

Annex I: Provisions on Withdrawal, Termination, and Modification of Specific US Trade Agreements

| Agreement   | FTA Text on Withdrawal  | US Law on Withdrawal   | FTA Text on Renegotiation   | US Law on Renegotiation  | FTA Text on Tariff Modification  | US Law on Tariff Modification   | Effect of FTA Termination or Withdrawal on US Implementing Legislation   |
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| Section I: Agreements governed by TPA 1988 <sup>1</sup> |   |  |   |  |  |   |  |
| WTO Agreements<br>(Signed on April 15, 1994)            | <p><i>Article XV<br/>Withdrawal</i></p> <p>1. Any Member may withdraw from this Agreement. Such withdrawal shall apply both to this Agreement and the Multilateral Trade Agreements and shall take effect upon the expiration of six months from the date on which written notice of withdrawal is received by the Director-General of the WTO.</p> <p>2. Withdrawal from a Plurilateral Trade Agreement shall be governed by the provisions of that Agreement.</p> | <p>Section 125(b)(1) of the URAA states:<sup>2</sup></p> <p><i>“The approval of the Congress, provided under section 101(a), of the WTO Agreement shall cease to be effective if, and only if, a joint resolution described in subsection (c) is enacted into law pursuant to the provisions of paragraph (2).</i></p> <p>The remainder of Section 125 sets forth the procedures and substance governing any such “joint resolution,” including the text thereof:</p> <p><i>“That the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.”)</i></p> | <p>Amendment of the WTO Agreements is governed by Article X of the Marrakesh Agreement Establishing the World Trade Organization.</p> | <p>US law (<i>i.e.</i>, the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments.</p> | <p>Under GATT Article II, a WTO Member is free to raise MFN duties up to the “bound” rates listed in its Goods Schedule. Exceeding these bound rates would require renegotiation with other WTO Members under GATT Article XXVIII.</p> | <p>Section 111(a)(3) of the URAA grants the President the authority to issue a presidential proclamation imposing “<i>such additional duties, as the President determines to be necessary or appropriate to carry out Schedule XX,</i>” which is defined in Section 2 of the URAA as “Schedule XX—United States of America annexed to the Marrakesh Protocol to the GATT 1994.”<sup>3</sup></p> <p>The Statement of Administrative Action for the URAA states that “[t]he authority to increase tariffs is necessary to take account of the fact that Schedule XX calls for an increase in tariffs on agricultural products whose importation into the United States is currently subject to quotas or other nontariff restrictions.”</p> | <p>It is likely that US withdrawal under Article XV would <u>not</u> automatically terminate the URAA. Rather, termination of the URAA would require Congressional approval of a resolution pursuant to Section 125 of the URAA.</p> |

<sup>1</sup> Section 1102(a)(B)(iii) of TPA 1988 authorizes the President to impose “such additional duties; as [the President] determines to be required or appropriate to carry out any such trade agreement” concluded pursuant to TPA. Section 2902(a)(2)(B) of TPA 1988 limits these increased duties to the “the rate that applies on August 23, 1988”.

<sup>2</sup> 19 U.S.C. § 3535

<sup>3</sup> This is the United States Goods Schedule, available at [https://www.wto.org/english/tratop\\_e/schedules\\_e/usa.zip](https://www.wto.org/english/tratop_e/schedules_e/usa.zip).

