Free Trade Agreement between the Republic of Per and the Republic of Guatemala

The Government of the Republic of Peru, on the one hand, and the Government of the Republic of Guatemala, on the other, resolved to:

To strengthen the special bonds of friendship and cooperation among them and promote regional economic integration;

Promote the creation of a larger market and insurance for goods and services produced in their respective territories;

Promote a comprehensive economic development to reduce poverty;

Encourage the creation of new employment opportunities and improve working conditions and living standards in their respective territories;

Establish clear rules governing their mutual benefit and commercial exchanges;

To ensure a predictable legal framework for business and trading and investment;

Recognizing that the promotion and protection of investments of a Party in the territory of the other party will contribute to increasing the flow of investment and stimulate business of mutual benefit;

To prevent distortions in their reciprocal trade;

To promote the competitiveness of their enterprises in global markets;

To facilitate trade promote transparent and efficient customs procedures to ensure predictability for importers and exporters;

Stimulating creativity and innovation and promote innovation in trade sectors of their economies;

Promote transparency in international trade and investment;

Preserving its ability to safeguard the public welfare; and

Develop their respective rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization and other agreements to which they are party,

Have agreed as follows:

Chapter 1. Initial General Provisions and Definitions

Section A. Initial Provisions

Article 1.1. Establishment of the Free Trade Area

The Parties to this Treaty in accordance with Article XXIV of the General Agreement on Tariffs and Trade of 1994 (and article V of the WTO General Agreement on Trade in Services of the WTO, establish a free trade area.

Article 1.2. Objectives

The objectives of this Agreement are:

(a) Encourage expansion and diversification of trade between the parties;

(b) Eliminate unnecessary barriers to trade and facilitate the cross-border movement of goods and services between the parties;

(c) Promote conditions of fair competition in the Free Trade Area;

(d) Increase investment opportunities in the territories of the Parties;

(e) An adequate and effective protection and enforcement of intellectual property rights in the territory of each party, taking into account the balance between the rights and obligations arising from the same; and

(f) Create effective procedures for the implementation and enforcement of this Treaty, for its joint administration and to prevent and resolve disputes.

Article 1.3. Relation to other International Agreements

1. The Parties confirm their rights and obligations existing between them under the WTO Agreement and other agreements to which the parties are party.

2. In the event of any inconsistency between this Agreement and the agreements referred to in paragraph 1, this treaty shall prevail to the extent of the inconsistency, except as otherwise provided in this Treaty.

Article 1.4. Scope of Obligations

Each Party shall take all necessary measures to implement the provisions of this Treaty in its territory and at all levels of government.

Section B. General Definitions

Article 1.5. Definitions of General Application

For the purposes of this Treaty, unless otherwise specified:

WTO TRIPs Agreement means the Agreement on Trade-Related Aspects of Intellectual Property Rights related to trade in the WTO; 1

WTO Anti-Dumping Agreement means the Agreement on Implementation of article VI of the General Agreement on Tariffs and Trade 1994 (of WTO;

Customs valuation agreement means the WTO Agreement on Implementation of article VII of the General Agreement on Tariffs and Trade 1994 (of WTO;

GATS means the WTO General Agreement on Trade in Services of the WTO;

WTO / SPS Agreement means the Agreement on the Application of Sanitary and Phytosanitary Measures of the WTO;

TBT Agreement means the WTO Agreement on Technical Barriers to Trade;

WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organization, dated 15 April 1994;

The WTO Agreement on Safeguards means the Agreement on

WTO safeguards;

WTO Agreement on Subsidies means the Agreement on

Subsidies and countervailing measures of the WTO;

1 for greater certainty, WTO TRIPs Agreement includes any exemption existing between the parties of any provision of the WTO TRIPS Agreement granted by WTO members in accordance

With the WTO Agreement.

Customs tariff means any tax or tariff rate to imports and a charge of any kind imposed in connection with the importation of goods, including any form of surtax or surcharge on imports, except any:

(a) Charge equivalent to an internal tax established in accordance with Article III.2 of GATT 1994;

(b) Anti-dumping or countervailing measures to be applied in accordance with the domestic legislation of a party and in accordance with article VI of the GATT 1994 and the Agreement on Subsidies and Countervailing Measures and the WTO Agreement on the implementation of article VI of GATT 1994 and the WTO; or

(c) Duty or other charge in connection with importation commensurate with the cost of services rendered;

Chapter means the first two digits of the tariff classification number under the Harmonized System;

Commission means the Free Trade Commission established under article 17.1 (the Free Trade Commission);

Government procurement means the process by which a Government obtains the use of goods or acquires or services. or any combination thereof, for governmental purposes and not with a view to commercial sale or resale or with a view to use in the production or supply of goods or services for commercial resale or sale;

Days means calendar days;

Enterprise means any entity constituted or organized under the applicable law, whether or not for profit and whether private or government owned, including companies, trusts, shares, sole proprietorship firms, joint ventures and other forms of association;

GATT 1994 means the General Agreement on Tariffs and Trade 1994 (of WTO;

Measure includes any law, regulation, procedural requirement or practice; goods means any material or product, article;

Goods of a Party means domestic products as understood in GATT 1994 or goods such as the parties may agree, and includes originating goods of that Party;

Goods originating means qualifying under the Rules of Origin set out in chapter 3 (Rules of Origin and Origin Procedures);

National means a natural person who has the nationality of a Party according to annex 1.5 or a permanent resident of a party;

Central level of Government means the national level of government;

Regional level of government means for:

(a) Guatemala: "regional level of government is not applicable; and

(b) Peru: regional government of the Political Constitution of the Republic of Peru and other applicable legislation;

A local government level of means for:

(a) Guatemala: municipalities;

(b) Peru: provincial and local municipalities;

WTO means the World Trade Organization;

A Party means the Republic of Guatemala, on the one hand, and the Republic of Peru, on the other, hereinafter referred to collectively as the parties;

Heading means the first four digits in the tariff classification number under the Harmonized System;

Person means a natural person or an enterprise;

Harmonized System (HS) means the Harmonized Commodity Description and Coding System of goods, including its general rules of interpretation, and notes to section notes chapter;

Subheading means the first six digits in the tariff classification number under the Harmonized System; and

Territory means for a party, the territory of that Party as set out in annex 5.

For the purposes of this Treaty, unless otherwise specified:

Natural person who has the nationality of a Party means:

(a) With respect to the Republic of Guatemala, a Guatemalan as defined in articles 144 and 145 and 146 of the Political Constitution of the Republic of Guatemala; and

(b) With respect to the Republic of Peru by Peruvians, birth or naturalization option in accordance with the Constitution and domestic legislation.

2 territory means:

(a) With respect to the Republic of Guatemala, the Land, Sea and Air Space under its sovereignty, as well as the exclusive economic zone and continental shelf over which it exercises sovereign rights and jurisdiction in accordance with international law and its domestic law; and

(b) With respect to the Republic of Peru, the mainland, islands, the maritime areas and the airspace above them, under the sovereignty or sovereign rights and jurisdiction of Peru, in accordance with its domestic law and international law.

2 for greater certainty, the definition and references to "territory" contained in this Treaty apply solely for purposes of determining the geographical scope of application.

Chapter 2. Market Access for Goods Article 2.1 : Scope of Application

Except as otherwise provided in this Treaty, this chapter applies to trade in goods of a party.

Section A. National Treatment Article 2

2: National Treatment

1. Each Party shall accord to the National Treatment goods of the other Party in accordance with article III of the GATT 1994, including its interpretative notes and to this end article III of the GATT 1994 and its interpretative notes are incorporated into this Agreement and form an integral part of this Agreement mutatis mutandis.

2. Paragraph 1 shall not apply to the measures set out in annex 2.2.

Section B. Article 2 Tariff Elimination

3: tariff elimination

1. Except as otherwise provided in this Treaty, neither party may increase any existing Customs Tariff, or adopt any new customs tariff, originating on goods of the other party.

2. Except as otherwise provided in this Treaty, each Party shall eliminate its customs duties on goods originating of the other Party in accordance with annex 2.3.

3. The tariff elimination program under this chapter does not apply to goods used, including those identified as such in headings or subheadings of the Harmonized System. Used goods also include those goods reconstructed, renovated, recovered remanufacturadas, or any other similar name given to goods after having been used have been subjected to a process to restore their original characteristics or specifications, or to restore the functionality when they had new. 4. At the request of any party, there shall be consultations to consider the improvement of conditions of market access tariff in accordance with annex 2.3.

5. Notwithstanding article 17.1 (the Free Trade Commission), an agreement between the parties to improve conditions of market access tariff on a good shall supersede any customs tariff or category defined in the

This greater certainty for paragraph 1 does not apply to goods recycled.

Annex 2.3 for such good when approved by the parties in accordance with its applicable legal procedures.

6. For greater certainty, a Party may:

(a) A customs duty to increasing the level established in annex 2.3 Following a unilateral reduction; or

(b) Maintain or increase a customs duty as authorized by the Dispute Settlement Body of the WTO.

Section C. Special Regimes

1. No Party may adopt any new waiver of customs duties or the extension of the application of an existing waiver of customs duties with respect to existing recipients or extend it to new beneficiaries, when the exemption is qualified explicitly or implicitly, the fulfillment of a performance requirement.

2. No party may condition, explicitly or implicitly, the continuation of any existing waiver of customs tariffs on the fulfilment of a performance requirement.

1. Each Party shall allow the temporary admission free of customs duties for the following goods, regardless of their origin:

(a) Professional equipment, including equipment for medical, scientific research activities, the press or television broadcasting and cinematographic, software and equipment necessary for the exercise of the business activity, trade or profession of a person who qualifies for temporary entry pursuant to the laws of the importing Party;

(b) Demonstration or goods intended for display at exhibitions, fairs, meetings or similar events;

(c) Commercial Samples and Advertising and recordings and films;

(d) Goods admitted for sports purposes.

2. Each Party shall, upon request of the person concerned and for reasons deemed valid by its customs authority, shall extend the time limit for temporary admission beyond the period initially fixed in accordance with the national legislation.

3. No party may condition the duty-free temporary admission

Customs to goods described in paragraph 1, a different conditions to which the goods:

(a) It shall 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, ex officio, or professional sport of that person;

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

(c) Be accompanied by a bond or security in an amount not exceeding the charges that would otherwise due in its case on entry or final importation reimbursable, at the time of the exportation of goods;

(d) Be capable of identification when exported;

(e) To be exported on the departure of the person referred to in subparagraph (a), or within a time limit which corresponds to the purpose of the temporary admission as the party may establish; or within one year unless extended;

(f) Be admitted in quantity no greater than is reasonable for agreement with that it intended use; and

(g) Be otherwise admissible into the territory of the Party in accordance with its national legislation.

4. If has not been fulfilled any of the conditions imposed by a Party under paragraph 3, the party may apply the customs duty and any other charge that would normally be due for the good plus any other charges or penalties provided for under its domestic law.

5. Each Party shall adopt or maintain procedures providing for the expeditious release of goods admitted under this article. To the extent possible, these procedures shall provide that when such goods accompany 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 through other than that which it was admitted.

7. Each Party shall provide that the importer or another person responsible for a good admitted under this article, is not responsible for the failure to export the goods, satisfactory upon presentation of proof to the importing Party that the good has been destroyed within the original period fixed for temporary admission or any lawful extension.

8. Subject to Chapter 12 (investment) and chapter 13 (cross-border trade in services), no party may:

(a) Prevent a vehicle or container used in transport

International has entered into its territory from the other party to exit from its territory on any route that is reasonably related to the economic and prompt departure of such vehicle or container;

(b) Require bond or impose any penalty or charge solely by reason of the entry of a vehicle or container is different from that of departure;

(c) Condition the release of any obligation, including any bond that has applied for the entry of a vehicle or container into its territory on its exit is made by a port in particular; and

(d) Require that the carrier bringing a container or vehicle from its territory to the territory of the other party, be the same vehicle or carrier that takes into the territory of the other party.

9. For the purposes of paragraph 8, a truck, tractor tractocamión means a vehicle, trailer or a trailer unit or locomotive, a freight railroad or other equipment.

26:.

"re-imported goods after repair or alteration

1. No party may apply a customs duty to a good regardless of their origin, which has been reingresada in its territory after having been temporarily exported from its territory to the territory of the other party to be repaired or altered, 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. No party may apply a customs duty to a good regardless of their origin, be admitted temporarily from the territory of the other party, to be repaired or altered.

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

(a) Destroys the essential characteristics of a good or creates a new or different commercially or good;

(b) Transform an unfinished good into a finished goods.

27:.

"free import tariffs for Commercial Samples and Advertising of negligible value printed materials

Each Party shall grant duty-free import tariffs to Commercial Samples and Advertising of negligible value printed materials imported from the territory of the other party, regardless of their origin, but may require that:

(a) Such samples be imported solely for purposes of solicit orders

Goods or services provided from the territory of the other party or of a non- Party; or

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

Section D. Article 2 Non-tariff Measures

8: restrictions on imports and exports

1. Except as otherwise provided in this Treaty, no Party may adopt or maintain any non-tariff measure that prohibits or restricts the importation of any goods of the other party or on the exportation for sale or export of any good destined for the Territory of the other party, except as provided in article XI of GATT 1994 and its interpretative notes and to this end article XI of GATT 1994 and its interpretative notes are incorporated into this Agreement and form an integral part of this Agreement mutatis mutandis.

2. The parties understand that the rights and obligations of GATT 1994 as incorporated by paragraph 1 prohibits, in any circumstances in which any other form of restriction is prohibited, that adopts or maintains a party:

(a) Requirements of export and import price, except as permitted in the enforcement of provisions and commitments anti-dumping and countervailing duties;

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

(c) Voluntary export restraints inconsistent with article VI of the GATT 1994, implemented under article 18 of the WTO Agreement on Subsidies and Article 8.1 of the WTO Anti-Dumping Agreement.

3. Paragraphs 1 and 2 shall not apply to the measures set out in annex 2.2.

4. No party may require as a condition of the undertaking of importation or for the import of goods, a person of the other party to establish or maintain a contractual or other relationship with a distributor in its territory.

5. For the purposes of paragraph 4; supplier means a person of a Party that is responsible for the commercial distribution, agency, granting or representation in the territory of that Party; goods of the other party.

1. No party shall adopt or maintain a measure that is inconsistent with the Agreement on Import Licensing (hereinafter WTO Agreement on Import Licensing of WTO). To this end, the Agreement on Import Licensing of the WTO and its interpretative notes are incorporated into this Agreement and form an integral part of this Agreement mutatis mutandis.

2. Upon the Entry into Force of this Treaty, each Party shall notify the other party of any existing import licensing procedure.

3. Each Party shall notify the other party of any new import licensing procedure and any modification to its existing import licensing procedures, within sixty (60) days prior to its entry into force. A notification provided under this article:

(a) It shall include the information specified in Article 5 of the Agreement on Import Licensing of the WTO; and

(b) It shall not prejudice as to whether the import licensing procedure is consistent with this Treaty.

4. No party may apply an import licensing procedure to a good of the other party without providing a notification pursuant to paragraph 2 or 3, as appropriate.

5. With the obj etivo seek greater transparency in the reciprocal trade, the party to establish licensing procedures for exports shall notify the other party in a timely manner.

1. Each Party shall ensure, in accordance with article VIII of GATT 1994 and its interpretative notes that all fees and charges of whatever character (other than Customs duties, charges equivalent to an internal tax or other internal charges applied in accordance with Article III.2 of GATT 1994 and the anti-dumping and countervailing duties) imposed on the importation or exportation or under the same, are limited to the approximate cost of services rendered and do not represent an indirect protection to domestic goods or a taxation of imports or exports for fiscal purposes. For this purpose, article VIII of the GATT 1994 and its interpretative notes are incorporated into this Agreement and form an integral part of this Agreement mutatis mutandis.

2. No Party shall require consular transactions, including related fees and charges in connection with the importation of any goods of the other party.

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

211:. Export Taxes

Except as provided in annex 2.11, no party shall adopt or maintain a tax, tax or other charge on the export of any goods to the territory of the other party.

Section E. Other Measures Article 2

12: State trading enterprises

1. The rights and obligations of the Parties with respect to State trading enterprises shall be governed by article XVI of the GATT 1994 and its interpretative notes and the Understanding on the interpretation of Article XVII of the GATT 1994, which are incorporated into and form an integral part of this Agreement mutatis mutandis.

1. The WTO Customs Valuation Agreement and any successor Agreement shall govern the customs valuation rules applied by the parties in their reciprocal trade. For this purpose, the WTO Customs Valuation Agreement and any successor Agreement are incorporated into and form an integral part of this Agreement mutatis mutandis.

2. The customs legislation of each Party shall comply with article VII of GATT 1994 and the Agreement on customs valuation of the WTO.

Section F. Agriculture

214:. Scope and Coverage

This section applies to measures adopted or maintained by a Party relating to the trade of agricultural goods.

1. The Parties the share of multilateral obj etivo the elimination of export subsidies for agricultural goods and shall work together with a view to an agreement in the WTO to eliminate those subsidies and prevent their reintroduction in any form.

2. No Party may adopt or maintain any export subsidy on any good agricultural destined for the Territory of the other party.

3. If a Party considers that the other party has failed to fulfil its obligations under this Treaty, maintain, introduce or reintroduce any export subsidy, the Party may request consultations with the other party according to chapter 15

(Settlement of Disputes), with the aim of taking measures to counter the effect of such export subsidies and achieving a mutually satisfactory solution.

Section G. Institutional Provisions Article 2

16: Committee on Trade in Goods

1. The parties establish a Committee on Trade in Goods (hereinafter referred to as the Committee), comprising representatives of each party.

2. Meetings of the Committee and any ad hoc working group shall be chaired by representatives of the Ministry of Foreign Trade and Tourism of Peru and the Ministry of Economy of Guatemala, or their successors.

3. The functions of the Committee shall include:

(a) Monitor the implementation and administration of this chapter;

(b) Report to the Commission on the implementation and administration of this chapter, where appropriate;

(c) Promoting trade in goods between the parties including through consultations on accelerating tariff elimination under this Agreement and other issues as appropriate;

(d) Addressing barriers to trade in goods between the parties, in particular those related to the application of non-tariff measures and, if appropriate, submit such matters to the Commission for its consideration;

(e) The Commission to provide advice and recommendations on technical assistance needs in matters relating to this chapter;

(f) Reviewing conversion in the Harmonized System nomenclature of the 2007 and its subsequent revisions to ensure that the obligations of each Party under this treaty are not altered, consult and to resolve any conflicts between:

(i) The Harmonized System 2007 or subsequent nomenclatures and to annex 2.3; and

(ii) Annex 2.3 nomenclatures and national;

(g) Consultation and make the best efforts to resolve any difference that may arise among the parties on matters related to the classification of goods under the Harmonized System;

(h) Establish ad hoc working groups with specific mandates; and

(i) Address any other matter related to this chapter.

4. Unless the parties agree otherwise, the Committee shall meet at least one (1) year, on a date and with an agenda agreed by the parties. The parties determine cases where it may make extraordinary meetings.

5. Meetings may be conducted by any means agreed by the parties. If they are witnessing, alternately in the territory of each party and shall be based on the Party hosting the meeting. The first meeting of the Committee shall be carried out no later than one (1) year after the date of Entry into Force of this Treaty.

6. Unless the parties agree otherwise, the Standing Committee shall establish its rules of procedure.

7. All decisions of the Committee shall be taken by mutual agreement.

8. The parties establish the Ad Hoc Working Group on Trade in agricultural goods, which will bring to the Committee. In order to discuss any matter relating to market access for agricultural goods, this group shall meet at the request of a party, no later than thirty (30) days after the submission of the request.

Section H. Definitions

217:. Definitions

For the purposes of this chapter consumed means:

(a) Actually consumed; or

(b) Processed or manufactured so as to result in a substantial change in value, form or use of the good or good in the production of another;

Duty-free means free of customs duty;

Export licence means an administrative procedure requiring the submission of an application or other documentation (other than that generally required for customs clearance purposes) to the relevant administrative body as a prior condition for exportation to the territory of the exporting Party;

Import licensing means an administrative procedure requiring the submission of an application or other documentation (other than that generally required for customs clearance purposes) to the administrative authority

Relevant, as a prior condition for importation into the territory of the importing Party;

Printed materials advertising means those goods classified in chapter 49 of the Harmonized System including brochures, pamphlets, leaflets, catalogues, Trade Yearbooks published by business associations, tourist and posters, promotional materials used to promote, publicize or advertise a good or service with the intention to advertise a good or service, and that are distributed free of charge;

Goods temporarily admitted for sports purposes means sports equipment for use in sporting events or training in the territory of the Party in which are admitted;

Agricultural goods means those goods referred to in article 2 of the WTO Agreement on Agriculture;

Commercial samples of negligible value means commercial samples valued, individually or in the aggregate sent in no more than one United States dollar (US $1) or the equivalent amount in the currency of the other party or that are marked, broken, perforated or treated so that the disqualifying for sale or for any use that is not the samples;

Goods intended for display or their component includes demonstration, ancillary apparatus and accessories;

Goods produced from recycled mean goods entirely goods that arrived at the end of its useful life and have undergone a production process resulting in a new goods;

Advertising films and video recordings means the media or audio recordings, materials consisting essentially of images and / or sound showing the nature or operation of goods or services offered for sale or lease or established by a person resident in the territory of a Party provided that such materials are suitable for exhibition to prospective customers but not for broadcast to the general public;

Performance requirement means a requirement to:

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

(b) Replace imported goods to goods or services of the party granting the waiver of customs duties or an import license;

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

(d) Where a person benefiting from a waiver of customs duties or an import license produce goods or 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) In any way relate to the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows;

But does not include a requirement that an imported goods is:

(f) Subsequently exported;

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

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

(i) Substituted by an identical or similar good that is subsequently exported;

Export subsidies shall have the meaning assigned to that term in article 1 (e) of the WTO Agreement on Agriculture, including any amendment of that article; and

Consular transactions means requirements of a Party that goods intended for export to the territory of the other party, 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, export declarations of cargo manifests, or any other customs documentation required on or in connection with importation.

"National Treatment import and export restrictions

Section A. Measures of Guatemala

Notwithstanding articles 2.2 and 2.8 of this chapter, Guatemala may continue to apply:

(a) Controls on the export of logs, in accordance with the law, Decree no. 101-96 congressional and amendments thereto;

(b) Controls on the export of coffee, in accordance with the law of coffee, Decree no. Congressional Decree No. 19-69 and its amendments. the Head of State and 114-63 Decree law no. 111-85 the Head of State;

(c) Controls deciduos fruits, in accordance with the cooperation of law at the national, Congressional Decree fruit decidua no.15-2007 and amendments thereto;

(d) Controls on the importation of arms, in accordance with the law of arms and ammunition; Decree no. 15-2009 congressional and amendments thereto; and

(e) Actions authorized by the Dispute Settlement Body of the WTO.

Section B. Measures of Peru

Articles 2.2 and 2.8 shall not apply to:

(a) The measures taken by Peru, including its continued renovation or amendments relating to the importation of:

(i) Clothing and footwear used in accordance with Law No 28514 of 12 May 2005 and any amendments thereto;

(ii) Used vehicles and engines and parts of used vehicles, spare parts pursuant to Legislative Decree No. 843 of 29 August 1996, the Emergency Ordinance No. 079-2000 of 19 September 2000, the Emergency Ordinance no 050-2008 of 18 December 2008 and any amendments thereto;

(iii) Used tyres in accordance with the Supreme Decree No 003-97-sa of 6 June 1997 and any amendments thereto; and

(IV) used goods, machinery and equipment that use radioactive sources of energy in accordance with Law No. 27757 of 29 May 2002 and all amendments.

(b) Actions authorized by the Dispute Settlement Body of the WTO.

Guatemala may maintain its existing taxes on the export of the following goods:

Coffee, in accordance with the law of coffee, Decree no. Congressional Decree No. 19-69 and its amendments.the Head of State and 114-63 Decree law no. 111-85 the Head of State;

Chapter 3. Rules of Origin and Origin Procedures Section a : Rules of Origin

31:. Goods Originating

Unless otherwise specified in this chapter, a product originates

Where:

(a) It is wholly obtained or produced entirely in the territory of one or both of the Parties as defined in Article 3.2;

(b) It is produced in the territory of one or both parties using non-originating materials that conform to a change in tariff classification, the regional value content or other specific rules of origin set out in annex 3; or

(c) It is produced in the territory of one or both parties exclusively from originating materials;

Other and fulfil the requirements of this chapter.

32:.

"Goods wholly obtained or produced entirely

For the purposes of article 3.1 (a), the following goods shall be considered as wholly obtained or entirely produced:

(a) Plants and plant products harvested or gathered in the territory of a party;

(b) Live animals born and raised in the territory of one or both of the Parties;

(c) Goods obtained from live animals raised in the territory of a party;

(d) Goods obtained from hunting, fishing or hunting aquaculture with traps, in the territory of a party;

(e) Fish, crustaceans and other marine species obtained from the sea or seabed outside the territory of a party by a vessel registered in a Party and flying its flag;

(f) Factory produced goods on board ships registered with a party or recorded and flying its flag exclusively from goods referred to in subparagraph (e);

(g) Minerals and other natural resources extracted inanimate, soil, water or marine seabed, subsoil in the territory of a party;

(h) Goods other than fish, crustaceans and other marine species live, extracted or taken by a party or marine waters, seabed subsoil outside its territory, provided that that party has rights to exploit such seabed, subsoil or marine waters;

(i) Waste and scrap derived from:

(i) Manufacturing operations conducted in the territory of one or both parties; or

(ii) Used goods collected in the territory of one or both of the Parties;

Provided that such waste or scrap serve only for the recovery of raw materials; and

(j) Goods produced in one or both parties exclusively from products specified in subparagraphs (a) to (i).

33:. The Regional Value Content

1. The regional value content (hereinafter VCR) of a good shall be calculated on the basis of the following method:

FOB - vmn

X VCR = 100

FOB

Where:

VCR: is the regional value content, expressed as a percentage;

: is the FOB value of the good free on board in accordance with article 3.35; and

Vmn: is the value of non-originating materials.

2. The value of the non-originating materials shall be:

(a) The CIF value at the time of importation of the material; or

(b) The first ascertainable price paid or payable for the non-originating materials in the territory of the Party where the process or processing. When the producer of a good non-originating materials within that party acquires the value of such materials shall not include freight and insurance costs, packing and all other costs incurred in transporting the material from the supplier to the place where the producer is located.

3. The values referred to above shall be determined in accordance with the agreement on customs valuation of the WTO.

34:. Minimal Operations or Processes

1. Operations or processes, individually or in combination with each other, do not confer origin goods are the following:

(a) Operations to ensure the preservation of goods in good condition during transport and storage;

(b) Group or splitting of packages;

(c) Packaging operations, or desempaque reempaque for retail sale; or

(d) Slaughter of animals.

2. The provisions of this article shall prevail over the specific rules of origin set out in annex 3.

35:. Intermediate Material

Where an intermediate material is used in the production of a good shall not be taken into account the non-originating materials contained in that intermediate material for the purpose of determining the origin of the goods.

36:. Cumulation

1. The goods or materials originating in the territory of a Party incorporated into a good in the territory of the other party shall be considered as originating in the territory of that other party.

2. A good originating shall be considered when it is produced in the territory of one or both parties by one or more producers, provided that the good complies with the requirements established in article 3.1 and all other applicable requirements of this chapter.

3. The materials of Costa Rica, El Salvador, Honduras and Panama incorporated into a good produced in the territory of the exporting Party shall be considered originating in that Party, provided that there is a trade agreement in force between Peru and these countries, and in compliance with the specific rules of origin set out in this Treaty.

4. In the case of goods classified in Chapters 50 to 63 of the Harmonized System, paragraph 3 shall apply only when the customs tariff is applied zero percent (0%), both for the materials accruing to the final goods, in accordance with the tariff elimination program established in this Treaty, as well as in the tariff elimination program established in trade agreements of the countries mentioned in paragraph 3 to the importing Party of the final good for which the exporting Party to accumulate origin.

5. Materials which are excluded from the tariff elimination program granted by the importing Party to the countries involved in the cumulation, shall not be subject to the arrangements set out in paragraph 3.

6. When each party has established a preferential trade agreement with a country or group of countries not party, the goods or materials of a country or group of countries, not incorporated in the territory of a Party, shall be treated as originating from the territory of that Party, provided that they comply with the rules of origin applicable to such goods or materials under this Treaty.

7. For the implementation of paragraph 6, each Party shall have agreed provisions equivalent to those specified in this

paragraph with the country or group of countries not party as well as the conditions as the parties deem necessary for purposes of its implementation.

37:. De Minimis

1. A good originating shall be considered if the value of all the non-originating materials used in its production that did not meet the change in tariff classification pursuant to annex 3, does not exceed 10 per cent of the FOB value of the goods.

2. Where the goods referred to in paragraph 1, subject to a requirement of a change in tariff classification and regional value content, the value of all the non-originating materials shall be included in the calculation of the regional value content of the good.

3. Notwithstanding paragraph 1, goods classified in Chapters 50 to 63 of the harmonized system that is not because certain originating fibres or yarns used in the production of the component of the good that determines the tariff classification do not undergo a change in tariff classification set out in annex 3 shall be considered

Originating goods if the total weight of all such fibres or yarns in component that is not more than ten percent (10%) of the total weight of that component.

4. In all cases, the goods shall meet all other applicable requirements of this chapter.

38:. Fungible Goods and Materials

1. In order to determine whether a product is fungible originating, any goods or materials shall be:

(a) A physical separation of the goods or materials; or

(b) An inventory management method recognised in the generally accepted accounting principles of the exporting Party.

2. The inventory management method selected under paragraph 1 for a particular good or fungible material shall continue to be used for those goods or materials throughout the fiscal year of the person that the method selected inventory management.

39:. Accessories , Spare Parts and Tools

1. Spare parts, accessories or tools delivered with the good shall be treated as originating is good if the originating and shall not be taken into account in determining whether all the non-originating materials used in the production of the good undergo the change in tariff classification applicable provided that:

(a) Accessories, spare parts and tools are classified separately with and not invoiced, regardless of whether they are separately identified in the invoice; and

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

2. If a good is subject to a regional value content requirement, the value of the spare parts, accessories or tools described in paragraph 1 shall be considered as originating or non-originating materials as the case may be in calculating the regional value content of the good.

310:. Sets or Sets of Goods

1. If the goods are classified as a set or assortment as a result of the application of the Rule 3 of the general rules for the interpretation of the Harmonized System, the set or assortment shall be considered only if each good as originating in the set or assortment is both originating and the Set and the goods or assortment meet all other applicable requirements of this chapter.

2. Notwithstanding paragraph 1. a set of goods originating or assortment is if the value of all the non-originating goods in the set or assortment does not exceed fifteen per cent (15 per cent) of the FOB value of the latter.

311:.

"packaging materials and containers for retail sale

1. When the packages and packing materials for retail sale are classified with the good, the origin shall not be taken into account in determining the origin of the goods.

2. Where goods are subject to a regional value content requirement, the value of the packaging materials and containers used for retail sale shall be taken into account in determining the origin of the goods, as the case may be.

312:.

"packing materials and containers for shipment

Packing materials and containers for shipment shall not be taken into account in determining the origin of the goods.

313:. Indirect Materials

1. In order to determine whether a product is originating; indirect material shall be considered as originating regardless of their production.

2. Indirect material mean articles used in the production of a good which are not physically incorporated into and form part of this, including:

(a) Fuel and energy; catalysts and solvents;

(b) Aircraft, equipment and devices used for testing or inspecting the goods;

(c) Gloves, spectacles, footwear, clothing, equipment and devices;

(d) Tools and moulds, dies;

(e) Spare parts and materials used in the maintenance of equipment and buildings;

(f) Lubricants, fats, composite materials and other materials used in production or operation or maintenance of equipment and buildings;

(g) Any other goods that are not incorporated into the good but whose use in the production of the good can be adequately that form part of that production.

314:. Direct Transport

1. To maintain the goods originating status shall be transported directly between the parties.

2. Shall be considered as transported directly from the exporting Party to the importing party, when:

(a) The goods are transported without passing through a non- Party; or

(b) Goods in transit through one or more non- parties with or without trans-shipment or temporary storage in such non-parties, provided that:

(i) Remain under the control of the customs authorities in a country that is not a party; and

(ii) Neither did not undergo operations other than reloading repacking, unloading, or any other operation to preserve them in good condition.

3. Compliance with the provisions set out in paragraph 2 shall be credited through the submission to the customs authority of the importing Party:

(a) In the case of transit or transshipment: transport documents such as the airway bill of lading or multimodal transport documents, certified transport from the country of origin of the importing Party, as the case may be;

(b) In the case of storage: transport documents such as the airway bill of lading, or multimodal transport documents, certified transport from the country of origin in the importing Party as the case and documents issued by the customs authorities of the country where it carries out storage.

315:. Proofs of Origin

1. For the purposes of this chapter, the following shall be considered as evidence of origin to certify that the goods qualify as originating in accordance with the provisions of this chapter:

(a) A certificate of origin as referred to in article 3.16; or

(b) A declaration of origin as referred to in article 3.17.

