

Subject to Legal Review for Accuracy, Clarity and Consistency

[date]

The Honorable Michael B.G. Froman
United States Trade Representative
Office of the U.S. Trade Representative
Washington, D.C.

Dear Ambassador Froman:

I have the honor to confirm the following understanding reached by representatives of the Governments of Malaysia (“Malaysia”) and the United States of America (“United States”) during the course of negotiation of Chapter 2 (National Treatment and Market Access for Goods) of the Trans-Pacific Partnership Agreement (“TPP Agreement”) regarding Bourbon Whiskey and Tennessee Whiskey:

1. The Malaysia Trade Descriptions Act of 1972 (“the Act”) promotes good trade practices by prohibiting false trade descriptions and false or misleading statements, conduct and practices in relation to the supply of goods and services.
2. In accordance with the Act, Malaysia recognizes that the sale of any product in Malaysia described as Bourbon Whiskey or Tennessee Whiskey, but has not been manufactured in the United States, is an offence if such a description constitutes a false trade description as defined under the Act.

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Malaysia.

Yours sincerely,

Minister Mustapa Mohamed

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[date]

The Honorable Mustapa Mohamed
Minister of Trade and Industry
Ministry of Trade and Industry
Kuala Lumpur, Malaysia

Dear Minister Mohamed:

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

“I have the honor to confirm the following understanding reached by representatives of the Government of Malaysia (“Malaysia”) and the Government of the United States of America (“United States”) during the course of negotiation of Chapter 2 (National Treatment and Market Access for Goods) of the Trans-Pacific Partnership Agreement (“TPP Agreement”) regarding Bourbon Whiskey and Tennessee Whiskey:

1. The Malaysia Trade Descriptions Act of 1972 (“the Act”) promotes good trade practices by prohibiting false trade descriptions and false or misleading statements, conduct and practices in relation to the supply of goods and services.
2. In accordance with the Act, Malaysia recognizes that the sale of any product in Malaysia described as Bourbon Whiskey or Tennessee Whiskey, but has not been manufactured in the United States, is an offence if such a description constitutes a false trade description as defined under the Act.

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Malaysia.”

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 Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between the United States and Malaysia.

Sincerely,

Ambassador Michael B.G. Froman