

CHAPTER NINETEEN
LABOR

ARTICLE 19.1: STATEMENT OF SHARED COMMITMENT

The Parties reaffirm their obligations as members of the International Labor Organization (ILO).

ARTICLE 19.2: FUNDAMENTAL LABOR RIGHTS

1. Each Party shall adopt and maintain in its statutes and regulations, and practices thereunder, the following rights, as stated in the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up* (1998) (ILO Declaration):^{1 2}

- (a) freedom of association;
- (b) the effective recognition of the right to collective bargaining;
- (c) the elimination of all forms of compulsory or forced labor;
- (d) the effective abolition of child labor and, for purposes of this Agreement, a prohibition on the worst forms of child labor; and
- (e) the elimination of discrimination in respect of employment and occupation.

2. Neither Party shall waive or otherwise derogate from, or offer to waive or otherwise derogate from, its statutes or regulations implementing paragraph 1 in a manner affecting trade or investment between the Parties, where the waiver or derogation would be inconsistent with a fundamental right set out in that paragraph.

ARTICLE 19.3: APPLICATION AND ENFORCEMENT OF LABOR LAWS

- Neither Party shall fail to effectively enforce its labor laws, including those it adopts or maintains in accordance with Article 19.2.1, through a sustained or recurring course of action or inaction, in a manner affecting trade or investment between the Parties, after the date this Agreement enters into force.
 - A decision a Party makes on the distribution of enforcement resources shall not be a reason for not complying with the provisions of this Chapter. Each Party retains the right to the reasonable exercise of discretion and to *bona fide* decisions with

¹ The obligations set out in Article 19.2, as they relate to the ILO, refer only to the ILO Declaration.

² To establish a violation of an obligation under Article 19.2.1 a Party must demonstrate that the other Party has failed to adopt or maintain a statute, regulation, or practice in a manner affecting trade or investment between the Parties.

第十九章 劳工

第十九条之一：共同承诺声明

各缔约方重申其作为国际劳工组织（ILO）成员的义务。

第十九条之二：基本劳工权利

1. 每一方应在其法规和规章及其实践中，采纳并维持《国际劳工组织关于工作中的基本原则和权利宣言及其后续措施》（1998年）（国际劳工组织宣言）所述的以下权利：^{1 2}

- (a) 结社自由；(b) 有效承认集体谈判权；(c) 消除一切形式的强迫或强制劳动；(d) 有效废除童工，且就本协定而言，禁止最恶劣形式的童工；以及(
- e) 消除就业和职业歧视。

2. 任何缔约方均不得放弃或以其他方式减损其执行第1款的法规或规章，亦不得提议放弃或减损，若此类放弃或减损会影响缔约方之间的贸易或投资，且与该款所列基本权利相抵触。

第十九条之三：劳工法律的适用与执行

1(a) 在本协定生效之日后，任何缔约方不得通过持续或反复的行动或不行动，未能有效执行其劳动法（包括根据第19.2.1条通过或维持的劳动法），以致影响缔约方之间的贸易或投资。

- (b) 缔约方关于执法资源分配的决定不得成为不遵守本章规定的理由。每一方保留合理行使裁量权及作出善意的权利，

¹ 第19.2条中与国际劳工组织相关的义务仅指《国际劳工组织宣言》。

² 要认定违反第19.2.1条下的义务，一缔约方必须证明另一缔约方未能以影响缔约方间贸易或投资的方式通过或维持某项法规、规章或做法。

regard to the allocation of resources between labor enforcement activities among the fundamental labor rights enumerated in Article 19.2.1, provided the exercise of such discretion and such decisions are not inconsistent with the obligations of this Chapter.³

2. For greater certainty, nothing in this Chapter shall be construed to empower a Party’s authorities to undertake labor law enforcement activities in the territory of the other Party.

ARTICLE 19.4: PROCEDURAL GUARANTEES AND PUBLIC AWARENESS

1. Each Party shall ensure that persons with a recognized interest under its law in a particular matter have appropriate access to tribunals for the enforcement of the Party’s labor laws. Such tribunals may include administrative, quasi-judicial, judicial, or labor tribunals.

