Agreement ID : CHINA-PERU
Short Name : China-Peru FTA&EIA

Member Countries

China
Peru

Total: 2 countries

Free Trade Agreement between the Government of the People's Republic of China and the Government of the Republic of Peru

Status : Signed in **2009**. In force since 2010
Scope : Bilateral
Type : FTA & EIA
WTO Notification : GATT Art XXIV, GATS Art V 2010
Agreement text :
http://fta.mofcom.gov.cn/topic/enperu.shtml
Other links :
http://rtais.wto.org/UI/PublicShowRTAIDCard.aspx?rtaid=666
WTO consideration process :
Under consideration

GOODS

Tariffs

CHAPTER 2; Section B: Tariff elimination by 2015

ANNEX 2; Tariff schedule, negative list, margin of preference

CHAPTER 2; Section F: covers Agriculture

Rules of Origin

CHAPTER 3; Section A; Article 23: Change in Tariff Classification, RVC 40-50%, a process requirement or other requirements

Annex 4: Product Specific Rules of Origin

Contingency Measures

Anti - Dumping : CHAPTER 5; Section C; Article 77: Allowed as per WTO/GATT, antidumping investigation is required
Countervailing Duties : CHAPTER 5; Section C; Article 77: Allowed as per WTO/GATT, antidumping investigation is required
Safeguards : CHAPTER 5; Section B: Allowed

Standards : CHAPTER 6: SPS. CHAPTER 7:TBT: establish the Committee on SPS and TBT, ensure to cooperate in technical

Notes :

SERVICES

WTO Notification (GATS Art. V) : Notified
Date of notification : 14/03/2011
Consideration Process : Factual Presentation issued

Liberalization Approach : Positive Lists

Modes Covered

Cross - Border Supply : **Yes**
Consumption Abroad : **Yes**
Commercial Presence Abroad : **Yes**
Movement of Natural Persons : **Yes**

Specific Chapters on
Movement of natural persons :**Yes**

Specific Sectors Excluded
Air transport : **Yes**

Public Sectors carve-out : GATS-like (Article I:3(b))

Most Favoured Nation : Not featured

National Treatment : Binding

Market Access : Binding

Domestic Regulation : Non-binding (NAFTA-like)

Subsidies covered by services disciplines : Not covered

Denial of benefits for commercial presence : Article 113: Denial of Benefits

Notes :
The agreement incorporates GATS Annexes on Financial Services and Telecommunications.

Link to schedules :
http://fta.mofcom.gov.cn/bilu/annex/bilu_fujian6_01_en.pdf http://fta.mofcom.gov.cn/bilu/annex/bilu_fujian6_02_en.pdf

INVESTMENT

Scheduling Approach :

Definition of investment : Covers portfolio investment

Most Favoured Nation : Binding
Economic integration exception to MFN : **Yes**

National Treatment : Binding

Fair and Equitable Treatment : Binding
Clarifying text on FET : **Yes**

Expropriation : Binding
Clarifying text : **Yes**

Board of Directors and executive personnel : Not Featured

Invester - State arbitration : Yes

Denial of Benefits :
Article 137: Denial of BenefitsSubject to prior notification and consultation, a Party may deny the benefits of this Chapter to:81(a) investors of the other Party where the investment is being made by a enterprise that is owned or controlled by persons of a third State and the enterprise has no substantive business activities in the territory of the other Party; or(b) investors of the other Party where the investment is being made by a enterprise that is owned or controlled by persons of the denying Party.

Additional BIT exists between the parties : No
BIT list I :
Status:
BIT list II :
Status:

Notes :
No lists of reservation of specific commitments. National Treatment does not apply to any existing non-conforming measure.

Link to schedules :

TRADE FACILITATION

Customs procedures : **Yes** CHAPTER 4
Customs valuation : **Yes** CHAPTER 2; Section E; Article 14. CHAPTER 4; Article 55: as per WTO Committee on Customs Valuation.
Trade regulations publication and administration : **Yes** CHAPTER 4; Article 63
Use of ICT : **No**
Mobility of business people : **No**
Freedom of transit : **No**
Transport and logistics : **No**
Trade finance : **No**

OTHER AREAS

Government Procurement : **No**
Investment : **Yes** CHAPTER 10
Competition Policy : **Yes** CHAPTER 12; Article 159
Intellectual Property : **Yes** CHAPTER 11
Dispute Settlement : **Yes** CHAPTER 15
Labor Mobility : **No**
Labor and Environmental Standards : **No**
Technical cooperation : **Yes** CHAPTER 7; Article 100
Institutional mechanism : **Yes** CHAPTER 4; Section G; Article 20:Committee on Trade in Goods

Notes :

RULES OF ORIGIN

Cumulation
CHAPTER 3; Section A; Article 27: Allowed, partial

Specific Process
Annex 4: Product Specific Rules of Origin
Heading Change

De Minimis
CHAPTER 3; Section A; Article 29: 10%
Minimum Content

Drawback
Not mentioned
HTTP Link
http://fta.mofcom.gov.cn/bilu/annex/bilu_xdwb_03_en.pdf

Notes :
Annex 4: http://fta.mofcom.gov.cn/bilu/annex/bilu_fujian4_01_en.pdf