



Council of the
European Union

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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 18

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 18.

Encl.: COM(2016) 173 final - ANNEX 18



Brussels, 4.4.2016
COM(2016) 173 final

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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 XX

(Joint Declarations made by Ecuador and the EU Party to be added following to the list of joint declarations by Colombia, Peru and the EU Party)

'JOINT DECLARATIONS BY ECUADOR AND THE EU PARTY

Intellectual Property Rights

The Parties reaffirm the rights and obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights hereinafter referred to as 'TRIPS Agreement'.

No later than the date of entry into force of this Agreement, Ecuador will put in place fees and administrative costs for the registration and maintenance of intellectual property rights that are in line with the provisions of Article 62(4) of the TRIPS Agreement and at a level comparable with fees set by Intellectual Property offices of the other WTO Members. Ecuador commits to ensure national treatment of applications for protection of intellectual property rights in line with the TRIPS Agreement, in particular Articles 3 and 27(1) thereof.

The Parties reaffirm their commitment to the 'Declaration on the TRIPS Agreement and Public Health' adopted by the Doha WTO Ministerial Conference on 14 November 2001 and the right of the Parties to resort to the provisions in the TRIPS Agreement which provide flexibility for the purpose of protecting public health. For the process of issuing compulsory licences, Ecuador guarantees full compliance with the provisions and conditions for granting compulsory licences of the TRIPS Agreement, in particular Article 31 thereof, in the framework of its legal system.

Ecuador guarantees full compliance with the obligations established Article 61 of the TRIPS Agreement.

The Parties agree to review Ecuador's interest in having non-agricultural geographical indications protected with the same level of protection as wines, aromatized wines, spirits, agriculture products and foodstuffs in the context of the Sub-committee on Intellectual Property established in article 257 of the Agreement. If the European Union adopts specific legislation protecting non-agricultural geographical indications, the review referred to above shall take into account this new legal situation."

Market Access

Ecuador may continue to apply the measures listed below, including their modifications and regulations, provided that the said modifications and regulations do not create conditions that are discriminatory or more restrictive to trade.

- a) The measures related to the application of taxes on alcoholic beverages in accordance with Articles 10 and 12 of *Ley de Fomento Ambiental Optimización de Ingresos del Estado*, published in the Official Gazette No. 583 of 24 November 2011, and Article 2 of *Ley Orgánica de Incentivos para el Sector Productivo*, published in the Second Supplement of the Official Gazette No. 56 of 12 August 2013, until two years after the entry into force of this Agreement. From the said date

onwards, the measures must be in conformity with Title III (Trade in Goods) Chapter 1 (Market Access for Goods), and in particular Article 21 thereof;

- b) Measures relating to the import of used clothing, used footwear and used vehicles (COMEXI Resolution No. 182, COMEX Resolution No. 51). The need to maintain these measures shall be reviewed 5 years after the entry into force of this Agreement.'