

Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals: Peru

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
1. Tariffs			
(1) Import-weighted average of MFN applied tariff	15.3	2.7	The current Peruvian tariff structure has 3 levels: 0%, 9% and 17%. In this structure among others, tariff rate of all capital goods is 0%
(2) Simple average of MFN applied tariff	16.3	5.0	
(3) Tariff average, based on import tariff revenue	11.5	2.1	
(4) Zero tariff lines as a percentage of all tariff lines	0.0	53.9	
(5) Zero tariff imports as a percentage of all imports	0.0	72.5	
(6) Standard deviation for applied tariff	3.4	5.9	
(7) Transparency in tariff regime	There was not any legal norms that establish the Tariff Policy Guidelines.	Tariff Policy Guidelines approved by Ministerial Resolution Number 005-2006-EF/15 and published on January 15th 2006. This Guidelines is located in website http://www.mef.gob.pe/	
2. Non-Tariff Measures			
(1) Quantitative import	0	0	

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restrictions/ prohibitions			
(2) Import licensing	0	0	
(3) Import levies	<p>In addition to the ad-valorem tariff 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).</p> <p>Some tariff items such as fuel oils, cigarettes, liquors, beer, wines, and vehicles are subject to an additional excise tax.</p>	<p>Value-added tax (Impuesto General a las Ventas, IGV) of 19% is applied to 6,735 tariff lines. Some agricultural products are exempt.</p> <p>Additional excise tax (Impuesto Selectivo al Consumo, ISC) is applied to 111 tariff lines such as fuel oils, cigarettes, liquors, beer, wines, and vehicles.</p>	
(4) Export subsidies	0	0	
(5) Other non-tariff measures maintained	Peru does not apply other non-tariff measures	Peru does not apply other non-tariff measures	
3. Services			
(1) Number of sectors out of 55 services sectors in which market access and/or NT are granted as a result of the commitments in the	14		<p>If this indicator is applied to the FTAs that Peru has subscribed with APEC Economies (in force), the result is the following:</p> <ul style="list-style-type: none"> ➤ US-Peru FTA: 52 sectors ➤ Canada-Peru FTA: 52 sectors

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GATS			<ul style="list-style-type: none"> ➤ Chile-Peru FTA: 52 sectors ➤ Singapore-Peru FTA: 52 sectors <p>These commitments under bilateral FTAs reflect the deep level of services liberalization in the Peruvian economy.</p> <p>The process of liberalization in Peru started on the decade of 1990. Prior to that liberalization process, all services sectors faced an important level of protection, and the State participation on these activities was a common practice.</p> <p>Nowadays, Peruvian legislation does not impose any market access and/or national treatment limitations in almost all services sectors. Specifically, there is no market access and/or national treatment limitation on the following sectors (in addition to the fourteen commitments in the GATS):</p> <ol style="list-style-type: none"> 1. BUSINESS SERVICES B. Computer and Related Services D. Real Estate Services

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			<p>2. COMMUNICATION SERVICES</p> <ul style="list-style-type: none"> A. Postal services B. Courier services E. Other <p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <ul style="list-style-type: none"> A. General construction work for buildings B. General construction work for civil engineering C. Installation and assembly work D. Building completion and finishing work E. Other <p>4. DISTRIBUTION SERVICES</p> <ul style="list-style-type: none"> A. Commission agents' services D. Franchising E. Other <p>5. EDUCATIONAL SERVICES</p> <ul style="list-style-type: none"> A. Primary education services B. Secondary education services C. Higher education services D. Adult education <p>6. ENVIRONMENTAL SERVICES</p>

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			<p>A. Sewage services B. Refuse disposal services C. Sanitation and similar services D. Other</p> <p>8. HEALTH RELATED AND SOCIAL SERVICES A. Hospital services B. Other Human Health Services C. Social Services D. Other</p> <p>9. TOURISM AND TRAVEL RELATED SERVICES C. Tourist guides services D. Other</p> <p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES B. News agency services C. Libraries, archives, museums and other cultural services</p> <p>11. TRANSPORT SERVICES C. Air Transport Services D. Space Transport</p>

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			E. Rail Transport Services G. Pipeline Transport H. Services auxiliary to all modes of transport I. Other Transport Services
(2) Number of sectors out of 55 services sectors in which MFN exemptions maintained as a result of the commitments in the GATS	9		
(3) Number of sectors out of 55 services sectors in which market access and/or NT are offered in the DDA under the GATS	--	22	The sectors not committed under GATS but offered in the DDA are the following: 1. BUSINESS SERVICES B. Computer and Related Services C. Research and Development Services D. Real Estate Services 4. DISTRIBUTION SERVICES D. Franchising 5. EDUCATIONAL SERVICES E. Other education services

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			<p>6. ENVIRONMENTAL SERVICES C. Sanitation and similar services</p> <p>11. TRANSPORT SERVICES D. Space Transport E. Rail Transport Services</p>
(4) Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under the GATS	--	9	
(5) Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the commitments under the GATS	0	5	<p>In addition Peru has subscribed and FTA with China that includes a Services Chapter.</p> <p>Current negotiations with the following APEC Economies:</p> <ul style="list-style-type: none"> - Mexico - Korea - Japan <p>Current negotiations with the following non-APEC Economies:</p>

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			- European Union
(6) Number of sectors in which licensing and qualification requirements apply specifically to foreign service providers	0	0	
(7) Measures to improve transparency in services	The Constitution, issued on December 30th, 1993, in its article 2, paragraph 5, establishes the right of citizens to request without explanation to any public institution the information they require. With the exception of information that affects personal privacy and that is expressly excluded by law or for reasons of national security.	<p>Law N° 27806 – Law of Transparency and Access to Public Information, issued on August 3rd, 2002. This Law aims to promote transparency in the actions of the state and regulate the fundamental right of access to information enshrined in paragraph 5 of Article 2 of the Constitution.</p> <p>Supreme Decree N° 043-2003-PCM, issued on April 24th, 2003, approved the “Unified, organized text of the Law N° 27806”.</p> <p>Supreme Decree N° 072-2003-PCM, issued on August 7th, 2003, approved the Regulation of the Law N° 27806. It regulates the application of rules and enforcement procedures set out in Law N° 27806.</p> <p>Supreme Decree N° 001-2009-JUS, issued on January 15th, 2009, establishes the regulation that establishes</p>	<p>Law N° 27806 and its regulation established the following:</p> <p>(i) All the information in held by the State is presumed to be public, except as expressly provided by law; (ii) The State adopts basic measures that guarantee and promote the transparency in the actions of the entities of the Public Administration; (iii) The State has the obligation of providing information requested by people, in application of the Publicity Principle.</p> <p>Supreme Decree N° 001-2009-JUS establishes the obligation, for all public</p>

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	<p>Specific and Key Services Sectors</p> <p>A. <u>Financial Services</u></p> <p>A.1 <u>Securities Market</u></p> <p>The National Commission Supervisory of Enterprises and Securities (CONASEV) had no specific transparency obligation.</p>	<p>dispositions related to the publicity, publication of laws and regulations projects, and the publicity of laws and regulations of general application.</p> <p>Specific and Key Services Sectors</p> <p>A. <u>Financial Services</u></p> <p>A.1 <u>Securities Market</u></p> <p>Legislative Decree N° 1061, that modifies the Securities Market Law (issued on July 26, 2008) establishes on Article 360°, among others, the following transparency obligations that the National Commission Supervisory of Enterprises and Securities (CONASEV) shall comply: i) publish in advance any regulations of general application that it proposes to adopt and the purpose of the regulations, ii) provide interested persons a reasonable opportunity to comment on the proposed regulations, iii) at the time it adopts final regulations, should address in writing substantive comments received from interested persons with respect to the proposed regulations, and should allow reasonable time between publication of final regulations and their effective date.</p>	<p>entities, of publishing any regulation Project or rule of general application. The publication shall be included on the entities web site, the official Gazette “El Peruano” or by any means.</p> <p>As a consequence of the application of transparency measures on the securities market there is a better understanding and acceptance of new regulations enacted.</p>

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	<p>A.2 <u>Banking, Insurance and Pension Funds</u></p> <p>Publication of regulation issued by the Superintendency of Banking, Insurance and Pension Funds Administrator (SBS).</p> <p>The final Regulations, after approval by the Superintendent, are made public through publication in the Official Gazette “El Peruano”.</p> <p>The SBS website provides access to Regulations.</p>	<p>A.2 <u>Banking, Insurance and Pension Funds</u></p> <p>Legislative Decree N° 1028</p> <p>On June 22, 2008 Legislative Decree N° 1028 on amendments to the General Law (Law N° 26702) was published. It included regulations to follow the recommendations of Basel II, related to capital measurement and capital standards, and to implement commitments related to transparency of the Free Trade Agreement signed with The United States.</p> <p>The SBS shall, to the extent practicable:</p> <ul style="list-style-type: none"> - Publish in advance any regulations of general application relating to the subject matter of the Law N° 26702 that it proposes to adopt and the purpose of the regulations; - Provide interested persons a reasonable opportunity to comment on the proposed regulations. - At the time it adopts final regulations, should address in writing substantive comments received from interested persons with respect to the proposed regulations, and should allow reasonable time between publication of final regulations and their 	

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	<p>Regarding application for organization of companies of the financial and insurance systems, within ninety (90) days of the receipt of the opinion of the Central Bank, the SBS shall issue a resolution authorizing or refusing the organization of the company (Law N° 26702).</p> <p>There was not a consumer protection law for financial institutions.</p>	<p>effective date.</p> <p>Some proposed regulations are publicly available more than 90 days before the final publication in the Official Gazette “El Peruano”.</p> <p>The SBS website provides access to Regulations: http://www.sbs.gob.pe/PortalSBS/normatividad/CompendioNormas.asp?s=</p> <p>On June 26, 2008 Legislative Decree N° 1052 on amendments to the General Law (Law N° 26702) was enacted. This Decree includes regulations associated to principles of transparency in the functions of the SBS.</p> <p>After Decree N° 1052, on the request of an unsuccessful applicant, the SBS shall, to the extent practicable, inform the applicant of the reasons for denial of the application.</p> <p>On June 27, 2005, the Complementary Law to the Consumer Protection Law related to financial services was enacted, with the purpose of introducing new regulations for promoting transparency and clarity in the information that the financial institutions provide to their</p>	

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	<p data-bbox="464 805 821 833">B. <u>Telecommunication Services</u></p> <p data-bbox="422 878 842 943">There was no specific regulation in this sector related to transparency.</p>	<p data-bbox="873 407 1457 435">customers in their contracts, statements and promotion.</p> <p data-bbox="873 480 1493 688">In addition, the SBS introduced the Resolution SBS N 1765-2005, Regulation of transparency of information and dispositions applicable to the contracting with users of the financial system, with the intention to improve the customer service and introduce new information that the leaflets emitted for the lending must contain.</p> <p data-bbox="919 805 1272 833">B. <u>Telecommunication Services</u></p> <p data-bbox="873 878 1493 1268">Ministerial Resolution N° 201-2009-MTC/01, issued on February 27th, 2009, approved "Policy on Transparency and Access to Public Information at the Ministry of Transports and Communications". It establishes the general guidelines to be observed by staff of the Ministry of Transports and Communications, regarding the right of access to public information that is produced or is in held by the entity in accordance with current regulations. It also establishes the necessary mechanisms to promote a culture of transparency in citizen access to information generated by this Ministry.</p> <p data-bbox="873 1313 1493 1341">Supreme Decree N° 003-2007-MTC, issued February</p>	

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		<p>2nd, 2007, approved the “Guidelines for developing and strengthening competition and expansion of the telecommunications public services”. In its article 19°, it establishes that the Ministry of Transports and Communications, in order to ensure access to all information relevant to market participants and the general public, and to promote and ensure transparency in the management of the State, will publish for comments the legal provisions relating to telecommunications services.</p> <p>Ministerial Resolution N° 191-2008-MTC/01, issued on February 21st, 2008, approved "Directive that establishes the procedure for conducting the pre-publication of legal norms."</p>	<p>The procedure to conduct the prepublication of legal norms, to guarantee that the project of norm counts with sufficient technical and legal support and to facilitate understanding by users is laid down. The minimum time limits for comments and suggestions to the project of norm are also set.</p>
4. Investment			
(1) Restrictions on foreign investment	6 ^{1 2}	6	In 2004, the Government approved liberalization measures on sectoral

¹ The restricted industries are the following: (1) broadcasting, (2) notary services, (3) architectural services, (4) auditing services, (5) air transport, and (6) aquatic transport.

² Horizontal restriction applicable to any foreign national, or enterprise constituted under foreign law or enterprise constituted under Peruvian law, and owned in whole or part, directly or indirectly, by foreign nationals, with regard to the acquisition or ownership, directly or indirectly, by any title, of land or water (including mines, forest or energy sources) located within 50 kilometres of the Peruvian border.

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			<p>investment through enacted Law N° 28278, Law of Radio and Television. The general policy of promoting investment extends foreign investment participation on television and radio companies introducing significant changes compared to previous legislation, which reserved it to nationals. In the current legislation, FDI is permitted up to 40% of all company participations.</p> <p>Previous legislation limited foreign investment participation on air transport up to 49%. Currently, foreign participation is allowed to reach up to 70% of the capital stock.</p>
(2) Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements)	5	None	<p>No screening mechanisms or performance requirement is applied.</p> <p>Based on the principle of productive efficiency, entrepreneurs may choose to acquire imported goods or local inputs taking into consideration the quality, price and timely supply.</p> <p>Restrictions and prohibitions on imports and</p>

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			exports only applied for environmental, health, preservation of biodiversity, protection of cultural heritage and internal security reasons.
(3) Restrictions on transfers of capital	Not existing	Not existing	
(4) Consistency with APEC Non-Binding Investment Principles	Some	Most	<p>Between 1996 and 2009, Peru developed several progresses in implementing APEC Non Binding Principles, particularly in the areas of Transparency on investments, Business Facilitation, International Investment agreements and Double Taxation Treaties.</p> <p>Business facilitation services are being developed since 2002 by the Investment Promotion Agency - PROINVERSION.</p> <p>A program for the development of e-government, carried out under the supervision of the Presidency of the Council of Ministers and with participation of several governmental agencies, including de implementation of the electronic registration of companies. In the past, the establishment of a company could take up to more than 70</p>

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			<p>days due to complex procedures, duplication of requirements and inspections. Under the new system, the whole process takes up to 3 days. The whole procedure, which takes approximately 72 hours, provides better legal security and reduces considerably administrative expenses and notary costs.</p> <p>Several public and private institutions, in cooperation with international public and private agencies have developed TRAMIFACIL, a program which seeks to enhance business environment and development of companies and increase public awareness of the need of such reforms. The programme focuses on simplification of municipal administrative procedures, which affect especially SME. The administrative simplification programme is overseen by the national board INTERMESA and its executive committee, which includes representatives of the presidency of the Council of Ministers, SUNAT and PROINVERSION.</p> <p>Peru has subscribed Bilateral Agreements to avoid Double Taxation with Chile and</p>

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			Canada.
(5) Number of BITs and FTAs/RTAs which NT and MFN are ensured in relation to foreign investment	25	32	To enhance negotiations of international investment agreements, a Negotiating Commission was established in January 2003 under the leadership of PROINVERSION, with participation of representatives of the Ministries of Foreign Trade and Tourism, Foreign Affairs and Economy and Finance. Peru has adopted new guidelines to ensure compliance with high international standards on investment treatment and protection and the transparency principles. Existing bilateral treaties are being reviewed to determine whether they can be upgraded to meet the new standards.
BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign	BITs : Australia, China, Korea, Malaysia, Thailand	BITs : Australia, China, Chile, Canada, Malaysia, Korea, Singapore, Thailand, Japan FTAs signed with APEC economies : USA, Canada, China, Chile, Singapore	

