

Subject to Legal Review for Accuracy, Clarity and Consistency

[DATE]

Ambassador Michael Froman
United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Dear Ambassador Froman:

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honour to confirm the following agreement reached between representatives of the Government of Peru (Peru) and the Government of the United States of America (United States):

Notwithstanding Article 2.32.4 of the Agreement, upon entry into force of the Agreement as between the United States and Peru, and continuing for as long as the Agreement remains in force between the United States and Peru:

1. any quantity of goods imported into the United States under a tariff rate quota (TRQ) set forth in Appendix I to the General Notes to the Tariff Schedule of the United States in Annex 2.3 to the United States – Peru Trade Promotion Agreement and listed in column A of Chart 1 below shall count towards both:
 - a. the quantity of goods that may be imported under that TRQ; and
 - b. the quantity of goods that may be imported under the TRQ established in Appendix A to the General Notes to the Tariff Schedule of the United States to the Agreement and identified in the corresponding row of Column B of Chart 1 below;
2. any quantity of goods imported into the United States under a TRQ established in Appendix A to the General Notes to the Tariff Schedule of the United States to the Agreement and identified in Column B of Chart 1 below shall count towards both:
 - a. the quantity of goods that may be imported under that TRQ; and
 - b. the quantity of goods that may be imported under the TRQ set forth in Appendix I to the General Notes to the Tariff Schedule of the United States in Annex 2.3 to the United States – Peru Trade Promotion Agreement and listed in the corresponding row of column A of Chart 1 below; and

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3. any quantity of Peruvian goods imported into the United States under a tariff line subject to a safeguard set forth in the Schedule of the United States to Annex 2.18 to the United States – Peru Trade Promotion Agreement shall, if entered under either the Agreement or under the United States – Peru Trade Promotion Agreement, count towards both the trigger level for:
- a. the relevant safeguard set forth in the Schedule of the United States to Annex 2.18 to the United States – Peru Trade Promotion Agreement; and
 - b. the corresponding safeguard set forth in Appendix B to the General Notes to the Tariff Schedule of the United States to the Agreement, and identified below in Column C of Chart 2.

Chart 1

Column A <u>United States – Peru TPA TRQ</u>	Column B <u>TPP TRQ</u>
Appendix I, paragraph 2 (Cheese)	Appendix A, paragraph 32 (Cheese)
Appendix I, paragraph 3 (Condensed and Evaporated Milk)	Appendix A, paragraph 33 (Condensed and Evaporated Milk)
Appendix I, paragraph 4 (Processed Dairy Products)	Appendix A, paragraph 34 (Processed Dairy Products)
Appendix I, paragraph 5 (Sugar)	Appendix A, paragraphs 35 and 36 (Sugar)

Chart 2

Column A <u>United States – Peru TPA Safeguard</u>	Column B <u>Tariff Classification</u>	Column C <u>TPP Safeguard</u>
Condensed and Evaporated Milk	04029170, 04029190, 04029945, 04029955	Condensed and Evaporated Milk

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		(Appendix B, paragraph 8)
Cheese	04061008, 04061018, 04061028, 04061038, 04061048, 04061058, 04061068, 04061078, 04061088, 04062028, 04062033, 04062039, 04062048, 04062053, 04062063, 04062067, 04062071, 04062075, 04062079, 04062083, 04062087, 04062091, 04063018, 04063028, 04063038, 04063048, 04063053, 04063063, 04063067, 04063071, 04063075, 04063079, 04063083, 04063087, 04063091, 04064070, 04069012, 04069018, 04069032, 04069037, 04069042, 04069048, 04069054, 04069068, 04069074, 04069078, 04069084, 04069088, 04069092, 04069094, 04069097, 19019036	Cheese (Appendix B, paragraph 9)

I have the honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Peru.

