

SECTION C

PERU

SUBSECTION 1

CENTRAL GOVERNMENT ENTITIES

Title VI of this Agreement shall apply to the central government entities referred to in this Subsection as regards the procurement of goods, services and constructions services indicated below, when the value of the procurement has been estimated, in accordance with Article 173, paragraphs 6 to 8, of this Agreement, as equal to or higher than the corresponding thresholds below:

Goods:

Threshold: 130 000 SDR

Services:

Threshold: 130 000 SDR

Construction Services:

Threshold: 5 000 000 SDR

Procuring Entities:

Unless otherwise specified herein, Title VI of this Agreement covers all agencies subordinate to the entities listed below.

1. Asamblea Nacional de Rectores
2. Banco Central de Reserva del Perú
3. Congreso de la República del Perú
4. Consejo Nacional de la Magistratura
5. Contraloría General de la República
6. Defensoría del Pueblo
7. Jurado Nacional de Elecciones
8. Ministerio del Ambiente
9. Ministerio de Agricultura
10. Ministerio de Comercio Exterior y Turismo
11. Ministerio de Defensa (see Note 1 below)
12. Ministerio de Economía y Finanzas (see Note 2 below)
13. Ministerio de Educación
14. Ministerio de Energía y Minas
15. Ministerio de Justicia
16. Ministerio de la Mujer y Desarrollo Social
17. Ministerio de la Producción
18. Ministerio de Relaciones Exteriores

19. Ministerio de Salud
20. Ministerio de Trabajo y Promoción del Empleo
21. Ministerio de Transportes y Comunicaciones
22. Ministerio de Vivienda, Construcción y Saneamiento (see Note 3 below)
23. Ministerio del Interior (see Note 1 below) 24. Ministerio Público
25. Oficina Nacional de Procesos Electorales
26. Poder Judicial
27. Presidencia del Consejo de Ministros
28. Registro Nacional de Identificación y Estado Civil
29. Seguro Social de Salud (ESSALUD) (see Note 4 below)
30. Superintendencia de Banca, Seguros y Administradora Privada de Fondos de Pensiones
31. Tribunal Constitucional
32. Universidad Nacional del Altiplano
33. Universidad del Centro del Perú
34. Universidad Mayor de San Marcos
35. Universidad Nacional Agraria de la Molina
36. Universidad Nacional Agraria de la Selva
37. Universidad Nacional Amazónica de Madre de Dios
38. Universidad Nacional Daniel Alcides Carrión
39. Universidad Nacional de Cajamarca
40. Universidad Nacional de Educación Enrique Guzman Valle
41. Universidad Nacional de Huancavelica
42. Universidad Nacional de Ingeniería

43. Universidad Nacional de la Amazonía Peruana
44. Universidad Nacional de Piura
45. Universidad Nacional de San Agustín
46. Universidad Nacional de Trujillo
47. Universidad Nacional de Tumbes
48. Universidad Nacional de Ucayali
49. Universidad Nacional del Callao
50. Universidad Nacional del Santa
51. Universidad Nacional Federico Villareal
52. Universidad Nacional Hermilio Valdizán
53. Universidad Nacional Jorge Basadre Grohmann
54. Universidad Nacional José F. Sanchez Carrión
55. Universidad Nacional Micaela Bastidas de Apurímac
56. Universidad Nacional San Antonio de Abad del Cusco
57. Universidad Nacional San Cristobal de Huamanga
58. Universidad Nacional San Martín
59. Universidad Nacional San Luis Gonzaga de Ica
60. Universidad Nacional Santiago Antúnez de Mayolo
61. Universidad Nacional Toribio Rodríguez de Mendoza
62. Universidad Pedro Ruiz Gallo