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investment			
(6) Measures to improve transparency in investment	Transparency on investment matters mainly was contained in the general context of the political constitution of Peru oriented on elaboration and enactment of Laws sets forth that law is to be applicable one day after its publication in the official gazette	All public agencies must approve and publish their Single Text on Administrative Procedures (TUPA in Spanish), which explicit the competencies and modalities of their proceedings. The objective of this measure is to avoid duplication of administrative procedures and improve public access to information.	<p>Peru has pursued the improvement of Transparency Mechanisms through the current Law of Transparency and Access to Public Information and the Law on Fiscal Responsibility and Transparency.</p> <p>In addition, there is an annual publication by Proinversion on the performance of the Peruvian Economy forecasts that provides useful information to business planning.</p> <p>The supply of information and administrative actions for the establishment and execution of foreign investment in Peru is widely covered. All Government entities including regional and local Governments must provide and disseminate public information and Data of pertaining activities.</p> <p>The recent BITs subscribed and investment chapters in FTAs include clauses based in transparency principles.</p>
5. Standards and			

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Conformance			
(1) Number of domestic standards aligned with the target international standards for Voluntary Action Plan (VAP)	<p>Technical Regulations: Until 1996 the Peruvian Central Government issued 9 technical regulations, 3 of which were aligned with international standards (33% of total) and 2 were related to native products of Peru without international standards (22% of total).</p> <p>Sanitary and Phytosanitary Measures: All of these measures are in accordance with the standards, guidelines and recommendations from the SPS Relevant International Organizations.</p> <p>Standards: Since the creation of the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), between 1993 and 1996, 47 Peruvian Technical Standards were approved, 22 of which were adopted from international standards (ISO/IEC and Codex Alimentarius), equivalent to</p>	<p>Technical Regulations: Until 2008 the Peruvian Central Government issued 81 technical regulations, 43 of which were aligned with international standards (53% of total), 5 were related to native products of Peru without international standards (6% of total); and 4 took in consideration a regional or third-country standard (5% of total).</p> <p>Sanitary and Phytosanitary Measures: All of these measures are in accordance with the standards, guidelines and recommendations from the SPS Relevant International Organizations.</p> <p>Standards: Since 1993, INDECOPI has approved 1474 Peruvian Technical Standards, 33.17% of them correspond to adoption of international standards: ISO (22.86%), IEC (2.99%), ISO/IEC (5.56%) and Codex (1.76%). Most of the others (66.83%) are based on regional standards, national standards and well-known standards (American Standards Testing Materials-ASTM,</p>	<p>In accordance with the multilateral, regional and bilateral agreements, the use of international standards as a basis for the development of technical regulations has increased significantly in the recent years. That information was possible to collect for the efforts of the Peruvian Government in 2008 for identify all the Peruvian technical regulations and develop a website for free access of the public to that information. www.mincetur.gob.pe/reglamentostecnicos. In this first stage only in Spanish.</p> <p>Peru endeavors to identify areas where alignment with international standards is feasible and to review on a regular basis its existing Peruvian technical standards.</p> <p>Peru has increased the participation in the relevant international organizations:</p> <ul style="list-style-type: none"> - International Organization for Standardization (ISO): since 2007 INDECOPI is full member and participate in 22 International Technical Committees. - International Electrotechnical Commission

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	47% of the total.	<p>Association of Official Analytical Chemist - AOAC, Technical Association of the Pulp and Paper Industry - TAPI, American Water Works - AWWA, National Fire Protection Agency – NFPA).</p> <p>In regards native products of Peru, exist 169 standards (11.5% of the Total).</p> <p>To regional level, exists 118 Andean Standards, 38% of them are adoptions of international standards.</p> <p>To APEC level, 16 Peruvian technical standards are aligned with the target international standards for Voluntary Action Plan (VAP).</p>	<p>(IEC): Since 2002 INDECOPI is participating in the Affiliate Country Program in 3 committees.</p> <ul style="list-style-type: none"> - FAO/WHO Codex Alimentarius Commission: Peru is represented by the National Directorate of Environmental Health (DIGESA) at the Ministry of Health (MINSa). Further, INDECOPI have conformed 4 mirror committees. - APEC Sub Committee of Standards and Conformance (SCSC): Peru is represented by INDECOPI. - Pacific Area Standards Congress (PASC): Peru is represented by INDECOPI - Andean Standardization Network (RAN): Peru is represented by INDECOPI. - FAO International Plant Protection Convention (IPPC): Peru is represented by National Service of Animal and Plant Health (SENASA) - World Organization for Animal Health (OIE): Peru is represented by National Service of Animal and Plant Health (SENASA) <p>INDECOPI submitted in 2008 the Voluntary</p>

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			<p>Action Plan report for IEC standards for electrical equipment requested by SCSC. Also, in October 2008 submitted its proposal of target standards for the next term VAP activity.</p> <p>By the end 2009, INDECOPI expects to approve 210 additional Peruvian technical standards. Approximately 20% of them will be adoptions from international standards.</p>
(2) Description of conformity assessment process including participation in and implementation of mutual recognition arrangements	<p>Since 1991, the Ministry of Agriculture has a bilateral recognition agreement with their corresponding body in Chile about requirements for fruits.</p> <p>The procedures for conformity assessment that INDECOPI carries out are transparent and consistent with the WTO's Agreement on Technical Barriers to Trade. The approved legal devices for these matters are based on the Guidelines and Technical Standards approved by ISO's CASCO Committee (i.e. Guidelines 25, 61, 62, 65 among others).</p>	<p>There is no generally applied procedure for verifying compliance with technical regulations, although under Law No. 27444 – Law on General Administrative Procedure –, issued in 2001, priority should be given to post facto controls. Peru uses many alternatives of conformity assessment procedures in base of the risk of the products, including the Suppliers Declaration of Conformity and the acceptance of certificates issued by accredited or authorized bodies of third countries.</p> <p>Once the products have entered the domestic market, the ministries, within their spheres of competence, implement various permanent or temporary market surveillance measures, either ex officio or at the request of a Party, in order to oversee compliance with their respective technical regulations.</p>	<p>Peru is developing a network of agreement at regional and bilateral level, that include the acceptance of conformity assessment results and the negotiation of mutual recognition agreements, in order to facilitate trade, with an important consideration of the APEC economies.</p> <p>Peru has an active participation in the relevant international organizations:</p> <ul style="list-style-type: none"> 1) INDECOPI – Accreditation Service - Inter American Accreditation Cooperation (IAAC): full member since 2004. - Asia Pacific Laboratory Accreditation

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		<p>Under the framework of the Andean Community there are the following instruments:</p> <ul style="list-style-type: none"> - Decision 506: Product certificate recognition and acceptance, issued in 2001, which accepts product certificates between the members with respect the technical regulations of the importing country. - Decision 516: Harmonization of Legislations in the matter of Cosmetic Products, issued in 2002, which recognize the sanitary notification between members to facilitate market access. - Decision 706: Harmonization of legislations in the matter of products of domestic hygiene and absorbent products of personal hygiene, issued in 2008 which recognize the sanitary notification between members to facilitate market access. <p>Further provisions regard the acceptance of conformity assessment results and the negotiation of mutual recognition agreement were included in the chapters related to Technical Barriers to Trade in the bilateral agreements with MERCOSUR, United States, Singapore, Chile and Canada. Also, these kinds of provisions have been negotiated with Thailand, China, Korea, Mexico and the European Community.</p>	<p>Cooperation (APLAC): full member since 2008.</p> <ul style="list-style-type: none"> - International Laboratory Accreditation Cooperation (ILAC): associate member since 2008. - International Accreditation Forum (IAF): member since 2008. <p>2) INDECOPI – Metrology Service</p> <ul style="list-style-type: none"> - International Organization for Legal Metrology (OIML): associate member since 1983. - Inter American Metrology System (SIM): full member since 1994. - Asia Pacific Legal Metrology Forum (APLMF): invited member since 2005. - National Conference of Standards Laboratories International (NCSLI): associate member since 2005. - General Conference on Weights and Measures (CGPM): associate member since May 2009. <p>In August 2009, INDECOPI successfully passed the IAAC evaluation for the QMS MLA renewal.</p>

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		<p>In relation with sanitary and phytosanitary measures, Peru has signed cooperation agreements with 13 countries (Argentina, Bolivia, Brazil, Chile, China, Czech Republic, Ecuador, Israel, Mexico, New Zealand, Paraguay, Poland and Uruguay) and phytosanitary protocols in certain products with 7 countries (Bolivia, Chile, China, Colombia, Ecuador, Mexico and United States).</p> <p>In August 2006 INDECOPI joined the Multilateral Recognition Agreement (MLA) of International American Accreditation Cooperation (IAAC) for accreditation of Quality Management System (QMS) Certification Bodies.</p> <p>In 2009 INDECOPI – Metrology Service signed the CIPM MRA (Mutual Recognition Agreements in capabilities calibrations and measurements).</p> <p>Finally, in 2008 Peru announced its participation in the Part One of APEC Electrical and Electronic Equipment Mutual Recognition Arrangement (EEMRA).</p>	
(3) Efforts to raise transparency and objectivity of standards	In January 1st, 1995, through the Legislative Resolution N° 26407, Peru	<p>General Information</p> <p>Peru's transparency measures related to Standards and Conformance are in compliance with Peru's obligations at</p>	Andean Community Decisions No. 562 and No. 615 established transparency procedures

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	<p>incorporated the Agreement that establishes the World Trade Organization (WTO) and the Multilateral Agreements contained in the Final Act of the Uruguay Round (Dec. 1994). In this sense, Peru implemented its obligations as a Member of the WTO, including its transparency obligations in the Technical Barriers to Trade (TBT) Agreement.</p> <p>At that point, Peru had made known its adherence to the Code of Good Conduct for the development, adoption and application of standards, according to those established in the World Trade Organization's Agreement on Technical Barriers to Trade, which guarantees transparency in this process.</p> <p>Peruvian Standards which are considered recommendable are used by the Ministries in developing their Technical Regulations, in compliance with the WTO's Agreement on</p>	<p>Multilateral, Regional and Bilateral levels.</p> <p>At the Multilateral level, as a member of the WTO, Peru fulfils with the Agreement on Technical Barriers to Trade and the Agreement on Sanitary and Phytosanitary Measures.</p> <p>At Regional level, Peru complies with the Andean Laws, including the Cartagena Agreement, Andean Decisions and General Secretary Resolutions related to TBT and SPS matters.</p> <p>Specifically related to Transparency, there are the following instruments in the Andean Community:</p> <ul style="list-style-type: none"> - Decision 515 – Andean System of Farming Health, issued in 2002, which define the procedures for preparation, adoption and application of SPS measures. - Decision 562 - Directives for the elaboration, adoption and application of technical regulations, issued in 2003, which introduce important measures related transparency like notification and good practices for preparation of technical regulation. - Decision 615 - Information System of Notification and Technical Regulation, issued in 2005, which facilitates the compliance of notification obligation. 	<p>for the process of issuing technical regulations which specify time-frames for publication in the Official Journal, the receipt of comments, publication and entry into force. These Decisions also provide for the issuing of emergency technical regulations, with a shorter time-frame.</p> <p>Supreme Decree No. 149-2005-EF of November 2005 (as amended by Supreme Decree No. 001-2006-EF of January 2006) approved provisions regulating technical barriers to trade for goods and services, including transparency provisions which stipulate that the period between the publication of a technical regulation and its entry into force may not be less than six months.</p> <p>For the purpose of ensuring transparency, the sector that prepares technical regulations must publish them in the Official Gazette, El Peruano, and on the sector's web page for a period of at least 90 calendar days, for the receipt of comments, without prejudice to the notifications required by the WTO, the</p>

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	<p>Technical Obstacles to Trade and Phytosanitary Measures.</p>	<p>Also, Peru has established other national Laws and regulations related to Technical Regulations, Standards and Conformance.</p> <ul style="list-style-type: none"> - Legislative Decree 668 y 682: Measures to ensure free flow of internal and foreign trade (1991) - Law Decree 25629 y 25939: No organization but the Ministry of Economy and Finance can establish measures that restrain the free flow of trade (1992). - Law 27322: Law of Agricultural Health (2000) - Law 27444: General Administrative Procedures Law (2001). - Law 27779: Organic Law that modifies the Organization and Functions of the Ministries in Peru (2002). - Laws 27806 and 27927: Transparency and Access to Public Information Law (2002). - Legislative Decree 1030 – Law of the National Normalization and Accreditation Systems (2008). <p>Procedures for the Elaboration of Technical Regulations and Transparency obligations</p> <p>Various central government Ministries, within their spheres of competence, are responsible for developing technical regulations, while INDECOPI is responsible for developing standards.</p>	<p>Andean Community and the bilateral agreements.</p> <p>About the update of Peruvian technical standards which are more than five years old, INDECOPI is planning to withdrawn or update 2,093 of them, in the period 2010 to 2011. This work will be in charge of the Standardization staff in coordination with the Technical Committees.</p> <p>INDECOPI as National Standard Body is developing the Standardization Plan 2010, this document will be in the web site in the first trimester of 2010.</p>

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		<p>After a Ministry makes publicly available its intention to regulate and develops a proposal of technical regulation, a private-public working group is created. Three main participants of these groups are the MINCETUR, INDECOPI and the Ministry of Economy and Finance.</p> <p>Once prepared the final version of a proposal of technical regulation, it must be published in the Official Journal (El Peruano – www.elperuano.com.pe) and the competent authority must submit that version to MINCETUR for the international notification to WTO, Andean Community and bilateral partners with trade agreements.</p> <p>The period of time for comments is 90 days. A third country may request an extension of the comment period, before the above-mentioned period has expired. Comments received are evaluated by the competent Ministry, which may adopt or reject them.</p> <p>In case of emergency, the publication of the final technical regulation may be made without applying the comment period, whichever notified within 24 hours of publication. The emergency measure will be repealed within a maximum of 12 months, extendable by 6 months.</p>	

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		<p>Moreover, all the technical regulations must be authenticated by the Ministry of Economy and Finance (MEF).</p> <p>The period of time after the publication of the technical regulation and its entry into force should be at least 6 months, in order to provide sufficient time for businesses to accommodate its products.</p> <p>The market surveillance is done by the Ministry that developed the technical regulations.</p> <p>After the measure is implemented, a concern Party can ask Standardization and Non-Tariff Barriers Surveillance Commission of INDECOPI for its revision or, whenever applicable, suspension.</p> <p>Finally, if some Ministry approves a technical regulation that uses or refers to a standard, for reasons of transparency, INDECOPI publishes that standard on its web page.</p> <p>All standards are submitted to a public discussion process (http://www.INDECOPI.gob.pe/destacado-reglamentos-normalizacion-proyNormTec.jsp).</p>	

