COUNCIL DECISION (EU) 2021/326

of 22 February 2021

on the position to be adopted, on behalf of the Union, within the Trade Committee established by 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 amendment of Appendix 1 of Annex XII (Government Procurement)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91 and 100(2), and the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

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, and in particular Article 191 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 by the Union in accordance with Council Decision 2012/735/EU ([1]) and has been provisionally applied from 1 March 2013 between the Union and Peru, and from 1 August 2013 between the Union and Colombia. The Trade Agreement was amended by the Protocol of Accession of Ecuador ([2]), which was signed on 11 November 2016 in accordance with Council Decision (EU) 2016/2369 ([3]) and has been provisionally applied from 1 January 2017.

(2) Article 191 of the Trade Agreement lays down the procedures concerning the modification or rectification of a Party's coverage of procurement under Title VI of the Trade Agreement.

(3) Appendix 1 of Annex XII to the Trade Agreement specifies the central government entities of Colombia whose procurement is covered under Title VI of the Trade Agreement ('the list of procuring entities').

(4) At the meeting of the Sub-committee on Government Procurement held in Bogotá on 17 October 2019, Colombia informed the Union of its intention to update the list of procuring entities by adding six executive-level agencies created after 2011. At the time of the conclusion of the negotiations for the Trade Agreement in 2010, competences currently carried out by such agencies were exercised by procuring entities at ministerial level.

(5) The Union and Colombia agree that the list of procuring entities should be updated accordingly.

(6) It is therefore necessary to amend the list of procuring entities. The Union and Colombia agree that such update does not require compensatory adjustments, as it is a minor amendment under point (a) of Article 191(2) 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]) 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. 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).

(7) Pursuant to Article 14(3), in conjunction with Article 12(4), of the Trade Agreement, a decision is to be adopted within the Trade Committee established by the Trade Agreement ('the Trade Committee') by the Union and the signatory Andean Country concerned where it relates exclusively to the bilateral relationship between them.

(8) It is appropriate to establish the position to be adopted on the Union's behalf within the Trade Committee, as the decision of the Trade Committee to amend the list of procuring entities will be binding on the Union pursuant to Article 14(2) of the Trade Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the Trade Committee as regards the amendment of the list of procuring entities set out in Subsection 1 of Section A of Appendix 1 of Annex XII to the Trade Agreement shall be based on the corresponding draft decision of the Trade Committee ([4]).

Article 2

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

Done at Brussels, 22 February 2021.

For the Council
The President
J. BORRELL FONTELLES

([4]) See document ST 5699/21 at http://register.consilium.europa.eu