Notes to this Subsection

1. Ministerio de Defensa and Ministerio del Interior: Title VI of this Agreement does not cover the procurement of clothing/apparel (HS 6205) and footwear (HS 64011000) by the Army, Navy, Air Force or National Police of Peru.
2. Ministerio de Economía y Finanzas: Title VI of this Agreement does not cover procurement by the Agencia de Promoción de la Inversión Privada (PROINVERSION) of technical, legal, financial, economic, or similar consulting services, which are necessary to promote private investment through the granting of concessions or other means such as capital increase, joint ventures, service, leasing and management contracts.
3. Ministerio de Vivienda, Construcción y Saneamiento: Title VI of this Agreement does not cover procurement by the Comisión de Formalización de la Propiedad Informal (COFOPRI).
4. Seguro Social de Salud (ESSALUD): Title VI of this Agreement does not cover the procurement of sheets (HS 6301) and blankets (HS 6302).

SUBSECTION 2

SUB-CENTRAL GOVERNMENT ENTITIES

Title VI of this Agreement shall apply to the sub-central government entities referred to in this Subsection as regards the procurement of goods, services and construction services indicated below, when the value of the procurement has been estimated, in accordance with Article 173, paragraphs 6 to 8, of this Agreement, as equal to or higher than the corresponding thresholds below:

Goods:

Threshold: 200 000 SDR

Services:

Threshold: 200 000 SDR

Construction Services:

Threshold: 5 000 000 SDR

Procuring Entities:

- I. Regional Level of Government
 1. Gobierno Regional de Amazonas
 2. Gobierno Regional de Ancash
 3. Gobierno Regional de Arequipa
 4. Gobierno Regional de Ayacucho
 5. Gobierno Regional de Apurimac
 6. Gobierno Regional de Cajamarca

7. Gobierno Regional del Callao
8. Gobierno Regional de Cusco
9. Gobierno Regional de Ica
10. Gobierno Regional de Huancavelica
11. Gobierno Regional de Huánuco
12. Gobierno Regional de Junín
13. Gobierno Regional de la Libertad
14. Gobierno Regional de Lambayeque
15. Gobierno Regional de Lima
16. Gobierno Regional de Loreto
17. Gobierno Regional de Madre de Dios
18. Gobierno Regional de Moquegua
19. Gobierno Regional de Pasco
20. Gobierno Regional de Piura
21. Gobierno Regional de Puno
22. Gobierno Regional de San Martín
23. Gobierno Regional de Tacna
24. Gobierno Regional de Tumbes
25. Gobierno Regional de Ucayali

II. Local Level of Government

All provincial and district municipalities are covered.

SUBSECTION 3

OTHER COVERED ENTITIES

Title VI of this Agreement shall apply to the entities referred to in this Subsection as regards the procurement of goods, services and construction services, indicated below when the value of the procurement has been estimated, according to Article 173 paragraphs 6 to 8 of this Agreement, as equal to or higher than the corresponding thresholds below:

Goods:

Threshold: 400 000 SDR

Services:

Threshold: 400 000 SDR

Construction Services:

Threshold: 5 000 000 SDR

Procurement Entities:

1. Agro Banco
2. Banco de la Nación
3. Banco de Materiales

4. Compañía de Negociaciones Mobiliarias e Inmobiliarias S.A.
5. Corporación Financiera de Desarrollo S.A.
6. Corporación Peruana de Aeropuertos y Aviación Civil S.A. (CORPAC)
7. Electricidad del Perú S.A. (ELECTROPERU)
8. Empresa Eléctrica del Sur S.A.
9. Empresa de Administración de Infraestructura Eléctrica S.A.
10. Empresa de Generación Eléctrica de Machupicchu
11. Empresa Nacional de la Coca S.A. (ENACO)
12. Empresa Nacional de Puertos S.A. (ENAPU)
13. Empresa Peruana de Servicios Editoriales
14. Empresa Regional de Servicios Públicos de Electricidad del Oriente
15. Empresa Regional de Servicios Públicos de Electricidad del Sur Este S.A
16. Inmobiliaria Milenia S.A. (INMISA)
17. PERUPETRO
18. Petróleos del Perú (PETROPERU) (see Note below)
19. Servicio de Agua Potable y Alcantarillado de Lima (SEDAPAL)
20. Servicio Industrial de la Marina (SIMA)
21. Servicios Postales del Perú S.A
22. Sociedad Eléctrica del Sur Oeste