2. Each Party shall ensure that proceedings before such tribunals for the enforcement of its labor laws are fair, equitable, and transparent and, to this end, each Party shall ensure, in accordance with its law, that:

- (a) such proceedings comply with due process of law;
- (b) any hearings in such proceedings are open to the public, except where the administration of justice otherwise requires;
- (c) the parties to such proceedings are entitled to support or defend their respective positions, including by presenting information or evidence;
- (d) such proceedings do not entail unreasonable fees or time limits or unwarranted delays;
- (e) final decisions on the merits of the case in such proceedings are: (i) in writing and state the reasons on which the decisions are based; (ii) made available without undue delay to the parties to the proceedings and, consistent with its law, to the public; and (iii) based on information or evidence in respect of which the parties were offered the opportunity to be heard;
- (f) as appropriate, parties to such proceedings have the right to seek review and, where warranted, correction of decisions issued in such proceedings; and
- (g) tribunals that conduct or review such proceedings are impartial and independent and do not have any substantial interest in the outcome of the matter.

³ For greater certainty, a Party retains the right to exercise reasonable enforcement discretion and to make *bona fide* decisions regarding the allocation of enforcement resources with respect to labor laws other than those relating to fundamental rights enumerated in Article 19.2.1.

涉及第19.2.1条所列基本劳动权利之间劳动执法活动的资源分配，只要此类裁量权的行使和此类决定不违背本章规定的义务。³

2. 为更加明确起见，本章任何规定不得解释为授权一缔约方当局在另一缔约方领土内开展劳动法执法活动。

第19.4条：程序保障与公众意识

1. 每一方应确保根据其法律在特定事项中具有公认利益的人士能够适当诉诸法庭以执行该缔约方的劳动法。此类法庭可包括行政、准司法、司法或劳动法庭。

2. 每一方应确保此类法庭为执行其劳动法所进行的程序公正、平等且透明，并为此目的，每一方应根据其法律确保：

- (a) 此类程序符合法律正当程序；(b) 此类程序中的听证会应向公众开放，除非司法行政另有要求；(c) 此类程序的当事人有权支持或辩护其各自立场，包括通过提交信息或证据；(d) 此类程序不涉及不合理费用、时间限制或无端延误；(e) 此类程序中关于案件实质的最终决定应：(i) 以书面形式作出，并陈述决定的理由；(ii) 在不无故拖延的情况下提供给程序当事人，并根据其法律提供给公众；(iii) 基于当事人有机会就信息或证据发表意见的内容；(f) 适当时，此类程序的当事人有权寻求审查，并在有正当理由时纠正此类程序中作出的决定；(g) 进行或审查此类程序的法庭应公正且独立，且对事项结果无任何实质性利益。

³ 为更加明确起见，缔约方保留行使合理的执法裁量权之权利，并可就第19.2.1条所列基本权利以外的劳动法作出关于执法资源分配的善意决定。

3. Each Party shall provide that parties to such proceedings may seek remedies to ensure the enforcement of their rights under its labor laws.
4. Each Party shall promote public awareness of its labor laws, including by:
- (a) ensuring that information related to its labor laws and enforcement and compliance procedures is publicly available; and
 - (b) encouraging education of the public regarding its labor laws.

ARTICLE 19.5: INSTITUTIONAL ARRANGEMENTS

1. The Parties hereby establish a Labor Affairs Council. The Council shall comprise appropriate senior officials from the labor ministry and other appropriate agencies or ministries of each Party.
2. The Council shall meet within the first year after the date this Agreement enters into force, and thereafter as necessary, to oversee the implementation of this Chapter, including activities of the Labor Cooperation Mechanism established under Article 19.6. Unless the Parties otherwise agree, each meeting of the Council shall include a session in which members of the Council have an opportunity to meet with the public to discuss matters related to the implementation of this Chapter.
3. Each Party shall designate an office within its labor ministry that shall serve as a contact point with the other Party and with the public for purposes of implementing this Chapter. Each Party’s contact point shall provide for the submission, receipt, and consideration of communications from persons of a Party on matters related to this Chapter and shall make such communications available to the other Party and the public. Each Party shall review such communications, as appropriate, in accordance with domestic procedures.
4. Each Party may convene a national labor advisory committee comprising members of its public, including representatives of its labor and business organizations and other persons, to advise it on the implementation of this Chapter.
5. Formal decisions of the Council shall be made public, unless the Council decides otherwise.
6. The Council may prepare reports on matters related to the implementation of this Chapter and shall make such reports public.

ARTICLE 19.6: LABOR COOPERATION

Recognizing that cooperation provides enhanced opportunities to promote respect for core labor standards embodied in the ILO Declaration and compliance with *ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* (1999) (ILO Convention 182), and to further advance other common commitments

3. 每一方应规定，此类程序的当事人可寻求补救措施以确保其劳动法下的权利得到执行。
4. 每一方应促进公众对其劳动法的认识，包括通过：
- (a) 确保与其劳动法及执行和合规程序相关的信息可公开获取；以及
 - (b) 鼓励公众接受关于其劳动法的教育。

第19.5条：机构安排

1. 缔约方特此设立 劳工事务委员会。理事会应由每一方劳工部及其他相关机构或部门的高级官员组成。
2. 理事会应在本协定生效之日起第一年内召开会议，此后根据需要召开，以监督本章的实施，包括根据第19.6条设立的劳工合作机制的活动。除非缔约方另有约定，理事会每次会议应包括一个环节，使理事会成员有机会与公众会面，讨论与本章实施相关的事项。
3. 每一方应在其劳工部内指定一个办公室，作为与另一方及公众就本章实施事宜进行联络的联络点。每一方的联络点应负责接收、受理和考虑缔约方人员就本章相关事项提交的沟通，并将此类沟通提供给另一方和公众。每一方应根据国内程序酌情审查此类沟通。
4. 每一方可召集由国家劳工咨询委员会组成的全国劳工咨询委员会，其成员包括公众代表、劳工和商业组织代表及其他人士，就本章实施提供建议。
5. 理事会的正式决定应向公众公开，除非理事会另有决定。
6. 理事会可编写与本章实施相关事项的报告，并将此类报告公开。

第十九条第六款：劳工合作

认识到合作提供了更多机会，以促进对《国际劳工组织宣言》所体现的核心劳工标准的尊重，并遵守《关于禁止和立即行动消除最恶劣形式的童工劳动的国际劳工组织第182号公约》（1999年）（国际劳工组织第182号公约），并进一步推进其他共同承诺

regarding labor matters, the Parties hereby establish a Labor Cooperation Mechanism, as set out in Annex 19-A.

ARTICLE 19.7: LABOR CONSULTATIONS

1. A Party may request consultations with the other Party regarding any matter arising under this Chapter by delivering a written request to the contact point the other Party has designated under Article 19.5.3. The request shall contain information that is specific and sufficient to enable the Party receiving the request to respond. Consultations shall commence promptly after a Party delivers a request for consultations to the other Party’s contact point.
2. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter and may seek advice or assistance from any person or body they consider appropriate.
3. If the consultations fail to resolve the matter, either Party may request that the Council be convened to consider the matter by delivering a written request to the contact point of the other Party. The Council shall convene promptly and endeavor to resolve the matter expeditiously, including, where appropriate, by consulting governmental or other experts and having recourse to such procedures as good offices, conciliation, or mediation.
4. If the Parties have failed to resolve the matter within 60 days of the delivery of a request for consultations under paragraph 1, the complaining Party may request consultations under Article 22.7 (Consultations) or refer the matter to the Joint Committee pursuant to Article 22.8 (Referral to the Joint Committee) and, as provided in Chapter Twenty-Two (Institutional Provisions and Dispute Settlement), thereafter have recourse to the other provisions of that Chapter.
5. Neither Party may have recourse to dispute settlement under this Agreement for a matter arising under this Chapter without first seeking to resolve the matter in accordance with this Article.

ARTICLE 19.8: DEFINITIONS

For purposes of this Chapter:

labor laws means a Party’s statutes and regulations, or provisions thereof, that are directly related to the following internationally recognized labor rights:

- (a) freedom of association;
- (b) the effective recognition of the right to collective bargaining;
- (c) the elimination of all forms of forced or compulsory labor;
- (d) the effective abolition of child labor, a prohibition on the worst forms of child labor, and other labor protections for children and minors;

关于劳工事务，当事人特此建立如附件19-A所述的劳工合作机制。

第19.7条：劳工磋商

1. 缔约方可就本章项下产生的任何事项，通过向另一缔约方根据第19.5.3条指定的联络点提交书面请求，要求与该缔约方进行磋商。请求应包含具体且充分的信息，以使接收请求的缔约方能够作出回应。磋商应在一缔约方向另一缔约方的联络点提交磋商请求后立即启动。
2. 缔约双方应尽一切努力达成双方满意的争议解决方案，并可向其认为适当的任何个人或机构寻求建议或协助。
3. 若磋商未能解决争议，任一缔约方均可通过向另一缔约方的联络点提交书面请求，要求召开理事会审议该事项。理事会应立即召开并努力迅速解决争议，包括在适当时咨询政府或其他专家，并诉诸斡旋、调解或调停等程序。
4. 如果缔约方未能在根据第1款提出磋商请求后60天内解决该事项，申诉缔约方可根据第22.7条（磋商）请求磋商，或根据第22.8条（提交联合委员会）将该事项提交联合委员会，并依照第二十二章（机构条款和争端解决）的规定，随后诉诸该章其他条款。
5. 任何缔约方不得在未首先尝试根据本条解决事项的情况下，就本章产生的事项诉诸本协定下的争端解决机制。