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		<p>Transparency issues in Bilateral and Regional Negotiations</p> <p>Peru includes WTO plus provisions regarding transparency in its bilateral and regional negotiations. In this sense, transparency obligations are included in its negotiations with MERCOSUR, United States, Chile, Singapore, Canada, Thailand and China. In addition, Peru has included transparency provisions in its negotiations with the European Community, EFTA, Mexico and Korea.</p> <p>Some of the provisions usually included in the negotiations are:</p> <ul style="list-style-type: none"> - The electronic notification at the same time notification is made to the WTO of the proposed technical regulations and conformity assessment procedures; as well as the ones adopted to address urgent problems of safety, health, environmental protection or national security arising or threatening to arise. - The notification of the proposals that are in accordance with relevant international standards and that may have an effect on trade. - The inclusion of a link to or a copy of the complete text of the notified document, and whenever possible 	

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		<p>the complete text in an intermediate language.</p> <ul style="list-style-type: none"> - Allowing a period of time after the notification for comments. - The Publication of the responses to significant comments not later than the date of publication of the final technical regulation or conformity assessment procedure. - The availability of all technical regulations and conformity assessment procedures in an official website. - The notification to the importer of the reasons for the detention of a good in port due to a perceived failure to comply with a technical regulation. <p>Focal Points and Availability of Information</p> <ul style="list-style-type: none"> - The Vice-Ministry of Foreign Trade of the Ministry of Foreign Trade and Tourism is the National Enquiry Point for technical regulation and compulsory conformity assessment and the entity responsible for notifications in the Multilateral, Regional and Bilateral levels. - Standardization and Non-Tariff Barriers Surveillance Commission of INDECOPI is the National Enquiry Point for standards and voluntary conformity assessment. - National Service of Animal and Plant Health 	

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		<p>(SENASA) is the National Enquiry Point for the WTO Agreement on Sanitary and Phytosanitary Measures.</p> <p>In 2008 Peru has developed a website for free public access (www.mincetur.gob.pe/reglamentostecnicos) that compiles all Peruvian technical regulations. Its objective is to serve as a reference to facilitate access to information about current technical regulations and other relevant documents to all interested persons and allow the Peruvian government to fulfil its commitments in this area at multilateral, regional and bilateral levels.</p> <p>Peru also has developed a website which contains Peruvian Catalogue of Standards. This website is administered by INDECOPI (http://www.INDECOPI.gob.pe/0/modulos/JER/JER_Interna.aspx?ARE=0&PFL=14&JER=71).</p> <p>Additionally, as Member of the Andean Community, Peru is part of the Technical Regulations, Notification and Information System - SIRT (www.comunidadandina.org/sirt) which facilitates the compliance of notification obligation of the Andean Countries and the Andean Community.</p>	

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		<p>The system has the objectives of:</p> <ul style="list-style-type: none"> - Alert for exporters and importers. Enabling interested people to receive by e-mail information about the proposals of technical regulations of the Andean countries. - Centralizes all the notifications and the technical regulation and establishing common methodologies for the notification. <p>Finally, INDECOPI has published the Standardization Plan 2009 in its web site, in this place there are the standards in different stage of the standardization process. This Plan has been reported to ISONET: http://www.INDECOPI.gob.pe/ArchivosPortal/destacados/5/2009/1-126/PlanDeNormalizacion.pdf</p>	
6. Customs Procedures			
(1) Adoption of HS2007 nomenclature	Peru had not adopted the Harmonized System completely. There were 212 subheadings of the Harmonized System that Peruvian Tariff Nomenclature did not include.	On April 1 st 2007 the new Tarriff Code entered in force, which includes the Fourth Amendment of the Harmonized System and the Decision 653 of the Andean Community	Peru has adjusted the tariff nomenclature organized in the 10-digit level, according those changes made on the HS.
(2) Conformity with the Revised Kyoto Convention	Peru is a non- signatory country of the Kyoto Convention. Nonetheless, Peruvian Customs Laws are based on its	Even though Peru has not acceded to the Kyoto Convention, Peru and the Member Countries from the Andean Community - by Decision 618 published on	Currently a New Customs Clearance Process, which will be implemented in 2010, is being developing. It covers automatization,

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	principles	<p>25.07.2005 in the Official Gazette of the Andean Community - committed themselves to the progressive adherence to the General Annex of the Kyoto Convention regarding to the common rules on Customs harmonization as proposed by the Andean Community General Secretariat by recommendation of the Customs Matters Andean Committee, and to consider the Specific Annexes of the Convention as a reference for making the Decision on Customs Regime Harmonization, which was approved by Decision 671 published on 16.07.2007 in the Official Gazette.</p> <p>It is worth mentioning the new General Customs Law – Legislative Decree N° 1053, is based on the aforementioned Decision 671.</p>	simplification and expeditious processes of Customs procedures resulting in a reduction of time and cost transaction in goods importation. Also, is important to mention that every Customs regime have been modified following the Kyoto Convention model.
(3) Transparency	<p>El Peruano is the official gazette in Peru where all the Customs legislation is published.</p> <p>In addition, there was an information charter for users as well as module of information.</p>	As provided in Article 9 of the General Customs Law, SUNAT publishes on its website the customs laws and regulations and, to the extent possible, the draft customs procedures and thus gives interested persons an opportunity to make comments.	<p>Publication of Customs regulations is an example of transparency, providing knowledge of the regulations and security and predictability on Customs operations.</p> <p>Publication in advance of Customs regulations is another example of an open and transparent relationship with business, since it provides the opportunity to any interested Party to participate in the development process of a regulation.</p>
(4) Use of information	Ministry of Foreign Trade and Customs	The Port Trade Single Window – Legislative Decree N°	Peruvian single Window is starting operations

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technology and automation (e.g. Single Window, Harmonised Trade Data Elements, Paperless Trading, etc.)	<p>Authority has signed and is negotiating nowadays several Agreements with other Governmental Agencies in order to interconnect their information systems to permit on line exchange of information to simplify and to make clearance of goods as effective as possible.</p> <p>The Government Agencies that signed Agreements are: MINSA (Ministry of Health), MTC (Ministry of Transport and Communications), UIF (Financial Intelligence Unit)</p>	<p>1022 published on June 17, 2008 incorporated some precisions to the Foreign Trade Single Window (VUCE) created in 2006.</p> <p>Ministry of Foreign Trade and the Peruvian Customs are working together on the implementation of the Foreign Trade Single Window. In this context, Government entities that issue permits, licenses or others import or export authorizations will share information, managing the service of electronic payment from one single attention point.</p>	<p>on January 1st 2010.</p> <p>Also, it is important to mention that according Peruvian New Customs Legislation, Customs Declaration is made by Electronic means and electronic forms for Customs procedures have been established. Also, Data on Cargo Manifest is sent by electronics means prior to cargo arrival.</p>
(5) Measures to secure trade (e.g. AEO, etc.)	<p>Peruvian Customs didn't have a comprehensive System for Risk Management. In concurrent control, selection of goods was based on application of determined criteria (prohibited goods, restricted goods or on determined subheading).</p> <p>In respect to selection of enterprises for post control, it was based on some studies on groups of foreign traders hardly controlled by customs</p>	<p>Peruvian Customs has signed the Letter of Intention to the SAFE. Likewise, in compliance with their functions, it is working in several basis established in the before mentioned Framework collected in the national legislation such as:</p> <ul style="list-style-type: none"> - Implementation of the Certified Customs User program: those trade operators that accomplished the established requirements given by the Peruvian Customs administration may get facilities in Customs control and simplification (facilitation in authorization, Customs procedures, administrative 	<p>Risk Module” of NPDA Project (New Customs Clearance Process) will be applied since January 1°, 2010. This module supports all processes (cargo manifest, entry and exit of goods, express courier, non-intrusive control - scanners) and it is built in Java environment with data mining models.</p> <ul style="list-style-type: none"> - Institutional implementation of the methodology of risk management. The first step is the application in the “Enforcement Plan” (PAF) and “Institutional Operating Plan” (POI) 2010.

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	procedures in order to verify the accomplishment of tax obligations.	<p>procedures, etc.).</p> <ul style="list-style-type: none"> - Modelling of “Risk Module” of NPDA Project (New Customs Clearance Process), with three main components: SAM (Model Manager System), SAC (Catalogue Administrator System) and FMV (Multi Variable Filters). - Application of Risk Techniques in electronic regularization of exportations, to select the declaration with documentary control. 	<ul style="list-style-type: none"> - Application of risk analysis techniques in other Customs regimes: inward processing - Application of risk management to select restricted goods due to undergo physical examination through the Foreign Trade Single Window (VUCE).
(6) Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.)	Peruvian Customs had already implemented the advance classification ruling system.	Peruvian Customs Law provides the application of an advance ruling system for goods classification, valuation criterias, origin of goods, tax exempted reimportation of goods.	Advance Ruling procedures will enter in force on February 2010.
7. Intellectual Property (IP)			
(1) Ratification and implementation of the major multilateral agreements relating to IP rights	<ul style="list-style-type: none"> ▪ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) ▪ Bern Convention ▪ Rome Convention ▪ Paris Convention ▪ Paris Convention for the Protection of Industrial Property. 	<ul style="list-style-type: none"> ▪ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) ▪ Bern Convention ▪ Rome Convention ▪ WIPO Treaty on Copyright (WTC) ▪ WIPO Performances and Phonograms Treaty (WPPT) ▪ Paris Convention ▪ Budapest Treaty on the International Recognition of the 	<ul style="list-style-type: none"> ▪ The Rome Convention entries into force in 1985. ▪ The Bern Convention entries into force in 1988. ▪ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1995. ▪ The Paris Convention entries into force in

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		Deposit of Microorganisms for the Purposes of Patent Procedure <ul style="list-style-type: none"> ▪ Patent Cooperation Treaty ▪ Paris Convention for the Protection of Industrial Property ▪ Trademark Law Treaty ▪ Lisbon Agreement for the Protection of Appellations of Origin and their National Registration 	1995. <ul style="list-style-type: none"> ▪ The WIPO Performances and Phonograms Treaty entries into force in 2002. ▪ The WIPO Copyright Treaty entries into force in 2002. ▪ Lisbon Agreement for the Protection of Appellations of Origin and their National Registration entries into force in 2005. ▪ The Patent Cooperation Treaty entries into force in 2009. ▪ Trademark Law Treaty entries into force in 2009. ▪ The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure entries into force in 2009.
(2) Measures to ensure the expeditious granting of IP rights	<ul style="list-style-type: none"> ▪ Registration and infringement procedures were simplified and made more efficient. It was 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 were enough. 	<ul style="list-style-type: none"> ▪ The registry process at the Copyrights Office lasts one day. ▪ Automatization of the patent granting process through a content management platform. The project was initiated in 2008. ▪ The Copyright Office with the Systems Area of INDECOPI jointly designed a virtual registry project to ensure celerity and registry on line. ▪ The Copyright and Trademark Offices have delegated 	<ul style="list-style-type: none"> ▪ In 2000, the Peruvian Copyright Office, Trademarks Office and Patents Office have obtained the ISO 9002 Certification for their registration and infringement procedures, ensuring the quality of their services. ▪ In January and July 2001 and on February and August 2002, the Peruvian Copyright, Trademark and Patent Offices obtained the ISO 9002 Certification Renewal Follow up.

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	<ul style="list-style-type: none"> ▪ To avoid having many cases of registration or infringement open for long time, a system whereby a process could be declared abandoned, has been established, if the requiring Party does not fulfil the formal requirements demanded by authorities within three months. ▪ The Trademarks Office was able to offer searching services regarding previous registered trademarks or applications, in about only 5 to 10 minutes, using a computerized system; and also worked a database to carry out searches for previous applications or registered figurative trademarks. 	<p>different functions to INDECOPI's Decentralized Offices, as inspection (in infringement cases) and the formal exam of trademark applications (through a network system between decentralized offices and the Trademarks Office).</p> <ul style="list-style-type: none"> ▪ The Patent office has increased its operational capacity until concluding 33% more applications in 2008 than those concluded in 2007. In 2009, only 0.01% of the pending applications are out of the legal term. ▪ 50% more patent examiners were hired between 2008 and 2009 by the patent office. In 2010, the patent office will hire 33% more examiners. 	<ul style="list-style-type: none"> ▪ During the year 2001-2002, the Copyright and Trademark Offices delegated different functions to INDECOPI's Decentralized Offices, such as, inspection functions and formal exam of trademark applications. ▪ In 2002, eight (08) INDECOPI Decentralized Offices were opened in the most populous districts of Lima. These Offices provide information to consumers on all matters that INDECOPI' deals with, including intellectual property rights, and receive claims on consumer protection issues. In 2007 there were six Decentralized Offices in Lima. ▪ In April 2002, an Internet service for IP agents was established, by which they can consult their cases and make searches on line. ▪ In July 2003, the Intellectual Property Offices (Trademarks, Patents and Copyright) have obtained certification on ISO 9001: 2000. ▪ INDECOPI has opened 10 decentralized offices across the country since 1998. These offices: give information regarding INDECOPI's functions, receive applications

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			and claims on different intellectual property rights, and they provide trademarks search services. Together, all these functions reduce transaction costs for users of the services and speed up procedures.
(3) Measures to provide for the effective enforcement of IP rights	<ul style="list-style-type: none"> ▪ 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. ▪ Actions on administrative way: Actions for infringements of industrial property rights and also against any persons performing acts that are extremely likely to result in the infringement of that right. These actions can be initiated ex officio <p>Infringement actions shall be statute-barred after two years counted from the date on which the infringing act or circumstance ceased.</p>	<ul style="list-style-type: none"> ▪ In June 2008m it was approved Legislative Decree 1092, related to border measures for trademarks and copyrights. In 2009, the regulation of such Legislative Decree Supreme Decree 003-2009-EF. Among others they establish ex officio application of border measures, voluntary registration of IP rightholders and procedures for better implementation of that law- ▪ It, Law 29316, incorporates various provisions to implement the Trade Promotion Agreement signed between Peru and the United States of America. This Law includes new types of crimes to punish those who manufacture assemble, import, export, sell, rent or distribute devices or tangible or intangible systems whose main function is to assist in decoding a signal encrypted program-carrying satellite, without the legal distributor of that signal, provide for a penalty of not less than four years nor more than eight years. <p>It also punishes the distribution of program-carrying signals originally encoded in the knowledge that was</p>	<ul style="list-style-type: none"> ▪ In 2001 INDECOPI participated in a public-private initiative to fight piracy: Contracopia. It implemented an on line device for the general public to give information which lead to enforcement of IP Rights. This Association also participated in campaigns for the legal use of software. ▪ In 2002, the Trademarks Office designed a prosecution plan against piracy. ▪ On August 10th 2002, the Law for the Protection of Traditional Knowledge was published. According to this Law, indigenous people have the faculty to safeguard their traditional knowledge and to claim the benefits derivate from the use of such knowledge. By mandate of this Law, a registry of traditional knowledge will be kept by the Patent Office. ▪ In August 2002, INDECOPI signed an Inter-institutional Agreement with the

