FREE TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF PERU AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE

PREAMBLE

The Government of the Republic of Peru and the Government of the Republic of Singapore, hereinafter in this Agreement referred to as “the Parties”;

Recognising the friendship and growing economic ties between them;

Aware of the increasing importance of trade and investment for the future prosperity of the economies of the AsiaPacific region;

Conscious that open, transparent and competitive markets are the key drivers of economic efficiency, innovation, wealth creation and consumer welfare;

Desiring to strengthen their economic partnership to bring economic and social benefits to their people and improve living standards;

Determined to create a legal framework for an economic partnership between the Parties;

Reaffirming their willingness to strengthen and reinforce the multilateral trading system as reflected in the World Trade Organization (WTO) and other multilateral, regional and bilateral agreements and arrangements to which they are both Parties;

Mindful of their commitment to the AsiaPacific Economic Cooperation (APEC) goals of free and open trade and investment;

Have agreed as follows

Chapter I. INITIAL PROVISIONS AND GENERAL DEFINITIONS

Section A. INITIAL PROVISIONS

Article 1.1. ESTABLISHMENT OF A FREE TRADE AREA

The Parties to this Agreement, consistent with Article XXIV of GATT 1994 and Article V of GATS, hereby establish a free trade area in accordance with the provisions of this Agreement.

Article 1.2. RIGHTS AND OBLIGATIONS UNDER OTHER AGREEMENTS

1. The Parties reaffirm their existing rights and obligations with respect to each other under the WTO Agreement and other existing Agreements to which both Parties are party.

2. Unless otherwise provided for in any Chapter of this Agreement, this Agreement shall not be construed to derogate from any international legal obligation between the Parties that entitles goods or services, or suppliers of goods or services, to treatment more favorable than that accorded by this Agreement.

Section B. GENERAL DEFINITIONS

Article 1.3. DEFINITIONS OF GENERAL APPLICATION

For purposes of this Agreement, unless otherwise specified: Agreement means the Peru-Singapore Free Trade Agreement; APEC means Asia-Pacific Economic Cooperation; central level of government means:

(a) for Peru, the national level of government; and

(b) for Singapore, the national level of government;

Commission means the Free Trade Commission established under Article 16.1 (The Free Trade Commission);

customs authority means the competent authority that is responsible under the law of a Party for the administration of customs laws and regulations

Customs Valuation Agreement means the WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994;

days means calendar days including weekends and holidays, but for the calculation of time periods, where the last day falls on a non-working day, the last day will be extended to the next working day;

enterprise means an entity constituted or organized under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including a corporation, trust, partnership, sole proprietorship, joint venture, association, or similar organization, and a branch of an enterprise;

GATS means the WTO General Agreement on Trade in Services;

GATT 1994 means the WTO General Agreement on Tariffs and Trade 1994; goods of a Party means domestic products as these are understood in the GATT 1994 or such goods as the Parties may agree and includes originating

goods of that Party;

Harmonized System means the Harmonized Commodity Description and Coding System, including all legal notes and amendments thereto;

identical goods means goods that are the same in all respects relevant to the particular rule of origin that qualifies the goods as originating;

local level of government means: (a) for Peru, the provincial and local municipalities; and (b) for Singapore, entities with sub-national legislative or executive powers under domestic law, including Town Councils and Community Development Councils; measure means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form,

and includes measures taken by:

(a) central, regional or local governments and authorities; and

(b) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;

national of a Party means a natural person who resides in the territory of the Party or elsewhere and who under the law of that Party:

(a) is a natural person who has the nationality of that Party according to Article 1.4 (Country-Specific Definitions); or

(b) has the right of permanent residence in that Party; person means a natural person or an enterprise; person of a Party means a national ofa Party or an enterprise ofa Party;

preferential tariff treatment means the duty rate applicable under this Agreement to an originating good

territory means for a Party the territory of that Party as set out in Article 1.4 (Country-Specific Definitions);

WTO means the World Trade Organization; and

WTO Agreement means the Marrakesh Agreement establishing the World Trade Organization; and

WTO Agreement on Safeguards means the Agreement on Safeguards 1994, which is part of the WTO Agreement.

Article 1.4. COUNTRY-SPECIFIC DEFINITIONS

For purposes of this Agreement, unless otherwise specified: natural person who has the nationality of a Party means:

(a) with respect to Peru, Peruvians by birth, naturalization or by option as stated in articles 52 and 53 of its Constitution; and

(b) with respect to Singapore, any person who is a citizen within the meaning of its Constitution and domestic laws;

territory means:

(a) with respect to Peru, the continental territory, the islands, the maritime area and the airspace above them, in which Peru exercises sovereignty and jurisdiction or sovereign rights in accordance with its domestic law and international law;

(b) with respect to Singapore, its land territory, internal waters and territorial sea as well as the maritime zones beyond the territorial sea, including the seabed and subsoil, over which the Republic of Singapore exercises sovereign rights or jurisdiction under its national laws and international law for the purpose of exploration and exploitation of the natural resources of such areas.

Chapter 2. TRADE IN GOODS

Article 2.1. SCOPE AND COVERAGE

Except as otherwise provided, this Chapter applies to the trade in goods between the Parties.

Article 2.2. DEFINITIONS

For the purpose of this Chapter:

1. AD Agreement refers to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, which is part of the WTO Agreement;

2. advertising films and recordings means recorded visual media or audio materials, consisting essentially of images and/or sound, designed to advertise or promote goods or services by any company, firm or person, having an established business or resident in the territory of a Party, excluding such media for broadcast to the general public;

3. commercial samples of negligible value means commercial samples having a value, individually or in the aggregate as shipped, of not more than one U.S. dollar, or the equivalent amount in the currency of another Party, or so marked, torn, perforated, or otherwise treated that they are unsuitable for sale or for use except as commercial samples;

4. consular transactions: means requirements that goods of a Party intended for export to the territory of another Party must first be submitted to the supervision of the consul of the importing Party in the territory of the exporting Party for the purpose of obtaining consular invoices or consular visas for commercial invoices, certificates of origin, manifests, shippers' export declarations, or any other customs documentation required on or in connection with importation;

5. customs duties includes any customs or import duty and a charge of any kind imposed in connection with the import of a good, including any form of surtax or surcharge in connection with such import, but does not include any:

(a) charge equivalent to an internal tax imposed consistently with Article III (2) of GATT 1994, including excise duties and goods and services tax or sales tax;

(b) anti-dumping or countervailing duty applied consistently with the provisions of GATT 1994, the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, and the WTO Agreement on Subsidies and Countervailing Measures; and

(c) fee or other charge in connection with importing commensurate with the cost of services rendered and do not represent a direct or indirect protection for domestic goods or a taxation of imports for fiscal purposes;

6. duty-free means free of customs duty;

7. goods intended for display or demonstration includes their component parts, ancillary apparatus, and accessories;

8. goods temporarily admitted for sports purposes means sports equipment for use in sports contests, events, or training in the territory of the Party into whose territory such goods are admitted;

9. performance requirement means a requirement that:

(a) a given level or percentage of goods or services be exported;

(b) domestic goods or services of the Party granting a waiver of customs duties or an import license be substituted for

imported goods or services;

(c) a person benefiting from a waiver of customs duties or an import license purchase other goods or services in the territory of the Party granting the waiver of customs duties or the import license, or accord a preference to domestically produced goods;

(d) a person benefiting from a waiver of customs duties or an import license produce goods or supply services, in the territory of the Party granting the waiver of customs duties or the import license, with a given level or percentage of domestic content; or

(e) relates in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows;

but performance requirement does not include a requirement that an imported good be:

(a) subsequently exported;

(b) used as a material in the production of another good that is subsequently exported;

(c) substituted by an identical good or similar good used as a material in the production of another good that is subsequently exported; or

(d) substituted by an identical or similar good that is subsequently exported;

10. printed advertising materials: means those goods classified in Chapter 49 of the Harmonized System, including brochures, pamphlets, leaflets, trade catalogues, yearbooks of trade associations, tourist promotional materials, and posters, that are used to promote, publicize, or advertise a good or service, are essentially intended to advertise a good or service, and are supplied free of charge; and

11. SCM Agreement refers to the Agreement on Subsidies and Countervailing Measures, which is part of the WTO Agreement.

Article 2.3. NATIONAL TREATMENT

1. Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994.

2. To this end, Article lI] of the GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, mutatis mutandis.

Article 2.4. ELIMINATION OF CUSTOMS DUTIES

1. The provisions of this Chapter concerning the elimination of customs duties on imports shall apply to goods originating in the territories of the Parties.

2. Except as otherwise provided in this Agreement, each Party shall progressively eliminate its customs duties on originating goods in accordance with Annex 2A (Peru Tariff Schedule) and Annex 2B (Singapore Tariff Schedule).

3. Peru shall maintain the application of its Price Band System as established in Supreme Decrees 115-2001-EF and 197-2002-EF and its subsequent legal modifications or succeeding system, for the products covered by that Decrees.

4. During the customs duties elimination process, the Parties agree to apply to originating goods traded between them, the lesser of the customs duties resulting from a comparison between the rate established in accordance with Annex 2A (Peru Tariff Schedule) and Annex 2B (Singapore Tariff Schedule) and the existing rate pursuant to Article II of the GATT 1994.

5. Each Party shall not increase an existing customs duty, introduce a new customs duty or impose an additional customs duty to that determined under paragraph 2, on the importation of originating goods.

6. Each Party shall refrain from applying any measure that reduces or nullifies the commitment of this Chapter.

7. The tariff classification of trade in goods between the Parties shall be governed by national nomenclature of each Party, which will be consistent with the Harmonized System and its amendments.

8. The Tariff Elimination Program shall not be applicable to used goods.

9. Remanufactured goods identified in Annex 4B (Remanufactured Goods) will not be affected by paragraph 8.

Article 2.5. ACCELERATED TARIFF ELIMINATION

1. On the request of a Party, the Parties shall consult to consider accelerating the elimination of customs duties on originating goods as set out in Annex 2A (Peru Tariff Schedule) and Annex 2B (Singapore Tariff Schedule) or incorporating into the Partyâs schedule, goods that are not subject to the elimination schedule.

2. An agreement by the Parties to accelerate the elimination of customs duties on originating goods shall enter into force after the Parties have exchanged written notification advising that they have completed necessary internal legal procedures and on such date or dates as may be agreed between them.

3. A Party may at any time accelerate unilaterally the elimination of customs duties on originating goods of the other Party set out in its Schedule in Annex 2A (Peru Tariff Schedule) and Annex 2B (Singapore Tariff Schedule). A Party considering doing so shall inform the other Party as early as practicable.

Article 2.6. EXPORT DUTIES

A Party shall not adopt or maintain any duty, tax or other charge on the exportation of goods to the territory of the other Party, unless such duty, tax or charge is adopted or maintained on any such good when destined for domestic consumption.

Article 2.7. CUSTOMS VALUATION

The Parties shall determine the customs value of goods traded between them in accordance with the provisions of Article VII of the GATT 1994 and the WTO Agreement on Implementation of Article VII of the GATT 1994.

Article 2.8. ADMINISTRATIVE FEES AND FORMALITIES

Each Party shall ensure, in accordance with Article VIII (1) of GATT 1994, that all fees and charges of whatever character (other than customs duties, charges equivalent to an internal tax or other internal charge applied consistently with Article III (2) of GATT 1994, and antidumping and countervailing duties) imposed on or in connection with import or export are limited in amount to the approximate cost of services rendered and do not represent an indirect protection to domestic goods or a taxation on imports or exports for fiscal purposes.

Article 2.9. CONSULAR FEES

1. No Party may require consular transactions, including related fees and charges, in connection with the importation of any good of another Party.

2. Each Party shall make available and maintain through the Internet a current list of the fees and charges it imposes in connection with importation or exportation.

Article 2.10. TEMPORARY ADMISSION OF GOODS

1. With the exception of liquor and tobacco products, each Party shall grant duty-free temporary admission for the following goods, regardless of their origin, imported by or for the use of a national or resident of the other Party:

(a) professional equipment, including equipment for the press or television, software, and broadcasting and cinematographic equipment, necessary for carrying out the business activity, trade, or profession of a person who qualifies for temporary entry pursuant to the laws of the importing Party;

(b) goods intended for display or demonstration;

(c) commercial samples and advertising films and recordings; and

(d) goods admitted for sports purposes.

2. Each Party, at the request of the person concemed and for reasons its customs authority considers valid, shall extend the time limit for temporary admission beyond the period initially fixed.

3. No Party shall condition the duty-free temporary admission of a good referred to in paragraph 1, other than to require that such good:

(a) be used solely by or under the personal supervision of a national or resident of the other Party in the exercise of the business activity, trade, profession, or sport of that person;

(b) not be sold or leased or consumed while in its territory;

(c) be accompanied by a security in an amount no greater than the charges that would otherwise be owed on entry or final importation, releasable upon exportation of the good;

(d) be capable of identification when admitted and exported;

(e) be exported on the departure of the person referenced in subparagraph (a), or within such other period that is reasonably related to the purpose of the temporary admission, as the Party may establish, or within one year, unless extended;

(f) be admitted in no greater quantity than is reasonable for its intended use; and

(g) be otherwise admissible into the Party's territory under its law.

4. If any condition that a Party imposes under paragraph 3 has not been fulfilled, the Party may apply the customs duty and any other charge that would normally be owed on the final importation of the good plus any other charges or penalties provided for under its law.

5. Each Party, through its customs authority, shall adopt procedures providing for the expeditious release of goods admitted under this Article. To the extent possible, such procedures shall provide that when such a good accompanies a national or resident of the other Party who is seeking temporary entry, the good shall be released simultaneously with the entry of that national or resident.

6. Each Party shall permit a good temporarily admitted under this Article to be exported through a customs port other than that through which it was admitted.

7. Each Party shall provide that its customs authority or other competent authority relieve the importer or other person responsible for a good admitted under this Article from any liability for failure to export the good on presentation of satisfactory proof to the importing Partyâs customs authority that the good has been destroyed within the original period fixed for temporary admission or any lawful extension.

Article 2.11. GOODS RE-ENTERED AFTER REPAIR OR ALTERATION

1. No Party shall apply a customs duty to a good, regardless of its origin, that re-enters its territory after that good has been temporarily exported from its territory to the territory of the other Party for repair or alteration, regardless of whether such repair or alteration could be performed in the territory of the Party from which the good was exported for repair or alteration.

2. A Party shall not apply a customs duty to a good regardless of its origin, imported temporarily from the territory of the other Party for repair or alteration.

3. For purposes of this Article, repair or alteration does not include an operation or process that:

(a) destroys a good's essential characteristics or creates a new or commercially different good; or

(b) transforms an unfinished good into a finished good.

Article 2.12. DUTY-FREE ENTRY OF COMMERCIAL SAMPLES OF NEGLIGIBLE VALUE AND PRINTED ADVERTISING MATERIALS

With the exception of liquor and tobacco products, each Party shall grant duty-free entry to commercial samples of negligible value, and to printed advertising materials, imported from the territory of another Party, regardless of their origin, but may require that:

(a) such samples be imported solely for the solicitation of orders for goods or services provided from the territory of another Party or a non-Party; or

(b) such advertising materials be imported in packets that each contain no more than one copy of each such material and that neither such materials nor packets form part of a larger consignment.

Article 2.13. NON-TARIFF MEASURES

1. Except as otherwise provided in this Agreement, no Party shall maintain or adopt non-tariff measures that prohibit or restrict the importation of any good of the other Party or on the export or sale for export of any good destined for the territory of the other Party, except in accordance with Article XI of GATT 1994 including its interpretative notes, and to this end Article XI of GATT 1994, including its interpretative notes, is incorporated into and made a part of this Agreement. (2-1)

(2-1) For greater certainty, this paragraph applies, inter alia, to prohibitions or restrictions on the importation of remanufactured goods listed in Annex 4B (Remanufactured Goods).

2. Each Party shall ensure the transparency of its non-tariff measures permitted in paragraph 1 and shall ensure that any such measures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to trade between the Parties.

3. The Parties understand that the GATT 1994 rights and obligations incorporated in paragraph 1 prohibit, in any circumstances in which any other form of restriction is prohibited, a Party from adopting or maintaining:

(a) export and import price requirements, except as permitted in enforcement of countervailing and antidumping duty orders and undertakings;

(b) import licensing conditioned on the fulfilment of a performance requirement; or

(c) voluntary export restraints inconsistent with Article VI of the GATT 1994, as implemented under Article 18 of the SCM Agreement and Article 8.1 of the AD Agreement.

4. Paragraphs 1 to 3 of this Article shall not be applied to measures established in Annex 2C (Restrictions on Import and Export).

5. No Party shall require, as a condition for engaging in importation or for the import of a good, a person of another Party to establish or maintain a contractual or other relationship with a distributor in its territory.

6. Nothing in paragraph 5 prevents a Party from requiring the designation of an agent for the purpose of facilitating communications between regulatory authorities of the Party and a person of the other Party.

7. For purpose of paragraph 5:

distributor means a person of a Party who is responsible for the distribution, agency, concession, or representation in the territory of that Party of goods of the other Party.

Article 2.14. ANTIDUMPING DUTIES

Nothing in this agreement affects the rights and obligations of the Parties under Article VI of GATT 1994, the Agreement on Implementation of Article VI of the General Agreement of Tariffs and Trade 1994 with regard to the application of antidumping duties or any amendments or provisions that supplement or replace them.

Article 2.15. SUBSIDIES AND COUNTERVAILING MEASURES

1. Each Party maintains its rights and obligations under the WTO Agreement on Subsidies and Countervailing Measures.

2. Consistent with their rights and obligations under the WTO Agreement, neither Party shall introduce or maintain any export subsidy on any agricultural product destined for the territory of the other Party.

3. The Parties share the objective of the multilateral elimination of export subsidies on agricultural products and shall work towards an agreement in the WTO to eliminate those subsidies and prevent the introduction in any form of any new export subsidies on agricultural products.

Article 2.16. RESTRICTIONS TO SAFEGUARD THE BALANCE OF PAYMENTS

1. The Parties shall endeavour to avoid the imposition of restrictive measures for balance-of-payments purposes.

2. Any such measure taken for trade in goods must be in accordance with Article XII of the GATT 1994 and the

Understanding on the Balance-of-Payments Provisions of the GATT 1994, which shall be incorporated into and made a part of this Agreement.

Article 2.17. PROTECTION OF GEOGRAPHICAL INDICATIONS

1. The Parties affirm that their obligations in the Agreement on Trade Related Aspects of Intellectual Property Rights ("TRIPS Agreement") will be applicable to the geographical indications under paragraphs 2 and 3 below.

2. The geographical indications "Pisco", "Maiz Blanco Gigante Cusco"and "Chulucanas" are recognized as geographical indications for spirits and products, respectively, in Peru, within the meaning of paragraph 1 of Article 22 of the TRIPS Agreement. Subject to Singapore's domestic laws (2-2), in a manner that is consistent with the TRIPS Agreement, such terms will be protected as geographical indications in Singapore.

(2-2) For greater certainty, the Parties acknowledge that the geographical indications listed in paragraph 2 will be recognized and protected in Singapore only to the extent permitted by and according to the terms and conditions set out in Singaporeâs domestic laws.

3. The Parties may by mutual consent accord similar recognition and protection as under paragraph 2 above to other geographical indications of the Parties.

Article 2.18. DISTINCTIVE PRODUCTS

The Parties shall endeavour to consider the recognition of distinctive products (2-3) after one year following the entry into force of this Agreement.

(2-3) With respect to Peru, it will be seeking the recognition as distinctive products of Peru: "Pisco", "Maiz Blanco Gigante Cusco" and "Chulucanas".

Chapter 3. SPECIAL AGRICULTURAL MEASURE

Article 3.1. SCOPE OF APPLICATION

A Party may apply, in exceptional circumstances and subject to the criteria provided in Annex 3A (Criteria for the Application of Special Agricultural Measure), additional duty (hereinafter referred to as "a special agricultural measure") to a product listed in Annex 3B (List of Products Subject to Special Agricultural Measure) for which the Party has commenced custom duties elimination in accordance with Article 2.4 (Elimination of Customs Duties) of this Agreement.

Article 3.2. CONDITIONS

1. The special agricultural measure applied in accordance with this Chapter shall result in the increase of the tariff rate, but shall not exceed the base tariff rate provided in Annex 2A (Peru Tariff Schedule) or Annex 2B (Singapore Tariff Schedule), as relevant for the good.

2. The special agricultural measure may be applied by a Party as long this Agreement is in force.

3. The special agricultural measure referred to in paragraph 1 shall be applied in accordance with this Chapter and based on the criteria established in Annex 3A (Criteria for the Application of Special Agricultural Measure).

Article 3.3. APPLICATION OF SPECIAL AGRICULTURAL MEASURE

Per Volume Criteria

1. A Party may impose a special agricultural measure on an agricultural good, in accordance with the per volume criteria under Annex 3A (Criteria for the Application of Special Agricultural Measure), if the volume of such imported good including the volume of the corresponding shipment during the last twelve (12) calendar months exceeds fifteen per cent (15%) of the intervention volume of the mentioned good.

2. The intervention volume will be determined every year on the basis of the annual average of imports of a determined good originating in the exporting Party registered in the thirty-six (36) calendar months prior to the effective year of the

intervention volume. Each Party shall send a notice to the other of such volume during the first twenty (20) days of January, and such notice shall be effective for the period ofa year.

Per Price Criteria

3. A Party may impose a special agricultural measure on an agricultural good, in accordance with the per price criteria under Annex 3A (Criteria for the Application of Special Agricultural Measure), if, upon entry of the good into a customs territory, the unitary import price of the corresponding shipment of the good is no less than fifteen per cent (15%) below the intervention price of such good.

4. For goods entering Peru, the unit import price (3-1) will be determined in accordance with the CIF import price, expressed in US Dollars.

(3-1) Import unit price means the implicit price resulting from the CIF value quotient and the volume of imports performed in a calendar month.

5. The intervention price of a good shall be determined every year on the basis of the average CIF import unit price expressed in US Dollars, corresponding to the last thirty-six (36) calendar months prior to the effective year of the intervention price. Each Party shall send a notice to the other Party on these prices during the first twenty (20) days of January, such notice shall be effective for the period of year.

Disqualification

6. A Party shall not apply a special agricultural measure if:

(a) there is no import registered by the Party during the period of twenty-four (24) months prior to the last twelve (12) months; or

(b) the imports of such good from the exporting Party do not exceed fifteen per cent (15%) of the total imported by the importing Party of such good in the period of twenty-four (24) months prior to the last twelve (12) months.

Article 3.4. NOTICE AND CONSULTATIONS

1. When a Party applies a special agricultural measure under this Chapter, the Party shall give notice of such measure to the other Party not more than ten (10) days after the date on which the measure was adopted. The notice shall provide the background information of the special agricultural measure. Upon request of the other Party to the Party applying the measure, the Parties shall establish consultations regarding the application of the special agricultural measure.

2. A Party may not impose or maintain, simultaneously, in regard to the same good, a special agricultural measure under this Chapter and:

(a) a safeguard measure under Chapter 8 (Bilateral Safeguards) of this Agreement; or

(b) a safeguard measure under Article XIX of GATT 1994 and the WTO Agreement on Safeguards.

Chapter 4. RULES OF ORIGIN

Article 4.1. DEFINITIONS

For the purposes of this Chapter:

1. aquaculture means the farming of aquatic organisms including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants, from seedstock such as eggs, fry, fingerlings and larvae, by intervention in the rearing or growth processes to enhance production, such as regular stocking, feeding, protection from predators, etc.;

2. Chapters, Headings and Subheadings refers to the two first digits in the case of chapters, four digits in the case of headings and six digits in the case of subheadings, used in the classification of the Harmonized System;

3. exporter means a natural or juridical person located in the territory ofa Party from which the good is exported;

4. fungible goods or materials means goods or materials that are interchangeable for commercial purposes and whose properties are essentially identical;

5. generally accepted accounting principles means the recognized consensus or substantial authoritative support in the

territory of a Party with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information and the preparation of financial statements, and may encompass broad guidelines for general application, as well as detailed standards, practices, and procedures;

6. good means any merchandise, product, article, or material;

7. importer means a natural or juridical person located in the territory ofa Party into which the good is imported;

8. indirect material means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including:

(a) fuel and energy;

(b) tools, dies, and molds;

(c) spare parts and materials used in the maintenance of equipment and buildings;

(d) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment and buildings;

(e) gloves, glasses, footwear, clothing, safety, equipment, and supplies;

(f) equipment, devices, and supplies used for testing or inspecting the good;

(g) catalysts and solvents; and

(h) any other goods that are not incorporated into the good but whose use in the production of the good can reasonably be demonstrated to be a part of that production;

9. material means a material used in the production of another good, including any parts or ingredients;

10. non-originating good or non-originating material means a good or material that does not qualify as originating under the provisions of this Chapter;

11. packing material and container for shipment means goods used to transport a good or to protect a good during its transportation, save for the packaging materials and containers in which a good is packaged for retail sale;

12. producer means a person who engages in the production of a good in the territory ofa Party;

13. production means growing, harvesting, extracting, mining, raising, capturing, fishing, trapping, hunting, manufacturing, remanufacturing of goods listed in Annex 4B(Remanufactured Goods), processing or assembling a good;

14. recovered goods means materials in the form of individual parts that result from:

(a) the complete disassembly of used goods into individual parts; and

(b) the cleaning, inspecting, or testing, and as necessary for improvement to sound working condition one or more of the following processes: welding, flame spraying, surface machining, knurling, plating, sleeving, and rewinding in order for such parts to be assembled with other parts, including other recovered parts in the production of a remanufactured good;

15. remanufactured good means an industrial good listed within Annex 4B (Remanufactured Goods) that, assembled in the territory of a Party:

(a) is entirely or partially comprised of recovered goods;

(b) has the same life expectancy and meets the same performance standards as a new good; and

(c) enjoys the same factory warranty as such a new good;

16. simple mixing means, generally, an activity, including the dilution in water or another substance that does not substantially alter the characteristics of the product, that does not require abilities or special machines, apparatuses or equipment specially produced or installed to implement such activity (4-1);

(4-1) The Parties understand that a simple mixture does not include chemical reactions, and that the processing of juices from concentrates allowed under Annex 4A (Product Specific Rules) does not constitute simple mixing.

17. used means utilized or consumed in the production of goods; and

18. WTO Customs Valuation Agreement means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade.

Article 4.2. ORIGINATING GOODS

1. Except as otherwise provided in this Chapter, for the purposes of this Agreement, a good shall be deemed originating and eligible for preferential treatment if it conforms to the origin requirement under any of the following conditions:

(a) the good is wholly obtained or produced entirely in the territory of one or both Parties; or

(b) the good is produced entirely in the territory of one or both parties, exclusively from materials whose origin conforms to the provisions of this Chapter; or

(c) the good is produced entirely in the territory of one or both Parties, using non-originating materials that conform to a change in tariff classification, a qualifying value content, or other requirements specified in Annex 4A (Product Specific Rules).

2. In addition to a paragraph 1, the good shall meet the other applicable requirement under this Chapter.

Article 4.3. MINIMAL OPERATIONS

1. Notwithstanding any provision in this Chapter, a good shall not be considered to have satisfied the requirements for an originating good under merely by reason of going through any or all of the following operations:

(a) operations to ensure the conservation or preservation of goods in good condition during transport and storage, such as ventilation, cooling, freezing, extraction of damaged parts, drying or addition of substances;

(b) sifting, peeling, classifying, selecting, washing, filtering, cutting, shelling, marinating drying;

(c) cleaning, including the removal of dust, oxide, oil, paint or other coverings;

(d) packaging, repackaging, breaking up and putting the good for retail sale;

(e) affixing of marks, labels, trade marks or other distinguishing signs on goods;

(f) simple mixing, dilution in water or in another watery substance, ionized or saline;

(g) application of oil, salt, sugar or any sweetener;

(h) disassembly of goods into their constituent parts;

(i) slaughtering of animals;

(j) operations of painting and polishing;

(k) placing in bottles, cases, boxes and other packaging operations;

(l) simple assembly of parts or products to constitute a complete product unless it is for the production of a remanufactured good as listed in Annex 4B (Remanufactured Goods); or

(m) the combination of two or more of the operations listed at subparagraphs (a) to (l) above

Article 4.4. WHOLLY-OBTAINED OR PRODUCED GOODS

Goods wholly obtained or produced entirely in the territory of one or both Parties means:

(a) plants and plant products harvested or gathered in the territory of one or both Parties;

(b) live animals born and raised in the territory of one or both Party;

(c) goods obtained in the territory of one or both Parties from live animals;

(d) goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of one or both Parties;

(e) minerals and other non-living natural resources, not included in sub-paragraphs (a) to (d), extracted or taken from the territory of one or both Parties;

(f) goods obtained from sea fishing and other marine goods taken from outside the territory of a Party by a vessel registered, recorded or licensed with a Party, and entitled to fly its flag;

(g) goods produced and/or made on board a factory ship from products referred to in sub-paragraph (f), provided that such factory ship is registered, recorded or licensed with that Party, and entitled to fly its flag;

(h) goods taken by a Party, or a person of a Party, from the seabed or beneath the seabed outside its territory, provided that the Party has rights to exploit such seabed;

(i) waste and scrap derived from:

(i) production in the territory of that Party, which is only fit for the recovery of raw materials; or

(ii) used goods collected in the territory of that Party, provided such goods are fit only for the recovery of raw materials;

(j) recovered goods derived in the territory of a Party from used goods and utilized in the territory of that Party in the

(k) production of remanufactured goods; and

(l) goods produced in the territory of one or both Parties exclusively from goods referred to in sub-paragraphs (a) to (j), or from their derivatives, at any stage of production.

Article 4.5. QUALIFYING VALUE CONTENT

1. Where Annex 4A (Product Specific Rules) specifies a qualifying value content requirement, the following formula shall be applied:

QVC = FOB - VNM / FOB X 100

where

(a) QVC is the qualifying value content of the good, expressed as a percentage;

(b) FOB is the Free On Board value of the particular good determined in accordance with the WTO Customs Valuation Agreement; and

(c) VNM is the value of non-originating materials used by the producer in the production of the good, calculated in accordance with paragraph 2.

2. For the purpose of calculating the value of non-originating materials pursuant to sub-paragraph (c) above, the following formula shall be applied:

VNM = TVM - QVM where

(a) TVM is the total value of materials; and

(b) QVM is the qualifying value of materials, which shall be calculated as:

(i) the total value of the material if the material satisfies the product-specific rule established in Annex 4A (Product Specific Rules), and the material has undergone its last production or operation in the territory of either Party; or

(ii) the value of the material that can be attributed to one or both of the Parties if the material does not satisfy the product-specific rule established in Annex 4A (Product Specific Rules).

3. All costs considered for the calculation of qualifying value content shall be recorded and maintained in conformity with the generally accepted accounting principles applicable in the territory of the Party where the good is produced.

Article 4.6. VALUE OF MATERIALS

For the purposes of Article 4.5 (Qualifying Value Content), the value of a material shall be:

(a) for amaterial imported directly by the producer of the good, the CIF value of the material, in accordance with the WTO Customs Valuation Agreement;

(b) for a material acquired by the producer in the territory where the good is produced, the transaction value, or if this is not known and cannot be ascertained, the first ascertainable price paid for the material in the Party; or

(c) fora material that is self-produced, or where the relationship between the producer of the good and the seller of the material influences the price actually paid or payable for the material, including a material obtained without charge, the sum of:

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

Article 4.7. DE MINIMIS

1. Notwithstanding Article 4.2 (Originating Goods), a non-textile or apparel good shall be considered to be an originating good, where the value of all non-originating materials used in the production of the good, which do not undergo the applicable change in tariff classification set out in Annex 4A (Product Specific Rules), does not exceed ten percent (10%) of the F.O.B. value of the good.

2. Notwithstanding Article 4.2 (Originating Goods), a textile or apparel that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo the applicable change in tariff classification set out in Annex 4A (Product Specific Rules), shall nonetheless be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than seven percent (7%) of the total weight of that component.

Article 4.8. ACCUMULATION

1. Originating materials from the territory of a Party, used in the production of a good in the territory of the other Party, shall be considered to originate in the territory of the other Party.

2 A good is an originating good where it is produced in the territory of one or both Parties by one or more producers, provided that the good satisfies the requirements in Article 4.2 (Originating Goods).

Article 4.9. ACCESSORIES, SPARE PARTS AND TOOLS

Each Party shall provide that accessories, spare parts, or tools delivered with a good that form part of the goodâs standard accessories, spare parts, or tools shall be treated as originating goods if the good is an originating good, and shall be disregarded in determining whether all the non-originating materials used in the production of the good undergo the applicable change in tariff classification, provided that:

(a) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether they appear specified or separately identified in the invoice itself;

(b) the quantities and value of the accessories, spare parts, or tools are customary for the good; and

(c) if the good is subject to a qualifying value content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or non- originating materials, as the case may be, in calculating the qualifying value content of the good.

Article 4.10. SETS AND ASSORTMENTS OF GOODS

1. Each Party shall provide that if goods are classified as a set pursuant to rule 3 of the General Rules of Interpretation of the Harmonized System, the set is originating only if

(a) each good in the set is originating; and

(b) both the set and the goods satisfy all other applicable requirements in this Chapter.

2. Notwithstanding paragraph 1, a set of goods is originating if the value of all the non-originating goods in the set does not exceed fifteen per cent (15%) of the adjusted value of the set.

Article 4.11. PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE

1. Each Party shall provide that packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the non-originating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4A (Product Specific Rules).

2. If the good is subject to a qualifying value content requirement under Annex 4A (Product Specific Rules), the value of such packaging materials and containers shall be taken into account as originating or non- originating materials, as the case may be, in calculating the qualifying value content of the good.

3. Such packaging materials and containers shall be disregarded in determining whether a good meets the requirements established in paragraphs 1(a) and (b) of Article 4.2 (Originating Goods).

Article 4.12. PACKING MATERIALS AND CONTAINERS FOR SHIPMENT

Packing materials and containers for shipment shall be disregarded in determining whether a good is originating.

Article 4.13. FUNGIBLE GOODS AND MATERIALS

1. Each Party shall provide that the determination of whether fungible goods or materials are originating goods shall be made either by physical segregation of each good or material or through the use of any inventory management method, such as averaging, last-in, first-out, or first-in, first-out, recognized in the generally accepted accounting principles of the Party in which the production is performed or otherwise accepted by the Party in which the production is performed, as set forth in domestic laws in force in each Party.

2. Each Party shall provide that an inventory management method selected under paragraph 1 for particular fungible goods or materials shall continue to be used for those fungible goods or materials throughout the fiscal year of the person that selected the inventory management method.

Article 4.14. INDIRECT MATERIALS USED IN PRODUCTION

Each Party shall provide that an indirect material shall be treated as originating without regard to where it is produced, and its value shall be the cost registered in the accounting records of the producer of the good.

Article 4.15. TRANSIT THROUGH NON-PARTIES

1. Preferential tariff treatment provided for in this Agreement shall be applied to goods that satisfy the requirements of this Chapter and which are directly transported among the Parties.

2. Notwithstanding paragraph 1, goods shall be authorized to transit through non-Party countries, with or without transshipment or temporary storage, and shall be eligible for preferential treatment in accordance with this Agreement, provided that such goods:

(a) did not undergo operations other than unloading, reloading, or any other operation necessary to preserve them in good condition; and

(b) did not enter the commerce of such non-Parties after the shipment from the Party and before the importation into another Party.

