

No. 6482

**JAPAN
and
PERU**

Agreement on commerce (with Protocol and exchange of notes). Signed at Tokyo, on 15 May 1961

Official texts: Spanish and Japanese.

Registered by Japan on 17 January 1963.

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Textes officiels espagnol et japonais.

Enregistré par le Japon le 17 janvier 1963.

[TRANSLATION — TRADUCTION]

No. 6482. AGREEMENT¹ ON COMMERCE BETWEEN JAPAN
AND THE REPUBLIC OF PERU. SIGNED AT TOKYO,
ON 15 MAY 1961

The Government of Japan and the Government of the Republic of Peru, desiring to strengthen the bonds of peace and friendship traditionally existing between the two countries, to intensify and develop the trade relations between them, and to promote investments and other forms of mutually beneficial economic co-operation with a view to raising their peoples' levels of living, have resolved to conclude an Agreement on Commerce regulating, on fair and equitable terms, the trade relations between the two countries; and have for that purpose appointed as their plenipotentiaries :

The Government of Japan :

His Excellency Mr. Zentaro Kosaka, Minister for Foreign Affairs;

The Government of the Republic of Peru :

His Excellency Mr. Federico Hilbck Seminario, Ambassador Extraordinary and Plenipotentiary on Special Mission;

who, having exchanged their full powers, found in good and due form, have agreed upon the following articles :

Article I

With respect to customs duties and charges of any kind imposed on or in connexion with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to the rules and formalities in connexion with importation and exportation, and with respect to the application of internal taxes to exported goods, and with respect to all internal taxes or other internal charges of any kind imposed on or in connexion with imported goods, and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods, any advantage, favour, privilege or immunity which has been or may hereafter be granted by either Contracting Party to any product originating in or destined for any third country shall be accorded immediately and unconditionally to the like product originating in or destined for the territory of the other Party.

¹ Came into force on 18 December 1961 by the exchange of the instruments of ratification which took place at Lima, in accordance with article IX (1).

Article II

1. Nationals and companies of either Party shall be accorded treatment no less favourable than that accorded to nationals and companies of any third country with respect to payments, remittances and transfers of funds or financial instruments between the territories of the two Parties as well as between the territories of the other Party and of any third country.

2. The provisions of paragraph 1 of this article shall not preclude either Party from imposing such exchange restrictions as are consistent with the rights and obligations that it has or may have as a contracting party to the Articles of Agreement of the International Monetary Fund.¹

3. Neither Party shall impose restrictions or prohibitions on the importation of any product of the other Party, or on the exportation of any product to the territory of the other Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

4. Notwithstanding the provisions of paragraph 3 of this article, either Party may impose restrictions or controls on the importation and exportation of goods that have effect equivalent to exchange restrictions which the said Party may at that time apply under the provisions of paragraph 2 of this article.

Article III

1. Nationals of either Party shall be permitted to enter, sojourn in and travel in the territory of the other Party, in accordance with the laws and administrative regulations of the other Party in force on the subject, and shall receive in every respect treatment no less favourable than that accorded to nationals of any third country.

2. Nationals and companies of either Party shall be accorded, within the territory of the other Party, treatment no less favourable than that accorded to nationals and companies of any third country with respect to all matters relating to the levying of taxes, access to the courts, rights to property, participation in legal entities, and generally the conduct of all kinds of business and commercial and economic activities.

3. Nationals and companies of either Party shall be accorded, within the territory of the other Party, treatment no less favourable than that accorded to nationals and companies of the said other Party with respect to the acquisition and maintenance of patents for invention and with respect to rights in trade marks, trade names, trade labels and industrial property of every kind.

¹ United Nations, *Treaty Series*, Vol. 2, p. 40; Vol. 19, p. 280; Vol. 141, p. 355; Vol. 199, p. 308; Vol. 260, p. 432; Vol. 287, p. 260; Vol. 303, p. 284; Vol. 316, p. 269; Vol. 406, p. 282, and Vol. 426, p. 334.

4. Notwithstanding the provisions of paragraph 2, each Party reserves the right to accord special tax advantages on a basis of reciprocity or by virtue of agreements for the avoidance of double taxation or for the prevention of fiscal evasion.

Article IV

Property of nationals and companies of either Party shall not be expropriated or used within the territory of the other Party except for a public purpose and subject to fair compensation in accordance with the constitutional and legal provisions of the other Party. In all matters relating to this article, nationals and companies of either Party shall receive, within the territory of the other Party, treatment no less favourable than that accorded to nationals and companies of the said Party or of any third country.

Article V

Contracts entered into between nationals or companies of one Party and nationals or companies of the other Party, that provide for the settlement of disputes by arbitration, shall not be deemed unenforceable in the territory of such other Party merely on the grounds that the place designated for the arbitration proceedings is outside such territory or that the nationality of one or more of the arbitrators is not that of such other Party. An award duly rendered pursuant to any such contracts, which is final and enforceable under the laws of the place where it is rendered, shall not be deemed invalid or denied effective means of enforcement within the territory of either Party merely on the grounds that the place where such award is rendered is outside such territory or that the nationality of one or more of the arbitrators is not that of such Party.

Article VI

1. The provisions of articles I and II of this Agreement shall not apply to such special advantages as are or may be accorded by the Parties :

- (a) to products of their national fisheries;
- (b) to adjacent countries in order to facilitate their frontier traffic;
- (c) to the members of a customs union or free-trade area of which either Party is or may become a member, within the General Agreement on Tariffs and Trade.¹

2. Furthermore the provisions of articles I and II shall not apply to the advantages which Peru accords to Chile and to the Argentine Republic or

¹ See footnote 1, p. 322 of this volume.