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	<p>Penalties: Warning and fine. The fines that the national competent authority may establish for infringements of industrial property rights shall be in an amount not exceeding 150 UIT (tax units).</p>	<p>decoded without the authorization of legal distributor of the signal. It also punishes the circumvention of effective technological measure; marketing manufacturing, distribution, storage, transportation for commercial, non-authentic labels or sleeves attached to a phonogram or a copy of a computer program or of a film. Amending Articles 30 and 47 of Decree Law 822 - Copyright Law "in the transmission or retransmission of broadcasts.</p> <ul style="list-style-type: none"> ▪ Legislative Decree 1076, incorporate to Peruvian domestic legislation provisions to facilitate the application of the WCT and WPPT ▪ Creation of a four-member chamber, within the administrative instance (INDECOPI) for deciding on contentious cases of patent, trademarks and copyrights, as infringement actions, nullities and opposition procedures. ▪ The Patent Cooperation Treaty was implemented in INDECOPI with cooperation of WIPO and USAID. Several workshops and study visits were organized, establishing a successful benchmarking with patent offices where the PCT had been implemented. INPI from Brazil, IMPI from Mexico, SIC from Colombia, OEPM from Spain. Also, WIPO headquarters were visited for trainingship. 	<p>Internal Affairs Ministry. Some cooperative actions provided in light of this Agreement, were: greater support from the police for inspections and seizures in the fight against piracy, training the police from the Intellectual Property Division, regarding IPR and setting up a contest amongst police stations in Lima, with the goal of diminishing and eliminating the sale of pirate products in the streets.</p> <ul style="list-style-type: none"> ▪ In 2003, the Public Ministry installed a Public Prosecutor Office Specialized on Intellectual Property Issues. ▪ In 2004, Peru has developed the IP legislation, related to strengthening IP criminal sanctions. Minimum of criminal offences sanctions are four years, fostering judges to impose imprisonment to copyright offenders (Law 28289). <p>Also, this same law included provisions on customs procedures in order to create a specific registry for optical disks import and other raw material, and to ease supervision and enforcement.</p>

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		<p>In 2009, 6 international applications have been presented to the Patent Office.</p>	<p>Furthermore, Title VII of the Penal Code increased the penalties for intellectual property rights infringement. In fact, the penalties for infringements related to IPR issues are now as follows:</p> <ul style="list-style-type: none"> - Copyrights, imprisonment from 2 to 6 years, and in aggravated cases, from 4 to 8 years. - Patents, imprisonment from 2 to 5 years. - Trademarks, imprisonment from 2 to 5 years. <p>▪ Since 2002, the Anti piracy Crusade, led by the Copyright Office, has the support of the public and private sectors - the last ones conformed by the audiovisual industry - and has the responsibility to restraint offences or infringement acts against copyright. The Anti piracy Crusade, among its different actions, has created the “Movie Day” which takes place in November of each year. In this date, anyone can access to watch films in all movie theatres in Peru, paying a symbolic price.</p> <p>The Copyright Office handles other awareness events such as the “National</p>

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			<p>Music Day”, the “Intellectual Property Week”, which includes the “Book Day” on April 23, and the “Copyright Day” (on April 26). These activities promote the acquisition of original music CD’s and books.</p> <ul style="list-style-type: none"> ▪ In May 2004, the National Commission for Access Protection to Peruvian Biological Diversity and related Traditional Knowledge of Indigenous People was created by Law 28216. Its main purpose is to fight against bio piracy of Peruvian biological resources and traditional knowledge of indigenous people. ▪ In July 2005, the IP legislation (Law 28571) for IP administrative sanctions was modified, raising the maximum fine sanction for administrative offences from 150 U.I.T (tax units), to 180 U.IT. (1 UIT is approximately US\$ 1,000) ▪ In addition to Pisco, two new geographical indications were recognized in 2005 and 2006, respectively: Maiz Blanco Gigante Cusco (which is a special corn produced in Cusco) and Chulucanas (pottery elaborated in the locality of the same name, in the

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			<p>Peruvian north). In 2007, was recognized as Geographical Indication “Pallar de Ica”, a sort of bean produced in Ica, Peru in the Peruvian central coast.</p> <p>Peru has achieved the recognition of “Pisco” in 24 countries through the Lisbon Agreement. At the date, Peru got protection for all of their appellations of origin through the Lisbon Agreement.</p> <ul style="list-style-type: none"> ▪ The Traditional Knowledge web site (http://www.INDECOPI.gob.pe/portalc_tpi) launched in 2005 was updated with more information related to traditional knowledge on the public domain: more than 100 new registers were added in 2006, completing 220 registers in total. ▪ In June 2006, INDECOPI organized the 1st Indigenous Facilitator’s Formation Workshop. The objective of this workshop was to acknowledge some members of indigenous people in the content of the Law 27811, related to the protection of traditional knowledge of these communities. ▪ In November 2006, four supra regional

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			<p>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. However, due to budgetary restrictions they were closed, but at the moment authorities are making efforts to re open those courts.</p> <ul style="list-style-type: none"> ▪ In 2007, INDECOPI participate in the elaboration of Andean Community guidelines on border measures.
(4) Measures to harmonise IP rights systems in the APEC region	<p>Peru has been a full member of APEC since 1998. Its participation began when Malaysia hosted the forum's summit in Kuala Lumpur.</p> <p>The admission of Peru into APEC was a result of the coordinated efforts of representatives of the government and the business and academic communities. Peru developed a strategy that, together with visits of high-level public officials to the various Asia- Pacific economies, gained the support of the members in order to achieve this end.</p> <p>As a result of APEC membership, the</p>	<ul style="list-style-type: none"> ▪ Peru was designated to lead the topic of protection of traditional knowledge within the Intellectual Property Expert Group (IPEG) of APEC, 	<ul style="list-style-type: none"> ▪ On 13-14 August, 2008, Peru organized the Seminar on Raising Awareness on Traditional knowledge related to Biodiversity within the Intellectual Property Expert Group (IPEG) of APEC activities. <p>The seminar included discussions on existing institutional and legal frameworks, and on other in-progress systems intended to regulate access to genetic resources and to preserve and protect traditional knowledge, seeking to share experiences and different points of view among APEC member economies. Furthermore, the purpose was to</p>

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	<p>commercial exchange with member economies has increased over time, and represents an important percentage of Peru's total trade.</p> <p>In that sense, APEC is linked to Peru in 1996, through international agencies such as: OMPI, USPTO, KOICA and JICA (Official travels on Intellectual Property made by INDECOPI's officials with cooperation).</p>		<p>provide policy insights on this topic and to promote further debate, which could result in including issues related to access to genetic resources and protection of traditional knowledge in the IPEG agenda.</p> <ul style="list-style-type: none"> ▪ In 2008, Peru made a survey on Access to Genetic Resources and Protection of related Traditional Knowledge in APEC Economies for compiling information about the existing national frameworks, regulations, practices or experiences related to protection of TK and access to GR among APEC economies.
(5) Public education about IP	<ul style="list-style-type: none"> ▪ INDECOPI developed a successful program for the training of professionals, business people, public authorities and general public in order to keep them informed about procedures to protect and recognise intellectual property rights. ▪ A special training program called INDECOPI Educa was expected to have a multiple effect in society. This and similar initiatives will be maintained and promoted for their positive educational and informational 	<ul style="list-style-type: none"> ▪ INDECOPI collaborates with public or private institutions or agencies in order to promote IP rights through workshops, seminars, conferences, radio or TV programs. ▪ INDECOPI develops awareness campaigns at various levels of education sector, both elementary, secondary to university level. ▪ 50 biotech researchers were trained on patent drafting in 2009 	<ul style="list-style-type: none"> ▪ As result of the program "INDECOPI Educa" more than 40,000 teachers were trained across the country. ▪ In 2002, INDECOPI developed the program "INDECOPI Empresa", a training program focused on small and medium enterprises to enhance their competitiveness, in a fair and honest competition framework and IP respect. ▪ In 2002, INDECOPI started a "Cruzada de la Calidad" (Quality Crusade), a campaign for quality and competitiveness in benefit of

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	<p>content. Up to 1998, 6490 teachers were trained through this program.</p> <ul style="list-style-type: none"> ▪ INDECOPI promoted the training of its staff, through the participation in sponsored activities inside the country or abroad. ▪ In 1996, INDECOPI stated to organize the National Inventions Contest to promote innovation, Peruvian creativity and protection of intellectual property. 		<p>consumers and small and medium enterprises.</p> <ul style="list-style-type: none"> ▪ In 2002 and 2003, INDECOPI developed the Seminar “Towards a Market Competitive Entrepreneurial Culture”. More than 1,000 small and medium enterprises have been trained through these Seminars. ▪ On April 2006, INDECOPI celebrated the "Intellectual Property Week". The main objective of this event was to increase awareness of IP Rights and to enhance its importance, creating consciousness in consumers regarding infringement of IPRs and how this affects not only consumers themselves, but also firms and the country's economy. During this celebration, thousands of pirate CDs and videos were publicly destroyed. ▪ In 2007, several communities were visited, and more than 1200 people were trained on traditional knowledge issues: what is subject to registration? When and how can traditional knowledge be registered before INDECOPI? <p>Several promotional materials were</p>

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			<p>produced and distributed among stakeholders, including comics, audio material for radio broadcasting and guidelines for protecting traditional knowledge. As first results, in 2006 two traditional knowledge applications were presented by indigenous peoples and registered by the Office of Inventions and New Technologies, and other twenty five applications were presented in 2007.</p> <ul style="list-style-type: none"> ▪ In 2008, a workshop for training patent examiners was organized with cooperation of INPI from Brazil and WIPO. Patent examiners from 16 Latin-American countries attended the event. ▪ 100% more users were trained on patent searches between 2006 and 2007, and 50% more users were trained on the same, between 2007 and 2008. ▪ 200% more users were trained on patent general issues between 2006 and 2007. ▪ Since 1996, INDECOPI has organized different workshops related to patents, technology transfer, traditional knowledge, varieties of plants, trademarks, copyright, among others.

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			<ul style="list-style-type: none"> ▪ Through an Agreement between INDECOPI and WIPO, comics have been developed on trademarks, copyrights and patents. These comics have been translated to several languages and are distributed worldwide. ▪ INDECOPI, with WIPO's cooperation, has implemented projects to identify potential patent applications in national SME's and other beneficiaries. These projects included a training phase performed by INDECOPI staff, and a consultancy hired with WIPO funds to both identify innovations and support the technical document elaboration to be presented as a part of the patent application procedure.
(6) International cooperation on IP rights	<ul style="list-style-type: none"> ▪ INDECOPI had a Technical Cooperation Management in charge of cooperation issues. 	<ul style="list-style-type: none"> ▪ INDECOPI has a Technical Cooperation Area in charge of cooperation issues. ▪ INDECOPI's Intellectual Property Offices have implemented some of the recommendations made by KIPO's experts for the automatization of their registering system. In addition, INDECOPI is looking for cooperation in order to achieve a major achievement of the automatization of its Intellectual Property offices systems, related to registering, processing, searching, storing, publishing and disseminating of applications 	<ul style="list-style-type: none"> ▪ The Technical Cooperation Management was created in 1992 by Law Decree 25868. ▪ From November 6 – December 1, 2000, INDECOPI participated in the 5th APEC/PFP Course on Management of Industrial Property Rights for APEC Government Officials, held in Thailand. ▪ From February 25th to March 3rd, 2002, INDECOPI participated in the APEC IP Experts Capacity Building Program for

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		<p>and documents.</p> <p>On the other hand, Peru is seeking cooperation in the following topics:</p> <ul style="list-style-type: none"> -Traditional knowledge/Genetic Resources. -Geographical Indications. -Protection on Folklore expressions. 	<p>TRIPS Implementation, held in Hong Kong China.</p> <ul style="list-style-type: none"> ▪ From April 13th to April 26th, 2002, INDECOPI participated in the Follow-up Workshop on Intellectual Property System, held in Daejeon, Korea. ▪ From 22 to 23 April 2004, INDECOPI participated in the Seminar on Patent Protection & Drugs Access, which was held in Beijing, China. ▪ From 11 to 14 May 2004, INDECOPI participated in the APEC Training Course on IPR Enforcement for Developing APEC Members Economies, which was held in Hanoi, Vietnam. <p>From 23 to 24 February 2006, INDECOPI participated in the APEC Workshop on IP for SME's and Micro enterprises, which was held in Hanoi, Vietnam.</p> <ul style="list-style-type: none"> ▪ Peru has signed cooperation agreements with WIPO, USAID and Swiss Agency for Development and Cooperation (SDC) in order to develop capacity building activities on IP issues.
(7) Measures to promote transparency of IP	(ア) It was in effect the TUO (Texto Único Ordenado) of the General	<ul style="list-style-type: none"> ▪ INDECOPI publishes in its website the laws and regulations related to intellectual property matters 	<ul style="list-style-type: none"> ▪ In 1998, it was launched the INDECOPI's web site. Since 2000, it is possible to have

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rights requirement (for example, the APEC Leaders' Transparency Standards)	Standards Act on Administrative Procedures which included a chapter on information and documentation (Decree Supreme 002-94-JUS).	<p>http://www.INDECOPI.gob.pe/quienessomos-legislacion.jsp</p> <ul style="list-style-type: none"> ▪ INDECOPI's Administrative Procedures Rules contain the instructions for the registry of intellectual property rights, which is published in INDECOPI's web site: http://www.INDECOPI.gob.pe/quienessomos-legislacion.jsp ▪ The Resolutions emitted by the Office and the Appeal Chamber are properly sustain. http://www.INDECOPI.gob.pe/destacado-propInte-oficinas-SPI-jurisLineam.jsp ▪ All resolutions are properly notified to the Parties and that they have access to INDECOPI's jurisprudence. ▪ The norms are pre-published at INDECOPI's web site 15 days before they are finally published, in order to receive comments. ▪ The enforcement of Intellectual Property norms is constantly reviewed. For example, the penalties for the intellectual property infringements were increased from 4 years of imprisonment in 2002 to 8 in 2004 (Law N° 28289) ▪ INDECOPI publishes in its web site all improvements and measures taken on intellectual property matters. In the same way, the institution has a Press Office that keeps informed the general public of all efforts made to protect intellectual property rights. 	<p>services on line.</p> <ul style="list-style-type: none"> ▪ The intellectual property service has proceeding rules established in the Legislative Decree 807, Law about Faculties, Norms and Organisation of INDECOPI http://www.INDECOPI.gob.pe/quienessomos-legislacion.jsp ▪ In 2002, the Law of Transparency and Access to Public Information was approved by Law N° 27806.

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		<ul style="list-style-type: none"> ▪ INDECOPI has implemented a quality management system with the purpose of achieving client satisfaction or users through continuous of services provided. 	
8. Competition Policy			
(1) Development of competition laws and establishment of competition authority	<p>Competition Law</p> <p>Legislative Decree 701 (enacted in 1991) looked for the elimination of monopolistic practices, controls, and restraints on free competition in the production and marketing of goods and the provision of services, so that free private enterprise can flourish for the greatest benefit of users and consumers. (Article 1).</p> <p>Additionally, Law 26876 Antimonopoly and Antioligopoly Law of the Electricity Sector.</p>	<p>Competition Law</p> <p>Legislative Decree 1034 (enacted in 2008), Law for Repression of Anticompetitive Conducts (hereinafter LARC) promotes the economic efficiency in the market for consumer welfare by prohibiting and sanctioning anticompetitive conducts (Article 1).</p> <p>Additionally, Law 26876 Antimonopoly and Antioligopoly Law of the Electricity Sector.</p>	<p>Progress</p> <p>After more than 15 years of application of Legislative Decree 701, on June 24th, 2008, the LARC was enacted, and Legislative Decree 701 was repealed.</p> <p>This new competition law provides a clearer and stronger framework for the enforcement of competition.</p> <p>By virtue of LRAC, anticompetitive conducts are prohibited and sanctioned in order to promote the economic efficiency in the market for consumer welfare.</p> <p>Anticompetitive conducts under LRAC are:</p> <ul style="list-style-type: none"> - Abuse of a dominant position (article 10) - Horizontal (article 11) and vertical (article 12) collusive practices.

	<p style="text-align: center;">Status in 1996</p>	<p style="text-align: center;">Status in 2009</p>	<p style="text-align: center;">Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices</p>
	<p style="text-align: center;">Competition Authority</p> <p>The Free Competition Commission of Peru's National Institute for the Defense of Competition and Protection of Intellectual Property – INDECOPI, established in 1992, is in charge of enforcing the Peruvian Competition Law and Law 26876.</p> <p>However, OSIPTEL, the National Telecommunication Regulatory Agency, is in charge the enforcement of the Competition Law (Legislative Decree 701) against any conflict related to anticompetitive conducts affecting the market of public services in the</p>	<p style="text-align: center;">Competition Authority</p> <p>The Defence of Free Competition Commission of Peru's National Institute for the Defense of Competition and Protection of Intellectual Property – INDECOPI, established in 1992, is in charge of enforcing the Peruvian Competition Law and Law 26876.</p> <p>However, according to article 17 of LRAC, OSIPTEL is the body in charge of enforcing the Competition Law (Legislative Decree 1034) against any conflict related to anticompetitive conducts affecting the market of public services in the Telecommunication sector.</p>	<p>Additionally, the Antimonopoly and Antioligopoly Law of Electricity Sector – Law 26876 –, establishes an <i>ex-ante</i> evaluation of mergers in the electricity sector which is the only economic activity under such a control.</p>

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	Telecommunication sector.	<p>Guidelines and other regulations related to competition:</p> <p>Supreme Decree N° 020-98-MTC. Guidelines for the opening of the telecommunications market (1998).</p> <p>Resolution of the Board N° 003-2000-CD-OSIPTTEL. General Guidelines for the enforcement of competition legislation in the telecommunication sector. (2000) Law 28295, Law that regulates the access and shared use of public infrastructure for the provision of public telecommunication services. (2004).</p> <p>Law N° 28999, “Law on Number Portability in Mobile Services” (2007).</p>	<p>OSIPTTEL has issued guidelines that complement the Competition Legislation.</p> <p>Guidelines for the opening of the telecommunications market strengthen policies for the development of the sector in an environment of free competition.</p> <p>The guidelines for the enforcement of competition legislation in the telecommunication sector seek to direct OSIPTTEL’s work in order to fulfil its mandate for the protection of competition in this sector.</p> <p>The legislation that regulates access and sharing of infrastructure for the provision of public telecommunications services, seeks the promotion of market competition through the efficient use of infrastructure.</p> <p>Number portability is the ability of a</p>

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			<p>consumer to maintain the same mobile telephone number when changing service providers.</p> <p>The main objective of rules on number portability is to promote competition between mobile operators and do it more equitable. In this sense, these rules aim to remove barriers to exit for generating operators to develop aggressive strategies to keep their users by improving the tariff rates and optimizing the mobile numeration system.</p> <p>Additionally, numerical portability has had a considerable impact on telephone operators since it has repercussions in the systems, networks, services, business processes and logistics, in the sales and distribution channels and even in the very organizational structures of the operator. In this sense, rules on number portability will enable OSIPTEL be prepared for a scenario in which development anticompetitive practices is likely.</p>
(2) Consistency with APEC Principles to Enhance Competition	The Peruvian competition policy is consistent to all APEC Principles to Enhance Competition Policy and	The Peruvian competition policy is consistent to all APEC Principles to Enhance Competition Policy and Regulatory Reform.	In 2008, the Government enacted the Legislative Decree 1034, which introduced changes that are in line with APEC Principles

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Policy and Deregulation and efforts to become consistent with the Principles	Regulatory Reform.		<p>to enhance competition and regulatory reform.</p> <p>The new Competition Law, that forbids and sanctions anticompetitive conducts, aims to strengthen significantly the regulatory framework for the protection of competition, with a view to promote the economic efficiency in markets, boost the economic competitiveness of the country and enhance the consumer welfare, establishing a proper environment for its investments.</p> <p>In particular, the LRAC is applicable to all natural or juridical person; irregular corporations; autonomous patrimonies; or any other entities of public or private law, state ownership or not, with or without profit purposes; which supply or demand goods or services. It also applies to persons who execute the direction, management and representation of the entity, if they participate in planning and/or performing the anticompetitive conduct (article 2)</p> <p>The competition law is applicable to all economic activities including goods and</p>

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			<p>services.</p> <p>Competition Legislation, regulations, and procedures are published in the national gazette and made publicly available through the website of the competition authorities.</p> <p>The Free Competition Commission of INDECOPI is the agency with technical and functional autonomy in charge of enforcing the LRAC and Law 26876. In the case of telecommunication sector, OSIPTEL is the agency in charge of enforcing the LRAC. Both are autonomous bodies.</p> <p>The Competition Law grants the Technical Secretariat of the Free Competition Commission the power to carry investigations of anticompetitive conducts. The new law has established clear powers to request information, dawn raids and also decide to initiate a procedure against an anticompetitive conduct. On the other hand, the Free Competition Commission has the power to decide if the conduct must be punished. This new regulation is in line with the principle of</p>

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			accountability which requires clear responsibility to domestic administrations for the implementation of the Competition Law.
(3) International cooperation on Competition law/policy	<ul style="list-style-type: none"> Since 1996 the OECD has been in active co-operation with the Latina American countries in promoting the development of competition policy in the region. In 1999, OECD organized a case study seminar in Peru. Additionally, INDECOPI received cooperation from international organizations such as WTO, World Bank, Organization of American States, Latin American Association for Integration, and other cooperation agencies like JICA and USTDA for participating in seminars and other international competition events. 	<p>Peru is member of the Iberoamerican Competition Forum; which promotes cooperation on competition issues among Iberoamerican countries.</p> <p>Peru is also member of the International Competition Network (ICN), and it also participates in many of its most important subgroups.</p> <p>Also, Peru is beneficiary of the COMPAL Programme, which is a Technical Assistance Programme on Competition and Consumer Protection Policies for Latin America supported by SECO (Switzerland).</p> <p>Peru is a member of the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) and participates in the activities carried out by this organization regarding competition policy.</p> <p>Peru has participated in the “OECD Global Forum on Competition” and the “OECD Global Forum on Trade and Competition”.</p>	<p>Peru seeks for cooperation arrangements with other economies with the aim to promote cooperation with other competition agencies, including through the negotiation of competition chapters in FTAs. This activity will enforce the capacities of the officials and will help the competition authority in investigations of competition-related proceedings.</p> <p>The competition related provisions included in Free Trade Agreements include cooperation mechanisms between competition authorities of the Parties.</p>

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		<p>Recently, Peru has included competition policy chapters in its Free Trade Agreements with Chile, Singapore, US and Canada, which entered into force in 2009.</p> <p>Additionally, Peru is negotiating competition policy chapters in its FTAs with Korea, Japan, EFTA, and EU.</p>	
9. Government Procurement			
(1) Increasing transparency of laws, regulations, bidding system, and how to determine bidding qualifications and bid winners	<p>Before year 1998, Peru`s procurement system was characterized by a legal and institutional dispersion as well as a great range of discretionality specially in the case of the procurement officials responsible of carrying out tendering procedures.</p> <p>Since year 1998, Procurement Law N° 26850 established <i>transparency</i> as one of the most important principles in the Peruvian procurement system. To that respect, all procurement information related to laws, regulations as well as every single stage in a tendering</p>	<p>New Procurement Law, Legislative Decree N° 1017, and its regulation, Supreme Decree 184-2008-EF, in force since February 2009, reaffirmed the importance of <i>transparency</i> as one of the top procurement principles in Peru`s system.</p> <p>According to the procurement law, all procuring entities must publish complete tendering information in Peru`s Electronic Procurement System (SEACE / www.seace.gob.pe). This electronic platform constitutes the only official single point of access for all procurement information in Peru, containing topics such as: legislation, notices of intended procurement, tender documentation, including technical specifications and evaluation criteria, awarding of contracts, annual procurement plans, business opportunities and statistic</p>	<p>Peru has implemented the necessary legal framework through Legislative Decree N° 1017 in order to fulfill international obligations on Government Procurement related to <i>transparency</i> such as those contained in the Free Trade Agreements (FTAs) with United States, Canada and Singapore that entered into force during year 2009. To that respect, Peru`s Supervisory Organ on Public Procurement (OSCE) is taking significant steps in order to publish main procurement information in English language progressively by electronic means.</p>

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	<p>procedure (including the award of contracts) were promptly published or made available to participating suppliers.</p> <p>According to the procurement law, conditions for participation and evaluation criteria required to participate in a tendering procedure had to be essential to ensure that a supplier had the legal and financial capacities and the commercial and technical abilities to undertake the relevant procurement.</p>	information, all free of charge.	
(2) Restrictions on foreign goods, services or suppliers, or preferences to domestic suppliers	Some	None	Since May 2009, procuring entities do not grant any preference to domestic goods or services.
(3) Reciprocity requirements in providing access to government procurement markets	Not existing	Not existing	Peru is an open market where foreign suppliers may bid in a tendering procedure on the same conditions as domestic suppliers in all stages of procurement.
(4) Consistency with the	Some	Most	Legislative Decree N° 1017 consecrates the

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APEC Non-binding Principles on Government Procurement			APEC Non-Binding Principles on Government Procurement and includes new principles such as the promotion of human development and sustainable environment.
(5) Introduction of electronic means for government procurement	Not introduced	Introduced.	According to the procurement law, all procuring entities must publish complete tendering information in Peru's Electronic Procurement System (SEACE / www.seace.gob.pe). This electronic platform constitutes the only official single point of access for all procurement information in Peru, containing topics such as: legislation, notices of intended procurement, tender documentation, including technical specifications and evaluation criteria, awarding of contracts, annual procurement plans, business opportunities and statistic information, all free of charge.
10. Deregulation/ Regulatory Reform			
(1) Reviews of existing regulations	All	All	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

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			<p>complementary mechanisms have the main objective to reduce administrative burdens and introduce transparency and quality control at the stage of regulatory design.</p> <p>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 Standardization and Non-tariff Barriers Surveillance Commission (CNB) (Former Technical and Commercial Regulations Commission) and the Elimination of Bureaucratic Barriers Commission (CEB)³ (Former Market Access Commission). The first one is in charge of supervising non-tariff measures established, while the second one deals with illegal and irrational bureaucratic barriers imposed by public institutions that limit or restrict the access or permanence of economic agents in a determined market.</p> <p>In this line, the Government drafted the Law 27658, published on January 30th, 2002,</p>

³ In August, 2008, Legislative Decree N° 1033 modified the name of the Market Access Commission into the Elimination of Bureaucratic Barriers Commission.

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			<p>which established the principles and legal framework for the modernization of the State.</p> <p>Additionally, with the purpose to consolidate the transparency system on government action, the Peruvian Government enacted the following laws :</p> <ul style="list-style-type: none"> • In April 2001, the 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. • In 2002, Law 27806 "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. • Law 28335, published on August 16th, 2004, established the creation of the

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			<p>Index of Bureaucratic Barriers to 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> <ul style="list-style-type: none"> • In February 2007, Law 28976 “Operation License Law” was enacted. The purpose of this law was to establish the general rules and regulations applied to the operation license procedure. • In July 2007, Law 29060 “Administrative Silence Law” was enacted. The purpose of this law was to determine the procedures that are subject to positive and negative administrative silence. • In 2008, the government of Peru (with the cooperation of the Inter-American Bank)

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			<p>started a program to improve the quality of norms through the elaboration of regulatory impact assessments). This program was implemented with the participation of the Ministry of Economy and Finance, Ministry of Labour and Social Promotion, Ministry of Production, and the Ministry of Energy and Mines.</p> <ul style="list-style-type: none"> • In 2009, Peru launched a program to improve the business environment. The objective of this program is to reduce time and costs of a range of procedures (public registry, starting a business, construction licence, tax payment, trade facilitation and closing a business). • In 2009, The Ministry of Economy and Finance and the Public Administration Department within the Council of Ministers is working in a National Policy regarding Administrative Simplification. • Finally, in 2009, the Congress is promoting a project to review regulations (including laws, decrees and other

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			legislation) in order to eliminate those which are not longer valid under the legal system.
(2) Reviews of new or proposed regulations	None	Some	<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>In 2005, the Peruvian Government launched a Regulatory Quality Program, whose main objective is to implement ex-ante quality control mechanism in all government agencies.</p> <p>This program includes 3 stages: (1) implementation in some Ministries, (2) implementation in all Ministries, and (3) review of main regulations produced.</p> <p>The “ex-ante” quality control mechanism has been implemented by some Ministries since 2005. This mechanism is related to the design</p>

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			<p>and early transparency mechanisms of regulations and has the objective to control the quality of new regulations.</p> <ul style="list-style-type: none"> • 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”. • In the same year, the Ministry of Economy enacted the Decree 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. • Additionally, Ministry of Health

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			<p>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.</p> <ul style="list-style-type: none"> 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).
(3) Consistency with APEC Principles to Enhance Competition and Regulatory Reform	Some	Most	<p>Peru puts in practice most of the APEC Principles to Enhance Competition Policy and Deregulation.</p> <p>There are <i>ex post</i> mechanisms to control and eliminate unnecessary administrative rules and procedures. This can be achieved by the action of the Commission of Elimination of Bureaucratic Barriers of INDECOPI, a functional and technical body in charge of solving the claims filed by economic agents against regulatory</p>

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			<p>measures that illegally or irrationally restrict market access or difficult their subsistence. The role of competition advocacy, although not binding, might also facilitate the consecution of this goal.</p> <p>Additionally, the Regulatory Quality Program launched by the government to implement ex-ante quality control mechanism in all government agencies will allow for a better regulatory system.</p>
(4) Improving transparency in regulatory regimes	<ul style="list-style-type: none"> In 1996, the Peruvian Government gave the mandate to the Ministry of Justice to create a data base of all legislation promulgated by the Executive and Legislative branches (Law 26633). This law established that all citizens would have free access to this data base. 	<ul style="list-style-type: none"> 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. Law 27658 which established the principles and legal framework for the modernization of the State. 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. Complementary to Law 27806, the Administration 	

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		<p>enacted Decree Supreme N° 072 -2003- PCM, which established the procedures to access information related to public affairs, like public finance.</p> <ul style="list-style-type: none"> • In 2003 Ministry of Justice incorporated the data base called “Sistema Peruano de Información Jurídica” to the legal body. (Decree Supreme N° 001-2003-JUS). • In August 2004, Law 28335 reinforced the Elimination of Bureaucratic Barriers Commission (Former Market Access Commission) 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. • In 2005, The Peruvian Government established that all regulatory agencies must implement transparency measures, and disclosure mechanisms with Decree Supreme N° 042-2005-PCM. • 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). • In the same year, Ministry of Health implemented a transparency and quality mechanism for all health 	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>regulations that it will implement. (Ministerial Resolution N° 826-2005-MINSA).</p> <ul style="list-style-type: none"> 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. 	
11. WTO Obligation/ Rules of Origin			
(1) WTO/UR Agreements not yet fully implemented	<p>Peru ratified the Marrakech Agreement establishing the World Trade Organization (WTO) on December 18th 1994, by Legislative Resolution 26407. In 1995, it became an original member of the WTO.</p> <p>Since then, Peru has fully implemented its obligations under the Agreements of Annex 1A, 1B and 1C of the WTO Agreement. WTO agreements are ranked as law in Peru's legislation and may be invoked in national courts.</p> <p>Moreover, Peru has enacted or amended</p>	<p>Peru ratified the Marrakech Agreement establishing the World Trade Organization (WTO) on December 18th 1994, by Legislative Resolution 26407. In 1995, it became an original member of the WTO.</p> <p>Since then, Peru has fully implemented its obligations under the Agreements of Annex 1A, 1B and 1C of the WTO Agreement. WTO agreements are ranked as law in Peru's legislation and may be invoked in national courts.</p> <p>Moreover, Peru has enacted or amended some domestic</p>	<p>Peru has a firm commitment with the Multilateral Trading System, which is reflected in its active participation both in the technical committees responsible for overseeing and supervising the implementation of the Uruguay Round agreements and in the Doha Development Round negotiations.</p> <p>Peru participates actively in the WTO Committee on Sanitary and Phytosanitary Measures, on Technical Barriers to Trade, on Antidumping Practices and on Import Licenses, among others, where there have been far-reaching discussions on matters of relevance to Peru's exports.</p>

