

**Doctoral (PhD) Dissertation Abstract**

**THE LEVEL OF COMPLIANCE OF VIETNAMESE LABOUR  
LAW IN THE LIGHT OF THE EVFTA**

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2026

## I. Aims and Scope of Dissertation

The proliferation of FTAs has played a significant role in multilateral and bilateral collaboration, given the fast-paced evolution of international economic integration nowadays<sup>1</sup>. The EU would also be regarded as one of the most prosperously open markets for developing countries<sup>2</sup>, and it has paid a lot of attention to social dimensions in its trade agreements besides the pursuit of the policy of "Trade for all"<sup>3</sup>. From the EU's perspective, the EU-Korea FTA in 2011 paved the way for a new-generation FTA that embraces not only commercial but also non-commercial aspects, including labour and environmental commitments<sup>4</sup>, which are promulgated in the TSD chapters, even though there is some variation across the different agreements<sup>5</sup>. Using the same approach, the EVFTA in 2020 stands out among developing countries as the most comprehensive and promising FTA between the EU and a developing nation<sup>6</sup>.

The dissertation would clarify these commitments in the EVFTA regarding three pillars, and these would also be the foundation to examine the compliance of Vietnamese labour law in terms of labour commitments in the EVFTA. First, there are *substantive standards*; Second, there are *procedural commitments*. And third, there are *institutional mechanisms*.

Regarding the three key types of provisions in the EVFTA aforementioned, as well as in other EU new-generation FTAs, these provisions aim to highlight the importance of the ILO and ILO CLS and the DWA in country partners to make sure that these labour standards and agendas are highly respected and truly implemented in these nations. The policy regimes to integrate these international labour standards/labour provisions and agendas into EU new-generation FTAs have become the strategic theme, which is suitable within the context that the EU has emerged as a key partner of the ILO in promoting international law during trade negotiations<sup>7</sup>. Despite some variations, many developing countries have shared this strategy in their trading policies.

The ILO, however, and its labour standards still have "*inherent limits*" due to the complexity of the ILO Conventions and Recommendations and the control procedures for their application, which is a factor that has a serious negative impact on their effectiveness<sup>8</sup>. In addition to this, many factors must be taken into account to consider whether international labour standards could work effectively in destination countries or not. These factors, including political, social, and economic backgrounds, would somewhat be regarded as "barriers" for those labour standards to be implemented in a country or region. For instance, compliance with national labour laws or international labour standards in the areas of child labour, occupational safety and health, and the minimum wage remains a challenge in many countries and regions nowadays<sup>9</sup>.

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<sup>1</sup> Shujiro Urata, "Globalization and the growth in free trade agreements," *Asia Pacific Review* 9, no. 1 (2002): 27-28.

<sup>2</sup> EU, "EU position in world trade," *European Commission*, [EU position in world trade - European Commission](#).

<sup>3</sup> European Economic and Social Committee, *Opinion on the Communication from the Commission "Trade for All – Towards a More Responsible Trade and Investment Policy"*, COM(2015) 497 final (Brussels: European Economic and Social Committee, Apr 28, 2016).

<sup>4</sup> EU, *The EU-Korea Free Trade Agreement in Practice* (Luxembourg: Publications Office, 2011), 3.

<sup>5</sup> Smith Adrian et al., *Free Trade Agreements and Global Labour Governance: The European Union's Trade-Labour Linkage in a Value Chain World* (S.I.: Routledge, 2022), 5.

<sup>6</sup> Areg Navasartian, "EU-Vietnam Free Trade Agreement: Insights on the Substantial and Procedural Guarantees for Labour Protection in Vietnam," *European Papers – A Journal on Law and Integration* 5, no. 1 (2020): 562.

<sup>7</sup> Daniela Sicurelli, "The EU as a Partner of ILO in Trade Negotiations. Explaining Labour Reform in Vietnam," *Journal of Contemporary European Studies* 30, no. 3 (2021): 461-473.

<sup>8</sup> Nikita Lyutov, "The ILO System of International Labour Standards and Monitoring Procedures: Too Complicated to Be Effective," *Zbornik Pravnog Fakulteta u Zagrebu* 2, no. 64 (2014): 255-276.

<sup>9</sup> ILO, *Handbook on Assessment of Labour Provisions in Trade and Investment Arrangements* (Geneva: ILO, 2017), 56. This similar scenario was recognised in the garment sector with the continuum of labour exploitation in Bangladesh; see Shaila Ahmed and Shoba Arun, "Limits to Disclosures and the Continuum of Labour Exploitation in the Bangladeshi Ready-made Garment Sector," *Development in Practice* 33, no. 2 (2022): 228-37.

So, in the case of being embedded in new-generation FTAs with supporting mechanisms to guarantee effective implementation, besides the context that the EU and the ILO have a tendency to intentionally strengthen hand-in-hand relationships in trade negotiations<sup>10</sup>, whether the international labour standards and the DWA could effectively and truly work in destination countries. In other words, would these "old wine"-ILO labour standards and DWA-be truly complied with by trading partners of the EU under "new bottles"-new-generation FTAs? To answer this question would be really meaningful in helping the EU assess and further achieve the sustainable development goals (SDG) in trade, besides maintaining a stable environment for trade and investment in partner countries. This argument would be easily proved because, on the one hand, recent experiences from international legal practice and labour dispute settlement cases reveal the fact that the limits of compliance under FTAs in terms of labour commitments among nations globally, even for developed ones like Korea<sup>11</sup>, the EU, and the US and as well as the country parties are unlikely to hesitate to launch the dispute settlement procedures related to these commitments<sup>12</sup>. On the other hand, with the high level of codification in the EU legal system, there have been new trends in EU policy, including the trend in promoting CSR. The CSDDD (proposal in 2022) was provisionally agreed at a political level in Dec 2023<sup>13</sup>, and according to this trend, Germany, France, Italy, Sweden, Norway, Ireland, Denmark, and the Netherlands have internalised this policy into their domestic legislation<sup>14</sup>. In collaboration with the concept that in some countries, for example, Vietnam, there is a lack of a formal explicit CSR regulation regarding labour, while this trend in the EU is becoming mandatory, as a consequence, the legal gap between the EU and trading partners has broadened, along with much more attention paid by the EU to the compliance of trading partners under the labour commitments in TSD chapters<sup>15</sup>. Therefore, in order not to put Vietnam in Korea's place and so as to make this study contribute to setting a model for research not only for Vietnam but also for other countries when negotiating within new-generation FTAs in terms of labour commitments, it is urgently necessary to require an in-depth comprehension of labour commitments in EU FTAs in general and the EVFTA in particular and then examine the compliance of these commitments in the reality of the host nation, Vietnam. And within the scope of the dissertation, "compliance" here can be understood as the fulfilment of obligations arising out of labour commitments promulgated in the TSD Chapter in the EVFTA through whatever implementation measures on the domestic level<sup>16</sup> in Vietnam regarding law and practice perspectives.

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<sup>10</sup> EU, "Exchange of Letters between the European Commission and the International Labour Organization," *Official Journal of the European Communities*, 8 Jun 2001, [LexUriServ.do](#)

<sup>11</sup> European Commission, *Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Implementation and Enforcement of EU Trade Agreements*, COM(2022) 730 final (Brussels: European Commission, 2022), 17-18.

<sup>12</sup> See the case involving the US and Guatemala within the Dominican Republic-Central America FTA (CAFTA-DR), in Kevin Banks, Theodore R. Posner and Ricardo Ramirez Hernandez, *Dominican Republic – Central America – United States Free Trade Agreement: Arbitral Panel Established Pursuant to Chapter Twenty*, In the *Matter of Guatemala – Issues Relating to the Obligations Under Article 16.2.1(a) of CAFTA-DR*, 2017.

<sup>13</sup> EU, "Corporate Sustainability Due Diligence," *European Commission*, [Corporate sustainability due diligence - European Commission](#).

<sup>14</sup> Xuan Thu Nguyen, Tien Dung Nguyen and Huyen Nguyen, "Towards the Corporate Social Responsibility on Labour in the Era of New-Generation Free Trade Agreements: the Case of EVFTA," *Acta Universitatis Carolinae Iuridica Journal* 70, no. 3 (2024): 71-89.

<sup>15</sup> European Commission, *Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Decent Work Worldwide: For a Global Just Transition and a Sustainable Recovery*, COM(2022) 66 final (Brussels: European Commission, 2022), 15-16.

<sup>16</sup> Lars Thomann, *Steps to Compliance with International Labour Standards: The International Labour Organization (ILO) and the Abolition of Forced Labour* (Wiesbaden: VS Verlag für Sozialwissenschaften / Springer Fachmedien Wiesbaden, Wiesbaden, 2012), 11.

This research aims to clarify and provide profound knowledge<sup>17</sup> of theories regarding compliance with international agreements and labour commitments in the EVFTA under the TSD Chapter, which is the representative of the new-generation EU FTAs among developing countries, and then to judge the level of compliance of Vietnamese labour law regarding these commitments in law and practice. One more key aim of this dissertation is that even though, in terms of labour commitments compliance under the EVFTA in Vietnam, some official documents have been released by the Vietnamese government, there are still conflicts or drawbacks within these materials when compared to reports from other nations or international organisations. So we strive to conduct independent empirical research to disclose the "*inherent limits*" of Vietnam in fulfilling labour commitments in the EVFTA, including both legislative and practical perspectives, and then to make valuable and direct recommendations to help this nation fully abide by these labour commitments and, last but not least, further improve the level of compliance with an international agreement, in the case of Vietnam under the EVFTA.

The dissertation is not just focusing on labour commitments in the EVFTA; we pursue looking at the whole picture, not only the second (new)-generation but also the first-generation EU FTAs among developing countries as well as some developed countries and FTAs from the US and regional FTAs in which Vietnam has been a member, and of course, we have also examined recent EU FTAs to have deeper insights into labour commitments under the EVFTA and conclude what is becoming the "vogue". This is absolutely meaningful for Vietnam, under the circumstances of liberalisation and globalisation, to prepare earlier and narrow down the legislative gap between this nation and other partners, especially among EU members.

## II. Research Questions and Research Hypotheses

There are major research questions with the aims of the dissertation:

(1) *What does the EVFTA require Vietnam to comply with in terms of labour commitments?* (2) *What has Vietnam done to fulfil labour commitments under the EVFTA? and* (3) *Has Vietnam truly complied<sup>18</sup> with these labour commitments?*

To respond to the research questions, the dissertation has several minor questions: (1) *Why has the EU introduced labour commitments into EU FTAs?;* (2) *How would "compliance" be understood within the international legal system?;* (3) *How are labour commitments promulgated in the EVFTA and other EU FTAs?;* (4) *What are amendments and supplements to Vietnamese labour law in accordance with the EVFTA?;* (5) *What are the pros and cons of the implementation of labour commitments under the EVFTA in Vietnam?.*

To answer the further question of whether Vietnam has truly complied with labour commitments within the EVFTA, which also helps us more carefully assess the level of compliance of Vietnamese labour law under the labour commitments in the EVFTA, we are supposed to examine two hypotheses: (1) *The signing of the EVFTA has played a significant role in revolutionising Vietnamese labour law* and (2) *Labour commitments under the EVFTA have a great impact on improving labour rights in Vietnam.*

## III. Methodology

The comparative method is mainly used to compare the EVFTA with other EU FTAs from developing and some developed countries, as well as between first-generation and second-generation EU FTAs, to show the unique features of labour commitments in the EVFTA

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<sup>17</sup> The dissertation would also shed light on the rationales of labour commitments in EU FTAs, the characteristic traits and nature of these commitments in the EVFTA in particular and other EU FTAs in general. These are logically explained in Section 2.3 of Chapter II.

<sup>18</sup> In other words, this means to follow directions or instructions of those labour commitments fully and sincerely. See: [TRULY | English meaning - Cambridge Dictionary.](#)

specifically and in EU FTAs overall, supporting the EU's claim that the EVFTA is the most promising and comprehensive FTA between the EU and a developing country. Additionally, the comparative method is used to provide a wider view of labour commitments in other FTAs, like the CPTPP or regional FTAs that Vietnam is part of, to further confirm the special features of labour commitments in EU FTAs.

The case study method is also employed, which concisely examines the case as a "milestone dispute" between the EU and Korea within the context of labour commitments in the EU-Korea FTA. The case study will help provide a deeper understanding of labour commitments in the TSD Chapter of EU FTAs compared to US FTAs, and it will also give a complete view of labour commitments in EU FTAs. As a result, the dissertation shows what these labour commitments are, what they mean for policy, and what is expected from the EU's partners in EU FTAs, especially regarding important commitments, and then offers recommendations for Vietnam and other EU FTA countries in the future to avoid facing the same issues as Korea.

The deductive method is employed to test and prove general observations through specific facts, in contrast with the inductive method, which initiates from specific facts, reaching general results. Hence, the deductive approach in this dissertation is an obligatory method to test the hypothesis. For this end, the dissertation encompasses relevant data from Vietnam in empirical research to prove the actuality of the hypothesis.

The qualitative method is also selected to conclude the results of the dissertation. Despite the utilisation of numbers and statistics, this can still be classified as a qualitative study, as it primarily emphasises legal documents, case studies, literature reviews, and data analysis. The dissertation is typically articulated through writings and language to convey concepts, ideas, or experiences. Statistics and graphs are employed to substantiate notions and evaluate our hypotheses. This dissertation utilises both secondary and primary data. The primary sources for the secondary data include international legal documents, legislation, scholarly books, treaties, journal articles, and statistics and graphs produced by both formal and informal entities for various objectives that differ from the aims of this study. The core data resources comprise the outcomes of empirical research undertaken in Vietnam, namely surveys and experiments. For more details, the author has conducted the empirical research<sup>19</sup> in two years, from June 2023 to June 2025, with one mobility semester in Vietnam (the second semester in the academic year 2024-2025). As a senior lecturer at Hanoi Law University, one of the biggest and most prestigious universities of law in Vietnam, the author has employed a huge number of respondents who are postgraduates or contemporary students and have one or more bachelor's degrees. These groups include people who are in varied positions in the labour market, ranging from experts, state management officials, and enterprise-level managers to workers. The results have been collected through either a single interview (cited in the dissertation) or an online interview. The author has tried to invite respondents from various working and different geographical areas in Vietnam, especially in the construction, processing and manufacturing industries, finance, banking and insurance, to figure out that, according to the government, the EVFTA has an economic impact on these areas, but the legal impact of this FTA is still low.

#### **IV. Structure of the Research**

Chapter I, Introduction, addresses the general background, scope of dissertation, research questions and hypotheses, methodology and dissertation structure.

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<sup>19</sup> The key findings and results of the empirical research have been published in the article: Tien Dung Nguyen et al., *Insights into Labour Commitments in the EVFTA and Policy Implications for Vietnam*, *Lentera Hukum*, ISSN 2355-4673 (Print) 2621-3710 (Online), 12:3 (2025), 456-495.

Chapter II provides the theories and policies behind the proliferation of EU FTAs, ranging from the trade liberalisation theory to the beginning of PTAs and then FTAs. This chapter focuses on EU policy regarding FTAs, especially new-generation FTAs, including the EVFTA. Chapter II also illustrates the rationales behind the trade-labour linkage in EU FTAs to explain the presence of labour commitments in EU new-generation FTAs. In addition to this, and in order to set a foundation to examine the level of compliance of Vietnamese labour law in terms of labour commitments in the EVFTA, Chapter II clarifies the theory regarding compliance with international agreements, and in collaboration with the EVFTA labour commitments model exempted from the general modelling approach in the EU-Korea FTA and other FTAs, this chapter ultimately formalises the theoretical framework-"Vietnamese Labour Law Compliance Evaluation under the EVFTA"-that would be utilised in the next sections of the dissertation.

Then labour commitments in the EVFTA would be carefully examined from the point of view of EU policy. Stemming from the initiative ideas to introduce labour commitments in TSD chapters and signing the new-generation FTAs with ASEAN, including Vietnam, and then the EVFTA, in collaboration with the case study as a "milestone case" regarding the dispute settlement between the EU and Korea in terms of labour commitments in the TSD Chapter, Chapter III would shed light on the nature of labour commitments and policy implications that are exempt from the case above as well as trends in EU FTA negotiations recently. These would be the obligations and requirements from the EU that Vietnam has to comply with in the context of the EVFTA labour commitments.

Chapter IV focuses on amendments and supplements to the Vietnamese legislation, especially labour law in Vietnam, by way of the process tracing method to highlight the importance of the EU and the EVFTA in revolutionising the domestic legal system. In this chapter, it also illustrates the limitations of Vietnamese labour law from the legal perspective and then suggests the solutions to restrict these limitations regarding the three key pillars of labour commitments aforementioned.

Chapter V focuses on the practical perspective of implementing labour commitments in the EVFTA. To be consistent with Chapter II, especially the theoretical framework concluded in this chapter, it sticks to the international, national and local levels of state behaviour regarding substantive and procedural compliance. And similarly to Chapter IV, by pointing out the limitations of the implementation of labour commitments in the EVFTA, further solutions would be highly recommended to enhance the level of compliance of Vietnamese labour law regarding these labour commitments in the EVFTA.

Concluding thoughts and answers to the research questions and hypotheses would be located in Chapter VI. With these ultimate findings and conclusions, this chapter would be expected to depict the whole picture of Vietnamese labour law regarding labour commitments in the EVFTA from the view of compliance so as to make useful and practical recommendations for the Vietnamese government to truly fulfil their international obligations under a new-generation FTA with the EU.

## **V. Findings and Conclusions**

From the theory of trade liberalisation to remove or reduce both tariff and non-tariff barriers in the flow of goods and services across the border of economies and countries, with the ultimate goal being free trade, PTAs have been the new reality of today's global economy and one of the two major pillars of governance of world trade, alongside the WTO. The dissertation reveals several reasons that have encouraged countries to sign FTAs instead of PTAs, including the trend towards regionalisation, geopolitical stability, and the effect of the proliferation of FTAs on PTAs. Although there are some variations among the different

agreements, the TSD chapters in EU FTAs and the EVFTA share three pillars: substantive commitments, procedural commitments, and institutional mechanisms.

Compliance is a complex and ambiguous matter and can rarely be traced to a single factor but should be understood via the application of a multi-causal research design. Compliance includes implementation but is broader, concerned with factual matching of state behaviour and international norms in general. The concept of compliance does not establish a causal connection between a legal rule and behaviour, but rather, it merely signifies a conformity between the rule and behaviour. Compliance is therefore best understood as a process in which states only rarely face the clear-cut decision to “comply or not comply”, but the degree of compliance is influenced by decisions on various governmental levels. Compliance also needs to be understood differently depending on the type of obligations required, which can be divided into substantive and procedural obligations, leading to two main aspects of compliance: substantive and procedural compliance.

Looking closer at these commitments by a brief comparison study, the dissertation concludes that the EVFTA has not only similar labour commitments to others but also a "wider and deeper" approach in some aspects. It should also be highlighted that the way the EU has integrated these commitments (between not-totally-brand-new and new aspects), including CLS, CSR, and DWA, into the EVFTA makes them more detailed, coherent, and potentially legally binding, focusing on the two main remarkable obligations of *non-lowering domestic labour law and improving the protection levels of domestic labour law*. Especially, the relationship between these three key elements in labour commitments under the EVFTA has been revealed. Accordingly, to achieve the ultimate goal – DWA – the EU has employed both CLS as state actors and CSR as non-state actors, and as a consequence, DWA would also be paid more and more attention and become strategic objectives in the long run for the EU.

Besides that, being consistent with the FTA policy based on dialogue and cooperation, the EU has exported the EU model—*civil society mechanisms (civil society participation) in FTAs in the EVFTA*—with a detailed explanation, including the institutional, monitoring, and dispute settlement mechanisms. The significant labour dispute resolution between the EU and Korea has been revisited, further providing valuable implications for Vietnam and other trading partners of the EU to assess and enhance the level of compliance with EVFTA labour commitments in this country. *Firstly*, regarding upholding ILO CLS, Vietnam should pay attention to key priorities, including the ratification of ILO fundamental conventions, timing domestic legal internalisation, and, last but not least, the obligation to guarantee that the implementation of CLS and other labour standards will be effective. Especially, Vietnam should have strategies in place to establish domestic levels of labour protection that it deems appropriate beyond, but not below, its commitments to ILO standards. *Secondly*, regarding promoting CSR, as discussed, both the EU and Vietnam should focus on enhancing cooperation to develop legislation related to CSR in their own countries, in accordance with their international commitments. In addition, the EU mandates that partner nations must guarantee alignment with EU activities, so in the upcoming period, Vietnam has to pay more attention to mandatory due diligence legislation, the Gender Pay Equity Act and responsible value chain management and therefore amend and supplement the domestic legislation to keep up with the legal trend among the EU members. *Thirdly*, regarding promoting ILO DWA, Vietnam should regard CLS as an essential platform to realise the TSD Chapter’s ultimate goal, namely, the attainment of decent work. This results in both current and future action plans for implementing the EVFTA clearly stating the goal of promoting decent work within the trade relationship between the two countries, which includes policies and practices to support decent work cooperation, such as conducting research with surveys to evaluate how well the decent work rules of the EVFTA are being followed.

The goal of the dissertation is to assess the level of compliance with Vietnamese labour law regarding the *de jure* perspective by looking more closely at the amendments and supplements to the domestic legislation in the three key pillars of labour commitments within the EVFTA. *Firstly*, regarding substantive and other standards. In general, with the traditional obligations derived from the ILO membership, Vietnam has proven that it has relatively accomplished legislation to fulfil those obligations. For more detail, with the new Labour Code 2019 and outstanding amendments and supplements, especially related to C087 and C098, they would play a significant role in supporting Vietnam to approach the ILO fundamental rights and principles at work better than all the previous labour codes. But the inherent limitations here are legal gaps between the new Labour Code 2019 and these fundamental rights and principles. As a consequence, these legal gaps would negatively affect the level of compliance with Vietnamese labour laws in practice (*de facto*). In addition, it has been demonstrated that Vietnam has intentionally prepared careful plans for the ILO DWA, even though it happened before the signing of the EVFTA and is now being continuously implemented as the requirements under the relevant commitments in this agreement. But in contrast, in emerging legal fields like CSR, it is likely ambiguous in the domestic legislation of Vietnam, and absolutely, due to a significant legislative vacuum in terms of regulating CSR on labour, this would also have an adverse impact on the level of compliance of Vietnamese labour law in reality. *Secondly*, concerning procedural commitments and institutional mechanisms, Vietnam has meticulously developed domestic legislation supported by dedicated legal guiding documents, particularly for the period from 2020 to 2025, at various levels ranging from national to local. The government and state agencies have timely synchronised their strategies and plans, as demonstrated in the dissertation's positive results. That would further set the firm foundation to achieve the high level of compliance in practice.

The level of compliance of Vietnamese labour law within the EVFTA would be assessed from the *de facto* perspective in three key pillars of labour commitments within the EVFTA.

*Firstly*, regarding the substantive and other standards. Vietnam has carefully adhered to obligations derived from the ILO membership, including CLS and DWA areas, and as a result, the level of compliance of Vietnamese labour law in these regards is relatively high in general, despite inherent limitations, especially for the delayed C087 ratification. And as predicted, the level of compliance regarding these commitments related to non-state actors (CSR) is relatively low. *Secondly*, concerning procedural commitments and institutional mechanisms, there is overall a high level of compliance with Vietnamese labour law, supported by a consistent and comprehensive legal framework from national to local levels in relation to the labour commitments outlined in the EVFTA.

Although Vietnamese labour law appears to be fairly compliant in theory, empirical research has shown that there is not a clear and strong connection between this compliance and actual changes in state behaviours, strategies, and policies regarding workers' rights and conditions in the country. In addition, there have been concerns raised by the EU regarding the implementation of the DAG mechanism in Vietnam. All of this raises the question of whether Vietnam has genuinely and completely complied with its labour commitments under the EVFTA. Or Vietnam has just pretended to deal with these commitments and pursue higher economic advantages. And whether these labour commitments have a really meaningful impact on Vietnam, as the expectation from the EU has at the early stage. This requests that we carefully reconsider many aspects but focus on several key points as follows:

Regarding the level of compliance of Vietnamese labour law in terms of a legal perspective (in law), compared to procedural commitments and institutional mechanisms, it is more complicated to comply with substantive and other standards. However, we should openly admit some notable intrinsic constraints "behind the scenes":

*Firstly*, Vietnam released the new Labour Code in 2019 following the signing of the EVFTA, and there have been no further significant changes since then. But why is compliance with labour commitments still relatively high? The answer is based on the compliance theory, accordingly, compliance with international treaty commitments is often inadvertent, coincidental, or an artifact of the legal rule or standard chosen. The sheer fact of compliance with a given commitment tells us little about the utility and impact of that commitment, and when it comes to the case of Vietnam, regarding many categories related to CLS, Vietnam had already relatively fulfilled obligations derived from fundamental ILO conventions before the EVFTA signing, so without any more significant changes, this country has guaranteed that the compliance level is still good.

*Secondly*, it is not difficult to realise that Vietnam has seemingly just focused on the traditional obligations derived from the ILO membership; other obligations, especially in new areas, untraditional ones-like non-state actors (CSR)-have been taken for granted. There are explanations for this assertion; by tracing back to the Proposal on Draft Labour Code (amended) in 2019, Vietnam has regarded the EVFTA labour commitments as obligations related to ILO CLS and ILO member states.

As a consequence, the EU has treated the ILO as a partner in trade negotiations and has reinforced the parties' principles and obligations under ILO membership at a more comprehensive and higher level. However, from the perspective of Vietnam, the approach of policymakers in terms of these commitments has been narrowed almost within the scope of ILO membership, and this would further lead to a decrease in the compliance level of Vietnamese labour law in the EVFTA. Further details explaining this statement are provided below.

Speaking about the level of compliance of Vietnamese labour law in terms of practical perspective (in practice), one key factor that should be reconsidered in the compliance theory is effectiveness. It could be understood as a concept that can be defined in varying ways: as the degree to which a given rule induces changes in behaviour that further the goals of the rule, the degree to which a rule improves the state of the underlying problem, or the degree to which a rule achieves its inherent policy objectives. Even though compliance and effectiveness are not the same, it cannot be denied that the EU has increasingly paid attention to the latter factor and also requested Vietnam to fulfil the obligations derived from the EVFTA truly and comprehensively to achieve a higher level of compliance in this country. It should be noted, especially, that there is an obligation to guarantee that the implementation of ILO CLS and other labour standards will be effective. So in this regard, effectiveness would become mandatory to assess, and Vietnam has to be intentionally held accountable for the implementation report of these CLS and other labour standards to make sure that they are highly respected both in law and in practice.

The question here is, what is the rationale underlying this circumstance of compliance level in Vietnam? It could be seen from the two sides that there have been conclusions based on empirical research.

*Firstly*, regarding the side of Vietnam, from understanding to implementation, the approach of policymakers in terms of these labour commitments has been likely incomplete, which would lead to the circumstance that Vietnamese state officials who oversee the implementation of labour commitments in this country also have an incomplete view and knowledge about these commitments<sup>20</sup>. This is contradictory to the synchronised guiding documents that each province (local level) has promulgated to implement the EVFTA labour commitments referring to the national strategies of the government, and as a result, it makes us more strongly believe that these local guiding documents are not really meaningful in practice, just on paper!

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<sup>20</sup> The survey found that only 10% of state officials in the labour sector fully understand the EVFTA labour commitments, while nearly 70% have partial or no knowledge of them.

*Secondly*, regarding the side of the EU, from the early discussion with the expectation for the most promising and comprehensive FTA and higher compliance level in Vietnam to the relentless pressure on this country through the DAG mechanism about inherent limitations, or in other words, Vietnam's reluctance to change in the implementation of the EVFTA labour commitments when it comes to C087 ratification or the function and activities of Vietnam DAG, and so on, all leads to worries about the effectiveness of the partnership model between the EU and ILO governing labour commitments in new-generation FTAs. Additionally, significant changes in recent EU FTAs, especially the FTA between the EU and New Zealand with the sanctioning capacity<sup>21</sup>-that is not available in the EVFTA-once again raise concerns regarding the effectiveness of that EU-ILO cooperation, as well as the limitation of the contemporary "naming and shaming" approach of the EU dealing with the violations in the TSD Chapter from trading partners, including Vietnam.

So what are the lessons and recommendations for Vietnam to achieve a higher level of compliance regarding the labour commitments within the EVFTA in the future? As previously mentioned, the approach from understanding to implementation should concentrate on several key points:

*Firstly*, raising the awareness of compliance theory in the international legal system and a better understanding of labour commitments in the TSD Chapter within the EVFTA are the highest priorities. Throughout the dissertation, especially when conducting the empirical research, it is not difficult to find out that there is a significant lack of awareness of the two key areas mentioned by policymakers and state officials in Vietnam. That would lead to a lower level of compliance and, furthermore, insincere, pretentious conduct when trying to comply with these commitments. In this context, it is essential for the representative agents of Vietnam, such as the Ministry of Industry and Trade and the Ministry of Labour, Invalids and Social Affairs, to stay updated on the guidelines and explanations regarding labour commitments in EU FTAs and compliance theory from both the EU and the ILO, which is an important partner of the EU. In addition, Vietnam should have an *implementation strategy* for these labour commitments, and of course, it is mandatory to comply with this strategy<sup>22</sup> and continuously keep up with trends in legislative development in the EU recently, for instance, CSR, ESG and further DWA<sup>23</sup>. That is meaningful for Vietnam to actively comply with these related commitments and then to effectively support the domestic enterprises to join the common market of the EU and foster international trade<sup>24</sup>.

