

## CHAPTER 1: TARIFFS<sup>[1]</sup>

### **Objective**

*APEC economies will achieve free and open trade in the Asia-Pacific region by:*

- a. *progressive reduction of tariffs until the Bogor goals are fully achieved; and*
- b. *ensuring the transparency of APEC economies' respective tariff regimes.*

### **Guidelines**

*Each APEC economy will:*

- a. *take into account, in the process of achieving the above objective, intra-APEC trade trends, economic interests and sectors or products related to industries in which this process may have positive impact on trade and on economic growth in the Asia-Pacific region and developments in the new economy;*
- b. *ensure that the achievement of the above objective is not undermined by the application of unjustifiable measures;*
- c. *consider extending, on a voluntary basis, to all APEC economies the benefits of tariff reductions and eliminations derived from sub-regional arrangements; and*
- d. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

### **Collective Actions**

*APEC economies will:*

- a. *participate and ensure the expeditious supply and updates of the WTO Integrated Database and any other APEC databases;*
- b. *arrange for seminars and/or workshops on industrial tariffs negotiations in consultation with international organisations, where appropriate, including WTO Secretariat on WTO Integrated Tariff Database;*
- c. *study lessons from modalities for tariff reduction and elimination in regional arrangements; and*
- d. *encourage the accession of all economies to the WTO Information Technology Agreement, including the adoption of ITA provisions by non-members of the WTO.*

*The current CAP relating to tariffs can be found in the [Tariffs and Non-Tariff Measures Collective Action Plan](#)*

### **Peru's Approach to Tariffs in 2007**

Peru, being a small economy, with a mission to increase welfare levels and promote the efficient allocation of resources, has a trade policy oriented towards increasing liberalization. Consistently with this purpose, during the last few years, Peru has unilaterally reduced both tariff levels and tariff dispersion; Peru has participated in the multilateral trade liberalization efforts within the WTO and also, Peru is taking part in a number of trade liberalization agreements with some individual and group of countries: Cuba, Chile, Andean Community (CAN), MERCOSUR, among others (Please refer to Tariff Preferences for further detail). Currently, Peru has signed a Trade Promotion Agreement with United States of America and is also negotiating Free Trade Agreements with Thailand, Singapore and Mexico.

The President of Peru is responsible for defining Peru's tariff policy (article number 118° of the Political

## CHAPTER 1: TARIFFS<sup>[1]</sup>

Constitution of Peru). However, the Ministry of Economy and Finance (MEF) is the institution on which this task has been delegated.

Contact: Luis Monroy ([lmonroy@mef.gob.pe](mailto:lmonroy@mef.gob.pe)), Ministry of Economic and Finance.

Links of interest (only in Spanish).

<http://www.mef.gob.pe/>

<http://www.aduanet.gob.pe/>

***Case Study of a Tariff Liberalisation Initiative***

<b>Peru's Approach to Tariffs in 2007</b>																																													
<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Tariff Arrangements</b>	<b>Further Improvements Planned</b>																																										
<b>Bound Tariffs</b>	There have not been any changes in committed bound tariffs.	Peru maintains in WTO a bound tariff rate at 30% for most tariff lines, except 29 agricultural tariff lines (maize, wheat, rice, sugar, sugar substitutes and some dairy products), that have higher bound tariff which converge to a flat bound tariff of 68% since 2005.  Contact point for further details: Luis Monroy, <a href="mailto:imonroy@mef.gob.pe">imonroy@mef.gob.pe</a> Office of International Economy Affairs and Competition, Vice Ministry of Economy MEF	-																																										
<b>Applied Tariffs</b>	On December 29th 2006, Peru reduced to 0% the ad valorem tariff rate to 2894 national tariff lines: the tariffs of 2798 items reduced from 4% to 0%, mainly of intermediate and capital goods, and of 96 items from 12% to 0%, mainly of items related to the Information Technology Agreement and capital goods (Supreme Decree N° 211-2006-EF).  Regarding to Band Prices, in June 2006,	The current Peruvian tariff structure has 3 main tariff levels: 0%, 12% and 20%. However, considering additional five temporary points tariff surcharge for some agricultural and industrial items, Peru's tariff structure has 5 levels ranging from 0% to 25% ad valorem tariff rate.  The following table illustrates these 5 levels:  <table border="1"> <thead> <tr> <th><b>Tariff Share Levels</b></th> <th><b>Share</b></th> <th><b>Tariff Lines</b></th> </tr> </thead> <tbody> <tr> <td><b>2006 import Values</b></td> <td></td> <td></td> </tr> <tr> <td>0%</td> <td>60,77%</td> <td>43,29%</td> </tr> <tr> <td>12%</td> <td></td> <td></td> </tr> <tr> <td>40,65%</td> <td>31,69%</td> <td></td> </tr> <tr> <td>17%</td> <td></td> <td></td> </tr> <tr> <td>0,69%</td> <td>2,33%</td> <td></td> </tr> <tr> <td>20%</td> <td></td> <td></td> </tr> <tr> <td>10,85%</td> <td>2,99%</td> <td></td> </tr> <tr> <td>25%</td> <td></td> <td></td> </tr> <tr> <td></td> <td>4,52%</td> <td></td> </tr> <tr> <td>2,22%</td> <td></td> <td></td> </tr> <tr> <td><b>Total</b></td> <td></td> <td></td> </tr> <tr> <td><b>100,00%</b></td> <td><b>100,00%</b></td> <td></td> </tr> </tbody> </table> Notice that the 0% rate concentrates 43% of tariff lines and 61% of the value of imports for the year 2006.  The current simple average tariff of this structure is 8,3%.  Contact point for further details: Luis Monroy, <a href="mailto:imonroy@mef.gob.pe">imonroy@mef.gob.pe</a> Office of International Economy Affairs and Competition, Vice Ministry of Economy	<b>Tariff Share Levels</b>	<b>Share</b>	<b>Tariff Lines</b>	<b>2006 import Values</b>			0%	60,77%	43,29%	12%			40,65%	31,69%		17%			0,69%	2,33%		20%			10,85%	2,99%		25%				4,52%		2,22%			<b>Total</b>			<b>100,00%</b>	<b>100,00%</b>		-
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**Peru's Approach to Tariffs in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Tariff Arrangements</b>	<b>Further Improvements Planned</b>
	<p>Custom Tables for 45 tariff lines were extended until June 2007.</p>	<p>MEF</p> <p>Regarding to Band Prices, since 1991 Peru has established a mechanism of Variable Specific Duties for some agricultural tariff lines. The application of this duty is carried out every time the corresponding import price falls below the minimum established import price.</p> <p>However, this scheme has been enhanced since 2001 with a ceiling price, so when the corresponding import price surpasses that ceiling a tariff rate reduction comes into effect, restraining the price rise. Therefore, this system protects the producer through the floor price and the consumer through the ceiling price, from significant international price fluctuations, helping to stabilize domestic prices.</p> <p>Since September 2002 Variable Specific Duties apply to 45 tariff items in four product groups: maize, rice, sugar, sugar substitutes and some dairy products.</p> <p>Contact point for further details:            José Carlos Farfan, <a href="mailto:jfarfan@mef.gob.pe">jfarfan@mef.gob.pe</a>            Office of International Economy Affairs and Competition,            Vice Ministry of Economy.            MEF</p>	
<b>Tariff Quotas</b>	Peru does not apply quotas	Peru does not apply quotas	-
<b>Tariff Preferences</b>	-	<p>Peru, simultaneously with its unilateral and multilateral efforts for the liberalization of the economy in the 90s, has signed a number of trade agreements and is currently involved in additional trade negotiations. The main participation of Peru in trade agreements and negotiations are:</p> <ul style="list-style-type: none"> <li>• The Andean Community (<a href="http://www.comunidadandina.org">http://www.comunidadandina.org</a>).</li> <li>• The Latin American Association of Integration (ALADI), under which Peru has signed several bilateral and regional trade agreements giving mutual concessions for some tariff lines.</li> <li>• Free Trade Agreement with MERCOSUR.</li> <li>• Free Trade Agreement with</li> </ul>	-

**Peru's Approach to Tariffs in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Tariff Arrangements</b>	<b>Further Improvements Planned</b>
		<p>Chile.</p> <ul style="list-style-type: none"> <li>• Economic Complementing Agreement with Mexico.</li> <li>• Free Trade Agreements with Thailand and Singapore.</li> </ul> <p>Moreover, Peru benefits from a greater access to markets of several countries under the Generalized System of Preferences (United States, European Union, Canada and Japan), and from the special regime being offered by the United States for the substitution of coca leaf production and its illegal use in favor of other alternative production activities, which in 2002 was extended to apparel items under the now Andean Trade Preference and Drug Eradication Act (ATPDEA). Free market access to over 5,500 products</p> <p>In April 2006 Peru signed a Trade Promotion Agreement with the United States of America, but it is pending on approval at the US Congress. For further details, see: <a href="http://www.mincetur.gob.pe">http://www.mincetur.gob.pe</a></p> <p>Contact point for further details: Luis Monroy, <a href="mailto:lmonroy@mef.gob.pe">lmonroy@mef.gob.pe</a> Office of International Economy Affairs and Competition, Vice Ministry of Economy, MEF</p>	
<p><b>Transparency of Tariff Regime, including Implementation of APEC Leaders' Transparency Standards on Market Access*</b></p>	<p>With respect to the tariff changes in the year 2006, MEF has published in its webpage a whole section about it, in order to inform the public the rationality of the measures.</p> <p><a href="http://www.mef.gob.pe">http://www.mef.gob.pe</a></p>	<p>Peru's tariff regime is transparent. The rates and modifications are published in the following WebPages (only in Spanish):</p> <p><a href="http://www.sunat.gob.pe/">http://www.sunat.gob.pe/</a> <a href="http://www.mef.gob.pe">http://www.mef.gob.pe</a></p> <p>Peru regularly updates tariff information for the APEC Tariff Database (<a href="http://www.apectariff.org/">http://www.apectariff.org/</a>).</p>	<p>-</p>

**Improvements in Peru's Approach to Tariff Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cum</b>
<b>Bound Tariffs</b>	<p>In 1998, Peru maintained in WTO a bound tariff rate at 30% for most tariff lines, except 29 agricultural tariff lines (maize, wheat, rice, sugar and dairy products).</p>	-
<b>Applied Tariffs</b>	<p>In 1998 there were only two tariff levels. 20% for textiles, leather goods, processed food and some domestic electric machinery (15% of the tariff lines) and 12% for the rest (85%) of the tariff lines. The average tariff at that year was 13,1.</p> <p>Since 1991 Peru has established a mechanism of Variable Specific Duties for some agricultural tariff lines. The application of this duty is done whenever the market price of an item included within the system falls below a floor import price.</p> <p>Variable Specific Duties were applied in 1998 to 29 tariff items in four product groups: maize, rice, sugar and dairy products.</p>	<p>The current levels: 0%, additional for some agricultural structure have valorem tariffs been shown 2006. The a</p> <p>In June 200 Variable Specific Prices, introduced tariff rates with ceilings (Su</p> <p>Peru applied (maize, rice products) the prices allow</p> <p>In January for 29 tariff (Supreme D</p> <p>In September Table for 7 tariff lines r extended u 2002-EF).</p> <p>In June 200 extended u</p> <p>In June 200 extended u</p> <p>In June 200 extended u</p> <p>In June 200 extended u</p>

**Improvements in Peru's Approach to Tariff Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cum</b>
		In July 2000 for 7 tariff li
<b>Tariff Quotas</b>	Peru was not applying tariff quotas.	Peru was not a
<b>Tariff Preferences</b>	<ul style="list-style-type: none"> <li>• Since 1997 Peru has reassumed all of its obligations within the Andean Community, although it does not apply the Common External Tariff (CET).</li> <li>• As part of the Andean Community, in 1998 Peru agreed with MERCOSUR to form a Free Trade Area.</li> </ul>	<ul style="list-style-type: none"> <li>• In 2001 Peru</li> <li>• Peru and h</li> <li>preferences</li> <li>• In August</li> <li>MERCOSUR</li> <li>• In April 2000</li> <li>the United S</li> <li>Congress.</li> <li>• Peru signed</li> <li>of implemen</li> <li>• Peru is also</li> <li>Singapore.</li> <li>• Peru is also</li> <li>with Mexico.</li> </ul>
<b>Transparency of Tariff Regime including Implementation of APEC Leaders' Transparency Standards on Market Access, *</b>	All tariff changes were required to be published in the official newspaper El Peruano.	All tariff chang El Peruano, its Tax Administr Finance websit





weighted average bound tariff rate - specify FOB or CIF										
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Notes

- 1/ Under the Uruguay Agreement, Peru committed to bind tariff rates at 30% for all goods except 29 agriculture tar wheat, sugar, rice and dairy products.
- 2/ There exist a Free Trade Agreement with Chile and a Preferential Trade Agreement with Mexico.
- 3/ Weighted by the 2006 CIF import values.

**APEC INDIVIDUAL ACTION PLAN: TARIFF DISPERSION TABLE FOR 2007**

(PLEASE COMPLETE BOXES)

	All Goods	Agriculture excluding Fish	Fish and Fish Products	Petroleum Oils	Wood, Pulp, Paper and Furniture	Textiles and Clothing	Leather, Rubber, Footwear and Travel Goods	Metals	Chemical & Photographic Supplies	Transport Equipment
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**NUMBER OF TARIFFS AT OR BETWEEN**

	All Goods	Agriculture excluding Fish	Fish and Fish Products	Petroleum Oils	Wood, Pulp, Paper and Furniture	Textiles and Clothing	Leather, Rubber, Footwear and Travel Goods	Metals	Chemical & Photographic Supplies	Transport Equipment
0%	43.3	18.1	1.5	77.5	23.7	4.1	35.6	46.2	62.1	
0%<X<=5%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
5%<X<=10%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
10%<X<=15%	40.7	41.9	98.5	22.5	76.3	22.0	50.4	53.8	37.9	
15%<X<=20%	11.5	7.0	0.0	0.0	0.0	73.9	14.0	0.0	0.0	
>20%	4.5	33.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Specific										
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	

Note

## Appendix – APEC Leaders’ Transparency Standards on Market Access

### Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the Market Access Group developed the following set of transparency standards on market access for incorporation into the Leaders’ Statement.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos and provide specific guidance for implementation within a market access context.

Transparency Standards on Tariff and Non-Tariff Measures:

1. (a) In accordance with paragraph 1 of the Leaders’ Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media (for example via the Internet), information on its laws, regulations, and progressively, procedures and administrative rulings relating to tariff and non-tariff measures.  
  
(b) Such information could include publication of the following measures: (i) tariff schedules, with current applied tariff rates, on the Internet; (ii) details of preferential tariff programs; (iii) tariff rates applicable under Free Trade Agreements and Regional Trade Agreements; and (iv) NTMs maintained by member economies.
2. In accordance with paragraph 2 of the Leaders’ Statement, when possible each Economy will endeavour to publish in advance any tariff or non-tariff measure that it proposes to adopt, and provide interested persons a reasonable opportunity to comment on such proposed measures.
3. In accordance with paragraph 3 of the Leaders’ Statement, upon request from an interested person or another Economy, each Economy will endeavour to promptly provide information and respond to questions pertaining to any actual or proposed measures referred to in paragraph 1 above.
4. Each Economy will endeavour to ensure that non-tariff measures are administered in a transparent manner, so as to mitigate their effect on the trade and development of other Economies.
5. Each Economy that is a WTO Member will, where possible, provide information on non-tariff measures when requested by other WTO Members in the context of the WTO negotiations on market access and will participate actively in these negotiations as they move forward.
6. Each Economy that is a WTO Member will comply with notification procedures under the WTO Agreement on Import Licensing Procedures.
7. Each Economy that is a WTO Member will submit its updated tariff data (both bound, and, where possible, current applied) and trade data to the WTO Integrated Data Base on a timely basis. Economies in the process of acceding to the WTO will, where possible, submit current applied tariff and trade data to the WTO Integrated Data Base. Each economy will also submit current applied tariff data to the APEC tariff database in a timely manner.
8. Each Economy will provide to the APEC Secretariat for inclusion on the website of the Market Access Group (MAG) links to individual government websites, including, where possible, links to specific officials responsible for developing, administering, implementing and/or enforcing policies related to tariff and non-tariff measures. Each Economy further agrees to provide current information on import regulations for the MAG’s Import Regulation website. Each Economy will also provide as much information as possible on rules and procedures, and details of enquiry points, in its e-Individual Action Plan.

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[1] “Tariffs” here refers to import/export tariffs as well as tariff quotas.

**\*Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Market Access, which can be found in the Appendix at the end of this document.**

**\*Economies should report against the actual language in the APEC Leaders' Transparency Standards on Market Access, which can be found in the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

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## Chapter 2 : Non-Tariff Measures<sup>[1]</sup>

### Objective

*APEC economies will achieve free and open trade in the Asia-Pacific region by:*

- a. *progressively reducing NTMs to the maximum extent possible to minimize possible distortion to trade;*
- b. *in respect to WTO members:*
  - *Elimination of any measures inconsistent with WTO agreements*
  - *Full compliance with WTO agreements in accordance to WTO commitments; and*
- c. *ensuring the transparency of APEC economies' respective non-tariff measures.*

### Guidelines

*Each APEC economy will:*

- a. *take into account, in the process of progressive reduction of non-tariff measures, intra-APEC trade trends, economic interests, sectors or products related to industries in which this process may have positive impact on trade and on economic growth in the Asia-Pacific region and developments in the new economy;*
- b. *ensure that the progressive reduction of non-tariff measures is not undermined by the application of unjustifiable measures;*
- c. *consider extending, on a voluntary basis, to all APEC economies the benefits of reductions and eliminations of non-tariff measures derived from sub-regional arrangements;*
- d. *ensure that measures to promote the new economy and strengthening the functioning of markets are consistent with the objectives above; and*
- e. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

### **Collective Actions**

APEC economies will:

- a. *pursue incorporation of information on non-tariff measures into a future version of the APEC tariff database and compile a list of measures recognized as non-tariff impediments and a list of products affected by these impediments;*
- b. *identify industries in which the progressive reduction of non-tariff measures may have positive impact on trade and on economic growth in the Asia-Pacific region or for which there is regional industry support for early liberalization;*
- c. *progressively reduce export subsidies with a view to abolishing them;*
- d. *abolish unjustifiable export prohibitions and restrictions and endeavor to refrain from taking any such new measures;*
- e. *pursue a series of seminars/policy discussions on non-tariff measures (NTMs); and*
- f. *undertake research to develop best practices to enhance transparency and progressively reduce NTMs*

*The current CAP relating to non-tariff measures can be found in the Tariffs and Non-Tariff Measures Collective Action Plan.*

### **Peru's Approach to Non-Tariff Measures in 2007**

Integral to Peru's trade policy is the absence of trade distorting non-tariff measures, either for imports or exports. Regarding import restrictions and prohibitions, they are applied only for environmental, health, preservation of biodiversity, protection of cultural heritage and internal security reasons. The same rationale applies for exports.

Peru applies a System of Band Prices for some agricultural items (maize, rice, sugar, sugar substitutes and some dairy products) that include minimum and maximum prices allowed for the import of these items. Peru's policy objectives are basically the following:

- i) to stabilize domestic prices from significant international price fluctuacion;
- ii) protect low-income agricultural farmers.

In accordance with supreme decree N° 115-2001-EF, the Variable Specific Duties provide an important source of revenue for the agricultural sector, since the collected duties are exclusively channeled to the Agricultural Development Fund.

Regarding legislation governing import surcharges, as in the case of tariff policy, its definition corresponds to the President of the Republic, according to the article number 118° of the Political Constitution of Peru. However, the institution in charge to carry out the policy is the Ministry of Economy and Finance (MEF).



Contact: José Carlos Farfan, Ministry of Economics and Finance  
(jfarfan@mef.gob.pe)

Links of interest (only in Spanish)

<http://www.mef.gob.pe/>

<http://www.sunat.gob.pe/>

***Case Study of an NTM Reduction or Elimination Initiative***

**Peru's Approach to Non-Tariff Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Non-Tariff Measures Applied</b>
<b>Quantitative Import Restrictions/ Prohibitions</b>	No changes	<p>Peru does not apply quantitative import restrictions or prohibitions other than for sanitary, health, security, environmental, biodiversity and cultural heritage protection.</p> <p>Contact point for further details: Luzmila Zegarra, <a href="mailto:lzegarra@mef.gob.pe">lzegarra@mef.gob.pe</a> Office of International Economy Affairs and Cooperation Vice Ministry of Economy</p>
<b>Quantitative Export Restrictions/ Prohibitions</b>	No changes	Peru does not apply quantitative export restrictions or prohibitions other than for biodiversity and heritage protection.
<b>Import Levies</b>	No changes	<p>Apart from ad-valorem tariffs and various surcharge tariffs, imports (as any other goods domestically) are subject in general to a value added tax (Impuesto General a las Ventas, IGV) of 19% (with some exemptions). Some tariff items such as cigarettes, liquors, beer, wines, and vehicles are subject to an additional excise tax (Impuesto al Consumo, ISC), applied to import and domestic production.</p>
<b>Export Levies</b>	No changes	Peru does not apply export levies
<b>Discretionary Import Licensing</b>	No changes	Peru does not apply Discretionary Import Licensing
<b>Automatic Import Licensing</b>	No changes	Peru does not apply Automatic Import Licensing
<b>Discretionary Export Licensing</b>	No changes	Peru does not apply Discretionary Export Licensing

**Peru's Approach to Non-Tariff Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Non-Tariff Measures Applied</b>
<b>Voluntary Export Restraints</b>	No changes	Peru does not apply Voluntary Export Restraints
<b>Export Subsidies</b>	No changes	Peru does not apply Export subsidies
<b>Minimum Import Prices</b>	No changes	Peru does not apply Minimum Import Prices
<b>Implementation of APEC Leaders' Transparency Standards on Market Access*</b>	All Non-tariff Measures changes were required to be published in the official newspaper El Peruano.	All Non-tariff Measures changes are required to be published in the official newspaper El Peruano, website, website of the National Superintendence of Administration (SUNAT) and the Ministry of Economy and Finance website
<b>Other Non-Tariff Measures Maintained</b>	No major changes	Peru does not apply other non-tariff measures

**Improvements in Peru's Approach to Non-Tariff Measures**

<b>Section</b>	<b>Position at Base Year (1998)</b>	<b>Cumulative</b>
<b>General Policy Position</b>	Since 1990, Peru has adopted a free market economy framework eliminating all kind of trade restrictions, with the exceptions of environmental, sanitary, technical, moral, health and national security measures and in accordance with the rules of the WTO.	Integral to distorting exports. prohibition health, p cultural h same rati
<b>Quantitative Import Restrictions/ Prohibitions</b>	Peru does not apply quantitative import restrictions and/or prohibitions other than for sanitary, health, internal security, environmental, biodiversity and cultural heritage protection	
<b>Quantitative Export Restrictions/ Prohibitions</b>	Peru does not apply quantitative export restrictions or prohibitions other than for biodiversity and cultural heritage protection.	
<b>Import Levies</b>	Additionally to ad-valorem tariffs and Variable Specific Duties, imports (as any other good traded domestically) are subject in general to a value-added tax of 18% (with some exemptions). Some tariff items such as fuel oils, cigarettes, liquors, beer, wines, and vehicles are subject to an additional excise tax.	In August was incre
<b>Export Levies</b>	Peru does not apply export levies	
<b>Discretionary Import Licensing</b>	Peru does not apply Discretionary Import Licensing	
<b>Automatic Import Licensing</b>	Peru does not apply Automatic Import Licensing	
<b>Discretionary Export Licensing</b>	Peru does not apply Discretionary Export Licensing	

<b>Improvements in Peru's Approach to Non-Tariff Measures</b>		
<b>Section</b>	<b>Position at Base Year (1998)</b>	<b>Cumulative</b>
<b>Voluntary Export Restraints</b>	Peru does not apply Voluntary Export Restraints	
<b>Export Subsidies</b>	Peru does not apply Export subsidies	
<b>Minimum Import Prices</b>	Peru does not apply Minimum Import Prices.	
<b>Implementation of APEC Leaders' Transparency Standards on Market Access*</b>	All Non-tariff measures changes were required to be published in the official newspaper El Peruano.	All Non-tariff measures changes were published on the official website, the Tax Administration website, and the Economic Commission website.
<b>Other Non-Tariff Measures Maintained</b>	Peru does not apply other non-tariff measures	

## **Appendix – APEC Leaders' Transparency Standards on Market Access**

### Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards ("Leaders' Statement"), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders' Statement, APEC Leaders instructed that "APEC sub-fora that have not developed specific transparency provisions should do so," and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders' Statement. Accordingly, the Market Access Group developed the following set of transparency standards on market access for incorporation into the Leaders' Statement.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos, and provide specific guidance for implementation within a market access context.

Transparency Standards on Tariff and Non-Tariff Measures:

1. (a) In accordance with paragraph 1 of the Leaders' Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media (for example via the Internet), information on its laws, regulations, and progressively, procedures and administrative rulings relating to tariff and non-tariff measures.  
  
(b) Such information could include publication of the following measures: (i) tariff schedules, with current applied tariff rates, on the Internet; (ii) details of preferential tariff programs; (iii) tariff rates applicable under Free Trade Agreements and Regional Trade Agreements; and (iv) NTMs maintained by member economies.
2. In accordance with paragraph 2 of the Leaders' Statement, when possible each Economy will endeavor to publish in advance any tariff or non-tariff measure that it proposes to adopt, and provide interested persons a reasonable opportunity to comment on such proposed measures.
3. In accordance with paragraph 3 of the Leaders' Statement, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed measures referred to in paragraph 1 above.
4. Each Economy will endeavour to ensure that non-tariff measures are administered in a transparent manner, so as to mitigate their effect on the trade and development of other Economies.
5. Each Economy that is a WTO Member will, where possible, provide information on non-tariff measures when requested by other WTO Members in the context of the WTO negotiations on market access and will participate actively in these negotiations as they move forward.
6. Each Economy that is a WTO Member will comply with notification procedures under the WTO Agreement on Import Licensing Procedures.
7. Each Economy that is a WTO Member will submit its updated tariff data (both bound, and, where possible, current applied) and trade data to the WTO Integrated Data Base on a timely basis. Economies in the process of acceding to the WTO will, where possible, submit current applied tariff and trade data to the WTO Integrated Data Base. Each economy will also submit current applied tariff data to the APEC tariff database in a timely manner.
8. Each Economy will provide to the APEC Secretariat for inclusion on the website of the Market Access Group (MAG) links to individual government websites, including, where possible, links to specific officials responsible for developing, administering, implementing and/or enforcing policies related to tariff and non-tariff measures. Each Economy further agrees to provide current information on import regulations for the MAG's Import Regulation website. Each Economy will also provide as much information as possible on rules and procedures, and details of enquiry points, in its e-Individual Action Plan.

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<sup>[1]</sup> These non-tariff measures include but are not restricted to quantitative import/export restrictions/prohibitions, import/export levies, minimum import prices, discretionary import/export licensing, voluntary export restraints and export subsidies.

**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Market Access, which can be found in the [Appendix](#) at the end of this document.**

**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Market Access, which can be found in the [Appendix](#) at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

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## CHAPTER 3: SERVICES

### **Objective**

*APEC economies, in accordance with the APEC Policy Framework for Work on Services, will achieve free and open trade and investment in the Asia-Pacific region by:*

- a. progressively reducing restrictions on market access for trade in services;*
- b. progressively providing for inter-alia most favored nation (MFN) treatment and national treatment for trade in services;*
- c. providing, in regulated sectors, for the fair and transparent development, adoption and application of regulations and regulatory procedures for trade in services; and*
- d. recognising the role that e-commerce plays in the supply and consumption of services.*

### **Guidelines**

*Each APEC economy will:*

- a. contribute positively and actively to the WTO negotiations on trade in services;*
- b. expand commitments under the General Agreement on Trade in Services (GATS) on market access and national treatment and eliminate MFN exemptions where appropriate;*
- c. undertake further actions, where appropriate, to implement the APEC Menu of Options for Voluntary Liberalization, Facilitation and Promotion of Economic and Technical Cooperation in Services Trade and Investment;*
- d. make efforts to provide for the participation of concerned parties in regulations and regulatory processes, the fair and transparent application of regulations, and the prompt consideration of applications;*
- e. support APEC capacity building efforts to supply services by, inter-alia, strengthening infrastructure, promoting the use of advanced technologies and developing human resources; and*
- f. implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

### **Collective Actions**

*APEC economies will take the following Collective Actions with regard to services in the telecommunications, transportation, energy and tourism sectors [14](#), and continue to seek Collective Actions in other sectors*

#### **TELECOMMUNICATIONS**

*In accordance with the Cancun Declaration, APEC economies will:*

- a. work to bridge the digital divide at the domestic, regional and global levels, and to cooperate and collaborate with the business/private sector in this effort;*
- b. foster discussion between business/private sector and governments on appropriate means to assess and reward the value of products and services exchanged in the provision of converged Internet services among APEC economies, consistent with the APEC Principles on International Charging Arrangements for Internet Services;*
- c. foster the development of effective policies that support competitive markets in the domestic and*



## CHAPTER 3: SERVICES

*international telecommunications and information industries;*

- d. *accelerate the pace of implementation of the Mutual Recognition Arrangement on Conformity Assessment for Telecommunications Equipment (MRA);*
- e. *work to ensure that policy and regulatory environments better foster the uptake of e-commerce;*
- f. *implement within voluntary time frames the APEC Interconnection Principles and consult on the need for further discussions on interconnection; and*
- g. *give attention to user requirements for open standards and systems to support interoperability*

*In addition, APEC economies are encouraged to conform, where appropriate, to:*

- 1. *The WTO Telecommunications Regulatory Principles Reference Paper;*
- 2. *The Information Technology Agreement (ITA); and*
- 3. *The Guidelines for Trade in International Value-Added Network Services (IVANS).*

### **TRANSPORTATION**

*APEC economies will:*

- a. *respond to the Leaders 'Auckland Challenge' of 1999, by implementing the eight steps for more competitive air services on a voluntary basis and by identifying further steps to liberalize air services in accordance with the Bogor Goals, and provide annual progress reports to Leaders through SOM (Note: some components of this project may fall under Part II Ecotech, subject to further developments);*
- b. *develop by 2005 an efficient, safe and competitive operating environment for maritime transport, including ports, in the region through improved transparency of maritime and port policies (Note: some components of this project may fall under Part II Ecotech, subject to further developments);*
- c. *complete the Road Transport Harmonization Project and encourage the development of mutual recognition arrangements for certification of automotive product and harmonization of economies' vehicle regulations through cooperation within United Nations Economic Commission for Europe; and*
- d. *seek to eliminate the requirement for paper documents (both regulatory and institutional) for the key messages relevant to international transport and trade as soon as practicable by 2005.*

### **ENERGY**

*APEC Economies, by developing and building on the 14 non-binding policy principles endorsed by APEC Energy Ministers at their Sydney meeting in 1996 which are consistent with the vision, objectives and strategic themes of the recently endorsed Future Directions Strategic Plan that will guide their work over the next five years:*

- a. *will facilitate trade and investment in the energy sector by*
  - i. *responding to the outcomes of a current study on "Strengthening the Operational Aspects of APEC Energy Micro -Economic Reform" that will, inter-alia, inform on barriers to investment in the energy sector and how to remove the barriers.*
  - ii. *analysing the broad economic impacts of micro-economic reform policies to deregulate energy markets.*
  - iii. *responding as appropriate to the identification of the barriers (policy, technical, regulatory and legal) to the interconnection of power grids in APEC member economies.*
  - iv. *actively pursuing the Implementation Strategy and considering the use of Implementation Facilitation Assistance Teams (IFAT) to assist in further reform of the energy markets.*
  - v. *strengthening policy dialogue among member economies on important issues*

### CHAPTER 3: SERVICES

*affecting energy markets.*

*vi. supporting the APEC 21st Century Renewable Energy Development Initiative which seeks to advance the use of renewable energy for sustainable economic development and growth in member economies.*

*vii. encouraging in the longer term a greater strategic input from business through the Energy Working Group Business Network (EBN).*

- b. will seek to reduce barriers to trade created by differing energy performance test methods and energy performance requirements by supporting the establishment of an APEC Energy Efficiency Test Procedures Coordinator.*
- c. will strengthen energy security in the region by developing and implementing an energy security initiative with the aim of improving the functioning of energy markets; energy efficiency and conservation; diversification of energy resources; renewable energy development and deployment; and enhance short term preparedness such as oil stocks and surge production of oil; and explore the potential for alternative transport fuels*

#### **TOURISM**

*APEC economies will:*

- a. Remove impediments to tourism business and investment by:
  - (i) promoting and facilitating the mobility of skills, training and labor;*
  - (ii) promoting and facilitating productive investment in tourism and associated sectors;*
  - (iii) removing regulatory impediments to tourism business and investment; and*
  - (iv) encouraging liberalization of services trade related to tourism under General Agreement on Trade in Services (GATS)**
- b. Increase mobility of visitors and demand for tourism goods and services in the APEC region by:
  - (i) facilitating seamless travel for visitors;*
  - (ii) enhancing visitor experiences;*
  - (iii) promoting inter- and intra-regional marketing opportunities and cooperation;*
  - (iv) facilitating and promoting e-commerce for tourism business;*
  - (v) enhancing safety and security of visitors; and*
  - (vi) fostering a non-discriminatory approach to the provision of visitor facilities and services.**
- c. Sustainably manage tourism outcomes and impacts by:
  - (i) demonstrate an appreciation and understanding of natural environment and seek to protect the environment*
  - (ii) foster ecologically sustainable development opportunities across the tourism sector, particularly for small and medium sized enterprises, employment and providing for open and sustainable tourism markets*
  - (iii) protect the social integrity of host communities with particular attention to the implications of gender in the management and development of tourism*
  - (iv) recognize, respect and preserve local and indigenous cultures together with our natural and national cultural heritage*
  - (v) enhance capability building in the management and development of tourism.**
- d. Enhance recognition and understanding of tourism as a vehicle for economic and social development by:
  - (i) harmonizing methodologies for key tourism statistical collections, consistent with activities of other international tourism organizations*
  - (ii) facilitating the exchange of information on tourism between economies*
  - (iii) promoting comprehensive analysis of the role of tourism in member economies in promoting sustainable growth*
  - (iv) expanding our collective knowledge base on tourism issues in order to identify emerging issues and assist in the implementation of the Seoul Declaration on an APEC Tourism Charter.**

*The current CAP relating to services can be found in the Services Collective Action Plan.*

*As a small economy, in order to increase welfare levels and promote the efficient allocation of resources, Peru's trade policy. Consistently with this purpose, in the 1990's, Peru removed unilaterally most of market access and national treatment restrictions and has actively participated in the multilateral trade liberalization efforts within the WTO.*

*Since 2004, as part of the services policy, Peru is constantly including ambitious provisions in the services chapters of trade agreements to guarantee clear and predictable rules to services providers and investors, as well as to obtain similar market access conditions.*

*The Ministry of Foreign Trade and Tourism (MINCETUR) is the entity in charge to undertake these negotiations in coordination with other government institutions.*

*Regarding legislation governing services trade policy, its definition corresponds to different public institutions, mostly the Ministry of Foreign Trade and Tourism, and the Ministry of Economy and Finance, which is formulated by the Ministry of Economy and Finance. (<http://www.mef.gob.pe>)*

*For more information, please visit  
<http://www.mincetur.gob.pe>*

**Chapter 3: Peru's General Approach to Trade in Services in 2007**

\*Competition Policy will be dealt with in the Competition Policy Chapter (link)

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Foreign Investment or Right of Establishment (including Joint Venture Requirements)</b>	No changes.	<p>According to Peru's Political Constitution, both foreign and national investments are subject to the same laws and conditions. Also, Legislative Decrees N° 662 and N° 757 state free market access and national treatment to investors in almost any economic activity. Main exceptions are in telecommunications, diffusion services (radio and TV broadcasting).</p> <p>Private Investment Promotion Agency (PROINVERSION).  <a href="http://www.mef.gob.pe">http://www.mef.gob.pe</a></p>	
<b>Temporary Entry and Stay of Service Providers and Intra-Corporate Transferees</b>	No changes.	<p>In general, for the temporary entry and stay of business people (including services providers) a visa is required, which allows a 90-day stay (extendible to 30 additional days).</p> <p>For tourism and business purposes, countries from the Andean Community (Bolivia, Colombia, Ecuador and Venezuela) are not required a visa up to a 90 day stay. Also, for many countries, including APEC economies (except Vietnam and China) there is no need to obtain a tourist visa before arriving to Peru.</p> <p>There is a horizontal-sector restriction that establishes that local goods or services companies should not exceed a 20% quota of foreign hired personnel (some exceptions apply). Also, their wages should not exceed 30% of company payroll (some exceptions apply).</p>	
<b>Foreign Exchange Control/ Movement of Capital</b>	No changes.	Peru does not apply any foreign exchange control on movement of capital.	
<b>Implement APEC Leaders' Transparency</b>		Please see Transparency Chapter	

**Chapter 3: Peru's General Approach to Trade in Services in 2007**

*\*Competition Policy will be dealt with in the Competition Policy Chapter ([link](#))*

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Standards on Services*</b>			
<b>Other Generic Requirements Applied to Trade in Services</b>	<i>No changes.</i>	<i>No other generic requirements</i>	

**Chapter 3: Improvements in Peru's Approach to Trade in Services since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
<p><b>General Policy Position</b></p>	<p><i>The services sector in Peru constitutes around 50% of its GDP and employment (encompassing construction, trade and other services) and is one of the most dynamic sectors in the economy. Since the beginning of the 90s Peru carried out a wide liberalization in services trade, and in 1994 made horizontal and specific commitments in the liberalization process within the GATS framework.</i></p> <p><i>In 1998 Peru participated in the design of the General Framework on the Liberalization of Services within the Andean Community.</i></p>	<p><i>Peru's trade policy in services has kept mostly invariant since 1998. According to Peru's Political Constitution, both, foreign and national investments are subject to the same laws and conditions. Also, Legislative Decrees N° 662 and N° 757 state free market access and national treatment to investors in any economic activity.</i></p> <p><i>Since 1998, Peru engaged in the services chapter negotiations within the Free Trade Area of the Americas., Also Peru engaged in bilateral Free Trade Agreements with the USA, Chile, Nowadays, Peru maintain negotiations procedures with México, Singapur, EFTA countries and a first agreement with Thailand; and in the WTO services negotiations within the framework of the Doha Development Agenda</i></p>
<p><b>Foreign Investment or Right of Establishment (including Joint Venture Requirements)</b></p>	<p><i>Article 63° of the Political Constitution of 1993 and the Legislative Decrees N° 662 and N° 757 state that the national and foreign investments are under the same treatment, providing free market access and national treatment in any economic activity.</i></p>	<p><i>Since 2004, Peru does not discriminate between national and foreigners in land transport services.</i></p>
<p><b>Temporary Entry and Stay of Service Providers and Intra-Corporate Transferees</b></p>	<p><i>In general, for the temporary entry and stay of business people (including services providers) a visa is required, which allows a 90-day stay (extendible to 30 additional days).</i></p> <p><i>For tourism and business purposes, countries from the Andean Community (Bolivia, Colombia, Ecuador and Venezuela) are not required a visa up to a 90 day stay.</i></p> <p><i>Foreign workers must obtain a work permit granted by the Ministry of Labour. In this framework, Peru permits entry for a period of not more than three years, which may be extended for successive periods of not more than three years each one. Such persons may not comprise more than 20 per cent of the total number of staff employed by the enterprise, and their remuneration may not exceed 30 per cent of the total pay roll (some exceptions apply).</i></p>	<p><i>No changes.</i></p>

**Chapter 3: Improvements in Peru's Approach to Trade in Services since 1996**

<b>Foreign Exchange Control/ Movement of Capital</b>	<i>Peru does not apply any foreign exchange control on movement of capital.</i>	<i>No changes</i>
<b>Implement APEC Leaders' Transparency Standards on Services*</b>	<i>Please see Transparency Chapter.</i>	<i>Please see Transparency Chapter</i>
<b>Other Generic Requirements Applied to Trade in Services</b>	<i>No other generic requirements.</i>	<i>No other generic requirements</i>

## Appendix – APEC Leaders’ Transparency Standards on Services

### Introduction

*Economies agree to implement, in respect of services, the General Principles contained in paragraphs 1-6 and paragraph 11 of the Leaders’ Statement to Implement APEC Transparency Standards (“Leaders’ Statement”).*

*Economies believe that, in the services context, it is particularly important to emphasize Leaders’ observation that transparency contributes to: good governance; improving public confidence in, and legitimacy of, regulatory regimes; better understanding of regulatory objectives; more efficient markets; and a more attractive investment climate in both small and large economies.*

*Economies take note of Leaders’ recognition that implementation of these standards will be an important APEC-led contribution to achieving success in the WTO Doha Development Agenda (DDA) GATS negotiations.*

### *Transparency Standards on Services:*

- 1. (a) Each economy will, in the manner provided for in paragraph 1 of the General Principles in the Leaders’ Statement, ensure that its laws, regulations, and administrative procedures related to applications for licenses or authorizations (including, inter alia, licensing procedures and requirements/criteria, qualification procedures and requirements, and technical standards) and their renewal or extension are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them. (b) Economies will use the Internet as much as possible, and specifically, official government web sites, to fulfill this obligation.*
- 2. Economies will publicize and maintain at least one enquiry point that will endeavor to promptly provide information and respond to questions from an interested person or another Economy pertaining to any actual or proposed measure. Economies will also make the names, official addresses, and other contact information (including website, telephone, facsimile) of its enquiry point(s) publicly available.*
- 3. Economies will diligently complete and provide annual updates to their electronic Individual Action Plans (E- IAPs) for services sectors.*
- 4. Regarding authorizations and licensing procedures, when possible: (a) the competent authorities of an Economy will, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. The competent authorities will establish deadlines for processing of completed applications under normal circumstances. (b) at the request of the applicant, the competent authorities of the Economy will provide, without undue delay, information concerning the status of the application, including any reason for denial. Applicants will also be given the opportunity to resubmit or amend their application for further review, or file an appeal if an application is denied or found in violation of public regulations. (c) Examinations required as part of the application process for a license or authorization will be offered at reasonable intervals and cost.*
- 5. These Standards should be administered in a reasonable, objective and impartial manner.*

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<sup>[1]</sup> The following Collective Actions have been extracted from the annexed Action Programs of Working Groups in which substantial progress has already been made in services, in order to illustrate liberalization and facilitation related activities to be undertaken in these sectors. Activities in these sectors are also dealt with in Part Two.

\* Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Services, which can be found in the [Appendix](#) attached at the end of this document.

\* Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Services, which can be found in the [Appendix](#) at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders’ Transparency Standards.



**Chapter 3 (a:1): Business Services: Legal**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
<b>Operational Requirements</b>	No changes	<p>Law N° 1367 of the Professional Exercise of lawyers and the Creation of the Lawyers Societies regulates this profession and transfers powers to the Lawyers Society of Lima and Departmental Lawyers Societies.</p> <p>Lawyers Societies are able to apply to members disciplinary measures such as admonitions, suspension or expulsion.</p> <p>According to Law N° 1367, in order to practice legal services in Peru, professionals must be members of the respective Lawyers Society, registered in the judicial district where the services are provided and must have a professional degree obtained by a national university or a professional degree obtained by a foreign university and revalidated in Peru.</p> <p>For further information, please visit: Lawyers Society of Lima: <a href="http://www.cal.org.pe">http://www.cal.org.pe</a></p> <p>Asamblea Nacional de Rectores (ANR) <a href="http://www.anr.edu.pe">http://www.anr.edu.pe</a></p>
<b>Licensing and Qualification Requirements of Service Providers</b>	No changes	<p>The basic qualification requirements solicited by the Lawyers Societies for practicing the profession are:</p> <ul style="list-style-type: none"> <li>• Law degree</li> <li>• For litigation, be registered in the judicial district where the supplier is going to work</li> <li>• In the case of a foreign supplier of legal services, attend a 1 year course in the Catholic University of San Marcos University and other universities established by the ANR in order to revalidate the degree. In case of Mutual Recognition Agreements, the titles and degree are recognized in accordance with the obligations of that Agreement.</li> </ul> <p>Also, in order to obtain a license, it is necessary to present the documents that each Lawyers Society (on a regional basis) requires. For example, in the case of the Lawyers Society of Lima:</p> <ul style="list-style-type: none"> <li>• In the case of a lawyer degree obtained</li> </ul>

**Chapter 3 (a:1): Business Services: Legal**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
		<p>University out of the province of Lima, its stamp of the Superior Court of his/her ANR, and Superior Court of Lima.</p> <ul style="list-style-type: none"><li>• Documents that ensure the absence of record.</li></ul> <p>Licenses are valid in the whole territory.</p> <p>There are no temporary licenses to exercise legal services without confirming the degree.</p>
<b>Foreign Entry</b>	No changes	There are no nationality or residency requirements to obtain a lawyer license nor restrictions on investment in companies which provide legal services.
<b>Discriminatory Treatment/ MFN</b>	No changes	There is no discrimination between domestic and foreign investors, except in the case of notaries which must be Peruvian citizens.

**Chapter 3 (a:2): Business Services: Accounting**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	<p>Law n ° 28951 complements the legal framework referred to the exercise of Public Accountants (Law N ° 13253) - Published on January 15, 2007</p> <p>This Law is available in the Society of Public Accountants of Lima' web page:  <a href="http://www.ccpl.org.pe/webadm/reglamentos/ley_28951.pdf">http://www.ccpl.org.pe/webadm/reglamentos/ley_28951.pdf</a></p>	<p>Law N° 28951 (Law of update of the Law N° 13253 of the Professional Exercise of Public Accountants and of the Creation of the Societies of Public Accountants) regulates this profession granting powers to the Society of Public Accountants of Lima and Departmental Societies of Public Accountants.</p> <p>According to Law N° 28951, in order to provide public accounting services in Peru in a dependent way (private or public firms) or independently (independent auditors and bookkeepers), professionals must be qualified members of his/her respective Department Society of Public Accountants.</p> <p>Societies of Public Accountants are able to apply to members disciplinary measures such as admonitions or suspension according the severity of the acts.</p> <p>Department Societies of Public Accountants are autonomous institutions that</p>	

**Chapter 3 (a:2): Business Services: Accounting**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>implement professional regulation. Their deans are integrants of the Deans' Board of Societies of Public Accountants of Peru created by Decree Law N° 25892. They have their headquarters in the capital of every department or region.</p> <p>- Societies of Public Accountants do not recognize diplomas obtained in a higher education institution different from a University.</p> <p>For further information, please visit:</p> <p>Lima Public Accountants Society  <a href="http://www.ccpl.org.pe">http://www.ccpl.org.pe</a></p> <p>Asamblea Nacional de Rectores (ANR)  <a href="http://www.anr.edu.pe">http://www.anr.edu.pe</a></p>	
<b>Licensing and Qualification Requirements of Service</b>		<p>The basic qualification requirement solicited by the Societies of Public Accountants for</p>	

**Chapter 3 (a:2): Business Services: Accounting**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Providers</b>		<p>practicing the profession is:</p> <ul style="list-style-type: none"> <li>Professional title of Public accountant granted by a Peruvian university, or revalidated in the country, in agreement with the legal dispositions on the matter.</li> </ul> <p>Also, in order to obtain the license, it is necessary to present the following documents to the respective Department Society of Public Accountants:</p> <ul style="list-style-type: none"> <li>Documents and completed forms that satisfy all the remaining requirements that each Departmental Society establishes as internal regulation.</li> <li>Documents</li> </ul>	

**Chapter 3 (a:2): Business Services: Accounting**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>that ensure the absence of a criminal record.</p> <p>Licenses are valid in the whole territory.</p> <p>Auditing services companies must be constituted only and exclusively by a public accountant resident in the country and qualified by the respective Accountant Society.</p> <p>For further information, please visit: Deans' Board of Societies of Public Accountants of Peru <a href="http://www.idccpp.org/">http://www.idccpp.org/</a></p>	
<b>Foreign Entry</b>	No changes	<p>There are no nationality or residency requirements in order to obtain an Accounting license nor restrictions to foreign investment in accounting services companies.</p> <p>However, auditing</p>	

**Chapter 3 (a:2): Business Services: Accounting**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		services companies must be constituted only and exclusively by a public accountant resident in the country and qualified by the respective Accountant Society.	
<b>Discriminatory Treatment/MFN</b>	No changes	There is no discriminatory treatment.	

Chapter 3 (a:3): Business Services: Architectural

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
<b>Operational Requirements</b>	<p>Law N° 28966 complements the legal framework referred to exercise of architects (Law N° 16053) -Published on January 22, 2007</p> <p>This Law is available in the Architects Society' web page: <a href="http://www.cap.org.pe">http://www.cap.org.pe</a></p> <p>National Regulation of the Architects Society was modified on May, 11 2007.</p>	<p>Law N° 28966 (Law of update of the Law N° 16053 Professional Exercise of Architects and Engineers) re profession granting powers to the Architects Society of Peru (Sociedad de Arquitectos del Perú, CAP).</p> <p>According to Law N° 28966, in order to provide architectural services in Peru, professionals must be qualified members of the CAP, included foreign professionals working in dependent or independent way or on a temporary basis, in the public or private sector.</p> <p>CAP is able to apply to members disciplinary measures such as admonition, temporary suspension, separation and definitive impediment of representation of the Architects Society.</p> <p>Architects Society implements professional regulation in a centralized manner. However, inside the Society there are different entities that outline a decentralized administration.</p> <p>Companies that are not constituted by Architects Society are not able to use as social reason or complement to their name, the Architects' denomination.</p> <p>For further information, please visit: Architects Society of Peru <a href="http://www.cap.org.pe">http://www.cap.org.pe</a></p>
<b>Licensing and Qualification Requirements of Service Providers</b>	<p>National Regulation of the Architects Society was modified on May, 11 2007.</p>	<p>The basic qualification requirements solicited by CAP for practicing the profession are:</p> <ul style="list-style-type: none"> <li>• 5 year bachelor's degree at a public university.</li> <li>• License / Professional title, obtained by passing a professional examination, a thesis and a combination of both and issued, revised and acknowledged by Peruvian laws.</li> </ul> <p>Also, in order to obtain the license, it is necessary to present the following documents to the CAP:</p> <ul style="list-style-type: none"> <li>• Request - format directed to the National</li> </ul>



Chapter 3 (a:3): Business Services: Architectural

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
		<p>the CAP.</p> <ul style="list-style-type: none"> <li>• Letter of introduction signed by 3 architects, members of the CAP, with 10-year work experience.</li> <li>• Documents that ensure the absence of record.</li> </ul> <p>Licenses are valid in the whole territory.</p>
<b>Foreign Entry</b>	<p>National Regulation of the Architects Society was modified on May, 11 2007.</p>	<p>There are no nationality or residency requirements in order to obtain an architectural license nor restrictions on foreign investment in companies which provide architectural services.</p> <p>Architects, nationals or foreigners, titled abroad, can provide architectural services on a temporary basis in Peruvian territory by means of the temporary license, without the need of revalidation of the title or degree. According to an International Agreement of Reciprocity for the Professional Exercise of Architects between Peru and the country where the applicant studied, it is not necessary to revalidate the title or degree. The CAP is able to grant a Temporary License, granting to the foreign architect a number of Record of Special inscription, which is registered in a Book of Temporary Licenses.</p> <p>The minimum period by which it is granted is six months and the maximum is twelve months, which can be renewed once up to twelve months.</p> <p>The requirements for a Temporary License are:</p> <ul style="list-style-type: none"> <li>• Request - format directed the National Directorate of CAP, asking for the inscription and record, indicating the professional exercise to be performed and the period of the temporality.</li> <li>• Letter of introduction directed the National Directorate by the Representative of the governing entity, similar to the CAP of the country of origin, indicating the applicant is registered, giving the key information of his/her record and professional status fitting out.</li> <li>• Letter of introduction of the company, entity or natural or juridical person to whom the fo</li> </ul>

Chapter 3 (a:3): Business Services: Architectural

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
		<p>architect will offer his/her professional services. The architect must indicate the type of work and the period of time of accomplishment.</p> <ul style="list-style-type: none"> <li>• Affidavit showing that the architect is registered in the legal and normative in force in Peru, and that he/she is in professional exercise that the foreign architect can realize and the Statute and the professional Ethics of the Architects Society (available in the CAP web page <a href="http://www.cap.org.pe">http://www.cap.org.pe</a>), undertaking to comply with the CAP the conclusion of the developed work.</li> <li>• Letter of introduction signed by 3 architects members of the CAP, with at least 3 years of work experience.</li> </ul>
<b>Discriminatory Treatment/MFN</b>	The gap between nationals and foreigners access fees has been reduced.	<p>Foreign architects graduated in a foreign university can offer their professional services temporary, but they must pay to the Architects Society an access fee that is lower than for Peruvian professionals (US\$ 315 vs. US\$ 400). Foreign architects graduated in a Peruvian university have to pay to the Architects Society US\$ 400. The concept of inscription right and record of inscription is the same for all architects.</p>



**Chapter 3 (a:4): Business Services: Engineering**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<p><i>Operational Requirements</i></p>	<p>Law N° 28858 that complements the legal frame referred to the legal exercise of engineers (Law N° 16053).</p> <p>This Law is available in the Engineers Society' web page:</p> <p><a href="http://www.cip.org.pe/Informacion/Documentos/norm/ley_del_profesional_ingeniero.pdf">http://www.cip.org.pe/Informacion/Documentos/norm/ley_del_profesional_ingeniero.pdf</a></p>	<p>Law N ° 28858 (Law of update of the Law N° 16053 of the Professional Exercise of Architects and Engineers) regulates this profession granting powers to the Engineers Society of Peru (Colegio de Ingenieros del Perú, CIP).</p> <p>According to Law N° 28858, in order to provide engineering services in Peru, including teaching, professionals must be qualified members of CIP and must have a professional degree granted by a national university or by a foreign university and revalidated in Peru.</p> <p>The National Congress of Departmental Councils is the main body of the CIP. It implements professional regulations in a centralized manner. There are also other complementary bodies that configure the decentralized administration of this Society.</p> <p>CIP is able to apply to members disciplinary penalties such as temporary suspension, definitive separation and definitive impediment of exercising representation of the CIP.</p> <p>Companies that are not constituted by engineers, are not able to use as social reason or complement to the same one, the Engineers' denomination.</p>	

**Chapter 3 (a:4): Business Services: Engineering**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>For further information, please visit:                      Engineers Society of Peru  <a href="http://www.cip.org.pe">http://www.cip.org.pe</a></p>	
<p><b>Licensing and Qualification Requirements of Service Providers</b></p>	<p>No changes</p>	<p>The basic qualification requirements requested by the CIP for practicing the profession are:</p> <ul style="list-style-type: none"> <li>• 5 year bachelor's degree at a public or private university.</li> <li>• License / Professional title, obtained by taking a professional examination, a thesis or a combination of both and issued, revalidated or acknowledged by Peruvian laws.</li> </ul> <p>Also, in order to obtain the license, it is necessary to present the following documents to the Secretariat of the Departmental Council of the CIP:</p> <ul style="list-style-type: none"> <li>• A copy of the thesis. If the applicant has obtained the degree under another modality, he/she will have to present photocopy of the Rector's Resolution of the</li> </ul>	

**Chapter 3 (a:4): Business Services: Engineering**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>expedition of the degree.</p> <ul style="list-style-type: none"> <li>• Documents that ensure the absence of a criminal record.</li> </ul> <p>The license is valid in the whole territory.</p>	
<b>Foreign Entry</b>	No changes	<p>There are no nationality or residency requirements to obtain an engineer license nor restrictions to foreign investment in companies which provide engineering services.</p> <p>Non-resident foreign engineers are required to have a contract signed by a company established in the country.</p> <p>Engineers titled abroad can provide engineering services on a temporary basis in the Peruvian Territory by means of inscription in the Record of Temporary Exercise without need to confirm the title or degree.</p> <p>The requirements for a Temporary License are:</p> <ul style="list-style-type: none"> <li>• Request format</li> <li>• Written recommendation from 3 Peruvian Engineers</li> <li>• Certificate that establishes the period of time of</li> </ul>	

**Chapter 3 (a:4): Business Services: Engineering**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		work.  For further information, please visit: Engineers Society of Peru <a href="http://www.cip.org.pe/Informacion/Documentos/norm/reglamento_colegiacion.pdf">http://www.cip.org.pe/Informacion/Documentos/norm/reglamento_colegiacion.pdf</a>	
<b>Discriminatory Treatment/MFN</b>	No changes	Foreign engineers looking for temporary work in Peru can offer their professional services, but have to pay to the CIP an access fee that is greater than for Peruvian professionals.	

**Chapter 3 (a:5): Business Services: Others**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>		<p>According to law N° 26842 (General Law of Health) in order to provide business services related to health, professionals must have a professional degree and be qualified members of the respective society</p> <p><b>Medical services</b></p> <p>Law N° 15173 (Creation of the Medical Society) and Legislative decree N ° 559 (Law of the Medical Work) regulate medical profession granting powers to the Medical Society of Peru as autonomous entity of internal public law.</p> <p>According to Law N° 15173, in order to provide medical services in Peru, professionals must be qualified members of the Medical Society of Peru.</p> <p>Medical Society is able to apply to members disciplinary measures such as admonition, temporary suspension, definitive separation and definitive impediment of exercising representation of the Architects Society.</p> <p>Medical Society implements professional regulation through the National Council and six Regional Councils.</p> <p>For further information, please visit:</p>	



**Chapter 3 (a:5): Business Services: Others**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		<p>Medical Society  <a href="http://www.cmp.org.pe">http://www.cmp.org.pe</a></p> <p><b>Veterinary services</b></p> <p>Law N° 16200 regulates medical veterinary profession granting powers to the Medical Veterinary Society of Peru as autonomous entity of internal public law.</p> <p>According to Law N° 16200, in order to provide medical veterinary services in Peru, professionals must be qualified members of the Medical Veterinary Society of Peru.</p> <p>Medical Veterinary Society implements professional regulation through the National Council, Regional Councils and Departmental Councils.</p> <p>Medical Veterinary Society is able to apply to members disciplinary measures such as admonition, suspension and separation.</p> <p>For further information, please visit:            Medical Veterinary Society  <a href="http://www.cmvp.org.pe">http://www.cmvp.org.pe</a></p> <p><b>Nursery services</b></p> <p>Law N° 27669 Law of the Work of the Nurse regulates this profession in all the dependences of the Public National Sector, as well as in the Private</p>	

**Chapter 3 (a:5): Business Services: Others**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		<p>Sector, if it is not opposite or incompatible with the labour laws of the private activity</p> <p>According to Law N° 27669, in order to provide nursery services in Peru, professionals must be qualified members of the Nurses Society of Peru.</p> <p>For further information, please visit: Nurses Society <a href="http://www.cep.org.pe">http://www.cep.org.pe</a></p> <p><b>Dental services</b></p> <p>Law N ° 15251 and Law N° 27878 – Law of the work of the Surgeon Dentist regulate this profession in all the dependences of the public and private sector.</p> <p>According to Law N° 27878, in order to provide dentist services in Peru, professionals must be qualified members of the Dentists Society of Peru.</p> <p>Society of Dentist is able to apply to members disciplinary measures such as admonition, temporary suspension, definitive separation and definitive impediment of exercising representation of the Dentists Society.</p> <p>For further information, please visit:</p>	

**Chapter 3 (a:5): Business Services: Others**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		Dentists Society <a href="http://www.cop.org.pe">http://www.cop.org.pe</a>	
<b>Licensing and Qualification Requirements of Service Providers</b>		<p><b>Medical Services</b></p> <p>The basic qualification requirement solicited by the Medical Society for practicing the profession are:</p> <ul style="list-style-type: none"> <li>• Professional degree, granted by one of the Faculties of Medicine of the country, or confirmed in some of the National Universities, in agreement to the laws, except express exoneration of this requirement through an international agreement, in which the corresponding reciprocity will have to be proved.</li> </ul> <p>Also, in order to obtain the license, it is necessary to present the following documents to the Medical Society:</p> <ul style="list-style-type: none"> <li>• Request - format directed to the respective Dean of the Departmental Society.</li> <li>• Documents that ensure the absence of a criminal record.</li> </ul>	

**Chapter 3 (a:5): Business Services: Others**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		<p>The license is valid in the whole territory.</p> <p><b>Medical                      Veterinary Services</b></p> <p>The basic qualification requirement solicited by the Medical Society for practicing the profession are:</p> <ul style="list-style-type: none"> <li>• Professional degree.</li> <li>• Request - format directed to the respective Dean of the Departmental Society.</li> </ul> <p>The license is valid in the whole territory.</p> <p><b>Nursery</b></p> <p>The basic qualification requirement is:</p> <ul style="list-style-type: none"> <li>• Professional Degree granted by a recognized University of the country. In case of professionals titled abroad it will be a previous revalidation of the degree, according to the procedure established for such purpose.</li> </ul> <p>The license is valid in the whole territory.</p>	

**Chapter 3 (a:5): Business Services: Others**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		<p><b>Dental services</b></p> <p>The basic qualification requirement solicited by the Society of Dentist for practicing the profession are:</p> <ul style="list-style-type: none"> <li>• Professional degree acknowledged by Peruvian Laws.</li> <li>• Request - format directed to the Directive Board.</li> </ul> <p>The license is valid in the whole territory.</p> <p>In the case of dentist, nationals or foreigners, titled abroad, the basic qualification requirement solicited by the Society of Dentist for practicing the profession is: Degree acknowledged by the "Asamblea Nacional de Rectores" (ANR) and revalidated by a Peruvian University.</p>	
<b>Foreign Entry</b>		There are no restrictions to foreign entry	
<b>Discriminatory Treatment/ MFN</b>		There is no discriminatory treatment.	

**Chapter 3 (b:1) : Communication Services: Postal**

Section	Improvements Implemented Since Last IAP	Current Entry Requirements
Operational Requirements	<p>Supreme Decree N. 015-2007-MTC published on May 2007, modifies the Regulation of Postal services and concessions.</p> <p>Supreme Decree N° 013-2006-MTC published on April 2006 establishes the improvement of consumer's protection and quality requirements.</p>	<p>The provision of postal services is granted in by the Ministry of Transportation and Com (MTC) without the need for public tenders. C given through a contract, in a temporary transferable basis.</p> <p>The scope of concession can be:</p> <ul style="list-style-type: none"> <li>a) Local.- It includes the geographic area of except for the case of Lima and Callao that single postal unit.</li> <li>b) Regional.- geographic area of a region.</li> <li>c) National.- geographic area of all the countr</li> <li>d) International.- It includes the faculty to s receive from outside the postal shipments towards any geographic area of the country.</li> </ul> <p>The requirements to obtain a postal concessio</p> <ul style="list-style-type: none"> <li>a) Request sent to the MTC with detailed about the applicant and the service to be prov</li> <li>b) The request will be accompanied documents: <ul style="list-style-type: none"> <li>- Natural Persons: Affidavit that ensures the criminal records.</li> <li>- Legal Persons: Copy of social establish company, registered in the Public Regis Affidavit of the Board of Directors or legal re of the company that ensures the absence records.</li> <li>- Natural or legal Persons who request posta (remesa postal): Letter of guarantee issued b organization in favor of the INDECOPI.</li> <li>- Passenger and Cargo Transportation Additionally, they need the authorization for service.</li> </ul> </li> <li>c) Legal Persons should prove a Social Capit UITs. In the case of natural and juridical perso lucrative purposes, they should prove revenu capital for the same amount through an affida</li> </ul> <p>Legal Persons who ask for a postal concess to be constituted in any of the enter anticipated by the Law.</p>

**Chapter 3 (b:1) : Communication Services: Postal**

Section	Improvements Implemented Since Last IAP	Current Entry Requirements
		<p>The provision of postal services given in a contract is granted for a minimum of 5 years and a maximum of 10 years (renewable), without any need of public bidding.</p> <p>For more Information, please visit: Ministry of Transport and Communications (MTC) <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a></p>
Licensing and Qualification Requirements of Service Providers	Supreme Decree N ° 015-2007-MTC 09/05/07, published on May 2006, eliminates barriers to access for the provision of postal services, reducing the costs and granting predictability to the economic agents with regard to the obligations and rights that they assume as concessionaires of postal services.	<p>For license emission, postal concessionaires must provide the Customs Administration with:</p> <ul style="list-style-type: none"> <li>▪ General information about the party applying for the concession.- The application form must include general information about the applicant, the required concession term and the scope of services.</li> <li>▪ Legal documentation about the applicant's constitution.- Legal entities should provide legal documentation relating to their incorporation.</li> <li>▪ Local guarantee.- A letter of guarantee must be provided in favor of the Ministry of Transport and Communications;</li> <li>▪ Fees must be paid.</li> <li>▪ The location of the postal service project must be determined.</li> <li>▪ Concession contract with the MTC.- The concession contract with the MTC should be ultimately signed.</li> </ul>
Foreign Entry	No Changes.	There is no discrimination. Foreign postal companies are required to be recognized and registered in accordance with national regulations and to have a legal address. Foreign providers must have a physical presence within the country and have a legal representative in Peru.
Discriminatory Treatment/ MFN	No Changes.	There is no discrimination.

