AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF GUATEMALA ON RECIPROCAL TRADE

Preamble

The United States of America and the Republic of Guatemala (hereinafter referred to individually as "Party" and collectively as "the Parties"),

Emphasizing their shared values, including democracy, economic freedom, and the rule of law;

Recognizing the special bonds of friendship and cooperation between them, in particular in their trade and investment relations;

Intending to enhance reciprocity in their bilateral trade relationship by addressing tariff and non-tariff barriers;

Seeking to strengthen their commercial relationship through increased alignment on national and regional economic security matters; and

Desiring to complement their rights and obligations under the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR);

HAVE AGREED as follows:

Section 1. Tariffs and Quotas

Article 1.1. Tariffs

The United States shall apply a revised reciprocal tariff rate on originating goods of Guatemala as set out in Annex I of this Agreement.

Article 2. Non-Tariff Barriers and Related Matters

Article 2.1. Import Licensing and Technical Regulations, Standards, and Conformity Assessment

1. Guatemala shall either eliminate its import licensing or apply automatic import licensing for U.S. goods.

2. Guatemala shall allow U.S. goods that comply with applicable U.S. or international standards, U.S. technical regulations, or U.S. or international conformity assessment procedures to enter its territory without additional conformity assessment requirements. In addition:

(a) Guatemala shall accord to the conformity assessment bodies of the United States treatment no less favorable than that it accords to its own bodies.

(b) Guatemala shall facilitate the acceptance of U.S. compliance procedures for goods which are not subject to third-party conformity assessment in the U.S. regulatory framework.

3. Guatemala shall ensure that technical regulations, standards, and conformity assessment procedures are applied in a non-discriminatory manner and do not operate as disguised restrictions on bilateral trade, and shall remove existing technical barriers to trade in areas that undermine reciprocity, including requirements for duplicative or unnecessary testing or conformity assessment.

Article 2.2. Agriculture

Guatemala shall provide non-discriminatory or preferential market access for U.S. agricultural goods as set forth in this Agreement.

(a) Guatemala shall ensure that its sanitary and phytosanitary (SPS) measures are science- and risk-based and do not operate as disguised restrictions on bilateral trade, and shall remove unjustified SPS barriers in areas that undermine reciprocity.

(b) Guatemala shall not enter into agreements or understandings with third countries that include non-scientific, discriminatory, or preferential technical standards; include third-country SPS measures that are incompatible with U.S. or international standards; or otherwise disadvantage U.S. exports to such third countries.

Article 2.3. Geographical Indications

Guatemala shall ensure transparency and fairness with respect to the protection or recognition of geographical indications, including pursuant to an international agreement. In cases where Guatemala protects or recognizes a term that identifies a good as a geographical indication but where there is no given quality, reputation, or other characteristic of the good that is essentially attributable to its geographical origin, Guatemala shall permit use of the term in connection with U.S. goods.

Article 2.4. Cheese and Meat Terms

Guatemala shall not restrict U.S. market access due to the mere use of the individual cheese and meat terms listed in Annex II.

Article 2.5. Intellectual Property

Guatemala shall provide a robust standard of protection for intellectual property. (1) Guatemala shall ratify or accede to, and shall fully implement, the international intellectual property treaties in Article 1.14 of Annex III. Guatemala shall provide effective systems for civil, criminal, and border enforcement of intellectual property rights and shall ensure that such systems combat and deter the infringement or misappropriation of intellectual property, including in the online environment. Guatemala shall prioritize and shall take effective criminal and border enforcement actions against copyright and trademark infringements.

(1) For purposes of this Agreement, "intellectual property" refers to all categories of intellectual property that are the subject of Sections 1 through 7 of Part II of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights. Further, for purposes of this Agreement, the protection of intellectual property includes matters related to technological protection measures and rights management information.

Article 2.6. Good Regulatory Practices

Guatemala shall adopt and implement good regulatory practices that ensure greater transparency, predictability, and participation throughout the regulatory lifecycle.

Article 2.7. Labor

1. Guatemala shall adopt and effectively implement a prohibition on the importation of goods mined, produced, or manufactured wholly or in part by forced or compulsory labor. Guatemala shall recognize U.S. government determinations on entities under Section 307 of the Tariff Act of 1930 and shall presumptively prohibit importation of goods from those entities.