2. Proofs of origin referred to in paragraph 1 shall be valid for one (1) year from the date of its issuance.

316:. Certificate of Origin

1. To qualify for preferential tariff treatment goods originating at the time of importation, the importer must be in possession of a valid certificate of origin issued on the basis of the format as set out in annex 3.16 and provide a copy to the customs authority of the importing Party if it so requires.

2. The exporter of the goods shall complete and submit a certificate of origin to the authorized entity, which shall be responsible for its issuance before or at the time of the date of shipment of the goods, as well as in the cases referred to in paragraph 6.

3. The certificate of origin shall cover one or more goods of a single shipment.

4. The exporter of goods that the requests a certificate of origin shall submit all appropriate documents proving the originating status of the goods in question, as may be required by the entity authorized. Furthermore, the exporter must commit to meet the other requirements applicable in this chapter.

5. In the event of the theft, loss or destruction of a certificate of origin, the exporter may apply in writing to the authorized body which issued a certified copy of the original certificate of origin, which shall be based on the export invoice or any other evidence that had served as the basis for the original certificate of origin, in possession of the exporter.

The certified copy issued in this way must take the comments the phrase "certified true copy of the original certificate of origin

Number..... dated..... "so that the period of validity is

Counted from the date indicated.

6. Notwithstanding paragraph 2, a certificate of origin may exceptionally be issued after the date of the goods, provided that:

(a) Was not issued before or at the time of shipment involuntary due to errors or omissions or other circumstances that may be deemed justified, provided that no more than one (1) year since the exportation and exporter re-delivered all commercial documents required as well as the export declaration endorsed by the customs authority of the exporting Party; or

(b) It is demonstrated to the satisfaction of the competent authority or agency authorized by the Certificate of Origin issued was initially not accepted at importation for technical reasons. The period of application must be indicated in the certificate of origin was issued.

In such cases, it shall indicate in the field of observations of the Certificate of Origin phrase "retrospectively issued the certificate must indicate in addition when the situation referred to in subparagraph (b) The number and date of the original certificate of origin was issued.

7. Where the exporter of the goods is not the producer may request the issuance of a certificate of origin on the basis of:

(a) Information provided by the producer of the goods; or

(b) A declaration of origin provided by the producer of the goods to the exporter, noting that the goods qualify as originating in the exporting Party.

8. An exporter to whom it has issued a certificate of origin; and promptly notify in writing that becomes aware that the goods qualify as originating, to the competent authority of the importing Party, with a copy to the agency authorized by the competent authority of the exporting party and the importer.

317:. A Declaration of Origin

1. The declaration of origin referred to in article 3.15.1 (b) may be made in accordance with this article, only by an approved

exporter as provided for in article 3.18.

2. The declaration of origin shall be issued only if the goods in question are considered originating in the exporting Party.

3. Where the exporter is not the producer of the goods in the exporting Party, a declaration of origin for the goods may be issued by the exporter approved on the basis of:

(a) Information provided by the producer of the goods to the exporter or approved;

(b) A declaration provided by the producer of the goods to the approved exporter, noting that the goods qualify as originating in the exporting Party.

4. Approved an exporter shall be prepared to submit, at any time at the request of the competent authority of the exporting Party or, where applicable, to the authorized body of the exporting Party, all appropriate documents proving that the goods for which it issued the declaration of origin qualify as originating in the exporting Party.

5. The text of the declaration of origin shall be prepared in Annex 3.17. A declaration of origin shall be issued by an exporter, approved in writing by stamping, typing or printing on the commercial invoice or any other document which describes the goods in sufficient detail to enable them to be identified. The declaration of origin shall be issued at the date of issuance of the commercial document.

6. A declaration of origin shall be issued by the exporter approved before or at the time of the date of shipment.

7. An approved exporter who has issued a declaration of origin and promptly notify in writing to the competent authority of the importing Party, with a copy to the competent authority of the exporting party and the importer, and where applicable, to the authorized body of the exporting party when it becomes aware that the goods qualify as originating.

318:. Approved Exporter

1. The competent authority of the exporting Party or, where applicable, the authorised body of the exporting party may authorise any exporter in that party to make declarations of origin as an exporter approved provided that the exporter:

(a) Conduct frequent shipments of goods originating in the exporting Party;

(b) Has sufficient knowledge and ability to make declarations of origin and appropriately fulfils the conditions laid down in the laws and regulations of the exporting Party; and

(c) Re-delivered to the competent authority of the exporting Party or, where applicable, to the authorized body of the exporting party a written statement that accepts full responsibility for any origin Declaration which identifies him as if any signed in manuscript.

2. The competent authority of the exporting Party or, where applicable, the authorised body of the exporting Party shall grant to the exporter approved a number which the authorization shall appear on the origin Declaration. It shall not be necessary that the declaration of origin is signed by the exporter approved.

3. The competent authority of the exporting Party or, where applicable, the authorised body of the exporting Party shall ensure the appropriate use of the authorisation approved by the exporter.

4. The competent authority of the exporting Party or, where applicable, the authorised body of the exporting Party may withdraw at any time, the authorization in accordance with the laws and regulations of the exporting Party where the exporter approved no longer fulfil the conditions set out in paragraph 1 or otherwise makes an incorrect use of the authorisation.

319:. Notifications

1. Upon the Entry into Force of this Treaty, each Party shall provide to the other party a register of the names of entities and accredited officials authorized to issue certificates of origin as well as specimen impressions of signatures and stamps used by the entity authorized for the issuance of certificate of origin.

2. Any change in the register referred to in paragraph 1 shall be notified in writing to the other party. The change shall enter into force fifteen (15) days after the receipt of notification or on a later date indicated in such notification.

3. The competent authority of the exporting Party or, where applicable, the authorised body of the exporting Party shall provide the competent authority of the importing Party with information regarding the composition of the authorization

number, as well as the names, addresses and approval of the numbers approved exporter and the dates on which such authorisation shall enter into force. Each Party shall notify the other party of any change, including the date that it becomes effective.

320:. Electronic Certificate of Origin

The Parties shall begin to develop, from the Entry into Force of this Treaty, the electronic certificate of origin, with the aim of implementing it in the medium term.

321:. Obligations Relating to Imports

1. Except as otherwise provided in this chapter Each Party shall require an importer claiming preferential tariff treatment in its territory:

(a) Declare in the import of customs document, on the basis of a proof of origin that the good qualifies as an originating in the other party;

(b) In possession of the proof of origin at the time the statement referred to in subparagraph (a);

(c) In possession of documents proving that have been fulfilled the requirements established in article 3.14; and

(d) Provide proof of origin, as well as the documents indicated in subparagraph (c) to the customs authority, at its request.

2. Where the Proof of Origin submitted formal errors that do not create doubts concerning the correctness of the information contained in the same mecanográficos errors such as may be accepted by the customs authority of the importing Party.

3. Where a certificate of origin will not be accepted by the customs authority of the importing party at the time of importation by presenting their stuffing errors or omissions in a form that do not affect the implementation of origin or in the tariff preference, the customs authority shall not deny the preferential tariff treatment. In this case, the customs authority of the importing Party shall request the importer one-time and not be extended, the presentation of a certificate of origin for a period of fifteen (15) days from the day following the date of receipt of the notification of this omission or error may authorise the release and upon adopting measures necessary to ensure the interest, in accordance with its national legislation.

4. Concluded within the time frame laid down in paragraph 3, whether or not there has been a new certificate of origin issued properly, the importing Party shall deny the preferential tariff treatment and have taken measures to ensure the interest, shall execute them.

5. In case of introducing a new certificate of origin issued properly and have taken measures to ensure the interest, it shall terminate the measures within a period not exceeding ninety (90) following the submission of the request for release of measures by the importer to the customs authority of the importing Party, which may be extended by up to an additional thirty (30) days in exceptional cases.

322:.

"repayment of customs duties

Originating where goods are imported into the territory of a party without the good of the importer has requested the preferential tariff treatment at the time of importation, the importer may apply by31 one (1) year after the date of numbering or acceptance of the customs declaration of import, repayments of any duty paid in excess, as a result of not having requested the preferential tariff treatment shall submit to the Customs Authority:

(a) A proof of origin shall comply with the provisions laid down in article 3.16 and article 3.17; and

(b) Other documentation relating to the importation of the goods in accordance with the domestic legislation of the importing Party.

323:. Supporting Documents

The documents used for proving that the goods covered by a proof of origin are considered as originating goods and meet the requirements of this Chapter may include but are not limited to the following:

(a) Direct evidence of the processes carried out by the exporter or producer to obtain the goods concerned contained, for example in his accounts or internal book-keeping;

(b) Documents proving the status of the originating materials used;

(c) The documents proving working or processing of materials;

(d) Certificates of origin proving the status of the originating materials used; and

(e) In the case of goods of textile and garment classified in Chapters 50 to 63 of the Harmonized System, the exporter must necessarily seek an affidavit issued by the producer of the originating materials.

324:.

"preservation of Proof of Origin and supporting documents

1. The exporter applying for the issuance of a certificate of origin shall maintain for a period of at least five (5) years the documents referred to in article 3.23 after the date of its issuance.

2. The authorized bodies of the exporting Party issuing a certificate of origin shall keep a copy of the certificate of origin for a period of at least five (5) years after the date of its issuance.

3. An importer claiming preferential treatment for a commodity shall maintain for a period of at least five (5) years from the date of importation of goods, the documentation relating to the importation including a copy of the evidence of origin.

4. An approved exporter that makes a declaration of origin shall maintain for a period of at least five (5) years the documents referred to in article 3.23 after the date of its issuance.

325:.

"exceptions to the obligation to the submission of a proof of origin

1. The Parties shall not require a proof of origin is proving that a good originating where:

(a) An importation of goods whose customs value does not exceed 1,000 United States dollars (US $1,000 or the equivalent in national currency or a higher amount as the party may establish; or

(b) An importation of goods for which the importing Party has waived the requirement for a proof of origin.

2. Paragraph 1 does not apply to imports, including the fractional imports or seek for the purpose of avoiding the certification requirements of this chapter.

326:. Verification Process

1. For purposes of determining whether a good imported by one party from the other party qualifies as an originating goods, the competent authority of the importing Party may conduct a verification of origin through:

(a) Written requests for information to the exporter or producer;

(b) Written questionnaires to an exporter or producer; and / or

(c) Visits to the premises of an exporter or producer in the territory of the other party with a view to observe the facilities and productive process of goods and to review the records relating to the origin, including books and any supporting documents

Referred to in Article 3.23. The competent authority of the exporting Party may participate in these visits, as an observer.

2. The competent authority of the importing Party shall notify the initiation of the process of verification to the exporter or producer and the importer, together with the shipment of the first written questionnaire or request for information or visit referred to in paragraph 1, it shall send a copy of the notification to the competent authority of the exporting Party.

3. For the purposes of this article, the competent authority of the importing Party carrying out the verification of origin shall be notified by registered letter with acknowledgement of receipt or by any means that it considers the receipt of the written requests for information and visits to exporters or producers.

4. For the purposes of subparagraphs 1 (a) and 1 (b), the exporter or producer shall respond to the request for information or questionnaire carried out by the competent authority of the importing party within a period of thirty (30) days from the date of receipt. During that period, the exporter or producer may once a written request to the competent authority of the importing Party for an extension, which may not exceed thirty (30) days. The importing Party shall deny the preferential tariff treatment to the good in question the questionnaire or respond to such a request.

5. When the competent authority of the importing Party has received the response of the written request for information or the questionnaire referred to in subparagraphs 1

(a) And 1 (b), within the deadline, and considers that the information provided in the response is insufficient or require additional information to verify the origin of the goods subject to verification may request such information to the exporter or producer, which shall be forwarded within a period not exceeding thirty (30) days from the date of receipt of the request for additional information.

6. The importer within thirty (30) days of the notice of initiation of the process of verification of origin shall make the documents, evidence or demonstrations, they consider relevant, and may request a written and a one-time extension to the importing Party, which may not exceed thirty (30) days. If the importer fails to provide documentation, will not be sufficient grounds to deny the preferential tariff treatment without prejudice to paragraph 5.

7. For the purposes of subparagraph 1 (c), the competent authority of the importing Party shall provide written notice of such a request, at least thirty (30) days before verification visit to the exporter or producer. In the event that the exporter or producer has not given its written consent to the visit within fifteen (15) days from the date of receipt of the notification, the importing Party shall deny the preferential tariff treatment to the goods in question. The application of the visit shall be communicated to the competent authority of the exporting Party.

8. When the exporter or producer receives notification pursuant to paragraph 7 may apply for one-time within fifteen (15) days after the date of receipt of the notification, the postponement of the proposed verification visit for a period not exceeding thirty (30) days from the date on which the notification was received, or for a longer period as may be agreed by the competent authority of the importing Party and the exporter or producer. For this purpose, the competent authority of the importing Party shall notify the postponement of the visit to the competent authority of the exporting Party.

9. A Party shall not deny the preferential tariff treatment based solely on the postponement of a verification visit.

10. The competent authority of the importing Party shall issue a record of the visit shall include the facts which it found to be the case, a list of documents or information obtained. Such record will be signed by the producer or exporter. In the event that the producer or exporter refuses to sign the certificate shall record this fact does not affect the validity of the visit.

11. The competent authority of the importing Party shall, within a period not exceeding three hundred and sixty five (365 days) from the date of receipt of notice of the initiation of the verification process, notify in writing to the exporter or producer of the results of the determination of the origin of goods and the factual and legal basis for the determination.

12. The competent authority of the importing Party shall notify the importer the result of verification of origin, which shall be accompanied by the factual and legal basis for the determination, respecting the confidentiality of the information provided by the exporter or producer, and shall send a copy to the competent authority of the exporting party

13. If as a result of an origin verification procedure in accordance with this article, the competent authority of the importing Party determines that the goods do not qualifies as originating, that party may suspend the preferential tariff treatment on any subsequent import of identical goods which have been produced by that producer until it proves to the competent authority of the importing Party that the goods qualify as originating in accordance with the provisions of this chapter.

14. The suspension of preferential tariff treatment under paragraph 13, shall be communicated by the competent authority of the importing Party to the exporter or producer, importer and to the competent authority of the exporting Party, stating the grounds of law and fact that justify its determination, respecting the confidentiality of the information.

327:.

Measures to ensure the interest "

1. In case of doubts the release of the goods into the authenticity of the evidence of origin or on the origin of the goods, including the correctness of the information given on the Proof of Origin, the customs authority shall not prevent the release of the goods. However, the customs authority may adopt the measures it considers necessary to ensure the interest, in accordance with its national legislation.

2. When the importing Party may take measures to ensure the interest, may request information in accordance with paragraph 3 relating to the authenticity of the evidence of origin, within a period not exceeding sixty (60) days of the adoption of such measures; otherwise, it shall terminate the measures taken within a period not exceeding ninety (90) days from the request for release of measures by the importer to the customs authority of the importing Party, which may be extended by up to an additional thirty (30) days in exceptional cases.

3. The competent authority of the importing Party may request information by means of a written request to the authorized body responsible for the issuance of the certificate of origin; or to the competent authority of the exporting Party, as appropriate, for the purpose of checking the authenticity of the certificate of origin. In the case of declarations of origin to the competent authority of the importing Party may request information by means of a written request to the competent authority of the exporting Party or, where applicable, to the authorized body of the exporting Party to verify the authenticity of the declarations of origin.

In both cases, the competent authority or the authorised body of the exporting Party, as appropriate, shall have a period of sixty (60) days from the date of receipt of the request to provide the information requested.

4. In the event that the competent authority of the importing Party receives the documentation and information requested within the time period established or the exporting party does not recognize the authenticity of the evidence of origin, it may deny preferential tariff treatment to the goods covered by a proof of origin subject to review and implement measures taken to ensure the interest.

5. Where the competent governmental authority or authorised body of the exporting Party, as appropriate, recognizing the authenticity of the evidence of origin, the importing Party shall issue a determination by accepting the preferential tariff treatment and to lift the measures taken to ensure the interest in a period not exceeding ninety (90) days from the request for release of measures by the importer to the customs authority of the importing Party, which may be extended by up to an additional thirty (30) days in exceptional cases.

6. If there are doubts as to the origin of the goods, including the correctness of the information given on the Proof of Origin, the competent authority of the Party

The importing shall initiate the process of verification of origin in accordance with article 3.26 within a period not exceeding sixty (60) days have taken measures to ensure the interest. Otherwise shall accept the preferential tariff treatment for and to lift the measures taken to ensure the interest, within a period not exceeding ninety (90) days from the request for release of measures by the importer to the customs authority of the importing Party, which may be extended by up to an additional thirty (30) days in exceptional cases.

7. If the competent authority of the importing Party does not issue a determination of origin within the period referred to in article 3.26.11 shall accept the preferential tariff treatment for and to lift the measures taken and guaranteeing the interest, within a period not exceeding ninety (90) days from the request for release of measures by the importer to the customs authority of the importing Party, which may be extended by up to an additional thirty (30) days in exceptional cases.

8. If as a result of the conclusion of the verification of origin in accordance with article 3.26 determines:

(a) The originating status of the goods, the importing Party shall accept the application of preferential tariff treatment and to lift the measures taken to ensure the interest in a period not exceeding 90 days following the request for release of measures by the importer to the customs authority of the importing Party, which may be extended by up to an additional thirty (30) days in exceptional cases, or

(b) The nature of the non-originating goods, the importing Party shall refuse the application of preferential tariff treatment and shall implement measures taken to ensure the interest.

328:. Sanctions

Each Party shall adopt or maintain criminal, civil or administrative penalties for violations of the provisions of this chapter, in accordance with its national law.

329:. Resources of Review and Appeal

Each Party shall ensure, in respect of their administrative actions related to the determination of origin, importers, exporters or producers have access to:

(a) A level of independent administrative review of the official or office that issued the administrative act; and

(b) To a level of judicial review of the administrative act.

330:. Confidentiality

1. Each Party shall maintain, in accordance with its laws, the confidentiality of information provided in the context of a process of verification of origin.

2. Such information shall not be disclosed without the express consent of the person re-delivered, except in the case that required in the context of judicial or administrative proceedings.

3. Any violation of the confidentiality shall be treated in accordance with the national legislation of each party.

331:. Invoicing by a Third Country

Where an importation of goods originating in accordance with the provisions of this chapter, the invoice submitted at the time of importation may be issued by a person located in the territory of a non- party. In such a case, they shall indicate the name of the operator that no Party issued the invoice in the box remarks of the certificate of origin or in the event that the goods covered by a declaration of origin, this information shall be indicated in the same.

332:. Uniform Regulations

1. The Parties may establish, through their respective national laws and regulations, at the date of Entry into Force of this Treaty, or such other date as the parties agree, the uniform regulations concerning the interpretation, application and administration of this chapter.

2. Once the uniform regulations, each Party shall exercise of any modification or addition to this not later than one hundred and eighty (180) days after the respective agreement between the parties or within any other period as they may agree.

333:. Committee on Rules of Origin

1. The parties establish a committee on rules of origin (hereinafter referred to as the Committee), comprising representatives of each party.

2. The functions of the Committee shall include:

(a) Monitor the implementation and administration of this chapter;

(b) Report to the Commission on the implementation and administration of this chapter, where appropriate;

(c) Cooperate in the uniform and consistent, effective administration of this chapter; and promote cooperation in this regard;

(d) Review and recommend to the Commission any modification to Annex 3, including where amendments to the Harmonized System;

(e) Propose to the parties through the Commission, amendments to this chapter. The proposed modification shall be submitted at the request of one or both parties; or who shall submit proposals for technical support and studies; and

(f) Address any other matter related to this chapter.

3. Unless the parties agree otherwise, the Committee shall meet at least one (1) year, on a date and with an agenda agreed by the parties. The parties determine cases where it may make extraordinary meetings.

4. Meetings may be conducted by any means agreed by the parties. If they are witnessing, alternately in the territory of each party and shall be based on the Party hosting the meeting.

5. All decisions of the Committee shall be taken by mutual agreement.

334:. Certificate

Where originating goods of a party are re-exported from the Colón Free Zone in the territory of the other party, shall accompany a re-export certificate, which shall be issued by the customs authorities of Panama and validated by the administrative authority the Colón Free Zone, certifying that the goods have remained under customs control and have not

changed, suffered a further processing or any other operation other than those necessary to keep them in good condition. These originating goods covered by a certificate of re-export and proof of origin, shall benefit from the preferential tariff treatment.

335:. Definitions

For the purposes of this chapter:

Aquaculture means the farming of aquatic species or upbringing including inter alia: fish, molluscs, crustaceans, other invertebrates and plants, covering their complete or partial life-cycle from such as seeds undersized fish, eggs and larvae, fingerlings. Done at an average selected and controlled by natural or artificial water environments in both marine, brackish or sweet waters.Activities include or planting of settlement and resettlement or reseeding, cultivation and research activities and the processing of products from such activity.

Competent authority means:

(a) In the case of Guatemala, the Ministry of Economy; and

(b) In the case of Peru, the Ministry of Foreign Trade and Tourism, or their successors;

CIF means the value of the imported goods, including the cost of insurance and freight up to the port or place of entry into the country of importation, regardless of the means of transport;

Packing materials and containers for shipment means goods used to protect a good during its transportation and does not include and packaging materials in which the goods are empaca for retail sale;

Authorized entity means:

(a) In the case of Guatemala, the Ministry of Economy; and

(b) In the case of Peru, the entity designated by the competent authority to issue the certificate of origin in accordance with domestic law; in the case of Peru, the competent authority is responsible for the issuing of the certificate of origin and may delegate the issue of the same to authorized entities,

Or their successors;

Exporter means a person located in the territory of a Party from which the good is exported;

FOB means the value of the good free on board, including the cost of transport to final site or the port of shipment, regardless of the means of transport;

Importer means a person located in the territory of a party into which the goods are imported;

A good means material that is used in the production of goods, including any another ingredient, raw material, component or part, piece;

Originating intermediate material means that a material is produced by the producer of a good and used in the production of those goods;

Goods means any material or product, article;

Materials means fungible goods or goods or materials that are interchangeable for commercial purposes and whose properties are essentially identical and which cannot be distinguished from one another for mere visual examination;

Identical goods means identical goods, as defined in the agreement on customs valuation of the WTO;

Non-originating non-originating material means a good or good or a material that is not originating in accordance with this chapter;

Generally accepted accounting principles means recognized the substantial support and authoritative or consensus adopted in the territory of a Party with respect to the recording of income, expenditure, assets and liabilities; the disclosure of information and the preparation of financial statements. The generally accepted accounting principles may encompass broad guidelines of general application as well as detailed rules, practices and procedures;

Production means the cultivation, production, harvesting, fishing, hunting, trapping, upbringing, processing, manufacture or assembly of goods; and

Producer means a person who is involved in the production of a good in the territory of a party.

1. The name and address of the exporter:

Tel Fax

E-mail:

Tax registration number:

No certificate:

Certificate of origin

The Free Trade Agreement and the Republic of Guatemala Republic of Peru instructions (see overleaf)

2. The name and address of the producer:

Tel Fax

E-mail:

Tax registration number:

3. The name and address of the importer:

Telephone:

E-mail:

Tax registration number:

Fax:

4. Item

5. Description

6. Classification

7. Invoice number

8. Value

9. Origin criterion

Goods

Tariff SA (6-digit)

Invoice

10. Remarks

11. Declaration by the exporter:

The undersigned hereby declares under oath that the information contained in the certificate of origin is correct and true and that the goods were produced in

(country)

And comply with the provisions of chapter 3 (rules of origin) established in the Free Trade Agreement the Republic of Guatemala and the Republic of Peru, and exported to

(importing country) Place and date Signature of the exporter

12. Certification of the entity authorized:

On the basis of the control carried out, is hereby certified that the information herein above is correct and that the described goods comply with the provisions of the Treaty of Free Trade between the Republic of Guatemala and the

Republic of Peru.

Date and place, name and signature and seal of the Authorized Body

Address:

Telephone:

E-mail:

Fax:

Instructions to complete the Certificate of Origin

For the purposes of obtaining preferential tariff treatment, this document shall be legibly filled in and supplemented by the exporter of the goods, and certified by the entity or entrelíneas authorised intact, amendments and the importer shall bear in its possession at the time the import declaration to fill in print or machine (mould).

No certificate:

Serial number of the original certificate of origin assigned by the entity authorized.

Area 1:

Indicate the name or business name, address (including the city and the country), telephone number and the number of tax registration of the exporter.

Facsimile number and e-mail indicate, if known.

The number of registration tax shall be to:

- Guatemala: the tax identification number (N.

I. T.)

- Peru: a unique registration number of contributors (UK

C.) or any other document approved in accordance with the national legislation.

Area 2:

Indicate the name or business name, address (including the city and the country), telephone number and the registration number of the Prosecutor of the producer.

Facsimile number and e-mail indicate, if known.

In the event that the certificate for goods of more than one producer, bring: "" A and Annex A list of producers, including the name or business name, address (including the city and the country), telephone number and the number of registration tax, by direct reference to the goods described in the field. 5

Facsimile number and e-mail indicate, if known.

Area 3:

Indicate the name or business name, address (including the city and the country), telephone number and the registration number of the Prosecutor of the importer.

Facsimile number and e-mail indicate, if known

Area 4:

The section of the goods in a commensurate manner, in the event that it requires more space may be annexed road annexed.

Field: 5

Provide a complete description of goods. The description shall be sufficiently detailed to relate to the description of the goods contained in the invoice, as well as with the description that applicable to goods in the Harmonized System (HS).

Field: 6

For each good described in the field (6) 5 identifies six digits in the tariff classification of the Harmonised System (HS).

Field: 7

For each good described in the field, 5 indicate the invoice number. In the event that the goods are invoiced by an operator of a non- party and that has no commercial invoice, should be noted in this area the number of the commercial invoice issued by the exporting Party.

Field: 8

In this field should indicate the invoice value. It may include the invoice value for each item or items by the total. In the event that goods are invoiced by an operator of a country that is not a party to the optional for the exporter shall indicate the invoice value.

Field: 9

For each good described in the field 5, it shall indicate the criterion of origin for the good that qualifies as originating in accordance with the following:

For: the good is wholly obtained or produced entirely in the territory of one or both

Part s. As Defined In Article 3

2 (Goods wholly obtained or produced entirely.

B: the good is produced in the territory of one or both parties from materials not

Originating, who meet the change in tariff classification, the regional value content or other specific rules of origin set out in annex 3 (specific rules of origin).

C:

The good is produced in the territory of one or both parties exclusively from originating materials.

10 field:

11: 12 field:

This field shall be used when there is any further comments on this certificate, inter alia, when the goods that are the subject of trade is invoiced by an operator of a non- party. In such a case, they shall indicate the name or business name and address (including town and country) the operator of the country that is not a party.

The field should be completed, signed and dated by the exporter.

The field should be completed, signed, dated and signed by the authorised officer of the accredited entity to issue certificates of origin.

Annexed Road

4. Item

5. Description

6. Classification

7. Invoice number

8. Value

9. Origin criterion

Goods

Tariff SA (6

Digits)

Invoice

No certificate:

Certificate of origin

The Free Trade Agreement and the Republic of Guatemala Republic of Peru

10. Remarks

11. Declaration by the exporter:

The undersigned hereby declares under oath that the information contained in the certificate of origin is correct and true and that the goods were produced in

(country)

And comply with the provisions of chapter 3 (Rules of Origin and Origin Procedures) established in the Free Trade Agreement the Republic of Guatemala and the Republic of Peru, and exported to

(importing country) Place and date Signature of the exporter

12. Certification of the entity authorized:

On the basis of the control carried out, is hereby certified that the information herein above is correct and that the described goods comply with the provisions of the Free Trade Agreement between the Republic of Guatemala and the Republic of Peru.

Date and place, name and signature and seal of the Authorized Body

Address:

Telephone:

E-mail:

Fax:

The declaration of origin shall be completed in accordance with the following text and the footnotes contained in this Annex (these the footnotes need not be reproduced as part of the text).

The exporter "approved of the goods covered by this document

(1), number authorisation..... declara salvo que,

Otherwise specifically provided that such goods are originating in accordance with the Free Trade Agreement the Republic of Guatemala and the Republic of Peru and fulfils the criterion of origin 1 2 3

Or

(place and date)

(signed) approved by the exporter. 5 4

1 The number of approved authorization the exporter must be entered in this space.

2 must comply with any of the following criteria for claiming preferential tariff treatment:

For: the good is wholly obtained or produced entirely in the territory of one or

Both parties, as defined in article 3.2 (Goods wholly obtained or produced entirely);

B: the good is produced in the territory of one or both parties from materials not

Originating, who meet the change in tariff classification, the regional value content or other specific rules of origin set out in annex 3 (specific rules of origin); or

C; the good is produced in the territory of one or both parties exclusively from

Originating materials.

3 These indications may be omitted if the information is contained in the document itself.

4 is not necessary for the declaration of origin is signed by the exporter approved in accordance with article 3.18.2 exporter (approved).

5 In the case of invoicing in a country that is not a party, in accordance with Article 3.31 (invoicing by a

Third country), it shall indicate: "goods are invoiced by a non- Party (Name or by.....

The name and address of the operator that no Party issued the invoice ").

In the event that the commercial invoice or any other commercial document which is issued the Declaration contains non-originating origin of goods, it shall indicate: "the goods listed below are not originating in the framework of the Treaty:.....".

Chapter 4. Trade Facilitation and Customs Procedures

41:. Publication

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

2. Each Party shall designate or maintain one or more enquiry points to address concerns of interested persons on Customs matters and shall make available on the Internet information concerning procedures for making such enquiries.

3. To the extent possible, each Party shall publish in advance any regulations of general application relating to customs matters that it proposes to adopt; and provide interested persons the opportunity to comment prior to its adoption.

4. Each Party shall endeavour to ensure that its laws, regulations and customs procedures are transparent and facilitate trade and non-discriminatory.

5. Information on fees and charges connected with the provision of services which affect trade provided by a Party shall be published, including on the Internet.

42:. Release of Goods

1. In order to facilitate trade between the parties; each party shall adopt or maintain simplified customs procedures for the efficient release of goods.

2. In accordance with paragraph 1, each Party shall adopt or maintain procedures that:

(a) Provided that the release of goods within a period no greater than that required to ensure compliance with its customs laws; and to the extent possible, that the goods are released within forty-eight (48) hours following their arrival; and

(b) Allow goods to be released at the point of arrival, without mandatory transfer to warehouses or other facilities, except where the Authority

Customs will need to exercise additional controls or for reasons of infrastructure.

43:. Automation

1. Each party shall endeavor to use information technology that makes efficient and expeditious procedures for the release of goods. When selecting the information technology to be used for this purpose, each Party shall:

(a) Will endeavour to use recognized rules, standards and practices

Internationally;

(b) Make electronic systems accessible to users of their customs;

(c) The submission and processing of information and data

Prior to the arrival of the goods to enable their clearance

As stated in Article 4.2;

(d) Use of electronic and / or automated systems for risk analysis and management;

(e) Work on the development of electronic systems compatible between the customs authorities of the Parties to facilitate exchange of international trade data between them; and

(f) Work to develop a set of common data elements and processes in accordance with the Customs Data Model of the World Customs Organisation (WCO), and the recommendations and guidelines related WCO.

2. Each Party shall adopt or maintain, to the extent possible, agile procedures for the control of the means of transport of goods to leave or enter into its territory.

44:. Risk Management or Administration

1. Each party shall endeavor to adopt or maintain systems of administration and management of risks to enable its customs authority its inspection activities focusing on high-risk goods and facilitate the clearance of goods low-risk, respecting the confidential nature of the information obtained through such activities.

2. In applying the administration or management of risks, each Party shall be based on the imported goods, avoiding selectivity adequate physical inspection of all goods entering into its territory, and to the extent possible, with the assistance of instruments non-intrusive inspection.

45:. Transit of Goods

Each Party shall grant freedom of transit goods of the other Party in accordance with article V of the 1994 gattde, including its interpretative notes.

46:. Consignments of Express Delivery

1. Each Party shall adopt or maintain procedures for customs consignments express delivery, while maintaining appropriate systems of control and selection according to their nature.

2. The procedures referred to in paragraph 1 shall:

(a) Provide a separate and expedited procedures for customs express delivery shipments;

(b) Provide for the submission and processing of information necessary for the release of express delivery of a consignment prior to the arrival of the shipment;

(c) Allow submission of a single manifest covering all goods contained in a shipment transported by an express delivery services through electronic means;

(d) Provide for clearance of goods and / or low risk value with a minimum of documentation;

(e) Under normal circumstances, provide for the release of express delivery shipments within six (6) hours of customs documents necessary, provided that the shipment has arrived; and

(f) Under normal circumstances, provide that shall not tariffs, for consignments express delivery of correspondence, documents, newspapers and periodicals, non-commercial purposes.

47:. Authorised Economic Operator

The Parties shall promote the implementation of economic operators authorised under the Framework of Standards to Secure and Facilitate Global Trade (known as the WCO SAFE Framework), to facilitate the clearance of goods. Its obligations, requirements and formalities shall be established in accordance with the national legislation of each party.

