



Council of the
European Union

Brussels, 30 April 2021
(OR. en)

7767/21

Interinstitutional File:
2021/0092 (NLE)

WTO 98
COLAC 28

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Draft DECISION OF THE EU-COLOMBIA-PERU-ECUADOR TRADE COMMITTEE amending Decisions No 1/2014, No 2/2014, No 3/2014, No 4/2014 and No 5/2014 to take account of the accession of Ecuador to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part, and to update the lists of arbitrators and of experts in Trade and Sustainable Development
----------	--

DRAFT

**DECISION 2/2021
OF THE EU-COLOMBIA-PERU-ECUADOR TRADE COMMITTEE**

of ...

**amending Decisions No 1/2014, No 2/2014, No 3/2014, No 4/2014 and No 5/2014
to take account of the accession of Ecuador to the Trade Agreement
between the European Union and its Member States, of the one part,
and Colombia, Peru and Ecuador , of the other part,
and to update the lists of arbitrators and of experts
in Trade and Sustainable Development**

THE TRADE COMMITTEE,

Having regard to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part (hereinafter 'the Trade Agreement'), and in particular Article 13 thereof,

Whereas:

- (1) In accordance with point (g)(vi) of Article 13(2) of the Trade Agreement, the Trade Committee may advance in the achievement of the objectives of the Trade Agreement by means of modifications, provided for therein, of other provisions subject to modifications by the Trade Committee pursuant to an explicit provision of the Trade Agreement. Pursuant to Article 13(5) of the Trade Agreement, in the exercise of any of the functions set out in that Article, the Trade Committee may adopt any decision as envisaged in the Trade Agreement.
- (2) Decision No 1/2014 provides for the adoption of the Rules of Procedure of the Trade Committee pursuant to point (j) of Article 13(1) of the Trade Agreement.
- (3) Decision No 2/2014 provides for the adoption of the Rules of Procedure and Code of Conduct for arbitrators pursuant to point (h) of Article 13(1) and Article 315 of the Trade Agreement.
- (4) Decision No 3/2014 provides for the establishment of the lists of arbitrators pursuant to Article 304(1) and (4) of the Trade Agreement.
- (5) Decision No 4/2014 provides for the adoption of the Rules of Procedure for the Group of Experts in Trade and Sustainable Development pursuant to Article 284(6) of the Trade Agreement.

- (6) Decision No 5/2014 provides for the establishment of a Group of Experts on issues covered by the Title on Trade and Sustainable Development pursuant to Article 284(3) of the Trade Agreement.
- (7) In order to take account of the accession of Ecuador to the Trade Agreement and of the need to update the lists of arbitrators and of experts in Trade and Sustainable Development, Decisions No 1/2014, No 2/2014, No 3/2014, No 4/2014 and No 5/2014 of the Trade Committee should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision No 1/2014 of the EU-Colombia-Peru Trade Committee of 16 May 2014 on the adoption of the Rules of Procedure referred to in point (j) of Article 13(1) of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The Trade Committee that is established in accordance with Article 12 of 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"), shall perform its duties as provided for in Article 12 of the Agreement and take responsibility for the operation and correct application of the Agreement.';

(b) paragraph 3 is replaced by the following:

'3. The Trade Committee shall be chaired on a rotational basis for a period of one year by the Minister for Trade, Industry and Tourism of Colombia, the Minister for Foreign Trade and Tourism of Peru, the Minister of Production, Foreign Trade, Investment and Fisheries of Ecuador, or the Member of the European Commission responsible for Trade. The first period shall begin on the date of the first Trade Committee meeting and end on 31 December of the same year. The Chairperson may arrange to be represented by respective designees as provided for in Article 12(2) of the Agreement.';

(2) in Article 3, paragraph 1 is replaced by the following:

'1. The Trade Committee shall meet once a year or at the request of either Party, as provided for in Article 12(2) of the Agreement. The meetings shall be held on a rotational basis, in Bogota, Brussels, Lima and Quito, unless the Parties agree otherwise.'.

