

AGREEMENT BETWEEN THE GOVERNMENTS OF BOLIVIA, COLOMBIA, ECUADOR, PERU AND VENEZUELA, MEMBER COUNTRIES OF THE ANDEAN COMMUNITY, AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA RELATING TO THE ESTABLISHMENT OF A COUNCIL ON TRADE AND INVESTMENT

Washington, October 30, 1998

The Governments of Bolivia, Colombia, Ecuador, Peru and Venezuela, Countries Agreement between the Governments of Bolivia, Colombia, Ecuador, Peru and Venezuela, Members of the Andean Community, by a Party, and the Government of the United States of America, the other:

- 1) Desiring to strengthen the existing friendly links and spirit of cooperation between the Parties;
- 2) Emphasizing the importance of trade and investment for Parties' economies;
- 3) Stressing the importance of an environment of stability and transparency for international trade and investment;
- 4) Recognizing that it is desirable that the problems of trade and investment between the Parties be resolved by mutual agreement as soon as possible;
- 5) Desiring to collaborate in a manner consistent with the Marrakesh Agreement establishing the World Trade Organization (the "WTO Agreement") and in a complementary manner to the process of establishing the Free Trade Area of the Americas (FTAA), to Identify steps that would enhance economic relations between the Parties;
- 6) Recognizing the importance of providing adequate and effective protection and enforcement of intellectual property rights and taking into account Parties' commitments to protect intellectual property rights in the conventions and agreements to which they are Parties;
- 7) Desiring to ensure that trade liberalization and environmental policies are mutually supportive for sustainable development; While avoiding disguised restrictions on trade, in accordance with the WTO and other international obligations;
- 8) Recognizing the importance for the economic well-being of all Parties of making efforts towards the observance and promotion of internationally recognized labor rights;
- 9) Considering that the establishment of a Trade and Investment Council between the Parties would be of mutual benefit.

To this end, the Parties agree as follows:

Article One.

To establish between the Governments of Bolivia, Colombia, Ecuador, Peru and Venezuela, Member Countries of the Andean Community, and the Government of the United States of America, a Trade and Investment Council (hereinafter referred to as "the Council")

The Council will be of a multilateral character and will function in a complementary way to the existing bilateral Trade and Investment Councils.

Article Two.

The Council shall have the following objectives:

- 1) Promote dialogue on the commercial exchange of goods and services and the flow of investment between the Parties.
- 2) Identify and propose the adoption of mechanisms to facilitate trade and investment.
- 3) Promote measures to improve the effectiveness of the Andean Trade Preference Act (ATPA).
- 4) Identify and promote the elimination of restrictions on trade and investment, consistent with the WTO Agreement and in addition to the Free Trade Area of the Americas (FTAA) negotiations, including through bilateral, multilateral and bilateral trade agreements. Regional organizations.
- 5) Exchange and review information on our trade and investment relationships in order to periodically evaluate the evolution of such relationships.
- 6) Coordinate efforts in multilateral and regional forums and bodies, such as the FTAA and the WTO.

Encourage business meetings and other complementary activities that expand trade and investment relations between our respective countries;

Hold consultations, as appropriate, in a timely and expeditious manner on any matter of mutual interest to the Parties.

Article Three.

The Council shall be composed of the representatives of the two Parties at ministerial level. In the case of Bolivia, Colombia, Ecuador, Peru and Venezuela it shall be composed of the Permanent Representatives to the Commission of the Andean Community, and in the case of the United States, of the United States Trade Representative.

In order to support their participation in the Council, the Andean Community Member Countries can count on the assistance of the General Secretariat of the Andean Community.

Article Four.

The Council shall meet at least once every two years and occasionally when agreed by the Parties.

Article Five.

In order to support their participation in the Executive Committee, the Andean Community Member Countries can count on the assistance of the General Secretariat of the Andean Community.

Article Six.

The Parties may consult, in accordance with their internal arrangements, with the private sector and other relevant groups in their respective countries on matters relating to the work of the Council.

Article Seven.

This Agreement is without prejudice to the rights and obligations under the internal law of the Parties and under international agreements including:

- 1) The WTO Agreement;
- 2) Regional agreements and other international instruments to which the Parties are parties; Y,
- 3) The bilateral agreements in matters of commerce and investment subscribed between the Member Countries of the Andean Community and the United States.

Article Eight.

This Agreement shall take effect from the date of its signature and shall remain in force unless terminated by mutual consent of the Parties or by either Party by giving six months' written notice to the other Party.

Article Transitional Provision.

The Executive Committee shall prepare a Work Plan in accordance with the provisions of Article 5 within ninety (90) days from the signature of this Agreement.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

Done at Washington, DC, in twelve copies, in the English and Spanish languages, each being equally authentic, on 30 October 1998

For the Andean Community:

The Government of the Republic of Bolivia

The Government of the Republic of Colombia

The Government of the Republic of Ecuador

The Government of the Republic of Peru

The Government of the Republic of Venezuela

For the Government of the United States of America