

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

April 27, 2011

The Honorable Eduardo Ferreyros
Minister of Foreign Trade and Tourism
Lima, Peru

Dear Minister Ferreyros:

I am pleased to acknowledge your letter of April 25, 2011, which reads as follows:

“I have the honor to confirm the following understanding reached between the Government of the United States and the Government of Peru (“Parties”) concerning the designation of a Secretariat for Environmental Enforcement Submissions pursuant to Chapter 18 (“Environment”) of the United States – Peru Trade Promotion Agreement (“Agreement”):

Article 18.8 of the Agreement provides that the Parties to the Agreement shall designate a Secretariat to receive and consider submissions filed by any person of a Party asserting that a Party is failing to effectively enforce its environmental laws and, in accordance with Article 18.9 of the Agreement, to prepare factual records concerning such submissions, if any member of the Environmental Affairs Council (“Council”) established pursuant to Article 18.6 of the Agreement instructs the Secretariat to do so.

The Parties shall request the Department of Sustainable Development of the General Secretariat of the Organization of American States (“OAS-DSD”) to house the Secretariat and provide the Secretariat with administrative and technical support and office equipment to enable the Secretariat to carry out its functions. Subject to the availability of appropriated funds in accordance with each Party’s respective legal procedures, the Parties shall make arrangements to provide funds to the OAS-DSD to enable it to provide such support. If the OAS-DSD consents to this request, the Parties shall establish the Secretariat within the OAS-DSD.

The Secretariat shall function independently under the sole direction and supervision of the Council, and to this end, shall not receive instructions from any government, or from any authority other than the Council (or a member of the Council in the case of an instruction to prepare a factual record pursuant to Article 18.9 of the Agreement). The Secretariat shall comply with OAS-DSD rules and procedures regarding administrative matters necessary for the OAS-DSD to house the Secretariat and provide it administrative and technical support. The Secretariat shall comprise an Executive Director and, as appropriate to carry out its functions, professional, technical and administrative staff. The Council shall

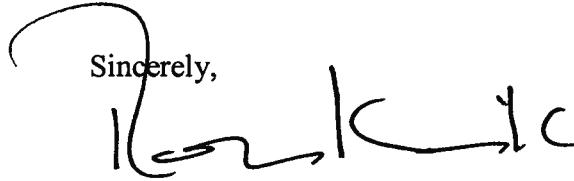
appoint the Executive Director and any professional staff performing core functions of the Secretariat. The Secretariat shall carry out the functions set out in Articles 18.8 and 18.9 of the Agreement and any additional functions as the Council may direct. In addition, the Secretariat shall regularly communicate with and provide updates to the trade and environment contact points established by each Party pursuant to Article 18.6 of the Agreement.

The Parties shall conclude an agreement to establish and set forth rules for the Secretariat and establish working procedures concerning the submissions and factual records process.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments.”

I have the honor to accept your proposal on behalf of my Government and to confirm that your letter and this reply shall constitute an agreement between our two Governments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Kirk', with a large, sweeping flourish at the beginning.

Ambassador Ron Kirk