

DRAFT
SUBJECT TO LEGAL REVIEW FOR ACCURACY, CLARITY, AND CONSISTENCY
MARCH 1, 2004

Exchange of Letters on Bourbon and Tennessee whiskey

[Letter from Australia to the United States]

The Honourable Robert B. Zoellick
United States Trade Representative
600 17 Street, NW
Washington, D.C. 20508

Dear Ambassador Zoellick:

I refer to the Australia – United States Free Trade Agreement (the “Agreement”), and to the discussions during the negotiation of Chapter Two (Market Access for Goods and National Treatment) on the recognition of Bourbon whiskey and Tennessee whiskey as distinctive products of the United States.

I wish to propose the following:

1. The Parties agree that the Australian 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, Australia 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 complies with all applicable U.S. regulations for the consumption, sale or export as Bourbon whiskey and Tennessee whiskey.

If the above proposals are acceptable to the United States, then I propose that this letter and your confirmatory reply shall constitute an integral part of the Agreement.

Sincerely,

MARK VAILE

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SUBJECT TO LEGAL REVIEW FOR ACCURACY, CLARITY, AND CONSISTENCY
MARCH 1, 2004

[Letter from the United States to Australia]

The Honourable Mark Vaile
Minister for Trade
Parliament House
Canberra ACT 2600

Dear Minister Vaile:

I have the honour to refer to the United States-Australia Free Trade Agreement (the “Agreement”) and to your letter of this date, which reads as follows:

“Dear Ambassador Zoellick:

I refer to the Australia – United States Free Trade Agreement (the “Agreement”), and to the discussions during the negotiation of Chapter Two (Market Access for Goods and National Treatment) on the recognition of Bourbon whiskey and Tennessee whiskey as distinctive products of the United States.

I have the honour to propose the following:

1. The Parties agree that the Australian 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, Australia 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 complies with all applicable U.S. regulations for the consumption, sale or export as Bourbon whiskey and Tennessee whiskey.

If the above proposals are acceptable to the United States, then I propose that this letter and your confirmatory reply shall constitute an integral part of the Agreement.

Sincerely,

MARK VAILE “

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I have the further honor to confirm that your proposals are acceptable to the United States. Therefore, your letter and this reply constitute an integral part of the Agreement.

Sincerely,

Robert B. Zoellick