

## THE IMPACT OF NEW GENERATION FTAS ON THE SUSTAINABLE AGRICULTURE BUSINESSES IN VIETNAM: CASE OF EVFTA

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### Abstract

*New-generation FTAs have brought to Vietnam opportunities to sell its agricultural, especially traditional products to the world. The changes could be both negative and positive to the conservation of agricultural products of Vietnam. The authors study four case studies of Gao Ruong Ruoi, Hong Van Cooperative, Sinh Duoc Cooperative and Tam Nguyen Fruit in the context of Europe- Viet Nam Free Trade Agreement and point out that: (i) Incentives for sustainable development for the businesses are not visible; (ii) Agriculture products of Viet Nam face risks due to price competition in domestic market.. The authors also provide policy recommendations to develop sustainable agriculture products in the context of the agreement toward economic and socio-cultural sustainability and inclusiveness for local people.*

**Keywords:** EVFTAs; Agricultural Products; Sustainable; Viet Nam

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### Introduction

After many rounds of negotiations and legal preparation [1], Vietnam has signed Europe – Vietnam Free Trade Agreement (EVFTA) which promises opportunities for sustainable agriculture product development and export. The objectives and list of negotiating items of EVFTA are not only focused on traditional fields such as trade of goods and services but also extended to intellectual property, governmental purchase, and sustainable development in particular. In other words, with CPTPP (Comprehensive and Progressive Trans-Pacific Partnership) Agreement, EVFTA is a new-generation FTA that obtain an engagement level of Vietnam which has been broader and higher than ever. EVFTA has been effective in Vietnam since August 2020. Learning about goals of sustainability in the FTA, businesses who have gone sustainable environmentally and socially have hoped to receive incentives to develop their products.

While the literature on the impact of other FTAs, such as the ASEAN Trade in Goods Agreement (ATIGA), ASEAN-China FTA (ACFTA), Vietnam-Korea FTA (VKFTA), ASEAN-Japan comprehensive economic partnership agreement (AJEAP), ASEAN-Australia-New Zealand FTA (AANZFTA) on Vietnam's economy in general and on trade in particular is intensive, there is a lack of studies focusing on trade impacts of the EVFTA [2], especially its sustainability contents.

EVFTA promotes trade and investment in “high levels of environmental and labor protection”. The agreement *has a chapter of “trade and sustainable development”* which focuses on economic development, social development and environmental protection being

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“inter-dependent and mutually reinforcing”. In this chapter, parties could “establish its own levels of domestic protection in the environmental and social areas” and “adopt or modify accordingly its relevant laws and policies.” In a sum, the sustainability goals of EVFTA includes:

- (i) Recognition of the beneficial role of decent work;
- (ii) Facilitation of trade and investment in environmental goods and services, which are relevant for climate change, conservation and sustainable management of biodiversity (including wildlife), forestry (including illegal logging), and fisheries
- (iii) Promotion of corporate social responsibility. [3, 4]

The general foundation for sustainable development goals in EVFTA is established based on previous international foundations including:

- (i) Agenda 21 on environment and Development of 1992;
- (ii) Johannesburg Plan of Implementation of the World Summit on Sustainable Development of 2002;
- (iii) Ministerial Declaration of the United Nations Economic and Social Council on Full Employment and Decent Work of 2006;
- (iv) International Labor Organization (hereinafter referred to as "ILO") Decent Work Agenda;
- (v) Outcome Document of the United Nations Conference on Sustainable Development of 2012;
- (vi) The future we want;
- (vii) Outcome Document of the United Nations Summit on Sustainable Development of 2015;
- (viii) Transforming Our World: the 2030 Agenda for Sustainable Development;

Noticeably, EVFTA does not narrow down the goals to a specific indicator or regulation but rely on previous general frameworks which have existed in two recent decades. However, it has two main focusing contents: social sustainability and environmental sustainability.

In particular, the social sustainability goals of EVFTA are established on:

- (i) ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labor Conference at its 86th Session in 1998;
- (ii) ILO Decent Work Agenda;
- (iii) Social responsibility which is based on Organization for Economic Co-operation and Development, Guidelines for Multinational Enterprises, the United Nations Global Compact and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

Its environmental goals focus on climate change and biodiversity issues which are founded on:

- (i) United Nations Framework Convention on Climate Change of 1992 (hereinafter referred to a "UNFCCC");
- (ii) the Kyoto Protocol to the United Nations Framework Convention On Climate Change, as last amended on 8 December 2012 (hereinafter referred to as "Kyoto Protocol");
- (iii) Paris Agreement;
- (iv) Convention on Biological Diversity of 1992 (hereinafter referred to as "CBD");
- (v) Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, adopted at the tenth meeting of the Conference of the Parties in Nagoya on 18 to 29 October 2010;

- (vi) Convention on International Trade in Endangered Species of Wild Fauna and Flora, as last amended in Gaborone in 1983 (hereinafter referred to as "CITES");
- (vii) Forest Law Enforcement Governance and Trade ("FLEGT") Voluntary Partnership Agreement;
- (viii) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, done at New York on 24 July to 4 August 1995;
- (ix) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved by the Food and Agriculture Organization Conference at its 27th Session in November 1993;
- (x) The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, approved by the Food and Agriculture Organization Conference on 22 November 2009;
- (xi) Code of Conduct for Responsible Fisheries, adopted by the Food and Agriculture Organization Conference in Cancún on 31 October 1995.

Again, these foundations are high-level general understanding among a number of nations, not specifically built on the typical characteristics of Europe and Vietnam in EVFTA.

Most large exporters of Vietnam are already in textiles, footwear, processed food (including seafood), so, they are the sectors receiving the strongest tariff reduction [5]. However, agriculture sector is a sector which Vietnam has noticeable advantages in land and weather, and involves a large number of businesses as well as cooperatives. Obviously, they impact directly to environmental and social welfare goals for the most vulnerable in the society which is under the sustainability goals of EVFTA.

One of the most noticeable contents of EVFTA in agriculture trade is geographical identifications (GIs) which would affect agriculture products tremendously. GIs list is an important intellectual property rights (IPRs) for agricultural producers because they are signs used on goods that have a specific *geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that origin* [6]. In brief, GIs draw attention to product quality, local identity and cultural traditions such as Camembert cheese, Basmati rice, Champagne wine, Phu Quoc fish extract and Shan Tuyet tea. The list would have close connection to sustainable agriculture as it implies good quality and cultivation and production management as well as cultural representativeness of the products.

The Food and Agriculture Organization (FAO) of the United Nations defines sustainable agricultural development is "the management and conservation of the natural resource base, and the orientation of technological and institutional change in ...[for] future generations. Such development... conserves land, water, plant and animal genetic resources, is environmentally non-degrading, technically appropriate, economically viable and socially acceptable." [7] Sustainable agricultural development in Vietnam is identified as follows: sustaining the living environment for future generations; applying technology for efficiency; saving available resources; having reasonable components of sub-sectors; ensuring income for farmers; building farmers' capacity [8]. This is close to the definition of FAO.

Sustainable agricultural development has been mentioned frequently Vietnam among policy makers, businesses and consumers since the Decision 899 QD/TTg dated 10/6/2013 on approving the project "Restructuring Agriculture Sector Toward Increasing Added Value and Sustainable Development" [9]. The Decision 899 QD/TTg sets the goals of *adapting modern technology and using natural resources sustainably*. It promotes farmers to *form cooperatives to join value chains, increase trainings and consultation for farmers*. It emphasizes Global

Agriculture Practice (GAP), Sanitation Standard Operating Procedures (SSOP), Good Manufacturing Practices (GMP) and Hazard Analysis and Critical Control Point System (HACCP). It requests investors *to comply with regulations on waste treatment to ensure environment protection and handicraft villages to sustain*. The Decision is not just about *environmental sustainability but also social and cultural sustainability* as it request rural agriculture to facilitate tourism in a way it *protects cultures and traditions*. The Decision also promotes associations to share the management responsibilities with the government in agriculture. Following the Decision 899, each province designed *their action plan* according to their advantages in agriculture. For example, Quang Ninh province reported it invested into networking farmers to buyers after training farmers to use GAP for their production [10]. Ministry of Agriculture and Rural Development reported in 2015 that the project under the Decision 899 was a success. In general, Vietnam has a firm foundation for sustainable agriculture development that matches the goals of EVFTA.

Vietnam also has a good system of law and some sub laws relating to GIs, plant varieties and sustainable agricultural development such as the Law on Intellectual Property in 2005 (amended in 2009, 2012) [11], Decree No. 103/2006/NĐ-CP [12] detailing and guiding a number of articles of the law on intellectual property relating to industrial property dated on September 22, 2006, Decree No. 122/2010/NĐ-CP [13] dated on December 31, 2010 amending and supplementing a number of articles of Decree No. 103/2006/NĐ-CP detailing and guiding a number of articles of the law on intellectual property relating to industrial property which are currently holding various gaps with EVFTA standard [14], Decree No. 104/2006/NĐ-CP in 2006 [15] and Decree No. 88/2010/NĐ-CP [16] in 2010 detailing and guiding a number of articles of the law on intellectual property and the law amending and supplementing a number of articles of the law on intellectual property regarding *rights to plant varieties*.

The regulations on sustainable agriculture has proven that Vietnam aims to develop its agriculture to promote *both cultural as well as economic values in its produce exports*. The ambition of the country is to conserve the environment in its original form and to improve its hygiene standard and quality to persuade developed markets. The efforts in setting up GI registration shows its intention to integrate the legal system into international playgrounds like EVFTA. Large exporters of Vietnam must have been familiar with the domestic policies and international requirements and certificates to declares their product quality. However, with a large proportion of small businesses and cooperatives in agriculture sectors, it is important to study the situation of this group in coping with EVFTA.

## Experimental

### Materials

EVFTA full text has been carefully studied. The specific contents about sustainable development in Chapter 13 Trade and Sustainable development and GIs are scrutinized for content analysis.

In-depth qualitative interview is applied to data collection about agriculture businesses. The agriculture businesses are selected using advertisement, expert consultation and snow ball to collect the data about how businesses who are typical of sustainable agriculture development in Vietnam actually face such a comprehensive FTA.

The inclusion criteria for selected businesses are:

- (i) Establishing official organization goals of being environmentally and socially sustainable;
- (ii) Having developed completed products meeting the organization goals in sustainability;
- (iii) Being interested in exporting their products to Europe market;
- (iv) Having small business scale with less than 500 farmers employed.

The agriculture businesses chosen are projects that have been recognized by local governments to have been contributing to *sustainable agricultural development*, including protecting environment and/or community cultures and traditions. The chosen cases are Gao Ruong Ruoi Rice and Rice Products, Hong Van Cooperative, Sinh Duoc Cooperative and Tam Nguyen Fruit. The summary of the four case studies are presented in Table 1.

Table 1. Summary of the case studies

Case Studies	Products	Sustainable Production Features	Preparation to Approach EVFTA
Gao Ruong Ruoi Gao Ruong Ruoi ruoi.com	Banh Gai (Herbal rice cakes with banana-leave package) Rice	<i>Environment Conservation:</i> Conserving the environment, especially the biosystem with clam worm naturally living in the river where rice is organically cultivated; Eco-friendly packaging with banana leaves and kraft paper. <i>Social and Cultural Conservation:</i> Conserving traditional tastes and styles of Vietnamese typical agriculture products; Applying technology to improve the hygiene standard of the product by sterilizing and softening banana leaves to pack the cake which replaces the traditional ways of using sun-dry banana leaves while conserving the traditional style and ensure biodegradable packaging for the product; Conserving the typical Vietnamese food tastes and styles.	Learning about foreign market's tastes to modify the tastes and the styles of the products; Seeking technology to preserve the traditional appearance of the products; Concerning the culture differences where foreign customers may not accept the traditional appearance of the products; Pursuing organic agriculture standards; Experiencing difficulty due to price gaps; Selling via distributors with small-scaled online businesses to reduce costs; Attracting niche markets of customers who only buy the products which are eco-friendly packed; Being recognized as contributing to the environment conservation and social development and as the representative product of the local area by local government; Exporting to Korea, Japan markets successfully;
Hong Van Cooperative chumngayhongvan.com.vn	Horseradish tea	<i>Environment Conservation:</i> Maintaining the green areas of the local rural area; Connecting to eco-tourism of the whole area; <i>Social and Cultural Conservation</i> Creating decent jobs for local farmers due to market price of the product; Using biology research studies and market studies to create the products with the health benefits that suit various groups of customers including children, women, the elderly, families;	Marketing about health social and environmental values of the products; Developing eco-tourism area as a complex to attract tourists to buy the product; Now selling to mostly domestic tourists visiting the tourism complex. Being recognized as contributing to social development of the local area by local government.
Sinh Duoc Cooperative https://sinhduoc.vn/	Herbal soaps and essential oils	<i>Environment Conservation:</i> Conserving the biosystem of the area, especially the ancient herbs of Vietnam; <i>Social and Cultural Conservation</i> Creating decent jobs for local farmers and the vulnerable (including the disabled, women with young children to work online and the elderly); Connecting the product image to sustainable and heritage tourism of the area; Investing in to research and development human resources and international herbal research studies to create products with health benefits	Focusing on developing distribution network in domestic market, now selling successfully to domestic market via both wholesale and online retail channels; Using high percentage of herbs and large variety of herbs to increase health benefits, natural herbal colors and herbal flavors of the products; Attaching healthcare scientific information to herbal products, especially the essential oils which are used in Vietnamese traditions; Planning to reduce price to compete with European products while Having difficulty in paying for certificates to declare about the quality of herbal products; Being recognized as contributing to social development of the local area by local and central governments;
Tam Nguyen Fruit http://fruittamnguyen.com/	(Annona Muricata) Soursop tea	<i>Environment Conservation:</i> Maintaining the green area of local rural area; Developing the product from the plants that are typical for the local area; <i>Social and Cultural Conservation</i> Creating new tastes from traditional agriculture products of the area; Creating jobs for local farmers; Investing into research studies to create products with health benefits;	Focusing on the niche market of customers who prefer healthy food and drink; Persuading customers about the creative taste and health benefits of the product ; Pursuing Global Good Agriculture Practice (Global G.A.P) standard; Having studied about the origins of the product in export; Having general knowledge about GIs in EVFTA; Being confident about the quality and specialty of the products.

**Methods**

The authors apply holistic case study research [17] methodology in which the cases are treated as comprehensive units as the research focuses on their sustainability goals and their opportunities in EVFTA.

While interview with individuals have been well established with consistent frameworks, “interviews with business owners and managers are a prime source of information for economic geographers, yet very little has been written about this technique “(Healey and Rawlinson, 1993) [18]. The authors apply participatory action research for business managers to discuss their goals of being sustainable, their context, reasoning and understanding of EVFTA. The business managers are interviewed multiple times in a month with total interviewing time of each case ranges from two to five hours.

Thematic analyses (Boyatzis, 1998; Attride-Stirling, 2001) [19, 20] are applied by the authors in order to identify the following themes:

Them 1: Sustainable Production Features

Them 2: Preparation to Approach EVFTA

The answers of the two themes are to answer the following research questions:

- (i) What impact would EVFTA have on conservation of social values of the businesses in the case studies
- (ii) What impact would EVFTA have on conservation of environmental values of the businesses in the case studies

Descriptive encoding is applied to the answers of the questionnaire and in the discussions to best describe the sustainability goals and EVFTA impact on the businesses.

**Results and discussion**

Using encoding methodology, the authors encode the conservation goals and the current coping with EVFTA of the case studies in Table 2.

**Table 2.** Encoded conservation values and advantages in EVFTA of the case studies.

Case study	Environmental Conservation	Social and Cultural Conservation	Current Development in Domestic Market	Knowledge about EVFTA	Expected Advantages in Sustainability Goals in EVFTA
Gao Ruong Ruoi	Local Specialty; Organic Farming	Health, Traditional Taste and Style	Organic agriculture product retail network and communities	General Understanding	Limited
Hong Van Cooperative	Green Area Eco-tourism	Health	Domestic Tourists	General Understanding	Limited
Sinh Duoc Cooperative	Herb Biodiversity	Health, Ancient Herbal Flavor	Nation-wide markets	General Understanding	Limited
Tam Nguyen Fruit	Green Area Global G.A.P Farming	Health	Domestic Niche Market	General Understanding	Limited

***Sustainable Agriculture Products Suit Domestic Market’s Trend***

Conversation of local environmental and social values in these cooperatives and young enterprises are in their initial success in local market as shown in Table 2. Most of the businesses now are relatively supported in domestic market due to *their environment-friendly features* and high food safety standards *which is well absorbed by the organic agriculture consumer communities and niche markets of customers who often buy health-care food and drink*. This suggests a trend of sustainable and responsible consumption of domestic consumers. With a population of 95.54 million [21], and population density of 308 people per square

kilometer of land area [22] the domestic market where businesses understand cultures, tastes of the consumers and easily interact with them would be a good foundation for business development, especially in the first stage. In the case of Sinh Duoc Cooperative, herbal oils that are used as traditional home medicines have gained significant attention from domestic customers as Vietnam is now a growing pharmaceutical market with the highest growth rate in the South East Asian region [23]. Tam Nguyen Fruit has also proven their high food safety standard to their niche market. Gao Ruong Ruoi successfully persuade a large market about its superb quality thanks to the biological features of clam worms who cannot survive in polluted environment. Hong Van Cooperative is a new comer in the niche market of healthcare food and drink but the business comprehends the trend thoroughly. Obviously, *environment conservation in businesses have advantages now in Vietnam*. There is a good opportunity to market Vietnamese agriculture products with a national image of going sustainable. If being well managed, this could benefit the whole agriculture sector as well as rural development.

***Businesses with conservation goals may not be included in GIs***

In EVFTA, 169 EU GIs and 39 Vietnamese GIs could be protected. GIs could be a measure to *reflect environment, social and cultural values in agricultural products* as the list implies special taste, long history of cultivation and production and management of food hygiene and safety. The list of GIs from Europe is on often processed products including wines, bacons, cheese while Vietnamese GIs mostly are on raw agriculture products such as tea, coffee beans, pomelo and lychee, which presents little information about production history and culture. The list of GIs of Vietnam is also modest with only 39 names. So, other products conveying social, cultural and environmental values in Vietnam may be disadvantaged when not being in the list. Processed traditional products like Banh Gai in the first case of Gao Ruong Ruoi conveys historical taste and cultural biodegradable packaging cannot find it way to this GI list would be a miss for both consumers in EU market and producers in Vietnam. On the other hand, the similar product may be produced in other localities in Vietnam. For example, such as “Banh Gai” of the case study Gao Ruong Ruoi, while being recognized as of outstanding level of quality due to its innovative packaging and natural ingredients, is a traditional dessert available in many provinces which may reduce the chance that high-quality products with sustainable production to join the GIs list due to duplication.

***Conditions on Sustainable Development in EVFTA Give Vietnamese Businesses Few Concrete Incentives on of Sustainable Environmental or Socio-Cultural Development***

While EVFTA distinguishes itself from other FTAs by providing a general foundation for the two partners to *conserve their environment, social and cultural values in trade*, few *specific goals* of sustainable environmental or cultural development are presented. Traditional products with cultural or environmentally sustainable features as the case studies present. All the products of the cases in this study including “Banh Gai” by “Gao Ruong Ruoi”, “Herbal Soap” by “Sinh Duoc Cooperatives”, “Tra Mang cau” (Soursop Tea) by Tam Nguyen Fruit and “Tra Chum ngay” (Horseradish Tea) by Hong Van Cooperative have few advantages to compete in such an FTA. The benefits would become true if sustainability goals are the governments “breathe life into the monitoring structures built into the agreements.” [24]. Besides, the environmental legal institution and management of Vietnam has difficulty in synchronizing its own system [25] which gives businesses little support in understanding and following environmental regulations in EVFTA.

***Sustainable Agriculture Businesses Could Lack Resources for Capacity Building***

Businesses are not familiar with GIs in New-Generation FTAs and how to utilize the conditions in the EVFTA for their sustainable agriculture businesses. All case studies have general understanding about EVFTA which are shown in Table 2. On the other hand, GIs are one of special objects of intellectual property rights that have very complicated filing procedures to obtain exclusive certificate from the competent authorities (Intellectual Property Office of Vietnam-NOIP, Ministry of Science and Technology), which takes time and cost of

businesses. In addition, many enterprises in Vietnam are not well aware about the role of GIs in their competitiveness and agricultural goods' price increase in market. Agricultural companies and enterprises are also not well informed of how to take benefits from EVFTA for their sustainable business activities. Therefore, the number of GIs registered and granted certificates is very limited. According to official statistics of NOIP, during the period from 2001 to 2018, the number of GIs applications by the Vietnamese is 89 and the number of GIs granted certificates by the Vietnamese is 63[26].

### ***Sustainable Agriculture Businesses Could Lack Capital to Invest into Designing and Marketing the Products' Conserved Values to Foreign Markets***

To businesses in rural areas of Vietnam, paying attention to hygiene standard, safety standard, environment protection goals, social values, cultural and traditional styles and tastes of the products already cost a lot of efforts and investment. All of the case studies are among the model sustainable businesses in Vietnam who could hire 100% local people and maintain a decent average monthly income to farmers. However, *none of them have enough capital capability to invest into advertising about the sustainability values of the product* to attract the foreign markets they wish to export to.

Also due to this reason, *their environmental and social values in the products are hard to be conveyed to consumers*. The biosystem Gao Ruong Ruoi has built in cultivating its special rice is hard to presented on the package of the products. The herbal contents and scientific information of the herbal soaps produced by Sinh Duoc Cooperative are not a common knowledge to all customers. Tam Nguyen Fruit is also struggling in broadening its market as the niche market it has gained success in are customers with high education backgrounds who have understood the health benefits of the products themselves. Hong Van Cooperative shares the similarity in lack of marketing and product design. The efforts to conserve the original appearance of the products give the business difficulties in explaining about the hygiene of dry banana leaves to foreign consumers despite its investment in technology to clean and sterilize the leaves. Similarly, the special creative taste of Soursop Tea is hard to explain to customers. The typical feature of employing local farmers who used to have low income in the production of all above case studies would not be easy to presented on the packages of the products. There has been not any comprehensive marketing plan for these products. After a while struggling with introducing about their own values, they may have to focus on revenue and whole sale scheme where products values are less important than price, for survival.

## **Conclusions**

This is the first time an FTA insists on the sustainable development direction in trade which sets a *general foundation for the two partners to conserve their environment, social and cultural values in trade*. In general, EVFTA promotes sustainable production where environmental conservation and social values are well protected which is a supportive framework and suits the direction of sustainable agriculture development of Vietnam.

On the other hand, the data from the case studies in this research have implied that small businesses who are passionate about going sustainable have not got clear incentives in EVFTA. They are following sustainable production *due to the domestic trend* and their own research and development direction. They actually face risks when competing with imported products right in the domestic market and may have obstacles in exporting to Europe in the coming time due to their small scale and lack of capital to invest into branding and marketing. In the medium term, they *have to sustain their profit* and may have to modify the tastes and styles products to *suit foreign markets which may affect the goals of conserving traditional and cultural tastes* of Vietnam in sustainable rural and agriculture development. The businesses could also be disappointed with general goals in FTAs which are not built with specific benefits to businesses who go sustainable. *The businesses may withdraw their efforts after a while their environmental*



and social values are not recognized or when incentives are not clear in new-generation FTAs in the future. Until now, these businesses rely heavily on domestic markets and are not clear about utilizing sustainability goals in EVFTA for their development.

Future research may investigate if the responsibilities of guiding the agriculture businesses about EVFTA may be overloaded for Vietnamese government and an association of agriculture could be supported and given power to take care of knowledge sharing and certification for agriculture businesses so that they could participate better into the EVFTA.

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