4 February 2016

H.E. Dr. Vu Huy Hoang
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister,

I refer to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area done at Cha-am on 27 February 2009 (AANZFTA) and the Trans-Pacific Partnership Agreement done at Auckland on 4 February 2016 (TPP) (Agreements).

I have the honour to confirm the following interpretative understandings relating to the Agreements reached by the Government of New Zealand and the Government of the Socialist Republic of Viet Nam (Viet Nam) during the course of the negotiations on TPP. Nothing in TPP will derogate from the rights and obligations of New Zealand or Viet Nam under AANZFTA. To the greatest extent possible, the Agreements will be interpreted consistently. Where AANZFTA or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or Viet Nam, that exporter, service supplier or investor is entitled to claim the more favourable of the treatment accorded to that exporter, service supplier or investor under that Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply will constitute the understandings between our two Governments on the interpretation of the Agreements.

Yours sincerely,

[Signature]

Hon Todd McClay
Minister of Trade
New Zealand
Hon Todd McClay  
Minister of Trade  
New Zealand  

Dear Minister,

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

“I refer to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area done at Cha-am on 27 February 2009 (AANZFTA) and the Trans-Pacific Partnership Agreement done at Auckland on 4 February 2016 (TPP) (Agreements).

I have the honour to confirm the following interpretative understandings relating to the Agreements reached by the Government of New Zealand and the Government of the Socialist Republic of Viet Nam (Viet Nam) during the course of the negotiations on TPP. Nothing in TPP will derogate from the rights and obligations of New Zealand or Viet Nam under AANZFTA. To the greatest extent possible, the Agreements will be interpreted consistently. Where AANZFTA or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or Viet Nam, that exporter, service supplier or investor is entitled to claim the more favourable of the treatment accorded to that exporter, service supplier or investor under that Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply will constitute the understandings between our two Governments on the interpretation of the Agreements.”

I have the further honour to confirm that your letter reflects the understandings made by the Government of the Socialist Republic of Viet Nam and the Government of New Zealand during the course of the negotiations on TPP and that your letter and this letter in reply shall constitute an agreement between the Government of the Socialist Republic of Viet Nam and the Government of New Zealand.

Yours sincerely,

Vu Huy Hoang  
Minister of Industry and Trade  
Socialist Republic of Viet Nam