第19.8条：定义

就本章而言：

劳动法指缔约方的法规和规章或其条款，其直接涉及以下国际公认的劳工权利：

- (a) 结社自由；(b) 有效承认集体谈判权；(c) 消除一切形式的强迫或强制劳动；
- (d) 有效废除童工，禁止最恶劣形式的童工，以及儿童和未成年人的劳动保护；

- (e) the elimination of discrimination in respect of employment and occupation; and
- (f) acceptable conditions of work with respect to minimum wages, hours of work,⁴ and occupational safety and health; and

statutes and regulations and **statutes or regulations** means:

- (a) for Korea, acts of the National Assembly or regulations promulgated pursuant to acts of the National Assembly that are enforceable by action of the central level of government; and
- (b) for the United States, acts of Congress or regulations promulgated pursuant to acts of Congress that are enforceable by action of the central level of government and, for purposes of this Chapter, includes the Constitution of the United States.

⁴ For greater certainty, “hours of work” does not include paid annual leave or holidays.

- (e) 消除就业和职业歧视；以及 (f) 关于最低工资、工作时间、⁴职业安全与健康的可接受的工作条件；以及

法规和规章及法规或规章指：

- (a) 对韩国而言，指国民议会法案或根据国民议会法案颁布的、可由中央政府层面强制执行的法规；以及 (b) 对美国而言，指国会法案或根据国会法案颁布的、可由中央政府层面强制执行的法规，且就本章而言，包括《美国宪法》。

⁴ 为更明确起见，“工作时间”不包括带薪年假或假期。

ANNEX 19-A
LABOR COOPERATION MECHANISM

附件19-A 劳工合作机制

Establishment of a Labor Cooperation Mechanism

1. Recognizing that cooperation provides enhanced opportunities for the Parties to improve labor standards and to further advance common commitments with respect to labor matters, including the ILO Declaration and ILO Convention 182, the Parties have established a Labor Cooperation Mechanism under Article 19.6.

Principal Functions and Organization

2. The contact points established under Article 19.5.3 shall serve as the contact points for the Labor Cooperation Mechanism.
3. Officials of each Party’s labor ministry and other appropriate agencies or ministries shall carry out the work of the Labor Cooperation Mechanism by cooperating to:
- (a) establish priorities for cooperative activities on labor matters;
 - (b) develop specific cooperative activities in accord with such priorities;
 - (c) exchange information regarding labor law and practice in each Party;
 - (d) exchange information on ways to improve labor law and practice, including best labor practices;
 - (e) advance understanding of, respect for, and effective implementation of the principles reflected in the ILO Declaration and ILO Convention 182;
 - (f) review and compare which statutes or regulations, or provisions thereof, of each Party fall within the definition of “labor laws” in Article 19.8 to understand further the scope of each Party’s laws falling within that definition; and
 - (g) develop recommendations, for consideration by the Council, of actions each Party may take.

Cooperative Activities

4. The Parties may undertake cooperative activities through the Labor Cooperation Mechanism on any labor matter they consider appropriate, including:
- (a) fundamental rights and their effective application: legislation and practice related to the principles and rights contained in the ILO Declaration (freedom of association and the effective recognition of the right to collective bargaining,

建立劳工合作机制

1. 认识到合作为缔约方提供了更多机会以提升劳工标准，并进一步推进在劳工事务方面的共同承诺（包括《国际劳工组织宣言》和《国际劳工组织第182号公约》），各缔约方根据第19.6条建立了劳工合作机制。

