(b) Nothing in Article 24 of the Convention shall be construed as preventing either Contracting State from imposing the additional tax as described in subparagraph (a).

5. With reference to Articles 10, 11 and 12 of the Convention:

If Peru concludes an agreement with a third jurisdiction containing provisions which limit taxation in Peru on an item of income described in paragraph 2 of Article 10, paragraph 2 of Article 11 or paragraph 2 of Article 12 of the Convention to a rate of tax lower than that provided for in the respective paragraph or exempt such item of income from tax in Peru, the Contracting States shall, at the request of Japan, enter into negotiations with a view to incorporating such lower rate of tax or exemption from tax into the Convention. The competent authority of Peru shall notify the competent authority of Japan of such event immediately after it has happened.

6. It is understood that nothing in the Convention shall be construed as restricting, in any manner, the application of any provisions of the law of a Contracting State which are designed to prevent the avoidance or evasion of taxes as long as those provisions are in accordance with the object and purpose of the Convention.

7. Nothing in the Convention shall preclude the application of the provisions of Legislative Decrees (Decretos Legislativos) numbers 662, 757 and 109 and Acts (Leyes) numbers 26221, 27342, 27343 and 27909 of Peru, as they are in force at the time of the signature of the Convention and as they may be amended from time to time without changing their principle or the optional nature of entering into the tax stability contracts. A person that is a party to a contract which grants tax stability in accordance with the above-mentioned provisions shall, notwithstanding any rate of tax provided for in the Convention, remain subject to the rates of tax stabilised by the contract for its duration.

8. For the purposes of paragraph 3 of Article XXII of the General Agreement on Trade in Services, notwithstanding the provisions of that paragraph, any dispute between the Contracting States as to whether a measure falls within the scope of the Convention may be brought before the Council for Trade in Services, as provided by that paragraph, only with the consent of both Contracting States. Any doubt as to the interpretation of this paragraph shall be resolved under paragraph 3 of Article 25 of the Convention or, failing agreement under that paragraph, pursuant to any other procedure agreed to by both Contracting States.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Protocol.

DONE in duplicate at Lima this eighteenth day of November, 2019 in the Japanese, Spanish and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For Japan:

土屋定之

For the Republic of Peru:

Gustavo Meza-Cuadra