



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) 174 final - ANNEX 1
Subject:	ANNEX to the Proposal for a Council Decision on the conclusion 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) 174 final - ANNEX 1.

Encl.: COM(2016) 174 final - ANNEX 1



Brussels, 4.4.2016
COM(2016) 174 final

ANNEX 1

ANNEX

to the

Proposal for a Council Decision

on the conclusion 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

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

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 EU and Peru since 1 March 2013 and between EU and Colombia since 1 August 2013;

WHEREAS the Treaty concerning the accession of the 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 (hereinafter referred to as 'Croatia') to the European Union has been signed by the European Union, Colombia and Peru at XXX on XXX;

WHEREAS Article 6 of the Agreement states that "For the purposes of this 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 this 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 to provide for an accession of other Member Countries of the Andean Community to the Agreement;

WHEREAS the European Union and Ecuador have concluded negotiations on 17 July 2014, which was notified to the Trade Committee established under the Agreement on XX.XX 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 to the Agreement to take account of the accession of the Republic of Croatia to the European Union, the provisions of the Additional Protocol should be integrated into the provisions of this Protocol;

WHEREAS the text of this Protocol of has been approved by the Trade Committee established under the Agreement in accordance with Article 329(4) of the Agreement;

WHEREAS the Parties, in line with the above mentioned, have agreed to address the accession of Ecuador to the Agreement by means of the present Protocol of Accession.

HAVE AGREED AS FOLLOWS:

SECTION I

CONTRACTING PARTIES

Article 1

Ecuador hereby becomes a Party to the Agreement, including the amendments thereto provided for in the Additional Protocol to the Agreement to take account of the accession of Croatia to the European Union.

SECTION II

PROVISIONS OF THE AGREEMENT

Article 2

Title, list of 'signatory Andean Countries', recital 11 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 hereby amended in accordance with the provisions of Annex I to this Protocol.

SECTION III

TARIFF ELIMINATION SCHEDULES

Article 3

1. Subsection 3 ('Tariff elimination schedule of the EU Party for goods originating in Ecuador') as set out in Annex II to this Protocol shall be added in Section B of Annex I, Appendix 1 to the Agreement.
2. 'Tariff elimination schedule of the EU Party for goods originating in Ecuador' as set out in Annex III to this Protocol shall be inserted after the 'Tariff elimination schedule of the EU Party for goods originating in Peru' in Annex I to the Agreement.

Article 4

1. Section D ('Tariff elimination schedule of the Ecuador for goods originating in the European Union') as set out in Annex IV to this Protocol shall be added in Annex I, Appendix 1 to the Agreement.
2. 'Tariff elimination schedule of Ecuador for goods originating in the European Union' as set out in Annex V to this Protocol shall be inserted after the 'Tariff elimination schedule of Peru for goods originating in European Union' at the end of Annex I to the Agreement.

Article 5

Ecuador shall be added to the title of Section A of Appendix 2 ('Entry prices of the EU Party') of Annex I to the Agreement, which shall be replaced by the following:

'COLOMBIA AND ECUADOR'

SECTION IV

RULES OF ORIGIN

Article 6

Annex II to the Agreement shall be amended in accordance with the provisions of Annex VI to this Protocol.

SECTION V

AGRICULTURAL SAFEGUARD MEASURES

Article 7

'Subject Goods and Trigger Import Volumes' corresponding to Ecuador shall be added as Section C to Annex IV of the Agreement ('Agricultural Safeguard Measures') as set out in Annex VII to this Protocol.

SECTION VI
SANITARY AND PHYTOSANITARY MEASURES

Article 8

Appendix 1 ('Competent Authorities') to Annex VI to the Agreement shall be replaced by the provisions of Annex VIII to this Protocol.

Article 9

The following contact points and web-sites for Ecuador shall be added under letters A and B of Appendix 4 ('Contact points and web-sites') to Annex VI to the Agreement:

A. Contact Points

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For Ecuador

Instituto Nacional de Pesca (INP)

Letamendi 102 y La Ría

Guayaquil – Ecuador

Teléfono: 593-4 241-6042

593-4 240-2304

E mail: dirección_inp@institutopesca.gob.ec

Agencia de Regulación, Control y Vigilancia Sanitaria (ARCSA)

Dirección: La Razón 280 y El Comercio, Edificio San Francisco.

Quito – Ecuador

Teléfonos: 593-2-2921552

593-2-2263445

E mail: registro.cosmeticos@controlsanitario.gob.ec

Registro.alimentos@controlsanitario.gob.ec

Registro.medicamentos@controlsanitario.gob.ec

Ministerio de Comercio Exterior (MCE)

Dirección: Av. De los Shyris N° 34-152 y Holanda,

Quito – Ecuador

Teléfono: 593-2-393-5460

E mail: dirección.msf@comercioexterior.gob.ec'

B. Free websites

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For Ecuador

Agencia Ecuatoriana de Aseguramiento de la Calidad del Agro (AGROCALIDAD)

<http://www.agrocalidad.gob.ec/>

Instituto Nacional de Pesca (INP)

<http://www.institutopesca.gob.ec>

Agencia de Regulación, Control y Vigilancia Sanitaria (ARCSA)

<http://www.controlsanitario.gob.ec>

Ministerio de Comercio Exterior (MCE)

[http://www.comercioexterior.gob.ec'](http://www.comercioexterior.gob.ec)

SECTION VII

TRADE IN SERVICES, ESTABLISHMENT AND ELECTRONIC COMMERCE

Article 10

Section B of Annex VII ('List of Commitments on Establishments') to the Agreement shall be replaced by the provisions of Annex IX to this Protocol.

Article 11

Annex X to this Protocol shall be added as Section D of Annex VII ('List of Commitments on Establishments') to the Agreement.

Article 12

Section B of Annex VIII ('List of Commitments on Cross-Border Supply of Services') to the Agreement shall be replaced by the provisions of Annex XI to this Protocol.

Article 13

Annex XII to this Protocol shall be added as Section D of Annex VIII ('List of Commitments on Cross-Border Supply of Services') to the Agreement.

Article 14

Section B of Appendix 1 to Annex IX ('Reservations Regarding Temporary Presence of Natural Persons for Business Purposes') to the Agreement shall be replaced by the provisions of Annex XIII to this Protocol.

Article 15

Annex XIV to this Protocol shall be added as Section D of Appendix 1 to Annex IX ('Reservations Regarding Temporary Presence of Natural Persons for Business Purposes') to the Agreement.

Article 16

Section B of Appendix 2 to Annex IX ('Reservations Regarding Temporary Presence of Natural Persons for Business Purposes') to the Agreement shall be replaced by the provisions of Annex XV to this Protocol.

Article 17

Annex XVI to this Protocol shall be added as Section D of Appendix 2 to Annex IX ('Reservations Regarding Temporary Presence of Natural Persons for Business Purposes') to the Agreement.

Article 18

The following enquiry point shall be added for Ecuador to Annex X ('Enquiry Points regarding Trade in Services, Establishment and Electronic Commerce') to the Agreement:

'ECUADOR

Ministerio de Comercio Exterior

Avenida de los Shyris N 34-152 y Holanda

Edificio Shyris Center

dirección.servicios@comercioexterior.gob.ec

Quito, Ecuador'

Article 19

Annex XVII to this Protocol shall be added after Annex XI as Annex XI.a to the Agreement.

SECTION VIII

GOVERNMENT PROCUREMENT

Article 20

Section B of Appendix 1 to Annex XII to the Agreement shall be replaced by the provisions of Annex XVIII to this Protocol.

Article 21

Annex XIX to this Protocol shall be added as Section D of Appendix 1 to Annex XII ('Government Procurement') to the Agreement.

Article 22

The following shall be added at the end of Appendix 2 ('Media for Publication of Procurement Information') to Annex XII to the Agreement:

'4. Ecuador

Procurement portal of Ecuador:

<http://www.compraspublicas.gob.ec>'

Article 23

The following shall be added at the end of Appendix 3 ('Media for Publication of Notices') to Annex XII to the Agreement:

'4. Ecuador

Procurement portal of Ecuador:

<http://www.compraspublicas.gob.ec>'

SECTION IX

GEOGRAPHICAL INDICATIONS

Article 24

The following shall be added at the end of Appendix 1 ('Lists of Geographical Indications for Agricultural and Foodstuff Products, Wines, Spirit Drinks and Aromatised Wines' to 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 shall be added at the end of the Appendix 2 ('Lists of Geographical Indications for Products Other than Agricultural and Foodstuff Products, Wines, Spirit Drinks and Aromatised Wines') to 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 made by Ecuador and the EU Party set out in the Annex XX to this Protocol shall be inserted in the Agreement following to the list of Joint Declarations 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 its internal procedures required for the entry into force of this Protocol to the all other 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 of the last notifications foreseen in paragraph 2 with respect to the EU and the corresponding signatory Andean Country.
4. Notwithstanding paragraph 3, the Parties agree that, pending the completion of the internal procedures of the EU Party for the entry into force of this Protocol, it may be provisionally applied. 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 on the completion of the procedures necessary for this purpose; and
 - (b) each individual signatory Andean Country's deposit of the 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 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 quadruplicates in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovakian, 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 empowered to this effect, have signed this Protocol.