

Briefing Paper, No. 01
2022



Framing the future EU-Viet Nam partnership

Green development as a catalyst for trade and
political cooperation?

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August 2022

Abstract

Two years after the entry into force of the Free Trade Agreement (FTA) between Viet Nam and the European Union (EU), this EIAS Briefing paper outlines the evolution of economic and trade relations between the two partners, identifying relevant sectors for future cooperation. Taking into account both parties' climate ambitions and Viet Nam's need to develop its electricity grid, the EU and Viet Nam should collaborate more intensively to secure and incentivise sustainable European investments in Viet Nam, facilitated by the FTA. While focussing on the development of smart electricity grid in Viet Nam, European investments would contribute to improve Viet Nam's connectivity and sustainable development. Sharing its experience, the EU can contribute to determining an energy policy adapted to Viet Nam's needs and will. The commercial and institutional tools the EU has at its disposal –such as the EU-Viet Nam FTA, the Global Gateway, the European Investment Bank, the EU Delegation and the EU Chamber of Commerce in Viet Nam– should be broadly mobilised in order to guarantee effective economic, energy and policy cooperation. Analysed through a geopolitical lens, this EIAS Briefing paper suggests a way forward for the EU's positioning in the Indo-Pacific and its ties with Viet Nam.

Keywords: *FTA, Energy, Sustainable Development, Grid Flexibility EU-Viet Nam, Government Procurement, Global Gateway, Indo-Pacific.*

Table of contents

<i>I. The EVFTA in motion</i>	6
1. Building a comprehensive partnership?	6
2. A New Generation Agreement for the future?	7
Services and public procurements.....	8
Geographical indications and property right commitments.....	9
Trade and Sustainable Development	9
3. EU-Viet Nam political and market convergence	10
The EVFTA up to now	11
<i>II. The EU's contribution to Viet Nam's Green Policy</i>	13
1. Viet Nam's domestic and foreign energy policies	13
2. Investing in energy infrastructure development: Combining Viet Nam's needs and EVFTA opportunities	14
To bid or not to bid?	15
A capacity-building connectivity	17
<i>III. The EU-Viet Nam green partnership: Going beyond trade</i>	18
1. Securing investors' activities	18
2. The Global Gateway and the European Investment Bank: Enabling a tailored and inclusive development partnership	19
3. Institutional tools and transnational platforms	21
<i>IV. Trade and Sustainable Development: A Geopolitical Outlook</i>	22
<i>References</i>	25

List of abbreviations

Association of South-East Asian Nations (ASEAN)
Communist Party of Viet Nam (CPV)
Domestic Advisory Group (DAG)
Euro (EUR)
European Chamber of Commerce (Eurocham)
European Investment Bank (EIB)
European Union (EU)
European Union-Viet Nam Free Trade Agreement (EVFTA)
Framework Participation Agreement (FPA)
Free Trade Agreement (FTA)
Geographical Indication (GI)
Greenhouse Gases (GHG)
Growth Domestic Product (GDP)
Intellectual Property Right (IPR)
International Labour Organisation (ILO)
Investment Protection Agreement (IPA)
Liquified Natural Gas (LNG)
Megawatt hour (MWh)\$
Multilateral International Partnership (MIP)
Partnership and Cooperation Agreement (PCA)
Sanitary and Phytosanitary (SPS)
Trade and Sustainable Development (TSD)
Treaty on the Functioning of the European Union (TFEU)
United Nations Human Rights Council (UNHRC)
World Intellectual Property Organisation (WIPO)

Framing the Future EU-Vietnam Partnership

Green Development as a Catalyst for Trade and Political Cooperation

1 August 2022 marked the second anniversary of the EU-Viet Nam Free Trade Agreement (EVFTA). This EIAS Briefing Paper will provide an updated assessment of the evolution of trade exchanges between Viet Nam and the European Union. It will also for European public and private actors; as well as outline the existing means and tools available to the EU to ensure exchanges and fortify their relationship in line with both Vietnamese and European interests and objectives.

As defined within the Treaty on the Functioning of the European Union (TFEU), the Union's common commercial policy is a domain under the exclusive competence of the EU. This gives the European Commission a genuine and efficient instrument to strengthen its relationship with third states, in the name of all Member States. FTAs negotiated by the Commission commit parties not only to open-up sectors of their respective market to their counterparts but also to adopt and enforce specific *technical*¹ and *social and political norms*². The European Union is thus encouraging counterparties to “adopt new policies and laws, to ratify treaties” to reach “compliance with international standards”, which can ultimately lead to ideational and political convergence³. In this sense, EU FTAs are relevant to achieve better cooperation in multiple sectors with third states, on a medium- and long-term basis.

The EVFTA is not exempt from this logic. It opens a pragmatic way for the EU to foster its relationship with Viet Nam in domains either directly or indirectly related to trade, such as the respect of environmental or labour standards. As the EU aims to “deepen its engagement with partners in the Indo-Pacific”⁴, as part of its Indo-Pacific Strategy, the effective setting of such cooperation may have greater outcomes. Such a pathway should be conducive to the creation of an inclusive and cooperative ecosystem adapted to Viet Nam's needs. It would secure

¹ Which are functional standards structuring the market and its liberal order (Laidi, 2013). We can identify for example Sanitary and Phytosanitary standards which establish for example GMO residual presence thresholds in agri-food products.

² Expressing “social preferences” and “ethnic, cultural, philosophic or political” values The prohibition of forced and child labour fits in this second category (Laidi, 2013).

³ Finnemorre & Sikking, 1998.

⁴ EC-Q&A(2021)A

investments and projects of European stakeholders in Viet Nam, while at the same time contributing to meet the environmental and climate objectives set by both parties.

