Council of the European Union

Brussels, 28 October 2024
(OR. en)

13664/24

Interinstitutional File:
2024/0229(NLE)

POLCOM 252
UD 190
COLAC 103

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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

COUNCIL DECISION (EU) 2024/…

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 the first subparagraph of Article 207(4), 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[1] (the 'Agreement') was signed by the Union on 26 June 2012 in accordance with Council Decision 2012/735/EU[2] as regards Colombia and Peru, and on 11 November 2016 in accordance with Council Decision 2016/2369/EU[3] as regards Ecuador. Pursuant to Article 330(3) of the Agreement, it 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.

---

1 OJ L 354, 21.12.2012, p. 3.

2 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).

3 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).

(2) Pursuant to Article 13(2)(g)(iii) of the Agreement, the Trade Committee established by 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. 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, Peru and Ecuador applies) of Annex II are currently based on nomenclature under the 2012 and 2017 versions of the Harmonized System ('HS') governed by the International Convention on the Harmonized Commodity Description and Coding System[4], as amended.

(3) The Trade Committee, by written procedure, is to adopt a decision modifying Appendices 2, 2A and 5 to Annex II to align the wording of certain chapters, headings or sub-headings and to adapt the product specific rules of origin to the 2022 version of the HS, which was introduced on 1 January 2022. For reasons of clarity, taking into account the number of amendments that need to be made in the Appendices, they should be replaced in their entirety.

[4] OJ L 198, 20.7.1987, p. 3.

(4) The adoption of the Decision by the Trade Committee is expected to take place in the fourth quarter of 2024.

(5) It is appropriate to establish the position to be taken on the Union's behalf within the Trade Committee, as the decision of the Trade Committee will have legal effects in the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Trade Committee shall be based on the draft Decision of the Trade Committee attached to this Decision.

Article 2

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

Done at …, …

For the Council
The President