

Chapter Six

Sanitary and Phytosanitary Measures

Objectives

The objectives of this Chapter are to protect human, animal, or plant life or health in the Parties' territories, enhance the Parties' implementation of the SPS Agreement, provide a Standing Committee for addressing sanitary and phytosanitary matters, attempt to resolve trade issues, and thereby expand trade opportunities.

Article 6.1: Scope and Coverage

This Chapter applies to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties.

Article 6.2: General Provisions

1. Further to Article 1.2 (Relation to Other Agreements), the Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
2. No Party may have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.

Article 6.3: Standing Committee on Sanitary and Phytosanitary Matters

1. Not later than 30 days after the date of entry into force of this Agreement, the Parties shall establish a Standing Committee on Sanitary and Phytosanitary Matters (the "Standing Committee"). The objectives of the Standing Committee shall be to enhance the implementation by each Party of the SPS Agreement, protect human, animal, or plant life or health, enhance consultation and cooperation between the Parties on sanitary and phytosanitary matters, and address measures affecting trade between the Parties.
2. The Parties shall establish the Standing Committee through an exchange of letters identifying the primary representative of each Party to the Standing Committee and establishing the Standing Committee's terms of reference.
3. The Standing Committee shall seek to enhance any present or future relationships between the Parties' agencies and ministries with responsibility for sanitary and phytosanitary matters.
4. The Standing Committee shall provide a forum for:

- (a) improving the Parties' understanding of specific issues relating to the implementation of the SPS Agreement;
- (b) enhancing mutual understanding of each Party's sanitary and phytosanitary measures and the regulatory processes that relate to those measures;
- (c) consulting on and attempting to resolve matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
- (d) coordinating and making recommendations on technical assistance programs on sanitary and phytosanitary matters to the Committee on Trade Capacity Building; and
- (e) consulting on issues, positions, and agendas for meetings of the *WTO SPS Committee*, the various *Codex* Committees (including the *Codex Alimentarius Commission*), the *International Plant Protection Convention*, the *World Organization for Animal Health*, and other international and regional fora on food safety and human, animal, and plant health.

5. The Standing Committee shall meet at least once a year unless the Parties otherwise agree.

6. The Standing Committee shall perform its work in accordance with its terms of reference. The Standing Committee may revise its terms of reference and establish procedures to guide its operation.

7. The Standing Committee may establish *ad hoc* technical working groups, as needed, in accordance with its terms of reference.

8. Each Party shall ensure that appropriate representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures from its relevant trade and regulatory agencies or ministries participate in meetings of the Standing Committee.

9. All decisions of the Standing Committee shall be taken by consensus, unless the Committee otherwise decides.



Presidencia del Consejo de Ministros

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

January 5, 2006

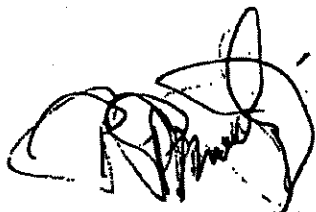
Dear Ambassador Portman:

I have the honor of confirming the following understanding reached by the Governments of the Republic of Peru and the United States of America during the course of the negotiation of the United States – Peru Trade Promotion Agreement:

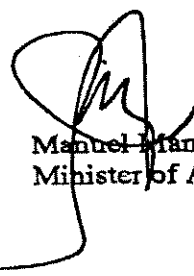
1. The Government of Peru (hereinafter "Peru") confirms that it shall continue to recognize the U.S. meat and poultry inspection system as equivalent to that of Peru and shall not require approval of individual U.S. establishments by the Peruvian Ministry of Agriculture or any other Peruvian ministry or sanitary authority. Peru confirms that it shall continue to accept meat and poultry shipments accompanied by USDA Food Safety Inspection Service (FSIS) Export Certificates of Wholesomeness, with content agreed by relevant sanitary authorities from both countries.
2. Peru confirms that the certification statements of FSIS attached to this letter (Annexes 1 and 2) shall meet the import requirements of Peru's Servicio Nacional de Sanidad Agraria (SENASA) for pork and pork products and poultry and poultry products.
3. Peru recognizes that the measures taken by the United States with regard to Bovine Spongiform Encephalopathy (BSE) and Avian Influenza (AI) meet the World Organization for Animal Health (OIE) guidelines. Peruvian authorities conducted a verification visit to the United States on December 12-20, 2005. As a follow-up, the Animal and Plant Health Inspection Service (APHIS) and SENASA will coordinate on Peru's verification process, and Peru confirms that, based on OIE guidelines, it shall permit by no later than March 1, 2006 the importation of U.S. beef and beef products and U.S. poultry and poultry products accompanied by an FSIS Export Certificate of Wholesomeness.
4. Peru confirms that it has eliminated Supreme Decrees 023-2005-AG or 028-2005-AG, including with respect to imports of rice from the United States, and shall apply standards on rice imported from the United States no less favorable than those applied to like domestic products, including in any new decrees or other rules issued.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'P. P. Kuczynski', with a large, stylized flourish at the end.

