

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

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the 'Member States of the European Union', represented by the Council of the European Union,

and

THE EUROPEAN UNION,

of the one part,

and

THE REPUBLIC OF COLOMBIA, (hereinafter referred to as 'Colombia'),

and

THE REPUBLIC OF PERU, (hereinafter referred to as 'Peru'),

hereinafter also referred to as the 'signatory Andean Countries',

of the other part,

WHEREAS the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, (hereinafter referred to as 'the Agreement'), was signed in Brussels on 26 June 2012, and some of its provisions have been applied pursuant to Article 330 thereof between the European Union and Peru since 1 March 2013 and between European Union and Colombia since 1 August 2013;

WHEREAS the Treaty concerning the accession of the Republic of Croatia (hereinafter referred to as 'Croatia') to the European Union (hereinafter referred to as the 'Treaty of Accession') was signed in Brussels on 9 December 2011 and entered into force on 1 July 2013;

WHEREAS, pursuant to Article 6(2) of the Act of Accession of Croatia, attached to the Treaty of Accession, Croatia's accession to the Agreement is to be formalised by the conclusion of a Protocol to the Agreement;

WHEREAS Article 6 of the Agreement states that "For the purposes of this Agreement, 'Party' means the European Union or its Member States or the European Union and its Member States within their respective areas of competence as derived from the Treaty on European Union and the Treaty on the Functioning of the European Union (hereinafter referred to as the 'EU Party'), or each of the signatory Andean Countries";

WHEREAS Article 9 of the Agreement states that "This Agreement shall apply, on the one hand, to the territories in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applied under the conditions established in those Treaties, and on the other hand, to the territories of Colombia and Peru, respectively";

WHEREAS the Agreement lays down the provisions to address the effects of an accession of new Member States to the European Union upon the Agreement;

WHEREAS Croatia acceded to the European Union when the Agreement was not yet applied in Colombia, and the Agreement did not provide for a situation where a country acceded to the European Union before the Agreement itself was applied for the three parties;

WHEREAS the Parties understand from the object and purpose of Article 328 of the Agreement that it allows the accession of new European Union member states to the Agreement, in cases like the one of Croatia;

WHEREAS the Parties, in line with the above mentioned, have agreed to address the accession of Croatia to the European Union as well as any effect of such accession on the Agreement by means of this Protocol.

HAVE AGREED AS FOLLOWS:

SECTION I

THE PARTIES

ARTICLE 1

Croatia hereby becomes a Party to the Agreement.

SECTION II

RULES OF ORIGIN

ARTICLE 2

Articles 17(4) and 18(2) of Annex II to the Agreement are hereby amended in accordance with the provisions of Annex I to this Protocol.

ARTICLE 3

Appendix 4 of Annex II to the Agreement shall be replaced by Annex II to this Protocol.

ARTICLE 4

1. The provisions of the Agreement shall be applied to goods exported from either Colombia or Peru to Croatia or from Croatia to Colombia or Peru, which comply with the provisions of Annex II to the Agreement and that on the date of entry into force of this Protocol were either in transit or in temporary storage in a customs warehouse or in a free zone in Colombia, Peru or Croatia.

2. Preferential treatment shall be granted in such cases, subject to the submission to the customs authorities of the importing Party, within twelve months of the date of entry into force of this Protocol, of a proof of origin issued or made out retrospectively in the exporting Party together with, upon request, the documents showing that the goods have been transported directly in accordance with Article 13 of Annex II to the Agreement.

SECTION III

TRADE IN SERVICES, ESTABLISHMENT AND ELECTRONIC COMMERCE

ARTICLE 5

Section B of Annex VII to the Agreement shall be replaced by the provisions of Annex III to this Protocol.

ARTICLE 6

Section B of Annex VIII to the Agreement shall be replaced by the provisions of Annex IV to this Protocol.

ARTICLE 7

Section B of Appendix 1 to Annex IX to the Agreement shall be replaced by the provisions of Annex V to this Protocol.

ARTICLE 8

Section B of Appendix 2 to Annex IX to the Agreement shall be replaced by the provisions of Annex VI to this Protocol.

ARTICLE 9

Annex X to the Agreement shall be replaced by the provisions of Annex VII to this Protocol.

SECTION IV

GOVERNMENT PROCUREMENT

ARTICLE 10

1. The entities of Croatia listed in Annex VIII to this Protocol shall be added to the relevant subsections of Section B of Appendix 1 to Annex XII to the Agreement.
2. Croatia is included in the list of goods and equipment purchased by Ministries of Defence and Agencies for Defence or Security Activities in Subsection 1 of Section B of Appendix 1 to Annex XII to the Agreement.
3. The list of publication means of Croatia provided for in Annex IX to this Protocol shall be added to Appendix 2 of Annex XII to the Agreement.

SECTION V

WTO

ARTICLE 11

Colombia and Peru undertake not to make any claim, request or referral nor to modify or withdraw any concession pursuant to GATT 1994 Articles XXIV.6 and XXVIII or GATS Article XXI in relation to the accession of Croatia to the European Union.

SECTION VI

GENERAL AND FINAL PROVISIONS

ARTICLE 12

1. This Protocol shall be concluded by the EU Party, by Colombia and by Peru in accordance with their respective internal procedures.
2. The EU Party and each signatory Andean Country shall notify in writing the completion of its internal procedures required for the entry into force of this Protocol to all other Parties and to the Depositary referred to in paragraph 5.
3. This Protocol shall enter into force between the EU Party and each signatory Andean Country on the first day of the month following the date of receipt of the last notification foreseen in paragraph 2 corresponding to the EU Party and that signatory Andean Country.
4. Notwithstanding paragraph 3, the Parties agree that, pending the completion of the internal procedures of the EU Party for the entry into force of this Protocol, they may provisionally apply this Protocol¹. Each Party shall notify the Depositary and all other Parties of the completion of the internal procedures required for the corresponding application of this Protocol. The application of this Protocol between the EU Party and a signatory Andean Country shall begin ten (10) days after the date of receipt by the Depositary of the last notification of the EU Party and such signatory Andean Country.

¹ This provision shall be applied by each Party after the completion of its respective internal procedures.

5. Notifications shall be sent to the Secretary-General of the Council of the European Union, who shall act as Depositary of this Protocol.

6. Where in accordance with paragraph 4, a provision of the Agreement is applied by the Parties pending the entry into force of this Protocol, any reference in such provision to the date of entry into force of this Protocol shall be understood to refer to the date from which the Parties agree to apply that provision in accordance with paragraph 4.

ARTICLE 13

This Protocol shall be drawn up in triplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovakian, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

The European Union shall communicate to Colombia and Peru the Croatian language version of the Agreement. Subject to entry into force of this Protocol, the Croatian language version shall become authentic under the same conditions as those drawn up in the present languages of this Protocol. Article 337 of the Agreement is modified accordingly.

ARTICLE 14

This Protocol shall form an integral part of the Agreement.

The Annexes to this Protocol shall form an integral part thereof.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly empowered to this effect, have signed this Protocol.