**Chapter 3 (b:2) : Communication Services: Express Delivery**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	<p>Supreme Decree N ° 015-2007-MTC 09/05/07, published on May 2007, eliminates barriers for the access to the provision of postal services, including express delivery, reducing the costs and ensuring predictability to the economic agents with regard to the obligations and rights that they assume as concessionaires of express delivery services.</p>	<p>The provision of express delivery services given in a concession is granted for a minimum of 5 years and a maximum of 20 years (renewable). The Ministry of Transportation and Communications (MTC), grants concessions which can be local, regional, national or international. Services providers can be either domestic or foreign.</p> <p><i>The provision of this service is guided by the principle of freedom of transit established by the Universal Postal Union.</i></p>	
<b>Licensing and Qualification Requirements of Service Providers</b>		<p>For license emission, concessionaires must provide the Customs Administration with:</p> <ul style="list-style-type: none"> <li>▪ General information about the party applying for the concession, the required concession term and the operational scope of services.</li> <li>▪ Legal documentation about the firm's constitution.-</li> </ul>	



**Chapter 3 (b:2) : Communication Services: Express Delivery**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>Legal entities should also attach legal documentation relating to their incorporation.</p> <ul style="list-style-type: none"> <li>▪ Local guarantee.- A letter of guarantee must be provided in favor of the Ministry of Transportation and Communications;</li> <li>▪ Fees must be paid.</li> <li>▪ The location of the express delivery service provider should be determined.</li> <li>▪ Concession contract with the MTC.</li> </ul>	
<b>Foreign Entry</b>	No Changes	There is no discrimination. Foreign providers or companies are required to be recognized or incorporated in accordance with national regulations and a Peruvian legal address. Foreign providers must have commercial presence within the country and have a legal address in Peru.	
<b>Discriminatory Treatment/ MFN</b>	No Changes	There is no discrimination.	

**Chapter 3 (b:2) : Communication Services: Express Delivery**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>

**Chapter 3 (b:3) : Communication Services: Telecommunications**

<b>Section</b>	<b>Improvement Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<p><b>Operational Requirements</b></p>	<p>Resolution N° 016-2007-CD/OSIPTEL, published April 17th 2007, OSIPTEL has published the Rules for the elimination of pre-selection by default in the long distance phone service and for the encouragement of competition in the market.</p> <p>Supreme Decree N° 003-2007-MTC: Guidelines for the development and strengthen of the competence and the expansion of the public telecommunication services.</p> <p>Law N° 28737 of the Unique Provider, published on May 2006 established that now any enterprise of telecommunication services can use its license awarded for more than one purpose.</p>	<p>According to Peru's legislation, the State promotes free competition with respect to the provision of public telecommunication services. Regulation is focused in controlling abuse of market power and restrictive practices.</p> <p>- Ministry of Transportation and Communications (MTC) classifies telecommunication services into categories that are granted either under concession or authorization:</p> <ul style="list-style-type: none"> <li>• Carrier services: Involves essential facilities (networks). Given under concession.</li> <li>• Final services: (such as phone services). Public services are given under concession.</li> <li>• Cable services. Given under concession.</li> <li>• Broadcasting services such as TV and radio require authorization of The Ministry of Transportation and Communications. These services are considered private services of public interest (see Chapter 3 (b:4) for Audiovisual services)</li> <li>• For operating a private service an authorization is needed.</li> <li>• Value added services require to be registered.</li> <li>• The assignation of the radio electric spectrum proceeds when a concession or authorization is given.</li> </ul> <p>-The satellite capacity provision is regulated through a register under the MTC.</p> <p>-Guidelines for developing and strengthening the competence and the expansion of the public</p>	<p>Peru will implement number portability in mobile services from 2010.</p>

**Chapter 3 (b:3) : Communication Services: Telecommunications**

<b>Section</b>	<b>Improvement Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
	<p>Supreme Decree N° 005-2006-MTC. Mandatory servitude for the provision of carrier services and public services of telecommunications.</p> <p>Law N°29022 for the expansion of Infrastructure in Telecommunications)</p>	<p>services of telecommunications.</p> <p>Supreme Decree N° 003-2007-MTC</p> <ul style="list-style-type: none"> <li>• The Government will not impose access barriers to the market</li> <li>• Peru will adopt Mutual Recognition Agreements for homologation of equipment and devices of telecommunications</li> <li>• Access of mobile user to the long distance carrier Call by call System and/or Preselection for mobile networks).</li> <li>• Elimination of default Pre-selection.</li> <li>• Call by call System from Pay Phones</li> <li>• Business Customers Deregulation for local telephony service of incumbent operator.</li> <li>• Long Distance service Deregulation.</li> <li>• Peru will implement number portability in mobile services from 2010.</li> </ul> <p>-Law of single concession for the provision of public services of telecommunications (N° 28737)</p> <ul style="list-style-type: none"> <li>• The Government promotes the convergence of</li> </ul>	

**Chapter 3 (b:3) : Communication Services: Telecommunications**

<b>Section</b>	<b>Improvement Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>networks and services</p> <ul style="list-style-type: none"> <li>• The installation and operation of own networks for value-added services require authorization.</li> <li>• Administrative silence positive:               <ul style="list-style-type: none"> <li>○ Homologation.</li> <li>○ The installation and operation of own networks for value-added services that don't require radioelectric spectrum.</li> <li>○ Independent operator of fixed or mobile telephony.</li> </ul> </li> </ul> <p>Mandatory servitude bylaw for the provision of carrier services and public teleservices of telecommunications. Supreme Decree N° 005-2006-MTC.</p> <p>For further information, please visit: Ministry of Transportation and Communications (MTC) <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a></p> <p>Supervisory Organization for Private Investment in Telecommunications (OSIPTEL) <a href="http://www.osiptel.gob.pe">http://www.osiptel.gob.pe</a></p>	
<b>Licensing</b>	No changes	The requirements to get a	

**Chapter 3 (b:3) : Communication Services: Telecommunications**

<b>Section</b>	<b>Improvement Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>and Qualification Requirements of Service Providers</b>		<p>concession are:</p> <ul style="list-style-type: none"> <li>• Local Presence.</li> <li>• Application form sent to the Minister of Transports and Communications.</li> <li>• Personal data sheet</li> <li>• Copy of corporation bylaws.</li> <li>• Sworn statement which ensures not been precluded to contract with State agencies, and of not being liable to limitations established in the Law and its Bylaw.</li> <li>• Technical project profile.</li> <li>• Estimated investment.</li> <li>• If the operator seeks to provide services in Lima, it should also provide services in a remote village selected by the Ministry.</li> </ul> <p>For operating a private service, the requirements to get an authorization are:</p> <ul style="list-style-type: none"> <li>• Application form addressed to General Director of Telecommunications Management</li> <li>• Personal data sheet</li> <li>• Copy of corporation bylaws.</li> <li>• Information of legal representative</li> <li>• Technical project profile</li> </ul>	

**Chapter 3 (b:3) : Communication Services: Telecommunications**

<b>Section</b>	<b>Improvement Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<ul style="list-style-type: none"> <li>• Some additional data depending of the service.</li> </ul> <p>For providing value added services it is necessary to be registered with the following requirements:</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Copy of corporation bylaws.</li> <li>• Information of legal representative</li> <li>• Technical description of the operating system.</li> </ul> <p>For providing satellite capacity it is necessary to be registered with the following requirements</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Copy of corporation bylaws.</li> <li>• Information of legal representative.</li> <li>• Technical description of the operating system</li> </ul> <p>For further information, please visit            Concessions:  <a href="http://www.mtc.gob.pe/portal/comunicacion/concesion/concesiones/ca-001.pdf">http://www.mtc.gob.pe/portal/comunicacion/concesion/concesiones/ca-001.pdf</a>            Private services:  <a href="http://www.mtc.gob.pe/portal/comunicacion/concesion/privados/cart.pdf">http://www.mtc.gob.pe/portal/comunicacion/concesion/privados/cart.pdf</a>            Value Added services:  <a href="http://www.mtc.gob.pe/portal/comunicacion/concesion/regi">http://www.mtc.gob.pe/portal/comunicacion/concesion/regi</a></p>	

**Chapter 3 (b:3) : Communication Services: Telecommunications**

<b>Section</b>	<b>Improvement Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<a href="#">stro</a> <a href="#">s/evas/cart.pdf</a> Satellite capacity: <a href="http://www.mtc.gob.pe/portal/c">http://www.mtc.gob.pe/portal/c</a> <a href="#">omunicacion/concesion/regi</a> <a href="#">stro</a> <a href="#">s/capsat/cart.pdf</a>	
<b>Foreign Entry</b>	No changes	The legal framework of the sector grants the right to provide public telecommunications services without restrictions for foreign investors or providers.  Public telecommunication services providers must have local presence.	
<b>Discriminatory Treatment/MFN</b>	No changes	There is no discriminatory treatment.	



**Chapter 3 (b:4) : Communication Services: Audio-visual**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No Changes	<p>The audiovisual services include:</p> <ul style="list-style-type: none"> <li>• Broadcasting services (radio and television)</li> <li>• Motion picture production, distribution and projection services</li> <li>• Video tape production and distribution services</li> <li>• Sound recording</li> </ul> <p><b>Broadcasting</b></p> <p>Broadcasting services (television and radio) require authorization of the Ministry of Transportation and Communications (MTC). These services are considered private services of public interest.</p> <p>Broadcasting enterprises of open signal must dedicate at least 10% of its diary program to the diffusion of folklore, national music and television programs related to Peruvian history, literature, culture or national reality, performed by artists hired according to the Law of the Artist (Law N° 28131 ).</p> <p>Broadcasting enterprises must dedicate at least 30% of its programming to local production, in the schedule between 5:00 a.m. and 12:00 p.m., on average each week.</p>	

**Chapter 3 (b:4) : Communication Services: Audio-visual**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p><b>Motion picture production, distribution and projection services</b></p> <p>Some domestic regulation is applicable for the production of Peruvian films (some local government requirements and permissions to film in certain places, such as natural protected areas, archaeological sites, historic monuments, among others.)</p> <p>All motion picture works shall certify a written contract with the holder of the economic rights of that work in order to be distributed and projected.</p> <p>The other audiovisual services provision are mostly unregulated.</p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	No Changes	<p><b>Broadcasting services</b></p> <p>Requirements to obtain a license for providing a radio or television service are:</p> <ul style="list-style-type: none"> <li>-Application form sent to the Viceminister of Communications</li> <li>-Personal data sheet</li> <li>-Copy of corporation bylaws.</li> <li>-Sworn statement which ensures not been included in limitations established by Art 22° of Radio and Television Law and Art 25° of its Bylaw.</li> <li>-Technical project profile</li> <li>-Estimated investment.</li> </ul>	

**Chapter 3 (b:4) : Communication Services: Audio-visual**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p><b>Motion picture services</b></p> <p>Some domestic regulation is applicable for the production of Peruvian films.</p> <p>The other audiovisual services provision are mostly unregulated.</p> <p>For further information, please visit:            Broadcasting services:  <a href="http://www.mtc.gob.pe/portal/comunicacion/concesion/radiodifusion/carauto.pdf">http://www.mtc.gob.pe/portal/comunicacion/concesion/radiodifusion/carauto.pdf</a></p> <p>Motion Picture Services:  <a href="http://www.conacine.com.pe">http://www.conacine.com.pe</a></p>	
<b>Foreign Entry</b>	No Changes	<p><b>Broadcasting services</b></p> <p>In the case of broadcasting services (radio and television), only Peruvian nationals and corporate bodies organized under the laws of Peru may hold authorizations or licenses to supply free over-the-air broadcasting services. A foreigner may not hold such an authorization or license, either directly or through a one-person company.</p> <p>Foreign citizens may hold no more than 40 percent of the capital of a corporate body that holds such an authorization or license. Such foreign citizens must be owners of or have interest or shares in a free over-the-air</p>	

**Chapter 3 (b:4) : Communication Services: Audio-visual**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>broadcasting enterprise in the territory of the country of which they are a national. (Law N° 28278, Law of Radio and Television)</p> <p>There also are restrictions for foreign providers of these services in the bordering zones.</p> <p>Peruvian law establishes that 80% of artists and film technicians taking part in any production have to be nationals. Some others exclusions apply in relation to some specific personnel.</p> <p><b>Motion pictures services</b></p> <p>There is no limitations to foreign entry, except that Peruvian law establishes that 80% of artists and film technicians taking part in any production have to be nationals. Some others exclusions apply in relation to some specific personnel.</p>	
<b>Discriminator y Treatment/ MFN</b>	No Changes	<p><b>Broadcasting services</b></p> <p>In the case of broadcasting services (radio and television), only Peruvian nationals and corporate bodies organized under the laws of Peru may hold authorizations or licenses to supply free over-the-air broadcasting services. A foreigner may not hold such an authorization or license, either directly or through</p>	

**Chapter 3 (b:4) : Communication Services: Audio-visual**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>a one-person company.</p> <p>Foreign citizens may hold no more than 40 percent of the capital of a corporate body that holds such an authorization or license. Such foreign citizens must be owners of or have interest or shares in a free over-the-air broadcasting enterprise in the territory of the country of which they are a national. (Law N° 28278, Law of Radio and Television)</p> <p>There also are restrictions for foreign providers of these services in the bordering zones.</p> <p>Peruvian law establishes that 80% of artists and film technicians taking part in any production have to be nationals. Some others exclusions apply in relation to some specific personnel.</p> <p><b>Motion pictures services</b></p> <p>There is no discriminatory treatment to foreigners, except that:</p> <p>Peruvian law establishes that 80% of artists and film technicians taking part in any production have to be nationals. Some others exclusions apply in relation to some specific personnel.</p>	

**Chapter 3 (b:4) : Communication Services: Audio-visual**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>And,</p> <p>Only national movies can win the National Prize of Motion Picture granted by National Council of Cinema (CONACINE).</p> <p>According to Law 26370 (Law of the cinema) a movie will be considered national if it fulfils the following requirements:</p> <ul style="list-style-type: none"> <li>• To be produced by a national enterprise of production.</li> <li>• Peruvian director.</li> <li>• Peruvian scriptwriter</li> <li>• If the music is composed for the movie, the music composer or arranger must be Peruvian.</li> <li>• At least 80% of the artists and technicians must be national and they must receive at least 60% of the wages and salaries. Foreign artist living in Peru for more than 3 consecutive years must be registered in CONACINE.</li> <li>• The language must be Spanish, Quechua, Aymara or other native languages of the country. If the language is not Spanish, it must have subtitles.</li> </ul>	



**Chapter 3 (c) : Construction and Related Engineering Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No Changes	<p>Legislative Decree N° 727 – Law of Promotion of the Private Investment in Construction regulates construction services provided by natural and juridical persons, nationals and foreigners, that promotes construction activities whose works cost no more than 50 Tax Impositive Unit (UIT in Spanish) and included in the Great Division 5 of the International Standard Industrial Classification (ISIC) of the United Nations,</p> <p>Public and private constructors can carry out any kind of construction works, provided they have permission from the local City Hall.</p> <p>Legislative Decree N° 758 and Legislative Decree N° 839 – Law of Promotion of Private Investments in infrastructure of public services foster private investment in infrastructure work or public services and regulate its exploitation. Central, Regional and Local Governments can grant concessions to juridical persons, nationals or foreigners for the construction, reparation, conservation and exploitation of works of public services. These concessions imply the exploitation of the service.</p> <p>Infrastructure works include transport, environmental sanitary, energy, health, education, telecommunications, tourism, recreational and urban infrastructure.</p> <p>Public works are given in concessions. Public bids are open to all bidders, foreign and nationals (see government procurement chapter).</p> <p>All bidders taking part in public works</p>	



**Chapter 3 (c) : Construction and Related Engineering Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>have to be registered at the National Register of Public Works Contractors.  <a href="http://www.consucode.gob.pe">http://www.consucode.gob.pe</a></p> <p>All construction services are ruled by National Regulation of Construction, available in the following web page:  <a href="http://www.vivienda.gob.pe/direcciones/construccion_normativa/idad.aspx">http://www.vivienda.gob.pe/direcciones/construccion_normativa/idad.aspx</a></p> <p>Law N° 27972 – Organic Law of Municipalities grants power to the Local Governments (more than 1700) to regulate, grant licenses and control the constructions, remodeling and demolitions of the real estates of the urban areas, of conformity with the procedure of the National Regulation of Constructions and the Provincial respective Regulation</p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	No Changes	<p>Registration requires that each contractor can demonstrate the financial viability of the firm.</p> <p>Regarding to public works the criteria for granting a concession basically takes into account the following items:</p> <ul style="list-style-type: none"> <li>• Structure and level of tariffs</li> <li>• Length of concession agreement</li> <li>• Financial offer</li> <li>• Revenues to be guaranteed by the State</li> <li>• Risks sharing</li> <li>• Methodology for tariff adjustments</li> </ul>	

**Chapter 3 (c) : Construction and Related Engineering Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
<b>Foreign Entry</b>	No Changes	For public bids, there exist extra bonus points given to nationals that present their bids.	
<b>Discriminatory Treatment/ MFN</b>	No Changes	For public bids, there exist extra bonus points given to nationals that present their bids.	



**Chapter 3 (d) : Distribution Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No Changes	<p>Distribution services are highly unregulated by the Central Government.</p> <p>Legislative Decree N° 716 (Law of the Consumer Protection) establishes the obligations of the providers of distribution services in the national territory. The Commission of Consumer Protection is the only administrative competent body able to impose administrative sanctions and corrective policies in case of infractions to the dispositions of this Legislative Decree.</p> <p>Law N° 27972 (Organic Law of Municipalities) grants power to the Local Governments (more than 1700) to grant licenses for opening distribution services establishments, according to the approved zonification.</p> <p>Legislative Decree N° 716 (Law of Municipal Taxation) and its modification Law N° 27180 grant power to the Local Governments to receive payments for the concept of operating licenses.</p> <p>According to Law N° 27972, Local Government can apply sanctions such as fines, suspension of authorizations or licenses, closing, confiscation, retention of products and furniture, retirement of elements forbidden by rules, paralyzation of works, demolition, internment of vehicles, immobilization of products, among others.</p> <p>Local Government can arrange transitory or definitive closing of distribution services establishments if:</p>	

**Chapter 3 (d) : Distribution Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<ul style="list-style-type: none"> <li>• their functioning is legally prohibited</li> <li>• constitutes danger or risk for the safety of the persons and the private property or the public safety</li> <li>• infringe the regulation procedure or the safety of the system of civil defense</li> <li>• produce smells, smokes, noises or other effects harmful to the health or the tranquillity of the neighbourhood.</li> </ul> <p>Likewise, Local Government regulates distribution of food and drinks, in conformity with the national rules on the matter. They can arrange the confiscation of adulterated, falsified articles of human consumption or in condition of decomposition; products that constitute a danger against the life or the health and articles of traffic or consumption prohibited by law; previous act of inspection that consists in registry in coordination with the Ministry of Health, the Ministry of Agriculture, the National Institute of Defense of the Competition and Intellectual Property (INDECOPi), with the participation of the Public Ministry.</p> <p>For further information, please visit National Institute of the Defense of the Competition and Intellectual Property (INDECOPi)  <a href="http://www.indecopi.gob.pe/des_tacado-comsumidor-comisiones-cpc-legis.jsp">http://www.indecopi.gob.pe/des_tacado-comsumidor-comisiones-cpc-legis.jsp</a></p>	
<b>Licensing and Qualification Requirements of Service</b>	No Changes	According to Legislative Decree N° 716, contributors must pay once for the concept of license of functioning. It can not be bigger than an amount	

**Chapter 3 (d) : Distribution Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Providers</b>		<p>equivalent to 1 annual Tax Impositive Unit (UIT).</p> <p>Contributors must present to the Local Government of their jurisdiction an annual affidavit of permanency in the activity authorized to the establishment.</p> <p>The markets of supply (Mercado de abastos) can rely on an alone license of functioning in a corporate form. It must have the name of the social reason that represents them.</p> <p>In case of contributors who are subject to the Simplified Unique Registry (RUS), the payment for the concept of license cannot overcome 10 % (ten per cent) of the UIT</p> <p>The license for opening an establishment has indeterminate period of validity.</p> <p>Each Local Government can establish other licensing and operational requirements through their Texts of Administrative Procedures (TUPA).</p> <p>For example, according to Municipal Ordinance 857, in the case of the Municipality of Lima, providers of distribution services, national or foreigners, are forced to obtain</p>	

**Chapter 3 (d) : Distribution Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>a Permanent Municipal Certificate of Authorization. For Micro and small enterprises, there are Temporary Municipal Certificates of Authorization.</p> <p>The operational requirements demanded by the Metropolitan Municipality of Lima in order to obtain a Municipal Certificate of Authorization are:</p> <ul style="list-style-type: none"> <li>• Request – Affidavit.</li> <li>• Identification card of the applicant</li> <li>• Payment for the concept of license</li> <li>• Approval of an inspection, which includes: Basic Inspection of safety of the establishment by Civil Defense. If the establishment is considered a monument, it is necessary an inspection of conservation.</li> <li>• Special requirements according to the type of service: (please, see Municipal Ordinance N° 857, available in: <a href="http://www.munlima.gob.pe/licencias.htm">http://www.munlima.gob.pe/licencias.htm</a>)</li> </ul> <p>For further information of other Local Governments' Texts of Administrative Procedures (TUPA), please visit their web sites:</p>	

**Chapter 3 (d) : Distribution Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		<p>Municipality of Callao  <a href="http://www.municallao.gob.pe/html/servicios/Tupas/download/tupa.pdf">http://www.municallao.gob.pe/html/servicios/Tupas/download/tupa.pdf</a></p> <p>Municipality of San Isidro  <a href="http://www.munisanisidro.gob.pe/msi/leyes/tupa/tupa2006/04_comercializacion.pdf">http://www.munisanisidro.gob.pe/msi/leyes/tupa/tupa2006/04_comercializacion.pdf</a></p> <p>Municipality of Arequipa  <a href="http://www.muniarequipa.gob.pe/transp/tupa2005/tupa2007.pdf">http://www.muniarequipa.gob.pe/transp/tupa2005/tupa2007.pdf</a></p> <p>Municipality of Chiclayo  <a href="http://www.gobiernochiclayo.gob.pe/normas.php">http://www.gobiernochiclayo.gob.pe/normas.php</a></p> <p>Municipality of Trujillo  <a href="http://www.munitrujillo.gob.pe/ServiciosMunicipales/TUPA.htm">http://www.munitrujillo.gob.pe/ServiciosMunicipales/TUPA.htm</a></p>	
<b>Foreign Entry</b>	No Changes	There is no discrimination.	
<b>Discriminator y Treatment/ MFN</b>	No Changes	There is no discrimination.	



**Chapter 3 (e) : Education Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>		<p>Government promotes free education services and reserves the administration and control of all public institutions.</p> <p>Law N° 28044 – General Law of Education regulates all educational activities in the national territory developed by natural or juridical, public or private, national or foreign persons.</p> <p>Universities and Superior Institutions are ruled by specific laws. Universities must have a temporary or a definitive authorization granted by National Council for the Authorization of University Functioning (CONAFU) to provide education services.</p> <p>Ministry of Education is the government body that defines and articulates the politics of education, culture recreation and sports, in conformity with the general politics of the State.</p> <p>Other laws related to education services are:</p> <ul style="list-style-type: none"> <li>• Law 24029 - Law of the Professorship</li> <li>• Law N° 25231 – Creation of the Teachers Society of Peru</li> <li>• Law N° 26549 – Law of the private educational centres</li> <li>• Law N° 23733 – University Law</li> <li>• Legislative Decree N° 882 – Law of promotion in education</li> <li>• Law N° 26439 – Creation of the CONAFU</li> <li>• Law N° 28564– Authorization of</li> </ul>	

**Chapter 3 (e) : Education Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>universities subsidiaries' functioning</p> <ul style="list-style-type: none"> <li>• Law N° 28740– Law of the National System of evaluation, accreditation and certification of education quality (SINEACE)</li> </ul> <p>By the type of management, Educational institutions could be:</p> <ul style="list-style-type: none"> <li>• Public, managed directly by educational authorities of public sector.</li> <li>• Public, managed by a private non-lucrative institution.</li> <li>• Private</li> </ul> <p>Ministry of Education supervises and controls non-university institutions. It is able to apply sanctions to private Educational Centers such as fines, suspension or definitive close. On the other hand, universities are autonomous according with the Constitution and the Law 23733 - University Law.</p> <p>Further information of education legislation is available in:                      Ministry of Education  <a href="http://www.minedu.gob.pe">http://www.minedu.gob.pe</a>  <a href="http://www.minedu.gob.pe/norma">http://www.minedu.gob.pe/norma</a>  <a href="http://www.minedu.gob.pe/normatividad/">tividad/</a>  <a href="http://www.minedu.gob.pe/dcu/">http://www.minedu.gob.pe/dcu/</a>  <a href="http://www.minedu.gob.pe/dcu/legislation/legislation.html">legislation.html</a></p>	
<b>Licensing and Qualification</b>	No Changes	According to Law N° 26549, in order to take part in basic education services, the current	

**Chapter 3 (e) : Education Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Requirements of Service Providers</b>		<p>legislation requests to a private organization:</p> <ul style="list-style-type: none"> <li>• To conform a legal organization.</li> <li>• Affidavit which contains information about the mode of educational service, number of students, members of the Board of Directors, list of equipments, among others.</li> <li>• Favorable report from a licensed architect or civil engineer, which notifies about the suitability of the establishment where the educational institution will operate in concordance with the number of students.</li> </ul> <p>Teachers in the private sector works according to the labor regime in the private sector.</p> <p>According to Law N° 26439, CONAFU grants temporary authorization to universities. Basic requirement and procedures are:</p> <ol style="list-style-type: none"> <li>a) A market research of the national and regional convenience of the specialities that the university seeks to offer.</li> <li>b) The academic aims, degrees and titles that will be granted, as well as the study plans.</li> <li>c) Availability of educational qualified personnel.</li> <li>d) Physical suitable infrastructure</li> </ol>	

**Chapter 3 (e) : Education Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		<p>e) Economic and financial forecast projected for the first ten years of functioning.</p> <p>f) Indispensable academic services (libraries, laboratories) and basic complementary educational services (medical and social services, sportive services).</p> <p>g) Forecasts that make possible the access and permanency of students that do not count with sufficient resources to cover the cost of the education.</p> <p>CONAFU grants definitive authorizations of functioning to the universities with temporary authorization after the minimal period of evaluation of five years or the granted period of extension. They should count with a promotion of graduated students. Likewise, they should demonstrate in its annual processes of evaluation that they have reached a satisfactory level of institutionalisation.</p>	
<b>Foreign Entry</b>	No Changes	<p>There is no discrimination between nationals and foreigners in private education services.</p> <p>According to Law 24029 - Law of the Professorship, professionals, nationals or foreigners, titled abroad, must</p>	

**Chapter 3 (e) : Education Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		revalidate his/her degree in a Peruvian Pedagogic Superior Institute or in a Peruvian University, according to international agreements.	
<b>Discriminator y Treatment/ MFN</b>	No Changes	There are some exemptions to the MFN treatment in the framework of the Andean Community and others Mutual Recognition Agreements.	

**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	<p>Law N° 28870 – Law to optimize the management</p>	<p>The Law for the Environment (N° 28611 – October 2005) defines “environmental services” as the resources, goods and processes that are supplied by natural ecosystems without payment or compensation by their users. In order to maintain their provision, the State, via the National Environmental Council (CONAM), promotes the creation of mechanisms of financing, payment and supervision of the services.</p> <p>The concept of environmental services include goods and services such as: the protection of the water cycle and resources, the protection of biodiversity, the mitigation of greenhouse gas emissions, the conservation of landscape and the scenic beauty, the control of climate, the maintenance of nutrient cycles and crop pollination, and the provision of spiritual and recreational benefits, among others.</p> <p><b>Environmental Policy</b> CONAM is the national environmental authority and the rector of the National Environmental Management System. It also coordinates with</p>	

**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
	<p>of the EPS (12/08/2006) modifies the Law 26338 and incorporates articles in Optimized Master Plans, and the efficiency and quality of the management of the EPS.</p> <p>In 2006 the National Definition of Forest for the CDM has been submitted to the Executive Board of the CDM.</p> <p>For lands located in territories qualified as arid, semiarid or subhumid, there is a</p>	<p>Ministries, other national-level public institutions and sub-national governments the implementation of environmental policies. This system, instead of ruled by only one Ministry, is coordinated by CONAM as a transversal institution, and has FONAM (National Environmental Fund) as an ally. Each Ministry has an environmental unit that is directly responsible for the environmental issues at the sector level. CONAM provides the general guidelines and coordinates the activities of all the public-sector environmental units at the three government levels (national, regional and local).</p> <p><b>Sanitary Services</b> The following laws regulates the provision of sanitary services:</p> <ul style="list-style-type: none"> <li>• Law 26338 – General Law of sanitary services</li> <li>• Supreme Decree 09-95-PRES- Regulation</li> <li>• Supreme Decree N°023-2005-VIVIENDA – TUO (Ordinary Unit Text) Regulation of the General Law of sanitary Services (01/205/2005)</li> <li>• Law N° 28870 – Law to optimize the management of the EPS (Provider entities of sanitary services) (12/08/2006)</li> </ul> <p>Sanitary services provision, such as water and sewage is supervised by the National</p>	<p>Based on the landscape beauty and the enormous biodiversity of our country, FONAM will promote forest</p>

**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
	<p>National Coordination Organism, called the National Commission to Combat Desertification and Drought, created by Supreme Decree D.S. 022-2006-AG (May 17<sup>th</sup>, 2006). This Commission has developed an Operational Plan for the period 2007-2008 in order to support the implementation of the United Nations Convention to Combat Desertification – UNCCD.</p> <p>FONAM supports the promotion of CDM activities in the country and gives counseling in the development of CDM projects.  <a href="http://www.fonamperu.org">http://www.fonamperu.org</a></p>	<p>Supervisor of Sanitary Services (SUNASS).</p> <p>Provincial municipalities grant the license of exploitation to the provider entities of sanitary services (EPSs) which can be public, private or public-private partnership and must have their own equity, functional and administrative autonomy and fulfillment of the requirements. The license is granted for a period from 15 to 60 years. The term license is determined according to the project's Master Plan and the period of recuperation of the investment.</p> <p>EPSs (municipal, private or public-private partnership) must sign a contract with a Municipality or group of municipalities, in order to operate. In the case of private or public-private partnership EPSs, the contract is signed under the modality of concession.</p> <p>EPSs must count with an organization, resources, an integrated system of information and technical and professional personnel in order to ensure a good management, efficient operations and maintenance of the systems, good quality of the services, amplification of coverage and fulfillment of the laws and rules.</p> <p>According to the number of connections, EPSs are classified in:</p> <ul style="list-style-type: none"> <li>• Major size EPS, more than 10,000 connections. They must be constituted as anonymous society, according to the General Law of Societies.</li> <li>• Minor size EPS, between 1,000 and</li> </ul>	<p>business related also to ecotourism.</p> <p>FONAM plans to maintain the competitive position of Peru in the carbon market as one of the 10 most attractive countries for CDM.</p> <p>FONAM contributes with the Government of Peru in the overcoming of barriers for the implementation of environmental services.</p> <p>FONAM intends to attract more investment related to environmental opportunities, promoting regional investments in Latin</p>



**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>10,000 connections. They must be constituted as Commercial Societies of Limited Responsibility, according to the General Law of Societies.</p> <p>In rural towns, sanitary services are provided by communal action through an Organization of Management Boards. They are regulated also by the SUNASS.</p> <p><b>Forests and Environmental Services</b> The Forestry and Wildlife Law (Nº 28611 – Passed on July 2000) defines the concept of forest environmental services as those provided by the forest and forestry plantations that have direct effect on the protection, recovery and improvement of the environment.</p> <p>Forestry environmental services include: soil protection, water cycle regulation, biodiversity conservation, ecosystem, landscape and scenic beauty conservation, carbon sequestration and fixation, climate regulation and maintenance of the essential ecological processes.</p> <p>If the future laws and rules regarding this issue do not establish it, there will be no limitations for foreign</p>	<p>America such as those with the Andean Community, and between border countries such as Peru-Brazil, Peru-Bolivia, among others.</p> <p>FONAM has a technical capacity to afford environmental investment assessment for the next 10 years.</p>

**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>persons or companies to be able to receive such payments, except in the case of lands located within 50 Kilometers of the national border, which cannot be owned by foreigners. (Constitution of the State 1993 - Article N° 71).</p> <p>The Forests and Environmental Services area of FONAM promotes the investment in environmental projects related to the forest, and to achieve the sustainable development through a sustainable management of the environmental services of the forest.</p> <p>FONAM supports projects that preserve, take advantage and improve the environmental services that are offered by the forest, putting emphasis in the conservation of water resources, carbon sequestration, conservation and recovery of biodiversity and the combat against desertification processes.</p> <p>For further information, please visit:</p> <p>National Environmental Council (CONAM)  <a href="http://www.conam.gob.pe">http://www.conam.gob.pe</a></p> <p>National Supervisor of Sanitary Services (SUNASS)</p>	

**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<a href="http://www.sunass.gob.pe">http://www.sunass.gob.pe</a> National Environmental Fund (FONAM) <a href="http://www.fonam.gob.pe">http://www.fonam.gob.pe</a>	
<b>Licensing and Qualification Requirements of Service Providers</b>	Development of local capacities in environmental issues, including and making synergies with management, investment and technology.	<p>National and international companies must be registered in a sector list of authorized providers in order to provide services related to environmental management, such as environmental impact assessment (EIA), pollution abatement plans and closure plans.</p> <p>Each ministry has its own procedure for companies to access the registry, including the analysis of previous experience providing similar services, the technical strength of their professional teams, among others.</p> <p><b>Forests and Environmental Services</b>                      According to Law N° 27308, in order to obtain a forestry concession for non-wood purposes, it is necessary to present to the National Institute of Natural Resources (INRENA):</p> <ul style="list-style-type: none"> <li>Request directed to the Intendant of Forests and wildlife (ecotourism or conservation) or to the technical manager of Forests and wild fauna</li> </ul>	

**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>(other products of the forests).</p> <ul style="list-style-type: none"><li>• Legal constitution.</li><li>• Description of the project.</li><li>• Perimetric map of the area to be granted.</li></ul> <p>For further information, please visit: National Institute of Natural Resources (INRENA): <a href="http://www.inrena.gob.pe/servicios/variados/tupa2006.pdf">http://www.inrena.gob.pe/servicios/variados/tupa2006.pdf</a></p> <p><b>Zoocriaderos and zoos</b> According to Law N° 27308, in order to obtain an authorization of functioning of <i>zoocriaderos</i> and zoos, it is necessary to present to INRENA:</p> <ul style="list-style-type: none"><li>• Request directed to the technical manager of forests and wildlife (other products of the forests).</li><li>• List of professional and technical personnel.</li><li>• Annual operative plan signed by a consultant in wild fauna registered in INRENA.</li><li>• Commitment to support the requested reproductive staff.</li><li>• Documents that ensures the property of the area.</li></ul>	

**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>For further information, please visit: National Institute of Natural Resources (INRENA): <a href="http://www.inrena.gob.pe/servicios/variostupa2006.pdf">http://www.inrena.gob.pe/servicios/variostupa2006.pdf</a></p> <p><b>Sanitary Services</b> In order to operate, EPSs (municipal, private or partnership public-private) must sign a contract with the Municipality. The exploitation contract of sanitary services must include the following requirements:</p> <ul style="list-style-type: none"> <li>• Total or partial license of exploitation.</li> <li>• Geographical scope of exploitation</li> <li>• Contract term. In the case of municipal entities, the term is of an indefinite length.</li> <li>• Quality of the services according to the levels in force and fixed by the SUNASS.</li> <li>• Obligation of respecting the rules and laws related to the provision of sanitary services.</li> <li>• Obligation of respecting the tariff system</li> <li>• Commitment of accomplishment the Annual Operative Plans, Master Plans and Financial Plans or the expansion of the provision of the sanitary service.</li> <li>• Conditions of the provision of the sanitary services in emergency cases.</li> <li>• Penalties and sanctions in the case of non-fulfillment of the</li> </ul>	

**Chapter 3 (f) : Environment Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>contract.</p> <ul style="list-style-type: none"> <li>• Reasons of caducity and suspension.</li> <li>• Dispute Settlement clauses.</li> <li>• Warrantees.</li> </ul> <p>Fur further information, please visit: National Supervisor of Sanitary Services (SUNASS)</p> <p><a href="http://www.sunass.gob.pe/doc/transparencia/tupa.pdf">http://www.sunass.gob.pe/doc/transparencia/tupa.pdf</a> <a href="http://www.sunass.gob.pe/sector.jsp">http://www.sunass.gob.pe/sector.jsp</a></p>	
<b>Foreign Entry</b>	No changes	No discriminatory treatment.	
<b>Discriminatory Treatment/MFN</b>	No changes	No discriminatory treatment.	



**Chapter 3 (g) : Financial Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No Changes	<p>Firms in this service sector must be constituted under the form of anonymous association, though some exceptions apply depending on the nature of the service provided. The financial regulations and supervisory process follow international standards such as the Basel Principles for Banking Supervision, the International Association of Insurance Supervisors (IAIS), principles for insurance services and the international principles related to stock exchange services (OIOSCO). In addition, the accounting rules are in accordance with international standards.</p> <p>In this context, the Superintendence of Banking, Insurance and Private Pension Funds Administrators (SBS) has issued rules concerning operational requirements applied to the financial, insurance and private pension systems subject to its supervision. For example, rules about risk identification and management (operational, market, liquidity, credit, others), and regulations related to requirements about people involved in managing financial institutions.</p> <p>The operational requirements for each specific system are:</p> <p><b>Financial system:</b></p> <ul style="list-style-type: none"> <li>- The minimum regulatory capital-risk weighted asset ratio requirement for the financial institution is 9,1%</li> <li>- The minimum capital entry requirement varies in function of the type of institution (For more details see Law 26702,</li> </ul>	



**Chapter 3 (g) : Financial Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p align="center">Art. 16°)</p> <p><b>Insurance System</b></p> <ul style="list-style-type: none"> <li>- The minimum capital entry requirement varies in function of the type of Insurance Company: Companies covering only one line (general risk or life); Companies covering both lines (general risk and life), Insurance and Reinsurance companies, and Reinsurance Companies.</li> <li>- Insurance and/or reinsurance companies shall at all time have a regulatory capital not lower than the solvency equity. The amount of the solvency equity is established based on the highest amount resulting from the application of the following criteria: the solvency margin and the minimum capital.</li> </ul> <p><b>Private pension system</b></p> <ul style="list-style-type: none"> <li>- Private Pension Funds Administrators (Administradoras Privadas de Fondos de Pensiones – AFP), are subject to set of laws regarding to investment policies and procedures of the pensions funds.</li> </ul> <p>The principal law that regulates the financial sector is the “General Law of the Financial System and the Insurance System and Organic of the Superintendence of Banking, Insurance and Private Fund Administrators approved trough Law N° 26702”. And the details of the regulation concerning operational requirements issued by SBS are found in:</p>	

**Chapter 3 (g) : Financial Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p><a href="http://www.sbs.gob.pe/portalsbs/normatividad/index.asp">http://www.sbs.gob.pe/portalsbs/normatividad/index.asp</a></p> <p>For further information, please visit:</p> <p>Central Bank of Peru - (BCRP) <a href="http://www.bcrp.gob.pe">http://www.bcrp.gob.pe</a></p> <p>Superintendence of Banking, Insurance and Private Pension Funds Administrators <a href="http://www.sbs.gob.pe">http://www.sbs.gob.pe</a></p> <p>National Commission of Insurance Companies and Equities (CONASEV) <a href="http://www.conasev.gob.pe">http://www.conasev.gob.pe</a></p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	No Changes	<p>Any firm which seeks to be constituted as a financial services enterprise must be established as a Corporation, except those whose nature does not allow it.</p> <p>Likewise, companies must follow the procedures established by SBS in order to get a license. The procedures have two parts: organization and functioning.</p> <p>In the case of Financial Entities and Insurance Companies they have to fulfill requirements established in the Law N° 26702 and the Resolution SBS 600-98. In the case of Private Pensions Funds</p>	

**Chapter 3 (g) : Financial Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>Administrators they have to fulfill the requirements of the Supreme Decrees N° 054-97-EF and N° 004-98-EF and in the Resolution N° 054-98-EF/SAFP (Title II of the Regulation Private Pensions Funds Administration Compendium).</p> <p>According to the regulation mentioned above, to get a license it is necessary in first place to have bylaws adapted to the regulation, including the specific reference to the activities that firms seek to develop, besides that it is necessary to have a minimum capital (according to the type of financial entity) and a proved moral behavior.</p> <p>In order to get an Organization Authorization the following documents are needed:</p> <ul style="list-style-type: none"> <li>- Request of Organization, attaching a project of the deed of social constitution;</li> <li>- The relation of the social statute,</li> <li>- Two market researches,</li> <li>- Financial and management studies, and</li> <li>- Current Guarantee Deposit Certificate constituted in a Peruvian financial</li> </ul>	

**Chapter 3 (g) : Financial Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p align="center">institution.</p> <p>After the analysis, the SBS grants the Organization Authorization based on the studies realized about the information requested and the prior opinion of the Central Bank.</p> <p>Finally, firms must accomplish additional requirements related to registered incorporations in the Public Registers, and fulfill additional requirements requested by SBS. Once the mentioned requirements have been fulfilled, SBS will grant the Functioning License.</p>	
<b>Foreign Entry</b>	No Changes	<p>Peruvian Constitution provides foreign and local investors the same legal treatment. Regarding our financial sector, and developing the constitutional enforcement, the Law N° 26702 establishes that foreign investment in financial companies has the same treatment as domestic capital, subject, if applicable, to international agreements on the matter.</p> <p>The establishment of foreign firms is duly regulated under Peruvian rules, and it always requires the authorization of the SBS. Accordingly,</p>	

**Chapter 3 (g) : Financial Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>any foreign or local individual or entity that seeks to provide financial services must be incorporated as a stock company –except those whose nature does not allow it- and to begin operations in Peru, their organizers must secure an organization permission and business license from the SBS, and follow the procedure issued by the latter.</p>	
<b>Discriminatory Treatment/ MFN</b>	No Changes	<p>There is no discrimination with respect to the 4 modes of supply: cross-border, commercial presence, consumption abroad and temporal movement of persons on banking and insurance companies.</p> <p>The Law includes a provision that takes into account the principle of reciprocity under specific conditions.</p>	

**Chapter 3 (h) : Health Related and Social Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No changes	<p>Law N° 26842 (General Law of Health) and Law N° 26790 (Law of the Modernization of Social Security in Health) regulate the provision of health related and social services.</p> <p>According to the current legislation, Peru promotes free competition in the provision of health related and social services. Market regulation is necessary for controlling situations of possible abuse of market power and restrictive practices. Health related and social services are granted under concession or authorization.</p> <p>ESSALUD is the Peruvian Health Social Security in charge of the health social security and other human risk policies. It is a decentralized public entity as a juridical person depending of the Secretary of Work and Employment Promotion, with autonomy in technical, administrative, economical, financial, budgetary and countable areas</p> <p>Health Entities Providers (EPS) are public or private institutions different to ESSALUD, which provide health and social services. They must be constituted in Peru as a Juridical Person according to Peruvian Law, prior authorization of the Superintendence of Health Entities Providers (SEPS).</p> <p>According to Supreme Decree N° 006-97-SA, SEPS is able to</p>	-

**Chapter 3 (h) : Health Related and Social Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>apply to the EPS sanctions such as admonitions, fines or suspension depending on the gravity of the lacks</p> <p>Ministry of Health (MINSA) is in charge of the regime of collective public health services and grants integral attention of health services to the population of scarce resources without access to other systems. This service is financed by public resources and offers attention across the net of establishments of the State, as well as by means of other public or private entities that possess agreements for that purpose.</p> <p>For further information in legislation related to health services, please visit:  <a href="http://www.seps.gob.pe/normatividad/marco.asp">http://www.seps.gob.pe/normatividad/marco.asp</a></p> <p>Seguro Social de Salud – EsSalud  <a href="http://www.essalud.gob.pe">http://www.essalud.gob.pe</a></p> <p>Ministry of Health  <a href="http://www.minsa.gob.pe">http://www.minsa.gob.pe</a></p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	No changes	<p>According to law N° 26842 (General Law of Health), in order to provide health related and social services, health establishments have to satisfy requirements set by the Ministry of Health related to physical plants, equipment, assistant personnel, sanitary systems, risk control systems, among others.</p> <p>Professionals working in health establishments are required to have a professional license.</p>	-

**Chapter 3 (h) : Health Related and Social Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>According to Supreme Decree N° 006-97-SA, basic qualification requirements for providing health services are:</p> <ul style="list-style-type: none"> <li>• Authorization of functioning granted by SEPS.</li> <li>• In Lima, a minimal capital of S/. 1'000,000.00, totally signed and paid. Out of Lima, minimal capital is minor than this amount.</li> <li>• Own infrastructure to attend directly, at least 30% of the demand of their affiliates.</li> </ul> <p>Also, in order to obtain the authorization of organization and functioning, it is necessary to present the following documents:</p> <ul style="list-style-type: none"> <li>• Request directed to the SEPS.</li> <li>• Affidavit of each organizer of the EPS that ensures not to be legally prevented.</li> <li>• Study of economic and financial feasibility.</li> <li>• Guarantee emitted by a domestic bank by an amount equivalent to 5 % of the minimal capital</li> <li>• Other documents depending if the condition of the applicant is natural person, domestic juridical person or foreign juridical person.</li> </ul> <p>In order to guarantee patrimonial solidity and financial balance in the short and medium term, EPS must support margins of solvency</p>	



**Chapter 3 (h) : Health Related and Social Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>and levels of other indicators determined by the SEPS.</p> <p>Likewise, a EPS requires an authorization from SEPS in case of:</p> <ul style="list-style-type: none"> <li>• Amplification of the capacity of affiliation</li> <li>• Operation in a new geographical area</li> <li>• Merger</li> </ul> <p>Further information of other requirements and procedures in health related and social services is available in the Text of Administrative Procedures (TUPA) of the Ministry of Health:  <a href="http://www.minsa.gob.pe/portal/13Consultas/TUPA/TUPA2005.xls">http://www.minsa.gob.pe/portal/13Consultas/TUPA/TUPA2005.xls</a></p>	
<b>Foreign Entry</b>	No changes	<p>Besides the documents required to the local suppliers, in order to obtain the authorization of organization, juridical foreign persons must present the following documents.</p> <ul style="list-style-type: none"> <li>• Financial statements of the last 2 years.</li> <li>• Documents that grant power to the legal representatives.</li> <li>• Investors' Affidavit of the last 2 years.</li> <li>• Documents that ensure the inscription to SUNAT.</li> </ul>	-
<b>Discriminator y Treatment/ MFN</b>	No changes	There is no discrimination.	-

**Chapter 3 (h) : Health Related and Social Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>

**Chapter 3 (i) : Tourism and Travel Related Services**

<b>Section</b>	<b>Improvements Implemented since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	<p>Peru is implementing a transfer process of functions and faculties to Regional Governments. In the case of tourism activities, the following functions have been transferred:</p>	<p>Services must fulfill minimal technical specifications.</p> <p>Law N° 26961 – Law for the development of tourism activities establishes the legal frame for the development and the regulation of the tourist activity, the basic principles of the tourist activity and the aims of the State.</p> <p>Ministry of Foreign Trade and Tourism (MINCETUR) fosters investment in tourism and related services through:</p> <ul style="list-style-type: none"> <li>• Deregulation of the activity through the elimination of records and steps.</li> <li>• Favorable tax regime, especially new investments in lodgment in Lima and Callao are free from predial tax and extraordinary tax to net assets for three years. In provinces, the period of time is five years. Likewise, they are subject to a regime of intensive depreciation.</li> <li>• Development of basic tourist infrastructure.</li> </ul> <p>Mincetur establishes the requirements, obligations and responsibilities that must be fulfilled by the providers of Tourist Services.</p> <p>According to Ministerial Resolution N° 0566-2001-AG and Ministerial Resolution N° 0314-2002-AG, in the case of ecotourism in Natural Protected Areas, it is necessary to design Management Plan, a technical proposal and obtain an authorization and a concession contract granted by National Institute of Natural Resources (INRENA). Also, it is necessary to present annually a report to the National Direction of Forestry of INRENA providing information about the current situation of the concession.</p>	

**Chapter 3 (i) : Tourism and Travel Related Services**

<b>Section</b>	<b>Improvements Implemented since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>For further information, please visit:  <a href="http://www.mincetur.gob.pe">http://www.mincetur.gob.pe</a></p>	
<p><b>Licensing and Qualification Requirements of Service Providers</b></p>		<p>Tourism and travel related services are basically classified into 5 categories: Lodgement; (Hotel, ApartHotel, Hostel, Lodge, Ecolodge); Restaurants; Travel Agencies; Tourist guides; Tourism Transport.</p> <p>Mincetur grants authorizations for these categories:</p> <ul style="list-style-type: none"> <li>• Lodgment: According to Supreme Decree 029-2004-MINCETUR, applicants must seek authorization from the Regional Government where the services will be provided; register in the Unified Register of Taxpayers (RUC), and apply for a license from the respective City Hall. In addition, it is optional to apply for a certification by the National Direction of Tourism of MINETUR. Qualification is given by the Regional Government for a validity of up to 5 years. If the establishment doesn't apply for qualification, it must submit an affidavit stating that it is complying with the minimum requirements.</li> <li>• Restaurants: According to Supreme Decree 025-2004-MINCETUR, they must register in the RUC, which is administered by the Tax Administration and apply for a license from the respective City Hall. It is optional to apply for a certification by the National Direction of Tourism. Qualification is given by the Regional Government for a validity of up to 5 years. If the establishment doesn't apply for qualification, it must submit an affidavit stating that it is complying with the minimum requirements.</li> <li>• Travel Agencies: According to Supreme Decree 029-2004-MINCETUR, they must register</li> </ul>	<p>Ministry of Foreign Trade and Tourism is working in:</p> <ul style="list-style-type: none"> <li>• Project of Manual of Good Practices: Service Management of Service – Tourist guides and Tourist Operation</li> <li>• Project of Manual of Good Environmental Practices in lodgment.</li> <li>• Project of Manual of Good Practices: Service Management – Travel agencies.</li> <li>• Preliminary design of Regulation in rural lodgment.</li> </ul>

**Chapter 3 (i) : Tourism and Travel Related Services**

<b>Section</b>	<b>Improvements Implemented since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>with the Regional Government, submit an affidavit stating that they are complying with the minimum requirements, register in the Unified Register of Tax Payers and apply for a license from the respective City Hall. All the Travel Agencies must be located in the Peruvian territory.</p> <ul style="list-style-type: none"> <li>• Tourist guides: According to Law N° 28529, they must hold a degree recognized by Peruvian law and be registered with the Regional Government, and be registered in the RUC.</li> </ul> <p>Mountain guides provides the service according to Supreme Decree 028-2004-MINCETUR.</p> <ul style="list-style-type: none"> <li>• Tourism Transport: Supreme Decree 003-2005- MTC and Supreme Decree 032-2005-MINCETUR establish that vehicles must obtain an authorization from the Tourism National Administration through the Regional Government. Vehicles must be classified in one of three categories according to its size (number of seats)</li> </ul> <p>For each of these categories there is a different set of administrative requirements and procedures. Please, visit:</p> <p><a href="http://www.mincetur.gob.pe/default.asp?pag=turismo/cuerpo1.htm&amp;lat=turismo/lateral.asp?pag=turismo&amp;num=4">http://www.mincetur.gob.pe/default.asp?pag=turismo/cuerpo1.htm&amp;lat=turismo/lateral.asp?pag=turismo&amp;num=4</a></p> <p><a href="http://www.mincetur.gob.pe/default.asp?pag=transparencia/tupala.asp&amp;lat=transparencia/lateral.asp?pag=transparencia&amp;am">http://www.mincetur.gob.pe/default.asp?pag=transparencia/tupala.asp&amp;lat=transparencia/lateral.asp?pag=transparencia&amp;am</a></p>	

**Chapter 3 (i) : Tourism and Travel Related Services**

<b>Section</b>	<b>Improvements Implemented since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<a href="#">p;num=7</a>	
<b>Foreign Entry</b>	No Changes	<p>According to the current legislation, Peru promotes free competition between foreign and national service providers.</p> <p>According to Law N° 28529, tourist guides titled abroad, nationals or foreigners are required to hold a degree recognized by Peruvian law.</p>	
<b>Discriminatory Treatment/MFN</b>	No Changes	<p>There is no discrimination.</p> <p>According to Supreme Decree 029-2004-MINCETUR, besides the requirements for national travel agencies described in the previous section, foreign travel agencies have to be associated with national travel agencies and this must be communicated to the competent Regional Body.</p>	

**Chapter 3 (j) : Recreational Cultural and Sporting Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
<p><b>Operational Requirements</b></p>	<p>Law N° 28945 – Law of formalization of the activity of exploitation of Casinos and Slot Machines establishes the legal framework for providing this service. Likewise, it establishes the creation of the National Directorate of Casinos and Slot Machines</p>	<p>In general, most of cultural services are highly deregulated, however, some of them, such as the administration of museums, requires an authorization from the National Institute of Cultural Heritage (INC).</p> <p><b>Museums</b> According to the National Directorial Resolution N° 411 (of the Creation, Record and Incorporation of Museums of the National System of Museums of the State), museums can be public (national, regional, local, communitarian institutions) or private (particular, private organizations, religious or educative institutions). In order to be recognized as such, it is necessary to obtain an official recognition of the National Institute (INC) through a National Directorial Resolution registered in the National Record of Museums of Peru.</p> <p><b>Cultural Performances</b> For providing a non-sportive public cultural performance, it is necessary to obtain a certificate granted by the INC.</p> <p>For further information in museums and cultural performances, please visit: National Cultural Institute (INC) <a href="http://www.inc.gob.pe">http://www.inc.gob.pe</a></p> <p><b>Casinos and Slot Machine</b> According to Law 27153 (Law of the Exploitation of Casinos and Slot Machines), in order to provide this service, an authorization granted by the National Directorate of Casinos and Slot Machines of the Ministry of Trade and Tourism (MINCETUR). Also, establishments must be located in authorized municipalities and must comply with safety requirements of the National Institute of Defense, the National Regulation of Construction, the municipal respective license. Also, they must have sanitary facilities, system of artificial ventilation, system of fires extinction, system of video, controls of emergency exits, insulating acoustic system, counting room, among others</p> <p>For further information, please visit: <a href="http://www.mincetur.gob.pe/turismo/DGJCMT">http://www.mincetur.gob.pe/turismo/DGJCMT</a></p> <p><b>Sporting Services</b> Law 38036 (Law of Promotion and Development of Sport) regulates sporting activities.</p>

**Chapter 3 (j) : Recreational Cultural and Sporting Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
	<p>This law was published in December 24, 2006.</p> <p><a href="http://www.mincetur.gob.pe/turismo/DGJCMT/">http://www.mincetur.gob.pe/turismo/DGJCMT/</a></p>	<p>Sport organizations can be commercial societies created according to the commercial modality (Law N° 26887 (General Law of Societies) or associations with non profit purposes. Both are ruled by this law.</p> <p>The sports that are performed at a competitive level are named Affiliates' Sports and include Sports Associations, Clubs, Leagues and Federations. They must be legally constituted and registered in the National Record of the Peruvian Sport Institute.</p> <p>National Sports Federations are the governing body of every sport discipline at national level. They are constituted as civil associations with non profit purposes. They are ruled by its own regulations, national legislation and the international provisions. For example, in the case of soccer, there is the Peruvian Football Federation (FPF). It grants power to the Association of Professional Football Players to organize, supervise and control the championship of this sport.</p> <p>Sport activities which generate revenues or are regulated according to the regulation approved by the IPD on the basis of the national legislation and international laws.</p> <p>Likewise, IPD grants the concession or Public Use of the sports infrastructure.</p> <p>For further information, please visit: Peruvian Sport Institute <a href="http://www.ipd.gob.pe">http://www.ipd.gob.pe</a></p>
<p><b>Licensing and Qualification Requirements of Service Providers</b></p>	<p>No Changes</p>	<p><b>Museums</b></p> <p>National Institute of Culture grants official recognition only if the principal function of the museum is to conserve, investigate, exhibit and promote the cultural patrimony, and it enriches the cultural life of the community.</p> <p>First, it is necessary to write a technical document and obtain the ratification of the Departmental or Regional Institute where it is located. Then, the recognition is granted by National Directorial Resolution approved by the</p>



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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
		<p>Directorate of the National System of Museums of the State, its recognition is a requirement for the obligatory inscription in the National Record of Museums of Peru.</p> <p>Public museums must be incorporated to the National System of Museums of Peru. Private museums could be incorporated to the system according to Decretory Law N° 25790.</p> <p>In order to create a museum, it is necessary to present the following documents:</p> <ul style="list-style-type: none"> <li>• Simple request sent to the National System of Museums representative of the INC in the jurisdiction.</li> <li>• If the museum is located in a historic monument, archaeological, monumental or ecological zone, it requires an authorization of the General Directorate of Archaeological Patrimony, the General Directorate of Conservation of the Cultural Immovable Patrimony or the dependency in charge of the ecological reserves, respectively.</li> <li>• Certificate of record of the cultural goods with artistic value presented to the General Directorate of Movable Cultural Patrimony of the INC.</li> <li>• Exhibition of reasons for the creation of the museum, indicating objectives, scopes and limitations.</li> <li>• In the case the museum is in a remodelled building or not, copy of the report of the National System of Defence certifying that the local fulfils the requirements of safety to be used as a museum.</li> <li>• Technical documents such as structure blueprints, electrical installations, architectural blueprints, among others, according to the regulation for obtaining construction.</li> </ul> <p>In order to inscribe de museum in the National System of Museums of Peru, it is necessary to present the following documents:</p> <ul style="list-style-type: none"> <li>• Simple request sent to the National System of Museums representative of the INC in the jurisdiction.</li> <li>• If the museum is located in a historic monument, archaeological, monumental or ecological zone, it requires an authorization of the General Directorate of Archaeological Patrimony, the General Directorate of Conservation of the Cultural Immovable Patrimony or the dependency in charge of the ecological reserves, respectively.</li> <li>• Certificate of record of the cultural goods with artistic value presented to the General Directorate of Movable Cultural Patrimony of the INC.</li> <li>• Copy of the resolution of creation of the museum.</li> </ul> <p>In order to be incorporated in the National System of Museums of the State, it is necessary to present the following documents:</p> <ul style="list-style-type: none"> <li>• Simple request sent to the National System of Museums representative of the INC in the jurisdiction.</li> <li>• Copy of the resolution of creation of the museum.</li> </ul>

**Chapter 3 (j) : Recreational Cultural and Sporting Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>
		<ul style="list-style-type: none"> <li>• Copy of the national directorial resolution of the National Record of Museums of Peru.</li> </ul> <p><b>Cultural Performances:</b> For some activities, applicants must obtain an authorization from the National Cultural Institute.</p> <p>In order to obtain a certificate of non-sportive performance for a spectacle, it is necessary to present the following documents:</p> <ul style="list-style-type: none"> <li>• Name and description of the performance. If it is a performance it is necessary to present a script.</li> <li>• Program and duration estimated.</li> <li>• List of artists indicating nationality and participation in the spectacle.</li> <li>• Location, date and price of the performance.</li> <li>• Copy of the contracts of the artists and the performance.</li> <li>• If it is a dancing or movie performance it is necessary to present a video. If it is a music performance it is necessary to present a cassette or CD.</li> </ul> <p><b>Casinos and slot machines:</b> Casinos and slot machines must:</p> <ul style="list-style-type: none"> <li>• Fulfill design and construction requirements, safety supervision and surveillance requirements.</li> <li>• Be located in specific places and establishments.</li> <li>• Provide a warranty.</li> </ul> <p>In order to obtain the authorization for the operation of Casinos and Slot Machines, it is necessary to present the following documents:</p> <ul style="list-style-type: none"> <li>• Information about the applicant and his/her direct and indirect partners.</li> <li>• Relation of personnel.</li> <li>• Relation of juridical persons where the applicant and the partners are shareholders.</li> <li>• Relation of natural and juridical persons who have signed contracts with the applicant and the partners for the activity requested.</li> <li>• Relation of assets of the applicant and the partners.</li> <li>• Relation of managers, directors and executives.</li> <li>• Documents that ensure the transportation and acquisition of the slot machines.</li> <li>• Documents related to the video system.</li> <li>• Municipal license of functioning.</li> <li>• Copy of the certificate of technical inspection for safety in Civil Defense.</li> <li>• Documents that ensure design and construction.</li> </ul>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>
		<p>requirements.</p> <p><b>Sporting Services</b>                      Applicants must comply with requirements from Sports Institute.</p> <p>In the case of soccer, in order to register a p decentralised Championship, it is necessary to following documents:</p> <ul style="list-style-type: none"> <li>• Sport contract sent by Sports Association of Football Soccer (ADFP), and registered in the</li> <li>• Certificate of transfer, if necessary.</li> <li>• Medical certificate issued by the ADFP and a doctor member of the Medical Society. It n Electrocardiogram, Hemogram, X-ray ph Thorax and an Ultrasound scan of heart.</li> </ul>
<b>Foreign Entry</b>	No Changes	<p><b>Cultural Performances</b>                      Besides the documents requested in the licensing and requirement section, in order to obtain a certificate of public cultural spectacle in international folklore, it is present a letter of accreditation of the cultural manife respective diplomatic representation.</p> <p>For the performing of a foreign artist, he/she must h artist. In order to get one, he/she must fulfill requirements:</p> <ul style="list-style-type: none"> <li>• Artistic work contract subscribed before his the country, in knowledge of the Ministry Employment Promotion (MINTRA).</li> <li>• Inter-syndical Pass given by the Peruvia groups the artists of the speciality or genre th artist cultivates.</li> </ul> <p>Likewise, the artist must be affiliated to the Social R the Artist and to a national public or private entit health. These procedures are done by the employer exception for the foreign artist that performs alone, permanency is not more than 20 days. The ex medical attention are made by the employer.</p> <p>If the artistic performance exceeds the 3 months, the be modified according to the Supreme Decree N° 68 (Hiring of Foreigners)</p> <p><b>Sporting Services</b>                      Besides the documents requested to Peruvia foreign players must present an international of transfer through the FPF that is emit National Association or Federation of the origin of the player.</p>