3. Compliance with the provisions set out in paragraph 2 shall be proved by means of supplying to the customs authorities of the importing Party:

(a) in the case of transit or transshipment without temporary storage, the commercial shipping or freight documents.

(b) in the case of temporary storage, either customs documents of the third country or documents of the competent authorities or authorized operators.

Article 4.16. CONSULTATIONS AND MODIFICATIONS

1. A Party that considers that a specific rule of origin set out in Annex 4A (Product Specific Rules) requires modification to take into account developments in production processes, lack of supply of originating materials, or other relevant factors may submit a proposed modification along with supporting rationale and any studies to the Commission for consideration.

2. Upon receipt of a submission by a Party under paragraph 1, the Commission may refer the matter to an ad hoc working

group within thirty (30) days or on such other date as the Commission may decide. The working group shall meet to consider the proposed modification within ninety (90) days of the date of referral or on such other date as the Commission may decide.

3. Unless the Commission agrees otherwise, the working group shall, within such period, provide a report to the Commission, setting out its conclusions and recommendations, if any, on the proposed modification.

4. On receipt of the report, the Commission may take any action as it deems appropriate.

5. The Parties shall make their best efforts to conclude the modification process within one hundred and eighty (180) days of the date of submission of the proposal.

Chapter 5. CUSTOMS

Section A. CUSTOMS PROCEDURES

Article 5.1. PUBLICATION

1. Each Party shall publish, including on the Internet, its customs laws, regulations, and general administrative procedures.

2. Each Party shall designate one or more enquiry points to address enquiries from interested persons concerning customs matters, and shall make available on the Internet or in print form information concerning procedures for making such enquires.

Article 5.2. RELEASE OF GOODS

Each Party shall adopt or maintain procedures allowing, to the greatest extent possible, goods to be released:

(a) within 48 hours of arrival; and

(b) at the point of arrival, without temporary transfer to warehouses or other locations.

Article 5.3. AUTOMATION

1. The customs administrations shall each endeavour to provide an electronic environment that supports business transactions between it and its trading communities.

2. In implementing initiatives that provide for paperless trading, the customs administrations of the Parties should take into consideration the methods developed in APEC and the World Customs Organization.

Article 5.4. RISK MANAGEMENT

1. The Parties shall adopt risk management approach to customs activities based on the risks of goods it has identified, in order to facilitate the swift clearance of low risk consignments and focusing its inspection activities on high-risk goods.

2. The Parties shall exchange information on risk management techniques in the performance of their customs procedures.

Article 5.5. COOPERATION

1. To the extent permitted by their domestic law, the customs administrations of the Parties may, as they deem fit, assist each other, in relation to originating goods, by providing information on:

(a) the implementation and operation of this Chapter;

(b) investigation and prevention of prima facie customs offences;

(c) developing and implementing customs best practice and risk management techniques;

(d) simplifying and expediting customs procedures; and (e) advancing technical skills and the use of technology.

2. Where a Party providing information to another Party in accordance with this Chapter designates the information as confidential, the other Party shall maintain the confidentiality and use that information for the purposes of the request

without disclosing the source of the information.

Article 5.6. CONFIDENTIALITY

1. Nothing in this Chapter shall be construed to require any Party to furnish or allow access to confidential information pursuant to this Chapter that would:

(a) be contrary to the public interest as determined by its legislation;

(b) be contrary to any of its legislation including but not limited to those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;

(c) impede law enforcement; or

(d) prejudice the competitive position of the person or Party providing the information.

2. Confidentiality must be maintained on all commercial information obtained in the course of a verification process on the determination of origin.

3. Any confidential information obtained in the course of a verification process on the determination of origin must only be used by the authorities responsible for the administration and application of the determination of origin.

Article 5.7. EXPRESS CONSIGNMENTS (5-1)

(5-1) Article 5.7 (Express Consignments) shall enter into force two (2) years after the date of entry into force of this Agreement.

Each Party shall ensure efficient clearance of all shipments, while maintaining appropriate control and customs selection. In the event that a Party's existing system does not ensure efficient clearance, it should adopt procedures to expedite express consignments to:

(a) provide for pre-arrival processing of information related to express consignments;

(b) permit the submission of a single document covering all goods contained in a shipment transported by the express shipment company through electronic means if possible; and

(c) minimize, to the extent possible, the documentation required for the release of express consignments.

Article 5.8. REVIEW AND APPEAL

1. Each Party shall ensure that the importers in its territory have access to:

(a) administrative review independent of the official or office that issued the decision or administrative act subject to review (5-2); and

(5-2) For Singapore, this level of administrative review may include the Ministry supervising the customs authority.

(b) judicial review of the decision or administrative act taken at the final level of administrative review, in accordance with the Party's domestic law.

2. Notice of the decision on appeal shall be given to the appellant and the reasons for such decision shall be provided in writing.

Article 5.9. PENALTIES

Each Party shall adopt or maintain measures that provide for the imposition of civil, criminal or administrative penalties consistent with the provisions of this Chapter and Chapter 4 (Rules of Origin) on origin determination and claiming of preferential treatment, whether solely or in combination, for violations of its customs laws.

Article 5.10. ADVANCE RULINGS (5-3)

(5-3) Article 5.10 (Advance Rulings) shall enter into force three (3) years after the date of entry into force of this Agreement.

1. Each Party, through its customs administration or the relevant governmental authority, on the application of a person described in subparagraph 2(a), shall provide in writing advance rulings in respect of the tariff classification and origin of goods and whether a good qualifies for entry free of customs duty.

2. Each Party shall adopt or maintain procedures for advance rulings, which shall:

(a) provide that an importer in its territory or an exporter or producer in the territory of another Party may apply for an advance ruling before the importation of goods in question;

(b) require that an applicant for an advance ruling provide a detailed description of the goods and all relevant information needed to issue an advance ruling;

(c) provide that its customs administration or the relevant governmental authority may, within a specified period, request for the additional information required in order to have all the relevant information needed;

(d) provide that any advance ruling be based on the facts and circumstances presented by the applicant, and any other relevant information in the possession of the decision- maker; and

(e) provide that an advance ruling be issued to the applicant expeditiously, or in any case within one hundred and twenty (120) days of the receipt of all necessary information.

3. A Party may reject requests for an advance ruling where the additional information requested by it in accordance with subparagraph 2(c) is not provided within a specified time.

4. Each Party shall provide that advance rulings shall be in force from their date of issuance, or another date specified in the ruling, provided that the facts or circumstances on which the ruling is based remain unchanged.

5. A Party may modify or revoke an advance ruling upon a decision or administrative act that the ruling was based on an error of fact or law, the information provided is false or inaccurate, if there is a change in domestic law consistent with this Agreement, or there is a change in a material fact, or circumstances on which the ruling is based.

6. Where an importer claims that the treatment accorded to an imported good should be governed by an advanced ruling, the customs administration or the relevant governmental authority may evaluate whether the facts and circumstances of the importation are consistent with the facts and circumstances upon which an advanced ruling was based.

7. If a requester provides false information or omits relevant facts or circumstances relating to the advance ruling, or does not act in accordance with the rulingâs terms and conditions, the importing Party may apply the appropriate measures as provided in Article 5.9 (Penalties).

Article 5.11. RESOLUTION OF DISPUTES ON CLASSIFICATION OF GOODS

For instances when the Parties cannot agree on the correct classification of a good, the Parties shall hold the appropriate consultations with the World Customs Organization (WCO) to determine the correct classification of the good. The advice given by the WCO on the classification of the good has to be accepted by the Parties.

Article 5.12. WORKING GROUP ON CUSTOMS PROCEDURES

The Parties hereby may establish a working group on customs administration and trade facilitation, which shall work under and report to the Committee. The initial focus of this working group should be related to the implementation of Chapter 5 (Customs), including other customs- related initiatives which may be agreed between the Parties and any other priority the Committee designates.

Section B. CUSTOMS PROCEDURES RELATING TO ORIGIN

Article 5.13. DEFINITIONS

For purposes of this Section:

1. Competent Government Authority means the Government authority in each Party that is responsible for the verification of Certification of Origin, which:

(a) in the case of Peru is the National Direction of Integration and International Trade Negotiations, of the Ministry of Foreign Trade and Tourism, or its successor; and

(b) in the case of Singapore is the Singapore Customs, or its successor;

2. day means calendar days, including weekends and holidays, but for the calculation of time periods, where the last day falls on a non- working day, the last day will be extended to the next working day.

Article 5.14. CLAIMS FOR PREFERENTIAL TREATMENT

1. For the purpose of obtaining preferential tariff treatment in the other Party, a proof of origin in the form of a certification of origin together with the supplier's invoices and other supporting documents shall be furnished by the importer, claiming the preferential tariff treatment at the time of importation of the originating good(s).

2. The Certification of Origin shall be duly completed and signed by the exporter or producer of the goods in his territory. The Certification of Origin shall include the data elements specified in Annex 5A (Data Elements for the Certification of Origin).

3. If the exporter is not the producer of the goods referred to on the Certification of Origin, the exporter may complete and sign the Certification of Origin only on the basis of:

(a) his knowledge of whether the good qualifies as an originating good and his reasonable reliance on the producer's written representation that the good qualifies as an originating good; or

(b) a completed and signed certification for the good voluntarily provided to the exporter by the producer.

4. Paragraph 3 shall not be construed so as to require a producer to provide a Certification of Origin to an exporter.

5. The Parties shall, in accordance with their domestic legislation, provide that where an importer claims at the time of importation a good can meet the terms of this Chapter and would thereby have qualified for preferential tariff treatment but was unable to provide a declaration or a Certification of Origin or other such evidence to substantiate the tariff preference claimed for the good, the importer may, in accordance with domestic legislation or within one (1) year from date of importation, apply for a refund of any excess customs duties paid as a result of the goods not having been accorded preferential tariff treatment, on production oft

(a) a declaration or Certification of Origin that the good qualifies as an originating good; and

(b) such other evidence as the customs administration may require to satisfactorily evidence the tariff preference claimed.

6. The importing Party shall accept a Certification of Origin, as the case may be, for situations where the sales invoice is issued either by a company located in the exporting Party or in a non-Party country, provided that the good(s) meet all the applicable requirements in this Chapter. Where the invoice is issued by a company in a non-Party country, this should be stated in the Certification of Origin issued and the invoice should be produced and submitted to the customs at the importing country.

7. The Certification of Origin shall be effective for twelve (12) months from the date of issue. Each Certification shall apply to a single shipment of goods into the territory ofa Party.

8. When goods are temporarily stored under control of the customs authority of the importing Party, the validation period of a Certification of Origin shall be suspended for the duration of such storage period.

9. Slight discrepancies between the wording and details stated on the Certification of Origin produced to the customs administrations of the Importing Party in clearance of goods shall not, of itself, cause any claim for preferential tariff treatment to be denied.

10. If the Certification of Origin is fraudulent, the importing Party may apply the appropriate measures as provided in Article 5.9 (Penalties).

11. Any Certification of Origin issued before the entry into force of this Agreement but presented for claiming preferential tariff treatment on or after the date of entry into force of this Agreement, is to be accepted as evidence as to the origin of the good(s) specified thereon.

Article 5.15. WAIVER OF CERTIFICATION OF ORIGIN

Each Party shall provide that a Certification of Origin shall not be required for the importation of any good whose custom value does not exceed US $1,500 or its equivalent amount in the Party's currency; or such higher amount as may be established by a Party which is importing, provided that the importation does not form part of a series of importations that may reasonably be considered to have been undertaken or arranged for the purpose of avoiding the certification requirements.

Article 5.16. RECORD KEEPING REQUIREMENT

1. Each Party shall provide that an exporter and a producer in its territory that completes and signs a Certification of Origin shall maintain in its territory, for four (4) years after the date on which the Certification of Origin was issued or signed, or for such longer period as the Party may specify, all records relating to the origin of a good for which preferential tariff treatment was claimed in the territory of the other Party, including records associated with:

(a) the purchase of, cost of, value of, shipping of, and payment for, the good that is exported from its territory;

(b) the sourcing of, the purchase of, cost of, value of, and payment for, all materials, including indirect materials, used in the production of the good that is exported from its territory; and

(c) the production of the good in the form in which the good is exported from its territory.

2. Each Party shall provide that an importer claiming preferential tariff treatment for a good imported into the Party's territory shall maintain in that territory, for four (4) years after the date of importation of the good or for such longer period as the Party may specify, such documentation, including a copy of the Certification of Origin, as the Party may require relating to the importation of the good.

3. The records to be maintained in accordance to paragraphs 1 and 2 may include electronic records and shall be maintained in accordance with the domestic laws and practices of each Party.

Article 5.17. VERIFICATION OF ORIGIN

1. For purposes of determining whether a good imported into its territory from the territory of the other Party qualifies as an originating good, the importing Party may conduct verification by means of:

(a) requests for information from the importer;

(b) written questionnaires or request for information to the exporter or producer of the good(s) in the territory of the other Party through the competent government authority of the exporting Party;

(c) request for assistance from the competent government authority of the exporting Party as provided for in paragraph 3 below;

(d) verification visits to the premises of an exporter or a producer in the territory of the other Party, to observe the facilities and the production processes of the good and to review the records referring to origin including accounting files.

2. For the purpose of paragraph l(a) and 1(b), the importer, exporter or producer:

(a) shall answer and return the request within a period of thirty (30) days from the date on which it was received.

(b) may have one opportunity, during the period established in subparagraph (a), to make a written request to competent government authority of the importing Party for an extension of the answering period, for a period not exceeding thirty (30) days.

In the case where the importer, exporter, or producer does not return the written request for the information made by the competent government authority of the importing Party within the given period or its extension, the importing Party may deny the preferential tariff treatment.

3. For the purpose of paragraph 1(c), the competent government authority of the importing Party:

(a) may request the competent government authority of the exporting Party to assist it in verifying:

(i) the authenticity of a certification of origin; and/or

(ii) the accuracy of any information contained in the certification of origin.

(b) shall provide the competent government authority of the other Party with:

(i) the reasons why such assistance is sought;

(ii) the certification of origin, or a copy thereof; and

(iii) any information and documents as may be necessary for the purpose of providing such assistance.

4. To the extent allowed by its domestic law and practices, the competent government authority of the exporting Party shall fully co-operate in any action to verify eligibility. In the absence of such co-operation, the importing Party shall determine the eligibility of the origin with the best information available at that moment.

5. For the purpose of paragraph 1(d), the competent government authority of the importing Party shall:

(a) deliver, prior to conducting a verification visit, a written notification of its intention to conduct the visit to the exporter or producer and to the competent government authority of the exporter Party; and

(b) obtain the written consent of the exporter or producer.

6. Pursuant to paragraph 5, the exporter or producer may within fifteen (15) days of receiving the notification, request to the competent government authority of the importing Party for a postponement of the proposed verification visit, for a period not exceeding sixty (60) days. This extension shall be notified to the competent authorities of the importing and exporting Parties.

7. A Party shall not deny preferential tariff treatment to a good solely because a verification visit was postponed pursuant to paragraph 6.

8. In the case, where an exporter or producer does not give its written consent to a proposed verification visit within thirty (30) days from the receipt of notification, the importing Party may deny preferential treatment to relevant good.

9. After concluding the actions related to paragraph 1(a), 1(b), 1(c) or 1(d), the competent government authority of the importing Party shall provide a written determination of whether the good is eligible for preferential tariff treatment based on the relevant law and findings of fact within fifteen (15) days of the determination on the outcome of the origin verification action taken. In respect of paragraph l(a) or 1(b), the maximum time to be taken from the start of the verification to its conclusion should not exceed one hundred and twenty (120) days. In respect of paragraph 1(c) or 1(d), the maximum time to be taken from the start of the verification to its conclusion should not exceed one hundred and fifty (150) days.

10. When the customs administration has a doubt on the origin of the goods at the time of importation, the goods may be released by the customs administration of the importing Party on a security or upon payment of duties, pending the outcome of the origin verification, provided that they are not held to be subject to import prohibition or restriction and there is no suspicion of fraud. The relevant duties paid shall be refunded once the outcome of the origin verification confirmed that the good qualifies as an originating good.

11. A Party may deny preferential treatment to an importer on any subsequent import of a good when the competent authority had already determined that an identical good was not eligible for that treatment.

Article 5.18. OBLIGATIONS RELATING TO IMPORTATIONS

1 Any good that meets all the applicable requirements in this Chapter and in Chapter 4 (Rules of Origin) is eligible for preferential tariff treatment.

2 A Party may deny preferential tariff treatment under this Agreement to imported good(s) if the importer fails to comply with any requirement of this Chapter or Chapter 4(Rules of Origin).

3. Any penalty, if applicable, for making an invalid claim for preferential tariff treatment shall be subject to the domestic law of each Party that is dealing with the offence under its jurisdiction.

Article 5.19. OBLIGATIONS RELATING TO EXPORTATIONS

1. Each Party shall provide that an exporter or a producer in its territory shall submit a copy of the Certification of Origin to its competent government authority upon request.

2. A false Certification of Origin by an exporter or a producer in its territory, stating that a good to be exported to the territory of another Party is originating shall be subject to penalties that are sufficiently deterrent.

3. When an exporter or a producer in its territory has provided a Certification of Origin and has reason to believe that such

Certification contains or is based on incorrect information, the exporter or producer shall promptly notify in writing every person to whom the exporter or producer provided the Certification of any change that could affect the accuracy or validity of the Certification. Any penalty, if applicable, for providing an incorrect Certification of Origin for preferential tariff treatment shall be subject to the domestic law of each Party that is dealing with the offence under its jurisdiction.

Chapter 6. SANITARY AND PHYTOSANITARY MEASURES

Article 6.1. OBJECTIVES

The objectives of this Chapter are:

(a) to protect human, animal or plant life or health in the territory of each Party;

(b) to facilitate bilateral trade and to provide a framework to address sanitary and phytosanitary matters that may affect directly or indirectly trade between Parties;

(c) to strengthen cooperation between Singaporean and Peruvian government agencies having responsibility for matters covered by this Chapter and to deepen mutual understanding of each Partyâs regulations and procedures; and

(d) where applicable, to strengthen collaboration between the Parties in relevant international organizations implementing agreements or developing international standards, guidelines and recommendations referred to matters covered by this Chapter.

Article 6.2. DEFINITIONS

For the purpose of this Chapter:

1. relevant international organizations refers to the organizations mentioned in the SPS Agreement;

2. SPS means sanitary and phytosanitary;

3. SPS Agreement refers to the WTO Agreement on the Application of Sanitary and Phytosanitary Measures;

4. trade between the Parties refers to trade in goods produced, processed or manufactured in the territory of the Parties; and

5. the definitions under Annex A of the SPS Agreement shall apply to this Chapter.

Article 6.3. SCOPE

1. This Chapter shall apply to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties. This includes:

(a) all SPS standards related to goods traded between the Parties;

(b) assessments of manufacturers or manufacturing processes on goods exported from one Party to the other Party; and

(c) assessments of official control, inspection and approval systems related to SPS measures operated by the Parties.

2. This Chapter does not apply to standards, technical regulations and conformity assessment procedures as defined in the WTO Agreement on Technical Barriers to Trade which are covered by Chapter 7 (Technical Barriers to Trade).

Article 6.4. RIGHTS AND OBLIGATIONS

The Parties reaffirm and incorporate in this Chapter their existing rights and obligations with respect to each other under the SPS Agreement.

Article 6.5. TRADE FACILITATION

1. The Parties shall cooperate and jointly identify work in the field of sanitary and phytosanitary measures with a view to facilitating trade between the Parties. In particular, the Parties shall seek to identify initiatives that are appropriate for the particular issues or sectors. Such initiatives may include cooperation on regulatory issues, such as unilateral recognition of equivalence, harmonisation or other cooperative arrangements.

2. At the request of the other Party, each Party shall give favourable consideration to any sector-specific proposal that the other Party makes for consideration under this Chapter.

Article 6.6. HARMONIZATION

The Parties shall, where appropriate, endeavour to work towards harmonization of their respective sanitary and phytosanitary measures, in accordance with Article 3 of the SPS Agreement, taking into account relevant international standards, guidelines and recommendations.

Article 6.7. EQUIVALENCE

1. The Parties recognise that the principle of equivalence as set down in Article 4 of the SPS Agreement, as applied to SPS measures, has mutual benefits for both exporting and importing countries.

2. The Parties shall follow the procedures for determining the equivalence of SPS measures developed by the SPS Committee and the Codex Alimentarius Commission, the World Organization of Animal Health and the International Plant Protection Convention, as amended from time to time.

3. The Parties shall give favourable consideration to accepting the equivalence of each otherâs SPS measures, in order to ease the trade of the products subject to SPS measures and foster mutual confidence between the respective competent authorities.

4. Compliance by an exported product with a SPS standard that has been accepted as equivalent to a SPS standard of the importing Party shall not remove the need for that product to comply with any other relevant mandatory requirements of the importing Party.

5. Whenever an agreement on recognition of the equivalence is in process of negotiation and no final approval is achieved, the Parties should neither stop nor apply sanitary and/or phytosanitary measures more restrictive than those in force in their mutual trade, except where sanitary or phytosanitary emergencies arise or threaten to arise for a Party.

Article 6.8. RISK ASSESSMENT AND DETERMINATION OF THE APPROPRIATE LEVEL OF SANITARY OR PHYTOSANITARY PROTECTION

1. SPS measures will be based on an assessment, in line with the circumstances of the risks existing for human, animal and plant life and health, taking into account the risk assessments guidelines developed by the relevant international organizations, so that the measures adopted may reach the appropriate level of protection.

2. When a Party decides to make a re-evaluation of a risk assessment of a product for which there is a fluid and regular trade, said Party shall not interrupt the trade of the products affected except in the case of a sanitary or phytosanitary emergency situation.

Article 6.9. RECOGNITION OF PEST OR DISEASE FREE AREAS AND AREAS OF LOW PEST OR DISEASE PREVALENCE

1. The importing Party shall decide, in a time frame agreed by the Parties, on the request made by the exporting Party to recognize its condition of pest or disease-free area or of low pest or disease prevalence, with the aim of facilitating bilateral trade.

2. In case of international recognition of pest or disease-free areas and areas of low pest or disease prevalence made by the relevant international organizations, the importing Party, on request and in an expeditious way, shall give favourable consideration to recognize those areas of the exporting Party as pest or disease-free areas and areas of low pest or disease prevalence.

Article 6.10. CONTROL, INSPECTION AND APPROVAL PROCEDURES

1. The application of control, inspection and approval procedures shall be based on the risk associated with the goods imported and shall be performed in accordance with Annex C of the SPS Agreement and the international standards, guidelines and recommendations established by the relevant international organizations.

2. Parties shall not restrict access to its market through control, inspection and approval procedures, without due technical

justification.

Article 6.11. TRANSPARENCY

1. The Parties undertake to notify their proposed SPS measures to the contact points of the other Party at least sixty (60) days before they are adopted.

2. In cases of urgency or duly justified emergency, the Parties may adopt the measures and rules specified in paragraph 1, without observing the time frame established. In these cases, the Party shall notify the adopted measure to the other Party within five (5) days of its adoption.

3. In any event, the Party adopting or willing to adopt the measure shall give the other Party the possibility of making comments on the measure and shall take into account these comments.

4. Whenever there is a notification of non-compliance of imported products with a SPS measure properly adopted, the Parties shall cooperate to solve the problem. Unless specifically required by its laws or policies, the importing Party shall not suspend trade based on one shipment, but shall contact the exporting Party to ascertain how the problem has occurred. The Parties shall consult on what remedial action might be

taken by the exporting Party to ensure that further shipments do not infringe the measure.

Article 6.12. COORDINATORS

1. To facilitate the implementation of this Chapter and cooperation between the Parties, each Party shall designate a Coordinator, who shall be responsible for coordinating with competent SPS authorities and interested persons in the Party's territory and communicating with the other Party's Coordinator in all matters pertaining to this Chapter. The Coordinators' functions shall include:

(a) monitoring the implementation and administration of this Chapter;

(b) enhancing communication between the Parties' competent SPS authorities and shall seek to facilitate a Party's response to written request for information from the other Party in print or electronically without undue delay, and in any case within thirty (30) days from the date of the request and at no cost or at reasonable cost;

(c) facilitating information exchange so as to enhance mutual understanding of each Party's SPS measures and the regulatory processes that relate to those measures and their impact on trade in such goods between the Parties;

(d) promptly addressing any bilateral SPS issues that a Party raises to enhance cooperation and consultation between the Parties to facilitate trade between the Parties;

(e) reviewing progress on addressing SPS matters that may arise between the Parties' competent SPS authorities;

(f) establishing technical working groups, as required. The technical working groups may consist of expert-level representatives of the Parties as agreed, which shall identify, address, and attempt to resolve technical and scientific issues arising from this Chapter;

(g) promoting the development and review of implementing arrangements on technical matters including harmonization, equivalence, control, inspection and approval procedures which further elaborate the provisions of this Chapter in order to facilitate trade between the Parties;

(h) reviewing and assessing progress of each Party's priority market access interests, and, where agreed as necessary, amend implementing arrangements; and

(i) strengthening technical cooperation in sanitary and phytosanitary matters.

2. The Coordinators shall normally carry out their functions through agreed communication channels such as telephone, fax, e-mails, whichever is most expedient in the discharge of their functions. Nevertheless, in technical issues like notifications of pest interceptions, pest risk assessments or others, the contact between the competent SPS authorities can be made directly, with due communication to the Coordinators.

Article 6.13. JOINT COMMITTEE

1. The Parties shall establish a Joint Committee consisting of representatives of the Parties which will meet when necessary

to deal with any matter that cannot be clarified or resolved through the Coordinators.

2. The Joint Committee shall be co-chaired by the Coordinators of the Parties. The Joint Committee shall comprise representatives of both Partiesâ competent trade and SPS authorities.

Article 6.14. TECHNICAL COOPERATION

The Parties shall endeavour to develop a work programme and mechanisms for co-operative activities in the areas of technical assistance and capacity building to address plant, animal and public health and food safety issues of mutual interest.

Article 6.15. CONSULTATION AND DISPUTE SETTLEMENT

1. In the event that a Party considers that a SPS measure affecting trade between the Parties warrants a technical consultation, it may request that technical consultations be held under the Joint Committee, with a view to share information and increase mutual understanding about the specific SPS measure under consultations and to identify a workable and practical solution that would facilitate trade. The other Party shall respond promptly to any request for technical consultations.

2. The technical consultations shall be held within thirty (30) days of the request, unless the Parties agree otherwise, and may be conducted via teleconference, video-conference, or through any other means, as mutually determined by the Parties.

3. Matters arising under this Chapter that cannot be settled through consultations may be forwarded by the complaining Party to the dispute settlement mechanism of the Agreement.

Article 6.16. FINAL PROVISIONS

1. Nothing in this Chapter shall limit the authority of a Party to determine the level of protection it considers necessary for the protection of, inter alia, human health or safety, animal or plant life or health. In pursuance of this, each Party retains all authority to interpret its laws, regulations and administrative provisions.

2. For the purposes of Article 6.12 (Coordinators), the Coordinator in:

(a) Peru shall be Ministry of Foreign Trade and Tourism Viceministry of Foreign Trade

Calle Uno Oeste N° 50, Urb. Corpac, San Isidro Tel: (51 1) 513 6100

or its successor or its designated contact point; and

(b) Singapore shall be Ministry of Trade and Industry Trade Division

100 High Street #09-01 The Treasury Singapore 179434

Tel: (65) 6225 9911

Fax: (65) 6332 7260

E-mail: mti_email@mti.gov.sg

or its successor or its designated contact point.

Chapter 7. TECHNICAL BARRIERS TO TRADE

Article 7.1. OBJECTIVES

The objective of this Chapter is to eliminate unnecessary technical barriers to trade between the Parties by providing a framework to address the impact of such technical barriers, so as to facilitate and increase bilateral trade and by enhancing bilateral cooperation.

Article 7.2. GENERAL PROVISIONS

1. The Parties reaffirm and incorporate their rights and obligations under the TBT Agreement. 2. For the purpose of

facilitating and increasing bilateral trade, the

Parties shall seek to enhance their cooperation in the area of technical barriers to trade and deepen the mutual understanding and awareness of their respective systems.

3. In addition to the TBT Agreement the Parties shall apply the provisions under this Chapter.

Article 7.3. SCOPE

1. This Chapter is applicable to any and all standards, technical regulations and conformity assessment procedures of the Parties that may affect, directly or indirectly, the trade in goods between the Parties (7-1).

(7-1) For greater certainty, the Parties understand that: (a) any reference in this Chapter to a standard, technical regulation or conformity assessment procedure includes those related to metrology; and (b) the application of this Chapter to trade in goods between the Parties is regardless of origin.

2. This Chapter does not apply to sanitary and phytosanitary measures as defined in the SPS Agreement, which are covered by Chapter 6 (Sanitary and Phytosanitary Measures).

3. This Chapter does not apply to purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies, which are covered by Chapter 9 (Government Procurement).

4. Nothing in this Chapter shall prevent a Party from adopting or maintaining standards or technical regulations in accordance with its rights and obligations under the TBT Agreement to fulfill a legitimate objective, taking into account the risk non-fulfillment would create. This shall include technical regulations necessary to ensure its national security requirements, the prevention of deceptive practices, the protection of human life, health or safety, animal and plant life or health, or the environment.

Article 7.4. DEFINITIONS

For the purpose of this Chapter,

1. TBT Agreement refers to the WTO Agreement on Technical Barriers to Trade done in Marrakesh on 15 April 1994;

2. TBT Committee refers to the Committee on Technical Barrier to Trade provided for under Article 13 of the TBT Agreement; and

3. the terms and their definitions of Annex | of the TBT Agreement, shall apply mutatis mutandis to this Agreement.

Article 7.5. INTERNATIONAL STANDARDS

1. Each Party shall, to the maximum extent possible and in accordance with Article 2.4 of the TBT Agreement, use relevant international standards as a basis for its technical regulations.

2. In determining whether an international standard, guide or recommendation within the meaning of Articles 2, 5 and Annex 3 of the TBT Agreement exists, each Party shall apply the principles set out in Decisions and Recommendations adopted by the TBT Committee since 1 January 1995, G/TBT/1/Rev.8, 23 May 2002, Section IX (Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5 and Annex 3 of the WTO TBT Agreement) issued by the TBT Committee .

Article 7.6. TRADE FACILITATION

1. The Parties shall co-operate and jointly identify work in the field of standards, technical regulations and conformity assessment procedures, with a view to facilitating market access. In particular, the Parties shall seek to identify initiatives that are appropriate for the particular issues or sectors. Such initiatives may include co-operation and technical assistance on regulatory issues, such as unilateral recognition or harmonisation or equivalence of technical regulations and standards, alignment to international standards, reliance on a supplier's declaration of conformity, recognition and acceptance of the results of conformity assessment procedures, and use of accreditations to qualify conformity assessment bodies.

2. At the request of a Party, each Party shall encourage governmental and non-governmental bodies in its territory to co-operate with the governmental and non-governmental bodies in the territory of the other Party with respect to particular

standards, technical regulations or conformity assessment procedures following the principles of the TBT Agreement.

3. Where a Party detains at a port of entry a good originating in the territory of another Party due to a perceived failure to comply with a technical regulation, it shall immediately notify the importer of the reasons for the detention.

Article 7.7. EQUIVALENCE OF TECHNICAL REGULATIONS

1. Each Party shall give favourable consideration to accept as equivalent the technical regulations of the other Party, even if they differ from its own technical regulations, provided that the said technical regulations produce the outcomes, equivalent to those produced by its own technical regulations, in meeting the legitimate objectives, or achieving the same level of protection.

2. For this purpose, a Party seeking the other Party to accept its technical regulation as equivalent, shall provide, as appropriate:

(a) information on the relationship of its technical regulation to international standards referenced in the technical regulation of the other Party;

(b) the circumstances which gave rise to the adoption of its technical regulation; and

(c) information on the similarity of the established mechanisms of conformity assessment.

3. Where a Party does not accept a technical regulation of the other Party as equivalent to its own technical regulation, it shall, at the request of the other Party, explain the reasons for not accepting the said regulation as equivalent. The Parties may agree to further engage for the purpose of accepting equivalent technical regulations, such as by establishing an ad hoc working group, as provided for in Article 7.11 (Country Coordinators on Technical Barriers to Trade).

4. At the request of a Party which may have an interest in developing a technical regulation similar to the technical regulation of the other Party, and in order to minimize duplicate expenses, the other Party shall provide any available information, studies or other relevant documents, which it had relied on in the development of that technical regulation except confidential information.

Article 7.8. CONFORMITY ASSESSMENT

1. The Parties recognize that a broad range of mechanisms exists to facilitate the acceptance, in a Party's territory, of the results of conformity assessment procedures conducted in another Party's territory, for example:

(a) the importing Party may rely on a supplier's declaration of conformity;

(b) the Parties' conformity assessment bodies may enter into voluntary arrangements to accept the results of each other's conformity assessment procedures;

(c) a Party may agree with the other Party to accept the results of conformity assessment procedures with respect to specific technical regulations conducted by conformity assessment bodies located in the other Party's territory;

(d) a Party may adopt accreditation procedures for qualifying conformity assessment bodies located in the territory of the other Party;

(e) a Party may designate conformity assessment bodies located in the territory of the other Party; and

(f) a Party may unilaterally recognize the results of conformity assessment procedures conducted in the territory of the other Party with respect to a sector nominated by other Party.

The Parties shall intensify their exchange of information on these and other similar mechanisms, so as to facilitate the acceptance of results of conformity assessment procedures.

2. If a Party does not accept the results of a conformity assessment procedure carried out in the territory of the other Party, it shall, on request of the other Party, explain its decision, so that the affected Party may take corrective action.

3. Each Party shall accredit, approve, license or otherwise recognize conformity assessment bodies in the territory of the other Party on terms no less favorable than those it accords to conformity assessment bodies in its territory. Where a Party accredits, approves, licenses or otherwise recognizes a body assessing conformity with a specific technical regulation or standard in its territory and refuses to accredit, approve, license or otherwise recognize a body assessing conformity with that technical regulation or standard in the territory of the other Party, it shall, on request of that other Party, explain the

reasons for its decision so that the other Party may take corrective action.

4. Where a Party refuses an application from the other Party to engage or conclude negotiations to reach an agreement that facilitates the recognition in its territory of the results of the conformity assessment procedures conducted by conformity assessment bodies in the territory of the other Party, it shall, on request of the other Party, explain its decision, so that the other Party may take corrective action. The Parties may agree to further engagements, such as by the establishment of an ad hoc working group, as provided for in Article 7.11 (Country Coordinators on Technical Barriers to Trade).

5. The Parties shall encourage the use of activities developed within the framework of cooperation and technical assistance as reference in a process to recognize assessment conformity.

Article 7.9. TRANSPARENCY

1. The Parties undertake to transmit, electronically, through the contact points established by each Party under Article 10 of the TBT Agreement, the proposed technical regulations and conformity assessment procedures intended to be adopted at the same time that the parties notify WTO members in accordance with the TBT Agreement. The Parties shall also notify/publish, pursuant to paragraph 7 of this Article, those technical regulations, whether the technical regulations are in accordance with the technical content of the relevant international standards, or not.