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	<p>some domestic regulations in order to harmonize them with international obligations and thus facilitate their application.</p> <p>The Andean Decision 351 (Copyrights and related rights) was enacted in 1993. This Decision incorporates substantive Intellectual Property law and enforcement issues included in the TRIPS Agreement.</p> <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>regulations in order to harmonize them with international obligations and thus facilitate their application.</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>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>In 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 demonstrating that Peru's legislation is in compliance with the TRIPS Agreement.</p> <p>The Customs valuation Agreement was fully implemented by April 1st 2000 because Peru received a</p>	<p>Peru has made various contributions to the work of the WTO within the framework of the Doha Work Programme. Peru's proposals relate to agriculture; intellectual property/biodiversity and traditional knowledge; trade facilitation; and rules, including fishery subsidies, among others.</p> <p>Peru has positively capitalized on the advantages afforded to a developing country by the WTO Dispute Settlement System.</p> <p>Peru collaborated with the WTO and the IADB in the organization of a high-level dialogue entitled "Mobilizing Aid for Trade: Focus Latin America and the Caribbean", which took place in Lima, Peru, in 13-14 September 2007. Peru participated actively in 2009 in the activities under the Aid for Trade Initiative: National Dialogue on Aid for Trade for Peru (Lima, Peru, 3 March 2009), Second Regional Aid for Trade (AfT) Review for Latin America and the Caribbean (Montego Bay, Jamaica, 7 and 8 May 2009) and Second Global Review of Aid for Trade (Geneva, Switzerland, 6 and 7</p>

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	<p>Peru is not a Party of Plurilateral Agreements.</p> <p>In 1994, Peru's trade and related policies were examined and evaluated under the Trade Policy Review Mechanism.</p>	<p>one-year waiver requested within the framework of this Agreement.</p> <p>Peru is not a Party of Plurilateral Agreements.</p> <p>Since 2001, Peru is actively participating in the Doha Development Agenda within the Ministerial Mandate.</p> <p>In 1994, 2000 and 2007, Peru's trade and related policies were examined and evaluated under the Trade Policy Review Mechanism.</p> <p>Peru continues to meet its WTO notification requirements</p>	<p>July 2009).</p> <p>Peru is actively participating in the WTO's Trade-related technical assistance (TRTA) activities and capacity-building programmes (i.e. TPCs, RTPCs, seminars, workshops, online courses).</p> <p>Peru joined to the Information Technology Agreement of the WTO (ITA) from the January 1st, 2009.</p> <p>In 2009, under the WTO Transparency Mechanism for Regional Trade Agreements, Peru notified the TPA Peru-United States, the FTA Peru-Canada and the FTA Peru-Singapore.</p>
(2) Ensuring application of rules of origin in an impartial, transparent and neutral manner	Peru has fully implemented the WTO Agreement on Rules of Origin since January 1st 1995, which includes the disciplines to be applied during the transition period until the harmonization work programme under the WTO is completed.	Peru has fully implemented the WTO Agreement on Rules of Origin since January 1st 1995, which includes the disciplines to be applied during the transition period until the harmonization work programme under the WTO is completed.	<p>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</p> <p>Peru is actively participating in the harmonization work programme of rules of origin at the WTO Rules of Origin</p>

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	<p>The characteristics of rules of origin applied by Peru are:</p> <ul style="list-style-type: none"> • 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 	<p>The characteristics of rules of origin applied by Peru are:</p> <ul style="list-style-type: none"> • 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. 	<p>Committee.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>confidentiality of all business information obtained by them.</p> <p>Preferential rules of origin are applied to imports that claim for preferential treatment under trade 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. Prescribed elements for rules of origin of the WTO Rules of Origin Agreement are incorporated into chapters on rules of origin of the Peruvian preferential trade agreements.</p> <p>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</p>	<p>Preferential rules of origin are applied to imports that claim for preferential treatment under trade 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. Prescribed elements for rules of origin of the WTO Rules of Origin Agreement are incorporated into chapters on rules of origin of the Peruvian preferential trade agreements.</p> <p>Chapters on rules of origin of the Peruvian preferential trade agreements incorporate the prescribed elements for rules of origin of the WTO Rules of Origin Agreement.</p> <p>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.</p>	

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	criteria. If the non-preferential rule of origin includes a national value content requirement, the calculation method is described in the rule.	Peru is reviewing its non-preferential certification system look for a more facilitating system.	
12. Dispute Mediation			
Dispute mediation methods, process and bodies are available to foreign businesses	<ul style="list-style-type: none"> GOVERNMENT TO GOVERNMENT DISPUTE <p><i>Dispute Settlement under the WTO</i> As founder member of the World Trade Organization (WTO), Peru applies the “Understanding on Rules and Procedures Governing the Settlement of Disputes”.</p>	<ul style="list-style-type: none"> GOVERNMENT TO GOVERNMENT DISPUTE <p><i>Dispute Settlement under the WTO</i> 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.</p> <p><i>Dispute Settlement under the Andean Community</i> Peru, as a member of the Andean Community (Colombia, Peru, Ecuador and Bolivia), participates in the Andean Dispute Settlement System.</p> <p>For further information, please visit: http://www.comunidadandina.org/</p>	<ul style="list-style-type: none"> MAJOR ACHIEVEMENTS <p><i>Signing of Free Trade Agreements</i> Peru has signed several FTA agreements, which contain specifically chapters dedicated to establish the procedures to settle disputes, taking as a basis the structure of WTO’s Dispute Settlement Understanding.</p> <p><i>Prior Compulsory Requirement</i> Conciliation has become a prior compulsory requirement before the initiation of a judicial action. The document that results of the conciliation has executive effects in the judicial forum.</p> <p>The number of Conciliation Centers has increased: 610 centers nationwide, with almost</p>

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		<p><i>Bilateral Agreements</i></p> <ul style="list-style-type: none"> - FTA with Chile <p>Peru signed an FTA agreement with Chile on August 22nd, 2006, in order to extend the scope of the Economic Partnership Agreement (ACE 38) of 1998, which was celebrated within LAIA (Latin American Integration Association), framework. This FTA entered in force on March 1st, 2009. This agreement establishes a mechanism to solve trade disputes. For further information, please consult: http://www.mincetur.gob.pe/newweb/portals/0/documentos/pdfs%20ace38/16Capitulo_16_Solucion_Controversias.pdf</p> <ul style="list-style-type: none"> - FTA with United States of America <p>On February 1st, 2009, the Trade Promotion Authority agreement with the United States entered into force. This Agreement contains in Chapter 21 a set of rules regarding Dispute Settlement. For further information, please consult: http://www.ustr.gov/sites/default/files/uploads/agreements/fta/peru/asset_upload_file144_9539.pdf</p>	<p>24 368 conciliators.</p> <p><i>The Recognition of arbitration agreements and Enforcement of arbitration awards</i></p> <p>Peru has implemented the New York Convention and the Inter-American Convention on International Trade Arbitration on recognition and execution of foreign awards, through the Legislative Decree N° 1071, published on June 28, 2008.</p> <p>For foreign awards recognition, Legislative Decree N° 1071 has established that unless the parts have a different agreement, the applicable treaty shall be the most favorable one to the part who requests the recognition and execution of a foreign award.</p> <p>The Legislative Decree N° 1071 has also established that for foreign awards recognition (exequatur) issued in an international arbitration case, the regulations applied are the same as the ones established to recognize foreign legal sentences. However, there are some exceptions established in the Legislative Decree N° 1071 for the recognition of foreign</p>

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		<p>- FTA with Singapore</p> <p>On August 1st, 2009, the FTA agreement with Singapore entered into force. Chapter 17 establishes the rules for Dispute Settlement. For further information, please consult: http://www.mincetur.gob.pe/newweb/portals/0/comercio/tlc_singapur/acuerdos/17%20-%20Dispute%20Settlement%20-%20Spa.pdf</p> <p>- FTA with Canada</p> <p>The FTA with Canada entered into force on August 1st of November, 2009. Chapter 21 contains the rules for Dispute Settlement. For further information, please consult: http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/peru-perou/peru-toc-perou-tdm.aspx?lang=eng</p> <p>The dispute settlement mechanism contained in these agreements take into account the structure of WTO's Dispute Settlement Understanding.</p> <p>- FTA with China</p>	<p>awards. For example, the summoned Party is responsible to outline the reasons not to recognize the foreign award.</p> <p>When Peru recognizes the full or partial award, the specialized competent civil court is informed. The corresponding plea should contain the award document.</p> <p><i>Independent Review Procedures</i></p> <p>Peru has incorporated foreign awards to its legal system, according to international treaty procedures where Peru is participating.</p> <p><i>Disputes related to Investment</i></p> <p>Law N° 28933 is applicable in the fields of investment disputes before international dispute settlement, mechanisms between the Peruvian State and a national or foreign investor. The scope of this law- is referred to:</p> <p>a) Agreements between public entities and national or foreign investors, such as, privatization contracts, concession</p>

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	<ul style="list-style-type: none"> • PRIVATE SECTOR TO GOVERNMENT AND PRIVATE SECTOR DISPUTE 	<p>In April 2009, Peru signed a FTA with China.</p> <p>This agreement is not yet into force, but among various issues, Chapter 15 is specifically dedicated to Dispute Settlement, the mechanism chosen respects the structure of WTO's Dispute Settlement Understanding. For further information, please consult: http://www.mincetur.gob.pe/newweb/Portals/0/comercio/tlc_china/texto_acuerdo.html</p> <p style="text-align: center;">- FTAs IN NEGOTIATION</p> <p>In the last years Peru's trade agenda has increased due to the negotiations of new FTAs with our main trading partners in the world. This approach includes starting negotiations of FTAs with several Asian countries as Thailand, Korea and Japan, as well as European partners as the EFTA States and the European Union. These negotiations will have chapters related to the Settlement of Disputes.</p> <ul style="list-style-type: none"> • PRIVATE SECTOR TO GOVERNMENT AND PRIVATE SECTOR DISPUTE 	<p>agreements, legal stability agreement, oil exploitation licenses, and any other agreement which establishes an international settlement dispute mechanism.</p> <p>b) Treaties containing provisions on dispute settlement procedures between the investment of one State and the State recipient of investment, held by the Peruvian State and other states.</p> <p>In other hand, Law N° 28933 has been enacted to create a system of Coordination and Response of the State in International Investment Disputes, in order to improve the action of the State before the arising of international investment disputes.</p> <p>Currently, the Ministry of Economy and Finance has launched an online system designed for the registry, consultation and alert of any dispute related to agreements and treaties on investment containing an international investment dispute settlement mechanism.</p>

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	<p><u><i>National Legislation</i></u></p> <p>- Peruvian Constitution of 1993 Allows for the possibility of submitting to national or international arbitration, all disputes that arise from contracts that the Peruvian Government has signed with national or foreign non residents. In addition, Peruvian Constitution allows that disputes that refer to their goods can be submitted to national arbitration without previous authorization.</p> <p>- General Arbitration Law (Law N° 26572). (Published on January 5 of 1996). This law established that Parties can agree to submit their differences to the arbitral proceedings.</p> <p>- The Out of Court Conciliation Law (Law 26872), applicable to most issues including trade.</p> <p><u><i>International Treaties</i></u></p>	<p><u><i>National Legislation</i></u></p> <ul style="list-style-type: none"> - Peruvian Constitution of 1993 - Arbitration Law (Legislative Decree 1071) establishes that arbitrators must promote conciliation. - The Out of Court Conciliation Law (Law 26872, modified by Legislative Decree 1070) which is applicable to most issues including trade. - The Regulation of the Out of Court Conciliation Law, Supreme Decree N° 014-2008-JUS. - Law N° 28933, which establishes the System of Coordination and Response of the State in International Investment Disputes. <p><u><i>International Treaties</i></u></p>	<p>For further information, please visit:</p> <p>http://www.mef.gob.pe/DNEP/investor_relations/relaciones_inversion.php</p> <p>• EXAMPLE OF BEST PRACTICES</p> <p>Peru promotes and facilitates the use of national and international arbitration and conciliation as the best alternatives forms to dispute settlement. The Dispute settlement in the Peruvian Agreements follows the WTO structure. Therefore, it promotes cooperation between states part of the dispute, it also allow a Party to request consultations with the other Party of the dispute. Finally, national or international arbitrations are also regulated when the parties of a dispute are from different States.</p>

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	<p>Peru is a signatory of the following international conventions that regulate trade arbitration:</p> <ul style="list-style-type: none"> - Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention June 10, 1958) (Signed on July 07 of 1988). - Inter-American Convention on International Commercial Arbitration (Panama Convention January 30, 1975) - Convention on the Settlement of Investment Disputes between States and Nationals of Other States (CIADI - Washington, D.C. March 18, 1965). (Signed on September 4 of 1991). - Inter-American Convention on Extraterritorial Efficacy of Foreign Sentences and Arbitration Awards (Montevideo Convention, May 8th 	<p>Peru is a signatory of the following international conventions that regulate trade arbitration:</p> <ul style="list-style-type: none"> - Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention, June 10th 1958) - Convention on the Settlement of Investment Disputes between States and Nationals of Other States (CIADI – Washington, D.C. March 18th 1965) - Inter-American Convention on International Trade Arbitration (Panama Convention, January 30th 1975) - Inter-American Convention on Extraterritorial Efficacy of Foreign Sentences and Arbitration Awards (Montevideo Convention, May 8th 1979) 	

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	<p>1979)</p> <p><u><i>Institutions That Promote or Administrate Arbitration</i></u></p> <p>Among the most important institutions in this field are:</p> <p>The Center for Arbitration and Trade Conciliation in Peru (CEARCO-PERU), which is constituted within the Peruvian Chapter of the Inter-American Commission for Trade Arbitration -CIAC-, and has the participation of business and guild organizations in the country, as well as the Chambers of Commerce, the Bar Association and its respective city chapters, among others. Additionally, the Lima Bar Association has installed a permanent Arbitration Tribunal.</p> <p>These institutions promote the use of national, as well as international arbitration tribunals and act as a guarantee to national and international</p>	<p><u><i>Institutions That Promote Or Administrate Arbitration</i></u></p> <p>The main dispute resolution institutions for disputes between private Parties are:</p> <ul style="list-style-type: none"> - The Center for Arbitration and Trade Conciliation in Peru (CEARCO-PERU), constituted within the Peruvian Chapter of the Inter-American Commission for Trade Arbitration –CIAC-, which has the participation of business and guild organizations in the country. - The Lima Chamber of Commerce, The American Chamber of Commerce of Perú – AMCHAM, among others, which have an arbitration Center that offers arbitral services to their associates and to the enterprise community generally with autonomy, efficiency and specialization, under international regulation by arbitration standards. - The Bar Association and its respective city chapters, which has incorporated the Peruvian Institute of Dispute Settlement, Negotiation and Mediation, among others. Additionally, the Lima Bar 	

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	legislation that is currently in force and to its internal regulations.	Association has installed a permanent Arbitration Tribunal.	
13. Mobility of Business People			
(1) Number of visa free or visa waiver arrangements	None	2	The number only includes visa free or visa waiver arrangements of “business visit visa”.
----- Visa free or visa waiver arrangements with APEC member economies	None	Indonesia	On June 2008 the Migratory Law was modified in order to permit aliens to change its migratory condition from “Tourist” to any business visa once they are in the Peruvian territory. Before this modification, aliens had to leave the Peruvian territory in order to apply to a different migratory condition. Peru does not require tourist visas to 19 of 21 APEC economies.
(2) Participation in the APEC Business Travel Card scheme	NO	YES	Peru has implemented a special lane for ABTC holders at its major airport. Even if the ABTC holder needs the visa to enter to Peru, he can use the fast lane. Peru has implemented the priority processing for ABTC applicants. This allows business

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			people to choose 5 Economies as priority if they cannot wait the response from all the Economies. If they do so, they will be issued with a temporary ABTC.
(3) Other efforts to facilitate mobility of business people than the above	None	As part of its trade policy, Peru has included “Temporary Entry for Business Persons” Chapters in its FTAs with Canada, Chile, Singapore and China. The purpose of these chapters is to facilitate the movement of business visitors, investors and intra-corporate transferees, between the Economies that are part of the agreement.	Before June 2008 the period of stay for business visitors (short term business visit visa) was 90 days, with the possibility to be extended for 30 additional days (maximum 120 days). Since June 2008 the period of stay has been extended to 183 days per year.
(4) Average time to approve for short term business visit visa	Minimum 30 days – the procedure included a consultation to immigration authorities in Peru previously to grant the business visa.	2 days – Peruvian Consulates abroad can grant immediate business visa according to the documentation in view	The time was reduced to 2 days when the information submitted by the applicant is considered complete.
14. Trade Facilitation			
(1) Consistency with APEC Principles on Trade Facilitation	--	Most of the Customs Facilitation measures comply with the APEC Principles on Trade Facilitation; except the IATA Convention or the Istanbul Convention, to which Peru is not a signing Party. Regarding the Kyoto Convention, Peru has not acceded, however the domestic Customs law collects its recommendations for Customs procedures.	Peruvian government is working on the implementation of standard ebXML as an electronic framework in any electronic government exchange of information procedure.
(2) Implementation of	(Number of items implemented as of	(Number of items implemented)	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
Trade Facilitation Action and Measures (approved in 2002)	<p>2004):</p> <ul style="list-style-type: none"> - SUNAT publishes on its website regulations on Customs procedures, tariff classification, valuation and other Customs matters. - Peruvian Customs has signed several Agreements with other Governmental Agencies in order to interconnect their information systems to permit exchange of information on line to simplify and to make as effective as possible clearance of goods. <p>The Government Agencies that signed Agreements are: MINSA (Ministry of Health), MTC (Ministry of Transport and Communications) , UIF (Financial Intelligence Unit)</p> <ul style="list-style-type: none"> - Peru applies the WTO Value Agreement since January 1, 2000. SUNAT published procedures for a 	<ul style="list-style-type: none"> - SUNAT publishes on its website the draft customs procedures and thus gives interested persons an opportunity to make comments to them. - The Customs Declaration is made by Electronic means and electronic forms for Customs procedures have been established. Data on Cargo Manifest is sent by electronics means prior to cargo arrival. - Since September 21, 2009 it is possible to regularize Export Customs Declaration by digitalization. - The Ministry of Foreign Trade and Tourism and the Customs Authority are working together on the Foreign Trade Single Window. - On April 1st 2007 the new Tarriff Book entered in force, which includes the Fourth Amendment of the Harmonized System and the Decision 653 of the Andean Community - Peruvian Customs Law provides the application of an advance clearance system which allows conducting goods clearance before, during or after its arrival. 	<ul style="list-style-type: none"> - According to the Peruvian Customs Act (Article 167), Customs clearance could not take longer than 48 hours, in regular conditions and, in the case of Express Delivery Consignments could not take longer than 6 hours

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	<p>proper application and minimum descriptions for different goods.</p> <ul style="list-style-type: none"> - Peru has not acceded to the Revised Kyoto Convention but the General Customs Law, Customs Regulations and Procedures are based on the principles of simplification, harmonization and standardization of the Kyoto Convention. - On 1st January 2002, the New Customs Tariff entered into force, approved by the Law D.S. 239-2001-EF, which includes the Third Amendment of the Harmonized System and the Decision 507 of the Andean Community. - Peruvian Customs had already implemented the advance classification ruling system. - Peru adopted a Systematic Risk Management Techniques 	<ul style="list-style-type: none"> - Modelling of “Risk Module” of NPDA Project (New Customs Clearance Process), with three main components: SAM (Model Manager System), SAC (Catalogue Administrator System) and FMV (Multi Variable Filters). - Application of Risk Techniques in electronic regularization of exportations, to select the declaration with physical documents presentation. Until September 2009, 100% of export declarations were subject of verification of documents in the regularization. - Application of risk analysis techniques in the regularization of exports in order to select the customs declarations with physical presentation of documents. - The Ruling of Special Customs Regime of Express Delivery Consignments – Supreme Decree N° 011-2009-EF was published on January 16, 2009 and will enter into force in January 01, 2010. - The Ethic Code was approved by National Superintendence Resolution 161-2009/SUNAT of 	

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	<p>Enhancement of profile management module, implemented in the importation for consumption regime. It is being considered its extension of application to other customs regimes.</p> <ul style="list-style-type: none"> - The Express Consignments have a special and preference treatment, with the "Regulation of postal consignments or parcel". - Peru's Government issued the Law No. 27815, " Ley del Código de Ética de la función pública" , (Law of Ethics Code for public function) dated 12 August 2002. It means that the legal framework for integrity in all government agencies has been established. 	July 30, 2009.	
15. Promotion of High-Quality RTAs/FTAs			
(1) Number of RTAs/FTAs concluded/signed	2	10	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

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			<p>growth, and the second one is to contribute to Peru's role as South America's hub in the Pacific Coast.</p> <p>Within Peru's trade policy, the FTAs/RTAs strategy constitutes a complement to the multilateral trade agreements. FTAs/RTAs in accordance to the multilateral trade agreements strategy, aim to benefit from further trade liberalization and facilitation. The three specific objectives of this strategy are to improve market access conditions for the existing and potential export supply of goods and services, to diversify our trading markets and to promote fair and stable rules and disciplines for foreign trade.</p>
RTAs/FTAs concluded/signed with APEC member economies	<p>1. Peru and Mexico Economic Partnership Agreement ACE 8.</p> <ul style="list-style-type: none"> • Date of Entry into Force: 1987. 	<p>1. Peru and Mexico Economic Partnership Agreement (ACE 8)</p> <ul style="list-style-type: none"> • Date of Entry into Force: 1987. • The agreement has been extended until December 31th, 2009. <p>2. Peru and Chile Economic Partnership Agreement ACE 38 and its Extension</p> <ul style="list-style-type: none"> • Date of Entry into Force: 1998. 	<p>1. Peru and Mexico Economic Partnership Agreement (ACE 8)</p> <p>The aim of this agreement is to strengthen bilateral trade relations by exchanging partial trade preferences between Peru and Mexico.</p> <p>2. Peru and Chile Economic Partnership Agreement ACE 38 and its Extension</p> <p>The aim of this agreement is to reach a Free</p>

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		<ul style="list-style-type: none"> • Extension Signed: August 22nd 2006. • Date of Entry into Force of the Extension: March 1st 2009. <p>3. Peru - Unites States Trade Promotion Agreement (Peru-US TPA)</p> <ul style="list-style-type: none"> • Signed: April 12th 2006. 	<p>Trade Area by progressively reducing tariff lines from the 1st of July 1998. The reductions of tariffs were given from immediate elimination to 3, 5, 6, 8, 10, 15 and 18 years elimination periods, ending in 2016. Other general dispositions were agreed in topics such as rules of origin, safeguards, SPS measures, TBT, unfair trade and dispute settlement.</p> <p>The Extension of ACE 38 includes new chapters on disciplines such as services, investment, temporary entry of business persons, customs administrations and trade facilitation and competition policy. It also aims to improve the regulations on rules of origin, TBT and SPS measures, already included in the original version of the ACE 38.</p> <p>To date, more than 90% of tariff headings can enter the Chilean market free of tariffs.</p> <p>3. Peru - Unites States Trade Promotion Agreement (Peru-US TPA)</p> <p>The aim of the agreement is to reach a full</p>

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		<ul style="list-style-type: none"> • Date of Entry into Force: February 1st 2009. <p>4. FTA between Peru and Singapore</p> <ul style="list-style-type: none"> • Signed: May 28th 2008. • Date of Entry into Force: August 1st 2009. 	<p>Free Trade Area by including regulation in investment, cross border trade in services, customs administrations and trade facilitation, competition policy, market access and tariff elimination, trade remedies, sanitary and phytosanitary measures, dispute settlement mechanism, rules of origin, agriculture, financial services, environmental issues and labour issues, e-commerce, intellectual property, telecommunications, government procurement, among others.</p> <p>This agreement covers nearly 100% of tariff lines.</p> <p>Also, it allows Peru to consolidate preferences received under the ATPDEA.</p> <p>4. FTA between Peru and Singapore</p> <p>The agreement aims to fortify de commercial presence of Peru in the Asian region. Peru seeks to increase its competitiveness trough the promotion of the technological transfer from Singapore to Peru by means of investment, mobility of business people and the imports of capital goods.</p>

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		<p>5. FTA between Peru and Canada</p> <ul style="list-style-type: none"> • Signed: May 28th 2008. • Date of Entry into Force: August 1st 2009. <p>6. Early Harvest Protocol (EHP) between Peru and Thailand</p> <ul style="list-style-type: none"> • Signed: November 16th 2006. 	<p>This agreement covers 100% of tariff lines. Some agricultural products will enter duty free in 2014, 2018 or 2026.</p> <p>5. FTA between Peru and Canada</p> <p>The aim of the agreement is to reach a full Free Trade Area by including regulations in investment, cross border services, customs administrations and trade facilitation, competition policy, market access, trade remedies, sanitary and phytosanitary measures, dispute settlement mechanism, rules of origin, agriculture, financial services, environmental issues and labour issues, e-commerce, intellectual property, telecommunications, government procurement, among others.</p> <p>This agreement provides for tariff reductions from immediate elimination up to 17 years.</p> <p>6. Early Harvest Protocol (EHP) between Peru and Thailand</p> <p>The agreement aims to strengthen and enhance economic partnership between the two countries. Also the agreement looks to</p>

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		<p>7. FTA between Peru and China</p> <ul style="list-style-type: none"> • Signed: April 28th 2009. 	<p>liberalize and promote trade in goods between the parties.</p> <p>This agreement covers 75% of tariff lines and includes disciplines regarding rules of origin, SPS, TBT and the Customs Procedures.</p> <p>7. FTA between Peru and China</p> <p>The aim of the agreement is to reach a full Free Trade Area by including regulations in investment, cross border services, customs procedures and trade facilitation, market access, trade remedies, sanitary and phytosanitary measures, dispute settlement mechanism, rules of origin, intellectual property, cooperation, among others.</p>
(2) Number of RTAs/FTAs under negotiation	-	5	
RTAs/FTAs being negotiated with APEC member economies	-	<p>1. Peru and Mexico Extension of the Economic Partnership Agreement ACE 8</p> <ul style="list-style-type: none"> • The first round of negotiations for an Extension of ACE 8 took place on January, 2006. • Seven negotiation rounds. The last one in October 2007. 	<p>1. Peru and Mexico Extension of the Economic Partnership Agreement ACE 8</p> <p>Economic Complementation Agreement No. 8 (ACE 8), concluded between Mexico and the Republic of Peru under the 1980 Montevideo</p>

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		<p>2. FTA between Peru and Korea</p> <ul style="list-style-type: none"> • The first round of negotiations took place on March 2009. • Four negotiation rounds: Korea (March), Peru (May), Korea (July), and Lima (October) 	<p>Treaty instituting the Latin American Integration Association (LAIA). It has as objectives, among others, to increase and diversify, to the highest standards, mutual trade through the granting of tariff preferences among signatory countries.</p> <p>The Extension of ACE 8 aims to increase and diversify the trade flows between both parties by improving and deepening the disciplines established in the original ACE 8. The negotiations cover areas such as market access, rules of origin, trade remedies, services, investment, dispute settlement, SPS measures, TBT, and the mutual recognition of Denominations of Origin.</p> <p>2. FTA between Peru and Korea</p> <p>The first round of negotiations took place on March 2009. Among the issues that are being negotiated are: market access, services, investment, rules of origin, customs administration and trade facilitation, trade remedies, SPS measures, TBT, competition policy, dispute settlement, government procurement, labour, environment, intellectual</p>

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		<p>3. EPA between Peru and Japan</p> <ul style="list-style-type: none"> • The first round of negotiations took place on May 2009. • Four negotiation rounds: Lima (May), Tokyo (July), Lima (August), and Tokyo (October). 	<p>property, cooperation, among others.</p> <p>3. EPA between Peru and Japan</p> <p>The first round of negotiations took place on May 2009. Among the issues that are being negotiated are: market access, services, rules of origin, customs procedures, trade remedies, competition policy, dispute settlement, government procurement, and cooperation, among others.</p>
(3) Consistency with APEC Model Measures for RTAs and FTAs	-	<p>All RTAs/FTAs negotiated by Peru are consistent with APEC Model Measures.</p> <p>Trade in goods</p>	<p>Trade in goods</p> <p>All the FTAs negotiated by Peru include provision regarding national treatment, customs valuation, tariff elimination, waiver of customs duties, classification of goods, export taxes, agricultural export subsidies, non tariff measures, temporary admission of goods, duty free entry of samples of negligible value and printed advertising materials, goods reentered after repair or alteration, review body (trade in goods committee), and definitions.</p>

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		<p>Technical barriers to trade</p>	<p>Moreover some of our FTAs include regulations on import licensing, administrative fees and formalities, state trading enterprises, agricultural and fishery sub-committee, and domestic support measures for agricultural products. However, in some other cases, rules related to customs procedures have been included in the Custom Procedures Chapter.</p> <p>Finally, the provisions regarding anti-dumping measures and subsidies and countervailing measures have been included in the Trade Remedies Chapter.</p> <p>Technical barriers to trade</p> <p>All the TBT Chapter included in Peru FTAs comply with the Model Measures and in some cases exceed them. This chapter seek to increase, facilitate and effective access for products exported to the market of the Parties, through better implementation of the Agreement on TBT of the WTO, the elimination of technical barriers unnecessary trade and increased bilateral cooperation.</p>