**Chapter 3 (j) : Recreational Cultural and Sporting Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
<p><b>Discriminatory Treatment/MFN</b></p>	<p>No Changes</p>	<p><b>Cultural Performances</b></p> <p>Some cultural performances have specific restrictions</p> <p>Any national live performance or national audiovisual production, must be comprised of 80 per cent of national artists. The other 20 per cent may be comprised of non-resident foreign artists. National artists shall receive no less than 60 per cent of the total payroll for wages and salaries paid to artists.</p> <p>The same percentages established in the preceding paragraphs shall govern the work of other personnel involved in artistic activities.</p> <p><b>Circus performances:</b> A foreign circus may perform in Peru with the original maximum of 90 days. This period may be extended for the same period of time. If it is extended, the foreign artists must include a minimum of 30% Peruvian nationals and 15% Peruvian nationals as technicians. The same requirements shall apply to the payroll of salaries and wages.</p> <p><b>Bullfighting shows:</b> At least one bullfighter of Peruvian nationality must participate in any bull fighting event. At least one bullfighter of Peruvian nationality must participate in fights involving young bullfighters.</p> <p><b>Sporting services</b> As each discipline is ruled by its Federation, there shall be a different treatment to foreign providers of services. For example, regulation in the case of soccer (Sports Association of Professional Soccer) establishes that during each Deporte Nacional Championship, clubs are able to inscribe no more than 6 foreign players and they can not be replaced during the championship. No more than 3 foreign players can play simultaneously per club.</p> <p>For further information, please visit: Sports Association of Professional Football S.A. <a href="http://www.terra.com.pe/adfp/reglas/bases1.shtml">http://www.terra.com.pe/adfp/reglas/bases1.shtml</a></p>

**Chapter 3 (k:1) : Transport Services: Maritime**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
<b>Operational Requirements</b>	No changes.	<p>According to the current legislation, the Government promotes free market competition in port services.</p> <p>The Ministry of Transportation and Communications (MTC) is in charge of policies related to the management of this sector, and the Transport Investment Supervisory Organism (OSITRAN) is the regulatory public entity for port services that supervises the fulfillment of the obligations of concession contracts and also manages the ports which are administrated by the state-owned ENAPU (National Ports Enterprise).</p> <p>The Private Investment Promotion Agency (PROINVERSIÓN), in coordination with the National Port Authority (APN), is responsible for the designing and promotion of private investment in port infrastructure. APN is in charge of the ports management.</p> <p>Additionally, the <i>Dirección General de Capitanías y Puertos</i> is in charge of the maritime transit, ship authorization and environmental issues the sea, lakes and rivers.</p> <p>Shipping current policies establish:</p> <ul style="list-style-type: none"> <li>• Free market competition.</li> <li>• Opening navigation route.</li> <li>• Freedom for selling or buying ships.</li> <li>• Flexibility for freightment of ships.</li> <li>• Liberalisation of the cabotage for the Andean region since October, 2007.</li> </ul> <p>For further information, please visit:</p> <p>Ministry of Transportation and Communications  <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a>                      Supervisory Organism of Transport (OSITRAN)  <a href="http://www.ositran.gob.pe">http://www.ositran.gob.pe</a>                      Private Investment Promotion Agency (PROINVERSIÓN):  <a href="http://www.proinversion.gob.pe">http://www.proinversion.gob.pe</a>                      National Port Authority  <a href="http://www.apn.gob.pe">http://www.apn.gob.pe</a>                      Maritime Authority  <a href="http://www.dicapi.gob.pe">http://www.dicapi.gob.pe</a></p>
<b>Licensing and Qualification</b>	No changes.	In order to operate, national maritime companies must accomplish the following requirements requested:

**Chapter 3 (k:1) : Transport Services: Maritime**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
<b>Requirements of Service Providers</b>		<p>MTC:</p> <ul style="list-style-type: none"> <li>• Be incorporated in accordance with the Pe</li> <li>• Be provided with a social statute.</li> <li>• Describe the type of services offered, operating ships, traffic, routes and frequen</li> </ul> <p>International maritime transport can be p foreign shipping companies.</p>
<b>Foreign Entry</b>		<p><b>Maritime Services</b></p> <p>Only a “National shipowner” or “National Ship may supply maritime cabotage services transport by lakes and rivers). A “National sh “National Ship Enterprise” means a Peruvian juridical person organized under Peruvian la principal domicile and real and effective head Peru, whose business is to provide water tra services for cabotage or international traffic a the owner or lessee under a financial lease or charter, with an obligatory purchase option, one Peruvian flag merchant ship and that ha the relevant Operation Permit from the Gene Transport Directorate.</p> <p>At least 51 percent of the subscribed and pa must be owned by Peruvian citizens.</p> <p>The chairman of the board of directors, a ma directors, and the General Manager of a Na Enterprise must be nationals and resident in P</p> <p>The captain of the Peruvian-flagged vessels Peruvian national. In cases where there qualified Peruvian captain, a foreign nation authorized to serve as captain.</p> <p>Only a Peruvian national may be a licensed ha</p> <p>Cabotage is exclusively reserved to Peruvi vessels owned by a National Shipowner or Na Enterprise or leased under a financial lease or charter, with an obligatory purchase option, foreign-flagged vessels may be used by</p>

**Chapter 3 (k:1) : Transport Services: Maritime**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
		<p>Shipowner or National Ship Enterprise for a period more than six months for water transportation between Peruvian ports or cabotage when such owner does not own its own vessels or lease vessels.</p> <p>Twenty-five per cent of the transport of hydrocarbons in national waters or cabotage is reserved for the use of the Peruvian Navy</p> <p>Only a Peruvian citizen may register as a "port agent"</p> <p>Peruvian flag vessels must have a Peruvian captain and at least 80% of Peruvian crew, but when no Peruvian captain is available an exception can be made.</p> <p>Only Peruvians may obtain the license for "Practitioner"</p> <p><b>Port Services</b></p> <p>Peruvian Government has granted in Concession two terminals:</p> <ul style="list-style-type: none"> <li>(i) Matarani Port, located in southern Peru; and</li> <li>(ii) Callao Port. (only the south terminal)</li> </ul> <p>In 2006 the construction and later operation (green field) of the New Container Terminal, called "South Terminal" was granted in concession. It implied an investment of US\$ 550 million. It is expected to start operations at the end of 2009.</p>
<p><b>Discriminatory Treatment/ MFN</b></p>		<p>Participation of foreign shipping companies is not granted on the base of reciprocity.</p> <p>Maritime Transport Services Sector maintains discriminatory measures that are listed in "foreign trade" section.</p> <p>There is no discrimination in the port services sector.</p>

**Chapter 3 (k:2) : Transport Services: Air**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
<b>Operational Requirements</b>		<p>For almost all transport services (air, land and aqua reservations with respect to national treatment.</p> <p>The Ministry of Transport and Communications is policies related to the liberalization of this sec Supervisory Transport Organization (OSITRAN) is t public entity.</p> <p>Air transport service is classified in:</p> <ol style="list-style-type: none"> <li>1. Service of regular national air transport</li> <li>2. Service of non-regular national air transport</li> <li>3. Service of regular international air transp enterprises</li> <li>4. Service of non-regular international air trans enterprises</li> <li>5. Service of regular international air transpo enterprises</li> <li>6. Service of non-regular international air transp enterprises</li> </ol> <p>In order to provide air transport services, it is necess flight permission (national or international) and a permission submitted by the Civil Aeronautics Gen (DGAC in Spanish).</p> <p>Ministry of Transport and Communications: <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a> Supervisory Organism of Transport (OSITRAN): <a href="http://www.ositran.gob.pe">http://www.ositran.gob.pe</a></p>
<b>Licensing and Qualification Requirements of Service Providers</b>	No Changes.	<p>In order to obtain a flight permission (national or inter necessary to present the following documents Aeronautics General Direction:</p> <ul style="list-style-type: none"> <li>• Request directed to the DGAC providing infor type of activity, routes, frequencies, bases of c and brand of aircrafts and term of permission r</li> <li>• Copies of: Air navigation Certificate of the a by DGAC), certificates of assurances and lic technical crew members.</li> <li>• Air Operator Certificate (AOE).</li> </ul> <p>In order to obtain an operational permission for:</p> <ol style="list-style-type: none"> <li>1. Service of regular national air transport</li> <li>2. Service of non-regular national air transport</li> <li>3. Service of regular international air transp enterprises</li> <li>4. Service of non-regular international air trans enterprises</li> </ol> <p>It is necessary to present the following documents Aeronautics General Directorate:</p>



**Chapter 3 (k:2) : Transport Services: Air**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
		<ul style="list-style-type: none"> <li>- A form should be addressed to the General Directorate of Civil Aeronautics, including:               <ul style="list-style-type: none"> <li>a) Type of service required.</li> <li>b) Routes and frequencies, and air operation bases.</li> <li>c) Aircraft type to be used for this type of service.</li> <li>d) Effective period within which the company operation permit.</li> <li>e) Capital stock invested on the basis of the air operation permit or the type of service to be provided.</li> </ul> </li> <li>- Copy of the Identity Card (ID), for individuals, or proof of incorporation, for legal entities.</li> <li>- Power of attorney, if it is necessary.</li> <li>- Up-to-date copy of the Certificate of Registration of the company.</li> <li>- List of shareholders, including the number of the shares (for each), and the amount of capital stock represented by each share.</li> <li>- List of the Board members, including CEO, with complete name and address, for legal entities.</li> <li>- List of the aeronautical staff, specifying names, nationalities, and number of licenses in force.</li> <li>- Date and number of receipt for payment of required fees.</li> <li>- Any other requirements, imposed by the Directorate General of Civil Aeronautics, for obtaining the permit to operate a flight.</li> </ul>
<b>Foreign Entry</b>	<p>Supreme Decree N° 028-2006-MTC published on July 2006 established the regulations of the Air Services Promotion Law.</p>	<p>With respect to commercial aviation services legislation reserves services provision to national companies. Some exceptions apply.</p> <p>The percentage of capital owned by foreigners shall not exceed up to 70% in certain situations.</p> <ul style="list-style-type: none"> <li>• Foreign capital at the beginning of activities shall not exceed 70%.</li> <li>• After 6 months of operations, it can be increased up to 70 %</li> </ul> <p>The civil aviation operated under leasing modality shall have a complementary character. The national services shall be those that render scheduled international air transport services using aircrafts under the modality of leasing contracts. These shall be authorized under the following clauses:</p> <ul style="list-style-type: none"> <li>- When air services are being initiated on a new route, they will be authorized for a maximum of 180 calendar days renewable for an additional 180 calendar days.</li> <li>- When a legal restriction exists, the charter flights shall be approved exclusively for the routes authorized.</li> </ul>

**Chapter 3 (k:2) : Transport Services: Air**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
		<p>period of the restriction.</p> <ul style="list-style-type: none"> <li>- When a technical impediment of an air carrier occurs that can imply a deep freeze of operations. The period shall not exceed 90 calendar days. It is possible a renewal of the period.</li> </ul> <p>In order to obtain an operational permission for:</p> <ol style="list-style-type: none"> <li>1. Service of regular international air transport enterprises</li> <li>2. Service of non-regular international air transport enterprises</li> </ol> <p>It is not necessary to present in the request the documents that ensure that the enterprise has the capital account, the type of operation or the type of service, nor the list of members of the Board, managers and aeronautical personnel. It is requested for the other types of air transport services that it is necessary to include in the request documents that ensure that the crew in charge of the technical conduction of the flight has the respective licenses and certificates of aptitude.</p> <p>Likewise, foreign enterprises providing international air transport must present the following documents:</p> <ul style="list-style-type: none"> <li>• AOE or the equivalent document submitted by the aeronautical authority in the country of the applicant.</li> <li>• Document submitted by the aeronautical authority in the country of the applicant that ensures that the applicant is allowed to provide air transport services.</li> <li>• Copy of the Air Navigation certificates, certificates of inscription granted by the aeronautical authority and certificate submitted by the aeronautical civil authority of the country of the applicant that ensures that the aircraft is registered.</li> <li>• The manuals, procedures and programs for the operation, maintenance, flight, safety and security.</li> </ul> <p>There are some exceptions for public security and national interest.</p>
<b>Discriminatory Treatment/ MFN</b>	No Changes	<p>Participation of foreign air companies in the transport of load or passengers will only be granted on a basis of strict reciprocity</p> <p>National Commercial Aviation Service (specialty air service) is reserved to a Peruvian natural juridical person. National Commercial Aviation Service</p>

**Chapter 3 (k:2) : Transport Services: Air**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>
		<p>includes.</p> <p>For purposes of this entry, a Peruvian juridical person is an enterprise that fulfils the following requirements:</p> <ul style="list-style-type: none"><li>(a) is constituted under Peruvian law and is engaged in commercial aviation as its corporate purpose, is domiciled in Peru, and has its principal administration located in Peru;</li><li>(b) at least half plus one of the directors, managers, or persons who control or manage the enterprise are Peruvian nationals or have permanent domicile in Peru; normally resident in Peru; and</li><li>(c) at least 51 percent of the capital must be owned by Peruvian nationals and be under the real and effective control of Peruvian shareholders or partners domiciled in Peru. (This limitation shall not apply to enterprises constituted under law N° 24882, which must maintain the ownership percentages set in such law for 12 months after the date of authorization of the enterprise to provide commercial air transportation services.)</li></ul> <p>Peruvian nationals or foreign citizens may own up to 70 percent of the capital of the enterprise.</p> <p>Only Peruvian nationals may perform the functions on board of national commercial airlines and suppliers' aircraft ("explotadores nacionales") and on suppliers that hold an Operating Permit or Flight License. For greater certainty, an individual is not considered a manager for purposes of Article 10.1 of the Law of Management and Boards of Directors) if the individual's sole duties are as an aircraft pilot or captain.</p> <p>There are some exemptions to the MFN treatment within the framework of the Andean Community.</p> <p><a href="http://www.comunidadandina.org">http://www.comunidadandina.org</a></p>

**Chapter 3 (k:3) : Railroad Transport Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	<p>Supreme Decree N 032-2005-MTC (Rail National Regulation) was published January 5<sup>th</sup> 2006. It establishes the legal framework for the provision of railroad transport services.</p>	<p>According to the current legislation, the State promotes free competition in railroad transportation services.</p> <p>The Ministry of Transportation and Communications of Peru (MTC) is in charge of formulating and implementing policies related to the liberalization of this sector, and the Supervisory Organization for Infrastructure Investment in Public Transportation (OSITRAN) is the regulatory public entity that supervises the execution of concession contracts on transport infrastructure</p> <p>The Private Investment Promotion Agency (PROINVERSION) is the responsible for the design and the promotion for private investment in the transport infrastructure.</p> <p>Rail Tracks have been granted in concession by the Peruvian Government. Concessionaires must guarantee the free entrance or access to transport operators in accordance with the concessions contract.</p> <p>Railways for public service in Peru are the following: Central Railway (447km), Southern and Southeastern Railways(854km and 134km, respectively), Huancayo-Huancavelica Railway (129km), and Tacna- Arica Railway (60km). The three former have been granted in concession; the two latter are owned by the MTC, and the Regional Government of Tacna, respectively.</p> <p>In order to provide transportation services in those railways granted under concession, operators are</p>	

**Chapter 3 (k:3) : Railroad Transport Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>required to:</p> <ul style="list-style-type: none"> <li>• Have an Operation Permit issued by the MTC, and</li> <li>• Sign an access contract with the Railroad Transportation Infrastructure Concessionary Company.</li> </ul> <p>The maintenance, rehabilitation and construction of the rail track was given in concession in 1999. These concessionaires are not allowed to provide transport services (freight and passengers).</p> <p>For further information, please visit: Ministry of Transport and Communications of Peru (MTC) <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a></p> <p>OSITRAN <a href="http://www.ositran.gob.pe">http://www.ositran.gob.pe</a> .</p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	No changes	<p>The specific licensing requirements to provide railway infrastructure transportation services for public use in Peru include restricted effectiveness, in a first stage, and full effectiveness, in a latter stage.</p> <ul style="list-style-type: none"> <li>▪ <b>Operation Permit with Restricted Effectiveness</b> (a year effective period): Allows the license holder to ask the concessionaire for a rail track access contract. Likewise, it makes it possible for the holder to request OSITRAN an access mandate, where necessary. Requirements (see article 106 of the National Regulation of Railways at <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a>) for obtaining an Operation Permit with Restricted Effectiveness are as follows:             <ol style="list-style-type: none"> <li>a. Complete form, specifying the type of</li> </ol> </li> </ul>	

**Chapter 3 (k:3) : Railroad Transport Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>transport and route(s).</p> <p>b. Copy of original documentation, including ID for individuals, or public deed of incorporation, Unified Register of Tax Payers/ Tax Payers Card (RUC), bylaws, representatives' power of attorney, financial statements, and any other certificate of experience in railway transportation.</p> <p>c. Description of the rolling stock to be used and provision of a list including the key staff to be in charge of the operation.</p> <p>d. Affidavit of expertise in different sectoral regulations.</p> <p>▪ <b>Operation Permit with Full Effectiveness:</b> (5-year effective period), and allows the holder to provide transportation services of cargo, passengers, or both, in the route(s) selected.</p> <p>Requirements (see article 109 of the National Regulation of Railways at <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a>) for obtaining an Operation Permit with Full Effectiveness include:</p> <p>a. A Rail Track Access Contract;</p> <p>b. A Certificate of Authorization to use the rolling stock;</p> <p>c. Certificate of technical operativeness of the rolling stock;</p> <p>d. Railway driving license; and</p> <p>e. Insurance.</p>	
<b>Foreign Entry</b>	No changes	There is no discrimination.	

**Chapter 3 (k:3) : Railroad Transport Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Discriminatory Treatment/ MFN</b>	No changes	There is no discrimination.	

**Chapter 3 (k:4) : Road Transportation Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No changes	<p>The Ministry of Transportation and Communications (MTC) is in charge of formulating and implementing policies related to the liberalization of this sector, and the Supervisory Organization for Infrastructure Investment in Public Transportation (OSITRAN) is the regulatory public entity that supervises the execution of concession contracts on transport infrastructure.</p> <p>The Private Investment Promotion Agency (PROINVERSION) is responsible for designing and promotion of private investment in transportation infrastructure.</p> <p>Road transportation services can be classified into highway and urban transportation services, which should be granted under concession by the MTC, and the relevant municipalities.</p> <p>In accordance with article 7 of the Law Regulation approved by SD N° 009-2004-MTC, road transportation services include:</p> <p>a) Provincial road</p>	



**Chapter 3 (k:4) : Road Transportation Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>transportation services, provided within a province are classified in two types:</p> <ul style="list-style-type: none"> <li>- Urban road transportation services provided within a city or village.</li> <li>- Interurban road transportation services, provided between cities or villages within the same province.</li> </ul> <p>b) Interprovincial road transportation services provided between cities or villages at different provinces, within the same region.</p> <p>c) Interprovincial road transportation services provided between cities or villages at different provinces and regions.</p> <p>The relevant authority requests a minimum number of transport units to operate.</p> <p>For further information, please visit:                      Ministry of Transportation and Communications of Peru (MTC)  <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a>                      OSITRAN  <a href="http://www.ositran.gob.pe">http://www.ositran.gob.pe</a></p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	<ul style="list-style-type: none"> <li>▪ The granting of concessions (licensing) for interprovincial passenger road transportation</li> </ul>	<ul style="list-style-type: none"> <li>▪ The operation permits for transport (freight and passengers) are granted by the Ministry of Transportation and Communications.</li> </ul>	

**Chapter 3 (k:4) : Road Transportation Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
	<p>services throughout the country is temporarily suspended until completion of the Study on Passengers Road Transportation Services Rationalization, conducted by the Ministry of Transportation and Communications. Such services include routes interconnecting cities with the Pan-American Highway, the Central Highway (Lima-Huancayo), Lima- Huaraz Highway, Lima-Cajamarca Highway, among others.</p>	<ul style="list-style-type: none"> <li>▪ Provision of road transportation services requires an authorization from the MTC.</li> <li>▪ Individuals who seek to provide cargo transportation services, by meeting the following requirements:               <ul style="list-style-type: none"> <li>(a) Personal documentation should include ID and Unique Registry of Taxpayers (RUC).</li> <li>(b) They should own or lease an operational fleet, with a minimum 60-ton cargo capacity.</li> <li>(c) Every commercial motor vehicle operating in Peru should meet technical specifications, and</li> <li>(d) Vehicles are to be provided with the Compulsory Insurance of Traffic Accidents (SOAT).</li> </ul> </li> <li>▪ Carriers who seek to operate all over Peru are required to               <ul style="list-style-type: none"> <li>(a) Be registered in a Public Registry.</li> <li>(b) Be provided with a RUC.</li> <li>(c) Own or lease an operational fleet, with a minimum 60-ton capacity of cargo.</li> <li>(d) Meet the technical specifications and requirements to operate throughout the national road network and provide road transportation services, and</li> <li>(e) Obtain the Compulsory Insurance of Traffic Accidents (SOAT)</li> </ul> </li> <li>▪ Both, individuals and passengers/cargo carriers</li> </ul>	

**Chapter 3 (k:4) : Road Transportation Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>are freely authorized to provide road transportation services unless the established technical requirements are not met.</p> <ul style="list-style-type: none"> <li>▪ The construction and maintenance of different roads, which accounts for 14% of the National roads, has been granted in concession. The Peruvian policy tends to establish an approximately road tariff of US\$ 1.50 for each 100 Km per vehicle or per axis of heavy transport.</li> </ul>	
<b>Foreign Entry</b>		<p>There is no restriction to foreign investment participation in transport services. As to national road transportation services, foreign carriers are expected to comply with the same regulations imposed on a national carrier.</p> <p>There are not band prices mechanisms in this sector.</p>	
<b>Discriminatory Treatment/ MFN</b>	No changes	<p>There are some exemptions to the MFN treatment in the framework of the Andean Community and in the case of signatories' countries of the Road International Transport Agreement of the Southern cone, "Acuerdo de Alcance Parcial sobre Transporte Internacional terrestre de los Países</p>	

**Chapter 3 (k:4) : Road Transportation Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>Miembros del Cono Sur – ATIT.” Signatories Countries of the “ATIT” are: Brazil, Argentina, Chile, Peru, Bolivia, Uruguay, and Paraguay.</p> <p>For the international carriage of cargo, an International Transportation System (Resolution 185/224-CAN) was established between Peru and Bolivia, allowing Bolivian cargo carriage from/overseas through Bolivian vehicles. Likewise, the Road International Transport Agreement of the Southern Cone (Acuerdo de Transporte Internacional Terrestre de los Países Miembros del Cono Sur – ATIT), indicates that licenses will be granted by a native entity to carriers organized according to their own legislation, and residing in their own territory.</p>	

**Chapter 3 (k:5) : Transport Services: Other**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No Changes	<p>According to the current legislation Peru promotes free competition of these services.</p> <p>The Ministry of Transport and Communications is in charge of policies related to the liberalization of this sector, and the <b>Organism Supervisor of the Infrastructure Investment of Transport of Public Use</b> (OSITRAN) is the regulatory public entity that supervise the execution of concession contracts of transport infrastructure</p> <p>Ministry of Transport and Communications  <a href="http://www.mtc.gob.pe">http://www.mtc.gob.pe</a>  <b>Organism Supervisor of the Infrastructure Investment of Transport of Public Use</b> (OSITRAN)  <a href="http://www.ositran.gob.pe">http://www.ositran.gob.pe</a></p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	No Changes	<p>In order to operate as a multimodal transport operator, a company must obtain commercial qualification, be registered and obtain an authorization from the Ministry of Transport and Communications.</p>	
<b>Foreign Entry</b>	No Changes	<i>There is no discrimination.</i>	
<b>Discriminatory Treatment/ MFN</b>	No Changes	<p>There exist some exemptions to the MFN treatment in the framework</p>	

**Chapter 3 (k:5) : Transport Services: Other**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		of the Andean Community and border countries. <a href="http://www.comunidadandina.org">http://www.comunidadandina.org</a>	

**Chapter 3 (I) : Energy Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No Changes.	<p>Energy generation, transmission and distribution activities can be developed by companies, which must be constituted in accordance with Peruvian laws.</p> <p>Energy generation activities are carried out under free competition rules, while energy transmission and distribution are regulated activities with fixed rates established by the regulatory entity Supervisory Organism of Investments in Energy and Mines (OSINERGMIN).</p> <p><b>Energy Plants</b> For the implementation and operation of hydroelectric plants, concessions need to be granted. Nevertheless, for thermo electrical plants, only an operation authorization is required. The same company cannot handle electric power plants, main transmission systems and distribution activities simultaneously, but may own secondary transmission systems.</p> <p><b>Exploration Activities</b> To develop oil and gas exploration and exploitation activities, in a specific block, it is necessary to sign a contract with the government; this contract include benefits</p>	<p>The national legislation is being adapted to include competition mechanisms and price protection for energy generation activities and for improving energy transmission investments. New laws will also be established to promote the installation of cogeneration plants with natural gas and generation plants with renewable energy.</p>

**Chapter 3 (I) : Energy Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p>established by Organic Hydrocarbon Law and is approved by a Supreme Decree. PERUPETRO as a state representative, negotiates, signs and supervises hydrocarbon contracts and Technical Evaluation Agreements.</p> <p><b>Energy Transmission</b> To develop oil and gas transmission by pipeline activities it is necessary to access to a concession granted by the Ministry of Energy and Mines (MEM). This activity is regulated and OSINERGMIN fixes the maximum tariffs. In order to promote the construction of natural gas transmission pipelines, companies can access a guarantee under Law 27133.</p> <p><b>Energy Commercialization</b> MEM grants concessions, while OSINERGMIN is in charge of regulatory and quality supervising aspects (rates and access pricing) and INDECOPI, the antitrust agency, is in charge of the preservation of competition and fair market practices.</p> <p>To commercialize Natural Gas for Vehicles (GNV), an authorization given by the MEM is required.</p>	



**Chapter 3 (I) : Energy Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
		<p><b>Other Activities Related to Energy</b></p> <p>In the case of transportation, storage, processing, refining, distribution and commercialization of hydrocarbons, an authorization given by the MEM is required.</p> <p>To develop gas distribution activities it is necessary to obtain a Concession granted by the MEM. This activity is regulated and the tariffs are fixed by OSINERGMIN.</p> <p>For further information, please visit:</p> <p>Ministry of Energy and Mines (MEM).  <a href="http://www.minem.gob.pe">http://www.minem.gob.pe</a>                      Supervisory Organism of Investments in Energy and Mines (OSINERGMIN).  <a href="http://www.osinerg.gob.pe">http://www.osinerg.gob.pe</a>                      PERUPETRO  <a href="http://www.perupetro.com.pe">http://www.perupetro.com.pe</a>                      PROINVERSION  <a href="http://www.proinversion.gob.pe">http://www.proinversion.gob.pe</a></p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	The Law N° 28832 published in 2006, established the basis for the efficient generation of power plants as well as bidding	- In general, concessions are of an indefinite length of time. Temporary concessions are usually oriented towards the development of studies related to power generation centers and lines of transmission. Basic requirements for concessions are the following:	

**Chapter 3 (I) : Energy Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
	<p>mechanisms for the electric supply to the distributors. Among other measures, the mentioned law, established the transmission planning and the new composition of the Economic and Operational Dispatch Committee of the National Interconnected Electric System, which allows the participation of representatives of distributors and important clients besides the generator and transmitters.</p> <p>The Cogeneration Regulation, passed by Supreme Decree N° 037-2006-EM which establishes the</p>	<ul style="list-style-type: none"> <li>• General information of the company</li> <li>• Pre-project description</li> <li>• Description of needed / required studies</li> <li>• Feasibility study</li> <li>• Authorization for the exploitation of natural resources (if applicable)</li> <li>• Valid guarantee.</li> </ul> <p>Permanent concessions require similar items plus an environmental impact study.</p> <p>For permanent concessions is necessary to obtain a certification of the non-existence of archeological remains, granted by the Culture National Institute (INC).</p> <p>Law N. 28832 published in 2006,  <a href="http://www.minem.gob.pe/archivos/dge/publicaciones/compendio/L28832.pdf">http://www.minem.gob.pe/archivos/dge/publicaciones/compendio/L28832.pdf</a>)</p> <p>Cogeneration Regulation of Supreme Decree N° 037-2006-EM  <a href="http://www.minem.gob.pe/archivos/dge/publicaciones/compendio/sust_cogeneracion.pdf">http://www.minem.gob.pe/archivos/dge/publicaciones/compendio/sust_cogeneracion.pdf</a>)</p> <p>Organic Law of Geothermal Resources, passed by Supreme Decree N° 072-2006-EM  <a href="http://www.minem.gob.pe/archivos/dge/publicaciones/compendio">http://www.minem.gob.pe/archivos/dge/publicaciones/compendio</a></p>	

**Chapter 3 (I) : Energy Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
	<p>requirements and conditions for the cogeneration plants to participate in the electric market.</p> <p>Supreme Decree N° 072-2006-EM (Organic Law of Geothermal Resources), regulates the procedures to obtain geothermal rights.</p>	<p><a href="#">/ds072-2006.pdf</a>)</p> <p>Environmental Protection Regulation of the Electric Activities, passed by Supreme Decree N° 29-94-EM. the environment. (<a href="http://www.minem.gob.pe/archivos/dge/publicaciones/compendio/ds29-94.pdf">http://www.minem.gob.pe/archivos/dge/publicaciones/compendio/ds29-94.pdf</a>)</p> <p>In the case of hydrocarbons activities, basic requirements for concessions of oil and gas transmission and distribution by pipeline, are the following:</p> <ul style="list-style-type: none"> <li>• Fill format application with general information of the company</li> <li>• Work schedule</li> <li>• Technical project description</li> <li>• Technical specifications</li> <li>• Environmental impact study approved</li> <li>• Favorable Technical Report given by OSINERGMIN (if required)</li> <li>• Bank guarantee</li> </ul> <p>All requirements for authorizations in hydrocarbons activities are published in the next web page: <a href="http://www.minem.gob.pe/ministerio/tupa/anexo_01-02.pdf">http://www.minem.gob.pe/ministerio/tupa/anexo_01-02.pdf</a></p> <p>For the transportation of hydrocarbons by pipes, a concession can be granted for a 20 - 60 year period. Candidates for this kind of concession have to fulfill the</p>	

**Chapter 3 (I) : Energy Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		following requirements: <ol style="list-style-type: none"> <li>1. General information about the bidder.</li> <li>2. Project description</li> <li>3. Technical specifications about the transportation system</li> <li>4. Timeline</li> <li>5. Project Budget</li> <li>6. Specification of the permissions required for the pipe to cross private grounds</li> <li>7. Annual estimates of volumes to be transported</li> <li>8. Environmental impact study</li> <li>9. Bank warrantee</li> <li>10. Favorable technical report from OSINERGMIN</li> <li>11. Tariff proposal</li> </ol>	
<b>Foreign Entry</b>	No Changes.	According to Law N° 26221 (General Law of Hydrocarbones), foreign companies, in order to celebrate exploration contracts, have to establish a branch or to constitute a society according to the General Law of Societies, with an address in Lima and to name an Agent Chief Executive of Peruvian nationality. Foreign companies have to be enrolled in the Public Registries and to name a legal representative of Peruvian nationality, with	

**Chapter 3 (I) : Energy Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
		<p>address in Lima, Peru.</p> <p>Shipping of oil by foreigners is only allowed if the company establishes a branch, or constitutes an organization according to Peruvian laws, and establishes residence in Peru and designates a national agent.</p>	
<b>Discriminatory Treatment/MFN</b>	No Changes.	There is no discrimination.	

**Chapter 3 (m) : Other Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	No Changes	<p>Law 27986 (June 2nd 2003) regulates the labor relations of the home workers.  <a href="http://www.editoraperu.com.pe/elperuano/">http://www.editoraperu.com.pe/elperuano/</a></p> <p>In general:</p> <ul style="list-style-type: none"> <li>• The contract will be celebrated in verbal or written form.</li> <li>• The remuneration will be free with agreement of the parts.</li> <li>• The services time compensation is equivalent to 15 days of annual remuneration.</li> <li>• They will enjoy of remunerated rest by holiday days.</li> <li>• Right to two allowances a year.</li> </ul> <p>Ministry of Labour and Social Promotion  <a href="http://www.mintra.gob.pe">http://www.mintra.gob.pe</a></p>	
<b>Licensing and Qualification Requirements of Service Providers</b>	No Changes	There is no discrimination.	
<b>Foreign Entry</b>	No Changes	There is no discrimination.	

**Chapter 3 (m) : Other Services**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<i>Current Entry Requirements</i>	<b>Further Improvements Planned</b>
<b>Discriminator y Treatment/ MFN</b>	No Changes	There is no discrimination.	

## CHAPTER 4: INVESTMENT

### *Objective*

#### **APEC economies will achieve free and open investment in the Asia-Pacific region by:**

- a. *liberalizing their respective investment regimes and the overall APEC investment environment by, inter-alia, progressively providing for MFN treatment and national treatment and ensuring transparency;*
- b. *facilitating investment activities through, inter-alia, technical assistance and cooperation, including exchange of information on investment opportunities; and,*
- c. *implementing and maintaining standards consistent with the APEC Leaders' Transparency Standards.*

### **Guidelines**

#### *Each APEC economy will:*

- a. *progressively reduce or eliminate exceptions and restrictions to achieve the above objective, using as an initial framework the WTO Agreement, the APEC Non-Binding Investment Principles, the APEC Leaders' Transparency Standards, any other international agreements relevant to that economy, and any commonly agreed guidelines developed in APEC including the Menu of Options for Investment Liberalization and Business Facilitation;*
- b. *seek to expand APEC's network of bilateral and regional investment agreements and contribute to multilateral work on investment;*
- c. *facilitate investment flows within the Asia-Pacific region through promoting awareness of investment opportunities, undertaking capacity building and technical cooperation activities, and implementing measures such as those in the Menu of Options; and*
- d. *examine ways to incorporate new investment forms and activities for the economic development of the Asia-Pacific region including investment forms and activities that support the new economy.*



## CHAPTER 4: INVESTMENT

### Collective Actions

APEC economies will:

1. *Transparency*  
**Short-term**
  - a. *Increase the transparency of APEC investment regimes by:*
    - (i) *Updating the APEC Guidebook on Investment Regimes;*
    - (ii) *Establishing software networks on investment regulation and investment opportunities;*
    - (iii) *Improving the state of statistical reporting and data collection;*
    - (iv) *Increasing understanding among member economies on investment policy-making issues; and*
    - (v) *Fully implementing and maintaining the APEC Leaders' Transparency Standards.*
2. *Policy Dialogue*  
**Short-term**
  - b. *Promote dialogue with the APEC business community on ways to improve the APEC investment environment.*
  - c. *Continue a dialogue with appropriate international organizations dealing with global and regional investment issues.*
3. *Study and Evaluation*  
**Short-term**
  - d. *Define and implement follow-on training to the WTO implementation seminars;*
  - e. *Undertake an evaluation of the role of investment liberalization in economic development in the Asia-Pacific region.*
  - f. *Study possible common elements between existing subregional arrangements relevant to investment.*

**Medium-term**

  - g. *Refine APEC's understanding of free and open investment.*

**Long-term**

  - h. *Assess the merits of developing an APEC-wide discipline on investment in the light of APEC's own progress through the medium-term, as well as developments in other international fora.*
  - i. *Study the advantages and disadvantages of creating investment rules – bilateral, regional, or multilateral – with a view to fostering a more favorable investment environment in the Asia-Pacific region.*
4. *Facilitation*  
**Short-term and continuing**
  - j. *Undertake practical facilitation initiatives by:*
    - (i) *Progressively working towards reducing impediments to investments including those investments related to e-commerce;*
    - (ii) *Undertaking the business facilitation measures to strengthen APEC economies; and*
    - (iii) *Initiating investment promotion and facilitation activities to enhance investment flow within APEC economies.*
5. *Economic and Technical Cooperation*  
**Short-term**
  - k. *Identify ongoing technical cooperation needs in the Asia-Pacific region and organize training programs which will assist APEC economies in fulfilling APEC investment objectives.*
6. *Capacity Building Initiatives*
  - l. *Undertake new activities that contribute to capacity building.*
7. *Menu of Options*
  - m. *Ongoing improvement of the Menu of Options.*

The current CAP relating to investment can be found in the [Investment Collective Action Plan](#).

### Participation on Collective Actions Plans

- Peru, attended the Seminar on Transnational Private Investment : Trends and Decision- Making,

**CHAPTER 4: INVESTMENT**

developed on May 19-20, 2006, in Ho Chi Minh, Viet Nam.

- Representants from Peru, attended the APEC 2006 Trade and Investment Fair and Workshop on Trade and Investment Promotion developed on September 23, 2006 in Ha Noi, Viet Nam.

***Peru's Approach to Investment in 2007***

By the end of 2006 and early 2007, Peru implemented investment measures in specific areas such as : *negotiations of international investment agreements with APEC member economies and business facilitation measures to improve the domestic business environment. A bilateral investment agreement with Canada and a FTA with Chile were concluded. Regarding the removal of investment barriers and improvement of the investment climate, since 2005 the Private Investment Promotion Agency - ProInversión, in coordination with other public agencies and private entrepreneurial organizations and with the assistance of IFC, seeks to identify, solve difficulties and remove administrative barriers, which affect the production process and private investment.*

Peru, promotes private investment through PROINVERSION, which is in charge of investment policy. PROINVERSION also provides investment and guidance services to national and foreign investors and develops promotion investment activities, including the concession program. For further statistics data and information on Peru's Investment matters, please visit :

<http://www.proinversion.gob.pe>

***Peru's Approach to Investment Measures in 2007***

<b><i>Section</i></b>	<b><i>Improvements Implemented Since Last IAP</i></b>	<b><i>Current Investment Measures Applied</i></b>	<b><i>Further Improvements Planned</i></b>
<b><i>General Policy Framework</i></b>	On December 2006, Peru sent to OECD an applic	Local and foreign investment is aggressively promoted, through concessions schemes, in order to upgrade the economic infrastructure: development of transport networks (ports, airports and roads), telecommunication services, and energy. A dynamic program to improve sanitation services with the participation of private investment is also under way. Private Public Partnerships mechanisms are being applied in non-profitable projects.  Investment promotion activities are being developed in order	Application sent by Peru will

**Peru's Approach to Investment Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Investment Measures Applied</b>	<b>Further Improvements Planned</b>
	<p>ation letter signed by the Peru's Chair of Cabinet and President of ProInversión, in order to adhere to OECD Declaration on International Investment and Multinational Enterprises and Related Acts</p>	<p>to attract foreign investment on those productive activities where Peru is considered to have special advantages, looking for improving international competitiveness and exportations.</p>	<p>be evaluated during OECD Session to be developed in October 2007</p> <p>The promotion of private</p>

**Peru's Approach to Investment Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Investment Measures Applied</b>	<b>Further Improvements Planned</b>
	and to participate in the OECD Investment Committee .		investment on infrastructure will continue. A program for the construction and maintenance of 1000 kilometers

**Peru's Approach to Investment Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Investment Measures Applied</b>	<b>Further Improvements Planned</b>
			<p>etr es of ro ad s will be de vel op ed.</p> <p>A co mp re he nsi ve pr og ra m inc lud ing inv est me nt pr om oti on on sp eci fic act</p>

**Peru's Approach to Investment Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Investment Measures Applied</b>	<b>Further Improvements Planned</b>
			activities, such as agribusiness, biofuels, and petrochemical based on natural gas, the strengthening of small an

**Peru's Approach to Investment Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Investment Measures Applied</b>	<b>Further Improvements Planned</b>
			medium local enterprises and the development of linkages with transnational corporations operating

**Peru's Approach to Investment Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Investment Measures Applied</b>	<b>Further Improvements Planned</b>
			in the country will be developed.
<p><b>Transparency Implementation AP EC Leaders' Transparency Standards on Investment</b></p>	<p>Peru has included transparency provisions to its investment agreement model.</p> <p>Since March 2007, the Investment Promotion Agency provides a new "Inves</p>	<p><u>Publish or otherwise make investment measures available:</u></p> <p>According to the Constitution, all Laws including investment matters are to be published in order to enter into force. In this sense, government agencies use transparency mechanisms such as publication of information on the official gazette "El Peruano", as well as online publication to make available enacted Laws and draft Laws for revision and discussion.</p> <p><u>Where possible, publish proposed measures in advance and provide reasonable opportunity to comment.:</u></p> <p>The list of Draft Laws under discussions in the Congress is published on the following Web Site : <a href="http://www.congreso.gob.pe">http://www.congreso.gob.pe</a></p> <p><u>Promptly response to requests for information on actual or proposed measures and provide contact points:</u></p> <p>According to Law N° 27806, the Peruvian State encourages transparency of the State's acts and the access to information produced by entities and institutions of Public Administration. Required information must be provided by competent Agencies in a time span of seven days.</p> <p>In this sense, in order to accomplish with the Law every agency has to designate a contact point.</p> <p><u>Ensure procedures for prompt review/correction by</u></p>	<p>In order to provide more and specialized information to invest</p>



**Peru's Approach to Investment Measures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Investment Measures Applied</b>	<b>Further Improvements Planned</b>
	<p>Investment Portal" with specialized information on sectors such as Agribusiness, Fishing, Mining, Infrastructure and Tourism.</p> <p>For further statistics data and information on Peru's Investment matters,</p>	<p><u>independent, impartial bodies of final administrative actions in which parties can present their positions, decisions are based on evidence and submissions, and are implemented and govern the relevant authorities:</u></p> <p>Legislative Decree N° 757 establishes that any public authority, public official, employee from the central, local or regional governments must not incur in discriminatory treatment to investors. If so, they will be liable for the charges. Thus, in the event an entrepreneur feels threatened or affected by any law or government decision, he or she can file a lawsuit to the Judicial power or to the Market Access Commission.</p> <p>Foreign companies and investors should address complaints related to their economic activities in Peru to the same agencies that decide about complaints of local investors.</p> <p><u>Publish or otherwise make investment screening guidelines, if used, available.</u></p> <p>The enacted General Law on Administrative Procedures N° 27444 consolidates all the administrative simplification measures. These procedures were previously dispersed on regulations in different sectors.</p> <p><u>Publish or make available clear procedures for registration and licensing and any criteria for assessment of investment proposals:</u></p> <p>There is no special authorization or special licensing in the case of foreign investment. Public agencies shall approve and publish the pertaining Unique Text of Administrative Procedures (TUPA in Spanish) in order to avoid delays and facilitate start-up business activities.</p> <p>These activities include operating license formalities in Municipal Governments, the Ministry of Production, the Ministry of Foreign Trade and Tourism, the Ministry of Agriculture, the Ministry of Energy and Mines, registration with the Taxpayers Registry (National Superintendence of</p>	<p>ors Pr oln ver sió n will de vel op ne w inv est me nt inf or ma tio n ser vic es an d ke ep ba sic inf or ma tio n dul y up dat</p>

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	<p>please visit :</p> <p><a href="http://www.proinversion.gob.pe">http://www.proinversion.gob.pe</a></p>	<p>Tax Administration) and registration with other institutions such as the Public Registry for real estate property, corporate bodies, individuals and goods and chattels.</p>	<p>ed.</p>

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		<p><u>Conduct reviews to ensure prior authorizations are simple and transparent:</u></p> <p>There is no prior authorization for foreign investment.</p> <p><u>Make rules and other information on investment promotion available:</u></p> <p>PROINVERSION provides information and guidance service for private investors, such as foreign investment statistics, legal framework, investors guidance, investments opportunities, links, Stability Legal Agreements and Bilateral Agreements signed by Peru.</p> <p>For further information, please go to: <a href="http://www.proinversion.gob.pe">http://www.proinversion.gob.pe</a></p> <p>-</p> <p><u>Consider including transparency provisions in FTAs/RTAs containing investor/state dispute settlement:</u></p>	

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<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Investment Measures Applied</i>	<i>Further Improvements Planned</i>
		<p>Transparency provisions are part of the current FTAs negotiations with Thailand and USA, as well as in the FIPA negotiations with Canada.</p> <p><b><u>Update the APEC Investment Guidebook:</u></b></p> <p>According to APEC- IEG CAPS, PROINVERSION will submitted Peru's investment regime advances to the questionnaire required by IEG, in order to update the 6<sup>th</sup> edition of APEC Investment Guidebook.</p>	
<i>Non-discrimination</i>	<p>There has been no change since the last IAP was prepared</p>	<p>National treatment as well as the most favoured nation treatment regarding to post establishment is recognized in all Bilateral Investment Treaties signed by Peru. However, these principles are not agreed as to the establishment or acquisition of an investment, no special authorization neither performance requirement exists for foreign investments.</p>	<p>To include non discrimination principles on the establishment and acquisition</p>

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			on of investments in negotiations of international investment agreements.
<b>Expropriation and Compensation</b>	There has been no change since the last IAP was	The political constitution of Peru, approved in 1993, guarantees property rights for foreigners and nationals. It sets forth that no person can be deprived of his property except by reason of national security on public need, expressly declared by Law, and after payment in cash of a fair-value indemnity including redress for any possible damages.	

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	prepared		
<b>Protection from Strife and Similar Events</b>	There has been no change since the last IAP was prepared	<p>Foreign investors can access to the local courts for disputes, in the same condition than national investors. Besides, investors can have access to the following authorities:</p> <ul style="list-style-type: none"> <li>• Tax and Customs Tribunals: When appropriate, companies or their investors are entitled to object payment of tax, contribution, rates, tolls, registration fees, duties, and other rights.</li> </ul> <p>National Agency for the Defence of Competition and Protection of Intellectual Property – INDECOPI: It is the competent body in case foreign investors lodge a claim for actions that affect the right participation of economic agents in the market. In that case, investors can attend the Commission on market access. It also considers distortions in loyal and honest competition between suppliers of goods and services, distortions in accessing or leaving the market, actions against the respect of intellectual property rights, copyrights and patent rights.</p>	
<b>Transfers of capital related to investments</b>	There has been no change since the last IAP was prepared	<p>No prior authorization is required for foreign exchange operations. Every individual or corporate body is entitled to remit abroad or keep foreign currency in the country. Convertibility or transfer of funds related to foreign investment is free.</p> <p>According to the current legislation, foreign investors are entitled to remit abroad the following, without prior authorization:</p> <ol style="list-style-type: none"> <li>a. The full amount of their capital generated from investments registered with the competent agency (PROINVERSION), including the sale of shares, participation of rights, capital reduction or partial or total wind-up of the companies; and,</li> </ol>	

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		<p>b. The full amount of verified dividends or net profits generated from their investments, as well as the payment for the use or usufruct of goods physically located in the country and registered with the national competent agency</p>	
<b>Performance Requirements</b>	<p>There has been no change since the last IAP was prepared</p>	<p>No selection mechanism or performance requirement is applied or demanded to foreign investment in Peru. Domestic and foreign investment are allowed in any generating- income economic activity in Peru, under any entrepreneurial or investment form allowed by Law. The regulating legal framework for foreign trade activities allows free importation of goods, without any restrictions, control or authorizations from the government.</p>	
<b>Entry and Stay of Personnel</b>	<p>There has been no change since the last IAP was prepared</p>	<p>Legislative Decree N° 703 governs matters related to temporary entry and resident status for foreigners who due to their activities, require or wish to have their residence in Peru. The resident status can be obtained from migratory authorities in Peru. Hiring of foreign personnel is supported by some mechanisms according to specific requirements of each company.</p> <p>Peru is a member of the APEC Business Travel Card scheme (ABTC).</p>	
<b>Settlement of</b>	<p>There has been no</p>	<p>The Peruvian State encourages arbitration as a means to accelerate the settlement of disputes. Peru accepts international arbitration for the settlement of disputes. The State, its officers, Central Administration, local administration, and any other person of public law, as well as companies managed by the State, are entitled to submit to national or</p>	

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<b>Disputes</b>	change since the last IAP was prepared	<p>international arbitration all controversies relating to their goods and obligations, in conformity with national laws or international treaties, in which Peru is a signatory country, provided any such controversies arise from its relationship with a company subject to private law or under a contract.</p> <p><i>Since April 2001, over 100 centres of conciliation have been set up nationwide with almost 4,000 conciliators</i></p> <p>Peruvian Bilateral Treatments offer the possibility of prompt settlement of disputes through conciliation previous to arbitration mechanism.</p> <p>Peru is a member of the International Center of Settlement of Investments Disputes - ICSID -, and UNCITRAL, and is a party to the New York Convention on International Arbitration Awards.</p>	
<b>Intellectual Property</b>	There has been no change since the last IAP was prepared	<p>Legislation in force protects national or foreign intellectual and industrial property rights. Article 2, item 8) of the Political Constitution sets forth that every person has the right to freedom of intellectual, artistic, technical and scientific creation, as well as to the property of those creations and their product. Besides, complementary provisions focused on protection of intellectual property have been enacted. On industrial property, Legislative Decree N° 823 is aimed at regulating and protecting the constitutive elements of intellectual property and invention patents. The protection of copyright is given through Legislative Decree N° 822 – Law on Copyrights.</p> <p>Contracts for the use of technology, patents, trademarks or another element of intellectual property of foreign origin, technical assistance, basic and detailed engineering, management and franchising are freely negotiated between parties and further registered with the National Institute of Defence of Competition and Protection of Intellectual Property – INDECOPI. The remittance of royalties is freely made through the national financial system, prior payment of any outstanding taxes.</p>	-

<i>Peru's Approach to Investment Measures in 2007</i>			
<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Investment Measures Applied</i>	<i>Further Improvements Planned</i>
		<p>Peru has adhered to the Paris Convention for the Protection of Industrial Property and the Inter-American Convention for the Protection of Trademarks and Commerce, Washington, D.C.</p> <p>To further information please visit:  <a href="http://www.INDECOPI.gob.pe">http://www.INDECOPI.gob.pe</a></p>	
<i>Avoidance of Double Taxation</i>	<p>Taxation Agreements with Spain and Brazil has been signed and will enter into force upon the approval of the Peruvian congress.</p>	<p>Negotiations with Thailand, Italy, France, Sweden and Switzerland are expected to be concluded.</p>	
<i>Competition Policy and Regulation</i>	<p>In 2006, Ministry of Economy and Finances</p>	<p>Peruvian Government promotes and fosters free competition by :</p> <ol style="list-style-type: none"> <li>a) Promoting the appropriate participation of economic agents in the market.</li> <li>b) Encouraging loyal competition between suppliers of goods and services, and,</li> <li>c) Defending the respect of free competition in the international market.</li> </ol>	

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Investment Measures Applied</b>	<b>Further Improvements Planned</b>
<b>Lat or y Reform</b>	<p>establishes the consultation and pre-publication system for all regulations related with the ministry's functions, except for tax policy. (Ministerial Resolution N° 639-2006-EF).</p> <p>In 2006, the Ministry of Econo</p>	<p>The National Institute of Defence of Competition and Protection of Intellectual Property – INDECOPI - is the agency in charge of avoiding the existence of monopolistic practices and restrictive measures of competition in production and commercialization of goods and rendering of services. Likewise, it protects copyrights and the quality of products, under the current legal provisions.</p> <p>With the purpose of regulating free competition in public utilities, Supervising Agencies for private investment have been set up in several sectors such as: Telecommunications (OSIPTEL), Drinking Water and Sewage Systems (SUNASS) Energy (OSINERG), Environment (CONAM), Transport (OSITRAN), Capital market- (CONASEV).</p>	



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	<p>my and Finance conducts a short term program for review all technical regulations related with non tariff and technical barrier to trade. With the application program, all agencies had started a modification</p>		

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	<p>program in their regulations. This kind of program will conduct every 5 years.</p> <p>Additionally, INDECOPI's Market Access Commission (CAM) has been checking strict compliance of the Gener</p>		

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	al Administrative Procedures Law, particularly its provision referred to the mandatory approval and maintenance of a Uniform Administrative Procedures Restatement by all branches of the Government (inclu		

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	ding regional and local authorities).		
<b>Business Facilitating Measures to Improve the Domestic Business Environment</b>	A system simplifying procedures to set up small enterprises is being developed through the electronic integration of various public entities. At the beginning the system will work only in Lima, the capital city, and the largest business centers	To extend the scope of the system to cover all types of enterprises, progressively all over the country.	To extend the cooperation program with the IFC to other formalities and improv

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	<p>of the country .</p> <p>The term to obtain operation permits in Lima has been reduced from 60 to 3 days, through a cooperation program with the IFC and the Municipality of Lima.</p>		<p>administrative simplification in other cities of the country .</p>
<b>Other</b>	Existing	With the aim at consolidating a stable and predictable investment climate, Peru has improved the standards in the	Peru is

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<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Investment Measures Applied</i>	<i>Further Improvements Planned</i>
<i>Investment Measures</i>	<p>bilateral treaties are being reviewed in order to determine whether they meet with the new standards.</p>	<p>negotiation of International Investment Agreements. The recent bilateral investment agreements and investment chapters in FTAs are based on a negative list approach, with national treatment principle applying from the establishment phase of the investment. A non performance requirement clause and transparency principles are also considered.</p> <p>Negotiations for the FTA with the USA were concluded in 2005 and the Peruvian Congress ratified the instrument in the first semester of 2006. Approval from the USA Congress is expected before the end of year 2007.</p> <p>Please refer to:</p> <p><a href="http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Peru_TPA/Final_Texts/asset_upload_file483_9547.pdf">http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Peru_TPA/Final_Texts/asset_upload_file483_9547.pdf</a></p> <p><b>Chile</b>, the corresponding negotiations for a free trade agreement (including an investment chapter) were concluded on mid 2006. Please refer to:</p> <p><a href="http://www.mincetur.gob.pe/comercio/LEGAL/ace38/modificatorio/11Capitulo11_Inversion.pdf">http://www.mincetur.gob.pe/comercio/LEGAL/ace38/modificatorio/11Capitulo11_Inversion.pdf</a></p> <p>The negotiations for the Foreign Investment Protection Agreement with Canada were concluded and the Agreement was signed on November 2006. Please refer to:</p> <p><a href="http://www.proinversion.gob.pe/RepositorioAPS/1/0/JER/ORDENA_MIENTOINSTITUCIONALBASICO/FIPA_Canada_ing.pdf">http://www.proinversion.gob.pe/RepositorioAPS/1/0/JER/ORDENA_MIENTOINSTITUCIONALBASICO/FIPA_Canada_ing.pdf</a></p>	<p>looking to expand its network of bilateral investment treaties using a prototype similar to that of the NAFTA economics</p>

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			In the context of Host Economy to AP EC 2008, and to improve investment environment, Peru is organizing two





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**Improvements in Peru's Approach to Investment Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
<p><b>General Policy Framework</b></p>	<p>During 1998 Peru has provided an investment treatment based on the principle of non discrimination, through existing clear rules and deeply analyzed actions aimed at promoting and increasing the flow of foreign investment.</p>	<p>Foreign Investment treatment is provided with full-freedom policy measures, free access and competition in all economy activity. Legal framework provides security and protection mechanisms for investment through legal stability and validity of laws, regulations and administrative guidelines on investment matters, and internationally through the subscription of Bilateral Agreements.</p> <p>In 2002, PROINVERSION was created, as the single Private Investment Promotion Agency in charge of investment policy and coordinate all investment related activities.</p> <p>Complementing issued laws and investment guidelines, in February 2004, the Peruvian Government enacted a Framework law for the Promotion of decentralized Investment and its regulation, and approved a Law that promotes investments in a decentralized way, as a tool to achieve integral, harmonic and sustained development for several Peruvian regions.</p> <p>Local and foreign investment is aggressively promoted, through concessions schemes, in</p>

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<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
		<p>order to upgrade the economic infrastructure: development of transport networks (ports, airports and roads), telecommunication services, and energy. A dynamic program to improve sanitation services with the participation of private investment is also under way. Private Public Partnerships mechanisms are being applied in non-profitable projects.</p> <p>Negotiations for the FTA with the United States ended in December 2005 and the Congress approved it on 27 June 2006. The approval from the US Congress is expected for the current year. The purpose of the FTA with the USA is to turn temporary preferential treatment granted to Peru, Colombia, Ecuador and Bolivia through the <i>Andean Trade Promotion and Drug Eradication Act</i> (ATPDEA) into permanent benefits. Other concomitant goals includes the consolidation of trade policy reforms launched in the 1990s, attraction of investment, open access to US markets in the service sector, the consolidation of government procurement areas and the enhancement of efficiency and growth. The FTA will set new standards for trade in goods and services, and will enhance protection of investments, laying the institutional foundation for further agreements with other economic groups, including the European Union.</p> <p>Negotiations for an FTA with Chile, has been concluded including an Investment Chapter upgrading of investment provisions included in a previous bilateral investment treaty. Negotiations for similar FTA with</p>

**Improvements in Peru's Approach to Investment Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
		<p>Mexico, Thailand and Singapore are expected to be concluded soon.</p> <p>Peru has just initiated the negotiations for an FTA with the EFTA and similar negotiations with Canada has also been launched.</p> <p>New liberalization measures on sectoral investment, include Law N° 28278, Law of Radio and Television approved in July 2004 by Peru's Government. This law extends foreign investment participation in television and radio companies. Article 24° of Law N° 28278 introduced significant changes compared to past legislation, which reserved this sector for domestic investors. The law permits foreign participation up to 40% of a company's equity.</p>
<p><b>Transparency Implement APEC Leaders' Transparency Standards on Investment*</b></p>	<p>The Transparency Principle is applicable to the elaboration and disclosure of laws approved by the Peruvian State, including those corresponding to foreign investment treatment. The supply of information and administrative actions for the establishment and execution of foreign investment in Peru is widely covered.</p>	<p>The Government of Peru continues to improvement Transparency by issuing the "Law of Transparency and access to Public information" and the "Law on Fiscal Responsibility and Transparency". Besides, the Government of Peru publishes the economic performance of the Peruvian Economy and economic forecasts that provides useful information to Business planning.</p>

**Improvements in Peru's Approach to Investment Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
		<p>To increase Transparency, all Government entities including regional and local Governments must provide and disseminate public information and Data of their pertaining activities.</p> <p>In the context to implement APEC Leaders' Transparency Standards on Investment, Transparency provisions are part of the FTA negotiations with Thailand and the USA.</p> <p>In April 2003, Peru provided investment information, in order to update the 5<sup>o</sup> edition of APEC Investment Guidebook published in August 2003.</p> <p>In June 2007, Peru provided investment information, in order to update the 6<sup>o</sup> edition of APEC Investment Guidebook to be published during 2007</p>
<b>Non-discrimination</b>	<p>The legal framework for the treatment of foreign investment in force in Peru is based on the non-discrimination principle. Foreign investors receive equal treatment to national investors as to the establishment, growth and protection of their investments in all sectors of productive activity. There are neither sectoral restrictions for foreign investments nor activities reserved to national investment.</p>	

<i>Improvements in Peru's Approach to Investment Measures since 1996</i>		
<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cumulative Improvements Made to Date</i>
<i>Expropriation and Compensation</i>	<p>The Political Constitution of the country, approved in 1993, guarantees the right to property of both national citizens and foreigners, establishing that no person may be deprived of his property except for reasons of national security or public need, expressly declared by Law, and upon prior payment in cash of a just price for the value of the property including compensation for any possible damage: should, in an expropriation process, the value assigned by the State to the property be challenged, there may be recourse to the Judiciary.</p>	<p>In May 1999, Government enacted the Law N° 27117 – General Law of Expropriation.</p>
<i>Protection from Strife and Similar Events</i>	<p>In case of non-fulfilment of legal provisions, foreign investors are entitled to resort to the following:</p> <ul style="list-style-type: none"> <li>◆ <b>Nation's Public Prosecutor:</b> in case of non-fulfilment or distortions in transparency of administrative formalities, as established in Chapter III of Legislative Decree N° 757, the interested party may lodge a claim.</li> <li>◆ <b>Public Ministry:</b> Investors from whom any public officers or employees request any grant, promise or any improper advantage in order to favour, perform or omit any procedure may</li> </ul>	

**Improvements in Peru's Approach to Investment Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
	<p>report such facts to the internal control body of the respective entity and/or to the Public Ministry (Attorney General).</p> <p>◆ <b>Tax and Customs Tribunals:</b> When appropriate, companies or their investors are entitled to object payment of tax, contribution, rates, tolls, registration fees, duties, and other rights.</p> <p><b>National Agency of Defence of Competition and Protection of Intellectual Property – INDECOPI:</b> It is the competent body in case foreign investors lodge a claim for actions that affect the right participation of economic agents in the market.</p>	
<p><b>Transfers of Capital Related to Investments</b></p>	<p>Peruvian Legislation does not include restrictions on conversion or transference in freely convertible currency of funds related to foreign investment. There isn't any exchange control; no prior authorization is required to carry out exchange operations. Any individual or company may remit foreign currency abroad or maintain it in the country.</p> <p>According to existing regulations, foreign investors have the right to remit abroad in freely convertible currency, without the need for prior authorization, the following:</p>	<p>Since May 2002, the Agency in charge to register foreign investment is PROINVERSION.</p>



**Improvements in Peru's Approach to Investment Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
	<p>a. The total amount of its capital generated by its investments registered in the competent body (the National Commission on Foreign Investment and Technology - CONITE) including the sale of stocks, equity holdings or rights, reduction of capital or total or partial closing of the companies; and,</p> <p>b. The total amount of the proven dividends or net profits generated by the investments, as well as payments for the use or usufruct of goods physically located within the country and registered with CONITE, and royalties for the use and transference of technology.</p> <p>Remittances of dividends and royalties are directly channelled through the banking system.</p> <p>The stability of the freely available foreign currency system is included in the Agreements on legal stability signed in application of the pattern established by the Law on Fomenting Foreign Investment.</p>	
<b>Performance Requirements</b>	<p>In Peru, no selection or action requisite mechanism is applied or required to foreign investment, except in the case of investments that enjoy benefits derived from a legal stability agreement subscribed with the State.</p>	

**Improvements in Peru's Approach to Investment Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
	<p>Investment of both a domestic as well as foreign nature can be carried out in any of the country's economic activities that generate income, in any business form and investment methods recognized by law.</p> <p>However, in the right to property, the Constitution establishes in the case of foreign investors, the prohibition of acquiring or possessing property, under any title whatsoever, within fifty kilometres of the country's borders, mines, lands, woods, water, combustibles or sources of energy, either directly or indirectly, individually or in association, under pain of loss, in benefit of the State, of the right acquired, excepting from this prohibition those cases declared as of public necessity by Supreme Decree.</p>	
<p><b>Entry and Stay of Personnel</b></p>	<p><b>Entry and sojourn of Foreign Personnel</b></p> <p>Legislative Decree N° 703 governs matters related to temporary entry and resident status for foreigners who, due to their activities, require or wish to have domicile in the country. The resident status can be obtained with migratory authorities in Peru, as well as in Consulates of Peru abroad.</p> <p>Hiring of foreign personnel is supported by some</p>	<p>In 2004, Peru implemented the APEC Business Travel Card Scheme-ABTC</p>

**Improvements in Peru's Approach to Investment Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
	<p>mechanisms according to specific requirements of each company. Hiring of foreign personnel is based on Legislative Decree N° 689, which sets forth that local companies are entitled to hire foreigners up to 20% of their work force, provided that their salaries do not exceed 30% of the total wages paid by the company. Employers shall be exempt from the limiting percentage in the case of highly skilled technical and professional personnel. Workers may freely remit their after-tax salaries abroad.</p>	
<p><b>Settlement of Disputes</b></p>	<p>The Peruvian Government encourages arbitration as a way to facilitate the settlement of disputes through the Law of Arbitration, approved in 1992. The State, its branch offices, Central, Regional and Municipal Governments, and other persons subject to public law, as well as the companies managed by the State, shall be authorized to submit to national or international arbitration all controversies relating to their goods and obligations. Peru is entitled in conformity with national laws or international treaties in which Peru is a signatory country, provided any such controversies arise from their relationship with a company subject to private law or under a contract.</p> <p>Peru has signed the International Center of</p>	<p>Foreign investors can access local courts for disputes, in the same conditions as national investors. Peruvian government encourages arbitration as a way to facilitate the settlement of disputes through the Law of Arbitration, approved by Law N° 26572.</p> <p>Since April 2001, over 100 centres of conciliation have been set up nationwide with almost 4,000 conciliators.</p>

*Improvements in Peru's Approach to Investment Measures since 1996*

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
	Settlement of Investment Disputes Convention – ICSID.	
<b>Intellectual Property</b>	<p>Legislation in force protects national or foreign intellectual and industrial property rights. Article 2, item 8) of the Political Constitution sets forth that every person has the right to freedom of intellectual, artistic, technical and scientific creation, as well as to the property of those creations and their product. Besides, complementary provisions focused on protection of intellectual property have been given. As to industrial property, Legislative Decree N° 823 is aimed at regulating and protecting the constitutive elements of intellectual property and invention patents. The protection of copyright is given through Legislative Decree N° 822 – Law on Copyrights.</p> <p>Contracts for the use of technology, patents, trademarks or another element of intellectual property of foreign origin, technical assistance, basic and detailed engineering, management and franchising are freely negotiated between the parties and further registered with the National Institute of Defence of Competition and Protection of Intellectual Property – INDECOPI. The remittance of royalties is freely made through the national financial system, prior payment of the</p>	

<i>Improvements in Peru's Approach to Investment Measures since 1996</i>		
<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cumulative Improvements Made to Date</i>
	<p>corresponding taxes.</p> <p>Peru has adhered to the Paris Convention for the Protection of Industrial Property and the Inter-American Convention for the Protection of Trademarks and Commerce of Washington.</p>	
<i>Avoidance of Double Taxation</i>	<p>As to actions taken until 1998 to <b>avoid Double Taxation</b>, member countries (Bolivia, Ecuador, Colombia, Venezuela and Peru) of the Andean Pact (currently Andean Community) concluded in 1971 a Convention to avoid double taxation, through Decision 40. Likewise, in the sixties, Peru concluded with Sweden an agreement to avoid double taxation on income tax and equity.</p>	<p>Peru has subscribed with Chile Canada, Brazil and Spain respectively, Bilateral Agreements to avoid Double Taxation.</p> <p>The Peruvian Government has in advance negotiations with Italy, France, Sweden and Switzerland.</p>
<i>Competition Policy and Regulatory Reform</i>	<p>The Peruvian State fosters and spreads free competition, promoting the appropriate participation of economic agents in the market, encouraging loyal competition between suppliers of goods and services, and, defending the respect of free competition in the international market. The National Institute of Defence of Competition and Protection of Intellectual Property – INDECOPI - created by Decree Law N° 25868, is the agency in charge to prevent the existence of monopolistic practices and restrictive</p>	<p>In 2006, Ministry of Economy and Finances establishes the consultation and pre publication system for all regulations related with the ministry's functions, except for tax policy. (Ministerial Resolution N° 639-2006-EF).</p> <p>In 2006, the Ministry of Economy and Finance conducts a short term program for review all technical regulations related with non tariff and technical barrier to trade. With the application program, all agencies had started a</p>

**Improvements in Peru's Approach to Investment Measures since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Made to Date</b>
	<p>measures of competition in production and commercialization of goods and rendering of services. Likewise, it protects copyrights and the quality of products, under the current legal provisions.</p>	<p>modification program in their regulations. This kind of program will conduct every 5 years.</p> <p>Additionally, INDECOPI's Market Access Commission (CAM) has been checking strict compliance of the General Administrative Procedures Law, particularly its provision referred to the mandatory approval and maintenance of a Uniform Administrative Procedures Restatement by all branches of the Government (including regional and local authorities).</p>
<p><b>Business Facilitating Measures to Improve the Domestic Business Environment</b></p>	<p>Foreign investment treatment is provided with full-freedom policy measures, free access and competition in all economic activity included those entrepreneurial activities carried out before by the State. The privatization process started by the Peruvian Government has generated the increase of foreign investment between 1993 and 1998. It is also worth to mention that in recent years, the confidence and safety climate offered by Peru to foreign investment made it possible for the channelling of important investments. Those were directed to capitalize and strengthen companies already existing in the country and to set up and generate new ones.</p>	<p>With the purpose of improving the technology of capacity the Peruvian Government is developing the Technology Innovation Centres- CITES.</p> <p>To improve business facilitation mechanisms, the Peruvian Government has created a private investment promotion agency : PROINVERSION</p> <p>A system simplifying procedures to set up small enterprises is being developed through the electronic integration of various public entities. At the beginning the system will work only in Lima, the capital city, and the largest business centers of the country.</p>

***Improvements in Peru's Approach to Investment Measures since 1996***

<b><i>Section</i></b>	<b><i>Position at Base Year (1996)</i></b>	<b><i>Cumulative Improvements Made to Date</i></b>
		The term to obtain operation permits in Lima has been reduced from 60 to 3 days, through a cooperation program with the IFC and the Municipality of Lima.

