

16 July 2023

The Rt Hon Kemi Badenoch MP  
Secretary of State for Business and Trade  
Department for Business and Trade  
Old Admiralty Building  
London  
SW1A 2DY

Dear Secretary Badenoch,

I have the honour of acknowledging the receipt of your letter of today's date, which reads as follows:

“In connection with the signing on this date of the *Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Protocol), I have the honour to confirm the following agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Government of the Socialist Republic of Viet Nam (Viet Nam) during the course of negotiations on the Protocol:

- “1. The dispute settlement provisions under Section B (Investor-State Dispute Settlement) of Chapter 9 (Investment), or Chapter 28 (Dispute Settlement) of the Trans-Pacific Partnership Agreement (TPP) as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP) (the TPP as incorporated into the CPTPP) shall not apply to:
  - (a) a decision made by a competent authority of Viet Nam under the *Law on Investment*,<sup>1</sup> *Law on Securities*,<sup>2</sup> *Law on Credit Institutions*,<sup>3</sup> *Law on Insurance Business*,<sup>4</sup> *Law on Oil and Gas*,<sup>5</sup> *Law on Public Private Partnership*,<sup>6</sup> or *Law on Lawyers*<sup>7</sup> on whether or not to approve or admit a foreign investment proposal;
  - (b) a decision of a competent authority with respect to an investment that causes or threatens to cause harm to the national security of Viet Nam under the *Law on Investment*<sup>8</sup> or the *Law on Oil and Gas*<sup>9</sup>.

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<sup>1</sup> No. 61/2020/QH14

<sup>2</sup> No. 54/2019/QH14

<sup>3</sup> No. 47/2010/QH12

<sup>4</sup> No. 08/2022/QH15

<sup>5</sup> No. 12/2022/QH15

<sup>6</sup> No. 64/2020/QH14

<sup>7</sup> No. 65/2006/QH11

<sup>8</sup> No. 61/2020/QH14

<sup>9</sup> No. 12/2022/QH15

2. The competent authority shall be as defined under the legislation listed in paragraph 1.”

I have the further honour to propose that this letter and your letter in reply shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Viet Nam.”

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of Viet Nam and the Government of the United Kingdom, which shall enter into force on the date on which the Protocol enters into force for both Viet Nam and the United Kingdom.

Yours sincerely,

Nguyen Hong Dien  
Minister of Industry and Trade  
Socialist Republic of Viet Nam