48:. Single Window of Foreign Trade

The Parties shall promote the establishment of a single window for streamlining of foreign trade and trade facilitation. To the extent possible, the Parties shall endeavour to interconnection between single windows of their foreign trade.

49:. Review and Appeal

Each Party shall ensure, in respect of administrative actions relating to customs, natural or legal persons subject to such acts, have access to:

(a) A level of independent administrative review of the official or office that issued the Act; and

(b) At least one level of judicial review.

410:. Sanctions

Each Party shall adopt or maintain measures to administrative penalties and, where appropriate, penal sanctions for violations of the Laws and Customs Regulations, including those governing the tariff classification and customs valuation, the origin and claims for preferential treatment.

411:. Advance Rulings

1. Each Party shall issue a written advance ruling prior to the importation of a good into its territory, when an importer in its territory or an exporter or producer in the territory of the other party 1 it has requested in writing on:

1 The references to the importer or exporter or producer include representatives duly accredited in accordance with the national legislation of the requested Party.

(a) The tariff classification;

(b) The application of customs valuation criteria for a particular case, in accordance with the application of the provisions contained in the Agreement on the WTO Customs Valuation of 2;

(c) If a good is originating under chapter 3 (Rules of Origin and Origin Procedures);

(d) If a good being re-imported into the territory of a Party after being exported to the territory of another Party for repair or alteration is eligible for duty-free treatment in accordance with article 2.6 (re-imported goods after repair or alteration); and

(e) Other matters as the parties agree.

2. Each Party shall issue an advance ruling within one hundred and fifty (150) days following the submission of the request, provided that the requester has submitted all information that requires the party, including, if requested, a sample of the goods for which the applicant is requesting the advance ruling. The issuing the advance ruling, the Party shall take into account the facts and circumstances presented by the applicant.

3. Each Party shall provide that advance rulings will enter into force from the date of its issuance or such other date specified in the ruling provided that the facts or circumstances on which the decision is based have not changed.

4. The Party issuing the advance ruling may modify or revoke after having notified to the applicant when change in criteria, facts and circumstances, laws, regulations and rules that served as basis or is based on incorrect or false information. In the event that the modification or revocation is based on a change of the criteria, facts and circumstances, laws, regulations and rules that served as basis, such revocation or modification shall be applied from the date on which such criteria, facts and circumstances, laws, regulations or standards produced effects. In case of false or incorrect information, such revocation or modification shall be applied from the date of issuance of the advance ruling.

5. Subject to any confidentiality requirements in its domestic legislation, each Party may make available to the public its advance rulings.

2 on advance rulings in respect of valuation, the Customs Authority shall act only on the valuation method to be used for determining the customs value, in accordance with the agreement on customs valuation of the WTO, i.e. the resolution shall not be determinative on the amount to declare to the customs value.

6. If a requester provides false information or omits relevant circumstances or facts relating to the advance ruling or does not act in accordance with the terms and conditions of the same, the parties may apply appropriate measures, including civil, criminal and administrative actions in accordance with the national legislation of each party.

412:.

"committee on trade facilitation and customs procedures

1. The parties establish a committee on trade facilitation and customs procedures (hereinafter referred to as the Committee), comprising representatives of each party.

2. The functions of the Committee shall include:

(a) Monitor the implementation and administration of this chapter and chapter 5 (Customs Cooperation and Mutual Assistance in Customs Matters);

(b) Report to the Commission on the implementation and administration of the chapters referred to in subparagraph (a), where appropriate;

(c) Promptly address matters that a Party proposes to the development, adoption application or implementation of the chapters referred to in subparagraph (a);

(d) Enhance joint cooperation of the Parties in the development, implementation and improvement of all issues concerning the chapters referred to in subparagraph (a) include in particular customs procedures, the customs valuation, tariff regimes, the customs nomenclature, the Customs Cooperation Matters Concerning Free Zones, Mutual Administrative Assistance in Customs Matters, as well as provide a forum for consultation and discussion on these issues;

(e) At the request of a party, deal consultations on any matter arising under Chapters referred to in subparagraph (a), within a period of thirty (30) days; and

(f) Address any other matter relating to the chapters referred to in subparagraph (a).

3. Unless the parties agree otherwise, the Committee shall meet at least one (1) year, on a date and with an agenda agreed by the parties. The parties determine cases where it may make extraordinary meetings.

4. Meetings may be conducted by any means agreed by the parties. If they are witnessing, alternately in the territory of each party and shall be based on the Party hosting the meeting.

5. Unless the parties agree otherwise, the Standing Committee shall establish its rules of procedure.

6. All decisions of the Committee shall be taken by mutual agreement.

Chapter 5. Cooperation and Mutual Assistance In Customs Matters

51:. Scope

1. The parties, through its competent authorities, shall be provided with technical and administrative assistance according to the terms set forth in this chapter for the proper application of customs legislation; for the prevention, investigation and punishment offences against customs and customs offences; and the facilitation of customs procedures. The parties, through its competent authorities shall provide mutual assistance and cooperation in customs matters in general, including the supply of such statistics and other information that is available, in accordance with the national legislation of each party.

2. Pursuant to the provisions of this chapter and subject to their national legislation, the parties, within the scope of its competence and available resources of their respective competent authorities shall cooperate and provide mutual assistance to:

(a) To facilitate and expedite the flow of goods and people between the two countries;

(b) The prevention, investigation and suppression of customs offences and customs offences; and

(c) Promote mutual understanding of the laws and customs procedures and techniques of each of the Parties.

3. Where a Party has knowledge of any unlawful activity related to its laws or regulations relating to customs, that Party may request that the other party provide specific information and documentation, in accordance with their national legislation, under certain customs operations and / or trade is wholly or partially in its territory.

4. Assistance as provided in this Chapter, shall include, inter alia, by a Party on its own initiative or at the request of the other party, any appropriate information to ensure that customs legislation is correctly and the determination of the customs duties and other taxes. However, the assistance does not cover applications for the arrest or detention of persons, confiscation or detention or return of property rights, taxes, fines or any other money on behalf of the other party, which shall be governed by the relevant international agreements.

5. This chapter is intended solely for the mutual administrative assistance in customs matters between the parties, including free zones. The provisions of this chapter does not confer entitlement to any person to obtain, suppress or exclude any evidence or prevent the delivery of a request.

6. The implementation of this chapter shall be without prejudice to the assistance or cooperation between the parties under other international agreements, including the Mutual Assistance in Criminal Matters. If the mutual assistance must be provided under other international agreements in force between the parties, the requested authority shall indicate the name of the Agreement and the relevant authorities involved.

52:. Implementation

In order to ensure the proper implementation of this chapter, each competent authority shall take the necessary measures to strengthen cooperation and assistance in the following areas:

(a) To promote the exchange of the laws, regulations and customs procedures;

(b) Exchange of information on measures to simplify customs procedures and trade facilitation and the movement of means of transport, in accordance with the national legislation of the Parties;

(c) Report on the Prohibitions or Restrictions on imports or exports;

(d) Maintain constant consultation on issues of implementation of customs procedures and trade facilitation;

(e) Periodically review its customs procedures; and

(f) Implementing measures judged necessary.

53:. Communication of Information

1. Upon request, the requested authority shall provide, in accordance with their national legislation, all information on customs legislation, regulations and procedures applicable to investigations relating to a possible illicit customs or customs offence took place in the territory of the requesting authority.

2. The competent authorities shall communicate, without delay, and any available information on:

(a) New techniques for compliance with customs legislation;

(b) New trends, means or methods used in the commission of unlawful customs and customs offences, and those used in combat them;

(c) New procedures, methods and techniques for customs facilitation; and

(d) Other matters of mutual interest.

3. In serious cases involving substantial damage to the economy, public health, public security or other essential interests of one of the Parties, the competent authority of the other Party shall provide the information described in paragraph 1 without delay and on its own initiative.

4. Upon request, the requested authority shall provide information in accordance with their national legislation, on the operations in the import arrangements have been made in the customs territory of the goods exported from the territory of the requesting authority, which shall be required, the procedure for the clearance of goods.

5. Furthermore, at the request of a party and within the limits of their available resources, the requested authority shall provide information, in accordance with its domestic law relating to:

(a) Persons that the requesting authority ascertains that have committed or are involved in the commission of an offence;

(b) Goods destined for the customs territory of the requesting authority, refer in transit or for deposit for transit after such territory; or

(c) The means of transport allegedly used in the commission of offences in the territory of the requesting authority.

54:. Verification

1. Upon request, the requested authority shall send the Administration requesting information on:

(a) The authenticity of documents produced in support of the customs declaration made to the requesting authority;

(b) Whether goods exported from the territory of the Party of the requesting authority have been lawfully imported into the territory of the Party of the requested authority; and

(c) Whether goods imported into the territory of the Party of the requesting authority have been lawfully exported from the territory of the Party of the requested authority.

2. The requested authority shall provide information, in accordance with its domestic law relating to:

(a) The determination of the customs duties on goods and, in particular, on the determination of the customs value;

(b) Means of transport and the destination of goods, indicating the references to identify those goods;

(c) Checks for goods in transit through one of the territories of the Parties from a third country; or

(d) Customs fraud and smuggling incurred by its importers and / or exporters.

55:. Cooperation and Technical Assistance

Where it is not contrary to its laws, regulations and practices, the competent authorities shall cooperate in customs matters, including:

(a) The exchange of customs experts when mutually beneficial to promote understanding of the laws and customs procedures and techniques of each party;

(b) Training, particularly for the development of specialized skills of their customs officials;

(c) The exchange of scientific and technical information, relating to customs legislation, regulations and customs procedures;

(d) The exchange of information on new technologies, methods and procedures in the application of customs legislation; or

(e) Cooperation in the areas of research, development and testing of new customs procedures.

56:. Applications

1. Requests for assistance under this chapter shall apply directly to the Administration required by the requesting authority in writing or by electronic means, and must be accompanied by the necessary documents. The requested authority may request the written confirmation of electronic applications.

2. When a request is urgently may also be made orally. Such a request must be confirmed in writing or by electronic means as soon as possible. While the written confirmation has not been received, may be suspended the compliance of the application.

3. Applications made pursuant to paragraph 1 shall include the following particulars:

(a) The Administrative Unit and the signature, on behalf of the person making the request;

(b) The information required and the reason for the request;

(c) A brief description of the matter, the legal elements and nature of the customs procedure;

(d) The names, addresses, identification document or any other information that is known and relevant persons to whom the request relates; and

(e) All the necessary information available to identify the goods or the customs declaration concerning the application.

4. The information referred to in this chapter shall be communicated to the staff are specially appointed by each competent authority. To this end, each Party shall provide a list of designated officials of the competent authority of the other party.

5. The requesting authority must be able to provide the same assistance required, if it is requested.

57:. Execution of Requests

1. A request for assistance shall be met as soon as possible taking into account the available administrative resources required. The reply to the request for assistance shall be provided within ninety (90) days after receiving the written request.

2. Upon request, the requested authority shall carry out an investigation in accordance with their national legislation in order to obtain information related to a possible illicit customs or customs offence took place in the territory of one of the Parties, and shall provide to the requesting authority, the results of such research and any information that it deems relevant.

3. If the requested information is available electronically, administration required may be provided electronically to the requesting authority, unless the applicant authority requests otherwise.

4. If a request made by any of its competent authorities fulfil certain required procedure, it shall be in accordance with the national laws and regulations of the Party of the requested authority.

5. If the requested authority does not have the information requested, it shall, in accordance with its national legislation and their available resources, to exhaust the possibilities and make every effort, as provided in paragraph 1.

58:. Archives, Documents and other Materials

1. Upon request, the requested authority may be certified copies of documents requested, in case they cannot provide originals in its national law.

2. Any information to be exchanged under this chapter may be accompanied by additional information that is relevant to interpret or use.

59:. Use of Information

The information, documents and other materials received under this Chapter shall be used only for the purposes set out in this chapter, and subject to the restrictions that may be established by the requested authority in accordance with the provisions of this chapter.

510:. Confidentiality

1. If requested by the requested information, documents and other materials obtained by the requesting authority in the course of mutual assistance under this Chapter shall be treated as confidential. In such a case, they shall be accorded the same protection regarding confidentiality that applies to the same type of information, documents and other materials in the territory of the party requesting the administration.

2. Such information may be used or disclosed only for the purposes set out in this chapter, including where required in the context of judicial or administrative proceedings, investigation carried out by the competent authority or appropriate. The information may be used or disclosed for other purposes or other authorities, only in the case that the requested authority, and specifically authorized in writing.

511:. Costs

1. The competent authorities shall waive all claims for reimbursement of costs and / or expenses incurred in the implementation of applications under this Chapter except those related to experts, which shall be borne by the requesting authority.

2. If necessary incur costs and / or substantial or extraordinary expenditures in nature to execute the request, the competent authorities shall consult on the

Terms and conditions under which the request will be executed, as well as the manner in which these are undertaken.

512:. A Joint Cooperation

1. The Parties shall enhance cooperation in the joint development, implementation and improvement of all issues related to this chapter, in particular customs procedures, the customs valuation, customs procedures, the tariff nomenclature and matters relating to free zones or special economic zones, as well as provide a forum for consultation and discussion on such matters.

2. A Party may request all the records and documents relating to goods and / or a joint visit to a free zone or a special economic zone, if known that a good for which an importer in its territory has requested preferential tariff treatment under another Trade Agreement has suffered a further processing or operations other than reloading unloading, or any other operation necessary to preserve the good in good condition or to transport it to the territory of that Party, during transit, trans-shipment or storage in the free zone or special economic zone.

513:. Definitions

For the purposes of this chapter:

The requested authority means that the competent authority is requested cooperation or assistance;

The requesting authority means the competent authority that requests assistance or cooperation;

Competent authority means:

(a) In the case of Guatemala: the Customs Department of the Tax Administration Superintendency; and

(b) In the case of Peru: the Ministry of Foreign Trade and Tourism (MINCETUR) and / or the National Superintendence of tax administration (SUNAT),

Or their successors;

E violation of customs law means any violation or attempted violation of customs legislation of each Party, being administrative or criminal tax;

Means information documents, reports or other communications in any form, including electronic or authenticated and certified copies thereof; and

Customs legislation any legal provision means administered, applied or enforced by the customs authority of each party, including the regulating the entry, exit or transit of goods in all or part of its territory, free trade areas or special economic zones, regardless of the name of each party denominated in these areas.

Chapter 6. Sanitary and Phytosanitary Measures

61:. Scope

This chapter applies to all sanitary and phytosanitary measures that may directly or indirectly affect trade between the parties, including food safety, the exchange of animal products and by-products of animal and plant products and by-products of plant origin in accordance with the WTO / SPS Agreement, the Codex Alimentarius Commission), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC).

62:. Objectives

The objectives of this chapter are: to protect the life and health of persons, animal or plant in the territories of the Parties; facilitate and increase trade among the parties, and resolving problems arising as a result of the Application of Sanitary and Phytosanitary Measures, cooperate in the WTO SPS / commissionimplementing greater agreement and establish a committee to address in a transparent manner issues related to sanitary and phytosanitary measures and promote the improvement of health and plant health status of the Parties.

63:.

Reaffirming the WTO SPS Agreement "

The parties reaffirm their existing rights and obligations under the WTO / SPS Agreement.

64:.

The rights and obligations of the Parties

1. The Parties may adopt or maintain apply their sanitary or phytosanitary measures to achieve an appropriate level of sanitary or phytosanitary protection provided that it is based on scientific principles.

2. The Parties may establish or maintain a sanitary or phytosanitary measure with a higher level of protection than that which would be achieved by a measure based on an international standard, guidelines or recommendations, provided that there is scientific justification for this purpose.

3. The Parties shall ensure that their sanitary and phytosanitary measures shall not constitute a disguised restriction on trade or create unnecessary obstacles to it.

65:. Equivalence

1. The recognition of equivalence of sanitary and phytosanitary measures may be considered standards, guidelines and recommendations developed by the relevant international organizations and the decisions taken by the Committee on Sanitary and Phytosanitary Measures of the WTO.

2. A Party shall accept as equivalent sanitary or phytosanitary measures of the other party, even if they differ from its own, provided that it is shown to achieve the appropriate level of protection of the other party, in which case it shall provide reasonable access for inspection, testing and other relevant procedures.

3. The parties to the Committee established in article 6.11 shall define mechanisms to assess and, where appropriate, to accept the equivalence of sanitary and phytosanitary measures.

66:.

"of risk assessment and determination of the appropriate level of sanitary and phytosanitary protection

1. Sanitary and phytosanitary measures applied by the parties will be based on an appropriate evaluation to the circumstances of the existing risk to the life and health of humans, animals or plants, including products and by-products, taking into account the standards, guidelines and recommendations of the relevant international organizations.

2. The establishment of appropriate levels of protection shall take into account the objective of protecting human, animal and plant health, while facilitating trade avoid arbitrary or unjustifiable distinctions that may become a disguised restrictions.

3. The Parties shall grant the necessary facilities for the evaluation, when required, sanitary and phytosanitary services, based on the guidelines and recommendations of international organisations or other procedures as the parties by mutual agreement.

4. To this end, the parties agree to task the Committee established in article 6.11, determine actions and procedures for the acceleration of the process of sanitary and phytosanitary risk assessment.

67:.

"adaptation to regional conditions including a disease-free pest-free or areas and areas of low disease or pest prevalence 1

1. In assessing sanitary or phytosanitary characteristics of a region, the Parties shall take into account, inter alia, the prevalence of pests or diseases

Specific programme; the existence of eradication or control and the criteria and guidelines to develop the appropriate competent international organizations.

2. The Parties shall recognize the disease or pest free areas and areas of low disease or pest prevalence in accordance with the WTO / SPS Agreement, the recommendations and / or guidelines of the OIE and IPPC.

3. In the determination of such areas, the Parties shall consider factors such as geographical location, ecosystems, epidemiological surveillance and the effectiveness of sanitary and phytosanitary controls and other technical considerations and scientifically justified, necessary to provide evidence to demonstrate objectively to the other party those zones are and will probably remain disease or pest free areas or areas of low prevalence. To this end, it shall give reasonable access, upon request by the other party for the inspection, testing and other relevant procedures.

4. The Parties recognise the recommendations expressed in the rules on compartmentalization established by the OIE.

5. The Committee established in article 6.11, develop an appropriate procedure for the recognition of disease or pest free areas and areas of low prevalence, taking into account the international standards, guidelines or recommendations.

6. If a Party does not recognize the determination of disease or pest free areas or areas of low or pest disease prevalence, made by the other Party shall explain the reasons for refusal technical and scientific in a timely manner.

68:. Inspection and Control and Adoption

The Parties shall establish procedures for inspection and control and approval taking into consideration Article 8 and Annex C of the SPS Agreement of the WTO.

69:. Transparency

1. The Parties shall apply in a transparent manner sanitary and phytosanitary measures.

To this end, the Parties shall notify such measures pursuant to

2. In addition, shall notify the Parties:

(a) The application of emergency action or the modification of existing measures within a period of no more than three (3 days), in accordance with the provisions of Annex B to the SPS Agreement of the WTO, as well as the situations of health warnings on the control of food products traded between the parties, where there is a risk for human health, associated with its consumption,

In accordance with the relevant health standard Codex Alimentarius existing at the time;

(b) The non-compliance of the measures identified in certificates of export products subject to the Application of Sanitary and Phytosanitary Measures, including the greatest possible information as well as the reasons for its refusal.

(c) Cases of exotic diseases or pests or unusual occurrence; and

(d) Updated information at the request of a party, the requirements applicable to the importation of specific products, and report on the state of the processes and measures in respect of applications for access of animal products, plants, forestry, fisheries and other related to the WTO SPS / agreement by the exporting Party.

3. The Parties shall make its best efforts to improve mutual understanding of sanitary and phytosanitary measures and their implementation, and exchange information on matters related to the development or application of sanitary and phytosanitary measures that affect or may affect trade between the parties, with a view to minimizing the negative effects on trade.

4. Notifications shall be made in writing to the contact points established in accordance with the WTO / SPS Agreement. By means of a written notification, notifications by mail, fax or e-mail.

1. The parties agree to cooperate and provide the necessary technical assistance for the implementation of this chapter.

2. The Parties shall develop through the Committee established in article 6.11 a work programme, including the identification of needs of cooperation and technical assistance to establish and / or strengthen the capacity of the parties to human health, animal and plant health and food security of common interest.

611:.

"Committee on Sanitary and Phytosanitary Measures

1. The parties establish a Committee on Sanitary and Phytosanitary Measures (hereinafter referred to as the Committee), comprising representatives of each Party with responsibilities in this field in accordance with annex 6.11 as a forum to ensure and monitor the implementation and administration of this chapter as well as to address and resolve the problems encountered in trade in goods subject to the Application of Sanitary and Phytosanitary Measures.

2. The Committee may establish working groups sanitary and phytosanitary which it deems appropriate.

3. The functions of the Committee shall include:

(a) Monitor the implementation and administration of this chapter;

(b) Report to the Commission on the implementation and administration of this chapter, where appropriate;

(c) Serve as a forum to discuss and consult and attempt to resolve problems related to the development or application of

sanitary or phytosanitary measures that affect or may affect trade between the parties;

(d) Contribute to trade facilitation through the timely consultation on issues related to the implementation of this chapter;

(e) Improving any present or future relationship between the offices responsible for the implementation of sanitary and phytosanitary measures of the Parties;

(f) Contribute to mutual understanding of Sanitary and Phytosanitary Measures of the Parties, its implementation and related internal regulations;

(g) To identify and promote cooperation, technical assistance, training and exchange of information in the field of sanitary and phytosanitary measures;

(h) Establish procedures for the recognition of areas, areas or free compartments of pests or diseases;

(i) Define mechanisms and procedures for the recognition of equivalence of sanitary and phytosanitary measures as well as to determine the procedures and deadlines for risk assessments of streamlined and transparent manner;

(j) Consultations on the position of the Parties in items to be treated in meetings of the Committee on Sanitary and Phytosanitary Measures of the WTO, the Codex Alimentarius committees and other fora of both parties which are party; and

(k) Address any other matter related to this chapter.

4. Unless the parties agree otherwise, the Committee shall meet at least one (1) year, on a date and with an agenda agreed by the parties. The parties determine cases where it may make extraordinary meetings.

5. Meetings may be conducted by any means agreed by the parties.

If they are witnessing, alternately in the territory of each party and shall be based on the Party hosting the meeting. The first meeting of the Committee shall be carried out no later than one (1) year after the date of Entry into Force of this Treaty.

6. Unless the parties agree otherwise, the Standing Committee shall establish its rules of procedure.

7. All decisions of the Committee shall be taken by mutual agreement.

612:. Settlement of Disputes

Once consultations in accordance with article 6.11.3

(c) The party that does not conform with the outcome of the consultations, may have recourse to the dispute settlement procedures provided for in Chapter 15 (dispute settlement).

613:. Definitions

For the purposes of this chapter, glossaries and shall apply the definitions in annex A of the WTO SPS Agreement and international bodies.

The SPS Committee shall be composed of representatives of:

(a) In the case of Guatemala: the Ministry of Economy (MINECO), the Ministry of Agriculture, Livestock and Food and the Ministry of Health and Social Welfare (MSPAS); and

(b) In the case of Peru: the Servicio Nacional de Sanidad Agraria (SENASA), the Directorate General de Salud Ambiental (DIGESA), the Instituto Tecnológico Pesquero (ITP) and the Vice-Ministry of Foreign Trade of the Ministry of Foreign Trade and Tourism,

Or their successors.

Chapter 7. Technical Barriers to Trade

1. This chapter applies to the preparation, adoption and application of standards and technical regulations and conformity assessment procedures, including those relating to metrology, each Party that may directly or indirectly affect the trade in goods.

2. Notwithstanding paragraph 1. this chapter does not apply to:

(a) Sanitary and phytosanitary measures which are covered by Chapter 6 (sanitary and phytosanitary measures); and

(b) Purchasing specifications prescribed by governmental bodies for production or consumption requirements of governmental institutions, which shall be governed by chapter ten (Government Procurement).

72:. Objectives

The objective of this chapter is to facilitate and increase trade in goods identifying, preventing and eliminating unnecessary obstacles to trade between the parties that may arise as a result of the preparation, adoption and application of technical regulations, standards and conformity assessment procedures, including those relating to metrology and encouragement of joint cooperation among the parties, within the terms of the WTO TBT agreement.

73:.

Reaffirming the WTO TBT agreement "

The parties reaffirm their existing rights and obligations with respect to each other under the WTO TBT agreement, which are incorporated into this chapter mutatis mutandis.

1. The Parties shall intensify their joint work in the field of standards and technical regulations and conformity assessment procedures with a view to facilitating trade between the parties. In particular, the parties shall seek to identify, develop and promote trade facilitating initiatives regarding standards technical regulations and conformity assessment procedures that are appropriate for particular issues or

In particular sectors, taking into account the respective Parties experience in other bilateral, regional or multilateral agreements that are appropriate.

2. Measures referred to in paragraph 1 may include cooperation on regulatory issues, such as convergence or alignment with international standards; reliance on a supplier declaration of conformity, the recognition and acceptance of the results of conformity assessment procedures and the use of accreditation to qualify for entities of conformity assessment, as well as cooperation through mutual recognition agreements.

3. Where a Party detains a port of entry at a good originating in the territory of the other party pursuant to be perceived failure to comply with a technical regulation shall immediately notify the importer of the reasons for the detention.

1. Each Party shall use the standards and guides and relevant international recommendations in accordance with Articles 2.4 and 5.4 of the TBT Agreement of the WTO, as a basis for their technical regulations and conformity assessment procedures.

2. In determining whether an international standard, guide or recommendation within the meaning of article 2, Article 5 and annex 3 of the TBT Agreement of the WTO, each Party shall apply the principles set out in decisions and recommendations adopted by the Committee on Technical Barriers to Trade (hereinafter WTO TBT Committee) since 1 January 1995, G / TBT / Rev. 1 /

9, 8 September 2008 issued by the WTO TBT Committee.

3. Each Party shall encourage its national standardizing bodies to cooperate with the relevant national standardizing bodies of the other party in international standardizing activities. Such cooperation may take place through the activities of the parties in regional and international standardizing bodies which are members of both parties.

1. Each Party shall give favourable consideration to accepting as equivalent technical regulations of the other Contracting Party, even if they differ from its own, provided that they are satisfied that adequately fulfil the legitimate objectives of its own regulations.

2. Where a Party does not accept a technical regulation of the other party as equivalent to its own, shall, at the request of the other Party explain the reasons for its decision.

3. At the request of a Party that has an interest in developing a technical regulation similar to a technical regulation of the other party and to minimize duplication of

The other Party shall provide any information, studies or other relevant documents available on which it has relied in the development of such a technical regulation, except information confidential.

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

(a) The importing party supplier on a declaration of conformity;

(b) Voluntary arrangements between conformity assessment bodies

According to the territory of the Parties;

(c) Agreements on mutual acceptance of the results of conformity assessment procedures with respect to specified regulations conducted by bodies located in the territory of the other party;

(d) Accreditation procedures for qualifying agencies

Conformity assessment;

(e) The designation of conformity assessment bodies; and

(f) Recognition by one party of the results of procedures

Conformity assessment performed in the territory of the other party.

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

2. In the event that a Party does not accept the results of a conformity assessment procedure conducted in the territory of the other party, it shall upon the request of that other Party explain the reasons for its decision.

3. Each Party shall authorize or otherwise recognise conformity assessment bodies in the territory of the other Party on terms no less favourable than those accorded to conformity assessment bodies in its territory. If a Party authorizes accredits or otherwise recognises a body assessing conformity with a specific technical regulation or standard in its territory and it refuses to accredit or otherwise recognise a body that assessing conformity with technical regulation or standard in the territory of the other party, it shall upon the request of that other Party explain the reasons for its decision.

4. The parties shall enter into negotiations for the conclusion of agreements

Of mutual recognition of the results of their respective conformity assessment procedures, in conformity with the principles of the WTO TBT agreement. In the event that a Party does not accept negotiations, it shall commence upon the request of that other Party explain the reasons for its decision.

1. Each Party shall notify the other party to electronically through the contact points established under article 10 of the WTO TBT agreement at the same time it submits its notification to the Central Registry of notifications to the WTO pursuant to the WTO TBT agreement:

(a) Its proposed technical regulations and conformity assessment procedures; and

(b) Technical regulations and conformity assessment procedures adopted to address urgent problems of safety, health, environmental protection or national security arise or threaten to arise in terms of the WTO TBT agreement.

2. Each Party shall publish on the website of the competent national authority those technical regulations and conformity assessment procedures that are consistent with the technical content of any relevant international standard. This publication shall be available to the public as those technical regulations and conformity assessment procedures are in force.

3. Each Party shall grant a period of at least sixty (60) days from the date of the notice referred to in subparagraph 1 (a) to the Party and other interested persons to make comments in writing on the proposal. A Party shall give positive consideration to reasonable requests for an extension of the deadline for comments.

4. Each Party shall publish or make available to the public in either print or electronically, its responses to it receives significant comments from interested persons and the other party under paragraph 3 no later than the date it publishes the final technical regulation or conformity assessment procedure.

5. Notification of the proposed technical regulations and conformity assessment procedures shall include an electronic link to, or a copy of the full text of the paper notified.

6. A Party shall, at the request of the other Party shall provide information on the basis of objective and technical regulation

or conformity assessment procedure that the Party has adopted or is proposing to adopt.

7. The parties agree that the time period between the publication and the Entry into Force of technical regulations and conformity assessment procedures shall not be less than six (6) months, except that with this deadline cannot feasibly comply with its legitimate objectives. The Parties shall give positive consideration to reasonable requests for an extension of the deadline.

8. The Parties shall ensure that all technical regulations and conformity assessment procedures adopted and existing publicly available in a free official website, in such a way as to be readily available and accessible.

9. Each Party shall implement the provisions of paragraph 4 as soon as possible and in any case no later than three (3) years from the Entry into Force of this Treaty.

1. At the request of a party the other party shall give favourable consideration to any proposal that the requesting party sector-specific makes for further cooperation under this chapter.

2. The parties agree to cooperate and provide technical assistance in the field of standards and technical regulations and conformity assessment procedures, including metrology, with a view to facilitating their access to markets. In particular, the Parties will consider, inter alia:

(a) The implementation of this chapter;

(b) Furthering the implementation of the WTO TBT agreement;

(c) Strengthening the capacities of their respective bodies standardisation, technical regulations and conformity assessment and metrology systems and information and notification under the scope of the WTO TBT agreement, including the training and further training of human resources; and

(d) Increasing participation in international organizations, including the regional standardization-related, technical regulations and conformity assessment and metrology.

710:.

"Committee on Technical Barriers to Trade

1. The parties establish a Committee on Technical Barriers to Trade (hereinafter referred to as the Committee), comprising representatives of each Party in accordance with annex 7.10.

2. The functions of the Committee shall include:

(a) Monitor the implementation and administration of this chapter;

(b) Report to the Commission on the implementation and administration of this chapter, where appropriate;

(c) Promptly address matters that a Party proposes to the development, adoption application or implementation of technical regulations or standards and conformity assessment procedures;

(d) Enhance joint cooperation in the development and improvement of technical regulations standards and conformity assessment procedures, including metrology;

(e) As appropriate, facilitate sectoral cooperation between governmental and non-governmental bodies in the field of standards and technical regulations and conformity assessment procedures, including metrology, in the territories of the Parties;

(f) Exchange information on the work in regional and multilateral non-governmental involved in activities related to technical regulations, standards and conformity assessment procedures;

(g) At the request of a party, deal consultations on any matter arising under this chapter;

(h) Reviewing this chapter in light of any development under the WTO TBT agreement and the decisions or recommendations of the WTO TBT Committee, and put forward suggestions on possible amendments to this chapter;

(i) Take any other action that will assist the parties consider them in implementing this chapter and the TBT Agreement and in facilitating trade between the parties;

(j) The Commission to recommend the establishment of working groups to the treatment of specific matters related to this

chapter and the TBT Agreement of the WTO; and

(k) Address any other matter related to this chapter.

3. The Parties shall make every effort to reach a mutually satisfactory solution in the consultations referred to in subparagraph 2 (g) Within a period of thirty (30) days.

4. Where the parties have had recourse to consultations under subparagraph 2

(g) Such consultations shall replace those provided for in article 15.4 (consultations).

5. The representatives of each Party in accordance with annex 7.10 will be responsible for coordinating with the relevant institutions and persons in its territory;

As of ensuring that such institutions and persons are convened.

6. Unless the parties agree otherwise, the Committee shall meet at least one (1) year, on a date and with an agenda agreed by the parties. The parties determine cases where it may make extraordinary meetings.

7. Meetings may be conducted by any means agreed by the parties. If they are witnessing, alternately in the territory of each party and shall be based on the Party hosting the meeting. The first meeting of the Committee shall be carried out no later than one (1) year after the date of Entry into Force of this Treaty.

8. Unless the parties agree otherwise, the Standing Committee shall establish its rules of procedure.

9. All decisions of the Committee shall be taken by mutual agreement.

1. Any information or explanation is provided that at the request of a Party in accordance with the provisions of this chapter shall be provided in print or electronically within a period of thirty (30) days, which may be extended prior justification for the reporting Party.

