

The Honourable Mrs. Ana María Sánchez de Ríos  
Minister of Foreign Affairs  
Peru

Dear Minister

In connection with the signing on 4 February 2016 of the Trans-Pacific Partnership Agreement (the “TPP Agreement”), I have the honour to confirm the following agreement reached between the Government of Australia and the Government of Peru (the “Parties”) during the course of negotiations on the TPP Agreement:

1. Without prejudice to paragraph 2, the Parties agree to terminate the “Agreement between Australia and the Republic of Peru on the Promotion and Protection of Investments”, signed in Lima on 7 December 1995, (hereafter the “IPPA”), on the date of entry into force of the TPP Agreement for both Australia and Peru (the “date of termination”).
2. The IPPA shall continue to apply for a period of five years from the date of termination to any investment (as defined in Article 1(1)(a) of the IPPA) which was made before the entry into force of the TPP Agreement with respect to any act or fact that took place or any situation that existed before the date of termination.
3. Notwithstanding paragraph 2, an investor (as defined in Article 1(1)(c) of the IPPA) may only submit a claim under Article 13 of the IPPA (Settlement of disputes between a Party and an investor of the other Party) within three years from the date of termination.
4. The Parties agree that the provisions for termination of the IPPA contained in this Note shall, at the date of termination, supersede the provisions for termination contained in Article 16 of the IPPA.

I have the honour to propose that this Note and your Note of confirmation in reply, both equally authentic in the English and the Spanish languages, constitute an agreement reached between the Parties (“the agreement of termination”), which shall enter into force on the date of termination.

Prior to the entry into force of this agreement of termination, each Party shall notify the other Party through diplomatic channels that the legal requirements provided under its law have been complied with.

Yours sincerely

Andrew Robb

The Honourable Mr. Andrew Robb  
Minister for Trade and Investment  
Australia

Dear Minister,

I have the honour to acknowledge receipt of your Note of [DATE], which reads as follows:

“In connection with the signing on 4 February 2016 of the Trans-Pacific Partnership Agreement (the “TPP Agreement”), I have the honour to confirm the following agreement reached between the Government of Australia and the Government of Peru (the “Parties”) during the course of negotiations on the TPP Agreement:

1. Without prejudice to paragraph 2, the Parties agree to terminate the “Agreement between Australia and the Republic of Peru on the Promotion and Protection of Investments”, signed in Lima on 7 December 1995, (hereafter the “IPPA”), on the date of entry into force of the TPP Agreement for both Australia and Peru (the “date of termination”).
2. The IPPA shall continue to apply for a period of five years from the date of termination to any investment (as defined in Article 1(1)(a) of the IPPA) which was made before the entry into force of the TPP Agreement with respect to any act or fact that took place or any situation that existed before the date of termination.
3. Notwithstanding paragraph 2, an investor (as defined in Article 1(1)(c) of the IPPA) may only submit a claim under Article 13 of the IPPA (Settlement of disputes between a Party and an investor of the other Party) within three years from the date of termination.
4. The Parties agree that the provisions for termination of the IPPA contained in this Note shall, at the date of termination, supersede the provisions for termination contained in Article 16 of the IPPA.

I have the honour to propose that this Note and your Note of confirmation in reply, both equally authentic in the English and the Spanish languages, constitute an agreement reached between the Parties (“the agreement of termination”), which shall enter into force on the date of termination.

Prior to the entry into force of this agreement of termination, each Party shall notify the other Party through diplomatic channels that the legal requirements provided under its law have been complied with.”

I have the further honour to confirm that the above reflects the agreement reached between the Government of Peru and the Government of Australia during the course of negotiations on the TPP Agreement, and that your Note and this Note of confirmation in reply, both equally authentic in the Spanish and English languages, shall constitute an agreement between Peru and Australia.

Yours sincerely,

Ana María Sánchez de Ríos  
Minister of Foreign Affairs