## Appendix – APEC Leaders’ Transparency Standards on Investment

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed APEC sub-fora that have elaborated transparency provisions to review these regularly, and, where appropriate, improve, revise or expand them further. Economies were further instructed that such revised transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the following set of transparency standards on investment were developed for incorporation into the Leaders’ Statement. These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos and also build on the Options for Investment Liberalization and Business Facilitation to Strengthen the APEC Economies – For Voluntary Inclusion in Individual Action Plans. Economies agree to implement, in respect of investment, the General Principles contained in paragraphs 1 through 6 and paragraph 11 of the Leaders’ Statement.

These principles provide specific guidance for implementation within an investment context.

1. Each Economy will, in the manner provided for in paragraph 1 of the Leaders’ Statement, ensure that its investment laws, regulations, and progressively procedures and administrative rulings of general application (“investment measures”) are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.
2. In accordance with paragraph 2 of the Leaders’ Statement, each Economy will, to the extent possible, publish in advance any investment measures proposed for adoption and provide a reasonable opportunity for public comment.
3. In accordance with paragraph 3 of the Leaders’ Statement, upon request from an interested person or another Economy, each Economy will: (a) endeavor to promptly provide information and respond to questions pertaining to any actual or proposed investment measures referred to in paragraph 1 above; and (b) provide contact points for the office or official responsible for the subject matter of the questions and assist, as necessary, in facilitating communications with the requesting economy.
4. Where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding investment matters covered by these standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the investment matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions; (c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and (d) ensure subject to appeal or further review under domestic law, that such decisions will be implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.
5. If screening of investments is used based on guidelines for evaluating projects for approval and for scoring such projects if scoring is used, each Economy will promptly publish and/or make publicly available through other means those guidelines.
6. Each Economy will maintain clear procedures regarding application, registration, and government licensing of investments by: (a) publishing and/or making available clear and simple instructions, and an explanation of the process (the steps) involved in applying/government licensing/registering; and (b) publishing and/or making available definitions of criteria for assessment of investment proposals.
7. Where prior authorization requirement procedures exist, each Economy will conduct reviews at the appropriate time to ensure that such procedures are simple and transparent.
8. Each Economy will make available to investors all rules and other appropriate information relating to investment promotion programs.
9. When negotiating regional trade agreements and free trade agreements that contain provisions with an investor/state dispute settlement mechanism, each Economy should consider whether or not to include transparency provisions along the following lines: allowing public access to documents submitted to or issued by the investor/state arbitration tribunal; providing for open hearings before the investor/state arbitration tribunal; and authorizing investor/state arbitration tribunals to accept and consider submissions from other persons and entities who are not parties to the dispute. Consistent with paragraph 11 of the Leaders’ Statement, appropriate exceptions for confidentiality should be made.



10. Each Economy will participate fully in APEC-wide efforts to update the APEC Investment Guidebook.

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**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Investment, which can be found in the [Appendix](#) attached at the end of this document.**

**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Investment, which can be found in the [Appendix](#) attached at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

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## CHAPTER 5: STANDARDS<sup>11</sup> AND CONFORMANCE

### **Objective**

*APEC economies will, in accordance with the Declaration on APEC Standards and Conformance Framework and with the Agreement on Technical Barriers to Trade (TBT Agreement) and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) attached to the WTO Agreement:*

- 
- a. *align their domestic standards with international standards;*
- b. *endeavour to actively participate in international standardisation activities;*
- c. *promote good regulatory practice for the preparation, adoption and application of technical regulations in the APEC region;*
- d. *achieve recognition of conformity assessment including mutual recognition arrangements in regulated and voluntary sectors;*
- e. *promote cooperation for technical infrastructure development to facilitate broad participation in mutual recognition arrangements in both regulated and voluntary sectors; and*
- f. *ensure the transparency of the standards and conformity assessment of APEC economies.*

## CHAPTER 5: STANDARDS<sup>[1]</sup> AND CONFORMANCE

### **Guidelines**

Each APEC economy will:

- a. continue alignment of domestic standards with international standards in the priority areas which the SCSC will identify for alignment in the short to medium term in pursuing this goal;
- b. participate actively in the international standardization activities of international standardizing bodies and encourage relevant bodies in their economy to participate in the international standardizing bodies accordance with the rules and procedures of these organisations;
- c. consider to pursue trade facilitation in information and technology products;
- d. participate<sup>[2]</sup> in recognition arrangements<sup>[3]</sup> of conformity assessment including mutual recognition arrangements in regulated sectors through: (i) the development of bilateral, multi-sectoral recognition arrangements, which might, at a later stage, provide the basis for plurilateral arrangements; and (ii) the development of plurilateral recognition arrangements in particular sectors;
- e. encourage relevant bodies in their economy to participate in work programs of the five Specialist Regional Bodies<sup>[4]</sup> and to participate in recognition arrangements<sup>3</sup> of conformity assessment including mutual recognition arrangements in the voluntary sectors;
- f. improve and maintain the level of their technical infrastructure to facilitate broad participation in recognition arrangements in both the regulated and voluntary sectors, with the SCSC supporting the development of technical infrastructure through economic and technical cooperation, where needed, to improve calibration and testing facilities and the training of personnel, in pursuing this goal;
- g. continuously strive to increase transparency of their standards and conformance requirements by means of facilitating the dissemination of such information through publications and electronic homepage and publicizing the availability of these means;
- h. implement and maintain a standards consistent with the APEC Leaders' Transparency Standards; and
- i. consider participation in:
  - (i) the Treaty of the Metre (La Convention Du Metre); and
  - (ii) the Treaty of OIML (La Convention Instituant Une Organisation Internationale De Metrologie Legale)in accordance with the rules and procedures of these treaties

### **Collective Actions**

APEC economies will take Collective Actions with regard to standards and conformance in the following four areas:

#### **ALIGNMENT WITH INTERNATIONAL STANDARDS AND ACTIVE PARTICIPATION IN INTERNATIONAL STANDARDIZATION**

APEC economies will:

- a. continue identifying additional priority areas for alignment with international standards;
- b. continue to report on the progress in their alignment plans every year;
- c. conduct a comprehensive review of their alignment work in 2005; and
- d. continue to promote active participation in international standardisation activities.

#### **GOOD REGULATORY PRACTICE**

APEC economies will:

Continue to update the consolidation of materials in the Good Regulatory Practice Database as well as to investigate means of enhancing regulatory practice in the APEC region through a program of case studies and seminars with a particular focus on performance-based regulations and sector-specific good practices.

#### **RECOGNITION OF CONFORMITY ASSESSMENT**

APEC economies will, in cooperation with relevant Specialist Regional Bodies, where appropriate:

## CHAPTER 5: STANDARDS<sup>[1]</sup> AND CONFORMANCE

- a. review the implementation and use of mutual recognition arrangements;
- b. continue to consider mechanisms to facilitate the recognition of conformity assessment results;
- c. review and improve the effectiveness of the APEC Mutual Recognition Arrangement on Conformity Assessment of Foods and Food Products, the Arrangement for the Exchange of Information on Toy Safety, the APEC Arrangement for the Exchange of Information on Food Recalls, and the APEC Mutual Recognition Arrangement on Conformity Assessment of Electrical and Electronic Equipment by among others, looking into the possibility to adopt an information technology management system;
- d. implement the work program on trade facilitation in information technology products, by 2005 in the case of industrialized economies and by 2008 in the case of developing economies; and
- e. encourage establishment of and participation in a network of mutual recognition arrangements in the voluntary sector by 2005.

### **COOPERATION ON TECHNICAL INFRASTRUCTURE DEVELOPMENT**

APEC economies will:

- a. undertake projects for the implementation of the Mid-Term Technical Infrastructure Development Program; and
- b. conduct a comprehensive review on implementation of the above program after 2005;

### **TRANSPARENCY**

APEC economies will:

- a. update the APEC Contact Points for Standards and Conformance Information, which have been uploaded to the APEC Homepage;
- b. develop and keep current the database on conformity assessment operators and their activities/service offered and establish an APEC Cooperation Center for Conformity Assessment;
- c. promote the transparency of regulatory systems and standards by maintaining appropriate and accessible information date basis, including Directory of Food Trade Contacts in the Directory of Food Trade Contacts; and
- d. implement and maintain standards consistent with the APEC Leaders' Transparency Standards.

### **OTHER ACTIVITIES**

APEC economies will:

- a. pursue closer cooperation with the Specialist Regional Bodies in line with a Statement of Commitment to Mutually Agreed Objectives;
- b. monitor the developments within the WTO Committees on the Technical Barriers to Trade and Sanitary and Phyto-Sanitary Measures, as well as undertake projects for the implementation of the APEC Strategic Plan on WTO-Related Capacity Building;
- c. pursue better coordination with other APEC fora; and
- d. implement the reform of the SCSC through the rationalization of its agenda, priority setting exercise and better coordination with other groups.

The current CAP relating to standards and conformance can be found in the [Standards and Conformance Collective Action Plan](#).

### **Peru's Approach to Standards and Conformance in 2007**

**Peru, as a member of the World Trade Organization (WTO), permanently observes the practices and procedures of the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.**

**The elaboration and approval of the Peruvian Technical Standards is harmonized with the TBT Code of Good Practice for the Preparation, Adoption and Application of Standards.**

**The Technical and Commercial Regulations Commission at the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPÍ), is in charge of the Standardization and Accreditation Systems in Peru; it is also the WTO National Enquiry Point** (<http://www.indecopi.gob.pe/des-tacado-reglamentos-comisiones-crt-pres.jsp>). **The Vice Ministry of Trade at the Ministry of Trade and Tourism is in charge of notifications of mandatory standards. With regard to sanitary and phytosanitary measures exist three Competent Authorities: the National Service of Animal and Plant Health (SENASA) is responsible for food safety of fresh products** (<http://www.digesa.minsa.gob.pe>), **while the National Directorate of Environmental Health**

## CHAPTER 5: STANDARDS<sup>[1]</sup> AND CONFORMANCE

(DIGESA) at the Ministry of Health (MINSA) for industrialized food products (<http://www.digesa.gob.pe>) and the Pêru's Fishing Technological Institute (ITP) for hidrobiological products (<http://www.itp.org.pe>)

Access to the database of the Peruvian National Technical Regulations and Standards is available at <http://www.indecopi.gob.pe/portalIndecopiWebApp/destacado-reglamentos-puntoFocal-pres.jsp>

***INDECOPI is developing an outreach program for the public and private sectors (specifically small and medium enterprises - SMEs) to highlight and promote the benefits associated to the use of Standards, pointing out their voluntary nature (recommendation), as well as compliance with Technical Regulations. The objective is to gain consciousness regarding possible entry barriers for small and medium enterprises. Also, there is an initiative to distribute free copies of the current Peruvian Technical Standards to facilitate their understanding and application for SMEs.***

***INDECOPI is participating in the NOEXPORT Program "Market Access and Integration through standardization", financed by the IADB (BID – FOMIN Program). The aim of this program is to facilitate trade in goods produced by SME of the Andean countries (Bolivia, Colombia and Peru) through their participation in national and regional standardization processes, seeking in parallel to raise their competitiveness.***

***Additionally, INDECOPI is participating in the Program "Improvement of products quality and trade facilitation", financed by the World Bank. The activities within this program aim to strengthen the national standardization and accreditation systems.***

***On September 16 2006, ISO has accepted to upgrade INDECOPI's membership in this organization from correspondent to full member, starting in 2007.***

***On August 11 2006, IAAC has accepted INDECOPI as part of its QMS MLA (in November 2006, IAAC was recognized as regional body by IAF and ILAC) The existing priority regarding conformity assessment is to consolidate the Accreditation System for the assessment of products and widen the international recognition of the Peruvian accreditation system. To attain this goal we are actively participating in Regional and Sub Regional Fora regarding these issues, such as the Inter American Accreditation Cooperation (IAAC) and the Andean Community.***

With regard to Sanitary and Phytosanitary issues, Peru is a member of the Relevant International Organizations: International Plant Protection Convention (IPPC), World Organisation for Animal Health (OIE) and Codex Alimentarius.

**Chapter 5: Peru's Approach to Standards and Conformance in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
<p><b>Alignment of standards with international standards where appropriate</b></p>	<p>From August 2005 to Dec 2006, 277 Peruvian Technical Standards (PTS) have been approved. 118 of them (42.6%) correspond to International Standards (32 IEC, 84 ISO and 2 CODEX Alimentarius Standards) and most of the others (82%) are adoptions from well-known standards (American Standards Testing Materials-ASTM, Association of Official Analytical Chemist - AOAC, Technical Association of the Pulp and Paper Industry - TAPI, American Water Works - AWWA, National Fire Protection Agency – NFPA, etc.).</p> <p><b>Animal and Plant Health</b></p> <p>From middle 2005 to December 2006 SENASA has approved 56 regulations, which establish SPS requirements. All of them are in compliance with WTO-SPS agreement.</p>	<p>In compliance with Annex 3 of the Agreement on Technical Barriers to Trade of the WTO, the guides for the development and approval of Peruvian Technical Standards (PTS) places high priority to the adoption of International Technical Standards.</p> <p>Also, the guides for the development and approval of Peruvian Technical Standards (PTS) are compliant with Decision 419 of CAN Andean Community.</p> <p>All regulations approved by SENASA are in accordance with the standards, guidelines and recommendations from the SPS Relevant International Organizations.</p> <p>Since 2006 SENASA is working for developing regulations on fresh products food safety.</p>	<p>By the end of 2007, Peru expects to approve 200 PTS, 25% of them will be adoptions from international standards.</p> <p>INDECOPI is planning to review and update 2,500 PTS, which are more than five years old. The guideline is to align these standards with international standards where appropriate.</p> <p>Revision of the main regulations on animal and plant health. Adoption of pesticides and veterinarian products linked regulations</p> <p>It is expected to approve the Law of Food Safety System that include to SENASA as Food Safety National Authority for fresh products.</p> <p>Within the Andean Community framework, the Peruvian government under the coordination of the Ministry of Foreign Trade and Tourism (MINCETUR) is carrying out an inventory of technical</p>



**Chapter 5: Peru's Approach to Standards and Conformance in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
			regulations, which would conclude by the second half 2007. This information will be available at a Web site.
<p><b>Alignment of standards with international standards in priority areas agreed by the SCSC</b></p>	<p><b>Peru endeavors to identify areas where alignment with international standards is feasible and to review on a regular basis its existing standards, with a view, where appropriate, to aligning them with international standards. For that purpose, INDECOPI has requested ISO to upgrade its membership in this organization from correspondent to full member, starting in 2007.</b></p> <p>Also, Peru aims to complement the work of the Specialist Regional Bodies in the development and review of international standards, including in cooperation with other APEC members. For that purpose, it has established contact with PASC, having attended the PASC standing Committee meeting in Ottawa in September 2006 and received an invitation from the USA to join the Conference in 2007.</p> <p>Also, INDECOPI's Technical and Commercial Regulations Commission (CRT for its Spanish acronym) continues to monitor and oversee that standards and technical regulations are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade, reviewing monthly all new Peruvian</p>	<p>INDECOPI meets the requirements established by the Guide for Alignment of APEC Member Economies' Standards with International Standards, insofar as this guide is consistent with the new ISO/IEC Guide 21-1:2005 and ISO/IEC Guide 21-2:2005, which are used by INDECOPI</p>	<p>INDECOPI will incorporate in its operating plan the targets established by the SCSC.</p> <p>In 2007 INDECOPI will promote the use in Peru of the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations.</p> <p>In 2007 INDECOPI will promote the use in Peru of the APEC Information Notes on Good Practice for Technical Regulation.</p> <p>In 2007 INDECOPI will promote the use in Peru of the APEC Principles and Features of Good Practice for Technical Regulation.</p>

**Chapter 5: Peru's Approach to Standards and Conformance in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
	<p>technical regulations, so that they are achieving objectives in the least restrictive manner.</p>		
<p><b>Active participation in the international standardisation activities of international standardizing bodies</b></p>	<p>INDECOPI has upgraded its ISO membership status to full membership starting 2007, having paid the required fees through an IADB-sponsored project.</p> <p>The first ISO mirror committee on Social Responsibility (ISO 26000) has been established.</p> <p>Participation in ISO international meetings:</p> <ul style="list-style-type: none"> <li>• TC 223 (Societal Security), Stockholm, Sweden, 10 – 12 May 2006.</li> <li>• WG on Social Responsibility, Lisbon, Portugal, 15- 19 May 2006.</li> <li>• 22nd Plenary Meeting of ISO Committee on conformity assessment (CASCO), Taller IRAM–ISO/CASCO, 31 – 3 Nov 2006.</li> <li>• WG on Social Responsibility, Sydney, Australia, 28 January to 2 February 2007.</li> </ul> <p>Participation in Regional and Sub-regional Standardization Meetings:</p> <ul style="list-style-type: none"> <li>• UE – CAN Project Quality Program, Lima, Peru 26 – 27 October 2005</li> <li>• ISO COPANT, Course on Enhanced Participation in International Standardization, Buenos Aires, Argentina, 27-29 March 2006.</li> <li>• WTO / ALADI Regional Workshop on WTO/TBT Agreement - Implementation issues, Montevideo, Uruguay, 28-30 March 2006</li> <li>• UE – CAN Project Quality Program, Virtual Meeting</li> </ul>	<p>Since May 27, 1999, INDECOPI is member of the ISO/IEC JTC1 / SC31 (Technical Committee on Information Technology / Sub Committee 31)</p> <p>INDECOPI is a member of the following ISO Technical Committees:</p> <ul style="list-style-type: none"> <li>- Spanish translation terminology: ISO TC176 / STTG (Technical Committee 176 / Spanish Translation Task Group), and</li> <li>- ISO TC207 / STTF (Technical Committee 207/Spanish Translation Task Force).</li> </ul>	<p>In 2007 INDECOPI intends to have an active participation in ISO technical work, as well as in technical and policy development committees. In particular, intends to participate as a P-member in CASCO, COPOLCO and DEVCO and as an O-member in REMCO.</p> <p>Also, INDECOPI intends to participate as P-member in the following ISO Technical Committees:</p> <ul style="list-style-type: none"> <li>• JTC 1/ SC 7 Information technology- software and systems engineering</li> <li>• TC 34/SC 15 Coffee</li> <li>• TC 207 Quality management and quality assurance</li> <li>• TC 176 Environmental management</li> <li>• TC 223 Societal Security</li> <li>• JTC1/SC31 Automatic Identification and Data</li> </ul>

**Chapter 5: Peru's Approach to Standards and Conformance in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
	<p>30 March 2006</p> <ul style="list-style-type: none"> <li>• COPANT General Assembly, hosted by IBNORCA, La Paz, Bolivia 24- 28, April, 2006</li> <li>• Regional Course on ISO 10015 Quality management -- Guidelines for training, Bogota, Colombia, 5 – 9 June 2006.</li> </ul> <p>INDECOPI organized the following events in Peru:</p> <ul style="list-style-type: none"> <li>• Course on Integrated Management Systems in the Tourism Industry, ISO sponsorship, Cusco, 14-16 November 2005</li> <li>• Course on Enhanced Participation in International Standardization, ISO &amp; NOREXPORT Program sponsorship, Lima, 3-4 August 2006</li> <li>• JCDCMAS workshop "Enhancing capacities in Metrology, Accreditation, and Standardization in the Andean Community", CAN, JCDCMAS – UNIDO, and INDECOPI sponsorship, Lima 23-25 October 2006.</li> </ul>		<p>Capture Techniques; and</p> <ul style="list-style-type: none"> <li>• WG RS Social Responsibility</li> </ul> <p>Peru will continue participating in the revision of standards, guidelines and recommendations from SPS Relevant International Organizations.</p>
<p><b>Participation in plurilateral recognition arrangements of conformity assessment in the regulated sector</b></p>		<p>Since 2001, Peru has signed the Decision 506 of the Andean Community. This Decision accepts and recognizes the product certificates with technical regulations between Bolivia, Colombia, Ecuador, Venezuela and Peru.</p>	<p>In the regulated sector, Peru intends to participate in the APEC Mutual Recognition Agreements (MRAs), particularly in the Food MRA.</p>
<p><b>Participation in bilateral recognition arrangements of conformity assessment in the regulated sector</b></p>		<p>The Peruvian Ministry of Agriculture has bilateral recognition arrangement with the Chilean Ministry of Agriculture, regarding fruits' requirements.</p> <p>On December 2002, The Ministry of Agriculture has signed a Cooperation</p>	<p>INDECOPI will enhance its coordination with regulators in order to promote participation in bilateral agreements. For that purpose, it will enhance</p>

**Chapter 5: Peru's Approach to Standards and Conformance in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		<p>Agreement regarding sanitary measures (animal and agricultural) with China.</p> <p>In 2004, The Ministry of Agriculture signed a Memorandum of Understanding regarding sanitary measures with New Zealand.</p>	<p>activities to increase awareness and understanding of the requirements and benefits of these agreements.</p>
<p><b>Participation in recognition arrangement of conformity assessment in the voluntary sector</b></p>	<p>In August 2006 INDECOPI has joined the Multilateral Recognition Agreement (MLA) of IAAC for the accreditation of quality management system (QMS) certification bodies. In November 2006 the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF) recognized IAAC as regional body.</p>		<p>In 2007 Peru intends to become a member of ILAC, IAF, APLAC and PAC.</p> <p>In 2007 INDECOPI intends to become a signatory body of the PAC and IAF MRA for the accreditation of quality management system (QMS) certification bodies.</p> <p>In 2008 INDECOPI intends to become a signatory body of the IAAC, APLAC and ILAC MRA for the accreditation of essay laboratories and of the PAC and IAF MRA for the accreditation of product certification bodies.</p>
<p><b>Improve and maintain level of technical infrastructure</b></p>	<p>INDECOPI is implementing the requirements of the standard ISO/IEC 17011. In this sense, through international cooperation supported by IADB, Peru has received technical assistance from experts of the American</p>	<p>Since the second semester of 2001, Peruvian Accredited Laboratories (or in process of being accredited) have participated in the Proficiency Testing Activities organized by members of APLAC.</p>	<p>Peru states its intention to participate actively in the Technical Infrastructure Programs of APEC.</p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
	<p>Association for Laboratory Accreditation (A2LA).</p> <p>INDECOPI has implemented a new Standardization web site, which makes easier the access to standardization information as well as to any kind of information related to the National Standardization Body (active Technical Committees (TC), Project PTS in Public discussion, PTS approved, etc). This website will be an important work tool for our TC members.</p> <p><a href="http://200.37.120.76/portalmalizacion/GOPortal/indecopi/default.aspx">http://200.37.120.76/portalmalizacion/GOPortal/indecopi/default.aspx</a></p> <p>During the first quarter 2006, the Standards and Accreditation offices of INDECOPI received four new computers, a printer and other electronic tools to improve their work, as part of a World Bank-sponsored project. Also, through this project, INDECOPI's Documentation and Information Center, received seven new computers, a printer, a multifunction copier and a scanner to fulfill its duties related to standardization, accreditation and technical regulations.</p> <p>In order to be accepted in the IAAC MLA for accreditation of QMS, INDECOPI reviewed and upgraded all related accreditation guidelines and work tools, in order to comply with the requirements of ISO 17011 and the ISO/IEC guide 62.</p> <p>INDECOPI has organized the following courses:</p> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> International Conformity Assessment Forum – Lima, Peru 10-11 May, Hosted by INDECOPI with speakers from ANSI, IAAC, etc.</li> <li>• 2<sup>nd</sup> International Conformity Assessment</li> </ul>	<p>The National Metrology Service of Peru continues organizing annual training workshops in Metrology, for example: Measurement of Uncertainty and Calibration of Scales (class I and II).</p>	<p>In Accreditation there are many areas for which Peru needs to develop technical infrastructure. Particularly, it needs to enhance accreditation capacity and infrastructure for food safety management systems (ISO 22000) and other management system standards, medical laboratories as well as for person accreditation.</p> <p>In standardization, it is important to ensure resources to monitor current international standardization activities, in order to identify subjects of interest for Peru for use as basis for national standardization work. This requires an organization with enough technical staff, to cover the different sectors of expertise.</p> <p>In Metrology:</p> <ul style="list-style-type: none"> <li>• Development of new calibration services in major fields, including chemical metrology, certified reference materials, gas and liquid flow,</li> </ul>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
	<p>Forum – Lima, Peru 25-26 October, Hosted by INDECOPI with speakers from ISO, ONUDI, OAA, ICONTEC, etc.</p> <ul style="list-style-type: none"> <li>• ISO / NOREXPORT Course on Enhanced Participation in International Standardization, Lima, Peru, 3-4 August 2006, hosted by INDECOPI.</li> </ul> <p>INDECOPI organized conformity assessment and accreditation courses with participation of international speakers, with the support of IADB- and World Bank-sponsored projects:</p> <p>a) Laboratory accreditation courses:</p> <ul style="list-style-type: none"> <li>• ISO/IEC 17025</li> <li>• ISO/IEC Guide 43</li> <li>• ISO 15189</li> </ul> <p>b) Product certification courses:</p> <ul style="list-style-type: none"> <li>• ISO/IEC Guide 65</li> </ul> <p>c) Inspection bodies:</p> <ul style="list-style-type: none"> <li>• ISO/IEC 17020</li> </ul> <p>The National Metrology Service of Peru continues organizing annual training workshops in Metrology, for example: weighing, water meters and thermometers.</p> <p><b><i>In 2005 and 2006, INDECOPI has worked on developing our country's trade capacity through strengthening the national standardization, accreditation and metrology systems through projects with the IADB and World Bank:</i></b></p> <ul style="list-style-type: none"> <li>• IADB project: "Programs to improve quality control capacity of small and medium enterprises - SME." – Program to strengthen the national standards and accreditation system.</li> </ul>		<p>acoustics and medical instrumentation.</p> <p>Assistance in the form of technical experts and training of laboratory personnel and other professionals is also needed.</p> <ul style="list-style-type: none"> <li>• Assistance is needed from entities or laboratories that manage Proficiency Testing Schemes, in order to accredit laboratories that could participate in inter-laboratory comparisons for national products.</li> <li>• Provide technical assistance to organize Laboratories Inter-comparison for calibration in weights and temperature.</li> </ul>

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	<ul style="list-style-type: none"> <li>• World Bank Project: "Support to improve offered goods and facilitate international trade." This project has many components that include the establishment of a national quality system, accreditation of conformity assessment bodies, MLA, MRA and international inter laboratory comparison activities, awareness building activities with regards to all aspects related to the TBT agreement.</li> <li>• IADB Project (FOMIN): "NOEXPORT: SME market access through the use of standards"</li> <li>• IADB Project (FOMIN): "Quality management system network"</li> <li>• UE-CAN (European Union – Andean Community) Cooperation and Technical Assistance Program regarding quality issues: (i) Technical regulation and notification, (ii) Standardization, (iii) Accreditation, and (iv) quality management.</li> </ul> <p align="center"><b><i>INDECOPI has also been working on an outreach program for the public and private sectors (specifically SME) to promote the benefits associated with the use of Standards, particularly as a basis for regulations.</i></b></p> <p>SENASA has an animal and plant health diagnostic centre and a fruit flies production centre. Additionally, in 2006 it was inaugurated an inputs and toxic residues control centre.</p>		
<b>Identification of specific requirements, assistance and/or</b>	Through the JCDCMAS workshop "Enhancing capacities in Metrology, Accreditation, and Standardization in the Andean	Assistance is needed from entities or laboratories that manage Proficiency Testing Schemes, in order to accredit laboratories that could	As Peru needs to strengthen its participation in the APEC SCSC, it needs to assess

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<b>activities for technical infrastructure development</b>	Community", which took place in Lima on 23-25 October 2006.organized with CAN, JCDCMAS – UNIDO, and INDECOPI sponsorship, the ANDEAN countries identified needs and defined an agenda which can serve as basis for technical infrastructure development projects.	participate in inter-laboratory comparisons for national products. Also, we need support with respect to the availability of certified materials in the fields of food, environment (water) and hydro biological products.	the participation needs of Peru and develop a plan to get the country back on track with regards to the SCSC activities, particularly in preparation for APEC Peru 2008.  With PTB sponsorship, the Peruvian Accreditation System was evaluated based on the 30 Milestones methodology (which uses ILAC and IAF guidelines as well as ISO 17011). The evaluation provided a path to enhance capacity towards achieving international recognition.
<b>Provision of assistance for the improvement of other economies' technical infrastructure</b>			
<b>Participation in Specialist Regional Bodies<sup>[5]</sup> activities</b>	Peru aims to complement the work of the Specialist Regional Bodies in the development and review of international standards, including in cooperation with other APEC members. For that purpose, INDECOPI has established contact with PASC, having attended the PASC standing Committee meeting in Ottawa in September 2006 as a side activity to the ISO General Assembly and was invited by ANSI to join the Conference in 2007. At the last PASC		In 2007 INDECOPI intends to become a member of APLAC and PAC.  In 2007 INDECOPI intends to become a signatory body of the PAC MRA for the accreditation of quality management



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	<p>meeting in South Africa, INDECOPI has been granted access to the PASC website.</p> <p>The National Metrology Service has participated in the Asia Pacific Legal Metrology Forum – APLMMF meeting which took place in Japan. They have also participated in several workshops organized by APLMF:</p> <ul style="list-style-type: none"> <li>• Training course on non automatic weighing instruments (September 2005, Indonesia)</li> <li>• Training course on practical application of OIML R87 of quantity of product in pre-packages (April 2006, Malaysia)</li> <li>• Training course on Compressed Natural Gas Fuel Dispensers (June 2006, Malaysia)</li> </ul>		<p>system (QMS) certification bodies.</p> <p>In 2008 INDECOPI intends to become a signatory body of the APLAC MRA for the accreditation of essay laboratories and of the PAC MRA for the accreditation of product certification bodies.</p>
<p><b>Continuously strive to increase transparency of their standards and conformance requirements, including implementation of APEC Leaders' Transparency Standards on Standards and Conformance*</b></p>		<p>INDECOPI has published the mandatory PTS, Metrology Standards (MS) and Technical Regulations in its web site.</p> <p><a href="http://www.bvindicopi.gob.pe/normализacion.htm">http://www.bvindicopi.gob.pe/normализacion.htm</a></p> <p>Also, previous to their publication, all standards are submitted to a public discussion process.</p> <p>Under the Andean Community framework was developed a Web site that centralizes all the notifications and the technical regulation proposals from Peru, Colombia, Ecuador and Bolivia. In addition. Also, the Web site works as an alert for exporters and importers.</p> <p><a href="http://secgen.comunidadandina.org/sirt/public/index.aspx">http://secgen.comunidadandina.org/sirt/public/index.aspx</a></p>	<p>INDECOPI has nearly 3965 PTS in stock. The PTS that have been approved in the last 5 years (about 1450 PTS) are kept in digital documents. INDECOPI has the objective to keep the total of PTS in digital format.</p> <p>Peru strives to promote awareness of and compliance with the transparency provisions of the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical</p>

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			<p>Regulations.</p> <p>Currently, the Peruvian government, under the coordination of the Ministry of Foreign Trade and Tourism (MINCETUR), is carrying out an inventory of technical regulations, which would conclude in the second half of 2007. After that, this information will be available in a Web site.</p>
<p><b>Participate in relevant international fora</b></p>	<p>The National Metrology Service has participated in Inter American Metrology System (SIM for its Spanish acronym) meetings and General Assemblies.</p> <p>The same applies to the CRT, which have been participating at COPANT and IAAC activities.</p>	<p>Since 2002, Peru is an affiliated member of the International Electro technical Commission - IEC.</p> <p>Peru participates in following SPS fora: WTO-Committee of Sanitary and Phytosanitary, International Plant Protection Convention, OIE-International Committee, and Codex Alimentarius Committee.</p>	<p>Peru will participate more actively in the CODEX ALIMENTARIUS committees, given that it has a National Committee of CODEX (CNC) that is reviewing the International Standards to adapt them to the National Standards. The CNC chair is DIGESA and also the contact point.</p> <p>Peru will work in IAAC to sign the MRA. From then on, we foresee a more active participation in ILAC and IAF.</p> <p>SENASA will participate in Codex Alimentarius Committee meetings in competent issues.</p>
<p><b>Other activities</b></p>	<p>INDECOPI presented a bill</p>		<p>INDECOPI will</p>

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	<p>proposal aimed at providing the national standardization, accreditation and metrology systems with a legal and infrastructure framework in accordance to international accreditation and standardization requirements and with more effective participation of private stakeholders. Particularly, this proposal establishes the basis for the development of legal metrology.</p> <p>INDECOPI has contributed to analyses in relation to the APEC Technology Choice Principles monitored by the Foreign Trade and Tourism Ministry.</p> <p>Contact point: Mario Sandoval, Technical Secretary of the Technical and Commercial Regulations Commission (CRT for its Spanish acronym) <a href="mailto:msandoval@indecopi.gob.pe">msandoval@indecopi.gob.pe</a></p>		<p>work further on restructuring the Peruvian standards, accreditation and metrology framework, in order to make it more efficient and aligned with international requirements and practice. This could include the development of a law proposal for a national quality system.</p> <p>INDECOPI has participated only marginally in the SCSC activities, mainly due to leadership changes at CRT. INDECOPI, through the CRT, is fully committed to strengthen its participation in all SCSC activities. To achieve this goal, CRT requests the proactive cooperation of the SCSC members and of the APEC secretariat</p>

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<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented to Date</b>
<p><b>Alignment of standards with international standards where appropriate</b></p>	<p>Since the creation of INDECOPI, between 1993 and 1996, 47 Peruvian Standards were approved, 22 of which were adopted from International Standards (ISO/IEC and Codex Alimentarius), (NTP-ISO represents 47% of the total of NTP).</p> <p>In 1996, none Peruvian Standards were approved.</p> <p>During this year, within the National Standardization System, Peru promoted the adoption of International Standards as Peruvian Standards. Peru worked on the revision and updating of Peruvian Standards developed in past decades lacking international reference, in order to align them with International Standardization.</p> <p>In 1953 Peru ratified the International Plant Protection Convention and since 1997 is an OIE member. So, SENASA applies regulations based on standards from International Organizations.</p>	<p>In compliance with Annex 3 of the Agreement on Technical Barriers to Trade of the WTO, the guides for the development and approval of Peruvian Technical Standards (PTS) places high priority to the adoption of International Technical Standards.</p> <p>Also, the guides for the development and approval of Peruvian Technical Standards (PTS) are compliant with Decision 419 of Andean Community.</p> <p>Between 1996 and 2005, 1102 Peruvian Standards (NTP) were approved, of which 239 were adopted from International Standards (22% of the total of NTP). The rest of them (78%) are adoptions from well-known standards (ASTM, AOAC, TAPI, AWWA, NFPA, etc.). In this period of time 34 Technical Committees were created (16 of them were sub-committees).</p> <p>Since 1996, the National Standardization System is working on the promotion of the adoption of International Standards as Peruvian Standards.</p> <p>From August 2005 to Dec 2006, 277 Peruvian Technical Standards (PTS) have been approved. 118 of them (42.6%) correspond to International Standards (32 IEC, 84 ISO and 2 CODEX Alimentarius Standards) and most of the others (82%) are adoptions from well-known standards (American Standards Testing Materials-ASTM, Association of Official Analytical Chemist - AOAC, Technical Association of the Pulp and Paper Industry - TAPI, American Water Works - AWWA, National Fire Protection Agency – NFPA, etc.).</p> <p>Since 1995 Peru is a WTO member. The next year the IPPC modified its text in order to adapt its standards, guidelines and recommendations to the principles of WTO.</p> <p>Peru adopted the new IPPC text in 1999 and the next year, the Congress of the Republic approved the Law N° 27322 in July, 2000. This law took into account the principles of WTO and adapted the SENASA procedures with the standards, guidelines and recommendations from the Relevant International Organizations (IPPC, OIE and Codex Alimentarius).</p> <p>Between 2002 and 2005 was approved the Regulation of Law N° 27322, the plant quarantine regulation, import and export</p>

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<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented to Date</b>
		<p>regulation of animals and its products, 69 regulations in Plant Health and 26 in Animal Health.</p> <p>Since 1996 Peru is notifying its regulations to the WTO.</p>
<b>Active participation in the international standardisation activities of international standardizing bodies</b>		<p>Since May 27, 1999, INDECOPI is member of the ISO/IEC JTC1 / SC31 (Technical Committee on Information Technology / Sub Committee 31)</p> <p>INDECOPI is member of the STTF 176 and of the STTG 207, related to technical standards' translation ISO 9000 and ISO 14000 series.</p> <p>INDECOPI is member of the following ISO Technical Committees:</p> <ul style="list-style-type: none"> <li>- Spanish translation terminology: ISO TC176 / STTG (Technical Committee 176 / Spanish Translation Task Group), and</li> <li>- ISO TC207 / STTF (Technical Committee 207/Spanish Translation Task Force).</li> </ul> <p>INDECOPI has upgraded its ISO membership status to full membership starting 2007, having paid the required fees through an IADB-sponsored project.</p> <p>The first ISO mirror committee on Social Responsibility (ISO 26000) has been established.</p> <p>Participation in ISO international meetings:</p> <ul style="list-style-type: none"> <li>• TC 223 (Societal Security), Stockholm, Sweden, 10 – 12 May 2006.</li> <li>• WG on Social Responsibility, Lisbon, Portugal, 15- 19 May 2006.</li> <li>• 22nd Plenary Meeting of ISO Committee on conformity assessment (CASCO), Taller IRAM-ISO/CASCO, 31 – 3 Nov 2006.</li> <li>• WG on Social Responsibility, Sydney, Australia, 28 January to 2 February 2007.</li> </ul> <p>Participation in Regional and Sub-regional Standardization Meetings:</p> <ul style="list-style-type: none"> <li>• UE – CAN Project Quality Program, Lima, Peru 26 – 27 October 2005</li> <li>• ISO COPANT, Course on Enhanced Participation in International Standardization, Buenos Aires,</li> </ul>

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<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented to Date</b>
		<p>Argentina, 27-29 March 2006.</p> <ul style="list-style-type: none"> <li>• WTO / ALADI Regional Workshop on WTO/TBT Agreement - Implementation issues, Montevideo, Uruguay, 28-30 March 2006</li> <li>• UE – CAN Project Quality Program, Virtual Meeting 30 March 2006</li> <li>• COPANT General Assembly, hosted by IBNORCA, La Paz, Bolivia 24- 28, April, 2006</li> <li>• Regional Course on ISO 10015 Quality management -- Guidelines for training, Bogotá, Colombia, 5 – 9 June 2006.</li> </ul> <p>INDECOPI organized the following events in Peru:</p> <ul style="list-style-type: none"> <li>• Course on Integrated Management Systems in the Tourism Industry, ISO sponsorship, Cusco, 14-16 November 2005</li> <li>• Course on Enhanced Participation in International Standardization, ISO &amp; NOREXPORT Program sponsorship, Lima, 3-4 August 2006</li> <li>• JCDCMAS workshop “Enhancing capacities in Metrology, Accreditation, and Standardization in the Andean Community”, CAN, JCDCMAS – UNIDO, and INDECOPI sponsorship, Lima 23-25 October 2006.</li> </ul> <p>Since 2000 SENASA is participating in the WTO/Committee of Sanitary and Phytosanitary Measures, World Organization for Animal Health (OIE)-International Committee, International Plant Protection Convention (IPPC)-Committee of Phytosanitary Measures.</p>
<b>Participation in plurilateral recognition arrangements of conformity assessment in the regulated sector</b>		<p>Since 2001, Peru has signed the Decision 506 of the Andean Community. This Decision accepts and recognizes the product certificates with technical regulations between Bolivia, Colombia, Ecuador, Venezuela and Peru.</p>
<b>Participation in bilateral recognition arrangements of conformity assessment in the regulated sector</b>	<p>The Peruvian Ministry of Agriculture has a bilateral recognition agreement with Chile about requirements for fruits, since 1991.</p>	<p>The Peruvian Ministry of Agriculture has bilateral recognition arrangement with the Chilean Ministry of Agriculture, regarding fruits' requirements.</p> <p>On December 2002, The Ministry of Agriculture has signed a Cooperation Agreement regarding sanitary measures (animal and agricultural) with China.</p>

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<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented to Date</b>
		In 2004, The Ministry of Agriculture signed a Memorandum of Understanding regarding sanitary measures with New Zealand.
<b>Participation in recognition arrangement of conformity assessment in the voluntary sector</b>		<p>INDECOPI's CRT is interested in participating in APLAC, and then participate as a signatory body of the APLAC MRA. In the context of an International Technical Cooperation Project (IADB), which started in 2002, we are working towards this objective.</p> <p>In August 2006 INDECOPI has joined the Multilateral Recognition Agreement (MLA) of IAAC for the accreditation of quality management system (QMS) certification bodies. In November 2006 the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF) recognized IAAC as regional body.</p>
<b>Improve and maintain the level of their technical infrastructure Identification of specific requirements, assistance and/or activities for technical infrastructure development</b>		<p>The National Metrology Service of Peru continues organizing annual training workshops in Metrology, for example: Measurement of Uncertainty and Calibration of testing machines (traction – compression).</p> <p>Accredited Testing Laboratories are participating in two programs of cross-comparisons in the APLAC initiative: a) NATA (Australia) for rice flour and b) HKLAS (Hong Kong) for toy safety.</p> <p>In the second semester of 2001, a European expert from Physikalisch Technische Bundesanstalt - PTB - (Germany) audited the Peruvian National Accreditation Body, according to the ISO/IEC Guide 58. As a result, the Peruvian National Accreditation Body has improved some procedures and has elaborated new documents. (i.e. procedures for executing arbitration, and procedures for evaluating auditors and technical experts' performance).</p> <p>INDECOPI, through an international technical cooperation project (IADB), is implementing the requirements of the ISO/IEC 17011. We have received technical assistance from experts of the American Association for Laboratory Accreditation (A2LA).</p> <p>Since the second semester of 2001, Peruvian Accredited Laboratories (or in process of being accredited) which are</p>

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		<p>participating in the Proficiency Testing Activities organized by members of APLAC.</p> <p>In January 2002, PTB (Physikalisch-Technische Bundesanstalt) from Germany donated a Statorius Electromagnetic Comparator for the National Metrology Service.</p> <p>In January 2003, the National Metrology Service of Peru received the accreditation of PTB (Physikalisch-Technische Bundesanstalt) from Germany, in mass measure of 1 mg to 1 kg Class E2.</p> <p>During 2004 and 2005 INDECOPI has organized several training courses for laboratories (testing and calibration) and certification bodies (products and personnel), example: ISO/IEC 17025; ISO/IEC Guide 62, ISO/IEC Guide 65; uncertainty measurement, etc.</p> <p>INDECOPI is implementing the requirements of the standard ISO/IEC 17011. In this sense, through international cooperation supported by IADB, Peru has received technical assistance from experts of the American Association for Laboratory Accreditation (A2LA).</p> <p>INDECOPI has implemented a new Standardization web site, which makes easier the access to standardization information as well as to any kind of information related to the National Standardization Body (active Technical Committees (TC), Project PTS in Public discussion, PTS approved, etc). This website will be an important work tool for our TC members.</p> <p><a href="http://200.37.120.76/portalnormalizacion/GOPortal/indecopi/default.aspx">http://200.37.120.76/portalnormalizacion/GOPortal/indecopi/default.aspx</a></p> <p>During the first quarter 2006, the Standards and Accreditation offices of INDECOPI received four new computers, a printer and other electronic tools to improve their work, as part of a World Bank-sponsored project. Also, through this project, INDECOPI's Documentation and Information Center, received seven new computers, a printer, a multifunction copier and a scanner to fulfill its duties related to standardization, accreditation and technical regulations.</p> <p>In order to be accepted in the IAAC MLA for accreditation of QMS, INDECOPI reviewed and upgraded all related accreditation guidelines and work tools, in order to</p>



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		<p>comply with the requirements of ISO 17011 and the ISO/IEC guide 62.</p> <p>INDECOPI has organized the following courses:</p> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> International Conformity Assessment Forum – Lima, Peru 10-11 May, Hosted by INDECOPI with speakers from ANSI, IAAC, etc.</li> <li>• 2<sup>nd</sup> International Conformity Assessment Forum – Lima, Peru 25-26 October, Hosted by INDECOPI with speakers from ISO, ONUDI, OAA, ICONTEC, etc.</li> <li>• ISO / NOREXPORT Course on Enhanced Participation in International Standardization, Lima, Peru, 3-4 August 2006, hosted by INDECOPI.</li> </ul> <p>INDECOPI organized conformity assessment and accreditation courses with participation of international speakers, with the support of IADB- and World Bank-sponsored projects:</p> <ul style="list-style-type: none"> <li>d) Laboratory accreditation courses: <ul style="list-style-type: none"> <li>• ISO/IEC 17025</li> <li>• ISO/IEC Guide 43</li> <li>• ISO 15189</li> </ul> </li> <li>e) Product certification courses: <ul style="list-style-type: none"> <li>• ISO/IEC Guide 65</li> </ul> </li> <li>f) Inspection bodies: <ul style="list-style-type: none"> <li>• ISO/IEC 17020</li> </ul> </li> </ul> <p>The National Metrology Service of Peru continues organizing annual training workshops in Metrology, for example: weighing, water meters and thermometers.</p> <p><b><i>In 2005 and 2006, INDECOPI has worked on developing our country's trade capacity through strengthening the national standardization, accreditation and metrology systems through projects with the IADB and World Bank:</i></b></p> <ul style="list-style-type: none"> <li>• IADB project: "Programs to improve quality control capacity of small and medium enterprises - SME." – Program to strengthen the national standards and accreditation system.</li> <li>• World Bank Project: "Support to improve offered goods and facilitate international trade." This project has many components that include the establishment of a national quality system, accreditation of conformity assessment bodies, MLA, MRA and international inter laboratory comparison activities, awareness building activities with regards to all</li> </ul>

**Improvements in Peru's Approach to Standards and Conformance since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented to Date</b>
		<p>aspects related to the TBT agreement.</p> <ul style="list-style-type: none"> <li>• IADB Project (FOMIN): "NOEXPORT: SME market access through the use of standards"</li> <li>• IADB Project (FOMIN): "Quality management system network"</li> <li>• UE-CAN (European Union – Andean Community) Cooperation and Technical Assistance Program regarding quality issues: (i) Technical regulation and notification, (ii) Standardization, (iii) Accreditation, and (iv) quality management.</li> </ul> <p>INDECOPI has also been working on an outreach program for the public and private sectors (specifically SME) to promote the benefits associated with the use of Standards, particularly as a basis for regulations.</p> <p>Assistance is needed from entities or laboratories that manage Proficiency Testing Schemes, in order to accredit laboratories that could participate in inter-laboratory comparisons for national products. Also, we need support with respect to the availability of certified materials in the fields of food, environment (water) and hydro biological products.</p> <p>Through the JCDCMAS workshop "Enhancing capacities in Metrology, Accreditation, and Standardization in the Andean Community", which took place in Lima on 23-25 October 2006. organized with CAN, JCDCMAS – UNIDO, and INDECOPI sponsorship, the ANDEAN countries identified needs and defined an agenda which can serve as basis for technical infrastructure development projects.</p>
<p><b>Provision of assistance for the improvement of other economies' technical infrastructure</b></p>		
<p><b>Participation in Specialist Regional Bodies activities</b></p>		<p>Peruvian Accreditation Body is making efforts to participate in the future as a member of APLAC.</p> <p>On May 2002, INDECOPI participated and gave support for a Seminar held in Lima, "APEC Symposium on Notification Procedures under the OMC's Agreements" (TBT and SPS). The Seminar was</p>

<b>Improvements in Peru's Approach to Standards and Conformance since 1996</b>		
<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented to Date</b>
		<p>organized by Standards New Zealand.</p> <p>Peru aims to complement the work of the Specialist Regional Bodies in the development and review of international standards, including in cooperation with other APEC members. For that purpose, INDECOPI has established contact with PASC, having attended the PASC standing Committee meeting in Ottawa in September 2006 as a side activity to the ISO General Assembly and was invited by ANSI to join the Conference in 2007. At the last PASC meeting in South Africa, INDECOPI has been granted access to the PASC website.</p> <p>The National Metrology Service has participated in the Asia Pacific Legal Metrology Forum – APLMMF meeting which took place in Japan. They have also participated in several workshops organized by APLMF:</p> <ul style="list-style-type: none"> <li>• Training course on non automatic weighing instruments (September 2005, Indonesia)</li> <li>• Training course on practical application of OIML R87 of quantity of product in pre-packages (April 2006, Malaysia)</li> <li>• Training course on Compressed Natural Gas Fuel Dispensers (June 2006, Malaysia)</li> </ul>
<p><b>Continuously strive to increase transparency of their standards and conformance requirements, including implementation of APEC Leaders' Transparency Standards on Standards and Conformance*</b></p>	<p>In 1998 Peru started to work towards alignment of national standards with international standards. Peru was working only in the IAAC and the Andean Community. A revision of national standards was started to update them and to have them conform to international standards.</p>	<p>In 1999 Peru signed Andean Decision 419, which establishes and regulates normalization, certification, testing, metrology and technical regulations. Peru participated at ILAC and IAF.</p> <p>In 1999 the implementation of a database with National Technical Regulations was completed. This was done in order to facilitate access to information services, as support for the WTO's TBT Agreement.</p> <p><a href="http://www.indecopi.gob.pe/des/tacado-reglamentos-puntoFocal-pres.jsp">http://www.indecopi.gob.pe/des/tacado-reglamentos-puntoFocal-pres.jsp</a></p> <p>In 2000 the Update Plan of the Peruvian Standards (revision of existing standards) started. It was completed a year later, in 2001.</p> <p>Also in 2000, a search system of technical regulations was established in the Internet, to facilitate access to this information. This search system also has an English version. INDECOPI is up to date on the implementation of the accreditation system, on the basis of the international regulations</p>

**Improvements in Peru's Approach to Standards and Conformance since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented to Date</b>
		<p>and guidelines. (ISO/IEC)</p> <p>INDECOPI has published the mandatory PTS, Metrology Standards (MS) and Technical Regulations in its web site.</p> <p><a href="http://www.bvindicopi.gob.pe/normalizacion.htm">http://www.bvindicopi.gob.pe/normalizacion.htm</a></p> <p>Also, previous to their publication, all standards are submitted to a public discussion process.</p> <p>Under the Andean Community framework was developed a Web site that centralizes all the notifications and the technical regulation proposals from Peru, Colombia, Ecuador and Bolivia. In addition. Also, the Web site works as an alert for exporters and importers.</p> <p><a href="http://secgen.comunidadandina.org/sirt/public/index.aspx">http://secgen.comunidadandina.org/sirt/public/index.aspx</a></p>
<p><b>Participate in relevant international fora</b></p>	<ul style="list-style-type: none"> <li>• Peru is an ISO correspondent member.</li> <li>• Peru is a member of the OIML</li> <li>• Peru is a member of the CODEX ALIMENTARIUS, through the General Direction of Environmental Health (DIGESA), participating in the committee meetings.</li> </ul>	<p>Although Peru is not member of ILAC and IAF, it does take knowledge of the progress in both forums through the IAAC. Peru is an IAAC full member. The IAAC is the Accreditation Regional Cooperation of the Americas that participates in both ILAC and IAF.</p> <p>Peru is participating more actively in the CODEX ALIMENTARIUS committees, given that it has a National Committee of CODEX that is reviewing the International Standards to adapt them to the National Standards.</p> <p>Since 2002, Peru is an affiliated member of the International Electro technical Commission - IEC.</p> <p>In April 2003, with the cooperation of IEC-OIML-WTO, a Workshop on "Standards Settings Activities of IEC &amp; OIML in Latin American Countries" was organized. 19 representatives of several countries of the Region, participated in this workshop. The WTO, the IDB, the Andean Community, the OIML, the IEC and INDECOPI organized this event.</p> <p>The National Metrology Service has participated in SIM meetings and General Assemblies.</p> <p>The same applies to the CRT, which have been participating at COPANT and IAAC activities.</p> <p>Since 2000 SENASA is participating in the</p>

<b>Improvements in Peru's Approach to Standards and Conformance since 1996</b>		
<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented to Date</b>
		WTO/Committee of Sanitary and Phytosanitary Measures, World Organization for Animal Health (OIE)-International Committee, International Plant Protection Convention (IPPC)-Committee of Phytosanitary Measures.
<b>Other Activities</b>		<p>INDECOPI presented a bill proposal aimed at providing the national standardization, accreditation and metrology systems with a legal and infrastructure framework in accordance to international accreditation and standardization requirements and with more effective participation of private stakeholders. Particularly, this proposal establishes the basis for the development of legal metrology.</p> <p>INDECOPI has contributed to analyses in relation to the APEC Technology Choice Principles monitored by the Foreign Trade and Tourism Ministry.</p>

## Appendix – APEC Leaders Transparency Standards on Standards and Conformance

### Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the Subcommittee on Standards and Conformance (SCSC) developed the following set of transparency standards for incorporation into the Leaders’ Statement.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos and the obligations of the WTO Agreements on Technical Barriers to Trade and on the Application of Sanitary and Phytosanitary Measures.

Transparency Standards on Standards and Conformance:

1. In accordance with paragraph 1 of the Leaders’ Statement, and the WTO Agreements on Technical Barriers to Trade (TBT) and on the Application of Sanitary and Phytosanitary (SPS) Measures, each Economy will: (a) promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media, for example via the Internet, information on its laws, regulations, policies, administrative rulings, certification, qualification and registration requirements, technical regulations, standards, guidelines, procedures and practices relating to standards and conformance; and, (b) have or designate an official journal or journals and publish in them information on technical regulations, sanitary and phytosanitary measures and related conformity assessment procedures on a regular basis and make copies of them readily available to the public.
2. As far as practicable, each Economy will maintain one centrally located website for the information referred to above.
3. In accordance with paragraph 2 of the Leaders’ Statement and the WTO TBT and SPS Agreements, each Economy will publish in advance any standards or conformance requirement that it proposes to adopt and provide interested persons a reasonable opportunity to comment on such proposed measures and take those comments into account before a final measure is adopted. Each Economy that is a WTO member will notify proposals to the WTO as required by the TBT and SPS Agreements.
4. In accordance with paragraph 3 of the Leaders’ Statement, upon request from an interested person or another Economy, each Economy will endeavour to promptly provide information and respond to questions pertaining to any actual or proposed standards and conformance measure.
5. Recognizing that standards and conformance measures can have an adverse impact on trade and development, each Economy will ensure that such measures are developed and administered in a transparent manner, and in compliance with WTO TBT/SPS obligations, as well as the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical Regulations so as to prevent the creation of unnecessary or arbitrary barriers to trade.
6. Each Economy will promote awareness of and compliance with the transparency provisions of the WTO TBT and SPS Agreements.
7. Each Economy that is a WTO Member will cooperate in the Triennial Reviews of the TBT Agreement to promote awareness of and compliance with the transparency provisions of the TBT Agreement, the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations, and the APEC SCSC Principles and Features of Good Practice for Technical Regulations.

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<sup>[1]</sup> “Standards” include mandatory as well as voluntary standards. The term “standards” is used in this document to refer generally to matters covered in the TBT and SPS Agreements

<sup>[2]</sup> It is recognised that not all member economies have the pre-requisite technical infrastructure to enable them to fully participate in mutual recognition arrangements. Cooperation among APEC economies to strengthen member economies’ technical infrastructure is therefore necessary (see Guideline (e)).

<sup>[3]</sup> The term "mutual recognition arrangements" does not necessarily mean an instrument or instruments which creates or create legally-binding international obligations.

<sup>[4]</sup> Asia Pacific Laboratory Accreditation Cooperation (APLAC)  
Asia Pacific Legal Metrology Forum (APLMF)  
Asia Pacific Metrology Program (APMP)  
Pacific Accreditation Cooperation (PAC)  
Pacific Area Standards Congress (PASC)

<sup>[5]</sup> Asia Pacific Laboratory Accreditation Cooperation (APLAC), Asia Pacific Legal Metrology Forum (APLMF), Asia Pacific Metrology Program (APMP), Pacific Accreditation Cooperation (PAC), Pacific Area Standards Congress (PASC)

**\*Economies should report against the actual language in the APEC Leaders' Transparency Standards on Standards and Conformance, which can be found in the [Appendix](#) at the end of this document.**

**\*Economies should report against the actual language in the APEC Leaders' Transparency Standards on Standards and Conformance, which can be found in the [Appendix](#) at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

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## Chapter 6: Customs Procedures

### **Objective**

*APEC economies will facilitate trade in the Asia-Pacific region by:*

- a. simplifying and harmonizing customs procedures;*
- b. encouraging the use of technologies and e-commerce as productivity tools in keeping with developments of the new economy;*
- c. enhancing cross-border co-operation in the movement of goods and services to counter terrorism.*

### **Guidelines**

*Each APEC economy will take actions toward achieving the above objectives:*

- a. along the lines of the Strategic Direction of the Action Program of the Sub-Committee on Customs Procedures by:
  - taking fully into consideration the Guiding Principles (FACTS: Facilitation, Accountability, Consistency, Transparency, S*
  - recognizing APEC Principles on Trade Facilitation;*
  - making use of information and communication technologies (ICT) as tools to improve productivity; and**
- b. along the lines of the Leader's Statement on Counter Terrorism; and*
- c. implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

## **Collective Actions**

APEC economies will take Collective Actions with regard to customs procedures in the following areas:

### **HARMONISATION OF TARIFF NOMENCLATURE**

APEC economies will harmonize tariff nomenclature by adopting or abiding by the principles of the International Convention on the System (HS Convention) 2002 Version by 2002.

### **PUBLIC AVAILABILITY OF INFORMATION**

APEC economies will continue making available to the public information on administrative guidelines, procedures and rulings in a media, publication, website, etc.

### **SIMPLIFICATION AND HARMONIZATION ON THE BASIS OF THE REVISED KYOTO CONVENTION**

APEC economies will simplify and harmonize customs procedures by adopting or abiding by the principles of the International Convention on Customs Procedures which was revised by World Customs Organization (WCO) in 1999 (Revised Kyoto Convention).

### **COMPUTERIZATION THROUGH UN/EDIFACT AND PAPERLESS TRADING**

APEC economies will enhance computerization of customs procedures by adopting and supporting the UN/EDIFACT standard and paper documents needed for customs to realize paperless trading.

### **ALIGNMENT WITH WTO AGREEMENTS**

APEC economies will:

- a. harmonize customs valuation systems by adopting or abiding by the principles of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (WTO Customs Valuation Agreement), while encouraging further acceleration, if possible, through technical assistance.
- b. protect intellectual property rights by adopting or abiding by the principles of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, while encouraging further acceleration, if possible, through technical assistance.

### **APPEAL PROVISION**

APEC economies will introduce and improve clear appeal provisions within each economy.

### **ADVANCE RULING SYSTEMS**

APEC economies will introduce and improve advance tariff classification ruling systems.

### **TEMPORARY IMPORTATION**

APEC economies will provide facilities for temporary importation, by taking such action as acceding, where appropriate, to the Convention on the Temporary Admission of Goods (the A.T.A. Convention).

