

4 February 2016

The Honorable Michael B.G. Froman
United States Trade Representative
United States of America

Dear Ambassador Froman:

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (the "Agreement"), I have the honour to confirm the following understanding reached by the Governments of New Zealand ("New Zealand") and the United States of America ("United States") during the course of negotiation of Chapter 2 (National Treatment and Market Access for Goods) regarding Bourbon Whiskey and Tennessee Whiskey:

1. The *Australia New Zealand Food Standards Code* (the "Code") allows recognition of Bourbon Whiskey and Tennessee Whiskey as products exclusively manufactured in the United States and that no variation to the Code is necessary for such recognition.
2. To the extent contemplated in the Code, New Zealand shall not permit the sale of any product as Bourbon Whiskey or Tennessee Whiskey, unless it has been manufactured in the United States according to the laws of the United States governing the manufacture of Bourbon Whiskey and Tennessee Whiskey and the product complies with all applicable regulations of the United States for the sale or export as Bourbon Whiskey or Tennessee Whiskey.

I have the honour of proposing that this letter and your letter of confirmation in reply, confirming that your Government shares this understanding, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between New Zealand and the United States.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Todd McClay', with a stylized flourish at the end.

Hon Todd McClay
Minister of Trade
New Zealand

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

February 4, 2016

The Honorable Todd McClay
Minister of Trade
New Zealand

Dear Minister McClay:

I have the honor to acknowledge receipt of your letter of this date, which reads as follows:

“In connection with the signing on this date of the Trans-Pacific Partnership Agreement (the "Agreement"), I have the honour to confirm the following understanding reached by the Governments of New Zealand (“New Zealand”) and the United States of America (“United States”) during the course of negotiation of Chapter 2 (National Treatment and Market Access for Goods) regarding Bourbon Whiskey and Tennessee Whiskey:

1. The *Australia New Zealand Food Standards Code* (the "Code") allows recognition of Bourbon Whiskey and Tennessee Whiskey as products exclusively manufactured in the United States and that no variation to the Code is necessary for such recognition.
2. To the extent contemplated in the Code, New Zealand shall not permit the sale of any product as Bourbon Whiskey or Tennessee Whiskey, unless it has been manufactured in the United States according to the laws of the United States governing the manufacture of Bourbon Whiskey and Tennessee Whiskey and the product complies with all applicable regulations of the United States for the sale or export as Bourbon Whiskey or Tennessee Whiskey.

I have the honour of proposing that this letter and your letter of confirmation in reply, confirming that your Government shares this understanding, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the TPP Agreement as between New Zealand and the United States.”

I have the honor to confirm that the above reflects the understandings reached between the Governments of the United States and New Zealand during the course of negotiations on the Agreement, and that your letter and this letter in reply constitute an agreement between our Governments.

Sincerely,



Ambassador Michael B.G. Froman