Pedro Pablo Kuczynski
President of the Council of Ministers

A handwritten signature in black ink, appearing to be 'Manuel Manrique', with a long, sweeping horizontal line extending to the left.

Manuel Manrique
Minister of Agriculture

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

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

January 5, 2006

Dear Prime Minister Kuczynski and Minister Manrique:

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

"I have the honor of confirming the following understanding reached by the Governments of the Republic of Peru and the United States of America during the course of the negotiation of the United States – Peru Trade Promotion Agreement:

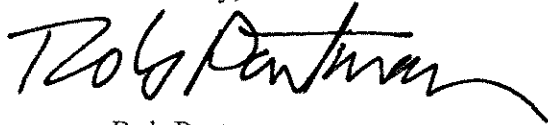
1. The Government of Peru (hereinafter "Peru") confirms that it shall continue to recognize the U.S. meat and poultry inspection system as equivalent to that of Peru and shall not require approval of individual U.S. establishments by the Peruvian Ministry of Agriculture or any other Peruvian ministry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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Portman", with a long, sweeping horizontal stroke extending to the right.

Rob Portman

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

ANNEX 1

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

1. The meat was derived from animals that were born, bred, fattened and slaughtered in the United States or were legally imported.
2. The United States is free of foot-and-mouth disease, classical swine fever, swine vesicular disease, and African swine fever.
3. The meat was derived from federally certified slaughter and processing facilities operating under permanent supervision of the Food Safety and Inspection Service (FSIS) with a HACCP system in place.
4. The processing (or slaughter) plant is in an area where no epidemic outbreak has occurred from any infectious disease that may affect the species, in the six months prior to slaughter.
5. The meat was derived from animals that were officially given an ante-mortem and post-mortem inspection by FSIS inspection officials.
6. The pork meat was frozen at (temperature) for (time) as specified in Table 2 of Section 318.10(c)(2), 9 CFR, for the destruction of trichinosis.
7. Cooked hams were subject to heating at 70 degrees Centigrade for at least 10 minutes or 80.3 degrees Centigrade during 3 minutes monitored by FSIS to ensure that the temperature was adhered to.
8. Carcasses are properly stuck and hung to allow thorough bleeding prior to the deboning process which removes all bones to the hoof and blood vessels.
9. The product is labeled in such a way that it can be identified.
10. The product is fit for human consumption.
11. The product was packed in new boxes which are marked with the pack date. The product was transported in sealed ocean vessel containers equipped in a manner to assure preservation of the product.
12. Trucks and containers have been properly washed and disinfected.

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

Certification Statements for Edible Offal Products from

Refrigerated or Frozen Porcine Species

1. The meat was derived from animals that were born, bred, fattened and slaughtered in the United States or were legally imported.
2. The United States is free of foot-and-mouth disease, classical swine fever, swine vesicular disease, and African swine fever.
3. The meat was derived from federally certified slaughter and processing facilities operating under permanent supervision of the Food Safety and Inspection Service (FSIS) with a HACCP system in place.
4. The processing (or slaughter) plant is in an area where no epidemic outbreak has occurred from any infectious diseases that may affect the species, in the six months prior to slaughter.
5. The meat was derived from animals that were officially given an ante-mortem and post-mortem inspection by FSIS inspection officials.
6. The product is fit for human consumption.
7. The product was packed in authorized containers consigning the seal for inspection that includes the number of the facility, the date of packing and the name and address of the processing facility.
8. The product is transported in containers or thermo refrigerated vehicles that are monitored to assure that they maintain refrigerated or frozen temperatures.
9. Trucks and containers have been properly washed and disinfected.

