

4 February 2016

YB Dato' Sri Mustapa bin Mohamed
Minister of International Trade and Industry
Malaysia

Dear Minister

In connection with the signing on 4 February 2016 in Auckland of the Trans-Pacific Partnership Agreement (the "TPP Agreement"), I have the honour to confirm the following mutual understandings reached between the Government of Australia and the Government of Malaysia during the course of negotiations on the TPP Agreement:

The Governments of Australia and Malaysia recognize that access to traditional knowledge associated with genetic resources from providers, as well as the equitable sharing of benefits that may result from the utilisation of that traditional knowledge, may be addressed through contracts that reflect mutually agreed terms between users and providers

I have the further honour to propose that this letter, and your letter in reply confirming these mutual understandings, constitute a Memorandum of Understanding between the Government of Australia and the Government of Malaysia which will come into effect on the first date on which the TPP Agreement is in force for both Australia and Malaysia.

Yours sincerely

Andrew Robb

4 February 2016

The Honourable Andrew Robb
Minister for Trade and Investment
Australia

Dear Minister Robb,

I have the honour to acknowledge receipt of your letter of 4 February 2016 which reads as follows:

“In connection with the signing on 4 February 2016 of the Trans-Pacific Partnership Agreement (the TPP Agreement), I have the honour to confirm the following mutual understandings reached between the Government of Australia and the Government of Malaysia during the course of negotiations on the TPP Agreement:

The Governments of Australia and Malaysia recognize that access to traditional knowledge associated with genetic resources from providers, as well as the equitable sharing of benefits that may result from the utilisation of that traditional knowledge, may be addressed through contracts that reflect mutually agreed terms between users and providers.

I have the further honour to propose that this letter, and your letter in reply confirming these mutual understandings, constitute a Memorandum of Understanding between the Government of Australia and the Government of Malaysia which will come into effect on the first date on which the TPP Agreement is in force for both Australia and Malaysia.”

I have the further honour to confirm that the above reflects the mutual understandings reached between the Government of Malaysia and the Government of Australia during the course of the negotiations of the TPP Agreement, and that your letter and this letter in reply constitute a Memorandum of Understanding between the Government of Malaysia and the Government of Australia.

Yours Sincerely

Dato' Sri Mustapa Mohamed
Minister of International Trade and Industry