

SUBJECT TO LEGAL REVIEW FOR ACCURACY, CLARITY AND CONSISTENCY

[insert date]

Dear Minister Muñoz

I refer to the *Trans-Pacific Strategic Economic Partnership Agreement* that entered into force on 28 May 2006 (TPSEP) and the *Trans-Pacific Partnership Agreement* (TPP) done at [insert date] on this date (Agreements).

I have the honour to confirm the following understandings relating to the Agreements reached by New Zealand and Chile during the course of the negotiations on TPP:

- a) Nothing in TPP will derogate from the rights and obligations of New Zealand or Chile under TPSEP. To the greatest extent possible, the Agreements will be interpreted consistently. Where TPSEP or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or Chile, that exporter, service supplier or investor is entitled to claim the more favourable of the treatment accorded to that exporter, service supplier or investor under that Agreement.
- b) Article 10.5 of TPSEP recognises the geographical indications in Annex 10.A of TPSEP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments on the application between New Zealand and Chile of rights and obligations contained in TPP, and on the interpretation of the Agreements, which shall enter into force on the date on which TPP enters into force for both New Zealand and Chile.

Yours sincerely

Hon Tim Groser
Minister of Trade
New Zealand

SUBJECT TO LEGAL REVIEW FOR ACCURACY, CLARITY AND CONSISTENCY

[insert date]

Hon Tim Groser
Minister of Trade
New Zealand

Dear Minister Groser

I have the honour of acknowledging receipt of your letter of today's date, which states as follows:

I have the honour to confirm the following understandings relating to the Agreements reached by New Zealand and Chile during the course of the negotiations on TPP:

- a) Nothing in TPP will derogate from the rights and obligations of New Zealand or Chile under TPSEP. To the greatest extent possible, the Agreements will be interpreted consistently. Where TPSEP or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or Chile, that exporter, service supplier or investor is entitled to claim the more favourable of the treatment accorded to that exporter, service supplier or investor under that Agreement.*
- b) Article 10.5 of TPSEP recognises the geographical indications in Annex 10.A of TPSEP.*

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments on the application between New Zealand and Chile of rights and obligations contained in TPP, and on the interpretation of the Agreements, which shall enter into force on the date on which TPP enters into force for both New Zealand and Chile.

I have the further honour to confirm that your letter reflects the understandings reached between the Governments of Chile and New Zealand during the course of the negotiations on TPP and that your letter and this letter in reply shall constitute an agreement between Chile and New Zealand.

Yours sincerely

Heraldo Muñoz
Minister of Foreign Affairs