

**MEMORANDUM OF UNDERSTANDING
BETWEEN
MINISTRY OF INDUSTRY AND TRADE
OF THE SOCIALIST REPUBLIC OF VIETNAM
AND
STATE OF WEST VIRGINIA
ON
ADVANCING ENERGY, ECONOMY, & COMMERCE COOPERATION**

The Ministry of Industry and Trade of the Socialist Republic of Vietnam (hereinafter referred to as "The Ministry of Industry and Trade" or the "Ministry") and the State of West Virginia (hereinafter referred to as "West Virginia")

The Ministry of Industry and Trade and West Virginia are collectively referred to as the "Parties" or separately, each as a "Party."

The Memorandum acknowledges the following:

**Article 1
Purpose**

The purpose of this Memorandum of Understanding (hereinafter referred to as the "Memorandum") is to strengthen the cooperation between West Virginia and the Ministry of Industry and Trade in the priority areas of Energy, Economy, and Commerce, in which the Parties share mutual benefit and jointly cooperate to promote regular exchanges between the Parties to accelerate trade and investment in energy, economy, and commerce issues. Priority objectives include (but are not limited to) the following areas:

1. Cooperating to enhance the development of two-way trade and investment in the energy, economy, and commerce sectors, which contributes to the comprehensive and favorable economic growth in both West Virginia and Viet Nam.

2. Enhancing the sharing of public information on policies, regulations, and potential investment opportunities between the Parties, supporting potential foreign direct investment (FDI) projects, particularly in trade and industry sectors, in West Virginia and Viet Nam, and strengthening cooperation in the areas of general trade and investment.

**Article 2
Areas of Cooperation**

The Parties shall strengthen cooperation in the following areas:

1. Cooperation in Energy

- a. Promote trade cooperation and trade connections between businesses in West Virginia and Viet Nam;
- b. Encourage investments in the energy and energy-related supporting industry sectors through collaboration in organizing forums, conferences, international fairs on energy and related supporting industry sectors;
- c. Enhance cooperation to promote investment and technology transfer between West Virginia and Viet Nam, especially in the exportation of thermal and metallurgical coal and liquefied natural gas (LNG);
- d. Cooperate, exchange, and share management and trade experiences related to energy activities;
- e. Coordinate with state management agencies of the Parties and share information to enable potential West Virginia investors to better understand Vietnam's strategic energy development policies and regulations; and
- f. Create favourable conditions for Vietnamese enterprises and state agencies to visit, study, and seek partners in investment, technology transfer and export opportunities for strategic energy production.

2. Cooperation in Economy

The Ministry of Industry and Trade shall support, create favourable conditions and connect West Virginia enterprises and organizations with Vietnamese state agencies in education, tourism and other services; Support cooperation between West Virginia education institutions, particularly key higher educational institutions including, but not limited to, West Virginia University and Marshall University, with educational and training institutions in industry and trade sectors under supervision of the Ministry of Industry and Trade.

3. Cooperation in Commerce

- a. Promote trade cooperation and trade connections between businesses in West Virginia and Viet Nam;
- b. Encourage investments in the commercial sector, especially supporting industries in mining equipment, hardwood products and trade in services through collaboration in organizing forums, conferences, and international fairs on industry and supporting industries;
- c. Enhance cooperation to promote trade, investment and technology transfer between West Virginia and Viet Nam, especially related to (1) mining equipment, including, but not limited to, continuous miners, safety, and hard gear; (2) hardwood products, including, but not limited to, kiln-dried lumber, flooring, and other building materials;
- d. Coordinate with state management agencies of the Parties and share information to enable potential West Virginia investors to better understand Vietnam's strategic development policies and regulations in the mining, hardwoods, trade, and supporting industries; and
- e. Create favourable conditions for Vietnamese enterprises and state agencies to visit, study, and seek partners in investment, technology transfer and export opportunities for strategic mining, hardwoods, and supporting industries.

Article 3
Funding Arrangement

Costs incurred from cooperation activities within the scope of this Memorandum are subject to discussion and agreement between the Parties concerning specific activities, based on relevant laws, facts, and the respective budgets of the Parties.

Article 4
Methods of Cooperation

1. The Ministry shall designate officials with appropriate knowledge and expertise to participate in training courses, workshops, conferences, seminars, and other activities as agreed by the Parties.
2. West Virginia shall facilitate West Virginia-invested enterprises with appropriate experience to participate in training courses, workshops, conferences, seminars, and other activities as agreed by the Parties.
3. The Parties will work closely together to cooperate with West Virginia and Vietnamese government agencies and relevant parties to provide information concerning training courses, workshops, conferences, seminars, and other activities as agreed by the Parties.
4. The parties agree to cooperate in specific activities, prioritizing the following:
 - a. Exchange of experts and delegations, and set up Forums and organize Workshops/Conference to share information, documents and lessons learned; and
 - b. Provide technical assistance to improve management capacity concerning industry and trade.

Article 5
Implementation

The Parties shall establish a joint Working Group (hereinafter referred to as “the Group”) having an equal number of members appointed by each Party. The Group will be co-chaired by the Director General of the Department of European – American Market Department on behalf of the Ministry and the Secretary of Commerce of the West Virginia Department of Commerce on behalf of West Virginia, and other members may be appointed from any relevant bodies.

The Group shall bear the following duties:

1. Develop and discuss working plans of each party, and assist in the implementation of plans and the preparation of annual reports for the Ministry and West Virginia.
2. Organize regular meetings to evaluate the implementation of this Memorandum.

Article 6
Dispute Settlement

Any differences or disputes related to the interpretation, implementation, or application of the Articles of this Memorandum will be handled in an amicable manner through the consultancy or negotiation between the Parties without the need for a Third Party or International Court.

Article 7
Effectiveness, Due Date, Amendments, and Conclusion

1. This Memorandum shall be in force for three (3) years from the date of its signing.
2. This Memorandum shall be extended for an additional 3 years upon the written agreement of each Party before the date of its expiration.
3. Notwithstanding Clause 2 above, this Memorandum may terminate at any time when either Party gives written notice to the other Party at least thirty (30) days in advance.
4. This Memorandum may only be amended or supplemented by the written agreement of the Parties. Any amendments and supplementations to this Memorandum will be and constitute an integral part of the Memorandum and will enter into force on the date or dates mutually agreed by the Parties.
5. This Memorandum sets out the framework agreement and principles aiming at enhancing cooperation and exchange, as well as raising capacity. Therefore, the application and enforcement of the Articles of the Memorandum do not incur international legal rights and obligations for the State or the Governments of the two countries.
6. The termination of the Memorandum will not affect programs and projects that have been implemented under the Memorandum given they have not been completed at the time this Memorandum expires, unless the Parties otherwise agree in writing.

Signed at the same time in Hanoi, Viet Nam on February 25th, 2021 and Charleston, West Virginia, USA on February 24th, 2021. The Memorandum is made in two copies, one in Vietnamese and one in English, the copies are equally valid.

On behalf of
The State of West Virginia

On behalf of
Ministry of Industry and Trade



Jim Justice
Governor

Do Thang Hai
Vice Minister