



**Brussels, 12 October 2016
(OR. en)**

7621/16

**Interinstitutional File:
2016/0091 (NLE)**

**WTO 84
SERVICES 9
COLAC 23**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador

PROTOCOL
OF ACCESSION TO THE TRADE AGREEMENT
BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART,
AND COLOMBIA AND PERU, OF THE OTHER PART,
TO TAKE ACCOUNT OF THE ACCESSION OF ECUADOR

PAC/EU/EC-CO/PE/en 2

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the "Member States of the European Union",

and

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF COLOMBIA (hereinafter referred to as "Colombia"),

THE REPUBLIC OF PERU (hereinafter referred to as "Peru")

and

THE REPUBLIC OF ECUADOR (hereinafter referred to as "Ecuador"),

hereinafter also referred to as the "signatory Andean Countries",

of the other part,

WHEREAS the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (hereinafter referred to as the "Agreement"), was signed at Brussels on 26 June 2012, and some of its provisions have been applied, pursuant to Article 330 thereof, between the European Union and Peru since 1 March 2013 and between the European Union and Colombia since 1 August 2013;

WHEREAS the Treaty concerning the accession of the Republic of Croatia to the European Union was signed at Brussels on 9 December 2011 and entered into force on 1 July 2013;

WHEREAS the Additional Protocol to the Agreement to take account of the accession of the Republic of Croatia to the European Union (hereinafter referred to as the "Additional Protocol") was signed by the European Union, Colombia and Peru at Brussels on 30 June 2015;

WHEREAS Article 6 of the Agreement states that, for the purposes of the Agreement, "Party" means the European Union or its Member States or the European Union and its Member States within their respective areas of competence as derived from the Treaty on European Union and the Treaty on the Functioning of the European Union (hereinafter referred to as the "EU Party"), or each of the signatory Andean Countries;

WHEREAS Article 7(1) of the Agreement states that the provisions of the Agreement apply to the bilateral trade and economic relations between, on the one part, each individual signatory Andean Country and, on the other part, the EU Party; but not to the trade and economic relations between individual signatory Andean Countries;

WHEREAS Article 329 of the Agreement lays down the provisions regarding the accession of other Member Countries of the Andean Community to the Agreement;

WHEREAS the European Union and Ecuador concluded negotiations on 17 July 2014;

WHEREAS the Trade Committee established pursuant to the Agreement was notified of the conclusion of the negotiations between the European Union and Ecuador on 5 September 2014;

WHEREAS Ecuador's accession to the Agreement is to become effective by means of the conclusion of a protocol of accession;

WHEREAS for the purposes of Ecuador's accession to the Additional Protocol, the provisions of the Additional Protocol should be integrated into the provisions of this Protocol;

WHEREAS the text of this Protocol has been approved by the Trade Committee established pursuant to the Agreement, in accordance with the procedures and requirements provided in Article 329(4) of the Agreement;

WHEREAS the Parties have therefore agreed to address the accession of Ecuador to the Agreement by means of this Protocol,

HAVE AGREED AS FOLLOWS:

SECTION I

CONTRACTING PARTIES

ARTICLE 1

Ecuador hereby becomes a Party to the Agreement, including the amendments thereto set out in the Additional Protocol.

SECTION II

PROVISIONS OF THE AGREEMENT

ARTICLE 2

The title, the list of signatory Andean Countries, the eleventh recital and Articles 9, 11, 12, 13, 30, 41, 46, 48, 54, 57, 70, 78, 113, 120, 123, 124, 126, 127, 128, 137, 139, 142, 154, 167, 170, 202, 231, 232, 258, 278, 304 and 324 of the Agreement are amended in accordance with Annex I to this Protocol.

SECTION III

TARIFF ELIMINATION SCHEDULES

ARTICLE 3

1. The text set out in Annex II to this Protocol is added to Section B of Appendix 1 of Annex I to the Agreement.
2. The text set out in Annex III to this Protocol is inserted after the "Tariff elimination schedule of the EU Party for goods originating in Peru" in Annex I to the Agreement.

ARTICLE 4

1. The text set out in Annex IV to this Protocol is added to Appendix 1 of Annex I to the Agreement.
2. The text set out in Annex V to this Protocol is added after the "Tariff elimination schedule of Peru for goods originating in the European Union" in Annex I to the Agreement.

ARTICLE 5

The title of Section A of Appendix 2 of Annex I to the Agreement is replaced by the following:

"COLOMBIA AND ECUADOR".

SECTION IV

RULES OF ORIGIN

ARTICLE 6

Annex II to the Agreement is amended in accordance with Annex VI to this Protocol.

SECTION V

AGRICULTURAL SAFEGUARD MEASURES

ARTICLE 7

The text set out in Annex VII to this Protocol is added to Annex IV of the Agreement.

SECTION VI

SANITARY AND PHYTOSANITARY MEASURES

ARTICLE 8

Appendix 1 of Annex VI to the Agreement is replaced by the text set out in Annex VIII to this Protocol.