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		<p>Cooperation</p>	<p>procedures. It is important to mention that these MM are also consistent with GPA obligations, and Peru has implemented them plenty in its procurement legislation.</p> <p>Cooperation</p> <p>Recognizing that trade-related cooperation is a catalyst for reforms and investments needed to promote economic growth driven by trade and adjustment to liberalized trade. The FTA agree to promote trade-related cooperation in accordance with the following objectives :</p> <ul style="list-style-type: none"> - Strengthen capacities of Parties to maximize opportunities and benefits of this Agreement. - Strengthen and develop cooperation at bilateral, regional and multilateral levels. - Promote new opportunities for trade and investment, stimulating competitiveness and encouraging innovation, including dialogue and cooperation between their respective academies of science, government, NGOs, universities, colleges, and between centers and institutes of technology, science and research and business and private sector companies in areas of mutual interest related to science, technology and innovation, and

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			<p>Canada. All of these chapters include in their objectives the recognition of the importance of promoting competition in order to ensure that the benefits of trade liberalization are not undermined by anticompetitive practices, and to achieve economic efficiency and consumer welfare.</p> <p>These chapters include on the one hand, provisions regarding the Parties' commitments to implement appropriate measures or actions to address anticompetitive practices, including through the establishment or maintenance of competition laws and authorities, as well as a reference to the principles of non-discrimination, due process and transparency.</p> <p>On the other hand, competition chapters negotiated by Peru include cooperation mechanisms between the Parties, including notification, exchange of information, technical assistance, and cooperation on competition law enforcement activities. Additionally, these chapters provide for consultations between the Parties in order to address any matter arising under this chapter.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>Environment</p>	<p>Finally, in most cases, these chapters are excluded from the dispute settlement mechanism of the Agreement.</p> <p>Environment Environment chapters negotiated by Peru include provisions with view to promote mutual support between trade and environment. The Parties seek high levels of environmental protection in accordance with national legislation. It is recognized that inappropriate use of standards, practices or environmental policies for protectionist trade purposes, and relax or breach of environmental legislation with a view to promoting trade and investment between the Parties. It provides a framework for cooperation between the Parties on issues of trade and environment. A Committee on Environmental and Environmental Affairs Council which monitors compliance with the Environmental Chapter. It seeks to resolve by consultation any issue that might arise between the parties on the application and implementation of the Chapter.</p>

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		<p>Temporary Entry for Business Persons</p>	<p>Temporary Entry for Business Persons</p> <p>Peru has included “Temporary Entry for Business Purposes” Chapters in its FTAs with Chile, Canada and Singapore. These Chapters include all the disciplines included in the Model Measures. These are:</p> <ul style="list-style-type: none"> Grant of Temporary Entry Provision of Information Contact Points Dispute Settlement Relation to Other Chapters <p>These Chapters establish, in the categories of business persons section, that a Party may not impose labour market tests; economic needs test or other prior approval procedures of similar effect, or numerical restrictions related to the temporary entry of business persons. Meanwhile, the model measures establish that the introduction of these measures is subject to negotiation between the Parties.</p> <p>As part of its trade policy, Peru considers that the objective of “Temporary Entry” chapters is to eliminate this kind of measures.</p> <p>Regarding the Annex of categories, in two of</p>

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			the three FTAs mentioned, Peru has included the following categories of business persons: Business Visitors Traders and Investors Intra-Company Transferees Professionals and Technicians (this includes contractual service suppliers, independent professionals and technicians, and professionals and technicians that provide services in a subordinate relationship)
16. Voluntary Self-Reporting Labour (optional)			
(1) Measures to provide for effective enforcement of fundamental labour rights.	Peru provided in its Constitution of 1993 (now in force) for the protection of constitutional rights within any labour relation (article 23). Likewise, it established the right to maximum labour hours a day and a weekly day off. This constitution also provided for the compliance of the following principles in any labour relation (article 26): <ul style="list-style-type: none"> • Equal opportunities without discrimination. 	Giving greater enforceability to internal Labour laws and standards in Peru, the U.S. Peru Trade Promotion Agreement entered into force, introducing a milestone trade related labour commitment for Peru to adopt and maintain in its statutes and regulations, and practices there under, the following rights, as stated in the <i>ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998)</i> (ILO Declaration): <ul style="list-style-type: none"> (a) freedom of association; (b) the effective recognition of the right to collective bargaining; (c) the elimination of all forms of compulsory or forced 	Developing these principles the Ministry of Labour and Employment Promotion of Peru (MOL) took, among others, these steps: On Child labour Interagency coordination of Non-Profit Public and Private fostering prevention and eradication of child labour in its worst forms. This coordination is led by the MOL. On other Fundamental Rights a) Mandatory Workers Registry

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	<ul style="list-style-type: none"> • No possible waiver for rights acknowledged in the Constitution and the Law. • Interpretation of the Law favourable to the worker in case of unsolvable inconsistency in a legal rule. <p>It also acknowledged the rights to unionize, collectively bargain and strike guaranteeing their democratic exercise (Article 28)</p> <p>Individual and Collective Labour relations laws, as well as Labour procedures Laws passed during the decade of 1990 to 2000 ensured compliance of both the set of more than 70 ILO Conventions (Including Conventions 87 and 98) ratified by Peru, and with the constitutional provisions described.</p>	<p>labor;</p> <p>(d) the effective abolition of child labor and, for purposes of this Agreement, a prohibition on the worst forms of child labor; and</p> <p>(e) the elimination of discrimination in respect of employment and occupation.</p>	<p>Seeks to extend labour inspection coverage to social sectors where the recognition of labour rights is limited.</p> <p>b) Creation of the General Direction of Fundamental Rights and Safety and Health in Work; and,</p> <p>Features a short term action plan to strengthen said right and seeks to Improve labour standards in the country, by strengthening of the application of fundamental labour rights acknowledged by ILO Conventions, and other international instruments, such as respect for freedom of association and collective bargaining, equality of opportunities and elimination of discrimination, abolition of forced labour and child labour, as well as application of effective policies in safety and health at work.</p> <p>c) Implementation of a public program to foster best labour practices.</p> <p>Through Ministerial Resolution N° 118-2007-TR dated May 3rd, 2007, Peru implemented the Certification of Best Labour Practices, which seeks to recognize the</p>

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			<p>companies that show best and creative practices of socio-labour responsibility, promotion and defence of the fundamental rights of the workers and an appropriate labour environment.</p> <p>In 2009, the MOL has designed theoretical and practical works necessary for its proper implementation, according to which said certificate will begin to be granted starting in the year 2010.</p>
(2) Measures to provide for procedural guarantees and transparency for judicial proceedings related to fundamental labour rights.	Peru provided for due process of law and celerity in procedural remedies in Article 2.23 of its Constitution.	<p>The Executive Council of the Judiciary, through Administrative Resolution N° 215-2007-CE-PJ approved Directive 007-2007-CE-PJ “Celerity in the resolution of labour processes of nullity of dismissal and job reinstatement.</p> <p>This Directive ordered that the Constitutional and Social Bodies of the Supreme Court of Peru, the Labour Bodies and the Tribunals Labour, Civil, Mixed of judicial districts of Peru gave priority to all cases on null dismissal and job reinstatement pending by August 27th 2007, strictly complying with the legal timeframes established for said tasks.</p>	On December 15 th , 2009, The Peruvian Congress passed the New Law for Labour Procedures. This Law will be effective at a national level by mid 2010 and will substantially shorten the timeframe for rulings in labour cases.

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		To this date systemized information is being received from the Presidency of the Judiciary and from the different Superior Courts of Justice of the country, related to the celerity in solving cases of null dismissal and reinstatement.	
(3) Public awareness about fundamental labour rights.	The MOL issued policies and programs for the communication and information of fundamental rights at work.	<p>The MOL carried out new labour inspection rules that allowed its labour inspector to work with employers not only with sanctions when finding labour rights infringements, but, at a prior stage, working with them on training their labour departments and people on how to accomplish the goals of full labour law compliance.</p> <p>Labour inspectors in the MOL are nowadays carrying out this preventive action, with an education and prevention mission as well.</p>	The MOL is nowadays carrying out and broadcasting TV and radio ads informing about the mandatory Workers Registry Plan, (called “RETO Plan”). This program as already helped bring thousands of workers into formality, making companies keep them in their payroll and become acquainted with their obligations with them under Peruvian Labour Law.
(4) International cooperation on fundamental labour rights.	Labour Cooperation was mostly carried out by U.S. A.I.D. and other International Cooperation Agencies. No trade related labour cooperation agreement was in force at the time.	Peru has entered International Labour Cooperation Agreements entered into with Canada, China and South Korea.	The Peru-Canada Labour Cooperation Agreement has allowed effective cooperation destined, among other objectives, to train officers in charge of labour law compliance inspection, even with one year diplomas attending prestigious universities.
● Environment (optional)			

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
1) Measures for Environmental Remediation in mining projects	Nothing	Implementation	Measures were enacted for environmental remediation of mining executed activities (DS N° 078-2009-EM).
2) Environmental external assessors in mining industry	Nothing	Implementation	Measures were approved to hire external advisors to accelerate the processes of reviewing and evaluating environmental management instruments of mining projects (DS N° 073-2009-EM)
3) Maximum Permissible Limits for gas emission and effluents from mining metallurgic units	Approved	In process of modification	Towards a stricter regime. In stage of evaluation (Modification RM N° 011 and 315-96-EM/VMM)
4) Measures for civil society participation in mining projects	Nothing	Implementation	Measures of civil society participation in mining projects (DS N° 028-2008-EM y RM N° 304-2008-MEM/DM)
5) Measure for the presentation of Mining Closure Plans	Nothing	Implementation	Procedure for mining closure (DS N° 033-2005-EM)
6) Environmental Assessments in	Nothing	Implementation	Procedures for Environmental Assessments in Mining (DS N° 020-2008-EM) (DS N°

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mining industry			059-2005-EM) (DS N° 014-2007-EM)
7) Actions to liberalize trade and investment in environmental goods and services	Nothing	The Assessment, Economic Valuation and Finance Conservation of Natural Heritage Department (DGEVFPN) of the Ministry of Environment have been created in 2009. The DGEVFPN is working in the next projects.	The Assessment, Economic Valuation and Finance Conservation of Natural Heritage Department of the Ministry of Environment is involved in the following projects: <ul style="list-style-type: none"> - Sustainable Management of the Natural Resources in 03 regions of Peru, where designing schemes of compensation by environmental services is a potential economic component. Project financed by the Belgian technical cooperation - The economy of ecosystem and biodiversity TEBB (Financed by the European Union) - The DGEVFPN is part of the PNUD regional initiative regarding the “Evaluation of Biodiversity for growth and development in Latin America”. - With public resources, the DGEVFPN is preparing a National Guide for the Inventory, Evaluation and Valuation of the Natural Patrimony.
8) Biotrade (environmental goods)	Nothing	Website of Pro Amazonia of the Peruvian Amazon Research Institute (IIAP) www.proamazonia.gob.pe	Contest on biotrade host by the Ministry of Environment (MINAM)
9) Ecotourism	Nothing	Strategy for development of sustainable tourism, and	

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(environmental services)		guidelines	
10) Forests (environmental services)	Nothing	Forest Law (No 27308) Program Community Forest Conservation Project	CDM: example of best practices: Project of Reforestation, Sustainable Production and carbon sequestration in dry forests of the community
11) Measures in the Forestry Sector	<p>Back in the 90's the forest activity was based in forest extraction contracts up to 1,000 ha, without Management Plans (more than 1,500 contracts), that wouldn't allow a due planning of activities neither of long term investments. Just about 30 contracts were larger than 1,000 ha., with the obligation to present a Management Plan.</p> <p>That decade was also affected by the global concern of tropical forests destruction that led to the adoption of various restrictive measures to invest and trading of forestry products as well as the establishment of ecological protected areas.</p>	<p>In year 2000 Forestry and Fauna Law 27308 was enacted and with it, the establishment of permanent production forests started. In 2002, public biddings began in 5 regions of the country with equal conditions for national and international investors, and concessions for wood extraction where given under the new rules for sustainability of forest and with a long-term vision. (Contracts up to 40 years renewable, area up to 50 000 ha increasable in the case of a consortium).</p> <p>With that law, concessions for other purposes where given as well, such as: ecotourism, conservation, wild fauna management and reforestation.</p> <p>Public forest institution has been reformed. The General Directorate of Forestry and Wild Fauna was created in 2008 under the Ministry of Agriculture (DGFFS), Fund for the Forestry Development Promotion (FONDEBOSQUE), Forestry Resources and Wild Fauna</p>	<ol style="list-style-type: none"> 1. There are 575 operating forestry concessions for wood extraction which cover an extension of 7'408,894 ha, 1,025 forestry concessions for other purposes which covers an area of 891,635 ha; 26 ecotourism concessions which covers an area of 55,657 ha, 16 conservation concessions covering an area of 423,095 ha, 293 reforestation concessions with over an area of 135,143 ha and 1 concession for wild fauna management over an area of 3,861 ha. It all covers an extension of 8'918,285 ha concessioned. 2. We have an area of 11' 628, 407 ha of permanent production forests still not concessioned, and at least 60% from it will be concessioned in the next public biddings. 3. FONDEBOSQUE is operating since

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	<p>As a consequence of these measures, forestry production was almost fully oriented to the internal market.</p>	<p>Surveillance Organism (OSINFOR) are in the process of decentralization. The regional governments are assuming forestry functions in the areas under their jurisdiction.</p> <p>This year, 2009, DS N° 016-2009-AG was enacted and it approves an exceptional regime for 2009-2011 to promote the competitiveness of the forestry sector in order to deal with the economic external crisis.</p>	<p>2003, oriented to the promotion of sustainable development forestry through projects financed by the national government and international cooperation.</p> <p>4. With the goal to contribute to the funding of sustainable forestry management, several measures have been take in favour of the concession's holders:</p> <ul style="list-style-type: none"> • Discount of the economic retribution up to 40% when applied voluntary certification. • Reduction up to 40% of the economic retribution for the development of projects that integrate extraction and transformation. <p>5 In 2005, voluntary forest certification started in the country. Nowadays we have 708,022 ha of certified forests and 28 companies with chain custody (9 of which also have certification for forest management). Our goal is 2 million ha of certified forest.</p> <p>6 Forestry Production increased from 1'109,830 m3 in 2002 to 2'453,218 m3 in 2008 and increase of forest exportation</p>

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			<p>value from US\$ 13 million in 1990 to US\$ 368 million in 2008.</p> <p>7 The native communities have recognized rights over 13.2 million ha of forest. About a million ha. are devoted to land use and forestry management. Some of them have reached forest certification (204,245 ha).</p> <p>8 The annual rate of deforestation of 261 000 ha per year during 1985-2000, has decreased to 150,000 ha in 2000. Peru is one of the 6 countries in the world with the highest cover of tropical natural forests and a low rate of deforestation.</p>
12) General Measures	Nothing	<p>Environmental General Law: norms related to environmental services (art.94)</p> <p>a) Environmental Quality Standards:</p> <p>-National Environment Quality Standard for Water (D.S. No 002-2008 MINAM)</p> <p>- National Environment Quality Standard for Air (D.S. No. 003-2008-MINAM)</p> <p>b) Maximum Permissible Limits (LMP):</p>	

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		<p>-LMP for liquid effluents in the Industry of Fishmeal and Fish Oil (D.S. No. 010-2008-PRODUCE)</p> <p>-LMP for liquid effluents in the Hydrocarbon sector (D.S. No. 037-2008-PCM)</p> <p>Others:</p> <p>- Law of Hydrological Resources (Law 29338)</p> <p>-Law of the National System of Evaluation and Supervision, Law 29325</p> <p>- Law of the National System of Environmental Impact Assessments (SEIA)</p>	