

**THIRD ADDITIONAL PROTOCOL TO THE PROTOCOL
BETWEEN THE REPUBLIC OF PERU AND THE KINGDOM OF
THAILAND TO ACCELERATE THE LIBERALIZATION OF
TRADE IN GOODS AND TRADE FACILITATION**

THE GOVERNMENT OF THE REPUBLIC OF PERU AND THE GOVERNMENT OF THE KINGDOM OF THAILAND (hereinafter referred to as the “Parties”),

RECALLING the Framework Agreement on Closer Economic Partnership between the Government of the Republic of Peru and the Government of the Kingdom of Thailand, done at Bangkok, Thailand on 17 October 2003 (hereinafter referred to as the “Framework Agreement”);

RECALLING The Protocol between the Republic of Peru and the Kingdom of Thailand to Accelerate the Liberalization of Trade in Goods and Trade Facilitation done at Busan, the Republic of Korea, on 19 November, 2005 (hereinafter referred to as the “Protocol”);

RECALLING The Additional Protocol to The Protocol between the Republic of Peru and the Kingdom of Thailand to Accelerate the Liberalization of Trade in Goods and Trade Facilitation done at Hanoi, Socialist Republic of Vietnam, on 16 November, 2006 (hereinafter referred to as the “Additional Protocol”);

RECALLING The Second Additional Protocol to the Protocol between the Republic of Peru and the Kingdom of Thailand to Accelerate the Liberalization of Trade in Goods and Trade Facilitation done at Singapore, on 13 November, 2009 (hereinafter referred to as the “Second Additional Protocol”);

FURTHER RECALLING that paragraph 1 and 2 of Article 2 to the Protocol provide that Parties agree to establish Rules of Origin and its related issues and for such purpose, the Parties agreed to the Rules of Origin as set out in Annex 2 of the Protocol.

yes

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NOTING that the aforementioned Rules of Origin should be in accordance with domestic laws and regulations of the Parties or relevant international law.

REAFFIRMING the undertakings of the Parties to endeavor to progressively liberalize and promote trade in goods between the Parties; facilitate the movement of goods between the territories of the Parties; and strengthen and enhance economic partnership between the two countries;

HAVE AGREED AS FOLLOWS:

**ARTICLE 1
AMENDMENTS TO THE RULES OF ORIGIN**

1. Paragraph (f) and (g) of Article 3 (Wholly Obtained or Produced Entirely Goods), Section B: Determination of Origin of the Annex 2 to the Protocol shall be replaced by the new paragraphs (f) and (g) which appear as follows:

(f) Fish, shellfish, plant, and other marine life taken within maritime zones over which each Party exercises sovereignty, sovereign rights and jurisdiction in accordance with the applicable legislation of that Party or the relevant provisions of international law under the United Nations Convention on the Law of the Sea; or taken from the high seas, in accordance with the relevant provisions of international law under the United Nations Convention on the Law of the Sea, by vessels that are entitled to fly the flag of Thailand or Peru.

(g) Goods taken by a Party, or a person of a Party, from the seabed or subsoil beneath the seabed over which that Party has exclusive rights in accordance with the applicable legislation of that Party or the relevant provisions of international law under the United Nations Convention on the Law of the Sea.

2. Section C: Operational Procedures of the Annex 2 to the Protocol shall be amended to incorporate additional Article 24 on Third Party Invoicing, as follows:

ARTICLE 24

Third Party Invoicing

1. For the purpose of granting preferential tariff treatment, the customs authority of the importing Party shall accept Certificates of Origin in cases where the sales invoice covering the goods included in the Certificate of Origin is issued by a non-Party operator, provided that the goods meet all the applicable requirements of ANNEX 2.

2. For purposes of paragraph 1, the exporter shall indicate "Third Party Invoicing" and the following information in the Certificate of Origin: name and legal address (including city and country) of the non-Party operator.

3. In the case where a good is invoiced by a non-Party operator, the number and date of the invoice issued by the exporters and the number and date of the invoice issued by the non-Party operator (if known) for the importation of the goods into the importing Party shall be indicated in the Certificate of Origin.

ARTICLE 2 FINAL PROVISIONS

1. This Third Additional Protocol shall form an integral part of the Protocol between the Republic of Peru and the Kingdom of Thailand to Accelerate the Liberalization of Trade in Goods and Trade Facilitation 2005.

2. Each Party shall notify the other Party of the completion of its internal procedures for the entry into force of this Third Additional Protocol.

3. This Third Additional Protocol, the Additional Protocol and the Second Additional Protocol shall enter into force at the same date of the Protocol.

Annex 2

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this Third Additional Protocol to the Protocol between the Republic of Peru and the Kingdom of Thailand to Accelerate the Liberalization of the Trade in Goods and Trade Facilitation.

DONE at Bangkok, Thailand on this 18th day of November 2010; in duplicate, in the Spanish, Thai and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

**For the Government of
the Republic of Peru**



**Mr. Carlos Posada
Vice Minister of Foreign Trade**

**For the Government of
the Kingdom of Thailand**



**Mr. Alongkorn Ponlaboot
Deputy Minister of Commerce**