

September 24, 2013

The Honorable Luvsanvandan Bold  
Minister of Foreign Affairs  
Ulaanbaatar, Mongolia

Dear Minister Bold:

I have the honor to confirm the following understanding reached between the delegations of the United States of America and Mongolia in the course of negotiations regarding Articles 2 and 6 of the Agreement on Transparency in Matters Related to International Trade and Investment between the United States of America and Mongolia (the “Agreement”):

Mongolia may comply with the publication obligations under Articles 2.3 and 2.4 by publishing proposed regulations, adopted regulations and explanations either in the State Information Bulletin or on a single official government Internet site.

Mongolia may comply with the publication obligation under Article 2.3(b) without revising Article 7.1.5 of the Law of Mongolia on Information Transparency and Freedom of Information, provided that Mongolia in most cases publishes proposed regulations not less than 60 days before the date public comments are due.

For greater certainty, Mongolia may comply with Article 2.5(a) by publishing an English language version of an explanation of the purpose and rationale of a proposed measure, and is not obligated to publish an English language version of the entire text of the proposed measure.

For greater certainty, the obligation under Article 2.5(b) to publish an English language version of the entire text of a measure applies only to measures adopted or approved after the date the Agreement enters into force.

For greater certainty, Mongolia’s obligation under Article 2.6 to allow interested parties to submit comments on proposed measures solely in English does not prohibit interested parties, if they so choose, from solely providing comments in the Mongolian language or from providing comments in both the English language and the Mongolian language.

Mongolia's administrative courts, established under the Administrative Procedure Law of December 26, 2002, are "administrative tribunals" for purposes of Article 5.1.

Mongolia may comply with the obligation under Article 6.2(c) to address comments in writing by addressing them on an official government Internet site.

Mongolia may not be able to comply with the obligations under Articles 2.5 and 2.6 relating to the publication of English language versions and the acceptance of comments in English beginning on the date the Agreement enters into force because of resource and capacity constraints. Mongolia shall comply with these obligations no later than five years after the date the Agreement enters into force, and shall endeavor to comply with these obligations as far in advance of that date as possible.

The United States intends to provide technical assistance to Mongolia to enhance Mongolia's ability to fulfill its obligations under the Agreement.

I have the honor to propose that this understanding shall be treated as an integral part of the Agreement and that this letter and your confirmation letter in reply shall constitute an agreement between our two Governments. This letter and your confirmation letter in reply shall be deemed equally authentic.

Sincerely,

Ambassador Michael B.G. Froman

[COURTESY TRANSLATION]

The Honorable Michael B. Froman  
United States Trade Representative  
Washington, D.C.  
United States of America

September 24, 2013

Dear Ambassador Froman:

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

“I have the honor to confirm the following understanding reached between the delegations of the United States of America and Mongolia in the course of negotiations regarding Articles 2 and 6 of the Agreement on Transparency in Matters Related to International Trade and Investment between the United States of America and Mongolia (the “Agreement”):

Mongolia may comply with the publication obligations under Articles 2.3 and 2.4 by publishing proposed regulations, adopted regulations and explanations either in the State Information Bulletin or on a single official government Internet site.

Mongolia may comply with the publication obligation under Article 2.3(b) without revising Article 7.1.5 of the Law of Mongolia on Information Transparency and Freedom of Information, provided that Mongolia in most cases publishes proposed regulations not less than 60 days before the date public comments are due.

For greater certainty, Mongolia may comply with Article 2.5(a) by publishing an English language version of an explanation of the purpose and rationale of a proposed measure, and is not obligated to publish an English language version of the entire text of the proposed measure.

For greater certainty, the obligation under Article 2.5(b) to publish an English language version of the entire text of a measure applies only to measures adopted or approved after the date the Agreement enters into force.

For greater certainty, Mongolia's obligation under Article 2.6 to allow interested parties to submit comments on proposed measures solely in English does not prohibit interested parties, if they so choose, from solely providing comments in the Mongolian language or from providing comments in both the English language and the Mongolian language.

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The United States intends to provide technical assistance to Mongolia to enhance Mongolia's ability to fulfill its obligations under the Agreement.

I have the honor to propose that this understanding shall be treated as an integral part of the Agreement and that this letter and your confirmation letter in reply shall constitute an agreement between our two Governments. This letter and your confirmation letter in reply shall be deemed equally authentic."

I have the honor to confirm that my Government shares the understanding expressed in your letter and to confirm that your letter and this confirmation letter in reply shall constitute an agreement between our two Governments. Your letter and this confirmation letter in reply shall be deemed equally authentic.

Sincerely,

Luvsanvandan Bold