8 March 2018

His Excellency
Mr. HERALDO MUÑOZ VALENZUELA
Minister of Foreign Affairs
Chile

Dear Minister,

In connection with the signing on this date of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement"), I have the honour to confirm the agreement reached between the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of the Republic of Chile ("Chile") on the relationship between Chapter 19 (Labour) and Chapter 28 (Dispute Settlement) of the *Trans-Pacific Partnership Agreement*, done at Auckland, New Zealand, on 4 February 2016, incorporated, by reference, into and made part of the Agreement *mutatis mutandis,* as follows:

1. From the date of entry into force of the Agreement for Viet Nam, Viet Nam shall fully implement the obligations of Chapter 19 (Labour).

2. If Chile seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of the Chapter 19 (Labour), Chile shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) under Chapter 28 (Dispute Settlement) for a period of three years after the date of entry into force of the Agreement for Viet Nam.

3. If Chile seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of paragraph 1(a) of Article 19.3 (Labour Rights), Chile shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) under Chapter 28 (Dispute Settlement) for a period of five years after the date of entry into force of the Agreement for Viet Nam.

4. Pursuant to paragraph 2 of Article 19.12 (Labour Council), after the fifth anniversary and before the seventh anniversary of the date of entry into force of the Agreement for Viet Nam, any issues arising from paragraph 3 shall be reviewed in accordance with Article 19.12 (Labour Council) of Chapter 19 (Labour). This is without prejudice to the rights and obligations of both Parties under the Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments, which shall enter into force on the date of entry into force of the Agreement between Viet Nam and Chile.

Sincerely,

Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

Santiago, Chile, 8 March 2018

His Excellency
Mr. Tran Tuan Anh
Minister of Industry and Trade
Socialist Republic of Viet Nam

Dear Minister,

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

"In connection with the signing on this date of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement"), I have the honour to confirm the agreement reached between the Government of the Socialist Republic of Viet Nam ("Viet Nam") and the Government of the Republic of Chile ("Chile") on the relationship between Chapter 19 (Labour) and Chapter 28 (Dispute Settlement) of the *Trans-Pacific Partnership Agreement*, done at Auckland, New Zealand, on 4 February 2016, incorporated, by reference, into and made part of the Agreement *mutatis mutandis,* as follows:

1. From the date of entry into force of the Agreement for Viet Nam, Viet Nam shall fully implement the obligations of Chapter 19 (Labour).

2. If Chile seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of the Chapter 19 (Labour), Chile shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) under Chapter 28 (Dispute Settlement) for a period of three years after the date of entry into force of the Agreement for Viet Nam.

3. If Chile seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) with respect to any measure that is inconsistent with the obligations of paragraph 1(a) of Article 19.3 (Labour Rights), Chile shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non-Implementation – Compensation and Suspension of Benefits) under Chapter 28 (Dispute Settlement) for a period of five years after the date of entry into force of the Agreement for Viet Nam.

4. Pursuant to paragraph 2 of Article 19.12 (Labour Council), after the fifth anniversary and before the seventh anniversary of the date of entry into force of the Agreement for Viet Nam, any issues arising from paragraph 3 shall be reviewed in accordance with Article 19.12 (Labour Council) of Chapter 19 (Labour). This is without prejudice to the rights and obligations of both Parties under the Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments, which shall enter into force on the date of entry into force of the Agreement between Viet Nam and Chile."

I have the further honour to confirm that the above reflects the shared understanding between the Government of the Republic of Chile and the Government of the Socialist Republic of Viet Nam, during the course of negotiations on the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the "Agreement"), and that your letter and this letter in reply shall constitute an agreement between our Governments, which shall come into force on the date of entry into force of the Agreement as between Chile and the Socialist Republic of Viet Nam.

Sincerely,

HERALDO MUÑOZ VALENZUELA
Minister of Foreign Affairs
Republic of Chile