Sincerely,

Blanca Magali Silva Velarde-Alvarez
Minister of Foreign Trade and Tourism

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[DATE]

The Honorable Blanca Magali Silva Velarde-Alvarez
Minister of Foreign Trade and Tourism
Ministry of Foreign Trade and Tourism
Lima, Peru

Dear Minister Silva:

I am pleased to acknowledge your letter of this date, which reads as follows:

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honour to confirm the following agreement reached between representatives of the Government of Peru (Peru) and the Government of the United States of America (United States):

Notwithstanding Article 2.32.4 of the Agreement, upon entry into force of the Agreement as between the United States and Peru, and continuing for as long as the Agreement remains in force between the United States and Peru:

1. any quantity of goods imported into the United States under a tariff rate quota (TRQ) set forth in Appendix I to the General Notes to the Tariff Schedule of the United States in Annex 2.3 to the United States – Peru Trade Promotion Agreement and listed in column A of Chart 1 below shall count towards both:
 - a. the quantity of goods that may be imported under that TRQ; and
 - b. the quantity of goods that may be imported under the TRQ established in Appendix A to the General Notes to the Tariff Schedule of the United States to the Agreement and identified in the corresponding row of Column B of Chart 1 below;
2. any quantity of goods imported into the United States under a TRQ established in Appendix A to the General Notes to the Tariff Schedule of the United States to the Agreement and identified in Column B of Chart 1 below shall count towards both:
 - a. the quantity of goods that may be imported under that TRQ; and
 - b. the quantity of goods that may be imported under the TRQ set forth in Appendix I to the General Notes to the Tariff Schedule of the United States in Annex 2.3 to the United States – Peru Trade Promotion Agreement and listed in the corresponding row of column A of Chart 1 below; and

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3. any quantity of Peruvian goods imported into the United States under a tariff line subject to a safeguard set forth in the Schedule of the United States to Annex 2.18 to the United States – Peru Trade Promotion Agreement shall, if entered under either the Agreement or under the United States – Peru Trade Promotion Agreement, count towards both the trigger level for:
 - a. the relevant safeguard set forth in the Schedule of the United States to Annex 2.18 to the United States – Peru Trade Promotion Agreement; and
 - b. the corresponding safeguard set forth in Appendix B to the General Notes to the Tariff Schedule of the United States to the Agreement, and identified below in Column C of Chart 2.

Chart 1

Column A <u>United States – Peru TPA TRQ</u>	Column B <u>TPP TRQ</u>
Appendix I, paragraph 2 (Cheese)	Appendix A, paragraph 32 (Cheese)
Appendix I, paragraph 3 (Condensed and Evaporated Milk)	Appendix A, paragraph 33 (Condensed and Evaporated Milk)
Appendix I, paragraph 4 (Processed Dairy Products)	Appendix A, paragraph 34 (Processed Dairy Products)
Appendix I, paragraph 5 (Sugar)	Appendix A, paragraph 35 (Sugar)

Chart 2

Column A <u>United States – Peru TPA Safeguard</u>	Column B <u>Tariff Classification</u>	Column C <u>TPP Safeguard</u>
Condensed and Evaporated Milk	04029170, 04029190, 04029945, 04029955	Condensed and Evaporated Milk

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		(Appendix B, paragraph 8)
Cheese	04061008, 04061018, 04061028, 04061038, 04061048, 04061058, 04061068, 04061078, 04061088, 04062028, 04062033, 04062039, 04062048, 04062053, 04062063, 04062067, 04062071, 04062075, 04062079, 04062083, 04062087, 04062091, 04063018, 04063028, 04063038, 04063048, 04063053, 04063063, 04063067, 04063071, 04063075, 04063079, 04063083, 04063087, 04063091, 04064070, 04069012, 04069018, 04069032, 04069037, 04069042, 04069048, 04069054, 04069068, 04069074, 04069078, 04069084, 04069088, 04069092, 04069094, 04069097, 19019036	Cheese (Appendix B, paragraph 9)

I have the honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Peru.

I have the honor to confirm that my Government shares this understanding, and that your letter and this reply shall constitute an agreement between our two Government, subject to dispute settlement under Chapter 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Peru.

Sincerely,

Ambassador Michael B.G. Froman