### **RISK MANAGEMENT APPROACH**

APEC economies will introduce a risk management approach to allow customs administrations to facilitate legitimate trade and trade facilitation.

### **INFORMATION TECHNOLOGY**

APEC economies will apply information technology including Internet for customs clearance, and where possible, provide one stop services.

### **COMMON DATA ELEMENTS**

APEC economies will explore the feasibility of harmonizing among APEC economies common data elements based on international standards for the processing of cargo to facilitate international trade.

### **EXPRESS CONSIGNMENTS**

APEC economies will implement principles contained in the WCO Immediate Release Guidelines, the international standard procedure for express consignments, in partnership with express industry associations.

### **INTEGRITY**

APEC economies will implement programs to raise level of integrity of customs systems.

### **CUSTOMS-BUSINESS PARTNERSHIP**

APEC economies will enable the cooperation and communication between Customs and the business sector through the establishment of Customs-Business channels and the development of Customs-Business partnership by signing Memoranda of understanding or other instruments of cooperation in the business sector.

### **COMMON FIELD SURVEYS**

APEC economies will work towards conducting common field surveys on the time required for cargo clearance, recognizing the need for harmonization.

### **IMPLEMENTATION, TECHNICAL COOPERATION AND HUMAN RESOURCES DEVELOPMENT**

APEC economies will develop implementation plans and a framework for coordinated technical assistance and human resources development with particular emphasis placed on implementation of customs procedure-related agreements such as the WTO Customs Valuation Agreement (ROO).

**PROMOTION OF DIALOGUE WITH THE BUSINESS/PRIVATE SECTOR**

*APEC economies will promote dialogue with the business/private sector (importers, exporters, customs brokers, forwarders, etc.) related trade practices.*

*The current CAP relating to customs procedures can be found in the Customs Procedures Collective Action Plan.*

***Peru's Approach to Customs Procedures in 2007***

Peruvian Customs Service as part of SUNAT (National Superintendence of Tax Administration) is in charge of the a of international traffic of goods, means of transport and people, within Peru's Customs territory.

Customs Services are essential and the aim is to facilitate foreign trade, contributing to national fiscal interest.

*Peru's Approach to Customs Procedures in 2007*

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Tariff Arrangements</b>
<b>Greater Public Availability of Information, including Implementation of APEC Leaders' Transparency Standards on Customs Procedures*</b>	<p>The website <a href="http://www.sunat.gob.pe">http://www.sunat.gob.pe</a> has been improved with:</p> <ol style="list-style-type: none"> <li>1. A "user's orientation" section with a simple language that allows a better knowledge on customs processes.</li> <li>2. A consultation section by e-mail.</li> </ol>	No change since last IAP 2006
<b>Paperless trading</b>	<p>Since the last IAP, Peruvian Customs Service has signed Agreements with several Government Agencies in order to interconnect its information systems which will allow information exchange and in this way simplifying and making effective clearance of goods.</p> <p>The Government Agencies that signed Agreements are: MINSAs (Ministry of Health), MTC (Ministry of Transport and Communications), SENASA (Agricultural Health National Service), PRODUCE (Ministry of Production), MININTER (Ministry of Interior) UIF (Financial Intelligence Unit).</p> <p>SUNAT has been working to establish the Foreign Trade Single Window, supported by SD 165-2006-EF enactment (pub. 11.03.2006) and Law 28977 Trade Facilitation Law (pub. 02.09.2007). In this context, Government entities that issue permits, licenses or similars will share information, managing the services payment electronically from one single attention point. This service implementation is expected to be finished by 2008.</p>	No change since last IAP 2006
<b>Provision of Temporary Importation Facilities</b>	No change since last IAP 2006	-
<b>Implementation of Clear Appeals Provisions</b>	No change since last IAP 2006	-
<b>Alignment With WTO Valuation Agreement</b>	<ul style="list-style-type: none"> <li>- The Ministry of Economy and Finances approved the Supreme Decree N°193-2005-EF (published on 12.31.2005) establishing facilitation measures to control customs value declared by frequent importers.</li> <li>- SUNAT has approved the following regulations:</li> </ul>	SUNAT published a circular on regulations about control customs value in attention to the Supreme by MEF.

**Peru's Approach to Customs Procedures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Tariff Arrangements</b>
	<ul style="list-style-type: none"> <li>- On March 12, 2006, Resolution N° 081-2006/SUNAT/A was published approving a work guidelines for textiles and its products import.</li> <li>- On April 30, 2006, Customs Associated National Superintendency Resolution N° 000238-2006/SUNAT/A about the presentation in goods clearance of individual insurance policy is published. It modifies numeral 5 section B – Annex 01 of Specific Procedure INTA-PE.01.10a “Goods valuation according to WTO Value Agreement” Fifth version.</li> <li>- On May 4, 2006, Circular INTA-CR.12.2006/SUNAT/A with provisions to control customs value of customs declarations (DUA) numbered by frequent importers is published.</li> </ul>	<p>Work Guidelines establishes guidelines for a correct description, tariff classification and Customs value.</p> <p>This regulation establishes that the individual insurance issued by the insurance company must be presented as insurance expense support such as the price paid.</p> <p>This circular establishes that frequent importers are not to generate observations nor to generate reasonable doubt. It includes Clearance of Definitive Import, Temporary Import and Temporary Import selected to red or orange color. For additional information, please contact Mr. Jey Bello, Valuation Division. <a href="mailto:jbello@aduanet.gob.pe">jbello@aduanet.gob.pe</a></p>
<b>Adoption of Kyoto Convention</b>	No change since last IAP 2006	-
<b>Implementation of Harmonised System Convention</b>	No change since last IAP 2006	<p>In 1998, Peru became a signatory country of International Convention of Harmonized Commodity Description and Coding System (HS).</p> <p>Peruvian Tariff Nomenclature is based on Commodity Nomenclature of Andean Countries (NANDINA), which is also based on the HS.</p> <p>The NANDINA classification is more specific than the HS, organized at the 8-digit level. Peruvian Tariff Nomenclature is organized at the 10-digit level.</p> <p>On April 1<sup>st</sup> 2007 the new Tariff Book entered into force, which includes the Fourth Amendment of the Harmonized System, according to the Decision 653 of the Andean Community.</p> <p>.For further information please contact:</p> <p>Edda Lombardi Velásquez, Head of Division of Tariff Nomenclature <a href="mailto:elombardi@aduanet.gob.pe">elombardi@aduanet.gob.pe</a></p>
<b>Implementation of an Advance Classification Ruling System</b>	Harmonized System of Goods Description and Coding (HS)	<p>Peruvian Customs Law provides the application of the Advance Classification Ruling system which allows conducting goods clearance before, during or after its arrival.</p> <p>For further information please contact:</p> <p>Edda Lombardi Velásquez, Head of Division of Tariff Nomenclature</p>

*Peru's Approach to Customs Procedures in 2007*

<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Tariff Arrangements</i>
		<a href="mailto:elombardi@aduanet.gob.pe">elombardi@aduanet.gob.pe</a>
<b><i>Implementation of the TRIPs Agreement</i></b>	No change since last IAP 2006	No change since last IAP 2006
<b><i>Development of a Compendium of Harmonised Trade Data Elements</i></b>	-	-
<b><i>Adoption of Systematic Risk Management Techniques</i></b>	<ul style="list-style-type: none"> <li>• In profiles management module includes regimes of definite exports, deposits, simplified import and courier.</li> <li>• Progressive reduction of % of selected DUAS to physical examination at regional customs in import and export regimes which used to be in a 100%.</li> <li>• Derivation of customs value revision from current control to post control for frequent importer clearance which are selected according to criteria established in SD 193-2005-EF, optimizing resources and facilitating low risk operations.</li> <li>• Greater use of intern tax information from foreign trade operators in customs control and audit.</li> <li>• Regulation Amendment (Legislative Decree N° 975) that will allow the customs administration to have information on bank transactions related to foreign trade (import and export).</li> </ul>	-

**Peru's Approach to Customs Procedures in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Tariff Arrangements</b>
<b>Implementation of WCO Guidelines on Express Consignment Clearance</b>	No change since IAP 2006	The Special Customs Destinations of Postal Service International Courier Service Ruling was approved by Decree N° 067-2006-EF, which has updated and replaced previously promulgated measures in order to facilitate shipment clearance.
<b>Integrity</b>	No change since last IAP 2006	-
<b>Other Issues (this includes other Customs activities which facilitate trade which are not part of the SCCP CAP)</b>	-	-

**Improvements in Peru's Approach to Customs Procedures since 1996**

<b>Action</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented</b>
<b>Availability of auditing of APEC Leaders' standards on procedures</b>		
<b>UN/EDIFACT standards for Commerce/Paperless</b>		
<b>Temporary facilities</b>		
<b>Temporary facilitation</b>		
<b>WTO Valuation</b>		
<b>WCO Convention</b>		
<b>WCO of Harmonised System</b>		
<b>WCO of an Advance Ruling System</b>		
<b>WCO of the TRIPs</b>		
<b>WCO of a Compendium of Trade Data Elements</b>		
<b>WCO of Systematic Risk Management Techniques</b>		



**Improvements in Peru's Approach to Customs Procedures since 1996**

<b>Function</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative Improvements Implemented</b>
<b>of WCO Express Clearance</b>		
<b>Changes in Customs</b>		

## **Appendix – APEC Leaders’ Transparency Standards on Customs Procedures**

### Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the United States proposes that the Sub-Committee on Customs Procedures develop the following set of transparency standards on customs for incorporation into the Leaders’ Statement.

The following customs transparency standards flow from, and are to be read consistently with, the General Principles on Transparency agreed to by APEC Leaders in Los Cabos, and provide specific guidance for implementation within the customs context.

Transparency Standards on Customs Procedures:

1. In furtherance of paragraph 1 of the Leaders’ Statement, each Economy, will promptly publish and make available on the Internet, information on its customs laws, regulations, procedures and administrative rulings of general application in such a manner as to enable interested persons to become acquainted with them.
2. In furtherance of paragraph 2 of the Leaders’ Statement, each Economy will, to the extent possible, publish in advance any regulations of general application governing customs procedures proposed for adoption, and provide a reasonable opportunity for comments from interested parties.
3. In furtherance of paragraph 4 of the Leaders’ Statement, and taking into account Economies’ individual circumstances, upon request from an interested person in its territory, each Economy will provide for the issuance, of advance rulings based on specific facts and circumstances provided by such requester prior to the importation of a good into its territory, for areas such as: (a) tariff classification; (b) the application of the provisions set forth in the WTO Agreement on Customs Valuation; (c) the application of duty drawback; (d) country of origin marking requirements; (e) the application of rules of origin under free trade agreements and other preferential tariff regimes; and (f) admissibility requirements.
4. Subject to domestic confidentiality requirements, each Economy, will make such advance rulings publicly available for purposes of ensuring application of the rulings to other goods where the facts and circumstances are the same as those under which the rulings are issued.
5. In furtherance of paragraph 5 of the Leaders’ Statement each Economy will maintain procedural transparency and fairness in customs procedures by: (a) providing for the prompt review and, where warranted, correction of customs administrative actions; (b) ensuring that importers are provided with the right to a level of administrative review independent of the employee or office issuing the determination subject to review; and (c) maintaining the availability of judicial review of customs administrative determinations.
6. Each Economy will, maintain one or several contact points to which interested parties can address questions concerning customs matters, and shall make available on the Internet information concerning the procedures for making such inquires.

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**\*Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Customs Procedures, which can be found in the [Appendix](#) at the end of this document.**

**\*Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Customs Procedures, which can be found in the [Appendix](#) at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP**

**transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

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## CHAPTER 7: INTELLECTUAL PROPERTY RIGHTS

### **Objective**

*APEC economies will:*

- a. *in conformance with the principles of the TRIPS Agreement:*
  - *ensure adequate and effective protection, including legislation, administration and enforcement of intellectual property;*
  - *foster harmonization of intellectual property rights systems in the APEC region, promote transparency strengthen public awareness activities, and*
  - *promote dialogue on emerging intellectual property policy issues, with a view to further improve intellectual property rights systems for the social and economic benefit of members.*
- b. *address the challenges for intellectual property rights arising from the rapid growth and developments of the New Economy:*
  - *establishing legal frameworks to promote creative endeavor and encourage on-line activity;*
  - *ensuring a balance between the different rights and interests of copyright owners, users and distributors;*
  - *establishing an appropriate balance among all stakeholders, including content providers and ISPs in terms of the liability;*
  - *providing incentives for innovation without sacrificing the community's interest in reasonable access to information.*

### **Guidelines**

*Each APEC economy will:*

- a. *ensure that intellectual property rights are granted through expeditious, simple, and cost-effective procedures;*
- b. *ensure that adequate and effective civil and administrative procedures and remedies are available against infringement of intellectual property rights;*
- c. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards; and*
- d. *provide and expand bilateral technical cooperation in relation to areas such as patent search and examination, computerized databases, and dispute resolution; and ensure adequate intellectual property right protection in compliance with the TRIPS Agreement.*

**Collective Actions**

APEC economies will take the following collective actions:

- a. *Deepening the Dialogue on Intellectual Property Policy;*
- b. *Support for Easy and Prompt Acquisition of Rights:*
  - (i) *Participation in International IP-related Systems*
  - (ii) *Establishing Internationally Harmonized IPR Systems*
  - (iii) *Cooperation on Searches and Examinations;*
- c. *Electronic Processing of IPR-related Procedures:*
  - (i) *Electronic Filing Systems*
  - (ii) *Dissemination of Information by Electronic Means;*
- d. *Appropriate Protection of IPR in New Fields:*
  - (i) *Protection for Biotechnology and Computer-related Inventions*
  - (ii) *Protection for Geographical Indications*
  - (iii) *Electronic commerce;*
- e. *Cooperation for Improvements to the Operation of IP System;*
- f. *Establishing Effective Systems for IPR Enforcement:*
  - (i) *Establishment of Enforcement Guidelines*
  - (ii) *Exchange of Information Concerning IPR Infringement*
  - (iii) *Cooperation with other fora/authorities*
- g. *Promoting IP Asset Management in APEC Economies;*
- h. *Raising Public Awareness;*
- i. *Facilitation of Technology Transfer through Ensuring IP Protection.*

The current CAP relating to intellectual property rights can be found in the [Intellectual Property Rights Collective Action Plan](#).

**Peru's Approach to Intellectual Property Rights in 2007**

Peru grants an adequate and effective protection of intellectual property rights by a combination of legislation. Peru has already signed the main Treaties on Intellectual Property, such as TRIPS, Rome Convention, Geneva Convention for the Protection of Producers of Phonograms, Brussels Convention of Program-carrying Signals transmitted by Satellite, International Registry of Audiovisual Works. Moreover, Peru has adhered to the WIPO Copyright Treaty (WCT), and to the WIPO Performances and Phonograms Treaty (WPPT). Since May 2005, Peru is signatory of the Lisbon Agreement for the Protection of Appellations of Origin and its Related Agreements. Peru is also a member of the Madrid Agreement for the International Registration of Trademarks.

It is important to mention that Peru keeps working to develop a culture of respect and enforcement of intellectual property rights by participating in several activities to fight against piracy. The Copyright Office is member of the Copyright Office Fight against Smuggling and Piracy.

In 2004, the penalties for intellectual property rights infringement were increased. In June 2004, Law No. 28289. This same statute includes provisions on customs procedures in order to create a special regime for the importation of other raw material, and to ease supervision and enforcement.

In addition the Law for the Protection of Traditional Knowledge was published on May 2004 (Law No. 28289).

peoples are able to safeguard their traditional knowledge and have the benefits of holding own

In November 2006, four supra regional courts specialized on Intellectual Property Rights were created. The National Penal Chamber of the Superior Court are in charge of criminal IPR infringement cases.

A multi-sector Pisco Commission elaborated the legal framework related to geographical indications "Pisco".

Two new geographical indications were recognized in 2005 and 2006, respectively: "Maiz Blanco" (maize produced in Cusco) and "Chulucanas" (ceramics elaborated in Chulucanas, a Peruvian community).

Further information regarding Indecopi's Intellectual Property Offices may be found at:

<http://www.indecopi.gob.pe/des/tacado-propInte-oficinas-oda-p/res.jsp>

<http://www.indecopi.gob.pe/des/tacado-propInte-oficinas-osd-p/res.jsp>

<http://www.indecopi.gob.pe/des/tacado-propInte-oficinas-oin-p/res.jsp>

<http://www.indecopi.gob.pe/des/tacado-propInte-oficinas-SPI-p/res.jsp>

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Section	Improvements Implemented Since Last IAP	Current Situation Regarding Laws and Administration
<p><b>TRIPS implementation</b></p>	<p>Since the beginning of 2006 INDECOPI has been carrying out a project to achieve implementation of Law 27811, related to traditional knowledge of indigenous peoples.</p> <p>The main goals of the project are both to spread among indigenous peoples the advantages of using the Law, and to train several facilitators in this matter in order to further spread the Law in other indigenous peoples. Several communities were visited, and more than 600 people were trained on traditional knowledge issues: what is subject to registration? When and how can traditional knowledge be registered before INDECOPI?</p> <p>Several promotional materials were produced and distributed among stakeholders, including comics, audio material for radio broadcasting and guidelines for protecting traditional knowledge. As a first result, two traditional knowledge registries were presented by indigenous peoples to the Office of Inventions and New Technologies in September 2006.</p> <p>In March 2006, workshops related to patents and technological transfer took place in three universities: Universidad Agraria La Molina, Pontificia Universidad Católica del Perú and Universidad Cayetano Heredia. These events were organized by INDECOPI and WIPO.</p> <p>Geographical Indications Seminars, organized by WIPO, INAO and INDECOPI. These seminars took place in Lima and Cusco in February and March 2006.</p>	<p>The Peruvian Law has two main statutes: the Industrial Property Law and the Copyright Law, both enacted in 1996. Both laws incorporate domestic regulation different from international regulation including those of the TRIPS Agreement.</p> <p><a href="http://www.wto.org/english/tratop_e/tripr.htm">http://www.wto.org/english/tratop_e/tripr.htm</a></p> <p><a href="http://www.wto.org/english/tra_top_e/trips_e/intel2_e.htm#generalprovisions">http://www.wto.org/english/tra_top_e/trips_e/intel2_e.htm#generalprovisions</a></p> <p>Andean Decisions 351 (Copyrights) and 486 (Industrial Property) were enacted in 2000, respectively. Both Decisions address substantive IP law and enforcement in accordance with the TRIPS Agreement.</p> <p><a href="http://www.wto.org/english/tra_top_e/trips_e/wtowip_e.htm">http://www.wto.org/english/tra_top_e/trips_e/wtowip_e.htm</a></p> <p><a href="http://www.wto.org/english/tra_top_e/trips_e/intel2_e.htm#generalprovisions">http://www.wto.org/english/tra_top_e/trips_e/intel2_e.htm#generalprovisions</a></p> <p>The review of Peruvian Intellectual Property Rights before the WTO's Council for Trade-Related Intellectual Property Rights was held from October 1<sup>st</sup> to December 1<sup>st</sup>, 2000. Peru demonstrated that IPR protection in the country is in accordance with the TRIPS Agreement.</p> <p>Officials of INDECOPI's Intellectual Property, Trademark, Copyright and Patent Offices provide technical assistance on Intellectual Property Rights, including TRIPS, to judges, public prosecutors and the national police.</p> <p>On July 2004, the Peruvian Congress approved the Law for the Regulatory Council of Appellations of Origin.</p> <p>Members of the Andean Community began to work on common guidelines for border measures, with the support of WIPO and the General Secretary of the Andean Community. The next step consists in the implementation of these guidelines, which is still pending.</p> <p>Contact Points:</p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Situation Regarding Laws and Admin</b>
	<p>In April 2006, INDECOPI's International Congress about the challenge of Copyright took place in Lima. This Congress was co-organized by APDAYC.</p> <p>In September 2006, WIPO, OEPM and INDECOPI; organized a seminar related to the Patent Cooperation Treaty (PCT), which took place in Lima, Peru.</p> <p>In September 2006, WIPO, SPRO and SIDA organized the "Advanced Course on Intellectual Property in the Global Economy", which took place in Lima, Peru.</p> <p>In November 2006, MINCETUR (Foreign Trade and Tourism Ministry) organized a Workshop on Interchange Experiences about Implementation of Dispositions on Intellectual Property in Commercial Agreements.</p> <p>This workshop took place in Lima, Peru. In this event participated delegations from Peru, Chile, El Salvador, Guatemala, Dominican Republic, Colombia and Ecuador.</p> <p>It was an opportunity to discuss about different topics, among others, the effective implementation of dispositions on border measures (foreseen according to TRIPS).</p> <p>In this sense, in coordination with MINCETUR, a project to modify the Decision 486 of the Andean Community related to Common Intellectual Property Regime is being elaborated and will be opportunely submitted to debate.</p>	<p><i>Mr. Martin Moscoso, Head of the Copyrights Office</i>  <a href="mailto:mmoscoso@indecopi.gob.pe">mmoscoso@indecopi.gob.pe</a></p> <p><i>Mr. Miguel A. Sanchez-Del Solar, Head of the Indecopi</i>  <a href="mailto:msanchez@indecopi.gob.pe">msanchez@indecopi.gob.pe</a></p> <p><i>Mr. Néstor Escobedo, Head of Inventions and Office at Indecopi(Patent Office)</i>  <a href="mailto:nescobedo@indecopi.gob.pe">nescobedo@indecopi.gob.pe</a></p>
<b>Ensuring the Expeditious</b>	Nowadays, the registry process at the Copyrights Office lasts one day.	In July 2003, the Intellectual (Trademarks, Patents and Copy



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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Situation Regarding Laws and Administration</b>
<p><b>Granting of IP Rights</b></p>	<p>A project related to the Implementation of a Patent Based Technology Information Platform, including digitalisation of Peruvian patent documents, has been submitted to the Korean Fund administered by the Inter American Development Bank (IADB)</p>	<p>certification on ISO 9001: 2000.</p> <p>Time periods involved in granting main IP rights:</p> <p><b>FROM APPLICATION TO GRANTING</b></p> <ol style="list-style-type: none"> <li>1. Patents: 3 to 4 years; in case of opposition, approximately one more year.</li> <li>2. Industrial Designs: 7 months, in case of opposition, approximately one more year.</li> <li>3. Utility models: 12 to 18 months, in case of opposition, approximately one more year.</li> <li>4. Trademarks: 3 to 6 months; in case of opposition, approximately 9 to 18 months.</li> <li>5. Copyrights: Approximately 15 days for literary, software and database application, and approximately 30 days for other types of works.</li> </ol> <p>Contact Points:</p> <p><a href="mailto:mmoscoso@indecopi.gob.pe">mmoscoso@indecopi.gob.pe</a>  <a href="mailto:msanchez@indecopi.gob.pe">msanchez@indecopi.gob.pe</a>  <a href="mailto:nescobedo@indecopi.gob.pe">nescobedo@indecopi.gob.pe</a></p> <p>The Copyrights Office with the S.I. of INDECOPi jointly designed a virtual system to ensure celerity and registry on line.</p> <p>The Copyright and Trademark Office has assigned different functions to INDECOPi's Decentralized Offices. Amongst these are inspection functions, such as the exam of trademark registration forms (which is done by a system installed in the decentralized offices).</p>
<p><b>Effective Enforcement of IP Rights</b></p>	<p>The Traditional Knowledge Web page launched in 2005 was updated with more information related to traditional knowledge of public domain: more than 100 new registers were added in 2006, completing 220 registers in total.</p> <p><a href="http://www.indecopi.gob.pe/portalcopi">http://www.indecopi.gob.pe/portalcopi</a></p>	<p>Article 2, Paragraph 8, of the Peruvian Constitution recognizes IPR as a personal fundamental right.</p> <p>In June 2004, Peru issued IP legislation related to strengthening IP criminal sanctions. The new statute includes provisions on customs control in order to create a specific registry for counterfeit goods and other raw material, and to ease enforcement.</p>

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Section	Improvements Implemented Since Last IAP	Current Situation Regarding Laws and Administration
	<p>The goals of the website are to:</p> <ul style="list-style-type: none"> <li>- Improve communication channels for diffusion and promotion of use of the Law 27811 by indigenous peoples;</li> <li>- Spread the systematic register of traditional knowledge of public domain;</li> <li>- Establish information channels with the main intellectual property offices around the world;</li> <li>- Promote the offer of traditional knowledge;</li> <li>- Generate discussion rooms about traditional knowledge;</li> </ul> <p>In February 2006, with the support of USAID, INDECOPI organized a series of Intellectual Property Workshops for SME's which took place in several Peruvian cities (Lima, Trujillo, Piura and Arequipa)</p> <p>In June 2006, INDECOPI organized the 1<sup>st</sup> Indigenous Facilitator's Formation Workshop. The objective of this workshop was to acknowledge some members of indigenous communities in the content of the Law 27811, related to the protection of traditional knowledge of these communities, which are now capable to do the same for the rest of the members of their communities. This workshop took place in Lima but the participants were from different Peruvian cities and represented Asháninka, Aymara, Awajún, Matsigenka, Quechua, Shipibo-Conibo, Wanka and Yánesha communities.</p> <p>In October 2006, INDECOPI organized a decentralized workshop in the Law 27811, related to the protection of indigenous peoples'</p>	<ul style="list-style-type: none"> <li>• Title VII of the Penal Code was modified by Congress to increase the penalties for property rights infringement. In fact, the penalties for infractions related to IP issues are now:             <ul style="list-style-type: none"> <li>Copyrights, imprisonment from 2 to 4 years for aggravated cases, from 4 to 8 years for aggravated cases;</li> <li>Patents, imprisonment from 2 to 5 years;</li> <li>Trademarks, imprisonment from 2 to 4 years.</li> </ul> <p><i>An increase in the penalties is expected to have a dissuasive effect, since it implies effective deterrence for people infringing the IP Law. In addition, the Law includes two other relevant aspects, such as:</i></p> </li> <li>• A more specific and enlarged list of modalities for the three IP areas. The new infraction modalities added, are:             <ul style="list-style-type: none"> <li>design patterns and vegetable samples;</li> <li>copyright issues, there is an inclusion of the publisher which the authorized publisher could be held responsible because of an illegal use of this author's work.</li> </ul> </li> <li>• An aggravating circumstance in copyright infringement: commits the infraction or behaves in a similar manner on a habitual basis.</li> </ul> <p>In July 2005, the IP legislation (Law 27811) administrative sanctions was modified. The maximum fine sanction for administrative infractions increased from 150 U.I.T (tax units), to 180 U.IT. (1 U.I.T. US\$ 1,000)</p> <p>In September 2004, INDECOPI signed an agreement with the National Superintendence of Tributary Administration in order to fight smuggling and piracy.</p> <p>Officials from the Copyright Office are conducting inspections to sale and distribution of phonograms, books, videocassettes, and toys are sold without authorization of the copyright holder. The aim is to develop a strategy to improve control of copyright infringement by competent authorities and the private sector. These practices are being involved in the program.</p> <p>Within this program, INDECOPI's Copyright Office has four (4) action levels:</p>

Section	Improvements Implemented Since Last IAP	Current Situation Regarding Laws and Admin
	<p>traditional knowledge, which took place in Pucallpa, Peru.</p> <p>In November 2006, MINCETUR organized a Workshop on Interchange Experiences about Implementation of Dispositions on Intellectual Property in Commercial Agreements.</p> <p>This workshop took place in Lima, Peru. In this event participated delegations from Peru, Chile, El Salvador, Guatemala, Dominican Republic, Colombia and Ecuador.</p> <p>It was an opportunity to discuss about different topics, among others, the effective implementation of dispositions on border measures (foreseen according to TRIPS).</p> <p>In this sense, in coordination with MINCETUR, a project to modify the Decision 486 of the Andean Community related to Common Intellectual Property Regime is being elaborated and will be opportunely submitted to debate.</p> <p>In November 2006, four supra regional courts specialized on Intellectual Property Rights were created. This specialized courts and the National Punitive Chamber of the Superior Court are in charge of criminal IPR infringement cases.</p> <p>INDECOPI is participating in the Commission to Promote and Protect Geographical Indications, along with the Foreign Affairs Ministry, the Ministry of Foreign Trade and Tourism – MINCETUR, and the Ministry of Agriculture, among others.</p> <p>Likewise, two officials of INDECOPI are participating in the National</p>	<p>1.- Informal distribution of illegal goods in Peruvian cities. 2.- Store distribution; 3.- High concentration places of distribution; 4.- Reproduction and distribution sources where goods are produced.</p> <p>Contact point: <a href="mailto:mmoscoso@indecopi.gob.pe">mmoscoso@indecopi.gob.pe</a></p> <p>Since 1993, Peru has experienced a deep process specially directed to redefine the role of the State, which has had a positive influence on the economy, consolidating a free market. To reach this objective, clear and simple rules have been established, specially directed to protect property rights as a basic pillar of the market and warrants a proper development of the market.</p> <p>Peru is signatory to the WIPO Copyright Treaty (WCT) in 2001, and to the WIPO Performance and Protection Treaty (WPPT) since April 2002.</p> <p>Contact points <a href="mailto:mmoscoso@indecopi.gob.pe">mmoscoso@indecopi.gob.pe</a></p> <p>On August 10<sup>th</sup> 2002, the Law for the Protection of Traditional Knowledge was published. This law allows indigenous peoples are able to safeguard their traditional knowledge and to have the benefits of their intellectual property rights. A system of traditional knowledge will be kept by the State.</p> <p>In May 2004 the National Commission for the Protection to Peruvian Biological Resources and Traditional Knowledge of Indigenous Peoples was created. Its main purpose is to fight against the illegal use of Peruvian biological products and traditional knowledge of indigenous peoples.</p> <p>Since its creation, this Commission is working to prevent bio piracy or possible bio piracy related to Peruvian products: yacón, sachá inchi, maíz morado, lúcuma, oca, olluco, masato and maca. Likewise, the Commission is preparing a preliminary list of genetic and biological resources. This list includes the scientific name, family species and the product.</p> <p>Contact points</p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Situation Regarding Laws and Administration</b>
	<p>Commission for Access Protection to Peruvian Biological Diversity and Traditional Knowledge of Indigenous Peoples.</p>	<p>Ms. Begoña Venero, President of Property Chamber of INDECOPÍ's Tribunal  <a href="mailto:bvenero@indecopi.gob.pe">bvenero@indecopi.gob.pe</a></p> <p><a href="mailto:nescobedo@indecopi.gob.pe">nescobedo@indecopi.gob.pe</a></p> <p>- A multi-sector Commission has been created to prevent and combat smuggling, inform and educate about the adulteration of pharmaceutical products.</p> <p>The movie industry and video rental companies have initiated the fight against piracy through the display of anti piracy messages in movie theaters. Indecopi has led this initiative, bringing together the public and private sector in the fight against piracy.</p> <p>Since 2002, the Anti piracy Crusade, lead by Indecopi, has the support of the public and private sector. It is conformed by the audiovisual industry- and has been successful in restraint offences or infringement acts against the Anti piracy Crusade, among its different activities, has been "Anti Piracy Day" which takes place in November of each year. It gives anyone can access to watch films in all movie theaters, paying a symbolic price.</p> <p>The Copyright Office handles other awareness activities like "National Music Day", the "Intellectual Property Day" (April 26). These activities promote the acquisition of CD's and books.</p> <p>Contact point:  <a href="mailto:mmoscoso@indecopi.gob.pe">mmoscoso@indecopi.gob.pe</a></p> <p>- A chromatography laboratory is operating since 2002 at the Metrology National Service. This Laboratory allows an adequate quality control of our geographical indication "Pisco". The Trademarks Office is carrying out important control and enforcement actions so that the geographical indication "Pisco" is used adequately.</p> <p>Since may 2005, Peru is signatory of the Madrid Agreement for the Protection of Appellations of Origin and their International Registration.</p> <p>Two more geographical indications were registered in 2005 and 2006, respectively: "Maíz de Cusco", which is a special corn product.</p>

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Section	Improvements Implemented Since Last IAP	Current Situation Regarding Laws and Administration
		<p>“Chulucanas”, related to ceramics in the Peruvian North,</p> <p>Contact point:</p> <p><a href="mailto:msanchez@indecopi.gob.pe">msanchez@indecopi.gob.pe</a></p> <p>Officials of the Intellectual Property Trademark, Copyright and Patent Office, on a regular basis, training on Intellectual Property, including TRIPS implementation, to prosecutors and the national police.</p>
<p><b>Public Education and Awareness of IP, enhanced IP user skills</b></p>	<p>Geographical Indications Seminars, organized by WIPO, INAO and INDECOPI. These seminars took place in Lima and Cusco in February and March 2006.</p> <p>In February 2006, USAID and INDECOPI organized an Intellectual Property Workshop for SMEs, which took place in several Peruvian cities (Lima, Trujillo, Piura and Arequipa).</p> <p>In March 2006, workshops related to patents and technological transfer took place in three universities: Universidad Agraria La Molina, Pontificia Universidad Católica del Perú and Universidad Cayetano Heredia. These events were organized by INDECOPI and WIPO.</p> <p>In April 2006, INDECOPI's International Congress about the challenge of Copyright took place in Lima. This Congress was co-organized by APDAYC.</p> <p>In June 2006, INDECOPI organized the 1<sup>st</sup> Indigenous Facilitator's Formation Workshop. The objective of this workshop was to acknowledge some members of indigenous communities in the content of the Law 27811, related to</p>	<p>“Indecopi Educa” is a program addressing schoolteachers, who are given training. So far, 32 611 teachers have been trained in the country. This training has proven to have an effect over children and their parents.</p> <p>"Indecopi Empresa" is a training program for medium enterprises to enhance their competitiveness, honest competition framework and IP respect. They finished the first phase of enterprise awareness, implementing the second phase, in which several projects are being developed.</p> <p>Through an Agreement between INDECOPI and the Ministry of Education, comics have been developed on trademarks, copyright and patents. These comics have been translated to several languages and distributed worldwide.</p> <p>INDECOPI also promotes technological innovation in Andean agricultural products. INDECOPI organized a technological innovation contest in the agricultural sector. The requirement to participate is the use of raw materials that originate in the region and regions.</p> <p>Also, INDECOPI promotes the innovation through the Invention Contest, which is organized since 1996. INDECOPI organized the IX version and 130 participants. The 10 finalists awarded registration free waivers. The prize for the contest was US\$ 12 000,00.</p> <p>INDCOPI distributes materials and information related to scientific research:</p> <p>“Technological Surveillance Bulletin: fiscalization” is distributed to top enterprises in the agricultural and processing industries.</p>

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Section	Improvements Implemented Since Last IAP	Current Situation Regarding Laws and Admin
	<p>the protection of traditional knowledge of these communities, which are now capable to do the same for the rest of the members of their communities. This workshop took place in Lima but the participants were from different Peruvian cities and represented Asháninka, Aymara, Awajún, Matsigenka, Quechua, Shipibo-Conibo, Wanka and Yánesha communities.</p> <p>In October 2006, INDECOPI organized a decentralized workshop in the Law 27811, related to the protection of traditional knowledge of indigenous peoples, which took place in Pucallpa, Peru.</p> <p>Several promotional materials were produced and distributed among stakeholders, including comics, audio material for radio broadcasting and guidelines for protecting traditional knowledge. As a first result, two traditional knowledge registries were presented by indigenous peoples to the Office of Inventions and New Technologies in September 2006.</p>	<p>“Patents Issued Bulletin” – distributed to enterprises; it features patents issued and our information services.</p> <p>INDECOPI, with cooperation of WIPO projects to identify potential patent national SME's and other beneficiaries include a training phase performed by and a consultancy hired with WIPO fund innovations and support the technical elaboration to be presented as a patent application procedure. INDECOPI applications and patent evaluation fees</p> <p>"Cruzada de la Calidad" (Quality Crusade) is aimed at increasing quality and competitiveness to benefit consumers and enterprises. This campaign started on 2002 and trademarks are being promoted (trademarks of an entity such as an association of producers).</p> <p>Since 2002, the Anti piracy Crusade, led by INDECOPI has the support of the public and private sector, conforming by the audiovisual industry- and has implemented restraint offences or infringement acts against piracy Crusade, among its different activities, has "No Piracy Day" which takes place in November of each year, where anyone can access to watch films in all movie theaters paying a symbolic price.</p> <p>The Copyright Office handles other activities such as the “National Music Day”, “National Property Week”, which includes the “Brazilian Day”, November 23, and the “Copyright Day” (on November 23) activities promote the acquisition of original works and books.</p> <p>On a regular basis Indecopi publishes information and news related to IPR and trademarks which may be found at:  <a href="http://www.indecopi.gob.pe">http://www.indecopi.gob.pe</a></p> <p>Contact points:  <a href="mailto:Mmoscoso@indecopi.gob.pe">Mmoscoso@indecopi.gob.pe</a>  <a href="mailto:Msanchez@indecopi.gob.pe">Msanchez@indecopi.gob.pe</a>  <a href="mailto:Nescobedo@indecopi.gob.pe">Nescobedo@indecopi.gob.pe</a></p>
APEC Cooperation	INDECOPI participated in the 22 <sup>nd</sup>	INDECOPI's Intellectual Property

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Situation Regarding Laws and Administration</b>
<p><b>on IP Issues</b></p>	<p>APEC Intellectual Property Rights Experts Group Meeting, which was held in Hanoi, Vietnam, from 20 to 22 February 2006.</p> <p>INDECOPI participated in the APEC Workshop on IP for SME's and Micro enterprises, which was held in Hanoi, Vietnam, from 23 to 24 February 2006.</p>	<p>implemented some of the recommendations of KIPO's experts on its registering system. INDECOPI is looking for cooperation in the automation of the Intellectual Property Office related to registering, processing, searching, publishing and disseminating of documents.</p> <p>Peru is seeking cooperation in the following areas:</p> <ul style="list-style-type: none"> <li>• Traditional knowledge/Genetic Resources</li> <li>• Geographical Indications.</li> <li>• Protection on Folklore expressions.</li> </ul> <p>Contact point:  <a href="mailto:ohherbozo@indecopi.gob.pe">ohherbozo@indecopi.gob.pe</a></p>
<p><b>Promote transparency of IPR requirements, including by implementing the APEC Leaders' Transparency Standards on Intellectual Property Rights*</b></p>	<p align="center">-</p>	<ol style="list-style-type: none"> <li>(1) The norms related to intellectual property rights are published at INDECOPI's website: <a href="http://www.indecopi.gob.pe">http://www.indecopi.gob.pe</a></li> <li>(2) INDECOPI's Administrative Procedure Code contains instructions for the registry of intellectual property rights, which are published at INDECOPI's website</li> <li>(3) The Intellectual Property Offices have adopted the rules established in Legislative Decree No. 10720, which states the faculties, rules and procedures of INDECOPI. Moreover, the Resolutions emitted by the Appeal Chamber must be properly notified.</li> <li>(4) Every resolution is properly notified and interested parties have access to INDECOPI's jurisprudence.</li> <li>(5) The norms are pre-published at INDECOPI's website 15 days before they are finally published, to receive comments.</li> <li>(6) The enforcement of the Intellectual Property Law is constantly reviewed and its application. For example, the penalties for intellectual property infractions were</li> </ol>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Situation Regarding Laws and Admin</b>
		years of imprisonment on 2002 to 2004 (Law 28289). (7) INDECOPI publishes all the in measures taken in intellectual prop same way, the institution has a keeps informed the general public made to protect the intellectual prop



**Improvements in Peru's Approach to Intellectual Property Rights since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
<p><b>General Policy Position</b></p>	<ul style="list-style-type: none"> <li>• The Peruvian Law has two main statutes, the Industrial Property Law and the Copyright Law, which were enacted in 1996. Both laws incorporate into a single domestic regulation different international provisions, including those of the TRIPS Agreement.</li> <li>• Andean Decisions 351 (Copyrights and related rights), and 344 and 345 (Industrial Property) were enacted in 1993. Both Decisions incorporate substantive IP law and enforcement issues included in the TRIPS Agreement and the Paris Convention for the protection of Intellectual Property.</li> <li>• Peru is member of the Paris Union Treaty and the World Trade Organization (WTO). With regard to copyrights, Peru is also a member of the most important international agreements, such as the Bern Treaty, the Rome Treaty and the International Register of Audiovisual Productions.</li> <li>• Indecopi is analysing the possibility of joining the new treaties on Copyright adopted at the Diplomatic Conference of the WIPO, which took place in Geneva in 1996: The WIPO Copyright Treaty (WCT) and the WIPO Performance and Phonogram Treaty (WPPT).</li> </ul>	<ul style="list-style-type: none"> <li>• In order to comply with the TRIPS Agreement, Peru has enacted Decree 19849, which approves the Andean Decision 351 (Copyrights and related rights) and Decisions 344 and 345 (Industrial Property) with force of law.</li> <li>• Decree 19849 has been approved by the Communist Congress and published in the Official Gazette of Peru.</li> <li>• Officially, Peru has implemented the TRIPS Agreement as well as the Paris Convention for the protection of Intellectual Property. The Communist Congress has implemented the TRIPS Agreement through Decree 19849, which approves the Andean Decisions 351, 344 and 345, in addition to Decree 19849, which was held a law.</li> <li>• Peru is a member of the World Trade Organization (WTO) and has signed the Performance and Phonogram Treaty (WPPT) on April 1996.</li> <li>• In order to protect the intellectual property of the people, the Communist Congress has enacted Decree 19849, which approves the Andean Decisions 351, 344 and 345, in addition to Decree 19849, which was held a law.</li> <li>• In order to comply with the TRIPS Agreement, Peru has enacted Decree 19849, which approves the Andean Decision 351 (Copyrights and related rights) and Decisions 344 and 345 (Industrial Property) with force of law.</li> </ul> <p>The e... the</p>

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<p><b><i>Ensuring the Expeditious Granting of IP Rights</i></b></p>	<ul style="list-style-type: none"> <li>• Up until 1998, Indecopi has opened 5 decentralised offices across the country.</li> </ul>	<ul style="list-style-type: none"> <li>• In 2... Trade...</li> </ul>

**Improvements in Peru's Approach to Intellectual Property Rights since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
	<ul style="list-style-type: none"> <li>• Registration and infringement procedures have been simplified and made more efficient. It is no longer necessary to have public legal documents or official translations to ensure the power of representation or to register a licensing contract. Private documents and simple translations are enough.</li> <li>• To avoid having many cases of registration or infraction open for years, a system whereby a process can be declared abandoned, has been established, if the soliciting party does not fulfil the requirements demanded by the administration within three months.</li> <li>• The Trademarks Office is able to offer a search service for previously registered trademarks, which takes only 5 to 10 minutes, using a computerized system. A database is being worked on to carry out searches for previously registered figurative trademarks.</li> </ul>	<p>obtain registr ensur</p> <ul style="list-style-type: none"> <li>• In Jul (Trade obtain</li> <li>• Indec offices offices INDEC applic intelle traden produ functio up pro</li> <li>• In A agents consu through</li> <li>• In Ja and A Trade ISO 9</li> <li>• Durin and T functio Office forma</li> <li>• In th Decem more Office all m includ receiv issues Office</li> <li>• In Jul (Trade</li> </ul>

**Improvements in Peru's Approach to Intellectual Property Rights since 1996**

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		<p>obtain</p> <ul style="list-style-type: none"> <li>-</li> <li>• Time Rights</li> </ul> <p><b>FROM APP</b></p> <ol style="list-style-type: none"> <li>1. Pa ap</li> <li>2. Inc litig</li> <li>3. Ut litig</li> <li>4. Tr litig</li> <li>5. Co ca ap 30</li> </ol> <ul style="list-style-type: none"> <li>• Now Copyr</li> <li>• A pro Paten Platfo patent Korea Ameri</li> </ul>
<p><b>Effective Enforcement of IP Rights</b></p>	<ul style="list-style-type: none"> <li>• Indecopi was evaluating the impact of signing the Patent Cooperation Treaty (PCT) on the Peruvian market, and the effect that the new system will have on the performance and quality of the services currently offered by the Institution.</li> </ul>	<ul style="list-style-type: none"> <li>• Article Const fundar</li> <li>• Office makin stands video are s copyri strate infring and t practic</li> </ul> <p>Withi</p>

*Improvements in Peru's Approach to Intellectual Property Rights since 1996*

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<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
		<p>Peruvian knowledge</p> <p>Since the implementation of bio-diversity laws, the following have been registered: sangre de toro, mashu, Communion, and bioprospecting name, etc.</p> <ul style="list-style-type: none"> <li>• In September 1996, with the creation of the Administrative Office of Intellectual Property and Piracy.</li> <li>• In July 1997, the creation of IP units for IP (change of administrative units), US\$ 1 million.</li> <li>• Two geographical indications (recognition of Maiz Chulu, special Maiz Chulu locality (north)).</li> <li>• The launch of an information system of public registers (220 registers).</li> </ul> <p><a href="http://talctp">http://talctp</a></p> <p>The government has:</p> <ul style="list-style-type: none"> <li>- I</li> <li>- diff</li> <li>- 27</li> <li>-</li> <li>- tra</li> <li>- E</li> </ul>

*Improvements in Peru's Approach to Intellectual Property Rights since 1996*

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*Improvements in Peru's Approach to Intellectual Property Rights since 1996*

<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cumulative</i>
		<ul style="list-style-type: none"> <li>• The events "Intellectual Property Rights: A Book for the People" were held on April 2, 1996, in Lima, Peru, to raise originality.</li> <li>• A multi-sectoral approach was taken, with the leadership of the Ministry of Industry and Commerce, indicating the need for a comprehensive approach.</li> <li>• INDECOPI organized "Intellectual Property Rights Week" in 1996, which was to raise awareness and enhance the role of intellectual property in the consumption of goods and services. This effort was supported by various firms and organizations, which celebrated the occasion publicly.</li> <li>• In 1996, INDECOPI promoted a national competition for the protection of intellectual property, with a ceremony in Cusco, Peru, where the winners were presented to the President of the University of Cusco.</li> <li>• Several national and international organizations, including WIPO, UNESCO, and the World Bank, have been working with INDECOPI to improve the intellectual property system in Peru. These organizations have organized seminars and workshops in Cusco, Arequipa, and other regions of Peru. In February 1996, INDECOPI organized a seminar for the State Intellectual Property Office of Peru in Arequipa, Peru.</li> <li>• In March 1996, INDECOPI organized a seminar and three other events in Cusco, Peru.</li> </ul>

*Improvements in Peru's Approach to Intellectual Property Rights since 1996*

<i>Section</i>	<i>Position at Base Year (1996)</i>	<i>Cum</i>
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*Improvements in Peru's Approach to Intellectual Property Rights since 1996*

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<b>APEC Cooperation on IP Issues</b>	-	<ul style="list-style-type: none"> <li>• INDE</li> </ul>

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<p><b>Continuously strive to increase transparency of IPR requirements, including implementation of APEC Leaders' Transparency Standards on Intellectual Property Rights*</b></p>	<p align="center">-</p>	<p>(1) IND norms <a href="http://www.enece.org">http://www.enece.org</a></p> <p>(2) IND Rules</p>



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<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
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## **Appendix – APEC Leaders Transparency Standards on Intellectual Property**

### Introduction

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005. In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the Intellectual Property Experts Group (IPEG) developed the following set of transparency standards on intellectual property for incorporation into the Leaders’ Statement. These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos, and provide specific guidance for implementation within an intellectual property context.

#### Transparency Standards on Intellectual Property:

1. In accordance with paragraph 1 of the Leaders’ Statement, each Economy will promptly publish in its national language or otherwise make available its laws, regulations, and progressively, all procedures concerning the protection, including enforcement, of intellectual property rights in such a manner as to enable interested parties to become acquainted with them and so that the system for protecting and enforcing intellectual property rights shall be transparent.
2. Furthermore, each Economy will clarify procedures and practices regarding application, issuance, and registration of intellectual property rights by providing the following information: (a) Clear and simple instructions, and an explanation of the steps involved regarding the application and registration process, (b) Examination guidelines and assessment criteria used to review an application for approval, if applicable, (c) Contact points for inquires on standards, technical regulations, and other requirements, (d) Provisions that are directed to SMEs.
3. Each Economy will also provide a system for the registration of industrial property, which shall include: (a) Providing to the applicant a communication in writing, which may be electronic, of the reasons for any refusal to register a trademark or grant a patent; (b) Providing to the applicant an opportunity to respond to communications from the relevant government authorities, to contest an initial refusal, and to have a higher authority review any refusal to register a trademark or grant a patent; (c) An opportunity for interested parties to petition to oppose or to challenge a trademark or patent application or to seek cancellation after a trademark has been registered or a patent has been granted; and (d) A requirement that decisions in opposition or cancellation proceedings be reasoned and in writing.
4. Each Economy will provide that final judicial decisions or administrative rulings, those where appeals are no longer possible, of general applicability pertaining to the protection, including enforcement, of intellectual property rights shall be communicated to the parties to the proceedings. Each Economy will also provide for prompt publication of such decisions or rulings, or where such publication is not practicable, made publicly available, in a national language in such a manner as to enable governments and rights holders to become acquainted with them.
5. In accordance with paragraph 2 of the Leaders’ Statement, each Economy will, when possible, publish in advance any proposed changes to laws, regulations, and progressively, all procedures concerning the protection, including enforcement, of intellectual property rights, and provide interested persons a reasonable opportunity for public comment. Each Economy will also make available to all interested parties timely updates of changes to intellectual property law statutory regimes, including via the APEC Secretariat.
6. In addition to paragraphs 3, 4, and 5 of the Leaders’ Statement, each Economy will conduct periodic reviews of administrative regulations, rules, and procedures to ensure they are simplified, consistent, and transparent. Outstanding issues raised by the reviews will be resolved in a timely manner.
7. Each Economy will publish information on its efforts to provide effective enforcement of intellectual property rights in its civil, administrative and criminal system, including any statistical information that the Economy may collect for such purposes.
8. Each Economy will conduct regular briefings in appropriate fora to provide updates on the status of intellectual property protection and enforcement as well as future policy direction, if appropriate

*Confidential information - Nothing in the provisions of this statement shall require an Economy to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.*

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**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Intellectual Property Rights, which can be found in the [Appendix](#) at the end of this document.**

**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Intellectual Property Rights, which can be found in the [Appendix](#) at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

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## CHAPTER 8: COMPETITION POLICY

### Objective

APEC economies will enhance the competitive environment to increase consumer welfare in the Asia-Pacific region, taking into account developments in the New Economy and the need to bridge the digital divide through better access by ICT, by:

- a. introducing or maintaining effective and adequate competition policy and/or laws and associated enforcement policies;
- b. promoting co-operation among APEC economies, thereby maximizing, inter-alia, the efficient operation of markets, competitive benefits; and
- c. improving the ability of competition authorities, through enhanced capacity building and technical assistance, to better understand the New Economy.

### Guidelines

Each APEC economy will:

- a. review its respective competition policy and/or laws and the enforcement thereof taking into account the "APEC Principles to Enhance Competition and Regulatory Reform and the Law and Policy";
- b. enforce competition policies and/or laws (including those prohibiting anticompetitive practices that prevent access to ICT and the competitive process and promotion of consumer welfare, innovation, economic efficiency and open markets);
- c. implement and maintain standards consistent with the APEC Transparency Standards;
- d. disclose any pro-competitive efforts undertaken (e.g. enactment of competition laws, whether comprehensive or sectoral);
- e. implement as appropriate technical assistance in regard to policy development, legislative drafting, and the constitution, powers and functions of competition agencies;
- f. establish appropriate co-operation arrangements with other APEC economies, including those intended to address the digital divide;
- g. undertake additional step as appropriate to support the development of the New Economy and to ensure the efficient functioning of the competitive process.

### Collective Actions

APEC economies will:

- a. gather information and promote dialogue on and study;
  - (i) the objectives, necessity, role and operation of each APEC economy's competition policy and/or laws and administrative arrangements for the competition policy;
  - (ii) competition policy issues that impact on trade and investment flows in the Asia-Pacific region;
  - (iii) exemptions and exceptions from the coverage of each APEC economy's competition policy and/or laws in an effort to ensure that they achieve a legitimate and explicitly identified objective;
  - (iv) areas for technical assistance and the modalities thereof, including exchange and training programs for officials in charge of competition policy and the availability of resources; and
  - (v) the inter-relationship between competition policy and/or laws and other policies related to trade and investment;
- b. deepen competition policy dialogue between APEC economies and relevant international organizations;
- c. continue to develop understanding in the APEC business community of competition policy and/or laws and administrative arrangements;
- d. continue to develop an understanding of competition policies and/or laws within their respective governments and within relevant sectors and culture of competition;
- e. encourage cooperation among the competition authorities of APEC economies with regard to information exchange, notification and enforcement;
- f. contribute to the use of trade and competition laws, policies and measures that promote free and open trade, investment and economic growth;
- g. encourage all APEC economies to implement the "APEC Principles to Enhance Competition and Regulatory Reform and the Law and Policy"; and
- h. undertake capacity building programs to assist economies in implementing the "APEC Principles to Enhance Competition and Regulatory Reform and the Law and Policy".

## CHAPTER 8: COMPETITION POLICY

The current CAP relating to competition policy can be found in the [Competition Policy Collective Action Plan](#)

### **Peru's Approach to Competition Policy in 2007**

Up to date, Peru's general framework in competition is comprised by Legislative Decree 701 controlling and restrictive practices affecting free competition, Legislative Decree 807, INDECOPI Law 27444, General Administrative Procedure Law, and Law 26876, Antimonopoly and Antioligopoly.

The English version of the Legislative Decree 701 and the Law 26876 can be found in:

<http://www.indecopi.gob.pe/descartado-competencia-comisiones-clc-jurisLineam.jsp>

Peru has undertaken major changes which have had a significant impact on the country's development. These changes involved the constitution of a market economy system. This process required a market system that, without distorting the marketplace, would guarantee the effectiveness of the economic system to ensure that the country's interests are honored.

Since its establishment in 1992, Indecopi has viewed itself as an institution with an arbitral role in resolving controversies among individuals and private enterprises, notwithstanding the prosecution powers. The reductive approach to the competition phenomena is changing to a more assertive and even preventive approach to the phenomena.

This new approach to the competition phenomena is reflected on a series of initiatives undertaken to properly enforce the law, such as actions such as the revision of precedents set during the past decade and a broader use of prosecution powers by the agency.

Additionally, OSIPTEL, the National Telecommunication Regulatory Agency, which is in charge of Competition Policy in the telecommunications sector, has an important task in the enforcement and implementation of the Competition Legal Framework. In 2002, OSIPTEL has been successful in identifying and sanctioning anticompetitive practices in these markets, which have improved the legal system and the predictability of the authority.

One of the main objectives for the year 2007 is to seek for co-operation arrangements with other APEC members or other countries for co-operation and capacity building for the officials of competition agencies. This activity will enforce the capacities of the authority in investigations of competition-related proceedings.

Andean Community members agreed to prepare the regulation for Decision 608, which will help for its application in the Andean Community.

*Peru's Approach to Competition Policy in 2007*

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
<p><b>General Policy Framework, including Implementation of APEC Leaders' Transparency Standards on Competition Law and Policy*</b></p>	<p>The Competition Bill elaborated in the past year was submitted for debates inside some governmental institutions. Those debates concluded on the need to postpone the approval of this new law.</p> <p>In March 2005, Decision 608 of the Andean Community was issued. This law seeks the protection and promotion of free competition in the Andean Community. This decision substitutes Decision 285, which was issued in March 1991.</p> <p>Decision 608 punishes anticompetitive practices such as:</p> <ul style="list-style-type: none"> <li>• To fix prices -direct or indirectly- or other terms of trade.</li> <li>• To restraint the offer of sale and the demand for purchase of goods or services.</li> <li>• The division of the market of goods or services.</li> <li>• To impede or to limit the access or permanency of current or potential competitors in the market.</li> <li>• Establishment of, agreement on, or coordination of bids, lack of bids or results in public auctions, competitions, and sales.</li> <li>• To fix predatory prices.</li> </ul>	<p>Legislative Decree 701 seeks to eliminate monopolistic practices, controls, and restrictions on free competition in the marketing of goods and the provision of services, so that free private enterprise can flourish for the greatest benefit of consumers. (Article 1)</p> <p>The law applies to all persons and entities under public or private law undertaking economic activities. It also applies to all persons and entities or represent corporations, organizations, and institutions, when they take part in activities forbidden by this law. (Article 2)</p> <p>According to the provisions of this law, behaviors involving economic activities that constitute abuse of a dominant position, or that limit, restrain, or distort free competition in a manner that injures the common interest in national territory are prohibited and shall be punished.</p> <p>With regard to merger control, it applies to the electricity sector. Peru's National Defense of Competition and Intellectual Property, INDECOPI, is responsible for providing an <i>ex-ante</i> evaluation of mergers in the electricity sector (Law N°26877). INDECOPI is the antiloligopoly of the electricity sector. The Free Competition Commission is notified of merger proposals.</p> <p>Through Supreme Decree N° 00535-2005-ED published on June 1<sup>st</sup>, 2005, special regulation has been set for the electricity sector. "Antitrust and Antiloligopoly in the Electricity Sector". This decree has the effect of establishing a special procedure for the application of the law whenever a merger takes place as a result of the investment by the Agency of Investment, PROINVERSION.</p> <p><a href="http://www.indecopi.gob.pe/des">http://www.indecopi.gob.pe/des</a></p>

Peru's Approach to Competition Policy in 2007

Section	Improvements Implemented Since Last IAP	Current Competition Policies / Arrangements
	<ul style="list-style-type: none"> <li>• To fix, to impose or to establish the exclusive distribution of goods or services.</li> <li>• Making contracts contingent upon acceptance of supplementary obligations which by their nature and in comparison with business custom are not related to the purpose of those contracts.</li> <li>• Application of discriminatory terms, which place some competitors at a disadvantage with regard to others.</li> <li>• Unjustified refusal to satisfy demands for purchase or acquisition, or offers of sale or provision of goods or services.</li> <li>• To incite third persons not to accept the delivery of goods or to render services, or to impede the acquisition of goods, or not to sale raw material or inputs.</li> </ul> <p>Through Resolution N° 004-2000-INDECOPI/CLC of June 28, 2000, the Free Competition Commission issued the Guidelines about Confidential Information.</p> <p>Through Resolution N° 039-2005-INDECOPI/CLC of July 11, 2005, the Commission issued guidelines or criteria to evaluate "cease and desist commitments", submitted by</p>	<p><a href="http://www.indecopi.gob.pe/tacado-competencia-comisiones-clc-jurisLineam.jsp">tacado-competencia-comisiones-clc-jurisLineam.jsp</a></p> <p>Contact point:</p> <p>Graciela Ortiz , President of the Competition Chamber of INDECOPI  <a href="mailto:gortiz@indecopi.gob.pe">gortiz@indecopi.gob.pe</a></p> <p>In addition to these regulations, article 36° in Law N° 27336, C is the body in charge of all matters in the telecommunications sector, resolution of any conflict relating to the sector affecting the market of public services in the sector (abuse of dominant position)  <a href="http://www.osiptel.gob.pe">http://www.osiptel.gob.pe</a></p> <p>More details regarding Telecommunications legislation may be found at:  <a href="http://www.osiptel.gob.pe/Indecopi/Indecopi.x.ASP?T=P&amp;P=2728">http://www.osiptel.gob.pe/Indecopi/Indecopi.x.ASP?T=P&amp;P=2728</a></p> <p>Regarding other issues, Law 27336 sets a time limit for the resolution of administrative procedures, which is 120 working days. This resolution must be applied to CLC procedures.</p> <p>On October 11, 2001, the Administrative Procedures Law, which provides a general framework to regulate the administrative procedures, included the FCC's procedures.</p> <p>Articles 3 and 6 of Legislative Decree 2001 were understood as an enactment of the rule of reason and the rule of reason were firmly adopted in Peru by the Commission established by the Competition Chamber of INDECOPI in its interpretation was revised by Resolution 2003/TDC-INDECOPI (July, 2003) regarding compliance, which revoked the administrative decisions.</p> <p>-  -  <a href="http://www.indecopi.gob.pe/descomisiones-tacado-competencia-comisiones-clc-jurisLineam.jsp">http://www.indecopi.gob.pe/descomisiones-tacado-competencia-comisiones-clc-jurisLineam.jsp</a></p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
	<p>the defendants to cease the acts and practices under investigation by competition authority.</p> <p>Through Resolution N° 075-2002-CD/OSIPTEL, OSIPTEL issued guidelines related to the application of competition policy in the telecommunications sector.</p>	<p><a href="http://www.indecopi.gob.pe/des_tacado-competencia-comisiones-SDC-clc-jurisLineam.jsp">clc-jurisLineam.jsp</a></p> <p>- <a href="http://www.indecopi.gob.pe/des_tacado-competencia-comisiones-SDC-clc-jurisLineam.jsp">http://www.indecopi.gob.pe/des_tacado-competencia-comisiones-SDC-clc-jurisLineam.jsp</a></p> <p>- In addition, this recent administration has established a precedent in cases to be treated in the future. It does not apply sanctions based on the existence of collusive agreements in trade (as was mentioned above). In the decision, it will also be necessary to put agreements into execution, and for this to have a negative effect in the economy, the practice is illegal. This analysis must be done on a case-by-case basis.</p> <p>In March 2005 the Defense Chamber issued the Resolution 984, which contains a Precedent of Mandatory Compliance regarding some issues, issuing and answering to information requests in a procedure started by the Foreign Trade Commission (CLC for its Spanish name).</p>
<p><b>Reviews of Competition Policies and/or Laws</b></p>	<p>On December 15<sup>th</sup> 2005, the General Secretary of the Andean Community issued the Resolution 984. This resolution ordered the application of measures to reverse the damages caused by anticompetitive practices fulfilled by Colombian enterprises. To resolve this case, the Andean Community applied the recent Decision 608.</p>	<p>Currently, INDECOPÍ's Defense Chamber has issued the following Mandatory Compliance concerning these issues:</p> <p><a href="http://www.indecopi.gob.pe/des_tacado-competencia-comisiones-SDC-clc-jurisLineam.jsp">http://www.indecopi.gob.pe/des_tacado-competencia-comisiones-SDC-clc-jurisLineam.jsp</a></p> <p>Contact point: <a href="mailto:gortiz@indecopi.gob.pe">gortiz@indecopi.gob.pe</a></p> <p>OSIPTEL has been working in a normative framework to promote competition in the telecommunications sector. In this instance this institution has issued the following:</p> <p>Through Resolution N° 004-2004-CD/OSIPTEL issued a law related to the interchange of information among fix-line and long distance operators.</p> <p>OSIPTEL has issued the "Public Infrastructure Enhancement Policies regarding Bottleneck Infrastructure Facilities."</p> <p>Contact point:</p>



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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
		<p>Ana Rosa Martinelli, Technical Secretariat of the Decisor Body regarding Competition Policy in the Telecommunication sector.</p>
<p><b>Competition Institutions (Including Enforcement Agencies)</b></p>		<p>The Free Competition Commission is an autonomous agency and one of the executive bodies within INDECOPI. INDECOPI is an administrative body within the Executive Branch reporting to the Presidency of the Council of Ministers.</p> <p>Six members directly named by the Board of Directors make up the Commission. One member works part time at the Commission. The member can come from the public or private sector. The Commission's autonomy and impartiality is guaranteed by its moral and professional capacity.</p> <p>All the different areas, commissions and committees belonging to INDECOPI, including the Commission, are financially and administratively autonomous for each year. Regarding the issues related to the Commission's tasks, INDECOPI promoted an initiative which seeks to review the concentration of cases used by its commissions, in order to optimize the modifications where required.</p> <p>The Defense of Competition Commission is INDECOPI's Tribunal has the sole administrative jurisdiction on cases of anti-competitive violations of Decree 701.</p> <p>Contact point: <a href="mailto:gortiz@indecopi.gob.pe">gortiz@indecopi.gob.pe</a></p> <p>OSIPTEL is the administrative body responsible for all matters related to the telecommunication sector, including the resolution of disputes related to conducts affecting the provision of services in this sector. <a href="http://www.osiptel.gob.pe">http://www.osiptel.gob.pe</a></p> <p>The enforcement of the competition law is in the hands of the Professional Body, whose members are selected from an established list of the most prominent economists and legal professionals related to the telecommunication sector, competition and regulatory network infrastructure in Peru. The Professional Body is designated by the Board of Directors of OSIPTEL.</p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
		<p>Contact point: Ana Rosa Martinelli, Technical Secretariat Decisor Body regarding Competition Telecommunication sector.</p>
<p><b>Measures to Deal with Horizontal Restraints</b></p>		<p>Articles 3 and 6 of Legislative Decree No. 1017 were understood as an enactment of the <i>rule of reason</i> and the <i>rule of reason</i> were firmly adopted in Peru by the Tribunal of Competition established by the Competition Law, as established by the Chamber of the Tribunal of Competition. This interpretation was revised by the Tribunal of Competition (N° 224-2003/TDC-INDECOPI) which established mandatory compliance, which is based on previous decisions.</p> <p>In addition, this administrative decision established a precedent for all administrative decisions to be treated in the future. Articles 3 and 6 apply sanctions based only on the existence of collusive agreements that restrain competition (mentioned above). According to the Tribunal, it will also be necessary to put these provisions into execution, and for them to have a positive effect in the economy, to decide on what is illegal. This analysis must be carried out on a case-by-case basis.</p> <p>INDECOPI also requests a periodic review of the role of its Economic Studies Department to analyze markets and to collect data on future and current procedures.</p>
<p><b>Measures to Deal with Vertical Restraints</b></p>		<p>The same rules explained in the previous section are applicable to vertical restraints.</p>
<p><b>Measures to Deal with Abuse of Dominant Position</b></p>		<p>Peruvian competition law punishes the abuse of dominant position as an anticompetitive practice. Acts of abuse of a dominant position include:</p> <ul style="list-style-type: none"> <li>• unjustified refusal to satisfy demand</li> </ul>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
		<p>purchase or acquisition of goods or offer of sale or provision of services</p> <ul style="list-style-type: none"> <li>• application in business of discriminatory terms for similar goods or services which place some competitors at a disadvantage with regard to other competitors</li> <li>• Making contracts conditional on the acceptance of supplementary conditions by their nature and in compliance with business custom are not enforceable for the purpose of the contracts,</li> <li>• Other cases of a similar nature</li> </ul> <p>These practices are punished as anti-competitive conduct and its damage to the market have been proved.</p> <p>Regarding essential facilities practices and the Defense of Competition, INDECOPI's Tribunal have made decisions on this issue, in procedures which involve insurance and banks.</p> <p>In June 2004, the Defense of Competition Indecopi issued the Resolution 225-2004, which stated that abuse of dominant position is exclusionary, but also exploitative conduct.</p> <p>Contact point: <a href="mailto:gortiz@indecopi.gob.pe">gortiz@indecopi.gob.pe</a></p> <p>OSIPTEL has been improving its regulatory framework regarding predatory practices in telecommunication markets, taking into account that this sector is changing due to the convergence, which will lead to the establishment of tying strategies.</p> <p>Contact point: Ana Rosa Martinelli, Technical Secretariat, Decisor Body regarding Competition in the Telecommunication sector.</p>
<b>Measures to Deal with Mergers and Acquisitions</b>	As mentioned above, the Competition Bill elaborated in the past year, which contains a requirement of notification	The only sector, which has a pre-merger notification mechanism for concentration operations is the electricity sector.