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

Certification Statements for De-boned Meat, Refrigerated or Frozen Meat,

Channels, Half Channels and Cuts of Porcine Species

1. The meat was derived from animals that were born, bred, fattened and slaughtered in the United States or were legally imported.
2. The United States is free of foot-and-mouth disease, classical swine fever, swine vesicular disease, and African swine fever.
3. The meat was derived from animals that originated in areas which are not under quarantine or restricted conditions due to a disease control and no epidemic outbreak has occurred at the slaughter plant from any infectious diseases that may affect the species.
4. The meat was derived from federally certified slaughter and processing facilities operating under permanent supervision of the Food Safety and Inspection Service (FSIS) with a HACCP system in place.
5. The processing (or slaughter) plant is in an area where no epidemic outbreak has occurred from any infectious diseases that may affect the species, in the six month prior to slaughter.
6. The meat was derived from animals that were officially given an ante-mortem and post-mortem inspection by FSIS inspection officials.
7. The pork meat was frozen at (temperature) for (time) as specified in Table 2 of Section 318.10(c)(2), 9 CFR for the destruction of trichinosis.
8. The product carries the official mark of inspection and information identifying the manufacturer, packer or distributor.
9. The product is fit for human consumption.
10. The product is packaged in an authorized container marked with the packing date.
11. The meat is transported in containers or thermo refrigerated vehicles that are monitored to assure that they maintain appropriate refrigerated or frozen temperatures.
12. Trucks and containers have been properly washed and disinfected.

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

ANNEX 2

Certification Statements for Fresh/Frozen Poultry Meat

1. The meat was derived from poultry which were born, raised and fed in the United States.
2. The meat was derived from areas recognized by Peru as free of Notifiable Avian Influenza and Newcastle disease, as defined by the World Organization for Animal Health (OIE).
3. The birds from which the products were derived were bred on farms which are not under official quarantine for the control or eradication of poultry diseases and where no epidemic outbreak caused by infectious illness that affect the species has been encountered at the slaughterhouse.
4. The meat was derived from federally certified slaughter facilities, operating under permanent supervision of the Food Safety and Inspection Service (FSIS).
5. The meat was derived from birds that were officially given an ante-mortem and post-mortem inspection by FSIS inspection officials.
6. The meat is fit for human consumption.
7. The meat has been handled, cut and stored under proper hygienic conditions.
8. The meat or meat packages are marked with the establishment number of the producing establishments.
9. The means of transport, handling and loading conditions meet the hygiene requirements of the United States.
10. The slaughter or processing plant where the meat was processed has a HACCP system in place.
11. The meat is transported in containers or thermo refrigerated vehicles that are monitored to assure that they maintain appropriate refrigerated or frozen temperatures.
12. Trucks and containers have been properly washed and disinfected.



Presidencia del Consejo de Ministros

Ministerio de Agricultura

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

April 10, 2006

Dear Ambassador Portman:

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

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

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

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

Copies of these regulations are attached to the present letter.

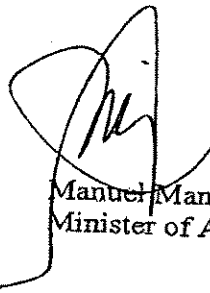
04-09-06 TPERU

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



Pedro Pablo Kuczynski
President of the Council of Ministers

Sincerely,



Manuel Manrique
Minister of Agriculture

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

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

April 10, 2006

Dear Prime Minister Kuczynski and Minister Manrique:

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

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

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

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

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

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

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

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

Copies of these regulations are attached to the present letter.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Portman", with a stylized flourish at the end.

Rob Portman

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

ANNEX

Certification Statements for Beef and Beef Products

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

LETTER EXCHANGE ON BEEF SPS ISSUES
FOR UNITED STATES-PERU TRADE PROMOTION AGREEMENT

October 6, 2006

Ambassador Susan C. Schwab
United States Trade Representative
Washington, DC 20508

Dear Ambassador Schwab:

We have the honor to confirm the following understanding reached between the Governments of Peru and the United States of America with respect to trade in beef and beef products of the United States, further to the exchanges of letters between our Governments of January 5, 2006 and April 10, 2006.

The Government of Peru recognizes the measures that the United States has taken with regard to Bovine Spongiform Encephalopathy (BSE), and confirms that, consistent with the World Organization for Animal Health (OIE) Terrestrial Animal Health Code, it shall permit, by no later than October 25, 2006, the importation of all beef and beef products of the United States, other than those listed in paragraphs 3 and 4 of the Annex to this letter, that are accompanied by a United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) Export Certificate of Wholesomeness with the additional certification statements set out in the Annex to this letter. Such USDA FSIS Export Certificate of Wholesomeness with the additional certification statements set out in the Annex shall meet all the Government of Peru's sanitary and health requirements.

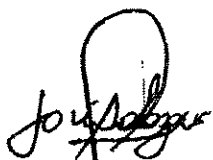
The Governments of Peru and the United States recall that the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures allows Members to adopt measures necessary to protect human, animal or plant life or health, subject to the requirement that these measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

We have the honor to propose that this letter, including the Annex thereto, and your letter in reply, confirming that your Government shares this understanding, shall constitute an agreement between our two Governments to enter into force on October 25, 2006.