2. Guatemala shall protect internationally recognized labor rights. (2) This includes by adopting or maintaining such rights in its law and practice, and effectively enforcing its labor laws, including by creating or maintaining necessary institutions to protect labor rights. Guatemala shall establish and effectively apply appropriate legal sanctions for violations of those laws. Guatemala shall not weaken or reduce the protections in its labor laws and shall address any such weakening or reduction that has been made to encourage trade or investment to date. (3) In addition, Guatemala shall address issues related to labor rights that contribute to non-reciprocal trade.

(2) For purposes of this paragraph, internationally recognized labor rights include those in the International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998), as amended in 2022; a prohibition on the worst forms of

child labor; and acceptable conditions of work with respect to minimum wages and hours of work.

(3) For greater certainty, the scope of this paragraph includes special economic zones, including export processing zones, or sector-specific laws or regulations that have lesser labor protections than the overall economy.

Article 2.8. Environment

Guatemala shall adopt and maintain environmental protections, effectively enforce its environmental laws, uphold or institute as necessary strong environmental governance structures, and address environment-related issues that contribute to non-reciprocal trade.

Article 2.9. Customs and Trade Facilitation

Guatemala shall maintain or implement technology solutions that allow for full pre-arrival processing, paperless trade, and digitalized procedures for the movement of goods of the United States across its borders.

Article 2.10. Border Measures and Taxes

1. Guatemala shall align its border measures applicable to third-country imports with relevant border measures that the United States may adopt in the future such as border-adjusted tax measures or other border measures to combat regulatory arbitrage that would disadvantage U.S. workers and businesses. Guatemala shall not contest such measures, including through countervailing measures or at the World Trade Organization (WTO).

2. Guatemala shall not impose value-added taxes that discriminate against U.S. companies in law or in fact.

Section 3. Digital Trade and Technology

Article 3.1. Digital Services Taxes

Guatemala shall not impose digital services taxes, or similar taxes, that discriminate against U.S. companies in law or in fact.

Article 3.2. Facilitation of Digital Trade

Guatemala shall facilitate digital trade with the United States, including by refraining from measures that discriminate against U.S. digital services or U.S. products distributed digitally, ensuring the free transfer of data across trusted borders for the conduct of business, and collaborating with the United States to address cybersecurity challenges.

Article 3.3. Digital Trade Agreements

If Guatemala enters into a new digital trade agreement with certain countries, the United States may terminate this Agreement and reimpose the applicable reciprocal tariff rate set forth in Executive Order 14257 of April 2, 2025.

Article 3.4. Market Entry Conditions

Guatemala shall not impose any condition or enforce any undertaking requiring U.S. persons to transfer or provide access to a particular technology, production process, source code, or other proprietary knowledge, or to purchase, utilize, or accord a preference to a particular technology, as a condition for doing business in its territory. This article does not preclude a regulatory body or judicial authority of Guatemala from requiring a person of the United States to preserve and make available the source code of software, or an algorithm expressed in that source code, to the regulatory body for a specific investigation, inspection, examination, enforcement action, or judicial proceeding, subject to safeguards against unauthorized disclosure.

Article 3.5. Customs Duties on Electronic Transmissions

Guatemala shall not impose customs duties on electronic transmissions, including content transmitted electronically, and shall support multilateral adoption of a permanent moratorium on customs duties on electronic transmissions at the WTO immediately and without conditions.

Section 4. Rules of Origin

Article 4.1. General Provision

The Parties intend for the benefits of this Agreement to accrue substantially to them and their nationals. If benefits of this Agreement are accruing substantially to third countries or third-country nationals, a Party may establish rules of origin necessary to achieve the Parties' intention for this Agreement.

Section 5. Economic and National Security

Article 5.1. Complementary Actions

1. The United States and Guatemala intend to strategically align their trade and investment policies to further their shared economic and national security objectives. When the United States imposes a customs duty, quota, prohibition, fee, charge or other import restriction on a good or service of a third country pursuant to relevant domestic law and considers that the measure is relevant to protecting its economic or national security against non-market policies and practices of a third country, Guatemala shall regulate, consistent with Guatemala?s laws and regulations, the importation of that good or service into its territory through measures with equivalent effect as those of the United States. The Parties may discuss such measures in the Working Group.

2. Guatemala shall adopt and implement measures to address unfair practices of companies owned or controlled by third countries operating in Guatemala?s jurisdiction that result in: (1) the export of below-market price goods to the United States; (2) increased exports of such goods to the United States; (3) a reduction in U.S. exports to Guatemala; or (4) a reduction in U.S. exports to third-country markets.

