

DECISION No 1/2014 OF THE EU-COLOMBIA-PERU TRADE COMMITTEE

Adoption of the Rules of Procedure of the Trade Committee referred to in point (j) of Article 13(1) of 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 COMMITTEE,

Having regard to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part ("the Agreement"), signed in Brussels on 26 June 2012, and in particular point (j) of Article 13(1) thereof,

Whereas:

- (1) The Trade Committee shall adopt its own Rules of Procedure and shall supervise the work of all specialised bodies established under the Agreement.
- (2) The Trade Committee has the exclusive authority to evaluate and adopt decisions as envisaged in the Agreement regarding any subject matter which is referred to it by the specialised bodies established in accordance with the Agreement,

HAS ADOPTED THIS DECISION:

1. The Rules of Procedure of the Trade Committee are established as set out in the Annex.
2. This Decision shall enter into force on 7 October 2014

Done at Lima on 16 May 2014

For the Trade Committee

Minister for Trade, Industry and Tourism of Colombia *Commissioner for Trade of the European Commission* *Minister for Foreign Trade and Tourism of Peru*

Annex to Decision No 1/2014 of the EU-Colombia-Peru Trade Committee

RULES OF PROCEDURE OF THE TRADE COMMITTEE

Article 1

Composition and Chair

1. The Trade Committee that is established in accordance with Article 12 of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part ("the Agreement") , shall perform its duties as provided for in Article 12 of the Agreement and take responsibility for the operation and correct application of the Agreement.
2. As provided for in Article 12(1) of the Agreement, the Trade Committee shall be composed of the representatives of the EU Party and representatives of each signatory Andean Country.
3. The Trade Committee shall be chaired on a rotational basis for a period of one year by the Minister for Trade, Industry and Tourism of Colombia, the Minister for Foreign Trade and Tourism of Peru, or the Member of the European Commission responsible for Trade. The first period shall begin on the date of the first Trade Committee meeting and end on 31 December of the same year. The Chairperson may arrange to be represented by respective designees as provided for in Article 12(2) of the Agreement.
4. The Trade Committee may meet in sessions where only the EU Party and one signatory Andean Country participate, regarding matters which relate exclusively to their bilateral relationship or which have been referred to the Trade Committee after being discussed within a specialised body in which only those two Parties participated. Such sessions will be co-chaired by the EU Party and the signatory Andean Country concerned. Other signatory Andean Countries may participate in such sessions subject to prior agreement of the EU Party and the signatory Andean Country concerned.
5. Reference to the Parties in these Rules of Procedure is in accordance with the definition provided for in Article 6 of the Agreement.

Article 2

Representation

1. A Party shall notify in writing to the other Parties of the list of its members of the Trade Committee. The list shall be administered by the Secretariat of the Trade Committee, as provided for in Article 6.
2. A Party wishing to be represented by an alternate representative shall notify the other Parties the name of his or her alternate representative before the meeting at which he or she is to be so represented. The alternate representative of a member of the Trade Committee shall exercise all the rights of that member.

Article 3

Meetings

1. The Trade Committee shall meet once a year or at the request of either Party, as provided for in Article 12(2) of the Agreement. The meetings shall be held on a rotational basis, in Bogota, Brussels and Lima, unless the Parties agree otherwise.
2. By way of exception and if the Parties agree, the meetings of the Trade Committee may be held by any agreed technological means.
3. Each meeting of the Trade Committee shall be convened by the Secretariat of the Trade Committee at a date and place agreed by the Parties. The convening notice of the meeting shall be issued by the Secretariat of the Trade Committee to the members of the Trade Committee no later than 28 days prior to the start of the session, unless the Parties agree otherwise.

Article 4

Delegation

The members of the Trade Committee may be accompanied by officials. Before each meeting, the Parties shall be informed of the intended composition of the delegations attending the meeting.

Article 5

Observers

The Trade Committee may decide to invite observers on an *ad hoc* basis.

Article 6

Secretariat

The coordinators designated by the Parties, in accordance with Article 16 of the Agreement, shall jointly act as the Secretariat of the Trade Committee.

Article 7

Documents

Where the deliberations of the Trade Committee are based on written supporting documents, such documents shall be numbered and circulated by the Secretariat of the Trade Committee as documents of the Trade Committee.

Article 8

Correspondence

1. Correspondence to the Chairperson of the Trade Committee shall be forwarded to the Secretariat of the Trade Committee for circulation to the other Parties.
2. Correspondence from the Chairperson of the Trade Committee shall be sent to the recipients by the Secretariat of the Trade Committee and be numbered and circulated, where appropriate, to the other Parties.
3. For matters which relate exclusively to a bilateral relationship between the EU Party and one signatory Andean Country, the correspondence will be done between those two Parties, keeping the other signatory Andean Countries fully informed, as appropriate.

