Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Council Decisions on the conclusion of a trade agreement with Colombia, Peru and Ecuador a) Council Decision on the conclusion of the Trade Agreement between the EU and its Member States and Colombia and Peru *- Adoption* *- Approval of the Irish language version* b) Council Decision on the conclusion of the Protocol of Accession to the Trade Agreement between the EU and its Member States and Colombia and Peru to take account of the accession of Ecuador *- Adoption* *- Approval of the Irish language version*

1. In September 2011, the Commission submitted to the Council proposals for the decisions on the signing and the provisional application[1] of the Trade Agreement between the European Union and its Member States, on the one part, and Colombia and Peru, of the other part, as well as the conclusions[2] of that agreement.

[1] ST 14757/11 + ADD 1-32
[2] ST 14760/11 + ADD 1-32

2. On 31 May 2012, the Council adopted the Council Decision on the signing[3] and provisional application of the Trade Agreement. At the same time and in accordance with Article 218(6), second subparagraph, point (a)(v) of the TFEU, the Council decided to forward the draft Decision on the conclusions of the Trade Agreement, as finalised by the legal-linguistic experts and set out in document ST 14762/1/11, together with the Agreement itself[4], to the European Parliament for its consent, with a view to preparing for the future conclusion of the Trade Agreement.

3. The Trade Agreement with Colombia and Peru was signed on 26 June 2012 in Brussels.

4. The European Parliament gave its consent to the conclusion of the Trade Agreement on 11 December 2012.

5. On 6 June 2024, the ratification procedures of the Trade Agreement by Member States were finalised.

6. Pursuant to its Article 330(2), the Trade Agreement between the European Union and Colombia and Peru shall enter into force on the first day of the month following that in which the Parties have notified each other of the completion of the internal legal procedures.

7. On 4 April 2016, the Commission submitted to the Council proposals for the decisions on the signing[5] and the provisional application of the Protocol of Accession to the Trade Agreement with Colombia and Peru 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"), as well as on the conclusion[6] of the Protocol of Accession.

[3] ST 14759/1/11 REV 1 (published in OJ L 354 of 21 December 2012)
[4] ST 14764/1/11 REV 1
[5] ST 7614/16 + ADD 1-28
[6] ST 7616/16 + ADD 1-28

8. On 11 November 2016, the Council adopted the Council Decision on the signing[7] and provisional application of the Protocol of Accession to the Trade Agreement with Colombia and Peru to take account of the accession of Ecuador. At the same time and in accordance with Article 218(6), second subparagraph, point (a)(v) of the TFEU, the Council decided to forward the draft Decision on the conclusion of the Protocol of Accession, as finalised by the legal-linguistic experts and set out in document ST 7620/16, together with the Protocol of Accession itself[8], to the European Parliament for its consent, with a view to preparing for the future conclusion of that Protocol.

9. The Protocol of Accession was subsequently signed on 11 November 2016 in Brussels.

10. The European Parliament gave its consent to the conclusion of the Protocol of Accession on 14 December 2016.

11. On 15 July 2024, the ratification procedures of the Protocol of Accession were finalised.

12. Pursuant to its Article 27 (3), the Protocol of Accession shall enter into force on the first day of the month following that in which the Parties have notified each other of the completion of the internal legal procedures.

13. The European Parliament will be informed in accordance with Article 218(10) TFEU.

14. The Irish-language versions of both the Trade Agreement and the Protocol of Accession, which were not produced at the time of their signature, are now available.

15. On 26 September 2024, the Trade Policy Committee (Deputies) endorsed the draft Council Decisions on the conclusion of the Trade Agreement with Colombia and Peru and of the Protocol of Accession as set out in documents ST 1462/1/11 REV1 and ST 7620/16 respectively.

[7] ST 7619/16 (published in OJ L 356 of 24 December 2016)
[8] ST 7621/16

16. A Note Verbale shall be sent to the contracting parties stating that, following their leaving the European Union, references to the United Kingdom of Great Britain and Northern Ireland in the Partnership Agreement have become obsolete.

17. In light of the above, and subject to confirmation by the Permanent Representatives' Committee, the Council is invited to:

- adopt, as an 'A' item of the agenda of one of its forthcoming meetings, the Decision on the conclusion of the Agreement establishing an Trade Agreement between the European Union and its Member States, on the one hand, and Colombia and Peru on the other hand, as finalised by the legal-linguistic experts and set out in document ST 14762/11 (hr, ga) and ST 14762/1/11 REV 1 (rest of the linguistic versions) as well as the text of the Agreement as contained in document 14764/11 (ga) + ADD 1-31 (ga) + (for all other linguistic versions) 14764/1/11 REV 1 + ADD 1 REV 1 + ADD 1 REV 1 COR 1 + ADD 2-22 + ADD 23 REV 1 + ADD 24 REV 1 + ADD 25 REV 1 + ADD 26 + ADD 27 REV 1 + ADD 28 REV 1 + ADD 29 REV 1 + ADD 30 REV 1 + ADD 30 REV 1 COR 1 + ADD 31 REV 1;

- adopt as an 'A' item the Council Decision on the conclusion of the Protocol of Accession to the Trade Agreement with Colombia and Peru 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 as set out in document ST 7620/16, as well as the text of the Agreement as contained in document 7621/16 + ADD 1-13 + ADD 8 COR 1;

- approve as an 'A' item the Irish-language version of both the Trade Agreement and the Protocol of Accession, as set out in documents ST 14764/11 (ga) + ADD 1-31 (ga) and ST 7621/16 (ga) + ADD 1-13 (ga) respectively;

- note that the European Parliament will be informed in accordance with Article 218(10) TFEU, and that the Council Decisions will be transmitted to the European Parliament; and

– take note of the draft Note Verbale, to be sent to the contracting parties, contained in the ANNEX of this note.

ANNEX

Draft Note Verbale

The United Kingdom of Great Britain and Northern Ireland ceased to be a Member State of the European Union ("the Union") and the European Atomic Energy Community ("Euratom") on 1 February 2020 (00.00 Central European Time) pursuant to the terms of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland form the European Union and the European Atomic Energy Community, signed at Brussels and London on 24 January 2020 ('the Withdrawal Agreement').

The Withdrawal Agreement established a transition period between the United kingdom and the Union during which time the United Kingdom was treated as a Member State of the Union and of Euratom for the purposed international agreements concluded by the Union (or Euratom), or by Member States acting on behalf of the Union (or Euratom), or by the Union (or Euratom) and its Member States jointly and was bound by the obligations stemming from these agreements.

The transition period ended on 31 December 2020.

At the end of the transition period, international agreements concluded by the Union (or Euratom), or by Member States acting on behalf of the Union (or Euratom), or by the Union (or Euratom) and its Member States jointly ceased to apply to the United Kingdom.

As a consequence, the Union notifies [*Third Country*] that the United Kingdom is not treated as a Member States of the Union for the purposes of the Agreement establishing a Trade Agreement between the European Union and its Member States, on the one hand, and Colombia and Peru, and Ecuador, on the other, and is therefore not covered or bound by it. All references to the United Kingdom in the agreement are therefore to be disregarded and have not effect.