

**PROTOCOL ON THE ACCESSION OF THE REPUBLIC OF GUATEMALA TO
THE FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND
THE REPUBLICS OF CENTRAL AMERICA**

THE REPUBLIC OF KOREA; hereinafter referred to as “Korea”;
THE REPUBLIC OF COSTA RICA;
THE REPUBLIC OF EL SALVADOR;
THE REPUBLIC OF HONDURAS;
THE REPUBLIC OF NICARAGUA; and
THE REPUBLIC OF PANAMA; hereinafter referred to as the “Republics of Central America”;

and

THE REPUBLIC OF GUATEMALA; hereinafter referred to as “Guatemala”;

Hereinafter each individually referred to as a “Party” or collectively as the “Parties”,

Having regard to the Free Trade Agreement between the Republic of Korea and the Republics of Central America (hereinafter referred to as the “Agreement”) signed in Seoul on February 21, 2018;

Having regard to the participation of Guatemala in the negotiations of the Agreement as a Member of the Central American Economic Integration Sub-System;

Having regard to Article 24.4 of the Agreement, which sets out that any country or group of countries may accede to this Agreement subject to such terms and conditions as may be agreed between the country or group of countries and the Joint Committee;

Having regard to Decision No. 3/2021 of the Korea-Central America FTA Joint Committee where the accession process is commenced and the terms and conditions of Guatemala’s accession, set out hereinafter, are accepted;

Have agreed to conclude the following Protocol on the Accession of Guatemala to the Agreement (hereinafter referred to as the “Protocol”):

1. Through this Protocol, Guatemala accedes to the Agreement, subject to the terms and conditions agreed between Guatemala and the Joint Committee, as established in Article 24.4 of the Agreement.
2. In the Preamble of the Agreement, the words “THE REPUBLIC OF GUATEMALA;” shall be inserted after the words “THE REPUBLIC OF EL SALVADOR;”.
3. CHAPTER 1 INITIAL PROVISIONS AND GENERAL DEFINITIONS shall be amended as follows:

- (a) In ARTICLE 1.5: SCOPE, the word “Guatemala,” shall be inserted after the words “El Salvador,” in the two cases in which they appear.
- (b) In ARTICLE 1.6: DEFINITIONS, in the definition of **Parties**, the word “Guatemala,” shall be inserted after the words “El Salvador,”.
- (c) ANNEX 1-A COUNTRY-SPECIFIC DEFINITIONS shall be amended as follows:
 - (i) In the definition of **natural person who has the nationality of a Party**, the word “and” shall be eliminated in subparagraph (e), the punctuation “.” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) with respect to Guatemala, a *guatemalteco* as defined in Articles 144, 145, and 146 of the Political Constitution of the Republic of Guatemala (*Constitución Política de la República de Guatemala*).”.
 - (ii) In the definition of **territory**, the word “and” shall be eliminated in subparagraph (e), the punctuation “.” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) with respect to Guatemala, the land, maritime, and air space under its sovereignty, as well as its exclusive economic zone and its continental shelf, over which it exercises sovereign rights and jurisdiction, in accordance with international law and its domestic law.”.

4. CHAPTER 2 NATIONAL TREATMENT AND MARKET ACCESS FOR GOODS shall be amended as follows:

- (a) In ANNEX 2-A NATIONAL TREATMENT AND IMPORT AND EXPORT RESTRICTIONS, the following shall be added:

“Section G: Measures of Guatemala

- (a) controls on the goods classified under tariff line 0808.10.00 of *Sistema Arancelario Centroamericano* (Central American Tariff System) 2012, pursuant to Decree No. 15-2007, Law of National Deciduous Fruticulture Cooperation Fund (*Ley del Fondo de Cooperación a la Fruticultura Decidua Nacional*) and its amendments, in relation to import duties and production areas; and
- (b) actions authorized by the Dispute Settlement Body of the WTO.”.

- (b) At the end of the GENERAL NOTES TARIFF SCHEDULE OF PANAMA, the following shall be added:

“GENERAL NOTES
TARIFF SCHEDULE OF GUATEMALA

1. The provisions of this Schedule are generally expressed in terms of the Central American Import Tariff (*Arancel Centroamericano de Importación*), which includes the Central American Tariff System (*Sistema Arancelario Centroamericano - “SAC”*), and the interpretation of the provisions of this Schedule, including the product coverage of tariff items of this Schedule, shall be governed by the General Notes, Section Notes, and Chapter Notes of the Central American Import Tariff (*Arancel Centroamericano de Importación*). To the extent that provisions of this Schedule are identical to the corresponding provisions of the Central American Import Tariff (*Arancel Centroamericano de Importación*), the provisions of this Schedule shall have the same meaning as the corresponding provisions of the Central American Import Tariff (*Arancel Centroamericano de Importación*).