This EIAS briefing paper will provide insights for a pragmatic operationalisation of the EVFTA having regards to Viet Nam's green domestic policies and opportunities. After reviewing first the implementation and enforcement of the EVFTA since its entry into force, we will explore the provisions of the EVFTA itself. Consequently, the opportunities for EU firms to partake in Viet Nam's government procurement projects in ensuring Viet Nam's green infrastructure connectivity will be assessed. This Briefing Paper also discusses the possibility of establishing commercial channels of communication between the Vietnamese and EU markets. Relying on the active role of the European Delegation to Viet Nam and the European Chamber of Commerce in Viet Nam will secure investments on both sides and incentivise European investors in doing business with and in Viet Nam. To cooperate and share good practices with Viet Nam, the EU ought to make good use of the European Investment Bank expertise, the spearhead of the Global Gateway, and of the trade committees created by the EVFTA.

I. The EVFTA in motion

1. Building a comprehensive partnership?

Twenty-two years after the establishment of diplomatic relations, the EU and Viet Nam signed a Partnership and Cooperation Agreement (PCA) in 2012, setting the basis of their future relationship and engaging each other to cooperate in the fields of energy, good governance, migration and human rights. The PCA counted as a stepping stone toward a larger partnership to face common challenges, of which security and defence are core components. In 2019, following the ASEAN Regional Forum, then EU Vice-president and High Representative for Foreign Affairs and Security Policy Federica Mogherini co-presented a Defence and Security Cooperation Framework together with General Ngo Xuan Lich, the Vietnamese Defence Minister at the time⁵. They signed a Framework Participation Agreement (FPA) aimed at involving Viet Nam in EU crisis management operations by establishing procedures for cooperation. They discussed the operationalisation of their partnership, as well as a future Joint

⁵ Parameswaran, 2019.

Memorandum of Understanding for cooperation in peace-keeping and related operations, cyber-security and freedom of navigation. Viet Nam and the EU have since met, both in person and virtually, in September 2021 to share their experiences in peace-keeping and crisis management. On this occasion, Viet Nam announced plans to send personnel to EU training missions in the Central African Republic⁶.

Besides their security partnership, Viet Nam and the EU have stimulated their trade exchanges. EU exports of goods to Viet Nam had increased to 13.8bn USD in 2018, compared to 3.39 billion USD in 2008. Likewise, Vietnamese exports to the EU represented 42.5 billion USD in 2018, approximately five times their total value of 8.63 billion USD in 2008⁷. Encouraging wider cooperation and enhanced economic partnership, the PCA paved the way for the adoption of a future free trade agreement⁸, which was signed in June 2019 and entered into force on 1 August 2020. An Investment Protection Agreement (IPA) has been signed but not yet formally adopted by all EU member states.

In 2009, following the failure of discussions on a Free Trade Agreement with the ASEAN bloc, the EU decided to launch bilateral FTA negotiations with ASEAN members individually. The EVFTA was significant in that regard, being only the fourth EU FTA in the Indo-Pacific region to be enforced –along with the ones with the Republic of Korea, Japan and Singapore– and only the second one with an ASEAN country after Singapore. Viet Nam ranks as the EU’s 15th trading partner for trade in goods and first among the ASEAN members⁹. Viet Nam is a crucial partner for the EU in the region and highly values its partnership with the country. In addition, the EVFTA has raised multiple opportunities to further expand bilateral economic relations and mutual gains based on common values.

2. A New Generation Agreement for the future?

Eliminating 99% of custom duties over a gradual period of ten years for European goods and seven years for Vietnamese goods, the EVFTA entered into force on 1 August 2020. It exempted 65% of EU exports to Viet Nam and 71% of Viet Nam’s exports to the EU from

⁶ Viet Nam+, 2021.

⁷ Bowden, et al., 2020.

⁸ EVPCA, Article 12, Paragraph 7.

⁹ EEAS 2021.

custom tax. The agreement scheduled a progressive elimination of tariffs for food products. Machinery and appliances, pharmaceuticals, cars, dairy, wine and chocolate-based products' tariffs have been lowered to 0%¹⁰. As a whole, the EVFTA is ought to stimulate investors to reach the Vietnamese market and multiply EU-Viet Nam contact points and trade activities.

Services and public procurements

In service procurement sectors, the agreement secures activities in financial, business, communication, health and social services as well as transport, banking¹¹ and the environment. The progressive liberalisation of Vietnamese markets also applies to its government procurement sector¹², which needs to respect transparency, non-discrimination and preference rules as part of the EU's level playing field strategy. Whereas the agreement opens up government procurement of EU member-states in all central and sub-central government agencies as well as other public institutions and agencies, and allows Vietnamese firms to bid for public contracts and receive the same treatment as EU firms, there is a slight asymmetry in EU procurement access in Viet Nam. Viet Nam agreed to provide EU firms with access to government procurement contracts of 20 of its central agencies, 2 of its sub-central entities – Hanoi and Ho Chi Minh City– and 42 other entities such as hospitals, state-owned enterprises or academies, a less wide-reaching commitment.

Though this asymmetry might seem striking, it should be situated in the broader EVFTA framework, especially in terms of Viet Nam's compliance with EU values and non-technical norms. In 2010 the European Commission officially redefined the priorities and principles of its Trade Agreements¹³. In addition to custom duties or sectorial market liberalisation, the European Union decided to insert additional *technical norms* and *political and social norms* within its “new generation agreements”¹⁴. This imposed tougher (Sanitary and Phytosanitary – SPS) standards on goods imported into the EU and the new FTAs negotiated by the European

¹⁰ EC-Q&A(2021)A.

