

**OPTIMIZATION PROTOCOL OF THE  
FREE TRADE AGREEMENT BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF PERU AND  
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF  
CHINA**

The Government of the Republic of Peru and the Government of the People's Republic of China (hereinafter referred to as the "Parties"),

**REAFFIRMING** their comprehensive strategic partnership and strong bilateral economic and trade relationship;

**RECALLING** the *Free Trade Agreement between the Government of the Republic of Peru and the Government of the People's Republic of China* (hereinafter referred to as the "Peru-China FTA" or the "Agreement") done in Beijing on 28 April 2009 which entered into force on 1 March 2010;

**RECALLING** the *Memorandum of Understanding between the Ministry of Foreign Trade and Tourism of the Republic of Peru and the Ministry of Commerce of the People's Republic of China for the Optimization of Peru-China Free Trade Agreement* signed, during the state visit to Peru of the Chinese President, in Lima, on 21 November 2016;

**RECALLING** the *Memorandum of Understanding between the Ministry of Foreign Trade and Tourism of the Republic of Peru and the Ministry of Commerce of the People's Republic of China on Launching the Optimization Negotiation for Peru-China Free Trade Agreement* signed during the APEC Economic Leaders' meeting in Port Moresby, Papua New Guinea on 17 November 2018;

**NOTING** that Article 170 of the Agreement provides for the Free Trade Commission may convene the Parties to future negotiations to examine deepening the liberalization reached in different sectors covered by this Agreement;

**DESIRING** to maximize the benefits derived from the Agreement to deepen the economic relations between the Parties through fostering the liberalization and improvement of trade in services, temporary entry for business persons, investment, rules of origin, customs procedures and trade facilitation, sanitary and phytosanitary measures and intellectual property, also introducing the new thematic areas such as standards and conformity assessment cooperation, global supply chain, electronic commerce, competition policy and environment;

**REAFFIRMING** their commitment to a rules-based, transparent, non-discriminatory, open and inclusive multilateral trading system, and recognizing the positive role that bilateral and regional trade agreements can play in supporting the multilateral system;

**SEEKING** to incorporate into the Peru-China FTA, through this instrument, the agreements reached between the Parties relating to the expansion or amendment of the Agreement;

**NOTING** that Article 199 of the Peru-China FTA provides that the Parties may agree on any amendment to this Agreement;

**HAVE AGREED AS FOLLOWS:**

## **ARTICLE 1**

### **Amendment of Chapter 3 (Rules of Origin and Operational Procedures Related to Origin) of the Agreement**

Chapter 3 (Rules of Origin and Operational Procedures Related to Origin) of the Agreement shall be replaced by new Chapter 3 (Rules of Origin and Operational Procedures Related to Origin), as set out in **Appendix 1** to this Protocol.

## **ARTICLE 2**

### **Amendment of Chapter 4 (Customs Procedures and Trade Facilitation) of the Agreement**

Chapter 4 (Customs Procedures and Trade Facilitation) of the Agreement shall be replaced by new Chapter 4 (Customs Procedures and Trade Facilitation), as set out in **Appendix 2** to this Protocol.

## **ARTICLE 3**

### **Amendment of Chapter 6 (Sanitary and Phytosanitary Measures) of the Agreement**

Articles 86, 87 and 88 of Chapter 6 (Sanitary and Phytosanitary Measures) of the Agreement shall be replaced as set out in **Appendix 3** to this Protocol.

New Article 89 bis of Chapter 6 (Sanitary and Phytosanitary Measures) of the Agreement shall be added as set out in **Appendix 3** to this Protocol.

## **ARTICLE 4**

### **Amendment of Chapter 8 (Trade in Services) of the Agreement**

The main body of Chapter 8 (Trade in Services) of the Agreement shall be replaced by new Chapter 8 (Trade in Services), as set out in **Appendix 4** to this Protocol.

Annex 6 (Schedules of Specific Commitments) under Chapter 8 (Trade in Services) of Peru-China FTA is incorporated into and made part of the new Chapter 8, *mutatis mutandis*.

## **ARTICLE 5**

### **Amendment of Chapter 9 (Temporary Entry for Business Persons) of the Agreement**

New Article 117 bis of Chapter 9 (Temporary Entry for Business Persons) of the Agreement shall be added as set out in **Appendix 5** to this Protocol.

## **ARTICLE 6**

### **Amendment of Chapter 10 (Investment) of the Agreement**

Chapter 10 (Investment) of the Agreement shall be replaced by new Chapter 10 (Investment), as set out in **Appendix 6** to this Protocol.

## **ARTICLE 7**

### **Amendment of Chapter 11 (Intellectual Property Rights) of the Agreement**

Chapter 11 (Intellectual Property Rights) of the Agreement shall be replaced by new Chapter 11 (Intellectual Property Rights), as set out in **Appendix 7** to this Protocol.

## **ARTICLE 8**

### **Additional Chapter 18 (Electronic Commerce)**

The Agreement shall be amended by inserting a new Chapter 18 (Electronic Commerce), as set out in **Appendix 8** to this Protocol, after Chapter 17 (Final Provisions) of the Agreement.

## **ARTICLE 9**

### **Additional Chapter 19 (Competition)**

The Agreement shall be amended by inserting a new Chapter 19 (Competition), as set out in **Appendix 9** to this Protocol, after Chapter 18 (Electronic Commerce) of the Agreement.

## **ARTICLE 10**

### **Additional Chapter 20 (Standards and Conformity Assessment Cooperation)**

The Agreement shall be amended by inserting a new Chapter 20 (Standards and Conformity Assessment Cooperation), as set out in **Appendix 10** to this Protocol, after Chapter 19 (Competition) of the Agreement.

## **ARTICLE 11**

### **Additional Chapter 21 (Global Supply Chain)**

The Agreement shall be amended by inserting a new Chapter 21 (Global Supply Chain), as set out in **Appendix 11** to this Protocol, after Chapter 20 (Standards and Conformity Assessment Cooperation) of the Agreement.

## **ARTICLE 12**

### **Additional Chapter 22 (Environment and Trade)**

The Agreement shall be amended by inserting a new Chapter 22 (Environment and Trade), as set out in **Appendix 12** to this Protocol, after Chapter 21 (Global Supply Chain) of the Agreement.

## **ARTICLE 13**

### **Additional Annex 13 (Subsequent Negotiations on Services)**

The Agreement shall be amended by inserting a new Annex 13 (Subsequent Negotiations on Services), as set out in **Appendix 13** to this Protocol.

## **ARTICLE 14**

### **Additional Annex 14 (Peru's Annex on Geographical Indications)**

The Agreement shall be amended by inserting a new Annex 14 (Peru's Annex on Geographical Indications), as set out in **Appendix 14** to this Protocol.

## ARTICLE 15

### General Provisions

1. This Protocol shall enter into force 60 days after the date the Parties exchange written notifications through diplomatic channels certifying that they have completed their respective legal requirements for its entry into force or after such other period as the Parties may agree in written notification through the same channel.
2. This Protocol and its Appendices shall form an integral part of the Peru-China FTA.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done in Lima, Peru, this 14<sup>th</sup> day of November of two thousand twenty-four, in Chinese, Spanish and English languages, all texts being equally authentic. In the event of divergence, the English text shall prevail.

**FOR THE GOVERNMENT OF THE  
REPUBLIC OF PERU**

**FOR THE GOVERNMENT OF THE  
PEOPLE'S REPUBLIC OF CHINA**

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