2. With regard to the exchange of information, in accordance with article 10 of the WTO TBT agreement, the Parties shall implement the recommendations contained in document decisions and recommendations adopted by the WTO TBT Committee since 1 January 1995, G / TBT / Rev. 1 /

9, 8 September 2008, section V (procedure for the exchange of information) issued by the WTO TBT Committee.

712:. Definitions

For the purposes of this chapter shall apply the terms and definitions in annex 1 of the WTO TBT agreement.

"Committee on Technical Barriers to Trade

In accordance with article 7.10; the Committee on Technical Barriers to Trade shall be coordinated by:

(a) In the case of Guatemala: the Ministry of Economy, through the Bureau of Foreign Trade Administration; and

(b) In the case of Peru: the Ministry of Foreign Trade and Tourism,

Or their successors.

Chapter 8. Trade Defence

Section A. Bilateral Measures Safeguard

81:. Imposition of a Bilateral Safeguard Measure

1. During the transition period, if as a result of the reduction or elimination of a customs duty under this Treaty, originating goods of a Party is being imported into the territory of the other party in such increased quantities in absolute terms or relative to domestic production and under such conditions as to constitute a substantial cause of serious injury or threat of serious injury to the domestic industry producing a like or directly competing goods, the importing Party may adopt a bilateral safeguard measure described in paragraph 2.

2. If the conditions set out in paragraph 1 may a party to the extent necessary to prevent or remedy serious injury or threat of serious injury and to facilitate adjustment:

(a) Suspend any further reduction of the rate of duty provided for under this Agreement for the product; or

(b) Increasing the tariff rate for the good to a level not to exceed the lesser of:

(i) The tariff rate of most-favoured-nation (MFN) applied at the time the measure is applied; or

(ii) The Base tariff rate as specified in annex 2.3 tariff elimination (1).

3. The adoption of a bilateral safeguard measure under this section shall not affect the goods at the date of entry into force of the measure are:

(a) Indeed shipped as embodied in the transport documents, provided that they are intended for final consumption or final importation within a period not exceeding twenty (20) days after the expiry of the discharge into the territory of the importing Party; or

(b) In the territory of the importing Party pending clearance, provided that the release of goods within a period not exceeding twenty (20)

1 The Parties understand that neither tariff quotas nor quantitative restrictions would be a bilateral safeguard measure is permitted.

Days from the adoption of the measure. This provision shall exclude goods found in free zones, are to be paid in the territory of the importing Party.

82:. Standards for a Bilateral Safeguard Measure

1. No party may maintain bilateral a safeguard measure:

(a) Except to the extent and for the period necessary to prevent or remedy serious injury and to facilitate adjustment;

(b) For a period exceeding two (2) years; except that the period shall be extended for a further year (1), if the competent authority determines, in accordance with the procedures set out in Article 8.3, the measure that continues to be necessary to prevent or remedy serious injury and to facilitate adjustment and that there is evidence that the domestic industry is adjusting; or

(c) After the expiration of the transition period.

2. In order to facilitate adjustment in a situation where the expected duration of a bilateral safeguard measure is over one year (1), the party applying the measure shall progressively liberalize it at regular intervals during the period of application.

3. A Party may not apply a bilateral safeguard measure more than once against the same good until the expiry of a period equal to the duration of the previous bilateral safeguard measure, including any extension, starting from the end of the previous bilateral safeguard measure, provided that the period of non-application is at least one (1) year.

4. Upon the termination of the Bilateral safeguard measure, the party which has adopted the tariff rate shall apply in accordance with its list of relief covered in annex 2.3 (tariff elimination).

83:. Investigation Procedures and Transparency Requirements

1. A Party may apply a bilateral safeguard measure only after an investigation by the competent authority of the Party in accordance with articles 3 and 4.2 (c) of the WTO Agreement on Safeguards to this end; and articles 3 and 4.2 (c) of the WTO Agreement on Safeguards are incorporated into and form an integral part of this Agreement mutatis mutandis.

2. In the investigation described in paragraph 1, the Party shall comply with the requirements of Articles 4.2 (a) and 4.2 (b) of the WTO Agreement on Safeguards; and to this end,

Articles 4.2 (a) and 4.2 (b) of the WTO Agreement on Safeguards are incorporated into and form an integral part of this Agreement mutatis mutandis.

3. Each Party shall ensure that its competent authorities any such investigation complete within the period specified in its domestic legislation.

84:. Bilateral Provisional Safeguard Measures

1. In critical circumstances where any delay involves a damage which it would be difficult to repair, a party may apply a provisional bilateral safeguard measure pursuant to a preliminary determination of the existence of a clear evidence that the increased imports from the other party have caused or are threatening to cause serious injury to the domestic industry.

2. The duration of the provisional bilateral safeguard shall not exceed two hundred (200 days), adopt any of the forms set out in article 8.1.2 and shall comply with the relevant requirements of Articles 8.1 and 8.3. The guarantees or the received funds for provisional measures shall be released or promptly refunded if the investigation does not determine that increased imports have caused or threatened to cause serious injury to the domestic industry. The duration of any bilateral provisional safeguard measure shall be counted as part of the duration of the definitive bilateral safeguard measure.

1. A Party shall be promptly notified in writing to the other party, when:

(a) Bilateral safeguard initiate proceedings under this section;

(b) Apply a provisional bilateral safeguard measure; and

(c) The final decision to apply or extend a safeguard measure bilateral.

2. A Party shall provide to the other party a copy of the public version of the report of its competent investigating authority required under article 8.3.1.

3. At the request of a Party whose good is subject to a bilateral safeguard procedure in accordance with this chapter, the party conducting that proceeding shall enter into consultations with the requesting party to review a notification under paragraph 1 or any public notice or report issued by the competent investigating authority with respect to the procedure.

1. Not later than thirty (30) days after applying a safeguard measure bilateral: a Party shall provide an opportunity for the other party to consult with it on appropriate compensation of trade liberalization, in the form of trade concessions having substantially equivalent effects or equivalent to the value of the additional duties expected to result from the measure.

2. If the parties are unable to agree on the compensation within thirty (30) days after the commencement of consultations, the exporting party may suspend the application of substantially equivalent concessions to the trade of the party applying the Bilateral safeguard measure.

3. The exporting Party shall notify in writing the party applying the Bilateral safeguard measure at least thirty (30) days before suspending concessions under paragraph 2.

4. The obligation to provide compensation under paragraph 1 and the right to suspend concessions under paragraph 2 shall terminate on the termination date of the Bilateral safeguard measure.

87:. Definitions

For the purposes of this section:

Threat of serious injury means clearly imminent serious damage on the basis of facts and not merely on allegation, conjecture or remote possibility;

The competent investigating authority means:

(a) In the case of Guatemala: the Administration of Foreign Trade of the Ministry of Economy; and

(b) In the case of Peru: the Vice-Ministry of Foreign Trade of the Ministry of Foreign Trade and Tourism,

Or their successors.

Substantial cause means which is a cause and not less important than any other cause;

Serious injury means a significant overall impairment in the position of a domestic industry;

Transition period means the period of five (5) years beginning on the date of Entry into Force of this Treaty, except for any goods for which the annex 2.3 (tariff elimination) of the party applying the safeguard measure that it will eliminate tariffs for the goods in a period of five (5) years or more, where the transition period means established tariff relief goods in annex 2.3 (tariff elimination) over a period of two (2) years.

Section B.

88:. Global Safeguard Measures

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

2. This agreement does not confer any additional rights or obligations on the parties with regard to actions taken pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards, except that the party imposing a global safeguard measure may exclude an originating imports of goods of the other Party if such imports are not a substantial cause of serious injury or threat of serious harm.

3. No party shall apply with respect to the same goods and during the same period:

(a) A bilateral safeguard measure under section A; and

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

4. For the purposes of this section, competent investigating authority means:

(a) In the case of Guatemala: the Administration of Foreign Trade of the Ministry of Economy; and

(b) In the case of Peru: the National Institute for the Defense of Competition and Protection of Intellectual Property,

Or their successors.

5. Except as provided in paragraph 3, Chapter 15 (dispute settlement) shall not apply to this section.

Section C.

89:. Antidumping and Countervailing Duties

1. Each Party retains its rights and obligations under article VI of the GATT 1994 and the WTO Anti-Dumping Agreement and the WTO Agreement on Subsidies, with respect to the application of anti-dumping and countervailing duties.

2. Except as provided in paragraph 3, nothing in this Treaty shall be construed as imposing any rights or obligations on the parties with respect to antidumping and countervailing duties.

3. Without prejudice to article 6.5 of the WTO Anti-Dumping Agreement and Article 12.4 of the WTO Agreement on Subsidies and in accordance with Article 6.9 of the WTO Anti-Dumping Agreement and Article 12.8 of the WTO Agreement on Subsidies, the competent investigating authority shall give full and meaningful disclosure of all essential facts and considerations which form the basis for the decision on the implementation of definitive measures. In this regard, the competent investigating authority shall send to interested parties a written report containing such information, and allow interested parties sufficient time to make their comments and oral and written rebuttal to this report.

4. For the purposes of this section, competent investigating authority means:

(a) In the case of Guatemala: the Administration of Foreign Trade of the Ministry of Economy; and

(b) In the case of Peru: the National Institute for the Defense of Competition and Protection of Intellectual Property,

Or their successors.

5. Chapter 15 (dispute settlement) shall not apply to this section.

Section D. Cooperation

810:. Cooperation

The parties agree to establish a cooperation mechanism between the investigating authorities. Cooperation between the parties may include, inter alia, the following activities:

(a) Exchange of non-confidential information available on defence investigations undertaken on trade

Imports coming or originating from third countries other than the parties;

(b) Technical assistance in the field of trade and defence;

(c) Exchange of information in order to improve the understanding on this chapter on trade and defence systems of the Parties.

Chapter 9. Intellectual Property

1. The Parties recognise that the protection and enforcement of intellectual property rights should contribute to the generation of knowledge, the promotion of innovation, transfer and dissemination of technology and cultural progress, to the mutual advantage of producers and users of technological knowledge and cultural favouring the development of economic and social welfare and the balance of rights and obligations.

2. The Parties recognise the need to maintain a balance between the rights of the

Holders and the public interest, particularly education,

Research, public health and access to information within the framework of the exceptions and limitations laid down by the national legislation of each party.

3. The parties, in formulating or amending their laws and regulations, may take the necessary measures to protect public health and nutrition, and to promote the public interest in sectors of vital importance to their socio-economic and technological development, provided that such measures are consistent with the provisions of this chapter.

4. The Parties recognise that contributes to technology transfer

Strengthening national capacities to establish a sound and viable technological base.

5. The parties, in interpreting and implementing the provisions of this chapter;

Shall observe the principles established in the Declaration on the TRIPS Agreement and Public Health adopted on 14 November 2001 by the Ministerial Conference of the WTO.

6. The Parties shall contribute to the implementation and respect the decision of the WTO General Council of 30 August 2003 on paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health, as well as the Protocol amending the TRIPS Agreement done at Geneva on 6 December 2005. Also recognise the importance of promoting the gradual implementation of resolution wha61.21., Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, adopted by 61 to the World Health Assembly on 24 May 2008.

7. The Parties shall ensure that the interpretation and implementation of the rights and obligations under this Chapter shall be consistent with paragraphs 1 to 6.

1. Each Party shall apply the provisions of this chapter and may provide in its domestic legislation, though not obliged, more extensive protection than is required by this chapter, provided that such protection does not contravene the provisions of this Agreement.

2. The parties reaffirm their rights and obligations under the WTO TRIPS Agreement, in the Convention on Biological Diversity, and any other multilateral agreement relating to intellectual property agreements and administered by the World Intellectual Property Organization (WIPO) to which the parties are party. In this regard, nothing in this chapter shall derogate from the provisions of the treaties.

3. Each Party, in formulating or amending their national laws and regulations, may make exceptions permitted flexibilities and multilateral treaties relating to the protection of intellectual property rights to which the parties are party.

4. A Party shall accord to nationals of the other party treatment no less favourable than that accorded to its own nationals. Exemptions from this obligation must be in accordance with the relevant provisions referred to in articles 3 and 5 of the WTO TRIPS Agreement.

5. With regard to the protection and enforcement of intellectual property rights referred to in this chapter, any advantage, favour, privilege or immunity granted by a party to the nationals of any other country shall be accorded immediately and unconditionally to the nationals of the other party. Exemptions from this obligation must be in accordance with the relevant provisions referred to in articles 4 and 5 of the WTO TRIPS Agreement.

6. Nothing in this chapter shall prevent a Party from adopting measures necessary to prevent the abuse of intellectual property rights by right holders or the resort to practices which unreasonably restrain trade or adversely affect the international transfer of technology. Furthermore, nothing in this chapter shall be construed as diminishing protections that the parties agree or have agreed on the conservation and sustainable use of biodiversity; or prevent the Parties from

maintaining or adopting measures for this purpose.

1. Each Party shall protect trademarks in accordance with the WTO TRIPS Agreement.

2. Article 6bis of the Paris Convention for the Protection of Industrial Property shall apply mutatis mutandis to goods or services that are not identical or similar to those identified by a well-known mark,

Regardless of whether registered or not provided that use of that trademark in relation to those goods or services indicate a connection between those goods or services and the owner of the trademark and provided that the interests of the owner of the trademark to be damaged by such use.

3. In determining whether a trademark is a well-known 1, no Party shall require that the reputation of the trademark extend beyond the sector of the public that normally deals with the relevant goods or services. For greater certainty, the sector of the public that normally deals with the relevant goods or services is determined in accordance with the national legislation of each party.

4. Each Party shall provide a system for the registration of trademarks, which shall include:

(a) The notice to the applicant in writing stating the reasons for the refusal of registration of the trademark. If the domestic law so permits, notifications shall be made by electronic means;

(b) An opportunity for interested parties to oppose a trademark application or to seek the annulment of a trademark after it has been registered;

(c) Decisions on registration procedures and invalidity be reasoned and in writing; and

(d) An opportunity for interested parties to challenge administrative or judicial, as set out in the national legislation of each party, issued decisions in the registration of trademarks and invalidity.

5. Each Party shall provide that the applications for registration of those applications, publications and registrations indicate the products and services by their names, grouped according to the classes of the classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the purposes of the registration of marks as revised and amended (Nice classification).

The goods or services may not be considered as being similar to each other solely on the ground that in any registration or publication they appear in the same class of the Nice classification. Similarly, each Party shall provide that goods or services may not be considered different from each other solely on the ground that in any registration or publication they appear in different classes of the Nice classification.

1 The visibility shall be shown in the territorial scope determined by the national legislation of each party.

1. Geographical indications are those which identify as a product originating in the territory of a party or a region or locality in that territory, where a given quality, reputation or other characteristic of the product is essentially attributable to its geographical origin and may include natural or human factors.

2. Each Party shall in its national legislation and protection mechanisms for registration of geographical indications and designations of origin.

3. Nothing in this article shall preclude the parties maintain or adopt measures in its domestic laws concerning homonymous geographical indications.

4. The names listed in section A of annex 9.4 geographical indications in Peru are protected in accordance with paragraph 1 of article 22 of the WTO TRIPS Agreement. Subject to the conditions and procedures for their protection, under the domestic laws and regulations of Guatemala and in a manner that is consistent with the WTO TRIPS Agreement, such as geographical indications names are protected in the territory of Guatemala 2.

5. The names listed in section B of annex 9.4 are geographical indications protected in Guatemala, in accordance with paragraph 1 of article 22 of the WTO TRIPS Agreement. Subject to the requirements and procedures for protection under the domestic laws and regulations of Peru and in a manner that is consistent with the WTO TRIPS Agreement, such as geographical indications names are protected in the territory of Peru.

6. The geographical indications of a party who is granted protection in the territory of the other party shall be notified to the Party concerned, once concluded with the relevant procedure through the contact points established in article 16.1 (contact points) and shall enjoy the protection provided for in paragraphs 7

And 8.

7. The Parties shall protect geographical indications and designations of origin of the other party registered and / or protected in their respective territories in accordance with paragraphs 4, 5 and 6. Accordingly, and without prejudice to paragraph 3, the Parties shall not permit the import, manufacture or sale of products under such geographical indications and designations of origin, unless such products have been manufactured and certificates in the country of origin, according to the national legislation applicable to such products.

8. The use of geographical indications and designations of origin are recognized and protected in the territory of a Party with respect to any

2 Guatemala may suspend the implementation of this provision for a period not exceeding twenty-four (24 months) from the date of Entry into Force of this Treaty.

Products originating in the territory of that Party, shall be reserved exclusively for producers, artisans authorized manufacturers and which have their places of production or manufacture in the locality or region of the party designated or raised by such a geographical indication.

9. The Parties shall grant the protection accorded to other geographical indications and designations of origin and protected by the parties. To this end, the Party concerned shall notify the other party of such protection, then it shall be as set out in paragraphs 4, 5 and 6.

95:.

"measures related to the protection of biodiversity and traditional knowledge

1. The Parties recognise the importance and the value of their biological diversity and its components. Each party exercises sovereignty over their biological and genetic resources and their derivatives, and consequently determines the conditions of access, in accordance with the principles and provisions contained in applicable national and international law.

2. The Parties recognise the importance and the value of the knowledge, innovations and practices of indigenous and local communities, 3 as well as the past, present and future contributions to the conservation and sustainable use of biological and genetic resources and their derivatives, and in general the contribution of the traditional knowledge of such communities to the culture and economic and social development of nations.

Each Party, in accordance with their national legislation, reiterates its commitment to respect, preserve and maintain traditional knowledge, innovations and practices of indigenous and local communities in the territories of the Parties.

3. Access to biological and genetic resources and their derivatives shall be subject to the prior informed consent of the Party that is a country of origin, on mutually agreed terms. Similarly, access to traditional knowledge of indigenous and local communities associated to these resources shall be subject to the prior informed consent of the holders or, as appropriate, of such knowledge, on mutually agreed terms. Both situations shall be subject to the provisions of the domestic law of each party.

4. The Parties shall encourage steps to ensure a fair and equitable sharing of benefits arising from the use of biological and genetic resources and products and the traditional knowledge of indigenous and local communities.

3 if the national legislation of each party so provides, indigenous and local communities "" shall include Afro-American communities or Afro descendants.

5. Each Party shall promote policy, legal and administrative measures, in order to ensure the full implementation of the conditions of access to biological and genetic resources of biodiversity.

6. Any intellectual property right that arise from the use of biological and genetic resources and their derivatives, and / or traditional knowledge of indigenous and local communities, of which a Party is a country of origin, shall monitor the implementation of specific national and international standards.

7. The Parties shall require that patent applications developed from biological and genetic resources and / or associated traditional knowledge of their country of origin, 'proving access to genetic resources or knowledge, as well as the disclosure of the origin of the appeal and / or traditional knowledge, agreed in the event that the national legislation of the party so requests.

8. The Parties may, through their competent national authorities, exchange information relating to biodiversity and / or traditional knowledge and documented information concerning biological and genetic resources and their derivatives, or in

the case of traditional knowledge of their indigenous and local communities to support in the evaluation of the patent.

9. The parties agree, at the request of either party, collaborate in the provision of public information that are available for research and monitoring of the illegal access to genetic resources and traditional knowledge, innovations and practices in their territories.

96:. Copyright and Related Rights

1. The Parties shall recognize the rights and obligations existing under the Berne Convention for the Protection of Literary and Artistic Works; the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations; the WIPO Copyright Treaty and the WIPO Performances and Phonograms 4

2. In accordance with the international conventions listed in paragraph 1 and with their national legislation, each Party shall accord adequate and effective protection to the authors of literary and artistic works and to performers and producers of phonograms and broadcasting organisations in their Performances and Phonograms and artistic executions emissions respectively.

This article 4 shall not affect reservations which a Party has undertaken under one or more of the treaties referred to in this paragraph.

3. Independently of the economic rights of the author and even after the transfer of these rights, he shall keep for at least the right to claim authorship of the work and to object to any distortion, mutilation or other modification of the same or any infringement, that would be prejudicial to his honour or reputation.

4. The rights granted to the author in accordance with paragraph 3 shall be maintained after his death, at least until the expiry of their property rights and exercised by the persons or institutions to which the national legislation of the country where protection is claimed rights recognised.

5. The rights granted under paragraphs 3 and 4 shall be granted, mutatis mutandis, to performers as regards their live performances or fixed.

6. Each Party shall ensure that a broadcaster in its territory shall be at least the exclusive right of authorising the following acts: the fixation, reproduction and the rebroadcasting of their broadcasts.

7. The Parties may provide in its domestic legislation limitations and exceptions to the rights provided for in this article, only in certain cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder.

1. Without prejudice to the rights and obligations under the WTO TRIPS Agreement, in particular Part III, the Parties shall develop in their national legislation, measures, procedures and resources necessary to ensure the enforcement of intellectual property rights.

2. The Parties shall adopt procedures to enable the right holder, who has valid grounds for suspecting that shall prepare the import, export or transit of goods of trademark counterfeit or pirated goods that infringe copyright 5

5 For the purposes of paragraphs 2 to 6:

(a) Counterfeit trademark goods means any goods, including its packaging without authorisation bearing a trademark identical to the trademark validly registered in respect of such goods or that cannot be distinguished in its essential aspects from such a trademark and that thereby infringes the rights granted under the legislation of the importing country to the owner of the trademark in question; and

(b) Pirated goods that infringe copyright means any copies made without the consent of the right holder or person duly authorized by him in the country of production and that are made directly or indirectly from an article where the realization of that copy would have constituted an infringement of a copyright or a related right under the law of the country of importation.

The competent authorities with a request or complaint, according to the national legislation of each party, so that the customs authorities to suspend the release of such goods.

3. Each Party shall provide that any right holder initiating the procedure provided for in paragraph 2, it requires the submission of evidence sufficient to demonstrate to the satisfaction of the competent authorities that under the laws of the importing country there is prima facie infringement of the right holder an intellectual property right; and to supply sufficient information for the goods reasonably knowledge of the right holder so that they can be easily recognised by its competent

authorities. The requirement to provide sufficient information shall not unreasonably deter recourse to these procedures.

4. Each Party shall provide that its competent authorities have the authority to require a right holder to initiate the procedure referred to in paragraph 2, to provide a security or equivalent assurance sufficient to protect the defendant and the competent authorities and to prevent abuse. The security assurance or equivalent shall not unreasonably deter recourse to these procedures.

5. Where its competent authorities determine that the goods are counterfeit or pirated, the Party shall have the authority to inform the right holder of the names and addresses of the consignor and the importer and the consignee, as well as the quantity of the goods in question.

6. Each Party shall provide that the competent authorities are permitted to initiate border measures ex officio without the need for a formal request of the right holder or of a third party, when there is reason to believe or suspect that goods being imported, exported or in transit are counterfeit or pirated.

1. The Parties shall exchange information and material in dissemination and educational projects on the use of intellectual property rights, in line with their national laws, regulations and policies, with a view to:

(a) Improving and strengthening administrative systems of intellectual property to promote the efficient registration of intellectual property rights;

(b) Encourage the creation and development of intellectual property within the territory of the Parties, particularly inventors and creators of small and micro, small and medium-sized enterprises;

(c) To promote dialogue and cooperation on science, technology, entrepreneurship and innovation; and

(d) Other issues of mutual interest concerning Intellectual Property Rights.

2. The Parties recognise the importance of promoting research and technological development, entrepreneurship and innovation and the importance of disseminating information technology and to create and strengthen their technological capabilities; for this purpose, they shall cooperate in such areas, taking into account their resources.

3. The Parties shall encourage the establishment of incentives for research, innovation, entrepreneurship, the transfer and dissemination of technology between the parties, aimed, inter alia, firms, universities, research and technological centres.

4. The activities of science and technology cooperation shall take the following forms:

(a) Participation in joint projects for education, research, development and technological innovation;

(b) Visits and exchanges of scientists and technical experts and practitioners, academics public or private;

(c) Joint organization of seminars, conferences, symposia and workshops, as well as participation of experts in those activities;

(d) Promotion of scientific networks and training of researchers;

(e) Concerted actions for the dissemination of results and the exchange of experiences on joint projects of science and technology and for the Coordination of the same;

(f) Exchange and sharing of equipment and materials, including shared use of advanced equipment;

(g) Exchange of information on procedures, laws, regulations and programmes relevant to cooperation activities undertaken pursuant to this Treaty, including information on scientific and technological policy; and

(h) Any other means agreed by the parties.

5. Furthermore, the parties may undertake cooperative activities on the exchange of:

(a) Information and experience on legislative processes and legal frameworks related to intellectual property rights and relevant regulations for the protection and enforcement;

(b) Experiences on the Enforcement of Intellectual Property Rights;

(c) Training of personnel and offices in relation to intellectual property rights;

(d) Information and cooperation on policies and institutional developments in intellectual property;

(e) Information and experience on policies and practices in the field of the promotion of the development of handicrafts; and

(f) Experience in the management of intellectual property and management of knowledge in institutions of higher education and research establishments.

6. Each Party shall designate a contact point responsible for the fulfilment of the objectives of this article and to facilitate the development of collaborative projects and cooperation in research, innovation and technological development, to the following entities:

(a) In the case of Guatemala: the National Science and Technology Council (concyt) and the National Secretariat of Science and Technology (SENACYT); and

(a) In the case of Peru: the National Council of Science, Technology and Innovation (CONCYTEC),

Or their successors.

Section A. Geographical Indications of Peru

1. Pisco (OJ)

2. Cusco giant white maize (OJ)

3. Chulucanas (OJ)

4. ICA pallar (OJ)

5. Villa Rica orcoffee (OJ)

6. Loche of Lambayeque (OJ)

7. Coffee Machu Picchu -huadquiña (OJ)

Section B. Geographical Indications of Guatemala

1. Guatemala rum (OJ)

2. Orcoffee Antigua (OJ)

Chapter 10. Procurement

101:.

"scope of application of this Chapter

1. This chapter applies to any measure adopted by a Party regarding covered procurement.

2. For the purposes of this chapter, covered procurement means a procurement of goods and services or both:

(a) Not procured with a view to commercial sale or resale or with a view to use in the production or supply of goods or services for commercial resale or sale;

(b) Done by any contractual means including the purchase, lease, with or without an option to buy; and public works concession contracts;

(c) For the value which, as estimated in accordance with paragraph 4, equals or exceeds the relevant threshold specified in annex 10.1.

(d) That is conducted by a procuring entity; and

(e) That is not excluded from coverage.

3. This chapter does not apply to:

(a) Non-contractual agreements or any form of assistance that a party including its procuring entities shall accord,

cooperation agreements, including grants, loans, grants, movements of capital, guarantees and fiscal incentives;

(b) The procurement or acquisition of Fiscal Agency depository services or liquidation and Management Services for regulated financial institutions or services related to the sale, distribution and redemption of public debt, including government loans and bonds and other securities. For greater certainty: this chapter does not apply to the procurement of services, banking or financial expertise related to the following activities:

(i) Public indebtedness; or

(ii) Administration of public debt;

(c) Procurement funded by grants, loans or other forms of international assistance;

(d) The hiring of government employees and employment related measures;

(e) The procurements made by an entity or State enterprise from another entity of that Party or a government enterprise;

(f) The acquisition, rental of land or existing buildings or other immovable property or the rights thereon;

(g) Purchases made exceptionally under advantageous conditions that apply only for a very short time, such as unusual disposals by enterprises which are not normally suppliers or disposal of assets of businesses in liquidation or receivership. For purposes of this paragraph, shall apply as established in article 10.10.3; and

(h) The procurements made for the purpose of providing specific assistance abroad.

Valuation

4. In estimating the value of a procurement for the purpose of ascertaining whether it is a covered procurement a procuring entity:

(a) Shall neither divide a procurement into separate procurements nor use a particular method for estimating the value of a procurement with the intention of evading the application of this chapter;

(b) It shall take into account all forms of remuneration, including quotas, premiums, fees, commissions, interest, other revenue streams that may be stipulated in public procurement; and where the procurement provides for the possibility of option clauses, the maximum total value of the procurement by including optional purchases; and

(c) It shall, where the procurement is to be conducted in multiple parties, and will result in the award of contracts at the same time or over a given period to one or more suppliers, base its calculation on the maximum total value of the procurement over the period of its validity.

5. Neither contracting entity shall prepare, design, structure or divide procurement in order to avoid the obligations of this chapter.

6. Nothing in this chapter shall prevent a party from developing new procurement policies, procedures or contractual means, provided that they are consistent with this chapter.

1. Nothing in this chapter shall be construed as to prevent a Party from taking any action or not disclosing any information which it considers necessary for the protection of its essential interests to national security or for national defence.

2. Nothing in this chapter shall be construed to prevent a Party from adopting or maintaining measures:

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

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

(c) Necessary to protect intellectual property; or

(d) Relating to goods or services of handicapped persons, of charitable institutions or of prison labour;

Provided that such measures are not applied in a discriminatory manner or constitute a disguised restriction on trade.

3. The parties understand that subparagraph 2 (b) includes environmental measures necessary to protect human life or health, animal or plant.

103:. General Principles. National Treatment and Non-discrimination

1. With respect to any measure covered by this chapter, each Party shall accord immediately and unconditionally to the goods and services of the other party and to the suppliers of the other party offering goods or services such treatment no less favourable than the most favourable treatment accorded by that party to its own goods, services and service suppliers.

2. With respect to any measure covered by this chapter, a party may not:

(a) Treat a locally established supplier less favourably than another locally established supplier on the basis of degree of foreign ownership or affiliation; or

(b) Discriminate against a locally established supplier on the basis that the goods or services offered by that supplier for a particular procurement are goods or services of the other party.

The use of electronic means

3. Where the covered procurement is undertaken through electronic means, a contracting entity shall:

(a) To ensure that the procurement is conducted using information technology systems and software, including those related to cryptographic encryption and authentication of information that are generally available and interoperable with other information technology systems and software accessible in general; and

(b) Maintain mechanisms that ensure the integrity of requests for participation and tenders, including the identification of the time of receipt and the prevention of inappropriate access.

Implementation of public procurement

4. A procuring entity shall conduct covered procurement in a transparent and impartial manner that:

(a) It is consistent with this chapter;

(b) Avoids conflicts of interest; and

(c) Prevents corrupt practices.

Rules of origin

5. Each Party shall apply to covered procurement of goods or services imported from or supplied by the other party, the rules of origin that it applies in the normal course of trade to those goods or services.

Countervailing special conditions

6. A procuring entity shall not seek, shall take into consideration, countervailing or impose special conditions used at any stage of a procurement covered.

Measures not specific to procurement

7. Paragraphs 1 and 2 shall not apply to: customs duties and charges of any kind imposed on or in connection with the method of importation; levying such duties and charges; import regulations or other requirements;

Nor to measures affecting trade in services other than measures governing covered procurement.

104:. Use of Electronic Means In Government Procurement

1. The Parties recognise the need and importance of the use of electronic means for the dissemination of information regarding procurement covered.

2. In order to facilitate business opportunities for suppliers of the other Party under this chapter, each Party shall make best efforts to maintain or adopt a single electronic point of entry to allow access to comprehensive information on procurement opportunities in its territory as well as on measures relating to recruitment, particularly those referred to in articles 10.5,,,, 10.6.1 10.6.3 10.8.1 10.8.7 and 10.13.2.

105:. Publication of Procurement-related Information

Each Party shall:

(a) Issued in a timely manner all regulations regarding covered procurement of general application and any modification to such rules, in an electronic medium listed in annex 10.1 and

(b) At the request of the other Party shall provide an explanation relating to such information.

106:. Publication of Notices of Future Procurement Notice

1. For each procurement covered a procuring entity shall publish in a timely manner a notice inviting suppliers to submit tenders or, where appropriate, a request to participate in the procurement, except in the circumstances described in article 10.10.2. The notice shall be published in an electronic medium listed in annex 10.1.

2. Each of future procurement notice shall include:

(a) The description of the future procurement;

(b) The procurement method that will be used;

(c) Any conditions that suppliers must fulfil to participate in the procurement;

(d) The name of the procuring entity publishes the notice;

(e) The address and contact where suppliers may obtain all

The relevant documents relating to the procurement;

(f) Where applicable, the address and the final date for the submission of requests for participation in the procurement;

(g) The address and the final date for the submission of tenders;

(h) The dates for the delivery of goods or services to be procured or the

The duration of the contract; and

(i) An indication that the procurement is covered by this chapter. Notice of procurement plans

3. Each Party shall encourage its procuring entities to publish in an electronic or paper as early as possible in each fiscal year a notice regarding their future procurement plans. Such notices should include the subject matter or category of goods and services to hire and the estimated period during which shall be made public procurement.

1. When a party requires suppliers comply with requirements for registration or qualification or any other requirements or conditions for participation in a procurement, the contracting entity shall publish a notice inviting suppliers to apply for participation. The contracting entity shall publish the notice sufficiently in advance to interested suppliers provide adequate time to prepare and submit applications and for which the contracting entity to evaluate and make its determinations based on such applications.