2. Each Party shall allow for at least sixty (60) days, after the transmission of the notifications mentioned in paragraph 1, for the other Party to comment and have consultations on such measure. Each Party shall take into consideration the comments of the other Party and the outcome of the consultations. A Party shall give favourable consideration to a reasonable request by the other Party for extension of the above period.

3. In case of emergency, a Party adopting technical regulations and/or conformity assessment procedures shall send electronically, through the aforementioned contact points, the said documents to the other Party at the same time it notifies the Members of the WTO. The Parties shall also notify/publish those technical regulations, whether the technical regulations are in accordance with the technical content of the relevant international standards, or not.

4. Each Party shall publish, or otherwise make available to the public, in print or electronically, its responses to significant comments it receives from persons of the other Party no later than the date it publishes the final technical regulation or conformity assessment procedure.

5. Each Party shall, on request of the other Party, provide information regarding the objectives of, and rationale for, a standard, technical regulation or conformity assessment procedure that the Party has adopted or is proposing to adopt.

6. The Parties agree that the period of time as from the date of publication and the validity of the technical regulations, conformity assessment procedures or any other mandatory rule shall not be less than (6) six months, unless such time period would undermine a legitimate purpose underlying the adoption of the regulation, procedure or rule.

7. Each Party shall ensure that all technical regulations and conformity assessment procedures which have been adopted or are proposed and the necessary notifications referred to under paragraphs 1 and 3, are available on its official websites.

8. Each Party shall implement this Article as soon as is practicable, and under no circumstance, later than two years, from the date of entry into force of this Agreement.

Article 7.10. TECHNICAL COOPERATION

1. The Parties agree to supply each other technical assistance and cooperation, to the extent possible, in order to, inter alia:

(a) encourage the enforcement of this Chapter;

(b) encourage the enforcement of the TBT Agreement;

(c) strengthen the corresponding organisations of standardisation, technical regulation, conformity assessment, metrology and information and notice systems within the scope of the TBT Agreement;

(d) strengthen the technical reliability among _ said organisations, mainly intending to execute Mutual Recognition Agreements of interest for the Parties;

(e) facilitate the acceptance of equivalence of standards and technical regulations;

(f) strengthen, where aplicable, collaboration between the Parties in relevant international organisations implementing agreements or developing international standards, guidelines and recommendations referred to matters covered by this

Chapter;

(g) provide support to the development and application of international standards; and

(h) increase the formation and training of the human resources required for this Chapter.

2. The Parties shall explore opportunities for further cooperation and collaboration so as to facilitate the implementation of this Chapter including the negotiations of Mutual Recognition Agreements by the competent organisations in the areas of standardisation, regulation and conformity assessment following the principles of the TBT Agreement.

Article 7.11. COUNTRY COORDINATORS ON TECHNICAL BARRIERS TO TRADE

1. To facilitate information exchange, cooperation and implementation of this chapter, the Parties hereby establish the Country Coordinators on Technical Barriers to Trade, comprising representatives of each Party.

2. The Country Coordinators on Technical Barriers to Trade shall be:

(a) in the case of Peru,

Ministry of Foreign Trade and Tourism Viceministry of Foreign Trade

Calle Uno Oeste N° 50, Urb. Corpac, San Isidro Tel (51 1) 513 6100,

or its successors or its designated coordinator; and

(b) in the case of Singapore,

Ministry of Trade and Industry

Trade Division

100 High Street # 09-01 The Treasury Singapore 179434

Tel (65) 6225 9911

Fax (65) 6332 7260

Email mti_email@mti.gov.sg

or its successor or its designated coordinator.

3. The Country Coordinators' functions shall include:

(a) monitoring the implementation and administration of this Chapter;

(b) promptly addressing any issue that a Party raises related to the development, adoption, application or enforcement of standards, technical regulations or conformity assessment procedures;

(c) enhancing cooperation in the development and improvement of standards, technical regulations and conformity assessment procedures and, as appropriate, designing and proposing mechanisms for technical assistance of the type described in Article 11 of the TBT Agreement;

(d) where appropriate, facilitating sectoral cooperation between governmental and non-governmental conformity assessment bodies in the territories of the Parties;

(e) exchanging information on developments in non- governmental, regional and multilateral fora engaged in activities related to standards, technical regulations and conformity assessment procedures;

(f) at a Party's request, consulting on any matter arising under this Chapter;

(g) reviewing this Chapter in light of any developments under the TBT Commitee, and developing recommendations for amendments to this Chapter if necessary;

(h) taking any other steps the Parties consider will assist them in implementing this Chapter and the TBT Agreement and in facilitating trade;

(i) as it considers appropriate, reporting to the Commission on the implementation of this Chapter;

(j) establishing, if necessary, for particular issues or sectors, working groups for the treatment of specific matters related with the chapter and the TBT agreement;

(k) facilitating the consideration of a request by a Party for the recognition of the results to conformity assessment procedures, including a request for the negotiation of an Agreement, in a sector nominated by that party; and

(l) facilitating cooperation in the areas of specific technical regulations by refering enquiries from a Party to the appropriate regulatory authorities.

4. When consultations are requested under paragraph 2(f), the Parties shall make every effort to attain a mutually satisfactory solution, within a thirty (30) day period.

5. Where the Parties have had recourse to consultations under paragraph 2(f) such consultations shall constitute consultations under Article 17.4 (Consultations).

6. The Country Coordinators shall meet at least once a year unless the Parties otherwise agree. The Country Coordinators shall carry out its work through the communication means agreed by the Parties, such as Internet, videoconferences or others.

Article 7.12. EXCHANGE OF INFORMATION

1. Any information or explanation requested by a Party pursuant to the provisions of this Chapter shall be provided by other Party, in print or electronically, in a term of thirty (30) days, which may be extended prior justification of the informing Party.

2. As concerns information exchange, in compliance with Article 10 under the TBT Agreement, the Parties shall apply the recommendations included in the document on Decisions and Recommendations adopted by the Committee since 1 January 1995,G/TBT/1/Rev. 8, 23 May, 2002, Section IV (Procedure for information exchanges) as transmitted by the TBT Committee .

Chapter 8. BILATERAL SAFEGUARDS

Article 8.1. DEFINITIONS

For purposes of this Chapter:

1. directly competitive good means the good which, having different physical characteristics and composition to those of the imported good, fulfils the same functions of the latter, satisfies the same needs, and is commercially substitutable;

2. domestic industry means, with respect to an imported good, the producers as a whole of the like or directly competitive good operating in the territory of a Party, or those producers whose collective production of the like or directly competitive good constitutes an important proportion of the total domestic production of such good;

3. interested parties includes the petitioner(s) under Article 8.3 (Standards for a Safeguard Measure), exporters, importers and any others who demonstrate a legitimate interest in the investigation;

4. like good refers to the identical good, that is, the good that is the same in all aspects as the imported good, or to another good which, in spite of not being the same in all aspects, has very similar characteristics to those of the imported good;

5. serious injury means a significant overall impairment in the situation of a domestic production sector;

6. threat of serious injury means serious injury that, on the basis of facts and not merely on allegation, conjecture, or remote possibility, is clearly imminent;

7. transition period means the ten-year period following the entry into force of this Agreement, save that for any good for which the Schedule to Annex 2A (Peru Tariff Schedule) or 2B (Singapore Tariff Schedule), as the case may be, of the Party applying the measure provides for the Party to eliminate its tariffs on the good over a period of ten (10) years or more, transition period means the tariff elimination period for the good set out in that Schedule plus five (5) years.

8. unforeseen development of circumstances means unexpected changes of facts not associated with:

(a) the tariff elimination programme under this Agreement; or

(b) limitations in the competitiveness of a certain domestic production sector,

that could generate, directly or indirectly, serious injury, or threat thereof, to the domestic industry.

Article 8.2. IMPOSITION OF A SAFEGUARD MEASURE

1. A Party may impose a safeguard measure during the transition period if, as a result of the unforeseen development of circumstances or of the reduction or elimination of a customs duty pursuant to this Agreement, an originating good in the other Party's territory is imported to the Party's territory in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to constitute a cause of serious injury, or threat thereof, to a domestic industry producing a like or directly competitive good.

2. If the conditions in paragraph 1 are met, a Party may, to the extent necessary to prevent or remedy serious injury, or threat thereof, and facilitate adjustment:

(a) suspend the further reduction of any rate of duty provided for under this Agreement on the good; or

(b) increase the rate of duty on the good to a level not to exceed the lesser between:

(i) the most-favoured-nation (MFN) applied rate of duty in effect at the time the measure is applied, and

(ii) the MEN applied rate of duty in effect on the day immediately preceding the date of entry into force of this Agreement (8-1).

(8-1) The Parties understand that neither tariff rate quotas nor quantitative restrictions would be a permissible form of safeguard measure.

Article 8.3. STANDARDS FOR A SAFEGUARD MEASURE

1. A Party may adopt a safeguard measure only during the period necessary to prevent or remedy the serious injury, or threat thereof, and facilitate adjustment. This period shall not exceed two (2) years, which may be extended for an additional term of up to one (1) year. The initial period includes the term of any provisional measure applied.

2. Subject to paragraph 1, a Party may extend the period of a safeguard measure if the competent investigating authority determines, in accordance with the procedures set out in Article 8.4 (Safeguard Procedures), that the measure continues to be necessary to prevent or remedy serious injury, or threat thereof, and to facilitate adjustment, and that there is evidence that the domestic industry is adjusting.

3. In order to facilitate adjustment in the case where the expected duration of a safeguard measure is more than one (1) year, the Party applying the measure shall progressively liberalize it at regular intervals during the remainder of the period of application of the safeguard measure.

4. A party shall not apply a safeguard measure more than once on the same good until a similar period as the duration of the initial safeguard measure has elapsed commencing from the termination of the earlier safeguard measure.

5. On the termination of a safeguard measure, the Party that has imposed the measure shall:

(a) apply the rate of customs duty set out in its tariff schedule as specified in Annex 2A (Peru Tariff Schedule) or Annex 2B (Singapore Tariff Schedule), as relevant for the good, as if such measure had never been applied; or

(b) eliminate the tariff in equal annual stages ending on the date set out in its tariff schedule as specified in Annex 2A (Peru Tariff Schedule) or Annex 2B (Singapore Tariff Schedule), as relevant for the good, for the elimination of the tariff.

Article 8.4. SAFEGUARD PROCEDURES

Initiation of safeguard procedure

1. A Party may initiate a safeguard procedure under this Chapter when a company or companies representative of the domestic industry producing a like or directly competitive good with an imported good, or on their behalf, an entity or association representing them (hereinafter referred to as âthe petitioner(s)â) directly present a claim to the Party.

2. The claim shall contain the following information:

(a) the petitioner(s)' name, address, facsimile, telephone and electronic mail;

(b) the percentage of domestic production of the like or directly competitive good accounted for by the petitioner(s);

(c) a detailed description of the good concerned and of its like or directly competitive goods, tariff classification, applied tariff, technical characteristics and uses, as well as a brief description of its production process;

(d) information relative to the increased imports (volume, price and country of origin) of the imported good concerned, in absolute terms, as well as in relation to total import, and relative to domestic industry for the last thirty- six (36) months for which official statistics are available;

(e) evidence enabling the evaluation of the existence of serious injury, or threat thereof, caused by the imports of the good concerned, for the last thirty-six (36) months for which information is available, such as:

(i) a description of the serious injury, or threat thereof;

(ii) information relative to production, sales in the domestic market and foreign sales, capacity and capacity utilization, productivity, employment, inventories of the domestic industry, of the like or directly competitive good or goods;

(iii) the production cost structure of the domestic industry for the good or the like or directly competitive goods, specifying the share of the total cost accounted for by imported inputs or raw materials;

(iv) profit and loss statements of the representative firms in the domestic industry and accounting information relative to the good under investigation;

(v) price data for the domestic and the imported goods, as well as information relative to the nationalization costs of the imported good enabling a reasonable comparison between the price of the domestic and imported good in the same level of commercialization; and

(vi) any other information that supports the application of the safeguard measure;

(f) an enumeration and description of alleged causes of the serious injury, or threat thereof, and a summary of the basis for the assertion that increased imports, either actual or relative to domestic production, of the imported good are causing or threatening to cause serious injury, supported by pertinent data; and

(g) identification and justification of confidential information, and non-confidential summaries thereof. If it is indicated that such information cannot be summarized, then the petitioner(s) should furnish the reasons why such a summary cannot be provided.

Notice Requirement

3. Upon initiation ofa safeguard procedure under this Chapter, and in order to comply with paragraph 1 of Article 8.5 (Notification and Consultation), the competent investigating authority shall publish a notice, identifying the name of the petitioner(s), the imported good forming the subject-matter of the safeguard procedure, its tariff classification, the deadline for the final determination, and the name, address, telephone and electronic mail address of the competent investigating authority.

Confidential Information

4. Any information provided by the parties to an investigation classified as confidential, subject to prior justification, will be treated as such by the competent investigating authority. Information which shall be considered confidential due to its nature includes such information which, if disclosed, would provide a significant advantage for a competitor, commercial or otherwise, or could have a significantly negative impact on the person providing the information, in accordance with the provisions of each Party's domestic legislation.

Evidence of Injury and Causation

5. For the purpose of determining the serious injury, or threat thereof, to a domestic industry producing a like or directly competitive good, the competent investigating authority shall analyze, among other matters, information relative to the increased imports of the good under investigation, in absolute and relative terms, the share of the domestic market taken by the increased imports, the changes in the sales, production and productivity levels, the utilization of capacity, exports, changes in prices and inventories, capital generating capacity, profits or losses, wages and employment. None of these isolated factors, nor several of them in conjunction, will necessarily be sufficient for reaching a decisive conclusion.

6. The competent investigating authority shall not make an affirmative determination of serious injury, or threat thereof, unless the investigation demonstrates, on the basis of objective evidence, the existence of a clear causal link between increased imports of the good concerned and serious injury, or threat thereof. Where factors other than increased imports

are causing injury to the domestic industry at the same time, such injury shall not be attributed to increased imports.

Deliberation and Report

7. Before making an affirmative determination in a safeguard procedure under this Chapter, the competent investigating authority shall have a maximum term of six (6) months, commencing from the date of initiation of the procedure, to gather, receive, examine and verify the relevant information, hold a public hearing, and provide the opportunity for all interested parties to prepare and submit their views, and prepare the corresponding report.

8. The report shall contain all relevant information, including evidence of serious injury, or threat thereof, caused by the increased imports, the precise description of the good concerned and the measure to be adopted, the proposed date for the introduction of the measure, its expected duration and, if applied, the schedule for its progressive liberalization.

Article 8.5. NOTIFICATION AND CONSULTATION

1. A Party shall promptly notify the other Party in writing upon:

(a) initiating a safeguard procedure under this Chapter,

(b) adopting a provisional safeguard measure under Article 8.7 (Provisional Safeguards); or

(c) adopting the determination to apply or extend a safeguard measure.

2. On request of a Party whose good is subject to a safeguard procedure under this Chapter, the Party conducting that procedure shall enter into consultations with the other Party to review a notification under paragraph 1 or any public notice or report that the competent investigating authority has issued in connection with the procedure.

Article 8.6. GLOBAL ACTIONS

1. Each Party retains its rights and obligations under Article XIX of GATT 1994 and the WTO Agreement on Safeguards.

2. This Agreement does not confer any additional rights or obligations upon the Parties regarding actions taken pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards. When a Party decides to adopt a safeguard measure in accordance with Article

XIX of GATT 1994 and the WTO Agreement on Safeguards, that Party may exclude imports of an originating good from the other Party if such imports are not a substantial cause of serious injury, or threat thereof.

3. Where the Party's imports represent less than 5 per cent (5%) of the total volume of imports of that good, such imports shall not be considered part of the substantial cause of serious injury, or threat thereof.

4. No Party may apply, with respect to the same good, at the same time:

(a) a safeguard measure under this Chapter; and

(b) a measure under Article XIX of GATT 1994 and the WTO Agreement on Safeguards.

Article 8.7. PROVISIONAL SAFEGUARDS

1. In critical circumstances where any delay may result in irreparable injury to a domestic industry producing a like or directly competitive good, the Party applying a safeguard measure in accordance with Article 8.2 (Imposition of a Safeguard Measure) may adopt a provisional safeguard measure pursuant to a preliminary determination that clear evidence exists demonstrating that the increased imports of the imported good have caused, or threaten to cause, serious injury to a domestic industry producing a like or directly competitive good. Immediately after adopting the provisional safeguard measure, the affected Party may request consultations in accordance with paragraph 2 of Article 8.5 (Notification and Consultation).

2. A provisional safeguard measure may take any of the forms set out in paragraph 2 of Article 8.2 (Imposition of a Safeguard Measure). The duration of a provisional safeguard measure may not exceed one hundred and eighty (180) days. Where the competent investigating authority has determined that increased imports have not caused or threatened to cause serious injury to the domestic industry producing a like or directly competitive good, the guarantees or the perceived funds arising from the imposition of provisional measures shall be promptly released or refunded, as the case may be.

Article 8.8. COMPENSATION

1. A Party applying a safeguard measure for an overall period beyond two (2) years shall, in consultation with the other Party, provide 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 measure during the period of extension of the measure beyond the aforementioned two (2) years. The Party applying the safeguard measure shall provide opportunity for such consultations no later than thirty (30) days after the decision to extend the measure. Such consultations shall take place prior to the effective date of the extension.

2. If the Parties are unable to reach agreement on compensation within thirty (30) days of the commencement of consultations, the exporting Party may suspend the application of substantially equivalent concessions to the trade of the Party applying the safeguard measure.

3. The exporting Party shall notify the other Party in writing in the English language at least thirty (30) days before suspending concessions under paragraph 2.

4. The obligation to provide compensation under paragraph | and the right to suspend concessions under paragraph 2 shall terminate on the date of the termination of the safeguard measure.

Chapter 9. GOVERNMENT PROCUREMENT

Article 9.1. DEFINITIONS

For the purposes of this Chapter:

1. build-operate-transfer contract and public works concession contract mean any contractual arrangement the primary purpose of which is to provide for the construction or rehabilitation of physical infrastructure, plant, buildings, facilities, or other government-owned works and under which, as consideration for a supplier's execution of a contractual arrangement, a procuring entity grants the supplier, for a specified period of time, temporary ownership, or a right to control and operate, and demand payment for the use of, such works for the duration of the contract;

2. conditions for participation means any registration, qualification or other pre-requisites for participation in a procurement;

3. government procurement means the process by which a procuring entity purchases goods and services;

4. in writing or written means any worded or numbered expression that can be read, reproduced, and later communicated, including electronically transmitted and stored information;

5. offsets means measures used to encourage local development or improve the balance-of-payments accounts by means of domestic content, licensing of technology, investment requirements, counter-trade or similar requirements

6. open tendering means a procurement method where all interested suppliers may submit a tender;

7. procuring entity means an entity listed in Annex 9A (Government Procurement Schedules);

8. services includes construction services, unless otherwise specified; 9. standard means a document approved by a recognized body, that

provides, for common and repeated use, rules, guidelines or characteristics for goods or services or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, service, process or production method;

10. supplier means a person that provides or could provide goods or services to a procuring entity;

11. technical specification means a tendering requirement that:

(a) lays down the characteristics of goods or services to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production or provision; or

(b) addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or service.

Article 9.2. OBJECTIVES

1. The Parties agree to open their respective government procurement markets in order to maximize competitive opportunities for their suppliers and reduce costs of doing business for both government and industry.

2. The Parties shall achieve these objectives through:

(a) ensuring that the opportunity exists for their suppliers to compete on an equal and transparent basis for government procurements;

(b) ensuring the non-application against their suppliers of preferential schemes and other forms of discrimination based on the place of origin of goods and services; and

(c) promoting the use of electronic procurement.

Article 9.3. SCOPE AND COVERAGE

1. This Chapter applies to any law, regulation, procedure or practice regarding any procurement by entities covered by this Chapter as specified in Annex 9A (Government Procurement Schedules).

2. This Chapter applies to procurement of goods or services, or any combination of goods and services by any contractual means, including through such methods as purchase or as lease, rental or hire purchase, with or without an option to buy, build-operate-transfer contracts and public works concessions.

3. Where entities, in the context of procurement covered under this Chapter, require entities not included in Annex 9A (Government Procurement Schedules) to award contracts in accordance with particular requirements, Article 9.4 shall apply, mutatis mutandis, to such requirements.

4. This Chapter applies to any procurement contract of a value of not less than the relevant threshold specified in Annex 9A (Government Procurement Schedules).

5. Except as otherwise specified in Annex 9A (Government Procurement Schedules), this Chapter does not cover:

(a) non-contractual agreements or any form of governmental assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives and governmental provision of goods and services to persons or governmental authorities;

(b) purchases funded by international grants, loans or other assistance, where the provision of such assistance is subject to conditions inconsistent with the provisions of this Chapter;

(c) acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and services related to the sale, redemption and distribution of government debt (9-1); and

(9-1) For greater certainty, this Chapter does not apply to procurement of banking, financial or specialized services related to the following activities: (a) the incurring of public indebtedness; or (b) public debt management.

(d) hiring of government employees and its related employment measures.

6. No procuring entity may, at any stage of the procurement, prepare, design or otherwise structure or divide any procurement in order to avoid any obligation under this Chapter.

7. Nothing in this Chapter shall prevent a Party from developing new procurement policies, procedures, or contractual means, provided that they are not inconsistent with this Chapter.

8. The provisions of this Chapter do not affect the rights and obligations provided for in Chapter 2 (Trade in Goods), Chapter 10 (Investment), and Chapter 11 (Cross-Border Trade in Services).

Article 9.4. NATIONAL TREATMENT AND NON-DISCRIMINATION

1. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this Chapter, each Party shall provide immediately and unconditionally to the goods, services and suppliers of the other Party offering such goods and services, treatment no less favourable than that accorded to domestic goods, services and suppliers.

2. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this

Chapter, each Party shall ensure that its entities shall not:

(a) treat a locally established supplier less favourably than another locally established supplier on the basis of degree of foreign affiliation or ownership; nor

(b) discriminate against a locally established supplier on the basis that it is a supplier of a good or service of the other Party.

3. The provisions of paragraphs 1 and 2 shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations and formalities, and measures affecting trade in services other than laws, regulations, procedures and practices regarding government procurement covered by this Chapter.

Article 9.5. VALUATION OF PROCUREMENTS

The following provisions shall apply in determining the value ofa procurement for purposes of implementing this Chapter:

(a) valuation shall take into account all forms of remuneration, including any premiums, fees, commissions and interest receivable;

(b) the selection of a valuation method by a government body shall not be made, nor shall any procurement requirement be divided, with the intention of avoiding the application of this Chapter; and

(c) in cases where an intended procurement specifies the need for option clauses, the basis for valuation shall be the total value of the maximum permissible procurement, inclusive of optional purchases.

Article 9.6. RULES OF ORIGIN

For the purposes of covered procurement, no Party may apply rules of origin to goods imported or supplied from the other Party that are different from the rules of origin the Party applies at the same time in thenormal course of trade to imports or supplies of the same goods from the same Party.

Article 9.7. OFFSETS

A procuring entity shall not impose, seek or consider offsets in the qualification and selection of suppliers, goods or services, or in the evaluation of tenders and award of contracts.

Article 9.8. PUBLICATION OF INFORMATION ON PROCUREMENT MEASURES

Each Party shall promptly publish any law, regulation, judicial decision, administrative ruling of general application, procedure (including standard contract clauses), and any modifications or additions to this information regarding government procurement covered by this Chapter, in an officially designated electronic medium listed in Annex 9B (Officially Designated Electronic Media for the Publication of Information on Government Procurement), and in such a manner as to enable the other Party and suppliers to become acquainted with them. Each Party shall be prepared, upon request, to explain such information to the other Party.

Article 9.9. PUBLICATION OF NOTICE OF INTENDED PROCUREMENT

1. For each procurement covered by this Chapter, a procuring entity shall publish in advance a notice inviting all interested suppliers to submit tenders for that procurement ("notice of intended procurement"), except as otherwise provided in Article 9.13. This notice shall be published in an officially designated electronic medium listed in Annex 9B (Officially Designated Electronic Media for the Publication of Information on Government Procurement). Each such notice shall be accessible during the entire period established for tendering for the relevant procurement.

2. Each notice of intended procurement shall include a description of the intended procurement, any conditions that suppliers must fulfil to participate in the procurement, the name of the procuring entity issuing the notice, the address and contact where suppliers may obtain all documents relating to the procurement, the time limits for submission of tenders and the dates for delivery of the goods or services to be procured.

3. Each Party shall encourage its procuring entities to publish, as early as possible in the fiscal year, information regarding the procuring entityâs indicative procurement plans published in an officially designated electronic medium listed in Annex 9B (Officially Designated Electronic Media for the Publication of Information on Government Procurement). Where such

information is published, a procuring entity may apply Article 9.10 (Time Limits for the Tendering Process) for the purpose of establishing shorter time limits for tendering.

Article 9.10. TIME LIMITS FOR THE TENDERING PROCESS

1. A procuring entity shall prescribe time limits for the tendering process that allows sufficient time for suppliers to prepare and submit responsive tenders, taking into account the nature and complexity of the procurement. A procuring entity shall provide no less than twenty-one (21) days between the date on which it publishes the notice of intended procurement and the deadline for submitting tenders.

2. Notwithstanding paragraph 1, where there are no qualification requirements for suppliers, a procuring entity may establish a time limit of less than twenty-one (21) days, but in no case less than ten (10) days, in the following circumstances:

(a) where the procuring entity has published a separate notice containing the information specified in paragraph 3 of Article 9.9 (Publication of Notice of Intended Procurement) in an officially designated electronic medium listed in Annex 9B (Officially Designated Electronic Media for the Publication of Information on Government Procurement) at least twenty-one (21) days and not more than twelve (12) months in advance;

(b) in the case of the second or subsequent publication of notices for procurement of a recurring nature;

(c) where a state of urgency duly substantiated by the procuring entity renders the time limit specified in paragraph 1 impracticable; or

(d) where the procuring entity has published a notice of intended procurement by electronic means in an officially designated electronic medium listed in Annex 9B (Officially Designated Media for the Publication of Information on Government Procurement).

Article 9.11. TENDER DOCUMENTATION AND TECHNICAL SPECIFICATIONS

Tender Documentation

1. A procuring entity shall provide interested suppliers with tender documentation that includes all the information necessary to permit suppliers to prepare and submit responsive tenders. The documentation shall include all the criteria that the procuring entity will consider in

awarding the contract, including all cost factors, and the weights or, where appropriate, the relative values that the procuring entity will assign to these criteria in evaluating tenders.

2. To the extent possible, a procuring entity should make available relevant tender documentation on the internet or a comparable publicly available computer-based telecommunications network openly accessible to all suppliers. Where a procuring entity does not publish all the tender documentation by electronic means, the entity shall, on request of any supplier, promptly make the documentation available in written form to the supplier.

Technical Specifications

3. Technical specifications laying down the characteristics of the goods or services to be procured shall not be prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to trade between the Parties.

4. Technical specifications prescribed by a procuring entity shall, where appropriate, be:

(a) expressed in terms of performance requirements rather than design or descriptive characteristics; and

(b) based on international standards, where applicable; otherwise, on national technical regulations, recognized national standards or building codes.

5. There shall be no requirement or reference to a particular trademark or trade name, patent, design or type, specific origin or producer or supplier unless there is no sufficiently precise or intelligible way of otherwise describing the procurement requirements and provided that, in such cases, words such as âor equivalentâ are included in the tender documentation.

6. A procuring entity shall not seek or accept, in a manner that would have the effect of precluding competition, advice that may be used in the preparation or adoption of any technical specification for a specific procurement from a person that may have a commercial interest in that procurement.

7. Where, during the course of a procurement, a procuring entity modifies any part of the tender documentation referred to

in paragraph 1, including the criteria or technical requirements thereof, it shall transmit all such modifications in writing:

(a) to all suppliers that are participating in the procurement at the time the criteria was modified, if the identities of such suppliers are known, and in all other cases, in the same manner the original information was transmitted; and

(b) in adequate time to allow such suppliers to modify and re- submit their tenders, as appropriate.

Article 9.12. QUALIFICATION OF SUPPLIERS

1. In the process of qualifying suppliers, a procuring entity shall not discriminate between domestic suppliers and suppliers of the other Party.

2. Any conditions for participation in open tendering procedures shall be no less favourable to suppliers of the other Party than to domestic suppliers.

3. The process of, and the time required for, registering and/or qualifying suppliers shall not be used in order to exclude suppliers of the other Party, or from being considered for a particular intended procurement.

4. Qualification procedures shall be consistent with the following:

(a) Any condition for participation in the procurement, including financial guarantees, technical qualifications and information necessary for establishing the legal, financial, commercial and technical capacity of suppliers, as well as the verifications of qualifications, shall be limited to those which are essential to ensure the firm's capability to fulfil the contract in question. The legal, financial, commercial and technical capacity ofa supplier shall be judged both on the basis of that supplier's global business activity and its activity in the territory of the procuring entity taking due account of the legal relationship between the supply organizations.

(b) A procuring entity shall promptly communicate to any supplier that has applied for qualification its decision on whether that supplier is qualified. Where a procuring entity rejects an application for qualification or ceases to recognize a supplier as qualified, that procuring entity shall, on request of the supplier, promptly provide it with a written explanation.

5. Nothing in this Article shall preclude a procuring entity from excluding a supplier from a procurement on grounds such as bankruptcy or false declaration, provided that such an action is consistent with the national treatment provisions of this Chapter.

Article 9.13. LIMITED TENDERING PROCEDURES

1. A procuring entity shall award contracts by means of open tendering procedures, in the course of which any interested supplier may submit a tender.

2. Provided that the tendering procedure is not used to avoid competition or to protect domestic suppliers, a procuring entity may award contracts by means other than open tendering procedures in the following circumstances, where applicable:

(a) when no tenders were submitted in response to a prior notice or invitation to participate, or in the absence of tenders that conform to the essential requirements in the tender documentation provided in a prior invitation to tender, including any conditions for participation, on condition that the requirements of the initial procurement are not substantially modified in the contract as awarded;

(b) when, for works of art, or for reasons connected with the protection of exclusive rights, such as patents or copyrights, or proprietary information, or where there is an absence of competition for technical reasons, the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute exists;

(c) for additional deliveries by the original supplier that are intended either as replacement parts, extensions, or continuing services for existing equipment, software, services or installations, where a change of supplier would compel the procuring entity to procure goods or services not meeting requirements of interchangeability with existing equipment, software, services, or installations;

(d) for goods purchased on a commodity market;

(e) when a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. When such contracts have been fulfilled, subsequent procurements of such goods or services shall be subject to the principles and procedures laid down in

this Chapter;

(f) where additional construction services that were not included in the initial contract but that were within the objectives of the original tender documentation have, due to unforeseeable circumstances, become necessary to complete the construction services described therein. However, the total value of contracts awarded for additional construction services may not exceed 50 per cent (50%) of the amount of the initial contract;

(g) for new construction services consisting of the repetition of similar services which conform to a basic project for which an initial contract was awarded following an open procurement method, and for which the procuring entity has indicated in the notice of intended procurement concerning the initial service, that a limited procurement method might be used in awarding contracts for such new services;

(h) in so far as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time by means of an open tendering procedure and the use of an open tendering procedure would result in serious injury to the procuring entity, or the procuring entity's program responsibilities or the Party;

(i) for purchases made under exceptionally advantageous conditions which only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy and not for routine purchases from regular suppliers; or

(j) in the case of a contract awarded to a winner of a design contest, provided that:

(i) the contest has been organized in a manner that is consistent with the principles of this Chapter, notably as regards the publication of a notice of intended procurement; and

(ii) the participants are judged by an independent jury with a view to a design contract being awarded to a winner.

3. A procuring entity shall maintain a record or prepare a written report on the contract awarded under these provisions, containing the name of the procuring entity, the value and kind of goods or services procured, and the specific justifications for use of tender procedures other than open tendering procedures, as provided in paragraph 2.

Article 9.14. EVALUATION OF TENDERS

The tender evaluation process shall be fair and non-discriminatory, and shall have a mechanism to eliminate any potential conflict of interest between persons administering the process and suppliers participating in the process.

Article 9.15. INFORMATION ON AWARDS

1. Subject to Article 9.21 (Non-Disclosure of Information), a procuring entity shall promptly inform suppliers participating in a tendering procedure of its contract award decision. The award notice should include at least the following information:

(a) the name of the procuring entity;

(b) a description of the goods or services procured; (c) the name of the winning supplier;

(d) the date of award;

(e) the value of the contract award; and

(f) where the procuring entity has not used an open tendering procedure, an indication of the circumstances according to Article 9.13 (Limited Tendering Procedures) justifying the procedures used.

2. A procuring entity shall, on request from an unsuccessful supplier of the other Party which participated in the relevant tender, promptly provide pertinent information concerning reasons for the rejection of its tender, unless the release of such information would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interest of particular enterprises, public or private, or might prejudice fair competition between suppliers.

Article 9.16. MODIFICATIONS AND RECTIFICATIONS TO COVERAGE

1. Each Party may make rectifications of a purely formal nature to its coverage under this Chapter, or minor amendments to its Schedules in Annex 9A (Government Procurement Schedules), provided that it notifies the other Party in writing and that

Party does not object in writing within thirty (30) days of the notification. A Party that makes such a rectification or minor amendment need not provide compensatory adjustments to the other Party.

2. Where a Party proposes to make a modification to its Schedules in Annex 9A (Government Procurement Schedules) when the business or commercial operations or functions of any of its procuring entities or part thereof is constituted or established as an enterprise with a legal entity separate and distinct from the Government of a Party, regardless of whether or not the Government holds any shares or interest in such a legal entity, it shall notify the other Party. The proposed removal of such an entity or modification shall become effective thirty (30) days from the date of notification. The other Party shall not be entitled to compensatory adjustments.

Article 9.17. TRANSPARENCY

The Parties shall apply all procurement laws, regulations, procedures and practices consistently, fairly and equitably so that their corporate governance structures provide transparency to potential suppliers.

Article 9.18. ELECTRONIC PROCUREMENT

1. The Parties shall, within the context of their commitment to promote electronic commerce, seek to provide opportunities for government procurement to be undertaken through electronic means, hereinafter referred to as "e-procurement".

2. Each Party shall work toward a single entry point for the purpose of enabling suppliers to access information on procurement opportunities in its territory.

3. Each Party shall, to the extent possible, make procurement opportunities that are available to the public accessible to suppliers via the internet or a comparable publicly available computer-based telecommunications network openly accessible to all suppliers. To the extent possible, each Party shall make available relevant documentation by the same means.

4. For the purposes of this Chapter, the Parties shall endeavour to use English as the language for publishing the notice for each case of intended procurement. The notice shall contain at least the following information: (a) the subject matter of the contract; (b) the time-limits set for the submission of tenders; and (c) the addresses and contact from which documents relating to the contracts may be requested.

Article 9.19. CHALLENGE PROCEDURES

1. In the event of a complaint by a supplier of a Party that there has been a breach of this Chapter in the context of procurement by the other Party, that Party may encourage the supplier to first seek resolution of its complaint in consultation with the procuring entity of the other Party.

2. Each Party shall provide suppliers of the other Party with non- discriminatory, timely, transparent and effective procedures to challenge alleged breaches of this Chapter arising in the context of procurements in which they have, or have had, an interest.

