

October 7, 2019

His Excellency  
Mr. SUGIYAMA Shinsuke  
Ambassador of Japan to the United States of America

Excellency,

In connection with the signing of the Trade Agreement between the United States of America and Japan (the Agreement), I have the honor to confirm the following understanding reached between representatives of the Government of the United States of America and the Government of Japan regarding the implementation of agricultural safeguard measures for Beef, Pork, WPC, Whey Powder, and Fresh Oranges provided for in paragraphs 9, 10, 12, 13, and 14, respectively, of Sub-Section 4 (Agricultural Safeguard Measures) of Section B (Tariff Commitments of Japan) in Annex I (Tariffs and Tariff-Related Provisions of Japan) of the Agreement:

1. For the purposes of paragraph 9 of Sub-Section 4 of Section B in Annex I of the Agreement:
  - (a) If the agricultural safeguard measure is imposed, the United States and Japan shall enter into consultations to adjust the applicable safeguard trigger levels of that safeguard measure to higher levels. Notwithstanding paragraph 4 of Sub-Section 4 of Section B in Annex I of the Agreement, Japan shall notify the United States and provide the United States with relevant data concerning the measure immediately after the safeguard measure is imposed. The United States and Japan shall commence such consultations no later than 10 days after the safeguard measure is imposed, with a view to concluding them no later than 90 days after the safeguard measure is imposed.
  - (b) Further to paragraph 9(c), the United States and Japan shall consult to agree on the conditions for the application of the agricultural safeguard measure in the Agreement with consideration of certain modified conditions for the application of the corresponding agricultural safeguard measure in the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)*, if the conditions under the Agreement are to be modified on the basis of the aggregate volume of imports of the originating agricultural goods referred to in paragraph 9 from the United States and imports of the corresponding agricultural goods from the parties, that are also original signatories, of the CPTPP.
2. For the purposes of paragraphs 10, 12, 13, and 14 of Sub-Section 4 of Section B in Annex I of the Agreement, if the agricultural safeguard measure is imposed twice within any consecutive three-year period, the United States and Japan shall enter into consultations to adjust the applicable safeguard trigger levels of that safeguard measure to higher levels. Notwithstanding paragraph 4 of Sub-Section 4 of Section B in Annex I of the Agreement, Japan shall notify the United States and provide the United States with relevant data concerning

the measure immediately after the safeguard measure is imposed. The United States and Japan shall commence such consultations no later than 30 days after the safeguard measure is imposed twice within any consecutive three-year period, with a view to concluding them no later than six months after the safeguard measure is imposed.

I have the honor to propose that this letter, equally valid in English and Japanese, and your letter in reply, equally valid in Japanese and English, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Agreement.

Sincerely,

Ambassador Robert E. Lighthizer  
United States Trade Representative

October 7, 2019

His Excellency  
Ambassador Robert E. Lighthizer  
United States Trade Representative

Excellency,

I am pleased to acknowledge your letter of October 7, 2019, which reads as follows:

“In connection with the signing of the Trade Agreement between the United States of America and Japan (the Agreement), I have the honor to confirm the following understanding reached between representatives of the Government of the United States of America and the Government of Japan regarding the implementation of agricultural safeguard measures for Beef, Pork, WPC, Whey Powder, and Fresh Oranges provided for in paragraphs 9, 10, 12, 13, and 14, respectively, of Sub-Section 4 (Agricultural Safeguard Measures) of Section B (Tariff Commitments of Japan) in Annex I (Tariffs and Tariff-Related Provisions of Japan) of the Agreement:

1. For the purposes of paragraph 9 of Sub-Section 4 of Section B of Annex I of the Agreement:
  - (a) If the agricultural safeguard measure is imposed, the United States and Japan shall enter into consultations to adjust the applicable safeguard trigger levels of that safeguard measure to higher levels. Notwithstanding paragraph 4 of Sub-Section 4 of Section B in Annex I of the Agreement, Japan shall notify the United States and provide the United States with relevant data concerning the measure immediately after the safeguard measure is imposed. The United States and Japan shall commence such consultations no later than 10 days after the safeguard measure is imposed, with a view to concluding them no later than 90 days after the safeguard measure is imposed.
  - (b) Further to paragraph 9(c), the United States and Japan shall consult to agree on the conditions for the application of the agricultural safeguard measure in the Agreement with consideration of certain modified conditions for the application of the corresponding agricultural safeguard measure in the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP), if the conditions under the Agreement are to be modified on the basis of the aggregate volume of imports of the originating agricultural goods referred to in paragraph 9 from the United States and imports of the corresponding agricultural goods from the parties, that are also original signatories, of the CPTPP.

2. For the purposes of paragraphs 10, 12, 13, and 14 of Sub-Section 4 of Section B in Annex I of the Agreement, if the agricultural safeguard measure is imposed twice within any consecutive three-year period, the United States and Japan shall enter into consultations to adjust the applicable safeguard trigger levels of that safeguard measure to higher levels. Notwithstanding paragraph 4 of Sub-Section 4 of Section B in Annex I of the Agreement, Japan shall notify the United States and provide the United States with relevant data concerning the measure immediately after the safeguard measure is imposed. The United States and Japan shall commence such consultations no later than 30 days after the safeguard measure is imposed twice within any consecutive three-year period, with a view to concluding them no later than six months after the safeguard measure is imposed.

I have the honor to propose that this letter, equally valid in English and Japanese, and your letter in reply, equally valid in Japanese and English, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Agreement.”

I have the further honor to confirm that my Government shares this understanding and to agree that your letter, equally valid in English and Japanese, and this letter in reply, equally valid in Japanese and English, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Trade Agreement between Japan and the United States of America.

Sincerely,

SUGIYAMA Shinsuke  
Ambassador of Japan to the United States of America