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| North American Free Trade Agreement<br><br>(Signed on December 17, 1992) | <i>Article 2205: Withdrawal</i><br><br><i>A Party may withdraw from this Agreement six months after it provides written notice of withdrawal to the other Parties. If a Party withdraws, the Agreement shall remain in force for the remaining Parties.</i> | Section 109(b) of the Act (Termination of NAFTA Status) states: <sup>4</sup><br><br>“During any period in which a country ceases to be a NAFTA country, sections 101 through 106 shall cease to have effect with respect to such country.” | <i>Article 2202: Amendments</i><br><br><i>1. The Parties may agree on any modification of or addition to this Agreement.</i><br><br><i>2. When so agreed, and approved in accordance with the applicable legal procedures of each Party, a modification or addition shall constitute an integral part of this Agreement.</i> | US law (i.e., the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments. | A Party may take “bilateral emergency actions” (i.e., by increasing a rate of duty to the MFN rate) against NAFTA imports under Article 801.3, but only with the consent of the exporting Party:<br><br>3. A Party may take a bilateral emergency action after the expiration of the transition period to deal with cases of serious injury, or threat thereof, to a domestic industry arising from the operation of this Agreement only with the consent of the Party against whose good the action would be taken.<br><br>Article 801.4 provides that the Party taking such action “shall provide to the Party against whose good the action is taken mutually agreed trade liberalizing compensation in the form of concessions having substantially equivalent trade effects or equivalent to the value of the additional duties expected to result from the action.”<br><br>Otherwise, tariff increases would only be permitted after amendment of a Party’s schedule. Article 2202 governs the process for making such amendments. | Section 201(b) the Act <sup>5</sup> states:<br><br><i>(b) Other tariff modifications</i><br><br><i>(1) In general</i><br><i>Subject to paragraph (2) and the consultation and layover requirements of section 3313(a) of this title, the President may proclaim-</i><br><i>(A) such modifications or continuation of any duty,</i><br><i>(B) such modifications as the United States may agree to with Mexico or Canada regarding the staging of any duty treatment set forth in Annex 302.2 of the Agreement,</i><br><i>(C) such continuation of duty-free or excise treatment, or</i><br><i>(D) such additional duties,</i><br><br><i>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada or Mexico provided for by the Agreement.</i> | It is unclear whether US withdrawal under Article 2205 would automatically terminate the implementing act. |

<sup>4</sup> 19 U.S.C. § 3311

<sup>5</sup> 19 U.S.C. § 3331

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| Section II: Agreements governed by TPA 2002 <sup>6</sup> |   |   |   |   |  |   |  |
| CAFTA-DR<br><br>(Signed on January 28, 2005)             | <p><i>Article 22.7: Withdrawal</i></p> <p>1. Any Party may withdraw from this Agreement by providing written notice of withdrawal to the Depositary. The Depositary shall promptly inform the Parties of such notification.</p> <p>2. A withdrawal shall take effect six months after a Party provides written notice under paragraph 1, unless the Parties agree on a different period. If a Party withdraws, the Agreement shall remain in force for the remaining Parties.</p> | <p>Sections 107(c) and (d) of the Act (TERMINATION OF THE AGREEMENT) state:<sup>7</sup></p> <p>(c) Termination of CAFTA–DR Status.</p> <p>During any period in which a country ceases to be a CAFTA–DR country, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect with respect to that country.</p> <p>(d) Termination of the Agreement.</p> <p>On the date on which the Agreement ceases to be in force with respect to the United States, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect."</p> | <p><i>Article 22.2: Amendments</i></p> <p>1. The Parties may agree on any amendment of this Agreement. The original English and Spanish texts of any amendment shall be deposited with the Depositary, which shall promptly provide a certified copy to each Party.</p> <p>2. When so agreed, and approved in accordance with the applicable legal procedures of each Party, an amendment shall constitute an integral part of this Agreement to take effect on the date on which all Parties have notified the Depositary in writing that they have approved the amendment or on such other date as the Parties may agree.</p> | US law ( <i>i.e.</i> , the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments. | <p>If certain conditions are met, a party may take agricultural safeguard measures pursuant to Article 3.15, and textile safeguard measures pursuant to Article 3.23.</p> <p>Otherwise, tariff increases would only be permitted after amendment of a Party's schedule. Article 22.2 governs the process for making such amendments.</p> | <p>Section 201(b) of the Act states:<sup>8</sup></p> <p>(b) Other tariff modifications</p> <p>Subject to the consultation and layover provisions of section 4014 of this title, the President may proclaim-</p> <p>(1) such modifications or continuation of any duty,</p> <p>(2) such modifications as the United States may agree to with a CAFTA–DR country regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,</p> <p>(3) such continuation of duty-free or excise treatment, or</p> <p>(4) such additional duties,</p> <p>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions provided for by the Agreement.</p> | It is unclear whether US withdrawal under Article 22.7 would automatically terminate the implementing act. |

<sup>6</sup> Section 2103(a)(1)(B)(iii) of TPA 2002 authorizes the President to impose “such additional duties, as the President determines to be required or appropriate to carry out any such trade agreement” concluded pursuant to TPA. However, Section 2103(a)(2) of TPA 2002 limits these increased duties to the “rate that applied on the date of enactment of this Act” (*i.e.*, August 6, 2002).