3. Each Party shall provide its challenge procedures in writing and make them generally available.

4. Challenges shall be heard by a court or by an impartial and independent review body with no interest in the outcome of the procurement and the members of which are secure from external influence during the term of appointment.

5. A Party's total liability for any breach of this Chapter or compensation for loss or damages suffered shall be limited to the costs for tender preparation reasonably incurred by the supplier for the purpose of the procurement.

Article 9.20. EXCEPTIONS

1. Nothing in this Chapter shall be construed to prevent any Party from taking any action or not disclosing any information which it considers necessary for the protection of its essential security interests relating to the procurement of arms, ammunition or war materials, or to procurement indispensable for national security or for national defence purposes.

2. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade, nothing in this Chapter shall be construed to prevent any Party from imposing or enforcing measures:

(a) necessary to protect public morals, order or safety;

(b) necessary to protect human, animal or plant life or health;

(c) necessary to protect intellectual property; or

(d) relating to the products or services of handicapped persons, of philanthropic institutions or of prison labour.

Article 9.21. NON-DISCLOSURE OF INFORMATION

1. The Parties, their procuring entities, and their review authorities shall not disclose confidential information if such disclosure would prejudice legitimate commercial interests of a particular person or might prejudice fair competition between suppliers, without the formal authorization of the person that provided the information to the Party.

2. Nothing in this Chapter shall be construed as requiring a Party, including its procuring entities, to disclose confidential information if such disclosure would impede law enforcement or otherwise be contrary to the public interest.

Chapter 10. INVESTMENT

Article 10.1. DEFINITIONS

For the purposes of this Chapter, it is understood that:

1. Bilateral Investment Treaty means the Agreement between the Government of the Republic of Singapore and the Government of the Republic of Peru on the Promotion and Protection of Investments, done at Singapore, February 27, 2003;

2. enterprise of a Party means an enterprise constituted or organized under the law ofa Party, and a branch located in the territory of a Party;

3. freely usable currency means freely usable currency as determined by the International Monetary Fund under its Articles of Agreement and any amendments thereto;

4. ICSID means the International Centre for Settlement of Investment Disputes;

5. ICSID Convention means the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, done at Washington, March 18, 1965;

6. investment means every kind of asset, owned or controlled, directly or indirectly, by an investor, that includes characteristics such as the commitment of capital or other resources, the expectation of gain or profit, or the assumption of risk, including but not limited to the following:

(a) an enterprise;

(b) shares, stock, and other forms of equity participation in an enterprise, including rights derived therefrom;

(c) bonds, debentures, and loans and other debt instruments (10-1) (10-2) (10-3) including rights derived therefrom;

(10-1) For the purposes of this Chapter, loans and other debt instruments described in sub-paragraph (c) of this Article and claims to money or to any contractual performance described in sub-paragraph (f) of this Article refer to assets which relate to a business activity, and do not refer to assets which are of a personal nature, unrelated to any business activity.

(10-2) This shall be interpreted in accordance with Article 10.18 (Public Debt).

(10-3) For greater certainty, investment does not include loans issued by one Party to the other Party.

(d) futures, options, and other derivatives;

(e) turnkey, construction, management, production, concession, revenue-sharing, and other similar contracts;

(f) claims to money or to any contractual performance related to a business and having an economic value;

(g) intellectual property rights and goodwill;

(h) licenses, authorizations, permits, and similar rights conferred pursuant to applicable domestic law, including any concession to search for, cultivate, extract or exploit natural resources; (10-4) and

(10-4) Investment does not include an order or judgment entered in a judicial or administrative action.

(i) other tangible or intangible, movable or immovable property, and related property rights, such as leases, mortgages, liens, and pledges.

7. investor of a Party means:

(a) an enterprise of a Party; or

(b) a natural person who resides in the territory of a Party or elsewhere and who under the law of that Party:

(i) is a citizen of that Party; provided, however, that a natural person who is a dual citizen shall be deemed to be exclusively a citizen of the State of his or her dominant and effective citizenship; or

(ii) has the right of permanent residence in that Party;

that has made, is in the process of making, or is seeking to make an investment in the territory of the other Party;

8. negotiated restructuring means the restructuring or rescheduling of a debt instrument that has been effected through (i) a modification or amendment of such debt instrument, as provided for under the terms of such debt instrument, or (ii) a comprehensive debt exchange or other similar process in which the holders of no less than seventy-five percent (75%) of the aggregate principal amount of the outstanding debt under such debt instrument have consented to such debt exchange or other process;

9. return means an amount yielded by or derived from an investment, including profits, dividends, interest, capital gains, royalty payments, payments in connection with intellectual property rights, and all other lawful income. For the purposes of the definition of "investment", returns that are invested shall be treated as investments and any alteration of the form in which assets are invested or reinvested shall not affect their character as investments;

10. service supplied in the exercise of governmental authority means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;

11. TRIMS Agreement means the Agreement on Trade-Related Investment Measures, done at Marrakesh, April 15, 1994;

12. TRIPS Agreement means the Agreement on Trade-Related Aspects of Intellectual Property Rights, done at Marrakesh, April 15, 1994; and

13. UNCITRAL Arbitration Rules means the arbitration rules of the United Nations Commission on International Trade Law.

Article 10.2. SCOPE AND COVERAGE

1. This Chapter applies to measures adopted or maintained by a Party relating to:

(a) investors of the other Party;

(b) investments of investors of the other Party, made, in the process of being made, or sought to be made, in the territory of the former Party;

(c) with respect to Article 10.7 (Performance Requirements), all the investments in the territory of the Party.

2. This Chapter shall not apply to:

(a) any taxation measure unless otherwise provided;

(b) government procurement; and

(c) services supplied in the exercise of governmental authority within the territory of respective Party.

3. In the event of any inconsistency between this Chapter and another Chapter, the other Chapter shall prevail over this Chapter to the extent of the inconsistency.

4. This Chapter does not apply to measures adopted by a Party in respect of investors of the other Party and investments of

such investors in the financial institutions in the other Party, except for the following provisions:

Article 10.8 (Investment and Environment);

Article 10.9 (Special Formalities and Information Requirements);

Article 10.10 (Expropriation and Nationalisation);

Article 10.11 (Transfers);

Article 10.12 (Restrictions to Safeguard the Balance of Payments);

Article 10.13 (Senior Management and Board of Directors);

Article 10.15 (Denial of Benefits); and

Article 10.17 (InvestorState Dispute Settlement);

5. The requirement by a Party that a service provider of the other Party post a bond or other form of financial security as a condition of providing a service into its territory does not of itself make this Chapter applicable to the provision of that cross-border service. This Chapter applies to that Party's treatment of the posted bond or financial security.

6. This Chapter does not apply to claims arising out of events which occurred, or claims which had been raised, prior to the entry into force of this Agreement (10-5).

(10-5) Paragraph 6 must be interpreted in accordance with Article 10.20 (Term of the Bilateral Investment Treaty).

Article 10.3. NATIONAL TREATMENT

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

2. Each Party shall accord to investments of investors of the other Party treatment no less favourable than that it accords, in like circumstances, to investments in its territory of its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

Article 10.4. MOST-FAVOURED-NATION TREATMENT

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to investors of any non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

2. Each Party shall accord to investments of investors of the other Party treatment no less favourable than that it accords, in like circumstances, to investments in its territory of investors of any other Party or of any non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

Article 10.5. MINIMUM STANDARD OF TREATMENT

1. Each Party shall accord to investments of investors of the other Party treatment in accordance with customary international law minimum standard of treatment of aliens (10-6), including fair and equitable treatment and full protection and security.

(10-6) Customary international law results from a general and consistent practice of States that they follow from a sense of legal obligation. With regards to this Article, customary international law minimum standard of treatment of aliens refers to all customary international law principles that protect the economic rights and interests of aliens.

2. The concepts of fair and equitable treatment and full protection and security in paragraph 1 do not require treatment in addition to or beyond that which is required by the customary international law minimum standard of treatment of aliens and do not create additional substantive rights.

(a) The obligation to provide fair and equitable treatment includes the obligation not to deny justice in criminal, civil or administrative adjudicatory proceedings.

(b) The obligation to provide full protection and security requires each Party to provide the level of police protection required under customary international law.

3. A determination that there has been a breach of another provision of this Agreement, or of a separate international agreement, does not establish that there has been a breach of this Article.

Article 10.6. TREATMENT IN CASE OF STRIFE

1. Each Party shall accord to investors of the other Party, and to investments of investors of the other Party, non-discriminatory treatment with respect to measures it adopts or maintains relating to losses suffered by investments in its territory owing to armed conflict or civil strife.

2. Paragraph 1 does not apply to existing measures relating to subsidies or grants, or to any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to investors of the Party or investments of investors of the Party, that would be inconsistent with Article 10.3 (National Treatment) and Article 10.4 (Most-Favoured- Nation Treatment) but for Article 10.14 (Non-Conforming Measures).

Article 10.7. PERFORMANCE REQUIREMENTS

1. Neither Party may impose or enforce any of the following requirements, or enforce any commitment or undertaking, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment of an investor of a Party or of a non-Party in its territory:

(a) to export a given level or percentage of goods or services;

(b) to achieve a given level or percentage of domestic content;

(c) to purchase, use or accord a preference to goods produced in its territory, or to purchase goods from persons in its territory;

(d) to relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment;

(e) to restrict sales of goods or services in its territory that such investment produces or provides by relating such sales in any way to the volume or value of its exports or foreign exchange earnings;

(f) to transfer a particular technology, production process or other proprietary knowledge to a person in its territory (10-7); or

(10-7) For greater certainty, nothing in paragraph 1 shall be construed to prevent a Party, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment of an investor of a Party or of a non-Party in its territory, from imposing or enforcing a requirement or enforcing a commitment or undertaking to train workers in its territory, provided that such training does not require the transfer of a particular technology, production process, or other proprietary knowledge to a person in its territory.

(g) to supply exclusively from the territory of the Party the goods that it produces or the services that it provides to a specific regional market or to the world market.

2. Neither Party may condition the receipt or continued receipt of an advantage, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment in its territory of an investor of a Party or of a non-Party, on compliance with any of the following requirements:

(a) to achieve a given level or percentage of domestic content;

(b) to purchase, use or accord a preference to goods produced in its territory or to purchase goods from persons in its territory;

(c) to relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment; or

(d) to restrict sales of goods or services in its territory that such investment produces or provides by relating such sales in any way to the volume or value of its exports or foreign exchange earnings.

3. (a) Nothing in paragraph 2 shall be construed to prevent a Party from conditioning the receipt or continued receipt of an advantage, in connection with an investment in its territory of an investor of a Party or of a non-Party, on compliance with a requirement to locate production, provide a service, train or employ workers, construct or expand particular facilities, or carry out research and development, in its territory.

(b) The provisions of paragraph 1(f) do not apply:

(i) when a party authorizes use of an intellectual property right in accordance with Article 31 of the TRIPS Agreement (10-8), and to measures requiring the disclosure of proprietary information that fall within the scope of, and are consistent with Article 39 of the TRIPS Agreement; or

(10-8) The reference to Article 31 of the TRIPS Agreement includes footnote 7 to that Article.

(ii) when the requirement is imposed or the commitment or undertaking is enforced by a court, administrative tribunal or competition authority to remedy a practice determined after judicial or administrative process to be anti-competitive under the Party's competition laws.

Provided that such measures are not applied in an arbitrary, discriminatory or unjustifiable manner, and provided that such measures do not constitute a disguised restriction on international trade or investment, paragraphs 1(b), (c), and (f), and 2(a) and (b), shall not be construed to prevent a Party from adopting or maintaining measures, including environmental measures:

(i) necessary to secure compliance with laws and regulations that are not inconsistent with this Agreement;

(ii) necessary to protect human, animal, or plant life or health; or

(iii) necessary to the conservation of living or non-living exhaustible natural resources.

(d) Paragraphs (1)(a), (b) and (c), and (2)(a) and (b), do not apply to qualification requirements for goods or services with respect to export promotion and foreign aid programmes.

(e) The provisions of paragraphs (2)(a) and (b) do not apply to requirements imposed by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.

4. For greater certainty, paragraphs 1 and 2 do not apply to any requirement other than the requirements set out in those paragraphs.

5. Nothing in this Article shall be construed so as to derogate from the rights and obligations of the Parties under the TRIMS Agreement.

6. This Article does not preclude the application of any commitment, undertaking or requirement between private parties, where a Party did not impose or require the commitment, undertaking or requirement.

Article 10.8. INVESTMENT AND ENVIRONMENT

Nothing in this Chapter shall be construed to prevent a Party from adopting, maintaining, or enforcing any measure otherwise consistent with this Chapter that it considers appropriate to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental concerns.

Article 10.9. SPECIAL FORMALITIES AND INFORMATION REQUIREMENTS

1. Nothing in Article 10.3 (National Treatment) shall be construed to prevent a Party from adopting or maintaining a measure that prescribes special formalities in connection with investments of an investor of a Party, such as that investments of an investor of a Party be legally constituted under the laws or regulations of the Party, provided that such formalities do not materially impair the protections afforded by a Party to investors of the other Party and investments of an investor of the other Party pursuant to this Chapter. Parties shall endeavour to exchange information on any existing special formalities, and shall endeavour to inform each other of any special formalities that may be prescribed in the future.

2. Notwithstanding Article 10.3 (National Treatment) and Article 10.4 (Most-Favoured-Nation Treatment), a Party may require

an investor of the other Party or investment of an investor of the other Party to provide information concerning that investment solely for informational or statistical purposes. The Party shall protect any confidential business information from any disclosure that would prejudice the competitive position of the investor or the investment of an investor of a Party. Nothing in this paragraph shall be construed to prevent a Party from otherwise obtaining or disclosing information in connection with the equitable and good faith application of its law.

Article 10.10. EXPROPRIATION AND NATIONALISATION

1. Neither Party shall nationalise, expropriate or subject to measures having effect equivalent to nationalisation or expropriation (hereinafter referred to as "expropriation") the investments of investors of the other Party unless such a measure is taken on a non-discriminatory basis, for a public purpose (10-9) in accordance with due process of law, and upon payment of compensation in accordance with this Article.

(10-9) For greater certainty, for the purposes of this Article, public purpose refers to a concept in customary international law. Without prejudice to its definition under customary international law, public purpose may be similar or approximate to concepts under domestic law, for example, the concept of "public necessity".

2. The expropriation shall be accompanied by the payment of prompt, adequate and effective compensation. Compensation shall be equivalent to the fair market value of the expropriated investment immediately before the expropriation or impending expropriation became public knowledge. Compensation shall carry an appropriate interest, taking into account the length of time from the time of expropriation until the time of payment. Such compensation shall be effectively realisable, freely transferable in accordance with Article 10.11 (Transfers) and made without delay.

3. Notwithstanding paragraphs 1 and 2, any measure of expropriation relating to land, which shall be as defined in the existing domestic legislation of the expropriating Party on the date of entry into force of this Agreement, shall be for a purpose and upon payment of compensation in accordance with the aforesaid legislation and any subsequent amendments thereto relating to the amount of compensation where such amendments follow the general trends in the market value of the land.

4. This Article does not apply to the issuance of compulsory licenses granted in relation to intellectual property rights, or to the revocation, limitation or creation of intellectual property rights, to the extent that such issuance, revocation, limitation or creation is consistent with the TRIPS Agreement.

Article 10.11. TRANSFERS

1. Each Party shall permit all transfers relating to investments in its territory of an investor of the other Party to be made freely and without delay into and out of its territory. Such transfers include:

(a) contributions to capital;

(b) profits, dividends, capital gains, and proceeds from the sale of all or any part of the investment or from the partial or complete liquidation of the investment;

(c) interest, royalty payments, management fees, and technical assistance and other fees;

(d) payments made under a contract entered into by the investor, or its investment, including payments made pursuant to a loan agreement;

(e) payments made pursuant to Article 10.10 (Expropriation and Nationalisation) and 10.6 (Subrogation); and

(f) payments arising under Article 10.17 (Investor-State Dispute Settlement).

2. Each Party shall permit such transfers to be made in a freely usable currency at the market rate of exchange prevailing at the time of transfer.

3. Each Party shall permit returns in kind relating to an investment of investors of the other Party to be made as authorized or specified in any written agreement between the Party and an investment by an investor of the other Party, or an investor of the other Party.

4. Notwithstanding paragraphs 1, 2 and 3, a Party may prevent a transfer through the equitable, non-discriminatory, and good faith application of its laws relating to:

(a) bankruptcy, insolvency, or the protection of the rights of creditors;

(b) issuing, trading, or dealing in securities, futures, options, or derivatives;

(c) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities;

(d) criminal or penal offences;

(e) ensuring compliance with orders or judgments in judicial or administrative proceedings; or

(f) social security, public retirement or compulsory savings schemes.

5. Nothing in this Chapter shall affect the rights and obligations of the members of the International Monetary Fund under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its obligations under this Chapter regarding such transactions, except under Article 10.12 (Restrictions to Safeguard the Balance of Payments) or at the request of the Fund.

Article 10.12. RESTRICTIONS TO SAFEGUARD THE BALANCE OF PAYMENTS

1. In the event of serious balance of payments and external financial difficulties or threat thereof, a Party may adopt or maintain restrictions on payments or transfers related to investments. It is recognized that particular pressures on the balance of payments of a Party in the process of economic development may necessitate the use of restrictions to ensure, inter alia, the maintenance of a level of financial reserves adequate for the implementation of its programme of economic development.

2. The restrictions referred to in paragraph 1 shall:

(a) be consistent with the Articles of Agreement of the International Monetary Fund;

(b) avoid unnecessary damage to the commercial, economic and financial interests of the other Party;

(c) not exceed those necessary to deal with the circumstances described in paragraph 1;

(d) be temporary and be phased out progressively as the situation specified in paragraph 1 improves;

(e) be applied on a national treatment basis and such that the other Party is treated no less favourably than any non-Party.

3. Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the other Party.

4. The Party adopting any restrictions under paragraph 1 shall commence consultations with the other Party in order to review the restrictions adopted by it.

Article 10.13. SENIOR MANAGEMENT AND BOARD OF DIRECTORS

1. Neither Party may require that an enterprise of that Party that is an investment of an investor of the other Party appoint to senior management positions individuals of any particular nationality.

2. A Party may require that a majority of the board of directors, or any committee thereof, of an enterprise of that Party that is an investment of an investor of the other Party, be of a particular nationality, or resident in the territory of the Party, provided that the requirement does not materially impair the ability of the investor of the other Party to exercise control over its investment.

Article 10.14. NON-CONFORMING MEASURES

1. Article 10.3 (National Treatment), Article 10.4 (Most-Favoured- Nation Treatment), Article 10.7 (Performance Requirements) and Article 10.13 (Senior Management and Board of Directors) do not apply to:

(a) any existing non-conforming measure that is maintained by a Party in regard to investment and investors at:

(i) the central level of government, as set out by that Party in Annex 11B (Peru's Cross-Border Trade in Services and Investment Reservations for Existing Measures and Liberalisation Commitments) and Annex 11C (Singapore's Cross-Border

Trade in Services and Investment Reservations for Existing Measures and Liberalisation Commitments), as applicable to the Party;

(ii) a regional level of government, as set out by that Party in Annex 11B (Peru's Cross-Border Trade in Services and Investment Reservations for Existing Measures and Liberalisation Commitments) and Annex 11C (Singapore's Cross-Border Trade in Services and Investment Reservations for Existing Measures and Liberalisation Commitments), as applicable to the Party; or

(ii) a local level of government;

(b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

(c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Article 10.3 (National Treatment), Article 10.4 (Most-Favoured-Nation Treatment), Article 10.7 (Performance Requirements) and Article 10.13 (Senior Management and Board of Directors).

2. Article 10.3 (National Treatment), Article 10.4 (Most-Favoured- Nation Treatment), Article 10.7 (Performance Requirements) and Article 10.13 (Senior Management and Board of Directors) do not apply to any measure that a Party adopts or maintains in regard to investments and investors with respect to sectors, sub-sectors, or activities, as set out in Annex 11D (Peru's Cross-Border Trade in Services and Investment Reservations for Future Measures) and Annex 11E (Singapore's Cross- Border Trade in Services and Investment Reservations for Future Measures), as applicable to the Party.

3. Neither Party may, under any measure adopted after the date of entry into force of this Agreement and covered by Annex 11D (Peru's Cross-Border Trade in Services and Investment Reservations for Future Measures) and Annex 11E (Singapore's Cross-Border Trade in Services and Investment Reservations for Future Measures), as applicable to the Party, require an investor of the other Party, by reason of its nationality, to sell or otherwise dispose of an investment existing at the time the measure becomes effective.

4. Article10.3 (National Treatment), Article 10.4 (Most-Favoured- Nation Treatment) and Article 10.13 (Senior Management and Board of Directors) shall not apply to subsidies or grants provided by a Party or to any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to investors of the Party or investments of investors of the Party, including government supported loans, guarantees and insurance.

5. Article 10.3 (National Treatment) and Article 10.4 (Most- Favoured-Nation Treatment) do not apply to any measure that is an exception to, or derogation from, a Party's obligations under the TRIPS Agreement, as specifically provided for in that Agreement.

Article 10.15. DENIAL OF BENEFITS

Subject to prior notification and consultation according to the procedures set out in Article 17.4 (Consultations), a Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of such Party and to investments of such an investor where the Party establishes that the enterprise is owned or controlled by persons of a non-Party, or of the denying Party, and has no substantive business operations in the territory of the other Party.

Article 10.16. SUBROGATION

1. If a Party or a designated agency of a Party makes a payment to any of its investors under a guarantee, a contract of insurance or other form of indemnity it has granted in respect of an investment of an investor of that Party, the other Party shall recognise the subrogation or transfer of any right or title in respect of such investment. The subrogated or transferred right or claim shall not be greater than the original right or claim of the investor.

2. Where a Party or a designated agency of a Party has made a payment to an investor of that Party and has taken over rights and claims of the investor, that investor shall not, unless authorised to act on behalf of the Party or the designated agency of the Party making the payment, pursue those rights and claims against the other Party.

Article 10.17. INVESTOR-STATE DISPUTE SETTLEMENT

1. This Article shall apply to disputes between a Party and an investor of the other Party concerning an alleged breach of an obligation of the former under this Chapter which causes loss or damage to the investor or its investment.

2. The parties to the dispute shall initially seek to resolve the dispute by consultations and negotiations.

3. Where the dispute cannot be resolved as provided for under paragraph 2 within six (6) months from the date of a request for consultations and negotiations, then, unless the disputing investor and the disputing Party agree otherwise, or if the investor concerned has already submitted the dispute for resolution before the courts or administrative tribunals of the disputing Party, or if the dispute is already otherwise subject to other binding dispute settlement proceedings (excluding proceedings for interim measures of protection referred to in paragraph 5 below), the investor concerned may submit the dispute for settlement to:

(a) ICSID for conciliation or arbitration pursuant to Articles 28 or 36 of the ICSID Convention, if both Parties are parties to the ICSID Convention;

(b) arbitration under the UNCITRAL Arbitration Rules; or

(c) any other arbitration institution or under any other arbitration rules, if the disputing investor and the disputing Party agree. 4. Each Party hereby consents to the submission of a dispute to conciliation or arbitration under paragraphs 3(a) to 3(c) in accordance with the provisions of this Article, conditional upon (10-10):

(10-10) For greater certainty, it is understood that this is without prejudice to a Party making any preliminary objection (including, where applicable, seeking reasonable costs and legal fees incurred) to the dispute settlement forum concerned on jurisdictional grounds or on grounds that the claimant's claim is frivolous.

(a) the submission of the dispute to such conciliation or arbitration taking place within three (3) years of the time at which the disputing investor became aware, or should reasonably have become aware, of a breach of an obligation under this Chapter causing loss or damage to the disputing investor or its investment;

(b) the disputing investor providing written notice ("notice of intent"), which shall be submitted at least thirty (30) days before the claim is submitted, to the disputing Party of its intent to submit the dispute to such conciliation or arbitration and which: (10-11)

(10-11) The request for consultations and negotiations and the notice of intent should be referred to the competent authorities of the disputing Party, as follows: For Peru: Dirección General de Asuntos de Economía Internacional, Competencia e Inversión Privada Ministerio de Economía y Finanzas Jirón Lampa # 277 piso 5 Lima 1, PERÚ. For Singapore: FTA Coordinator appointed pursuant to Article 16.2 (Free Trade Agreement Coordinators)

(i) states the name and address of the disputing investor and, where a claim is submitted on behalf of an enterprise, the name, address, and place of incorporation of the enterprise;

(ii) nominates either paragraph 3(a), 3(b) or 3(c) of this Article as the forum for dispute settlement (and, in the case of ICSID, nominates whether conciliation or arbitration is being sought);

(iii) waives its right to initiate any proceedings (excluding proceedings for interim measures of protection referred to in paragraph 5) before any of the other dispute settlement fora referred to in paragraph 3 in relation to the matter under dispute;

(iv) for each claim, briefly summarises the alleged breach of the disputing Party under this Chapter, including the articles alleged to have been breached, and its legal and factual basis; and

(v) states the approximate amount of loss or damage allegedly caused to the disputing investor or its investment.

5. Neither Party shall prevent the disputing investor from seeking interim measures of protection, not involving the payment of damages or resolution of the substance of the matter in dispute before the courts or administrative tribunals of the disputing Party, prior to the institution of proceedings before any of the dispute settlement fora referred to in paragraph 3, for the preservation of its rights and interests.

6. Neither Party shall give diplomatic protection, or bring an international claim, in respect of a dispute which one of its investors and the other Party shall have consented to submit or have submitted to conciliation or arbitration under this Article, unless such other Party has failed to abide by and comply with the award rendered in such dispute. Diplomatic protection, for the purposes of this paragraph, shall not include informal diplomatic exchanges for the sole purpose of facilitating settlement of the dispute.

7. The responsibility among the Parties for the assumption of expenses derived from their participation in the arbitration or

conciliation shall be established:

(a) by the arbitration or conciliation institution which the dispute has been submitted to, according to its rules of procedure for arbitration or conciliation proceedings; or

(b) according to the rules of procedure for arbitration or conciliation proceedings agreed by the disputing investor and the disputing Party, where applicable.

Article 10.18. PUBLIC DEBT

1. The Parties recognize that the purchase of debt issued by a Party entails commercial risk. For greater certainty, no award may be made in favour of a disputing investor for a claim with respect to default or non- payment of debt issued by a Party unless the disputing investor meets its burden of proving that such default or non-payment constitutes an uncompensated expropriation for purposes of Article 10.10 (Expropriation and Nationalisation) or a breach of any other obligation under this Chapter.

2. No claim that a restructuring of debt issued by a Party breaches an obligation under this Chapter may be submitted to, or if already submitted continue in, arbitration under this Chapter if the restructuring is a negotiated restructuring at the time of submission, or becomes a negotiated restructuring after such submission, except for a claim that the restructuring violates Article 10.3 (National Treatment) or Article 10.4 (Most-Favoured-Nation Treatment).

3. Subject to paragraph 2, an investor of the other Party may not submit a claim under this Chapter that a restructuring of debt issued by a Party breaches an obligation under this Chapter (other than Article 10.3 (National Treatment) or 10.4 (Most-Favoured-Nation Treatment)) unless two hundred and seventy (270) days have elapsed from the date of the events giving rise to the claim.

Article 10.19. SAVINGS CLAUSE

In the event that this Agreement is terminated, the following provisions shall continue in effect with respect to investments made or acquired before the date of termination of this Agreement for a further period of fifteen (15) years after the date of termination and without prejudice to the application thereafter of the rules of general international law:

(a) the provisions of this Chapter except Article 10.14 (Non- Conforming Measures) and the commitments contained in Annex 11B (Peru's Cross-Border Trade in Services and Investment Reservations for Existing Measures and Liberalisation Commitments), Annex 11C (Singapore's Cross- Border Trade in Services and Investment Reservations for Existing Measures and Liberalisation Commitments), Annex 11D (Peru's Cross-Border Trade in Services and Investment Reservations for Future Measures) and Annex 11E (Singapore's Cross-Border Trade in Services and Investment Reservations for Future Measures) in regard to investments and investors;

(b) the provisions in Chapter 17 (Dispute Settlement); and

(c) such other provisions in the Agreement as may be necessary for or consequential to the application of this Chapter.

Article 10.20. TERM OF THE BILATERAL INVESTMENT TREATY

1. Subject to paragraph 2, the Parties hereby agree that the Bilateral Investment Treaty, as well as all the rights and obligations derived from the said Treaty, will cease to have effect on the date of entry into force of this Agreement.

2. Any and all investments made pursuant to the Bilateral Investment Treaty before the entry into force of this Agreement will be governed by the rules of the said Treaty regarding any matter arising while the Treaty was in force. An investor may only submit an arbitration claim pursuant to the Bilateral Investment Treaty, regarding any matter arising while the said Treaty was in force, pursuant to the rules and procedures established in it, and provided that no more than three (3) years have elapsed since the date of entry into force of this Agreement.

Chapter 11. CROSS-BORDER TRADE IN SERVICES

Article 11.1. DEFINITIONS

For the purposes of this Chapter:

1. cross-border supply of services or cross-border trade in services means the supply of a service:

(a) from the territory of a Party into the territory of the other Party;

(b) in the territory of a Party by a person of that Party to a person of the other Party; or

(c) by a national of a Party in the territory of the other Party;

but does not include the supply of a service in the territory of a Party by an investor of the other Party or an investment of an investor of the other Party;

2. enterprise of a Party means an enterprise organised or constituted under the laws of a Party and a branch located in the territory of a Party and carrying out substantive business activites there;

3. professional services means services, the supply of which requires specialized (11-1) post-secondary education, or equivalent training or experience, and for which the right to practice is granted or restricted by a Party, but does not include services supplied by trades-persons or vessel and aircraft crew members; and

(11-1) For greater certainty, the term "specialized post-secondary education" includes education beyond the high-school level that is related to a specific area of knowledge.

4. service supplier of a Party means a person of that Party that seeks to supply or supplies a service (11-2).

(11-2) The Parties understand that for purposes of Articles 11.3 (National Treatment), 11.4 (Most-Favoured-Nation Treatment), and 11.5 (Market Access), service suppliers has the same meaning as "services and service suppliers" as used in GATS Articles II , XVI, and XVII.

Article 11.2. SCOPE -AND COVERAGE

1. (a) This Chapter applies to measures adopted or maintained by a Party affecting cross-border trade in services by service suppliers of the other Party.

(b) Measures covered by subparagraph (a) include measures affecting:

(i) the production, distribution, marketing, sale and delivery of a service;

(ii) the purchase or use of, or payment for, a service;

(iii) the access to and use of distribution, transport, or telecommunications networks and services in connection with the supply of a service;

(iv) the presence in its territory of a service supplier of the other Party; and

(v) the provision of a bond or other form of financial security as a condition for the supply of a service.

(c) For purposes of this Chapter, measures adopted or maintained by a Party means measures adopted or maintained by:

(i) central, regional or local governments and authorities; and

(ii) nongovernmental bodies in the exercise of powers delegated by central, regional or local governments or authorities.

2. Articles 11.5 (Market Access), Article 11.8 (Domestic Regulation) and Article 11.13 (Transparency) also apply to measures by a Party affecting the supply of a service in its territory by an investor of the other Party or an investment of an investor of the other Party (11-3).

(11-3) The Parties understand that nothing in this Chapter, including this paragraph, is subject to investor-state settlement pursuant to Article 10.17 (Investor-State Dispute Settlement) of Chapter 10 (Investment).

3. This Chapter does not apply to:

(a) government procurement as defined in Article 9.3 (Scope and Coverage);

(b) air services (11-4) including domestic and international air transportation services, whether scheduled or non- scheduled, and related services in support of air services, other than:

(11-4) For greater certainty, the term "air services" includes traffic rights.

(i) aircraft repair and maintenance services;

(ii) the selling and marketing of air transport services; and

(iii) computer reservation system ("CRS") services; or

(c) subsidies (11-5) or grants provided by a Party or public enterprises, including government-supported loans, guarantees, and insurances.

(11-5) For greater certainty, Chapter 16 (Transparency) applies to subsidies or grants provided by a Party or public enterprises, including government-supported loans, guarantees, and insurances.

If the results of the negotiations related to Article XV.1 of the GATS (or the results of any similar negotiations undertaken in other multilateral forum in which each of the Parties participate) enter into effect, this Chapter shall be amended, as appropriate, after consultations among the Parties, to bring those results into effect under this Agreement. The Parties shall coordinate on such negotiations, as appropriate.

4. This Chapter does not impose any obligation on a Party with respect to a national of the other Party seeking access to its employment market, or employed on a permanent basis in its territory, and does not confer any right on that national with respect to that access or employment.

5. (a) This Chapter does not apply to services supplied in the exercise of governmental authority in a Party's territory.

(b) For purposes of this Chapter, a service supplied in the exercise of governmental authority means any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers.

6. Nothing in this Chapter shall prevent a Party from applying measures to regulate the entry of nationals of the other Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of nationals of the other Party across its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under the terms of this Chapter. (11-6)

(11-6) The sole fact of requiring a visa for nationals of the other Party shall not be regarded as nullifying or impairing benefits under a specific commitment.

7. This Chapter does not apply to measures affecting the supply of financial services (11-7) as defined in paragraph 5(a) of the GATS Annex on Financial Services. The obligations of each Party with respect to measures affecting the supply of financial services shall be in accordance with its obligations under GATS, the GATS Annex on Financial Services and the GATS Second Annex on Financial Services, and subject to any reservations thereto. The said obligations are hereby incorporated into this Agreement.

(11-7) For greater certainty, "the supply of financial services" shall mean the supply of services as defined in GATS Article 1.2.

8. In addition to the provisions of this Chapter, the rights and obligations of the Parties in respect of telecommunication services shall also be governed by the provisions of: (a) the GATS Annex on Telecommunication Services; and

(b) the GATS Reference Paper developed in the Negotiating Group on Basic Telecommunications attached to each Party's GATS schedules of commitments which are hereby incorporated into this Chapter, mutatis mutandis, as if those provisions were fully set out herein.

Article 11.3. NATIONAL TREATMENT

Each Party shall accord to service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances, to its own service suppliers.

Article 11.4. MOST-FAVOURED-NATION TREATMENT

Each Party shall accord to service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances, to service suppliers of a non-Party.

Article 11.5. MARKET ACCESS

1. A Party shall not adopt or maintain, either on the basis of a regional subdivision or on the basis of its entire territory, measures that:

(a) impose limitations on:

(i) the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test;

(ii) the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

(iii) the total number of service operations or the total quantity of services output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test (11-8);

(11-8) This paragraph does not cover measures of a Party which limit inputs for the supply of services.

(iv) the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test; and

(b) restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service.

Article 11.6. LOCAL PRESENCE

A Party shall not require a service supplier of the other Party to establish or maintain a representative office or any form of enterprise, or to be resident, in its territory as a condition for the cross-border supply of a service.

