



REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

8 March 2018

H.E. J.Jayasiri
Secretary General
Ministry of International Trade and Industry
Malaysia

Dear Secretary General,

In connection with the signing on this date in Santiago, Chile, of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the Agreement), I have the honour to confirm the shared understanding between the Government of the Republic of Chile (Chile) and the Government of Malaysia (Malaysia), with regard to Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Trans-Pacific Partnership Agreement, signed on 4 February 2016, in Auckland, New Zealand, incorporated, by reference, into and made part of the Agreement *mutatis mutandis*, as follows:

Chile and Malaysia recognize that nothing in Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) limits a Party to the Agreement from establishing conditions, limitations or exceptions when implementing the obligations set forth under that Article, provided that such conditions, limitations or exceptions are consistent with the provisions of Chapter 18 (Intellectual Property).

I have the further honour to propose that this letter and your letter in reply will constitute an understanding between our two Governments, which will come into effect on the date on which the Agreement enters into force for both Chile and Malaysia.

Yours sincerely,



HERALDO MUÑOZ VALENZUELA
Minister of Foreign Affairs
Republic of Chile



8 March 2018

**His Excellency
Minister Heraldo Muñoz Valenzuela
Minister of Foreign Affairs
Chile**

Dear Minister Muñoz,

I have the honour to acknowledge receipt of your letter of 8 March 2018, which reads as follows:

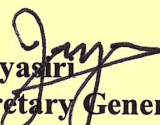
“In connection with the signing on this date in Santiago, Chile, of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the Agreement), I have the honour to confirm the shared understanding between the Government of the Republic of Chile (Chile) and the Government of Malaysia (Malaysia), with regard to Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) of the Trans-Pacific Partnership Agreement, signed on 4 February 2016, in Auckland, New Zealand, incorporated, by reference, into and made part of the Agreement *mutatis mutandis*, as follows:

Chile and Malaysia recognize that nothing in Article 18.47 (Protection of Undisclosed Test or Other Data for Agricultural Chemical Products) of Chapter 18 (Intellectual Property) limits a Party to the Agreement from establishing conditions, limitations or exceptions when implementing the obligations set forth under that Article, provided that such conditions, limitations or exceptions are consistent with the provisions of Chapter 18 (Intellectual Property).

I have the further honour to propose that this letter and your letter in reply will constitute an understanding between our two Governments, which will come into effect on the date on which the Agreement enters into force for both Chile and Malaysia.”

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 Malaysia, and that your letter and this letter in reply will constitute an understanding between our two Governments, which will come into effect on the date on which the Agreement enters into force for both Chile and Malaysia.

Yours sincerely,


**J. Jayasuri
Secretary General
Ministry of International Trade and Industry
Malaysia**