*Secondly*, Vietnam also needs to persistently and continuously fulfil obligations derived from its ILO membership. Frankly speaking, from the requests of CEACR, to guarantee the effectiveness of the ILO fundamental conventions, this country has been holding accountability, including annual reports for implementation of these conventions or other requests from the CEACR<sup>25</sup>. Additionally, reforming domestic regulations, particularly in labour law, should also be considered the top priority. Nowadays, the ratification of C087 and internalisation in Vietnamese domestic legislation, alongside an adoption of the decree on workers'

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<sup>21</sup> Villani, S (2025), EU Trade Agreements and Dispute Settlement Mechanisms on Sustainable Development: Remarks on the EU-New Zealand FTA. Bologna : AMS Acta Alma DL - Università di Bologna.

<sup>22</sup> European Commission, *Better regulation: guidelines and toolbox*, at [https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation/better-regulation-guidelines-and-toolbox\\_en](https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation/better-regulation-guidelines-and-toolbox_en), p.11

<sup>23</sup> As discussed in Chapters IV and V

<sup>24</sup> For instance, more experience from European countries in the elimination of forced labour, including Hungary, Italy, and so on. See more at: Rab Henriett et al., "The elimination of forced or compulsory labour in Vietnam within the context of the EVFTA and lessons from European countries", *Lex ET Scientia International Journal*, no. XXX, vol. 2/2023: 93-96.

<sup>25</sup> There is a lack of national reports on the implementation of several conventions that would make it more difficult to assess the effectiveness or further the compliance level. Unfortunately, Vietnam has not released any official reports on the implementation of these conventions from the time before the signing of the EVFTA. Or even that the results from the empirical research indicate limitations in the implementation of C100 and C111 in the province of Thanh Hoa, Vietnam (Chapter V); also at:

[https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=1000:11110:::](https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11110:::)

representative organisations and the effective reform of the trade union law, should be regarded as a serious problem with meeting labour commitments in the EVFTA<sup>26</sup>. Following that, the advice from the CEACR, EU DAG, or independent experts should not be taken for granted, because it cannot be denied that the level of compliance in law would have a great impact on the compliance level in practice<sup>27</sup>.

*Thirdly*, Vietnam should prepare carefully for the upcoming strategies and policies from the EU, deliberately adjust to the *exporting EU model* with sincere and thorough manners. It must be mentioned here that the *civil society mechanisms* include the DAG, Panel of Experts, Joint Forum, and Committee on TSD. It is highly recommended that Vietnam guarantee the ability of these mechanisms, first and foremost, the Vietnam DAG, to play its role effectively, and further the participation of civil society in terms of the implementation of labour commitments in the EVFTA is very important<sup>28</sup>; it has exercised great caution because of both recent warnings from the EU DAG about the restrictions on the DAG function in Vietnam and empirical research.

It is strongly believed that suggestions and recommendations from the EU DAG have played a significant role in helping Vietnam truly and fully comply with labour commitments that the EVFTA sets out.

And finally, compliance has to be acknowledged as the continuous process alongside the EVFTA's duration. So keeping up with trends and developments in the modern age is necessary for Vietnam to join the common market among EU Member States as well as engage in global trade. Accordingly, specifically as the first period of the EVFTA labour commitments implementation 2020-2025 is finished, it is time for Vietnam to revisit things that have been done, assess the impact of the EVFTA on labour and predict the impact of new circumstances on the implementation of EVFTA labour commitments and the working conditions of employees, including but not limited to the digital age and artificial intelligence (AI).

Back to the two hypotheses of the dissertation:

Firstly, *the signing of the EVFTA has played a significant role in revolutionising Vietnamese labour law* - the answer is no. Secondly, *labour commitments under the EVFTA have a great impact on improving labour rights in Vietnam* - the answer is no.

The problem here is, would these two negative answers pose a problem for Vietnamese labour law and the labour market? And what are the further consequences for the implementation of the EVFTA?

It should be traced back to the ultimate purposes of labour provisions in trade agreements nowadays of *protecting and advancing workers' rights through trade agreements*<sup>29</sup> besides the EU commercial policy "Trade for all" as mentioned, and in collaboration with those answers to the hypotheses, these purposes may be hardly satisfied in Vietnam. In other words, the EU's level of expectation for labour provisions is high, but in reality, Vietnam has not been willing to revolutionise the legislation; almost all things have remained or have been very slowly changed, or, even until now, they are just "dream cakes"<sup>30</sup>. That leads to the undeniable result that workers' rights in this country have still been guaranteed based on the existing legislative foundation, and then this would probably become outdated<sup>31</sup> compared to the EU's

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<sup>26</sup> These issues have been alerted to relentlessly by the EU DAG, with more and more assertiveness.

See the latest statement of the EU DAG at: [https://www.eesc.europa.eu/sites/default/files/2024-12/euvm\\_dag\\_statement\\_after\\_joint\\_forum\\_20241209\\_final.pdf](https://www.eesc.europa.eu/sites/default/files/2024-12/euvm_dag_statement_after_joint_forum_20241209_final.pdf)

<sup>27</sup> As discussed, the reforms in domestic legislation occur with hesitation in Vietnam, specifically after the signing of the EVFTA, and unfortunately, up to now, there have not been significant changes in national laws in this country.

