

4 February 2016

Heraldo Muñoz
Minister of Foreign Affairs
Chile

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 Auckland 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:

1. 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.
2. 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 Todd McClay
Minister of Trade
New Zealand



REPUBLICA DE CHILE
Ministerio De Relaciones Exteriores

4 February 2016

Hon Todd McClay
Minister of Trade
New Zealand

Dear Minister McClay

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

"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 Auckland 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:

1. 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.
2. 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

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a cursive name.