3. Guatemala shall adopt measures of equivalent restrictive effect as those adopted by the United States to encourage shipbuilding and shipping by market economy countries. The Parties shall discuss the structure and effect of such measures and recognize that non-Parties may also impose similar measures.

Article 5.2. Export Controls, Sanctions, Investment Security, and Related Matters

1. Guatemala shall cooperate with the United States to regulate the trade in national security-sensitive technologies and goods through existing multilateral export control regimes, align with all unilateral export controls in force by the United States, and ensure that its companies do not backfill or undermine these controls.

2. Guatemala shall cooperate with the United States with a view to restricting transactions of its nationals with individuals and entities included on the U.S. Department of Commerce Bureau of Industry and Security Entity List (Supplement 4 of Part 744 of the Export Administration Regulations), as well as the U.S. Department of the Treasury Office of Foreign Assets Control Lists of Specially Designated Nationals and Blocked Persons List (SDN List) and the Non-SDN Consolidated Sanctions List.

3. Guatemala shall cooperate in providing information about investment activity in its territory by third countries with a view toward increasing transparency and cooperation with the United States on economic and national security matters.

4. If the United States determines that Guatemala is cooperating to address shared national and economic security issues, the United States may take such cooperation into account in administering its laws and regulations pertaining to export controls and other measures.

Article 5.3. Procurement

Guatemala shall prohibit the procurement of covered goods and services (4) of non-eligible third countries. (5)

(4) The term "covered goods and services" means goods and services that Guatemala has agreed to cover at the central level in international procurement obligations, either under the WTO Agreement on Government Procurement (GPA) or a free trade agreement.

(5) "Non-eligible third countries" means countries other than: (a) GPA parties, if Guatemala is a party to the GPA; (b) parties to a free trade agreement with Guatemala that includes government procurement obligations; (c) beneficiary countries of trade preference programs of Guatemala that cover government procurement; and (d) least developed countries.

Article 5.4. Other Measures

1. The United States shall work with Guatemala to streamline and enhance defense trade.

2. Guatemala shall adopt and effectively enforce provisions to combat transshipment and other practices to evade or circumvent duties, and other measures applied by the United States.

3. If Guatemala enters into a new bilateral free trade agreement or preferential economic agreement with a non-market country, the United States may terminate this Agreement and reimpose the applicable reciprocal tariff rate set forth in Executive Order 14257 of April 2, 2025.

4. Guatemala shall not purchase any nuclear reactors, fuel rods, or enriched uranium from certain countries.

Section 6. Commercial Considerations and Opportunities

Article 6.1. Commercial Considerations

1. Guatemala shall ensure that its State-Owned or -Controlled Enterprises (SOEs), and SOEs of third countries operating in its market, when engaging in commercial activities: (1) act in accordance with commercial considerations in their purchase of goods or services; (2) refrain from discriminating against U.S. goods or services; and (3) refrain from subsidizing domestic goods producers. Guatemala shall refrain from providing non-commercial assistance or otherwise subsidizing its goods-producing SOEs.

2. Upon the written request of the United States, Guatemala shall provide information regarding all forms of non-commercial assistance or subsidies that it provides to a manufacturing enterprise in its territory and shall take action to address the distortive impacts of those subsidies and support mechanisms on trade and investment with the United States.

Article 6.2. Investment

1. The United States shall work through U.S. institutions such as the Export-Import Bank of the United States (EXIM Bank) and the U.S. International Development Finance Corporation (DFC), if eligible, to consider supporting investment financing in critical sectors in Guatemala in collaboration with U.S. private sector partners, consistent with applicable law.

2. Guatemala shall facilitate job-creating, greenfield investment in the United States.

Section 7. Implementation, Enforcement, and Final Provisions

Article 7.1. Article 7.1: Bilateral Working Group

1. The Parties hereby establish a Bilateral Working Group (the ?Working Group?) comprising representatives of the Parties to monitor the implementation and operation of this Agreement.

2. The Working Group shall convene no later than six months after entry into force of this Agreement and periodically thereafter.

Article 7.2. Article 7.2: Annexes and Footnotes

The annexes and footnotes to this Agreement constitute an integral part of this Agreement.

Article 7.3. Authentic Languages

The texts of this Agreement in the English language and the Spanish language shall be equally authentic, except for the texts of Schedules 1A, 1B, and 2, which shall be authentic only in English.

