

Agreement
on
Health and Medical Sciences Cooperation
Between
the Government of the United States of America
and
the Government of the Socialist Republic of Vietnam

The Government of the United States of America and the Government of the Socialist Republic of Vietnam, herein collectively referred to as "the Parties";

Guided by the willingness to develop fruitful cooperation between their respective countries in the field of health and medical sciences;

Considering the importance of international cooperation to ensure an enhanced focus on influenza, emerging infectious diseases, and other important public health issues;

Noting the commitment both countries have to preparing for a pandemic of infectious diseases such as avian influenza;

Desiring to work in the spirit of transparency, mutual benefits, and accurate and timely exchange of information;

Taking note of the Agreement on Scientific and Technological Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam, signed November 17, 2000 ("the Science and Technology Agreement");

Recognizing the Agreement for Economic and Technical Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam, signed June 22, 2005 ("the Economic and Technical Cooperation Agreement");

Referring to the Letter of Intent on Cooperation between the Department of Health and Human Services of the United States of America and the Ministry of Health of the Socialist Republic of Vietnam, signed October 14, 2005; and

Referring to the Joint Statement of Cooperation in the Field of Health and Related Endeavors between the Department of Health and Human Services of the United States of America and the Ministry of Health of the Socialist Republic of Vietnam, signed December 8, 1997;

Have agreed as follows:

Article I

Scope

1. The Parties plan to provide for an expansion of cooperation across a range of mutual interests. Parties shall direct initial efforts at developing joint activities, addressing their common problems in the areas of influenza and other emerging infectious diseases of public health significance.
2. Using a phased approach, the Parties intend to consider potential additional cooperation.
3. This Agreement shall be an implementing arrangement pursuant to the Science and Technology Agreement. It shall be subject to and governed by the Science and Technology Agreement. If there is any inconsistency between this Agreement and the Science and Technology Agreement, the Science and Technology Agreement shall take precedence.
4. To the extent economic, technical, or humanitarian assistance in the form of grant aid is provided by the United States in relation to activities under this Agreement, the Economic and Technical Cooperation Agreement shall apply.
5. Each Party shall conduct activities undertaken pursuant to this Agreement in accordance with its applicable laws and subject to the availability of personnel, resources, and appropriated funds.

Article II

Methods of Cooperation

The methods of cooperation provided for in this Agreement may include, but are not limited to, the following:

- Exchanges of information regarding infectious diseases with pandemic potential, including technology and biological samples from such outbreaks;
- Exchanges of scientists and delegations, including teams of experts to provide advice and consultation;
- Training activities for the development of human resources;
- Organization of meetings and scientific conferences; and
- Coordinated scientific programs and research projects.

Article III

Rapid Response Protocol and Information Sharing

1. Having acknowledged that only immediate and decisive action will be effective in containing a newly emerging strain of influenza with pandemic potential, the Parties intend to develop a Rapid Response Protocol for responding to an outbreak in Vietnam ("the Protocol") to ensure that such action is undertaken (jointly or as part of a multilateral effort) at the first credible sign of the emergence of an efficiently spreading strain of human influenza of avian origin. Provided that Vietnam formally or informally shares information with the United States, directly or through the World Health Organization (WHO), concerning any indication of the emergence of such a strain, and that the Parties accept that there is a reasonable likelihood of success, at the request of the Government of the Socialist Republic of Vietnam, the Government of the United States of America will make available to Vietnam resources to attempt to contain and extinguish the strain.

2. Information designated by a Party as restricted information and shared directly between the Parties shall not be released without mutual consent.

Article IV

Other Potential Cooperation

Priorities of the Ministry of Health of the Socialist Republic of Vietnam go beyond infectious diseases and include the improvement of the Vietnamese health care system, such as better trained public health professionals and health

science researchers, encouragement of exchanges in advanced medical sciences and rehabilitation, private investment in health care, training in vaccine development and clinical research, improved food safety and national pharmaceutical regulatory models, and developing injury prevention programs. To the extent of the responsibilities, human and financial resources, and mission priorities of each Party, the Parties may choose to agree to develop activities under this Agreement that address these issues. Separate implementing arrangements that would be considered supplements to this Agreement would address such activities in the future.

Article V

Implementing Agencies

1. The Government of the United States of America designates the U.S. Department of Health and Human Services as its implementing agency for this Agreement.
2. The Government of the Socialist Republic of Vietnam designates the Ministry of Health of Vietnam as its implementing agency for this Agreement.
3. The Parties may designate additional implementing agencies. If a Party does so, it shall notify the other Party by diplomatic means.
4. Each implementing agency shall designate an Executive Secretary to oversee implementation of this Agreement; to be responsible for coordinating communications and activities with its counterparts; and to be responsible for fulfilling mutually decided responsibilities.
5. The Parties are to establish a Joint Working Group to foster cooperation and partnership under the following guidelines:
 - Each Party is to name up to four officials to be members of this working group. The Parties should designate Co-Chairs. Parties may choose members to reflect proposed working group agenda items.
 - The working group is to meet once a year, or as needed, in a mutually agreed location, subject to availability of resources.

Article VI

Human Subjects Research

Provisions relating to the protection of human subjects in research, the dissemination of research results, and the handling of laboratory specimens shall be included in individual Project Arrangements relating to implementing projects entered into pursuant to this Agreement. If a proposed project using resources (such as funds or staff) of the Government of the United States involves research on human participants, as defined by applicable laws and regulations of the United States of America and the Socialist Republic of Vietnam, the Parties shall comply with such applicable laws and regulations of the United States of America and the Socialist Republic of Vietnam regarding the protection of human research participants, including, the provision of formal assurances from all collaborating organizations to the U.S. Department of Health and Human Services to demonstrate the project will be subject to initial and continuing oversight by appropriate ethical review committees.

Article VII

Participation of Other Entities in Cooperative Activities

The Parties shall, where appropriate, encourage and facilitate the development of direct contacts and cooperation among government agencies, universities, research centers, institutions, private sector companies, and other appropriate entities to assist in fulfilling the objectives of this Agreement.

Article VIII

Settlement of Disputes

1. Except as provided in paragraph two, the Parties shall settle any issues that arise from the interpretation or implementation of this Agreement through consultation between the Parties, or such other means as they may mutually decide.

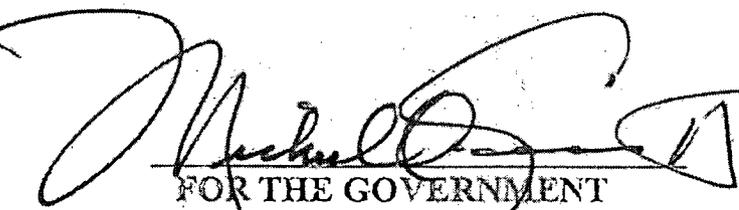
2. Parties shall settle issues regarding the protection and distribution of intellectual property created or furnished in the course of cooperative activities under this Agreement in accordance with Annex A of the Science and Technology Agreement.

Article IX

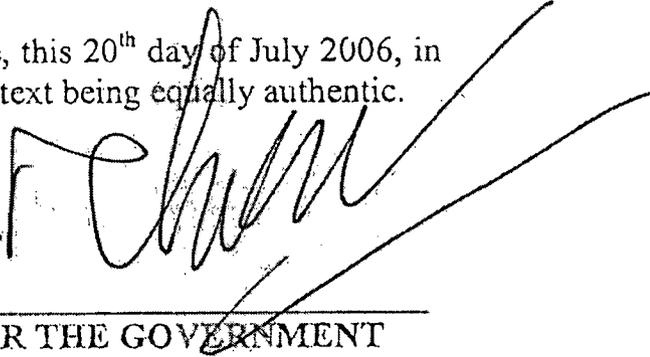
Entry into Force and Termination

1. This Agreement shall enter into force upon signature, and shall remain in force for a period of five years.
2. The Parties may amend or extend this Agreement through mutual written agreement of the Parties.
3. Either Party may terminate this Agreement by providing at least six months written notice to the other Party.
4. Termination by either Party shall not affect the Parties' continuing obligations under this Agreement with respect to Articles III.2 and V of this Agreement, nor those provided in the Annexes of the Science and Technology Agreement.

SIGNED at Washington, D.C., in duplicate, this 20th day of July 2006, in both the English and Vietnamese languages, each text being equally authentic.



FOR THE GOVERNMENT
OF THE UNITED STATES
OF AMERICA



FOR THE GOVERNMENT
OF THE SOCIALIST REPUBLIC
OF VIETNAM