Sincerely,


Mercedes Araoz
Minister of Foreign Trade and Tourism

Carlos Vallejos Sologuren
Minister of Health


Juan José Salazar
Minister of Agriculture

ANNEX

Additional Certification Statements on USDA FSIS Export Certificate of Wholesomeness to Accompany U.S. Exports of Beef and Beef Products to Peru

1. The United States has an active BSE surveillance program which meets or exceeds international standards established by the World Organization for Animal Health (OIE).
2. The meat or meat products were derived from animals that were officially given an ante and post mortem inspection by Food Safety and Inspection Service (FSIS) inspection officials.
3. The meat or meat products were produced and handled in a manner which ensures that such products do not contain and are not contaminated with the following specified risk materials: for cattle 30 months of age and older, the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column, and dorsal root ganglia; and for any cattle regardless of age, the tonsils and distal ileum of the small intestine.
4. The meat or meat products were produced and handled in a manner which ensures that such products do not contain and are not contaminated with mechanically separated meat from the skull and vertebral column from cattle over 30 months of age.
5. The meat or meat products were derived from federally certified slaughter or processing facilities, operating under the supervision of the FSIS.
6. The slaughter or processing plant where the meat was processed has a HACCP system in place.
7. The meat or meat products are fit for human consumption.
8. The meat or meat products were packed in authorized containers bearing the mark of inspection that includes the number of the facility, and labeled to include the name of the product, lot number, net weight, and date of packing.
9. The meat or meat products are transported in containers or thermo refrigerated vehicles that are monitored to assure that they maintain appropriate refrigerated or frozen temperatures.
10. Trucks and containers have been properly washed and disinfected.
11. The feeding of ruminants with ruminant origin meat-and-bone meal and greaves is prohibited in the United States, and this prohibition has been effectively enforced.
12. The meat or meat products were obtained from cattle that were not subjected to a stunning process, prior to slaughter, with a device injecting compressed air or gas into the cranial cavity, or to a pithing process.
13. The meat or meat products were not derived from animals imported from Canada for immediate slaughter.

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

LETTER EXCHANGE ON BEEF SPS ISSUES
FOR UNITED STATES-PERU TRADE PROMOTION AGREEMENT

October 25, 2006

The Honorable Mercedes Araoz
Minister of Foreign Trade and Tourism
Calle Uno Oeste No 50, Urb Corpac
San Isidro, Lima 27

The Honorable Juan José Salazar
Minister of Agriculture
Pasaje Francisco de Zela s/n, Piso 6
Jesús María, Lima 11

The Honorable Carlos Vallejos Sologuren
Minister of Health
Avenida Salaverry cuadra 8 s/n
Jesús María, Lima 11

Dear Ministers Araoz, Salazar, and Vallejos:

I am pleased to acknowledge your letter of October 6, 2006, which reads as follows:

"We have the honor to confirm the following understanding reached between the Governments of Peru and the United States of America with respect to trade in beef and beef products of the United States, further to the exchanges of letters between our Governments of January 5, 2006 and April 10, 2006.

The Government of Peru recognizes the measures that the United States has taken with regard to Bovine Spongiform Encephalopathy (BSE), and confirms that, consistent with the World Organization for Animal Health (OIE) Terrestrial Animal Health Code, it shall permit, by no later than October 25, 2006, the importation of all beef and beef products of the United States, other than those listed in paragraphs 3 and 4 of the Annex to this letter, that are accompanied by a United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) Export Certificate of Wholesomeness with the additional certification statements set out in the Annex to this letter. Such USDA FSIS Export Certificate of Wholesomeness with the additional certification statements set out in the Annex shall meet all the Government of Peru's sanitary and health requirements.

The Governments of Peru and the United States recall that the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures allows Members to adopt measures necessary to protect human, animal or plant life or health, subject to the requirement that these measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

We have the honor to propose that this letter, including the Annex thereto, and your letter in reply, confirming that your Government shares this understanding, shall constitute an agreement between our two Governments to enter into force on October 25, 2006."

I have the honor to confirm that my Government shares this understanding and that your letter, including the Annex thereto, and this reply shall constitute an agreement between our two Governments to enter into force on October 25, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan C. Schwab". The signature is fluid and cursive, with the first name "Susan" and last name "Schwab" clearly distinguishable.

Susan C. Schwab

Letter Exchange on Certification Requirements for U.S. Beef and Beef Products

March 14, 2016

Ambassador Michael Froman
United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Dear Ambassador Froman:

We have the honor to confirm the following understanding reached between the Governments of Peru and the United States of America with respect to trade in beef and beef products of the United States.