¹¹ The provisions allow for European financial institutions to hold up to 30% of the chartered capital of Vietnamese joint-stock commercial (JSC) banks and up to 49% of two state-owned JSC banks, which have yet to be determined. Although four national banks are excluded from this provision¹¹, the opening-up of the Vietnamese JSC banking system is complementary to other provisions.

¹² EVFTA 2020, Chapter 9.

¹³ Comm (2010) 2020 final; Comm (2010) 612 final.

¹⁴ Vincent, 2021.

Commission have since been required to respect intellectual property (IP) rules and international environmental, social and labour standards.

Geographical indications and property right commitments

In this regard, the EVFTA recognises and protects 169 European and 31 Vietnamese Geographical Indications (GIs)¹⁵, including the “Made in Europe” label. By signing this agreement, Viet Nam agreed to comply with European design, trade-marks, animal and plant health standards. It also agreed to ratify two World International Property Organisation’s (WIPO) treaties, so as to ensure the respect of legal access to creative works and the exchange of materials on digital platforms¹⁶. Viet Nam’s commitment to comply with international intellectual property rights (IPRs) sheds light on the dual dimension of the EU’s New Generation Agreements, settling the rules for bilateral exchanges and encouraging partners to integrate a multilateral framework¹⁷.

Trade and Sustainable Development

Introducing specific chapters in its agreements, the European Union has advocated for the recognition of its values in terms of environmental, social and labour norms. Chapter 13 of the EVFTA, entitled *Trade and Sustainable Development* (TSD), commits Viet Nam to effectively adopt international conventions and rules on forced and child labour, freedom of association and collective bargaining. It also engages counter-parties to implement and pursue the objectives stated in the Paris Agreements, the United Nation Framework Convention on Climate Change and the Kyoto Protocol. In addition, they agreed to cooperate to achieve GHG net-zero emissions¹⁸, to protect biodiversity through sustainable development of wildlife, forestry and fisheries¹⁹, and to ensure transparency and civil society involvement in monitoring the chapter commitments’ implementation²⁰. The non-binding aspect of TSD chapters in European FTAs is often pointed out as an issue of concern²¹. Indeed, the arbitration panel in

¹⁵ These include Feta cheese, Champagne, Parmigiano Reggiano, Vietnamese Mac Chau tea and Thuot Buon Ma Thuot coffee, as well as

¹⁶ EC-FactSheetC

¹⁷ ARES(2020)4789801.

¹⁸ By pursuing climate resilient economies and promote trade in sustainable development.

¹⁹ In line with Vietnamese and European environmental and foreign policies.

²⁰ Both parties committed to appoint a civil society composed-group to monitor TSD chapter implementation and address related advices.

²¹ Giovanni, 2013; Pigeon, 2016; Van’t Wout, 2021.

charge of monitoring the implementation of this chapter has limited capacities²². One particularity of the EVFTA is to mitigate this issue as it is linked to the PCA. It enables both the EU and Viet Nam to “take appropriate measures”²³ in case of PCA breaches, and therefore, of labour law breaches.

The overall technical and non-technical provisions of the agreement were expected to stimulate exchanges and both sides’ economic growth, increasing Viet Nam’s GDP by 4,6% and its exports to Europe by 42,7% by 2025. This while forecasting a rise of 28,5 billion EUR of EU GDP by 2035, and a 29% increase of its exports to Viet Nam overall²⁴. The EVFTA is a tool to guarantee a level playing field between EU and Vietnamese markets and to raise economic benefits for both partners. It also goes beyond the commercial framework of a mere trade agreement as it establishes the norms, values and principles at the very basis of the EU-Viet Nam relationship. In time, the agreement’s technical and political norms will become internalised by and within the Vietnamese legal framework. The resulting share in values and views, as Viet Nam aims to maintain “socio-political stability as [it] takes part in next-generation FTAs”²⁵, will be conducive to greater political convergence and deeper cooperation. Viet Nam’s policy of “active and proactive international integration” is translated into its ongoing reforms conducted to “effectively implement international economic integration”²⁶, among which its EVFTA commitments.

3. EU-Viet Nam political and market convergence

If both parties wish to fully benefit from the opportunities the agreement offers in trade exchanges and economic growth, they will need to further cooperate to incentivise investors and economic actors to undertake FTA-related businesses. The EVFTA entered into force amidst the Covid-19 pandemic, while the uncertainty attached to international trade soared and actual exchanges and trade freight dropped²⁷. Between 2020 and 2021, EU exports to Viet Nam decreased by 8.7%, amounting to 9.5 billion EUR. The broader EU-Viet Nam trade exchanges have increased but they remained feeble. Their overall trade exchanges were worth 45 billion

²² Its competence is limited to an advising role in the case of TSD provisions’ breaches, and when counterparties cannot adopt constraining measures against one another for TSD matters.

²³ EVPCA 2016, Article 57.

²⁴ Yen, 2022.

²⁵ SRV2021

²⁶ Ibid.

²⁷ WTO(2021)A

EUR between 2020 and April 2021, representing a weak increase of 1,4% compared to the previous twelve months. EU imports from Viet Nam increased by 4,5%, accounting for 36 billion EUR, during the same period of time²⁸.

As Dr. Nguyen Hang Son insists, the potential of the EVFTA has not been fully exploited due to exogenous factors. The EU and Viet Nam will need to further promote the opportunities it offers, to attract investors and promote business exchanges²⁹. FTAs are implemented in a gradual and progressive way to enable counterparts to reform their legal framework, consistent with their commitments. Bilateral trade committees are established by the agreement in order to follow and discuss related progresses. Despite the pandemic, virtual or in-person meetings have been held to address deadlines, discuss disagreements and clarify both sides' interpretations of the FTA provisions. Seeking to bridge diverging views and efficiently implement the FTA, Viet Nam and the EU underscored efforts to be made in three main sectors: the recognition of the EU as a single entity; market access and; international commitments compliance³⁰.

The EVFTA up to now

The recognition of the European Union as a “single entity” has been sharply discussed³¹, as the EU considers its enforcement underachieved by Viet Nam. Discrepancies in treatments among member states' food exports to Viet Nam have been registered, especially by Hungary and the Spanish territories of Ceuta and Melilla, as well as for pharmaceutical products. The EU and Viet Nam agreed to deepen their exchanges to make sure progress will be made in the enforcement of an equal treatment of European products, regardless of their country of origin.

To enter the European single market Vietnamese products must meet the same SPS and technical standards as EU member states. The EU and Viet Nam discussed the latter's ongoing investigations about irradiation of Vietnamese fishery and aquaculture products sold on the

²⁸ EC-FactSheetD.

²⁹ European Institute for Asian Studies, 2022.

³⁰ MinComm(2021)A; MinComm(2021)B; MinComm(2021)C; MinComm(2021)D; MinComm(2021)E; MinComm(2022)A; MinComm(2022)B; MinComm(2022)C

³¹ The European single market imposes the same standards to all its member states in the production and export of their goods. Therefore, all exports from within the Union to a non-EU state needs to respect the same legislation and SPS standards.

European market. The EU insisted on the need to solve this issue swiftly and effectively³². So as to level the playing field, the parties agreed to increase their cooperation to address respective domestic impediments to trade relations and the entry rights of corporate visitors to Viet Nam³³, as well as to ensure the implementation of necessary reforms of Viet Nam's legal framework³⁴.

Additionally, Viet Nam has taken a step forward in its compliance with the World Intellectual Property Organisation rules –by acceding two international treaties and undertaking domestic reforms³⁵– regarding the environment³⁶ and in domains related to the International Labour Organisation (ILO). Beyond liberalising specific economic sectors for both counterparties' exports and imports, the EU's FTAs are impelled by a desire to integrate the bloc's external partners within a multilateral framework³⁷. Through the desire of “active international integration”, “multilateralization” and the pursuit and implementation of FTA commitments, as expressed by Nguyen Phu Trong –General Secretary of the Central Committee of the Communist Party of Viet Nam (CPV)– Viet Nam has adopted specific decrees on freedom of association and collective bargaining. It also outlined its *Child Labour Programme* with vision to 2030, targeting its full elimination by 2025. These rights are pivotal rules included in ILO conventions.

The overall results of the committees' meetings have been encouraging and Viet Nam appears to demonstrate a sincere commitment to implement and effectively enforce the FTA provisions. Especially as regards to TSD provisions whose political dimension could trigger more discussions and reluctance than mere technical ones. More than formal bodies tailored to

³² MinComm(2021)C

³³ Viet Nam and the EU exchanged views on: the uncompetitive outcomes of the Vietnamese law which imposes a tax on Vietnamese importers rather than European exporters when trading with Viet Nam (MinComm(2021)A); illegal waste shipments(MinComm(2021)B); the use of available EU tariff rates quotas (TRQ), specifically with respect to imports of tuna (MinComm(2021)A; MinComm(2022)B); the Vietnamese Cybersecurity Law requiring foreign enterprises “to store data and set up branches and representative offices in Viet Nam” (MinComm(2022)C); entry tests to the Vietnamese labour market required by the Viet Nam's authorities preventing business visitors and intra-corporate transferees of EVFTA-related investment businesses to entry on the territory of Viet Nam (MinComm(2022)C).

³⁴ They also exchanged thoughts on: the improvement Viet Nam's IPR legal framework and shared best practices on the enforcement and implementation of control and fighting against counterfeit goods and (MinComm(2021)E); the implementation of the reform of the Vietnamese legislation on remanufactured goods (MinComm(2021)A).

³⁵ Viet Nam acceded the WIPO *Copyright Treaty* and the *Performances and Phonograms Treaty*. Having regard to producer reproduction and public performance rights, Viet Nam presented its Draft Law amending and improving the framework of its *Law on Intellectual Property of Viet Nam* which was currently debated within the National Assembly on June 2022 (MinComm(2021)E; MinComm(2022)A)

³⁶ They discussed the development of Viet Nam's Circular economy with regard to producers' responsibility in the management and reduction of plastic waste (MinComm(2021)B).

³⁷ Nay et al, 2017 ; Vincent, 2021.

address trade-related concerns, trade committees are a genuine tool to foster cooperation and economic integration. Discussions and negotiations taking place in this context are constitutive of a socialising process between the counterparties³⁸. The EVFTA provides multiple opportunities to cooperate in trade in goods, services and government procurement activities. Advancing their trade exchanges would multiply multi-level social interactions and create greater political and market convergence, benefiting the overall EU-Viet Nam relationship. To decongest possible benefits from the agreement, the EU has to identify relevant sectoral activities corresponding to Viet Nam's economic needs that are covered by the FTA.

II. The EU's contribution to Viet Nam's Green Policy

1. Viet Nam's domestic and foreign energy policies

Viet Nam is threatened by a possible sea level increase of one metre, the loss of 12,3% of its farmland and the displacement of nearly nineteen million people. The country regards climate change and broader environmental issues with deep concerns³⁹. Viet Nam has set short, medium and long-term agendas to cope with pressing climate issues. Without efficient measures, Viet Nam's income would drop by 17 billion EUR, representing 6,2% of its GDP in 2021 – without including necessary measures to relocate people and the investments to compensate for agricultural production drops. On the occasion of the COP26 in Glasgow on 31 October 2021, Viet Nam's Prime Minister Pham Minh Chinh presented its country's net-zero emission target by 2050⁴⁰. To reach this objective, Viet Nam aims to reduce its GHG emissions by 6,6% by 2025, one percent more than the initial target set in 2014 for the same period, and by 9% by 2030. In line with emission reductions, he also presented Viet Nam's *2019-2030 Programme on Efficient and Effective use of Energy*. It aims at saving from 8 to 10% of electricity at the national level and reducing industrial fuel consumption by 5 to 7%⁴¹. The ambitious targets set by Viet Nam have to be assessed in an open perspective as the country aims at achieving its objectives with international assistance. Viet Nam is planning its green transition in a multilateral way, promoting “international cooperation in prioritising issues that directly affect

³⁸ Finnemore, 1996.

³⁹ Bui Thanh, 2021.

⁴⁰ VB(2022)A.

⁴¹ Ministry of Industry and Trade of Viet Nam, 2018.

its citizens and following green recovery, green economy and circular economy⁴². Viet Nam's natural resources afford a plethora of opportunities for the development of renewables in wind, solar and hydro-power sources. However, Viet Nam needs to attract foreign investments to compensate for its lack of financial resources. To face the constant increase in domestic energy consumption –multiplied by 3,43 between 2006 and 2020⁴³– Viet Nam's commercial and diplomatic openness will be a key determinant in its cooperation with the EU. Consistent with a Vietnamese foreign policy that favours foreign investments and multilateral cooperation, European investments in the green infrastructure sector are essential to build-up EU-Viet Nam relations.

2. Investing in energy infrastructure development: Combining Viet Nam's needs and EVFTA opportunities

To provide Viet Nam with the investments it requires, the EU should capitalise on existing and already implemented tools such as those provided by the EVFTA. In line with the European Commission's guidelines to “ensure that trade policy supports the broader push for sustainable development and internationally set standards”⁴⁴ like environment and climate protection, European businesses and investors can take advantage of the FTA's government procurement chapter, especially in energy infrastructure bids.

Viet Nam's aspirations in green and sustainable development will need to be backed by reliable infrastructure enabling it to diversify its energy sources. As the most polluting energy source, coal still represents more than half of Viet Nam's electricity consumption total share, while the share of renewable energy sources remains significantly inferior⁴⁵. To balance this, Viet Nam seeks to increase its share of renewable energy sources by 13%, to ultimately reach 30% by 2045⁴⁶. Developing its green sector, the country applied flexible feed-in tariffs for “rooftop, utility-scale, and floating solar installation that aided the development of wind and solar projects”⁴⁷. It incentivised energy producers to bid for government power generation contracts with above-market energy prices and guaranteed access to the grid on a secured-period basis.

⁴² Bui Thanh, 2021.

⁴³ Ritchie et al., 2020.

⁴⁴ ARES(2020)4789801.

⁴⁵ Coal's share in Viet Nam's energy consumption in 2020 in Viet Nam reached 51,4% while renewables amounting for 17,03%. Source: Ibid.

⁴⁶ Nguyen Anh, 2021; VB(2022)B.

⁴⁷ Bui Thanh, 2021.

The national production of electricity from solar sources increased from 0% to 9,93% between 2019 and 2021. However, in addition to the energy produced by wind and hydropower sources, the solar energy which is produced cannot be stored and transported through the current infrastructure⁴⁸, making it a key issue in the country's green transition. It is also a focal point of its partnership with the European Union. The EU has identified “the development of smart grids as enabler of the energy transition in Viet Nam” in its EU-Vietnam Multilateral International Partnership (MIP). To contribute to the sustainable development objectives of the MIP and by benefiting from the EVFTA, EU firms could bring their experience and expertise, providing up-to-the-challenge infrastructure able to absorb the vast amount and variety of electricity sources.

To bid or not to bid?

To provide Viet Nam with resources to renovate its electricity grid, the EU could rely on Chapter 9 of the EVFTA and its related annex B. It allows European firms to bid for government procurement contracts for electrical construction works, including wiring and broader installation. Projects should include construction purposes and to not consist in maintenance or repairs of public goods and infrastructures. In this regard, the EVFTA distinguishes three types of institutions open to European investments with specific contract value thresholds, which are progressively lowered on a time-schedule of 16 years.

Looking at relevant entities falling under EVFTA provisions in energy infrastructure works, European firms have the possibility to compete for the *Ministry of Construction* and its *Department of Architecture and Construction Planning*'s procurement contracts. The value of accessible contracts will have to be superior to 40 000 000 SDR (see table 2 for values in EUR) during the first five years from the entry into force of the agreement, which will then be gradually lowered to a minimum of 5 000 000 SDR until August 2036, with intermediate steps between 2026 and 2030 at SDR 20 000 000 SDR, and at 10 000 000 SDR between 2031 and 2035. The EVFTA offers government procurement opportunities at multiple levels. The procurement contracts of the *Department of Construction* and the *Departments of Architecture* of both *Ho Chi Minh City* and *Hanoi*, as well as *Viet Nam Electricity*⁴⁹ –a state-owned enterprise whose activities cover in part large-scale hydropower generation and power distribution.

⁴⁸ The Economist, 2022.

⁴⁹ <https://en.evn.com.vn/c3/gioi-thieu-f/Overview-2-3.aspx>

European firms could therefore invest in building infrastructures for transportation and the distribution of energy. The value of the thresholds set for non-central governmental and other entities procurement projects is set higher than at the national level. Investments will have to exceed 40 000 000 SDR in the first five years from the entry into force of the agreement, before which threshold to be lowered to 25 000 000 SDR between 2026 and 2030, to 20 000 000 between 2031 and 2035 and finally to 15 000 000 as of 2036. The EU could therefore bring in its expertise in public energy construction services, providing Viet Nam with and relying on transnational firms to build up-to-date infrastructures capable of absorbing and distributing different sources of electricity.

Table 1: Gradual government procurement thresholds in SDR and Euros

Central Government Entities		
Ministry of Construction		
Time schedule	Threshold value in SDR	Threshold value in € (04/07/22)
EIF - 5th year	40 000 000	50 922 163,2
6th to 10th year	20 000 000	25 461 081,6
11th to 15th year	10 000 000	12 730 540,8
Upon the 16th year	5 000 000	6 365 270,4
Non-central Governmental Entities		
City of Hanoi & Ho Chi Minh City		
Time schedule	Threshold value in SDR	Threshold value in € (04/07/22)
EIF - 5th year	40 000 000	50 922 163,2
6th to 10th year	25 000 000	31 826 352
11th to 15th year	20 000 000	25 461 081,6
Upon the 16th year	15 000 000	19 095 811,2
Other types of Entities		
Vietnam Electricity		
Time schedule	Threshold value in SDR	Threshold value in € (04/07/22)
EIF - 5th year	40 000 000	50 922 163,2
6th to 10th year	25 000 000	31 826 352
11th to 15th year	20 000 000	25 461 081,6
Upon the 16th year	15 000 000	19 095 811,2

Providing Viet Nam with the financial resources for the development of its electricity grid will allow renewable energy producers to benefit from top-of-the-bill infrastructure and to raise incentives to put Viet Nam's natural resources to the best of use. In addition to the important length of its coastline, which is well-suited for the establishment of wind-turbine plants, Viet Nam's territory provides significant opportunities to take advantage of its natural resources, especially in the southern part of the country. High solar radiations in Ca Mau province (90%

days per year) as well as Ninh Thuan Province are relevant locations for the development of the solar panel plant industry. The provinces' wind speed rates, important mangrove biomass and the access to maritime facilities for Liquefied Natural Gas (LNG) trade⁵⁰ could be further expanded by public and private actors. These multiple opportunities in the regions are nonetheless facing difficulties in transportation of exploitation-related materials due to the lack of passable highways. Chapter 9 of the EVFTA, related to government procurement accessibility, enables European firms to bid for highways' construction and renovation works contracts. Firms that bid for these contracts will have to respect the above-mentioned conditions in terms of threshold and concerned entities. To ensure local access to the national grid with massive investments and construction works is pivotal for the energy to be redistributed, but it also has greater outcomes as it provides multi-scale and multi-sectorial benefits in reducing power shortages, diversifying and increasing the share of renewables in Viet Nam's energy production.

A capacity-building connectivity

Robust infrastructures raise incentives for consumers and producers to adapt to solar energy and raise confidence in the energy transition⁵¹. It supports the development of local businesses, creating new employment in traditional rural regions and providing isolated farmers with new energy supplies for their activities⁵². To undertake private infrastructure investments for the development of renewables in Viet Nam would also contribute to mitigate power shortage issues provoked by endogenous and exogenous factors. Renewables are dependent on natural resource availability which vary from one season to another (river draining, sufficient force of wind and maritime currents, sunshine rates). Added to disruptions in oil and gas supply due to the war in Ukraine, northern Viet Nam endured an estimated shortage of 1300 to 2500MWh in early June 2022⁵³. Creating new infrastructures would contribute to limiting these risks by offering prediction technologies and a transmission framework.

The energy demand and needs of the Northern regions of Viet Nam are currently dependent on the supply from Southern regions, where production is concentrated. The underachieved connection of their mutual grid is a current issue that prevents Viet Nam from effectively

⁵⁰ VNN2022A; VNN2022B.

⁵¹ VNN2022C.

⁵² Ibid.

⁵³ Cao, 2022.

sharing produced energy through the country and bypassing power shortages. Insuring strong energy and road connectivity within the country would enable Viet Nam to raise consumers' confidence and to attract investments from domestic and foreign actors.

In the longer term, this cooperation between Viet Nam and the EU through the FTA and the development of its renewable energy sector could match the objectives of Viet Nam to extend its relations with Indo-Pacific regional actors by exporting electricity to neighbouring countries. To acquire a status of “energy actor” in the region and to meet its objectives, Viet Nam is setting up an open and comprehensive ecosystem for green energy developments. This holistic approach could rely on existing pragmatic and coherent policies as well as future cooperation with Europe. It would cover existing price-management policies (feed-in tariffs), green and sustainable objectives, and up-to-date infrastructural facilities for energy and material transportations. Far from guiding Viet Nam in its domestic and foreign policies, the EU should support Viet Nam in the sectors it seeks to develop and use the tools it has at its disposal to best fit the Vietnamese economy.

III. The EU-Viet Nam green partnership: Going beyond trade

1. Securing investors' activities

At the European Development Days, Nick O'Regan, Director of Implementation Practices and Standards at the United Nations Office for Projects Services (UNOPS), underlined the need for good governance and adapted policies to attract and stimulate European investors to undertake investment activities outside of the EU⁵⁴. He focused his argument on the pivotal role of the European Union as an investment security-provider. To achieve this in Viet Nam, the EU should mobilise existing programmes and actors in the region. The main objective would be to back investors while ensuring an effective role of mediator or connector between European and Vietnamese stakeholders. The EU Delegation in Viet Nam and the European Chamber of Commerce are unavoidable actors in ensuring a genuine and constant dialogue with related public and private entities. They may inform private actors about current projects and

⁵⁴ EDD(2022)B.

government procurement activities to both European firms positioned in Viet Nam and those which have not yet developed activities in the country.

The EVFTA provides numerous opportunities which would be easy to market to private actors. For example, the agreement eliminates export tariffs for a wide range of goods, and lower custom duties in other cases. EU-made ring current transformers⁵⁵ are a type of equipment necessary to the diffusion of the electricity produced by renewable sources through the national grid⁵⁶. As their exports to Viet Nam benefit from reduced import duties through the EVFTA, the Eurocham in Vietnam could integrate it to a broader list of goods with low tariff rates, whose demand on the Vietnamese market is important. The overall objective the EU must pursue in promoting the EVFTA is by conducting market surveys on a regular basis to transmit current and future opportunities between Viet Nam and the EU. Creating a supportive relationship by securing dialogue and backing investors is pivotal to raise confidence in launching activities and investing in Viet Nam.

2. The Global Gateway and the European Investment Bank: Enabling a tailored and inclusive development partnership

Cooperation between the EU and investors, or the benefits of FTA implementation are not sufficient on their own to fully create an inclusive EU-Viet Nam partnership. They will need to be combined within a multi-actor and multi-governance approach that mobilises, in a complementary and cooperative way, actors, existing programmes and policy experience sharing. The European Union Global Gateway is a relevant tool to design a tailored and mutual relationship with Viet Nam through the funding of projects in line with EU global guidelines and Vietnamese policies. As one out of the five sectors on which the Global Gateway will focus, energy connectivity is a privileged domain of cooperation⁵⁷. The programme aims at mobilising 300 billion EUR of European investments between 2021 and 2027. Viet Nam could benefit from these funds for renovating and modernising its infrastructure with digital technologies. Supporting similar Vietnamese projects financially would improve the country's capacity to cope with energy challenges raised in terms of grid connectivity and exogenous variables affecting its development.

⁵⁵ EVFTA, 2020, Chapter 2, Annex 2-A-2: Ring current transformers which voltage rating doesn't exceed 220kw1

⁵⁶ Ibid.

⁵⁷ EC-Q&A(2021)B.

Contributing to a *sustainable and inclusive development* of Viet Nam as well as ensuring *green transition* and *connectivity* of infrastructure through *digital innovation* would also be in line with four out of the eight objectives of the EU's Indo-Pacific strategy⁵⁸. The Global Gateway places the interest of recipient states of investments at the core of the programme⁵⁹. If the EU, which has “vital geopolitical and economic interests in the prosperity of the Indo-Pacific region”, wants to play an active role in the area, it requires a trust-based and value-based strategy that goes beyond massive infrastructural funding projects⁶⁰. Framed as a “non-one-size-fits-all” programme, the Global Gateway aims to adapt to particular domestic needs while financing tailored projects which pursue sustainable development and climate change mitigation goals. Being at the core of the Global Gateway's operational means, the European Investment Bank (EIB), and more precisely EIB Global –its branch dedicated to activities outside Europe– has three main activities. In addition to its two financing programmes, which can be provided by the EIB alone or with public institutions or philanthropic participation⁶¹, the EIB provides an advisory service to accompany investments⁶². It conducts project feasibility and forecasting impact studies in regard to environmental standards and targets. This expertise contributes to back EU investors in their activities abroad. It supports at the very same time non-EU member states like Viet Nam to forecast the efficiency of their projects, and to design it in a manner consistent with its objectives.

The EU should count on the EIB's expertise to impel an inclusive and holistic cooperation with Viet Nam. It would cover multiple levels of governance and a plethora of projects corresponding to Vietnamese needs. Importantly, these projects are to be conducted by Vietnamese actors and not imposed on the country. To effectively set and coordinate this support in economic and energy planning, policy cooperation and trade activities, the European Union may use the high-level structures already in place.

⁵⁸ EC-Q&A(2021)A.

⁵⁹ EDD(2022)A.

⁶⁰ EDD(2022)C.

⁶¹ The EIB provides two types of funding, on a: lending basis, provided by the EIB for a maximum of 30% of the total value of the project and a contribution up to €25 millions, and; blending basis, which gather contributions from the EIB and third public actors, as the European Commission, Member States or philanthropic organisations. Source: Rakić, 2022.

⁶² Ibid.

3. Institutional tools and transnational platforms

Creating an entire ecosystem able to accompany Viet Nam's green development based on its needs and demands is pivotal. Strong policies are necessary to strengthen the investment framework, as well as suitable structures to discuss progress. The EU could provide Viet Nam with its knowledge and experience in green policy design to help conduct sustainable projects. In this regard, the EU-Viet Nam Free Trade Agreement has set up bilateral trade committees to monitor the implementation of FTA provisions and to pursue a more effective integration of the counter-parties' economies. According to the FTA itself, these committees have been established to provide platforms of discussions and to share knowledge on EVFTA-related topics. They are relevant spaces to "cooperate and [...] to enhance the capacities of the Parties in the transition to low greenhouse gas emissions and climate-resilient economies"⁶³. The evasive vocabulary used in the writing of this provision enables both sides to adopt extensive interpretations and to extend the topics covered in the Committees. Both parties have already discussed Circular Economy settlement during the first TSD Committee meeting⁶⁴. They provided updated information about their own legal framework and design in regard to producers' responsibility, resource circulation, or plastic waste issues. Because of its comprehensive dimension, the EU-Viet Nam agreement covers environmental as well as broader trade and economic topics. Government procurement contracts and connectivity works conducted by the EU in Viet Nam could therefore be discussed in other committees such as the *Investment, Trade in Services, e-commerce and Public Procurement Committee* or the *Trade Committee*. This could support the EU Delegation to Viet Nam and the European Chamber of Commerce in their role of connecting European investors with Viet Nam, backing the dialogue between the European Commission, Vietnamese authorities and private stakeholders.

