

TRADE AND INVESTMENT

**Agreement between the
UNITED STATES OF AMERICA
and PERU**

Effected by Exchange of Letters
April 10, 2006

with

Annex



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

PERU

Trade and Investment

*Agreement effected by exchange of letters
April 10, 2006;
Entered into force April 10, 2006.
With annex.*



Presidencia del Consejo de Ministros

Ministerio de Agricultura

**ADDITIONAL LETTER EXCHANGE ON SPS/TBT ISSUES
FOR UNITED STATES-PERU TRADE PROMOTION AGREEMENT**

April 10, 2006

Dear Ambassador Portman:

I have the honor of confirming the following understanding reached by the Governments of the Republic of Peru and the United States of America in the course of discussions on the United States-Peru Trade Promotion Agreement:

1. The Government of Peru (hereinafter "Peru") and the Government of the United States of America (hereinafter the "United States") affirm the "Letter Exchange on SPS/TBT Issues for U.S.-Peru TPA" of January 5, 2006, as supplemented and modified herein.
2. Peru recognizes the measures taken by the United States with regard to Bovine Spongiform Encephalopathy (BSE). Peru conducted a verification visit to the United States on December 12-20, 2005. Peru confirms that, in accordance with the World Organization for Animal Health (OIE) Terrestrial Animal Health Code, it shall permit by no later than April 12, 2006, the importation of U.S. beef and beef products listed in OIE's Terrestrial Animal Health Code Article 2.3.13.1, in addition to kidneys, livers, and stomachs, accompanied by *United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) Export Certificates of Wholesomeness*, with content agreed by the relevant sanitary authorities of both countries. Peru shall permit the importation of other U.S. beef and beef products not listed in OIE's Terrestrial Animal Health Code Article 2.3.13.13 by no later than May 31, 2006, based on the results of the risk assessment being conducted in accordance with OIE's Terrestrial Animal Health Code.
3. Peru confirms that the USDA FSIS certification statements attached as an Annex to this letter shall meet the import requirements of Peru's Servicio Nacional de Sanidad Agraria (SENASA) and Peruvian health authorities for beef and beef products.
4. Peru confirms that it has withdrawn the draft "Rice Quality and Food Safety Regulation" of February 25, 2006, including with respect to imports of rice from the United States, and that, with regard to any standards on rice, Peru shall provide no less favorable treatment to imports of U.S. rice than to like domestic products.

5. Peru shall bring its laws, regulations, resolutions, decrees, and all other relevant legal instruments into conformity with its commitments in this letter and, as applicable, the letter exchange of January 5, 2006 referenced above, by no later than April 15, 2006, except as otherwise specified below. In particular, Peru shall enact resolutions or decrees:

- (a) under the frame of the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization, to continue to recognize the equivalence of the meat and poultry inspection system of the United States, not to require approval of individual U.S. establishments by the Peruvian Ministry of Agriculture or any other Peruvian ministry or sanitary authority, and to accept meat and poultry shipments accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the sanitary authorities of both countries;
- (b) to permit the importation of pork and pork products from the United States of America, provided that the shipments come accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the sanitary authorities of both countries and set forth in Annex 1 to the January 5, 2006 letter exchange referenced above;
- (c) to permit the importation of poultry and poultry products from all the States of the United States of America, provided that the shipments come accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the Sanitary Authorities of both countries and set forth in Annex 2 to the January 5, 2006 letter exchange referenced above;
- (d)(1) to permit by no later than April 12, 2006, the importation of U.S. beef and beef products listed in OIE's Terrestrial Animal Health Code Article 2.3.13.1, in addition to kidneys, livers, and stomachs, accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the sanitary authorities of both countries and set forth in the Annex to this letter; and
- (2) to permit the importation of other U.S. beef and beef products not listed in OIE's Terrestrial Animal Health Code Article 2.3.13.13 by no later than May 31, 2006, based on the results of the risk assessment being conducted in accordance with OIE's Terrestrial Animal Health Code, accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the sanitary authorities of both countries and set forth in the Annex to this letter.

Copies of these regulations are attached to the present letter.

I have the honor to propose that this letter, including the Annex thereto, and your letter in reply, confirming that your Government shares this understanding shall constitute an agreement between our two Governments to enter into force on this day.

Sincerely,



Pedro Pablo Kuczynski
President of the Council of Ministers



Manuel Manrique
Minister of Agriculture

**ADDITIONAL LETTER EXCHANGE ON SPS/TBT ISSUES
FOR UNITED STATES-PERU TRADE PROMOTION AGREEMENT**

ANNEX

Certification Statements for Beef and Beef Products

1. The United States has an active BSE surveillance program which meets or exceeds international standards established by the World Organization for Animal Health (OIE).
2. The meat was derived from animals that were officially given an ante and post mortem inspection by Food Safety and Inspection Service (FSIS) inspection officials.
3. The meat or meat products were not derived from the following specified risk materials: the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months of age and older, and the tonsils and distal ileum of the small intestine of any cattle regardless of age.
4. The meat was derived from federally certified slaughter facilities, operating under supervision of the FSIS.
5. The slaughter or processing plant where the meat was processed has a HAACP system in place.
6. The meat is fit for human consumption.
7. The product was packed in authorized containers bearing the mark of inspection that includes the number of the facility, and labeled to include the name of the product, net weight, and date of packing.
8. The meat is transported in containers or thermo refrigerated vehicles that are monitored to assure that they maintain appropriate refrigerated or frozen temperatures.
9. Trucks and containers have been properly washed and disinfected.