Peru confirms that, consistent with World Organization for Animal Health ("OIE") Terrestrial Animal Health Code, it shall permit the importation from the United States of beef and beef products for human consumption that are accompanied by a U.S. Department of Agriculture ("USDA") Food Safety and Inspection Service ("FSIS") Export Certificate of Wholesomeness and the certification statements contained in the Annex to this letter entitled "FSIS Letterhead Certificate for Export of Beef, Beef Products, and Beef Offals to Peru". Such USDA FSIS Export Certificate of Wholesomeness with the certification statements contained in the Annex shall meet all the Government of Peru's sanitary and health requirements.

The Annex attached to this letter supersedes in all respects the Annex attached to the letter exchange between the United States and Peru that came into force on October 25, 2006, entitled "Additional Certification Statements on USDA FSIS Export Certificate of Wholesomeness to Accompany U.S. Exports of Beef and Beef Products to Peru". As such, Peru confirms that it will no longer require the FSIS Export Certificate of Wholesomeness to include the additional certification statements set out in the October 2006 Annex. Peru confirms that those additional certification statements are no longer necessary given the successful experience in trade of U.S. beef and beef products with Peru, the upgraded classification recognized and granted by the OIE in 2013 that the United States is a *negligible risk country* for Bovine Spongiform Encephalopathy ("BSE"), and finally, in 2015 Peru's recognition of the United States' negligible BSE risk status. These conditions shall apply absent a change in the United States' OIE classification for BSE.

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



Magali Silva Velarde-Alvarez
Minister of Foreign Trade and Tourism



Aníbal Velásquez Valdivia
Minister of Health



Sincerely,

Juan Benites Ramos
Minister of Agriculture and Irrigation

ANNEX

FSIS Letterhead Certificate for Export of Beef, Beef Products, and Beef Offals
To Peru



1. The beef, beef products or beef offals derive from cattle that were raised in the United States or from animals or products that were legally imported into the United States. Imported meat products originate from countries in compliance with U.S. animal health regulations and equivalent food safety systems.



2. The United States is a negligible risk country and has an active BSE surveillance program that meets or exceeds international standards established by the World Organization for Animal Health (OIE) for a negligible risk country.

3. The United States enforces animal health regulations that ban the feeding of ruminants with meat-and-bone meal and greaves of ruminant origin in accordance with OIE guidelines.

4. The beef, beef products or beef offals were obtained from cattle that were not subjected to a stunning process, prior to slaughter, with a device injecting compressed air or gas into the cranial cavity, or to a pithing process.



The beef, beef products or beef offals were derived from federally inspected slaughter or processing facilities, operating under the supervision of FSIS or were legally imported into the United States. The animals from which the beef, beef products or beef offals derive did not present disease signs at ante-mortem or post-mortem inspection and were declared fit for human consumption by the official FSIS inspection.

6. The product or immediate packaging bears the official USDA Mark of Inspection identifying the producing establishment and provides assurance that the product was produced in compliance with all federal statutes and regulations for sanitation, HACCP, microbiological and residue testing, and transportation.

7. The beef or beef products were hygienically handled under FSIS inspection.



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

Letter Exchange on Certification Requirements for U.S. Beef and Beef Products

March 14, 2016

The Honorable Magali Silva Velarde-Álvarez
Minister of Foreign Trade and Tourism
Calle Uno Oeste 050, Urb. Corpac
San Isidro, Lima 27

The Honorable Juan Benites Ramos
Minister of Agriculture and Irrigation
Av. Alameda del Corregidor 155
La Molina, Lima 12

The Honorable Aníbal Velásquez Valdivia
Minister of Health
Av. Salaverry 801
Jesús María, Lima 11

Dear Ministers Silva, Benites and Velásquez:

I am pleased to acknowledge your letter of March 14, 2016, which reads as follows:

We have the honor to confirm the following understanding reached between the Governments of Peru and the United States of America with respect to trade in beef and beef products of the United States.

Peru confirms that, consistent with World Organization for Animal Health ("OIE") Terrestrial Animal Health Code, it shall permit the importation from the United States of beef and beef products for human consumption that are accompanied by a U.S. Department of Agriculture ("USDA") Food Safety and Inspection Service ("FSIS") Export Certificate of Wholesomeness and the certification statements contained in the Annex to this letter entitled "FSIS Letterhead Certificate for Export of Beef, Beef Products, and Beef Offals to Peru". Such USDA FSIS Export Certificate of Wholesomeness with the certification statements contained in the Annex shall meet all the Government of Peru's sanitary and health requirements.

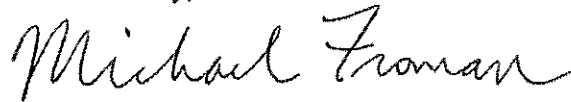
The Annex attached to this letter supersedes in all respects the Annex attached to the letter exchange between the United States and Peru that came into force on October 25, 2006, entitled "Additional Certification Statements on USDA FSIS Export Certificate of Wholesomeness to Accompany U.S. Exports of Beef and Beef Products to Peru". As such, Peru confirms that it will no longer require the FSIS Export Certificate of Wholesomeness to include the additional certification statements set out in the October 2006 Annex. Peru confirms that those additional certification

statements are no longer necessary given the successful experience in trade of U.S. beef and beef products with Peru, the upgraded classification recognized and granted by the OIE in 2013 that the United States is a *negligible risk country* for Bovine Spongiform Encephalopathy ("BSE"), and finally, in 2015 Peru's recognition of the United States' negligible BSE risk status. These conditions shall apply absent a change in the United States' OIE classification for BSE.

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

I have the honor to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an agreement between our two Governments to enter into force on the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Michael Froman". The signature is written in dark ink and is positioned above the printed name.

Ambassador Michael B.G. Froman

ANNEX

FSIS Letterhead Certificate for Export of Beef, Beef Products, and Beef Offals **To Peru**

1. *The beef, beef products or beef offals derive from cattle that were raised in the United States or from animals or products that were legally imported into the United States. Imported meat products originate from countries in compliance with U.S. animal health regulations and equivalent food safety systems.*
2. *The United States is a negligible risk country and has an active BSE surveillance program that meets or exceeds international standards established by the World Organization for Animal Health (OIE) for a negligible risk country.*
3. *The United States enforces animal health regulations that ban the feeding of ruminants with meat-and-bone meal and greaves of ruminant origin in accordance with OIE guidelines.*
4. *The beef, beef products or beef offals were obtained from cattle that were not subjected to a stunning process, prior to slaughter, with a device injecting compressed air or gas into the cranial cavity, or to a pithing process.*
5. *The beef, beef products or beef offals were derived from federally inspected slaughter or processing facilities, operating under the supervision of FSIS or were legally imported into the United States. The animals from which the beef, beef products or beef offals derive did not present disease signs at ante-mortem or post-mortem inspection and were declared fit for human consumption by the official FSIS inspection.*
6. *The product or immediate packaging bears the official USDA Mark of Inspection identifying the producing establishment and provides assurance that the product was produced in compliance with all federal statutes and regulations for sanitation, HACCP, microbiological and residue testing, and transportation.*
7. *The beef or beef products were hygienically handled under FSIS inspection.*

**Carta de Intercambio sobre Requisitos de Certificación para carne y productos cárnicos de
Estados Unidos**

14 de marzo, 2016

Embajador Michael Froman
Representante Comercial de los Estados Unidos
600 17th Street, N.W.
Washington, DC 20508

Estimado Embajador Froman:

Tenemos el honor de confirmar el siguiente entendimiento logrado entre los Gobiernos del Perú y de los Estados Unidos de América con respecto al comercio de la carne bovina de los Estados Unidos y los productos de la misma.

El Perú confirma que permitirá, conforme al Código sanitario para los animales terrestres de la Organización Mundial de Sanidad Animal (OIE), la importación de carne bovina y productos de la misma desde los Estados Unidos para el consumo humano mientras vengán acompañados de un *Export Certificate of Wholesomeness* del Servicio de inocuidad e inspección de alimentos (FSIS, por sus siglas en inglés) del Departamento de Agricultura de los Estados Unidos (USDA, por sus siglas en inglés) y de las declaraciones de certificación contenidas en el Anexo a esta carta, llamadas "Certificación membretada del FSIS para la exportación al Perú de carne bovina y de sus productos y vísceras". Este *Export Certificate of Wholesomeness* del FSIS de la USDA, junto con las declaraciones de certificación contenidas en el Anexo, cumplirán con todos los requisitos sanitarios y de inocuidad del Gobierno del Perú.

El Anexo adjunto a esta carta sustituye en su totalidad al Anexo adjunto al intercambio de cartas entre los Estados Unidos y el Perú que entró en vigor el 25 de octubre de 2006 bajo el título "Declaraciones de certificación adicionales al *Export Certificate of Wholesomeness* del FSIS de la USDA que acompañará a las exportaciones de carne bovina y sus productos de los Estados Unidos al Perú". Siendo así, el Perú confirma que ya no exigirá que el *Export Certificate of Wholesomeness* del FSIS incluya las declaraciones de certificación adicionales establecidas en el Anexo de octubre de 2006. El Perú confirma que esas declaraciones adicionales ya no son necesarias, dada la experiencia positiva en el comercio de la carne bovina y sus productos de los Estados Unidos con Perú, la clasificación mejorada reconocida y concedida por la OIE en 2013, que establece que los Estados Unidos son un país *de riesgo insignificante* para la encefalopatía espongiforme bovina (EEB) y finalmente, en 2015 el reconocimiento del Perú del riesgo insignificante de la EEB en los Estados Unidos. Estas condiciones prevalecerán mientras no haya un cambio en la clasificación en la OIE con respecto a la EEB en los Estados Unidos.