Article 9

Agenda for the Meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Trade Committee on the basis of proposals made by the Parties. It shall be forwarded, together with the relevant documents, to all the Parties no later than 14 days before the beginning of the meeting as documents referred to in Article 7 of these Rules of Procedure.
2. The provisional agenda shall include items in respect of which the Secretariat of the Trade Committee has received a request for inclusion in the agenda by a Party, together with the relevant documents, no later than 21 days before the beginning of the meeting.
3. The agenda shall be adopted by the Trade Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chairperson of the Trade Committee may, upon agreement of the other Parties, invite experts to attend its meetings in order to provide information on specific subjects.
5. The Chairperson of the Trade Committee may, upon agreement of the other Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of the requirements of a particular case.

Article 10

Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretariat of the Trade Committee, normally within 21 days from the end of the meeting. The first draft will be prepared by the Party acting as the Chairperson within 10 days from the end of the meeting.
2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
 - (a) the documents submitted to the Trade Committee;
 - (b) any statement that a member of the Trade Committee has asked to be entered; and

- (c) the decisions adopted, recommendations made, statements agreed upon and conclusions adopted on specific items.
3. The minutes shall also include a list of members of the Trade Committee or their alternate representatives who took part in the meeting, a list of the members of the delegations accompanying them and a list of any observers or experts to the meeting.
 4. The minutes shall be approved in writing by the Parties within 28 days of the date of the meeting. Once approved, copies of the minutes shall be signed by the Secretariat of the Trade Committee and each of the Parties shall receive one original copy of those authentic documents.

Article 11

Decisions and Recommendations

1. The Trade Committee shall adopt decisions and recommendations by consensus.
2. In the period between meetings, the Trade Committee may adopt decisions or recommendations by written procedure if the Parties so agree. For that purpose, the text of the proposal shall be circulated in writing in a correspondence from the Chairperson to the members of the Trade Committee pursuant to Article 8, with a time limit no less than 21 days within which members must make known any reservations or amendments they wish to make.

In the course of the written procedure, any member of the Trade Committee may request by writing to the Chairperson that the proposal be discussed in the next Trade Committee meeting. Such request automatically suspends the writing procedure.

A proposal on which no Party has made a reservation within the time limit set for a written procedure shall stand adopted by the Trade Committee. The Chairperson of the Trade Committee shall then inform the Members, upon report from the Secretariat that agreement has been given by the Parties.

Proposals adopted shall be communicated pursuant to Article 8 once the time limit has elapsed. Adopted proposals shall be recorded in the minutes of the next meeting.

3. Where the Trade Committee is empowered under the Agreement to adopt decisions or

recommendations, such acts shall be entitled 'Decision' or 'Recommendation' respectively. The Secretariat of the Trade Committee shall give any decision or recommendation a serial number, the date of adoption and a description of their subject-matter. Each decision shall provide for the date of its entry into force.

4. Decisions and recommendations adopted by the Trade Committee shall be authenticated by making an authentic copy signed by the Chairperson of the Trade Committee available for each Party.

Article 12

Languages

1. The official languages of the Trade Committee shall be the official languages of the Parties.
2. Unless otherwise decided, the Trade Committee shall normally base its deliberations on documentation and proposals prepared in the languages referred to in paragraph 1.

Article 13

Publicity and Confidentiality

1. Unless otherwise decided, the meetings of the Trade Committee shall not be public.
2. When a Party submits information considered as confidential under its laws and regulations to the Trade Committee, specialised committees, working groups or any other bodies, the Parties shall treat that information as confidential according to the rules described in Article 290(2) of the Agreement.
3. Each Party may decide on the publication of the decisions and recommendations of the Trade Committee in its respective official publication.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Trade Committee, both with regard to staff, travel and subsistence expenses and with regard to postal and telecommunications expenses.

2. Expenses in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenses in connection with the interpretation at meetings and translation of documents into or from Spanish and English shall be borne by the Party hosting the meeting. Interpretation and translation into or from the other languages shall be borne by the requesting Party.

Article 15

Specialised Committees and Working Groups

1. The Trade Committee shall be assisted in the performance of its duties by the specialised bodies established under the auspices of the Trade Committee. Unless otherwise provided by the Agreement or agreed by this Trade Committee or the relevant specialised body created by the Agreement adopting its decision, the present Rules of Procedures shall be applied *mutatis mutandis* by the specialised bodies (i.e. sub-committees, working groups, etc.).
2. The Trade Committee shall be informed of the contact points designated by each specialised body. All relevant correspondences, documents and communications between the contact points of each specialised body shall be forwarded to the Secretariat of the Trade Committee simultaneously.
3. The Trade Committee at each regular meeting shall receive reports from each specialised body on its activities.
4. Specialised body may establish its own rules of procedure, as provided for in the Agreement, which shall be reported to the Trade Committee.

Article 16

Amendment of Rules of Procedure

The Rules of Procedure may be amended according to the provisions of Article 11.
