

**EXPLANATORY MEMORANDUM ON THE FRAMEWORK AGREEMENT
ON COMPREHENSIVE PARTNERSHIP AND COOPERATION BETWEEN
THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART,
AND THE SOCIALIST REPUBLIC OF VIETNAM, OF THE OTHER PART**

Title of Treaty

**Framework Agreement on Comprehensive Partnership and Cooperation
between the European Union and its Member States, of the one part, and
the Socialist Republic of Vietnam, of the other part**

Command Paper Number: 8721

Subject Matter

The document covered by this Explanatory Memorandum is a Partnership and Cooperation Agreement (PCA) between the European Union and its Member States and the Socialist Republic of the Vietnam. The Agreement provides a legal framework for further engagement and co-operation between the EU and the Vietnam across a broad range of areas, including political dialogue, trade, energy, transport, investment, human rights, education, science and technology, justice, asylum and migration.

The agreement was signed in Brussels on 27 June 2012, by the High Representative of the European Union for Foreign Affairs and Security Policy Baroness Ashton and the Foreign Minister of the Socialist Republic of the Vietnam, Pham Binh Minh.

The Agreement is a mixed competence agreement and must therefore be ratified by all Member States as well as by the European Union itself. 7 Member States have already ratified the Agreement.

Ministerial Responsibility

The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU's Common Foreign and Security Policy. The Secretary of State for Business also has an interest.

Policy Implications

General

Closer EU engagement and partnership with the Vietnam is in the UK's interests, as it will allow us to leverage EU resources and influence in our own efforts to deliver UK objectives in the Vietnam. The PCA provides a solid basis on which to strengthen ties between the EU and the Vietnam, including political dialogue, trade relations and development assistance.

The trade elements of the PCA based on WTO principles should encourage greater trade between EU Member States and Vietnam, by removing barriers and contributing to a more transparent business environment for investors and exporters.

The PCA contains a legally binding commitment by Vietnam to respect human rights as well as obligations in the areas of counter terrorism and WMD. It will provide an additional channel through which we can pursue UK objectives on human rights. Vietnam continues to be a country listed as a country of concern in the FCO's Annual Human Rights Report. We will continue to raise our human rights concerns including freedom of expression, media freedoms and the death penalty, with the Vietnamese government through the biannual EU-Vietnam human rights dialogue and bilaterally.

Financial

The Agreement does not commit the UK to any expenditure beyond its existing contributions to EU budgets.

Reservations and Declarations

None.

Implementation

The Agreement will enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. No new legislation is required to enable the United Kingdom to implement the Agreement. The United Kingdom will, however, need to specify the Agreement as an EU Treaty under section 1(3) of the European Communities Act 1972, which will require an Order in Council. The OIOO rule has been considered as part of the process of concluding the Treaty, but is not applicable.

Application to Gibraltar: The Agreement will be extended to Gibraltar once Gibraltar has confirmed that any domestic legislation required to implement the provisions is in place.

Consultation

The relevant Whitehall departments were consulted during negotiations on the text of the Agreement, and gave their approval to the final draft.



The Rt Hon David Lidington MP
Minister for Europe
Foreign and Commonwealth Office