

Draft
Subject to Legal Review for Accuracy, Clarity, and Consistency
March 31, 2004

The Honorable Robert B. Zoellick
United States Trade Representative

Dear Ambassador Zoellick:

I have the honor to confirm the following understanding reached by the delegations of the Kingdom of Morocco and the United States of America in the course of negotiations regarding Chapter Nine (Government Procurement) of the Free Trade Agreement between our two Governments signed this day.

Chapter Nine of this Agreement applies to procurement by a procuring entity by any contractual means. For greater certainty, the phrase “by any contractual means” includes, in the case of Morocco, public concessions of services, under which a procuring entity awards a contract for the provision of a specified public service and, as consideration for a supplier’s execution of a contractual arrangement, grants to the supplier, for a specified period of time, the right to demand payment for the services provided by the supplier under the contract for the duration of that contract.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an integral part of the Free Trade Agreement, to enter into force on the entry into force of the Free Trade Agreement.

Sincerely,

[Moroccan Government Official]

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[Moroccan Government Official]
Kingdom of Morocco

Dear [Moroccan Government Official]:

I have the honor to confirm receipt of your letter of _____, which reads as follows:

[insert text of outgoing letter]

I have the further honor to confirm that this understanding is shared by my Government.

Sincerely,

Robert B. Zoellick