2. The date of establishment of conditions for participation, a contracting entity:

(a) Shall limit such conditions to those that are essential to ensure that a supplier has the legal and financial capacities and the commercial and technical abilities to fulfill the requirements and technical specifications of the procurement on the basis of the supplier business activities both inside and outside the territory of the Party of the procuring entity;

(b) Shall base its determination solely on the conditions that the procuring entity has specified in advance in notices or records of procurement;

(c) It shall not impose the condition that in order for a supplier to participate in a

Procurement or is awarded a contract that the supplier has previously been awarded one or more contracts by an entity of the Contracting Party in question;

(d) May require relevant prior experience where essential to meet the requirements of the procurement; and

(e) Allow all domestic suppliers and suppliers of the other party that have satisfied the conditions for participation to be recognised as qualified to participate in the procurement.

3. Where there is evidence to warrant a party, including its procuring entities may exclude a supplier from a procurement on grounds such as:

(a) Bankruptcy;

(b) False declarations;

(c) Significant or persistent deficiencies in performance of any substantive requirement or obligation of one or more previous contracts;

(d) Final judgments of serious crimes or other serious offences;

(e) Professional misconduct or acts or omissions that compromise the integrity of the commercial supplier; or

(f) No payment of taxes.

4. Procuring entities shall not adopt or apply any registration system or qualification procedure with the purpose or the effect of creating unnecessary obstacles to the participation of suppliers of the other party in their respective public procurement.

5. The process of, and the time required for the registration and qualifying suppliers shall not be used to exclude suppliers of the other party from being considered for a particular procurement.

6. A procuring entity shall promptly inform any supplier that qualification has applied for its decision on that request. Where a procuring entity rejects an application for qualification or ceases to recognize a supplier as one which complies with the conditions of participation, the contracting entity shall promptly inform the supplier and promptly, upon request, provide it with a written explanation of the reasons for the decision of the entity.

108:. Information on Future Recruitment

Procurement records

1. A procuring entity shall provide to interested suppliers to participate in a procurement, recruitment documents that includes all the information necessary to enable them to prepare and submit tenders in accordance with annex 10.8.1. These documents shall be published in an electronic medium listed in annex 10.1.

Technical specifications

2. A procuring entity shall not adopt or apply any technical specification or require any conformity assessment procedure with the purpose or the effect of creating unnecessary obstacles to trade between the parties.

3. In determining any technical specifications for the goods or services to be procured, a contracting entity shall, where appropriate:

(a) Establishing the technical specification in terms of performance and functional requirements rather than design or descriptive characteristics; and

(b) The technical specification base on international standards, where applicable, or otherwise on national technical regulations, recognised national building codes or standards.

4. A contracting entity shall prescribe technical specifications that require or refer to a particular trademark or trade name, patents, copyright, design, type, specific origin or producer or supplier unless there is no other sufficiently precise or intelligible way of describing the procurement requirements and provided that in such cases are also included in documents such as recruitment expressions "" or equivalent.

5. A procuring entity shall not seek or accept, in a manner that would have the effect of precluding that advice, competition 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.

6. For greater certainty, this article is not intended to prevent a contracting entity to prepare, adopt or apply technical specifications to promote the conservation of natural resources or protect the environment.

Amendments

7. If, in the course of a covered procurement a procuring entity modifies the criteria or technical requirements set out in a procurement notice or document provided to participating suppliers, or a notice or amends

Contracting document shall transmit such modifications in writing:

(a) To all suppliers that are participating at the time the information is amended if the identification of such suppliers are known, and in all other cases, in the same manner as the original information was transmitted; and

(b) In adequate time to allow such suppliers to modify and resubmit their tenders submitted corrected, as appropriate.

1. A procuring entity shall provide suppliers sufficient time to submit applications to participate in a procurement and to prepare and submit tenders appropriate, taking into account the nature and complexity of the procurement. A procuring entity shall allow a period of not less than forty (40) days from the date on which it publishes the notice of procurement Future and the final date for the submission of tenders.

2. Without prejudice to paragraph 1, a procuring entity may establish a time limit of less than forty (40 days) but in no case less than ten (10) days, in the following circumstances:

(a) If the contracting entity has published a separate notice contains a description of the procurement; the approximate time limits for the submission of tenders or, where appropriate, the conditions for participation in a procurement; and the address where it can obtain the documents relating to procurement in at least forty (40) days and not more than twelve (12) months in advance;

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

(c) Where a state of urgency duly substantiated by the procuring entity impracticable renders the time set out in paragraph 1; or

(d) Where a procuring entity purchases commercial goods or services.

3. A Party may provide that a procuring entity may reduce the time limit for submission of tenders laid down in paragraph 1 within five (5) days for each of the following circumstances:

(a) When the future procurement notice is published by electronic means;

(b) When all documents that are made available to the public by electronic means are published since the date of the publication of the notice of procurement and future;

(c) Where tenders through electronic means are provided by the contracting entity.

The use of this paragraph, in conjunction with paragraph 2 shall not result in the reduction of the time limits for tendering set out in paragraph 1 at least ten (10) days of the date of publication of the notice of procurement.

1. A procuring entity shall award contracts by means of open tendering procedures, except where article 10.10.2 applies.

Other procedures

2. Provided that it does not use this provision to avoid competition among suppliers or in a manner that discriminates against suppliers of the other party or protects domestic suppliers, a contracting entity may use other recruitment procedures only under the following circumstances:

(a) Provided that the requirements of the procurement documents are not substantially modified where:

(i) No tenders were submitted or no suppliers requested participation;

(ii) No tenders that comply with the essential requirements in the tender documentation were submitted;

(iii) No suppliers satisfied the conditions for participation; or

(IV) collusive has been in the submission of tenders;

(b) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or service due to any of the following reasons:

(i) The requirement is for a work of art;

(ii) The protection of patents, copyrights or other exclusive rights of intellectual property; or

(iii) Due to the absence of competition for technical reasons, and in the case of the services intuitu personae;

(c) For additional deliveries by the original supplier or supply of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services:

(i) Cannot be made for technical or economic reasons such as requirements of interchangeability or interoperability with equipment, software, services and existing installations under the initial procurement; and

(ii) Would cause significant inconvenience or substantial duplication of costs for the procuring entity;

In the case of construction services, the total value of contracts awarded for the additional services, shall not exceed fifty (50) per cent of the amount of the initial contract, provided that such services are listed in the objectives contained in documents and have become necessary to complete the construction due to unforeseen reasons;

(d) Insofar as is where strictly necessary for reasons of extreme urgency by unforeseeable events caused by the contracting entity is not the goods or services can be obtained in time using open tendering or selective, and the use of such procedures would result in serious injury to the procuring entity;

(e) For purchases of goods made in a market of commodities;

(f) Where a procuring entity receives a good first a prototype or limited in amount or hire a service that is developed at its request in the course of and for a particular contract for research, experiment, study or development or original;

(g) Where a contract is awarded to the winner of a design contest provided that:

(i) The contest has been organised in a manner that is consistent with the principles of this chapter, in particular relating to the publication of the notice of procurement and future;

(ii) The participants are qualified or evaluated by a jury or independent body with a view to a design contract being awarded to a winner.

3. A procuring entity shall maintain records or prepare a report in writing on each contract awarded under paragraph 2, consistently with article 10.13.3. Where a Party shall prepare a written report in accordance with this paragraph, they shall include the name of the procuring entity; the value and kind of goods or services procured; and a statement indicating the circumstances and conditions described in paragraph 2 that justify the use of other contracting procedures. Where a party maintains registers, they shall indicate the circumstances and conditions described in paragraph 2 that justify the use of other contracting procedures.

1011:. Electronic Auctions

Where a procuring entity intends to conduct a covered procurement using an electronic auction, the contracting entity will provide to each participant, before the start of the electronic auction, the following information:

(a) The method of automatic evaluation, including the mathematical formula, which is based on the evaluation criteria set out in the procurement and that will be used in the ranking or automatic re-ranking during the auction;

(b) The results of any initial evaluation of the elements of its tender where the contract is to be awarded on the basis of the most advantageous tender; and

(c) Any other relevant information relating to the conduct of the auction.

1012:. Opening of Tenders and Awarding of Contracts Treatment of Tenders

1. A procuring entity shall receive and treat all tenders under procedures that guarantee equality and impartiality of the procurement process and the confidentiality of tenders.

2. Where a procuring entity provides suppliers with an opportunity to correct any unintentional errors of form between the opening of tenders and the awarding of the contract, the contracting entity shall provide the same opportunity to all participating suppliers.

The award of contracts

3. A procuring entity shall require that in order to be considered for an award, the tender:

(a) Be submitted in writing by a supplier that satisfies any conditions for participation; and

(b) At the time of opening, shall be in conformity with the essential requirements specified in the notices and other documents.

4. Unless a procuring entity determines that the award of a contract would be contrary to the public interest, the contracting entity shall award the contract to the supplier that the procuring entity has determined that complies with the conditions for participation and is fully capable of undertaking the contract and whose tender is considered to be the most advantageous

solely on the basis of the evaluation criteria and requirements specified in the notices and other documents, or where price is the sole criterion, the lowest price.

5. Where a procuring entity receives a tender with a price that is abnormally lower than the prices in other tenders submitted, it may verify with the supplier if it satisfies the conditions for participation and is capable of fulfilling the terms of the contract.

6. A procuring entity may not cancel a procurement or modify or terminate a contract it has been awarded so as to circumvent this chapter.

1013:. Transparency of Information on Procurement Information to Be Provided to Suppliers

1. A procuring entity shall promptly inform participating suppliers of its decision on the award of a contract, and upon request, it shall do so in writing. Subject to the provisions laid down in article 10.14, a contracting entity shall, upon request, provide a supplier whose tender was not selected, the reasons for that decision and the relative advantages of the successful tender.

Publication of information on the award

2. As soon as practicable after a procurement a procuring entity shall publish in an electronic medium listed in annex 10.1, a notice that includes at least the following information about the contract:

(a) The name of the procuring entity;

(b) A description of the goods or services procured;

(c) The date of the award;

(d) The name of the supplier to which the contract was awarded; and

(e) The value of the contract.

Record-keeping

3. A procuring entity shall maintain records and reports of tendering procedures relating to covered procurements, including the reports referred to in article 10.10.3 and shall maintain such reports and records for a period of at least three (3) years after the date of the award of a contract.

1014:. Disclosure of Information to the other Party

1. At the request of a party the other Party shall promptly provide any information necessary to determine whether the procurement was made fairly and impartially and in accordance with this chapter. This information shall include information on the characteristics and relative advantages of the successful tender.

Non-disclosure of information

2. Any Party, including its contracting authorities or entities review bodies may disclose information that the person providing it has designated as confidential in accordance with their national legislation, except with the authorisation of such person.

3. Notwithstanding any other provision of this chapter, a party including its procuring entities, in particular shall provide to any supplier information that might prejudice fair competition between suppliers.

4. Nothing in this chapter shall be construed to require a party, including its procuring entities and authorities review bodies to disclose confidential information under this chapter where such disclosure would:

(a) Impede law enforcement;

(b) Might prejudice fair competition between suppliers;

(c) Would prejudice legitimate commercial interests of the particular, including the protection of intellectual property; or

(d) Otherwise be contrary to the public interest.

1015:. National Review Procedures for Appeal

1. Each Party shall ensure that its procuring entities give impartial and timely any claim which have their suppliers regarding an alleged breaches of this chapter arising in the context of a covered procurement in which have or have had an interest. Each Party shall encourage suppliers to seek clarification from its contracting entities through consultations with a view to facilitating the resolution of any such claims.

2. Each Party shall provide an administrative or judicial review procedure that is timely, effective, transparent and non-discriminatory, in accordance with the principle of due process, through which a supplier may submit a claim alleging breaches of this chapter arising in the context of covered procurements in which the supplier has or has had an interest.

3. Each Party shall establish or designate at least one impartial administrative or judicial authority that is independent of its procuring entities to receive and review a challenge by a supplier within a covered procurement, and issue relevant resolutions and recommendations.

4. Where a body other than an authority referred to in paragraph 2 initially reviews a challenge, the Party shall ensure that the supplier may appeal the initial decision to an impartial administrative or judicial authority that is independent of the procuring entity whose procurement is the subject of the challenge.

5. Each Party shall adopt or maintain procedures that:

(a) Rapid interim measures to preserve the supplier to participate in the procurement and that are applied by the contracting entity or by an impartial authority referred to in paragraph 3. Such action may result in suspension of the procurement process. The procedures may provide that shall take into account any adverse consequences for the overriding interests, including the public interest in deciding whether such measures should be applied. It shall be written reasons for not taking such measures; and

(b) Where a review body has determined the existence of a breach referred to in paragraph 2, corrective action or compensation for the loss or damages suffered, in accordance with the national legislation of each party.

1016:.

"modifications and rectifications to coverage

1. Where a Party modifies its coverage of procurement under this chapter, the Party:

(a) It shall notify the other party in writing; and

(b) In the notification shall include a proposal of appropriate compensatory adjustments to the other party to maintain a level comparable to that coverage of existing prior to the modification.

2. Notwithstanding subparagraph 1 (b), a Party need not provide compensatory adjustments if:

(a) The modification in question is a minor amendment or rectification of a purely formal nature; or

(b) The proposed modification covers an entity over which the Party has effectively eliminated its control or influence.

3. If the other party does not agree that:

(a) An adjustment proposed under the scope of subparagraph 1 (b) is adequate to maintain a comparable level of mutually agreed coverage;

(b) The proposed modification is a minor amendment or a rectification under the scope of subparagraph 2 (a); or

(c) The proposed modification covers a procuring entity over which the Party has effectively eliminated under its control or influence the scope of subparagraph 2 (b),

Written objection shall within thirty (30) days of receipt of the notification referred to in paragraph 1 or is deemed to have reached an agreement on the change or modification proposal including for the purposes of Chapter 15 (dispute settlement).

4. Where the parties agree on the modification or amendment proposed rectification, including where a Party has not objected within thirty (30) days under the scope of paragraph 3, the Parties shall give effect to the Agreement amending annex 10.1 immediately through the Commission.

1017:.

"integrity in public procurement practices

Each Party shall adopt or maintain procedures for declaring the disqualification of procurements to participate in the party, either indefinitely or for a period established suppliers that the party found to have engaged in illegal or fraudulent activities relating to public procurement. Upon request of the other party, the party receiving the request shall identify the selected suppliers as ineligible under these procedures and, where appropriate, exchange information with respect to those suppliers or fraudulent and unlawful activity.

1018:. Additional Negotiations

At the request of a party, the other party may consider further negotiations aimed at broadening the scope and coverage of this chapter. If as a result of these negotiations the parties agree to amend the annexes to this chapter, the result shall be submitted to the Committee on Government Procurement established in article 10.21 for their implementation.

1019:. Participation of Micro, Small and Medium-sized Enterprises

1. The Parties recognise the importance of the participation of micro, small and medium-sized enterprises in the procurement.

2. The Parties also recognise the importance of business partnerships between suppliers of each party, and in particular of micro, small and medium-sized enterprises, including participation in joint tendering procedures.

1. The Parties recognise the importance of cooperation as a means to achieve a better understanding of their respective government procurement systems, as well as a better access to their respective markets, in particular for micro, small and medium-sized enterprises.

2. The Parties shall use their best efforts to cooperate in matters such as:

(a) Exchange of experiences and information, including best practices and regulatory framework, Statistics;

(b) Development and use of electronic means in government procurement systems;

(c) Training and technical assistance to suppliers in the area of market access to government procurement; and

(d) Institutional strengthening for the implementation of this chapter, including the training of public officials.

1. The parties establish a committee on Government Procurement (hereinafter referred to as the Committee), comprising representatives of each party.

2. The functions of the Committee shall include:

(a) Monitor the implementation and administration of this chapter, including its use and recommend to the Commission the activities;

(b) Report to the Commission on the implementation and administration of this chapter, where appropriate;

(c) Evaluate and monitor the cooperative activities;

(d) Considering further negotiations aimed at broadening the coverage of this chapter; and

(e) Address any other matter related to this chapter.

3. Unless the parties agree otherwise, the Committee shall meet at least one (1) year, on a date and with an agenda agreed by the parties. The parties determine cases where it may make extraordinary meetings.

4. Meetings may be conducted by any means agreed by the parties. If they are witnessing, alternately in the territory of each party and shall be based on the Party hosting the meeting. The first meeting of the Committee shall be carried out no later than one (1) year after the date of Entry into Force of this Treaty.

5. Unless the parties agree otherwise, the Standing Committee shall establish its rules of procedure.

6. All decisions of the Committee shall be taken by mutual agreement.

Article 10.22: definitions

For the purposes of this chapter:

Notice of future procurement means a notice published by a procuring entity inviting interested suppliers to submit a request for participation, a tender or both;

Conditions for participation means any registration or pre-requisitos qualification to participate in a procurement;

Special conditions countervailing means any condition or undertaking that encourages local development or improves the balance of payments of a party, such as local content requirements, licensing requirements of investment, technology, counter-trade or similar requirements;

Contracting entity means an entity covered in annex 10.1;

In writing or written means any expression in other words, numbers or symbols that can be read, reproduced and subsequently communicated. It may include information transmitted electronically and stored;

Technical specification procurement means a requirement that:

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

(b) Establish requirements of terminology, symbols, packaging, marking or labelling requirements as they apply to a good or service;

Open tendering means a procurement method where all interested suppliers may submit a tender;

Commercial goods or services means a type of goods or services generally sold or offered for sale in the commercial marketplace to non-governmental and buyers are normally acquired by them with non-governmental purposes;

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, whose compliance is not binding. It may also include or deal exclusively with requirements of terminology, symbols, packaging, marking or labelling of form as they apply to a product, service, process or production method;

Supplier means a person that provides or could provide goods or services to a procuring entity;

Services includes construction services unless otherwise specified;

Construction services means a service which is the realization by whatever means of civil or building work, based on the division of the 51 Provisional Central Product Classification (CPC); and

Electronic auction means an iterative process that suppliers in the use of electronic means to submit new prices and / or new values for the elements of the tender quantifiable non-price, or both, which are linked with the evaluation criteria, and resulting in a ranking or re-ranking of tenders.

Annex 10.8.1 procurement documents:

In accordance with article 10.8.1 and unless the notice of procurement has been including this information, procurement documents shall include at least a complete description of:

(a) Government procurement, including the nature and the quantity of the goods or services to be procured, or, if this is not known, the estimated quantity and any requirements to be fulfilled, including technical specifications, certificates of conformity assessment, levels, designs or instruction manuals;

(b) Any conditions for participation by suppliers, including a list of information and documents that suppliers are required to submit in connection with such conditions;

(c) All evaluation criteria to be considered in the awarding of a contract and except where price is the sole criterion, the relative importance of such criteria;

(d) Where the procuring entity will conduct the procurement by electronic means, requirements with respect to authentication, encryption and cryptographic or other requirements relating to the transmission of information through electronic means;

(e) Where a contracting entity conduct an electronic auction, the rules relating to the conduct of the auction, including the identification of elements of the tender related to the evaluation criteria;

(f) Where there is a public opening of tenders, the time and place for the opening and, where appropriate, the persons authorised to be present;

(g) Any other term or condition, including the terms of payment and any limitation on the means by which tenders may be submitted in paper or electronic means; and

(h) Any dates for the delivery of goods or the supply of services or the duration of the contract.

Chapter 11. Competition Policy

111:. Objectives

This chapter is intended to ensure that the benefits of trade liberalization under this treaty are not undermined by anticompetitive practices and promote cooperation between the parties in the implementation of their respective competition laws.

112:. Legislation and Competition Authorities 1

1. Each Party shall adopt or maintain national competition legislation to address comprehensively and effectively anti-competitive practices in order to promote economic efficiency and consumer welfare.

2. Each Party shall establish or maintain an authority responsible for the implementation of their respective competition laws.

3. Each Party shall maintain its autonomy to develop and implement their respective competition laws.

4. Each Party shall ensure that its respective national competition authorities acting in accordance with the principles of transparency, non-discrimination and due process, in the implementation of their respective competition laws.

1. The Parties recognise the importance of cooperation and coordination among their respective national competition authorities to promote the effective application of their respective competition laws.

2. Accordingly, the Parties shall cooperate in matters relating to the implementation of competition law and policy, including the notification and exchange of information and consultation in accordance with Articles 11.4, 11.5 and 11.6 respectively.

3. The parties, through their competition authorities or competent authorities in the area of competition, may sign cooperative agreements or conventions

1 for Guatemala, the obligations referred to in paragraphs 1 and 2 of this article shall meet within a period of five (5) years after the Entry into Force of this Treaty. Furthermore, the provisions resulting from these paragraphs contained in this chapter shall apply from the time that Guatemala put in place a competition law; and establish an authority responsible for its implementation.

With the aim of strengthening cooperation on matters relating to competition.

1. The competition authority of a Party shall notify the competition authority of the other Party on any activity of the application of their competition laws, if it considers that it may affect important interests of the other party.

2. Provided that it is not contrary to the domestic legislation of the Parties, nor does not affect any ongoing investigation, the notification shall take place at an early stage of the procedure. The competition authority of the party who carry out the activity of the application of their competition legislation may take into account any comments received from the other party in its determinations.

1. The Parties recognize the value of transparency in competition policies.

2. With a view to facilitating the effective application of their respective competition laws, the Parties may exchange information at the request of one of them, provided that this is not contrary to its domestic laws and does not affect any ongoing investigation.

116:. Consultations

To foster understanding between the parties or to address specific matters that arise under this chapter, each Party shall, at the request of the other party initiate consultations. The requesting party shall indicate how the matter affects trade between the parties. The requested Party shall give consideration to the concerns of the other party.

117:. Settlement of Disputes

No party may have recourse to the dispute settlement procedures provided for in Chapter 12 (investment) and Chapter 15 (dispute settlement) for any matter arising from this chapter.

Section A. Article 12 Substantive Obligations

1: scope and coverage 1

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

(a) Investors of the other party;

(b) Covered investments; and

(c) As regards articles 12.6 and 12.8, all investments in the territory of the party.

2. The obligations of a Party under this section shall apply to a State enterprise or other person when it exercises a regulatory authority, administrative or other governmental authority delegated to it by that Party, such as the authority to expropriate, licensing, approve or commercial transactions; and fees impose quotas or other charges.

3. For greater certainty: this chapter does not bind a party in relation to any act or fact that took place before the date of Entry into Force of this Treaty.

4. For greater certainty, nothing in this chapter shall be construed to impose an obligation on a party to privatise any investment that owns or controls, or to prevent a party from designating a monopoly.

5. Nothing in this chapter shall oblige a party to protect investments made with capital or assets derived from illegal activities, and shall not be construed as to prevent a Party from adopting or maintaining measures to preserve public order, the fulfilment of their duties to maintain or restore international peace and security or the protection of its own security Essential Security.

6. In the event of any inconsistency between this chapter and another chapter of this chapter, the other treaty shall prevail to the extent of the inconsistency.

7. A requirement by a party that a service provider of the other party constitute a bond or other form of financial security as a condition for the provision of a cross-border service is not in itself that this chapter applies to measures

1 for greater certainty, this chapter is subject and shall be interpreted in accordance with annexes, and 12.4, 12.10 12.15 12.21.

Adopted or maintained by the Party relating to the cross-border supply of the service. This chapter applies to measures adopted or maintained by the Party relating to the bond or financial security to the extent that such a bond or financial security is covered investment.

8. This chapter does not apply to measures adopted or maintained by a Party to investors of the other party and to investments of investors in such financial institutions in the territory of the party.

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

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

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

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

3. For greater certainty, treatment with regard to the establishment, expansion and acquisition, administration, management, operation and sale of investments or other disposition referred to in paragraphs 1 and 2 does not include dispute settlement procedures, such as under section B, provided for in international trade treaties or agreements, including investment.

1. Each Party shall accord to covered investments treatment in accordance with customary international law, including fair and equitable treatment and full protection and security.

2. For greater certainty, paragraph 1 prescribes that the minimum standard of treatment of aliens as the Customary International Law minimum standard of treatment that may be provided to covered investments. The concepts of Fair and Equitable Treatment and full protection and security do not require additional treatment or beyond the standard that is required by and do not create additional rights. The obligation to provide in paragraph 1:

(a) "Fair and Equitable Treatment includes the obligation not to deny justice in criminal, civil or administrative proceedings, in accordance with the principle of due process embodied in the principal legal systems of the world; and

(b) "full protection and security requires each party to provide the level of police protection that is required by the International Law.

3. A determination that there has been a breach of another provision of this Treaty or any other international agreement, does not establish that there has been a breach of this article.

1. No party may require that an enterprise of that Party that is a covered investment to appoint a particular nationality of natural persons to senior management positions.

2. A Party may require that a majority of the members of the Boards or any committee, of an enterprise of that Party that is a covered investment 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 to exercise control over its investment.

1. No Party may, in relation to the establishment, expansion and acquisition, administration, management, operation and sale or other disposition of an investment of an

2 for greater certainty, Article 12.4 shall be interpreted in accordance with annex 12.4.

An investor of a party or of a non-party in its territory impose or enforce any requirement or enforce any commitment or obligation of 3:

(a) Export a given level or percentage of goods or services;

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

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

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

(f) A particular technology transfer a production process or other proprietary knowledge to a person in its territory except when the requirement is imposed or the commitment or enforced by a judicial or administrative tribunal or competition authority to remedy a practice determined after it has been a judicial or administrative procedure as anti-competitive competition under the laws of the party 4; or

(g) Supply exclusively from the territory of the party that such investment produces the goods or the services that it provides to a specific regional market or to the world market.

2. A measure that requires an investment to use technology to meet a generally applicable regulations to health, safety or environmental, shall not be considered inconsistent with subparagraph 1 (f).

3. Subparagraph 1 (f) does not apply when a Party authorizes use of an intellectual property right in accordance with article

5 31 of the WTO TRIPS agreement or to measures requiring the disclosure of proprietary information that fall within the

3 for greater certainty as a condition for the receipt or continued receipt of an advantage referred to in paragraph 5 does not constitute a commitment or "" obligation for purposes of paragraph 1.

4 The Parties recognize that a patent does not necessarily confer market power.

5 The reference to article 31 of the WTO TRIPS Agreement includes the footnote to article 7 of this.

Scope of and are consistent with article 39 of the WTO TRIPS Agreement. 6

4. For greater certainty, nothing in paragraph 1 shall be construed to prevent a Party with respect to the establishment, expansion and acquisition, administration, management, operation or sale or other disposition of a covered investment of an investor or an investment of a country that is not a party in its territory, impose or enforce any requirement or enforce a commitment or obligation to train workers in its territory.

5. Neither party may condition the receipt of an advantage or continued receipt of an advantage in connection with the establishment, acquisition, expansion, administration, management, operation and sale or other disposition of an investment in its territory by an investor of a party or of a country that is not a party to the compliance with any of the following requirements:

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

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

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

6. Nothing in paragraph 5 shall be construed to prevent a party from conditioning the receipt of an advantage or continued receipt of an advantage in connection with an investment in its territory by an investor of a party or of a country that is not a Party to compliance with a requirement to locate production provides services, train or employ workers, construct or expand particular facilities or carry out research and development in its territory.

7. Paragraphs 1 and 5 shall not apply to any requirement other than the commitment, obligation or requirements set out in those paragraphs.

8. The provisions of:

6 for greater certainty, the reference to the WTO TRIPS Agreement in this paragraph includes as laid down in the Protocol amending the TRIPS Agreement done at Geneva on 6 December 2005.

(a) Subparagraphs 1 (a), (b) and (c), and 5 (a) and (b) do not apply to qualification requirements for goods or services with respect to export promotion and foreign aid programs; and

(b) Subparagraphs (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 fees.

9. Provided that such measures are not applied in an arbitrary or unjustifiable and provided that such measures do not constitute a disguised restriction on international trade or investment, nothing in subparagraphs 1 (b), (c), (f) and 5 (a) and (b) shall be construed to prevent a Party from adopting or maintaining measures including environmental nature:

(a) Necessary to secure compliance with laws and regulations that are not inconsistent with the provisions of this Treaty;

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

(c) Related to the conservation of exhaustible natural living resources whether or not.

10. Subparagraphs 1 (b), (c), (f) and (g), and 5 (a) and (b) do not apply to government procurement.

11. This article does not preclude enforcement of any commitment, obligation or requirement between private parties, when a party did not impose or require the commitment, obligation or requirement.

1. Articles 12.2, 12.3, 12.5 and 12.6 shall not apply to:

(a) Any Non-Conforming Measure existing Non-Conforming Measure maintained by or at a party:

(i) The central or regional level of Government as set out by that party in its schedule to annex I; 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) The modification of any Non-Conforming Measure referred to in subparagraph (a), provided that the amendment does not decrease the level of

Conformity of the measure as currently in force immediately before the amendment with Articles 12.2, 12.3, 12.5 and 12.6.

2. Articles 12.2, 12.3, 12.5 and 12.6 shall not apply to any measure that adopts or maintains a Party with respect to the sectors or sub-sectors or activities as set out in annex II to its schedule.

3. Articles 12.2 and 12.3, do not apply to any measure adopted under the exceptions under articles 3, 4 and 5 of the WTO TRIPS Agreement.

4. Neither party may require under any measure adopted after the date of Entry into Force of covered by this Agreement and its schedule to annex II, to an investor of the other party, by reason of their nationality, to sell or otherwise dispose of an existing investment at the time the measure copper.

5. The provisions of Articles 12.2, 12.3 and 12.5 shall not apply to:

(a) Subsidies or grants provided by a party, including loans and government-supported guarantees or insurance;

(b) Government procurement.

1. The Parties recognize that it is inappropriate to encourage investment by weakening or reducing the protections provided for in its domestic environmental laws. Accordingly, each Party shall endeavour to ensure that not extinguish or repeal or offer to waive or derogate from such laws in a manner that reduces or weakens the protections afforded in those laws as an encouragement for the establishment, acquisition, expansion or retention of an investment in its territory.

2. Nothing in this chapter shall be construed as preventing a party from maintaining or enforcing any measure that otherwise consistent with this chapter considers it appropriate to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental concerns.

1. Without prejudice to article 12.7.5 (a), each Party shall accord to investors of the other party and to covered investments, non-discriminatory treatment with respect to any measure that 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 that would be inconsistent with Article 12.2, with the exception of article 12.7.5 (a).

7.

7

1. Neither party will nationalize or expropriated a covered investment either directly or indirectly through measures equivalent to expropriation or nationalization (expropriation), except:

Or

(a) In case of utility collective social interest or public interest, 8 in the case of Guatemala; and

(b) In case of need public or national security, in the case of Peru

In accordance with due process, in a non-discriminatory manner and on payment of prompt, effective and adequate compensation.

2. The compensation shall be paid without delay and shall be fully realized and freely transferable. Such compensation shall be equivalent to the fair market value of the expropriated investment immediately before the expropriation took place (date of expropriation), and shall not reflect any change in value occurring because the intended expropriation had become known earlier date of expropriation.

3. If the fair market value is denominated in a free use of currency, the compensation referred to in paragraph 1 shall be no less than the fair market value on the date of expropriation, plus interest at a commercially reasonable rate for that currency accrued from the date of expropriation until the date of payment.

4. If the fair market value is denominated in a currency that is not freely use, the compensation referred to in paragraph 1 - converted into the currency of payment at the market exchange rate prevailing on the date of payment shall be no less than: -

(a) The fair market value on the date of expropriation, in a currency made use of free, at the market exchange rate prevailing on that date; plus

(b) At a commercially reasonable interest rate for that currency free use, accrued from the date of expropriation until the date of payment.

7 for greater certainty, Article 12.10 shall be interpreted in accordance with annex 12.10 on an explanation of the indirect expropriation.

8 for greater certainty, these terms relate to a term of Customary International Law.

5. The Investor affected shall have a right, under the domestic law of the party making the expropriation, to a review by a judicial or other independent authority of that Party and to the valuation of its investment in accordance with the principles set out in this article.

6. The provisions of this article shall not apply to the issuance of Complusory Licenses granted in relation to Intellectual Property Rights, limitation or revocation, or creation of Intellectual Property Rights extent that such issuance, revocation, limitation or creation is consistent with Chapter 9 (intellectual property).

1. Each Party shall permit all transfers relating to a covered investment to be made freely and without delay into and within its territory. Such transfers include:

(a) Contributions of capital;

(b) Profits, dividends, interests, capital gains, payment of royalties, fees, management technical assistance and other fees; returns and other amounts in kind derived from the investment;

(c) Products derived from the sale or liquidation of all or part of the covered investment;

(d) Payments made under a contract entered into by the investor or investment covered the including a loan agreement;

(e) Payments made pursuant to paragraph 1 of articles 12.9 and 12.10; and

(f) Payments arising out of the application of section B.

2. Each Party shall permit transfers relating to a covered investment to be made in a currency of free use at the rate of exchange prevailing on the date of transfer.

3. Without prejudice to paragraphs 1 and 2, a Party may prevent or delay a transfer of money or in kind through the equitable and non-discriminatory and in good faith to its laws relating to:

(a) Bankruptcy or insolvency or the protection of the rights of creditors; 9

9 for greater certainty, creditors rights include, inter alia, the rights arising from social security and public or compulsory retirement savings schemes.

(b) Issuance, trade or operations of securities and futures, options or derivatives;

(c) Criminal offences;

(d) Financial reports or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities; and

(e) To ensure the enforcement of judgements or awards in judicial or administrative proceedings.

