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**Peru
and
United States of America**

Agreement between the Government of the United States of America and the Government of the Republic of Peru concerning cooperation to strengthen cargo container security. Washington, 11 June 2013

Entry into force: *5 May 2015 by notification, in accordance with article VI*

Authentic texts: *English and Spanish*

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**Pérou
et
États-Unis d'Amérique**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Pérou relatif à la coopération visant à renforcer la sécurité des conteneurs de fret. Washington, 11 juin 2013

Entrée en vigueur : *5 mai 2015 par notification, conformément à l'article VI*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Pérou, 23 juin 2017*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF PERU
CONCERNING
COOPERATION TO STRENGTHEN CARGO CONTAINER SECURITY

The Government of the United States of America and the Government of the Republic of Peru (hereinafter the "Parties"):

Recognizing the high volume of trade between ports of the Republic of Peru and ports of the United States of America, and the location of Peru as a transport center for cargo arriving from many countries;

Convinced of the need to detect, deter, and where necessary, interdict illicit trafficking in special nuclear material and other radioactive material, including terrorist attempts to disrupt global trade or make use of commercial shipping to further terrorist schemes; and

Taking into account the United States Department of Energy's Megaports Initiative, which is designed to provide equipment, training, and technical support to international partners to enhance their ability to deter, detect, and interdict illicit trafficking of special nuclear and other radioactive material in the global maritime system,

HAVE AGREED AS FOLLOWS:

ARTICLE I

SCOPE OF COOPERATION

1. The Government of the United States of America (hereinafter "the United States Government"), through the National Nuclear Security Administration of the U.S. Department of Energy (hereinafter "DOE"), may provide technical assistance at no cost to the Government of Peru, through its Peruvian Nuclear Energy Institute (hereinafter "IPEN"), in the form of equipment and materials, as well as training and services, for use at the Port of Callao and other of Peru's ports as are to be jointly determined by DOE and IPEN, for the purpose of detecting, deterring, and, when necessary, interdicting illicit trafficking in special nuclear material and other radioactive material.
2. As used herein, "special nuclear material" means plutonium, and uranium enriched to 20 percent or more in the isotope U-235. "Other radioactive material" includes, but is not limited to, radioactive sources suitable for use in radiological dispersal devices and that pose a radiological risk.
3. DOE's technical assistance may include:
 - a. delivery and installation, free of charge, at the Port of Callao and other of Peru's ports as mutually determined by DOE and IPEN, of equipment adapted as appropriate for customs control conditions (including testing, setup, and demonstration of the equipment);
 - b. delivery of spare parts, test equipment, and other maintenance equipment for the DOE-supplied equipment;
 - c. training and equipping of selected Peruvian personnel in the detection, identification, recovery, and handling of special nuclear material and other radioactive material, response to detections of illicit trafficking in those materials, and in the proper use and maintenance of equipment provided by DOE;

- d. support for maintenance of the equipment provided by DOE, as set forth in a maintenance and sustainability plan mutually determined by DOE and IPEN; and
 - e. additional areas of cooperation of mutual interest to DOE and IPEN.
- 4. The Government of Peru shall use the equipment and materials received, as well as the training and services provided, under this Agreement, only to implement measures to detect and identify special nuclear material and other radioactive material for the purpose of preventing their illicit trafficking.
- 5. Upon reasonable request by DOE, representatives of that agency shall be permitted to make technical evaluations of the equipment supplied under this Agreement, once such equipment is installed.
- 6. DOE and IPEN may jointly conduct technical workshops, consultations, on-site visits, verification inspections, and acceptance testing of materials and installed equipment. Bi-national working groups may be formed, comprised of technical experts who may exchange technical information and make proposals on technical and training matters to ensure the effective implementation of this Agreement.
- 7. The terms and conditions under which assistance may be provided under this Agreement shall be set forth in implementing agreements, contracts, or other written instruments between DOE and IPEN or their designated implementing agents. In case of any inconsistency between these implementing agreements and this Agreement, the provisions of this Agreement shall prevail.
- 8. Each Party may, following written notification to the other Party, delegate responsibilities for the implementation of this Agreement to other ministries, agencies, departments or units of its respective Government.

ARTICLE II

PROVISION OF INFORMATION

IPEN shall furnish the United States Government, through representatives of U.S. Customs and Border Protection of the U.S. Department of Homeland Security present in Peru, and in a format and according to a schedule determined by DOE and IPEN, with information on detections or seizures of special nuclear material and/or of other radioactive material made as a result of the use of the equipment and materials supplied pursuant to this Agreement.

ARTICLE III

TRANSFER OF EQUIPMENT

Unless the written consent of DOE has first been obtained, IPEN shall not transfer ownership, possession, or use of any equipment provided by DOE pursuant to this Agreement, other than to other ministries, agencies, departments or units of the Government of Peru.

ARTICLE IV

TAX TREATMENT FOR ASSISTANCE

1. Commodities (including materials, articles, supplies, goods, or equipment) provided, utilized or purchased by the United States Government or, in its behalf, by its contractors and grantees (and subcontractors and subgrantees) in connection with United States Government assistance that may be provided under this Agreement may be acquired, imported into, exported from, or used in, the territory of Peru free from any value-added taxes, tariffs, dues, customs duties, import taxes, or other similar taxes or charges, imposed by the Government of Peru or any subdivision thereof. This exemption shall be implemented in accordance with the national laws and regulations of Peru.
2. If, notwithstanding these exemptions, any taxes, customs duties or other charges to which the previous paragraph refers are paid, the Government of