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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	4 April 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 173 final - ANNEX 7
Subject:	ANNEX to the Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the 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

Delegations will find attached document COM(2016) 173 final - ANNEX 7.

Encl.: COM(2016) 173 final - ANNEX 7



Brussels, 4.4.2016
COM(2016) 173 final

ANNEX 7

ANNEX

to the

Proposal for a Council Decision

on the signing, on behalf of the European Union, and provisional application of the 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

ANNEX VI to VIII

ANNEX VI

1. The title of Appendix 5 in the 'List of Appendixes' in the 'Table of contents' of Annex II to the Agreement shall be replaced by the following:

'Appendix 5: Products to which subparagraph (b) of the Declaration of the European Union concerning Article 5 in relation to originating products from Peru, Ecuador and Colombia applies'

2. The 'Declarations regarding Annex II concerning the definition of the concept of "originating products" and methods of administrative cooperation' in the 'Table of contents' of Annex II to the Agreement shall be replaced by the following:

'Declaration of the European Union concerning Article 5 of Annex II in relation to originating products from Peru, Ecuador and Colombia

Joint declaration of Peru, Ecuador and Colombia concerning Article 5 of Annex II in relation to originating products from the European Union

Joint declaration concerning the Principality of Andorra

Joint declaration concerning the Republic of San Marino

Joint declaration on the revision of the rules of origin contained in Annex II concerning the Definition of "Originating Products" and Methods of Administrative Cooperation'

3. Article 1 indent 4 of Section 1, Annex II to the Agreement shall be replaced by the following:

– "competent authorities or customs authorities" refers to the following governmental bodies:

- (a) with respect to Colombia, the Ministerio de Comercio, Industria y Turismo or the Dirección de Impuestos de Aduanas Nacionales, or their successors;
- (b) with respect to Ecuador, the Ministerio de Comercio Exterior or the Servicio Nacional de Aduana del Ecuador (SENAE), or their successors;
- (c) with respect to Peru, the Ministerio de Comercio Exterior y Turismo, or its successors; and
- (d) with respect to the European Union, the customs authorities of the European Union Member States.'

4. Article 36(3) of Section 6, Annex II to the Agreement shall be replaced by the following:

'3. The exporter or his/her authorised representative shall enter "Colombia", "Ecuador" or "Peru" and "Ceuta and Melilla" in Box 2 of movement certificate EUR.1 or on invoice declarations. In addition, in the case of products originating in Ceuta and Melilla, this shall be indicated in Box 4 of movement certificate EUR.1 or on invoice declarations.'

5. Notes 1, 3, 5, 7, in Appendix 2A to Annex II to the Agreement shall be replaced by the following:

(a) 'Note 1

The following rule shall confer origin for products exported from the European Union to Colombia, Ecuador or Peru within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
ex 0901	Roasted coffee of the variety Arabica	Manufacture from materials of any heading	

Colombia	Peru	Ecuador
120 tons	30 tons	110 tons

(b) 'Note 3

The following rule shall confer origin for products exported from the European Union to Colombia, Ecuador or Peru within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
1805	Cocoa powder, not containing added sugar or other sweetening matter	Manufacture from materials of any heading, except that of the product	

Colombia	Peru	Ecuador
100 tons	450 tons	120 tons

(c) 'Note 5

The following rule shall confer origin for products exported from Colombia, Ecuador and Peru to the European Union within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
3920	Other plates, sheets, film, foil and strip, of plastics, noncellular and not-reinforced, laminated, supported or similarly combined with other materials	Manufacture from materials of any heading except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 per cent of the ex works price of the product	Manufacture in which the value of all the materials used does not exceed 55 per cent of the ex works price of the product

Colombia	Peru	Ecuador
15,000 tons	15,000 tons	15,000 tons

If more than 75 per cent of the above-stated quota quantities is used during a given year, these quantities shall be reviewed, with a view to agree on their increase, in the Subcommittee.'

(d) 'Note 7

The following rule shall confer origin for products exported from Colombia, Ecuador and Peru to the European Union within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
6108.22	Women's or girls' briefs and panties, knitted or crocheted of man-made fibres	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404	
6112.31	Men's or boys' swimwear knitted or crocheted of synthetic fibres	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404	
6112.41	Women's or girls' swimwear knitted or crocheted of synthetic fibres	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404	

6115.10	Graduated compression hosiery (for example, stockings for varicose veins), knitted or crocheted	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404	
6115.21	Other pantyhose and tights of synthetic fibres measuring per single yarn less than 67 decitex, knitted or crocheted	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404	
6115.22	Other pantyhose and tights of synthetic fibres measuring per single yarn 67 decitex or more, knitted or crocheted	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404	
6115.30	Other women's full-length or knee length hosiery, measuring per single yarn less than 67 decitex	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404	
6115.96	Other, of synthetic fibres	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404	

HS heading	Colombia	Peru	Ecuador
6108.22	200 tons	200 tons	200 tons
6112.31	25 tons	25 tons	25 tons
6112.41	100 tons	100 tons	100 tons
6115.10	25 tons	25 tons	25 tons
6115.21	40 tons	40 tons	40 tons
6115.22	15 tons	15 tons	15 tons
6115.30	25 tons	25 tons	25 tons
6115.96	175 tons	175 tons	175 tons

If more than 75 per cent of the above-stated quota quantities is used during a given year, these quantities shall be reviewed, with a view to agree on their increase, in the Subcommittee.'

