TRADE

Agreement between the

UNITED STATES OF AMERICA

and PERU

Effected by Exchange of Letters
January 5, 2006

with

Annexes

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

Agreement effected by exchange of letters
January 5, 2006;
Entered into force January 5, 2006.
With annexes.

Presidencia del Consejo de Ministros

LETTER EXCHANGE ON SPS/TBT ISSUES FOR U.S.-PERU TPA

January 5, 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 during the course of the negotiation of the United States – Peru Trade Promotion Agreement:

1. The Government of Peru (hereinafter "Peru") confirms that it shall continue to recognize the U.S. meat and poultry inspection system as equivalent to that of Peru and shall not require approval of individual U.S. establishments by the Peruvian Ministry of Agriculture or any other Peruvian ministry or sanitary authority. Peru confirms that it shall continue to accept meat and poultry shipments accompanied by USDA Food Safety Inspection Service (FSIS) Export Certificates of Wholesomeness, with content agreed by relevant sanitary authorities from both countries.

2. Peru confirms that the certification statements of FSIS attached to this letter (Annexes 1 and 2) shall meet the import requirements of Peru's Servicio Nacional de Sanidad Agraria (SENASA) for pork and pork products and poultry and poultry products.

3. Peru recognizes that the measures taken by the United States with regard to Bovine Spongiform Encephalopathy (BSE) and Avian Influenza (AI) meet the World Organization for Animal Health (OIE) guidelines. Peruvian authorities conducted a verification visit to the United States on December 12–20, 2005. As a follow-up, the Animal and Plant Health Inspection Service (APHIS) and SENASA will coordinate on Peru's verification process, and Peru confirms that, based on OIE guidelines, it shall permit by no later than March 1, 2006 the importation of U.S. beef and beef products and U.S. poultry and poultry products accompanied by an FSIS Export Certificate of Wholesomeness.

4. Peru confirms that it has eliminated Supreme Decrees 023-2005-AG or 028-2005-AG, including with respect to imports of rice from the United States, and shall apply standards on rice imported from the United States no less favorable than those applied to like domestic products, including in any new decrees or other rules issued.

I have the honor to propose that this letter, including the Annexes 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

LETTER EXCHANGE ON SPS/TBT ISSUES FOR U.S.-PERU TPA

ANNEX 1

Certification Statements for Matured, Partially Cooked (Scalded), or Cooked Pork Ham

1. The meat was derived from animals that were born, bred, fattened and slaughtered in the United States or were legally imported.

2. The United States is free of foot-and-mouth disease, classical swine fever, swine vesicular disease, and African swine fever.

3. The meat was derived from federally certified slaughter and processing facilities operating under permanent supervision of the Food Safety and Inspection Service (FSIS) with a HACCP system in place.

4. The processing (or slaughter) plant is in an area where no epidemic outbreak has occurred from any infectious disease that may affect the species, in the six months prior to slaughter.

5. The meat was derived from animals that were officially given an ante-mortem and post-mortem inspection by FSIS inspection officials.

6. The pork meat was frozen at (temperature) for (time) as specified in Table 2 of Section 318.10(c)(2), 9 CFR, for the destruction of trichinosis.

7. Cooked hams were subject to heating at 70 degrees Centigrade for at least 10 minutes or 80.3 degrees Centigrade during 3 minutes monitored by FSIS to ensure that the temperature was adhered to.

8. Carcasses are properly stuck and hung to allow thorough bleeding prior to the deboning process which removes all bones to the hoof and blood vessels.

9. The product is labeled in such a way that it can be identified.

10. The product is fit for human consumption.

11. The product was packed in new boxes which are marked with the pack date. The product was transported in sealed ocean vessel containers equipped in a manner to assure preservation of the product.

12. Trucks and containers have been properly washed and disinfected.

LETTER EXCHANGE ON SPS/TBT ISSUES FOR U.S.-PERU TPA

Certification Statements for Edible Offal Products from Refrigerated or Frozen Porcine Species

1. The meat was derived from animals that were born, bred, fattened and slaughtered in the United States or were legally imported.

2. The United States is free of foot-and-mouth disease, classical swine fever, swine vesicular disease, and African swine fever.

3. The meat was derived from federally certified slaughter and processing facilities operating under permanent supervision of the Food Safety and Inspection Service (FSIS) with a HACCP system in place.

4. The processing (or slaughter) plant is in an area where no epidemic outbreak has occurred from any infectious diseases that may affect the species, in the six months prior to slaughter.

5. The meat was derived from animals that were officially given an ante-mortem and post-mortem inspection by FSIS inspection officials.

6. The product is fit for human consumption.

7. The product was packed in authorized containers consigning the seal for inspection that includes the number of the facility, the date of packing and the name and address of the processing facility.

8. The product is transported in containers or thermo refrigerated vehicles that are monitored to assure that they maintain refrigerated or frozen temperatures.

9. Trucks and containers have been properly washed and disinfected.

LETTER EXCHANGE ON SPS/TBT ISSUES FOR U.S.-PERU TPA

Certification Statements for De-boned Meat, Refrigerated or Frozen Meat, Channels, Half Channels and Cuts of Porcine Species

1. The meat was derived from animals that were born, bred, fattened and slaughtered in the United States or were legally imported.