Tenemos el honor de proponer que esta carta, incluido el Anexo a la misma, junto con su carta de respuesta, en la cual confirma que su Gobierno comparte su entendimiento, constituirán un acuerdo entre nuestros dos Gobiernos que entrará en vigor en la fecha de su carta de respuesta.

Atentamente,

Magali Silva Velarde-Alvarez
Ministra de Comercio Exterior y Turismo

Juan Benites Ramos
Ministro de Agricultura y Riego



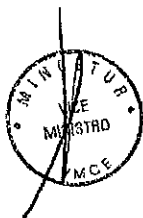
Aníbal Velásquez Valdivia
Ministro de Salud



ANEXO

Certificación membretada del FSIS para la exportación al Perú de carne bovina, de sus productos y vísceras

1. La carne bovina, sus productos y vísceras provienen de ganado criado en los Estados Unidos o de animales o productos legalmente importados a los Estados Unidos. Los productos bovinos importados provienen de países que cumplen con los reglamentos de sanidad animal de los Estados Unidos y sistemas equivalentes de inocuidad de los alimentos.
 2. Los Estados Unidos son un país de riesgo insignificante y tienen un programa de vigilancia activo de la EEB que cumple con o excede normas internacionales establecidas por la Organización Mundial de Sanidad Animal (OIE) para ser país de riesgo insignificante.
 3. Los Estados Unidos exigen el cumplimiento de reglamentos de sanidad animal que prohíben la alimentación de ruminantes con harinas de carne y hueso y despojos de origen rumiante conforme a las directrices de la OIE.
 4. La carne bovina, sus productos y sus vísceras provienen de ganado no aturdido previo a su sacrificio mediante inyección de aire o gas comprimido en la cavidad craneal ni sometido a un proceso de corte de médula.
 5. La carne bovina, sus productos y sus vísceras provienen de mataderos o plantas de procesamiento inspeccionados por el gobierno federal y que operan bajo supervisión del FSIS o fueron legalmente importados a los Estados Unidos. Los animales de los cuales provienen la carne, sus productos o vísceras no presentaron síntomas de enfermedades en las inspecciones ante-mortem ni post-mortem y fueron declarados aptos para el consumo humano en la inspección oficial del FSIS.
- El producto o su empaquetado primario exhiben la marca de inspección oficial del USDA, que identifica al establecimiento de su producción y garantiza que el producto fue elaborado en cumplimiento con todos los estatutos y reglamentos de sanidad, el APPCC, pruebas microbiológicas y de residuos y transporte.
7. La carne bovina o sus productos fueron manipulados en condiciones de higiene y bajo inspección del FSIS.



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

**Carta de Intercambio sobre Requisitos de Certificación para carne y productos cárnicos de
Estados Unidos**

Marzo 14, de 2016

Su Excelencia Magali Silva Velarde-Álvarez
Ministro de Comercio Exterior y Turismo
Calle Uno Oeste 050, Urb. Corpac
San Isidro, Lima 27

Su Excelencia Juan Benites Ramos
Ministro de Agricultura y Riego
Av. Alameda del Corregidor 155
La Molina, Lima 12

Su Excelencia Aníbal Velásquez Valdivia
Ministro de Salud
Av. Salaverry 801
Jesús María, Lima 11

Estimados Ministros Silva, Benites and Velásquez:

Me complace acusar recibo de su carta del 14 de Marzo de 2016, que es del siguiente tenor:

Tenemos el honor de confirmar el siguiente entendimiento logrado entre los Gobiernos del Perú y de los Estados Unidos de América con respecto al comercio de la carne bovina de los Estados Unidos y los productos de la misma.