6. Note 8 in Appendix 2A to Annex II to the Agreement shall be replaced by the following:

The following rule shall confer origin for products exported from Ecuador to the European Union and from the European Union to Ecuador

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
ex 6504	Toquilla straw hats	Manufacture in which the toquilla straw of heading 1401 used is originating	

7. Note 9 in Appendix 2A to Annex II to the Agreement shall be replaced by the following:

The rules of origin provided for in Appendix 2 for the products listed below shall apply for as long as the European Union maintains a 0 per cent WTO bound tariff for these products. If the European Union increases the WTO bound tariff applicable to these products, the following rule shall confer origin for products exported from Colombia, Ecuador and Peru to the European Union within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
7209 to 7214	Flat-rolled products of iron or non-alloy steel; bars and rods of iron or non-alloy steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
7216 to 7217	Angles, shapes and sections of iron or non-alloy steel; wire of iron or non-alloy steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
7304 to 7306	Tubes, pipes and hollow profiles, of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product

7308	Structures and parts of structures, of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
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HS heading	Description of product	Colombia (tons)	Peru (tons)	Ecuador (tons)
7209	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, cold-rolled (cold-reduced), not clad, plated or coated	100,000	100,000	100,000
7210	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, clad, plated or coated	100,000	100,000	100,000
7211	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, not clad, plated or coated			
7212	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, clad, plated or coated	100,000	100,000	100,000
7213	Bars and rods, hot-rolled, in irregularly wound coils, of iron or non-alloy steel	100,000	100,000	100,000
7214	Other bars and rods of iron or non-alloy steel, not further worked than forged, hotrolled, hot-drawn or hotextruded, but including those twisted after rolling	100,000	100,000	100,000
7216	Angles, shapes and sections of iron or non-alloy steel	100,000	100,000	100,000
7217	Wire of iron or non-alloy steel	50,000	50,000	50,000
7304	Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel	50,000	50,000	50,000
7305	Other tubes and pipes (for example, welded, riveted or similarly closed), having circular cross-sections, the external diameter of which exceeds 406,4 mm, of iron or steel	50,000	50,000	50,000
7306	Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel	100,000	100,000	100,000

7308	Structures and parts of structures, of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	50,000	50,000	50,000
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When 50 per cent of a quota entry is reached, during a given year, the annual tonnage shall increase by 50 per cent for the following year. The basis for calculation shall be the quota quantity of the previous year. These quantities, as well as the basis for calculation may be revised at the request of any Party upon agreement with the other Parties.'

8. The following Note 10 shall be added in Appendix 2A to Annex II to the Agreement

The following rule shall confer origin for products exported from Colombia, Ecuador and Peru to the European Union within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
7321	Stoves, ranges, grates, cookers (including those with subsidiary boilers for central heating), barbecues, braziers, gas rings, plate warmers and similar nonelectric domestic appliances, and parts thereof, of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
7323	Table, kitchen or other household articles and parts thereof, of iron or steel; iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like, of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
7325	Other cast articles of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product

HS heading	Colombia	Peru	Ecuador
7321	20,000 units	20,000 units	20,000 units
7323	50,000 tons	50,000 tons	50,000 tons
7325	50,000 tons	50,000 tons	50,000 tons

These quantities may be revised at the request of any Party upon agreement with the other Parties.'

(g) In Appendix 5 to Annex II of the Agreement:

(i) the title shall be replaced by the following:

'PRODUCTS TO WHICH SUBPARAGRAPH (b) OF THE DECLARATION OF THE EUROPEAN UNION CONCERNING ARTICLE 5 IN RELATION TO ORIGINATING PRODUCTS FROM PERU, ECUADOR AND COLOMBIA APPLIES'

(ii) Paragraph 1 shall be replaced by the following:

'1. The conditions established in subparagraph (b) of the Declaration of the European Union concerning Article 5 in relation to originating products from Peru, Ecuador and Colombia apply for determining the origin of the following products exported from Peru to the European Union subject to the annual quotas established below:'

(iii) Ecuador shall be added to the title of the 'Declaration of the European Union concerning Article 5 in relation to originating products from Peru and Colombia', which shall be replaced by the following:

'DECLARATION OF THE EUROPEAN UNION CONCERNING ARTICLE 5 IN RELATION TO ORIGINATING PRODUCTS FROM PERU, ECUADOR AND COLOMBIA'