<sup>7</sup> 19 U.S.C. § 4001

<sup>8</sup> 19 U.S.C. § 4031

| Agreement                              | FTA Text on Withdrawal  | US Law on Withdrawal  | FTA Text on Renegotiation   | US Law on Renegotiation  | FTA Text on Tariff Modification   | US Law on Tariff Modification   | Effect of FTA Termination or Withdrawal on US Implementing Legislation  |
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| Korea<br><br>(Signed on June 30, 2007) | <p><i>ARTICLE 24.5: ENTRY INTO FORCE AND TERMINATION</i></p> <p><i>1. This Agreement shall enter into force 60 days after the date the Parties exchange written notifications certifying that they have completed their respective applicable legal requirements and procedures or on such other date as the Parties may agree.</i></p> <p><i>2. This Agreement shall terminate 180 days after the date either Party notifies the other Party in writing that it wishes to terminate the Agreement.</i></p> <p><i>3. Within 30 days after a Party provides notice under paragraph 2, either Party may request the other Party in writing to enter into consultations regarding whether any provision of this Agreement should terminate on a date later than that provided under paragraph 2. The consultations shall begin no later than 30 days after the Party delivers its request.</i></p> | <p>Section 107(c) (TERMINATION OF THE AGREEMENT) states:<sup>9</sup></p> <p><i>On the date on which the Agreement terminates, this Act (other than this subsection and title V) and the amendments made by this Act (other than the amendments made by title V) shall cease to have effect.</i></p> | <p><i>ARTICLE 24.2: AMENDMENTS</i></p> <p><i>The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force after the Parties exchange written notifications certifying that they have completed their respective applicable legal requirements and procedures, on such date as the Parties may agree.</i></p> | <p>US law (<i>i.e.</i>, the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments.</p> | <p>If certain conditions are met, a Party may take bilateral emergency actions with respect to textile and apparel goods pursuant to Article 4.1, and agricultural safeguard measures pursuant to Article 3.3.</p> <p>Otherwise, tariff increases would only be permitted after amendment of a Party's schedule. Article 24.2 governs the process for making such amendments.</p> | <p>Section 201(b) of the Act states:<sup>10</sup></p> <p><i>(b) Other Tariff Modifications.-</i></p> <p><i>Subject to the consultation and layover provisions of section 104, the President may proclaim-</i></p> <p><i>"(1) such modifications or continuation of any duty,</i></p> <p><i>"(2) such modifications as the United States may agree to with Korea regarding the staging of any duty treatment set forth in Annex 2-B of the Agreement,</i></p> <p><i>"(3) such continuation of duty-free or excise treatment, or</i></p> <p><i>"(4) such additional duties,</i></p> <p><i>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Korea provided for by the Agreement.</i></p> | <p>It is likely that US withdrawal from the Agreement under Article 24.5 would automatically terminate the implementing act because withdrawal would terminate the FTA.</p> |

<sup>9</sup> 19 U.S.C. § 3805

<sup>10</sup> 19 U.S.C. § 3805



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|---------------------------------------|--|---|---|--|---|--|---|
| Australia<br>(Signed on May 18, 2004) | <p><b>ARTICLE 23.4: ENTRY INTO FORCE AND TERMINATION</b></p> <p>1. <i>This Agreement shall enter into force 60 days after the date on which the Parties exchange written notifications certifying that they have completed respective necessary internal requirements, or on such other date as the Parties may agree.</i></p> <p>2. <i>A Party may terminate this Agreement by written notification to the other Party, and such termination shall take effect six months after the date of the notification.</i></p> <p>3. <i>Within 30 days of delivery of a notification under paragraph 2, either Party may request consultations regarding whether any provision of this Agreement should terminate on a date later than that provided under paragraph 2. Consultations shall commence within 30 days after the Party delivers such a request.</i></p> | <p>Section 106(c) (TERMINATION OF THE AGREEMENT) states:<sup>11</sup></p> <p><i>On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.</i></p> | <p><b>ARTICLE 23.3: AMENDMENTS</b></p> <p>1. <i>The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force after the Parties complete any necessary internal requirements and on such date as the Parties may agree.</i></p> | <p>US law (<i>i.e.</i>, the implementing or TPA) is silent as to whether congressional approval would be required for any such amendments.</p> | <p>If certain conditions are met, a Party may take bilateral emergency actions with respect to textile and apparel goods pursuant to Article 4.1, and agricultural safeguard measures pursuant to Article 3.4.</p> <p>Otherwise, tariff increases would only be permitted after amendment of a Party's schedule. Article 23.3 governs the process for making such amendments.</p> | <p>Section 201(b) of the Act states:<sup>12</sup></p> <p><i>(b) Other Tariff Modifications.-Subject to the consultation and layover provisions of section 104, the President may proclaim-</i></p> <p><i>"(1) such modifications or continuation of any duty,</i></p> <p><i>"(2) such modifications as the United States may agree to with Australia regarding the staging of any duty treatment set forth in Annex 2–B of the Agreement,</i></p> <p><i>"(3) such continuation of duty-free or excise treatment, or</i></p> <p><i>"(4) such additional duties,</i></p> <p><i>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Australia provided for by the Agreement.</i></p> | <p>It is likely that US withdrawal from the Agreement under Article 23.4 would automatically terminate the implementing act because withdrawal would terminate the FTA.</p> |

<sup>11</sup> 19 U.S.C. § 3805

<sup>12</sup> 19 U.S.C. § 3805

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|-----------------------------------|--|--|---|--|---|---|---|
| Chile<br>(Signed on June 6, 2003) | <p><i>Article 24.4: ENTRY INTO FORCE AND TERMINATION</i></p> <p>1. <i>The entry into force of this Agreement is subject to the completion of necessary domestic legal procedures by each Party.</i></p> <p>2. <i>This Agreement shall enter into force 60 days after the date on which the Parties exchange written notification that such procedures have been completed, or after such other period as the Parties may agree.</i></p> <p>3. <i>Either Party may terminate this Agreement by written notification to the other Party. This Agreement shall expire 180 days after the date of such notification.</i></p> | <p>Section 107(c) (TERMINATION OF THE AGREEMENT) states:<sup>13</sup></p> <p><i>On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.</i></p> | <p><i>Article 24.2: AMENDMENTS</i></p> <p>1. <i>The Parties may agree on any modification of or addition to this Agreement.</i></p> <p>2. <i>When so agreed, and approved in accordance with the applicable legal procedures of each Party, a modification or addition shall constitute an integral part of this Agreement.</i></p> | <p>US law (<i>i.e.</i>, the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments.</p> | <p>If certain conditions are met, a Party may take agricultural safeguard measures pursuant to Article 3.18, and bilateral emergency actions with respect to textile and apparel goods pursuant to Article 3.19.</p> <p>Otherwise, tariff increases would only be permitted after amendment of a Party's schedule. Article 24.2 governs the process for making such amendments.</p> | <p>Section 201(b) of the Act states:<sup>14</sup></p> <p><i>(b) Other Tariff Modifications.-Subject to the consultation and layover provisions of section 103(a), the President may proclaim-</i></p> <p><i>"(1) such modifications or continuation of any duty,</i></p> <p><i>"(2) such modifications as the United States may agree to with Chile regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,</i></p> <p><i>"(3) such continuation of duty-free or excise treatment, or</i></p> <p><i>"(4) such additional duties,</i></p> <p><i>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Chile provided for by the Agreement.</i></p> | <p>It is likely that US withdrawal from the Agreement under Article 24.4 would automatically terminate the implementing act because withdrawal would terminate the FTA.</p> |

