

MARITIME TRADE

Memorandum of Understanding
Between the
UNITED STATES OF AMERICA
and PERU

Signed at Washington May 1, 1987



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

“. . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

PERU

Maritime Trade

*Memorandum of understanding signed at Washington May 1, 1987;
Entered into force May 1, 1987.*

Representatives of the Government of the United States and the Government of Peru met April 22-29, 1987, in Washington, D.C., to discuss matters of mutual concern affecting their bilateral maritime transportation relationship. They exchanged views on what constitutes appropriate participation by national-flag and third-flag vessels in the United States-Peru trade.

The parties have agreed to the following:

1. Upon application by operators of third-flag vessels, relevant Peruvian authorities will issue expeditiously renewable two-year authorizations to participate with free access in the United States-Peru trade. Consistent with the principle of reciprocity, such authorizations may be denied to third-flag vessel operators whose countries are denying Peruvian operators access to their trades as cross-traders.
2. Within forty-five (45) days of the signing of this Memorandum of Understanding, the Ministry of Transport and Communications of Peru will implement the previous paragraph by promulgating pertinent regulations.
3. The relevant United States Executive Agencies, within seven (7) days after the promulgation of regulations meeting the requirements of Paragraphs 1 and 2, will recommend to the Federal Maritime Commission that it end its investigation contained in Docket No. 87-6, "Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Peru Trade," and withdraw its proposed rulemaking.
4. Upon signature of this Memorandum of Understanding, the relevant United States Executive Agencies will transmit it to the Federal Maritime Commission for inclusion in Docket No. 87-6 and request that the Commission consider it in the proceeding, noting especially the timing involved in Paragraphs 2 and 3.

Done in Washington on May 1, 1987, in the English and Spanish languages, each being authentic.

Vance Fort
Deputy Assistant Secretary
for Policy and International
Affairs
Department of Transportation

Teofilo Marin
Director General
of Water Transportation
Ministry of Transport and
Communications

Representantes del Gobierno de los Estados Unidos de América y del Gobierno del Perú se reunieron los días 22 al 29 de abril de 1987 en la ciudad de Washington, D.C., para discutir asuntos de mutuo interés referidos a sus relaciones de transporte marítimo bilateral. Intercambiaron puntos de vista sobre lo que constituye una adecuada participación de sus buques de bandera nacional y de tercera bandera en el comercio entre los Estados Unidos y el Perú.

Las Partes acordaron lo siguiente:

1. A petición de empresas navieras que operen buques de tercera bandera, las autoridades peruanas competentes emitirán de manera expedita autorizaciones por dos (2) años, renovables, para que participen con libre acceso en el comercio Perú-Estados Unidos. En base al principio de reciprocidad, dichas autorizaciones podrán ser denegadas a buques propios, fletados u operados por empresas navieras cuyos países nieguen acceso a sus comercios con terceros países a buques propios, fletados u operados por empresas navieras peruanas.
2. Dentro de los cuarenticinco (45) días de la firma de este Memorándum de Entendimiento el Ministerio de Transportes y Comunicaciones del Perú dictará el o los dispositivos pertinentes que permitan la ejecución del numeral precedente.
3. Las Agencias competentes del Poder Ejecutivo de los Estados Unidos de América, dentro de los siete (7) días de dictarse el o los dispositivos requeridos en los numerales 1 y 2, recomendarán a la Comisión Marítima Federal dar término a la investigación contenida en el "Docket 87-6", "Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Peru Trade", y dejar sin efecto su decisión preliminar.
4. Las Agencias competentes del Poder Ejecutivo de los Estados Unidos, a la suscripción del presente Memorándum de Entendimiento, lo transmitirán a la Comisión Marítima Federal para su inclusión en el "Docket 87-6" y solicitarán que la Comisión lo considere en su investigación, haciendole notar especialmente los plazos a que se refieren los numerales 2 y 3.

primer día del mes de mayo de 1987 en dos ejemplares igualmente válidos en idiomas castellano e inglés.

Teófilo Marín
Director General de
Transporte Acuático
Ministerio de Transportes
y Comunicaciones

Vance Fort
Sub-secretario Adjunto
para Política y Asuntos
Internacionales
Departamento de Transporte