Committee meetings are relevant platforms for multi-sectoral cooperation. The coordination of green policies is required to cover a plethora of topics and to mobilise all interstate and state levels, including civil society and local authorities⁶⁵. The dialogue could potentially take place at another transnational level through the EVFTA's provisions. Indeed, both parties of the agreement are committed to create a Domestic Advisory Group (DAG) composed of "independent representative organisations, ensuring a balanced representation of economic,

⁶³ EVFTA 2020, Chapter 13 on *Trade and Sustainable Development*, Article 6, Paragraph 1.

⁶⁴ MinComm 2021B.

⁶⁵ EDD(2022)D.

social and environmental stakeholders, including, among others, employers' and workers' organisations, business groups, and environmental organisations”⁶⁶. The DAG is in charge of monitoring the implementation of the TSD chapter and to discuss “sustainable development aspects of trade relations between the Parties”⁶⁷. From existing institutions’ expertise to the platform of cooperation and civil society groups set up by the EVFTA, the European Union holds the means and tools to nourish a comprehensive and effective relationship with Viet Nam in energy infrastructural development, broader green transition and managing climate change mitigation.

IV. Trade and Sustainable Development: A Geopolitical Outlook

Refocusing the EU approach to Viet Nam through an economic lens also has exogenous geopolitical impacts as Viet Nam has strong historical and diplomatic relations with other actors in Asia, such as Russia⁶⁸. Moscow’s war in Ukraine has so far not been condemned nor qualified as an “invasion” by Viet Nam. The latter also abstained in the vote for the adoption of a UN General assembly resolution condemning the invasion of Ukraine and voted against Russia’s UNHRC exclusion⁶⁹. Yet, despite its relations with Russia, Viet Nam fosters its maritime security cooperation with the United States in a context of maritime disputes with China⁷⁰. Viet Nam’s foreign policy is based on its “multilateralism and diversification principles”, and following its “Four NOs Policy”⁷¹ – (1) No partaking in military alliance; (2) No siding with one country to act against another; (3) No foreign military bases on the Vietnamese territory and no Vietnamese capacities to be used against another country and; (4) No use or threat to use force – Viet Nam positions itself as a neutral actor. It advocates for the respect of international treaties and conventions on Human rights and UN Charter’s principles while establishing diplomatic relationships with various, and sometimes conflicting, states.

As a non-military and non-security provider, the EU should share its knowledge and expertise and fully focus on domains and activities it is most competent in, putting existing investment

⁶⁶ EVFTA 2020, Chapter 13 on *Trade and Sustainable Development*, Article 15, Paragraph 4.

⁶⁷ EVFTA 2020, Chapter 13 on *Trade and Sustainable Development*, Article 15, Paragraph 5.

⁶⁸ Grossman, 2022.

⁶⁹ Tam Sang, 2022.

⁷⁰ Hutt, 2022; Kurlantzick, 2022.

⁷¹ Ibid.

programmes to good use and taking advantage of the opportunities provided by the EVFTA. Since its entry into force on 1 August 2020, the potential of the agreement has not yet been fully exploited. As has been demonstrated above, the European Union should seek to further promote trade relations and cooperation, especially in Viet Nam's green energy sector development. Allowing EU firms to bid for public procurement contracts for the construction and renovation of electricity grid and highways, the EVFTA provides several mechanisms to foster the EU-Viet Nam relations and exchanges while contributing to achieving Viet Nam's green agenda. However, their partnership's economic and trade approach is not sufficient in itself and must be included into a broader multi-level and multi-actor cooperation and governance system.

As a complement to Vietnamese policies and infrastructural development projects, EU resources should be used to finance sustainable development initiatives in Viet Nam. The EU Global Gateway and related funds provided by the European Investment Bank, as well as its expertise capacities, are well-suited to accompany European investors and Vietnamese stakeholders in the realisation of green projects and to meet their Climate Agenda. Taking advantage of the currently favourable positioning of European actors such as the EU Delegation and Chamber of Commerce in Viet Nam, the EU has a momentum to act as a bridge between European and Vietnamese markets, which will foster business confidence and secure their relations. In practice, the signatories of the EVFTA should take full advantage of the institutional means the agreement provides, especially since the committees are genuine and relevant platforms of cooperation and dialogue to share good practices, ease trade relations in green-related activities and to further enhance their economic and political relations.

Openness and multilateral commitment in Viet Nam's foreign policy reflects its willingness to multiply its partnerships with foreign stakeholders. In this context, the regularisation of high-level meetings, the involvement of multi-level actors and the securing of both-side investors' activities multiply social interactions and nurture confidence between officials, governments, stakeholders and civil society. The capabilities of the European Union to take full advantage of the EVFTA provisions go beyond mere economic exchanges in services and goods. Built on trust, inclusiveness and reciprocity, this cooperation is also a way for the European Union to position itself in the Indo-Pacific region, where its intertwined geopolitical and economic interests are challenging its capability to become a global actor. To achieve a "Stronger Europe

in the World”⁷², the EU cannot neglect the opportunities offered by green infrastructural cooperation with Viet Nam. A stronger Europe is part of the European Commission’s priorities, while greener cooperation will allow for greater benefits for their overall bilateral relations and the EU position in the Indo-Pacific.

⁷² EC-SD(n.d).

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