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
	<p>for those merger proposals over certain thresholds, was submitted for debates inside some governmental institutions. Those debates concluded on the need to postpone the approval of this new law.</p>	<p>According to the Law (Antitrust and Law for the Electricity Sector), directly or indirectly involve operations, shall notify such operations performing them, considering the effects in the activities of electric power generation and/or transmission, and/or distribution in Peruvian territory.</p> <p>Regarding this law, the CLC has issued guidelines in order to determine the criteria related to the interpretation of the law.</p> <p>Based on previous experience with mergers in the electricity sector, in April 2002, the CLC issued a new questionnaire in order to improve the information within a merger notification. The new questionnaire takes into account the electricity sector's way of operation and provides direct and specific information. It addresses the following different relevant markets in the electricity sector:</p> <ul style="list-style-type: none"> <li>- The non franchise customer.</li> <li>- The transmission market.</li> <li>- The distribution market.</li> </ul> <p><a href="http://www.indecopi.gob.pe/des/tacado-competencia-comisiones-clc-jurisLineam.jsp">http://www.indecopi.gob.pe/des/tacado-competencia-comisiones-clc-jurisLineam.jsp</a></p> <p>Contact point: Ernesto Lopez, Technical Secretary Competition Commission. <a href="mailto:elopez@indecopi.gob.pe">elopez@indecopi.gob.pe</a></p> <p>Even though there is not an antitrust control policy, the current telecommunications legal framework establishes that the acquisition of licenses and concessions by telecommunication operators shall be evaluated under the scope of antitrust effects on the industry. Depending on the results of this evaluation, a transfer could be approved, conditioned or potentially denied. The Technical Secretary has already issued resolutions in several cases. Final Guidelines and Regulations that would be applied for future acquisitions of similar nature would be released.</p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
		<p>2007.</p> <p>Contact point: Ana Rosa Martinelli, Technical Secretariat Decisor Body regarding Competition Policy Telecommunication sector.</p>
<p><b>Other Issues Addressed by Competition Policy</b></p>		<p>INDECOPI has a coordination with the National Office of Consumer Protection (CONSUMCODE), the entity responsible for the supervision and control of procurement by public organisations and to investigate possible restraints to free competition.</p> <p>OSIPTEL as Regulatory Agency in the telecommunications sector has issued a legal framework for the promotion of competition in this sector:</p> <p>By Resolution N° 049-2006-CD, OSIPTEL designated the dominant operator, Telefonica del Peru, subject to the "Imputation Test" for the provision of distance telecommunication services, to guarantee and promote competition in the market.</p> <p>Through OSIPTEL legislation, consumers of telecommunications may use different operators for long distance call, in order to promote competition between the distance operator and the incumbent local operator.</p>
<p><b>Co-operation Arrangements with other Member Economies</b></p>	<p>The APEC Training Course on Competition Policy for APEC Member Economies was held from August 8 to 10, 2006, at Bangkok, Thailand. Two INDECOPI Officials participated in this program.</p> <p>In February 2006, the negotiations for a Free Trade Agreement between Peru and Singapore were initiated. A chapter of competition policy was included in the negotiations which still continue.</p> <p>In April 2006, the Peruvian</p>	<p>Transparency is one of APEC's principles enshrined in APEC's Action Agenda. In this sense, the principles, which APEC members should pursue. One of them is the Principle to Enhance Competition and Regulatory Reform, which has been adopted by Peru when it held the Convención CPD Working Group (from 1999 to 2002). Peru held the Vice Convención CPD Working Group in December 2002.</p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
	<p>Congress approved the Free Trade Agreement (FTA) with USA. This agreement includes a chapter on competition policy.</p> <p>In August 2006, a Free Trade Agreement between Peru and Chile was signed. A chapter of competition policy in this agreement was negotiated.</p>	
<p><b>Activities with other APEC Economies and in other International Fora</b></p>	<p>In February 2006, INDECOPI participated in the "Regional Seminar on competition policy in Latin America and the Caribbean", which took place in Bogota, Colombia and was organized by UNCTAD and INDECOPI.</p> <p>In February 2006, INDECOPI participated in the "OECD Global Forum on Competition" and the "OECD Global Forum on Trade and Competition" which took place in Paris, France.</p> <p>INDECOPI participated in the Seminar on Competition Policy and Regulation in the Commercial Liberalization Context, which took place in Mexico DF, Mexico, in March 2006. This seminar was organized by the ECLAC and the CIDA (Canadian International Development Agency).</p> <p>In April 2006, the Peruvian Congress approved the Free Trade Agreement (FTA) with the USA. This agreement</p>	<p>Peru is part of the Iberoamerican Forum ; this Forum promotes competition issues among countries.</p> <p>Peru participated on a Project co-financed by the European Union and the Andean Community General Secretariat on Competition Policy (2003-2005).</p> <p>Peru is a member of the International Competition Network (ICN), and participates in many of its regional subgroups.</p> <p>Also, Peru is beneficiary of the Technical Assistance Programme, which is a Technical Assistance Programme on Competition and Consumer Protection Policies for Latin America and the Caribbean by SECO (Switzerland).</p> <p>Peru is a member of the Inter-American Economic Commission for Latin America and the Caribbean (ECLAC) and participates in the activities carried out by this organization.</p> <p>Since 1996 the OECD (Organization for Economic Co-operation and Development) and the World Trade Organization) has been in co-operation with the countries of South America in promoting the development of competition policy in the region. In 2004 events organized by the</p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
	<p>includes a chapter on competition policy.</p> <p>In April 2006, INDECOPI organized the "Investigation contest on competition and consumer protection topics". This event was carried out in Lima and was part of the activities of INDECOPI and the COMPAL Programme (the COMPAL Programme is a three-year Technical Assistance Programme on Competition and Consumer Protection Policies for Latin America supported by Switzerland).</p> <p>In May 2006, INDECOPI participated in the 5<sup>th</sup> Annual Conference of the ICN, which took place in Cape City, South Africa.</p> <p>In May and June 2006, INDECOPI participated in the Competition Policy Workshop for Ibero American countries and the Annual Meeting of the Ibero American Competition Forum, which took place in Lisbon, Portugal.</p> <p>In July 2006 the "Seminary on new dimensions of competition policy in emergent markets" was carried out in Lima, Peru. This event was part of the activities of the COMPAL Programme - INDECOPI.</p> <p>In July 2006, INDECOPI participated in the fourth meeting of the Latin</p>	<p>respectively a peer review of competition institutions. Peru also participated in Chile's Peer Review.</p>

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Competition Policies / Arrangements</b>
	American Competition Forum, which took place in San Salvador, El Salvador.	
<b>Collective Actions</b>		



Section	Position at Base Year 1996
<p><b>General Policy Position, including Implementation of APEC Leaders' Transparency Standards on Competition Law and Policy*</b></p>	<p>Legislative Decree No. 701 seeks to eliminate monopolistic practices, controls, and marketing of goods and the provision of services, so that free private enterprise and consumers. (Article 1).</p> <p>The law applies to all persons and entities under public or private law that und persons who direct or represent corporations, institutions, or entities when they ta law (Article 2).</p> <p>According to the provisions of this law, acts or behavior involving economic acti position or limit, restrain, or distort free competition in a manner that injures the c are prohibited and shall be punished.</p> <p>Regarding merger control, it only applies to the electricity sector. INDECOPI is i sector (Law N°26876: antitrust and anti-oligopoly of the electricity sector). The C and after the analysis and investigation, give authorization to the interested parties</p> <p>According to article 36° in Law N° 27336 -Law describing the enforcement, fu Regulator (OSIPTEL) OSIPTEL is the administrative body in charge of all ma including the resolution of any conflict related to conducts affecting the market of position and cartels).</p> <p><a href="http://www.osiptel.gob.pe">http://www.osiptel.gob.pe</a></p> <p><a href="http://www.osiptel.gob.pe/Inde x.ASP?T=T&amp;IDBase=0&amp;P=% 2Fosipteldocs%2Fgl%2Fel%5Fsector%2Fmarco%5Flegal%2Flegislaci%F3n%5Ft">http://www.osiptel.gob.pe/Inde x.ASP?T=T&amp;IDBase=0&amp;P=% 2Fosipteldocs%2Fgl%2Fel%5Fsector%2Fmarco%5Flegal%2Flegislaci%F3n%5Ft</a></p> <p>More details regarding Telecommunication legislation may be found at: <a href="http://www.osiptel.gob.pe/Inde x.ASP?T=P&amp;P=2728">http://www.osiptel.gob.pe/Inde x.ASP?T=P&amp;P=2728</a></p>

**Section**

**Position at Base Year 1996**

<b>Section</b>	<b>Position at Base Year 1996</b>

<b>Section</b>	<b>Position at Base Year 1996</b>
<b>Reviews of</b>	

<b>Section</b>	<b>Position at Base Year 1996</b>
<b>Competition Policies and/or Laws</b>	There were two precedents of mandatory compliance concerning Competition issu

<b>Section</b>	<b>Position at Base Year 1996</b>
<p><b>Competition Institutions (Including Enforcement Agencies)</b></p>	<p>The Free Competition Commission is an agency with technical and administrative functions with the law against practices that are monopolistic, or designed to control or restrict competition.</p> <p>The Commission on Free Competition has a Technical Secretariat that serves as the executive body of INDECOPI. (Article 44 of the Law on Organization and Functions of INDECOPI)</p> <p>The Defense of Competition Chamber of INDECOPI has the second and final instance for the resolution of violations of Decree 701.</p>
<p><b>Measures to Deal with Horizontal Restraints</b></p>	<p>The Peruvian antitrust legislation punishes anticompetitive practices such as:</p> <ul style="list-style-type: none"> <li>• Direct or indirect collusion among competitors to fix prices or other terms of trade.</li> <li>• Division of the market or supply of sources.</li> <li>• Application of production quotas.</li> </ul>

<b>Section</b>	<b>Position at Base Year 1996</b>
	<ul style="list-style-type: none"><li>• Agreement upon product quality when it does not relate to national or international standards or the consumer.</li><li>• Application in business practices of discriminatory terms for similar services, with regard to others.</li><li>• Making contracts contingent upon acceptance of supplementary payments that are not custom or practice and are not related to the purpose of the contracts.</li><li>• Unjustified refusal to satisfy demand for purchase or acquisition of goods or services.</li><li>• Collusion for limits or controls on production, technical development, or investment.</li><li>• Establishment of, agreement on, or coordination of bids or lack of bids in public procurement.</li><li>• Any other situation with similar effects.</li></ul>

<b>Section</b>	<b>Position at Base Year 1996</b>
<p><b><i>Measures to Deal with Vertical Restraints</i></b></p>	<p>Peruvian competition law does not prohibit per se vertical restraints such as:</p> <ul style="list-style-type: none"> <li>- exclusive dealing, and;</li> <li>- resale price maintenance.</li> </ul> <p>The anti-competitive nature of these practices is analyzed case by case. Tying and Bundling are not per se violations. Reasonable Business Reason.</p>
<p><b><i>Measures to Deal with Abuse of Dominant Position</i></b></p>	<p>Peruvian Competition Law punishes the abuse of dominant position such as:</p> <ul style="list-style-type: none"> <li>• Unjustified refusal to satisfy demand for purchase or acquisition of goods or services.</li> <li>• Application in business practices of discriminatory terms for similar services, with regard to others.</li> <li>• Making contracts contingent upon acceptance of supplementary payments that are not custom are not related to the purpose of the contracts.</li> <li>• Other cases of a similar nature.</li> </ul>

<b>Section</b>	<b>Position at Base Year 1996</b>
<b>Measures to Deal with Mergers and Acquisitions</b>	<p>The only sector which requires a prior notification mechanism for concentration op</p> <p>According to the Law (Antitrust and Antioligopoly Law for the Electricity Sector merger operations shall notify such operations before performing them, consider power generation, and/or transmission, and/or distribution in the Peruvian territory</p> <p><a href="http://www.indecopi.gob.pe/des-tacado-competencia-comisiones-clc-jurisLineam.jsp">http://www.indecopi.gob.pe/des-tacado-competencia-comisiones-clc-jurisLineam.jsp</a></p>



<b>Section</b>	<b>Position at Base Year 1996</b>

<b>Section</b>	<b>Position at Base Year 1996</b>
<b><i>Other Issues Addressed by Competition Policy</i></b>	

<b>Section</b>	<b>Position at Base Year 1996</b>
<b>Co-operation Arrangements with other Member Economies</b>	

<b>Section</b>	<b>Position at Base Year 1996</b>
<b>Activities with other APEC Economies and in other International Forum</b>	

**Section**

**Position at Base Year 1996**

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**Position at Base Year 1996**

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## **Appendix – APEC Leaders’ Transparency Standards on Competition Law and Policy and Regulatory Reform**

### Introduction

In October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that APEC sub-fora that have not developed specific transparency provisions should do so, and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the following set of transparency standards on competition and deregulation for incorporation into the Leaders’ Statement were developed.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos, and provide specific guidance for implementation within the context of competition law and policy and regulatory reform.

#### Transparency Standards on Competition Law and Policy:

1. In furtherance of paragraph 1 of the General Principles of the Leaders’ Statement, each Economy will ensure that its competition laws, regulations, and progressively, procedures, administrative rulings of general application and judicial decisions of general application are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them.
2. In furtherance of paragraphs 4 and 5 of the General Principles of the Leaders’ Statement, each Economy will ensure that before it imposes a sanction or remedy against any person for violating its national competition law, it affords the person the right to be heard and to present evidence, except that it may provide for the person to be heard and present evidence within a reasonable time after it imposes an interim sanction or remedy; and that an independent court or tribunal imposes or, at the persons request, reviews any such sanction or remedy. Proceedings subject to this paragraph are to be in accordance with domestic law.

#### Transparency Standards on Regulatory Reform:

1. In furtherance of paragraph 1 of the General Principles of the Leaders’ Statement, each Economy will ensure that its laws, regulations, procedural rules and administrative rulings of general application relating to regulatory reform are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.
2. In furtherance of paragraphs 2 and 3 of the Leaders’ Statement, Economies recognize the importance of ensuring transparency in the regulatory reform process and of soliciting and responding to inquiries from interested persons and other Economies. Accordingly, each Economy will, where possible (a) publish in advance regulatory reform measures that it proposes to adopt, and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures. In addition, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed regulatory reform measure.

#### *Confidential Information*

Economies agree that nothing in these standards requires any Economy to disclose confidential information. (Note: The Leaders’ Statement includes a provision for the protection of confidential information. This statement is included here to emphasize the importance of the protection of confidential information in the contexts of both competition law and policy and regulatory reform.)

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\* Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Competition Law and Policy, which can be found in the [Appendix](#) at the end of this document.

\* Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Competition Law and Policy, which can be found in the [Appendix](#) at the end of this document. Economies

should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.



## CHAPTER 9: GOVERNMENT PROCUREMENT

### **Objective**

*APEC economies will*

- a. *develop a common understanding on government procurement policies and systems, as well as on each APEC economy's*
- b. *achieve liberalization of government procurement markets throughout the Asia-Pacific region in accordance with the principles contributing in the process to the evolution of work on government procurement in other multilateral fora;*
- c. *increase the use of electronic means to conduct government procurement and in so doing seek to promote the uptake of e*
- d. *implement and maintain standards consistent with the APEC Leaders' Transparency Standards.*

### **Guidelines**

*Each APEC economy will:*

- a. *enhance the transparency of its government procurement regimes and its government procurement information, consistent*
- b. *establish, where possible, a government procurement information database and provide the information through a common*
- c. *review on a voluntary basis and take appropriate steps to improve the consistency of its government procurement regime Government Procurement (transparency, value for money, open and effective competition, fair dealing, accountability and*
- d. *provide for and promote government procurement through electronic means wherever possible.*

### **Collective Actions**

*APEC economies will:*

- a. *utilize questionnaire surveys to exchange information on existing government procurement regimes and on publication of g economies;*
- b. *maintain contact points to facilitate on-going exchange of the above information;*
- c. *hold workshops, seminars and training courses on government procurement procedures, laws, regulations, regional and p technological development on government procurement;*
- d. *encourage establishment of an APEC government procurement information database, including information on procureme entry point (such as World Wide Web (WWW) Home Page on the Internet) for participation by members on a voluntary bas*
- e. *continue to report voluntarily on the consistency of their procurement regimes with the APEC Non-binding Principles on G to their regimes.*

*The current CAP relating to government procurement can be found in the Government Procurement Collective Action Plan.*

### **Peru's Approach to Government Procurement in 2007**

Since last IAP, Peru has started to implement completely the use of new tender modalities on government procurement, such as corporate purchases, according to the amendments to Peru's Procurement Law during year 2004. The goal of these changes is to reach more efficiency in the procurement system and reduce tendering procedures's time limits. Peru has also implemented procurement transactions under the modality of reverse auctions and also for procurement in the case of minor purchases. Other actions concerning domestic review mechanisms in order to get a more effective and timely review procedures for suppliers according to

<b>Peru's Approach to Government Procurement in 2007</b>			
<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Measures Applied</b>	<b>Further Improvements Planned</b>
<b>Transparency Implement APEC Leaders' Transparency Standards on Government Procurement*</b>	<p>Since year 2004, the Peruvian Government established that all public entities at all level of government, including public enterprises, must use the Electronic Government Procurement System (SEACE) <a href="http://www.seace.gob.pe">http://www.seace.gob.pe</a>. This web site constitutes a single entry point for the purpose of enabling suppliers to access information on procurement opportunities in the whole country.</p> <p>Since year 2005, all public entities ought to publish the entire tendering information in this electronic system. To that respect, SEACE constitutes the only official mean to make these publications, containing information such as: notices of intended procurement and invitations to tender, tender documentation, including technical specifications and evaluation criteria, awarding of contracts, annual procurement plans, business opportunities and statistic information. This database is of public access and provides information about prices and conditions for participation in a tendering procedure, which can be used as a reference for future contracts.</p> <p>CONSUCODE has developed a free service to interested suppliers in order to receive electronically, automatic notifications of relevant procurement information.</p> <p>All measures of general application such as laws, regulations, practices, are available at <a href="http://www.consucode.gob.pe">http://www.consucode.gob.pe</a>.</p>	<p>Peru works continuously in the implementation of the transparency standard on government procurement always in a more efficient way through amendments to procurement law and with improvements in the SEACE system.</p>	<p>Peru has planed to translate into English language the web site of CONSUCODE and SEACE, as well as the National Register of Suppliers, in a short or medium term, depending to the financial cooperation that can be achieved, especially from abroad.</p>
<b>Value for Money</b>	<p>1. Since year 2004, procurement law establishes new tender modalities: centralized purchases, reverse auction and corporative purchases. These three new modalities have been totally implemented right now and are being used by public entities, as appropriate, with respect to the goods and services that need to</p>	<p>Corporative purchases, reverse auction and purchases by catalogue are regulated under the Procurement Law.</p> <p>CONSUCODE is working toward international</p>	<p>1. Peru is working to establish a legal framework in order to assist public officers in the determination of the referential value of the goods or services subject to a tendering process,</p>

**Peru's Approach to Government Procurement in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Measures Applied</b>	<b>Further Improvements Planned</b>
	<p>be procured.</p> <p><b>a. Corporative purchases:</b> by this method, one public entity centralizes the procurement of a group of entities, allowing to the public administration great savings and better procurement conditions by doing economy of scale. Since year 2005, there exist two kind of corporative purchases: i) facultative: that are subject to a cooperative agreement celebrated among entities; and ii) mandatory: always defined by law. It is important to mention, that mandatory corporative purchases are now carried out by CONSUCODE.</p> <p><b>b. Reverse auction:</b> this method was successfully implemented during the year 2005, and it is used when a procuring entity procures commercials or standarized goods or services, with technical specifications and performance requirements previously defined, where only price can be discussed (supplier that bid the lowest price gets the award of the contract). There are two types of reverse auction: by public act or electronically.</p> <p>Until May of year 2007, 5479 transactions have been taken place, and involved US\$ 320'000,000. With this method, public entities are able to purchase commodities in a short period of time (10 days). Until now, CONSUCODE has approved a list of 500 goods and services to be procured, while other 46 are under consultation period to be included under the list.</p> <p><b>c. Purchases by catalogue:</b> this method means that CONSUCODE makes available continuously in electronic form, a notice inviting interested suppliers to apply for inclusion on a catalogue, choosing suppliers according to the most advantageous offers presented. The chosen offers will be published in an electronic catalogue, so public entities could purchase and hire through this catalogue whenever they need to.</p>	<p>standards in order to adapt the national catalogue of goods and services to the United Nation's Classification System.</p>	<p>and make it more efficient. This will be reached with international cooperation with the World Bank and the Inter -American Development Bank.</p> <p>2. Peru has decided to use the OECD management indicators with the aim to review if Peruvian procurement's law and practices are carry out appropriately and efficiently.</p> <p>3. The National Register of Suppliers will facilitate to aliens register requirements (everything will be done by internet, including the paid of the inscription fee and the presentation of documents).</p> <p>4. Peru will establish a National School for officers who want to be responsible for government procurement. The school will constitute a mandatory requirement to become a procurement officer.</p> <p>Peru is also preparing the implementation of an evaluation system to measure the performance of the public officers responsible to carry out procurement processes.</p> <p>5. An incentive program will be implemented in favor of public</p>

<b>Peru's Approach to Government Procurement in 2007</b>			
<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Measures Applied</b>	<b>Further Improvements Planned</b>
	<p>During the year 2007, it has been taken place the first procurement under this method for office supply purposes of 233 items</p> <p>2. During 2005, Peru implemented the National Register of Suppliers for providers of goods and services, including works, as the official suppliers's data base.</p> <p>This Register will be the base of electronic transactions that will take place in the near future, as well as the catalogue of goods and services and the catalogue of public entities. The National Register of Suppliers began its activity in June 2006, and the inscription can be made electronically, except for works.</p> <p>This Register requires suppliers to satisfy the following requirements for their inscription: legal ability, and in the case of construction services, including consulting services, also technical and economic ability. This will enable to manage a centralized source of information, which will include systematized data concerning to capacity ability and prior providers's performance with respect to trade relationswith the public sector.</p> <p>3. SEACE ensures transparency and also reduces transaction's costs; consequently, SEACE enables to better accomplish the value for money principle. This is possible through the development of a database available to support contracting processes.</p> <p>Since year 2006, electronic transactions through SEACE have been taken place for procurements below US\$ 4,000.</p>		<p>officers that make great savings to the public administration during procurements processes.</p>
<b>Open and Effective Competition</b>	<p>SEACE enables to centralize in a single entry point all information concerning procurement opportunities SEACE also includes a business opportunities link that enables registered providers to become acquainted with the information related to their business branch.</p>	<p>Due all notices for intended procurement are published in SEACE, all interested suppliers can apply to participate in any tendering procedure of their interest.</p>	<p>Peru will carry out a research in order to identify the most advantageous procurement modality, taking into account the three new modalities incorporated in the</p>

**Peru's Approach to Government Procurement in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Measures Applied</b>	<b>Further Improvements Planned</b>
	<p>The system includes an electronic facility to send information to interested suppliers on procurement opportunities, tendering and qualification procedures, according to the business branch of the provider and the object of the contract. Through SEACE, all suppliers (national and aliens), have the same access's conditions to the detailed information concerning to procurement opportunities with the Peruvian Government. It is important to mention that SEACE publishes notices of intended procurement and concurrently provides tender documentation in this electronic medium.</p> <p>The only requirement to participate in a tendering procedure is to be registered in the National Provider's Register. Otherwise, as established before, it is prohibited by the Peruvian law that any public entity can establish an individual register system for contractual purposes.</p> <p>Any registered provider under the National Provider's Register can be excluded or banned from participating in a tendering procedure only by an administrative resolution of CONSUCODE's Administrative Tribunal.</p>	<p>In the case of reverse auction, corporative purchases, and fundamentally in the case of purchases by catalogue, the entire procurement process is public from the publication of the invitation to tender or where appropriate, to submit the applications for participation in the procurement</p>	<p>law and the market performance. This work will be made with international cooperation of the World Bank and the Inter - American Development Bank.</p>
<b>Fair Dealing</b>	<p>There is a citizen vigilance system that has been implemented in 8 Regions of the country and it is based on a USAID project.</p> <p>This project consist in giving capacity building through training to citizens by CONSUCODE about the right application of law and procedures on government procurement, in order to participate in the tendering procedures, such as actives observers, supervising that public officials can comply according with the procurement law and with the system.</p>	<p>CONSUCODE permanently evaluates the behaviour of all parties involved in the procurement process.</p> <p>Public entities are obliged to treat parties even-handedly, providing them with the same information.</p> <p>Procurement law warrants fair dealing, accountability and predictability, making the process foreseeable such as mandatory clauses established by the law</p>	<p>Peru will work in order to clarify existing grounds considered in the law related to impediments to be a supplier in a tendering procedure.</p> <p>Peru is also working toward standard's tender documentation to be applied by procuring entities in the next year.</p>



**Peru's Approach to Government Procurement in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Measures Applied</b>	<b>Further Improvements Planned</b>
		<p>in the field of dispute settlement through conciliation and arbitration at the executive stage of the contract, in the field of resolution and termination of the contract and in the field of warranties related to the contract.</p> <p>Transparency principle that comes up by the use of SEACE system, totally guarantee the fulfilment of this principle.</p>	
<b>Accountability and Due Process</b>	<p>With the aim to make the review mechanism more efficient during the tendering procedures, three new courtrooms (before it existed just one) at the CONSUCODE's Procurement Tribunal have been created. It is important to mention that this Tribunal constitutes the last administrative resort.</p> <p>Otherwise, the time limit for suppliers to submit a written challenge has been widen from 5 to 10 calendar days. With this measure, suppliers count with more time to invoke a review procedure.</p>	<p>Procurement law establish that all public entities must keep proper records of every single procurement process with the aim to carry all the information concerning the tendering procedures</p>	<p>Peru is working to design a decentralized model of CONSUCODE's functions, allowing it to supervise tendering procedures, resolve dispute settlements and attend complaints in every and single Region in a more efficient way.</p>
<b>Non-discrimination</b>	<p>There exists no measure that restricts market access on government procurement to foreign suppliers in a tendering procedure.</p> <p>Procurement law also establish that there are no longer differences between national and international tendering procedures.</p>	<p>There exists a 20%bonus for goods and services produced in Peru, given to the total technical and economic valuation of the proposal.</p>	<p>There is a project of law in the Congress to limit the scope of this measure to certain goods.</p>

**Improvements in Peru's Approach to Government Procurement since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
<p><b>General Policy Position</b></p>	<p>Peruvian Procurement system was improved, and regulations on such topics have entered into force before the end of the September 1998, when the Regulations of the Law 26850 were published. Since then, the supervision of its implementation is in charge of the Superior Board of Purchases and Contracts of the Government (CONSUCODE), created by this Law.</p> <p>Law 26850 and its provisions established several principles such as transparency, open and effective competition, morality, impartiality, efficiency, value for money, fair dealing, accountability, due process and non discrimination.</p> <p>CONSUCODE is an autonomous institution in an administrative and financial way, attached to the Prime Minister's Office (PCM).</p> <p>CONSUCODE is responsible mainly for the administration of the invalidated suppliers and validated national registry of contractors, as well as to rule as a Last Resort Court in issues regarding administrative complaints, via its Tribunal.</p> <p>For further details please visit: (Spanish only)  <a href="http://www.consucode.gob.pe">http://www.consucode.gob.pe</a></p>	<p>In 2001, Law 26850 was published, following changes in the procurement system:</p> <ul style="list-style-type: none"> <li>- The "urgent" procurement process</li> <li>- The "special" procurement process</li> <li>- The "selective" procurement process</li> <li>- The "open" procurement process</li> </ul> <p>In 2004, the Law 27806, which modified the main modifications to the procurement system:</p> <ul style="list-style-type: none"> <li>- The National Office of Public Works</li> <li>- The reformed state-owned enterprises</li> <li>- Implemented the contract management system</li> <li>- Simplified the procurement process</li> <li>- Restricted the procurement process</li> </ul> <p>In year 2006, the Law 27806, which modified the procurement system of new tenders, reverse auctions and purchases.</p> <p>In 2007, Peru implemented the law for procurement auctions and purchases. The law concerning the procurement process more effectively according to the law.</p>
<p><b>Transparency Implement APEC Leaders' Transparency Standards on Government Procurement*</b></p>	<p>In 1998, law 26850 established Transparency as one of the most important principles in the procurement system.</p> <p>It is a decentralized system of purchases and contracts, by which each public institution is responsible for its selection processes, which allows the adjustment of these to the needs and characteristics of each market.</p> <p>The supervision of the transparency of the process is shared between the Superior Board of Purchases and Contracts of the Government and the General Comptroller's Office for the Republic, whether they try to practice administrative justice or guard the legality of the performance of the summoning entity, respectively. (Peru's IAP 1998)</p> <p>In 1998, the Peruvian pattern of purchases and contracts implied a series of important changes in order to assure that the purchases and contracts are held within a transparent, efficient and safe framework, both for the Government and contractors.</p> <p>Therefore, it was stipulated that Public Entities must prepare an Annual Plan for Purchase and Contracts, which can only be modified by the</p>	<p>In 2001, the Law 26850, which complemented the Acquisitions and hiring of services, classified into the latter has the procurement process.</p> <p>In 2002, the Law 27806, Transparency. This law established the following:</p> <ul style="list-style-type: none"> <li>- - t</li> <li>- - t</li> <li>- - t</li> </ul> <p>The Prime Minister's Office (PCM) issued the Ordinance No. 001/2002, which established the General Policy on Government Procurement. The principal office of this Electronic</p>

**Improvements in Peru's Approach to Government Procurement since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
	<p>highest administrative authority according to the extraordinary needs of the Entity and its budgetary disposition. In this way, the purchases and contracts carried out by the entities fit within a planned process, which supports the transparency of the processes and the competition of bidders.</p> <p>This legislation envisaged that for purchases and contracts, a Special Committee responsible for the tendering procedures and the granting of the awards to bidders must be appointed. Moreover, the Special Committees when necessary, may be formed by specialists on the topic of the article to be bought or on the service to be contracted, even if they are not part of the institution.</p> <p>The Law and Regulations indicate that a direct resolution shall apply when dealing with lawsuits of minor importance, and prompt administrative proceedings when dealing with disputes which may arise from the granting or subscribing a contract derived from public bids or auctions. Mediation and arbitration is compulsory when dealing with disputes arising from the execution of a contract derived from a limited or public auction.</p>	<p><i>For further details see</i> <a href="http://www.seace.org.pe">http://www.seace.org.pe</a></p> <p>Since year 2001, public entities have implemented the Electronic System (SEACE) for the procurement of goods and services from suppliers to a large extent, covering the whole country.</p> <p>The Peruvian government has issued a guideline applying the principle of transparent procurement. The decision to publish on the website of the entity the decision of their 50 main suppliers. These measures are mostly aimed at increasing transparency.</p> <p>Since year 2001, the tendering information is published in SEACE contracts, publications, and procurement opportunities, including the awarding of contracts and procurement opportunities, increasing transparency.</p> <p>All measures implemented to improve procurement practices, are</p>
<p><b>Value for money</b></p>	<p>In 1998, the law 26850 established Value for Money as one of the most important principles in the procurement system.</p> <p>In 1998 due to the regulations on administrative simplification, most documents that bidders had to present changed to sworn statements only, which have to be verified by the pertaining institutions.</p>	<p>Since 2001, the following measures have been implemented:</p> <ul style="list-style-type: none"> <li>- substitution of the execution process</li> <li>- exoneration of the details</li> <li>- use of a simplified procedure</li> <li>- dissemination of the details</li> <li>- use of electronic procurement procedures</li> <li>- have a clear cost structure</li> </ul> <p>The Prime Minister's Ordinance N° 001-2001 established Policies for the Electronic System (SEACE) in charge of the procurement process. This system is used for transactions.</p> <p>SEACE enforces the principle of Value for Money. The database available in SEACE is a database of prices and conditions for future contracts. SEACE, representing the procurement processes ex</p>

**Improvements in Peru's Approach to Government Procurement since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
		<p>Other important contracting consequences of valid offers, and limited tenders.</p> <p>Since year modalities: purchases by totally implemented entities, as a that need to</p> <p><b>a. Corporati</b> centralized the public ac conditions by exist two kind subject to a and ii) man mention, that out by CONS</p> <p><b>b. Reverse a</b> during the y procures con technical s previously de that bid the l are two types</p> <p><b>c. Purchas</b> CONSUCOD a notice invit catalogue, advantageous published in purchase an to.</p> <p>During 2005 Suppliers for the official su</p> <p>This Register take place in and the cata Suppliers be can be made</p> <p>This Register requirements construction technical and centralized systematized providers's p public sector</p> <p>Since year 2 been taken p</p>

**Improvements in Peru's Approach to Government Procurement since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
<p><b>Open and Effective Competition</b></p>	<p>In 1998, the law 26850 entered in force, established the Open and Effective Competition like an important principle that must be present in a constant manner inside the Government Procurement framework.</p> <p>Since 1998, Government Procurement Law in Peru doesn't allow to describe in the tendering documents of the tendering procedures, goods or services with specific trade marks, patent, particular designs, and so on.</p> <p>This Law provides that the tendering process should contain:</p> <ul style="list-style-type: none"> <li>- the public entity's name and its business address;</li> <li>- the type of selection process;</li> <li>- the description of the goods, service or public works;</li> <li>- the date of presentation of proposals, among other data; and,</li> <li>- the details of the various stages of the process, taking into account the established time limits.</li> </ul>	<p>From 2001, ... are published in newspaper ... processes ... communicate ... and Micro E ... CONSUCOD ...</p> <p>For further de ... <a href="http://www.co">http://www.co</a></p> <p>In 2002, the ... Ordinance D ... small and mi ...</p> <p>In 2004, thro ... access to te ... provider has ... information a ... Government.</p> <p>SEACE ena ... information c ... includes a b ... providers to ... their busines</p> <p>Through SE ... same acce ... concerning t ... Government. ... notices of i ... tender docum</p> <p>CONSUCOD ... suppliers in ... notifications</p> <p>The only req ... to be regist ... as establishe ... any public e ... contractual p</p> <p>Any register ... can be exclu ... procedure or ... of CONSUCO</p>
<p><b>Fair Dealing</b></p>	<p>In the context of its international obligations, since 1998, Peru seeks to ensure equal access to government procurement for all Peruvian suppliers in order to contribute to lower purchasing costs and development of a strong economy in an environment of competition, transparency and efficiency.</p> <p>Since 1998, Government Procurement's legal framework in Peru:</p> <ol style="list-style-type: none"> <li>1. Prohibits restrictive practices such as Collusion;</li> <li>2. Reaffirms the principle of morality. Behavior of public officials, as</li> </ol>	<p>Since it was behavior of Thus, the G Peru, implem accountability foreseeable:</p> <ol style="list-style-type: none"> <li>1. Prohibits trademark, d</li> </ol>

**Improvements in Peru's Approach to Government Procurement since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
	<p>well as suppliers, bidders and contractors, have to be characterized by honesty and truthfulness, and,</p> <p>3. Clearly defines responsibilities and sanctions. Any infraction of the government procurement law by public officials or private companies will be sanctioned.</p> <p><i>For further details please visit: (Spanish only)</i>  <a href="http://www.consucode.gob.pe">http://www.consucode.gob.pe</a></p>	<p>2. Establish authorities, disadvantages private sector</p> <p>3. Establish referred to the status.</p> <p>4. Demands the contract. of this draft w</p> <p>5. Demands methods for l</p> <p>6. Once a cancelled. T only be finish</p> <p>7. There are field of dispu the executive termination c to the contrac</p> <p>8. Peruvian l of the so call to the state. state is enab public purpos</p> <p>9. When a public entity, for damages includes the legaldispositi</p> <p>There is a ci in 8 Regions</p> <p>This project o to citizens by and procedur participate in observers, s according wit</p>
<p><b>Accountability and Due Process</b></p>	<p>Since 1998, Accountability and Due Process have been present in a constant manner inside the Government Procurement legal framework, which:</p> <ol style="list-style-type: none"> <li>1. Establishes clear rules for the whole process.</li> <li>2. Requires fulfillment of the prospectus and bids obligations.</li> <li>3. Regulates training and responsibilities for public officers.</li> <li>4. Provides a complaint and accusation system.</li> </ol> <p>Independently of the complaint or consultation mechanisms provided in the tendering documentation, the supplier or bidder can formulate directly to CONSUCODE complaints or accusations for irregularities made by the Entity in the procedure contest.</p> <p>The Law and Regulations indicate that a direct resolution shall apply</p>	<p>Since 2001, officers that Works, induc acquisitions the function Supreme Au concerned w</p> <p>Since 2001, CONSUCOD last resort selection stag</p> <p>- administr</p>

**Improvements in Peru's Approach to Government Procurement since 1996**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
	<p>when dealing with lawsuits of minor importance, and prompt administrative proceedings when dealing disputes which may arise from the granting or subscribing a contract derived from public bids or auctions. Mediation and arbitration is compulsory when dealing with disputes arising from the execution of a contract derived from a limitation process or public auction.</p>	<p>private a - apply framework</p> <p>With the aim during the te it existed just have been cr constitutes th</p> <p>Otherwise, th challenge ha measure, sup procedure.</p>
<p><b>Non-discrimination</b></p>	<p>Since 1998, Peru's Government is working to eliminate discriminatory measures and practices in order to contribute to an equal treatment in all selection processes.</p>	<p>In 1999, the goods and technical and</p> <p>Since 2001, divides Publ events, depe Peru (for goo the need to the case of c the acquisition</p> <p>Since 2001, awards of p bidders or th where the pu</p> <p>In 2002, the bonus from Peru, given t proposal.</p> <p>In 2004, the differences b Contests, ex</p> <p>In 2006, pro no longer tendering pro</p>

## **Appendix –APEC Leaders’ Transparency Standards on Government Procurement**

### Introduction

The Government Procurement Experts Group (GPEG) was established in 1995 to consider ways to increase transparency of, and liberalise, government procurement markets in accordance with the goals of the Bogor Declaration. APEC identified and agreed a collective action plan for government procurement. A key component of the plan was to develop a set of non-binding principles on government procurement. This was in line with the APEC General Principle of flexibility, enunciated in the Osaka Action Agenda: “Considering the different levels of economic development among the APEC economies and the diverse circumstances in each economy, flexibility will be available in dealing with issues arising from such circumstances in the liberalisation and facilitation process”.

In 1999 GPEG completed the Non-Binding Principles on Government Procurement (NBPs) that identify elements and illustrative practices on the principles of transparency, value for money, open and effective competition, fair dealing, accountability and due process, and non-discrimination. The NBPs have the support and commitment of all Economies and have been adopted as the basis of the Government Procurement section of APEC economies’ annually revised Individual Action Plans recording progress towards the Bogor goals of free and open trade and investment.

The NBPs have been a major contributor to the success of Economies and GPEG in promoting transparency in government procurement. The majority of GPEG members have completed their voluntary reviews and reports of their government procurement systems against the non-binding principle of Transparency. Through this process, Economies are exploring how best to implement the principles and to voluntarily bring their systems into conformity with them. This general transparency principle applies to all aspects of government procurement, including the elements of the general operational environment, procurement opportunities, purchase requirements, bid evaluation criteria and award of contracts. Establishing and maintaining transparent procurement markets not only assists Economies to learn from each other but also enables industry to obtain a clear understanding of the procurement markets operating within member economies.

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the “Statement to Implement APEC Transparency Standards” (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

Paragraph 7 of the Leaders’ Statement states that, consistent with the transparency standards in paragraphs 1-6 of the Leaders’ Statement, Economies will follow the transparency provisions contained in the APEC Government Procurement Experts Group (GPEG) NBPs. In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that “APEC sub-fora that have elaborated transparency provisions should review these regularly and, where appropriate, improve, revise or expand them further,” and also instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Ministers Responsible for Trade meeting in Khon Kaen on June 2-3 “instructed officials to complete work underway to develop area-specific Transparency Standards.”

The Transparency Standards on Government Procurement, as set out below, are consistent with and fully reflect the General Principles in the Leaders’ Statement and the transparency-related provisions of the NBPs. Implementation of both the Transparency Standards on Government Procurement and the NBPs will promote transparency in government procurement in the Asia-Pacific region.

### Transparency Standards on Government Procurement:

Transparency in the government procurement context means that sufficient and relevant information should be made available to all interested parties consistently and in a timely manner through a readily accessible, widely available medium. This applies to all aspects of government procurement, including the general operational environment, procurement opportunities, purchase requirements, bid evaluation criteria and award of contracts.

1. Consistent with paragraph 1 of the Leaders’ Statement, each Economy will: (a) ensure that its laws, regulations, and progressively judicial decisions, administrative rulings, policies (including any discriminatory or preferential treatment such as prohibitions against or set asides for certain categories of suppliers), procedures and practices (including procurement methods) related to government procurement (collectively referred to as “procurement rules”) are promptly published or otherwise made available, for example, via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them; (b) designate an official journal or journals and publish the procurement rules in such journals on a regular basis and make copies of the journals readily available to the public (e.g., via the Internet); and (c) promote observance of the provisions of this paragraph by the regional and local governments and authorities within its customs territory.



2. Each economy will disseminate information on its procurement rules, for example, by: (a) publishing either a positive or negative list of the procuring entities subject to its rules; and (b) providing a description of its procurement rules on the APEC Government Procurement Experts Group Home Page and linking its government procurement Home Page, where available, with the APEC Government Procurement Experts Group Home Page.

3. Consistent with paragraph 2 of the Leaders' Statement, when possible each Economy will publish in advance any procurement rules that it proposes to adopt; and provide, where applicable, interested persons a reasonable opportunity to comment on such proposed procurement rules.

4. Consistent with paragraph 3 of the Leaders' Statement, each Economy will endeavor upon request from an interested person or another Economy to promptly provide information and respond to questions pertaining to any actual or proposed rules. Each Economy will also establish contact points for such inquiries.

5. Consistent with paragraph 4 of the Leaders' Statement, in administrative proceedings applying to any procurement rule, each Economy will ensure that: (a) wherever possible, persons of another Economy that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy; (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the public interest permit; and (c) its procedures are in accordance with domestic law.

6. Consistent with paragraph 5 of the Leaders' Statement, where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding matters covered by these Standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions; (c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and (d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.

7. Each Economy will endeavour to maximize transparency in access to procurement opportunities. This should be accomplished where possible by: (a) where open tendering is adopted, publishing procurement opportunities in a medium readily accessible to suppliers (e.g., on the Internet); (b) making the same information on procurement opportunities available in a timely manner to all potential suppliers; (c) publishing contact details of purchasers, and their product/ service purchase interests, for suppliers wishing to register their interest in being notified of bidding opportunities that may not be publicly advertised; (d) making available early advice of complex high-value procurement needs through staged procedures such as public requests for information, requests for proposals and invitations for pre-qualification, and allowing adequate time for interested suppliers to prepare and submit a response; (e) making publicly available requirements and procedures for pre-qualification of suppliers; and (f) any time limits established for various stages of the procurement process.

8. Each Economy will make available for suppliers all the information required to prepare a responsive offer. This should include where possible: (a) providing in procurement notices the following information: the nature of the product or service to be procured; specifications; quantity, where known; time frame for delivery; closing times and dates; where to obtain tender documentation, where to submit bids, and contact details from which further information can be obtained; (b) providing any changes to participating suppliers; and (c) providing tender documentation and other information to suppliers promptly on request.

9. Each Economy will maintain transparent criteria for evaluating bids and evaluate bids and award contracts strictly according to these criteria. This should be done where possible by: (a) specifying in procurement notices or tender documentation all evaluation criteria, including any preferential arrangements; and (b) maintaining, for a predetermined period proper records of decisions sufficient to justify decisions taken in the procurement process.

10. Each Economy will award contracts in a transparent manner. This should be accomplished where possible by: (a) publishing the outcome of the tender including the name of the successful supplier and the value of the bid; and (b) as a minimum promptly notifying unsuccessful suppliers of the outcome of their bids and where and when contract award information is published, and debriefing unsuccessful suppliers on request.

11. Consistent with paragraph 11 of the Leaders' Statement, an Economy does not need to disclose confidential information where such disclosure would impede law enforcement, the enactment of laws, or that would be contrary to the public or national interest, or compromise security of the economy concerned or that would prejudice the legitimate commercial interests of particular persons or enterprises. Each economy will keep commercially sensitive information secure and prevent its use for personal gain by procurement officials or to prejudice fair, open and effective competition.

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**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Government Procurement, which can be found in the [Appendix](#) at the end of this document.**

**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Government Procurement, which can be found in the [Appendix](#) at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.**

<sup>[1]</sup><sup>[5]</sup> For: Fondo Nacional de Financiamiento de la Actividad Empresarial del Estado; or: Government Found for the Financing of the Public Enterprise Activities.

## CHAPTER 10: DEREGULATION/ REGULATORY REVIEW

### **Objective**

*APEC economies will facilitate free and open trade and investment in the Asia-Pacific Region by, inter alia:*

- a. enhancing the transparency of regulatory regimes (including through the use of new technologies);*
- b. eliminating domestic regulations that may distort or restrict trade, investment or competition and are not necessary to achieve a legitimate objective; and*
- c. speeding up reforms which encourage efficient and well functioning product, labour and capital markets and supportive of institutional framework.*

### **Guidelines**

*Each APEC economy will:*

- a. explore economy wide processes for the transparent and accountable identification and review of domestic regulations that may distort or restrict trade, investment or competition;*
- b. implement and maintain standards consistent with the APEC Leaders' Transparency Standards;*
- c. consider the adoption of regulatory reform to reduce those distortions and their resulting costs, whilst maintaining the achievement of legitimate objectives; and*
- d. promote the consideration of competition policy in regulatory reform.*

### **Collective Actions**

*APEC economies, taking into account work done in other areas of APEC activity will:*

- a. publish annual reports detailing actions taken by APEC economies to deregulate their domestic regulatory regimes; and*
- b. develop further actions taking into account the above reports, including;*
  - policy dialogue on APEC economies' experiences in regard to best practices in deregulation, including the use of individual case studies to assist in the design and implementation of deregulatory*

*measures, and consideration of further options for a work program which may include:*

- *identification of common priority areas and sectors for deregulation;*
- *provision of technical assistance in designing and implementing deregulation measures;*
- *dialogue on implementation of APEC Leaders' Transparency Standards on Regulatory Reform;*
- *examination of the possibility of establishing APEC guidelines on domestic deregulation; and*
- *regular dialogue with the business community, including a possible symposium.*

*The current CAP relating to deregulation/regulatory review can be found in the Deregulation Collective Action Plan.*

#### ***Peru's Approach to Deregulation/Regulatory Review in 2007***

The Peruvian Regulatory Policy is composed of two review mechanisms: the first one consists in an "ex-post" regulation review mechanism, and second one is an "ex-ante" quality control mechanism. Both complementary mechanisms have the main objective to reduce administrative burdens and introduce transparency and quality control at the stage of regulatory design.

The "ex-post" review mechanism was implemented on 1993 with the creation of National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), specifically the Technical and Commercial Regulations Commission (CRT) and Market Access Commission (CAM). The first one is in charge of supervising non-tariff measures established, while the second one deals with bureaucratic barriers to entry imposed by public institutions.

The "ex-ante" quality control mechanism has been implemented by some Ministries since 2005. This mechanism is related to the design and early transparency mechanisms of regulations and has the objective to control the quality of new regulations.

In Deregulation matter, the Government of Peru is committed to continue with the deregulation process, through privatization programs and concessions granted in infrastructure and public utilities projects in several economic sectors. In recent years, the Peruvian Government has used a new kind of concession contract, the public-private partnership agreements.

<http://www.proinversion.com>

**Peru's Approach to Deregulation/Regulatory Review in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
<p><b>General Policy Position, including Implementation of APEC Leaders' Transparency Standards on Regulatory Reform*</b></p>		<p>Since 1990, the Peruvian Government has promoted macroeconomic discipline, established market rules, dismantled the trade protection structure, reinserted the economy into the world financial markets and brought about an all encompassing deregulation of the economy.</p> <p>In this line, the Government drafted the Law 27658, published on January 30<sup>th</sup>, 2002, which established the principles and legal framework for the modernization of the State.</p> <p>Additionally, with the propose to consolidate the transparency system on government action, the Peruvian Government enacted the following laws :</p> <ul style="list-style-type: none"> <li>• In April 2001, a General Law on Administrative Procedures (Law 27444) was enacted, consolidating all the administrative simplification measures that were previously dispersed in different and diverse sector regulations. This law is in effect since October 2001.</li> <li>• In 2002 a Law 27806</li> </ul>	

**Peru's Approach to Deregulation/Regulatory Review in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		<p>"Transparency and Access to the Public Information Law" was enacted. This law has the purpose to promote transparency in the governmental action and regulates the access to information right regarded in the Constitution.</p> <ul style="list-style-type: none"> <li>• In 2003, the government enacted the Decree Supreme N° 072-2003-PCM, which established procedures to access information related with public finance and other issues.</li> <li>• In 2005, the Decree Supreme N° 042-2005-PCM established the obligation to implement transparency mechanisms (information access and consultations) in the design of economic regulations on monopoly markets like telecommunications, electricity, water, and public infrastructure, in concordance with Law 27332 " Law framework for Public Service Regulators".</li> <li>• In the same year, the Ministry of Economy enacted the Decree</li> </ul>	

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<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		<p>Supreme N° 149-2005-EF, which encourages all agencies to apply transparency mechanisms (consultation, pre-publication and publication) for all technical regulations like standard and conformity rules, in accordance with TBT agreement.</p> <ul style="list-style-type: none"> <li>• Additionally, Ministry of Health promulgated the Ministerial Resolution N° 826-2005-MINSA, which disposes that all technical regulation related with health issues shall be published early before their promulgation and shall be consulted with stakeholders.</li> <li>• In 2006, Ministry of Economy and Finance established the consultation and pre publication system for all regulations related to the Ministry's functions, except for tax policy. (Ministerial Resolution N° 639-2006-EF).</li> <li>• Law 28335, published on August 16th, 2004, established the creation of the Index of Bureaucratic Barriers to market access, imposed</li> </ul>	

**Peru's Approach to Deregulation/Regulatory Review in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		<p>at the municipal level, in order to provide agents who take part in the market with information related to cases where local governments have imposed illegal and /or irrational bureaucratic barriers. This law has the purpose of promoting better decisions and providing tools for the local governments to be promoters and facilitators of the market well- functioning.</p> <p>Contact point:  <i>Mr. Javier Roca Fabián,</i>  <i>Chief of Regulatory Quality Program at Ministry of Economic and Finance</i>  <a href="mailto:jroca@mef.gob.pe">jroca@mef.gob.pe</a></p> <p><i>Mr. Javier Rizo-Patron,</i>  <i>Technical Secretary for INDECOPI's Market Access Commission</i>  <a href="mailto:jrizopatron@indecopi.gob.pe">jrizopatron@indecopi.gob.pe</a></p> <p><i>Mr. Mario Sandoval,</i>  <i>Technical Secretary for INDECOPI's Technical and Commercial Regulations Commission</i>  <a href="mailto:msandoval@indecopi.gob.pe">msandoval@indecopi.gob.pe</a></p> <p><i>Mr. Luis A. Leon,</i> <i>Technical Secretary of the Defense of Competition Chamber of</i></p>	



<b>Peru's Approach to Deregulation/Regulatory Review in 2007</b>			
<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		<p>INDECOPÍ's Tribunal .  <a href="mailto:leon@indecopi.gob.pe">leon@indecopi.gob.pe</a>  <a href="http://www.indecopi.gob.pe">http://www.indecopi.gob.pe</a></p>	
<p><b>Identification and Review of Proposed Regulations</b></p>		<p>In 2006, the Ministry of Economy and Finance and Ministry of Health implemented regulatory quality control mechanisms, which include transparency, and economic and legal evaluation before promulgation of regulations. In the case of Ministry of Health, the mechanism has reviewed all technical sanitary regulations proposed by all its related agencies. The Ministry of Economy and Finance mechanism reviewed all regulations related competition, trade and investment issues before their approval.</p> <p>Additionally, in accordance to its competence (Law 25629), the Ministry of Economy and Finance reviews all technical regulations before their approval. With this mechanism, the legal norms that contain non tariff barriers have been reduced to very low levels. This mechanism applies the following review criteria:</p> <p>(i) Necessity</p>	<p>In 2005 the Peruvian Government launched a Regulatory Quality program, whose main objective is implementing an ex-ante quality control mechanism of all agencies in the government.</p> <p>This program includes three stages; the first one consists in a narrow implementation in some Ministries. The second stage implies the application in all Ministries and agencies of the government.</p> <p>The final stage consists of a review of main regulations produced.</p>

<b>Peru's Approach to Deregulation/Regulatory Review in 2007</b>			
<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		(ii) Efficiency (iii) Transparency (iv) Consistency (v) Proportionality	
<b>Identification and Review of Existing Regulations</b>		<p>In 2006, the Ministry of Economy and Finance conducted a short term program to review all technical regulations related to non tariff and technical barriers to trade. With the application program, all agencies had started a modification program in their regulations. This kind of program will be conducted every 5 years.</p> <p>Additionally, INDECOPI's Market Access Commission (CAM) has been checking strict compliance of the General Administrative Procedures Law, particularly its provision referred to the mandatory approval and maintenance of a Uniform Administrative Procedures Restatement by all branches of the Government (including regional and local authorities).</p> <p>Since July 2003 there is a law enacted to improve CAM's enforcement faculties. This new framework of CAM activity is giving efficient results.</p> <p>Additionally, any person or</p>	

**Peru's Approach to Deregulation/Regulatory Review in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		<p>enterprise can file a lawsuit against a public institution at Indecopi (Technical and Commercial Regulations Commission or the Market Access Commission) in the case that a regulation imposes unnecessary, unjustified or illegal barriers to trade or bureaucratic barriers to the domestic market. Indecopi, through these commissions can also initiate investigations, by its own initiative ("ex officio"), against other public institutions that impose such restrictions, when the effects on the market are significant.</p> <p>1.Composition of relevant review bodies:</p> <p>INDECOPI's Technical and Commercial Regulations Commission (CRT) and Market Access Commission (CAM) are quasi jurisdictional bodies in charge of pursuing investigations and deciding cases related to trade barriers and market access. Each Commission is composed of six part time Commissioners and a full time Technical Secretary.</p> <p>2. Regulations Review Criteria</p> <p>2.1.The criteria used when</p>	

<b>Peru's Approach to Deregulation/Regulatory Review in 2007</b>			
<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		<p>determining whether regulations achieve legitimate objectives in the case of the CRT and the CAM are as follows:</p> <p>(i) Rationality. CRT and CAM evaluate whether the aim, purpose or requirement introduced by a regulation is consistent with principles of logic, is proportional with the pursued objectives and do not prevent the proper functioning of a competitive market.</p> <p>(ii) Legality. In the case of non-tariff measures, the CRT evaluates the legal status of the regulation, and whether it satisfies the legal requirements. In the case of the CAM, the evaluation also includes an analysis of the matter subject to jurisdiction.</p> <p>(iii) Legitimate objectives. In the case of non-tariff measures the CRT evaluation also considers the impact of regulation on health, safety, and environment.</p>	
<b>Reform of Industry/Sector Specific Regulation</b>		Peru enacted the Legislative regulation for Law N°27322, related to the framework for Public Services Regulatory Agencies in March, 2001. Complementary, the	

**Peru's Approach to Deregulation/Regulatory Review in 2007**

<i>Section</i>	<i>Improvements Implemented Since Last IAP</i>	<i>Current Regulatory Review Policies / Arrangements</i>	<i>Further Improvements Planned</i>
		<p>Administration enacted the Decree Supreme N° 042-2005-PCM that implements transparency mechanism. Both regulations include transparency measures that should be adopted by agencies such as:</p> <ul style="list-style-type: none"> <li>• Pre-publication of projects, laws and decisions to be adopted.</li> <li>• Publication of the annual budget and the strategic and operative objectives.</li> <li>• Consultation mechanism.</li> </ul> <p>The regulatory framework for each economic activity (telecommunications, electricity, and mining, among others) seeks to encourage free and fair market competition, promote sector development and protect consumers' rights.</p> <p>The State's regulatory functions are underpinned by the following:</p> <ul style="list-style-type: none"> <li>• A professional and technical approach to decision making</li> <li>• Promotion of investment and free competition</li> <li>• Encourage a culture based on citizens' right to claim</li> </ul>	

**Peru's Approach to Deregulation/Regulatory Review in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Regulatory Review Policies / Arrangements</b>	<b>Further Improvements Planned</b>
		<ul style="list-style-type: none"> <li>• Defense of regulatory stability</li> <li>• A sense of fairness</li> </ul> <p>Besides INDECOPI, through its Commissions (described above), and OSIPTEL for the Telecommunications sector (with regards to dominant position and cartels), there are other regulatory agencies created or restructured in recent years.</p> <p><a href="http://www.osiptel.gob.pe">http://www.osiptel.gob.pe</a></p> <p>These agencies regulate tariffs and service access conditions. Among them the following may be found:</p> <ul style="list-style-type: none"> <li>• SUNASS (Water and sewage) <a href="http://www.sunass.gob.pe">http://www.sunass.gob.pe</a></li> <li>• CONAM (Environmental protection) <a href="http://www.conam.gob.pe">http://www.conam.gob.pe</a></li> <li>• OSINERG (Energy and Electricity) <a href="http://www.osinerg.org.pe">http://www.osinerg.org.pe</a></li> <li>• OSITRAN (Transportation) <a href="http://www.ositran.gob.pe">http://www.ositran.gob.pe</a></li> <li>• CONASEV (Capital Market) <a href="http://www.conasevet.gob.pe">http://www.conasevet.gob.pe</a></li> </ul>	

***Peru's Approach to Deregulation/Regulatory Review in 2007***

<b><i>Section</i></b>	<b><i>Improvements Implemented Since Last IAP</i></b>	<b><i>Current Regulatory Review Policies / Arrangements</i></b>	<b><i>Further Improvements Planned</i></b>
		PROINVERSION is the Agency of Promotion of Investment, with regards to privatization processes. <a href="http://www.proinversion.com">http://www.proinversion.com</a>	

<b>Improvements in Peru's Approach to Deregulation/Regulatory Review since 1996</b>		
<b>Section</b>	<b>Position at Base Year 1996</b>	<b>Cumulative Improvements Implemented to Date</b>
<p><b>General Policy Position, including Implementation of APEC Leaders' Transparency Standards on Regulatory Reform*</b></p>	<p>Since 1990, the Peruvian economy has been involved in a deep process of structural reform, committed to modernizing economic and institutional areas, while also attracting investment. To reach that goal, the Government has promoted macroeconomic discipline, established market rules, dismantled the trade protection structure, reinserted the economy into the world financial markets and brought about an all encompassing deregulation of the economy.</p> <p>Regarding this last topic, since 1990, the Peruvian Government has significantly deregulated the following areas:</p> <p>Investment Foreign technology Exchange regulations Labor regime Financial, insurance and capital markets Foreign trade Sectoral laws Taxation System</p> <p>In 1996, the Peruvian Government gave the mandate to the Ministry of Justice to create a data base of all legislation promulgated by the</p>	<p>Peru has enacted the following laws:</p> <ul style="list-style-type: none"> <li>• In April 2001, a General Law on Administrative Procedures (Law 27444) was enacted, consolidating all the administrative simplification measures that were previously dispersed in different and diverse sector regulations. This law is in effect since October 2001.</li> <li>• Law 27658 which established the principles and legal framework for the modernization of the State.</li> <li>• Law 27806 "Transparency and Access to Public Information Law". This law was enacted (August 2002) in order to improve the transparency of state acts and to regulate the right to access information provided by the Constitution.</li> <li>• Complementary to Law 27806, the Administration enacted Decree Supreme N° 072 -2003-PCM, which established the procedures to access information related to public affairs, like public finance.</li> <li>• In 2003 Ministry of</li> </ul>



**Improvements in Peru's Approach to Deregulation/Regulatory Review since 1996**

<b>Section</b>	<b>Position at Base Year 1996</b>	<b>Cumulative Improvements Implemented to Date</b>
	<p>Executive and Legislative branches (Law 26633). This law established that all citizens would have free access to this data base.</p>	<p>Justice incorporated the data base called "Sistema Peruano de Información Jurídica" to the legal body. (Decree Supreme N° 001-2003-JUS).</p> <ul style="list-style-type: none"> <li>• In August 2004, Law 28335 reinforced the CAM faculties in administrative simplification issues and other arrangements, in order to improve its supervision on public activity. Also, this law created an indicator that shows which local entities require more bureaucratic barriers to citizens or businesses.</li> <li>• In 2005, The Peruvian Government established that all regulatory agencies must implement transparency measures, and disclosure mechanisms with Decree Supreme N° 042-2005-PCM.</li> <li>• Additionally, in accordance to TBT agreement, the Ministry of Economy and Finance enacted the Decree Supreme N° 149-2005-EF which encourages all agencies to implement transparency mechanisms for all technical regulations (standard and conformity measures).</li> <li>• In the same year, Ministry of Health</li> </ul>

<b>Improvements in Peru's Approach to Deregulation/Regulatory Review since 1996</b>		
<b>Section</b>	<b>Position at Base Year 1996</b>	<b>Cumulative Improvements Implemented to Date</b>
		<p>implemented a transparency and quality mechanism for all health regulations that it will implement. (Ministerial Resolution N° 826-2005-MINSA).</p> <ul style="list-style-type: none"> <li>• In 2006, Ministry of Economy and Finance enacted the Ministerial Resolution N° 639-2006-EF/67, that implement a quality control and transparency mechanism for all regulation will going implement by this Ministry.</li> </ul>
<b>Identification and Review of Proposed Regulations</b>		<p>In August 2000, an integral Proposal for the Modification and Simplification of Administrative Processes in the public sector was published in the Official Gazette ("El Peruano").</p> <p>In March 2001, with the purpose of improving transparency, a regulation was passed making it compulsory for all regulatory agencies to publish their draft laws prior to their approval and enactment. Most regulatory entities were already pre publishing their law projects. (Supreme Decree N° 032-2001-PCM).</p> <p>Draft laws in other areas such as air transport, government procurement and dumping have been published for comments and</p>

<b>Improvements in Peru's Approach to Deregulation/Regulatory Review since 1996</b>		
<b>Section</b>	<b>Position at Base Year 1996</b>	<b>Cumulative Improvements Implemented to Date</b>
		<p>suggestions.</p> <p>In April 2001, a regulation was passed to ensure that all public institutions have in place mechanisms that provide citizens with public information. This procedure was already implemented by most public institutions. (Supreme Decree N° 018-2001-PCM).</p> <p>In August 2004, Law 28335 was enacted. This law reinforces the CAM faculties in administrative simplification issues and other arrangements in order to better control public activity.</p> <p>In 2005, the Ministerial Resolution N° 826-2005-MINSA implemented a quality control mechanism for all technical regulation produced by Ministry of Health.</p> <p>In 2006, Ministry of Economy and Finance implemented a more extensive quality control and transparency mechanism for all regulations produced by this Ministry.</p>
<b>Identification and Review of Existing Regulations</b>	In 1993, the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) was created simultaneously with the Technical and Commercial Regulations Commission. The latter is a quasi	In April 2000, Law 27412 established a legislative simplification process by which all public institutions have to send to Congress information on laws that have been tacitly derogated by the enactment of more modern laws. This process

**Improvements in Peru's Approach to Deregulation/Regulatory Review since 1996**

<b>Section</b>	<b>Position at Base Year 1996</b>	<b>Cumulative Improvements Implemented to Date</b>
	<p>jurisdictional body responsible for supervising regulations on established non tariff measures, in some cases having the faculty to nullify them. Other quasi-jurisdictional body of Indecopi, which is in charge of supervising all the bureaucratic barriers to entry imposed by public institutions, is the Market Access Commission. The role of both commissions is complementary. While the first focuses on non-tariff measures that could restrict foreign trade, the second one focuses on measures that restrict or limit the access of firms to domestic markets.</p> <p>Any person or enterprise can file a lawsuit against a public institution at Indecopi (Technical and Commercial Regulations Commission or the Market Access Commission) in the case that a regulation imposes unnecessary, unjustified or illegal barriers to trade or bureaucratic barriers to the domestic market. Indecopi, through these commissions can also initiate investigations, by its own initiative ("ex officio"), against other public institutions that impose such restrictions, when the effects on the market are significant.</p>	<p>will last from July to October 2001.</p> <p>In April 2001, a General Law on Administrative Procedures (Law 27444) was enacted, consolidating all the administrative simplification measures that were previously dispersed in different and diverse sector regulations. This law is in effect since October 2001.</p> <p>Law 28335, published on August 16th, 2004, established the creation of the Index of Bureaucratic Barriers of market access, imposed at the municipal level, in order to provide agents who take part in the market with information related to cases where local governments have imposed illegal and /or irrational bureaucratic barriers. This law has the purpose of promoting better decisions and providing tools for the local governments to be promoters and facilitators of the market well- functioning.</p>

<b>Improvements in Peru's Approach to Deregulation/Regulatory Review since 1996</b>		
<b>Section</b>	<b>Position at Base Year 1996</b>	<b>Cumulative Improvements Implemented to Date</b>
<b>Reform of Industry/Sector Specific Regulation</b>	<p>In 1990 a deregulation and privatization process was initiated. Specifically, five main areas were covered:</p> <p>Airports Ports Concessions National Road Networks Irrigation projects Transport and Gas Distribution</p> <p>INDECOPI, through its Commissions (CRT and CAM) is in charge of eliminating distortions that restrict trade or investment in all industries or sectors, except for the Telecommunications Sector, where OSIPTEL is the regulatory agency in charge.</p>	<p>The 1999 version of the IAP underlined the Government's commitment to continue with the deregulation and privatization process initiated in 1990.</p> <p>Main improvements are:</p> <ul style="list-style-type: none"> <li>• In 1999, the Peruvian Government privatized the railroad network.</li> <li>• In 1999, the Government granted a 30-year concession for the southern port of Matarani.</li> <li>• In 2000, the license for the exploitation model of the Camisea natural gas project was given to a consortium</li> <li>• In July 2000, the Peruvian Congress enacted Law N°27322, on the Framework for Regulators of Public Services. This Law simplifies and defines a common structure for regulatory agencies (OSIPTEL, OSINERGMIN, SUNASS and OSITRAN), specially regarding its quasi jurisdictional and administrative bodies.</li> <li>• In July, 2000, the Peruvian Congress</li> </ul>

**Improvements in Peru's Approach to Deregulation/Regulatory Review since 1996**

<b>Section</b>	<b>Position at Base Year 1996</b>	<b>Cumulative Improvements Implemented to Date</b>
		<p>enacted Law N° 27336 on the development of faculties and functions of OSIPTEL". This Law strengthens the attributions of the telecommunications regulatory agency, in order to make more effective the enforcement of regulations in this sector.</p> <ul style="list-style-type: none"> <li>• The Peruvian Congress enacted Law N° 27311 on the strengthening of the "Consumer Protection System". This Law introduced new procedures for the resolutions of conflicts between consumers and suppliers.</li> <li>• In August 2000, the Peruvian Government granted a 30-year concession for the "Jorge Chavez" International Airport, located in Lima.</li> <li>• In March 2001, Peru enacted the Legislative regulation for Law N°27322, related to the framework for Public Services Regulators. This regulation includes transparency measures that should be adopted by regulatory entities such as: <ul style="list-style-type: none"> <li>- Pre-publication of projects, laws and</li> </ul> </li> </ul>

**Improvements in Peru's Approach to Deregulation/Regulatory Review since 1996**

<i>Section</i>	<i>Position at Base Year 1996</i>	<i>Cumulative Improvements Implemented to Date</i>
		<p>decisions to be adopted.</p> <ul style="list-style-type: none"> <li>- Publication of the annual budget and the strategic and operative objectives.</li> </ul> <ul style="list-style-type: none"> <li>• In June 2006, the Peruvian Government granted a 30-year concession for the design, construction, financing, operation and maintenance of the new containers terminal located by the South Breakwater at the Callao Port.</li> </ul>

## **Appendix – APEC Leaders’ Transparency Standards on Competition Law and Policy and Regulatory Reform**

### Introduction

In October 2002, in Los Cabos, Mexico, APEC Leaders adopted the Statement to Implement APEC Transparency Standards (“Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005.

