(k) The term "originating material" means a material that qualifies as originating under this Chapter;

(l) The term "packing materials and containers for shipment" means goods that are used to protect a good during transportation and shipment, other than packaging materials and containers for retail sale referred to in Article 49;

(m) The term "preferential tariff treatment" means the rate of customs duties applicable to an originating good of the exporting Party in accordance with paragraph 2 of Article 21;

(n) The term "producer" means a person who engages in the production of goods or materials;

(o) The term "production" means a method of obtaining goods including growing, raising, extracting, picking, gathering, breeding, mining, harvesting, fishing, trapping, capturing, collecting, hunting, manufacturing, processing and assembling; and

(p) The term "relevant authority" means:

(i) in the case of Japan, the Ministry of Finance, or its successor; and

(ii) in the case of Peru, the Ministry of Foreign Trade and Tourism, or its successor.

Article 39
Originating Goods

For the purposes of this Agreement, a good shall qualify as an originating good of a Party where:

(a) the good is wholly obtained or produced entirely in the Party, as defined in Article 40;

(b) the good is produced entirely in the Party exclusively from originating materials of the Party; or

(c) the good satisfies the product specific rules (change in tariff classification, qualifying value content or specific manufacturing or processing operation) set out in Annex 3, when the good is produced entirely in the Party using non-originating materials,

and meets all other applicable requirements of this Chapter.

Article 40
Wholly Obtained Goods

For the purposes of subparagraph (a) of Article 39, the following goods shall be considered as wholly obtained or produced entirely in a Party:

(a) live animals, born and raised in the Party;

(b) goods obtained from live animals in the Party;

(c) goods obtained by hunting, trapping, fishing conducted within the baselines, or capturing in the Party;

(d) plants and plant products harvested, picked or gathered in the Party;

(e) minerals and other naturally occurring substances not included in subparagraphs (a) through (d) extracted or taken in the Party;

(f) goods of sea-fishing and other goods taken from the sea by vessels of the Party;

Note 1: For the purposes of this Chapter, goods of sea-fishing and other goods taken from the sea by vessels of a Party within 200 nautical miles from the baselines of the other Party shall be regarded as originating goods of the latter Party.

Note 2: Nothing in this Chapter shall be deemed to prejudice the positions of the respective Parties with respect to matters relating to the law of the sea.