1212:. Denial of Benefits

A Party may deny the benefits of this Treaty to:

(a) An investor of the other Party that is an enterprise of investments and other such Party to that of investor if persons of a country that is not a party owns or controls the enterprise and the latter has no substantial business activities in the territory of the other party; or

(b) An investor of the other Party that is an enterprise of investments and other such Party to that of investor if the enterprise has no substantial business activities in the territory of the other party and persons of the party denying owns or controls the enterprise.

1213:.

"special formalities and information requirements

1. Nothing in article 12.2 shall be construed to prevent a Party from adopting or maintaining a measure that prescribes special formalities related to a covered investment, such as a requirement that investors be residents of the party or that covered investments be 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 covered investments and the other party pursuant to this Treaty.

2. Notwithstanding articles 12.2 and 12.3, a Party may require an investor of the other party or its covered investment to provide information concerning that investment or informational solely for statistical purposes. The such Party shall protect any confidential information that is from that disclosure would prejudice the competitive position of the covered the investor or investment. Nothing in this paragraph shall be construed as preventing a party from obtaining or disclosing information in connection with the good faith and equitable application of its domestic legislation.

1. If a party or a designated agency of a party makes a payment to any of its investors under a guarantee or a contract of insurance or other form of compensation 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 claim of such investment. The subrogation 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, the investor may not, unless it has been authorized to act on behalf of the party or the designated agency of the party which has made a payment to those rights and claims against the other party.

Section B. Investor - State Dispute Settlement

1215:. Consultation and Negotiation

1. In the event of a dispute concerning an investment, opposing parties should first seek to resolve the dispute through consultation and negotiation, which may include the use of non-binding third-party. The procedure for consultations and negotiations shall begin with the notice sent to the office designated in annex 12.15. Such request shall be sent to the respondent before the notice of intent referred to in article 12.16, and shall include the information specified in subparagraphs 12.16.2 (a), (b) and (c).

2. The consultations shall take place during a period of at least six (6) months and may include face-to-face encounters in the capital of the respondent.

1216:.

"submission of a claim to arbitration

1. The minimum time period referred to in article 12.15.2, in the event that a Party considers that litigants cannot be resolved a dispute relating to an investment by consultation and negotiation:

(a) The applicant, on their own account, may submit to arbitration a claim alleging:

(i) That the respondent has breached an obligation under section A. other than an obligation under Article 12.8; and

(ii) That the claimant has incurred loss or damage by virtue of such violation or as a result of the latter.

(b) The applicant, on behalf of an enterprise of the respondent that is a juridical person that the claimant owns or controls may directly or indirectly, in accordance with this section, to submit a claim alleging Arbitration:

(i) That the respondent has breached an obligation under section A. other than an obligation under Article 12.8; and

(ii) That the enterprise has incurred loss or damage by virtue of such violation or as a result of the latter.

2. At least ninety (90) days before submitting any claim to arbitration under this section, the claimant to the respondent shall deliver a written notice of its intention to submit the claim to arbitration (notice of intent). The notice shall specify:

(a) The name and address of the claimant and, in the event that the claim is submitted on behalf of an enterprise), the name, address and place of incorporation of the enterprise;

(b) Each claim for the provision of a section which is alleged to have been breached and any other relevant provisions;

(c) The issues of fact and law for each claim, including the measures at issue; and

(d) The relief sought and the approximate amount of damages claimed.

3. The applicant must also deliver, together with its notice of intent, evidence establishing that it is an investor of the other party.

4. Provided that at least six (6) months since the events giving rise to the claim, and provided that the applicant has complied with the terms and conditions set out in article 12.18, the claimant may submit a claim referred to in paragraph 1:

(a) In accordance with the Convention and the ICSID Rules of Procedure for ICSID arbitration proceedings provided that both the respondent and the Party of the claimant are parties to the ICSID Convention;

(b) In accordance with the ICSID Additional Facility Rules, provided that the respondent or the party of the claimant are parties to the ICSID Convention;

(c) In accordance with the UNCITRAL Arbitration Rules; or

(d) If the parties involved so agree, to an ad hoc arbitral institution or to arbitration under any other institution or any other arbitration rules.

5. A claim shall be deemed submitted to arbitration under this section when the notice of or request for arbitration (Notice of Arbitration): the applicant

(a) Referred to in paragraph 1 of Article 36 of the ICSID Convention is received by the Secretary-General;

(b) Referred to in article 2 of Schedule C of the ICSID Additional Facility Rules is received by the Secretary-General;

(c) Referred to in article 3 of the UNCITRAL Arbitration Rules, together with the statement of claim referred to in article 18 of the UNCITRAL Arbitration Rules is received by the respondent; or

(d) Referred to arbitration under any other institution or any arbitration rules selected under subparagraph 4 (d) is received by the respondent.

If, subsequent to the submission of a claim to arbitration a additional claim under the same arbitral proceedings, it shall be deemed submitted to arbitration under this section on the date of its receipt and under the applicable arbitration rules shall apply the limitation period established in article 12.18.

6. The arbitration rules applicable under paragraph 4, and which are in effect on the date the claim or claims that have been submitted to arbitration under this section shall govern the arbitration except to the extent as may be amended or supplemented by this Treaty.

7. The responsibility among warring parties on the assumption expenses, including, where appropriate, the costs in accordance with article 12.21 arising from their participation in the arbitration shall be established:

(a) The arbitral institution to which it has submitted a claim to arbitration in accordance with its rules of procedure; or

(b) According to the rules of procedure agreed upon by the parties to the conflict, where applicable.

8. The claimant shall provide with the notice of arbitration referred to in paragraph 5:

(a) The name of the arbitrator appointed by the respondent; or

(b) The applicant's written consent for the Secretary-General to appoint that arbitrator.

1217:. Consent of Each Party to Arbitration

1. Each party consents to the submission of a claim to arbitration under this section in accordance with this Treaty.

2. The consent under paragraph 1 and the submission of a claim to arbitration under this section shall comply with the requirements set out in:

(a) Chapter II of the ICSID Convention (Jurisdiction of the Centre) and the ICSID Additional Facility Rules for written consent of the Parties to the dispute;

(b) Article II of the New York Convention for an agreement in writing; and

(c) Article I of the Inter-American Convention, which requires an agreement.

1218:. Conditions and Limitations on Consent of Each Party

1. No claim may be submitted to arbitration under this section if more than three (3) years from the date on which the claimant knew or should have had knowledge of the alleged breach under article 12.16.1 and knowledge that the claimant (for claims brought under article 12.16.1 (a)) or the enterprise (for claims brought under article 12.16.1 (b) has suffered losses or damages.

2. No claim may be submitted to arbitration under this section unless:

(a) The claimant consents in writing to arbitration in accordance with the procedures laid down in this Treaty; and

(b) The notice of arbitration referred to in article 12.16.5 accompanied is:

(i) For claims submitted to arbitration under article 12.16.1 (a), by the claimant written waiver; and the written waiver of the claimant and the enterprise written waivers, if the claim is for loss or damage to their participation in an enterprise of the respondent that is a juridical person that the investor owns or controls directly or indirectly, at the time of the notification; and

(ii) For claims submitted to arbitration under article 12.16.1 (b), of written waivers of the claimant and the enterprise;

Any right to initiate before any tribunal or administrative court under the law of either party or any other dispute settlement procedures proceedings with respect to any measure alleged to be a breach referred to in article 12.16.

3. Without prejudice to subparagraph 2 (b), the claimant (for claims brought under article 12.16.1. (a)) and the claimant or the enterprise (for claims brought under article 12.16.1 (b)) may initiate or continue an interim measure, that does not involve the payment of monetary damages before a judicial or administrative tribunal of the defendant, provided that the action is brought for the sole purpose of preserving its rights and interests of the claimant or the Enterprise until the processing of 10 arbitration.

4. The waiver of a company established in subparagraph 2 (b) (i) or 2 (b) (ii) shall not be required only when a claim that the respondent deprived the applicant of control of the enterprise.

5. No claim may be submitted to arbitration under this section when the claimant (for claims brought under article 12.16.1. (a)) and the claimant or the enterprise (for claims brought under article 12.16.1 (b)) has previously submitted the same alleged breach before a judicial or administrative tribunal of the defendant, or to any other binding dispute settlement procedure.

6. For greater certainty, if the applicant elects to submit a claim described under this section to a judicial or administrative tribunal of the defendant or any other binding dispute settlement mechanism, that election shall be definitive and the claimant may not submit the same claim under this section.

7. A breach of any of the conditions precedent described in paragraphs 1 to 6 shall quash the consent given by the parties in article 12.17.

1. Where an investor submits a claim to arbitration under this section and the respondent invokes article 12.11.3 as a defense, or article 18.5 (measures to safeguard the balance of payments), the Tribunal established in accordance with article 12.20 shall, at the request of a respondent a written report of the Parties or by each party on the issue of whether the provisions indicated is a valid defence to

10 in an interim measure, including the measures to preserve evidence and property pending the processing of the claim

submitted to arbitration, a judicial or administrative tribunal of the defendant in a dispute submitted to arbitration under section B apply national legislation of that Party.

The claim of the investor and the extent. The Tribunal may not proceed pending receipt of reports or the agreement in this paragraph, except as provided in paragraph 2.

2. If within a period of ninety (90) days of the request, the Tribunal has not received or reports, the tribunal may proceed to decide the matter.

1. Unless the parties agree otherwise, the Tribunal shall be composed of three (3) arbitrators, one (1) arbitrator appointed by each of the warring parties and the third, who shall be the chairman shall be appointed by agreement of the parties involved.

2. The Secretary-General shall serve as appointing authority for arbitrators arbitration procedures in accordance with this section.

3. Arbitrators shall:

(a) Have experience or expertise in International Law, international investment rules, or in the settlement of disputes arising under international investment agreements;

(b) Not rely on any of the parties or of the applicant, inked or receive instructions from any of them.

4. Where a tribunal established under article different 12.26 shall not engage in a period of ninety (90) days from the date that the claim is submitted to arbitration under this section, the Secretary-General, upon request of either party, shall, after consultation with the same, the arbitrator or arbitrators not yet appointed. Unless the parties agree otherwise, the President of the Tribunal shall not be a national of any of the Parties.

5. For the purposes of article 39 of the ICSID Convention and article 7 of part C of the ICSID Additional Facility Rules, and without prejudice to an objection to an arbitrator on grounds that are not nationals of:

(a) The respondent agrees to the appointment of each individual member of a tribunal established under the ICSID Convention or the ICSID Additional Facility Rules;

(b) The claimant referred to in article 12.16.1 (a) may submit a claim to arbitration under this section, or continue a claim under the ICSID Convention or the ICSID Additional Facility Rules only on condition that the claimant's consent in writing to the appointment of each member of the Tribunal; and

(c) The claimant referred to in article 12.16.1 (b) may submit a claim to arbitration under this section, or continue a claim under the ICSID Convention or the ICSID Additional Facility Rules only on condition that the claimant and the enterprise consent in writing to the appointment of each member of the Tribunal.

1. The parties may agree on the legal place of any arbitration under the applicable arbitral rules under article 12.16.4. In the absence of agreement between the warring parties, the tribunal shall determine the place in accordance with the applicable arbitration rules, provided that the place shall be in the territory of a State that is a party to the New York Convention.

2. The Tribunal shall have the authority to accept and consider amicus curiae written submissions from a person or entity that is not a party litigants. Any Party not combatant wish to make written submissions to a tribunal (the applicant) may apply for leave from the Tribunal in accordance with annex 12.21.

3. Without prejudice to the power of the Tribunal to hear other objections as a preliminary issues, such as an objection that the dispute is not within the competence of the Tribunal, a Tribunal shall hear and decide any question as a preliminary objection by the respondent that as a matter of law, a claim is not submitted a claim for which an award in favour of could be issued to the applicant in accordance with article 12.27.

(a) Such objection shall be submitted to the Tribunal as soon as possible after the Constitution of the Tribunal, and in no event later than the tribunal fixes the date for the respondent to submit its response to the demand (or in the case of an amendment to the notice of arbitration referred to in article 12.16.5, fixes the date the Tribunal for the respondent to submit its response to the amendment).

(b) Upon receipt of an objection under this paragraph, the Tribunal shall suspend any proceedings on the merits, shall establish a schedule for the objection considering consistent with any schedule it has established for considering preliminary question and any other issue a decision or award on the objection, stating the grounds.

(c) In deciding an objection under this paragraph, the Tribunal shall assume to certain factual arguments submitted by the

claimant in support of any claim in the notice of arbitration (or any amendment thereof) and in disputes brought under the UNCITRAL Arbitration Rules;

Notice of claim referred to in article 18 of the UNCITRAL Arbitration Rules. The Tribunal may also consider any relevant fact that is not under dispute.

(d) The respondent does not waive any objection as to competence or any argument on the merits merely because it has or has not formulated an objection under this paragraph or make use of the expedited procedure set out in paragraph 4.

4. In the event that the respondent so requests within forty five (45) days from date of the Constitution of the Tribunal, the Tribunal shall decide on an expedited basis an objection under paragraph 3 and any objection that the dispute is not within the competence of the Tribunal. The Tribunal shall suspend any proceedings on the merits and issue a decision or award on the objection, stating the grounds thereof, not later than one hundred and fifty (150) days after the date of the request. However, if a Party requests a litigant, the Tribunal hearing may take an additional 30 days to issue the decision or award. Regardless of whether a hearing is requested, the Tribunal may, demonstrating a special reason, delay issuing its decision or award by an additional brief period which may not exceed thirty (30) days.

5. If the Tribunal decides on the objection of the respondent pursuant to paragraphs 3 or 4, may, if warranted, grant the opposing side winning reasonable costs and attorneys fees incurred in submitting or opposing the objection. In determining whether such an award is justified, the tribunal shall determine whether the claim of the claimant or the objection of the respondent was frivolous and shall accord to the warring parties a reasonable opportunity to present their comments.

6. The respondent does not preclude defence, as a counterclaim or countervailing duty or for any other reason that the claimant has received or will receive indemnification or other compensation for all or part of the alleged damages pursuant to an insurance or guarantee contract.

7. The Tribunal may recommend an interim measure of protection to preserve the rights of a combatant or with the aim of ensuring the full exercise of the competence of the Tribunal, including an order to preserve evidence in the possession or control of combatant or a party to protect the Tribunal jurisdiction. The Tribunal may not order attachment or prevent the application of a measure alleged to be a breach referred to in article 12.16. 8. In any arbitration conducted pursuant to this section, at the request of either of the parties - the court before making a decision or award on liability, transmit its proposed decision or award to the parties to the conflict and the Party of the claimant. Within sixty (60) days after such proposed decision or award warring parties may submit written comments to the Tribunal concerning any aspect of its proposed decision or award. The Tribunal shall consider any such comments and issue its decision or award not later than 45

Five (45) days following the expiry of the period of sixty (60) days to submit comments. This paragraph shall not apply in any arbitration in which an available appeal under paragraph 9.

9. If the parties shall enter into force on a multilateral treaty other than that establishes an appellate body for purposes of reviewing awards rendered by tribunals constituted pursuant to international trade or investment arrangements to hear investment disputes, the Parties shall endeavour to reach an agreement that would make such appellate body review awards rendered under article 12.27 in arbitrations that have been initiated after the Multilateral Agreement enters into force between the parties.

1. Subject to paragraphs 2 and 4, the respondent after receiving the following documents, the Party shall make available to the public not combatants and:

(a) The notice of intent referred to in article 12.16.2;

(b) The notice of arbitration referred to in article 12.16.5;

(c) Written pleadings, demand and explanatory notes to the Tribunal submitted by a Party combatant and any written communication submitted in accordance with article and article 12.21 12.26;

(d) Awards and orders or decisions of the Tribunal; and

(e) The minutes or transcripts of hearings of the Tribunal, when available.

2. The Tribunal shall conduct hearings open to the public and shall, in consultation with the parties - the appropriate logistical arrangements. However, any Party that intends to use in a litigant information designated as protected information in a hearing shall so inform the Tribunal. The tribunal shall make appropriate arrangements to protect the information from disclosure.

3. Nothing in this section requires a respondent to provide or furnish or protected information to allow access to information that it may withhold in accordance with article 18.2 Essential (Security) and Article 18.4 (disclosure of information).

4. Any protected information that is submitted to the Tribunal shall be protected from disclosure in accordance with the following procedures:

(a) Pursuant to subparagraph (d), neither warring parties nor the Tribunal shall disclose to the Party of the claimant or any information to the public

Protected when the opposing side, provided that the information clearly designates it in accordance with subparagraph (b);

(b) Any litigant party claiming that certain information constitutes protected information shall clearly designate at the time it is submitted to the Tribunal;

(c) A combatant Party shall, at the same time that it submits a document containing information claimed as protected information, submit a redacted version of the document that does not contain the information protected. Only the redacted version shall be provided to the parties involved and shall be made public in accordance with paragraph 1; and

(d) The Tribunal shall decide any objection regarding the designation of Information claimed as protected information. If the Tribunal determines that such information was not properly designated litigants, the party submitting the information may:

(i) Withdraw all or part of its submission containing such information; or

(ii) Agree to resubmit with complete and redacted documents corrected designations in accordance with the Tribunal determination and subparagraph (c).

In any case, the other party combatant shall, where necessary, resubmit to complete and redacted documents which omitted information withdrawn in accordance with subparagraph (d) (i) by the Party that submitted the first information litigants or redesignar information consistent with the designation under subparagraph (d) (ii) of the Party that submitted the first information litigants.

5. Nothing in this section requires a respondent to deny public access to information, according to their national legislation, should be disclosed.

1. Subject to paragraph 2, when a claim is submitted under article 12.16.1 12.16.1 (a) or (b), the Tribunal shall decide the issues in dispute in accordance with this Treaty and the rules of international law and many, where applicable, with the national legislation of the Party in whose territory the investment was made.

2. A decision of the Commission declaring its interpretation of a provision of this Treaty, pursuant to article 17.1.3 (c) (the Free Trade Commission) shall be binding on a tribunal established under this section and any decision or award issued by a tribunal must be consistent with that decision.

1. If the respondent raise as a defence that the measure is alleged to be a breach within the scope of Annex I or Annex II, at the request of the defendant, the Tribunal shall request the interpretation of the Commission on the issue. Within sixty (60) days of the delivery of the request, the Commission shall submit in writing to any decision declaring the Tribunal in its interpretation under article 17.1.3 (c) (the Free Trade Commission).

2. A decision issued by the Commission under paragraph 1 shall be binding on the Tribunal and any decision or award issued by the Tribunal must be consistent with that decision. If the Commission fails to issue such a decision within sixty (60) days, the Tribunal shall decide on the matter.

1225:. Expert Reports

Without prejudice to the appointment of other kinds of experts where this is authorized by the applicable arbitration rules, the Tribunal, at the request of a combatant or party on its own initiative unless the parties to the conflict do not accept, may appoint one or more experts to inform in writing on any factual issue concerning environmental affairs, health, safety or other scientific matters raised by a Party in a proceeding litigants, in accordance with the terms and conditions to be agreed upon between the warring parties.

1. In cases in which they have been submitted to arbitration two or more claims separately in accordance with article 12.16.1, and the claims raised in a common question of fact or law and arise out of the same events or circumstances litigants, any Party may seek a consolidation order in accordance with the agreement of all parties involved in respect of which the order is sought or cumulation in accordance with the terms of paragraphs 2 to 10.

2. The opposing side seeking a consolidation order under this article shall deliver a written request to the Secretary-General and to all the warring parties against which the order is sought cumulation and in the request shall specify:

(a) The names and addresses of all the warring parties against which the order is sought cumulation;

(b) The nature of the order sought and cumulation;

(c) The rationale underlying the request.

3. Unless the Secretary-General determines within thirty (30) days after receiving a request under paragraph 2 that it is manifestly unfounded, a Tribunal shall be established under this article.

4. Unless all the warring parties against which the order is sought cumulation agree otherwise, the Tribunal established under this article shall be by three (3) arbitrators.

(a) One arbitrator appointed by agreement of the claimants;

(b) One arbitrator appointed by the respondent; and

(c) The presiding arbitrator appointed by the Secretary-General who shall not be a national of any of the Parties.

5. If within sixty (60) days of receipt by the Secretary-General of the request made in accordance with paragraph 2, the respondent or the claimants fail to appoint an arbitrator in accordance with paragraph 4, the Secretary-General, at the request of any party litigants against which the order is sought cumulation, shall appoint the arbitrator or arbitrators not yet appointed. If the respondent fails to appoint an arbitrator, the Secretary-General shall appoint a national of the respondent and if the claimants fail to appoint an arbitrator, the Secretary-General shall appoint a national of a party of the claimants.

6. In the event that the Tribunal established under this article is satisfied that have been submitted to arbitration two or more claims under article 12.16.1, which pose a question of fact or law in common and arising out of the same events or circumstances, the Tribunal may in the interest of fair and efficient resolution of the claims and after hearing the parties - by order:

(a) Assume jurisdiction to hear and determine together on all or part of the claims;

(b) Assume jurisdiction and hear and determine one or more of the claims the determination of which it believes would assist in the resolution of the others; or

(c) To instruct a tribunal established under article 12.20 assume jurisdiction to hear and determine jointly, on all or part of the claims, provided that:

(i) The Tribunal, at the request of any claimant previously not opposing side before that Court recover, with its original Members except that the arbitrator shall be appointed for the claimants pursuant to subparagraph 4 (a) and 5; and

(ii) That Tribunal shall decide whether any prior hearing repeat.

7. Where a tribunal has been established under this article, that a claimant has submitted a claim to arbitration under article 12.16.1, and whose name is not mentioned in a request made under paragraph 2 may make a written request to the Tribunal that it be included in any applicant order is made under paragraph 6 and in the request shall specify:

(a) The name and address of the claimant;

(b) The nature of the order sought; and

(c) The reasons for the request.

The claimant shall deliver a copy of its request to the Secretary-General and to the warring parties included in the request pursuant to paragraph 2.

8. A tribunal established under this article shall conduct its proceedings in accordance with the UNCITRAL Arbitration Rules, except as modified by this section.

9. A tribunal established under article 12.20 shall not have jurisdiction to decide a claim. or a part of a claim. over which has assumed jurisdiction instructed or a tribunal established under this article.

10. At the request of a party litigants, a tribunal established under this article may, pending its decision under paragraph 6, provided that the proceedings of a tribunal established under article 12.20 be postponed, unless the latter Tribunal already

has adjourned its proceedings.

1. Where a tribunal for a final award unfavourable to the defendant, the Tribunal may award separately or in combination, only:

(a) Monetary damages and interest as appropriate; and

(b) Restitution of property in which case the award shall provide that the respondent may pay pecuniary damage, plus interest that originate in lieu of restitution.

The Tribunal may also award costs and attorney fees in accordance with this section and the applicable arbitration rules.

2. Subject to paragraph 1, when a claim is submitted to arbitration under article 12.16.1 (b):

(a) The award for the restitution of property that shall provide restitution be made to the enterprise;

(b) The award granted monetary damages and interest, shall provide that the sum be paid to the enterprise; and

(c) The award shall provide that it is made without prejudice to any right that any person has in the relief under applicable domestic law.

3. A tribunal is not authorized to award punitive damages with.

4. For greater certainty, a Tribunal shall not be competent to rule on the Legality of the measure in respect of national legislation.

1228:. Finality and Enforcement of an Award

1. For greater certainty, the award made by a tribunal shall have no binding force except for opposing parties and only in respect of the particular case.

2. Subject to paragraph 3 and the review procedure applicable for an interim award, the opposing side abide by and comply with an award without delay.

3. The opposing side may not seek enforcement of a final award until:

(a) In the case of a final award made under the ICSID Convention:

(i) Within one hundred and twenty (120) days from the date the award was rendered litigant and no party has requested revision or annulment of the same; or

(ii) Have concluded the revision or annulment proceedings; and

(b) In the case of a final award made under the ICSID Additional Facility Rules or the UNCITRAL Arbitration Rules or the Rules with achieving selected in Article 12.16.4

(d)

(i) Within ninety (90) days from the date the award was rendered and no party litigant has commenced a proceeding to set aside or revised, annul it; or

(ii) A court has dismissed or allowed an application for revision or annulment of the award, revocation and this decision cannot be appealed.

4. Each Party shall provide for the enforcement of an award in its territory.

5. If the respondent fails to abide by or comply with a final award, on delivery of a request by the Party of the claimant shall establish a Panel under Article 15.5 (establishment of a panel). The requesting party may seek in such proceedings:

(a) A determination that the failure or refusal of the terms of the final award is inconsistent with the obligations of this Treaty; and

(b) In accordance with the procedures laid down in article (15.9) panel report, a recommendation that abide by the respondent or comply with the final award.

6. A Party may resort to litigants enforcement of an arbitration award under the ICSID Convention or the New York Convention or the Inter-American Convention regardless of whether or not commenced the procedures referred to in

paragraph 5.

7. For the purposes of article I of the New York Convention and article I of the Inter-American Convention shall be considered a claim that is submitted to arbitration under this section arises out of a commercial relationship or transaction.

1229:. Service of Documents

Delivery of notice and other documents on a party shall be done in the place designated by it in Annex 12.15.

Section C. Definitions

1230:. Definitions

For the purposes of this chapter:

ICSID means the International Centre for Settlement of Investment Disputes;

UNCITRAL means the United Nations Commission on International Trade Law;

New York Convention means the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958;

Inter-American Convention means the Inter-American Convention on International Commercial Arbitration, held in Panama; 30 January 1975

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

Means the respondent party that is a party to a dispute concerning an investment;

Claimant means an investor of a Party that is a party to an investment dispute with the other party;

Enterprise means an enterprise as defined in article 5 (definitions of general application), and a branch of an enterprise;

Enterprise of a party constituted means an enterprise or organized under the law of a Party and a branch located in the territory of a party and carrying out substantial business activities in that Territory;

Protected information means:

(a) Confidential business information; or

(b) Information that is privileged or otherwise protected from disclosure is, according to the national legislation of the Party;

Investment means every asset owned or controlled by an investor of the same, directly or indirectly, that has the characteristics of an investment, including characteristics such as the commitment of capital or other resources, the expectation of gain or profit or the assumption of risk. An investment may take forms that include:

(a) An enterprise;

(b) Actions, capital and other forms of equity participation in an enterprise;

(c) Debt instruments of an enterprise:

(i) Where the enterprise is an affiliate of the investor; or

(ii) Where the original maturity of the debt instrument is at least three (3) years;

But does not include an obligation of a party or a state enterprise, regardless of original maturity date;

(d) A loan to an enterprise:

(i) Where the enterprise is an affiliate of the investor; or

(ii) Where the original maturity of the loan is at least three (3) years;

But does not include a loan to a party or a state enterprise, regardless of original maturity date;

(e) Futures, options and other derivatives;

(f) Turnkey or construction, management, production of participation in the granting of earnings and other similar contracts;

(g) Intellectual Property Rights;

(h) Licences, authorizations, permits and similar rights conferred pursuant to domestic law; and 11

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

But investment does not include:

(j) An order or judgment in judicial or administrative proceedings;

(k) Loans granted by a party to the other party;

(l) Public debt and debt operations of public institutions;

(m) Monetary claims derived exclusively from:

(i) Commercial contracts for the sale of goods or services by a national or enterprise in the territory of a party to a national or enterprise in the territory of the other party; or

The fact that 11 authorisation, a licence or permit a similar instrument (including a concession, to the extent that it has the nature of such an instrument) has the characteristics of an investment depends such factors as the nature and extent of the Rights of the holder in accordance with the national legislation of the party. Between licences, authorizations, permits or similar instruments that do not have the characteristics of an investment are those that do not create rights protected under domestic law. For greater certainty, this is without prejudice to an asset that associated with such authorisation, licence, permit or similar instrument has the characteristics of an investment.

(ii) The granting of credit in connection with a commercial transaction, such as trade financing, except a loan covered by the provisions of subparagraph (d); or

(n) Any other monetary claim that does not involve the kinds of interests set out in subparagraphs (a) to (i),

A change in the manner in which assets have been invested or reinvested does not affect their status of investment under this treaty, provided that such change falls within the definition of this article and shall be conducted in accordance with the national legislation of the Party in whose territory the investment has been admitted;

Covered investment means a Party with respect to an investment in its territory of an investor of the other party existing on the date of Entry into Force of this Treaty, as well as to investments made or acquired or expanded thereafter;

An investor of a country that is not a party means a Party with respect to an investor that seeks to perform through concrete actions 12, which is making or has made an investment in the territory of that Party that is not an investor of a party;

An investor of a Party means a Party or a state enterprise thereof, or national or a company of a Party that seeks to perform through concrete actions 13, is making or has made an investment in the territory of the other party; whereas, however, that a natural person who is a dual national shall be deemed to be exclusively a national of the state of his or her dominant and effective nationality;

Measure includes any law, regulation, procedural requirement, act or practice;

Currency means a freely use "free" currency as determined by the International Monetary Fund under the Articles of Agreement of the International Monetary Fund;

National means a natural person who has the nationality of a Party according to country-specific definitions (Annex 5);

Disputing party means either the claimant or the respondent;

Parties means the claimant and the respondent;

A non-disputing party means a person of a party or a person of a country that is not a party with a significant presence in the territory of a Party that is not a party to an investment dispute under section B;

UNCITRAL Arbitration Rules means the Arbitration Rules of the United Nations International Law Commission on International Trade Law adopted by the United Nations General Assembly on 15 December 1976;

ICSID Additional Facility Rules means the Rules of the additional facility for the administration of proceedings by ICSID of the Secretariat;

Secretary-General means the Secretary-General of ICSID; and

A tribunal means an arbitration tribunal established under article 12.16 or 12.26.

12 means an investor that seeks to make an investment when carried out and essential actions necessary for carrying out the said investment, such as the provision of funds to constitute the capital of the company, permits and licences, among others.

13 means an investor that seeks to make an investment when carried out and essential actions necessary for carrying out the said investment, such as the provision of funds to constitute the capital of the company, permits and licences, among others.

The Parties confirm their mutual understanding that customary international law in general and as is specifically mentioned in Article 12.4, is of a general practice and bottleoperative States, followed by them in the context of a legal obligation. With respect to Article 12.4, the minimum standard of treatment of aliens by customary international law refers to all customary international law principles that protect the economic rights and interests of aliens.

The Parties confirm their mutual understanding that:

(a) An action or series of actions by a party cannot constitute an expropriation unless it interferes with a tangible or intangible property right or with the essential attributes or powers of the domain of an investment;

(b) Article 12.10 addresses two situations. The first is where an expropriation, direct investment is expropriated or nationalized otherwise directly through formal transfer of title or the right of ownership;

(c) The second situation addressed by Article 12.10 is indirect expropriation measure or, where a series of measures of a Party has an effect equivalent to expropriation without direct formal transfer of title or the right of ownership;

(d) The determination of whether a measure or series of measures of a Party in a specific fact situation, constitutes an indirect expropriation requires a case by case factual investigation consider, among other factors:

(i) The economic impact of the measure or series of measures of a party, although the sole fact that a measure or series of measures of a Party has an adverse effect on the economic value of an investment alone does not establish that an indirect expropriation has occurred;

(ii) The extent to which the measure or series of measures of a Party interferes with clear and reasonable expectations of investment; and

(iii) The character of the measure or series of measures of a party;

(e) Except in exceptional circumstances, such as when a measure or series of measures are disproportionate in light of its purpose in such a way that it cannot be reasonably that were adopted and applied in good faith, non-discriminatory regulatory actions by a Party that are designed and applied to protect legitimate public welfare objectives, such as public health, safety and environment do not constitute an indirect expropriation. 14

14 for greater certainty, the list of legitimate public welfare objectives in this subparagraph is not exhaustive.

"delivery of documents on a Party under section B (investor - State dispute settlement)

Notices and other documents in disputes under section B, shall be assisted by delivery to:

(a) Guatemala:

Department of Foreign Trade Administration 8 Ministry of Economy. AV 10-43 area 1, Guatemala; and

(b) Peru shall:

The General Directorate of International Economic Affairs, competence and private investment

Ministry of Economy and Finance Lampa # 277 floor Jirón Lima, Peru, 1 5

Or their successors.

"written submissions from Parties not contending

1. The application for leave to file written submissions from a Party not litigant must be made within the period set by the Tribunal and shall:

(a) Done in writing, be dated and signed by the applicant, and include the address and other contact details of the applicant;

(b) Having a length not exceeding five (5) pages;

(c) Describe the applicant, including where appropriate, its membership and legal status (for example, company, trade association or other non-governmental organization), its general objectives, the nature of its activities and any parent organization (including any organization that directly or indirectly controls the applicant);

(d) Disclose whether the applicant has any membership, directly or indirectly, to any opposing side;

(e) To identify any government, person or organization that has provided financial assistance or any other during the preparation of the submission;

(f) Specify the nature of the interest that the applicant has in the arbitration;

(g) To identify the specific issues of fact or law in the arbitration that the applicant has addressed in its written submission;

(h) Submitted in the language of the arbitration.

2. The written submission of a Party not litigant must:

(a) Submitted within the time limit set by the Tribunal;

(b) Be dated and signed by the applicant;

(c) Be concise and in no case shall exceed 20 pages, including annexes and appendices;

(d) Duly substantiated its position; and

(e) Only refer to the items listed in its request pursuant to subparagraph 1 (g).