ARTICLE 9

The following contact points and websites for Ecuador are added under "A. Contact Points" and "B. Free websites" in Appendix 4 of Annex VI to the Agreement:

A. Contact Points

"For Ecuador

Instituto Nacional de Pesca (INP)

Postal Address: Letamendi 102 y La Ría, Guayaquil – Ecuador

Tel. +593 4 241 6042, 4 240 2304

E-mail: direccion_inp@institutopesca.gob.ec

Agencia de Regulación, Control y Vigilancia Sanitaria (ARCSA)

Postal Address: La Razón 280 y El Comercio, Edificio San Francisco, Quito – Ecuador

Tel. +593 2 292 1552, 2 226 3445

E-mail: registro.cosmeticos@controlsanitario.gob.ec, registro.alimentos@controlsanitario.gob.ec,
registro.medicamentos@controlsanitario.gob.ec

Ministerio de Comercio Exterior (MCE)

Postal Address: Av. De los Shyris N° 34-152 y Holanda, Quito – Ecuador

Tel. +593 2 393 5460

E-mail: direccion.msf@comercioexterior.gob.ec";

B. Free websites

"For Ecuador

www.agrocalidad.gob.ec

www.institutopesca.gob.ec

www.controlsanitario.gob.ec

www.comercioexterior.gob.ec".

SECTION VII

TRADE IN SERVICES, ESTABLISHMENT AND ELECTRONIC COMMERCE

ARTICLE 10

Section B of Annex VII to the Agreement is replaced by the text set out in Annex IX to this Protocol.

ARTICLE 11

The text set out in Annex X to this Protocol is added to Annex VII to the Agreement.

ARTICLE 12

Section B of Annex VIII to the Agreement is replaced by the text set out in Annex XI to this Protocol.

ARTICLE 13

The text set out in Annex XII to this Protocol is added to Annex VIII to the Agreement.

ARTICLE 14

Section B of Appendix 1 of Annex IX to the Agreement is replaced by the text set out in Annex XIII to this Protocol.

ARTICLE 15

The text set out in Annex XIV to this Protocol is added to Appendix 1 of Annex IX to the Agreement.

ARTICLE 16

Section B of Appendix 2 of Annex IX to the Agreement is replaced by the text set out in Annex XV to this Protocol.

ARTICLE 17

The text set out in Annex XVI to this Protocol is added to Appendix 2 of Annex IX to the Agreement.

ARTICLE 18

The following enquiry point for Ecuador is added to Annex X to the Agreement:

"ECUADOR

Ministerio de Comercio Exterior

Avenida de los Shyris N 34-152 y Holanda

Edificio Shyris Center

Quito, Ecuador

E-mail: direccion.servicios@comercioexterior.gob.ec".

ARTICLE 19

The text set out in Annex XVII to this Protocol is inserted after Annex XI as Annex XIa to the Agreement.

SECTION VIII

GOVERNMENT PROCUREMENT

ARTICLE 20

Section B of Appendix 1 of Annex XII to the Agreement is replaced by the text set out in Annex XVIII to this Protocol.

ARTICLE 21

The text set out in Annex XIX to this Protocol is added to Appendix 1 of Annex XII to the Agreement.

ARTICLE 22

The following text is added to Appendix 2 of Annex XII to the Agreement:

"4. Ecuador

Procurement portal of Ecuador: <http://www.compraspublicas.gob.ec>".

ARTICLE 23

The following text is added to Appendix 3 of Annex XII to the Agreement:

"4. Ecuador

Procurement portal of Ecuador: <http://www.compraspublicas.gob.ec>".

SECTION IX

GEOGRAPHICAL INDICATIONS

ARTICLE 24

The following text is added to Appendix 1 of Annex XIII to the Agreement:

"(d) Geographical indications of Ecuador for agricultural and foodstuff products, wines, spirit drinks and aromatised wines

Geographical Indication	Product
Cacao Arriba	Cocoa

".

ARTICLE 25

The following text is added to Appendix 2 of Annex XIII to the Agreement:

"(c) Geographical indications of Ecuador for products other than agricultural and foodstuff products, wines, spirit drinks and aromatised wines

Geographical Indication	Product Description
Montecristi	Handicrafts – Toquilla palm straw hat

".

SECTION X

JOINT DECLARATIONS

ARTICLE 26

The Joint Declarations by Ecuador and the EU Party set out in the Annex XX to this Protocol are inserted after the Joint Declaration by Colombia, Peru and the EU Party.

SECTION XI

GENERAL AND FINAL PROVISIONS

ARTICLE 27

1. This Protocol shall be concluded by the EU Party and each individual signatory Andean Country in accordance with their respective internal procedures.
2. The EU Party and each individual signatory Andean Country shall notify in writing the completion of their internal procedures required for the entry into force of this Protocol to all the Parties and to the Depositary referred to in paragraph 5.
3. This Protocol shall enter into force between the EU Party and each individual signatory Andean Country on the first day of the month following the date of receipt by the Depositary of the last notifications referred to in paragraph 2 with respect to the EU Party and the corresponding signatory Andean Country.
4. Notwithstanding paragraph 3, the Parties agree that this Protocol may be provisionally applied pending the completion of the internal procedures of the EU Party for its entry into force. The provisional application of this Protocol between the EU Party and each individual signatory Andean Country shall begin on the first day of the month following the date of receipt by the Depositary of the following:
 - (a) the EU Party's notification regarding the completion of the procedures necessary for that purpose; and
 - (b) each individual signatory Andean Country's instrument of ratification in accordance with its procedures and applicable legislation.

5. Notifications shall be sent to the Secretary-General of the Council of the European Union, who shall act as Depositary of this Protocol.

6. Where, in accordance with paragraph 4, a provision of the Agreement is applied by the Parties pending the entry into force of this Protocol, any reference in such a provision to the date of entry into force of this Protocol shall be understood to refer to the date from which the Parties agree to apply that provision in accordance with paragraph 4.

ARTICLE 28

This Protocol shall be drawn up in quadruplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

ARTICLE 29

This Protocol shall form an integral part of the Agreement.

The Annexes to this Protocol shall form an integral part thereof.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorised to this effect, have signed this Protocol.