

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

February 4, 2016

The Honorable Vu Huy Hoang
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister Vu Huy Hoang:

I have the honor to confirm the following understanding reached between representatives of the Government of the Socialist Republic of Viet Nam and the Government of the United States of America (individually a "Letter Party" and collectively the "Letter Parties") during the negotiations of the Trans-Pacific Partnership Agreement:

In reference to the inspection program for Siluriformes, which include pangasius, tra and basa, established by Section 11016 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) (Public Law 110-246) and Section 12106 of the Agricultural Act of 2014 (2014 Farm Bill) (P.L. 113-79):

1. The Letter Parties, recognizing the importance of pangasius, tra and basa to farmers in Viet Nam, agree to consult with one another in accordance with their laws and regulations, in a timely manner, upon the request of a Letter Party, on the implementation of the final rule that will implement the inspection program for Siluriformes established by Sections 11016 and 12106 ("the final rule"). The United States intends to implement the final rule in a manner not inconsistent with its obligations under the WTO Agreement.
2. With a view to fostering trade of Siluriformes, the United States is considering a transitional period for the implementation of the final rule, during which the United States would continue to allow imports from foreign countries, including Viet Nam, of Siluriformes if they comply with U.S. laws and regulations.
3. The United States shall, subject to the availability of appropriated funds, work with Viet Nam and other interested parties to identify and provide technical assistance, as appropriate, regarding the requirements of the final rule, including workshops to promote understanding of the new requirements, in an effort to help the Government of Viet Nam and other interested parties understand the requirements of the final rule.

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

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 this date.

Sincerely,

A handwritten signature in blue ink that reads "Michael Froman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ambassador Michael B. G. Froman



MINISTRY OF INDUSTRY AND TRADE
THE SOCIALIST REPUBLIC OF VIETNAM

February 4, 2016

The Honorable Michael Froman
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Froman,

I am pleased to acknowledge your letter of February 4, 2016, which reads as follows:

"I have the honor to confirm the following understanding reached between representatives of the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of the United States of America (individually a "Letter Party" and collectively the "Letter Parties") during the negotiations of the Trans-Pacific Partnership Agreement:

In reference to the inspection program for Siluriformes, which include pangasius, tra and basa, established by Section 11016 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) (Public Law 110-246) and Section 12106 of the Agricultural Act of 2014 (2014 Farm Bill) (P.L. 113-79):

1. The Letter Parties, recognizing the importance of pangasius, tra and basa to farmers in Viet Nam, agree to consult with one another in accordance with their laws and regulations, in a timely manner, upon the request of a Letter Party, on the implementation of the final rule that will implement the inspection program for Siluriformes established by Sections 11016 and 12106 ("the final rule"). The United States intends to implement the final rule in a manner not inconsistent with its obligations under the WTO Agreement.
2. With a view to fostering trade of Siluriformes, the United States is considering a transitional period for the implementation of the final rule, during which the United States would continue to allow imports from foreign countries, including Viet Nam, of Siluriformes if they comply with U.S. laws and regulations.
3. The United States shall, subject to the availability of appropriated funds, work with Viet Nam and other interested parties to identify and provide technical assistance, as appropriate, regarding the requirements of the final rule, including workshops to promote understanding of the new requirements, in an effort to help the Government of Viet Nam and other interested parties understand the requirements of the final rule.

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 this date."

I have the honor to confirm that my Government shares this understanding, and that your letter and this letter in reply shall constitute an agreement between our two Governments, which shall enter into force on this date.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vu Huy Hoang', is written over a long, horizontal, slightly wavy line that serves as a baseline for the signature.

Vu Huy Hoang
Minister of Industry and Trade
Socialist Republic of Viet Nam