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

**ADDITIONAL LETTER EXCHANGE ON SPS/TBT ISSUES
FOR UNITED STATES-PERU TRADE PROMOTION AGREEMENT**

April 10, 2006

Dear Prime Minister Kuczynski and Minister Manrique:

I have the honor to acknowledge receipt of your letter of this date which reads as follows:

“I have the honor of confirming the following understanding reached by the Governments of the Republic of Peru and the United States of America in the course of discussions on the United States–Peru Trade Promotion Agreement:

1. The Government of Peru (hereinafter “Peru”) and the Government of the United States of America (hereinafter the “United States”) affirm the “Letter Exchange on SPS/TBT Issues for U.S.-Peru TPA” of January 5, 2006, as supplemented and modified herein.
2. Peru recognizes the measures taken by the United States with regard to Bovine Spongiform Encephalopathy (BSE). Peru conducted a verification visit to the United States on December 12-20, 2005. Peru confirms that, in accordance with the World Organization for Animal Health (OIE) Terrestrial Animal Health Code, it shall permit by no later than April 12, 2006, the importation of U.S. beef and beef products listed in OIE’s Terrestrial Animal Health Code Article 2.3.13.1, in addition to kidneys, livers, and stomachs, accompanied by *United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) Export Certificates of Wholesomeness*, with content agreed by the relevant sanitary authorities of both countries. Peru shall permit the importation of other U.S. beef and beef products not listed in OIE’s Terrestrial Animal Health Code Article 2.3.13.13 by no later than May 31, 2006, based on the results of the risk assessment being conducted in accordance with OIE’s Terrestrial Animal Health Code.
3. Peru confirms that the USDA FSIS certification statements attached as an Annex to this letter shall meet the import requirements of Peru’s Servicio Nacional de Sanidad Agraria

(SENASA) and Peruvian health authorities for beef and beef products.

4. Peru confirms that it has withdrawn the draft “Rice Quality and Food Safety Regulation” of February 25, 2006, including with respect to imports of rice from the United States, and that, with regard to any standards on rice, Peru shall provide no less favorable treatment to imports of U.S. rice than to like domestic products.

5. Peru shall bring its laws, regulations, resolutions, decrees, and all other relevant legal instruments into conformity with its commitments in this letter and, as applicable, the letter exchange of January 5, 2006 referenced above, by no later than April 15, 2006, except as otherwise specified below. In particular, Peru shall enact resolutions or decrees:

- (a) under the frame of the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization, to continue to recognize the equivalence of the meat and poultry inspection system of the United States, not to require approval of individual U.S. establishments by the Peruvian Ministry of Agriculture or any other Peruvian ministry or sanitary authority, and to accept meat and poultry shipments accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the sanitary authorities of both countries;
- (b) to permit the importation of pork and pork products from the United States of America, provided that the shipments come accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the sanitary authorities of both countries and set forth in Annex 1 to the January 5, 2006 letter exchange referenced above;
- (c) to permit the importation of poultry and poultry products from all the States of the United States of America, provided that the shipments come accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the Sanitary Authorities of both countries and set forth in Annex 2 to the January 5, 2006 letter exchange referenced above;

- (d)(1) to permit by no later than April 12, 2006, the importation of U.S. beef and beef products listed in OIE's Terrestrial Animal Health Code Article 2.3.13.1, in addition to kidneys, livers, and stomachs, accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the sanitary authorities of both countries and set forth in the Annex to this letter; and
- (2) to permit the importation of other U.S. beef and beef products not listed in OIE's Terrestrial Animal Health Code Article 2.3.13.13 by no later than May 31, 2006, based on the results of the risk assessment being conducted in accordance with OIE's Terrestrial Animal Health Code, accompanied by *USDA FSIS Export Certificates of Wholesomeness*, with content agreed by the sanitary authorities of both countries and set forth in the Annex to this letter.

Copies of these regulations are attached to the present letter.

I have the honor to propose that this letter, including the Annex thereto, and your letter in reply, confirming that your Government shares this understanding shall constitute an agreement between our two Governments to enter into force on this day.”

I have the honor to confirm that my Government shares this understanding and that your letter, including the Annex thereto, and this reply, shall constitute an agreement between our two Governments, to enter into force on this day.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Portman", with a long, sweeping underline.

Rob Portman