

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT AND
THE MINISTRY OF FISHERIES
OF THE SOCIALIST REPUBLIC OF VIETNAM
AND
THE MINISTRY OF AGRICULTURE AND COOPERATIVES
OF THE KINGDOM OF THAILAND
ON COOPERATION ON
THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES

THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT AND THE MINISTRY OF FISHERIES OF THE SOCIALIST REPUBLIC OF VIETNAM AND THE MINISTRY OF AGRICULTURE AND COOPERATIVES OF THE KINGDOM OF THAILAND (hereinafter referred to as "the Parties");

WISHING to facilitate and promote trade of plants, plant products, animals, animal products, fish and fishery products, and food products between the Socialist Republic of Vietnam and the Kingdom of Thailand and to protect the life and health of the human beings, animals and plants, the consumers and the environment;

RECOGNIZING the right to take Sanitary and Phytosanitary measures necessary for the protection of human, animal or plant life or health, provided that such measures are consistent with the provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization (WTO/SPS Agreement); and

DESIRING to further strengthen cooperation on the application of SPS measures in accordance with recommendations developed by the relevant international organizations, including the Codex Alimentarius Commission (CAC), the Office International des Epizootics (OIE) and International Plant Protection Convention (IPPC);

HAVE AGREED as follows:

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ARTICLE I

With a view to facilitating trade, protecting the life and health of the human beings, animals and plants, protecting the consumers and the environment and realizing the objectives of the SPS Agreement, the Parties agree to cooperate in the application of SPS measures according to the principles of the WTO/SPS Agreement, on the basis of equality, mutual benefit and mutual respect, in compliance with their respective laws and regulations.

ARTICLE II

The cooperation activities mentioned in Article I of this MOU may take the following forms:

1. Exchange of the following information on the application of sanitary and phytosanitary measures:
 - a. Laws, regulations, measures, standards, procedures and technical information that are being implemented or have been newly released regarding the inspection and quarantine of plants, animals, fisheries, products thereof and food safety from farm to table;
 - b. Experience in the implementation of WTO/SPS Agreement and positions and views on related issues when attending the WTO/SPS Committee meetings;
 - c. Views and positions on the works and activities of international SPS standards organizations such as the Office International Des Epizootics (OIE), International Plant Protection Convention (IPPC) and Codex Alimentarius Commission (CAC);
 - d. Information on the occurrence of their respective domestic infectious plant diseases, quarantine pests, animal diseases, aquatic animal diseases, and food safety issues, and responding measures taken that may obstruct international trade.
2. Bilateral consultations and seminars to resolve the SPS issues which impede bilateral trade. This may include exchange of related officials and experts.
3. The Parties will hold regular meetings to review and strengthen the implementation of the MOU and other cooperation activities relating to the application of SPS measures at least every two years and the meetings will be held alternately in the Socialist Republic of Vietnam and the Kingdom of Thailand.
4. Joint research programs on the topics related to SPS of both side's concerns.
5. Any other forms of technical cooperation activities agreed by the Parties to promote the application and harmonization of the SPS measures in accordance with international recommendations and guidelines of relevant international standard organizations.

ARTICLE III

To improve efficiencies, and to reduce duplication of inspection and control systems for plants, plant products, animals, animal products, fish, fishery products, food products, animal feed, chemical substances and biological products under jurisdiction respective laws and regulations of the Parties. The Parties agree to discuss and conclude equivalent agreements on inspection and control systems of potential plants, animals, fisheries and products thereof in line with the equivalent principles of WTO/SPS Agreement at an earlier date.

ARTICLE IV

The Parties agreed to establish the following direct contact points for the implementation of this MOU:

1. The contact points of the Vietnamese side are International Cooperation Department, The Ministry of Agriculture and Rural Development in the area of plants and plant products, animal and animal products and National Fisheries Quality Assurance and Veterinary Directorate, The Ministry of Fisheries in the area of fish and fisheries.

2. The contact point of the Thai side is National Bureau of Agricultural Commodity and Food Standards of the Ministry of Agriculture and Cooperatives.

ARTICLE V

Consignments of plants, plant products, animals, animal products, fish, fishery products and food products and animal feed, chemical substances, and biological products exported by the Parties shall be accompanied by Sanitary and/or Phytosanitary Certificates issued by the Inspection and Quarantine Authority of exporting country, in accordance with requirements of importing country, which comply to relevant international standards and shall be accepted by importing country, and shall be applied health quarantine in line with laws and regulations of the respective countries.

ARTICLE VI

The Parties who identify a matter of serious and immediate concern related to the protection of public health, animals, fisheries and plants, inspection and control system of the other Party, may adopt provisional measure. The Party adopting such measure shall notify the other Party within 48 hours and hold the consultations regarding the situation to exchange relevant information and endeavor to avoid disruption in trade and to reach a mutually acceptable solution.

ARTICLE VII

This MOU will be implemented by the Ministry of Agriculture and Rural Development and the Ministry of Fisheries of the Socialist Republic of Vietnam and the Ministry of Agriculture and Cooperatives of the Kingdom of Thailand.

For the implementation of this MOU, the Parties shall conclude the supplementing arrangement.

Any difference arising from the interpretation or application of this MOU shall be settled through amicable consultations between the Parties.

ARTICLE VIII

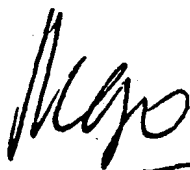
This MOU shall enter into force on the date of signature, and shall remain in force for an initial period of 5 years. This MOU will be automatically extended for the successive periods of 5 years each unless either party notifies its intention to terminate the MOU, not later than 6 months before its expiry. Any amendments to this MOU may be made by mutual consent.

DONE at Nakhon Phanom, on the 21st Day of February 2004, in duplicate in the English language.

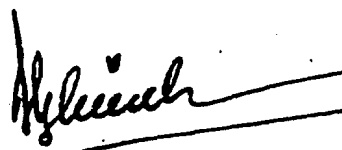
For the Ministry of Agriculture
and Rural Development of the
Socialist Republic of Vietnam

For the Ministry of Fisheries
of the Socialist Republic of
Vietnam

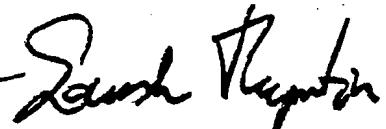
For the Ministry of Agriculture
and Cooperatives of
the Kingdom of Thailand



Le Huy Ngo
Minister



Nguyen Thi Hong Minh
Vice Minister



Somsak Thepsutin
Minister