2. The United States is free of foot-and-mouth disease, classical swine fever, swine vesicular disease, and African swine fever.

3. The meat was derived from animals that originated in areas which are not under quarantine or restricted conditions due to a disease control and no epidemic outbreak has occurred at the slaughter plant from any infectious diseases that may affect the species.

4. The meat was derived from federally certified slaughter and processing facilities operating under permanent supervision of the Food Safety and Inspection Service (FSIS) with a HACCP system in place.

5. The processing (or slaughter) plant is in an area where no epidemic outbreak has occurred from any infectious diseases that may affect the species, in the six month prior to slaughter.

6. The meat was derived from animals that were officially given an ante-mortem and post-mortem inspection by FSIS inspection officials.

7. The pork meat was frozen at (temperature) for (time) as specified in Table 2 of Section 318.10(c)(2), 9 CFR for the destruction of trichinosis.

8. The product carries the official mark of inspection and information identifying the manufacturer,packer or distributor.

9. The product is fit for human consumption.

10. The product is packaged in an authorized container marked with the packing date.

11. The meat is transported in containers or thermo refrigerated vehicles that are monitored to assure that they maintain appropriate refrigerated or frozen temperatures.

12. Trucks and containers have been properly washed and disinfected.

LETTER EXCHANGE ON SPS/TBT ISSUES FOR U.S.-PERU TPA

ANNEX 2

Certification Statements for Fresh/Frozen Poultry Meat

1. The meat was derived from poultry which were born, raised and fed in the United States.

2. The meat was derived from areas recognized by Peru as free of Notifiable Avian Influenza and Newcastle disease, as defined by the World Organization for Animal Health (OIE).

3. The birds from which the products were derived were bred on farms which are not under official quarantine for the control or eradication of poultry diseases and where no epidemic outbreak caused by infectious illness that affect the species has been encountered at the slaughterhouse.

4. The meat was derived from federally certified slaughter facilities, operating under permanent supervision of the Food Safety and Inspection Service (FSIS).

5. The meat was derived from birds that were officially given an ante-mortem and post-mortem inspection by FSIS inspection officials.

6. The meat is fit for human consumption.

7. The meat has been handled, cut and stored under proper hygienic conditions.

8. The meat or meat packages are marked with the establishment number of the producing establishments.

9. The means of transport, handling and loading conditions meet the hygiene requirements of the United States.

10. The slaughter or processing plant where the meat was processed has a HACCP system in place.

11. The meat is transported in containers or thermo refrigerated vehicles that are monitored to assure that they maintain appropriate refrigerated or frozen temperatures.

12. Trucks and containers have been properly washed and disinfected.

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

LETTER EXCHANGE ON SPS/TBT ISSUES FOR U.S.-PERU TPA

January 5, 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:

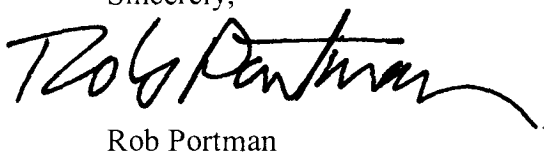
> "I have the honor of confirming the following understanding reached by the Governments of the Republic of Peru and the United States of America during the course of the negotiation of the United States – Peru Trade Promotion Agreement:
>
> 1. The Government of Peru (hereinafter "Peru") confirms that it shall continue to recognize the U.S. meat and poultry inspection system as equivalent to that of Peru and shall not require approval of individual U.S. establishments by the Peruvian Ministry of Agriculture or any other Peruvian ministry or sanitary authority. Peru confirms that it shall continue to accept meat and poultry shipments accompanied by USDA Food Safety Inspection Service (FSIS) Export Certificates of Wholesomeness, with content agreed by relevant sanitary authorities from both countries.
>
> 2. Peru confirms that the certification statements of FSIS attached to this letter (Annexes 1 and 2) shall meet the import requirements of Peru's Servicio Nacional de Sanidad Agraria (SENASA) for pork and pork products and poultry and poultry products.
>
> 3. Peru recognizes that the measures taken by the United States with regard to Bovine Spongiform Encephalopathy (BSE) and Avian Influenza (AI) meet the World Organization for Animal Health (OIE) guidelines. Peruvian authorities conducted a verification visit to the United States on December 12–20, 2005. As a follow-up, the Animal and Plant Health Inspection Service (APHIS) and SENASA will coordinate on Peru's verification process, and Peru confirms that, based on OIE guidelines, it shall permit by no later than March 1, 2006 the importation of U.S. beef and beef products and U.S. poultry and poultry products accompanied by an FSIS Export Certificate of Wholesomeness.

4. Peru confirms that it has eliminated Supreme Decrees 023-2005-AG or 028-2005-AG, including with respect to imports of rice from the United States, and shall apply standards on rice imported from the United States no less favorable than those applied to like domestic products, including in any new decrees or other rules issued.

I have the honor to propose that this letter, including the Annexes 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 Annexes thereto, and this reply, shall constitute an agreement between our two Governments, to enter into force on this day.

Sincerely,



Rob Portman