

E-Commerce

Letter from the Honourable François-Philippe Champagne

8 March 2018

The Honourable François-Philippe Champagne
Minister of International Trade
Canada

Dear Minister,

In connection with the signing on this date of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the “Agreement”), I have the honour to confirm the Government of the Socialist Republic of Viet Nam (“Viet Nam”) and the Government of Canada shared agreement on electronic commerce as follows:

Both countries shall continue consultation on cooperation for the implementation of the Cyber Security Law of Viet Nam or related legislation concerning cyber security with a view to ensuring consistency with the Agreement.

Notwithstanding paragraph 2 of Article 14.18 (Dispute Settlement) of Chapter 14 (Electronic Commerce) of the Agreement, Canada shall refrain from seeking recourse to Chapter 28 (Dispute Settlement) of the Agreement with respect to measures adopted or maintained based on the Cyber Security Law of Viet Nam or related legislation concerning cyber security, which may be in violation of the obligation based on Article 14.11 (Cross-Border Transfer of Information by Electronic Means) and Article 14.13 (Location of Computing Facilities) of Chapter 14 (Electronic Commerce) of the Agreement for a period of five years after the date of entry into force of this Agreement for Viet Nam.

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

Yours sincerely,

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

Response from His Excellency Tran Tuan Anh

8 March 2018

His Excellency
Mr. Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Excellency,

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

“In connection with the signing on this date of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the “Agreement”), I have the honour to confirm the Government of the Socialist Republic of Viet Nam (“Viet Nam”) and the Government of Canada shared agreement on electronic commerce as follows:

Both countries shall continue consultation on cooperation for the implementation of the Cyber Security Law of Viet Nam or related legislation concerning cyber security with a view to ensuring consistency with the Agreement.

Notwithstanding paragraph 2 of Article 14.18 (Dispute Settlement) of Chapter 14 (Electronic Commerce) of the Agreement, Canada shall refrain from seeking recourse to Chapter 28 (Dispute Settlement) of the Agreement with respect to measures adopted or maintained based on the Cyber Security Law of Viet Nam or related legislation concerning cyber security, which may be in violation of the obligation based on Article 14.11 (Cross-Border Transfer of Information by Electronic Means) and Article 14.13 (Location of Computing Facilities) of Chapter 14 (Electronic Commerce) of the Agreement for a period of five years after the date of entry into force of this Agreement for Viet Nam.

I have the further honour to propose that this letter and your letter of confirmation in reply, equally valid in English and French, shall constitute an agreement between the two Governments, which shall enter into force on the date on which the Agreement enters into force for both Viet Nam and Canada. ”

I have the further honour to confirm that the above reflects the agreement reached between the Government of Canada and the Government of the Socialist Republic of Viet Nam during the course of negotiations on the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, and that your letter and this letter in reply, equally valid in English and French, shall constitute an agreement between the Government of Canada and the Government of the Socialist Republic of Viet Nam, which shall enter into force on the date on which the Agreement enters into force for both Canada and the Socialist Republic of Viet Nam.

Yours sincerely,

The Honourable François-Philippe Champagne
Minister of International Trade