主要职能与组织架构

2. 根据第19.5.3条设立的联络点应作为劳工合作机制的联络点。
3. 每一方劳工部及其他相关机构或部门的官员应通过以下合作方式开展劳工合作机制的工作：
- (a) 确定劳工事务合作活动的优先事项；
 - (b) 根据此类优先事项制定具体合作活动；
 - (c) 交流各方劳动法及实践的相关信息；
 - (d) 交流关于改进劳动法及实践（包括最佳劳工实践）的方法信息；
 - (e) 增进对《国际劳工组织宣言》和《国际劳工组织第182号公约》所体现原则的理解、尊重及有效实施；
 - (f) 审查并比较各方哪些法规或规章（或其条款）符合第19.8条中“劳动法”的定义，以进一步理解各方法律中符合该定义的范围；
 - (g) 制定建议供理事会审议，内容涉及各方可能采取的行动。

合作活动

4. 当事人可通过劳工合作机制就任何其认为适当的劳工事项开展合作活动，包括：
- (a) 基本权利及其有效实施：与国际劳工组织宣言所载原则和权利相关的立法与实践（结社自由和有效承认集体谈判权、

elimination of all forms of forced or compulsory labor, the effective abolition of child labor, and the elimination of discrimination in respect of employment and occupation);

- (b) worst forms of child labor;
- (c) social safety net programs: unemployment insurance and worker adjustment programs;
- (d) working conditions: hours of work, minimum wages, and overtime; occupational safety and health; and prevention of and compensation for work-related injuries and illnesses;
- (e) labor-management relations: forms of cooperation among workers, management, and government to ensure productive labor relations and contribute to efficiency and productivity in the workplace;
- (f) labor statistics; and
- (g) human resources development and life-long learning.

Implementation of Cooperative Activities

5. The Parties may carry out cooperative activities undertaken by the Labor Cooperation Mechanism through any form they consider appropriate, including, but not limited to:

- (a) arranging study visits and other exchanges between government delegations, professionals, students, and specialists;
- (b) exchanging information on standards, regulations, procedures, and best practices, including through the exchange of pertinent publications and monographs;
- (c) organizing joint conferences, seminars, workshops, meetings, training sessions, and outreach and education programs;
- (d) developing collaborative projects or demonstrations; and
- (e) engaging in joint research projects, studies, and reports, including through engagement of independent experts with recognized expertise.

6. In identifying areas for labor cooperation, and in conducting cooperative activities, each Party shall seek the views and participation of its worker and employer representatives, as well as other members of the public.

消除一切形式的强迫或强制劳动、有效废除童工以及消除就业和职业歧视)；

(b) 最恶劣形式的童工；(c) 社会安全网计划：失业保险和工人调整计划；(d) 工作条件：工作时间、最低工资和加班；职业安全与健康；以及预防和补偿与工作相关的伤害和疾病；(e) 劳资关系：工人、管理层和政府之间的合作形式，以确保生产性劳动关系并促进工作场所的效率和生产力；(f) 劳动统计；以及(g) 人力资源开发和终身学习。

合作活动的实施

5. 当事人可通过其认为适当的任何形式开展劳工合作机制下的合作活动，包括但不限于：

(a) 安排政府代表团、专业人士、学生和专家之间的考察访问及其他交流；(b) 交换关于标准、法规、程序和最佳实践的信息，包括通过交换相关出版物和专著；(c) 组织联合会议、研讨会、讲习班、会谈、培训课程以及外展和教育计划；(d) 开发合作项目或示范；(e) 开展联合研究项目、研究和报告，包括通过聘请具有公认专业知识的独立专家。

6. 在确定劳工合作领域及开展合作活动时，每一方应征求其工人和雇主代表以及其他公众成员的意见并促使其参与。

June 30, 2007

The Honorable Hyun Chong Kim
Minister for Trade
Seoul, Republic of Korea

Dear Minister Kim:

I have the honor to confirm the following understanding reached between the delegations of the United States of America and the Republic of Korea during the course of negotiations regarding Article 19.5.3 (Institutional Arrangements) of Chapter Nineteen (Labor) of the Free Trade Agreement between our two Governments signed this day:

For greater certainty:

Each Party may establish appropriate procedures, consistent with Article 19.5.3, for reviewing communications from persons of a Party on matters related to Chapter Nineteen. Article 19.5.3 does not require a Party to establish new procedures that duplicate existing channels for reviewing such communications. A Party may limit the scope of any new procedures it establishes to comply with Article 19.5.3 to communications on labor matters in the other Party’s territory, provided that the Party has other procedures in place for reviewing communications on other matters related to Chapter Nineteen.