<sup>13</sup> 19 U.S.C. § 3805

<sup>14</sup> 19 U.S.C. § 3805

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| Colombia<br><br>(Signed on November 22, 2006) | <p><i>Article 23.4: ENTRY INTO FORCE AND TERMINATION</i></p> <p><i>1. This Agreement shall enter into force 60 days after the date on which the Parties exchange written notifications certifying that they have completed their respective legal requirements or on such other date as the Parties may agree.</i></p> <p><i>2. Any Party may terminate this Agreement by written notification to the other Party, and such termination shall take effect six months after the date of the notification.</i></p> | <p>Section 107(c) (TERMINATION OF THE AGREEMENT) states:<sup>15</sup></p> <p><i>On the date on which the Agreement terminates, this Act (other than this subsection and titles V and VI) and the amendments made by this Act (other than the amendments made by titles V and VI) shall cease to have effect.</i></p> | <p><i>Article 23.2: AMENDMENTS</i></p> <p><i>1. The Parties may agree on any amendment to this Agreement.</i></p> <p><i>2. When so agreed, and approved in accordance with the legal requirements of each Party, an amendment shall constitute an integral part of this Agreement and shall enter into force on such date as the Parties may agree.</i></p> | US law ( <i>i.e.</i> , the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments. | <p>If certain conditions are met, a Party may take agricultural safeguard measures pursuant to Article 2.18, and textile safeguard measures pursuant to Article 3.1.</p> <p>Otherwise, tariff increases would only be permitted after amendment of a Party's schedule. Article 23.2 governs the process for making such amendments.</p> | <p>Section 201(b) of the Act states:<sup>16</sup></p> <p><i>(b) Other Tariff Modifications.-Subject to the consultation and layover provisions of section 104, the President may proclaim-</i></p> <p><i>"(1) such modifications or continuation of any duty,</i></p> <p><i>"(2) such modifications as the United States may agree to with Colombia regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,</i></p> <p><i>"(3) such continuation of duty-free or excise treatment, or</i></p> <p><i>"(4) such additional duties,</i></p> <p><i>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Colombia provided for by the Agreement.</i></p> | It is likely that US withdrawal from the Agreement under Article 23.4 would automatically terminate the implementing act because withdrawal would terminate the FTA. |

<sup>15</sup> 19 U.S.C. § 3805

<sup>16</sup> 19 U.S.C. § 3805

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| Singapore<br><br>(Signed on signed May 6, 2003 | <p><i>ARTICLE 21.9: ENTRY INTO FORCE AND TERMINATION</i></p> <p><i>1. This Agreement shall come into force 60 days after the date when the Parties have exchanged written notification that their respective internal requirements for the entry into force of this Agreement have been fulfilled, or such other date as the Parties may agree.</i></p> <p><i>2. Either Party may terminate this Agreement by written notification to the other Party, and such termination shall take effect six months after the date of the notification.</i></p> <p><i>3. Within 30 days of delivery of a notification under paragraph 2, either Party may request consultations regarding whether the termination of any provision of this Agreement should take effect at a later date than provided under paragraph 2. Such consultations shall commence within 30 days of a Party's delivery of such request.</i></p> | <p>Section 107(c) (TERMINATION OF THE AGREEMENT) states:<sup>17</sup></p> <p><i>On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.</i></p> | <p><i>ARTICLE 21.8: AMENDMENTS</i></p> <p><i>This Agreement may be amended by agreement in writing by the Parties and such amendment shall enter into force after the Parties have exchanged written notification certifying that they have completed necessary internal legal procedures and on such date or dates as may be agreed between them.</i></p> | US law ( <i>i.e.</i> , the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments. | <p>If certain conditions are met, a Party may take bilateral textile and apparel safeguard actions pursuant to Article 5.9, and bilateral safeguard actions (for any originating good) pursuant to Article 7.1.</p> <p>Otherwise, tariff increases would only be permitted after amendment of a Party's schedule. Article 21.8 governs the process for making such amendments.</p> | <p>Section 201(b) of the Act states:</p> <p><i>(b) Other Tariff Modifications.-Subject to the consultation and layover provisions of section 103(a), the President may proclaim-</i></p> <p><i>"(1) such modifications or continuation of any duty,</i></p> <p><i>"(2) such modifications as the United States may agree to with Singapore regarding the staging of any duty treatment set forth in Annex 2B of the Agreement,</i></p> <p><i>"(3) such continuation of duty-free or excise treatment, or</i></p> <p><i>"(4) such additional duties-</i></p> <p><i>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Singapore provided for by the Agreement.</i></p> | It is likely that US withdrawal from the Agreement under Article 21.9 would automatically terminate the implementing act because withdrawal would terminate the FTA. |

<sup>17</sup> 19 U.S.C. § 3805



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| Peru<br>(Signed on April 12, 2006) | <p><i>Article 23.4: ENTRY INTO FORCE AND TERMINATION</i></p> <p><i>1. This Agreement shall enter into force 60 days after the date on which the Parties exchange written notifications certifying that they have completed their respective legal requirements or on such other date as the Parties may agree.</i></p> <p><i>2. Any Party may terminate this Agreement by written notification to the other Party, and such termination shall take effect six months after the date of the notification.</i></p> | <p>Section 107(c) (TERMINATION OF THE AGREEMENT) states:<sup>18</sup></p> <p><i>On the date on which the Agreement terminates, this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.</i></p> | <p><i>Article 23.2: AMENDMENTS</i></p> <p><i>1. The Parties may agree on any amendment to this Agreement.</i></p> <p><i>2. When so agreed, and approved in accordance with the legal requirements of each Party, an amendment shall constitute an integral part of this Agreement and shall enter into force on such date as the Parties may agree.</i></p> | US law ( <i>i.e.</i> , the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments. | <p>If certain conditions are met, a Party may take agricultural safeguard measures under Article 2.18, and textile safeguard measures under Article 3.1.</p> <p>Otherwise, tariff increases would only be permitted after amendment of a Party's schedule. Article 23.2 governs the process for making such amendments.</p> | <p>Section 201(b) of the Act states:<sup>19</sup></p> <p><i>(b) Other Tariff Modifications.-Subject to the consultation and layover provisions of section 104, the President may proclaim-</i></p> <p><i>"(1) such modifications or continuation of any duty,</i></p> <p><i>"(2) such modifications as the United States may agree to with Peru regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,</i></p> <p><i>"(3) such continuation of duty-free or excise treatment, or</i></p> <p><i>"(4) such additional duties,</i></p> <p><i>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Peru provided for by the Agreement.</i></p> | It is likely that US withdrawal from the Agreement under Article 23.4 would automatically terminate the implementing act because withdrawal would terminate the FTA. |

<sup>18</sup> 19 U.S.C. § 3805

<sup>19</sup> 19 U.S.C. § 3805

| Agreement                           | FTA Text on Withdrawal   | US Law on Withdrawal   | FTA Text on Renegotiation  | US Law on Renegotiation   | FTA Text on Tariff Modification  | US Law on Tariff Modification  | Effect of FTA Termination or Withdrawal on US Implementing Legislation  |
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| Panama<br>(Signed on June 28, 2007) | <p><i>Article 22.5: ENTRY INTO FORCE AND TERMINATION</i></p> <p><i>1. This Agreement shall enter into force 60 days after the date on which the Parties exchange written notifications certifying that they have completed their respective legal requirements or on such other date as the Parties may agree.</i></p> <p><i>2. Either Party may terminate this Agreement by written notification to the other Party. This Agreement shall terminate 180 days after the date of such notification.</i></p> | <p>Section 107(c) (TERMINATION OF THE AGREEMENT) states:<sup>20</sup></p> <p><i>On the date on which the Agreement terminates, this Act (other than this subsection and title V) and the amendments made by this Act (other than the amendments made by title V) shall cease to have effect.</i></p> | <p><i>Article 22.2: AMENDMENTS</i></p> <p><i>1. The Parties may agree in writing on any amendment of this Agreement.</i></p> <p><i>2. When so agreed, and approved in accordance with the legal requirements of each Party, an amendment shall constitute an integral part of this Agreement and shall enter into force on such date as the Parties may agree.</i></p> | US law ( <i>i.e.</i> , the implementing act or TPA) is silent as to whether congressional approval would be required for any such amendments. | <p>If certain conditions are met, a Party may take agricultural safeguard measures under Article 3.17, and textile safeguard measures under Article 3.24.</p> <p>Otherwise, tariff increases would only be permitted after amendment of a Party's schedule. Article 22.2 governs the process for making such amendments.</p> | <p>Section 201(b) of the Act states:<sup>21</sup></p> <p><i>(b) Other Tariff Modifications.-Subject to the consultation and layover provisions of section 104, the President may proclaim-</i></p> <p><i>"(1) such modifications or continuation of any duty,</i></p> <p><i>"(2) such modifications as the United States may agree to with Panama regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,</i></p> <p><i>"(3) such continuation of duty-free or excise treatment, or</i></p> <p><i>"(4) such additional duties,</i></p> <p><i>as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Panama provided for by the Agreement.</i></p> | It is likely that US termination of the Agreement under Article 22.5 would automatically terminate the implementing act because withdrawal would terminate the FTA. |

<sup>20</sup> 19 U.S.C. § 3805

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