

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

AND

THE GOVERNMENT OF AUSTRALIA

ON COOPERATION IN THE DIGITAL ECONOMY

The Government of the Socialist Republic of Viet Nam (“Viet Nam”) and the Government of Australia (“Australia”), hereinafter referred to individually as a “Participant” and collectively as “the Participants”:

The Participants recognise the depth and strength of their close economic relationship, underpinned by the *Australia – Viet Nam Enhanced Economic Engagement Strategy (“EEES”)* signed by the Prime Ministers of Australia and Viet Nam on 1 November 2021; and the Joint Declaration by the Prime Ministers of Viet Nam and Australia on a *Comprehensive Strategic Partnership (“CSP”)* dated 7 March 2024.

The Participants share a vision for a greater acceleration, integration and digital transformation of the Participants’ economies.

The Participants further recognise their excellent bilateral relationship and the importance of the digital economy for the benefit of their peoples.

The Participants recall their shared commitment to deepen bilateral cooperation on the digital economy.

The Participants further recognise the economic opportunities and the wider access to goods and services provided by the digital economy.

Desiring to cooperate on initiatives in the digital economy and to promote closer cooperation and exchange of information, personnel skills and experiences pertaining to the digital economy in accordance with this Memorandum of Understanding, for the mutual benefit of the Participants;

Have reached the following understandings:

PARAGRAPH 1. OBJECTIVES

The objectives of this Memorandum of Understanding (“Memorandum”) are to:

- (a) deepen bilateral relations under the CSP and increase economic activity between the Participants through expanding digital economy cooperation;
- (b) promote the interoperability of regulatory frameworks, based on international standards, to support effective regulation of the digital economy;
- (c) build on multilateral and regional cooperation on digital economy, including at the World Trade Organization (“WTO”);
- (d) share information and best practices on leveraging emerging technologies;
- (e) facilitate greater business-to-business and research links between the Participants.

PARAGRAPH 2. FORMS AND AREAS OF COOPERATION

2.1. The Participants recognise the fast-paced and evolving nature of the digital economy, and the role of technical cooperation in increasing and enhancing the opportunities provided by the digital economy.

2.2. To this end, the Participants will endeavour to cooperate on areas of mutual interest concerning the digital economy and encourage businesses and researchers in their respective territories to participate in such cooperation.

2.3. The Participants may undertake cooperation activities under this Memorandum through mechanisms established under existing agreements or arrangements between the Participants or in regional and international fora of which the Participants are members.

2.4. The Participants will undertake cooperation under this Memorandum through:

- (a) exchanging information, sharing experiences and identifying best practices;
- (b) joint research, dialogues, training or workshops;
- (c) encouraging industry development and collaboration; and
- (d) participating in regional and international fora.

2.5. The Participants will jointly decide the priority areas of mutual interest for cooperation under Paragraph 2.2. Such priority areas may include:

- (a) digital trade and regulation and policies of the digital economy;
- (b) digital transformation, connectivity, infrastructure and investment;
- (c) digital skills; and
- (d) other areas as mutually decided by the Participants.

2.6. Appendix A attached to this Memorandum will specify the collaborative activities for implementation between the two Participants under the priority areas outlined in Paragraph 2.5.

PARAGRAPH 3. ARRANGEMENTS

The Participants may, within the limits of the respective laws, rules, regulations and policies of each Participant, enter into separate written arrangements or agreements for the execution of projects or activities within the objectives of this Memorandum.

PARAGRAPH 4. REPRESENTATIVE AGENCIES

4.1. In order to facilitate cooperation under Paragraph 2, the representative agencies for the Participants are as follows:

- (a) for the Government of the Socialist Republic of Viet Nam:
 - (i) the Ministry of Industry and Trade is responsible for cooperation on Digital Trade, Regulation of the Digital Economy as specified in Paragraph 2.5 and Appendix A; and
 - (ii) the Ministry of Science and Technology is responsible for cooperation on Digital Transformation and Connectivity and Digital Skills, as specified in Paragraph 2.5 and Appendix A.
- (b) for the Government of Australia:
 - (i) The Department of Foreign Affairs and Trade is responsible for coordination across relevant government agencies to implement cooperation in areas specified in Paragraph 2.5 and Appendix A of this Memorandum.

4.2. The implementation of specific cooperative activities, including their operational aspects, expected outcomes, work schedules, applicable budgets and financial and cost sharing arrangements, will be provided in a separate project document or documents, to be mutually decided by the Participants.

PARAGRAPH 5. INTELLECTUAL PROPERTY RIGHTS

5.1. The title to, and intellectual property rights in, or in relation to, any document or material supplied by one Participant to the other Participant under this Memorandum will remain with the Participant supplying the document or material. Such title and rights will be respected and protected by the Participant receiving the document or material.

5.2. Without prejudice to any separate arrangement under Paragraph 3 or unless otherwise decided in writing by the Participants, each Participant will retain full ownership of all intellectual property rights owned or developed by that Participant.

5.3. For the purposes of this Paragraph, “intellectual property” includes all rights in the nature of copyright, designs, patents, trade secrets, trademarks and related rights.

5.4. The Participants accept that the provisions of this Paragraph will remain in effect, notwithstanding the expiration or termination of this Memorandum.

PARAGRAPH 6. CONFIDENTIALITY

6.1. The Participants will maintain the confidentiality of any document, information or data collected and used in accordance with this Memorandum, where such document, information or other data is marked confidential by the Participant providing it. However, a Participant may disclose confidential information where it is required to do so by the law applicable to that Participant.

6.2. Where confidential information is required to be disclosed pursuant to this Memorandum, the Participant disclosing the information will provide prior written notice to the Participant which provided the information.

6.3. The Participants have mutually decided that this Paragraph 6 will continue to apply notwithstanding the expiration or termination of this MoU.

PARAGRAPH 7. STATUS OF THIS MEMORANDUM

7.1. This Memorandum represents the understandings reached between the Participants and is not a treaty under international law and does not create any legally binding rights or obligations for Viet Nam and Australia, whether expressed or implied, for either Participant.

7.2. This Memorandum will be implemented in accordance with the relevant laws and regulations of the Participants respective countries and the treaties to which each country is a member.

PARAGRAPH 8. DISPUTE SETTLEMENT

Any disputes about the interpretation or application of this Memorandum will be resolved amicably through consultations and negotiations in good faith between the Participants and will not be referred to any third party or national or international court, tribunal, organisation or other forum for settlement.

PARAGRAPH 9. AMENDMENTS

This Memorandum may be amended at any time by the mutual written consent of the Participants. An amendment to this Memorandum will come into effect on a date mutually determined by the Participants.

PARAGRAPH 10. COMMENCEMENT, DURATION AND TERMINATION

10.1. This Memorandum will come into effect on the date it has been signed by the Participants and will remain in effect for a period of five years unless terminated in accordance with Paragraph 10.2.

10.2. This Memorandum may be terminated at any time by either Participant by giving notice in writing, at least six (6) months in advance, to the other Participant. The Participants will consult to determine how any outstanding matters should be dealt with.

10.3. If this Memorandum is terminated, such termination will not affect any decision or understanding concluded or entered into during the duration of this Memorandum, which will be fulfilled in accordance with the provisions of such decision or understanding, unless otherwise jointly decided by the Participants.

The foregoing represents the understandings reached between the Participants.

Signed at _____, in duplicate, on _____, in the English and Vietnamese languages, both texts being equally valid. In the event of any divergence in interpretation, the Participants will consult with each other to reach a mutually acceptable interpretation.

For the Government of Australia

**For the Government of the
Socialist Republic of Viet Nam**

**Senator the Hon Don Farrell
Minister for Trade and Tourism**

**H.E. Mr Vũ Hải Quân
Minister of Science and Technology**

Appendix A: Proposed cooperation under the Digital Economy Memorandum of Understanding

This Appendix outlines proposed cooperation between Australia and Viet Nam that would be delivered through the mutual arrangement of the relevant Australian and Vietnamese agencies.

The list of proposed cooperation is intended to be a “living” document. Details on specific activities will be jointly determined between relevant agencies.

Digital Trade and Regulation of the Digital Economy

- (a) exchanging information and sharing experiences and best practices on policy and regulatory matters relating to the digital economy, including but not limited to personal data protection, data governance; cross-border data flows and barriers to trade, online consumer protection and emerging regulatory issues;
- (b) exchange information on the use of international standards in developing regulatory frameworks to facilitate seamless end-to-end digital trade;
- (c) participating in regional and international fora, including the WTO, to promote the development of the digital economy and, where appropriate, adoption of related frameworks within the respective mandates of these fora that:
 - (i) take into account emerging technologies and opportunities to maximise potential social and economic benefits, while also minimising negative impacts, particularly for vulnerable groups;
 - (ii) facilitate an open, safe and secure digital environment;
 - (iii) promote transparent and effective measures that enhance consumer confidence and trust in digital trade;
 - (iv) allow secure cross-border data flows for legitimate business purposes, consistent with our existing trade commitments;
 - (v) reduce unnecessary barriers to trade;
 - (vi) promote inclusive trade to support people and businesses of all sizes to participate in, contribute to, and benefit from the digital economy.
- (d) encouraging industry, as appropriate, to develop methods that foster the digital economy, including risk assessment and proactive measures, codes of conduct, model contracts, guidelines and enforcement mechanisms;
- (e) sharing information and increasing awareness about the adoption of paperless trading, taking into account, as appropriate, relevant model legislative texts developed and adopted by international bodies, such as the UNCITRAL Model Law on Electronic Transferable Records (2017);

Digital Transformation, Connectivity and Investment

- (f) sharing policies, plans and best practices for accelerating digital transformation;
- (g) sharing information and experiences on the formulation of policies, strategies and standards for e-Government development towards digital government and promoting national digital transformation;
- (h) cooperating in the development and implementation of digital platforms for digital transformation in key areas, such as finance, agriculture, transportation, education, healthcare, banking, information and communications, tourism, manufacturing industries and energy with respect to the law of both countries and without affecting the sovereignty and national security of each country;
- (i) cooperating closely to prevent and minimise the abuse of digital platforms to commit fraud or cybercrime;
- (j) facilitating closer cooperation between electronic identification and trust services agencies of the Participants;
- (k) sharing information and experiences in digital infrastructure, and supporting related high-quality investment, including in resilient undersea cable connectivity, data centres, cloud infrastructure, broadband network;
- (l) collaboration through existing programs to build capacity in key areas for digital transformation, including semiconductors and AI while aiming to facilitate a safe and secure online environment, and minimise negative impacts, especially for vulnerable groups;
- (m) encouraging the exchange of best practices, capacity-building cooperation and business matching in digital innovation and research across the digital innovation ecosystem;
- (n) co-organising regional digital events, such as digital exhibitions, trade fairs, international digital forum/conference, to promote digital products and services of the Participants;
- (o) sharing and cooperating to bridge the digital divide to ensure the goal of digital economic development in both countries.

Digital Skills

- (p) sharing information and identifying best practise on electronic signatures and electronic authentication training;
- (q) sharing information on best practices for digital workforce planning in the public sector, including fostering digital skills;

- (r) supporting cooperation between Australian and Vietnamese universities on engagement in relation to digital economy;
- (s) sharing best practices and experience in raising awareness and enhancing digital literacy for the general population, particularly people in rural and remote areas; and
- (t) encouraging industry to exchange and share experiences in developing high-tech human resources, especially in the field of information technology.