2. The base rates of customs duty set out in this Schedule reflect the Central American Import Tariff (*Arancel Centroamericano de Importación*) MFN rates of duty in effect on January 1, 2015.”.

- (c) In ANNEX 2-B ELIMINATION OF CUSTOMS DUTIES, Annex 1 to this Protocol, the Tariff Schedule of Korea and the Tariff Schedule of Guatemala, shall be added as Section F: Korea-Guatemala.
- (d) In ANNEX 2-C EXPORT DUTIES, TAXES, OR OTHER CHARGES, the following shall be added:

“Section C: Measures of Guatemala

Guatemala may continue to apply the measures listed below after the date of entry into force of Guatemala’s accession:

- (a) Decree No. 19-69, Coffee Law (*Ley del Café*) of the Congress of the Republic of Guatemala (*Congreso de la República de Guatemala*), Decree Law No. 114-63 of the Chief of State and Decree Law No. 111-85 of the Chief of State.”.

5. CHAPTER 3 RULES OF ORIGIN AND ORIGIN PROCEDURES shall be amended as follows:

- (a) In ARTICLE 3.6: ACCUMULATION, paragraph 1, the word “Guatemala,” shall be inserted after the words “El Salvador,” in the two cases in which they appear.

- (b) In ARTICLE 3.28: DEFINITIONS, in the definition of **competent authority**, the word “and” at the end of subparagraph (e) shall be eliminated, the punctuation “,” at the end of subparagraph (f) shall be substituted with “; and”, and the following subparagraph (g) shall be added:

“(g) for Guatemala, the Directorate of Foreign Trade Administration (Dirección de Administración del Comercio Exterior) of the Ministry of Economy (Ministerio de Economía),”.

- (c) In Part II-Specific Rules of Origin in ANNEX 3-A PRODUCT SPECIFIC RULES OF ORIGIN, the word “Guatemala,” shall be inserted between the words “Costa Rica,” and “Honduras,”. Such insertions shall be applied in the following subheading ranges: 5408.10-5408.34, 5510.11-5510.90, 5516.11-5516.94, 6001.10, 6001.21-6001.29, 6001.91-6001.99, 6002.40-6006.90, 6101.20-6117.90, 6201.11-6217.90, 6301.10-6308.00, and 6309.00.

- (d) In ANNEX 3-C CERTIFICATE OF ORIGIN, in the section of Instructions for Completing the Certificate of Origin, Field 10, the words “Guatemala (GT);” shall be inserted after the words “El Salvador (SV);”.

6. In CHAPTER 5 SANITARY AND PHYTOSANITARY MEASURES, ARTICLE 5.6: COMMITTEE ON SANITARY AND PHYTOSANITARY MATTERS, paragraph 6, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, the Ministry of Economy (Ministerio de Economía),”.

7. In CHAPTER 6 TECHNICAL BARRIERS TO TRADE, ANNEX 6-A COMMITTEE ON TECHNICAL BARRIERS TO TRADE, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, the Ministry of Economy (Ministerio de Economía),”.

8. In CHAPTER 7 TRADE REMEDIES, ARTICLE 7.15: DEFINITIONS, in the definition of **competent authority**, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, the Directorate of Foreign Trade Administration (*Dirección de Administración del Comercio Exterior*) of the Ministry of Economy (*Ministerio de Economía*),”.

9. CHAPTER 8 GOVERNMENT PROCUREMENT shall be amended as follows:

- (a) In ANNEX 8-A COVERAGE, Sections of Annex 2 to this Protocol shall be added respectively at the end of each corresponding Section.¹
- (b) In ANNEX 8-B ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF INFORMATION PURSUANT TO ARTICLE 8.5, the following shall be added:

“GUATEMALA

Official Gazette of Central America, Official Organ of the Republic of Guatemala (Diario de Centro América)
www.dca.gob.gt”.

- (c) In ANNEX 8-C ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF NOTICES REQUIRED BY ARTICLES 8.6 AND 8.15.2, the following shall be added:

“GUATEMALA

Official Gazette of Central America, Official Organ of the Republic of Guatemala (Diario de Centro América)
www.dca.gob.gt

Contracting and Procurement Information System of the State of Guatemala (GUATECOMPRAS)
www.guatecompras.gt”.

