (Labour). This is without prejudice to the rights and obligations of both Parties under the Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments, which shall enter into effect on the date on which the Agreement enters into force for both Malaysia and Viet Nam.

Sincerely,

Mustapa Mohamed
Minister of International Trade and Industry
Malaysia

8 March 2018

His Excellency
Mr. Dato' Sri Mustapa Mohamed
Minister of International Trade and Industry
Malaysia

Dear Minister,

I have the honour to acknowledge receipt of your letter of 8 March 2018, which reads as follows:

"In connection with the signing of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement") on this date, I have the honour to confirm that the Government of Malaysia and the Government of the Socialist Republic of Viet Nam ("Viet Nam") have reached agreement on relationship between Chapter 19 (Labour) and Chapter 28 (Dispute Settlement) of the Agreement, as follows:

1. From the date of entry into force of the Agreement for Malaysia, Malaysia shall fully implement the obligations of the Chapter 19 (Labour);

2. However, if Viet Nam recourses to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of Chapter 19 (Labour), Viet Nam shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) under Chapter 28 (Dispute Settlement) for a period of three (3) years after the date of entry into force of the Agreement for Malaysia;

3. Notwithstanding paragraph 2 of this letter, if Viet Nam recourses to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of paragraph 1(a) of Article 19.3 (Labour Rights) of Chapter 19 (Labour), Viet Nam shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) under Chapter 28 (Dispute Settlement) for a period of five (5) years after the date of entry into force of the Agreement for Malaysia; and

4. Pursuant to paragraph 2 of Article 19.12 (Labour Council) of Chapter 19 (Labour), after the fifth anniversary and before the seventh anniversary of the date of entry into force of the Agreement for Malaysia, any issues arising from paragraph 3 of this letter shall be reviewed in accordance with Article 19.12 (Labour Council) of Chapter 19 (Labour). This is without prejudice to the rights and obligations of both Parties under the Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments, which shall enter into effect on the date on which the Agreement enters into force for both Malaysia and Viet Nam."

I have the further honour to confirm that the above reflects the agreement reached between the Government of Malaysia and the Government of Viet Nam during the course of negotiations on the Agreement, and that your letter and this letter in reply shall constitute an agreement between the Government of Malaysia and the Government of Viet Nam.

Yours sincerely,

Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam