COUNCIL DECISION (EU) 2021/779

of 10 May 2021

on the position to be taken on behalf of the European Union in the Trade Committee 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, as regards the amendments to Decisions No 1/2014, No 2/2014, No 3/2014, No 4/2014 and No 5/2014 of the Trade Committee to take account of the accession of Ecuador to the Trade Agreement and to update the lists of arbitrators and of experts in Trade and Sustainable Development

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 and Peru, of the other part ('the Trade Agreement') was signed in Brussels on 26 June 2012. In accordance with Council Decision 2012/735/EU ([1]), the Trade Agreement has been provisionally applied between the Union and its Member States and Peru since 1 March 2013, and Colombia since 1 August 2013.

(2) The Trade Agreement was amended by the Protocol of Accession to take account of the accession of Ecuador, signed in Brussels on 11 November 2016 ([2]). In accordance with Council Decision (EU) 2016/2369 ([3]), the Trade Agreement has been provisionally applied between the Union and its Member States and Ecuador since 1 January 2017.

(3) 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.

(4) Pursuant to Article 13(5) of the Trade Agreement, in the exercise of any of the functions set out in Article 13, the Trade Committee may adopt any decision as envisaged in the Trade Agreement.

(5) The Trade Committee is to adopt, by written procedure, a decision to amend its Decisions No 1/2014, No 2/2014, No 3/2014, No 4/2014 and No 5/2014.

(6) It is appropriate to establish the position to be taken on the Union's behalf in the Trade Committee, as the decision will be binding on the Union.

(7) Decision No 1/2014 of the Trade Committee provides for the adoption of its Rules of Procedure pursuant to point (j) of Article 13(1) of the Trade Agreement.

(8) Decision No 2/2014 of the Trade Committee 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.

(9) Decision No 3/2014 of the Trade Committee provides for the establishment of the lists of arbitrators pursuant to Article 304(1) and (4) of the Trade Agreement.

(10) Decision No 4/2014 of the Trade Committee 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.

([1]) 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).

([2]) OJ L 356, 24.12.2016, p. 3.

([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).

(11) Decision No 5/2014 of the Trade Committee provides for the establishment of a Group of Experts in issues covered by the Title on Trade and Sustainable Development pursuant to Article 284(3) of the Trade Agreement.

(12) 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 position to be taken on the Union's behalf in the Trade Committee 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, as regards the amendments to Decisions No 1/2014, No 2/2014, No 3/2014, No 4/2014 and No 5/2014 of the Trade Committee shall be based on the draft decision of the Trade Committee ([4]).

Article 2

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

Done at Brussels, 10 May 2021.

For the Council
The President
J. BORRELL FONTELLES

([4]) See document ST 7767/21 onhttp://register.consilium.europa.eu