(iv) Ecuador shall be added to the title of the 'Joint Declaration of Peru and Colombia concerning Article 5 in relation to originating products from the European Union', which shall be replaced by the following:

'JOINT DECLARATION OF PERU, ECUADOR AND COLOMBIA CONCERNING ARTICLE 5 IN RELATION TO ORIGINATING PRODUCTS FROM THE EUROPEAN UNION'

(v) Ecuador shall be added to the first paragraph of the 'Joint Declaration of Peru and Colombia concerning Article 5 in relation to originating products from the European Union', which shall be replaced by the following:

'The Republic of Peru, the Republic of Ecuador and the Republic of Colombia declare that, for the purposes of subparagraphs 1(f) and 1(g) of Article 5 of Annex II Concerning the Definition of The Concept of "Originating Products" and Methods of Administrative Cooperation (hereinafter referred to as "the Annex"):'

ANNEX VII

'SECTION C

ECUADOR

Subject Goods and Trigger Import Volumes

Notwithstanding the provisions of Article 22 and Annex I (Tariff Elimination Schedule), Ecuador may apply measures for agricultural safeguards provided for in Article 29 of the present Agreement, to the following goods:

1. For each of the following tariff lines when the amount of imports per year exceeds a volume of more than 200 tons:

Tariff lines	Description
07031000	- Onions and shallots
07133190	--- Other (beans)
07133290	--- Other
07133391	---- Black
07133392	---- Canary
07133399	--- Other (other beans)
07133991	---- Lima beans (<i>Phaseolus lunatus</i>)
07133992	---- Cowpeas (<i>Vigna unguiculata</i>)
07133999	---- Other

2. For the following tariff lines under category L4, as detailed below:

Tariff lines	Year	Trigger import volume (Tones)
04064000		
04069040		
04069050		
04069060 A		
	Entry into Force	20% in addition of the prorated quota

	1	1260
	2	1320
	3	1380
	4	1440
	5	1500
	6	1560
	7	1620
	8	1680
	9	1740
	10	1800
	11	1860
	12	1920
	13	1980
	14	2040
	15	2100
	16	2160
	17	2210

ANNEX VIII

'Appendix 1

COMPETENT AUTHORITIES

1. Competent Authorities of the EU Party

Control competences are shared between the national services of the European Union Member States and the European Commission. In this respect the following applies:

- (a) as regards exports to Colombia and/or Peru and/or Ecuador, the European Union Member States are responsible for control of the production conditions and procedures, including statutory inspections and issuing health (or animal welfare) certifications attesting compliance with the standards and requirements established by the importing Party.
- (b) as regards imports from Colombia and/or Peru and/or Ecuador, the European Union Member States are responsible for the control of the compliance of such imports with the import conditions established by the European Union;
- (c) the European Commission is responsible for overall co-ordination, inspections and audits of inspection systems and the necessary legislative action to ensure uniform application of standards and requirements within the European Union.

2. Competent Authorities of Colombia

Control and surveillance are carried out jointly by the Instituto Colombiano Agropecuario (hereinafter referred to as "ICA") and the Instituto Nacional de Vigilancia de Medicamentos y Alimentos – (hereinafter referred to as "INVIMA"), in accordance with the competences assigned to each institution by law. In this respect the following applies:

- (a) as regards exports to European Union Member States, ICA and INVIMA are responsible for the surveillance and control of the sanitary and phytosanitary conditions and procedures, including statutory inspections and issuing sanitary and phytosanitary certificates attesting compliance with the standards and requirements established by the importing Party;
- (b) as regards imports from the European Union Member States into Colombia, ICA and INVIMA are responsible for the verification and control of the compliance with the established import conditions, including the inspections and the sanitary and phytosanitary certificates issued by the European Union Member States attesting the compliance of such imports with the standards and import requirements in force in Colombia;
- (c) ICA and INVIMA are responsible, in accordance with their respective competences, for the overall co-ordination, inspection and audits of inspection systems.

3. Competent Authorities of Peru

The competent authorities of Peru in sanitary and phytosanitary matters are the following institutions:

- (a) Servicio Nacional de Sanidad Agraria (hereinafter referred to as "SENASA")
- (b) Dirección General de Salud Ambiental (hereinafter referred to as "DIGESA")
- (c) Ministerio de Salud
- (d) Instituto Tecnológico Pesquero (hereinafter referred to as "ITP")
- (e) Ministerio de Comercio Exterior y Turismo (hereinafter referred to as "MINCETUR").

4. Competent Authorities of Ecuador

The competent authorities of Ecuador in sanitary and phytosanitary matters are the following institutions:

- (a) Agencia Ecuatoriana de Aseguramiento de la Calidad del Agro (AGROCALIDAD)
- (b) Instituto Nacional de Pesca (INP)
- (c) Agencia de Regulación, Control y Vigilancia Sanitaria (ARCSA), and
- (d) Ministerio de Comercio Exterior (MCE).'