Chapter 13. Cross-border Trade In Services

1. This chapter applies to measures adopted or maintained by a Party affecting cross-border trade in services by service suppliers of the other party. Such measures include measures affecting:

(a) The production, distribution, sale and delivery of a service;

(b) The purchase or use of, or the payment by a service;

(c) Access to and use of distribution and transportation systems, or telecommunications networks and services in connection with the supply of a service;

(d) The presence in its territory of a service supplier of the other party; and

(e) The provision of a bond or other form of financial security as a condition for the provision of a service.

2. For the purposes of this chapter, measures adopted or maintained by a Party means measures adopted or maintained by:

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

(b) Non-governmental bodies in the exercise of powers delegated by central or regional governments or local authorities.

3. This chapter does not apply to:

(a) Air Services 1 including domestic and international air transportation, scheduled and non-scheduled and related services in support of air services except:

(i) Maintenance and repair of aircraft services while the aircraft is outside service;

(ii) The selling and marketing of air transport services; and

(iii) Services computer reservation system (CRS);

For greater certainty 1; the term services includes air traffic rights.

(b) Government procurement; and

(c) Subsidies or grants provided by a party, including loans and guarantees government-supported insurance.

4. Articles 13.2, 13.5, 13.9 and 13.10 shall apply to measures by a party affecting the supply of a service in its territory by a covered investment. 2

5. This chapter does not impose any obligation on a Party with respect to a national of the other party who wish to enter the labour market or who is permanently employed in its territory, or confer any right on that with respect to national or that access to employment or apply measures regarding nationality or residence on a permanent basis.

6. Nothing in this chapter shall be construed to impose any obligation on a Party regarding its immigration measures.

7. This chapter does not apply to services supplied in the exercise of governmental authority. 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.

8. This chapter does not apply to measures affecting the supply of Financial Services 3 as defined in paragraph 5 (a) of the Annex on Financial Services of the GATS.

132:. Subsidies

Notwithstanding article 13.1.3(c), if the results of the negotiations related to Article XV.1 of the WTO GATS enter into force for each of the Parties this article shall be reviewed together, as appropriate, with a view to determining whether this article should be amended to bring those results are incorporated into this Treaty. The parties agree on such negotiations to coordinate as appropriate.

133:. National Treatment

Each Party shall accord to service suppliers of the other party treatment no less favourable than that accorded in like circumstances to service providers.

1 For greater certainty, the term air services includes traffic rights.

2 The Parties understand that nothing in this chapter, including this paragraph is subject to section B (dispute settlement inversionista-estado) of Chapter 12 (investment).

3 for greater certainty, the supply of Financial Services shall mean the supply of services as defined in GATS article I.2 of the WTO.

134:. Most Favoured Nation Treatment

Each Party shall accord to service suppliers of the other party treatment no less favourable than that accorded to service providers in like circumstances of a non-party country.

135:. Market Access

No Party may adopt or maintain, on the basis of a regional subdivision or on the entire territory, measures that:

(a) Impose limitations on:

(i) The number of service suppliers whether in the form of numerical quotas, monopolies and 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 on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test; 4

(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 the supply of a specific service and directly related to it, in the form of numerical quotas or the requirement of an economic needs test; or

(b) Restrict or prescribe specific types of legal entity or joint venture through which a service supplier may supply a service.

136:. Local Presence

No party may require a service provider of the other party to establish or

Subparagraph 4 (iii) does not cover measures of a party which limit inputs for the supply of services.

Maintain a representative office or other form of undertaking, or who resides in its territory as a condition for the cross-border supply of a service.

1. Articles 13.3, 13.4, 13.5 and 13.6 do not apply to:

(a) Any Non-Conforming Measure 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 I;

(ii) A regional level of Government as set out by that party in its schedule to annex I; or

(iii) A local level of government;

(b) The continuation or prompt renewal of any Non-Conforming Measure referred to in subparagraph (a); or

(c) The modification of any Non-Conforming Measure referred to in subparagraph (a), provided that the amendment does not decrease the conformity of the measure as currently in force immediately before the amendment with articles 13.3, 13.4, 13.5 or 13.6.

2. Articles 13.3, 13.4, 13.5 and 13.6 do not apply to any measure that adopts or maintains a Party with respect to the sectors or sub-sectors or activities as set out in annex II to its schedule.

1. In the event that a party to undertake an amendment or modification any existing Non-Conforming Measure set out in its schedule to Annex I in accordance with article 13.7.1 (c), the Party shall notify the other party as soon as possible on such amendment or modification.

2. In the event that any party adopts a measure after the Entry into Force of this Treaty, with respect to the sectors or sub-sectors or activities set out in its schedule in annex II, the Party shall, as far as possible, notify the other party of such measure.

5 The Parties understand that nothing in this article shall be subject to the dispute settlement procedure established in Chapter 15 (dispute settlement).

139:.

"transparency in the development and implementation of regulations 6

Further to Chapter 16 (transparency):

(a) Each Party shall establish or maintain appropriate mechanisms to respond to inquiries from interested persons regarding its regulations relating to the subject matter of this Chapter 7;

(b) When taking final regulations relating to the subject matter of this chapter Each Party shall respond in writing to the extent possible, including on request, substantive comments received from interested persons with respect to the proposed Regulations; and

(c) To the extent possible, each Party shall provide a reasonable time between final publication of regulations and the date of entry into force.

1. The Parties shall ensure that all measures of general application to which this Chapter applies are administered in a reasonable, objective and impartial manner. This obligation shall not apply to measures covered by Annex I to nor measures covered by Annex II of each party.

2. Where a party requires authorization for the supply of a service, the competent authorities of that Party in a reasonable

period of time after the submission of an application is considered complete under its domestic laws and regulations, shall inform the applicant of the decision concerning the application. At the request of the applicant the competent authorities of the party without undue delay shall provide information concerning the status of the application. This obligation shall not apply to authorization requirements that are covered by article 13.7.2.

3. With the objective of ensuring that measures relating to licensing requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, each Party shall seek to ensure, as appropriate for each individual sector, that such measures:

(a) Is based on objective and transparent criteria, such as the competence and ability to supply the service;

(b) Not more burdensome than necessary to ensure the quality of the Service and 6; 7

For greater certainty, includes 6 regulations establishing the regulations applicable or licensing or authorization criteria.

7 The implementation of the obligation to establish appropriate mechanisms for small administrative agencies, may need to take into account the budgetary constraints and resources.

(c) In the case of licensing procedures, not in themselves a restriction on the supply of the service.

4. The parties recognize their mutual obligations relating to domestic regulation in the WTO GATS Article VI.4 and affirm their commitment to the development of any necessary disciplines pursuant to article VI.

4. To the extent that any such disciplines is adopted by WTO members, the Parties shall jointly review, as appropriate, with a view to determining whether this article should be amended so that they are incorporated in this Treaty.

1. For the purposes of the fulfilment in whole or in part of its standards or criteria for the licensing or service suppliers of certification or licensing and subject to the requirements of paragraph 4, a Party may recognize the education or experience obtained, requirements met or licenses or certifications granted in a particular country. Such recognition which may be achieved through harmonization or otherwise, may be based on an agreement or arrangement with the country concerned or may be accorded autonomously.

2. When a party, recognize autonomously or by agreement or arrangement, the education or experience obtained requirements met or licenses or certifications granted in the territory of a country that is not a party, nothing in article 13.4 shall be construed to require the party to accord such recognition to the education or experience obtained, requirements met or licenses 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, existing or future, shall afford adequate opportunity to the other party, if the other party is concerned, to negotiate its accession to such an agreement or arrangement to negotiate or comparable agreements. Where a Party grants recognition autonomously, the other party will afford an adequate opportunity to demonstrate that the education or experience obtained licenses or certifications or requirements met in that other party territory should be recognized.

4. No party shall accord recognition in a manner which would constitute a means of discrimination between countries in the application of its standards or criteria for the licensing or certification or licensing of service suppliers, or a disguised restriction on trade in services.

5. The Parties shall, as far as possible, encourage the relevant professional bodies in its territory to consider the use of standards and criteria of Annex 13.11 discussions potential for an agreement or arrangement referred to in paragraph 1.

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 all transfers and payments relating to the cross-border supply of services to be made in a free movement of currency at the rate of exchange prevailing on the date of transfer.

3. Notwithstanding paragraphs 1 and 2, a Party may prevent or delay the completion of the transfer or payment through the equitable and non-discriminatory and in good faith to its domestic law relating to:

(a) Bankruptcy or insolvency or the protection of the rights of creditors;

(b) Issuance, trade or operation of securities and 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 judgments or orders in judicial or administrative proceedings.

1313:. Denial of Benefits

Subject to prior notification in accordance with Article 16.3 (Supply

Or

(information and 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 the enterprise has no substantial business activities 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 denying the party and the enterprise has no substantial business activities in the territory of the other party. 8 The term consultations under this article shall not apply to consultations under article 15.4 (consultations).

1314:. Implementation

The Parties shall consult annually, or otherwise agreed, to review the implementation of this Chapter other trade in services and consider issues of mutual interest.

1315:. Definitions

For the purposes of this chapter:

Cross-border trade in services or cross-border supply of services

Means the supply of a service:

(a) 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 a covered an investor or investment of the other party as defined in article 12 (definitions);

Enterprise means an enterprise as defined in article 5 (definitions of general application), and a branch of an enterprise;

Existing means in effect on the date of Entry into Force of this Treaty;

Service supplier of a Party means a person of that Party that seeks to supply a service or supplies; 9

Maintenance and repair of aircraft services means activities undertaken on an aircraft or a part thereof while the aircraft is outside service and do not include so-called line maintenance;

Services computer reservation system (CRS) means services provided by computerised systems that contain information about air carriers' schedules, availability, fares and rules of establishments in fares and which can be made through reservations or tickets may be issued;

9 The Parties understand that for purposes of articles 13.3 and 13.4, 13.5; service supplier has the same meaning as services and service suppliers as used in articles II the XVI and XVII of GATS WTO respectively.

Professional services means services that require 10 for higher education or equivalent training or experience and which is granted or restricted by a party but does not include services provided by persons engaged in a profession or crew members of merchant ships and aircraft; and

Selling and marketing of air transport services means opportunities for the air carrier concerned freely its market to sell and air transport services, and all aspects of marketing such as market research, advertising and distribution, but do not include the pricing of Air Transport Services nor the applicable conditions.

10 for greater certainty shall mean higher education as set by the national legislation of the Parties.

Development of standards of professional services

1. Each Party shall encourage the relevant bodies in their respective territories to develop mutually acceptable standards and criteria for licensing and certification of professional services suppliers and to provide recommendations to the Commission on their mutual recognition.

2. The standards and criteria referred to in paragraph 1 may be developed with regard to the following matters:

(a) - Accreditation of Education schools or academic programs;

(b) - Examinations qualifying examinations for licensing, including alternative methods of assessment such as oral examinations and interviews;

(c) Experience - length and nature of experience required for licensing;

(d) Conduct and ethics - Standards of Professional Conduct and the nature of disciplinary action in case of violation of those standards;

(e) Professional development and renewal of certification: continuing education and the corresponding requirements to maintain professional certification;

(f) Scope of action: scope or limitations on permissible activities; and

(g) Local knowledge: knowledge of requirements for such matters as the laws, regulations, language, geography or the local climate.

3. On receipt of a recommendation referred to in paragraph 1, the Commission shall review within a reasonable time to determine whether it is consistent with this Treaty. Based on the Commission review each Party shall encourage its respective competent authorities to implement the recommendation, where appropriate, within a mutually agreed time frame.

Temporary licensing

4. For individual professional services mutually agreed Each Party shall encourage the relevant bodies in its territory to develop procedures for the temporary licensing of professional service suppliers of the other party.

Working groups on Professional Services

5. The Parties may, by mutual agreement, may set up working groups on professional services, including representatives of relevant professional bodies of each Party, to facilitate the activities listed in paragraphs 1 and 4.

6. The working groups may consider, for individual professional services, the following matters:

(a) Develop workable standards on procedures for the licensing and certification of professional services suppliers; and

(b) Other matters of mutual interest relating to the supply of professional services.

7. The Working Group shall report to the Commission and its future routing progress with regard to its work.

Review

8. The Commission shall review the implementation of this annex at least one (1) every three (3) years.

Chapter 14. Temporary Entry of Business Persons

1. Further to article 1.2 (objectives), this chapter reflects the preferential trading relationship between the parties; facilitate the mutual goal of the temporary entry of business persons in accordance with its national laws and the provisions of annexes 14.3.1 and 14.3.2 based on the principle of reciprocity, and the need to establish transparent criteria and procedures for temporary entry of business persons. Similarly, reflects the need to ensure border security and to protect the domestic labour force and permanent employment in their respective territories.

2. This chapter shall not apply to measures affecting natural persons of a party seeking access to the employment market of the other party 1, nor to measures regarding nationality, citizenship or permanent residence or employment on a permanent basis.

1. Each Party shall apply its measures relating to the provisions of this chapter in accordance with article 14 (1), and in particular the apply expeditiously so as to avoid unduly prejudice or delay trade in goods or services or conduct of investment activities under this Treaty.

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 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 the same, provided that such measures are not applied in a manner as to impair or unduly delay trade in goods or services or the conduct of investment activities under this Treaty. The sole fact of requiring a visa for natural persons shall not be regarded as unduly impairing or impairment of trade in goods or services or investment activities under this Treaty.

1. In accordance with the provisions of this chapter Each Party shall grant temporary entry to business persons who comply with the immigration measures applicable to temporary entry and other measures relating to public health and safety and the

1 for greater certainty, this paragraph shall not nullify or impair its obligations under section C of annex 14.3.1.

National security in accordance with this chapter, including the provisions contained in annex 14.3.1 14.3.2 and annex.

2. Each Party shall establish the value of fees for processing applications for temporary entry of business persons, so as not to impair or unduly delay trade in goods or services or the conduct of investment activities under this Treaty and shall not exceed the administrative costs approximate.

3. An authorization of temporary entry under this chapter does not replace the requirements needed to carry out a profession or activity according to the specific rules in force in the territory of the party authorizing the temporary entry.

1. Further to article 16.2 (publication), and recognizing the importance of transparency to the Parties of temporary entry of business persons, each Party shall:

(a) The other party to provide materials such as will enable it to know its measures relating to this chapter; and

(b) No later than six (6) months after the date of Entry into Force of this Treaty; prepare and publish and make available materials, explaining the requirements for temporary entry of business persons, including references to applicable domestic law, under this chapter to business persons of the other party may know.

2. Each Party shall collect and maintain and make available to the other Party upon request and in accordance with their national legislation, information concerning the granting of authorisations for temporary entry of business persons under this chapter to the other party of business persons who have been issued immigration documentation to include specific information relating to each category in annex 14.3.1 authorised.

145:. Committee of Temporary Entry of Business Persons

1. The parties establish a committee on temporary entry of business persons (hereinafter referred to as the Committee), comprising representatives of each Party 2.

2 In the case of Guatemala representatives will be the Ministry of Economy, the Ministry of Labour and Social Security, the Ministry of Foreign Affairs and the General Directorate of Migration of the Ministry of the Interior, or their successors.

2. The functions of the Committee shall include, among other matters of mutual interest:

(a) Reviewing the implementation and administration of this chapter;

(b) Report to the Commission on the implementation and administration of this chapter, where appropriate;

(c) Establish procedures to exchange information on measures that affect the temporary entry of business persons under this chapter;

(d) Consider the development of measures to further facilitate temporary entry of business persons;

(e) The observance of the issues established under article 14.6; and

(f) Address any other matter related to this chapter.

3. Unless the parties agree otherwise, the Committee shall meet at least one (1) every three (3) years, on a date and with an agenda agreed by the parties. The parties determine cases where it may make extraordinary meetings.

4. Meetings may be conducted by any means agreed by the parties. If they are witnessing, alternately in the territory of each party and shall be based on the Party hosting the meeting.

5. Unless the parties agree otherwise, the Standing Committee shall establish its rules of procedure.

6. All decisions of the Committee shall be taken by mutual agreement.

146:. Cooperation

Taking into account the principles set out in article 14 (1), the Parties shall endeavour to the extent possible:

(a) Cooperate in strengthening the institutional capacity and promote technical assistance among migratory authorities;

(b) Exchanging information and experiences on regulations and implementation of programs and technology in the framework of migratory affairs, including those related to the use of biometric technology, advanced passenger information systems,

Frequent and passenger security of travel documents; and

(c) Endeavour to coordinate actively in multilateral fora to promote the facilitation of temporary entry of business persons.

1. A Party may not initiate proceedings under Chapter 15 (dispute settlement) of this Treaty, regarding a refusal of authorisation of temporary entry under this Chapter unless:

(a) The case concerns a recurrent practice; and

(b) The person affected business have exhausted, in accordance with the applicable national legislation, the available administrative remedies regarding the particular matter.

2. The remedies referred to in subparagraph 1 (b) shall be deemed to be exhausted if the competent authority has issued a final decision within one (1) year after the initiation of an administrative procedure and resolution has been delayed for reasons that are not attributable to the business person affected.

1. Nothing in this Treaty shall be construed to impose any obligation on a Party regarding its immigration measures, however, it shall apply the provisions of this chapter and the relevant provisions of Chapter 1 (initial and General definitions), Chapter 15 (dispute settlement), Chapter 16 (transparency), chapter 17 (Administration of the Agreement), chapter 18 (exceptions) and chapter 19 (Final provisions).

2. Nothing in this chapter shall be construed to impose obligations or commitments with respect to other chapters of this Treaty.

149:. Transparency In the Processing of Applications

1. Further to Chapter 16 (transparency), each Party shall establish or maintain appropriate mechanisms to respond to inquiries from interested persons in applications and procedures relating to the temporary entry of business persons.

2. Each Party shall, within a reasonable time in accordance with their national legislation, after considering the application of temporary entry is complete under its national law, inform the applicant of the decision concerning the application. At the request of the applicant, the Party shall endeavour to provide without undue delay information concerning the status of the application.

1410:. Definitions

For the purposes of this chapter:

Business activities means those legitimate activities of a commercial nature established and operated in order to gain market. Does not include the possibility of obtaining employment and wages or remuneration from a source of employment in the territory of a party;

Executive business means a person within an organisation who primarily directs the management of the organization exercises wide decision-making only or general supervision and receives direction from higher level executives, the Board of Directors and / or the stockholders of business;

Temporary entry means entry into the territory of a party by a person of the other party without the intent to establish

permanent residence;

Specialist means an employee possessing specialized knowledge of the products or services, technical expertise of the company or an advanced level of expertise or knowledge of the processes and procedures of the company;

Business manager means a person within an organisation who primarily directs the organisation or a subdivision of the organization or department supervises and controls the work of other employees supervisors, professional or managerial, has the authority to hire and fire personnel or take other actions (such as promotion or authorisation leave), and exercises discretionary authority over day-to-day operations;

The business person means a national of a party who is engaged in trade in goods or services or investment activities; and

National means a National as defined in article 5 (definitions of general application), but does not include a permanent residents.

1. Each Party shall grant temporary entry to a business person intending to carry out any of the activities of business listed in Appendix 1 of this section, without requiring a work permit or authorisation to use, provided that such person, in addition to comply with existing immigration measures applicable to temporary entry, displays:

(a) Proof of nationality of a party;

(b) Documentation demonstrating that the business person will undertake any business activity set out in Appendix 1 of this section and bring the purpose of entry; and

(c) Evidence of the international character of the proposed business activity and that the business person is not intended to enter the local labour market.

2. Each Party shall provide that a business person complies with the requirements of subparagraph 1 (c) when'proving that:

(a) The primary source of remuneration for the proposed business activity is outside the territory of the party authorizing the temporary entry; and

(b) The principal place of business of such person and which are actually paid profits is predominantly outside the territory of the Party granting temporary entry.

A Party shall normally accept a declaration as to the principal place of business and the actual place where profits actually paid. In the event that the Party may require any additional verification in accordance with their national legislation, generally considered that there is sufficient evidence a letter from the employer or organization that represents showing the circumstances described in subparagraphs 2 (a) and 2 (b).

3. No party may:

(a) Requiring as a condition for authorizing temporary entry under paragraph 1, prior approval procedures or other procedures of similar effect; or

(b) Impose or maintain any numerical restriction to temporary entry in accordance with paragraph 1.

4. A Party may require a business person seeking temporary entry under this section to obtain a visa prior to entry.

Business activities covered under section to include:

1. Meetings and consultancy:

Business persons attending meetings or conferences, seminars, or engaged in consultations with business associates and consultancy services.

2. Research and design:

Technical, scientific and statistical researchers conducting independent research or research for an enterprise established in the territory of the other party.

3. Cultivation and production, manufacture:

Purchasing and production personnel, at managerial level, to undertake commercial operation for an enterprise established in the territory of the other party.

4. Marketing:

(a) Market researchers and analysts conducting independent research or analysis for an enterprise established in the territory of the other party.

(b) Staff of trade promotion attending trade fairs and conventions.

5. Sales:

(a) Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise established in the territory of the other party but not delivering goods or providing services.

(b) Buyers purchasing for an enterprise which are established in the territory of the other party.

6. After-sales services:

Staff of installation, maintenance and repair, supervisors, with essential expertise to comply with the obligation of the seller; and to provide services or train workers to supply such services pursuant to a warranty or other service contract related to the sale of commercial or industrial equipment or machinery, including software acquired for an enterprise established outside the territory of the party requesting the temporary entry, during the life of the warranty or service contract "/> 7. General services:

(a) Management and supervisory personnel engaging in commercial operation for an enterprise located in the territory of the other party.

(b) Staff of public relations and advertising to provide advice to customers or attending or participating in conventions.

(c) Tourism personnel (travel agents and tour guides, tourist or tour operators) attending or participating in conventions.

(d) Kitchen skilled personnel participating in or attending gastronomic events and exhibitions, train or provide advice to clients related to the catering in the territory of the other party.

(e) Translators and interpreters supplying services as employees of an enterprise located in the territory of the other party except services in accordance with the legislation of the party authorising the temporary entry must be supplied by authorised translators.

(f) Service providers of information and communication technologies attending meetings, seminars and conferences or carrying out consultancy services.

(g) Traders and advisers in the development of franchises wishing to provide services in the territory of the other party.

1. Each Party shall grant temporary entry issue and supporting documentation centre and the business person who intends to:

(a) To carry out a substantial trade in goods or services principally between the Territory of the Party of which he is a national and the territory of the party into which entry is sought; or

(b) Establish, develop or administration of an investment business to which the person or the business have committed or are in the process of committing a substantial amount of capital in accordance with national legislation,

Provided that the business person complies with immigration measures

Existing applicable to temporary entry.

2. No party may:

(a) Labour require certification tests or other procedures of similar effect as a condition for authorizing temporary entry under paragraph 1; or

(b) Impose or maintain a numerical restriction relating to temporary entry under paragraph 1.

3. A Party may require a business person seeking temporary entry under this section to obtain a visa prior to entry.

Section C.

"transfers of personal within an enterprise

1. Each Party shall grant temporary entry and supporting documentation to issue a business person employed by an

enterprise who is transferred to serve as a senior manager or a specialist in that enterprise or one of its subsidiaries, affiliates or provided that such person and such enterprise complies with existing immigration measures applicable to temporary entry. Each Party may require that the person to have been continuously employed by the Enterprise for one (1) year within three (3) years immediately preceding the date of submission of the request.

2. Each Party may require the adoption of contract by the competent authority, as a condition for authorizing temporary entry.

3. For greater certainty, nothing in this section shall be construed to mean that affects the labour legislation or the performance of each party.

4. For greater certainty, in accordance with their national legislation, a Party may require the person transferred to provide business services under subordinate to the enterprise.

5. A Party may require a business person seeking temporary entry under this section to obtain a visa prior to entry.

Section D. Professional

(1) Within one year from the Entry into Force of this Treaty, the parties shall commence consultations with a view to deepening their commitments under this Treaty in section of professionals.

Annex 14.3.2 retention periods:

1. A business visitor of:

It gives a period of stay for up to 90 days.

2. Traders and investors:

It gives the period of stay set by the applicable national legislation.

3. Transfers within an enterprise:

It gives a period of stay for up to one year, renewable until the maximum possible in accordance with the provisions of the applicable domestic law.

1. A business visitor of:

It gives a period of stay for up to one hundred and eighty three days (183).

2. Traders:

It gives a period of stay for up to one hundred and eighty three days (183).

3. Investors:

(a) Investors in the process of committing an investment: granted a period of stay for up to one hundred and eighty three days (183).

(b) Independent: granted a period of stay for up to one year, renewable for consecutive periods when requested, to the extent that it maintains conditions justifying its award.

4. Transfers within an enterprise:

It gives a period of stay for up to one year, renewable for consecutive periods when requested, to the extent that it maintains conditions justifying its award.

Chapter 15. Settlement of Disputes

151:. Cooperation

The Parties shall at all times endeavour to agree on the interpretation and application of this Treaty and shall make every effort through cooperation and consultations or other means, to reach a mutually satisfactory resolution of any matter that might affect its operation.

152:. Scope

Unless the treaty provides otherwise, the dispute settlement provisions of this chapter shall apply to the avoidance or settlement of disputes between the parties concerning the interpretation or application of this Treaty, or when a Party considers that:

(a) An existing or proposed measure of the other party could be inconsistent with the obligations of this treaty; or

(b) The other party has breached in any way with the obligations of this Treaty.

1. In the event of any dispute arising under this Agreement and under another Free Trade Agreement to which the contending 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 the establishment of a panel under one of the treaties referred to in paragraph 1. the Forum selected shall be exclusive of the other.

1. A Party may request in writing to the other party for consultations regarding any existing or proposed measure or any other matter that may affect the operation of this Treaty in accordance with Article 15.2.

2. The requesting Party shall seek to initiate consultations by means of a written request to the other party, and give the reasons for the request including identification of the measure or other matter at issue and an indication of the legal basis of the complaint.

3. The other Party shall respond in writing, and except as provided in paragraph 4 shall enter into consultations with the requesting party within a period of thirty (30) days from the date of receipt of the request, unless the parties agree otherwise.

4. In cases of urgency including those concerning perishable goods or goods or services that rapidly lose their commercial value, such as certain seasonal goods or services, consultations shall begin within fifteen (15) days from the date of receipt of the request by the other party.

5. The requesting Party may request the other party to make available personnel of its government agencies or other regulatory bodies who have expertise in the matter subject to consultations.

6. The Parties shall make every effort to reach a mutually satisfactory resolution of any matter through consultations under this article. For this purpose, each Party shall:

(a) Provide sufficient information to enable a full examination of the existing or proposed measure or any other matter that may affect the operation and application of this Treaty; and

(b) The confidential or proprietary information received in the course of consultations on the same basis as the party providing the information.

7. The consultations shall be confidential and without prejudice to the rights of the parties in proceedings established under this chapter.

8. Consultations may be held in person or by any technological means agreed by the parties. In the event that the consulting either face-to-face, the same should be held in the capital of the Party, unless the parties agree otherwise.

1. Unless the parties agree otherwise, and without prejudice to paragraph 5, if a matter referred to in article 15.4 has not been resolved within:

(a) Forty (40) days after receipt of the request for consultations;

(b) 25 days after receipt of request for consultations for the matters referred to in article 15.4.4; or

(c) Any time period that the parties agree to consultants, the complaining party may refer the matter to a panel.

2. The complaining party shall transmit to the other party a written request for the establishment of a panel in which must indicate the reason for the request shall identify the specific measure or other matter that is the subject of the complaint and provide a brief summary of the legal basis of the complaint sufficient to present the problem clearly.

3. The submission of the request, means that the Panel has been established.

4. Unless the parties agree otherwise, the Panel will be integrated and perform its functions in accordance with the provisions of this chapter.

5. A panel may not be established to review a proposed measure.

156:. Qualifications of the Panellists

All panellists shall:

(a) Have expertise or experience in law and international trade or other matters related to this Treaty or in the settlement of disputes arising under international trade agreements;

(b) Strictly be chosen on the basis of its objectivity, impartiality, reliability and sound judgment;

(c) Be independent, have no connection with either of the Parties and not receive instructions from the same; and

(d) Comply with the code of conduct established by the Commission in accordance with article 17.1.2 (d) (the Free Trade Commission).

1. The panel shall be composed of three (3) members.

2. Each party within fifteen (15) days after the date of receipt of the request for the establishment of the panel shall appoint one (1), panellist shall propose up to four candidates who are not citizens of the Parties for the office of President of the Panel in writing and shall notify the other party of the designation of its panelist and its proposed candidates for the Chair of the Panel.

3. If a Party does not appoint one (1) panellist within the specified period, it shall be selected by the other party within five (5 days), among the candidates proposed for the Chair.

4. The parties, within thirty (30) days after the date of receipt of the request for the establishment of a panel shall endeavour to reach agreement and appoint the chair from among the candidates proposed. If the parties are unable to agree on the Chair shall be selected by lot by the Chairperson among the candidates proposed within seven (7) days of the expiration of the additional period of thirty (30) days.

5. If a panellist appointed by a party waives is withdrawn, or cannot fulfil its role, that Party shall designate a new panelist within fifteen (15) days of the appointment of the new panellist shall be made in accordance with paragraph 3. If the Chair of the Panel is revoked or waiver cannot fulfil its role, the Parties shall agree on the appointment of a replacement within fifteen (15) days, otherwise, the replacement shall be appointed in accordance with paragraph 4. If there is any other candidate, each Party shall propose up to three (3) additional candidates within a further period of twenty (20) days and the panellist or the Chair shall be selected by lot within seven (7) days from the candidates proposed. In both cases, any period shall be suspended from the date on which the panellist from the President or resigns or to fulfil its role, and the suspension shall terminate on the date of the selection of a replacement.

1. The Commission shall establish its rules of procedure, in accordance with article 17.1.2 (d) (the Free Trade Commission).

2. A panel established under this Chapter shall be subject to the rules of procedure. A panel may establish, in consultation with the parties, supplementary rules of procedure that do not conflict with the provisions of this chapter.

3. Unless the parties agree otherwise, the rules of procedure shall ensure:

(a) The procedures shall ensure the right to at least one hearing before the Panel as well as the opportunity to provide written rebuttal arguments; and

(b) The hearings before the panel discussions, as well as all submissions and communications presented in the proceeding shall be of a confidential nature;

(c) All submissions and comments made by a party to the Panel will be made available to the other party;

(d) The protection information that either party designated as confidential information; and

(e) The possibility of using technological means to carry out the procedures provided that the means used does not diminish the right of a Party to participate in the procedure and to ensure their authenticity.

4. Unless the parties agree otherwise within fifteen (15) days of the establishment of the Panel, the terms of reference shall be:

"examine objectively and in the light of the relevant provisions of this Treaty, the matter referred to in the request for the establishment of the Panel and to make findings and rulings and recommendations in accordance with article 15.9".

5. If a party wishes to make the panel findings about the level of adverse trade effects on a measure of any party found to be inconsistent with the obligations of this Treaty, the terms of reference shall so indicate.

6. At the request of a party or on its own initiative, the Panel may seek information and technical advice from experts as it deems necessary, provided that the parties so agree and subject to such terms and conditions as such Parties may agree, in accordance with the rules of procedure.

7. The Panel to the Chair may delegate authority to make decisions

Administrative and procedural.

8. The Panel may, in consultation with the parties, to modify any time-limit

For its proceedings and make other procedural or administrative adjustments as may be required for transparency and efficiency of the procedure.

9. The findings and determinations and recommendations of the Panel in accordance with article 15.9, shall be taken by a majority of its members.

10. Panellists may furnish separate opinions on matters not reached a unanimous decision.The Panel may not disclose the identity of the panellists who they suggested by majority or minority. 11. Unless the parties agree otherwise, the expenses of the Panel, including the remuneration of its members, shall be borne in equal parts, in accordance with the rules of procedure.

1. Unless the parties agree otherwise, the Panel shall base its report on the relevant provisions of this Treaty, on the submissions and arguments of the Parties and on any information received by the same in accordance with article 15.8.

2. Unless the parties agree otherwise, the panel shall submit its report to the Parties within one hundred and twenty (120 days) or ninety (90) days in cases of urgency, commencing from the appointment of the last panellist.

3. In exceptional cases only if the Panel considers that it cannot issue its report within one hundred and twenty (120 days) or ninety (90) days in cases of urgency, it shall inform the Parties in writing of the reasons for the delay together with an estimate of the period within which it will issue its report. Any delay shall not exceed a further period of thirty (30) days, unless the parties agree otherwise.

4. The report shall contain:

(a) The conclusions on grounds of fact and law;

(b) Determinations as to whether a Party has complied with its obligations under this Treaty and any other determination requested in the terms of reference; and

(c) Its recommendations for the implementation of the decision, if any of the Parties so requests.

5. The panel shall not disclose confidential information in its report, but shall include conclusions arising from such information.

6. Unless the parties agree on a different period, the Parties shall make available to the public the report within fifteen (15) days of its receipt, subject to the protection of confidential information.

1. Having received the report of the Panel, the Parties shall agree on the resolution of the dispute, which shall conform with the determinations and recommendations of the panel, if any, unless the parties agree otherwise.

2. If possible, the resolution shall be the removal of a measure that does not comply with the provisions of this Treaty.

3. If the parties do not agree on a solution within thirty (30) days following the submission of the report or within such other period as the parties may agree; the party claimed, at the request of the complaining party, shall enter into negotiations with a view to agreeing

Compensation. Such compensation shall be temporary and shall be granted until the dispute is resolved.

1. If the Parties:

(a) Have not reached an agreement on the settlement of the dispute and has not been sought compensation in accordance with article 15.10, within thirty (30) days following the submission of the report; or

(b) Not agree to compensation in accordance with article 15.10, within thirty (30) days following the submission of the request of the complaining party; or

(c) Have reached agreement on a resolution of the dispute or compensation in accordance with article 15.10 and the complaining party considers that the respondent party has failed to observe the terms of the Agreement,

The Party may notify the complaining party claimed to suspend benefits of equivalent effect to the party claimed. The notice, the complaining party shall specify the level of benefits proposed to be suspended.

2. In considering the benefits to suspend pursuant to paragraph 1:

(a) The complaining party should first seek to suspend benefits in the same as that sector or sectors affected by the measure or other matter that the Panel has found to be inconsistent with the obligations of this Treaty; and

(b) The complaining party considers that it impracticable or effective to suspend benefits in the same sector or sectors may suspend benefits in other sectors.

3. The suspension of benefits shall be temporary and the complaining party only

Apply to:

(a) The measure found to be inconsistent with the obligations of this treaty is made in accordance with the same; or

(b) If the parties reach an agreement on the settlement of the dispute; or

(c) The Panel described in article 15.12 conclude, in its report that the respondent Party has complied.

1512:. Review of Compliance and Suspension of Benefits

1. A Party may, by written notification to the other party request that a panel established under article 15.5 is reconstituted to determine:

(a) If the level of suspension of benefits applied by the complaining party in accordance with article 15.11.1 is manifestly excessive; or

(b) Any disagreement as to the existence of measures taken to comply with the original panel or report with respect to the measures are compatible with this Treaty.

2. In the written submission, the Party shall indicate the measures or specific issues in controversy and provide a brief summary of the legal basis of the claim that is sufficient to present the problem clearly.

3. If the original panel or any of its members are unable to reconvene, the provisions of Article 15.7 shall apply mutatis mutandis.

4. The provisions of articles 15.8 and 15.9 governed mutatis mutandis to procedures adopted and reports issued by a panel which is constituted under the terms of this article, except that, pursuant to article 15.8.8, the panel shall submit a report within sixty (60) days of the nomination of the last panellist, if the application refers to subparagraph 1 (a), within a period of ninety (90) days where the request referred to in subparagraph 1 (b).

5. A panel shall be reconstituted consistent with subparagraph 1 (b), to determine whether to complete any suspension of benefits. If the panel is to be appointed in accordance with subparagraph 1 (a) and determines that the level of benefits suspended is manifestly excessive, shall specify the level of benefits it considers equivalent effect.

1513:. Matters Relating to Judicial and Administrative Proceedings

1. If a dispute arises as to the interpretation or application of this Treaty in any domestic judicial or administrative proceeding of any Party considers that a Party that warrants intervention, or if a court or administrative body solicits the views of a party, that Party shall notify the other party. The Commission shall endeavour to agree on an appropriate response as expeditiously as possible.

2. The Party in whose territory the court or administrative body, has decided to present the interpretation of the Commission to the court or administrative body in accordance with the procedures of the body in question.

3. If the Commission fails to reach agreement, each Party may submit its own views to the court or administrative body in accordance with the procedures of the body in question.

1514:. Rights of Individuals

Neither party may grant a right of action under its domestic law against the other party asserting that a measure of the other party is inconsistent with this Treaty.

1515:. Alternative Means of Dispute Settlement

1. To the extent possible, each Party shall encourage and facilitate the use of arbitration and other means of alternative solution of international commercial disputes between private parties in the Free Trade Area.

2. For this purpose, each Party shall provide appropriate procedures to ensure observance of agreements to arbitrate and for the recognition and enforcement of arbitral awards in such disputes.

3. A Party shall be deemed to be in compliance with paragraph 2 if it is a party to the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958 and in accordance with its provisions.

1. The parties may agree to suspend the work of the Panel at any time for a period not exceeding twelve (12) months following the date of such agreement. If the work of the Panel remain suspended for more than twelve (12) months, the authority of the panel shall lapse unless the parties agree otherwise. If the authority of the Panel lapses and the parties have not reached an agreement on the settlement of the dispute, nothing in this article shall preclude a Party requesting a new proceeding regarding the same matter.

2. The parties may agree to terminate the proceedings before a panel jointly by notifying the Chairperson of the same, at any time prior to the notification of the report.

Chapter 18. Exceptions

1. For the purposes of Chapter 2 (market access for goods), chapter 3 (Rules of Origin and Origin Procedures), chapter 4 (customs procedures and trade facilitation), chapter 5 (Customs Cooperation and Mutual Assistance in Customs Matters), chapter 6 (sanitary and phytosanitary measures) and chapter 7 (Technical Barriers to Trade), article XX of GATT 1994 and its interpretative notes are incorporated into this Agreement and form an integral part of this Agreement mutatis mutandis. The parties understand that the measures referred to in article XX (b) of GATT 1994 include environmental measures necessary to protect human life or health, plant or animal and that article XX (g) of GATT 1994 applies to measures relating to the conservation of natural resources whether living or non-living exhaustible.

2. For the purposes of chapter 13 (cross-border trade in services) and chapter 14 (temporary entry of business persons), article XIV of GATS (including its footnotes) are incorporated into this Agreement and form an integral part of this Agreement mutatis mutandis. The parties understand that the measures referred to in article XIV (b) of the WTO GATS include environmental measures necessary to protect human life or health, animal or plant.

182:. Essential Security

Nothing in this Treaty shall be construed as:

(a) To require a party to furnish or allow access to information the disclosure of which it considers contrary to its essential security interests; or

(b) Prevent a party to apply measures it considers necessary to fulfil its obligations with respect to the maintenance or restoration of international peace or security or for the protection of its essential security interests.

1. Except as provided in this article nothing in this Agreement shall apply to Taxation Measures.

2. Nothing in this Agreement shall affect the rights and obligations of the Parties under any tax convention. In the event of incompatibility between

This treaty and any of these conventions, the 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. Notwithstanding paragraph 2:

(a) Article 2.2 (National Treatment) and such other provisions in this Treaty necessary to give effect to that article shall apply to taxation measures to the same extent as article III of the GATT 1994; and

(b) Article 2.11 (export taxes) shall apply to taxation measures.

4. Subject to paragraph 2:

(a) Article 13.3 (National Treatment) shall apply to income taxation measures on capital gains or taxable on the capital of corporations that relate to the purchase or consumption of particular services except that nothing in this subparagraph shall prevent a party from conditioning the receipt or continued receipt of an advantage relating to the purchase or consumption of particular services on the service requirements to provide in its territory; and

(b) (articles 12.2 and 12.3 National Treatment) (most-favoured-nation treatment) and 13.3 (National Treatment) and article 13.4 (most-favoured-nation treatment) apply to all taxation measures other than those on income or capital gains on the capital of taxable corporations, property taxes, inheritance, gifts and transfers to jump generations (generation-skipping transfers).

5. Paragraph 4 shall not:

(a) Most-favored-nation impose any obligation with respect to an advantage accorded by a Party pursuant to a tax convention;

(b) Apply to any dissenting provision of any existing taxation measure;

(c) Apply to the continuation or prompt renewal of a provision of any dissenting existing taxation measure;

(d) Apply to an amendment to A provision of any existing taxation measure dissenting, both in the amendment does not decrease, at the time of his grade in accordance with any of those articles referred to in paragraph 4;

(e) Apply to the adoption or enforcement of any taxation measure aimed at ensuring the imposition or collection of taxes in a fair and effective (as permitted by article XIV (d) of GATS WTO); or

(f) To apply a provision that conditions the receipt or continued receipt of an advantage relating to the contributions to income or trusts of pension or pension plans on a requirement that the Party maintain jurisdiction over the continuous trust pension or pension plan.

6. Subject to paragraph 2 and without prejudice to the rights and obligations of the Parties under paragraph 3. paragraphs 3, 5, 6, 7, 8, 9 and 10 of performance requirements (Article 12.6) shall apply to taxation measures.

7.

(a) (Article 12.10 expropriation and compensation) and article 12.16 (submission of a claim to arbitration) shall apply to a taxation measure expropiatoria as alleged. However, no investor may invoke Article 12.10 (expropriation and compensation) as the basis of a claim where it has been determined pursuant to this paragraph that the measure is not an expropriation 1. An investor that seeks to invoke Article 12.10 (expropriation and compensation) with respect to a taxation measure must first refer the matter to the competent authorities of the claimant and respondent Party referred to in subparagraph (b) When, deliver a written notification of its intention to submit a claim to arbitration under article 12.16 (submission of a claim to arbitration), so that such authorities to determining whether the taxation measure is an expropriation. If the competent authorities do not agree to consider the issue or having agreed to consider it fail to agree on the ground that the measure is not

1 With reference to Article 12.10 (expropriation and compensation) in assessing whether a taxation measure constitutes an expropriation, the following considerations are relevant:

(a) The imposition of taxes does not generally constitute expropriation. The mere introduction of a new Taxation Measures or the imposition of taxes in more than one jurisdiction in respect of shall not constitute an investment in, or is in itself, expropriation;

(b) Taxation Measures, principles and policies consistent with internationally recognised tax practices do not constitute expropriation and in particular Taxation Measures aimed at preventing the avoidance or evasion of taxes should not generally be regarded as expropiatorias; and

(c) Taxation Measures applied on a non-discriminatory basis, as opposed to be targeted at investors of a particular nationality or at specific individual contributors 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 issued or otherwise made publicly available.

An expropriation within a period of six (6) months after they have been subjected the matter, the investor may submit its claim to arbitration under article 12.16 (submission of a claim to arbitration).

(b) For the purposes of this paragraph, the competent authorities means:

(i) In the case of Guatemala, the Ministry of Finance; and

(ii) In the case of Peru, the Ministry of Finance and Economy or their successors.

8. For the purposes of this article:

Tax convention means a convention for the avoidance of double taxation or other international agreement or arrangement and taxation;

Taxes and Taxation Measures do not include:

(a) A customs duty as defined in article 5 (definitions of general application); or

(b) The measures listed exceptions in (b) and (c) of the definition of customs duty in article 5 (definitions of general application).

184:. Dissemination of Information

Nothing in this Treaty shall be construed as requiring a party to furnish or allow access to confidential information the disclosure of which would impede the enforcement of its national legislation, or which would be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

185:.

Measures to safeguard the balance of payments

In accordance with the WTO Agreement and consistent with the Articles of Agreement of the International Monetary Fund, a Party may adopt or maintain temporary safeguard measures and non-discriminatory with regard to payments and capital movements which it considers necessary:

(a) In case of existence or threat of serious financial difficulties or external balance of payments; or

(b) In cases where, under exceptional circumstances payments and capital movements cause or threaten to cause serious difficulties for macroeconomic management in particular monetary policy and change.

1. In Guatemala, the provisions contained in the list are expressed in accordance with the terms of the Central American import tariff, which includes the Central American tariff system (SAC), and the interpretation of the provisions of this List, including those relating to products falling within tariff items of that list shall be governed by the Central American additional notes, the general notes to section notes chapter, notes and the Central American import tariff subheading. To the extent that provisions of this schedule are identical to the corresponding provisions of the Central American import tariff, the provisions of this schedule are to be interpreted in the same meaning as the corresponding provisions of the Central American import tariff.

2. For Peru, the provisions contained in the list are expressed in accordance with the terms of the customs tariff of Peru (hereinafter aaperu), and the interpretation of the provisions of this List, including those relating to products falling within subheadings nationals of that list shall be governed by the General Rules for the interpretation of the nomenclature of aaperu. To the extent that provisions of this schedule are identical to the corresponding provisions of the aaperu, the provisions of this Schedule shall have the same meaning as the corresponding provisions of the aaperu.

3. Unless otherwise specified in its list of part of this Annex, the following categories of relief applied to the elimination of customs duties by each party pursuant to article 2.3:

(a) The tariffs on goods originating in category included fractions of a Party in a schedule shall be eliminated entirely and such goods shall be free of duty on the date of Entry into Force of this Treaty;

(b) The tariffs on goods originating in fractions category B2 included in schedule A Party shall be removed in two equal annual stages beginning the tariff base established in the list of each Party, beginning on the date of Entry into Force of this Treaty and such goods shall be free of duty from 1 January of the year two (2);

(c) The tariffs on goods originating in fractions of grade B5 included in schedule A Party shall be removed in five equal annual stages beginning the tariff base established in the list of each Party, beginning on the date of Entry into Force of this Treaty and such goods shall be free of duty from 1 January of the year five (5);

(d) The tariffs on goods originating in fractions B7 category included in the list of Peru shall be removed in seven (7) equal annual stages beginning on tariff basis set out in the list of Peru, starting

On the date of Entry into Force of this Treaty and such goods shall be free of duty from 1 January of the year seven (7);

(e) The tariffs on goods originating in included fractions of Category B 8 in the list of Peru shall be removed in eight equal annual stages beginning on tariff basis set out in the list of Peru, beginning on the date of Entry into Force of this Treaty and such goods shall be free of duty from 1 January of the year eight (8);

(f) The tariffs on goods originating in fractions B-10 category included in schedule A Party shall be removed in ten equal annual stages beginning the tariff base established in the list of each Party, beginning on the date of Entry into Force of this Treaty and such goods shall be free of duty from 1 January of the year ten (10);

(g) The tariffs on goods originating in fractions B-10 * category included in the list of Guatemala shall be removed in ten (10) annual stages, from the tariff base established in the list of Guatemala, beginning on the date of Entry into Force of this Treaty in accordance with Table 1 of this annex and such goods shall be free of duty from 1 January of the year ten (10);

(h) The tariffs on goods originating in fractions B12 category included in schedule A Party shall be removed in 12 equal annual stages beginning the tariff base established in the list of each Party, beginning on the date of Entry into Force of this Treaty and such goods shall be free of duty from 1 January of the year twelve (12);

(i) The tariffs on goods originating in fractions B13 category included in schedule A Party shall be removed in thirteen (13) equal annual stages beginning the tariff base established in the list of each Party, beginning on the date of Entry into Force of this Treaty and such goods shall be free of duty from 1 January of the year thirteen (13);

(j) The tariffs on goods originating in fractions B15 category included in schedule A Party shall be removed in 15 equal annual stages beginning the tariff base established in the list of each Party, beginning on the date of Entry into Force of this Treaty and such goods shall be free of duty from 1 January of the year fifteen (15);

(k) The tariffs on goods originating in category C included fractions in the list of Guatemala and Peru shall be removed in accordance with the tables 2 and 3 respectively;

(l) The tariffs on goods originating in category D included fractions in the schedule of a Party shall take a tariff preference of

Fifty percent (50 percent of the base rate on the date of Entry into Force of this Treaty.

(m) Goods entered into fractions of Category E in the schedule of a Party shall be excluded from the tariff relief, which shall continue to receive a most-favoured-nation treatment.

4. The Base the Tariff and Customs tariff relief to determine the level of tariff rate at each stage of relief are indicated for the tariff line in the schedule of each party.

5. For the purpose of the elimination of customs duties in accordance with article 2.3, resulting rate of each stage shall be rounded downward at least to the nearest tenth of a percentage point or, if the tariff rate is expressed in monetary units, at least to the nearest 12.01 through the official monetary unit of the importing Party.

6. For the purposes of this annex and a party, one year means the year of Entry into Force of the Treaty as provided for in Article 19.5 (Entry into Force).

7. For the purposes of this annex and a party, starting in year 2, each annual tariff reduction shall take effect on 1 January of the relevant year.

8. For the year 1, the tariff quotas shall be adjusted to reflect only the share of the agreement is in force.

9. Peru may maintain its price band system as established in the Supreme Decree No 1152001ef and its amendments, with respect to products subject to the application of the system indicated with an asterisk (*) in column 4 in the list of Peru established in this annex.

1. Each Party shall implement and administer the tariff-rate quotas for agricultural goods described in this annex in accordance with Article XIII of GATT 1994, including its interpretative notes and the Agreement on Import Licensing.

2. Each Party shall ensure that:

(a) Its procedures for administering quotas are publicly available, timeliness, transparent, non-discriminatory, responsive to market conditions and do not constitute an obstacle to trade;

(b) Subject to subparagraph (c), any person of a Party that meets the legal and administrative requirements of that Party must be eligible to apply and to be considered for award of a quantity within the quota under the quotas of the Party;

(c) Under its troops, shall:

(i) Predetermine a quantity within the quota to a person of a party;

(ii) Condition access to a quantity within the quota for the purchase of domestic production; or

(iii) Limiting access to a quantity only within the quota to processors;

(d) Government authorities solely administer its troops and those not delegate administration of its troops to producer groups or other non-governmental organizations, except as otherwise provided in this Treaty; and

(e) The allocation of the quantities within the quota shall be under the quotas in commercially viable shipping quantities and to the maximum extent possible, in the amounts that Request importers.

3. Each Party shall administer its troops in a manner that allows importers to fully utilize them.

4. No party may request the condition, or the use of an allocation of a quantity within the contingent on a quota under the re-export of an agricultural good.

5. No party may consider food aid or other non-commercial shipments in determining whether an amount within the quota under a quota has been fulfilled.

Annex 2.3-4

6. At the request of the exporting party and the importing Party shall consult with the exporting Party with respect to the administration of the importing Party.

Annex 2.3-5

Appendix 1A: tariff quotas of Guatemala

1. Guatemala attaches free of tariff quota for imports of milk and milk evaporated condensed originating in Peru, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of tariff and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

320

1 January of year 2

379

1 January of year 3

438

1 January of year 4

497

1 January of year 5

556

1 January of year 6

615

1 January of year 7

674

1 January of year 8

733

1 January of year 9

791

1 January of year 10 hereinafter

850

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category E;

(c) The Ministry of Economy of Guatemala shall allocate the quantities, within the quota in accordance with the legislation in force at the time of importation; and

(d) Subparagraphs (a), (b) and (c) to apply the following items: tariff and 0402.91.10 0402.99.10.

2. Guatemala attaches free of tariff quota for imports of onion yellow originating in Peru, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of tariff and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

300

1 January of year 2

350

1 January of year 3

400

1 January of year 4

450

1 January of year 5 hereinafter

500

Annex 2.3-6

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category E;

(c) The Ministry of Economy of Guatemala shall allocate the quantities, within the quota in accordance with its legislation in force at the time of importation; and

(d) Subparagraphs (a), (b) and (c) to apply the following: tariff 0703.10.11 fraction.

3. Guatemala attaches free of tariff quota for imports of uncooked pasta, complete or otherwise prepared originating in Peru, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of tariff and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

700

1 January of year 2

850

1 January of year 3

1, 000

1 January of year 4

1, 150

1 January of year 5 hereinafter

1, 300

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category E;

(c) The Ministry of Economy of Guatemala shall allocate the quantities within quota in accordance with its legislation in force at the time of importation;

(d) Starting in year 5 of this Treaty, the Parties shall examine the possibility of extending the amounts allocated to this quota; and

(e) Subparagraphs (a), (b), (c) and (d) To apply the following items: tariff and 1902.11.00 1902.19.00.

4. Guatemala attaches free of tariff quota for imports of bread, biscuits, pastry products originating in Peru, under the following conditions:

Annex 2.3-7

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of tariff and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

500

1 January of year 2

550

1 January of year 3

600

1 January of year 4

650

1 January of year 5

700

1 January of year 6

750

1 January of year 7

800

1 January of year 8

850

1 January of year 9

900

1 January of year 10

Unlimited

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in category B 10;

(c) The Ministry of Economy of Guatemala shall allocate the quantities within quota in accordance with its legislation in force at the time of importation; and

(d) Subparagraphs (a), (b) and (c) to apply the following: tariff fraction 1905.31.10; 1905.31.90 1905.32.00 1905.90.00.; and

5. Guatemala attaches free of tariff quota for imports of preparations of the type used in animal nutrition originating in Peru, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of tariff and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

6, 000

1 January of year 2

6, 571

1 January of year 3

7, 142

1 January of year 4

7, 714

1 January of year 5

8, 286

1 January of year 6

8, 857

1 January of year 7

9, 429

1 January of year 8 hereinafter

10,000

Annex 2.3-8

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category E;

(c) The Ministry of Economy of Guatemala shall allocate the quantities within quota in accordance with its legislation in force at the time of importation; and

(d) Subparagraphs (a), (b) and (c) to apply the following items: tariff 2309.90.19, 2309.90.20 and 2309.90.90.

Annex 2.3-9

Appendix 1B: tariff quotas of Peru

1. Peru provides a tariff quota free of tariff, including those resulting from the application of the price band system for imports of cheese originating in Guatemala, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of tariff and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

120

1 January of year 2

129

1 January of year 3

138

1 January of year 4

147

1 January of year 5

156

1 January of year 6

165

1 January of year 7

174

1 January of year 8

183

1 January of year 9

192

1 January of year 10 hereinafter

200

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category E;

(c) The competent authorities of Peru shall be responsible for the administration of tariff quotas in accordance with its applicable legislation; and

(d) Subparagraphs (a), (b) and (c) to apply the following items: tariff 0406904000, 0406905000, 0406906000 and 0406909000.

2. Peru provides a tariff quota free of tariff for imports of onion originating in Guatemala, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of tariff and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

300

1 January of year 2

350

1 January of year 3

400

1 January of year 4

450

1 January of year 5 hereinafter

500

Annex 2.3-10

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category; B-10

(c) The competent authorities of Peru shall be responsible for the administration of tariff quotas in accordance with its applicable legislation; and

(d) Subparagraphs (a), (b) and (c) to apply the following items: tariff 0703100000

3. Peru provides a tariff quota free of tariff for imports of uncooked pasta, complete or otherwise prepared originating in Guatemala, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of duty, and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

700

1 January of year 2

850

1 January of year 3

1, 000

1 January of year 4

1, 150

1 January of year 5 hereinafter

1, 300

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category E;

(c) The competent authorities of Peru shall be responsible for the administration of tariff quotas in accordance with its applicable legislation;

(d) Starting in year 5 of this Treaty, the Parties shall examine the possibility of extending the amounts allocated to this quota; and

(e) Subparagraphs (a), (b), (c) and (d) To apply the following tariff items 1902190000 1902110000 and:

4. Peru provides a tariff quota free of tariff, including those resulting from the application of the price band system for imports of food preparations originating in Guatemala, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of duty, including those resulting from the application of the price band system and shall not exceed the annual fixed quantity 200 tonnes.

Annex 2.3-11

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category to preserving the rights arising from the application of the price band system;

(c) The competent authorities of Peru shall be responsible for the administration of tariff quotas in accordance with its applicable legislation; and

(d) Subparagraphs (a), (b) and (c) to apply the following: tariff 2106909000 fraction.

5. Peru provides a tariff quota free of tariff, including those resulting from the application of the price band system for imports of preparations of the type used in animal nutrition, originating in Guatemala, under the following conditions:

(a) The aggregate quantity of goods entered under the provisions listed in subparagraphs (b), (c) and (d) shall be free of duty, including those resulting from the application of the price band system and shall not exceed the established annual quantity:

Years

Quantity

(metric tonnes)

1 year

6, 000

1 January of year 2

6, 571

1 January of year 3

7, 142

1 January of year 4

7, 714

1 January of year 5

8, 286

1 January of year 6

8, 857

1 January of year 7

9, 429

1 January of year 8 hereinafter

10,000

(b) For the quantities which exceed the quantities specified in subparagraph (a), the treatment shall be as specified in the category E;

(c) The competent authorities of Peru shall be responsible for the administration of tariff quotas in accordance with its applicable legislation; and

(d) Subparagraphs (a), (b) and (c) to apply the following: tariff 2309909000 fraction.

Annex 2.3-12

Table 1

Tariff treatment to goods originating in Peru classified in Category B-10 *

Base rate

1 year

Year 2

Year 3

Year 4

Year 5

Year 6

Year 7

Year 8

Year 9

Year 10 hereinafter

5%

4. 90%

4. 80%

4. 40%

4. % 00

3. 60 per cent

3. 20%

2. 40%

1. 60 per cent

0. 80%

0. % 00

10%

9. 80%

9. 60 per cent

8. 80%

8. % 00

7. 20%

6. 40%

4. 80%

3. 20%

1. 60 per cent

0. % 00

15%

14.70%

14.40%

13.20%

12%

10.80%

9. 60 per cent

7. 20%

4. 80%

2. 40%

0. % 00

20%

19.60%

7.20 per cent

17.60%

4%

14.40%

12.80%

9. 60 per cent

6. 40%

3. 20%

0. % 00

Annex 2.3-13

Table 2

Tariff treatment to goods originating in Peru classified in Category C

Section

Tariff

Description

1 year

Year 2

Year 3

Year 4

Year 5

Year 6

Year 7

Year 8

Year 9

Year 10

Year 11

Year 12

Year 13

1901.10.90

Other

9. 7%

9. 56%

9. 34%

9. 12%

8. 82%

7. 56%

6. 30%

5. 03%

3. 78%

2. 52%

1. 33%

0. 67%

0. 0%

3920.10.19

The other

7. 5%

7. 5%

7. 5%

7. 5%

7. 5%

6%

4. 5%

3%

1. 5%

0. 0%

3920.10.20

Of ethylene vinyl acetate, copolymers and thickness of more than or equal to 2 mm but less than or equal to 50 mm

7. 5%

7. 5%

7. 5%

7. 5%

7. 5%

6%

4. 5%

3%

1. 5%

0. 0%

3920.20.21

Metallised

7. 5%

7. 5%

7. 5%

7. 5%

7. 5%

6%

4. 5%

3%

1. 5%

0. 0%

3920.20.29

The other

7. 5%

7. 5%

7. 5%

7. 5%

7. 5%

6%

4. 5%

3%

1. 5%

0. 0%

3921.90.43

With printing without metalizar

7. 5%

7. 5%

7. 5%

7. 5%

7. 5%

6%

4. 5%

3%

1. 5%

0. 0%

3921.90.44

With printing, metallised

7. 5%

7. 5%

7. 5%

7. 5%

7. 5%

6%

4. 5%

3%

1. 5%

0. 0%

3923.21.90

Other

7. 5%

7. 5%

7. 5%

7. 5%

7. 5%

6%

4. 5%

3%

1. 5%

0. 0%

6401.10.00

Footwear with a protective toecap metal

13.5%

13.5%

13.5%

13.5%

13.5%

10.0%

10.0%

10.0%

7. 0%

5. 0%

3. 0%

0. 0%

6401.92.00

Covering the ankle without cover knee

13.5%

13.5%

13.5%

13.5%

13.5%

10.0%

10.0%

10.0%

7. 0%

5. 0%

3. 0%

0. 0%

6402.19.00

The other

13.5%

13.5%

13.5%

10.0%

10.0%

10.0%

7. 0%

5. 0%

3. 0%

0. 0%

6402.91.10

Footwear with a protective toecap metal

13.5%

13.5%

10.0%

10.0%

7. 0%

5. 0%

0. 0%

6402.99.10

Footwear with a protective toecap metal

13.5%

13.5%

10.0%

10.0%

7. 0%

5. 0%

0. 0%

6403.20.00

Often with of footwear uppers of leather and leather stainless through the upper and around the big toe

13.5%

13.5%

10.0%

10.0%

7. 0%

5. 0%

0. 0%

6404.19.90

Other

13.5%

10.0%

7. 0%

5. 0%

0. 0%

6404.20.00

Footwear with often leather or of composition leather

13.5%

10.0%

7. 0%

5. 0%

0. 0%

6405.10.00

With uppers leather or of composition leather

13.5%

10.0%

7. 0%

5. 0%

0. 0%

6405.20.00

With the textile uppers

13.5%

10.0%

7. 0%

5. 0%

0. 0%

6405.90.00

The other

13.5%

10.0%

7. 0%

5. 0%

0. 0%

Annex 2.3-14

Table 3

Tariff treatment to goods originating in Guatemala classified in Category C

Subheading

Description

1 year

Year 2

Year 3

Year 4

Year 5

Year 6

Year 7

Year 8

Year 9

Year 10

Year 11

Year 12

Year 13

Year 14

Year 15

0406200000

Cheese of any kind, or in powder rallado

5%

5%

5%

5%

5%

5%

5%

5%

14.57%

12.14%

9. 71%

7. 29%

4. 86%

2. 43%

0. % 00

1103130000

Of maize meal, and groats

8. 50%

6. 38%

4. 25%

2. 13%

0. % 00

1104230000

Hulled pearled, maize, sliced or crushed

3.30%

3%

12.50%

10%

7. 50%

5. % 00

2. 50%

0. % 00

1901101000

Treatment for children of up to 12 months of age

8. 80%

8. 60 per cent

8. 40%

8. 20%

7. 93%

6. 80%

5. 67%

4. 53%

3. 40%

2. 27%

1. 20%

0. 60 per cent

0. % 00

1901109100

Preparations for infant food intended for retail sale of flour, meal, starch or extract malt

8. 80%

8. 60 per cent

8. 40%

8. 20%

7. 93%

6. 80%

5. 67%

4. 53%

3. 40%

2. 27%

1. 20%

0. 60 per cent

0. % 00

1901109900

Other preparations for infant food intended for retail sale

8. 80%

8. 60 per cent

8. 40%

8. 20%

7. 93%

6. 80%

5. 67%

4. 53%

3. 40%

2. 27%

1. 20%

0. 60 per cent

0. % 00

3920100000

Sheets, plates and sheets, strips, plastics and non-cellular without reinforcement, stratification or medium or similar combination with other materials, ethylene polymers

6. 80%

6. 80%

6. 80%

6. 80%

6. 80%

5. 40%

4. 10%

2. 70%

1. 40%

0. % 00

3920201000

Sheets, plates and sheets, strips, plastics and non-cellular without reinforcement, stratification or medium or similar combination with other materials, polypropylene metalizada until 25 microns thick

6. 80%

6. 80%

6. 80%

6. 80%

6. 80%

5. 40%

4. 10%

2. 70%

1. 40%

0. % 00

3921909000

Other plates, sheets, strips, plastics and sheets

6. 80%

6. 80%

6. 80%

6. 80%

6. 80%

5. 40%

4. 10%

2. 70%

1. 40%

0. % 00

3923210000

(sacks and bags), bags of polymers of ethylene cucuruchos

6. 80%

6. 80%

6. 80%

6. 80%

6. 80%

5. 40%

4. 10%

2. 70%

1. 40%

0. % 00

6401100000

Waterproof footwear uppers and often with rubber or plastic, whose uppers has not joined the outersole by sewing or through fasteners, nails, bolts husks or similar devices, or has been formed with different parties in the same manner, with metal protective toecap

3.30%

3.30%

3.30%

3.30%

3.30%

11.30%

11.30%

11.30%

8. % 00

5. 70%

3. 40%

0. % 00

Annex 2.3-15

Subheading

Description

1 year

Year 2

Year 3

Year 4

Year 5

Year 6

Year 7

Year 8

Year 9

Year 10

Year 11

Year 12

Year 13

Year 14

Year 15

6401920000

Waterproof footwear uppers and often with rubber or plastic, whose uppers has not joined the outersole by sewing or through fasteners, nails, bolts husks or similar devices, or has been formed with different parties in the same manner, covering the ankle without cover knee

3.30%

3.30%

3.30%

3.30%

3.30%

11.30%

11.30%

11.30%

8. % 00

5. 70%

3. 40%

0. % 00

6402190000

Other sports footwear uppers and often with rubber or plastic (ICC), except for skiing

3.30%

3.30%

3.30%

11.30%

11.30%

11.30%

8. % 00

5. 70%

3. 40%

0. % 00

6402910000

Often and with other footwear uppers of rubber, plastics or covering the ankle

3.30%

3.30%

11.30%

11.30%

8. % 00

5. 70%

0. % 00

6402991000

Footwear uppers and often with rubber or plastic (ICC) with metal protective toecap except from 6401.10.00 subheading

3.30%

3.30%

11.30%

11.30%

8. % 00

5. 70%

0. % 00

6403200000

Often with of footwear uppers of leather and leather, strip passing through the upper and surrounding the big toe

3.30%

3.30%

11.30%

11.30%

8. % 00

5. 70%

0. % 00

6404190000

Other footwear with rubber or plastic outersole

3.30%

11.30%

8. % 00

5. 70%

0. % 00

6404200000

Footwear with often leather or of composition leather, artificial

3.30%

11.30%

8. % 00

5. 70%

0. % 00

6405100000

Other or with leather footwear uppers of composition leather

3.30%

11.30%

8. % 00

5. 70%

0. % 00

6405200000

With other footwear uppers of textile materials

3.30%

11.30%

8. % 00

5. 70%

0. % 00

6405900000

Other footwear

3.30%

11.30%

8. % 00

5. 70%

0. % 00

Annex 2.3-16

Annex 2.3-17