

Trade Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Colombia, the Republic of Ecuador and the Republic of Peru, of the other part

The United Kingdom of Great Britain and Northern Ireland ("the United Kingdom"), of the one part, and the Republic of Colombia ("Colombia"), the Republic of Ecuador ("Ecuador"), and the Republic of Peru ("Peru"), collectively referred to as "signatory Andean Countries" and individually referred to as "signatory Andean Country", of the other part, (hereinafter referred to as "the Parties");

Recognising that the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador of the other part, done at Brussels, on 26 June 2012, as amended by its Protocols on 30 June 2015 (1) and 11 November 2016 (2), (hereinafter referred to as "the EU-Andean Countries Trade Agreement") will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union or at the end of any transitional arrangement or implementation period during which the rights and obligations under the EU- Andean Countries Trade Agreement continue to apply to the United Kingdom,

Reaffirming the preamble and the objectives of the EU-Andean Countries Trade Agreement as incorporated into this Agreement;

Have agreed as follows:

(1) Additional Protocol 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 the Republic of Croatia to the European Union (hereinafter referred to as the "Additional Protocol").

(2) 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.

Article 1. Objective

The objective of this Agreement is to preserve the rights and obligations between the Parties as provided for by the EU-Andean Countries Trade Agreement after it ceases to apply to the United Kingdom, subject to the terms provided for in this Agreement.

Article 2. Incorporation of the EU-Andean Countries Trade Agreement

The provisions of the EU-Andean Countries Trade Agreement are incorporated into and made part of this Agreement, mutatis mutandis, subject to the provisions of this Agreement and the modifications in the Annex to this Agreement.

Article 3. Geographical Scope of Application (3)

This Agreement shall apply, on the one hand, to the territories of Colombia, Ecuador and Peru, and, on the other hand, to the territory of the United Kingdom and the following territories for whose international relations the United Kingdom is responsible, to the extent that and under the same conditions which paragraph 1 of Article 9 of the EU-Andean Countries Trade Agreement applied immediately before it ceased to apply to the United Kingdom:

(a) Gibraltar,

(b) the Channel Islands and the Isle of Man.

(3) For greater certainty the Parties hereby declare that the references to territory contained in this Agreement shall be understood exclusively for purposes of referring to its geographical scope of application.

Article 4. Continuation of Time Periods

1. A period set out in an incorporated provision that confers a right or establishes an obligation, shall be counted from the following dates:

1 January 2017, between Ecuador and the United Kingdom.

1 August 2013, between Colombia and the United Kingdom.

1 March 2013, between Peru and the United Kingdom.

2. For greater certainty, any other period set out in an incorporated provision related to a procedure or other administrative matter (such as a review, committee procedure or notification), shall be counted from the date of entry into force of this Agreement.

Article 5. References to the Euro

For greater certainty, any reference to the euro (including "EUR") shall remain as such in this Agreement.

Article 6. Further Provision In Relation to the Trade Committee

1. Unless the Parties agree otherwise, any decisions of the Trade Committee established by the EU-Andean Countries Trade Agreement adopted before the EU- Andean Countries Trade Agreement ceased to apply to the United Kingdom shall be deemed to have been adopted, mutatis mutandis, by the Trade Committee of this Agreement.

2. Nothing in paragraph 1 prevents the Trade Committee established by this Agreement from making decisions which are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

Article 7. Integral Parts of this Agreement

The annex, joint declaration and footnotes to this Agreement, including those incorporated under Article 2, constitute integral parts of this Agreement.

Article 8. Entry Into Force and Provisional Application

1. Each Party shall notify in writing through diplomatic channels the completion of its internal procedures required for the entry into force or the provisional application of this Agreement to all other Parties and the Depositary.

2. This Agreement shall enter into force between the United Kingdom and each signatory Andean Country on:

(a) the later of:

(i) the first day of the month following the date of receipt by the Depositary of the later of the notifications that the United Kingdom and that signatory Andean Country have completed their internal procedures; or

(ii) the date on which the EU-Andean Countries Trade Agreement ceases to apply to the United Kingdom,

or

(b) such other date as may be agreed between the United Kingdom and that signatory Andean Country.

3. Pending the entry into force of this Agreement, each of the Parties may, in accordance with their own internal procedures, provisionally apply this Agreement fully or partially.

4. If the United Kingdom and a signatory Andean Country have agreed the provisional application of this Agreement, it shall begin on:

(a) the later of:

(i) the first day of the month following the date of receipt by the Depositary of the later of the notifications that the United Kingdom and that signatory Andean Country have completed their internal procedures required for provisional application; or

(ii) the date on which the EU-Andean Countries Trade Agreement ceases to apply to the United Kingdom, or

(b) such other date as may be agreed between the United Kingdom and that signatory Andean Country.

5. A Party may terminate the provisional application of this Agreement by giving written notice to the other Parties. Such termination shall take effect on the first day of the second month following that notification.

6. If a Party intends not to provisionally apply a provision of this Agreement, it shall first notify the other Parties of the provisions that it will not provisionally apply, and the Parties shall enter consultations promptly to agree those provisions exempt from provisional application. The provisions that are not subject to a notification by a Party shall be provisionally applied from the date provisional application of this Agreement comes into effect between the United Kingdom and a signatory Andean Country under paragraph 4.

7. If this Agreement or certain provisions of this Agreement are provisionally applied pending its entry into force, unless this instrument provides otherwise, all references in this Agreement to the date of entry into force shall be deemed to refer to the date that such provisional application takes effect.

Article 9. Depositary

The Government of the United Kingdom of Great Britain and Northern Ireland shall act as Depositary of this Agreement.

In witness whereof, the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in one original at Quito this 15th day of May 2019 in the English and Spanish languages, each of these texts being equally authentic.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

CATHY WARD

For the Republic of Colombia:

LAURA VALDIVIESO

For the Republic of Ecuador:

PABLO JOSE CAMPANA SAENZ

For the Republic of Peru:

EDGAR MANUEL VASQUEZ VELA

Annex

The incorporation of the EU-Andean Countries Trade Agreement into this Agreement is modified as follows:

MODIFICATIONS TO TITLE I, INITIAL PROVISIONS

CHAPTER 2

1. In Article 6, paragraph 1 is not incorporated.
2. In Article 7, footnote (1) is not incorporated.
3. Article 9 is not incorporated.

4. Article 10 is not incorporated.

MODIFICATIONS TO TITLE II, INSTITUTIONAL PROVISIONS

1. In Article 13(1), sub-paragraph (e) is not incorporated.

2. In Article 16, footnote (5) is not incorporated.

MODIFICATIONS TO TITLE I, TRADE IN GOODS

CHAPTER 2

Trade remedies

1. In Article 41, paragraph (c) is replaced by the following:

"with respect to the United Kingdom, the Trade Remedies Authority".

2. In Article 46, paragraph (c) is replaced by the following:

"with respect to the United Kingdom, the Trade Remedies Authority".

3. In Article 51, paragraph 4 is replaced by the following:

"4. Each Party shall ensure that its competent authorities complete any such investigation within any time limits established in its domestic legislation, which shall not exceed 12 months from the date of its initiation.".

4. Article 56 is not incorporated.

CHAPTER 3

Customs and trade facilitation

Article 70 is not incorporated.

CHAPTER 6

Movement of goods

Article 105 is not incorporated.

MODIFICATIONS TO TITLE VII, INTELLECTUAL PROPERTY

CHAPTER 3

Provisions concerning intellectual property rights

1. In Article 204, footnote (64) is not incorporated.

2. The following footnote is added to the title of Article 208:

"(66A) The geographical indications, from the Parties, already protected under the EU-Andean Countries Trade Agreement (listed in Appendix 1 of Annex XII), on the date on which the EU-Andean Countries Trade Agreement ceases to apply to the United Kingdom, shall continue to be protected under the same conditions upon entry into force of this Agreement. These geographical indications shall not be subject to a new objection or examination procedure.".

MODIFICATIONS TO TITLE VII, COMPETITION

In Article 258(1), in the definition of "competition authority" and "competition authorities", subparagraph (a) is replaced by the following:

"(a) for the United Kingdom, the Competition and Markets Authority; and,".

MODIFICATIONS TO TITLE XIV, FINAL PROVISIONS

1. Article 328 is not incorporated.

2. Article 330 is not incorporated.

3. Article 332 is not incorporated.

4. Article 337 is not incorporated.

MODIFICATIONS TO ANNEX VII, LIST OF COMMITMENTS ON ESTABLISHMENT

SECTION B

EU PARTY

1. In Paragraph 1 the Words:

"When the column referred to under subparagraph (b) only includes European Union Member State-specific reservations, European Union Member States not mentioned therein undertake commitments in the sector concerned without reservations (1).",

and footnote (1) are deleted and replaced by the following:

"When the column referred to under subparagraph (b) does not include UK specific reservations in a given sector, without prejudice to horizontal reservations that may apply, the UK undertakes commitments in the sector concerned without reservations."

2. In the table, for the sub-sector 6.E.b) Relating to Aircraft, in the second column (Description of Reservation), where it says:

"EU: Aircraft used by European Union carriers have to be registered in the European Union Member State licensing the carrier or elsewhere in the European Union. (...).",

the words "or elsewhere in the European Union" are deleted.

3. In the table, for sub-sector 7.B.a), All services consisting of the transmission and reception of signals by any electromagnetic means (32), excluding broadcasting (33); in the second column (Description of Reservation), the content of footnote (34)

which says:

"Footnote for clarification purposes: Some European Union Member States maintain public participation in certain telecommunication operators.

European Union Member States reserve their rights to maintain such public participation in the future. This is not a market access limitation. (...).",

is replaced by the following:

"Footnote for clarification purposes: The UK reserves its rights to maintain public participation in certain telecommunication operators in the future. This is not a market access limitation."

4. In the table, for the sub-sectors 16.B, a) and b), Internal Waterways Transport (46), in the second column (Description of Reservation), where it says:

"EU: Measures based upon existing or future agreements on access to inland waterways (incl. agreements following the Rhine-Main-Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping.",

the words "(incl. agreements following the Rhine-Main-Danube link)" and "Regulations implementing the Mannheim Convention on Rhine Shipping" are deleted.

5. In the table, for the sub-sectors 17.B, a) to g), Services auxiliary to internal waterways transport, in the second column (Description of Reservation), where it says:

"EU: Measures based upon existing or future agreements on access to inland waterways (incl. agreements following the Rhine-Main-Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping.",

the words "(incl. agreements following the Rhine-Main-Danube link)" and "Regulations implementing the Mannheim Convention on Rhine Shipping" are deleted.

6. In the table, for the sub-sector 17.D.d), Rental of aircraft with crew, in the second column (Description of Reservation), where it says:

"EU: Aircraft used by European Union carriers have to be registered in a European Union Member State licensing the carrier or, if the licensing European Union Member State allows so, elsewhere in the European Union."

the words "or, if the licensing European Union Member State allows so, elsewhere in the European Union" are deleted.

MODIFICATIONS TO ANNEX VII, LIST OF COMMITMENTS ON CROSS- BORDER SUPPLY OF SERVICES

SECTION B

EU PARTY

1. In Paragraph 1 the Words:

"When the column referred to under subparagraph (b) only includes European Union Member State-specific reservations, European Union Member States not mentioned therein undertake commitments in the sector concerned without reservations.(1).",

and footnote(1) are deleted and replaced by the following:

"When the column referred to under subparagraph (b) does not include UK specific reservations in a given sector, without prejudice to horizontal reservations that may apply, the UK undertakes commitments in the sector concerned without reservations."

2. In the table, for the sub-sector 1.E.b) Relating to Aircraft, in the second column (Description of Reservation), where it says:

"EU: Aircraft used by European Union air carriers have to be registered in the European Union Member State licensing the air carrier or elsewhere in the European Union.(...),"

the words "or elsewhere in the European Union" are deleted.

3. In the table, for the sub-sectors 11.B, a) and b), Internal Waterways Transport, in the second column (Description of Reservation), where it says:

"EU: Measures based upon existing or future agreements on access to inland waterways (incl. agreements following the Rhine-Main-Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping",

the words "(incl. agreements following the Rhine-Main-Danube link)" and "Regulations implementing the Mannheim Convention on Rhine Shipping" are deleted.

4. In the table, for the sub-sectors 12.B, a) to g), Services Auxiliary to internal waterways, in the second column (Description of Reservation), where it says:

"EU: Measures based upon existing or future agreements on access to inland waterways (incl. agreements following the Rhine-Main-Danube link) reserving some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping.",

the words "(incl. agreements following the Rhine-Main-Danube link)" and "Regulations implementing the Mannheim Convention on Rhine Shipping" are deleted.

5. In the table, for the sub-sector 12.E.d), Rental of aircraft with crew, in the second column (Description of Reservation), where it says:

"EU:-Aircraft used by European Union air carriers have to be registered in the European Union Member States licensing the air carrier or elsewhere in the European Union.(...)",

the words "or elsewhere in the European Union" are deleted.

SECTION D

ECUADOR

In the table, for part 7, Financial Services, in the sixth paragraph of the second column (Description of Reservation), where it says:

"On the securities market, Ecuador will accept the risk rating by an agency recognised by the European Securities and Markets Authority (ESMA) as a "Nationally Recognized Statistical Rating Organisation - RSRO" (...)",

the words "European Securities and Markets Authority (ESMA) as a "Nationally Recognized Statistical Rating Organisation - RSRO"" are replaced by the words "Financial Conduct Authority (FCA) as a "Credit Rating Agency - CRA"".

MODIFICATIONS TO ANNEX IX, RESERVATIONS REGARDING TEMPORARY PRESENCE OF NATURAL PERSONS FOR BUSINESS PURPOSES

Appendix 1

RESERVATIONS ON KEY PERSONNEL AND GRADUATE TRAINEES

SECTION B

EU PARTY

1. In paragraph 1 the words:

"When the column referred to under subparagraph (b) only includes European Union Member State-specific reservations, European Union Member States not mentioned therein undertake commitments in the sector concerned without reservations (1).",

and footnote (1) are deleted and replaced by the following:

"When the column referred to under subparagraph (b) does not include UK specific reservations in a given sector, without prejudice to horizontal reservations that may apply, the UK undertakes commitments in the sector concerned without reservations."

2. In the table, the reservation for ALL SECTORS for Recognition, and the words:

"EU: European Union directives on mutual recognition of diplomas only apply to European Union nationals. The right to practise a regulated professional service in one European Union Member State does not grant the right to practice in another European Union Member State (1)",

and footnote (1) are deleted.

Appendix 2

RESERVATIONS ON CONTRACTUAL SERVICE SUPPLIERS AND INDEPENDENT PROFESSIONALS

SECTION B EU PARTY

1. In the table, the reservation for ALL SECTORS for Recognition, and the words:

"EU: European Union directives on mutual recognition of diplomas only apply to European Union nationals. The right to practise a regulated professional service in one European Union Member State does not grant the right to practice in another European Union Member State (2).",

and footnote (7) are deleted.