El Perú confirma que permitirá, conforme al Código sanitario para los animales terrestres de la Organización Mundial de Sanidad Animal (OIE), la importación de carne bovina y productos de la misma desde los Estados Unidos para el consumo humano mientras vengán acompañados de un *Export Certificate of Wholesomeness* del Servicio de inocuidad e inspección de alimentos (FSIS, por sus siglas en inglés) del Departamento de Agricultura de los Estados Unidos (USDA, por sus siglas en inglés) y de las declaraciones de certificación contenidas en el Anexo a esta carta, llamadas "Certificación membretada del FSIS para la exportación al Perú de carne bovina y de sus productos y vísceras". Este *Export Certificate of Wholesomeness* del FSIS de la USDA, junto con las declaraciones de certificación contenidas en el Anexo, cumplirán con todos los requisitos sanitarios y de inocuidad del Gobierno del Perú.

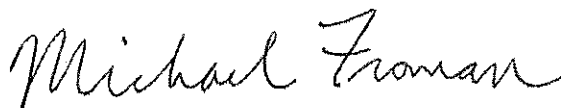
El Anexo adjunto a esta carta sustituye en su totalidad al Anexo adjunto al intercambio de cartas entre los Estados Unidos y el Perú que entró en vigor el 25 de octubre de 2006 bajo el título "Declaraciones de certificación adicionales al *Export Certificate of Wholesomeness* del FSIS de la USDA

que acompañará a las exportaciones de carne bovina y sus productos de los Estados Unidos al Perú” Siendo así, el Perú confirma que ya no exigirá que el *Export Certificate of Wholesomeness* del FSIS incluya las declaraciones de certificación adicionales establecidas en el Anexo de octubre de 2006. El Perú confirma que esas declaraciones adicionales ya no son necesarias, dada la experiencia positiva en el comercio de la carne bovina y sus productos de los Estados Unidos con Perú, la clasificación mejorada reconocida y concedida por la OIE en 2013, que establece que los Estados Unidos son un país *de riesgo insignificante* para la encefalopatía espongiforme bovina (EEB) y finalmente, en 2015 el reconocimiento del Perú del riesgo insignificante de la EEB en los Estados Unidos. Estas condiciones prevalecerán mientras no haya un cambio en la clasificación en la OIE con respecto a la EEB en los Estados Unidos.

Tenemos el honor de proponer que esta carta, incluido el Anexo a la misma, junto con su carta de respuesta, en la cual confirma que su Gobierno comparte su entendimiento, constituirán un acuerdo entre nuestros dos Gobiernos que entrará en vigor en la fecha de su carta de respuesta.

Tengo el honor de confirmar que mi Gobierno entiende lo mismo y que su carta y esta carta de respuesta constituirán un acuerdo entre nuestros dos Gobiernos que entrará en vigor en la fecha de la presente.

Atentamente,

A handwritten signature in black ink, reading "Michael Froman". The signature is fluid and cursive, with the first name "Michael" and the last name "Froman" clearly distinguishable.

Embajador Michael B.G. Froman

ANEXO

Certificación membretada del FSIS para la exportación al Perú de carne bovina, de sus productos y vísceras

1. *La carne bovina, sus productos y vísceras provienen de ganado criado en los Estados Unidos o de animales o productos legalmente importados a los Estados Unidos. Los productos bovinos importados provienen de países que cumplen con los reglamentos de sanidad animal de los Estados Unidos y sistemas equivalentes de inocuidad de los alimentos.*
2. *Los Estados Unidos son un país de riesgo insignificante y tienen un programa de vigilancia activo de la EEB que cumple con o excede normas internacionales establecidas por la Organización Mundial de Sanidad Animal (OIE) para ser país de riesgo insignificante.*
3. *Los Estados Unidos exigen el cumplimiento de reglamentos de sanidad animal que prohíben la alimentación de rumiantes con harinas de carne y hueso y despojos de origen rumiante conforme a las directrices de la OIE.*
4. *La carne bovina, sus productos y sus vísceras provienen de ganado no aturdido previo a su sacrificio mediante inyección de aire o gas comprimido en la cavidad craneal ni sometido a un proceso de corte de médula.*
5. *La carne bovina, sus productos y sus vísceras provienen de mataderos o plantas de procesamiento inspeccionados por el gobierno federal y que operan bajo supervisión del FSIS o fueron legalmente importados a los Estados Unidos. Los animales de los cuales provienen la carne, sus productos o vísceras no presentaron síntomas de enfermedades en las inspecciones ante-mortem ni post-mortem y fueron declarados aptos para el consumo humano en la inspección oficial del FSIS.*
6. *El producto o su empaquetado primario exhiben la marca de inspección oficial del USDA, que identifica al establecimiento de su producción y garantiza que el producto fue elaborado en cumplimiento con todos los estatutos y reglamentos de sanidad, el APPCC, pruebas microbiológicas y de residuos y transporte.*
7. *La carne bovina o sus productos fueron manipulados en condiciones de higiene y bajo inspección del FSIS.*