

OPPORTUNITIES AND CHALLENGES FOR VIETNAM'S AGRICULTURAL PRODUCTS EXPORTS UNDER THE EUROPEAN UNION-VIETNAM FREE TRADE AGREEMENT

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Abstract

In 2020, the Association of Southeast Asian Nations (ASEAN) and the European Union (EU) announced their intention to “open a new chapter” in their relations by becoming “strategic partners”. This partnership is based on the shared values of respect for the rules of international order, multilateralism, and free and fair trade. Thus, the EU has strengthened its ties with ASEAN and signed so-called “new generation” agreements with several ASEAN countries. For Vietnam, with the EU-Vietnam Free Trade Agreement (EVFTA) officially coming into effect on 1 August 2020, more opportunities have opened for Vietnamese agricultural products to be exported to the EU market. In this article, the authors analyze the impacts and solutions to Vietnam’s exported agricultural products arising from: (i) commitments on trade in goods; (ii) commitments on rules of origin; and (iii) commitments on non-tariff barriers in the EVFTA.

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The European Union (EU) – Vietnam Free Trade Agreement (EVFTA), which entered into force on 01 August 2020, is regarded as a “new-generation” free trade agreement, marking Vietnam’s most extensive commitment in international economic integration. With comprehensive legal obligations covering tariff eliminations, rules of origin, and regulatory standards, particularly in agriculture, the EVFTA grants Vietnamese exporters preferential access to the EU, a single market of over 450 million consumers.¹

These commitments have officially opened new trade avenues for Vietnam’s agricultural products, especially in key areas such as trade in goods, rules of origin, and non-tariff measures. In the first month of implementation, Vietnam’s agricultural exports to the EU rose by 15–17%

¹ Trinh, V. T. (2023). *Impact of the European–Vietnam Free Trade Agreement on Vietnam’s agricultural exports* [Unpublished doctoral thesis]. Vietnam Institute of Strategy and Policy for Industry and Trade, p. 125.

compared to 2019.² From August 2020 to August 2021, agricultural export turnover increased by 39.8%,³ highlighting the initial effectiveness of the Agreement.

Nevertheless, the EU remains one of the world's most demanding markets, imposing strict technical, sanitary, and sustainability standards on imported goods. The EVFTA imposes binding requirements, notably on rules of origin and non-tariff measures such as sanitary and phytosanitary (SPS) regulations, technical barriers to trade (TBT), and environmental compliance, which present persistent legal and institutional challenges for Vietnamese exporters.

Against this backdrop, this article addresses the core research question: To what extent do Vietnam's domestic legal and regulatory frameworks align with the EVFTA's commitments concerning agricultural exports? How can Vietnam overcome regulatory and institutional barriers to fully capitalize on this agreement?

Methodologically, the article uses a combination of doctrinal legal analysis, comparative assessment, and empirical trade data evaluation. The objective is to identify structural barriers and propose legal solutions that support Vietnam's sustained agricultural competitiveness in the EU market.

1. Tariff commitments on trade in goods in the European Union–Vietnam Free Trade Agreement

1.1. Tariff commitments on trade in goods for Vietnam's exported agricultural products in the European Union–Vietnam Free Trade Agreement

The EVFTA provides extensive market access commitments for Vietnam's agricultural exports. As of its entry into force, the EU immediately removed tariffs on 85.6% of tariff lines, accounting for 70.3% of Vietnam's total export turnover to the EU. This will increase to 99.2% of tariff lines (covering 99.7% of turnover) after seven years. The remaining items, approximately 14, are subject to tariff-rate quotas (TRQs), wherein a specified volume may be imported duty-free, while imports exceeding that volume are subject to higher most-favored-nation (MFN) rates.⁴

The quota for agricultural products exported from Vietnam is stipulated in Appendix 2A, Section 1B of the EVFTA, which states the

2 Trinh, V. T. (2022, August). Tác động của Hiệu định EVFTA đến xuất khẩu mặt hàng nông sản của Việt Nam: Thực trạng và giải pháp. *Tạp chí Nghiên cứu Công nghiệp và Thương mại* [trans: Impact of the EVFTA on Vietnam's agricultural exports: Current situation and solutions. *Journal of Industrial and Commercial Research*], (74), 23–33. <https://vioit.vn/tap-chi-nghien-cuu-cong-nghiep-va-thuong-mai-so-74-t82022.html>

3 *Ibid.*

4 Do, T. H. (2021). Hạn ngạch đối với nông sản xuất khẩu sang EU theo EVFTA. *Tạp chí Nghiên cứu Lập pháp* [trans: Quotas for agricultural products exported to the EU under EVFTA. *Journal of Legislative Research*], 09(433).

number of items and goods with corresponding (Harmonized System) HS codes within the quota and entitled to a 0% preferential tax rate. As can be seen, several products benefit from immediate liberalization, including coffee, honey, fruits, vegetables, and fruit juices.

For instance, the fisheries sector benefits: tariffs on fresh pangasius fillets and frozen pangasius are reduced from 9% and 5.5% to 0%, respectively.⁵ For sugarcane – a product facing export challenges, Vietnam is granted a 20,000-ton quota at 0% duty, which would otherwise face 399–419 euros/ton duties.⁶ These commitments form a significant legal basis for expanding Vietnam's agricultural market share within the EU.

1.2. Impacts of tariff commitments on trade in goods on Vietnam's exported agricultural products

1.2.1. The positive impacts

Despite entering into force during the COVID-19 pandemic, the EVFTA positively impacted Vietnam's agricultural exports to the EU. From August to December 2020, Vietnam's exports to the EU reached 15.62 billion US dollars, up 3.8% year-on-year.⁷ Key agricultural exports, such as fruits, rice, and seafood, rebounded, demonstrating the agreement's early effectiveness.

In 2021, agricultural exports grew by 11.1%, reaching 3.2 billion US dollars.⁸ Notably, seafood exports increased to 1.02 billion US dollars, coffee to 1.03 billion US dollars, and cashew to 695 million US dollars.⁹ In 2021, agricultural exports to the EU accounted for 12.2% of Vietnam's total export turnover of agricultural and aquatic products, rising to 16.8% in 2022,¹⁰ with coffee exports surging by 45.4% and aquatic products rising by 20.1%.¹¹ In 2023, although the agricultural product trade market in Vietnam faced many difficulties due to the impact of policies of significant

5 Pham, S. C. (2020). *Những thách thức đối với hàng xuất khẩu nông sản của Việt Nam khi hiệp định thương mại tự do giữa Việt Nam và Liên minh châu Âu có hiệu lực* [trans: *Challenges for Vietnam's agricultural exports when the EVFTA takes effect*]. Faculty of Political Sciences of Hanoi University of Mining and Geology. <https://pol.humg.edu.vn/vi/news/97-những-thách-thức-đối-với-hàng-xuất-khẩu-nông-sản-của-việt-nam-khi-hiệp-định-thương-mại-tự-do-giữa-việt-nam-và-liên-minh-châu-âu-có-hiệu-lực>

6 Do (2021), *supra* note 4.

7 Ministry of Industry and Trade Vietnam [MITV]. (2021, April 23). *Báo cáo xuất nhập khẩu Việt Nam năm 2020*. Nxb. Công thương [trans: *Vietnam import and export report 2020*. Publishing House of Industry and Trade]. WTO Center, p. 17. https://trungtamwto.vn/file/20715/sach_xnk_2020.pdf

8 MITV. (2022, April 28). *Báo cáo xuất nhập khẩu Việt Nam năm 2021*. Nxb. Công thương [trans: *Vietnam import and export report 2021*. Publishing House of Industry and Trade]. WTO Center, p. 19. <https://trungtamwto.vn/file/21599/baocaoxnk2021.pdf>

9 *Ibid*, pp. 142–143.

10 MITV. (2023). *Báo cáo xuất nhập khẩu Việt Nam năm 2022*. Nxb. Công thương [trans: *Vietnam import and export report 2022*. Publishing House of Industry and Trade]. WTO Center, p. 15. <https://trungtamwto.vn/file/22356/bao-cao-xuat-nhap-khau-viet-nam-nam-2022.pdf>

11 *Ibid*, pp. 139–140.

markets, geopolitical fluctuations, inflation, escalating prices of raw materials for production,...¹² exports of fruits and vegetables to the EU reached 227.6 million US dollars, with 65% destined for the Netherlands and Germany.¹³

1.2.2. Challenges

Although Vietnam has favourable natural conditions, agricultural product exports are mainly raw materials, and prices are competitive in low-segment markets.¹⁴ Against the backdrop of slow economic growth in the EU in 2024 and 2025, coupled with the rising demand for imported agricultural products in the EU market,¹⁵ Vietnam must develop strategies to maintain market stability and increase exports in the coming period.

One notable example is the European Commission's "yellow card" under the Illegal, Unreported, and Unregulated (IUU) fishing regulations. On 23 October 2017, the European Commission (EC) issued a yellow card warning for Vietnam's exported seafood products.¹⁶ Although this sanction is not codified within the EVFTA's textual provisions, it operates as a *de facto* non-tariff barrier, exerting tangible legal and economic effects on market access.

This has a significant impact on the reputation of Vietnam's fisheries and seafood export industry, and more deeply, the livelihoods of fishermen operating far from Vietnam's coast have become extremely difficult. After two years of EC's yellow cards for Vietnam's seafood exports, Vietnam's exports to the EU market decreased by 6.5%, reaching 390 million US dollars in 2018 and 372 million US dollars in 2019.¹⁷ Notably, 2023 witnessed a contraction of 29% compared to 2022, with a value of 869

12 MITV. (2024, May 17). *Báo cáo xuất nhập khẩu Việt Nam năm 2023*. Nxb. Công thương [trans: Vietnam import and export report 2023. Publishing House of Industry and Trade]. WTO Center, p. 12. <https://trungtamwto.vn/file/22934/bao-cao-xuat-nhap-khau-viet-nam-nam-2023.pdf>

13 *Ibid*, p. 20.

14 Nguyen, T. T. H., & Duong, T. T. H. (2021). Xuất khẩu nông sản sang thị trường EU: Thực trạng và giải pháp chính sách. *Tạp chí Công thương* [trans: Exporting agricultural products to the EU: Current situation and policy recommendations. *Vietnam Trade and Industry Review*], 18(7), p. 51. <https://tapchicongthuong.vn/xuat-khau-nong-san-sang-thi-truong-eu--thuc-trang-va-giai-phap-chinh-sach-83549.htm>

15 Europe-America Market Department (2023). Xuất khẩu hàng hóa sang thị trường EU - Cơ hội và thách thức. *Chuyên san thương mại Việt Nam - EU* [trans: Exporting goods to the EU market - Opportunities and challenges. *Vietnam - EU Trade Journal*], 4th quarter number. Ministry of Industry and Trade of Vietnam, p. 4. https://goglobal.moit.gov.vn/download/documents/2024/01/06/chuyen%20san%20quy%20IV-2023_0009.pdf

16 Le, K. D. (2020, May 30). Những tác động của thẻ vàng IUU đối với Việt Nam và một số kiến nghị giải pháp để gỡ thẻ vàng IUU đối với ngành Thủy sản Việt Nam. *Tạp chí Công thương* [trans: Impacts of the yellow card on IUU fishing on Vietnam's seafood industry and some solutions to remove the yellow card on IUU fishing. *Vietnam Trade and Industry Review*]. <https://tapchicongthuong.vn/nhung-tac-dong-cua-the-vang-iuu-doi-voi-viet-nam-va-mot-so-kien-nghi-giai-phap-de-go-the-vang-iuu-doi-voi-nganh-thuy-san-viet-nam-71949.htm>

17 Commission for Information and Education of Vietnam. (2020, May). *Tài liệu về công tác chống khai thác hải sản bất hợp pháp, không báo cáo và không theo quy định của Việt Nam thời gian qua* [trans: Documents on the fight against IUU seafood exploitation in Vietnam recently]. People's Committee of Ba Rịa - Vũng Tàu Province, p. 12. <https://sotttt.baria-vungtau.gov.vn/Portal/editor/files/old/d5d5b86d67e846a0eb8520ded9dfec2/TAI%20LIEU%208468%20BTG.PDF.pdf>

million US dollars,¹⁸ underscoring the enduring sensitivity of EU trade policies to regulatory non-compliance.

The IUU fishing regulations serve as official warnings to countries failing to adhere to international fisheries management standards. This measure significantly undermines Vietnam's seafood industry by damaging market reputation, causing export reduction, heightened regulatory scrutiny, and potential severe sanctions, including a complete export ban (red card) to the EU market. Promptly addressing this yellow card is thus vital to restoring market confidence and ensuring the sustainable development of Vietnam's seafood exports.

Furthermore, Vietnamese agricultural exports also face heightened scrutiny under Regulation (EU) 2023/1115. This regulation imposes due diligence obligations on commodities such as cattle, coffee, cocoa, rubber, soya, oil palm, wood, and their derivatives¹⁹ – all strategically relevant to Vietnam's export economy. Regarding the conditions, Regulation (EU) 2023/1115 requires that agricultural products may only be placed on the EU market if they meet the following three conditions:²⁰ (i) the products have not been produced on land subject to deforestation or forest degradation; (ii) the products have been produced in compliance with all applicable laws of the country of production; (iii) the products are covered by a due diligence statement that ensures traceability and compliance throughout the supply chain.

Sanctions for non-compliance must be proportionate and dissuasive. The maximum financial penalty for a company found in violation of the Regulation is set at a minimum of 4% of its total annual turnover in the EU.²¹ Member States are responsible for carrying out due diligence on goods imported into or exported from their territory and for establishing penalties in accordance with the severity of the infringement, which may include monetary fines, confiscation, temporary exclusion from the market, or destruction of the products.²² Consequently, enterprises must implement stringent compliance mechanisms and maintain thorough documentation to mitigate such legal risks.

1.3. Recommendations for Vietnam

Seafood is one of Vietnam's main export items to the EU market. However, this Vietnamese product is currently being given a yellow card. This has prevented Vietnam from taking advantage of the benefits that EVFTA brings to boost seafood exports. According to Article

18 MITV (2023), *supra* note 10, p. 16.

19 Article 1 and Annex 1 of the Regulation (EU) 2023/1115.

20 Article 3 of the Regulation (EU) 2023/1115.

21 Article 25 (2) (a) of the Regulation (EU) 2023/1115.

22 Article 24 and Article 25 of the Regulation (EU) 2023/1115.

13.9, EVFTA: “cooperate with the other Party and actively engage in the fight against illegal, unreported and unregulated (hereinafter referred to as “IUU”) fishing and fishing-related activities with comprehensive, effective and transparent measures to combat IUU; each Party shall also facilitate the exchange of information on IUU activities and implement policies and measures to exclude products resulting from IUU from trade flows”. Hence, the authors emphasize the importance of removing the IUU “yellow card,” which is the main barrier to Vietnam’s seafood exports entering the EU market. Currently, the Philippines and Thailand are two Southeast Asian countries that have taken measures to remove the IUU “yellow card”, which could be a lesson for Vietnam.

After receiving the “yellow card” for IUU fishing, the Philippines has strengthened its commitment to fighting IUU fishing at the international level, ratifying the UN Fish Stocks Agreement (UNFSA) and initiating procedures to ratify the Port States Measures Agreement.²³ At the same time, the Philippines adopted a stronger sanctioning scheme for IUU-related infringements.²⁴ It implements measures related to traceability to ensure the origin of the entire supply chain of seafood products.²⁵ This ensures that more than 200 Philippine fishing vessels operating in areas regulated by the WCPFC (Western and Central Pacific Fisheries Commission), IOTC (Indian Ocean Tuna Commission), and ICCAT RFMOs¹⁶ (Inter-American Tropical Tuna Commission), as well as national and foreign vessels fishing in Philippine waters, now have real-time Vendor Management System (VMS) coverage. A fully fledged fisheries monitoring centre has also been established in Manila.²⁶ As a result of all these actions, the Philippines had the yellow card lifted in April 2015.

After receiving an IUU “yellow card” in 2015, Thailand began reforming the fisheries industry through the promulgation of regulations following international commitments.²⁷ Thailand has established the Command Center for Tackling IUU (CCTI), applying sanctions for IUU fishing.²⁸ At the same time, it has also established a VMS to monitor ship

23 EU IUU Fishing Coalition. (2015). *EU regulation to combat illegal fishing: Success for South Korea and the Philippines*. Case Study 2. https://www.iuuwatch.eu/wp-content/uploads/2015/06/Case-Study2.FINAL_EN_.pdf

24 *Ibid.*

25 *Ibid.*

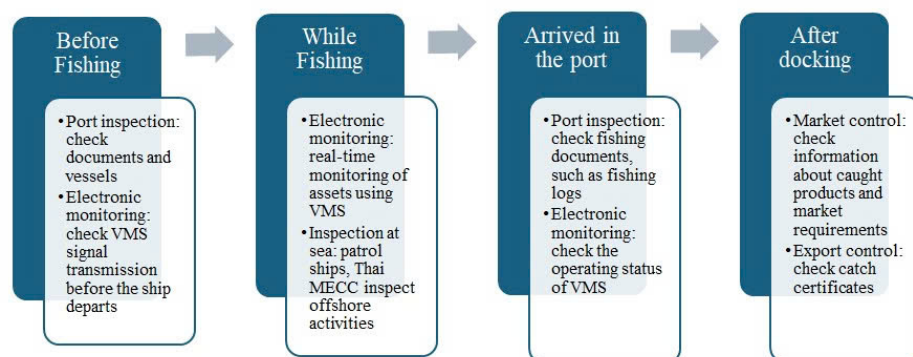
26 *Ibid.*

27 Hong Tham. (2024). Gỡ “thẻ vàng” IUU: Kinh nghiệm thế giới. *Báo Nông nghiệp & môi trường* [trans: Removing IUU “yellow card”: World experiences. *Agriculture and Environment Newspaper*]. <https://nongnghiepmoitruong.vn/go-the-vang-iuu-kinh-nghiem-the-gioi-d377410.html>

28 Zwofler, R. (2020). The economic impact of IUU-fishing and its countermeasures on small scale fishermen in Thailand: A case study of Baan Khan Kradaï. *IOP Conference Series Earth and Environmental Science*, 416, p. 3. <https://iopscience.iop.org/article/10.1088/1755-1315/416/1/012019>

movements, accordingly, requiring the installation of a VMS for fishing vessels over 10 gross tonnage and with an engine capacity greater than 220 horsepower.²⁹ The result was a demonstrable enhancement in compliance with EU standards.

Table 2. Diagram of the process of monitoring fisheries exploitation in Thailand's waters³⁰



Given the critical role of lifting IUU yellow cards to promote Vietnamese seafood exports, the authors propose the following recommendations:

First, it is necessary to deploy the application of a VMS, using GPS satellite technology to monitor fishing vessels according to the provisions of the 2017 Fisheries Law. The VMS fishing vessel monitoring system helps agencies and State management in fisheries accurately and continuously know the location of fishing vessels at sea. To do so, the state must provide funding to install VMS for offshore fishing vessels. Financial support creates confidence for the EU in Vietnam's efforts to remove the IUU "yellow card."

Second, it is necessary to promote training so that fishermen understand and fully implement regulations related to IUU. Through propaganda and raising awareness, fishermen can also understand the negative impacts if Vietnam fails to remove the IUU "yellow card." The authors emphasize this critical solution because the cooperation of fishermen in overcoming IUU exploitation contributed to removing the "yellow card" in Vietnam. By putting national and ethnic interests first, fishermen must earnestly implement the regulations and instructions of State management agencies related to IUU fishing and comprehend the issue of illegal fishing, legality in foreign waters, and the consequences of this behaviour.³¹

²⁹ *Ibid*, p. 4.

³⁰ *Ibid*, p. 5.

³¹ Phuong, T. V. (2022). Thực trạng về khai thác bất hợp pháp vùng biển nước ngoài ở nghề cá tỉnh Bình Định và Khánh Hòa. *Tạp chí Khoa học - Công nghệ Thủy sản* [trans: Assessing the status of illegal fishing activities in foreign waters for fisheries in Binh Dinh and Khanh Hoa provinces. *Journal of Fisheries Science and Technology*], (3), 53-61, p. 60. <https://jfst.vn/index.php/ntu/article/view/68/48>

2. Commitments on rules of origin in the European Union–Vietnam Free Trade Agreement

2.1. Commitment to rules of origin for Vietnam's exported agricultural products in the European Union–Vietnam Free Trade Agreement

To be eligible for preferential tariffs, the EVFTA requires that Vietnam's agricultural exports meet the rules of origin requirements. Accordingly, Vietnam's exported agricultural products need to meet one of the following criteria:³² be of pure origin or produced entirely in the territory of Vietnam; do not have pure origin or are not produced entirely in the territory of Vietnam, but meet the conditions specified in Protocol 1. For example, coffee must be of pure origin, coffee must be grown in Vietnam to enjoy tariff preferences under EVFTA. For coffee products: do not reproduce from non-originating products in the same group as the product and the weight of sugar used in the product must not exceed 40% of the product weight.³³

Alternatively, for rice products to qualify for tariff incentives under the EVFTA commitments, the rice must be of wholly originating origin. Raw rice used in food production must also be wholly originating. For rice preparations, the rules prohibit reproducing products from non-originating inputs classified in the same group as the final product, and the total weight of non-originating rice raw materials must not exceed 20% of the finished product's weight.³⁴ That is, to be considered of pure origin and meet the origin criteria under the EVFTA, rice must be grown and harvested in Vietnam. If rice is grown in an EU Member State, then imported into Vietnam for milling before being exported back to the EU, such rice is still deemed to originate from Vietnam under the EVFTA, but it does not qualify as being of pure origin.³⁵ However, if rice is grown in Cambodia and then imported to Vietnam to be milled into rice and exported to the EU, that rice does not meet the rules of origin under the EVFTA³⁶ because it does not originate purely in Vietnam.

2.2. The impact of origin commitments on Vietnamese agricultural product exports

2.2.1. The positive impacts of commitments to rules of origin on Vietnamese agricultural products

As soon as the EVFTA took effect, the Government issued Decree No. 103/2020/ND-CP dated 4 September 2020 (Decree No. 103/2020/

32 Protocol 1 of the EVFTA regulating originating goods and administrative management cooperation methods.

33 Trinh (2023), *supra* note 1, p. 69.

34 *Ibid.*, p. 70.

35 B. H. (2025). *Xuất khẩu nông sản của Việt Nam sang thị trường EU thông qua việc sử dụng C/O mẫu EUR.1* [trans: Exporting Vietnamese agricultural products to the EU market through the use of C/O form EUR.1]. Vietnam Trade Portal. <https://www.vietnamtradeportal.gov.vn/index.php?r=site/display&id=2937>

36 *Ibid.*

ND-CP) regulating on certification of fragrant rice varieties in the List specified in Point 8, Sub-section 1, Section B, Appendix 2A of the EVFTA Agreement are exempt from import tax within the quota when exporting to the EU. As can be seen, Decree No. 103/2020/ND-CP has completed Vietnam's legal regulation in meeting the requirements on rules of origin to enjoy preferential tariff quotas under the EVFTA for rice products. Moreover, as a result, in 2020, rice exports to the EU grew (reaching 12.9 million US dollars, an increase of 20.5%).³⁷

Despite the impact of the COVID-19 pandemic, Vietnam's rice exports to the EU in 2021 reached 60,000 tons, worth 41 million US dollars, an increase of more than 20% in value compared to 2020. Some Vietnamese speciality rice varieties, such as ST24 and ST25, are exported to the EU market for the first time.³⁸ By 2022, rice exports to the EU market had recorded a sharp increase, reaching 94,510 tons,³⁹ thus exceeding the annual quota of 80,000 tons of rice that the EU applies for Vietnam under the EVFTA. In 2023, rice exports to the EU market reached 109,091 tons, an increase of 15.4% or 14.5 thousand tons compared to 2022.⁴⁰ This is the highest number ever, once again exceeding the quota of 80,000 tons that the EU applies for Vietnam under the EVFTA.⁴¹

2.2.2. Challenges for Vietnam's exported agricultural products from commitments on rules of origin

Regulations on rules of origin for agricultural products in the EVFTA are considered significantly strict. At the same time, the agreement limits the use of ingredients such as butter, eggs, milk, and sugar from other third countries in agricultural production.⁴² If the rules of origin are not satisfied, Vietnamese agricultural products exported to the EU will only enjoy the MFN tax rate, not the 0% tax rate stipulated in the EVFTA.⁴³

37 MITV (2021), *supra* note 7, p. 116.

38 Van, N. (2022, April 29). Xuất khẩu gạo sang EU tăng gấp 4 lần. *Thời báo Tài chính Việt Nam* [trans: Rice exports to the EU increased 4 times. *Vietnam Financial Times*]. <https://thoibaotaichinhvietnam.vn/xuat-khau-gao-sang-eu-tang-gap-4-lan-104275.html>

39 MITV (2023), *supra* note10, p. 17.

40 MITV (2024), *supra* note 12, p. 14.

41 Tuyet, A. (2024, March 12). Khai thác thị trường nông sản châu Âu. *Báo Nhân dân* [trans: Exploiting the European agricultural market. *People's Newspaper*]. <https://nhandan.vn/khai-thac-thi-truong-nong-san-chau-au-post799551.html>

42 Hoi, P. X. (2022). Xuất khẩu sản phẩm nông nghiệp của Việt Nam sang thị trường Liên minh Châu Âu sau hai năm thực thi EVFTA. Trong Viện nghiên cứu châu Âu, Viện Hàn lâm Khoa học xã hội Việt Nam & Viện Pháp luật kinh doanh và đầu tư châu Âu (2022). *Hội thảo khoa học Hai năm thực hiện EVFTA - Tác động kinh tế-xã hội và những vấn đề đặt ra với Việt Nam* [trans: Vietnam's export of agricultural products to the European Union market after two years of EVFTA implementation. In Institute of European Studies, Vietnam Academy of Social Sciences & European Institute of Business and Investment Law. (2022). *Two years of implementing the EVFTA: Socio-economic impacts and issues facing Vietnam Conference*] (p. 328-345), p. 337. <https://trungtamwto.vn/file/21880/ky-yeu-hoi-thao.pdf>

43 Trinh (2023), *supra* note 1, p. 73.

For example, in the cashew industry, the EU has relatively strict regulations on the origin of cashew nuts, considering the shelling process as simple processing, so Vietnamese cashew kernel products must reach a high quality. The products must be processed from domestic raw materials. However, Vietnam imports raw materials (62% of processing needs) from African countries such as the Ivory Coast, Ghana, and Nigeria for production and processing.⁴⁴

2.3. Recommendations for Vietnam

Vietnam's supporting industries need to be developed, and most of the raw materials to produce agricultural products for export must be imported, leading to the failure to meet the requirements for rules of origin. Therefore, these agricultural products will not enjoy the preferential tariff rates specified in the EVFTA. At the same time, State management agencies must guide Vietnamese agricultural enterprises in handling, implementing, and reviewing when there are requests to inspect and verify the origin of agricultural products from the EU.

Vietnamese agricultural product export enterprises must focus on traceability at each stage in the production process. This requires Vietnamese agricultural enterprises to invest in the development of input materials, the processing and production stages of agricultural products, etc. Through tracing, the entire chain, including all units that participate in creating agricultural products,⁴⁵ can be seen, thus ensuring the related agricultural products comply with the rules of origin in the EVFTA.

3. Commitments on non-tariff barriers in the European Union – Vietnam Free Trade Agreement

3.1. Commitments on non – tariff barriers for Vietnam's exported agricultural products in the European Union – Vietnam Free Trade Agreement

Regarding SPS, Vietnam and the EU have agreed on several principles on SPS to facilitate trade activities for animal, plant-animal, and plant-origin products.⁴⁶ For products derived from plants, Vietnam is required to comply with the EU's SPS regulations during the farming and production process. Member States will randomly inspect products exported to the

44 Oanh, N. H. (2020). Hiệp định thương mại tự do và những tác động đến doanh nghiệp sản xuất nông sản ở Việt Nam. *Tạp chí Nghề Luật* [trans: Free trade agreement and impacts on agricultural production enterprises in Vietnam. *Legal Profession Journal*] (1), 77 – 86, p. 82-83. <https://hocvientuphap.edu.vn/tapchingheluat/Lists/CacSoDaXuatBan/Attachments/174/TapchiNgheluat%20so1%202020.pdf>

45 Phung (2022), *supra* note 42, p. 343.

46 Anh, D. T. H. (2017). Hiệp định EVFTA và một số vấn đề đặt ra đối với xuất khẩu của Việt Nam vào thị trường EU. *Diễn đàn khoa học, Tạp chí Tài chính* [trans: EVFTA and some issues raised for Vietnam's exports to the EU market. *Science Forum, Journal of Financial*], 660(9), 72–74. <https://vjol.info.vn/index.php/TC/article/view/43982>

EU during their entry or after being sold on the market.⁴⁷ Regarding TBT, Vietnam and the EU have agreed to strengthen the implementation of the WTO's TBT Agreement rules. Agricultural products must comply with TBT principles during processing, packaging, and environmental protection.⁴⁸

Many of Vietnam's exported agricultural products struggle to meet commitments related to SPS and TBT. The production system is fragmented and difficult to control, and the quality of each batch of goods still needs to be uniform and meet standards.⁴⁹ In October 2021, one batch of Queen brand ST25 fragrant rice of Vinamex Group exported to the Belgian market had tricyclazole plant protection residue levels of up to 0.017 mg/kg, exceeding the maximum allowable level, which is 0.01 mg/kg. Similarly, the bitter melon shipment of Saka Saka Co., Ltd. exported to the Dutch market contained the chemical chlorpyrifos ethyl.⁵⁰

Due to unreasonable farming methods and overuse of chemical fertilizers and pesticides, the quality of exported agricultural products is not guaranteed. Some Vietnamese agricultural products, such as vegetables, fruits, and tea, still face restrictions when exporting to the EU market due to pesticide residues.⁵¹ For example, for organic coffee, there is a requirement of zero-pesticide residue, which makes it difficult for some exporters in cases where glyphosate causes the coffee to lose its organic status.⁵² Moreover, products containing pesticide residues exceeding the permissible limits will be subject to withdrawal from the European market.⁵³ This is

47 Thu, D. M. (2023, June) Xuất khẩu nông sản Việt Nam sang EU sau khi EVFTA có hiệu lực. *Tạp chí Kinh tế và Dự báo* [trans: Exporting Vietnamese agricultural products to the EU after the EVFTA's enforcement. *Economy & Forecast Review*], 844(17), p. 41. <https://kinhtevdubao.vn/xuat-khau-nong-san-viet-nam-sang-eu-sau-khi-evfta-co-hieu-luc-28048.html>

48 Trinh (2023), *supra* note 1, p. 68.

49 Thanh, N. V. (2022, March). Hiệp định Thương mại Tự do Việt Nam- EU (EVFTA) và tác động tới xuất khẩu nông sản Việt Nam. *Tạp chí Nghiên cứu Quốc tế* [trans: Vietnam - EU Free Trade Agreement (EVFTA) and impact on Vietnamese agricultural exports. *International Research Journal*], 128(1), p. 36.

