



5 March 2018

H.E. Eduardo Ferreyros Küppers
Minister of Foreign Trade and Tourism
Peru

Dear Minister,

In connection with the signing on 8 March 2018 of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the Agreement), I have the honour to confirm the following understanding reached between the Government of Malaysia and the Government of Peru on Chapter 17 (State-Owned Enterprises and Designated Monopolies) of the Agreement:

1. The Government of Peru will refrain from seeking recourse to dispute settlement under Chapter 28 (Dispute Settlement) of the Agreement with respect to the commitment of Malaysia regarding PETRONAS as contained in subparagraphs (a) through (l) in the Scope of Non-Conforming Activities of Annex IV – MALAYSIA – 3 for a period of five years after the date of entry into force of the Agreement for Malaysia.
2. After these period, both countries will conduct consultations with a view to deciding on actions to be taken after such periods.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an understanding between the Government of Malaysia and the Government of Peru, which will come into effect on the date on which the Agreement enters into force for both Malaysia and Peru. The English and the Spanish text of this understanding are equally authentic. In the event of any divergence between those texts, the English shall prevail.

Sincerely,

Mustapa Mohamed
Minister of International Trade and Industry
Malaysia



PERÚ

Ministerio
de Comercio Exterior
y Turismo

8 March 2018

H.E. Mustapa Mohamed
Minister of International Trade and Industry
Malaysia

Dear Minister,

I have the honour to acknowledge receipt of your letter of 5 March 2018, which reads as follows:

“In connection with the signing on 8 March 2018 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the Agreement), I have the honour to confirm the following understanding reached between the Government of Malaysia and the Government of Peru on Chapter 17 (State-Owned Enterprises and Designated Monopolies) of the Agreement:

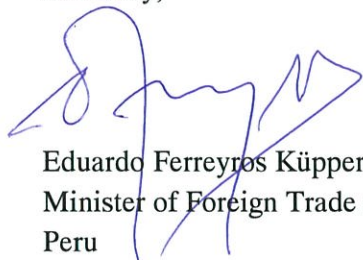
1. *The Government of Peru will refrain from seeking recourse to dispute settlement under Chapter 28 (Dispute Settlement) of the Agreement with respect to the commitment of Malaysia regarding PETRONAS as contained in subparagraphs (a) through (l) in the Scope of Non-Conforming Activities of Annex IV – MALAYSIA – 3 for a period of five years after the date of entry into force of the Agreement for Malaysia.*
2. *After these period, both countries will conduct consultations with a view to deciding on actions to be taken after such periods.*

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an understanding between the Government of Malaysia and the Government of Peru, which will come into effect on the date on which the Agreement enters into force for both Malaysia and Peru. The English and the Spanish text of this understanding are equally authentic. In the event of any divergence between those texts, the English shall prevail.”

I have the further honour to confirm that the above reflects the mutual understanding reached between the Government of Peru and the Government of Malaysia and that your letter and this letter in reply will constitute an understanding between the Government of Peru and the Government of Malaysia, which will come into effect on

the date on which the Agreement enters into force for both Peru and Malaysia. The English and the Spanish text of this understanding are equally authentic. In the event of any divergence between those texts, the English shall prevail.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eduardo Ferreyros Küppers', written over the printed name and title.

Eduardo Ferreyros Küppers
Minister of Foreign Trade and Tourism
Peru