Article 7.4. Amendments

Each Party may request reasonable modifications to this Agreement, which the other Party shall consider in good faith. The Parties may agree, in writing, to amend this Agreement if such amendment does not undermine the benefits of this Agreement or other agreements between the Parties.

Article 7.5. Enforcement

1. If either Party considers that the other Party has not complied with a provision of this Agreement, the Party may review the terms of the Agreement and take action in accordance with its law. Prior to taking such an action, a Party shall, when practicable, seek consultations with the other Party.

2. Nothing in this Agreement shall prevent, or otherwise constrain, a Party from imposing additional tariffs to remedy unfair trade practices, to address import surges, to protect economic or national security, or for other similar reasons consistent with its law.

Article 7.6. Termination

Either Party may terminate this Agreement by providing written notice of termination to the other Party. Termination shall take effect after 90 days or on another date as the Parties decide. When practicable, a Party shall provide the other Party an opportunity to consult before providing such notice.

Article 7.7. Entry Into Force

This Agreement shall enter into force 30 days after the date on which the Parties have notified each other in writing of the completion of their respective applicable legal procedures, or on such other date as the Parties may decide.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Washington, District of Columbia, this thirtieth day of January, 2026.

For the United States of America:

For the Republic of Guatemala:

Attachments

Annex III. Specific Commitments

Section A. Non-Tariff Barriers and Related Matters

Industrial Goods

Article 1.1. Medical Devices

1. Guatemala shall accept a prior marketing authorization that is issued by the U.S. Food and Drug Administration (FDA) as sufficient evidence that a medical device meets its requirements for marketing authorization in Guatemala. (1)

(1) For greater certainty, for purposes of this paragraph, medical devices does not include human organs or tissues.

2. Guatemala shall accept Medical Device Single Audit Program (MDSAP) audit reports or certificates for medical device manufacturing facilities when available, and shall not adopt additional conformity assessment requirements for any routine inspections (e.g., pre-market inspections or surveillance inspections).

3. Guatemala shall accept the U.S. FDA's electronic certificates to foreign government (eCFGs) as sufficient for its approval requirements for medical devices and shall not require wet signatures or apostilles.

Article 1.2. Pharmaceutical Products

1. Guatemala shall accept a prior marketing authorization that is issued by the U.S. FDA as sufficient evidence that a pharmaceutical product manufactured in the United States meets its requirements for marketing authorization in Guatemala.

2. Guatemala shall not require periodic re-authorization for a pharmaceutical product that has previously received marketing authorization from the United States, unless Guatemala identifies a significant safety, effectiveness, or quality concern.

3. Guatemala shall accept the U.S. FDA's electronic certificates for pharmaceutical products (eCPPs) as sufficient for its approval requirements for pharmaceutical products and shall not require wet signatures or apostilles.

4. Guatemala shall accept the results of a good manufacturing practice surveillance inspection conducted by the U.S. FDA of a manufacturing facility for pharmaceutical products without further need for an inspection or reinspection performed by Guatemala's relevant regulatory authorities when the following conditions apply:

(a) The manufacturing facility is within the territory of the United States; and

(b) The most recent U.S. FDA inspection report as provided by the facility is classified as no action indicated, demonstrating no objectionable conditions or practices.

Article 1.3. Motor Vehicles and Auto Parts

1. Guatemala shall accept vehicles and vehicle parts that are manufactured to comply with U.S. Federal Motor Vehicle Safety Standards (FMVSS) and U.S. emissions standards and accept U.S. compliance procedures for automotive products without requirements for U.S. vehicles to undergo additional processes to enter Guatemala's market.

2. Guatemala shall address any other standards or requirements that discriminate against U.S. vehicles and vehicle parts.

Article 1.4. Remanufactured and Refurbished Goods

Guatemala shall remove any import restrictions or licensing requirements on U.S. remanufactured goods or their parts.

Article 1.5. Rail Sector Infrastructure Standards Development

Guatemala shall enter into regulatory and economic dialogue with U.S. transportation authorities for ensuring convergence of standards and explore business opportunities in the rail sector. To that end:

(a) Guatemala shall take steps to coordinate government department and industry stakeholder participation in rail regulatory and economic dialogue.

(b) Guatemala shall inform the United States of availability for the first meeting of the U.S. - Guatemala rail regulatory and economic dialogue.