Note to this Subsection

Petróleos del Perú (PETROPERU): Title VI of this Agreement does not cover the procurement of the following goods:

- (a) Crude Petroleum
- (b) Gasoline
- (c) Propane
- (d) Diesel oil
- (e) Butane
- (f) Low sulfur medium distillation or gasoil
- (g) Natural gas
- (h) Bio-diesel
- (i) Saturated acyclic hydrocarbons
- (j) Catalyzers
- (k) Ethanol
- (l) Additives

SUBSECTION 4

GOODS

Title VI of this Agreement shall apply to all goods procured by the entities listed in Subsections 1 through 3, subject to the respective Notes to Subsections 1 through 3, and to the General Notes in Subsection 7.

SUBSECTION 5

SERVICES

Title VI of this Agreement shall apply to all services procured by the entities listed in Subsections 1 through 3, subject to the respective Notes to Subsections 1 through 3, and to the General Notes in Subsection 7.

Title VI of this Agreement does not cover the procurement of the following services, as elaborated in the Central Product Classification Version 1.1.

(<http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=16>):

CPC 8221 Accounting and auditing services

CPC 8321 Architectural services

CPC 8334 Engineering and design services

CPC 8335 Engineering services during construction and installation phase

CPC 82191 Arbitration and Conciliating Services

In the case of CPC codes 8321, 8334 and 8335, Title VI of this Agreement shall apply after 5 years following the date of entry into force of this Agreement.

SUBSECTION 6

CONSTRUCTION SERVICES

A. Construction Services

Title VI of this Agreement applies to all construction services procured by the entities listed in Subsections 1 through 3, subject to the respective Notes to Subsections 1 through 3, and to the General Notes in Subsection 7.

B. Public Works Concession Contracts

Public works concession contracts, when awarded by Subsection 1 and 2 entities, and provided their value equals or exceeds 5 000 000 SDR, are subject to the national treatment principle established in Article 175, paragraphs 1 and 2 of this Agreement, and to Articles 173, 174, 179, 190 and 294 of this Agreement.

SUBSECTION 7

GENERAL NOTES AND EXTENSIONS/DEROGATIONS

Unless otherwise specified herein, the following General Notes apply without exception to Title VI of this Agreement, including to all Subsections of this Section.

1. Title VI of this Agreement does not apply to procurement programmes on behalf of small and micro-sized companies.
2. Title VI of this Agreement does not apply to the procurement of goods for food assistance programmes.
3. Title VI of this Agreement does not apply to procurement by one Peruvian entity from another Peruvian entity.

4. Title VI of this Agreement does not apply to the acquisition of weavings and clothing made with alpaca and llama fibers.
5. Title VI of this Agreement does not apply to procurement by the Embassies, Consulates and other missions of the foreign service of Peru, exclusively for their operation and management.

For the purposes of Title VI of this Agreement, open tendering procedures include framework agreements and reverse auction.

6. Threshold calculation formula
 - (a) The threshold shall be adjusted at two- year intervals with each adjustment taking effect on January 1, beginning on January 1, 2014.
 - (b) the calculation of the values of thresholds shall be based on the average of the daily values of the SDR to Nuevo Sol exchange rate over the 24 months terminating on the last day of August preceding the revision with effect from 1 January. The value of the thresholds thus revised shall, where necessary, be rounded down to the nearest thousand Nuevos Soles. This methodology can be modified by the EU Party and Peru within the Trade Committee meeting as described in Article 12, paragraph 4 of this Agreement.