

DRAFT
Subject to Legal Review for Accuracy, Clarity, and Consistency

[Date]

Dear Minister Kim:

I have the honor to confirm the following understanding reached between the delegations of the United States and of the Republic of Korea in the course of negotiations regarding Article 20.6.2(b) of Chapter 20 (Environment) of the United States – Korea Free Trade Agreement:

For greater certainty, with respect to providing for the receipt of submissions from persons of either Party, Article 20.6.2(b) does not require a Party to establish procedures that duplicate existing channels for the receipt of submissions from persons of a Party.

With respect to providing for the receipt of submissions from persons of the other Party, a Party may establish appropriate criteria, consistent with Article 20.6.2(b), for accepting such submissions. These criteria may include that such a submission shall be transmitted to it by the other Party and that the other Party shall transmit such a submission only if it has reason to believe that the submission is submitted by a person of the other Party and the submission concerns matters related to the implementation of specific provisions of Chapter 20 (Environment). If a Party receives such a submission that has been transmitted to it by the other Party, it shall provide its response directly to the person of the other Party.

I would be grateful if you would confirm that your Government shares this understanding.

Sincerely

Susan C. Schwab

[Reply Letter Forthcoming]