In paragraph 8 of the Leaders’ Statement, APEC Leaders instructed that APEC sub-fora that have not developed specific transparency provisions should do so, and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement. Accordingly, the following set of transparency standards on competition and deregulation for incorporation into the Leaders’ Statement were developed.

These principles flow from the General Principles on Transparency agreed to by APEC Leaders at Los Cabos, and provide specific guidance for implementation within the context of competition law and policy and regulatory reform.

#### Transparency Standards on Competition Law and Policy:

1. In furtherance of paragraph 1 of the General Principles of the Leaders’ Statement, each Economy will ensure that its competition laws, regulations, and progressively, procedures, administrative rulings of general application and judicial decisions of general application are promptly published or otherwise made available in such a manner as to enable interested persons and other Economies to become acquainted with them.
2. In furtherance of paragraphs 4 and 5 of the General Principles of the Leaders’ Statement, each Economy will ensure that before it imposes a sanction or remedy against any person for violating its national competition law, it affords the person the right to be heard and to present evidence, except that it may provide for the person to be heard and present evidence within a reasonable time after it imposes an interim sanction or remedy; and that an independent court or tribunal imposes or, at the persons request, reviews any such sanction or remedy. Proceedings subject to this paragraph are to be in accordance with domestic law.

#### Transparency Standards on Regulatory Reform:

1. In furtherance of paragraph 1 of the General Principles of the Leaders’ Statement, each Economy will ensure that its laws, regulations, procedural rules and administrative rulings of general application relating to regulatory reform are promptly published or otherwise made available in such a manner as to enable interested persons and other economies to become acquainted with them.
2. In furtherance of paragraphs 2 and 3 of the Leaders’ Statement, Economies recognize the importance of ensuring transparency in the regulatory reform process and of soliciting and responding to inquiries from interested persons and other Economies. Accordingly, each Economy will, where possible (a) publish in advance regulatory reform measures that it proposes to adopt, and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures. In addition, upon request from an interested person or another Economy, each Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed regulatory reform measure.

#### *Confidential Information*

Economies agree that nothing in these standards requires any Economy to disclose confidential information. (Note: The Leaders’ Statement includes a provision for the protection of confidential information. This statement is included here to emphasize the importance of the protection of confidential information in the contexts of both competition law and policy and regulatory reform.)

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<sup>4</sup> Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Regulatory Reform, which can be found in the Appendix at the end of this document.

<sup>5</sup> Economies should report against the actual language in the APEC Leaders’ Transparency Standards on Regulatory Reform, which can be found at the Appendix at the end of this document. Economies should continue to use 1996 as the base year for previously raised IAP transparency issues, but may use 2003 as



the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards.



## **Chapter 11: Implementation of WTO Obligations (inc ROOs)**

### **Objectives**

*APEC economies will ensure full and effective implementation of Uruguay Round outcomes within the agreed time frame in a manner fully consistent with the letter and the spirit of the WTO Agreement.*

*On Rules of Origin, APEC economies will:*

- a. ensure full compliance with internationally harmonized rules of origin to be adopted in relevant international fora; and*
- b. ensure that their respective rules of origin are prepared and applied in an impartial, transparent and neutral manner.*

### **Guidelines**

*On WTO Agreements:*

- a. Each APEC economy which is a WTO member will fully and faithfully implement its respective Uruguay Round commitments.*
- b. Each APEC economy which is in the process of acceding to the WTO Agreement may participate in APEC Uruguay Round implementation actions through voluntary steps to liberalize its respective trade and investment regimes consistent with the WTO Agreement.*
- c. Each APEC economy will, on a voluntary basis, accelerate the implementation of Uruguay Round outcomes and deepen and broaden these.*

*On Rules of Origin:*

*Each APEC economy will:*

- a. align its respective rules of origin with internationally harmonized rules of origin to be adopted as a result of the WTO harmonization work programme; and*
- b. ensure predictable and consistent application of rules of origin.*

### **Collective Actions**

APEC economies will:

- a. *utilize on an on-going basis Uruguay Round implementation seminars and other appropriate means to:*
  - i. *improve APEC economies' understanding of provisions in the WTO Agreement and obligations thereunder;*
  - ii. *identify operational problems encountered in implementation of the WTO Agreement and areas in which APEC economies may require technical assistance; and*
  - iii. *explore cooperative efforts to provide such technical assistance in implementation;*
- b. *consider implementation of suggestions for follow-on work from Uruguay Round implementation seminars; and*
- c. *undertake technical assistance based on discussion at the above seminars, including cooperative training projects targeted at prevalent implementation problems to be undertaken in conjunction with the WTO Secretariat and other relevant international institutions.*

### **On Rules of Origin**

APEC economies will:

- a. *gather information on APEC economies' respective rules of origin, both non-preferential and preferential, and operation thereof without duplicating WTO work in this area, exchange views and develop a compendium of rules of origin for the use of the business/private sector;*
- b. *facilitate, complement and accelerate, in the short term, WTO work programme on harmonization of non-preferential rules of origin; and*
- c. *study in due course the implication of rules of origin on the free flow of trade and investment, with a view to identifying, in the longer term, both positive and negative aspects and effects of rules of origin related practices.*

*The current CAP relating to Implementation of WTO Obligations (inc Rules of Origin) can be found in the [WTO Implementation Collective Action Plan](#) and [Rules of Origin Collective Action Plan](#)*

### **Peru's Approach to Implementation of WTO Obligations and Rules of Origin in 2007**

Peru has been a GATT Contracting Party since 1951, and has also actively participated in the Uruguay Round negotiations. Peru ratified the Marrakech Agreement establishing the World Trade Organization (WTO) on December 18<sup>th</sup> 1994, by Legislative Resolution 26407. Since 1995, Peru is an original member

of the WTO.

WTO agreements are ranked as law in Peru's legislation and may be invoked in national courts. Since 1990, Peru has undertaken deep and unilateral trade liberalization. Thus, implementing the Uruguay Round Agreements did not require a significant departure from existing policies, or from the existing legislative and regulatory framework.

Peru has enacted or amended some domestic regulations in order to harmonize them with international obligations and thus facilitate their application. As required by the Marrakech Agreement, Peru has made several notifications to the WTO.

Peru has fully implemented the WTO Agreement on Rules of Origin since January 1<sup>st</sup> 1995, which includes the disciplines to be applied during the transition period until the harmonization work programme under the WTO is completed.

#### **Characteristics of rules of origin applied by Peru:**

- Rules of origin are based on a positive, neutral and transparent standard, and Peru only applies a negative criterion to explain the positive standard;
- Peru administers rules of origin application in an impartial, transparent and neutral manner;
- Preferential and non-preferential rules of origin are published in official publications;
- Changes to rules of origin are published and they are not applied retroactively;
- Peru has notified its rules of origin legislation to the WTO;
- The Peruvian Ministry of Foreign Trade and Tourism (MINCETUR) issues rules of origin;
- The decisions regarding rules of origin are susceptible to administrative and judicial review and appeals; and
- The Peruvian authorities protect the confidentiality of all business information obtained by them.

#### **- Preferential rules of origin**

**Preferential rules of origin are applied to imports that claim for preferential treatment under trade agreements within the frame of the Latin American Integration Association, the Andean Community, the Global System of Trade Preferences among developing countries (GSTP), and other agreements. Criteria contained in preferential rules of origin are based on tariff classification changes, national value content requirements, technical requirements or a combination of them. To claim the preferential treatment, it is necessary to present a certificate of origin issued by an official or authorized entity of the exporting country.**

**- Non-preferential rules of origin**

The non-preferential rules of origin are applied to imports that are subject to antidumping and countervailing duties in compliance with the disciplines set out in the WTO. The current non-preferential rules of origin applied in Peru are set out clearly in accordance with the WTO. They are based mainly on the change of tariff classification criteria. If the non-preferential rule of origin includes a national value content requirement, the calculation method is described in the rule.

*Peru's Approach to Implementation of WTO Obligations (inc ROOs)*

<b>Section</b>	<b>Obligations Implemented Since Last IAP</b>	<b>Current Status of WTO Obligations Imple</b>
<p><b>WTO Agreement, Annex 1A (Goods)</b></p>	<p>No improvement since last IAP (see Current status of WTO Obligations Implementation)</p>	<p>Peru has fully implemented its obligations under the WTO Agreements of Annex 1 A of the WTO Agreement.</p> <p>Peru has fulfilled all the notification requirements under the Uruguay Round.</p> <p><b>For further details on tariffs see:</b>  Customs Agency: <a href="http://www.aduanet.gob.pe/">http://www.aduanet.gob.pe/</a></p> <p><b>Contact Point:</b>  Victoria Elmore:  National Director of Multilateral Affairs and Trade Negotiations  MINCETUR  Tel. (511) 5136100 anex 1220 Fax: (511) 51361275  <a href="mailto:velmore@mincetur.gob.pe">velmore@mincetur.gob.pe</a></p>
<p><b>WTO Agreement, Annex 1B (Services)</b></p>	<p>No improvement since last IAP (see Current status of WTO Obligations Implementation)</p>	<p>Peru has implemented its obligations under the WTO Agreement Annex B, General Agreement on Trade in Services (GATS). Moreover, Peru has participated in the ongoing negotiations in accordance with Article XIX of GATS.</p> <p>Peru has continued and enhanced the privatization and concession processes in services sectors (e.g. telecommunications, among others).</p> <p><b>For further details please contact:</b>  National Direction of Multilateral Affairs and International Trade Negotiations – MINCETUR  Calle Uno Oeste Nº 50 Corpac, San Isidro, Lima  Tel. (511) 5136100 anex 1220  Fax. (511) 5136100 anex 1275  E-mail <a href="mailto:vmce@mincetur.gob.pe">vmce@mincetur.gob.pe</a></p>
<p><b>WTO Agreement, Annex 1C (IPR)</b></p>	<p>No improvement since last IAP (see Current status of WTO Obligations Implementation)</p>	<p>The Peruvian Industrial Property Law and Code were enacted in 1996 to incorporate into a single regulation, different international provisions, those from the TRIPS Agreement.</p> <p>The Andean Decisions 486 (Industrial Property)</p>

*Peru's Approach to Implementation of WTO Obligations (inc ROOs)*

<b>Section</b>	<b>Obligations Implemented Since Last IAP</b>	<b>Current Status of WTO Obligations Imple</b>
		<p>(Copyrights and related rights) were enacted 1993 respectively. Both Decisions incorporate Intellectual Property law and enforcement issues in the TRIPS Agreement. The decisions adopted by the Andean Community are part of Peru's legislative process. In any way, Peru's legislation is totally in compliance with the TRIPS Agreement.</p> <p>Between November 27th and December 1st 2000, Peru reviewed its Intellectual Property Legislation before the WTO Council for Trade-Related Aspects of Intellectual Property Rights. The WTO Secretary and WTO members congratulated Peru for answering all questions during the review, and for demonstrating that its legislation is in compliance with the TRIPS Agreement.</p> <p><b>For further information please contact:</b>  National Direction of Multilateral Affairs and International Trade Negotiations – MINCETUR  Calle Uno Oeste N° 50 Corpac, San Isidro, Lima  Tel. (511) 5136100 anex 1220  Fax. (511) 5136100 anex 1275  E-mail <a href="mailto:vmce@mincetur.gob.pe">vmce@mincetur.gob.pe</a></p> <p>More Information please visit:  <a href="http://www.indecopi.gob.pe">http://www.indecopi.gob.pe</a>  <a href="http://www.comunidadandina.org">http://www.comunidadandina.org</a></p>
<b>WTO Plurilateral Agreements</b>		Peru has not subscribed any WTO Plurilateral Agreements.
<b>WTO Ministerial Decisions and Declarations</b>		
<b>Other WTO Obligations</b>	Not applicable	Not applicable
<b>Voluntary action to accelerate implementation</b>		



*Peru's Approach to Implementation of WTO Obligations (inc ROOs)*

<b>Section</b>	<b>Obligations Implemented Since Last IAP</b>	<b>Current Status of WTO Obligations Imple</b>
<b>of WTO Agreement</b>		
<b>Rules of Origin</b>	No improvement since last IAP (see Current status of WTO Obligations Implementation)	<p><b>Non-preferential Rules of Origin</b></p> <p>The current non-preferential rules of origin applied in Peru are in accordance with the WTO. They are applied to impose antidumping and countervailing duties in compliance with the disciplines set out in the WTO.</p> <p><i>Harmonization of rules of origin</i></p> <p>Peru is actively participating in the harmonization work on rules of origin at the WTO Rules of Origin Committee.</p> <p><b>Preferential Rules of Origin</b></p> <p>Peru is part of several preferential trade agreements including the <i>Latin American Integration Association</i>, also part of the <i>Andean Community</i> and participates in the <i>System of Trade Preferences among Developing Countries Agreement (GSTP)</i>.</p>

**Peru's Implementation of WTO Obligations since 1998**

<b>Section</b>	<b>Position at Base Year (1998)</b>	<b>Cumulative</b>
<b>WTO Agreement, Annex 1A (Goods)</b>	<p>Peru has implemented its obligations under the Agreements of Annex 1 A of the WTO Agreement since 1995.</p> <p>Peru has fulfilled the notification requirements under the Uruguay Round.</p>	<p>The Customs Code was implemented under the framework of the Uruguay Round.</p> <p>For improvement of Tariff Measures</p>
<b>WTO Agreement, Annex 1B (Services)</b>	<p>Peru has implemented its obligations under the WTO Agreement Annex B, General Agreement on Trade in Services (GATS).</p>	<p>For improvement of Chapter 10</p>
<b>WTO Agreement, Annex 1C (IPR)</b>	<p>The Peruvian Industrial Property Law and Copyright Law were enacted in 1996 to incorporate into a single domestic regulation, different international provisions, including those from the TRIPS Agreement.</p> <p>The Andean Decisions 486 (Industrial Property) and 351 (Copyrights and related rights) were enacted in 2000 and 1993 respectively. Both Decisions incorporate substantive Intellectual Property law and enforcement issues included in the TRIPS Agreement.</p> <p>In this way, Peru's legislation is totally in compliance with the TRIPS Agreement.</p>	<p>For improvement of Property</p>
<b>WTO Plurilateral Agreements</b>	<p>Peru is not a Party of Plurilateral Agreements.</p>	<p>Peru is not</p>
<b>WTO Ministerial Decisions and Declarations</b>		
<b>Other WTO Obligations</b>		
<b>Voluntary action to</b>		<p>For improvement</p>

*Peru's Implementation of WTO Obligations since 1998*

<b>Section</b>	<b>Position at Base Year (1998)</b>	<b>Cumulative</b>
<b><i>accelerate implementation of WTO Agreement</i></b>		Tariff Mea
<b><i>Rules of Origin</i></b>	Peru's rules of origin are applied in a manner consistent with the disciplines and principles set out in the WTO Agreement on Rules of Origin	For impro Chapter o

## **Chapter 12: Dispute Mediation**

### **Objective**

*APEC economies will:*

- a. *encourage members to address disputes cooperatively at an early stage with a view to resolving their differences in a manner which will help avoid confrontation and escalation, without prejudice to rights and obligations under the WTO Agreement and other international agreements and without duplicating or detracting from WTO dispute settlement procedures;*
- b. *facilitate and encourage the use of procedures for timely and effective resolution of disputes between private entities and governments and disputes between private parties in the Asia-Pacific region; and*
- c. *ensure increased transparency of government laws, regulations and administrative procedures with a view to reducing and avoiding disputes regarding trade and investment matters in order to promote a secure and predictable business environment.*

### **Guidelines**

*Each APEC economy will:*

- a. *provide for the mutual and effective enforcement of arbitration agreements and the recognition and enforcement of arbitral awards;*
- b. *provide adequate measures to make all laws, regulations, administrative guidelines and policies pertaining to trade and investment publicly available in a prompt, transparent and readily accessible manner; and*
- c. *promote domestic transparency by developing and/or maintaining appropriate and independent review or appeal procedures to expedite review and, where warranted, correction of administrative actions regarding trade and investment.*

### **Collective Actions**

*APEC economies will:*

- a. *with respect to resolution of disputes between APEC economies;*
  - i. *promote dialogue and increased understanding, including exchange of views on any matter that may lead to a dispute, and cooperatively examine on a voluntary basis disputes that arise, utilizing policy dialogue such as the "Trade Policy Dialogue" of the CTI;*

- ii. *give further consideration as to how the above Trade Policy Dialogue or similar functions of other fora may be used by APEC economies for the exchange of information, enhanced dialogue and mediation; and*
  - iii. *examine the possible future evolution of procedures for the resolution of disputes as the APEC liberalization and facilitation process develops;*
- b. *with respect to resolution of disputes between private parties, and between private parties and APEC economies;*
  - i. *provide CTI with a listing of arbitration, mediation, and conciliation services available to private entities of other APEC economies, including a description of any such service which might provide a useful model for private-to-government dispute resolution in the Asia-Pacific region, and make such information widely available to the business/private sector in the Asia-Pacific region;*
  - ii. *provide CTI with comments regarding experiences with the above services;*
  - iii. *accede where appropriate to international agreements for the settlement of disputes between governments and private entities such as the Convention on the Settlement of Investment Disputes between States and Nationals of Other States; and*
  - iv. *accede where appropriate to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention);*
- c. *with respect to transparency;*  
*promote transparency on an APEC-wide basis, through, for example, publication of a guide book on arbitration, mediation, and conciliation services available in each APEC economy; and*
- d. *with respect to the above collective actions, continue to report to CTI on progress, with recommendations.*

*The current CAP relating to dispute mediation can be found in the [Dispute Mediation Collective Action Plan](#).*

#### ***Peru's Approach to Dispute Mediation in 2007***

The Peruvian Government promotes the use of Alternative forms of Dispute Resolution (ADR) for disputes that might emerge, including trade issues.

The General Arbitration Law (Law 26572) published on January 31, 1996, includes international arbitration.

<http://www.sice.oas.org/DISPUTE/COMARB/Peru/lgenarb1.asp> (Spanish only)

The Out of Court Conciliation is applicable to most issues, including trade. Exceptions include non-disposable rights, according to the Out of Court Conciliation Law. Law 26872 was published on November 13, 1997, and its regulation, Supreme Decree 001-98-JUS was published on January 14, 1998.

Since March 1<sup>st</sup> 2001, conciliation has become a prior compulsory requirement before the initiation of legal action in Lima and Callao. The document that results of the conciliation has executive effects in the judicial forum.

[Http://www.minjus.gob.pe](http://www.minjus.gob.pe)

[Http://www.editoraperu.com.pe/normas\\_1/normas.html](http://www.editoraperu.com.pe/normas_1/normas.html) (Spanish only)

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#### ***Overview of Disputes Involving Peru Since the Last IAP***

Peru is participating in the next WTO disputes as third-party:

- WT/DS291 – Measures Affecting the Approval and Marketing of Biotech Products

On 13 May 2003, the United States requested consultations with the EC concerning certain measures taken by the EC and its member States affecting imports of agricultural and food imports from the United States. On 29 August 2003, a panel was established at the request of the United States, Canada and Argentina. On 22 May 2003, Peru requested to join the consultations and the EC accepted this request. Peru has invoked a systemic interest in the compliance with the multilateral rules, according to which the implementation of sanitary and phytosanitary measures can not be more trade- restrictive than necessary. Peru, as other 14 countries, is participating in the Panel proceedings as third party.

The Panel Report was circulated to Members on September 29th 2006, and was adopted by the Dispute Settlement Body at its meeting on November 21th 2006.

For further information, please see the WTO's document online: WT/DS291/R/corr.1

or visit: [http://www.wto.org/english/tra\\_top\\_e/dispu\\_e/cases\\_e/ds291\\_e.htm](http://www.wto.org/english/tra_top_e/dispu_e/cases_e/ds291_e.htm)

**Peru's Approach to Dispute Mediation in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Dispute Mediation Arrangements</b>
<b>Disputes between Governments</b>		<p>Peru, as a WTO member, considers the Dispute Settlement Understanding (DSU), an effective mechanism for resolving disputes.</p> <p>Furthermore, as a member of the Andean Community, Peru participates in the Andean Dispute Settlement System (Colombia, Peru, Ecuador and Bolivia).</p> <p>For further information, please visit:  <a href="http://www.comunidadandina.org/">http://www.comunidadandina.org/</a></p> <p>- Also, Peru signed an FTA agreement with the United States on August 22th, 2006, in order to extend the scope of the Economic Partnership Agreement (ACE 3) which was celebrated within LAIA (Latin American Integration Association) system. This agreement respects the structure of WTO's Dispute Settlement Understanding.</p>
<b>Disputes between Governments and Private Entities</b>		<p>Peru is a signatory of the following international conventions that regulate trade arbitration:</p> <ul style="list-style-type: none"> <li>• Convention on the Recognition and Enforcement of Foreign Arbitrage Awards (New York Convention, June 10<sup>th</sup> 1958)</li> <li>• Convention on the Settlement of Investment Disputes between States and Nationalities of States (CIADI – Washington, D.C. March 1965)</li> <li>• Inter-American Convention on International Arbitration (Panama Convention, January 1975)</li> <li>• Inter-American Convention on Extraterritorial Efficacy of Foreign Sentences and Arbitration Awards (Montevideo Convention, May 1975)</li> </ul>

**Peru's Approach to Dispute Mediation in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Dispute Mediation Arrangements</b>
<b>Disputes between Private Parties</b>		<p>The main dispute resolution institutions for disputes between private parties are:</p> <ul style="list-style-type: none"> <li>• The Center for Arbitration and Trade of Peru (CEARCO-PERU), constituted as the Peruvian Chapter of the Inter-American Center for Trade Arbitration –CIAC-, which encourages the participation of business and guild organizations throughout the country,</li> <li>• The Lima Chamber of Commerce and Industry and other Chambers of Commerce across the country,</li> <li>• The Bar Association and its respective branches, which has incorporated the Peruvian Arbitration, Dispute Settlement, Negotiation and Conciliation Center, among others. Additionally, the Lima Bar Association has installed a permanent Arbitration Tribunal.</li> </ul> <p><i>Also, Conciliation Centers have been established nationwide: 633 centers and more than 100 conciliators(IAP Update Peru 2006).. These centers promote the use of national, as well as international, arbitration tribunals. In this way, they provide a guarantee to respect national and international legislation that is currently in force.</i></p> <p><a href="http://www.minjus.gob.pe">http://www.minjus.gob.pe</a></p>
<b>Transparency</b>		<p>Peru promotes transparency in dispute settlement procedures throughout the legal system, and in court procedures.</p> <p>All dispute settlement regulations and laws are published in the official newspaper, "El Peruano".</p> <p>For further information please visit:</p> <p>Web site of El Peruano (Spanish only):  <a href="http://www.editoraperu.com.pe/">http://www.editoraperu.com.pe/</a></p> <p>Web site of the Government of Peru:  <a href="http://www.perugobierno.gob.pe">http://www.perugobierno.gob.pe</a></p>



**Peru's Approach to Dispute Mediation in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Dispute Mediation Arrangements</b>
		<p>Or contact:</p> <p>Sara Rosadio,  Vice Ministry of Foreign Trade  Ministry of Foreign Trade and Tourism  <a href="mailto:srosadio@mincetur.gob.pe">srosadio@mincetur.gob.pe</a></p>
<p><b>Recognition of arbitration agreements and Enforcement of arbitration awards</b></p>		<p>Peru has implemented the New York Convention through the General Arbitration Law, (law No 26577) on the 5<sup>th</sup> of January, 1996.</p> <p>For foreign awards recognition (<b>exequatur</b>), in an international arbitration case, the regulations applied are the ones established to recognize foreign judgments. However, there are some exceptions established in the Arbitration Law for the recognition of foreign awards. It is the responsibility of the summoned party to outline the grounds to recognize the foreign award.</p> <p>When Peru recognizes the full or partial award, a specialized competent civil judge is informed. If the defendant is not residing in Peru, the civil judge, if the defendant owns assets in Peru, is informed. The corresponding plea should contain the award, the arbitration agreement and the judicial decision that permitted the request to recognize the award.</p>
<p><b>Independent Review Procedures</b></p>		<p>Peru has incorporated foreign awards to its legal system according to international treaty procedures and is participating.</p>

<b>Improvements in Peru Approach to Dispute Mediation since 1996</b>		
<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
<b>Disputes between Governments</b>	<ul style="list-style-type: none"> <li>• Peru applies the “Understanding on Rules and Procedures governing the Settlement of Disputes”, which is an adequate mechanism for the solution of trade disputes among member states of the WTO.</li> <li>• As well, Peru is a member of the Andean Community, participating in the Andean Dispute Settlement System.</li> <li>• Promotion of the use of Alternative forms of Dispute Resolution: General Arbitration Law (Law 26572) establishes that arbitrators must promote conciliation. As well, the Out of Court Conciliation Law (Law 26872) which is applicable to most issues including trade.</li> </ul>	<ul style="list-style-type: none"> <li>• Since prior to 1996, Peru was not a member of a legal system of a leg</li> </ul>
<b>Disputes between Governments and Private Entities</b>	<ul style="list-style-type: none"> <li>• Promotion of the use of Alternative forms of Dispute Resolution: General Arbitration Law (Law 26572) establishes that arbitrators must promote conciliation. As well, the Out of Court Conciliation Law (Law 26872) which is applicable to most issues including trade.</li> <li>• Peru is a signatory of the following international conventions that regulate trade arbitration <ul style="list-style-type: none"> <li>- Convention on the Recognition and Enforcement of Foreign Arbitrage Awards (New York Convention, June 10<sup>th</sup> 1958)</li> <li>- Convention on the Settlement of Investment Disputes between States and Nationals of Other States (CIADI – Washington, D.C. March 18th 1965)</li> <li>- Inter-American Convention on International Trade Arbitration (Panama Convention, January 30<sup>th</sup> 1975)</li> <li>- Inter-American Convention on Extraterritorial Efficacy of Foreign Sentences and Arbitration Awards (Montevideo Convention, May 8<sup>th</sup> 1979)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The w</li> </ul>

**Improvements in Peru Approach to Dispute Mediation since 2003**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
	<ul style="list-style-type: none"> <li>• <a href="http://www.editoraperu.com.pe">http://www.editoraperu.com.pe</a></li> <li>• <a href="http://www.minjus.gob.pe">http://www.minjus.gob.pe</a></li> </ul>	inaugurated <a href="http://www.editoraperu.com.pe">http://www.editoraperu.com.pe</a>
<b>Disputes between Private Parties</b>	<ul style="list-style-type: none"> <li>• Promotion of the use of Alternative forms of Dispute Resolution: General Arbitration Law (Law 26572) establishes that arbitrators must promote conciliation. As well, the Out of Court Conciliation Law (Law 26872) which is applicable to most issues including trade.</li> </ul>	<ul style="list-style-type: none"> <li>• Since prior to 2003, the number of legal cases of a legal nature</li> <li>• The number of cases increased to 12260 cases</li> </ul>
<b>Transparency</b>	Dispute settlement laws and regulations are published in the official newspaper "El Peruano".  <a href="http://www.editoraperu.com.pe">http://www.editoraperu.com.pe</a>	<ul style="list-style-type: none"> <li>• The website was inaugurated in 2003  <a href="http://www.editoraperu.com.pe">http://www.editoraperu.com.pe</a></li> <li>• On April 2003-Foreign Arbitration and Arbitration norms promulgated and reformed and reformed information</li> </ul>
<b>Recognition of arbitration agreements and Enforcement of arbitration awards</b>	<p>Peru has implemented the New York Convention through the General Arbitration Law, (law No 26572), published on the 5<sup>th</sup> of January 1996.</p> <p>For foreign awards recognition (<b>exequatur</b>), issued in an international arbitration case, the regulations applied are the same as the ones established to recognize foreign legal sentences. However, there exist some exceptions established in the General Arbitration Law for the recognition of foreign awards. For example, it is the responsibility of the summoned party to outline the reasons not to recognize the foreign award.</p> <p>When Peru recognizes the full or partial award, the specialized competent civil judge is informed. If the defendant is not residing in Peru, the civil judge where the defendant owns assets is informed. The corresponding plea should contain the award</p>	None.

**Improvements in Peru Approach to Dispute Mediation since**

<b>Section</b>	<b>Position at Base Year (1996)</b>	<b>Cumulative</b>
	document, the arbitration agreement and the judiciary resolution, that permitted the request to recognize the arbitration award.	
<b>Independent Review Procedures</b>	Peru has incorporated foreign awards to its legal system, according to the international treaties procedures where Peru is participating.	None.



## CHAPTER 13: MOBILITY OF BUSINESS PEOPLE

### Objective

#### **APEC Economies will:**

- a. enhance the mobility of business people who are engaged in the conduct of trade and investment activities in the Asia-Pacific region;
- b. enhance the use of information and communication technology (ICT) to facilitate the movement of people across borders and to counter terrorism.

### Guidelines

Each APEC economy work toward achieving the above objectives:

- a. abiding by directions and statements from APEC Leaders and Ministers;
- b. recognising APEC Principles on Trade Facilitation;
- c. implementing and maintaining standards consistent with the APEC Leaders' Transparency Standards; and
- d. consistent with the Informal Experts Group on Business Mobility's (IEGBM) capacity building standards and annually agreed actions.

### Collective Actions

APEC economies will:

#### **Exchange Information**

Exchange information on, and ensure the transparency of, regulatory regimes in regard to the mobility of business people in the region. Update and disseminate information in the online APEC Business Travel Handbook

#### **Short-Term Business Entry**

Streamline short-term entry requirements for business people. APEC economies will strive on a best endeavour basis and according to national laws to implement one or more of the following options:

- i) visa free or visa-waiver arrangements;
- ii) participating in APEC Business Travel Card scheme;
- iii) multiple short-term entry and stay visas which are valid for at least 3 years.

#### **Business Temporary Residency**

Implement streamlined temporary residence processing arrangements for the intra-company transfer of senior managers and executives between APEC economies.

#### **Capacity Building (Technical Cooperation and Training)**

Develop and implement the mutually agreed standards and benchmarks essential to capacity building and engage in the capacity building activities. Streamline visa application and immigration entry, stay and departure processing arrangements.

#### **Dialogue with Business**

Continue to maintain a dialogue with the APEC Business Mobility Group and the APEC business community (including APEC for Business Travelers) and the APEC business community.

The current CAP relating to mobility of business people can be found in the [Mobility of Business People Collective Action Plan](#).

### **Peru's Approach to Mobility of Business People in 2007**

A foreigner who intends to undertake business activities in Peru, such as signing contracts, is considered a business visitor and must obtain a business visa. However, if the foreigner just wants to visit Peru, or hold business meetings, he or she can enter Peru with a tourist visa. A tourist visa does not allow the signature of contracts.

For most APEC economies, it is not necessary to obtain a tourist visa before arriving to Peru.

The Office in charge of Immigration in Peru is the General Directorate of Immigration and Naturalization of the Office of the Attorney General of the Republic, Ministry of the Interior.

Link in Spanish

<http://www.digemin.gob.pe>

[http://www.migraciones.gob.pe/  
escribanos.asp](http://www.migraciones.gob.pe/escribanos.asp)

Link del Ministerio de Relaciones Exteriores.

<http://www.rree.gob.pe/portal>

**Peru's Approach to Business Mobility in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Business Mobility Related Policies and</b>
<b>Regulatory Visa Regimes</b>	<p>Law No. 28950 (January 16<sup>th</sup> 2007) is the law on deals with people and the illicit traffic of migrants, which establishes the one that it promotes, favors, finances or facilitates the pick up, it transports, transfer, welcome, reception or retention of another one, in the territory of the Republic or for its exit or entrance of country resorting to: the privation of freedom, the fraud, the deception, the abuse of the power or of a situation of vulnerability, or the grant or receipt of payments or benefits, with ends purposes of sexual exploitation to force it to beg, to realizing works or forced services, to the servitude, the slavery or analogous practices to the slavery and other forms of labour exploitation, or extraction or traffic of organs.</p>	<ul style="list-style-type: none"> <li>- The Text of Administrative Procedures (Unico de Procedimientos Administrativos TUPA) establishes the regulatory requirements for administrative These administrative procedures maximum time period of 30 days.</li> <li>- Peru's visa regime is based on Legislative Decree No. 703, Foreigner Status Law (Extranjería), which establishes the migration visa categories that can be assigned to a foreigner for entry and stay in Peru. Temporary Business visa is granted for 90 days and can be extended for up to 30 days. The Resident visa can be granted for one year or extended annually for a year.</li> <li>- Foreign Affairs Ministerial Decree 0058-2003-RE (October 08<sup>th</sup> 2003) incorporates 15 countries on the regime of Foreigner Status Law Ministerial Decree N°023-1995-RE (Cuba, Belarus, Czech Republic, Cyprus, Slovakia, Slovenia, Estonia, Russia, Hungary, Latvia, Lithuania, Moldova, Poland, Ukraine, Serbia and Montenegro Republic).</li> <li>- According to the article 2 of the Ministerial Decree 058, the exigency of visa is granted to the countries of Costa Rica, El Salvador, Guatemala, Honduras, Panama, Nicaragua and Mexico.</li> <li>- Peruvian Consulates across the country in coordination with DIGEMIN, grant visas in 48 hours for a maximum of 90 days.</li> </ul>
<b>Implementation of APEC Leaders' Transparency Standards on Business Mobility*</b>		Please refer to Transparency Chapter
<b>Short Term Business Entry</b>	Up to may 30 <sup>th</sup> 2007, Peru has	



**Peru's Approach to Business Mobility in 2007**

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Business Mobility Related Policies and</b>
	<p>approved 13,507 foreign ABTC cardholders' applications.</p>	<p>- A business visa is required if a foreigner intends to sign contracts in Peru, or if a foreigner needs a visa to attend meetings or other activities. However, a foreigner with a business visa cannot generate income in Peru.</p> <p>The visas qualify in: Temporary Resident. "Temporary" visa authorizes admission and permanency of a foreigner for up to 90 extendable days. The "Resident" Visa authorizes admission and residence of a foreigner for up to one year, extendably. Business visa is a temporary visa that authorizes admission for up to 90 extendable days for once in one year calendar.</p>
<p><b>Business Temporary Residency</b></p>		<p>The foreigner's legal representative or manager must request a residence visa for up to one year in the Directorate of Immigration and Naturalization (<i>General de Migraciones y Naturalización</i>, DIGM). The time period granted on the residence visa is determined by the work contract or appointment time frame. Temporary relatives are granted the same time period. Extension requests are dealt within the same time frame. A foreigner with a resident visa can freely enter and exit Peru during the time the visa is valid. The Law allows foreigners to carry out commercial transactions and to sign contracts.</p> <p>The foreigners with temporary visa can stay for up to 90 extendable days for once in one year calendar. With this visa, they can proceed with change of migratory status to permanent resident, being in this situation expiring their visa. They can request the immigrant's migratory status. They can have called of family for as dependants or spouse.</p>
<p><b>Technical Cooperation and Training</b></p>	<p>Peru has 14 Borders Control and 3 places of migratory control.</p> <p>Peru has interconnected almost all its border control posts, but Perú have not interconnected Paita, The</p>	<p>Every year the Canadian and U.S. consulates located in Peru carry out updated training on fraudulent documentation. Other areas of interest in receiving technical cooperation and training are immigration control and passenger processing.</p> <p>The delegation of Australia realized an</p>

*Peru's Approach to Business Mobility in 2007*

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Business Mobility Related Policies and</b>
	<p>Tina, The Alamor, Espindola, The Raft, Payment Pantoja, Santa Rosa of Iquitos, Purus, Matari, International Airport Rodríguez Ballon, International Airport VA and Iñapari</p> <p>Peru has started the implementation of the System of Anticipated Air Transport Passenger Information (SIAPTA) that allows the reception of travelers' information before the flights departures.</p> <p>In the first stage, the Peruvian public institutions related with the attention and treatment of air transport passengers decided to integrate their activities in a technological project based initially on the API. For this purpose, they needed to make some modifications to the national laws.</p> <p>In the second stage the government of Peru made contact with the highly-experienced firm International Society of Aeronautical Telecommunications (SITA), in order to evaluate the costs and the possible implementation of the APP in the future.</p> <p>The DIGEMIN and LAN airline are developing the implementation of the API system with the flights that arrive to Peru. This will allow receiving in advance the information of the</p>	<p>the systems and processes used s DIGEMIN as in RENIEC. The points developed were: The need to contract Information Advanced for the passe come by air to the country, the p promoting the document of identity RENIEC, the possibility of in information of the so called lists of n international alert, with regard to "u passengers, beside indicating the pos other economies member of the A finance part of the project or give a technical free advising.</p>

*Peru's Approach to Business Mobility in 2007*

<b>Section</b>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Business Mobility Related Policies and</b>
	passengers that arrive to the country, hence when the passenger is controlled by the inspectors of migration, his information has already been revised and, if it is necessary; he could be stopped by the authorities.	
<b>Dialogue with Business</b>		National Advice of Work and Productivity Employing is a consultative organ for the promotion of an agreement between employers and employees in order to reach productivity and decent work.

<b>Improvements in Peru's Approach to Business Mobility since 1996*</b>		
<b>Section</b>	<b>Position at Base Year (1996)*</b>	<b>Cumulative</b>
<b>Regulatory Visa Regimes</b>	According to the Foreign Status Law ( <i>Ley de Extranjeria</i> ) temporary and resident visas have to be authorized by DIGEMIN before being issued by Peru's Consulates. DIGEMIN is Peru's General Directorate of Immigration and Naturalization ( <i>Dirección General de Migraciones y Naturalización</i> )	DIGEMIN Administrative <i>Procedimiento</i> establishes administrative requirements and time.
<b>Implementation of APEC Leaders' Transparency Standards on Business Mobility*</b>		
<b>Short Term Business Entry</b>	According to the Foreign Status Law ( <i>Ley de Extranjeria</i> ) temporary and resident visas have to be authorized by DIGEMIN (Peru's General Directorate of Immigration and Naturalization) before being issued by Peru's Consulates. Nationals from the economies included in the Foreign Affairs Ministerial Decree N° 023-95-RE and 109-2003-RE can receive the temporary business visa directly from Consulate offices.	<ul style="list-style-type: none"> <li>- In 2000, scheme.</li> <li>- From 2001, coordination hours. A business sign contract intends to However, a income in f</li> <li>- Foreign RE (October the region N°023-19</li> <li>- In 2003 nationals holders.</li> </ul>
<b>Business Temporary Entry</b>	Foreigners can obtain a temporary residence visa of up to a year, renewable for the same time period, only by presenting their application directly in DIGEMIN. This application must contain a work contract approved by the Ministry of Labor or the establishment in Peru's Public Registry of a Company with assets no lower than US\$ 10,000 in shares under his name. Once the Visa application is approved, Peru's Consulate issues the temporary business visa where the foreigner has indicated where he wants to receive it.	
<b>Technical Cooperation and Training</b>	No Training nor Technical cooperation received from APEC Economies	<p>In 1999, two Fraud Exam with APEC fu</p> <p>In 2000, a Trafficking of</p>

**Improvements in Peru's Approach to Business Mobility since 1996\***

<b>Section</b>	<b>Position at Base Year (1996)*</b>	<b>Cumulative</b>
		<p>Lima with the funding.</p> <p>In 2002, two Document F Georgia, US.</p> <p>Every year located in fraudulent Peru is also cooperatio and passer</p>
<b>Dialogue with Business</b>	-	-

## Appendix – APEC Leaders’ Transparency Standards on Business Mobility

### Introduction

Since its inception, the APEC Business Mobility Group (BMG) has recognized that transparent and predictable business mobility procedures are essential to a stable and open trading regime. As a consequence many BMG initiatives have facilitated openness, transparency and information exchange in an effort to ensure that APEC members make immigration measures (new and amended, including those in international agreements) publicly available to all interested parties. Economies have provided up to date, information on rules and procedures governing temporary residency, processing standards and contact points in the *APEC Business Travel Handbook* and have shared information on immigration legislation, trade agreements, policies and technologies on the BMG web site.

On 27 October 2002, in Los Cabos, Mexico, APEC Leaders adopted the “Statement to Implement APEC Transparency Standards” (hereinafter referred to as the “Leaders’ Statement”), and directed that these standards be implemented as soon as possible, and in no case later than January 2005. In paragraph 8 APEC Leaders instructed that “APEC sub-fora that have not developed specific transparency provisions should do so,” and further instructed that such new transparency provisions should be presented to Leaders upon completion for incorporation into the Leaders’ Statement.

The following Business Mobility Standards relate to immigration laws, regulations, policies, administrative rulings, procedures and practices related to the temporary entry and stay of business persons, at the pre-arrival, entry, stay and departure phases.

Transparency Standards on Business Mobility:

#### Publication and Access

1. In accordance with paragraph 1 of the Leaders’ Statement, each Economy will promptly publish or otherwise make available to all interested parties, through readily accessible, widely available media, for example via the Internet, information on its immigration laws, regulations, policies, and progressively, administrative rulings of general application, procedures and practices as they relate to business persons, collectively referred to as “immigration measures”. Economies will ensure that immigration regulations and requirements based on policy are clear, concise, current, simple, transparent and readily available, and meet applicable Standards for Pre-Arrival and Entry and will: (a) Provide user-friendly application forms, instructions and reference materials.

#### Consultation

2. In accordance with paragraph 2 of the Leaders’ Statement, each Economy will, when possible, publish in advance using the media and other mechanisms as appropriate proposed immigration measures that might affect business mobility and where applicable provide interested persons a reasonable opportunity to comment on such proposed measures. Such measures should include: (a) A set of rules and regulations that provide sanctions for the production, sale and use of fraudulent documents; (b) Effective rules and regulations that are precise in specifying what constitutes document fraud and what the sanctions are for producing, selling or using fraudulent documents; support inspectors, investigators and prosecutors in apprehending and taking action against fraudulent document producers, vendors and users; and promote business facilitation as well as protect the country’s inhabitants; (c) In respect to professional service, a comprehensive Code(s) of Conduct that sets out in very practical terms the behavior expected of all immigration officials, including employee’s responsibilities, service policies and standards, clear guidance and practical examples, and that is developed in consultation with internal and external stakeholders as appropriate; and (d) Mechanisms for reporting or filing complaints on code of conduct breaches without fear of reprisal or prejudice.

#### Information Services

3. In accordance with paragraph 3 of the Leaders’ Statement, upon request from an interested person or another Economy, each Economy will endeavor when possible to promptly provide information and respond to questions pertaining to any actual or proposed immigration measures and will provide: (a) Points of inquiry for business persons or businesses with questions; (b) Simple, quick and user-friendly application processes with clear information and instructions on requirements relating to any exemptions, fees and charges; (c) Information that is easily accessible to internal/external stakeholders (Customer Help Desks/Call Centres or Industry Consultative Committees, Internet, displays and signs); and (d) Where appropriate, will provide mechanisms so that stakeholders’ service charters are developed which clearly

state the level of service they can expect, and are displayed in public areas such as airports, Immigration offices and overseas missions.

#### Decision Making

4. In accordance with paragraph 4 of the Leaders' Statement, each Economy will ensure that immigration measures are administered in a transparent manner, including, wherever possible, reasonable notice in accordance with domestic procedure when a proceeding is initiated, and an opportunity to present facts and arguments in support of their positions, when time, the nature of the proceeding, and the public interest permit, and that the procedure is in accordance with domestic law. Economies shall: (a) Strive for transparency in decision-making that is based on an economy's prevailing employment and immigration policies and procedures and, where applicable, provide decisions that are in writing and denials that provide reasons based on requirements and information on any right of appeal or waivers; (b) Strive for reasonable processing times for decision-making in an effort to avoid unnecessary delay or uncertainty on the part of business travelers; (c) Ensure that decisions are consistent with published guidelines and requirements through regular quality control reviews; (d) Ensure that employees are trained in decision-making procedures and have access to current written guidelines and instructions relating to interpretation of regulations and laws; (e) Ensure that authority to make decisions includes appropriate checks and balances, and is strictly controlled to prevent abuse of power; (f) Provide periodic review mechanism of systems and procedures to ensure uniformity and consistency in decision making; reviews undertaken in consultation with employees to eliminate "red tape;" (g) Develop and implement mechanisms which monitor and evaluate the organization's performance against established service standards; (h) To the extent possible, have a system in place for monitoring consistency between different offices, provinces or regions concerning decisions, procedures and information provided; (i) Where appropriate, clearly define and make publicly available the basis or criteria upon which discretionary power is exercised by officials; and (j) To the extent possible, convey reasons for decisions to applicants and document grounds for decisions clearly and retain these for monitoring and review.

#### Review

5. In accordance with paragraph 5 of the Leaders' Statement and its own immigration laws, where warranted, each Economy will provide procedures that are simple, consistent, and easily accessible for review and appeal of immigration decisions and, where warranted, prompt correction of final administrative actions, regarding immigration measures which provide parties to the proceeding with a reasonable opportunity to present their respective positions, a decision based on the evidence and submissions in the administrative record, tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter, and implementation of the final decision. To ensure transparent administrative regulations and decision-making, Immigration Administrations shall have: (a) To the extent possible, objective performance standards for managers to ensure compliance and accountability for the Standards on Professional Conduct; (b) To the extent possible, guidelines and policies that clearly state management responsibilities in employee development and in the promotion and monitoring of ethical practices and integrity; and (c) Selection criteria for managerial positions that include demonstrated ability to accept responsibility and accountability for implementation of the Standards on Professional Conduct.

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**\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Business Mobility, which can be found in the [Appendix](#) at the end of this document.**

**\*While the Informal Experts' Group on Business Mobility did not commence until May 1997, it is considered that the information to be reported as 'base information' would not vary significantly for most Member Economies from 1996 to 1997.**

**- For purposes of reporting on transparency, Economies should use 1996 (or 1997) as the base year for previously raised IAP transparency issues, but may use 2003 as the base year for reporting on new transparency commitments per the APEC Leaders' Transparency Standards. Economies should report against the actual language in the APEC Leaders' Transparency Standards on Business Mobility, which can be found in the [Appendix](#) at the end of this document.**

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**PERU'S 2007  
APEC INDIVIDUAL ACTION PLAN: THE APEC FOOD SYSTEM CHAPTER**

<b>Chapter</b>	<b>Summary of IAP entry:</b>
1. Tariffs	<ul style="list-style-type: none"> <li>- Peru maintains in WTO a bound tariff rate at 30% for most tariff lines, except 29 agricultural tariff lines (maize, wheat, rice, sugar, sugar substitutes and some dairy products), that have higher bound tariff which converge to a flat bound tariff of 68% since 2005.</li> <li>- Peru applies a System of Band Prices for some agricultural items (maize, rice, sugar, sugar substitutes and some dairy products) that include minimum and maximum prices allowed for the import of these items.</li> </ul>
2. Non-tariff measures	<ul style="list-style-type: none"> <li>- Peru does not apply any restrictions, prohibitions, export levies, restraints, subsidies, or licensing.</li> <li>- Non-tariff measures applied for sanitary and phyto-sanitary (quarantine and food safety) reasons are WTO-consistent.</li> </ul>
3. Services	- N/A
4. Investment	<ul style="list-style-type: none"> <li>- Peru welcomes and encourages foreign investment from all countries without discrimination. The Peruvian Government has declared that investment in the agriculture sector has the highest priority. Thus, it has devised incentives applicable to individuals or corporate bodies that develop cultivations and/or breeding, with the exemption of the forestry industry.</li> <li>- Likewise individuals or corporate bodies carrying out agribusiness activities may also enjoy those incentives, provided they mainly use agro farming goods directly produced or acquired by people developing and/or breeding activities in zones where such goods are produced, outside Lima province and constitutional province of Callao. The Income Tax of the mentioned activities shall be determined by applying 15% rate over the net income. Agribusiness activities related to wheat, tobacco, oleaginous seeds, oils and beer are herein excluded.</li> <li>- Individuals and corporate bodies engaged in aquaculture activities that include organized and technical cultivation of hydro biological species, shall pay a 15% rate over the net income for purposes of income Tax.</li> </ul>
5. Standards and Conformance	<ul style="list-style-type: none"> <li>- Food safety regulations are consistent with the Codex Alimentarius standards</li> <li>- The elaboration and approval of the Peruvian Technical Standards is harmonized with the TBT Code of Good Practice for the Preparation, Adoption and Application of Standards.</li> <li>- Peru regulation of food safety is the responsibility of the General Directorate of Environmental Health (DIGESA) for industrialised food and the National Service of Animal and Plant Health (SENASA) for fresh food products. DIGESA is body located in the Ministry of Health (MINSA).</li> <li>- Peru is a member of the SPS linked Relevant International Organizations: International Plant Protection Convention (IPPC), World Organisation for Animal Health (OIE) and Codex Alimentarius.</li> <li>- Ministry of Foreign Trade and Tourism (MINCETUR) operate Peru's TBT notification point (<a href="mailto:otc@mincetur.gob.pe">otc@mincetur.gob.pe</a>).</li> </ul>
6. Customs Procedures	<ul style="list-style-type: none"> <li>- Peruvian Customs has a modern infrastructure which is supported by information technologies which is also reviewed to enhance our goals on trade facilitation.</li> <li>- Information on customs legislation and procedures are available on our Portal (<a href="http://www.sunat.gob.pe">http://www.sunat.gob.pe</a>).</li> <li>- Peruvian Customs Service has adopted systematic risk management techniques since approximately 1993. In 1997, this systematisation was improved with the green channel and in 2001; the Risk Management Division was created to centralize this operation.</li> <li>- Peruvian Customs Service has also signed agreements with SENASA (National</li> </ul>

	Service of Animal and Plant Health) and MINSA (Ministry of Health) in order to exchange information.
7. Intellectual Property Rights	<ul style="list-style-type: none"> <li>- INDECOPI's Trademarks Office will enforce the promotion of the development and protection of geographical indications to improve competitiveness in SMEs, especially on agriculture.</li> <li>- INDECOPI's Inventions and New Technologies Office launched a web page, <a href="http://www.indecopi.gob.pe/por/talectpi">http://www.indecopi.gob.pe/por/talectpi</a>, to inform about the protection options for traditional knowledge.</li> </ul>
8. Competition Policy	- Legislative Decree 701 is the national law of defense of competition, which is applied to all sectors of the economy, including the agricultural sector.
9. Government Procurement	- N/A
10. Deregulation/Regulatory Review	- N/A
11. Implementation of WTO Obligations / Rules of Origin	- N/A
12. Dispute Mediation	- N/A
13. Mobility of Business People	- N/A
14. Information Gathering and Analysis	- N/A

**TRANSPARENCY**

**Transparency is a General Principle in the Osaka Action Agenda. To build on this, APEC Leaders agreed in the 2001 Sh and report progress in the Individual Action Plan. Since 2002, Leaders agreed in the Leaders' Statement to Implement A Transparency Standards, including on monetary, financial and fiscal policies and dissemination of macroeconomic pol Standards on tariffs, non-tariff measures, services, investment, standards and conformance, customs procedures, intel deregulation/regulatory review, mobility of business people and government procurement. Leaders agreed to review th appropriate, review, revise and expand them further**

	<b>Economies' Current Approach to Transparency</b>	
<p><b>Economies' General Framework for Ensuring Transparency in areas covered by Leaders' General Transparency Standards*</b></p>	<p>The government of Peru has a compromise with Transparency. All <u>laws and regulations</u> are required to be published in the official newspaper called "El Peruano in order to enter in force.</p> <p>Link in Spanish:  <a href="http://www.editoraperu.com.pe/elperuano/">http://www.editoraperu.com.pe/elperuano/</a></p> <p>Also, on 2003 the Prime Minister's Office approved DS No. 043-2003-PCM, Transparency and Access to Public Information Law. This norm promotes the publicity of government acts and regulates the <u>fundamental right of access to information</u>.</p> <p>Link in Spanish:  <a href="http://www.mef.gob.pe/ESPEC/transparencia/cumplimiento27806.php">http://www.mef.gob.pe/ESPEC/transparencia/cumplimiento27806.php</a></p> <p>The law establishes that all information the State has is presumed to be public, unless expressly determined in the exceptions of a particular law. It also establishes the obligation for all public entities to provide any information requested by individuals in application of the publicity principle. In this sense, all people (not only nationals) have the right to request and obtain any information from the State without expressing the reason.</p> <p>The Transparency Law requires all Public Entities to have websites with a specific section of transparency, where all sectorial norms, as well as their Administrative Procedures Unique Text (TUPA), should be published. This allows the general public to be better informed about the administrative procedures that they have to follow in public institutions.</p> <p>Regarding publication in advance, all the laws given by the Peruvian Congress are published in the internet while they are still in project (<a href="http://www.congreso.gob.pe">http://www.congreso.gob.pe</a>). It is also important to mention that almost all Regulatory Bodies have the obligation to publish in advance their regulations.</p> <p>On the other hand, the Peruvian Constitution recognizes among other issues, <u>due process and independence of public jurisdiction</u>. This means that individuals have the right to impartial tribunals, reasonable opportunity to present their opinions and the possibility of appeal to a second instance.</p>	<p>-</p> <p><b>Transparency</b></p> <p>The Law of Tra  09-Feb-2007) e  Internet or on  procedures of  each special c  Customs Auth  consultations b  publish on Int</p>

<b>TRANSPARENCY</b>		
		consultations. 2007.
<p><b><i>Transparency in monetary, financial and fiscal policies and dissemination of macroeconomic policy data**</i></b></p>	<p>The Ministry of Economy and Finance publishes the Multiannual Macroeconomic Framework (MMF) that contains the main economic policy guidelines and the fiscal policy objectives for the medium term that includes policy and preventive measures of the macroeconomic variables. Furthermore, the Central Reserve Bank (CRB) regularly informs the evaluation of the Monetary program.</p> <p>Some of the required publications to be disseminated are:</p> <ul style="list-style-type: none"> <li>- Semiannual Execution Report of the fulfillment of the MMF's goals,</li> <li>- Statement Report on Fiscal Responsibility Fulfillment of the preceding fiscal period,</li> <li>- The Monthly Fiscal Transparency Bulletin where an evaluation of incomes and expenses is undertaken of entities comprised in the Budget Law, as well as non financial public entities and regulating agencies.</li> </ul> <p>Likewise, autonomous institution publicize more information in their web pages, such as the CRB and the Superintendence of Banking and Insurance</p> <p>Moreover, via the internet, the general public has access to the following information:</p> <p><u>Public Finances:</u> The Economic Transparency Portal of the Ministry of Economy and Finance contains updated information related to the management of public finances, such as public sector balance (debts, obligations, contingencies, assets, among others) macroeconomic projections, execution of public expenditure, tax collection situation and projections, among others.</p> <p>Link in Spanish:  <a href="http://www.mef.gob.pe/ESPEC/transparencia/cumplimiento27806.php">http://www.mef.gob.pe/ESPEC/transparencia/cumplimiento27806.php</a></p> <p><u>Monetary and Financial:</u> The Central Reserve Bank of Peru (BCRP) webpage contains its Weekly (<i>Nota Semanal</i>), Quarterly (Inflation Report) and Annual (Annual Memory) Bulletins. Also, the Superintendence of Banking and Insurance (SBS) publishes information regularly.</p> <p>Links in Spanish:  <a href="http://www.bcrp.gob.pe">http://www.bcrp.gob.pe</a>  <a href="http://www.sbs.gob.pe">http://www.sbs.gob.pe</a></p> <p><u>National Accounts:</u> The National Institute of Statistics webpage.</p> <p>Link in Spanish:  <a href="http://www.inei.gob.pe">http://www.inei.gob.pe</a></p>	<p>-</p>

## Appendix – APEC Leaders Transparency Standards, paragraphs 1 through 6 and 9 through 11.

### General Principles

1. (a) Each Economy will ensure that its laws, regulations, and progressively, procedures and administrative rulings of general application respecting matters in Section C of Part One of the Osaka Action Agenda are promptly published or otherwise made available, for example via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them. (b) Each Economy will have or designate an official journal or journals and publish any measures referred to in paragraph 1 in such journals. Each Economy will publish such journals on a regular basis and make copies of them readily available to the public. (c) An Economy may comply with subparagraph (b) by publication on the Internet. (d) Each Economy will promote observance of the provisions of this paragraph by the regional and local governments and authorities within its customs territory.
  2. When possible, each Economy will: (a) publish in advance any measure referred to in paragraph 1 that it proposes to adopt; and (b) provide where applicable interested persons a reasonable opportunity to comment on such proposed measures.
  3. Upon request from an interested person or another Economy, an Economy will endeavor to promptly provide information and respond to questions pertaining to any actual or proposed measure referred to in paragraph 1.
  4. Each Economy will ensure in its administrative proceedings applying any measure referred to in paragraph 1 that: (a) wherever possible, persons of another Economy that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of any issues in controversy; (b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding and the public interest permit; and (c) its procedures are in accordance with domestic law.
  5. Where warranted, each Economy will ensure that appropriate domestic procedures are in place to enable prompt review and correction of final administrative actions, other than those taken for sensitive prudential reasons, regarding matters covered by these Standards, that: (a) provide for tribunals or panels that are impartial and independent of any office or authority entrusted with administrative enforcement and have no substantial interest in the outcome of the matter; (b) provide parties to any proceeding with a reasonable opportunity to present their respective positions; (c) provide parties to any proceeding with a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative authority; and (d) ensure, subject to appeal or further review under domestic law, that such decisions are implemented by, and govern the practice of, the offices or authorities regarding the administrative action at issue.
  6. For purposes of these Standards, administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within its ambit and that establishes a norm of conduct but does not include: (a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of another Economy in a specific case; or (b) a ruling that adjudicates with respect to a particular act or practice.
- Transparency in Monetary, Financial and Fiscal Policies and the Dissemination of Macroeconomic Policy Data
9. Prior to our agreement in the Shanghai Accord to implement APEC transparency principles, we agreed in Brunei Darussalam in 2000 to support the key standards identified by the Financial Stability Forum. Three of these key standards focus on transparency: (a) Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles; (b) Code of Good Practices on Fiscal Transparency; and (c) General and Special Data Dissemination Standards.
  10. Following APEC Finance Ministers' decision to support the assessment of Economies' implementation of these transparency codes through the IMF-led Reports on the Observance of Standards and Codes (ROSCs), Economies are encouraged to participate fully in the ROSC program. As voluntary disclosure of ROSC modules promotes transparency, Economies should, where practicable, disclose the results of these assessments.
  11. The provisions of this Statement will not require any Economy to disclose confidential information where such disclosure would impede law enforcement, the enactment of laws, or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular persons or enterprises.