Article 11.7. NON-CONFORMING MEASURES

1. Article 11.3 (National Treatment), Article 11.4 (Most-Favoured- Nation Treatment), Article 11.5 (Market Access) and Article 11.6 (Local Presence) do not apply to:

(a) any existing non-conforming measure that is maintained by a Party at:

(i) the central level of government, as set out by that Party in its Schedule to Annex 11B (Peru's Cross- Border Trade in Services and _ Investment Reservations for Existing Measures and Liberalisation Commitments) and 11C (Singapore's Cross-Border Trade in Services and Investment Reservations for Existing Measures and Liberalisation Commitments), respectively;

(ii) a regional level of government, as set out by that Party in its Schedule to Annex 11B (Peru's Cross- Border Trade in Services and _ Investment Reservations for Existing Measures and Liberalisation Commitments) and 11C (Singapore's Cross-Border Trade in Services and Investment Reservations for Existing Measures and Liberalisation Commitments), respectively; or

(iii) a local level of government;

(b) the continuation or prompt renewal of any non-conforming measure referred to in sub-paragraph (a); or

(c) an amendment to any non-conforming measure referred to in sub-paragraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Article 11.3 (National Treatment), Article 11.4 (Most-Favoured Nation Treatment), Article 11.5 (Market Access), and Article 11.6 (Local Presence).

2. Article 11.3 (National Treatment), Article 11.4 (Most-Favoured Nation Treatment), Article 11.5 (Market Access) and Article 11.6 (Local Presence) do not apply to any measure that a Party adopts or maintains with respect to sectors, sub-sectors or activities as set out in its Schedule to Annex 11D (Peru's Cross-Border Trade in Services and Investment Reservations for Future Measures) and 11E (Singapore's Cross-Border Trade in Services and Investment Reservations for Future Measures), respectively.

Article 11.8. DOMESTIC REGULATION

1. Where a Party requires authorization for the supply of a service, the Party's competent authorities shall, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. At the request of the applicant, the competent authorities of the Party shall provide, without undue delay, information concerning the status of the application. This obligation shall not apply to authorization requirements that are within the scope of paragraph 2 of Article 11.7 (Non-Conforming Measures).

2. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, each Party shall endeavour to ensure, as appropriate for individual sectors, that such measures are:

(a) based on objective and transparent criteria, such as competence and the ability to supply the service;

(b) not more burdensome than necessary to ensure the quality of the service; and

(c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.

3. If the results of the negotiations related to Article VI:4 of GATS (or the results of any similar negotiations undertaken in other multilateral fora in which both Parties participate) enter into effect, this Article shall be amended, as appropriate, after consultations between the Parties, to bring those results into effect under this Agreement. The Parties agree to coordinate on such negotiations, as appropriate.

Article 11.9. RECOGNITION

1. For the purposes of the fulfillment, in whole or in part, of its standards or criteria for the authorization, licensing or certification of services suppliers, and subject to the requirements of paragraph 4, a Party may recognize the education or experience obtained, requirements met, or licences or certifications granted in a particular country, including the other Party and non-Parties. Such recognition, which may be achieved through harmonization or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.

2. Where a Party recognizes, autonomously or by agreement or arrangement, the education or experience obtained, requirements met, or licenses or certifications granted in the territory of a non-Party, nothing in Article 11.4 (Most-Favoured-Nation Treatment) shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met, or licences or certifications granted in the territory of the other Party.

3. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity for the other Party, if the other Party is interested, to negotiate its accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Party accords recognition autonomously, it shall afford adequate opportunity for the other Party to demonstrate that education, experience, licences or certifications obtained or requirements met in that other Party's territory should be recognized.

4. A Party shall not accord recognition in a manner which would constitute a means of discrimination between countries in the application of its standards or criteria for the authorization, licensing or certification of services suppliers, or a disguised restriction on trade in services.

5. Annex 11A (Professional Services) applies to measures adopted or maintained by a Party relating to the licensing or certification of professional service suppliers as set out in that Annex.

Article 11.10. TRANSFERS AND PAYMENTS

1. Each Party shall permit all transfers and payments relating to the cross-border supply of services to be made freely and without delay into and out of its territory.

2. Each Party shall permit such transfers and payments relating to the cross-border supply of services to be made in a freely usable currency at the market rate of exchange prevailing on the date of transfer.

3. Notwithstanding paragraphs 1 and 2, a Party may prevent or delay a transfer or payment through the equitable, non-discriminatory and good faith application of its laws relating to:

(a) bankruptcy, insolvency or the protection of the rights of creditors;

(b) issuing, trading or dealing in securities, futures, options, or derivatives;

(c) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities;

(d) criminal or penal offences; or

(e) ensuring compliance with orders or judgments in judicial or administrative proceedings.

4. Nothing in this Chapter shall affect the rights and obligations of the Members of the International Monetary Fund under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Member shall not impose restrictions on any capital transactions inconsisently with its obligations under this Chapter regarding such transactions, except under Article 11.11 (Restrictions to Safeguard the Balance of Payments) or at the request of the Fund.

Article 11.11. RESTRICTIONS TO SAFEGUARD THE BALANCE OF PAYMENTS

1. In the event of serious balance of payments and external financial difficulties or threat thereof, a Party may adopt or maintain restrictions on cross-border trade in services, including payments or transfers for transactions of cross-border trade in services. It is recognized that particular pressures on the balance of payments of a Party in the process of economic development may necessitate the use of restrictions to ensure, inter alia, the maintenance of a level of financial reserves adequate for the implementation of its programme of economic development.

2. The restrictions referred to in paragraph 1 shall:

(a) be consistent with the Articles of Agreement of the International Monetary Fund;

(b) avoid unnecessary damage to the commercial, economic and financial interests of the other Party;

(c) not exceed those necessary to deal with the circumstances described in paragraph 1;

(d) be temporary and be phased out progressively as the situation specified in paragraph 1 improves;

(e) be applied on a national treatment basis and such that the other Party is treated no less favourably than any non- Party.

3. Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the other Party.

4. The Party adopting any restrictions under paragraph | shall commence consultations with the other Party in order to review the restrictions adopted by it.

Article 11.12. DENIAL OF BENEFITS

Subject to prior notification and consultation according to the procedures set out in Article 17.4 (Consultations), a Party may deny the benefits of this Chapter to:

(a) a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of a non- Party and such enterprise has no substantive business operations in the territory of the other Party; or

(b) a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of the denying Party and such enterprise has no substantive business operations in the territory of the other Party.

Article 11.13. TRANSPARENCY

1. Each Party shall publish promptly or otherwise make publicly available international agreements pertaining to or affecting trade in services to which it is a signatory. International agreements pertaining to or affecting trade in services to which either Party is a signatory shall also be published.

2. Each Party shall maintain or establish appropriate mechanisms for responding to inquiries from interested persons regarding its regulations relating to the subject matter of this Chapter (11-9).

(11-9) The Parties' implementation of their obligations to establish appropriate mechanisms for small administrative agencies may need to take into account resource and budget constraints.

Article 11.14. IMPLEMENTATION

The Parties shall consult whenever the Free Trade Commission convenes under Article 16.1 (The Free Trade Commission) of this Agreement, or as otherwise agreed, to review the implementation of this Chapter and consider other matters of mutual interest affecting trade in services. Among other issues, the Parties may consult with a view to determining the feasibility of removing any remaining citizenship or permanent residency requirements for the supply of services in the territory of each Party. Such consultations may also include consideration of the development of procedures that could contribute to greater transparency of measures described in paragraph l(c) and paragraph 2 of Article 11.7 (Non-Conforming Measures).

Chapter 12. TEMPORARY ENTRY FOR BUSINESS PERSONS

Article 12.1. GENERAL PRINCIPLES

1. This Chapter reflects the preferential trading relationship between the Parties, the mutual desire of the Parties to facilitate temporary entry of business persons under the provisions of Annex 12A (Temporary Entry for Business Persons), on a comparable basis; the necessity of establishing transparent criteria and procedures for temporary entry; and the need to ensure border security and to protect the domestic labor force and permanent employment in their respective territories.

2. This Chapter does not apply to measures regarding citizenship, nationality, permanent residence, or employment ona permanent basis.

Article 12.2. GENERAL OBLIGATIONS

1. Each Party shall apply its measures relating to the provisions of this Chapter in accordance with Article 12.1 (General Principles) and, in particular, shall apply expeditiously those measures so as to avoid unduly impairing or delaying trade in goods or services or conduct of investment activities under this Agreement.

2. For greater certainty, nothing in this Chapter shall be construed to prevent a Party from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to unduly impair or delay trade in goods or services or conduct of investment activities under this Agreement. The sole fact of requiring a visa, or other document authorizing employment to a business person for natural persons shall not be regarded as unduly impairing or impediment in the trade of goods or services or investment activities under this Agreement.

Article 12.3. DEFINITIONS

For purposes of this Chapter:

1. business person means a national of a Party who is engaged in trade in goods, the supply of services, or the conduct of investment activities;

2. immigration measure means any law, regulation, or procedure affecting the entry and sojourn of aliens, including the issuance of immigration documents authorizing employment to an alien; and

3. temporary entry means entry into the territory of a Party by a business person of the other Party without the intent to establish permanent residence.

Article 12.4. GRANT OF TEMPORARY ENTRY

1. Each Party shall grant temporary entry to business persons who are otherwise qualified for entry under applicable measures relating to public health and safety and national security, in accordance with this Chapter, including the provisions of Annex 12A (Temporary Entry for Business Persons).

2. Each Party shall set any fees for processing applications for temporary entry of business persons in a manner consistent with paragraph | of Article 12.2 (General Obligations).

Article 12.5. ONLINE LODGEMENT AND PROCESSING

1. Where possible, after the date of entry into force of this Agreement, the Parties shall provide facilities for online lodgement and processing:

(a) in the case of Singapore, of employment passes which shall be applied for by the prospective employers; and

(b) in the case of Peru, of labour contracts (12-1).

(12-1) Peru's implementation of its obligations to provide facilities for online lodgment and processing shall take into account resource and budget constraints.

2. In order to facilitate the implementation of this Article as soon as possible, Parties shall encourage their respective authorities to share their experience in establishing such facilities.

Article 12.6. PROVISION OF INFORMATION

In addition to Article 15.3 (Publication), each Party shall:

(a) provide to the other Party such materials as will enable it to become acquainted with its measures relating to this Chapter; and

(b) no later than six (6) months after the date of entry into force of this Agreement, prepare, publish, and make available in its own territory, and in the territory of the other Party, explanatory material, including references to applicable laws and regulations, in a consolidated document, regarding the requirements for temporary entry under this Chapter in such a manner as will enable business persons of the other Party to become acquainted with them.

Article 12.7. IMPLEMENTATION

Parties shall establish appropriate mechanisms to facilitate the implementation and administration of this Chapter and to consider other matters of mutual interest affecting the temporary entry of business persons, such as:

(a) establishing procedures to exchange information;

(b) considering the development of measures to further facilitate temporary entry of business persons.

Article 12.8. DISPUTE SETTLEMENT

1. A Party may not initiate proceedings under Article 17.6 (Request for a Panel) regarding a refusal to grant temporary entry under this Chapter or a particular case arising under paragraph 2 of Article 12.2 (General Obligations) unless:

(a) the matter involves a pattern of practice; and

(b) the business person has exhausted the available administrative remedies regarding the particular matter.

2. The remedies referred to in paragraph 1(b) shall be deemed to be exhausted if a final determination in the matter has not been issued by the competent authority within one year of the institution of an administrative proceeding, and the failure to issue a determination is not attributable to delay caused by the business person.

Article 12.9. RELATION TO OTHER CHAPTERS

1. Except for this Chapter, Chapterl (Initial Provisions and General Definitions), Chapter 16 (Administration of the Agreement), Chapter 17 (Dispute Settlement), and Chapter 19 (Final Provisions), and Article 15.2 (Contact Points), Article 15.3 (Publication), Article 15.4 (Notification and Provision of Information), and Article 15.5 (Administrative Proceedings), no provision of this Agreement shall impose any obligation on a Party regarding its immigration measures.

2. Nothing in this Chapter shall be construed to impose obligations or commitments with respect to other Chapters of this Agreement.

Article 12.10. TRANSPARENCY IN DEVELOPMENT AND APPLICATION OF REGULATIONS (12-2)

1. Further to Chapter 15 (Transparency), each Party shall establish or maintain appropriate mechanisms to respond to

inquiries from interested persons regarding regulations relating to the temporary entry of business persons.

2. Each Party shall, within a reasonable period of time after an application requesting temporary entry is considered complete under its domestic laws and regulations, inform the applicant, either directly or through their prospective employers, of the decision concerning the application, including the period of stay and other conditions. At the request of the applicant, the Party shall provide, without undue delay, information concerning the status of the application.

(12-2) For greater certainty, "regulations" includes regulations establishing or applying to licensing authorization or criteria.

Chapter 13. ELECTRONIC COMMERCE

Article 13.1. GENERAL

1. The Parties recognize the economic growth and opportunities provided by electronic commerce and the importance of avoiding barriers to its use and development. To this end, a Party shall not:

(a) impose customs duties on electronic transmissions;

(b) impose unnecessary barriers on electronic transmission, including digital products; and

(c) impede the supply through electronic means of services which the Party has committed to under this Agreement, subject to any reservation set out herein.

2. For general certainty, nothing in this Chapter shall be construed to prevent a Party from imposing internal taxes or other internal charges on the domestic sale of digital products, provided that such taxes or charges are imposed in a manner consistent with this Agreement.

Article 13.2. PROTECTION FROM FRAUDULENT AND DECEPTIVE COMMERCIAL PRACTICES

The Parties recognize the importance of maintaining and adopting transparent and effective measures to protect consumers from fraudulent and deceptive commercial practices when they engage in electronic commerce.

Article 13.3. DEFINITIONS

For the purposes of this Chapter:

1. digital products means any computer programs, text, video, images, sound recordings and other products that are digitally encoded, regardless of whether they are fixed on a carrier medium or transmitted electronically, but does not include digitized representations of financial instruments, including money; and

2. electronic transmissions or transmitted electronically means the transfer of digital products using any electromagnetic or photonic means.

Chapter 14. COMPETITION POLICY

Article 14.1. PURPOSE

The purpose of this Chapter is to contribute to the fulfillment of the objectives of this Agreement through the promotion of fair competition and the curtailment of anti-competitive business conduct within the free trade area.

Article 14.2. COMPETITION LEGISLATION AND AUTHORITIES

1. Each Party shall adopt or maintain national competition laws that proscribe anti-competitive business conduct and promote economic efficiency and consumer welfare, and shall take appropriate action with respect to such conduct.

2. Each Party shall maintain one or more national authorities responsible for the enforcement of its competition laws. The enforcement policy of the Parties' national authorities shall be consistent with the principles of transparency, timeliness, non-discrimination and procedural fairness.

3. Each Party shall maintain its autonomy in developing and enforcing its competition laws.

Article 14.3. COOPERATION

1. The Parties recognize the importance of cooperation and coordination to further effective competition law and policy development in the free trade area and agree to cooperate on these matters in accordance with the provisions of this Chapter and subject to their respective domestic laws.

2. Both Parties will seek to enhance a better understanding, communication and cooperation between the national authorities responsible for the enforcement of their competition laws, in relation to the issues to which this Chapter refers.

Article 14.4. NOTIFICATIONS

1. Each Party shall notify the other Party of an enforcement activity regarding an anticompetitive business conduct if it considers that such enforcement activity may affect important interests of the other Party.

2. Notification shall take place at an early stage of the enforcement activity, provided that this is not contrary to the Parties' competition laws and does not affect any investigation being carried out, and shall indicate the entities involved and specify the particular goods or services and markets concerned.

Article 14.5. TRANSPARENCY AND INFORMATION REQUESTS

1. The Parties recognize the value of transparency of their national competition policies.

2. On request, each Party shall make available to the other Party public information concerning its competition law enforcement activities, provided that this is not contrary to the Parties' competition laws and does not affect any investigation being carried out.

3. On request, each Party shall make available to the other Party public information concerning exemptions provided under its competition laws. Such a request shall specify the particular goods and markets of interest, and indicate whether the exemption restricts trade or investment between the Parties.

Article 14.6. CONSULTATIONS

1. To foster understanding between the Parties, or to address specific matters that arise under this Chapter, each Party shall, on request of the other Party, enter into consultations. In its request, the Party shall indicate, if relevant, how the matter affects trade or investment between the Parties. The Party addressed shall accord full and sympathetic consideration to the concerns of the other Party.

2. Any information or documents exchanged between the Parties in relation to any consultations conducted pursuant to this Chapter shall be kept confidential.

Article 14.7. DISPUTES

1. Nothing in this Chapter permits a Party to challenge any decision made by a national authority of the other Party in enforcing its applicable competition laws.

2. No Party shall have recourse to any dispute settlement procedures under this Agreement for any issue arising from or relating to this Chapter.

Chapter 15. TRANSPARENCY

Article 15.1. DEFINITIONS

For purposes of this Chapter:

administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within its ambit and that establishes a norm of conduct but does not include:

(a) a determination or ruling made in an administrative proceeding that applies to a particular person, good, or service of another Party ina specific case; or

(b) a ruling that adjudicates with respect to a particular act or practice.

Article 15.2. CONTACT POINTS

1. Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Agreement.

2. On the request of the other Party, the contact point shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.

3. Any information, request or notification provided under this Chapter shall be provided to the other Party through the contact point, unless otherwise agreed by the Parties.

Article 15.3. PUBLICATION

Each Party shall ensure that its laws, regulations and administrative rulings of general application respecting any matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable the other Party and interested persons to become acquainted with them.

Article 15.4. NOTIFICATION AND PROVISION OF INFORMATION

1. To the maximum extent possible, each Party shall notify the other Party with an interest in the matter of any actual measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect that other Party's interests under this Agreement.

2. On request of the other Party, a Party shall promptly provide information to any actual measure, whether or not the other Party has been previously notified of that measure.

3. Any notification or information provided under this Article shall be without prejudice as to whether the measure is consistent with this Agreement.

Article 15.5. ADMINISTRATIVE PROCEEDINGS

With a view to administering in a consistent, impartial, and reasonable manner all measures referred to in Article 15.3 (Publication), each Party shall ensure, in its administrative proceedings applying such measures to particular persons, goods, or services of another Party in specific cases, that:

(a) wherever possible, persons of another Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated; such notice shall include a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in controversy;

(b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and

(c) its procedures are in accordance with domestic law.

Article 15.6. REVIEW AND APPEAL

1. Each Party shall establish or maintain judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions (15-1) regarding matters covered by this Agreement. Such tribunals shall be impartial and independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.

(15-1) For greater certainty, in the case of Singapore: (a) the review of final administrative actions can take the form of common law judicial review; and (b) the correction of final administrative actions may include a referral back to the body that took such action for corrective action.

2. Each Party shall ensure that, in any such tribunals or procedures, the Parties to the proceeding are provided with the right to:

(a) a reasonable opportunity to support or defend their respective positions; and

(b) a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decisions shall be implemented by, and shall govern the practice of, the office or authority with respect to the administrative action at issue.

Chapter 16. ADMINISTRATION OF THE AGREEMENT

Article 16.1. THE FREE TRADE COMMISSION

1. The Parties hereby establish the Free Trade Commission, comprising the Minister of Foreign Trade and Tourism of Peru and the Minister for Trade and Industry of Singapore, or their designees.

2. The Commission shall:

(a) supervise the operation and implementation of this Agreement;

(b) oversee the further elaboration of this Agreement;

(c) seek to resolve disputes that may arise regarding the interpretation or application of this Agreement;

(d) supervise the work of all committees and working groups established under this Agreement;

(e) establish the amount of remuneration and expenses that will be paid to panelists; and

(f) consider any other matter that may affect the operation of this Agreement.

3. The Commission may:

(a) establish and delegate responsibilities to committees and working groups;

(b) consider and approve any amendment to this Agreement or modification to the commitments therein, subject to completion of the applicable legal procedures of each Party. In the case of specific rules of origin, the amendments will enter into force immediately after the approval of the Commission;

(c) issue interpretations of the provisions of this Agreement;

(d) seek the advice of non-governmental persons or groups; and

(e) take such other action in the exercise of its functions as the Parties may agree.

4. The Commission shall establish its rules and procedures.

5. The Commission shall convene within two (2) years of the entry into force of this Agreement, and subsequently as and when the Parties agree to be necessary. The first session of the Commission shall be held in a place to be mutually agreed by the Parties, and thereafter held alternately in the territory of each Party.

Article 16.2. FREE TRADE AGREEMENT COORDINATORS

1. Each Party shall appoint a free trade agreement coordinator.

2. The coordinators shall work jointly to develop agendas and make other preparations for Commission meetings, and shall follow up on Commission decisions, as appropriate.

Article 16.3. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS

1. Each Party shall:

(a) designate an office that shall provide administrative assistance to the panels established under Chapter 17 (Dispute Settlement); and

(b) notify the Commission of the location of its designated office.

2. Each Party shall be responsible for the operation and costs of its designated office.

Chapter 17. DISPUTE SETTLEMENT

Article 17.1. COOPERATION

The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation, consultations or other means to arrive at a mutually satisfactory resolution of any matter that might affect its operation.

Article 17.2. SCOPE OF APPLICATION

1. Except as otherwise provided in this Agreement, the dispute settlement provisions of this Chapter shall apply with respect to the avoidance or settlement of all disputes between the Parties regarding the interpretation or application of this Agreement or wherever a Party considers that:

(a) a measure of the other Party is inconsistent with the obligations of this Agreement; or

(b) the other Party has failed to carry out its obligations under this Agreement;

2. The rules, procedures and time frames set out in this Chapter may be waived, varied or modified by mutual agreement.

Article 17.3. CHOICE OF FORUM

1. Where a dispute regarding any matter arises under this Agreement or under another free trade agreement to which both Parties are party, or the WTO Agreement, the complaining Party may select the forum in which to settle the dispute.

2. Once the complaining Party has requested either way the intervention of the Commission or a panel under an agreement referred to in paragraph 1, the forum selected shall be used to the exclusion of the others in respect of that matter, unless both Parties otherwise agree.

Article 17.4. CONSULTATIONS

1. A Party may request in writing consultations with the other Party with respect to any matter referred to in Article 17.2 (Scope of Application).

2. The requesting Party shall deliver the request to the other Party (17-1), and shall set out the reasons for the request, including identification of the measure or other matter at issue and an indication of the legal and factual basis for the complaint.

(17-1) Whenever a provision of this Chapter calls for the delivery of a written notice to another Party, the Party providing the notice shall also deliver a copy of the written Notice to its own designated office.

3. The consulting Parties shall make every attempt to arrive at a mutually satisfactory resolution of any matter through consultations under this Article or other consultative provisions of this Agreement. To this end, the consulting Parties shall:

(a) provide sufficient information to enable a full examination of how the matter at issue might affect the operation and application of this Agreement; and

(b) treat any confidential information exchanged in the course of consultations on the same basis as the Party providing the information.

4. In the consultations under this Article, any consulting Party may request to the other Party to make available personnel of its government agencies or other regulatory bodies who have expertise in the matter which is the subject of the consultations.

5. Consultations may be held in person or by any technological means available to the Parties. In the event that the Parties decide to hold consultations in person, these shall be held in a place agreed by the Parties, or if there is no agreement, in the capital of the requested Party.

6. The consultation period shall not exceed forty-five (45) days from the date of receipt of the formal request to initiate consultations, unless both Parties agree to extend this period. On disputes concerning perishable goods, the consultation period shall not exceed twenty (20) days from the date of receipt of the formal request to initiate consultations, unless both

Parties agree to extend this period.

Article 17.5. FREE TRADE COMMISSION

1. If the Parties cannot settle the dispute within the term established in Article 17.4 (Consultations), only the complaining Party may request in writing the intervention of the Commission.

2. The complaining Party may also request in writing a meeting of the Commission where consultations have been held pursuant to Article 6.15 (Consultation and Dispute Settlement) or Article 7.11 (Country Coordinators on Technical Barriers to Trade).

3. The requesting Party shall deliver the request to the other Party, and shall set out in the request, the reasons for the request, including identification of the measure or other matter at issue and an indication of the legal and factual basis for the complaint.

4. Unless it decides otherwise, the Commission shall convene within ten (10) days of delivery of the request and shall endeavour to resolve the dispute promptly. The Commission may:

(a) call on such technical advisors or create such working groups or expert groups as it deems necessary;

(b) have recourse to good offices, conciliation, mediation, or such other dispute resolution procedures; or

(c) make recommendations.

5. The Commission may meet in person or through any other technological means available to the Parties that will allow them to carry out this stage of the proceedings.

6. If the Commission does not settle the dispute:

(a) within twenty (20) days, counted from the date on which the Commission meeting is held according to paragraph 4; or

(b) within ten (10) days for perishable goods, counted from the date on which the Commission meeting is held according to paragraph 4;

any Party may request the establishment of a Panel.

Article 17.6. REQUEST FOR A PANEL

1. Upon expiry of the consultation period, or the period for intervention of the Commission, if such intervention has been requested, either Party may send a written request to the other Party for the establishment of a Panel to consider the matter. The request must include an identification of the measure or other matter subject to the claim and the provisions of this Agreement considered pertinent, as well as any other relevant circumstances.

2. A Panel shall be established upon delivery of a request. 3. Unless otherwise agreed by the disputing Parties, the Panel shall be established and perform its functions in a manner consistent with the provisions of this Chapter.

Article 17.7. ROSTER

1. Within six (6) months of the date of entry into force of this Agreement, the Parties shall establish and subsequently maintain an indicative roster of up to ten (10) individuals, who are not nationals of the Parties and are willing and able to serve as panelists. The roster members shall be appointed by consensus between the Parties. The Parties may, by common agreement, change or include new panelists in the roster, whenever they consider it necessary.

2. The Parties may proceed to use the roster, even if it is incomplete, with the candidates already proposed and appointed by agreement under paragraph 1.

Article 17.8. QUALIFICATIONS OF PANELISTS

1. Panelists ahall:

(a) have expertise or experience in international trade law, other matters covered by this Agreement, or the resolution of disputes arising under international trade agreements;

(b) be chosen strictly on the basis of objectivity, impartiality, reliability, and sound judgment;

(c) be independent of and not be affiliated with or take instructions from, any Party; and

(d) comply with the Code of Conduct established by the Commission.

2. Individuals may not serve as panelists for a dispute in which they have participated pursuant to paragraph 4 of Article 17.4 (Consultations).

Article 17.9. PANEL SELECTION

1. The Parties shall apply the following procedures in selecting a Panel:

(a) The Panel shall comprise three (3) members.

(b) Each Party shall appoint a panelist within fifteen (15) days of the delivery of the request for the establishment of the Panel. If a Party does not appoint a panelist within this period, the panelist will be selected by lot by the Director- General of the WTO, within a maximum of fifteen (15) days, from among the members of the indicative roster.

(c) The Parties shall endeavour to agree on a third panelist who shall serve as the chairperson of the Panel within fifteen (15) days of the appointment of the second panelist. If the Parties cannot reach an agreement during this period, the two appointed panelists shall endeavour to unanimously select a third panelist to serve as chairperson within the following fifteen (15) days. If the panelists cannot agree, the chairperson shall be selected by lot by the Director-General of the WTO from among the members of the indicative roster, within a maximum of fifteen (15) days.

(d) For purposes of sub-paragraphs (b) and (c), in the event that the Director-General of the WTO is a national of either Party, the Deputy Director-General of the WTO or the officer next in seniority who is not a national of either Party shall be requested to make the necessary selections.

(e) Each Party shall endeavour to appoint panelists who have expertise or experience relevant to the subject matter of the dispute, as appropriate.

2. If a Party believes that a panelist is in violation of the Code of Conduct, both Parties shall consult and, if they agree, the panelist shall be removed and a new panelist shall be selected in accordance with this Article.

Article 17.10. RULES OF PROCEDURE

1. The Commission shall establish Model Rules of Procedure, which shall ensure:

(a) a right to at least one hearing before the Panel;

(b) an opportunity for each Party to provide initial and rebuttal written submissions; and

(c) the protection of confidential information.

2. Unless the Parties otherwise agree, the Panel shall conduct its proceedings in accordance with the Model Rules of Procedure.

3. The Commission may modify the Model Rules of Procedure. 4. Unless the Parties otherwise agree within twenty (20) days from the date of the delivery of the request for the establishment of the Panel, the Terms of Reference shall be:

"To examine, in the light of the relevant provisions of this Agreement, the matter referred to in the panel request and to make findings, determinations and recommendations, as provided in Article 17.12 (Initial Report)."

5. If a Party wishes the Panel to make findings as to the degree of adverse trade effects on either Party of any measure found not to conform with the obligations of the Agreement, the terms of reference shall so indicate.

6. The location of the proceedings of the Panel shall be decided by mutual agreement of the Parties, failing which, it shall alternate between the capitals of the Parties in alphabetical order.

Article 17.11. ROLE OF EXPERTS

1. On request of a Party, or on its own initiative, unless both Parties disapprove it, the Panel may seek information and technical advice from any person or body that it deems appropriate. The requirements established in Article 17.8

(Qualifications of Panelists) shall also be applicable to the selection of experts, as appropriate.

2. Before the Panel may request information or technical advice, appropriate procedures must be established in consultation with the Parties. The Panel shall provide the Parties with:

(a) prior notification and time to make observations before the Panel regarding requests for information and technical advice pursuant to paragraph 1; and

(b) a copy of any information or technical advice submitted in answer to a request made pursuant to paragraph 1, and the time to submit comments.

3. When the Panel takes into consideration such information or technical advice in the preparation of its report, it shall also take into account any comments or observations submitted by the Parties on the information or technical advice.

Article 17.12. INITIAL REPORT

1. Unless the Parties otherwise agree, the Panel shall base its report on the relevant provisions of the Agreement, the submissions and arguments of the Parties, and on any information before it pursuant to Article 17.11 (Role of Experts).

2. Unless the Parties otherwise agree, the Panel shall, within one hundred and twenty (120) days, and within eighty (80) days in the case of perishable goods, after the last panelist is selected, present to the Parties an initial report containing:

(a) findings of fact, including any findings pursuant to a request under Article 17.10.5 (Rules of Procedure), together with reasons;

(b) its determination as to whether the measure at issue is inconsistent with this Agreement or any _ other determination requested in the terms of reference; and

(c) its recommendations, if any, for resolution of the dispute.

3. A Party may submit written comments to the Panel on its initial report within fourteen (14) days of presentation of the report or within such other period as the Parties may agree. A copy of the comments submitted shall be provided to the other Party.

4. After considering any such written comments on the initial report, the Panel, on its own initiative or on the request of either Party, may request or receive the views of a Party, reconsider its report, and make any further examination it considers appropriate.

Article 17.13. FINAL REPORT

1. The Panel shall present a final report to the Parties, containing the elements listed in Article 17.12.2 (Initial Report), and including any separate opinions on matters not unanimously agreed, within forty-five (45) days of presentation of the initial report, unless the Parties otherwise agree.

2. The Parties shall release the final report to the public within fifteen (15) days thereafter, subject to the protection of confidential information.

3. Findings, determinations and recommendations of a Panel shall not add to or diminish the rights and obligations of the Parties under this Agreement.

Article 17.14. REQUEST FOR CLARIFICATION OF THE FINAL REPORT

1. Within ten (10) days of the presentation of the final report by the Panel, either Party may submit a written request to the Panel for clarification of its final report. Any clarification by the Panel shall not affect its findings, determinations and recommendations.

2. The Panel shall respond to the request within no more than twenty (20) days, counted from the presentation of the request. The request for clarification will not postpone the deadline for compliance with the

adopted decision, unless the Panel decides otherwise or if the circumstances so require.

Article 17.15. SUSPENSION AND TERMINATION OF PROCEEDINGS

1. The Parties may agree to suspend the work of the Panel at any time for a period not exceeding twelve (12) months from the date of such agreement. In any event, if the work of the Panel has been suspended for more than twelve (12) months, the authority for establishment of the Panel shall lapse unless the Parties agree otherwise. If the authority of the Panel has lapsed and the Parties have not reached an agreement on the settlement of the dispute, nothing in this provision shall prevent a Party from instituting new proceedings relating to the same matter.

2. The Parties may agree to terminate the proceedings before a Panel at any time by jointly notifying the chairperson of the Panel to this effect.

Article 17.16. IMPLEMENTATION OF THE REPORT

1. On receipt of the final report of the Panel, the Parties shall agree on the resolution of the dispute, which shall normally comply with the determinations and recommendations, if any, of the Panel.

2. If the Panel determines that a Party has not conformed to its obligations under this Agreement, the resolution, whenever possible, shall be to eliminate the non-conformity, unless otherwise agreed by the Parties.

3. Nothing in this Article shall prevent the Parties from, at any time, agreeing to resolve the dispute in a manner that departs from any findings, determinations or recommendations of the panel.

Article 17.17. NON-IMPLEMENTATIONâSUSPENSION OF BENEFITS

1. If a Panel has made a determination of the type described in Article 17.13 (Final Report) and the Parties are unable to reach agreement on a resolution pursuant to Article 17.16 (Implementation of the Report) within thirty (30) days of receiving the final report, or such other period as the disputing Parties agree, the Party complained against shall enter into negotiations with the complaining Party with a view to developing mutually acceptable compensation. This compensation shall be paid from the moment the Parties agree to it until the Party complained against complies, unless otherwise agreed by the Parties.

2. If the disputing Parties:

(a) are unable to agree on compensation within thirty (30) days after the period for developing such compensation has begun, or

(b) have agreed on compensation or on a resolution pursuant to Article 17.16 (Implementation of the Report), and the complaining Party considers that the other Party has failed to observe the terms of the agreement,

the complaining Party may at any time thereafter provide written notice to the Party complained against that it intends to suspend the application, to that Party, of benefits of equivalent effect. The notice shall specify the level of benefits that the Party proposes to suspend (17-2). The complaining Party may begin suspending benefits thirty (30) days after the date on which it provides written notice under this paragraph, or seven (7) days after the Panel issues its determination under paragraph 3, as the case may be.

(17-2) For greater certainty, the phrase the level of benefits that the Party proposes to suspend refers to the level of concessions under the Agreement the suspension of which a complaining Party considers will have an effect equivalent to that of the disputed measure, and shall be restricted to benefits granted to the Party complained against under this Agreement.

3. If the Party complained against considers that:

(a) the level of benefits proposed to be suspended is manifestly excessive; or,

(b) it has eliminated the non-conformity that the Panel has found,

it may, within thirty (30) days after the complaining Party provides notice under paragraph 2, request that the original Panel be reconvened to consider the matter. The Party complained against shall deliver its request in writing to the complaining Party. The Panel shall reconvene as soon as possible after delivery of the request and shall present its determination to the disputing Parties within sixty (60) days after it reconvenes. Where the original Panel cannot hear the matter for any reason, a new Panel shall be appointed pursuant to the procedures set out in Article 17.9 (Panel Selection). If the Panel determines that the level of benefits proposed to be suspended is manifestly excessive, it shall determine the level of benefits it considers to be of equivalent effect.

4. The complaining Party may suspend benefits up to the level the Panel has determined under paragraph 3 or, if the Panel

has not determined the level, the level the complaining Party has proposed to suspend under paragraph 2, unless the Panel has determined that the Party complained against has eliminated the non-conformity.

5. If the Panel decides that the Party complained against has eliminated the non-conformity, the complaining Party shall promptly reinstate any benefits such Party has suspended under paragraph 3.

6. In considering what benefits to suspend pursuant to paragraph 2:

(a) a complaining Party should first seek to suspend benefits in the same sector or sectors as that affected by the measure or other matter that the Panel has found to be inconsistent with the obligations of this Agreement; and

(b) a complaining Party that considers it is not practicable or effective to suspend benefits in the same sector or sectors may suspend benefits in other sectors.

7. The suspension of benefits shall be temporary and shall only be applied until such time as:

(a) the Party eliminates the non-conformity that the Panel has found; or

(b) a mutually satisfactory solution is reached.

Article 17.18. COMPLIANCE REVIEW

1. In those cases where suspension of benefits have been applied, and the Party complained against considers that:

(a) has eliminated the non-conformity that the Panel has found; or

(b) has complied with any mutually satisfactory solution reached; or

(c) the level of benefits suspended is manifestly excessive

it may refer the matter to the Panel by providing written notice to the complaining Party. The Panel shall issue its report on the matter within thirty (30) days, and within fifteen (15) days in the case of perishable goods, after the Party complained against provides notice.

2. If the Panel decides that the Party complained against has eliminated the non-conformity, the complaining Party shall promptly reinstate any benefits suspended under Article 17.17 (Non- Implementation - Suspension of Benefits).

3. If the Panel determines that the level of benefits suspended by the complaining Party is manifestly excessive, it shall determine the level of benefits that it considers to be of equivalent effect, with which the complaining Party shall comply.

Article 17.19. FIVE-YEAR REVIEW

The Commission shall review the operation and effectiveness of Articles 17.16 (Implementation of the Report) and 17.17 (Non- Implementation - Suspension of Benefits) every five (5) years, unless otherwise agreed by the Parties.

Chapter 18. EXCEPTIONS

Article 18.1. GENERAL EXCEPTIONS

1. For purposes of Chapters 2 through 7, Article XX of the GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, mutatis mutandis. The Parties understand that the measures referred to in Article XX(b) of the GATT 1994 include environmental measures necessary to protect human, animal, or plant life or health, and that Article XX(g) of the GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

2. For purposes of Chapter 10 (Investment), Chapter 11 (Cross- Border Trade in Services), Chapter 12 (Temporary Entry for Business Persons) and Chapter 13 (Electronic Commerce) (18-1), Article XIV of the GATS (including its footnotes) is incorporated into and made part of this Agreement, mutatis mutandis. The Parties understand that the measures referred to in Article XIV(b) of the GATS include environmental measures necessary to protect human, animal, or plant life or health.

(18-1) This Article is without prejudice to whether digital products should be classified as goods or services.

Article 18.2. ESSENTIAL SECURITY

Nothing in this Agreement shall be construed:

(a) to require a Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests; or

(b) to preclude a Party from applying measures that it considers necessary for the fulfillment of its obligations with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests.

Article 18.3. TAXATION

1. Except as set out in this Article, nothing in this Agreement shall apply to taxation measures.

2. Nothing in this Agreement shall affect the rights and obligations of any Party under any tax convention. In the event of any inconsistency between this Agreement and any such convention, that convention shall prevail to the extent of the inconsistency. In the case of a tax convention between the Parties, the competent authorities under that convention shall have sole responsibility for determining whether any inconsistency exists between this Agreement and that convention.

3. Articles 10.10 (Expropriation and Nationalisation) and 10.17 (Investor-State Dispute Settlement) shall apply to taxation measures to the extent that such a taxation measure constitute expropriation as provided for therein (18-2). An investor that seeks to invoke Article 10.10 (Expropriation and Nationalisation) with respect to a taxation measure must first refer to the competent authorities described in paragraph 4, at the time that it gives notice under Article 10.17 (Investor-State Dispute Settlement), the issue of whether that taxation measure involves an expropriation. If the competent authorities do not agree to consider the issue or, having agreed to consider it, fail to agree that the measure is not an expropriation within a period of six (6) months of such referral, the investor may submit its claim to arbitration under Article 10.17 (Investor-State Dispute Settlement).

(18-2) With reference to Article 10.10 (Expropriation and Nationalisation), in assessing whether a taxation measure constitutes expropriation, the following considerations are relevant: (a) the imposition of taxes does not generally constitutes expropriation. The mere introduction of new taxation measures or the imposition of taxes in more than one jurisdiction in respect of an investment, does not in and itself constitute expropriation; (b) taxation measures which are consistent with internationally recognised tax policies, principles and practices do not constitute expropriation and in particular, taxation measures aimed at preventing the avoidance or evasion of taxes should not, generally, be considered to be expropriatory; and (c) taxation measures which are applied on a non-discriminatory basis, as opposed to being targeted at investors of a particular nationality or specific individual taxpayers, are less likely to constitute expropriation. A taxation measure should not constitute expropriation if, when the investment is made, it was already in force, and information about the measure was made public or otherwise made publicly available.

4. For the purposes of this Article, competent authorities means:

(a) for Singapore, Chief Tax Policy Officer, Ministry of Finance, or his successor or such other public officer as may be designated by Singapore; and

(b) for Peru, Ministerio de Economia y Finanzas, or his successor or such other public officer as may be designated by Peru.

Article 18.4. DISCLOSURE OF INFORMATION

Nothing in this Agreement shall be construed to require a Party to furnish or allow access to confidential information the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice the legitimate commercial interests of particular enterprises, public or private.

Article 18.5. DEFINITIONS

For purposes of this Chapter:

1. tax convention means a convention for the avoidance of double taxation or other international taxation agreement or arrangement; and

2. taxation measures do not include: (a) customs duties; or

(b) the measures listed in sub-paragraphs (b) and (c) of paragraph 5 of Article 2.2 (Definitions).

Chapter 19. FINAL PROVISIONS

Article 19.1. ANNEXES, APPENDICES, AND FOOTNOTES

The Annexes, Appendices, and Footnotes to this Agreement constitute an integral part of this Agreement.

Article 19.2. AMENDMENTS

1. The Parties may agree in writing on any amendment of this Agreement.

2. Such amendment shall enter into force and constitute an integral part of this Agreement on the date on which the Parties have exchanged notes confirming the completion of their respective applicable legal procedures.

Article 19.3. AMENDMENT OF THE WTO AGREEMENT

If any provision of the WTO Agreement that the Parties have incorporated into this Agreement is amended, the Parties shall modify the same provisions of this Agreement, unless otherwise agreed by the Parties.

Article 19.4. RELATION TO OTHER AGREEMENTS

In case of any inconsistency between this Agreement and any other agreement to which both Parties are parties, the Parties shall consult with each other with a view to finding a mutually satisfactory solution in accordance with public international law.

Article 19.5. ENTRY INTO FORCE

This Agreement shall enter into force on the date on which the Parties have exchanged notes confirming the completion of their respective applicable legal procedures for its entry into force.

Article 19.6. ACCESSION

1. Any country or group of countries may accede to this Agreement subject to such terms and conditions as may be agreed between such country or countries and the Parties and following approval in accordance with the applicable legal procedures of each country.

2. This Agreement shall not apply as between any Party and any acceding country or group of countries if, at the time of the accession, either Party does not consent to such accession.

Article 19.7. DENUNCIATION

Either Party may denounce this Agreement by written notification to the other Party and such denunciation shall take effect six months after the date of the notification.

Article 19.8. AUTHENTIC TEXTS

The English and Spanish texts of this Agreement are equally authentic. In the event of any divergence between the texts, the English text shall prevail.

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

DONE at Lima, in English and Spanish, this 29th day of May, 2008.

FOR THE GOVERNMENT OF THE REPUBLIC OF PERU

MERCEDES ARAOZ

Minister of Foreign Trade and Tourism

FOR THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE

LIM HNG KIANG

Minister for Trade and Industry

Annex 11A. PROFESSIONAL SERVICES

Development Of Professional Services Standards

1. Each Party shall encourage the relevant bodies in its respective territory to develop mutually acceptable standards and criteria for licensing and certification of professional services suppliers, as well as for the mutual recognition of professional degrees.

2. The standards and criteria referred to in paragraph 1 may be developed with regard to the following matters:

(a) education – accreditation of schools or academic programs;

(b) examinations – qualifying examinations for licensing, including alternative methods of assessment such as oralexaminations and interviews;

(c) experience – length and nature of experience required forlicensing;

(d) conduct and ethics – standards of professional conduct andthe nature of disciplinary action for nonconformity withthose standards;

(e) professional development and recertification – continuing education and ongoing requirements to maintain professional certification;

(f) scope of practice – extent of, or limitations on, permissible activities;

(g) local knowledge – requirements for knowledge of such matters as local laws, regulations, language, geography, or climate; and

(h) consumer protection – including alternatives to residency requirements, such as bonding, professional liability insurance, and client restitution funds, to provide for the protection of consumers.

3. On receipt of a recommendation referred to in paragraph 1, the Commission shall review the recommendation within a reasonable time to determine whether it is consistent with this Agreement. Based on the Commission's review, each Party shall encourage its respective competent authorities, where appropriate, to implement the recommendation within a mutually agreed time.

Temporary Licensing

4. For mutually agreed individual professional services, each Party shall encourage the relevant bodies in its territory to develop procedures for the temporary licensing of professional service suppliers of the other Parties.

Revision

5. The Commission shall review the implementation of this Annex at least once every two (2) years. The Commission will take into account in its revision the different views on regulation that exists between the Parties. Among other issues, one Party could formulate matters related with the elaboration of international rules of pertinent international organizations related to professional services (11A-1).

(11A-1) Pertinent international organizations refers to international organizations whose membership is open to the corresponding organizations in both Parties.

Annex 11B. PERU CROSS-BORDER TRADE IN SERVICES AND INVESTMENT RESERVATIONS

FOR EXISTING MEASURES AND LIBERALISATION COMMITMENTS

HEADNOTE

1. Where appropriate, non-conforming measures are referenced to the Provisional Central Product Classification (âCPCâ) as set out in the Provisional Central Product Classification (Statistical Papers Series M No.77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991) (âthe UN CPC Codeâ) and on the basis of the Services Sectoral Classification List WTO document MTN.GNS/w/120.

2. This Annex sets out, pursuant to Article 10.14 (Non-Conforming Measures) of Chapter 10 (Investment) and Article 11.7 (Non-Conforming Measures) of Chapter 11 (Cross-Border Trade in Services), the reservations taken by a Party with respect to measures that do not conform to some or all of the obligations imposed by:

(a) Article 10.3 (National Treatment) of Chapter 10 (Investment) or Article 11.3 (National Treatment) of Chapter 11 (Cross-Border Trade in Services);

(b) Article 10.4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment) or Article 11.4 (Most-Favoured-Nation Treatment) of Chapter 11 (Cross-Border Trade in Services);

(c) Article 11.5 (Market Access) of Chapter 11 (Cross-Border Trade in Services);

(d) Article 11.6 (Local Presence) of Chapter 11 (Cross-Border Trade in Services);

(e) Article 10.7 (Performance Requirements) of Chapter 10 (Investment); or

() Article 10.13 (Senior Management and Board of Directors) of Chapter 10 (Investment).

3. All measures affecting Article 10.3 (National Treatment), Article 10.4 (Most- Favoured-Nation Treatment), Article 10.7 (Performance Requirements) and Article 10.13 (Senior Management and Board of Directors) of Chapter 10 (Investment), and Article 11.3 (National Treatment), Article 11.4 (Most-Favoured-Nation Treatment), Article 11.5 (Market Access) and Article 11.6 (Local Presence) of Chapter 11 (Cross- Border Trade in Services), shall be stated in the description. In the interpretation of a reservation, all elements of the reservations shall be considered in their totality.

4. The reservations and commitments related to cross-border trade in services shall be read together with the relevant guidelines, stated in GATT documents MTN.GNS/W/164 dated 3 September 1993 and MTN.GNS/W/164 Add.1 dated 30 November 1993.

5. Each entry ina Partyâs Schedule sets out the following elements:

(a) (b)

(c)

(d)

()

Sector refers to the sector in which the entry is made;

Industry Classification refers, where applicable, to the activity covered by the non-conforming measure, according to the CPC codes as used in the UN CPC Code;

Obligations Concerned specifies the obligation(s) referred to in paragraph 2;

Measures identify laws, regulations, rules, procedures, requirements, practices or any other form for which the reservation is made. A measure cited in the Measures element:

(i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and

(ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

Description sets out the non-conforming measure to which the reservation applies.

6. For Peru, where an inconsistency arises in relation to the interpretation of a reservation, the measures element of the reservation shall prevail to the extent of the

inconsistency.

1. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

All Sectors

National Treatment (Article 10.3)

Central

Constitucion Politica del Pert (1993), articulo 71

Decreto Legislativo NÂ° 757, Diario Oficial âEl Peruanoâ del 13 de noviembre de 1991, Ley Marco para el Crecimiento de la Inversion Privada, articulo 13

Investment

No foreign national or entity organized or owned in whole or part, directly or indirectly, by foreign nationals may own, directly or indirectly, by any means, a mine, land, forest, water, fuel, or energy sources located within fifty (50) kilometres of the Peruvian border, under penalty of forfeiture of that right to the Peruvian state. Exceptions may be made by a Supreme Decree approved by the Council of Ministers in conformity with law in cases of expressly declared public necessity.

For each case of acquisition or possession within the referred area, the investor shall hand in the correspondent request to the relevant Ministry, pursuant to the rules in force. For example, authorizations of this kind have been given in the mining sector.

2. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Fishing and Services related to Fishing

National Treatment (Article 11.3)

Central

Decreto Supremo NÂ° 012-2001-PE, Diario Oficial "El Peruano" del 14 de marzo de 2001, Reglamento de la Ley General de Pesca, articulos 67, 68, 69 y 70.

Cross-Border Trade in Services

Before commencing operations, the owner of a foreign-flagged fishing vessel must present an unconditional, irrevocable, stand-by letter of credit of solid character and automatic execution to the benefit and satisfaction of the Ministry of Production, with an effect no more than thirty (30) calendar days after the conclusion of the fishing permit, issued by a financial, banking or insurance institution recognized by the âSuperintendencia de Banca y Segurosâ. Such letter shall be issued in an amount equal to twenty-five (25) percent of the amount that must be paid for fishing rights.

Foreign-flagged fishing vessels, which are not of big scale (according to the regulation above) and operate in Peruvian waters must contain a Satellite Tracking System, except for ship owners in highly migratory fisheries that are excepted from this obligation by a Ministerial Resolution.

Foreign-flagged fishing vessels with a fishing permit must have on board a scientific technical observer designated by the Sea Institute of Peru (IMARPE). The owner must provide accommodation on board for that representative and a daily

stipend, to be deposited in a special account to be administered by IMARPE.

The owners of foreign-flagged fishing vessels that operate in Peruvian jurisdictional waters must hire a minimum of thirty per cent (30%) of Peruvian crew, subject to applicable national legislation.

3. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Radio and Television Broadcasting Services

National Treatment (Article 10.3) Local Presence (Article 11.6)

Central

Ley NÂ° 28278, Diario Oficial âEl Peruanoâ del 16 de julio de 2004, Ley de Radio y Television, articulo 24.

Investment and Cross-Border Trade in Services

Only Peruvian nationals or juridical persons organized under Peruvian law and domiciled in Peru may be authorized or licensed to offer radio or television broadcast services.

The capital participation of foreigners in such juridical persons may not be more than forty (40) percent of the total shares or equity interest and they must be owners, share-holders, or hold an equity interest in a radio or television broadcast enterprise in their country of origin.

No foreign national may hold an authorization or a license directly or through a sole proprietorship.

4. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Audio-Visual Services

National Treatment (Article 11.3) Performance Requirements (Article 10.7)

Central

Ley NÂ° 28278, Diario Oficial âEl Peruanoâ del 16 de julio de 2004, Ley de Radio y Television, Octava Disposicion Complementaria y Final.

Investment and Cross-Border Trade in Services At least thirty percent (30%), on average, of the total weekly

programs by free-to-air television broadcasters must be produced in Peru and broadcasted between the hours of 5:00 and 24:00.

5. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Radio-Broadcasting Services

National Treatment (Article 10.3, Article 11.3) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Central

Decreto Supremo NÂ° 005-2005-MTC, Diario Oficial âEl Peruanoâ del 15 de febrero de 2005, Reglamento de la Ley de Radio y Television, articulo 20.

Investment and Cross-Border Trade in Services

If a foreign national is, directly or indirectly, a shareholder, partner, or associate in a juridical person, that juridical person may not hold a broadcasting authorization in a zone bordering that foreign nationalâs country of origin, except in a case of public necessity authorized by the Council of Ministers.

This restriction does not apply to juridical persons with foreign equity which have two or more current authorizations, as long as they are of the same frequency band.

6. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

All Sectors

National Treatment (Article 11.3) Market Access (Article 11.5) Senior Management and Boards of Directors (Article 10.13)

Central

Decreto Legislativo NÂ° 689, Diario Oficial âEl Peruanoâ del 05 de noviembre de 1991, Ley para la Contratacion de Trabajadores Extranjeros, articulos 1, 3, 4, 5 (modificado por Ley NÂ° 26196) y 6.

Investment and Cross-Border Trade in Services

All employers in Peru, independently of their activity or nationality, shall give preferential treatment to nationals when hiring its employees.

Foreign natural persons who are service providers and who are employed by service-provider companies may provide said services in Peru upon execution of a written employment agreement for a set period of time not to exceed three (3) years, which may be subsequently extended for like periods of time. Service-providing companies must show proof of the companyâs commitment to train national personnel in the same occupation.

Foreign natural persons may not represent more than twenty percent (20%) of the total number of employees of an enterprise, and their pay may not exceed thirty percent (30%) of the total payroll for wages and salaries. These percentages will not apply in the following cases:

e When the foreign nationals providing services are the spouse, parent, child, or sibling of a Peruvian national;

e Foreign employees working for foreign companies providing international land, air and water transport under a foreign flag and registration;

e Foreign employees of multinational service companies or banks, subject to the laws governing specific cases;

e Foreign investors, whenever their investment permanently maintains in Peru at least five (5) tributary tax units during the life of their contract!!Â®"';

e Artists, athletes or other service-providers engaged in public performances in Peruvian territory, for a maximum of three (3) months a year;

e Foreign nationals with immigrant visa;

e Foreign nationals whose countries have labour reciprocity or double nationality agreements with Peru; or

e Foreign personnel providing services in the country on behalf of bilateral or multilateral agreements celebrated by the

Peruvian Government.

Employers may request waivers for the percentages related to the number of foreign employees and their share of the companyâs payroll in those cases involving:

- Specialized professional or technical personnel;

- Directors or management personnel for new or converted business activities;

- Teachers hired for post secondary education, or for foreign private elementary and high schools; or for foreign language teaching in local private schools; or for specialized language centres;

- Personnel working for public or private companies with contractual agreements with Public institutions; or

- In any other case determined by Supreme Decree pursuant to specialization, qualification or experience criteria.

"Bl The Tributary Tax Unit (UIT) is an amount of reference that is used in the tributary norms in order to maintain in constant values the taxes basis, deductions, affectation limits and other aspects of the tributes that the legislator considers convenient.

7. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Professional Services: Legal Services

National Treatment (Article 10.3, Article 11.3)

Central

Decreto Ley NÂ° 26002, Diario Oficial âEl Peruanoâ del 27 de Diciembre de 1992, Ley del Notariado. articulos 5 (modificado por Ley NÂ° 26741) y 10 (modificado por Ley NÂ° 27094).

Investment and Cross-Border Trade in Services

Only a Peruvian national by birth may supply notary services.

8. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Professional Services: Architectural Services

National Treatment (Article 10.3, Article 11.3)

Central

Ley NÂ° 14085, Diario Oficial âEl Peruanoâ del 30 de junio de 1962, Ley de Creacion del Colegio de Arquitectos del Peru.

Ley NÂ° 16053, Diario Oficial âEl Peruanoâ del 14 de febrero de 1966, Ley del Ejercicio Profesional, Autoriza a los Colegios de Arquitectos e Ingenieros del Peri para supervisar a los profesionales de Ingenieria y Arquitectura de la Republica, articulo 1

Acuerdo del Consejo de Arquitectos, del 06 de octubre de 1987

Investment and Cross-Border Trade in Services

To practice as an architect in Peru, an individual must join the appropriate âColegio de Arquitectosâ and pay a fee in

accordance with the following schedule:

(a) US$250 for a Peruvian national with a degree from a Peruvian university;

(b) US$400 for a Peruvian national with a degree from a foreign university; or

(c) US$3,000 for a foreign national with a degree from a foreign university.

Also, to obtain temporary registration, non-resident foreign architects must have a contract of association with a Peruvian architect residing in Peru.

9. Sector

Obligations Concerned:

Level of Government:

Measures:

Description:

Professional Services: Auditing Services

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Central

Reglamento Interno del Colegio de Contadores Publicos de Lima, articulos 145 y 146

Investment and Cross-Border Trade in Services

Auditing societies shall be constituted only and exclusively by public accountants licensed and resident in the country and duly qualified by the âColegio de Contadores Publicos de Limaâ. No partner may be a member of another auditory society in Peru.

10. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Security Services

National Treatment (Article 11.3) Senior Management and Boards of Directors (Article 10.13)

Central

Decreto Supremo NÂ° 005-94-IN, Diario Oficial âEl Peruanoâ del 12 de mayo de 1994, Reglamento de Servicios de Seguridad Privada, articulos 81 y 83.

Investment and Cross-Border Trade in Services

Persons hired as security watchmen must be Peruvian nationals by birth.

A senior manager of an enterprise that supplies security services must be a Peruvian national by birth and be a resident of Peru.

11. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Recreational, Cultural and Sporting Services: National Artistic Audio-Visual Production Services

National Treatment (Article 11.3)

Central

Ley NÂ° 28131, Diario Oficial âEl Peruanoâ del 18 de diciembre de 2003, Ley del Artista, IntÃ©rprete y Ejecutante, articulos 23 y 25.

Cross-Border Trade in Services

Any domestic artistic audiovisual production must be comprised at least of eighty percent (80%) of national artists.

Any domestic artistic live performances must be comprised at least of eighty percent (80%) of national artists.

National artists shall receive no less than sixty percent (60%) of the total payroll for wages and salaries paid to artists.

The same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in artistic activities.

12. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Recreational, Cultural and Sporting Services: Circus Services

National Treatment (Article 11.3)

Central

Ley NÂ° 28131, Diario Oficial âEl Peruanoâ del 18 de diciembre de 2003, Ley del Artista, IntÃ©rprete y Ejecutante, articulo 26.

Cross-Border Trade in Services

A foreign circus may stay in Peru with the original cast for a maximum of ninety (90) days. This period may be extended for the same period of time. If it is extended, the foreign circus will include a minimum of thirty percent (30%) Peruvian nationals as artists and fifteen percent (15%) Peruvian nationals as technicians. The same percentages shall apply to the payroll of salaries and wages.

13. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Commercial Advertising Services

National Treatment (Article 11.3)

Central

Ley NÂ° 28131, Diario Oficial âEl Peruanoâ del 18 de diciembre de 2003, Ley del Artista, IntÃ©rprete y Ejecutante, articulos 25 y 27.2

Cross-Border Trade in Services

Commercial advertising produced in Peru must have at least eighty percent (80%) of national artists.

National artists shall receive no less than sixty percent (60%) of the total payroll for wages and salaries paid to artists.

The same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in commercial advertising.

14. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Recreational, Cultural and Sporting Services: Bullfighting

National Treatment (Article 11.3)

Central

Ley NÂ° 28131, Diario Oficial âEl Peruanoâ del 18 de diciembre de 2003, Ley del Artista, IntÃ©rprete y Ejecutante, articulo 28.

Cross-Border Trade in Services

At least one bullfighter of Peruvian nationality must participate in any bullfighting event. At least one apprentice bullfighter of Peruvian nationality must participate in fights involving young bulls.

15. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Radio-Broadcasting Services

National Treatment (Article 11.3) Performance Requirements (Article 10.7)

Central

Ley NÂ° 28131, Diario Oficial âEl Peruanoâ del 18 de diciembre de 2003, Ley del Artista, IntÃ©rprete y Ejecutante, articulos 25 y 45.

Investment and Cross-Border Trade in Services

Free over-the-air radio and television broadcast companies must dedicate at least ten percent (10%) of their daily programming to folklore and national music and to series or programs produced in Peru on the Peruvian history, literature, culture or current issues with artists hired in the following percentages:

- A minimum of eighty percent (80%) of national artists;

- National artists shall receive no less than sixty percent (60%) of the total payroll for wages and salaries paid to artists; and

- The same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in artistic activities.

16. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Customs Warehouses Services

Local Presence (Article 11.6)

Central

Decreto Supremo NÂ° 08-95-EF, Diario Oficial âEl Peruanoâ del 5 de febrero de 1995, Aprueban el Reglamento de Almacenes Aduaneros, articulo 7.

Cross-Border Trade in Services

Only natural or juridical persons domiciled in Peru may apply for an authorization to operate a customs warehouse.

17. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Telecommunications

National Treatment (Article 11.3)

Central

Decreto Supremo NÂ° 027-2004-MTC, Diario Oficial âEl Peruanoâ del 15 de julio de 2004, Texto Unico Ordenado del Reglamento General de la Ley de Telecomunicaciones, articulo 269.

Cross-Border Trade in Services

Call-back, understood as being the offer of telephone services for the realization of attempts to make calls originating in the country with the objective of obtaining a return call with an invitation to dial, coming from a basic telecommunications network located outside the national territory, is prohibited.

18. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transport Air Transport

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6) Senior Management and Boards of Directors (Article 10.13)

Central

Ley NÂ° 27261, Diario Oficial âEl Peruanoâ del 10 de mayo de 2000, Ley de Aeronautica Civil, articulos 75 y 79.

Decreto Supremo NÂ° 050-2001-MTC, Diario Oficial âEl Peruanoâ del 26 de diciembre de 2001, Reglamento de la Ley de

Aeronautica Civil, articulos 147, 159, 160 y VI Disposicion Complementaria.

Investment and Cross-Border Trade in Services

National Commercial Aviation is reserved to a Peruvian natural or juridical person.

For purposes of this entry, a Peruvian juridical person is an enterprise that fulfils the following requirements:

(a) is constituted under Peruvian law, specifies commercial aviation as its corporate purpose, is domiciled in Peru, and has its principal activities and administration located in Peru;

(b) at least half plus one (1) of the directors, managers and persons who control or manage the enterprise are Peruvian nationals or have permanent domicile or are normally resident in Peru; and

(c) at least fifty-one percent (51%) of the capital must be owned by Peruvian nationals and be under the real and effective control of Peruvian shareholders or partners permanently domiciled in Peru. (This limitation shall not apply to the enterprises constituted under law NÂ° 24882, which may maintain the ownership percentages set in such law). Six (6) months after the date of authorization of the enterprise to provide commercial air transportation services, foreign nationals may own up to seventy percent (70%) of the capital of the enterprise.

In those operations conducted by Peruvian service providers (âexplotadores nacionalesâ), personnel performing aeronautical functions on board must be Peruvian nationals. The General Directorate of Civil Aviation may, for technical reasons, authorize foreign personnel to perform these functions for a period not to exceed six (6) months from the date on which the authorization was granted. This time period may be extended if there is proof of a shortage of trained personnel.

The General Directorate of Civil Aviation, upon providing proof of a shortage of qualified Peruvian aviation personnel, may authorize non-resident foreign personnel to pilot airplanes and train Peruvian aviation personnel for a period of up to six (6) months, which may be extended if there is proof ofa shortage of Peruvian personnel.

19. Sector

Obligations Concerned:

Level of Government:

Measures:

Description:

Rental/Leasing Services Without Operators: Aircrafts Rental/Leasing Services

National Treatment (Article 10.3, Article 11.3)

Central

Ley NÂ° 28525, Diario Oficial âEl Peruanoâ del 25 de mayo de 2005, Ley de Promocion de los Servicios de Transporte AÃ©reo, articulo 5.

Ley NÂ° 27261, Diario Oficial âEl Peruanoâ del 10 de mayo de 2000

Ley de Aeronautica Civil, articulo 67 (modificado por el articulo 5 de la Ley NÂ° 28525).

Investment and Cross-Border Trade in Services

The civil aviation operated under charter type has a complementary character. In the cases of operations operated by national service providers that render scheduled international air transportation service of passengers, cargo, and mail (mixed), using aircraft under the type of charter contracts with foreign enterprises, will be authorized under the following clauses:

(1) When air services are being initiated on a new route, in that case will be authorized for a maximum of ninety (90) calendar days, which may be extended for an additional ninety (90) calendar days, subject to support of the air operator.

(2) When there exists a legal restriction that impedes a Peruvian aircraft conducting its operations for itself in another country, the charter will be approved exclusively for the routes and for the period of the restriction.

(3) When there exists a technical impediment of an aircraft that can imply a paralysation of scheduled operations. The period of authorization shall not exceed ninety (90) calendar days, which can be extended subject to a favourable report of the Air Security Department of the General Directorate of Civil Aviation.

By public necessity or national interest, national air transportation service providers can be authorized to execute air charter contracts with foreign enterprises for the rendering of services within national territory. This authorization will be granted by means of Supreme

Decree, proposed by the sector.

20. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transport Aquatic Transport

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6) Senior Management and Boards of Directors (Article 10.13)

Central

Ley NÂ° 28583, Ley de Reactivacion y Promocion de la Marina Mercante Nacional, Diario Oficial âEl Peruanoâ del 22 de julio de 2005. Articulos 4.1, 6.1, 7.1, 7.2. 7.4, y 13.6.

Decreto Supremo NÂ° 028 DE/MGBP, Diario Oficial âEl Peruanoâ del 25 de mayo de 2001, Reglamento de la Ley NÂ° 26620, Articulo 1-010106, literal a).

Investment and Cross-Border Trade in Services

1.

A âNational Shipownerâ or âNational Ship Enterpriseâ means a natural person of Peruvian nationality or juridical person constituted in Peru, with its principal domicile and real and effective headquarters in Peru, whose business is to provide water transportation services for cabotage or international traffic and which is the owner or lessee under a financial lease or a bareboat charter, with an obligatory purchase option, of at least one Peruvian flag merchant ship and that has obtained the relevant Operation Permit from the General Aquatic Transport Directorate.

At least fifty-one percent (51%) of the subscribed and paid-in capital must be owned by Peruvian citizens.

The chairman of the board of directors, a majority of the directors, and the General Manager must be nationals and residents of Peru.

Peruvian-flagged vessels must have a Peruvian captain and the crew must have at least eighty percent (80%) of Peruvian nationals authorized by the âDirecciÃ©n General de Capitanias y Guardacostasâ. In exceptional cases where no Peruvian qualified captain with experience in the respective ship is available, a foreign national may be

authorized to serve as captain. Only a Peruvian national may be a licensed harbour pilot.

Cabotage is exclusively reserved to Peruvian flagged vessels owned by a National Shipowner or National Ship Enterprise or leased under a financial lease or a bareboat charter, with an obligatory purchase option, except that:

(i) Twenty-five percent (25%) of the transport of hydrocarbons in national waters is reserved for the boats of the Peruvian Navy; and

(ii) Foreign-flagged vessels may be used by a National Shipowner or National Ship Enterprise for a period of no more than six (6) months for water transportation exclusively between Peruvian ports or cabotage when such an entity does not own its own vessels or lease vessels.

21. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transport Aquatic Transport

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Central

Decreto Supremo NÂ° 056-2000-MTC, Diario Oficial âEl Peruanoâ del 31 de diciembre de 2000, Disponen que servicios de transporte maritimo y conexos realizados en bahias y areas portuarias deberan ser prestados por personas naturales y Juridicas autorizadas, con embarcaciones y artefactos de bandera nacional, articulo 1.

Resolucion Ministerial NÂ° 259-2003-MTC/02, Diario Oficial âEl Peruanoâ del 4 de abril de 2003, Aprueban Reglamento de los Servicios de Transporte Acuatico y Conexos Prestados en Trafico de Bahia y Areas Portuarias, articulos 5 y 7.

Investment and Cross-Border Trade in Services

The following water transport and related services supplied in bay and port areas must be supplied by natural persons domiciled in Perm, and juridical persons constituted and domiciled in Peru, properly authorized with Peruvian flag vessels and equipment:

(a) Fuel replenishment services;

(b) Mooring and unmooring services; (c) Diving services;

(d) Victualing services;

(e) Dredging services;

(f) Harbour pilotage services;

(g) Waste collection services;

(h) Tug boat services; and

(i) Transport of persons.

22. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transport Aquatic Transport

Local Presence (Article 11.6)

Central

Resolucion Suprema NÂ° 011-78-TC-DS del 6 de febrero de 1978, Reglamento de Empresas de Transporte Turistico.

Cross-Border Trade in Services Only natural persons domiciled in Peru or juridical persons

constituted and domiciled in Peru may provide tourist water transportation services.

23. Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transport Aquatic Transport

National Treatment (Article 11.3)

Central

Ley NÂ° 27866, Diario Oficial âEl Peruanoâ del 16 de noviembre de 2002, Ley del Trabajo Portuario, articulos 3 y 7.

Cross-Border Trade in Services

Only Peruvian citizens may register in the Registry of Port Workers.

Port worker is a natural person who, subject to a port employer, performs specific services that conducts to tasks related to port work such as: stevedore, âtarjadorâ, âwincheroâ, âgrueroâ, âportaloneroâ, âlevantador de costado de naveâ, among others that are established in each port according to the regulations of the current law.

24. Sector

Obligations Concerned:

Level of Government:

Measures:

Description:

Transport: Land Transport of Passengers

Local Presence (Article 11.6)

Central

Decreto Supremo NÂ° 009-2004-MTC, Diario Oficial âEl Peruanoâ del 27 de febrero de 2004, Reglamento Nacional de Administracion de Transportes, articulos 47 y 48.

Cross-Border Trade in Services

A supplier of land transport services in Peru must certify in writing that it maintains ground terminals, route stations, stops, and administrative offices in the territory of Peru, according to the corresponding transport services.

The transport enterprise must have its own installations, or those of third parties, properly maintained for the management of the enterprise, which will constitute its legal domicile, where the competent authority can conduct the inspections and verifications it deems necessary.

25. Sector

Obligations Concerned:

Level of Government:

Measures:

Description:

Transport: Land transport

National Treatment (Article 11.3)

Central

The âAcuerdo sobre Transporte Internacional Terrestreâ, signed between the Governments of la Republica de Chile, la Republica de Argentina, la Republica de Bolivia, la Republica Federativa de Brasil, la Republica del Paraguay, la Republica del Pert y la Republica Oriental del Uruguay - ATIT, signed in Montevideo January 1, 1990.

Cross-Border Trade in Services Foreign vehicles allowed by Peru, in conformity with the ATIT,

which carry out international transportation by road, will not be able to provide local transport (cabotage) in the Peruvian territory.

26. Sector

Obligations Concerned:

Level of Government:

Measures:

Description:

Research and Development Services Archaeological Research Services

National Treatment (Article 11.3)

Central

Resolucion Suprema No. 004-2000-ED, Diario Oficial "El Peruano" del 25 de enero de 2000, Reglamento de Investigaciones Arqueologicas, articulo 30.

Cross-Border Trade in Services

Archaeological research projects headed by foreign archaeologists must employ a Peruvian archaeologist with accredited experience registered in the National Registry of Archaeologists as scientific co-director or sub-director of the project. The co-director or sub- director shall participate in the integral execution of the project (field and office work).

27. Sector

Obligations Concerned:

Level of Government:

Measures:

Description:

Services Related to Energy Services

National Treatment (Article 11.3) Local Presence (Article 11.6)

Central

Ley NÂ° 26221, Diario Oficial âEl Peruanoâ del 19 de agosto de 1993, Ley General de Hidrocarburos, articulo 15.

Cross-Border Trade in Services

In order to enter into an exploration contract in Peru, foreign natural persons must register in the Public Registry and provide a power of attorney to a Peruvian national resident in the capital of the Republic of Peru.

Foreign enterprises must establish a branch or constitute a society under the Ley General de Sociedades, be domiciled in the capital of the Republic of Peru, and appoint a Peruvian national as an executive agent.

Annex 11C. SINGAPORE CROSS-BORDER TRADE IN SERVICES AND INVESTMENT RESERVATIONS FOR EXISTING MEASURES AND LIBERALISATION COMMITMENTS

HEADNOTE

1. Where appropriate, non-conforming measures are referenced to the Provisional Central Product Classification (âCPCâ) as set out in Provisional Central Product Classification (Statistical Papers Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991) (âthe UN CPC codeâ) and on the basis of the Services Sectoral Classification List, WTO document MTN.GNS/W/120.

2. This Annex sets out, pursuant to Article 10.14 (Non-Conforming Measures) of Chapter 10 (Investment) and Article 11.7 (Non-Conforming Measures) of Chapter 11 (Cross-Border Trade in Services), the reservations taken by a Party with respect to measures that do not conform to some or all of the obligations imposed by:

(a) Article 10.3 (National Treatment) of Chapter 10 (Investment) or Article 11.3 (National Treatment) of Chapter 11 (Cross-Border Trade in Services);

(b) Article 10.4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment) or Article 11.4 (Most-Favoured-Nation Treatment) of Chapter 11 (Cross-Border Trade in Services);

(c) Article 11.5 (Market Access) of Chapter 11 (Cross-Border Trade in Services);

(d) Article 11.6 (Local Presence) of Chapter 11 (Cross-Border Trade in Services);

(e) Article 10.7 (Performance Requirements) of Chapter 10 (Investment); or

() Article 10.13 (Senior Management and Board of Directors) of Chapter 10 (Investment).

3. All measures affecting Article 10.3 (National Treatment), Article 10.4 (Most- Favoured-Nation Treatment), Article 10.7 (Performance Requirements) and Article 10.13 (Senior Management and Board of Directors) of Chapter 10 (Investment), and Article 11.3 (National Treatment), Article 11.4 (Most-Favoured-Nation Treatment), Article 11.5 (Market Access) and Article 11.6 (Local Presence) of Chapter 11 (Cross- Border Trade in Services), shall be stated in the description. In the interpretation of a reservation, all elements of the reservations shall be considered in their totality.

4. The reservations and commitments related to cross-border trade in services shall be read together with the relevant guidelines, stated in GATT documents MTN.GNS/W/164 dated 3 September 1993 and MTN.GNS/W/164 Add.1 dated 30 November 1993.

5. Each entry ina Partyâs Schedule sets out the following elements:

(a) (b)

(c)

(d)

()

Sector refers to the sector in which the entry is made;

Industry Classification refers, where applicable, to the activity covered by the non-conforming measure, according to the CPC codes as used in the UN CPC Code;

Obligations Concerned specifies the obligation(s) referred to in paragraph 2;

Measures identify laws, regulations, rules, procedures, requirements, practices or any other form for which the reservation is made. A measure cited in the Measures element:

(i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and

(ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

Description, sets out the non-conforming measure to which the reservation applies.

6. For Peru, where an inconsistency arises in relation to the interpretation of a reservation, the measures element of the reservation shall prevail to the extent of the

inconsistency.

1. Sector

Industry classification

Obligations Concerned

Measures

Description

All

National Treatment (Article 10.3, Article 11.3) Market Access (Article 11.5)

Insurance Act, Cap. 142, MAS Notice 149

Banking Act, Cap. 19, MAS Notice 757

Finance Companies Act, Cap. 108, MAS Notice 816

Monetary Authority of Singapore Act, Cap. 186, MAS Notice 1105 Securities Industry Act, Act 15 of 1986, MAS Notice 1201 Securities and Futures Act 2001, Cap 289 Section 101, SFA 04-N04

Cross-Border Trade in Services and Investment

Financial institutions extending Singapore dollar (S$) credit facilities exceeding S$5 million per entity to non-resident financial entities or arranging S$ equity or bond issues for non-residents, shall ensure that where the S$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad.

Financial institutions shall not extend S$ credit facilities to non- resident financial entities if there is reason to believe that the S$ proceeds may be used for S$ currency speculation.

The term ânon-residentâ is as defined in MAS Notice 757 issued under the Banking Act.

2. Sector

Industry Classification

Obligations Concerned

Measures

Description

All

National Treatment (Article 10.3)

This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of PSA Corporation.

Investment

The aggregate of foreign shareholdings in PSA Corporation and/or its successor body shall be subject to a forty-nine percent (49%) limit.

The âaggregate of foreign shareholdingsâ is defined as the total number of shares owned by:

(i) any individual who is not a Singapore citizen;

(ii) any corporation which is not more than fifty percent (50%) owned by Singapore citizens or by the Singapore Government; and/or (iii) any other enterprise which is not owned or controlled by the Singapore Government.

3. Sector

Industry Classification

Obligations Concerned

Measures

Description

All

Market Access (Article 11.5) National Treatment (Article 10.3; Article 11.3)

This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of the relevant enterprises below.

Cross-Border Trade in Services and Investment

All individual investors, apart from the Singapore Government, shall be subject to the following equity ownership limits in the enterprises, and/or their successor bodies, as listed below:

Singapore Technologies Engineering â fifteen percent (15%)

PSA Corporation â five percent (5%)

Singapore Airlines â five percent (5%)

Singapore Power, SP Power Assets, SP Services, Power Gas â ten percent (10%)

For the purposes of this reservation, ownership of equity by an investor in these enterprises and/or their successor bodies includes both direct and indirect ownership of equity.

4. Sector

Industry Classification

Obligations Concerned

Measures

Description

All

National Treatment (Article 10.3; Article 11.3)

Business Registration Act, Cap. 32, 2001 Revised Edition Business Registration Regulations, Regulation 9 Companies Act, Cap. 50, 1994 Revised Edition

Cross-Border Trade in Services and Investment Only a service supplier who is a Singapore citizen, Singapore permanent resident or Singapore Employment Pass holder shall be allowed to

register a business without appointing a local manager.

A local manager shall be a Singapore citizen, Singapore permanent resident or Singapore Employment Pass holder.

All locally incorporated companies shall comply with the following requirements:

(i) at least one (1) director of the company shall be resident in Singapore.

(ii) all branches of foreign companies registered in Singapore shall have at least two (2) agents resident in Singapore.

To be resident in Singapore, a person shall be either a Singapore citizen or Singapore permanent resident or Singapore Employment Pass holder.

5. Sector

Industry Classification

Obligations Concerned

Measures

Description

All

National Treatment (Article 10.3)

State Lands Act, Cap 314, Sections 3 and 19(1) Investment

Singapore may divest State Land in a manner inconsistent with National Treatment.

6. Sector

Industry Classification

Obligations Concerned

Measures

Description

Business Services Architectural Services

Architectural services includes selling or supplying for gain or reward any architectural plan, drawing, tracing or the like for use in the construction, enlargement or alteration of any building or part thereof. It includes the certification and inspection of buildings for compliance with fire safety regulations.

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Architects Act, Cap.12, 2000 Revised Edition

Cross-Border Trade in Services and Investment

Only persons who are registered with the Board of Architects (BOA) and/or its successor body and resident in Singapore are allowed to provide architectural services.

All corporations and partnerships (including those which are providing architectural services as part of a multi-disciplinary corporation or practice) providing architectural services shall obtain a licence from the BOA. To qualify for the licence, the corporation or partnership shall:

(i) be under the control and management of a director or partner who is a Singapore-registered architect; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to architectural services shall be under the control and management of a director or partner who is a Singapore- registered architect; and

(ii) where limited corporations are concerned, the Chairman and at least two thirds of the directors of a corporation shall be Singapore- registered architects or allied professionals; where unlimited corporations are concerned, the directors or members shall be registered professional engineers or allied professionals; where partnerships are concerned, the beneficial interest in the capital assets and profits of the partnership shall be held by Singapore-registered architects or allied professionals.

Allied professionals are Singapore-registered land surveyors and engineers.

7. Sector

Industry Classification

Obligations Concerned

Measures

Description

Business Services Financial Auditing services

CPC 86211 Financial auditing services

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Accountants Act 2004, Cap.2, 2005 Revised Edition Cross-Border Trade in Services and Investment

Only service suppliers who are registered with the Accounting and Corporate Regulatory Authority (ACRA) and the Institute of Certified Public Accountants of Singapore (ICPAS) shall be appointed as a company auditor.

In the case of public accounting firm or public accounting corporation, the sole proprietor or one of the partners or directors must be a Singapore registered public accountant and ordinarily resides in Singapore.

8. Sector Industry Classification

Obligations Concerned

Measures

Description

Business Services Other Tax-Related Services

CPC 86309 Other Tax-Related Services

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Administrative

Cross-Border Trade in Services and Investment

Public accountants shall be effectively resident in Singapore or at least one of the partners of the firm shall be effectively resident in Singapore.

Only public accountants registered with the Public Accountants Board

(PAB) and/or its successor body shall practise as tax consultants for local tax laws.

9. Sector

Industry Classification Obligations Concerned

Measures

Description

Business Services Land Surveying Services

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Land Surveyors Act, Cap. 156, 1992 Revised Edition, Sections 12-23 Land Surveyors Rules, Rules 2-20

Cross-Border Trade in Services and Investment

Land surveying refers to the survey of land as set out in the Land Surveyors Act, Cap 156.

All persons seeking to provide land surveying services in Singapore are required to register with the Land Surveyors Board (LSB) and/or its successor body, be physically present in Singapore for the duration of the land surveying project which requires his supervision and/or certification.

All corporations and partnerships (including those which are providing land surveying services as part of a multi-disciplinary corporation or practice) seeking to provide land surveying services shall obtain a licence from the LSB. To qualify for the licence, the corporation or partnership shall:

(i) be under the control and management of a director or partner who is a Singapore-registered surveyor; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to land surveying services shall be under the control and management of a director or partner who is a Singapore- registered surveyor; and

(ii) where limited corporations are concerned, a simple majority of its directors shall be Singapore-registered surveyors or allied professionals; where unlimited corporations are concerned, the directors or members shall be registered professional engineers or allied professionals; where partnerships are concerned, only Singapore-registered surveyors and allied professionals shall have a beneficial interest in the capital assets and profits of the partnership.

Allied professionals are Singapore-registered engineers and architects.

10. Sector

Industry Classification

Obligations Concerned Measures

Description

Business Services

Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator

CPC 83101, 83102, 83105 Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator

Market Access (Article 11.5) Local Presence (Article 11.6)

Road Traffic Act, Cap. 276, 1994 Edition Cross-Border Trade in Services and Investment The cross-border rental of private cars, goods transport vehicles and

other land transport equipment without operator by Singapore residents with the intent to use the vehicles in Singapore is prohibited.

11. Sector Industry Classification

Obligations Concerned

Measures

Description

Business Services Patent Agent Services

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Patents Act, Cap. 221, 1995 Revised Edition

Cross-Border Trade in Services and Investment

Only service suppliers registered with the Intellectual Property Office of Singapore (IPOS) and/or its successor body and resident in Singapore shall be allowed to carry on a business, practice or act as a patent agent in Singapore.

Only service suppliers which have at least one Singapore-registered patent agent resident in Singapore either as a director or partner, shall be allowed to carry on a business, practice or act as a patent agent in Singapore.

12. Sector Industry Classification

Obligations Concerned

Measures

Description

Business Services Placement and Supply Services of Personnel

CPC 87204 Supply services of domestic help personnel

Local Presence (Article 11.6)

Employment Agencies Act, Cap. 92 Cross-Border Trade in Services

Only service suppliers with local presence shall be allowed to set up employment agencies and place foreign workers in Singapore.

These agencies are not the direct employer of foreign workers in Singapore. They serve as intermediaries to help source and supply foreign workers to employers of these workers. Thus, this reservation shall be read with the Annex 11E (Singapore Cross-Border Trade in Services and Investment Reservation for Future Measures) reservation relating to the supply ofa service by a natural person.

13. Sector Industry Classification

Obligations Concerned

Measures

Description

Business Services Professional Engineering Services

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Professional Engineers Act, Cap. 253, 1992 Revised Edition

Cross-Border Trade in Services and Investment

Only persons who are registered with or firms which are licensed by the Professional Engineers Board (PEB) are allowed to

provide professional engineering services in Singapore in prescribed branches of engineering, namely: civil, electrical and mechanical engineering.

The implementation in Singapore of professional engineering works which require approval by the authorities shall be carried out by a professional engineer physically present in Singapore for the duration when the project is being implemented.

All corporations, and multi-discipline partnerships and limited liability partnerships providing professional engineering services shall obtain a licence from Professional Engineering Board and/or its successor body. To qualify for the licence, the corporation or multi-disciplinary partnership and limited liability partnership shall meet the following requirements:

(i) the business of the corporation, multi-discipline partnership or limited liability partnership relating to professional engineering services shall be under the control and management of a director or a partner who is a Singapore- registered professional engineer and who has a valid practising certificate and who, in the case of corporations or limited liability partnerships, is authorised under a resolution of the board of directors of the corporation or partners of the limited liability partnership to make all final engineering decisions on behalf of the corporation or limited liability partnership; and

(ii) where limited or unlimited corporations are concerned, not less than fifty-one percent (51%) of the directors shall be Singapore-registered professional engineers or allied professionals; where multi-disciplinary partnerships are concerned, the beneficial interest in the capital assets and profits of the partnerships shall be held by Singapore- registered professional engineers or allied professionals.

Where limited liability partnerships are concerned, partners shall be Singapore-registered professional engineers or allied professionals, licensed corporations or licensed limited liability partnerships.

Allied professionals are Singapore-registered land surveyors and architects.

14. Sector Industry Classification

Obligations Concerned

Measures

Description

Business Services Real Estate Services

CPC 82202 Non-residential property management services on a fee or contract basis

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Sentosa Development Corporation Act, Cap 291, 1998 Revised Edition 1998

Cross-Border Trade in Services and Investment

Only the Sentosa Development Corporation and/or its successor body shall be allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.

For the purpose of this reservation, the âSouthern Islands of Singaporeâ are St. Johnâs Island, Lazarus Island, Kusu Island, Pulau Renggit, Sisterâs Island, Pulau Hantu, Pulau Biola, Pulau Jong and Pulau Tekukor

15. Sector Industry Classification Obligations

Concerned Measures

Description

Business Services Technical Testing and Analysis Services

CPC 86769 Other technical testing and analysis services

Local Presence (Article 11.6)

Agri-Food and Veterinary Authority Act, Cap. 5, 2001 Revised Edition

Animals and Birds Act, Cap. 7, 1985 Revised Edition

Control of Plants Act, Cap. 57A, 2000 Revised Edition

Cross-Border Trade in Services

Only service suppliers with local presence shall be allowed to provide testing, analytical and certification services on animals, plants, and products derived from animals and plants which are physically present in Singapore, including but not limited to, where such items are intended for import, export and import for the purposes of re-export.

For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the items as defined and/or listed in the Animals and Birds Act and the Control of Plants Act.

16. Sector

Industry Classification

Obligations Concerned

Measures

Description

Business Services Private Investigation Services Unarmed Guard Services

CPC 87301 Investigation Services

CPC 87302 Security Consultation Services

CPC 87305 Guard Services (only applies to unarmed security guard services)

Market Access (Article 11.5)

Most-Favoured-Nation Treatment (Article 10.4, Article 11.4) Local Presence (Article 11.6)

National Treatment (Article 10.3, Article 11.3)

Senior Management and Board of Directors (Article 10.13)

Private Investigation and Security Agencies Act, Cap. 249, Regulation 23

Cross-Border Trade in Services and Investment

Foreigners are permitted to set up legal persons to provide unarmed guards for hire but must register a company with local participation. At least two of the directors must be a Singapore national or Singapore permanent resident.

Foreigners shall not be allowed to work as guards, but can be involved in the administration of the company.

The foreign directors shall produce a certificate of no criminal conviction from their country of origin or a statutory declaration before a local commissioner of oaths.

All services suppliers providing unarmed guard services shall be precluded from escorting cash-in transit operations of S$250,000 and above.

Private investigators do not have police powers of seizure, search or arrest.

Please also note Singaporeâs reservation for armed guard services in Annex 11E (Singapore Cross-Border Trade in Services and Investment Reservations for Future Measures).

17. Sector

Industry Classification

Obligations Concerned

Measures

Description

Education Services Higher Education Services in relation to the training of doctors

CPC 92390 Other Higher Education Services

(Only applies to Higher Education Services in relation to the training of doctors)

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Medical Registration Act, Part V, Specialist Accreditation Board, Sections 2, 3, 34 and 35

Cross-Border Trade in Services and Investment

Only local tertiary institutions shall be allowed to operate undergraduate or graduate programmes for the training of doctors.

Local tertiary institutions are tertiary institutions which are approved by Parliament to confer degrees in Singapore.

18. Sector Industry Classification

Obligations Concerned

Measures

Description

Health and Social Services Contact Lens Practitioners

Local Presence (Article 11.6)

Contact Lens Practitioners Act, Cap. 53A, 2002 Revised Edition Cross-Border Trade in Services

Only service suppliers who are resident in Singapore shall be allowed to be Contact Lens Practitioners.

19. Sector Industry Classification

Obligations Concerned

Measures

Description

Health and Social Services Traditional Chinese Medicine Practitioners

Most-Favoured-Nation Treatment (Article 11.4) Local Presence (Article 11.6)

Traditional Chinese Medicine Practitioners Registration Act, Cap. 333A, 2001 Revised Edition

Cross-Border Trade in Services

Only service suppliers who are registered with the Singapore Traditional Chinese Medicine Practitioners Board and/or its successor body, and resident in Singapore, shall be allowed to supply Traditional Chinese Medicine services.

20. Sector

Industry Classification

Obligations Concerned Measures

Description

Health and Social Services Deliveries and related services, nursing services, physiotherapeutic and para-medical services (only for nursing and midwifery services)

CPC 93191 Deliveries and related services, nursing services, physiotherapeutic and para-medical services

(Only applies to nursing and midwifery services)

Local Presence (Article 11.6)

Nurses and Midwives Act, Cap. 209, 2005 Revised Edition Cross-Border Trade in Services Only service suppliers who are registered with the Singapore Nursing

Board and/or its successor body and resident in Singapore shall be allowed to supply nursing and midwifery services.

21. Sector Industry Classification

Obligations Concerned

Measures

Description

Health and Social Services Medical Services

CPC 9312 Medical Services

Local Presence (Article 11.6)

Medical Registration Act, Cap. 174, 2004 Revised Edition Cross-Border Trade in Services

Only service suppliers who are registered with the Singapore Medical Council and/or its successor body, and resident in Singapore shall be allowed to supply medical services.

This reservation shall be read in conjunction with the Annex 11E (Singapore Cross-Border Trade in Services and Investment Reservations for Future Measures) reservation on the limit on the number of doctors who can practise in Singapore.

22. Sector

Industry Classification Obligations Concerned

Measures

Description

Health and Social Services Pharmacy Services

Local Presence (Article 11.6)

Pharmacists Registration Act, Cap. 230, 1985 Revised Edition Medicines Act, Cap. 176, 1985 Revised Edition

Cross-Border Trade in Services

Only service suppliers who are registered with the Singapore Pharmacy Board and/or its successor body and resident in Singapore shall be allowed to supply pharmacy services.

This reservation shall be read in conjunction with the Annex 11E (Singapore Cross-Border Trade in Services and Investment Reservations for Future Measures) reservation relating to the limit on the number of pharmacists who can practice in Singapore.

Only Singapore-registered pharmacists (apart from medical professionals) shall be able to do the following: prepare, dispense, assemble or sell medicinal products as defined under the Medicines Act.

For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the list of products as defined and/or listed in the Medicines Act.

23. Sector

Industry Classification

Obligations Concerned

Measures

Description

Import, Export and Trading Services

Local Presence (Article 11.6)

Regulation of Imports and Exports Act, Cap. 272A, 1996 Revised Edition Regulation of Imports and Exports Regulation

Cross-Border Trade in Services Only services suppliers with local presence shall be allowed to apply

for import/export permits, certificates of origin or other trade documents from the relevant authorities.

24. Sector

Industry Classification

Obligations

Concerned

Measures

Description

Telecommunications Services

Market Access (Article 11.5) National Treatment (Article 11.3) Local Presence (Article 11.6)

Info-communications Development Authority of Singapore Act, Cap. 137A, 2000 Revised Edition Telecommunications Act, Cap. 323, 2000 Revised Edition

Cross-Border Trade in Services

A facilities-based operator (FBO) must be a company incorporated under the Singapore Companies Act, Cap. 50, 2006 Revised Edition.

A services-based operator (SBO) must be a company incorporated under the Singapore Companies Act, Cap. 50, 2006 Revised Edition.

25. Sector

Industry Classification

Obligations

Concerned

Measures

Description

Telecommunications Services Domain name allocation policies in Internet country code top level domains (ccTLDs) corresponding to Singapore territories (.sg)

Market Access (Article 11.5) National Treatment (Article 11.3) Local Presence (Article 11.6)

Info-communications Development Authority of Singapore Act, Cap. 137A, 2000 Revised Edition

Telecommunications Act, Cap. 323, 2000 Revised Edition

The Internet Corporation for Assigned Names and Numbers (ICANN), which recognises the ultimate authority of sovereign Governments over ccTLDs corresponding to their territories.

Cross-Border Trade in Services

A registrar must be a company incorporated under the Singapore Companies Act, Cap. 50, 2006 Revised Edition.

26. Sector

Industry Classification

Obligations Concerned

Measures

Description

Power Supply

Market Access (Article 11.5) National Treatment (Article 11.3)

Electricity Act, Cap. 89A, 2002 Revised Edition, Sections 6(1) and 91)

Cross-Border Trade in Services

Power producers, whether or not foreign-owned and whether located within or outside Singapore, shall only sell power through the Singapore electricity wholesale market and shall not be allowed to sell directly to consumers.

The amount of power supplied cumulatively by power producers located outside of Singapore to Singaporeâs wholesale power market shall not exceed 600 MW.

Singapore reserves the right and flexibility to revise and/or reduce the power supply threshold of 600MW.

27. Sector

Industry Classification

Obligations Concerned

Measures

Description

Power Supply

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Electricity Act, Cap. 89A, 2002 Revised Edition

Cross-Border Trade in Services and Investment

Only SP Services Ltd and/or its successor body shall be allowed to supply electricity to:

(i) all household consumers of electricity;

(ii) non-household consumers of electricity whose average monthly consumption is below 10,000kWh; and

(iii) | consumers whose electricity is supplied at single-phase low voltage.

28. Sector

Industry Classification

Obligations Concerned

Measures

Description

Power Transmission and Distribution

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Electricity Act, Cap. 89A, 2002 Revised Edition Cross-Border Trade in Services and Investment

Only SP PowerAssets Ltd and/or its successor body shall be the transmission licensee as defined in the Electricity Act.

SP PowerAssets Ltd and/or its successor body shall be the sole owner and operator of the electricity transmission and distribution network in Singapore.

29. Sector

Industry Classification

Obligations Concerned Measures

Description

Tourism and Travel Related Services

Beverage serving services for consumption on the premises Meal serving services in eating facilities run by the government Retail sales of foods

CPC 643 Beverage serving services for consumption on the premises. CPC 642 Food serving services CPC 6310 Retail sales of food

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Environmental Public Health Act, Cap. 95, 1999 Revised Edition

Cross-Border Trade in Services and Investment

Only a Singapore citizen or permanent resident can apply for a licence to operate in their personal capacity a food establishment in places operated by the government.

30. Sector Industry Classification

Obligations Concerned

Measures

Description

Trade Services Distribution and Sale of Hazardous Substances

Market Access (Article 11.5) National Treatment (Article 11.3)

Environmental Pollution Control Act, Cap. 94A, 2000 Revised Edition, Section 22

Cross-Border Trade in Services

Only service suppliers with local presence shall be allowed to distribute and sell hazardous substances as defined in the Environmental Pollution Control Act.

For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the list of hazardous substances as defined and/or listed in the Environmental Pollution Control Act.

31. Sector

Industry Classification

Obligations Concerned

Measures

Description

Trade Services Distribution Services Retailing Services Wholesale Trade Services

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Medicines Act, Cap. 176, 1985 Revised Edition Cross-Border Trade in Services and Investment

Only service suppliers who appoint a local agent shall be allowed to supply wholesale, retail and distribution services for medical and health-related products and materials as defined under the Medicines Act, intended for purposes such as treating, alleviating, preventing or diagnosing any medical condition, disease or injury, as well as any other such items that may have an impact on the health and well- being of the human body.

Such products and materials include but are not limited to drugs and pharmaceuticals, traditional medicines, health supplements, diagnostic test kits, medical devices, cosmetics, tobacco products, radioactive materials and irradiating apparatuses.

For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the list of medical and health-related products and materials as defined and/or listed in the Medicines Act.

32. Sector

Industry Classification

Obligations Concerned

Measures

Description

Transport Services Air Transport Services -Ground Handling Services (including but not limited to cargo handling services)

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Civil Aviation Authority of Singapore Act, Cap. 41, 1985 Revised Edition

Cross Border Trade in Services and Investment

Only Singapore Airport Terminal Services (SATS), Changi International Airport Services (CIAS) and Swissport Singapore Pte Ltd and/or their respective successor bodies shall be allowed to provide ground handling services, including but not limited to cargo handling services at airports.

33. Sector

Industry Classification

Obligations Concerned

Measures

Description

Transport Services Air Transport Services - Passengers Transportation by Air Freight Transportation by Air

CPC 731 Passenger Transportation by Air CPC 732 Freight Transportation by Air

National Treatment (Article 10.3)

Investment

Service suppliers providing air transport services (for both passenger and freight) as a Singapore designated airline shall have to comply with the âeffective controlâ and/or âsubstantial ownershipâ requirements of Singaporeâs bilateral and multilateral air services agreements.

Compliance with the requirements of these agreements may require these service suppliers to comply with conditions on effective control and limits on the foreign ownership as stipulated in Singaporeâs bilateral and multilateral air services agreements.

34. Sector

Industry Classification

Obligations Concerned

Measures

Description

Transport Services Air Transport services

Market Access (Article 11.5)

Most-Favoured-Nation Treatment (Article 10.4, Article 11.4) Local Presence (Article 11.6)

National Treatment (Article 10.3, Article 11.3)

Senior Management and Board of Directors (Article 10.13)

Cross-Border Trade in Services and Investment

Only the Civil Aviation Authority of Singapore (CAAS) and/or its successor body shall be allowed to provide rescues and

firefighting services at all civil and military airports in Singapore.

35. Sector

Industry Classification

Obligations Concerned

Measures

Description

Transport Services

Maritime Transport Services

Cargo Handling Services

Pilotage Services

Supply of Desalinated Water to Ships berthed at Singapore ports or in Singapore territorial waters

CPC 741 Cargo Handling Services

CPC 74520 Pilotage and Berthing Services (only applies to Pilotage Services)

CPC 74590 Other Supporting Services for Water Transport

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition

Cross-Border Trade in Services and Investment

Only PSA Corporation Ltd and Jurong Port Pte Ltd and/or their respective successor bodies shall be allowed to provide cargo handling services.

Only PSA Marine (Pte) Ltd. and/or its successor body shall be allowed to provide pilotage services and supply desalinated water to ships berthed at Singapore ports or in Singapore territorial waters.

36. Sector Industry Classification

Obligations Concerned

Measures

Description

Transport Services Maritime Transport Services

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition

Cross-Border Trade in Services and Investment

Only local service suppliers shall be allowed to operate and manage cruise and ferry terminals.

Local service suppliers are either Singapore citizens or legal persons which are more than fifty percent (50%) owned by Singapore citizens.

37. Sector Industry Classification

Obligations Concerned

Measures

Description

Transport Services Maritime Transport Services

CPC 74590, Other Supporting Services for Water Transport

National Treatment (Article 10.3, Article 11.3)

Merchant Shipping Act, Cap. 179, 1996 Revised Edition Merchant Shipping (Registration of Ships) (Amendment) Regulations 2004

Cross-Border Trade in Services and Investment

Only a Singapore citizen or permanent resident or Singapore legal person shall be allowed to register a ship under the Singapore flag.

To register a ship, other than tugs and barges, in Singapore, the company shall have a minimum paid-up capital of S$50,000. To register a tug or barge in Singapore, the company and its holding company shall have a paid-up capital pegged to ten percent (10%) of the value of the first tug or barge registered or $$50,000 whichever is the lesser, subject to a minimum of S$10,000.

All Singapore legal persons seeking to register ships under the Singapore flag shall appoint a ship manager who is resident in Singapore.

Vessels or ships owned by Singapore legal persons that are not majority owned by Singapore citizens or Singapore permanent residents shall be of at least 1,600 Gross Tonnage and be self- propelled before they can be registered under the Singapore flag.

For the purposes of this reservation, a Singapore legal person is a locally incorporated company.

38. Sector Industry Classification Obligations

Concerned Measures

Description

Transport Services Maritime Transport Services

National Treatment (Article 11.3)

Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition, Section 40

Maritime and Port Authority of Singapore (Registration and Employment of Seamen) Regulations

Cross-Border Trade in Services Only Singapore citizens and permanent residents can register as

Singapore seamen as defined in the Maritime and Port Authority of Singapore Act.

39. Sector Industry Classification

Obligations Concerned

Measures

Description

Production, retail, transportation and distribution of manufactured gas and natural gas (piped gas)

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Gas Act, Cap. 116A, 2002 Revised Edition

Cross-Border Trade in Services and Investment

Only City Gas Ltd and/or its successor body shall be allowed to produce and retail manufactured gas.

Only PowerGas Ltd and/or its successor body shall be allowed to transport and distribute manufactured and natural gas (piped gas).

PowerGas Ltd and/or its successor body shall be the sole owner and operator of the gas pipeline in Singapore.

40. Sector Industry Classification Obligations Concerned

Measures

Description

Transport Services Transportation Services Via Pipeline

Transportation of goods via pipeline of goods such as chemical and petroleum products and petroleum, and other related products

Local Presence (Article 11.6) Administrative Cross-Border Trade in Services

Only service suppliers with local presence shall be allowed to provide transportation services via pipeline of goods such as chemical and petroleum products and petroleum, and other related products.

For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the list of the chemical and petroleum products, and other related products that are subject to this reservation.

41. Sector

Industry Classification

Obligations Concerned Measure

Description

Manufacturing and Services incidental to Manufacturing

National Treatment (Article 10.3) Most-Favoured-Nation Treatment (Article 10.4) Performance Requirements (Article 10.7)

Control of Manufacture Act, Cap 57, 2001 Revised Edition Investment

The manufacture of the following products, in Singapore, may be subject to certain restrictions:

(a) beer and stout;

(b) cigars;

(c) drawn steel products;

(d) chewing gum, bubble gum, dental chewing gum or any like substance (not being a medicinal product within the meaning of the Medicines Act (Cap. 176) or a substance in respect of which an order under section 54 of that Act has been made);

(e) cigarettes; and

(f) matches.

The restrictions are not aimed at, but may result in inconsistencies with Articles on National Treatment, Most-Favoured-Nation Treatment and Performance Requirements

A company intending to manufacture any of the above products in Singapore shall write in to the Registrar of Manufacturers for approval.

11D. PERU CROSS-BORDER TRADE IN SERVICES AND INVESTMENT RESERVATIONS FOR FUTURE MEASURES

HEADNOTE

1. This Annex sets out, pursuant to Article 10.14 (Non-Conforming Measures) of Chapter 10 (Investment) and Article 11.7 (Non-Conforming Measures) of Chapter 11 (Cross-Border Trade in Services), the reservations taken by a Party for sectors, sub- sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

(a) Article 10.3 (National Treatment) of Chapter 10 (Investment) or Article 11.3 (National Treatment) of Chapter 11 (Cross-Border Trade in Services);

(b) Article 10.4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment) or Article 11.4 (Most-Favoured-Nation Treatment) of Chapter 11 (Cross-Border Trade in Services);

(c) Article 11.5 (Market Access) of Chapter 11 (Cross-Border Trade in Services);

(d) Article 11.6 (Local Presence) of Chapter 11 (Cross-Border Trade in Services);

(e) Article 10.7 (Performance Requirements) of Chapter 10 (Investment); or

() Article 10.13 (Senior Management and Board of Directors) of Chapter 10 (Investment).

2. The sectors, sub-sectors or activities to which a reservation applies shall be stated in the Description of Reservation element. In the interpretation of a reservation, all elements of the reservation shall be considered in their totality.

3. The reservations and commitments related to cross-border trade in services shall be read together with the relevant guidelines, stated in GATT documents MTN.GNS/W/164 dated 3 September 1993 and MTN.GNS/W/164 Add.1 dated 30 November 1993.

4. Each entry ina Partyâs Schedule sets out the following elements: (a) Sector refers to the sector in which the entry is made; (b) Industry Classification refers, where applicable, to the activity covered by the non-conforming measure, according to the CPC codes as used in

the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No.77, Department of

(c)

(d)

()

International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);

Obligations Concerned specifies the obligation(s) referred to in paragraph 1;

Measures identify laws, regulations, rules, procedures, requirements, practices or any other form for which the reservation is made. A measure cited in the Measures element:

(i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and

(ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

Description, sets out the non-conforming measure to which the reservation applies.

1. Sector All Sectors Obligations Concerned Most-Favoured-Nation Treatment (Article 10.4; Article 11.4)

Description Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Peru reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:

(a) aviation; (b) fisheries; or

c maritime matters,''ââ' including salvage. gs 8

Dl For greater certainty, maritime matters include transport by lakes and rivers.

2. Sector

Obligations Concerned

Description

Indigenous Communities, Peasant, Native, and Minority Affairs

National Treatment (Article 10.3, Article 11.3) Most-Favoured-Nation Treatment (Article 10.4; Article 11.4) Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Board of Directors (Article 10.13)

Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities and ethnic groups. For purposes of this entry: ethnic groups means indigenous, native and peasant communities.

3. Sector

Obligations Concerned

Description

Fishing and Services Related to Fishing

National Treatment (Articles 10.3, Article 11.3) Most Favoured Nation Treatment (Article 10.4, Article 11.4) Performance Requirements (Article 10.7)

Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to artisanal fishing.

4. Sector:

Obligations Concerned:

Description:

Cultural Industries

Most-Favoured-Nation Treatment (Article 10.4; Article 11.4)

Investment and Cross-Border Trade in Services

For purposes of this entry, the term cultural industries means:

(a) Publication, distribution, or sale of books, magazines, periodical publications, or printed or electronic newspapers, excluding the printing and typesetting of any of the foregoing;

(b) Production, distribution, sale, or display of recordings of movies or videos;

(c) Production, distribution, sale, or display of music recordings in audio or video format;

(d) Production and presentation of theater arts!!.

(e) Production and exhibition of visual arts;

(f) Production, distribution, or sale of printed music scores or scores readable by machines;

(g) Design, production, distribution and sale of handicrafts; or

(h) Radiobroadcasts aimed at the public in

general, as well as all radio, television, and cable television-related activities, satellite programming services, and broadcasting networks.