10. CHAPTER 9 INVESTMENT shall be amended as follows:

- (a) In ARTICLE 9.30: TERMINATION OF BILATERAL INVESTMENT TREATIES, paragraph 1, the following subparagraph (f) shall be added:

“(f) Agreement between the Government of the Republic of Korea and the Government of the Republic of Guatemala for the Promotion and Protection of Investments, signed in Guatemala on August 1st, 2000 and entered into force on August 17th, 2002.”.

- (b) In ANNEX 9-B PUBLIC PURPOSE, the word “and” shall be eliminated in subparagraph (d), the punctuation “.” shall be substituted with “; and” in subparagraph (e), and the following subparagraph (f) shall be added:

“(f) for Guatemala: collective utility, social benefit or public interest.”.

¹ For greater clarity, Sections A, C, E, F, and G of Annex 2 to this Protocol shall be added respectively as G. SCHEDULE OF GUATEMALA, and Section B of Annex 2 to this Protocol shall be added as F. SCHEDULE OF GUATEMALA.

- (c) In ANNEX 9-D SERVICE OF DOCUMENTS ON A PARTY UNDER SECTION B, the following shall be added:

“Guatemala

Notices and other documents in disputes under Section B shall be served on Guatemala by delivery to:

Directorate of Foreign Trade Administration (Dirección de Administración del Comercio Exterior)
Ministry of Economy (Ministerio de Economía)
8ª. Av. 10-43 Zona 1,
Guatemala, Guatemala.”.

11. CHAPTER 11 FINANCIAL SERVICES shall be amended as follows:

- (a) In ANNEX 11-A CROSS-BORDER TRADE, the following shall be added:

“GUATEMALA

Insurance and Insurance-Related Services

1. Article 11.5.1 applies to the cross-border supply of or trade in financial services as defined in subparagraph (a) of the definition of cross-border supply of financial services with respect to:

- (a) insurance of risk relating to:
 - (i) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability arising therefrom; and
 - (ii) goods in international transit;
- (b) reinsurance and retrocession;
- (c) insurance intermediation, such as brokerage and agency only for the services indicated in subparagraphs (a) and (b) of this paragraph; and
- (d) services auxiliary to insurance as referred to in subparagraph (d) of the definition of financial service.

2. Article 11.5.1 applies to the cross-border supply of or trade in financial services as defined in subparagraph (c) of the definition of cross-border supply of financial services with respect to insurance services.^{1/}

Banking and Other Financial Services (Excluding Insurance)

3. Article 11.5.1 applies with respect to the provision and transfer of financial information and financial data processing and related software as referred to in subparagraph (o) of the definition of financial service, and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph (p) of the definition of financial service.^{2/}

^{1/}It is understood that the commitment for cross-border movement of persons is limited to those insurance and insurance-related services listed in paragraph 1.

^{2/}It is understood that advisory services include portfolio management advice but not other services related to portfolio management, and that auxiliary services do not include those services referred to in subparagraphs (e) through (o) of the definition of financial service. In Guatemala, financial data processing is subject to prior authorization from the relevant regulator for data processing outside national territory.”.

- (b) In ANNEX 11-B FINANCIAL SERVICES COMMITTEE, paragraph 1, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, the Ministry of Economy (*Ministerio de Economía*), in consultation with the corresponding competent authority the Superintendency of Banks (*Superintendencia de Bancos*) and the Bank of Guatemala (*Banco de Guatemala*),”.

12. CHAPTER 12 TEMPORARY ENTRY FOR BUSINESS PERSONS shall be amended as follows:

- (a) In ARTICLE 12.7: WORKING GROUP, paragraph 3, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, representatives from the Ministry of Economy (*Ministerio de Economía*), the Ministry of Labor and Social Security (*Ministerio de Trabajo y Previsión Social*), the Ministry of Foreign Affairs (*Ministerio de Relaciones Exteriores*) and the Guatemalan Institute of Immigration (*Instituto Guatemalteco de Migración*), and any other entity whose participation is considered convenient, according to the subject,”.

- (b) In APPENDIX 12-A-2 EXISTING IMMIGRATION MEASURES, the following shall be added:

“For Guatemala:

- (a) Immigration Law (*Ley de Migración*), Decree No. 95-98, of the Congress of the Republic of Guatemala and its amendments;
- (b) The Migration Code Decree No. 44-2016 (*Código de Migración Decreto No. 44-2016*) of the Congress of the Republic of Guatemala;
- (c) Migration Authority Agreement 7-2019 General Regulation of the Migration Code (*Acuerdo de Autoridad Migratoria 7-2019 Reglamento General del Código de Migración*).”.

