

May 28, 2004

The Honorable Alberto Trejos
Minister of Foreign Trade
San Jose, Costa Rica

Dear Minister Trejos:

I have the honor to confirm the following understanding reached between the delegations of the United States and Costa Rica in the course of negotiations regarding Chapters Ten (Investment) and Eleven (Cross-Border Trade in Services) of the Free Trade Agreement between our Governments signed this day (the "Agreement"):

A nondiscriminatory indefinite moratorium on strip or open pit mining activities declared in the territory of Costa Rica shall not be deemed to be a non-conforming measure subject to the disciplines of Chapter Ten (Investment) or Eleven (Cross-Border Trade in Services).

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments.

Sincerely,

Robert B. Zoellick

COURTESY TRANSLATION

The Honorable Robert B. Zoellick
United States Trade Representative
Washington, D.C.

Dear Ambassador Zoellick:

I am pleased to acknowledge your letter of today's date, which reads as follows:

“I have the honor to confirm the following understanding reached between the delegations of the United States and Costa Rica in the course of negotiations regarding Chapters Ten (Investment) and Eleven (Cross-Border Trade in Services) of the Free Trade Agreement between our Governments signed this day (the “Agreement”):

A nondiscriminatory indefinite moratorium on strip or open pit mining activities declared in the territory of Costa Rica shall not be deemed to be a non-conforming measure subject to the disciplines of Chapter Ten (Investment) or Eleven (Cross-Border Trade in Services).

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments.”

I have the honor to confirm that the understanding referred to in your letter is shared by my Government, and that your letter and this reply shall constitute an agreement between our Governments.

Sincerely,

Alberto Trejos