

June 21, 2024

Her Excellency Claudia Sanhueza Riveros
Undersecretary of International Economic Relations
Republic of Chile

Dear Undersecretary Sanhueza:

In connection with discussions between our two governments to facilitate bilateral trade, and in confirmation of the objectives of the Free Trade Agreement between the Government of the United States of America and the Government of the Republic of Chile, done at Miami on June 6, 2003 (“Agreement”), I have the honor to confirm the following understanding of the Government of the Republic of Chile (“Chile”) and the Government of the United States of America (“United States”) regarding the use of certain terms for cheese and meat products produced and marketed in the United States or Chile:

1. The United States and Chile recognize that the individual terms listed in paragraph 2, or their translations or transliterations, are terms used in connection with cheese and meat products marketed in Chile. Chile confirms its understanding that market access of United States’ produced cheese and meat products exported to Chile will not be restricted in Chile due to the mere use of the individual terms listed in paragraph 2.
2. The list of individual terms referred to in paragraph 1 is as follows:

Cheeses:

- american
- blue
- blue vein
- brie
- burrata
- camembert
- cheddar
- chevre
- colby
- cottage cheese
- coulommiers
- cream cheese
- danbo

- edam
- emmental
- emmentaler
- gouda
- limburgier
- mascarpone
- monterey/monterey jack
- mozzarella
- pecorino
- pepper jack
- provolone
- ricotta
- saint-paulin
- samso
- tilsiter
- tomme

Meats:

- black forest ham
- bratwurst
- chorizo
- kielbasa
- mortadella
- pancetta
- prosciutto
- salami

3. Chile confirms its understanding that the term “prior users”, with respect to Chile’s consistent implementation of Chapter 32 (Intellectual Property) and relevant annexes of the Advanced Framework Agreement between the Republic of Chile, of the one part, and the European Union and its Member States, of the other part, done at Brussels on December 13, 2023, includes any natural or legal person, including their successors and assignees, who is a national of a country with a natural or legal person who has used the corresponding term in good faith, in the territory of Chile, in any of the following activities: production, distribution, marketing, importation, and exportation to Chile of cheeses.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between Chile and the United States and be treated as an integral part of the Agreement, subject to all its provisions, including Chapter 22 (Dispute Settlement), and that

shall enter into force 90 days after the date of the last notification by which Chile and the United States inform each other that the necessary domestic legal procedures have been completed.

Sincerely,

Ambassador Katherine Tai
United States Trade Representative

June 21, 2024

The Honorable Katherine Tai
United States Trade Representative
Washington, D.C.

Dear Ambassador Tai,

I am pleased to acknowledge your letter of June 21, 2024 which reads as follows:

“In connection with discussions between our two governments to facilitate bilateral trade, and in confirmation of the objectives of the Free Trade Agreement between the Government of the United States of America and the Government of the Republic of Chile, done at Miami on June 6, 2003 (“Agreement”), I have the honor to confirm the following understanding of the Government of the Republic of Chile (“Chile”) and the Government of the United States of America (“United States”) regarding the use of certain terms for cheese and meat products produced and marketed in the United States or Chile:

- 1. The United States and Chile recognize that the individual terms listed in paragraph 2, or their translations or transliterations, are terms used in connection with cheese and meat products marketed in Chile. Chile confirms its understanding that market access of United States’ produced cheese and meat products exported to Chile will not be restricted in Chile due to the mere use of the individual terms listed in paragraph 2.*
- 2. The list of individual terms referred to in paragraph 1 is as follows:*

Cheeses:

- american*
- blue*
- blue vein*
- brie*
- burrata*
- camembert*
- cheddar*
- chevre*
- colby*
- cottage cheese*
- coulommiers*
- cream cheese*
- danbo*

- *edam*
- *emmental*
- *emmentaler*
- *gouda*
- *limburger*
- *mascarpone*
- *monterey/monterey jack*
- *mozzarella*
- *pecorino*
- *pepper jack*
- *provolone*
- *ricotta*
- *saint-paulin*
- *sanso*
- *tilsiter*
- *tomme*

Meats:

- *black forest ham*
- *bratwurst*
- *chorizo*
- *kielbasa*
- *mortadella*
- *pancetta*
- *prosciutto*
- *salami*

3. *Chile confirms its understanding that the term “prior users”, with respect to Chile’s consistent implementation of Chapter 32 (Intellectual Property) and relevant annexes of the Advanced Framework Agreement between the Republic of Chile, of the one part, and the European Union and its Member States, of the other part, done at Brussels on December 13, 2023, includes any natural or legal person, including their successors and assignees, who is a national of a country with a natural or legal person who has used the corresponding term in good faith, in the territory of Chile, in any of the following activities: production, distribution, marketing, importation, and exportation to Chile of cheeses.*

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between Chile and the United States and be treated as an integral part of the Agreement, subject to all its provisions, including Chapter 22 (Dispute Settlement), and that shall enter into force 90 days after the date of the last notification by

which Chile and the United States inform each other that the necessary domestic legal procedures have been completed.”

I have the further honor to confirm that my government shares this understanding, and that your letter and this letter in reply constitutes an agreement between the United States and Chile and is treated as an integral part of the Agreement, subject to all its provisions, including Chapter 22 (Dispute Settlement), and that shall enter into force 90 days after the date of the last notification by which Chile and the United States inform each other that the necessary domestic legal procedures have been completed.

Sincerely,

Claudia Sanhueza Riveros
Undersecretary of International Economic Relations
Republic of Chile