Documentation Requirements, Formalities, and Taxes

Article 1.6. Certificate of Free Sale

Guatemala shall ensure that its regulatory authorities accept any documentation establishing that a good may be sold on the U.S. market, or adherence to manufacturing practices recognized by U.S. regulatory authorities, as satisfying the requirement for a Certificate of Free Sale for such a good.

Article 1.7. Product Registration

1. Guatemala shall recognize product registrations granted for U.S. products by other Central American countries as it would recognize product registrations for products of other Central American countries. Any U.S. products so registered shall be subject to inspection only on a random basis at the point of entry of the Republic of Guatemala.

2. Guatemala shall ensure that its Ministry of Public Health and Social Assistance website is fully operational to allow for product registration.

Article 1.8. Apostille Requirements

Guatemala shall not adopt or maintain a requirement for importers to apply an apostille to product registration documents for products from the United States and shall not require hard copies, original copies, or authenticated copies, or wet signatures.

Agriculture

Article 1.9. Recognition of the U.S. Food and Agricultural Control System and Acceptance of Certificates Issued by U.S. Regulatory Authorities

1. Guatemala shall recognize that the U.S. sanitary and phytosanitary (SPS) measures and other measures for food and agricultural products, including technical regulations and standards, adopted or maintained by the U.S. government satisfy the requirements of Guatemala's measures applied to food and agricultural products imported into Guatemala.

2. Further to paragraph 1, Guatemala shall accept official U.S. government certification of compliance with U.S. requirements, for imports of food and agricultural products into Guatemala. Guatemala shall continue to ensure that any changes made to any bilateral export certification documents or electronic data elements are made through a consultative process with the United States.

3. Guatemala shall limit attestations and information required in certificates required for imports of U.S. food and agricultural products to what is necessary to comply with applicable U.S. requirements.

4. Guatemala affirms its commitments under Annex B of the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures and Article 2 and Article 5 of the Agreement on Technical Barriers to Trade (TBT) to notify proposed measures to the WTO SPS or TBT Committee, as appropriate, and to take into account comments received from WTO Members before the measure is final.

Article 1.10. Facility Registration / Establishment Listing

Dairy Products

Guatemala shall:

(a) recognize the U.S. dairy-safety system as providing at least the same level of protection as Guatemala's dairy-safety system;

(b) allow imports of U.S. dairy products of bovine, ovine, and caprine origins when accompanied by a standard U.S. Department of Agriculture (USDA) Agricultural Marketing Service dairy sanitary certificate; and

(c) not adopt or maintain a facility registration requirement for imports of U.S. dairy products into Guatemala.

Article 1.11. Risk-based Requirements for Food and Agricultural Products

Guatemala's Ministry of Agriculture, Livestock, and Food shall ensure that inspections and fumigation of food and agricultural products at ports of entry shall be conducted only when justified through a science-based risk analysis.

Article 1.12. Agricultural Biotechnology

1. Noting the ability of agricultural biotechnology to improve lives by helping to feed growing populations and by promoting improved agricultural productivity while optimizing inputs, Guatemala shall maintain, for products of agricultural biotechnology, science- and risk-based regulatory frameworks and efficient authorization processes, in order to facilitate increased trade in such products.

2. Recognizing the efficacy of the U.S. regulatory system to assess the safety of products of agricultural biotechnology, Guatemala shall continue to permit any food or feed developed from products of agricultural biotechnology that can be legally sold in the United States to be imported and marketed in Guatemala for the same purposes without requiring a pre-market review, deregulation, additional labeling requirements, or approval by Guatemalan authorities.

3. In the event of an occurrence of low-level presence (LLP) affecting a U.S. shipment exported to Guatemala, Guatemala shall ensure that the LLP occurrence is managed without unnecessary delay; and shall take into account any relevant risk or safety assessment provided, and authorization granted, by the United States or any third country when deciding how to manage the LLP occurrence.

Intellectual Property

Article 1.13. Geographical Indications

With respect to the protection or recognition of a geographical indication, including pursuant to an international agreement, Guatemala shall:

(a) ensure transparent and fair procedures for examination, opposition, and cancellation, including with respect to a translation or transliteration;

(b) provide that the grounds for refusal, opposition, and cancellation include the likelihood of confusion with a prior trademark and whether the term is the term customary in common language as the common name for the relevant good in its territory;

(c) publicly identify which component or components it is protecting and which it is not protecting;

(d) not protect an individual component of a multi-component term that is protected or is recognized as a geographical indication if that individual component is the term customary in common language as the common name for the relevant good in its territory;

(e) not prevent third parties from commercial use of a term, sign, or image based on the evocation of a geographical indication protected or recognized in its territory; (2) and

(2) For greater certainty, this subparagraph is without prejudice to Guatemala's obligations under Article 23.1 of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights.