Article 2

The Annex to Decision No 2/2014 of the EU-Colombia-Peru Trade Committee of 16 May 2014 on the adoption of the Rules of Procedure and Code of Conduct for arbitrators, referred to in point (h) of Article 13(1) and Article 315 of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, is amended as follows:

(1) in Rule 1, point (a) is replaced by the following:

'(a) "the Agreement" means the Trade Agreement between Colombia and Peru, of the one part, and the European Union and its Member States, of the other part, signed in Brussels on 26 June 2012, as amended by the Protocol of Accession of Ecuador to the Agreement, signed on 11 November 2016;';

(2) Rule 7 is replaced by the following:

'7. If the last day for delivery of a document falls on a legal holiday of Colombia, Peru, Ecuador or of the EU, the document may be delivered on the next business day.';

(3) Rule 33 is replaced by the following:

'33. Unless the disputing parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is Colombia, Peru or Ecuador and in Bogota, Lima or Quito, as the case may be, if the complaining Party is the EU.'.

Article 3

The Annex to Decision No 3/2014 of the EU-Colombia-Peru Trade Committee of 16 May 2014, establishment of the lists of arbitrators, referred to in Article 304(1) and (4) of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, is amended as follows:

- (1) the 'List of arbitrators referred to in Article 304(1) of the Agreement' is amended as follows:
 - (a) in the list of 'Arbitrators proposed by Colombia', points 2 and 3 are replaced by the following:
 - '2. Javier Gamboa
 3. Claudia Orozco';
 - (b) the following list is inserted between the list of 'Arbitrators proposed by Colombia' and the list of 'Arbitrators proposed by the EU':

'Arbitrators proposed by Ecuador

 1. Hugo Perezcano Díaz

2. Alejandro Sánchez
 3. Carlos Vejar
 4. Alan Yanovich
 5. Andrés Jana';
- (c) in the list of 'Arbitrators proposed by Peru', points 4 and 5 are replaced by the following:
- '4. Victor Saco
 5. Javier Hernando Illescas Mucha';
- (d) in the list of 'Chairpersons', point 2 is replaced by the following:
- '2. Pedro Negueloaetcheverry (Ecuador)';

(2) the 'Additional list of arbitrators with sectorial experience on specific subjects covered by the Agreement referred to in Article 304(4) of the Agreement' is amended as follows:

- (a) under the heading 'Trade in Goods experts', the following list is inserted between the list of 'Arbitrators proposed by Colombia' and the list of 'Arbitrators proposed by the EU':

'Arbitrators proposed by Ecuador

1. Pablo Bentes
2. Jan Bohanes
3. Sofía Bonilla';

- (b) under the heading 'Experts in areas of Trade in Services, Establishments, Competition, Intellectual Property Rights or Government Procurement', the following list is inserted between the list of 'Arbitrators proposed by Colombia' and the list of 'Arbitrators proposed by the EU':

'Arbitrators proposed by Ecuador

1. Gustavo Guerra
2. Alfredo Corral

3. Genaro Eguiguren';
- (c) under the heading 'Experts in areas of Trade in Services, Establishments, Competition, Intellectual Property Rights or Government Procurement', in the List of Chairpersons, point 2 is replaced by the following:

'2. Tania Voon'.

Article 4

Point (a) of Rule 1 of the Annex to Decision No 4/2014 of the EU-Colombia-Peru Trade Committee of 16 May 2014 on the adoption of the Rules of Procedure for the Group of Experts in Trade and Sustainable Development referred to in Article 284(6) of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, is replaced by the following:

- '(a) "the Agreement" means the Trade Agreement between Colombia and Peru, of the one part, and the European Union and its Member States, of the other part, signed on 26 June 2012, as amended by the Protocol of Accession of Ecuador to the Agreement, signed on 11 November 2016.'

Article 5

The Annex to Decision No 5/2014 of the EU-Colombia-Peru Trade Committee of 16 May 2014, establishing a Group of Experts on issues covered by the Title on Trade and Sustainable Development, referred to in Article 284(3) of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, is amended as follows:

- (1) in the 'List of experts', the following points are added:
 - '13. María Amparo Albán
 14. Alice Tipping
 15. Leopoldo González
 16. Fabián Jaramillo';
- (2) in the list of 'Chairpersons', the following points are added:
 - '7. Jacob Olander
 8. Martín Padulla'.

Article 6

This Decision shall enter into force on [...].

This Decision shall be drawn up in the official languages of the Parties to the Agreement, each of these texts being equally authentic.

Done at [...]

For the Trade Committee
