



Council of the  
European Union

Brussels, 20 October 2021  
(OR. en)

11372/21

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**Interinstitutional File:**  
**2021/0277 (NLE)**

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### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Trade Committee established by the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru, and Ecuador, of the other part, as regards modifications to Appendices 2, 2A and 5 to Annex II to that Agreement

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**COUNCIL DECISION (EU) 2021/...**

**of ...**

**on the position to be taken on behalf of the European Union  
within the Trade Committee established by the Trade Agreement  
between the European Union and its Member States, of the one part,  
and Colombia, Peru, and Ecuador, of the other part,  
as regards modifications to Appendices 2, 2A and 5  
to Annex II to that Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part ('the Agreement') was signed by the Union on 26 June 2012 in accordance with Council Decision 2012/735/EU<sup>1</sup> as regards Colombia and Peru, and on 11 November 2016 in accordance with Council Decision (EU) 2016/2369<sup>2</sup> as regards Ecuador. The Agreement, pursuant to Article 330(3) thereof, has been applied provisionally since 1 March 2013 between the Union and Peru, since 1 August 2013 between the Union and Colombia, and since 1 January 2017 between the Union and Ecuador.
- (2) Pursuant to Article 13(2), point (g)(iii), of the Agreement, the Trade Committee may modify the specific rules of origin established in Annex II (Concerning the Definition of the Concept of 'Originating products' and Methods of Administrative Cooperation) to the Agreement.

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<sup>1</sup> Council Decision 2012/735/EU of 31 May 2012 on the signing, on behalf of the Union, and provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (OJ L 354, 21.12.2012, p. 1).

<sup>2</sup> Council Decision (EU) 2016/2369 of 11 November 2016 on the signing, on behalf of the 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 (OJ L 356, 24.12.2016, p. 1).

- (3) The Trade Committee, by written procedure which is expected to take place before the end of 2021, is to adopt a Decision modifying Appendix 2 (List of working or processing required to be carried out on non- originating materials in order that the product manufactured can obtain originating status), Appendix 2A (Addendum to the list of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status) and Appendix 5 (Products to which subparagraph (b) of the Declaration of the European Union concerning Article 5 in relation to originating products from Colombia, Ecuador and Peru applies) to Annex II. Those Appendices are based on the Harmonised System (HS) 2007. The product specific rules of origin contained in those Appendices are to be aligned with the updated HS as applicable from 2017. Such alignment would include the changes introduced by the HS 2012 and the HS 2017, to the product specific rules of Appendices 2, 2A and 5. For reasons of clarity, taking into account the number of amendments that need to be made in the Appendices, the Appendices are to be replaced in their entirety.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Trade Committee with regard to the modifications to Appendices 2, 2A and 5 to Annex II to the Agreement, as the Decision of the Trade Committee will have legal effect in the Union.
- (5) The position of the Union within the Trade Committee should therefore be based on the draft Decision of the Trade Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf within the Trade Committee established by the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru, and Ecuador, of the other part ('the Agreement') as regards the modifications to Appendices 2, 2A and 5 to Annex II to the Agreement shall be based on the draft Decision of the Trade Committee<sup>1</sup>.

*Article 2*

This Decision shall enter into force on the date of its adoption.

It shall expire on 31 December 2021.

Done at Brussels,

*For the Council*

*The President*

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<sup>1</sup> See document ST 11373/21.