(f) in determining whether a term is the term customary in common language as the common name for the relevant good in its territory, have the authority to take into account how consumers understand the term in its territory and recognize that factors relevant to that consumer understanding may include:

(i) whether the term is used to refer to the type of good in question, as indicated by competent sources such as dictionaries, newspapers, and relevant websites;

(ii) how the good referenced by the term is marketed and used in trade in its territory;

(iii) whether the term is used in relevant international standards to refer to a type or class of good in its territory, such as pursuant to a standard promulgated by the Codex Alimentarius; and

(iv) whether persons other than the person who claims rights in the term use the term as the name for the type of product in question.

Article 1.14. International Agreements

1. Guatemala shall ratify or accede to each of the following agreements, if it is not already a party to that agreement, and shall fully implement each agreement:

(a) Berne Convention for the Protection of Literary and Artistic Works, done at Berne on September 9, 1886, as revised at Paris on July 24, 1971;

(b) Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, done at Brussels on May 21, 1974;

(c) Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, as amended on September 26, 1980;

(d) Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, done at Geneva on July 2, 1999;

(e) Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, done at Marrakesh on June 27, 2013;

(f) Paris Convention for the Protection of Industrial Property, done at Paris on March 20, 1883, as revised at Stockholm on July 14, 1967;

(g) Patent Cooperation Treaty, done at Washington on June 19, 1970, as amended on September 28, 1979, and modified on February 3, 1984;

(h) Patent Law Treaty, done at Geneva on June 1, 2000;

(i) Singapore Treaty on the Law of Trademarks, done at Singapore on March 27, 2006;

(j) International Convention for the Protection of New Varieties of Plants, done at Paris on December 2, 1961, as revised at Geneva on March 19, 1991;

(k) World Intellectual Property Organization (WIPO) Copyright Treaty, done at Geneva on December 20, 1996; and

(l) WIPO Performances and Phonograms Treaty, done at Geneva on December 20, 1996.

2. Guatemala shall ratify or accede to and shall fully implement the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, done at Madrid on June 27, 1989, within 18 months of the date of entry into force of this Agreement.

Article 1.15. Additional Intellectual Property Issues

Guatemala shall expeditiously take steps to fully resolve the issues identified with respect to Guatemala in the most recent Special 301 Report, including:

(a) improving coordination among intellectual property (IP) enforcement agencies, including by setting up a coordination body for IP enforcement agencies;

(b) increasing criminal prosecutions of IP cases, maintaining this increased level of criminal prosecutions, and seeking deterrent-level penalties;

(c) increasing enforcement actions against IP infringement or misappropriation, maintaining this increased level of enforcement actions, and devoting sufficient resources to ensure continued effective IP enforcement; and

(d) devoting sufficient resources to ensure effective IP enforcement, setting enforcement benchmarks, and issuing regular public reports online regarding enforcement activities.

Transparency and Good Regulatory Practices

Article 1.16. Adoption and Implementation of Good Regulatory Practices

With respect to the adoption and implementation of good regulatory practices at the central level of government, Guatemala shall:

(a) ensure that laws, regulations, procedures, and administrative rulings are promptly published and made easily accessible online;

(b) publish and make easily accessible online the text of proposed regulatory actions, as well as any regulatory impact analysis, an explanation of the regulation, and its objective;

(c) conduct public consultations for proposed regulatory actions in a transparent manner; allow adequate time for interested persons, domestic and foreign, to submit comments, taking into account the complexity or possible impact of the proposed regulation; and give consideration to comments received;

(d) give reasonable notice of planned regulatory actions and publish regulatory policy priorities that will be developed, modified, or eliminated in the near term;

(e) use publicly accessible high-quality data, evidence, technical information, and risk assessments, where appropriate, during the planning and development of regulation;

(f) support international regulatory cooperation through the use of, as appropriate, relevant international standards, guides, and recommendations to avoid unnecessary obstacles to trade;

(g) conduct reviews of regulation in effect to determine whether new information or other changes justify modification or repeal of regulation; and

(h) use tools, such as regulatory impact analysis, to assess the need for and possible impacts of regulations, which could also include alternative approaches to regulation, where appropriate.