The Parties recognize that it is in their mutual interest not to pursue frivolous or meritless communications and for each Party to take into account when reviewing any communication whether: (1) the person submitting the communication or any other person has sought relief regarding the matter under pertinent domestic laws of the other Party; (2) the matter is pending before an international body; and (3) the communication is substantially similar to another recent communication regarding the matter.

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Free Trade Agreement.

Sincerely,

Susan C. Schwab

2007年6月30日

尊敬的玄奘顯贸易部长 首尔，
大韩民国

尊敬的金部长：

我荣幸地确认，美利坚合众国与大韩民国代表团在关于我们两国政府今日签署的《自由贸易协定》第十九章（劳工）第19.5.3条（制度安排）的谈判过程中达成如下谅解：

为进一步明确：

每一方可依据第19.5.3条制定适当程序，用于审查来自缔约方人员关于第十九章相关事项的沟通。第19.5.3条不要求缔约方建立重复现有审查渠道的新程序。若缔约方已具备审查第十九章其他事项沟通的程序，则可将其为遵守第19.5.3条而设立的任何新程序的适用范围限定于另一缔约方领土内的劳工事务沟通。

双方认识到，不追究无意义或无根据的沟通，并在审查任何沟通时考虑以下因素符合共同利益：（1）提交沟通者或其他人是否已寻求依据另一缔约方相关国内法律就该事项获得救济；（2）该事项是否正由某一国际机构审理；（3）该沟通是否与近期另一关于该事项的沟通实质相似。

我荣幸地提议，本函及贵方复函确认贵国政府认同此理解，将构成《自由贸易协定》不可分割的一部分。

此致，

苏珊·C·施瓦布

[TRANSLATION]

June 30, 2007

The Honorable Susan C. Schwab
United States Trade Representative
Washington, D.C.

Dear Ambassador Schwab:

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 the Republic of Korea during the course of negotiations regarding Article 19.5.3 (Institutional Arrangements) of Chapter Nineteen (Labor) of the Free Trade Agreement between our two Governments signed this day:

For greater certainty:

Each Party may establish appropriate procedures, consistent with Article 19.5.3, for reviewing communications from persons of a Party on matters related to Chapter Nineteen. Article 19.5.3 does not require a Party to establish new procedures that duplicate existing channels for reviewing such communications. A Party may limit the scope of any new procedures it establishes to comply with Article 19.5.3 to communications on labor matters in the other Party’s territory, provided that the Party has other procedures in place for reviewing communications on other matters related to Chapter Nineteen.

The Parties recognize that it is in their mutual interest not to pursue frivolous or meritless communications and for each Party to take into account when reviewing any communication whether: (1) the person submitting the communication or any other person has sought relief regarding the matter under pertinent domestic laws of the other Party; (2) the matter is pending before an international body; and (3) the communication is substantially similar to another recent communication regarding the matter.

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Free Trade Agreement.

I have the further honor to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Free Trade Agreement.

Sincerely,

[SGN/]
Hyun Chong Kim

[翻译]

2007年6月30日

尊敬的苏珊·C·施瓦布 美国贸易
代表 华盛顿特区

尊敬的施瓦布大使：

I have the 荣幸收到您今日的来信，内容如下 s:

我荣幸地确认，美利坚合众国与大韩民国代表团在关于今日签署的两国政府间《自由贸易协定》第十九章（劳工）第19.5.3条（制度安排）的谈判过程中达成如下谅解：

为进一步明确：

每一方可依据第19.5.3条制定适当程序，用于审查来自其缔约方人员就第十九章相关事项的沟通。第19.5.3条不要求缔约方建立与现有审查此类沟通渠道重复的新程序。缔约方可将其为遵守第19.5.3条而设立的任何新程序的适用范围，限定为另一缔约方领土内的劳工事务沟通，前提是该缔约方已具备审查第十九章其他相关事项沟通的其他程序。

缔约双方认识到，不追究无意义或无根据的沟通符合双方共同利益，且每一方在审查任何沟通时应考虑以下因素：(1) 提交沟通的个人或任何其他人士是否已根据另一缔约方的相关国内法律就该事项寻求救济；(2) 该事项是否正由某一国际机构审理；以及(3) 该沟通是否与该事项的另一近期沟通实质相似。

我荣幸地提议，本函及贵方确认贵国政府认同此理解的复函，将构成《自由贸易协定》的组成部分。

我进一步荣幸地确认，我国政府认同此理解，且贵函与本复函将构成《自由贸易协定》的组成部分。

此致，[

SGN/]
金玄忠