The following communication, dated 16 April 1991, has been received from the Permanent Mission of Peru with the request that it be circulated to the participants of the Uruguay Round.

I have the honour to refer to developments in the Uruguay Round in respect of market access.

In this connection and further to my note GATT/025, dated 12 October 1990, concerning important trade-liberalization measures which Peru had adopted up to that time, I have pleasure in informing you that the Peruvian Government has since brought into effect some additional foreign-trade liberalization measures.

On 11 March 1991, under Supreme Decree 033-91-EF, a further reduction of tariffs to two levels was approved: a minimum level of 15 per cent and a maximum level of 25 per cent ad valorem c.i.f. Approximately 80 per cent of the entire customs tariff is now subject to the minimum rate. This additional reduction, of an autonomous character, is designed to foster trade activity and encourage speedy transformation of production activity, in the context of the economic programme of structural adjustment in which the Peruvian Government is currently engaged. It is likewise designed to constitute an additional contribution by Peru to the general process of world trade liberalization, the major objective of GATT. Accordingly, under the mandate set forth in the Mid-Term Review document adopted at Montreal, Peru is hereby requesting recognition for these autonomous measures of trade liberalization.

I am attaching a copy of the text of the above-mentioned Supreme Decree, which was published in the Official Gazette on 12 March 1991.
Imports effected after this Decree comes into force shall be subject to the payment of tariffs at rates of 15 per cent and 25 per cent.

SUPREME DECREE
NO. 033-91-EF

THE PRESIDENT OF THE REPUBLIC,

CONSIDERING:

That the grave situation of the national economy calls for the adoption of structural reform measures which should contribute to overcoming the crisis and laying the foundations for real national development for the well-being of the population;

That to that end it is necessary to restore the functions of the Customs Tariff as an instrument for the allocation of resources in the national economy without impairing tax collection;

That by speeding up tariff reductions the process of economic stability will be strengthened;

That for the above-mentioned reasons it is necessary to adopt emergency measures aimed at the elimination of privileges and exaggerated protective conditions in industry which encourage monopolies and oligopolies to the detriment of consumers;

In the exercise of the power conferred by paragraphs (20) and (22) of Article 211 of the Political Constitution of Peru;

With the favourable vote of the Council of Ministers; and

With accountability to Congress;

HEREBY DECREES:

Article 1.- Imports effected after this Decree comes into force shall be subject to the payment of tariffs at rates of 15 per cent and 25 per cent. The goods subject to the 25 per cent rate are those listed in the Annex to this Supreme Decree.

Supreme Decree 005-91-ICTI/IND remains in force.

Article 2.- Imports of goods destined for authorized industrial free zones and special processing zones shall be subject to the provisions governing such matters.

Article 3.- Imports covered by the Peru-Colombia Customs Co-operation Agreement and its Protocols of amendment shall be subject to the provisions of the legislation governing such matters.

Goods imported under that régime shall be destined for consumption exclusively within the area to which the Agreement applies. Importation of
such goods into the rest of the territory of the Republic shall require payment of the corresponding customs duties, or, as appropriate, any difference existing between the duties paid under the Agreement and the Customs Tariff.

The provisions of this Article shall also apply to inputs and parts used in the production of goods in that area and imported into the rest of the national territory.

Article 4.- Imports of goods effected under the Cartagena Agreement, the ALADI Convention and other international agreements shall be subject to the payment of the duties established in the provisions governing those agreements.

Article 5.- All waivers, exemptions, suspensions of payment or reductions in the ad valorem duties normally applied to imports of goods are hereby repealed, with the exception of those mentioned in the previous Articles and in the following legal texts:

- Article 32 of the Political Constitution of Peru and Article 87 of Law 23733 in favour of Universities and Educational and Cultural Centres;

- International Conventions and Treaties in which exemption from tariffs is explicitly agreed;

- Decree Law 21942 and Legislative Decree 547 concerning donations to private charitable institutions and to the national public sector with the exception of public corporations;

- Supreme Decree 062-86-EF concerning imports of gold, silver, bank notes and coin and die-stamps by the Central Reserve Bank of Peru;

- Supreme Decree 323-90-EF, Regulations governing baggage and household effects;

- Decree Law 22602 and Legislative Decree 503 concerning the importation of gifts;

- Legislative decrees 550 and 551 concerning imports affected by diplomatic and consular agents, officials of international organizations and the like;

- Supreme Decree 299-90-EF concerning equipment and weapons intended for the national defence and internal order of the Republic.

Article 6.- Capital goods imported with suspension of duties under contracts concluded under Article 16 of Decree Law 22342 shall be definitively imported into the country under the terms and conditions established in such contracts.
Article 7.- All general or special provisions are hereby suspended, including those requiring express repeal, insofar as they establish taxes or duties of any kind, of a national, regional or local nature, applicable to imports of goods into the national territory, other than the ad valorem duties provided for in the Customs Import Tariff and the General Sales Tax and Selective Consumption Tax.

Article 8.- In order to protect domestic industry from restrictive or unfair international trade practices such as dumping and State subsidies the Executive Power, by Supreme Decree endorsed by the Ministry of Economy and Finance, shall establish regulations governing the imposition of anti-dumping or countervailing duties in connection with imports of goods where evidence of such practices exists.

Article 9.- Articles 6 and 7 of Supreme Decree 257-90-EF and amendments thereto are hereby repealed.

Article 10.- This Supreme Decree shall be endorsed by the President of the Council of Ministers and by the Minister of the Economy and Finance.

Done at Government House, Lima, on the 11th day of March, nineteen hundred and ninety-one.

ALBERTO FUJIMORI FUJIMORI, Constitutional President of the Republic

CARLOS TORRES Y TORRES LARA, President of the Council of Ministers and Minister of Foreign Affairs

CARLOS BOLONA BEHR, Minister of the Economy and Finance