

Subject to Legal Review for Accuracy, Clarity, and Consistency

Bilateral Understanding between the U.S. and Peru on Conservation and Trade:

The Governments of the United States of America and Republic of Peru have reached the following understanding concerning Article 20.17.5 (Conservation and Trade) of the Trans-Pacific Partnership Agreement signed this day:

The Governments recognize that Peru's Forest and Wildlife Law requires proof of legal origin for wild fauna and flora, and failure to provide such proof is subject to penalties in accordance with that law. The Parties further recognize that under that law and other relevant customs laws, Peru has established procedures and legal requirements for wild fauna and flora produced and exported from Peru.

The Governments reaffirm that for purposes of paragraph 5, each Party retains the right to determine what constitutes "credible evidence" regarding another applicable law, such as an official communication from a TPP Party's competent authority of an illegal take or trade of wild fauna or flora worldwide. In that context, Peru will stop the illegal shipment entering its territory on the basis of such communication according to its national customs legislation. In such a case, the Peruvian Competent Authority can communicate to the competent authority of the country where the illegal take or trade occurred in order to determine how to dispose of the illegal shipment of wild fauna or flora, in accordance with Peru's national legislation.