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**\* Economies should report against the actual language in the APEC Leaders' General Transparency Standards, paragraphs 1 through 6 and 11, which can be found in the Appendix attached at the end of this document.**

**\*\* Economies should report against the actual language in the APEC Leaders' Transparency Standards on Transparency in Monetary, Financial and Fiscal Policies and the Dissemination of Macroeconomic Policy Data, paragraphs 9 and 10, which can be found in the [Appendix](#) attached at the end of this document.**

## IAP REPORTING TEMPLATE ON FTAS AND RTAS

### Peru's Approach to Bilateral and Regional Trade Agreements in 2007

Peru's trade policy is focused on two general objectives. The first one is to foster the role of foreign trade as the engine of economic growth. The second one is to contribute to Peru's role as South America's hub in the Eastern Pacific.

Within Peru's trade policy, the RTA/FTA strategy, in accordance to the multilateral trade negotiations strategy, aims at achieving further trade liberalization and facilitation. The three specific objectives of this strategy are to improve market access, to increase the potential export supply of goods and services, to diversify our trading markets and to promote fair and stable rules and procedures.

Regarding RTAs, Peru has been very active participating in the following negotiations and integration processes in the last few years:

- The Andean Community, since 1969;
- The Latin American Integration Association (LAIA), since 1980. Under this framework, Peru has negotiated trade agreements with Latin American Countries. Also in 2004, Peru signed an Economic Partnership Agreement with MERCOSUR.
- The Free Trade Area of the Americas, since 1995.

Regarding FTA negotiations, Peru subscribed three agreements in 2006:

- Peru - United States Trade Promotion Agreement (Peru-US TPA);
- Peru - Chile Extension of the Economic Partnership Agreement ACE 38; and
- Early Harvest Protocol (EHP) between Peru and Thailand.

Peru is also conducting negotiations with Mexico for an Extension of the Economic Partnership Agreement ACE 38. Outside the Americas, Peru's interest is focused on Asia and Europe. In the Asian front, Peru is currently negotiating with China. Peru has initiated a Joint Feasibility Study for a FTA with China. In Europe, Peru has initiated negotiations for a FTA with EU. Peru is also negotiating for an Andean Community-European Union FTA. Peru's long-term objective is to negotiate with all APEC's member economies.

Finally, Peru believes that an active and constructive participation in the Multilateral Trade Forum, in APEC and in negotiations with its major trade partners, represent at this time, the best option to reach the BOGOR goals.

### Part 1: Description of current agreements

#### Agreement #1

#### Andean Community (Peru, Bolivia, Ecuador and Colombia)

Link:

[/endex.htm](#)

Background (membership, date of entry into force, type of agreement)	Membership: Peru, Bolivia, Ecuador and Colombia (Chile withdrew from it in 1994) Date of Entry into Force: 1969 (created by the "Cartagena Agreement") Type of Agreement: Economic Integration Agreement
Date of notification to the WTO	12 <sup>th</sup> October 1992 to the General Agreement on Trade and Tariffs (GATT)
General provisions	The key objectives of the Andean Community (AC) are:



	<ul style="list-style-type: none"> <li>• Promote the Member Countries' balanced and harmonious development through integration and economic and social cooperation;</li> <li>• Step-up their growth and job creation;</li> <li>• Facilitate their participation in the regional integration process, with a view to the creation of a Latin American common market;</li> <li>• Reduce the Member Countries' external vulnerability and improve their economic growth;</li> <li>• Reinforce subregional solidarity and reduce differences in development among the Member Countries; and</li> <li>• Seek the continuing improvement of the living standards of the subregion.</li> </ul> <p><a href="http://www.comunidadandina.org/ingles/who.htm">http://www.comunidadandina.org/ingles/who.htm</a></p>
<p>Institutional framework and dispute settlement</p>	<p><b>Institutional framework:</b></p> <p>The AC is a subregional organization endowed with an international legal status. It is composed of Bolivia, Colombia, Ecuador and Peru and the bodies and institutions comprising the Andean Community System.</p> <p>The AC has a very developed institutional structure and is headed by The Andean Council of Ministers, which defines, at the highest political level, the working guidelines of the integration process. In view of its supranational integration nature, this subregional organization has jurisdictional powers and the following bodies:</p> <ul style="list-style-type: none"> <li>• Andean Council of Foreign Affairs Ministers – Conformed by the Ministers of Foreign Affairs of the Member Countries, it is responsible for legislating by means of “Decisions” all aspects of international relations, as well as political and social aspects (example: Migration, Education, Labor, etc.);</li> <li>• Andean Community Commission – Conformed by the Ministers of Foreign Affairs of the Member Countries, it is responsible for legislating on matters related to the commercial and economic integration;</li> <li>• Andean Community General Secretariat (GS) – Agency of international relations, it is responsible for the implementation of policy and decisions of the legislative bodies and administers the process of integration. Its headquarters are in Lima, Peru;</li> <li>• Andean Community Court of Justice – Jurisdictional Body responsible for the settlement of disputes and settlement processes among the member countries;</li> <li>• Andean Parliament - It is the deliberative body that represents the Andean Community. Its representatives are elected through direct, universal suffrage;</li> <li>• Business Consultative Council;</li> <li>• Labor Consultative Council;</li> <li>• Andean Development Corporation; and</li> <li>• Latin American Reserve Fund</li> </ul> <p><b>Dispute settlement:</b></p> <p>As the AC is based on supranational norms, it has a very developed legal system. The administrative instance manifests the possible breaches of the Andean Community norms. The presentation of legal actions before the AC Court of Justice. Likewise, the Andean Community Decisions or Resolutions that are considered to have been approved against the Member Countries, legal actions can be exercised by the Member Countries, or any of the bodies of the Andean Community, the Andean Community Integration or by any individual that considers that its individual rights have been violated.</p> <p><a href="http://www.comunidadandina.org/ingles/who.htm">http://www.comunidadandina.org/ingles/who.htm</a></p>
<p>Provisions relating to treatment of goods</p>	<p>Bolivia, Colombia, Ecuador and Venezuela eliminated tariffs on their trade with Peru. In 1994, they formed a free trade area where goods circulated freely. In 1997, Peru started</p>

	<p>the free trade area in a process that concluded on December 31, 2005.</p> <p>A Common External Tariff (CET) approved by Colombia and Ecuador at the 20 percent, with an average of 13.6%, came into effect since 1995. Under the CET, countries can temporarily move tariffs to zero. Bolivia, on the other side, enjoys preferential tariff levels of 0, 5 and 10 percent; while Peru did not sign that agreement. Peru has external tariff basic levels of 0, 12, 17, 20 and 25 with an average of 13.6%.</p> <p><a href="http://www.comunidadandina.org/ingles/trade.htm">http://www.comunidadandina.org/ingles/trade.htm</a>  <a href="http://www.comunidadandina.org/ingles/union/free.htm">http://www.comunidadandina.org/ingles/union/free.htm</a></p>																														
<p>Product coverage</p>	<p>This agreement covers 100% of tariff lines.</p> <p>Peru's Trade with the AC Member Countries and Venezuela with 0% tariff (0% of tariff lines)</p> <table border="1" data-bbox="1046 775 1596 981"> <thead> <tr> <th>Peru's tariff lines with:</th> <th>Exports</th> <th>Imports</th> </tr> </thead> <tbody> <tr> <td>Bolivia</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Colombia</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Ecuador</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Venezuela</td> <td>100%</td> <td>100%</td> </tr> </tbody> </table> <table border="1" data-bbox="1046 1010 1596 1216"> <thead> <tr> <th>Peru's total trade with:</th> <th>Exports</th> <th>Imports</th> </tr> </thead> <tbody> <tr> <td>Bolivia</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Colombia</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Ecuador</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Venezuela</td> <td>100%</td> <td>100%</td> </tr> </tbody> </table>	Peru's tariff lines with:	Exports	Imports	Bolivia	100%	100%	Colombia	100%	100%	Ecuador	100%	100%	Venezuela	100%	100%	Peru's total trade with:	Exports	Imports	Bolivia	100%	100%	Colombia	100%	100%	Ecuador	100%	100%	Venezuela	100%	100%
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Venezuela	100%	100%																													
<p>Rules of origin</p>	<p>The Andean Community has its own provisions for determining the origin of goods, established by the means of Decision 416 in July 1997. These provisions specify the conditions under which goods can be considered of subregional origin and thereby benefit from the enlarged market.</p> <p>If the Special Provisions for Determining and Certifying the Origin of Goods are applicable in certain cases, Specific Requirements of Origin may be established as provided for in Decision 417.</p> <p><a href="http://www.comunidadandina.org/ingles/origin.htm">http://www.comunidadandina.org/ingles/origin.htm</a></p>																														
<p>Provisions relating to treatment of services, investment and government procurement</p>	<p><b>Government Procurement:</b>  Decision 436: Obligation to apply National Treatment to Services Procurement</p>																														
<p>Services coverage</p>	<p>Decision 510 "Adoption of the Inventory of Measures Restricting the Trade of Services of an Andean country to provide in any of the other three subregional member countries listed in the Inventory, which will be progressively phased out. A general framework of provisions (Decision 439) guides this entire process.</p> <p>Decision 659 (14/12/2006): Service sectors object to the deepening of the liberalization of the rules.</p> <p>Decision 634 (28/06/2006): Modification of the time periods established in Decision 510</p>																														

	<p>2007.</p> <p>Decision 629 (31/01/2006): Temporal suspension of the obligation established in Article 15 of Decision 439 for the liberalization of services.</p> <p>Decision 609 (29/03/2005): Communitarian recognition of titles for the People's Competent National Authorities through endorse and in compliance with international standards.</p> <p>The Andean Community has adopted a series of provisions on telecommunications liberalizing of trade in these services (Decision 462)</p> <p>The CAN countries have a Tourism Development and Integration System liberalizing these services, carrying out projects of interest to the Community to increase the flow of tourists in the Subregion.</p> <p>The Andean Community energy integration process is presently ongoing and visible, especially in the field of electric interconnection</p> <p>The liberalization of transportation services with their different modes</p> <p><a href="http://www.comunidadandina.org/ingles/services.htm">http://www.comunidadandina.org/ingles/services.htm</a></p>
<p>Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.)</p>	<p><b>SPS:</b></p> <p>The main Decision regarding SPS is Decision 515 (8<sup>th</sup> march, 2002) which deals with Sanitary Agriculture. This Decision incorporates the principles established in the Sanitary Measures and Pesticides of the WTO, adapts the time limit and procedures to maintain the Sub regional Sanitary Norms Registry, creates the Andean System of Epidemiological Caution in Animal Health and the Andean System of Information and the Programs of Joint Action, and defines the mechanism of technical cooperation. The Andean Technical Agricultural Health Committee (COTASA in Spanish).</p> <p>Other important Decisions are:</p> <ul style="list-style-type: none"> <li>• Decision 519: Andean Sub regional Program of Eradication of the (2002-2009).</li> <li>• Decision 436: Requisites and harmonized procedures for the registration and use of Insecticides for Agricultural Use.</li> <li>• Decision 483: Norms for the registration, control, commercialization and use of Pesticides.</li> </ul> <p><a href="http://www.comunidadandina.org/ingles/sanitary.htm">http://www.comunidadandina.org/ingles/sanitary.htm</a></p> <p><b>TBT:</b></p> <p>The Andean Community has a System of Quality that promotes the free flow of goods and services, eliminates unnecessary technical obstacles, and promotes quality improvement of goods and services.</p> <p>The Andean System of Normalization, Accreditation, Tests, Certification and Metrology was created by Decision 376 in 1995 and improved by Decision 462 in 2005.</p> <p>In 2001, Decision 506 was approved regarding "Recognition and acceptance of technical standards traded in the Andean Community", that simplifies the conformity evaluation process.</p> <p>Also, Decision 562 "Directives for the elaboration, adoption and application of standards in the Andean Community countries and at the community level" allows the harmonization of requirements, including transparency obligations.</p>

	<p>The applications of the communitarian norms are compatible with the TBT/</p> <p>The Andean System of Quality covers all the variables that consist of normalization, accreditation, tests, certification, technical regulation and services.</p> <p>The Andean System has an Information System of Notification and Technical Regulation to communicate the projects and final documents of technical regulation and technical conformity. The subscription is gratuitous and the access is:</p> <p><a href="http://secgen.comunidadandina.org/sirt/public/index.aspx">http://secgen.comunidadandina.org/sirt/public/index.aspx</a></p> <p><a href="http://www.comunidadandina.org/comercio/tecnicas.htm">http://www.comunidadandina.org/comercio/tecnicas.htm</a></p> <p><b>Customs administration:</b></p> <p>Andean Community countries have harmonized their national customs laws through the following Decisions:</p> <ul style="list-style-type: none"> <li>• Decision 478: Mutual Assistance and Cooperation among Customs Administrations;</li> <li>• Decision 617: Customs Community Transit;</li> <li>• Decision 574: Andean Regime on Customs Control;</li> <li>• Andean Common Nomenclature;</li> <li>• Decision 571: Value in Customs of Imported Goods;</li> <li>• Customs Capacity Building; and</li> <li>• Resolution 961 regarding Procedure for Special Cases of Customs Valuation for obligatory for used or repaired goods appraisal cases.</li> </ul> <p>Furthermore, the Andean Community is discussing more measures such as Customs Regimes; Single Customs Document; Fight against Customs Fraud; and Customs Appraisal.</p> <p><a href="http://www.comunidadandina.org/union.asp">http://www.comunidadandina.org/union.asp</a></p>
<p>Treatment of other issues (competition, intellectual property, labour, environment, etc).</p>	<p><b>Competition:</b></p> <p>Decision 608: The objectives of these rules in the Andean Community market of trade liberalization are not undermined by anti-competitive activities and the coordination among the competition authorities of each Member.</p> <p><a href="http://www.comunidadandina.org/ingles/trade/competition.htm">http://www.comunidadandina.org/ingles/trade/competition.htm</a></p> <p><b>Intellectual Property:</b></p> <p>The Andean Community has complete and up-to-date provisions on Intellectual Property in the following ones:</p> <ul style="list-style-type: none"> <li>• The Common Industrial Property System (Decision 486) regulates the registration, issue and protects industrial secrets and appellations of origin, among others.</li> <li>• The Common Regime on Copyright and Related Rights (Decision 487) provides for the adequate protection of creative literary, artistic and scientific works.</li> <li>• The Regime for Protection of the Rights of Breeders of new plant varieties (Decision 488) safeguards new plant varieties obtained by plant improvers.</li> <li>• The Common Regime on Access to Genetic Resources (Decision 489) regulates the use of these resources in order to ensure more equitable distribution.</li> </ul>

	<p>linked to the protection of the traditional know-how, innovations, communities (Eighth temporary provision).</p> <p><a href="http://www.comunidadandina.org/ingles/intellectual_property.htm">http://www.comunidadandina.org/ingles/intellectual_property.htm</a></p>
Other	<p><b>Circulation of Persons:</b></p> <p>The Andean countries have decided to work together to ensure that their citizens can move freely through the Subregion, whether for purposes of tourism, work, or a permanent residence.</p> <p><a href="http://www.comunidadandina.org/ingles/persons.htm">http://www.comunidadandina.org/ingles/persons.htm</a></p>
Changes in 2007	<p>In April 2006, Venezuela communicated its decision to denounce the Cartagena Agreement, Article 135 of the Cartagena Agreement, all rights and obligations of the Subregion's Membership cease to exist with the communication of its denouncement, and the benefits granted under the Subregion's Liberalization Program, which shall remain in effect for 10 years after the denouncement. In order to reiterate the application of the provisions of the Liberalization Program, the Member Countries of the Andean Community have reached an Understanding regarding the application of Article 135 of the Cartagena Agreement.</p> <p>On September 2006, the Andean Council of Foreign Ministers granted Chile the status of Observer of the Andean Community, opening the way for its reinsertion in the process of the Andean Community.</p>
Expected changes in 2008	<p>The European Union and the Andean Community have reiterated their commitment to the negotiation of an Association Agreement that will include a free trade area. The negotiations are expected to be completed by 2007.</p> <p><a href="http://www.comunidadandina.org/INGLES/documentos/documents/eu_can_jointminutes.htm">http://www.comunidadandina.org/INGLES/documentos/documents/eu_can_jointminutes.htm</a></p>

<p><b>Agreement #2</b></p> <p><b>Peru and Chile Extension of the Economic Partnership Agreement ACE 38</b></p> <p>Link in Spanish: <a href="http://www.mincetur.gob.pe/default.asp?pag=COMERCIO/cuerpo1.asp&amp;lat=COMERCIO/lateral.asp?pag=comercio&amp;num=3">http://www.mincetur.gob.pe/default.asp?pag=COMERCIO/cuerpo1.asp&amp;lat=COMERCIO/lateral.asp?pag=comercio&amp;num=3</a></p>	
Background (membership, date of entry into force, type of agreement)	<p>Membership: Peru and Chile</p> <p>Date of Entry into Force: 1998 (Extension of ACE 38 will entry into force notes that indicate that both countries have concluded the management incorporate the Agreement to their internal law system)</p> <p>Type of Agreement: Economic Partnership Agreement</p>
Date of notification to the WTO	<p>This Extension Economic Partnership Agreement is part of the Montevideo The Latin American Integration Association (LAIA). LAIA was notified in 1998 Trade and Tariffs (GATT).</p> <p><a href="http://www.aladi.org/nsfweb/recurso/index.htm">http://www.aladi.org/nsfweb/recurso/index.htm</a></p>
General provisions	<p>The aim of this agreement is to reach a Free Trade Area by progressively July 1998. The reductions of tariffs were given from immediate elimination elimination periods. Other general dispositions were agreed in topics such as SPS measures, TBT, unfair trade and dispute settlement.</p> <p>The Extension of ACE 38 includes new chapters on disciplines such as the entrance of business persons, customs administrations and trade facilitation aims to improve the regulations on rules of origin, TBT and SPS measures version of the ACE 38.</p>
Institutional framework and dispute settlement	<p><b>Institutional framework:</b></p> <p>Chapter 15 establishes the Management Commission comprised of the Vice President of the General Director of International Economic Relations of Chile.</p> <p><b>Dispute settlement:</b></p> <p>Chapter 16: Dispute Settlement - Arbitration mechanism designed to clarify among the Countries Signatories with relation to the interpretation, application of dispositions in the Extension of the ACE N° 38. This is done through reciprocal consultations, direct negotiations and the establishment of a arbitration mechanism. Judgments will be obligatory for the Countries Signatories upon being notified of judged issue regarding the conflict resolved</p> <p><a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificadorio/16Capitulo_16_Solucion_Controversias.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificadorio/16Capitulo_16_Solucion_Controversias.pdf</a></p>
Provisions relating to treatment of goods	<p>As the ACE N°38 had regulation in this area (progressive reducing tariff lines) Extension of the Agreement did not comprise negotiations in this issue. At present tariffs has reached 100% for almost 90% of the tariff lines.</p>

	<p><a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Capitulo3_Comercio_Mercancias.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Capitulo3_Comercio_Mercancias.pdf</a></p> <p><a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Anexo3_2_A_lista_mercancias.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Anexo3_2_A_lista_mercancias.pdf</a></p> <p><a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Anexo3_2_B.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Anexo3_2_B.pdf</a></p> <p><a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Anexo3_2_C.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Anexo3_2_C.pdf</a></p> <p><a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Anexo3_2_D.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/03Anexo3_2_D.pdf</a></p>
Product coverage	<p>This agreement covers 100% of tariff lines. To date, more than 80% of tariff lines are market free of tariffs. The pending tariff lines are some agricultural products from 2008, 2013 or 2016.</p>
Rules of origin	<p>Peru and Chile adopt the Regime of Rules of Origin approved by the Latin American Integration Association (LAIA) and later updated by Resolution 252.</p> <p>Rules of Origin:  <a href="http://www.mincetur.gob.pe/comercio/LEGAL/anexo03.htm">http://www.mincetur.gob.pe/comercio/LEGAL/anexo03.htm</a></p> <p>Specific Rules of Origin:  <a href="http://www.mincetur.gob.pe/comercio/LEGAL/apend1ori.htm">http://www.mincetur.gob.pe/comercio/LEGAL/apend1ori.htm</a></p> <p>The Regime of Rules of Origin of the ACE N°38 was updated and improved.</p>
Provisions relating to treatment of services, investment and government procurement	<p>In the Extension, both Parties agreed to include regulations in Services, Investment and Government Procurement.</p> <p>Services:  <a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/12Capitulo12_CTServicios.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/12Capitulo12_CTServicios.pdf</a></p> <p>Investment:  <a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/11Capitulo11_Inversion.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/11Capitulo11_Inversion.pdf</a></p> <p>Temporary Entrance of Business Persons:  <a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/13Capitulo13_ETPNegocios.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/13Capitulo13_ETPNegocios.pdf</a></p>

	<p>In relation to Government Procurement, the Extension of the ACE N°38 includes an evolution clause that allows both countries to negotiate regulation in that issue, one year after the Agreement.</p>
<p>Services coverage</p>	<p>In relation to Financial Services and Mutual Recognition of Titles, the Extension of the ACE N°38 includes an evolution clause that allows both countries to negotiate regulations on both issues, one year after the entry into force of the Agreement, and in the latter at the date of entry into force of the Agreement.</p>
<p>Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.)</p>	<p><b>SPS:</b></p> <p>The sanitary and phytosanitary themes are regulated through article 23 and Annex 5 and 6. Article 23 indicates that the countries compromise to avoid that the measures become obstacles to trade, for which the dispositions established in Annex 5 and 6. Annex 5 undertakes the general dispositions on sanitary and phytosanitary measures of the Agreement of Sanitary and Phytosanitary Measures of the WTO. Annex 6 and Coordination in Agricultural Health matter between the National Service of Sanitary and Phytosanitary Control (SESA) of Peru and the Agricultural Service and Cattle Raiser (SAG) of Chile.</p> <p>Annex 5: SPS  <a href="http://www.mincetur.gob.pe/comercio/LEGAL/anexo05.htm">http://www.mincetur.gob.pe/comercio/LEGAL/anexo05.htm</a></p> <p>Annex 6: Agricultural Sanitary Cooperation  <a href="http://www.mincetur.gob.pe/comercio/LEGAL/anexo06.htm">http://www.mincetur.gob.pe/comercio/LEGAL/anexo06.htm</a></p> <p><b>TBT:</b></p> <p>Annex 7: Measures relative to Normalization and Metrology  <a href="http://www.mincetur.gob.pe/comercio/LEGAL/anexo07.htm">http://www.mincetur.gob.pe/comercio/LEGAL/anexo07.htm</a></p> <p>The countries will make sure not to apply measures that create unnecessary obstacles to trade. The elaboration, adoption and application of measures, will be based on the Agreement. A Working Group is created to oversee the fulfillment of the agreement, the normalization systems, technical regulation and conformity evaluation and mutual recognition process.</p> <p><b>Annex 4 - Bilateral Safeguard:</b></p> <p>A Party may apply safeguards measures to imports originating from the other Party established in Annex 4 (Safeguard Chapter).</p> <p><a href="http://www.mincetur.gob.pe/comercio/LEGAL/anexo04.htm">http://www.mincetur.gob.pe/comercio/LEGAL/anexo04.htm</a></p> <p><b>Customs Administration and Trade Facilitation</b></p> <p>In the Extension both Parties agreed to include regulation in Customs Administration as Chapter 5. The objective of the chapter is to reduce the time in the process, also reducing the costs of using warehouses. Also the chapter is aimed to reduce fraud as fraud and subvaluation.</p> <p><a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/05Capitulo_5_Procedimientos_Aduaneros.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/05Capitulo_5_Procedimientos_Aduaneros.pdf</a></p>



<p>Treatment of other issues (competition, intellectual property, labour, environment, etc).</p>	<p>In relation to Competition Policy, both parties agreed to establish Chapter by monopoly practices.</p> <p><a href="http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/08Capitulo8_PCompetencia.pdf">http://www.mincetur.gob.pe/COMERCIO/LEGAL/ace38/modificatorio/08Capitulo8_PCompetencia.pdf</a></p>
<p>Other</p>	<p>-</p>
<p>Changes in 2007</p>	<p>The negotiations for the Extension of the Peru-Chile ACE 38 started on consolidate de legal framework on services and investment in order to c between both parties. The extension was subscribed on August, 2006, approval of the Chilean Congress.</p>
<p>Expected changes in 2008</p>	<p>The approval from the Chilean Congress is expected for the Agreement to</p>

**Agreement #3****Peru and Mexico Economic Partnership Agreement (ACE 8)**

Link in Spanish: [http://www.mincetur.gob.pe/comercio/LEGAL/MEXICO/ACE8\\_Rev1.pdf](http://www.mincetur.gob.pe/comercio/LEGAL/MEXICO/ACE8_Rev1.pdf)

Background (membership, date of entry into force, type of agreement)	<p>Membership: Peru and Mexico  Date of Entry into Force: 1987  Type of Agreement: Economic Partnership Agreement (ACE 8)</p>				
Date of notification to the WTO	<p>This Economic Partnership Agreement is part of the Montevideo Treaty of American Integration Association (LAIA). LAIA was notified in 1982 to the Tariffs (GATT).  <a href="http://www.aladi.org/nsfweb/recurso/Sitioi/index.htm">http://www.aladi.org/nsfweb/recurso/Sitioi/index.htm</a></p>				
General provisions	<p>The aim of this agreement is to strengthen bilateral trade relations by exchange between Peru and Mexico.</p> <p>The Annexes I and II contain the tariff preferences given by Mexico and Peru, taking into account considerations such as rules of origin.</p>				
Institutional framework and dispute settlement	<p><b>Institutional framework:</b>  Article 33 establishes the Management Commission comprised of the Vice President of Peru and the General Directorate of Economic Negotiations and International Trade of the Economy of Mexico.</p> <p><b>Dispute settlement:</b>  A Dispute Settlement procedure is created with relation to the interpretation and application of the provisions contained in the ACE N° 8 and its related instruments and procedures, which shall be resolved with consultations and then is passed on to a group of experts that emit a report, which is adopted by the Management Commission of the Agreement</p>				
Provisions relating to treatment of goods	<p>Annexes I and II of the Agreement contain the tariff preferences granted to Peru and Mexico, respectively, as well as the other conditions agreed by the Parties for the origin of products and originating from their respective territories and classified according to the Harmonized System, NALADISA.</p>				
Product coverage	<p>Peru's Trade with Mexico with 0% tariff (2006):</p> <table border="1" data-bbox="1129 1704 1576 1776"> <tr> <td></td> <td>Exports</td> </tr> <tr> <td>% Tariff Lines</td> <td>10.0</td> </tr> </table>		Exports	% Tariff Lines	10.0
	Exports				
% Tariff Lines	10.0				
Rules of origin	<p>Peru and Mexico adopt the Regime of Rules of Origin approved by Resolution 252 of the American Integration Association (LAIA) and later updated by Resolution 252.</p> <p>Rules of Origin:  <a href="http://www.mincetur.gob.pe/comercio/LEGAL/anexo03.htm">http://www.mincetur.gob.pe/comercio/LEGAL/anexo03.htm</a></p>				

	Specific Rules of Origin: <a href="http://www.mincetur.gob.pe/comercio/LEGAL/apend1ori.htm">http://www.mincetur.gob.pe/comercio/LEGAL/apend1ori.htm</a>
Provisions relating to treatment of services, investment and government procurement	There are no provisions for services, investment, or government procurement
Services coverage	Services are not covered in the agreement.
Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.)	There is no specific treatment on these issues
Treatment of other issues (competition, intellectual property, labour, environment, etc).	There is no specific treatment on these issues
Other	-
Changes in 2007	Peru started negotiations with Mexico for an Extension of this Agreement o
Expected changes in 2008	Peru expects to conclude the Extension of the ACE N°8 with Mexico, b Customs Administration and Trade Facilitation, Services and Investment and/or increase commitments in areas such as Market Access, ROO, TBT

<b>Agreement #4</b>					
<b>Peru and Cuba Economic Partnership Agreement (ACE 50)</b>					
Link in Spanish: <a href="http://www.mincetur.gob.pe/comercio/LEGAL/TEXTO_50.pdf">http://www.mincetur.gob.pe/comercio/LEGAL/TEXTO_50.pdf</a>					
Background (membership, date of entry into force, type of agreement)	Membership: Peru and Cuba Date of Entry into Force: 2001 Type of Agreement: Economic Partnership Agreement				
Date of notification to the WTO	This Economic Partnership Agreement is part of the Montevideo Treaty of American Integration Association (LAIA). LAIA was notified in 1982 to the Tariffs (GATT). <a href="http://www.aladi.org/nsfweb/re disenioSitiioi/index.htm">http://www.aladi.org/nsfweb/re disenioSitiioi/index.htm</a>				
General provisions	The Peru and Cuba Economic Partnership Agreement (ACE 50) aims to promote bilateral trade through granting tariff and non tariff preferences bet				
Institutional framework and dispute settlement	<b>Institutional Framework:</b> The Management Commission of this agreement is comprised of officers f Trade of Peru and Cuba.  This Management Commission is able to call Working Groups to examine for the processing of specific issues of the Agreement. The Working Group officials of the respective governments. (Article 23)  <b>Dispute settlement:</b> There is no Dispute Settlement provision, except the intervention of the M among its functions, to resolve by means of direct consultations, the co execution of the Agreement.				
Provisions relating to treatment of goods	Annexes I and II of the Agreement contain the tariff preferences granted b as well as the other conditions agreed by the Parties for the importing originating from their respective territories and classified according to the NALADISA.  The tariff preferences consist of a percentage reduction of the obligations Tariff of Peru and that of Most Favored Nation of Cuba.				
Product coverage	Peru's Trade with Cuba 0% tariff (2006): <table border="1" data-bbox="1129 1733 1576 1805"> <thead> <tr> <th></th> <th>Exports</th> </tr> </thead> <tbody> <tr> <td>% Tariff Lines</td> <td>8.9</td> </tr> </tbody> </table>		Exports	% Tariff Lines	8.9
	Exports				
% Tariff Lines	8.9				
Rules of origin	Peru and Cuba adopt the Regime of Rules of Origin approved by Resolucio Integration Association (LAIA) and later updated by Resolution 252.				

Provisions relating to treatment of services, investment and government procurement	There are no provisions for services, investment, or government procurement
Services coverage	Services are not covered in the agreement.
Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.)	<p><b>SPS:</b></p> <p>SPS is regulated in Chapter VIII Technical Normalization, article 18, that to analyze their phytosanitary and zoosanitary norms, and they will consider necessary in order to avoid that they become unnecessary obstacles. Parties can subscribe Protocols to establish disciplines and procedures that</p> <p><b>TBT:</b></p> <p>There is a commitment to analyze industrial technical regulations and standards whether they constitute unnecessary barriers to trade.</p> <p><a href="http://www.mincetur.gob.pe/comercio/LEGAL/TEXTO%2050.pdf">http://www.mincetur.gob.pe/comercio/LEGAL/TEXTO%2050.pdf</a></p>
Treatment of other issues (competition, intellectual property, labour, environment, etc).	There is no specific treatment on these issues.
Other	-
Changes in 2007	None
Expected changes in 2008	None

<b>Agreement #5</b>	
<b>Peru and MERCOSUR (Argentina, Brazil, Uruguay and Paraguay) Economic Partnership Agreement ACE 58</b>	
Background (membership, date of entry into force, type of agreement)	Membership: Peru, Argentina, Brazil, Paraguay and Uruguay Date of Entry into Force: 2006 Type of Agreement: Economic Partnership Agreement
Date of notification to the WTO	This Economic Partnership Agreement is part of the Montevideo Treaty of American Integration Association (LAIA). LAIA was notified in 1982 to the Tariffs (GATT). <a href="http://www.aladi.org/nsfweb/re disenioSitiioi/index.htm">http://www.aladi.org/nsfweb/re disenioSitiioi/index.htm</a>
General provisions	The Agreement aims to create a wide economic space in order to facilitate services. This will lead to the growth and diversification of trade flows and tariff barriers, as well as to promote investment between the parties.
Institutional framework and dispute settlement	<b>Institutional framework:</b> The Management Commission is in charge of overseeing the fulfillment of application of the norms, to recommend the necessary modifications, etc.  <b>Dispute settlement:</b> A Dispute Settlement procedure is created with relation to the interpretation contained dispositions in the ACE N° 58 and its related instruments and procedures with consultations and then is passed on to a group of experts that emit a decision adopted by the Management Commission of the Agreement.  <a href="http://www.aladi.org/nsfweb/re disenioSitiioi/index.htm">http://www.aladi.org/nsfweb/re disenioSitiioi/index.htm</a>
Provisions relating to treatment of goods	The Agreement includes dispositions only on trade in goods (the which different tariff elimination schedules between Peru and each MERCOSUR liberalization periods offered by Argentina and Brazil are of 8 years, while Paraguay are of 13 years. Peru, on the other side, offered maximum liberalization to Argentina and Brazil, and of 13 years to Uruguay and Paraguay.
Product coverage	This agreement covers 100% of tariff lines.
Rules of origin	Peru and MERCOSUR adopt the Regime of Rules of Origin approved by Resolution of the American Integration Association (LAIA) and later updated by Resolution 2
Provisions relating to treatment of services, investment and government procurement	There are no provisions for services, investment, or government procurement
Services coverage	Services are not covered in the agreement.

Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.)	<p><b>TBT:</b></p> <p>The countries will not apply technical regulations or conformity assessment barriers to trade. They will be governed by the TBT/WTO Agreement and the Agreement to Promote Trade by Overcoming Technical Barriers to Trade, subscribed to by the American Integration Association (LAIA).</p>
Treatment of other issues (competition, intellectual property, labour, environment, etc).	There is no specific treatment on these issues.
Other	-
Changes in 2007	The ACE 58 was subscribed under the ALADI framework in 2003 and entered into force in 2007.
Expected changes in 2008	None

<p><b>Agreement #6</b></p> <p><b>Peru - Unites States Trade Promotion Agreement (Peru-US TPA)</b></p> <p>Full texts in English: <a href="http://www.ustr.gov/Trade_Agreements/Bilateral/Peru_TPA/Final_Texts/Section_Index.html">http://www.ustr.gov/Trade_Agreements/Bilateral/Peru_TPA/Final_Texts/Section_Index.html</a></p> <p>Full texts in Spanish: <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Accesso%20Bienes%20Industriales.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Accesso%20Bienes%20Industriales.pdf</a> (industrial goods)</p> <p><a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Textil.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Textil.pdf</a> (textile goods)</p> <p><a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Agricultura%2016%20FEB.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Agricultura%2016%20FEB.pdf</a></p>	
Background (membership, date of entry into force, type of agreement)	<p>Membership: Peru and U.S.A.</p> <p>Date of Entry into Force: Defined in the interchange of notes that indicates concluded the management of their internal procedures to incorporate the system. This could only take place after the pending U.S. Congress approval take place starting November 2006.</p> <p>Type of Agreement: Free Trade Agreement</p>
Date of notification to the WTO	Will be done jointly when the agreement enters into force.
General provisions	The aim of the agreement is to reach a full Free Trade Area by including trade in cross border services, customs administrations and trade facilitation, competition, tariff elimination, trade remedies, sanitary and Phytosanitary measures, dispute of origin, agriculture, financial services, environmental issues and labor property, telecommunications, government procurement, among others.
Institutional framework and dispute settlement	<p><b>Institutional framework:</b> This chapter establishes the binational Free Trade Commission, with membership from both countries.</p> <p><b>Dispute settlement:</b> Arbitration mechanism designed to clarify the controversies that arise among the countries in relation to the interpretation, application, or breach of the contained rules. The mechanism that is initiated with reciprocal consultations, direct negotiations and the establishment of an ad-hoc panel whose judgments will be not be fully obligatory for the Countries. In some cases, dispute settlement management could be done.</p>
Provisions relating to treatment of goods	<p>Tariff elimination pursuant to a general program, with various steps and periods for textiles and agricultural goods. Sensitive agricultural goods for Peru have a period of 17 years.</p> <p><b>Market Access:</b> <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Accesso%20Bienes%20Industriales.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Accesso%20Bienes%20Industriales.pdf</a> (industrial goods)</p> <p><a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Textil.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Textil.pdf</a> (textile goods)</p> <p><b>Agriculture:</b> <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Agricultura%2016%20FEB.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Agricultura%2016%20FEB.pdf</a></p>



Product coverage	This agreement covers nearly 99% of tariff lines in industrial goods.
Rules of origin	<p><b>Rules of origin</b> The Regime of Rules of Origin covers the full scope of the agreement.</p> <p><a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Reglas%20de%20Origen.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Reglas%20de%20Origen.pdf</a></p>
Provisions relating to treatment of services, investment and government procurement	<p>Both Parties agreed to include regulations in Services, Investment and Government Procurement.</p> <p><b>Services:</b> <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Servicios%20Transfronterizos.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Servicios%20Transfronterizos.pdf</a></p> <p><b>Investment:</b> <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Inversiones.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Inversiones.pdf</a></p> <p><b>Government Procurement:</b> <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Compras%20Publicas.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Compras%20Publicas.pdf</a></p>
Services coverage	<p><b>Services:</b> <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Servicios%20Transfronterizos.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Servicios%20Transfronterizos.pdf</a></p>
Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.)	<p><b>Customs Administration and Trade Facilitation:</b> Both Parties agreed to include regulation in Customs Administration and Trade Facilitation. The chapter is to reduce the time in the procedures for releasing goods. Also, measures will be taken against illegal activities such as fraud and sub valuation. <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Procedimientos%20aduaneros.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Procedimientos%20aduaneros.pdf</a></p> <p><b>SPS:</b> The countries compromise to avoid that the sanitary and Phytosanitary measures are not applied. The general dispositions on sanitary and Phytosanitary measures, are included in the chapter on Sanitary and Phytosanitary Measures. <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Fitosanitarias%20y%20Sanitarias.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Fitosanitarias%20y%20Sanitarias.pdf</a></p> <p><b>TBT:</b> The countries will make sure not to apply measures that create unnecessary trade barriers. The elaboration, adoption and application of measures, will be based on the Agreement. A Working Group is created to oversee the fulfillment of the chapter on Trade Facilitation. <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Obstaculos%20Técnicos%20al%20Comercio.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Obstaculos%20Técnicos%20al%20Comercio.pdf</a></p>

	<p><b>Trade Remedies:</b> The Parties agreed on general rules for trade remedies set out in the corresponding text of the TPA. <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Salvaguardias.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Salvaguardias.pdf</a></p>
Treatment of other issues (competition, intellectual property, labour, environment, etc).	<p><b>Competition Policy:</b> Both parties agreed to establish a Chapter on the issue, order to avoid damage to the interests of the parties. <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Politica%20de%20Competencia.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Politica%20de%20Competencia.pdf</a></p> <p><b>Intellectual Property:</b> The parties agree to a detailed set of rules regarding Copyright law, trademark protection, among other issues. <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Propiedad%20Intelectual.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Propiedad%20Intelectual.pdf</a></p> <p><b>Environmental Issues:</b> The parties agree to general rules for environmental protection, and further to establish an Environmental Cooperation Agreement. <a href="http://www.tlcperu-eeuu.gob.pe/downloads/documento/Medio%20Ambiente.pdf">http://www.tlcperu-eeuu.gob.pe/downloads/documento/Medio%20Ambiente.pdf</a></p>
Other	-
Changes in 2007	The Peru-US TPA was approved by the Peruvian Congress on June, 2007. The US Congress has also approved the TPA. Once approved, the Peru-US TPA will enter into force. The parties have concluded the management of their internal procedures to incorporate the TPA into their legal system.
Expected changes in 2008	Peru expects the approval of the Peru-US TPA by the US Congress.

<b>Part 2: Agreement under negotiation</b>	
<b>Agreement #1</b>	
<b>Free Trade Area of the Americas (FTAA)</b>	
Issues being covered in the negotiations	FTAA negotiations cover the following areas: market access; investment; procurement; dispute settlement; agriculture; intellectual property rights; countervailing duties; and competition policy. Detailed information can be found at: <a href="http://www.ftaa-alca.org">http://www.ftaa-alca.org</a> .
Status of negotiations	On November 2003, Trade Ministers of the FTAA instructed the Trade Ministers to develop a common and balanced set of rights and obligations applicable to all parties. The common set of rights and obligations will include provisions in the multilateral plurilateral basis, interested parties may choose to develop additional provisions. The results of the negotiations must be WTO compliant. It is important to mention that in all those tasks. Actually the negotiating process is in stand by although the goal to achieve the reconvening of the negotiations as soon as possible. The FTAA Americas is to be held on 4-5 November 2005 in Mar del Plata, Argentina. For more information in the following link: <a href="http://www.ftaa-alca.org">http://www.ftaa-alca.org</a> .
<b>Agreement #2</b>	
<b>FTA between Peru and Singapore</b>	
Issues being covered in the negotiations	Among the issues covered in the negotiations are: market access, services, customs procedures, trade remedies, SPS measures, TBT, competition policy, government procurement.
Status of negotiations	Peru and Singapore announced the intention to negotiate a free trade agreement during the APEC meetings in Santiago, Chile. The negotiations with Singapore started in three rounds most of the chapters are already close, such as: market access, trade remedies (safeguards and antidumping), investment, competition policy, dispute settlement, TBT, government procurement and customs procedures not relating to origin. Peru has Rules of origin and Services.
<b>Agreement #3</b>	
<b>Peru and Mexico Extension of the Economic Partnership Agreement ACE 8</b>	
Issues being covered in the negotiations	The Extension of ACE 8 aims to increase and diversify the trade flows between Peru and Mexico and deepening the disciplines established in the original ACE 8. The negotiations cover market access, rules of origin, trade remedies, services, investment, dispute settlement, TBT, and the mutual recognition of Denominations of Origin.
Status of negotiations	The ACE 88 was subscribed under the ALADI framework and entered into force with dispositions on trade in goods. The first round of negotiations for an Extension in January, 2006 and five other rounds have been hold since.  The main pending issues appear in the market access, rules of origin, services, investment, at a technical level, the rest of chapters are already agreed or close to an

	raises in the market access chapter, where the tariff elimination proposal shows a very restrictive position for several of Peru's priority products.
<b>Agreement #4</b>	
<b>4 FTA between Peru and EFTA (Switzerland, Liechtenstein, Norway and Iceland)</b>	
Issues being covered in the negotiations	The first round of this negotiation process took place on June, 2007, in parallel negotiations with EFTA, along with Peru. Among the issues that are being covered are market access, agriculture, services, investment, rules of origin, customs procedures, TBT, competition policy, dispute settlement, government procurement, among others.
Status of negotiations	An Agreement for Cooperation on Economic Topics between Peru and EFTA was signed in June 2007, creating the Peru-EFTA Joint Committee to strengthen the bilateral commercial relations between the two partners.  Later that year, on October, the first Peru-EFTA Joint Committee meeting took place in Lima, Peru, initiating conversations about the bilateral treatment of trade disciplines to be included in the FTA. Afterwards, Peru addressed the EFTA Secretariat stating its interest to negotiate a FTA with EFTA.
<b>Agreement #5</b>	
<b>FTA between Peru and Canada</b>	
Issues being covered in the negotiations	The first round of negotiations took place on June, 2007, in Peru. Among the issues being covered in the negotiation are market access, agriculture, services, investment, rules of origin, dispute settlement, SPS measures, TBT, competition policy, dispute settlement, government procurement, intellectual property, among others.
Status of negotiations	Peru and Canada started discussing the possibility of a bilateral FTA in 2007. As in the case of the Peru-EFTA FTA, those negotiations are still ongoing. Colombia, nonetheless each country will have an individual FTA with Canada.
<b>Agreement #6</b>	
<b>FTA between the Andean Community and the European Union</b>	
Issues being covered in the negotiations	Not in negotiations yet.
Status of negotiations	The European Union and the Andean Community have reiterated their interest in the negotiation of an Association Agreement that will include a free trade area. In 2007, the EU-Andean Community Joint Declaration Document was approved, including conclusions and recommendations, and the EU presented its proposal for the Basis of a Negotiation, which is expected to initiate in 2008.  Some priority subjects for the EU, regarding the Andean Community, are the free movement of services, the free movement of goods and ground transportation. The EU has already reached an Initial Point of Liberalization (IPL). The Andean countries have been working on the IPL and they have reached a level of coincidences of almost 80%. In regard to the Andean Community, the Andean Community is working on a Unique Customs Document, its tariff regimes, its trade policy, an Andean Value Declaration, and Communitarian Customs Transit. Also, the EU is working on trade in services.

<b>Agreement #7</b>	
<b>FTA between Peru and Thailand</b>	
Issues being covered in the negotiations	The negotiations cover the following areas: Trade In Goods (Tariff and non-tariff barriers, phytosanitary measures, Technical barriers to trade, Customs Procedures), Trade in Services, Investments, Horizontal Issues (Institutional matters, Dispute Settlement and subsidies, General exceptions and General Safeguard).
Status of negotiations	<p>A Framework Agreement for an Economic Association was signed between Peru and Thailand in 2003. Two years later, the Peru-Thailand EHP, which seeks to accelerate and the facilitation of trade between both countries, was subscribed on the part of Peru. Thailand is the first Asian country with which Peru has concluded a trade Agreement.</p> <p>The Peruvian tariff elimination schedule included 5014 subheadings (71.7% of the Peruvian tariff lines), while Thailand included 4050 subheadings (73.6% of the Thai tariff lines), in both directions. The EHP also included general dispositions on rules of origin, safeguard measures, dispute settlement procedures and dispute settlement.</p> <p>On November, 2006, a new Protocol was subscribed on the APEC Leaders' Summit in Hanoi to the EHP the Specific Rules of Origin that had been pending and were approved by both countries.</p> <p>For the entry into force of the Agreement, Thailand still needs to incorporate the EHP into its internal legislation.</p> <p>Some issues left pending for the negotiations on a complete FTA with Thailand are:</p> <ul style="list-style-type: none"> <li>• Sensitive agricultural products such as rice, sugar, poultry, among others.</li> <li>• The tariff elimination schedule for the 28% of subheadings still pending.</li> <li>• A chapter on services and investment.</li> </ul>
<b>Agreement #8</b>	
<b>FTA Joint Study Ongoing with China</b>	
Issues being covered in the negotiations	Not in negotiation yet.
Status of negotiations	On May, 2007, Peru and China formed a Joint Feasibility Study Committee to evaluate the impact and possible gains of a bilateral FTA. They committed to finish the study by the end of 2007, after which they would decide whether to start negotiations on a Peru-China FTA.
<b>Agreement #9</b>	
<b>Joint Study Ongoing with Korea</b>	
Issues being covered in the negotiations	Not in negotiation yet.
Status of negotiations	Peru and Korea sustained, during the APEC Leaders' Summit in Hanoi, the commitment to the elaboration of a Joint Feasibility Study to evaluate the impact that a bilateral FTA would have on both parties. It was proposed that such study should be elaborated by the parties and the host country.

**Part 3: Future Plans**

In 2007, Peru plans to conclude the expansion of the current EPA with Mexico, and FTAs with Singapore, Canada, start negotiations on a FTA with China, Korea and the EU. Peru is also open to initiate further FTA negotiations with on its limited human and financial resources, as well as its negotiations' schedule.

## **2007 Individual Action Plan for Peru**

### **Highlights on Trade Facilitation Work cum Progress of implementation of Trade Facilitation Action Plan**

*In the Shanghai Accord, APEC Economic Leaders committed to implement the Trade Facilitation Principles with a view to reducing the transaction costs in the region by 5% by 2006. Leaders, in 2002, further endorsed the Trade Facilitation Action Plan which laid down clear timelines for implementation in a progressive manner. A mid-term review was conducted to review on the status of implementation at SOM III 2004.*

*Recognizing that individual economy's actions are important in realizing the Leaders' commitment, members agreed at SOM II, 2002 that a report format should be developed for member economies to highlight their major trade facilitation achievements in their IAPs. This report format largely resembles the one adopted by Leaders in 2002 with slight modification to facilitate members in reporting highlights on trade facilitation achievements while allowing for assessment of the progress of implementation on trade facilitation work taking into account the result of the mid-term review in 2004.*

#### **Part I        *Highlights on Trade Facilitation Work***

##### ***Peru's Approach to Trade Facilitation in 2007***

Peru is focusing on having a legal framework that allows the application of efficient mechanisms to simplify foreign trade documentation and processes, to foster infrastructure development and to improve financial services quality and price conditions.

Among the principal measures to be promoted are:

- An efficient and permanent dialogue between public and private sectors and implement the agreements reached.
- A public-private monitoring mechanism of the regulatory framework.
- To incorporate the private sector in managing the decentralized regulatory and public organizations.
- To improve public officials' capabilities and ensure the transfer of knowledge.
- To further improve the role of Customs as trade facilitator.
- To foster the development of Peru as a HUB, the creation of Logistic Activities Areas and Platforms, the physical integration with the Andean Community and MERCOSUR members and the development of funding alternatives for foreign trade.
- To simplify and standardize administrative procedures and to set a minimum standards for the provision of logistic services.

**Measures Implemented to Facilitate Trade in Various TILF Areas** (Note 1)

	<p align="center"><b>Improvements Made in 2007</b></p>	<p align="center"><b>Cumulative Improvements Since Shanghai Accord</b> <small>(Note 2)</small></p>
<p><b>Procedures (Goods)</b> <small>(Note 3)</small></p>	<ul style="list-style-type: none"> <li>• New 'non-invasive' equipment for examination of cargo is now operational, both in the maritime customs and in the air customs. (2a,e)</li> <li>• The SUNAT has designed a program of permanent communication with the customs user across permanent meetings between representatives of the unions of the foreign trade and Peruvian customs staff. The above mentioned meetings are given every month and in them the existing problems demonstrate with the customs processes and the answers and corresponding solutions are canalized. Likewise, by means of the option "Contact Us" placed in the web page <a href="http://www.sunat.gob.pe/the">http://www.sunat.gob.pe/the</a> users make their consultations relating to procedures and customs matters and they are answered immediately by the same electronic way. (1a, 1b, 1c, 2h).</li> </ul>	<p><b>Menu of options:</b> 1a, b, c, d; 2 a, b, e, f, g, h; 3 a, c; 5 d, n, p; 6 a, b, c; 8 a, b, c; 9 a; 10 b; 11 c implemented</p> <ul style="list-style-type: none"> <li>▪ The Peruvian Customs electronic system gives both importers and exporters lodging entries via the Internet, and lodging entries via Electronic Data Interchange (EDI). (5a).</li> <li>▪ The Peruvian Customs capacity building programme has resulted in a significant reduction of Customs staffing levels and an increase in the physical inspection of import/export goods in order to prevent inspected goods from being damaged and to realize efficient inspection. (2e).</li> <li>▪ In order to achieve a process of risk management enforcement SUNAT has proceeded to implement the technology Risk Management System, the adequacy of a specific office and a manual that describes the way of applying the technology.</li> </ul>
<p><b>Technical Standards</b> <small>(Note 3)</small></p>	<p>From August 2005 to Dec 2006, 277 Peruvian Technical Standards (PTS) have been approved. 118 of them (42.6%) correspond to International Standards (32 IEC, 84 ISO and 2 CODEX Alimentarius Standards) and most of the others (82%) are adoptions from well-known standards (American Standards Testing Materials-ASTM, Association of Official Analytical Chemist - AOAC, Technical Association of the Pulp and Paper Industry - TAPI, American Water Works - AWWA, National Fire Protection Agency – NFPA, etc.). (1a) (1b)</p> <p>Peru endeavors to identify areas where alignment with international standards is feasible and to review on a regular basis its existing standards, with a view, where appropriate, to aligning them with international standards. For that purpose, INDECOPI has requested ISO to upgrade its membership in this organization from correspondent to full member, starting in 2007 and also Peru has established contact with PASC. (1d)</p> <p>In 2007 INDECOPI has been promoting the use in Peru of the APEC Guidelines for the Preparation, Adoption and Review of Technical Regulations and APEC Information Notes on Good Practice for Technical Regulation. (1e)</p> <p>Peru has joined the Multilateral Recognition Agreement (MLA) of IAAC for the accreditation of quality management system (QMS) certification bodies and the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF) recognized IAAC as regional body. (1f)</p>	<ul style="list-style-type: none"> <li>▪ Accredited bodies have extended their existing accreditation services in order to meet the requirements of private and public sector and foreign. (B2c).</li> <li>▪ (2005) Peruvian Accreditation Body has implemented accreditation service for calibration laboratories.</li> <li>▪ Peru provides information frequently requested points for technical information to APEC and whenever the information is required.</li> <li>• <i>Peruvian Standards Body (INDECOPI) has approved Peruvian Standards (Normas Peruanas- NTP) equivalent to International Standards, in the agreed priority areas, such as labeling (4). The International Standards ISO, IEC and Codex Alimentarius. (B2c)</i></li> <li>• <i>Peruvian Accreditation Body (INDECOPI) has implemented accreditation services, based on Standards ISO 9001 and Standards ISO/IEC 17020 (B2c)</i></li> </ul>



Measures Implemented to Facilitate Trade in Various TILF Areas <sup>(Note 1)</sup>

	Improvements Made in 2007	Cumulative Improvements Since Shanghai Accord <sup>(Note 2)</sup>
	<p>INDECOPI is implementing the requirements of the standard ISO/IEC 17011. In this sense, through international cooperation supported by IADB, Peru has received technical assistance from experts of the American Association for Laboratory Accreditation (A2LA). (1a)</p> <p>INDECOPI has implemented a new Standardization web site (4a) :  <a href="http://200.121.68.208/PortalNormalizacion/GoPortal/DesktopDefault.aspx?tabid=214">http://200.121.68.208/PortalNormalizacion/GoPortal/DesktopDefault.aspx?tabid=214</a></p>	
<p><b>Business People</b>  <i>ability</i> <sup>(Note 3)</sup></p>	<ul style="list-style-type: none"> <li>• Up to 30th of May 2007, Peru has issued 67 ABTC cards to Peruvian business persons and high public officials from which 23 has been given.</li> <li>• Peru has also approved a total of 13,507 foreign ABTC cardholders' applications.</li> </ul>	<ul style="list-style-type: none"> <li>▪ For APEC economies (except Viet Nam and China), there is no need to obtain a visa before arriving to Peru.</li> <li>▪ The average processing time for an entry visa or permit application for employment has been shortened from 26 days to 21 days.</li> <li>▪ From 2002, Peruvian Consulates around the world, in coordination with DIGEMIN, have issued business visas in 48 hours</li> <li>▪ DIGEMIN has participated in the SICA-Canada Agreement Workshop (US-Canada)</li> <li>▪ <i>DIGEMIN has implemented a computerized system in the Lima International Airport for people being wanted by the police.</i></li> </ul>
<p><b>Electronic</b>  <i>Government</i> <sup>(Note 3)</sup></p>	<p>Electronic Commerce .-</p> <p>Through these Web pages we can find all the peruvian government procedures and information about Electronic Government :  <a href="http://www.peru.gob.pe">http://www.peru.gob.pe</a> and <a href="http://www.ongei.gob.pe">http://www.ongei.gob.pe</a></p> <p>D, 2, b, c, e, g</p> <p>Peru is developing the Electronic Government National Strategy approved in 2006. D, 2, a, b, c, d, e</p>	<p>Basing on the social interest, we have developed measures that guarantee the access to the Internet for people with disability in order to eliminate physical and technological barriers that impede the integration into the Society of the Information and their incorporation into the labour market. (Law 2859, 25-05-2005) D, 2, a, b, c, d, e, f, g, h</p> <p>The public and private sector are developing measures implementing plans that help to increase the opportunities for the medium and small enterprises through the advantages that electronic trade offers. (Law N° 066-2001-PCM, 08-06-2001) D, 2, b, c, d, e, f, g, h</p> <p>Peruvian financial system is according with international standards. D, 2, a, h</p>

### **Case Study of a Trade Facilitation Initiative**

As part of Peru's National Strategic Exports Plan 2003-2013, launched in March 2003, Peru launched in April 2004 its Master Plan for Trade Facilitation (MPTF). The MPTF objective is to provide a basic framework to foster and facilitate trade and to contribute to make Peru a competitive and export-oriented economy, with more value-added merchandise and services exports.

The Master Plan for Trade Facilitation (MPTF) aims to implement effective trade facilitation mechanisms by fostering infrastructure development and enabling access and provision of physical distribution and financial services at better quality and price conditions. It comprises of 6 areas: macroeconomics and tax policy, financing, customs management, road, air and maritime transport infrastructure and services. The MPTF contains 6 general strategies, 17 specific policies, 41 objectives and 152 tasks to be implemented by 23 public sector entities, including Regional Governments and 15 institutions from the foreign trade private sector.

To date, Peru has implemented several activities including:

- Since 2003, a three-year insurance fund. This fund provides insurance for financial institutions on 50% of the pre-shipment credit they grant against possible exporters defaults. The main benefit of this action is to facilitate financial access to SME's exports. Up to September 2005, \$180.7 millions have been granted by 5 of the most important banks in Peru.
- Since 2004, the first private venture capital fund (SEAF - Perú) with US\$ 15 millions, for the export sector. SMEs are able to finance their projects ranging from US\$ 200 thousand and US\$ 2 million. So far, loans for \$5 millions have been granted.
- The approval of the Port's Law Regulation and the publication of the National Development Port Plan. These documents provide the necessary legal framework to help modernize and develop Peruvian ports.
- Since 2004, our ports meet the requirements of the International Ship and Port Facility Security Code (ISPS).
- A second cold airport storage facility was built in 2004, in Chiclayo's airport. This US\$ 700 thousand investment helps to decentralize international trade and reduces logistic costs because merchandise can be exported directly from the local airport. With this initiative, approximately 10% of logistic costs are reduced.
- In 2005, we begun the free distribution of the "Marine Transport and Services's Guide User". Peru is preparing others publications.
- Also, Peruvian Government was approved "National Plan of Harbour Development" that involves the main Harbor Terminal modernization (Callao) through granted on 2006. It expects us that will receive POSTPANAMAX ships.
- In 2006, begun the regional airport granted around the national territory. Twelve Airports of the coast, mountain and forest are involved,

**Key Improvements Planned for 2008**<sup>(Note 4)</sup>

In 2008, Peru expects to undertake further Trade Facilitation activities from the Master Plan for Trade Facilitation, such as:

- Implement Law 28977 of Foreign Trade Facilitation.
- Modernize the national port infrastructure, strengthening its capacity, and
- Strengthen the Customs Management Integrated System (SIGAD).

Customs Procedures:

Perú Customs supports the development of Custom-to-Customs Arrangements with a view to enhancing Customs Cooperation, e.g. With Next FTA Perú – USA, let us interchange data about customs enforcement.

Standards and Conformance:

INDECOPI is planning to review and update 2,500 PTS, which are more than five years old. The guideline is to align these standards with international standards where appropriate.

In 2008 INDECOPI intends to become a signatory body of the IAAC, APLAC and ILAC MRA for the accreditation of essay laboratories and of the PAC and IAF MRA for the accreditation of product certification bodies.

## Part II Progress of Implementation of Trade Facilitation Action Plan

*In accordance with the Trade Facilitation Action Plan, a menu of concrete actions and measures for trade facilitation was approved in 2002. The selection of actions and measures was completed in SOM I 2003 and the implementation should commence immediately afterwards or as soon as practicable. This report format summarizes the progress of implementation of actions and measures selected by individual economy, and progress made since 2004.*

<i>Overview on Implementation of Trade Facilitation Actions and Measures since Shanghai Accord</i>					
[Discuss briefly, in one to two paragraphs, the implementation of Trade Facilitation Action Plan so far, with highlights on major achievements obtained and problems or difficulties encountered.]					
<b>Menu of Actions and Measures</b> <small>(Note 5)</small>	<b>No of Items Selected</b> <i>[a]</i>	<b>No of Items Implemented</b> <i>[b]</i>	<b>No of Items Completed</b> <i>[c]</i>	<b>No of Items in Progress</b> <i>[d] = [b] – [c]</i>	<b>No of Items Pending Implementation</b> <i>[e] = [a] – [b]</i>
<b>Customs Procedures</b>	46	36	30	6	10
<b>Standards</b>	27	11	5	6	16
<b>Business Mobility</b>	2	2	2	0	0
<b>Electronic Commerce</b>	11	7	2	5	4
<b>Others (if any)</b>					
<b>Total</b>					

(Note 1) As customs procedures, standards and conformance, and mobility of business people are major areas for trade facilitation, separate entries for reporting initiatives, if any, in these TILF areas are designated. For improvements implemented in the remaining TILF areas (viz tariffs, non-tariff measures, services, investment, intellectual property rights, competition policy, government procurement, deregulation/regulatory review and reform, implementation of WTO obligations (including rules of origin), dispute mediation, and information gathering & analysis), please report them, if any, under "Others". Electronic Commerce is grouped under "Others".

(Note 2) Economies may select the more important cumulative improvements since the adoption of the Shanghai Accord for reporting. Hence not all initiatives reported in the current year column have to be repeated as cumulative improvements.

(Note 3) The caption used in the menu of concrete actions and measures for trade facilitation is repeated here for reference.

(Note 5) The menu of concrete actions and measures for trade facilitation lists out 97 items of actions and measures, with breakdown as follows: Customs Procedures - 60, Standards – 20, Business Mobility – 6, Electronic Commerce – 11. Using the item number of the menu as the basis, report in column (a) the total number of trade facilitation actions and measure selected from the menu. Report in column (b) if implementation of any action or measure under that item has commenced. Report in column (c) if implementation of all actions and measures under that item have been completed. Report in column (d) if implementation of any actions and measures under that item has yet to complete. Report on square bracket any changes since 2004.