Services

Article 1.17. Services Domestic Regulation

Guatemala shall take effective actions to implement the Joint Initiative on Services Domestic Regulation, including submitting its revised Specific Commitments for certification by the WTO.

Labor

Article 1.18. Protection of Internationally Recognized Labor Rights

To help ensure Guatemala's law and practice protect internationally recognized labor rights, Guatemala shall:

(a) finalize, issue, and implement regulations streamlining the approval process for collective bargaining agreements; and

(b) amend its labor code to remove barriers to workers' right to organize, including by:

(i) reducing the minimum number of workers needed to form a sectoral trade union to a number that does not excessively hinder union formation;

(ii) permitting naturalized citizens to be elected as union leaders; and

(ii) permitting naturalized citizens to be elected as union leaders; and

(iii) ensuring that votes to strike are determined based on a majority of votes cast, rather than a majority of the total number of workers in a union.

Article 1.19. Enforcement of Labor Law

To facilitate the effective enforcement of its labor law, (3) Guatemala shall:

(3) For purposes of this Annex, "labor law" means statutes or regulations, or provisions of statutes and regulations, that are directly related to the internationally recognized labor rights referenced in Article 2.7 (Labor).

(a) ensure its labor inspectorate is sufficiently resourced, including with respect to funding, personnel, training, transportation, and equipment;

(b) implement the labor inspectorate?s electronic case management system nationwide;

(c) publish quarterly reports on inspection statistics;

(d) effectively and expeditiously investigate and prosecute cases of anti-union violence or threats of violence against trade unionists; and

(e) revoke the export license of any producer that fails to pay fines assessed to it for labor law violations; does not implement or otherwise abide by court orders related to Guatemala?s labor law; or is in arrears with the Guatemala Social Security Institute.

Environment

Article 1.20. Illegal Logging and Associated Trade

1. Guatemala shall take measures to combat, and cooperate with the United States to prevent, trade in illegally harvested forest products.

2. Pursuant to its existing authorities, Guatemala shall enhance its inspections of timber imports and exports, and ensure sufficient resources to do so, including with respect to funding, personnel, and training.

Article 1.21. Fisheries Subsidies

1. Guatemala shall fully implement the obligations of the WTO Agreement on Fisheries Subsidies (AFS), notwithstanding Article 12 of the AFS.

2. In addition, Guatemala shall ensure its fisheries subsidies do not contribute to overcapacity and overfishing, including through the use of robust fisheries management regimes and reform of such subsidies.

Article 1.22. Sustainable Fisheries Management and Illegal, Unreported, and Unregulated Fishing

1. Guatemala shall operate a sustainable fisheries management system that regulates marine wild capture fishing and promotes the long-term conservation of marine species including sharks, sea turtles, seabirds, and marine mammals.

2. Guatemala shall strengthen enforcement of fisheries-related laws, regulations, and other measures to effectively combat illegal, unreported, and unregulated (IUU) fishing and deter trade in products from IUU fishing, including through:

(a) taking steps towards ratification of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) and the deposit of its instrument of accession. Until the PSMA enters into force for Guatemala, Guatemala shall take measures to implement port state measures, including through actions consistent with the PSMA;

(b) adopting or strengthening measures to deter vessels flying its flag and its nationals from engaging in IUU fishing; and

(c) preventing the transshipment at sea of fish caught through IUU fishing or fish products derived from IUU fishing.

Article 1.23. Combating Illegal Wildlife Trade and Associated Crimes

Guatemala shall take measures to combat, and cooperate to prevent, the trade of wild fauna and flora that were taken or traded in violation of its law or another applicable law, including through the following actions:

(a) take measures to enhance the effectiveness of inspections of shipments containing wild fauna and flora, including parts and products thereof, at ports of entry;

(b) take measures to combat the trade of wild fauna and flora transshipped through its territory that, based on credible evidence, were illegally taken or traded;

(c) treat intentional transnational trafficking of wild fauna and flora as a serious crime as defined in the United Nations Convention on Transnational Organized Crime; and

(d) take measures to dismantle organized trafficking networks involved in nature crimes.

Article 1.24. Convention on International Trade In Endangered Species of Wild Fauna and Flora

Guatemala shall strengthen implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to ensure legal and sustainable trade of CITES-listed species.