50 Trung, H. X. (2022). Quan hệ thương mại, đầu tư giữa Việt Nam và EU sau 2 năm thực thi EVFTA [trans: Vietnam's export of agricultural products to the European Union market after two years of EVFTA implementation]. In Institute of European Studies, Vietnam Academy of Social Sciences & European Institute of Business and Investment Law. (2022), *supra* note 42, p. 15.

51 Anh, D. T. H. (2023). Hiệp định EVFTA và vấn đề đặt ra với xuất khẩu nông sản của Việt Nam. *Tạp chí Tài chính*. [trans: EVFTA and issues for agricultural export of Vietnam to the EU. *Journal of Financial*], 803(2), p. 73. <https://tapchitaichinh.vn/hiiep-dinh-evfta-va-van-de-dat-ra-voi-xuat-khau-nong-san-cua-viet-nam.html>

52 Hien, N. T. T. (2023). Nhận diện rào cản xanh của EU đối với hàng nông sản xuất khẩu của Việt Nam. *Tạp chí Công thương* [trans: Identifying the EU's green barriers to Vietnam's agricultural exports. *Vietnam Trade and Industry Review*], (10), 78 - 83, p. 79.

53 Trinh (2023), *supra* note 1, pp. 148-149.

a significant limitation for the Vietnamese fruit and vegetable industry in taking advantage of the EVFTA to increase its ability to grow its export capacity to the EU.

Currently, Vietnamese fresh and chilled or frozen okra is a product included in Annexe II of Regulation (EU) No. 2019/1793. In paragraph 35 of the Preamble to Regulation (EU) 2023/174, it is stated that Vietnamese okra is subject to an increasing level of official control due to the risk of contamination by excess pesticide residue. The introduction of okra into the EU market poses serious risks to the health of EU consumers. This greatly affects the competitiveness of okra products themselves in the EU market when EU consumers are worried about consuming okra products from Vietnam.⁵⁴ Thus, there is a critical need to strengthen quality control measures for okra and agricultural products exported to the EU market in general.

3.2. Recommendations for Vietnam

Vietnam must improve regulations related to agricultural production to provide high-quality agricultural products eligible for export to the EU market. In addition, reforming and strengthening the capacity of the Vietnamese competent authorities is necessary to limit violations of SPS and TBT regulations on exported agricultural products in the EU markets.⁵⁵ Vietnam also needs to continue negotiating with the EU to remove non-tariff barriers on Vietnam's exported agricultural products and promote mutual recognition of conformity assessment results with the EU for agricultural products export.⁵⁶

Besides, Vietnamese agricultural enterprises must comply with EU regulations on pesticide residues, veterinary drugs, pollutants, and chemicals. They need to proactively control the quality of agricultural products in general, and okra in particular, right from the country. During the production, preliminary processing, and packaging of domestic agricultural products, Vietnamese agricultural enterprises must control microbial content, pesticide residues, and antibiotics to ensure the supply of quality

54 Hau, H. (2023, March 9). EU ra quy định mới về dư lượng hóa chất trong nông sản, thực phẩm. *Tạp chí Thương trường* [trans: EU implements new regulations on chemical residues in agricultural products. *Business Magazine*]. <https://thuongtruong.com.vn/news/eu-ra-quy-dinh-moi-ve-du-luong-hoa-chat-trong-nong-san-thuc-pham-98852.html>

55 Mai, T. T. M. (2022). Xuất khẩu nông sản Việt Nam sang Liên minh châu Âu: thực trạng, cơ hội và thách thức. *Tạp chí Kinh tế Châu Á - Thái Bình Dương* [trans: Exporting Vietnamese agricultural products to the European Union: current situation, opportunities and challenges. *Asia-Pacific Economic Review*], 613, p. 9.

56 Tuan, D. M. & Thao, T. T. (2022). Một số giải pháp thúc đẩy xuất khẩu nông, thủy sản sang thị trường EU trong bối cảnh thực thi EVFTA [trans: Some solutions to promote agricultural and aquatic product exports to the EU market in the context of EVFTA implementation]. In Institute of European Studies, Vietnam Academy of Social Sciences & European Institute of Business and Investment Law. (2022), *supra* note 42, p. 326.

agricultural products for export. Additionally, during the growing season, they must coordinate with State management agencies to periodically inspect fields to monitor the quality of agricultural products closely.⁵⁷ ●

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Author Contribution

All authors contributed to the study conception and design. All authors read and approved the final manuscript.

Declarations

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