13. CHAPTER 13 TELECOMMUNICATIONS shall be amended as follows:

- (a) In ARTICLE 13.23: DEFINITIONS, in the definition of **information service**, subparagraph (b), the word “Guatemala,” shall be inserted after the words “El Salvador,”.
- (b) In ANNEX 13-A ADDITIONAL OBLIGATIONS RELATING TO MAJOR SUPPLIERS, Section B: Republics of Central America shall be amended as follows:
 - (i) in paragraph 1, the word “Guatemala,” shall be inserted after the words “El Salvador,”;
 - (ii) in paragraph 2, the word “Guatemala,” shall be inserted after the number “13.9,”;
 - (iii) in paragraph 3, the word “Guatemala,” shall be inserted after the words “El Salvador,”;
 - (iv) in paragraph 4, the words “Guatemala and” shall be inserted after the word “For”; and
 - (v) in paragraph 5, the words “Guatemala and” shall be inserted after the word “For”.
- (c) In ANNEX 13-B RURAL SERVICES, the words “Guatemala, and” shall be inserted in the beginning of the paragraph.

14. In CHAPTER 15 INTELLECTUAL PROPERTY RIGHTS, ARTICLE 15.73: COMMITTEE ON INTELLECTUAL PROPERTY RIGHTS, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

- “(g) Guatemala, the Ministry of Economy (*Ministerio de Economía*) in collaboration with the competent institutions in the matters to be addressed,”.

15. CHAPTER 19 COOPERATION shall be amended as follows:

- (a) In ARTICLE 19.5: CONTACT POINTS, paragraph 2, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, Ministry of Economy (*Ministerio de Economía*),”.

- (b) In ANNEX 19-B AUDIOVISUAL CO-PRODUCTION AND SERVICES, in footnote 3, the word “Guatemala,” shall be inserted after the words “El Salvador,”.

16. CHAPTER 20 COMPETITION POLICY, ARTICLE 20.12: DEFINITIONS shall be amended as follows:

- (a) In the definition of **competition authority**, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, the competition authority that will be designated by the competition law,”.

- (b) In the definition of **competition law**, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, the competition law that will be enacted by the Congress of the Republic of Guatemala,”.

17. CHAPTER 21 INSTITUTIONAL PROVISIONS shall be amended as follows:

- (a) In ANNEX 21-A JOINT COMMITTEE, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, the Minister of Economy (*Ministro de Economía*),”.

- (b) In ANNEX 21-D AGREEMENT COORDINATORS, the word “and” shall be eliminated in subparagraph (e), the punctuation “,” shall be substituted with “; and” in subparagraph (f), and the following subparagraph (g) shall be added:

“(g) for Guatemala, the Director of Foreign Trade Administration (*Director de Administración del Comercio Exterior*) of the Ministry of Economy (*Ministerio de Economía*).”.

18. In CHAPTER 23 EXCEPTIONS, ARTICLE 23.3: TAXATION, paragraph 6, subparagraph (c), the word “and” shall be eliminated in item (v), the punctuation “,” shall be substituted with “; and” in item (vi), and the following item (vii) shall be added:

“(vii) for Guatemala, the Minister of Public Finances (*Ministro de Finanzas Públicas*).”.

19. Annexes I, II and III of Annex 3 to this Protocol shall be respectively added to the Agreement as SCHEDULE OF GUATEMALA.

20. The Decisions No. 1/2021, No. 2/2021 and No. 3/2021 of the Korea-Central America FTA Joint Committee shall enter into force for Guatemala on the date of entry into force of this Protocol.

21. This Protocol shall enter into force 30 days or on another date that the Parties may agree, after all the Parties exchange notifications certifying that they have completed their respective legal requirements and internal procedures. Once its procedures for the entry into force of this Protocol have been completed, a Party shall notify all the other Parties in writing simultaneously.

22. The Korean, Spanish and English texts of this Protocol are equally authentic. In case of any divergence, the Parties will resolve the inconsistency based on the English language version of the texts.

23. This Protocol, including its Annexes and footnotes, shall constitute an integral part of the Agreement.

24. This Protocol does not allow unilateral reservations or unilateral interpretative declarations.

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

DONE in the Korean, Spanish and English languages.

For the Government of the Republic of
Korea

For the Government of the Republic of
El Salvador

Done at:
Date:

Done at:
Date:

For the Government of the Republic of
Guatemala

For the Government of the Republic of
Honduras

Done at:
Date:

Done at:
Date:

For the Government of the Republic of
Nicaragua

For the Government of the Republic of
Panama

Done at:
Date:

Done at:
Date:

For the Government of the Republic of
Costa Rica

Done at:

Date: