

Section 3
Operational Procedures for Tariff Rate Quota
and Certificate of a Good

Article 1
Definition

For the purposes of this Section,

- (a) the term "competent authority of the exporting Party" means the Ministry of Foreign Trade and Tourism of Peru;
- (b) the term "competent authority of the importing Party" means the Ministry of Agriculture, Forestry and Fisheries of Japan; and
- (c) the term "issuing authority of the exporting Party" means the authority of Peru that is responsible for the issuing of the certificate referred to in subparagraph 1(a) of Article 2 or Article 3.

Article 2
Tariff Rate Quota

1. For the purposes of the subparagraphs 2(f)(i)(C), 2(g)(i)(C), 2(j)(i)(C) and 2(k)(i)(C) of the Notes for Schedule of Japan, the following provisions shall apply:

- (a) The issuing authority of the exporting Party shall issue the certificate referred to in the said subparagraphs in English for each export.

- (b) Upon the entry into force of this Agreement, the competent authority of the exporting Party shall notify to the importing Party, the format of certificate referred to in subparagraph (a), the name of the issuing authority of the exporting Party and the impression of stamps used for the certificate. The competent authority of the exporting Party shall notify the importing Party of any modification thereof. The notifications shall be made by a method that produces a confirmation of receipt.
- (c) A certificate referred to in subparagraph (a) shall include the following minimum data:
 - (i) Certificate number;
 - (ii) Exporter's name and address;
 - (iii) Importer's name and address;
 - (iv) Description of good(s);
 - (v) HS tariff classification number;
 - (vi) Quantity (with measure unit);
 - (vii) Validity (the dates of commencement and expiry: these dates shall be in the same year); and
 - (viii) Signature of official and stamp, of the issuing authority of the exporting Party, and the date of issue.
- (d) The issuing authority of the exporting Party shall take necessary measures to prevent the falsification of the certificate referred to in subparagraph (a).
- (e) In applying for a certificate of tariff rate quota issued by the importing Party referred to in subparagraphs 2(f), 2(g), 2(j) and 2(k) of the Notes for Schedule of Japan, an importer whose name appears on the certificate referred to in subparagraph (a), shall submit the certificate to the competent authority of the importing Party.

2. For the purposes of the subparagraph 2(h) and 2(i) of the Notes for Schedule of Japan, an importer shall apply for a certificate of tariff rate quota to the competent authority of the importing Party without the certificate referred to in subparagraph 1(a).

3. For the purposes of the administration of the tariff rate quota, the Parties should exchange information on any related matter, including the issuance of the certificate of tariff rate quota by the competent authority of the importing Party referred to in subparagraph 1(e) and paragraph 2 and the aggregate amount of allocated quotas; the latter information should be exchanged within the following month after the allocation of the quota.

4. For the purposes of resolving any matter arising related to this Article, the consultations between the Parties may be made through the competent authorities of the exporting Party and the importing Party.

Article 3 Certificate of a Good

1. For the purposes of originating goods classified under the tariff lines indicated with one asterisk ("*") in Column 5 of the Schedule of Japan, an importer who claims the preferential tariff treatment in accordance with this Annex shall submit to the customs authority of the importing Party a certificate of a good for each export issued by the exporting Party.

2. A Health Certificate issued by the issuing authority of the exporting Party, or its copy duly certified by the issuing authority of the exporting Party shall serve as a certificate of a good when the followings are included in the field of details identifying the products:

- (a) description of the good specified in Column 2 of the tariff line in the Schedule of Japan, in which the originating good referred to in paragraph 1 is classified; and
- (b) invoice number(s) and date(s).

3. Upon the entry into force of this Agreement, the exporting Party shall notify to the importing Party, the formats of certificate of a good, a register of the names of the issuing authority of the exporting Party and officials accredited to issue the certificate of a good, as well as specimen signatures and impressions of stamps used for the issuance of the certificate of a good. The exporting Party shall notify the importing Party of any modification thereof. The notifications shall be made by a method that produces a confirmation of receipt.

4. The issuing authority of the exporting Party shall take necessary measures to prevent the falsification of the certificate of a good.

5. (a) The customs authority of the importing Party may request the competent authority of the exporting Party to check the authenticity of the certificate of a good or the accuracy of the information included in the certificate of a good. The competent authority of the exporting Party shall provide the information requested in a period not exceeding 90 days after the date of receipt of the request.

(b) The customs authority of the importing Party may deny preferential tariff treatment in accordance with this Annex:

(i) where the competent authority of the exporting Party fails to respond to the request within 90 days after the date of the receipt of the requests; or

(ii) where the information provided to the customs authority of the importing Party is not sufficient for determining the authenticity of the certificate of a good or the accuracy of the information included in the certificate of a good.

6. The customs authority of the importing Party may suspend preferential tariff treatment in accordance with this Annex to the goods covered by the certificate of a good concerned while awaiting the answer of its request. However, the suspension of the preferential tariff treatment shall not be a reason to stop the release of the goods.

7. For the purposes of resolving any matter arising related to this Article, the consultations between the Parties may be made through the competent authority of the exporting Party and the customs authority of the importing Party.