Peru reserves the right to adopt or maintain any measure giving preferential treatment to persons of other countries pursuant to any existing or future bilateral or multilateral international agreement regarding cultural industries, including audio-visual cooperation agreements.

For greater certainty, Article 10.3 (National Treatment) and Article 10.4 (Most-Favoured-Nation Treatment) and Chapter 11 (Cross-Border Trade in Services) do not apply to government support for the promotion of cultural industries.

â1D? Theater arts means live performances or presentations such as drama, dance, or music.

5. Sector:

Obligations Concerned:

Description:

Handicraft Industries

National Treatment (Article 11.3) Performance Requirements (Article 10.7)

Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to the design, distribution, retailing, or exhibition of handicrafts that are identified as Peruvian handicrafts.

Performance requirements shall in all cases be consistent with the WTO Agreement on Trade-Related Investment Measures.

6. Sector:

Obligations Concerned:

Description:

Audio-Visual Industry

National Treatment (Article 11.3) Performance Requirements (Article 10.7)

Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure whereby a specified percentage (up to twenty percent (20%)) of the total cinematographic works shown on an annual basis in cinemas or exhibition rooms in Peru consist of Peruvian cinematographic works. In establishing such percentage, Peru shall take into account factors including the national cinematographic production, the existing exhibition infrastructure in the country and attendance.

7. Sectors:

Obligations Concerned:

Description:

Jewelry Design Theater Arts Visual Arts Music Publishing

National Treatment (Article 11.3) Performance Requirements (Article 10.7)

Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure conditioning the receipt or continued receipt of government support for the development and production of jewelry design, theater arts, visual arts, music, and publishing on the recipient achieving a given level or percentage of domestic creative content.

8. Sector:

Obligations Concerned:

Description:

Audio-Visual Industry Publishing Music

National Treatment (Article 10.3; Article 11.3) Most-Favoured-Nation Treatment (Article 10.4; Article 11.4)

Investment and Cross-Border Trade in Services

Peru may adopt or maintain any measure that affords a person of the other Party the treatment that is afforded by that Party to Peruvian persons in the audiovisual, publishing, and music sectors.

9. Sector

Obligations Concerned

Description

Social Services

National Treatment (Article 10.3, Article 11.3) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4) Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Board of Directors (Article 10.13)

Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security and insurance, social security, social welfare, public education, public training, health, and childcare.

10. Sector: Obligations Concerned:

Description:

Public Supply of Potable Water Local Presence (Article 11.6) Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to the public supply of potable water.

11. Sector: Obligations Concerned:

Description:

Public Sewage Services Local Presence (Article 11.6) Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to public sewage services.

12. Sector:

Obligations Concerned:

Description:

Telecommunications

Most-Favoured-Nation Treatment (Article 11.4) Local Presence (Article 11.6)

Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to the granting of a concession for the installation, operation, and exploitation of public telecommunication services.

13. Sector:

Obligations Concerned:

Description:

Education

National Treatment (Article 11.3) Most-Favoured-Nation Treatment (Article 11.4) Local Presence (Article 11.6)

Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to natural persons who render educational services, including teachers and auxiliary personnel rendering educational services in basic and superior education including âeducaciÃ©n tÃ©cnico productivaâ as well as other people who render services related to education included sponsors of educational institutions of any level or stage of the educational system.

14. Sector: Obligations Concerned:

Description:

Transport: Road Transport Services National Treatment (Article 11.3) Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure that authorizes only Peruvian natural or juridical persons to supply land transportation of persons or merchandises inside the territory of Peru (cabotage). For this, the enterprises shall use the Peruvian automobile park.

15. Sector:

Obligations Concerned:

Description:

Transport: International Road Transport Services

National Treatment (Article 10.3, Article 11.3) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Local Presence (Article 11.6)

Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to the international land transportation of cargo or passengers in the bordering zones.

Additionally, Peru reserves the right to adopt or maintain the following limitations for the supply of international land transportation from Peru:

1. the service supplier must be a Peruvian natural or juridical person;

2. must have a real and effective domicile in Peru; and

3. in the case of juridical persons, it must be legally constituted in Peru, more than fifty percent (50%) of the capital must be owned by Peruvian citizens and the effective control must be under Peruvian citizens.

16. Sector: Obligations Concerned:

Description:

All Sectors Market Access (Article 11.5) Cross- Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to Article 11.5 (Market Access), except for the following sectors and sub-sectors subject to the limitations and conditions listed below:

Legal Services: For (a) and (c): None, except that the number of notary positions is limited as follows:

(a) two hundred (200) for the capital;

(b) forty (40) for each department capital; and

(c) twenty (20) for each provincial capital (including the Constitutional Province of Callao). For (b): None. For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

Architectural Services: For (a), (b) and (c): None, except that to obtain temporary registration, non-resident foreign architects must have a contract of association with a Peruvian architect residing in Peru. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Engineering Services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Veterinary Services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Services provided by midwives, nurses, physiotherapists, and paramedical personnel: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

Computer and Related Services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Real Estate Services: Involving owned or leased property or on a fee or contract basis: For (a), (b) and (c): None.

For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

Rental/leasing services without crew/operators, related to vessels, aircraft, any other transport equipment, and other machinery and equipment: For (a), (b) and (c): None, except that:

A âNational Shipownerâ or âNational Ship Enterpriseâ means a natural person of Peruvian nationality or juridical person constituted in Peru, with its principal domicile and real and effective headquarters in Peru, whose business is to provide water transportation services for cabotage or international traffic and which is the owner or lessee under a financial lease or a bareboat charter, with an obligatory purchase option, of at least one Peruvian flag merchant ship and that has obtained the relevant Operation Permission from the General Aquatic Transport Directorate.

Cabotage is exclusively reserved to Peruvian flagged vessels owned by a National Shipowner or National Ship Enterprise or leased under a financial lease or a bareboat charter, with an obligatory purchase option, except that:

(i) Twenty-five percent (25%) of the transport of hydrocarbons in national waters is reserved for the boats of the Peruvian Navy; and

(ii) Foreign-flagged vessels may be used by a National Shipowner or National Ship Enterprise for a period of no more than six (6) months for water transportation exclusively between Peruvian ports or cabotage when such an entity does not own its own vessels or lease vessels.

For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

Advertising services: For (a), (b) and (c): None, except that: Commercial advertising produced in Peru, must have at least eighty percent (80%) of national artists. National artists shall receive no less than sixty percent (60%) of the total payroll for wages and salaries paid to artists. The same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in commercial advertising. For (d): No commitments, except as indicated in the âLey de Artista, IntÃ©rprete y Ejecutanteâ and âLey para la Contratacion de Trabajadores Extranjerosâ.

Market research and public opinion polling services, management consulting services, services related to management consulting, and technical testing and analysis services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Services related to agriculture, hunting, and forestry: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Services related to mining, placement and supply services of personnel, and investigation and security services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Maintenance and repair of equipment (not including vessels, aircraft, or other transport equipment), building- cleaning services, photographic services, packing services and convention services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

Printing and publishing services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Telecommunication Services: For (a), (b), (c) and (d): Peru reserves the right to adopt or maintain any measure that is not inconsistent with Peruâs obligations under Article XVI of GATS, except for:

Carrier telecommunications services, private telecommunications services and value added services: For (a), (b), (c): None, except for the obligation of obtaining a concession, authorization, registry or any other title which Peru considers convenient to grant in order to habilitate the suppliers to provide these services. The juridical persons constituted under Peruvian law can be eligible for a concession.

Call-back, understood as being the offer of telephone services for the realization of attempts to make calls originating in the country with the objective of obtaining a return call with an invitation to dial, coming from a basic

telecommunications network located outside the national territory, is prohibited.

International traffic shall be routed through the installations of a company holding a concession or other permission for operation granted by the âMinisterio de Transporte y Comunicacionesâ.

For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

For greater certainty, Peruâs telecommunication specific commitments under this entry shall not be interpreted to be in any way more restrictive with Peruâs specific commitments under GATS.

Commission agents services (except hydrocarbons): For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Retailing services, except alcohol and tobacco: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Wholesale trade services (except hydrocarbons): For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Franchising: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Repairment services of domestic and personal belongings: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Hotels and restaurants (including catering), travel sagencies and tour operators services, and tourist guide services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Entertainment services (including theater, live bands, and circuit services), news agencies services, libraries,

archives, museums, and other cultural and_ sporting services: For (a), (b) and (c): None, except that:

i Any domestic artistic audiovisual production and any domestic artistic live performance must be comprised at least of eighty percent (80%) of national artists. National artists shall receive no less than sixty percent (60%) of the total payroll for wages and salaries paid to artists. The same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in artistic activities.

ii. A foreign circus may stay in Peru with the original cast for a maximum of ninety (90) days. This period may be extended for the same period of time. If it is extended, the foreign circus will include a minimum of thirty percent (30%) Peruvian nationals as artists and fifteen (15%) Peruvian nationals as technicians. The same percentages shall apply to the payroll of salaries and wages

For (d): No commitments, except as indicated in the âLey de Artista, IntÃ©rprete y Ejecutanteâ and âLey para la Contratacion de Trabajadores Extranjerosâ.

Exploitation of facilities for competitive and recreational sports: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Recreational parks services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

Road Transport: rental of commercial vehicles with operator, maintenance and repair of road transport equipment, and exploitation of roads, bridges and tunnels services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Services auxiliary to all transport: cargo handling services; storage and warehouse services; freight transport agency services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

Aircraft repair and maintenance services: For (a): No commitments. For (b) and (c): None. For (d): No

commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Selling and marketing of air transport services, and computer reservation system services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Research and Development services on natural sciences: For (a), (b) and (c): None, except that a permission of operation may be required and the competent authority may state the incorporation to the expedition of one or more representatives of the Peruvian pertinent activities, in order to participate and know the studies and its scope. For (d): No commitments, execept as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

Research and Development services on social sciences and humanities: For (a), (b) and (c): None, subject to the respective authorizations of the competent authority. For (d): No commitments, except as indicated in the âLey para la ContrataciÃ©n de Trabajadores Extranjerosâ.

Interdisciplinary Research and Development services: For (a), (b) and (c): None, except that a permission of operation may be required. For (d): No commitments, except as indicated in the âLey para la Contratacion de Trabajadores Extranjerosâ.

For purpose of this non-conforming measure:

1. (a) refers to the supply of a service from the territory of one Party into the territory of the other Party;

2. (b) refers to the supply of a service in the territory of a Party by one person of that Party to a person of the other Party;

3. (c) refers to the supply of a service in the territory of a Party by an investor of the other Party or by a covered investment; and

4. (d) refers to the supply of a service by a national of a Party in the territory of the other Party.

ANNEX 11E : SINGAPORE CROSS-BORDER TRADE IN SERVICES AND INVESTMENT RESERVATIONS FOR FUTURE MEASURES

HEADNOTE

1. This Annex sets out, pursuant to Article 10.14 (Non-Conforming Measures) of Chapter 10 (Investment) and Article 11.7 (Non-Conforming Measures) of Chapter 11 (Cross-Border Trade in Services), the reservations taken by a Party for sectors, sub- sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

(a) Article 10.3 (National Treatment) of Chapter 10 or Article 11.3 (National Treatment) of Chapter 11 (Cross-Border Trade in Services);

(b) Article 10.4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment) or Article 11.4 (Most-Favoured-Nation Treatment) of Chapter 11 (Cross-Border Trade in Services);

(c) Article 11.5 (Market Access) of Chapter 11 (Cross-Border Trade in Services);

(d) Article 11.6 (Local Presence) of Chapter 11 (Cross-Border Trade in Services);

(e) Article 10.7 (Performance Requirements) of Chapter 10 (Investment); or

() Article10.13 (Senior Management and Board of Directors) of Chapter 10 (Investment).

2. The sectors, sub-sectors or activities to which a reservation applies shall be stated in the Description of Reservation element. In the interpretation of a reservation, all elements of the reservation shall be considered in their totality.

3. The reservations and commitments related to cross-border trade in services shall be read together with the relevant guidelines, stated in GATT documents MTN.GNS/W/164 dated 3 September 1993 and MTN.GNS/W/164 Add.1 dated 30 November 1993.

4. Each entry ina Partyâs Schedule sets out the following elements: (a) Sector refers to the sector in which the entry is made;

(b) Industry Classification refers, where applicable, to the activity covered by the non-conforming measure, according to the CPC codes as used in the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No.77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);

(c)

(d)

()

Obligations Concerned specifies the obligation(s) referred to in paragraph 1;

Measures identify laws, regulations, rules, procedures, requirements, practices or any other form for which the reservation is made. A measure cited in the Measures element:

(i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and

(ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

Description, sets out the non-conforming measure to which the reservation applies.

1. Sector Industry Classification

Obligations Concerned

Description

Existing Measures

All

Market Access (Article 11.5)

National Treatment (Article 11.3) Most-Favoured-Nation Treatment (Article 11.4) Local Presence (Article 11.6)

Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, or other movement of natural persons, including immigration, entry or temporary entry, except that for the categories established in Annex 12A (Temporary Entry for Business Persons) Section A (Business Visitors), Section B (Investors) and Section C (Intra-Company Transferees), such right is subject to the provisions of Chapter 12 (Temporary Entry for Business Persons) and Annex 12A (Temporary Entry for Business Persons).

2. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

All

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross-Border Trade in Services and Investment

Singapore reserves the right to adopt or maintain any measure in relation to the divestment of the administrator and operator of airports.

3. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

All

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of health services by government-owned or controlled healthcare institutions, such as hospitals and polyclinics, including investments in these institutions, hospitals and polyclinics.

4. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

All

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of social services, social security, public training, public law enforcement, ambulance services, correctional services and fire fighting services.

5. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

All

National Treatment (Article 10.3)

Market Access (Article 11.5)

Local Presence (Article 11.6)

Most-Favoured-Nation Treatment (Article 10.4) Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13)

Cross-Border Trade in Services and Investment Singapore reserves the right to maintain or adopt any measure

affecting, including but not limited to, the alienation and divestment of real estate owned by the State.

State Lands Act, Cap. 314, 1996 Revised Edition

6. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

All

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross-Border Trade in Services and Investment Singapore reserves the right to maintain or adopt any measure affecting:

(a) the full or partial devolvement to the private sector of services provided in the exercise of governmental authority;

(b) the divestment of its equity interests in, and/or the assets of, an enterprise that is wholly owned by the Singapore government; and

(c) the divestment of its equity interests in, and/or the assets of, an enterprise that is partially owned by the Singapore government.

7. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Urban and Land Planning and Development

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the type of activities which may be conducted on land or the usage of land, including but not limited to, its land zoning, land use and urban planning policies.

8. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Administration and Operation of National Electronic Systems

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the administration and operation of any national electronic system which contains proprietary information of the government or information gathered pursuant to regulatory functions and powers. Such measures apply to existing national electronic systems like TradeNet and Marinet and any other national electronic systems that may be established in the future.

9. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Arms and Explosives

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the arms and explosives sector. The manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives are regulated for protection of vital security interests.

Arms and Explosives Act, Cap. 13, Revised Edition 1985

10. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Broadcasting Services

Broadcasting services refers to the scheduling ofa series of literary and artistic works by a content provider for aural and/or visual reception, and for which by a content provider has no choice over the scheduling of the series.

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to adopt or maintain any measures affecting broadcasting services receivable by Singaporeâs domestic audience, to international broadcasting services originating from Singapore, and to the allocation of spectrum in relation to broadcasting services.

This reservation does not apply to the sole activity of transmitting licensed broadcasting services to a final consumer.

11. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Business Services Credit Reporting Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to adopt or maintain any measure affecting the supply of credit reporting services.

12. Sector

Industry Classification Obligations

Concerned

Description

Existing Measures

Business Services Patent Agent Services

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Cross Border Trade in Services and Investment

Singapore reserves the right to adopt or maintain any measure affecting the recognition of educational and professional qualifications for purposes such as admission, registration and qualification for patent agents.

Patents Act, Cap. 221, 1995 Revised Edition

13. Sector

Industry Classification

Obligations

Concerned

Description

Existing Measures

Business Services Real Estate Services

(does not apply to real estate consultancy services, real estate agency services, real estate auction services and real estate valuation services)

CPC 82 Real Estate Services

(does not apply to real estate consultancy services, real estate agency services, real estate auction services and real estate valuation services)

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting real estate services. This includes, but is not limited to, measures affecting the ownership, sale, purchase, development and management of real estate.

This reservation does not apply to real estate consultancy services, real estate agency services, real estate auction services and real estate valuation services.

Residential Property Act, Cap. 274, 2006 Revised Edition

State Lands Act, Cap. 314, 1996 Revised Edition

Housing and Development Act, Cap. 129, 1997 Revised Edition Jurong Town Corporation Act, Cap. 150, 1998 Revised Edition Executive Condominium Housing Scheme Act, Cap. 99A, 1997 Revised Edition

14. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Business Services Armed Escort Services and Armoured Car Services Armed Guard Services

CPC 87305 Guard Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the provision of armed escort, armoured car and armed guard services.

Part IX of the Police Force Act, Cap. 235, 1985 Revised Edition.

15. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Business Services Betting and Gambling Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of betting and gambling services.

Betting Act, Cap. 21, 1985 Revised Edition Common Gaming Houses Act, Cap. 49, 1985 Revised Edition Private Lotteries Act Cap 250

16. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Business - Professional Services (Legal Services)

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of legal services in Singapore.

17. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Community, Personal and Social Services Services furnished by co-operative societies Services furnished by trade unions

CPC 952 Services furnished by trade unions

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting services provided by co-operative societies and trade unions.

Co-operative Societies Act, Cap. 62, 1985 Revised Edition Trade Unions Act, Cap. 333, 1985 Revised Edition

18. Sector Defence

Industry - Classification

Obligations National Treatment (Article 10.3) Concerned Senior Management and Boards of Directors (Article 10.13)

Description Investment

Singapore reserves the right to adopt or maintain any measure in relation to the retention of a controlling interest by the Singapore Government in Singapore Technologies Engineering (the Company) and/or its successor body, including but not limited to controls over the appointment and termination of members of the Board of Directors, divestment of equity and dissolution of the Company for the purpose of safeguarding the security interest of Singapore.

Existing - Measures

19. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Distribution, Publishing and Printing of Newspapers

Newspapers means any physical publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments relating thereto or to any matter of public interest, printed in any language and published for sale or free distribution at intervals not exceeding one week.

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the publishing or printing of newspapers, including but not limited to, shareholding limits and management control.

The distribution of any newspaper, whether published outside of Singapore or in Singapore, shall be subject to the laws of Singapore.

Newspaper and Printing Presses Act, Cap 206. 1991 Revised Edition

20. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Trade Services

Distribution Services Commission Agentsâ Services Wholesale Trade Services Retailing Services Franchising

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of any products subject to import prohibition or non- automatic import licensing.

Singapore reserves the right to modify and/or increase the list of products stipulated in the laws, regulations and other measures governing Singaporeâs import prohibition or non-automatic import licensing regime.

21. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Educational Services Primary Education Services Secondary Education Services

CPC 921 Primary Education Services

CPC 92210 General Secondary Education Services

CPC 92220 Higher Secondary Education Services (only applies to Junior colleges and pre-university centres under the Singapore educational system)

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of primary, general secondary and higher secondary (only applies to junior colleges and pre-university centres under the Singapore educational system) education services for Singapore citizens, including Sport Education Services.

Education Act, Cap. 87, 1985 Revised Edition Administrative Guidelines

22. Sector

Industrial Classification

Obligations Concerned Description

Existing Measures

Health and Social Services

Medical Services

Services Provided by Nurses and Midwives Pharmacy Services

CPC 9312 Medical Services

CPC 93191 Services provided by midwives, nurses, physiotherapists and para-medical personnel

Market Access (Article 11.5)

Cross-Border Trade in Services

Singapore reserves the right to adopt or to maintain any limits on the number of doctors and pharmacists who can practice in Singapore.

23. Sector

Industrial Classification Obligations

Concerned

Description

Existing Measures

Health and Social Services Services provided by health-related professionals

National Treatment (Article 10.3, Article 11.3) Local Presence (Article 11.6) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to adopt or maintain any measure in relation to the recognition of educational and _ professional qualifications for the purposes of admission, registration and qualification of health-related professionals, including but not limited to contact lens practitioners, dentists, doctors, pharmacists, nurses, midwives and traditional Chinese medicine practitioners.

Contact Lens Practitioner Act, Cap. 53A, 1996 Revised Edition Dentists Act, Cap. 76, 2000 Revised Edition

Medical Registration Act, Cap. 174, 1998 Revised Edition

Nurses and Midwives Act, Cap. 209, 2005 Revised Edition Pharmacists Registration Act, Cap. 230, 1985 Revised Edition Traditional Chinese Medicine Practitioners Act, Cap. 333A, 2001 Revised Edition

24. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Sewage and Refuse Disposal, Sanitation and Other Environmental Protection Services

Waste Water Management, including but not limited to collection, disposal and treatment of solid waste and waste water.

CPC 9401 Sewerage Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting waste water management, including but not limited to the collection, treatment and disposal of waste water.

Code of Practice on Sewerage and Sanitary Works Sewerage and Drainage Act, Cap. 294, 2001 Revised Edition

25. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Sewage and Refuse Disposal, Sanitation and Other Environmental Protection Services New Environmental Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of any new environmental services.

26. Sector

Industry Classification

Obligations concerned

Description

Existing Measures

Telecommunications Services

Market Access (Article 11.5) National Treatment (Article 10.3, Article 11.3)

Cross-Border Trade in Services and Investment

Singapore reserves the right to restrict foreign ownership in facilities-based telecommunication services up to forty-nine percent (49%) foreign ownership.

27. Sector Industry Classification

Type of Reservation

Description

Existing Measures

Postal Services Courier Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measures affecting the supply of Postal and Courier Services.

28. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Trade Services Supply of Potable Water for Human Consumption

CPC 18000 Natural Water

The sectors listed above apply only insofar as they relate to the supply of potable water.

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of potable water.

Public Utilities Act, Cap. 261, 1996 Revised Edition Public Utilities Act 2001, Act 8 of 2001

29. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Transport Services Air Transport Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4) Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the investment in, and/or the supply of, computer reservation systems; air navigation services; air traffic control services; licensing of air traffic controllers; airspace management; air traffic flow information; air traffic and flight information; navigation services; aeronautical information; aerodrome rescue and fire fighting services; ground operations; terminal operations, flight information management; apron control services, security of aerodromes and commercial activities; and the real estate management of airports and heliports.

30. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Transport Services Air Transport Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment Singapore reserves the right to maintain or adopt any measure affecting, including but not limited to, the building, ownership, operation and management of airports and heliports in Singapore.

31. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Transport Services

Land Transport Services â Public Transport Services, including but not limited to Passenger Transportation services by Railway, Urban and Suburban Regular Transportation Services, Taxi Services; Bus and Rail Station Services and Ticketing Services related to public transport services

Public Transport Services are services which are used by and accessible to members of the public for the purposes of transporting themselves within Singapore.

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of public transport services.

Public transport services are services which are used by and accessible to members of the public for the purposes of transporting themselves within Singapore.

Rapid Transit Systems Act, Cap. 263A

Land Transport Authority of Singapore Act, Cap. 158A, 1996 Revised Edition

Public Transport Council Act, Cap. 259B, 2000 Revised Edition

32. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Transport Services

Land Transport Services â Rail and Road Freight transportation. Supporting services for rail and road transport services.

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of land transport services as set out above.

33. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Transport Services Services Auxiliary to All Modes of Transport

CPC 742, Storage and Warehousing Services

CPC 748, Freight Transport Agency Services

(does not apply to freight forwarding by air)

CPC 749, Other Supporting and Auxiliary Transport Services

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13) Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross Border Trade in Services and Investment

Singapore reserves the right to adopt or maintain any measure that accords treatment to persons of the other Party equivalent to any measure adopted or maintained by the other Party in relation to the provision of storage and warehousing, freight forwarding (excluding freight forwarding by air), inland trucking, container station, and

depot services by persons of Singapore.

34. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

Transport Services

Maritime Transport Services â Towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; port captainâs services; navigation aids; emergency repair facilities; anchorage; and other shore-based operational services essential to ship operations, including communications, water and electrical supplies.

CPC 72140, Towing and Pushing Services

CPC 74510, Port and Waterway Operation Services

CPC 74520, Pilotage and Berthing Services

CPC 74530, Navigation Aid Services

CPC 74540, Vessel Salvage and Refloating Services

CPC 74590, Other Supporting Services for Water Transport

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13)

Cross-Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; port captainâs services; navigation aids; emergency repair facilities; anchorage; and other shore-based operational services essential to ship operations, including communications, water and electrical supplies.

For greater certainty, no measures shall be applied which deny international maritime transport operators reasonable and non-

discriminatory access to the above port services.

MPA Act Cap 170A, Section 41 (part VIII)

35. Sector

Industry Classification Obligations Concerned

Description

Existing Measures

Transport Services Internal Waterways Transport Services

CPC 722, Transport Services By Non-Seagoing Vessels

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13)

Cross Border Trade in Services and Investment

Singapore reserves the right to maintain or adopt any measure affecting the supply of internal waterways transportation services.

36. Sector

Industry classification

Obligations Concerned

Description

Existing Measures

Trade Services Wholesale trade services and retail trade services of alcoholic beverages and tobacco

Market Access (Article 11.5)

National Treatment (Article 10.3, Article 11.3)

Local Presence (Article 11.6)

Performance Requirements (Article 10.7)

Senior Management and Boards of Directors (Article 10.13)

Cross-Border Trade in Services and Investment Singapore reserves the right to adopt or maintain any measure

affecting the supply of wholesale and retail trade services of tobacco products and alcoholic beverages.

37. Sector

Industry Classification

Obligations Concerned

Description

Existing Measures

All

Most-Favoured-Nation Treatment (Article 10.4, Article 11.4)

Cross-Border Trade in Services and Investment

Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:

(a) Air Services;

(b) Maritime and Port matters;

(c) Land Transport matters;

(d) Postal and Courier Services matters; (e) Telecommunication Services matters; (f) E-commerce matters

Two years after the entry into force of this Agreement, the Parties shall review this reservation with regard to courier services and e-commerce matters with the objective to achieve greater liberalization and better treatment between the Parties.

38. Sector

Industry Classification

Obligations Concerned

Description

All

Market Access (Article 11.5)

Cross-Border Trade in Services and Investment

Singapore reserves the right to adopt or maintain any measure that is not inconsistent with Singaporeâs obligations under Art XVI of the WTO General Agreement on Trade in Services, except for the following sectors and sub-sectors subject to the limitation and conditions listed above:

Taxation Services except for other tax-related services (CPC 863**): For (a), (b), and (c) : None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Other tax-related services (CPC 86309**): For (a) and (c), None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore. Only Public Accountants registered with the Public Accountants Board Singapore can practice as tax Consultants for local tax laws. For (b), None. For (d), No commitments except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Landscaping services (CPC 86742**) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Research and Development services on natural sciences, specifically biotechnology services and industrial research (CPC 851**) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Research and Development services on social sciences and humanities, specifically economic and behavioural research (CPC 852**) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Interdisciplinary Research and Development services for projects undertaken by education institutions (CPC 853**) : For (a), (b) and (c), None. For (d), No commitments, except as

indicated in Chapter 12 (Temporary Entry of Business Persons).

Residential and non-residential property management services on a fee or contract basis (CPC 82201, 82202) : For (a) and (c), None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. For (b), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Rental/Leasing Services without Operators, Relating to Ships (CPC 83103) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Rental/Leasing Services without Operators, Relating to Aircraft (CPC 83104) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Rental/Leasing Services without Operators, Relating to Motor Vehicles (CPC 831**) : For (a), None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited. For (b) and (c), None. For (d), No commitments except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Management Consulting Services (CPC 865) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Services related to management consulting (CPC 866) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Technical testing and analysis services, Technical testing and analysis services of motor vehicles (CPC 8676**) : For (a), No commitments. For (b) and (c), None. For (d), No commitments except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Technical testing and analysis services, excluding testing and analysis services of motor vehicles and classification societies (CPC 8676**) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Placement and supply services of personnel (CPC 872) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Investigation and security, Security consultation services (CPC 87302) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Investigation and security, Alarm monitoring services (CPC 87303) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Investigation and security, Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861 â 8866**) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Building Cleaning Services (CPC 874) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Photographic Services (CPC 875) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Packaging services (CPC 876) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Distribution Services, Commission Agentsâ Services except for pharmaceutical and medical goods and cosmetics (CPC 621, except CPC 62117) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Distribution Services, Wholesale Trade Services except for pharmaceutical goods and medical goods and surgical and orthopaedic instruments (CPC 622**) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Distribution Services, Franchising Services (CPC 8929**) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Education Services, Adult Education Services (CPC 924 n.e.c.) : For (a), (b) and (c), None. For (d), No commitments, except as

indicated in Chapter 12 (Temporary Entry of Business Persons).

Education Services, Short term training including language

courses (CPC 92900**) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Environmental Services, Sanitation and similar services (CPC 9403) : For (a), No commitments. For (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Environmental Services, Cleaning services of exhaust gases (CPC 9404) : For (a), No commitments. For (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Environmental Services, Noise abatement services (CPC 9405) : For (a), No commitments. For (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Health related and Social Services, Acute care hospitals, nursing homes and convalescent hospitals as defined by the Private Hospitals and Medical Clinics Act, run on a commercial basis (CPC 93193**) : For (a), No commitments. For (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Health related and Social Services, Guidance and counseling services not elsewhere classified related to children (CPC 93322) : For (a), No commitments. For (b), None except no commitments for a non-resident service supplier soliciting business or conducting active marketing in Singapore. For (c), None except no commitments for facilities/service operations run by non-profit service suppliers that are partially or totally state- funded. For (d) No commitments except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Health related and Social Services, Welfare services not delivered through residential institutions (CPC 93323) : For (a), No commitments. For (b), None except no commitments for a non-resident service supplier soliciting business or conducting active marketing in Singapore. For (c), None except unbound for facilities/service operations run by non-profit service suppliers that are partially or totally state-funded. For (d), No commitments except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Tourism and Travel Related Services, Tourist Guide Services (CPC 7472) : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Existing Measures

Washing, Cleaning and dyeing services (CPC 9701) : For (a), No commitments. For (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Hairdressing and other beauty services (CPC 9702) : For (a), No commitments. For (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Funeral, cremation and undertaking services except maintenance services of cemeteries, care of graves and graveyards (CPC 97030**) : For (a), No commitments. For (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Maritime Auxiliary Services, International Towage : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

Maritime Auxiliary Services, Classification societies, except for statutory services for Singapore flag ships : For (a), (b) and (c), None. For (d), No commitments, except as indicated in Chapter 12 (Temporary Entry of Business Persons).

For purpose of this non-conforming measure:

1. (a) refers to the supply of a service from the territory of one Party into the territory of the other Party;

2. (b) refers to the supply of a service in the territory of a Party by one person of that Party to a person of the other Party;

3. (c) refers to the supply of a service in the territory of a Party by an investor of the other Party or by a covered investment; and 4. (d) refers to the supply of a service by a national of a Party in the territory of the other Party.

Annex 12A. TEMPORARY ENTRY FOR BUSINESS PERSONS

Section A - Business Visitors

1. Each Party shall grant temporary entry to a business person, without requiring that person to obtain an employment authorization, provided that the business person otherwise complies with immigration measures applicable to temporary entry, on presentation of

(a) proof of nationality ofa Party;

(b) documentation demonstrating that the business person will be so engaged and describing the purpose of entry; and

(c) evidence demonstrating that the proposed business activity is international in scope and that the business person is not seeking to enter the local labor market.

2. Each Party may provide that a business person satisfy the requirements of paragraph 1(c) by demonstrating that:

(a) the primary source of remuneration for the proposed business activity is outside the territory of the Party granting temporary entry; and

(b) the business personâs principal place of business and the actual place where the most part of profits are obtained remain outside such territory.

3. Neither Party may:

(a) as a condition for temporary entry under paragraph 1, require prior approval procedures, petitions, labour certification tests, or other procedures of similar effect; or

(b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

4. Notwithstanding paragraph 3, a Party may require the business person who requests a temporary entry under this Section to obtain a visa or an equivalent document, in accordance with its domestic laws.

Section B - Investors

5. Each Party shall grant temporary entry and provide confirming documentation to a business person seeking to establish, develop or administer an investment to which the business person or the business personâs enterprise has committed, or is in the process of committing, a substantial amount of capital, in a capacity that is supervisory, executive,

or involves essential skills, provided that the business person otherwise complies with immigration measures applicable to temporary entry.

6. Neither Party may:

(a) as a condition for temporary entry under paragraph 5, require labour certification tests or other procedures of similar effect; or

(b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

7. Notwithstanding paragraph 6, a Party may require the business person who seeks a temporary entry under this Section to obtain, before the entry, a visa or an equivalent document, in accordance with its domestic laws.

Section Section C â Intra-Company Transferees

8. Each Party shall grant temporary entry and provide confirming documentation to a business person employed by an enterprise who seeks to render services to that enterprise or a subsidiary or an affiliate thereof, as a manager, an executive, specialist, provided that the business person otherwise complies with immigration measures applicable to temporary entry. A Party may require the business person to have been employed continuously by the enterprise for one year within the 3-year period immediately preceding the date of the application for admission.

9. Neither Party may impose or maintain any numerical restriction relating to temporary entry under paragraph 8.

10. Each Party may require labour contract approval or any other document authorizing employment to a business person by the relevant authority as a requirement for temporary entry.

11. For the purpose of this section it is understood that:

(a) a manager â a business person within an organisation who primarily directs the organisation or a department or sub-division of the organisation, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorisation), and exercises discretionary authority over day-to-day operations. This does not include a first-line supervisor, unless the employees supervised are professionals, nor does this include an employee who primarily performs tasks necessary for the provision of the service or operation of an investment;

(b) an executive â a business person within an organisation who primarily directs the management of the organisation, exercises wide latitude in decision-making, and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service or the operation of an investment; or

(c) a specialist â a business person within an organisation who possesses knowledge at an advanced level of expertise or who possesses proprietary knowledge of the organisationâs service, research equipment, techniques, or management. (A specialist may include, but is not limited to, members of a licensed profession.)

12. For greater certainty, nothing in this section shall be construed in a sense that affects the labour legislation of each Party.

APPENDIX

For Peru

Category

Migratory Condition

Length of Stay

Business Visitor

âNegociosâ (business)

Up to 90 days

inversionista (Investor)

Investor (in the | âNegociosâ (business) | Up to 90 days

process of

committing an

investment)

Investor Independiente- Up to 1 year, renewable

for consecutive periods, the number of times that it is requested, to the extent that the conditions which motivated its granting are maintained.

Intra-Company Transferees

Trabajador (Worker)

Up to 1 year, renewable for consecutive periods, the number of times that it is requested, to the extent that the conditions which motivated its granting are maintained.

For Singapore

1. Upon arrival, short-term business visitors will be granted a period

of stay of up to thirty (30) days, and the period may be extended for a subsequent period of up to sixty (60) days, provided the conditions on which they are based remain in effect.

2. Entry for investors is for a period of up to two (2) years.

3. Entry for intra-corporate transferees is for an initial period of up to two (2) years, which may be extended for periods of up to three (3) years at a time for a total term not exceeding eight (8) years, provided the conditions on which they are based remain in effect.