Article 1.25. Illegal Mining

Guatemala shall take measures to combat trade in illegally extracted metals, including by strengthening institutions responsible for enforcing laws and regulations related to mining activities.

Customs & Trade Facilitation

Article 1.26. Customs Valuation

1. Guatemala shall fully implement the technical upgrades to its customs valuation risk assessment process within 30 days from the date of entry into force of this Agreement and shall provide a status update on a monthly basis until the upgrades are finalized and fully implemented.

2. Guatemala shall use the prices in its customs valuation database for no purpose other than risk management and shall not use such prices to determine customs duties, taxes, or the amount of a guarantee for the release of goods.

Article 1.27. Single Window

Guatemala shall implement its Single Window for imports by its definitive date notified according to the WTO Agreement on Trade Facilitation. Guatemala's Single Window shall allow for the collection of pre-arrival declaration data, and Guatemala shall require all border agencies to conclude their processing of such data prior to arrival to allow for the immediate release

of low-risk shipments without transfer to a customs bonded area or warehouse.

Article 1.28. Electronic Certification Data

Guatemala shall establish or maintain a system that receives system-to-system electronic certification (eCert) data from the USDA Food Safety and Inspection Service for exports of meat, poultry, and egg products of the United States.

Article 1.29. Protection of Proprietary Data

Guatemala shall protect proprietary data submitted to the Superintendencia de Administraci&#65533;n Tributaria by U.S. traders from unauthorized disclosure.

Article 1.30. Periodic Payment for Express Shipments

Guatemala shall implement periodic payment for express delivery shipments.

Section B. Digital Trade and Technology

Article 2.1. Data Transfers

Guatemala shall provide certainty regarding the ability to move personal data out of its territory to the United States, including by recognizing the United States as a country or jurisdiction that provides adequate data protection under Guatemala's law.

Section C. Economic and National Security

Article 3.1. Strategic Trade

1. Guatemala shall establish measures to restrict the unauthorized export, reexport, and in-country transfer of U.S.-origin or U.S.-controlled items subject to the Export Administration Regulations (EAR) unless the exporter presents U.S. Department of Commerce?s Bureau of Industry and Security (BIS) reexport authorization or demonstrates no BIS authorization is required.

2. Guatemala shall screen and share its customs and transaction data related to U.S.-origin or U.S.-controlled items to identify transactions of concern to U.S. authorities, including BIS or its surrogate, and shall adopt and implement measures to prevent and address violations of U.S. export controls.

3. Guatemala shall develop domestic export control systems and enforcement mechanisms, including by establishing and implementing civil and criminal penalties, and strengthening its auditing and investigative capabilities, and shall partner with the United States on such enforcement actions where appropriate, including by sharing information when violations may have occurred and cooperating on end-use checks and investigations.

Article 3.2. Equipment and Platform Security

1. Guatemala shall ensure that is ports, port terminals, and logistics tracking networks, and its commercial fleet, use digital logistics platforms that provide appropriate cybersecurity protection, protection against the unauthorized disclosure of data, protection against national security risks, and protection against data access by other foreign governments.

2. Guatemala shall only use communication technology and security scanning equipment suppliers that do not compromise the security, safeguards, and intellectual property of information and communication technology infrastructure, including 5G, 6G, communica\ tion satellites, and undersea cables. Guatemala shall consult with the United States on identifying suppliers that are unable to meet these standards.

Article 3.3. Government Procurement

1. For the purposes of government procurement, if Guatemala requires cloud service providers to qualify for a certification or standard in order to be awarded a procurement contract, Guatemala shall accept as equivalent to its domestic requirement, any U.S. cloud computing service that meets the requirements established in the Federal Risk and Authorization Management Program (FedRamp).

2. Guatemala shall take steps to restrict access to central level procurements covered by its free trade agreement commitments for suppliers from non-free trade agreement partners, permitting exceptions as necessary, in a manner comparable to the United States' procurement restrictions.

Article 3.4. Antidumping and Countervailing Duty Cooperation

Guatemala shall expand cooperation and exchange information with the United States, as appropriate, related to U.S. and Guatemalan antidumping and countervailing duty proceedings, including circumvention inquiries.

Section D. Section D. Commercial Considerations and Opportunities

Article 4.1. Ethanol

Guatemala shall implement an E10 ethanol blend mandate for on-road ethanol use, and shall endeavor to purchase at least 50 million gallons of ethanol from the United States annually.