<sup>28</sup> According to the empirical research, civil society participation has not been an important factor regarding labour commitments in the EVFTA. Just under 40% of the experts and state officials who participated in the research agreed that civil society participation is one of the obligations included in the labour commitments of the EVFTA.

<sup>29</sup> [https://www.ilo.org/sites/default/files/2025-04/Labour%20provisions%20in%20trade%20agreements\\_FINAL.pdf](https://www.ilo.org/sites/default/files/2025-04/Labour%20provisions%20in%20trade%20agreements_FINAL.pdf)

<sup>30</sup> See Chapter V regarding the C087 and C098 commitment.

<sup>31</sup> See Chapter V regarding the CSR commitment.

fast-growing level of legislative perfection in critical areas such as CSR and ESG. And these workers would possibly be negatively affected by the EVFTA in particular or international trade agreements in general, especially in terms of health and safety, where gaps between worker protections in law and practice still exist<sup>32</sup>.

As a consequence, Vietnam is currently facing two scenarios regarding the implementation of its labour commitments in the upcoming phase of the EVFTA: Firstly, Vietnam continuously relies on its existing practices, disregarding increasingly serious warnings from the EU until this block initiates the other official actions. (This scenario is *not genuine compliance*). Secondly, pursuing the way of *true compliance* (genuine and sincere), accordingly, with the highest temptations, Vietnam must carefully consider simultaneous changes in both law and practice aforementioned to better utilise its new-generation FTAs, ensuring that no one is left behind in the world of work./.

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<sup>32</sup> Fuller, T.P. (Ed.). (2021), *Improving Global Worker Health and Safety Through Collaborative Capacity Building Initiatives* (1st ed.), CRC Press.



Registry number: DEENK/92/2026.PL  
Subject: PhD Publication List

Candidate: Tien Dung Nguyen  
Doctoral School: Géza Marton Doctoral School of Legal Studies  
MTMT ID: 10085450

### List of publications related to the dissertation

#### Articles, studies (9)

1. **Nguyen, T. D.**, Nguyen, T. T. H., Nguyen, T. L. A.: Insights into Labour Commitments in the EVFTA and Policy Implications for Vietnam.  
*Lentera Hukum. 12* (3), 456-495, 2026. ISSN: 2355-4673.  
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2. **Nguyen, T. D.**: EVFTA: Going beyond labour commitments in a new generation free trade agreement.  
*Lex ET Scientia International Journal. 31* (1), 116-132, 2024. ISSN: 1583-039X.
3. Nguyen, X. T., **Nguyen, T. D.**, Nguyen, X. H., Nguyen, T. L. A.: Labour Commitments in the EVFTA and Requirements for Amendments and Supplements to Vietnamese Labour Laws.  
In: *Recent Trends in Arts and Social Studies Vol. 1* / Ana Pedro, BP International, Budapest, 67-82, 2023. ISBN: 9788119217328
4. **Nguyen, T. D.**: Vietnamese Labour Law in Comparison with ILO Core Labour Standards in Light of the EVFTA: Present Limits, Future Reforms.  
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5. **Nguyen, T. D.**, Nguyen, T. T. H.: Vietnam in the european union? Vietnam free trade agreement's labour commitments: requirements for labour law reforms.  
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#### **HAS Committee on Legal and Political Sciences: D**

6. Nguyen, X. T., **Nguyen, T. D.**, Nguyen, X. H.: Labour Commitments in the EVFTA: Amendments and Supplements to Vietnamese Law and Recommendations.  
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7. Nguyen, X. T., **Nguyen, T. D.**, Nguyen, H.: Towards the Corporate Social Responsibility on Labour in the Era of New-Generation Free Trade Agreements: The Case of EVFTA.  
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**HAS Committee on Legal and Political Sciences: D**

8. **Nguyen, T. D.**: Transformations and evolving paradigm of labour commitment in an era of EU new-generation free trade agreements: from labour standards to decent work.  
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**HAS Committee on Legal and Political Sciences: B**

9. Rab, H., **Nguyen, T. D.**, Nguyen, H.: The elimination of forced or compulsory labour in Vietnam within the context of the EVFTA and lessons from European Countries.  
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### List of other publications

#### Articles, studies (1)

10. Sumarja, F. X., Sujadmiko, B., **Nguyen, T. D.**, Rusmawati, D. E.: Transfer of Land Ownership and Marginalization as Impact of Tourism Industry.  
*Hasanuddin Law Review*. 9 (2), 197-210, 2023. ISSN: 2442-9880.  
DOI: <http://dx.doi.org/10.20956/halrev.v9i2.4593>

**HAS Committee on Legal and Political Sciences: D**

**By the directives of HAS Committee on Legal and Political Sciences:**

**Publications in periodicals level „A”: 1, related to the dissertation: 1.**

**Publications in periodicals level „B”: 1, related to the dissertation: 1.**

**Publications in periodicals level „D”: 3, related to the dissertation: 2.**

The Candidate's publication data submitted to the Tudóstér have been validated by DEENK on the basis of the Journal Citation Report (Impact Factor) database.



02 March, 2026