

## TITLE XIV

### FINAL PROVISIONS

#### ARTICLE 327

##### Annexes, Appendices, Declarations and Footnotes

The annexes, appendices, declarations and footnotes to this Agreement constitute an integral part thereof.

#### ARTICLE 328

##### Accession of New Member States to the European Union

1. The EU Party shall notify to the signatory Andean Countries of any request for accession of a third country to the European Union.
2. During the negotiations between the European Union and the candidate country seeking accession to the European Union, the EU Party shall:
  - (a) provide, upon request of a signatory Andean Country, and to the extent possible, any information regarding any matter covered by this Agreement; and

(b) take into account any concerns expressed by the signatory Andean Countries.

3. The EU Party shall notify the signatory Andean Countries of the entry into force of any accession to the European Union.

4. In the framework of the Trade Committee, and sufficiently in advance of the date of accession of a third country to the European Union, the EU Party and the signatory Andean countries shall examine any effects of such accession on this Agreement. The Trade Committee shall decide on any necessary adjustment or transition measures.

## ARTICLE 329

### Accession to this Agreement by Other Member Countries of the Andean Community

1. Any Member Country of the Andean Community which is not a Party to this Agreement on the date of its entry into force between the EU Party and at least one of the signatory Andean Countries (hereinafter referred to as "applicant Andean Country") may accede to this Agreement pursuant to the conditions and procedures established in this Article.

2. The EU Party shall negotiate with the applicant Andean Country the conditions of its accession to this Agreement. In the context of these negotiations, the EU Party shall aim at preserving the integrity of this Agreement, limiting any flexibility to the negotiation of the lists of mutual concessions corresponding to Annexes I (Tariff Elimination Schedules), VII (List of Commitments on Establishment) and VIII (List of Commitments on Cross border Supply of Services) and any aspect for which such flexibility were necessary for the accession of the applicant Andean Country. The EU Party shall notify the Trade Committee of the conclusion of these negotiations for the purposes of the consultations referred to in paragraph 3.

3. The EU Party shall consult the signatory Andean Countries within the Trade Committee on any result of the accession negotiations with an applicant Andean Country that may affect the rights or obligations of the signatory Andean Countries. At the request of any Party, the Trade Committee shall review the effects of the accession of the applicant Andean Country to this Agreement and shall decide on any further measures that might be necessary.

4. The accession of an applicant Andean Country shall become effective by means of the conclusion of a protocol of accession, which shall be previously approved by the Trade Committee<sup>1</sup>. The Parties shall undertake the internal procedures necessary for the entry into force of that protocol.

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<sup>1</sup> Notwithstanding this paragraph, the Parties understand that the lists of concessions set out in Annexes I (Tariff Elimination Schedules), VII (List of Commitments on Establishment) and VIII (List of Commitments on Cross border Supply of Services) resulting from the negotiation between the EU Party and the applicant Andean Country, shall be incorporated into the protocol of accession without requiring the approval of the Trade Committee.

5. This Agreement shall enter into force between an applicant Andean Country and each Party on the first day of the month following the receipt by the Depository of the last notification by the applicant Andean Country and the corresponding Party of the completion of their internal procedures required for the entry into force of the protocol of accession. This Agreement may also be provisionally applied if the protocol of accession so provides.

6. If on the date of entry into force of this Agreement between the EU Party and at least one signatory Andean Country, a Member Country of the Andean Community which has participated in the adoption of the text of this Agreement has not signed it, such country shall be entitled to sign it and shall not be considered an applicant Andean Country under paragraph 1.

## ARTICLE 330

### Entry Into Force

1. Each Party shall notify in writing the completion of its internal procedures required for the entry into force of this Agreement to all other Parties and to the Depository referred to in Article 332.

2. This Agreement 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 by the Depositary of the last notification foreseen in paragraph 1 corresponding to the EU Party and that signatory Andean Country, unless the Parties concerned have agreed on a different date.

3. Notwithstanding paragraph 2, the Parties may provisionally apply this Agreement fully or partially. Each Party shall notify the Depositary and all other Parties of the completion of the internal procedures required for the provisional application of this Agreement. The provisional application of this Agreement between the EU Party and a signatory Andean Country shall begin on the first day of the month following the date of receipt by the Depositary of the last notification of the EU Party and such signatory Andean Country.

4. Where in accordance with paragraph 3, a provision of this Agreement is applied by the Parties pending the entry into force of this Agreement, any reference in such provision to the date of entry into force of this Agreement shall be understood to refer to the date from which the Parties agree to apply that provision in accordance with paragraph 3.

## ARTICLE 331

### Duration and Withdrawal

1. This Agreement shall be valid for an indefinite period.

2. Any Party may withdraw from this Agreement by means of a written notification to all other Parties and the Depositary. Such withdrawal shall become effective six months after the date of receipt of such notification by the Depositary.

3. Notwithstanding paragraph 2, when a signatory Andean Country withdraws from this Agreement, this Agreement shall continue to be in force between the EU Party and the other signatory Andean Countries. This Agreement shall be terminated in case of withdrawal by the EU Party.

#### ARTICLE 332

##### Depositary

The Secretary-General of the Council of the European Union shall act as Depositary of this Agreement.

#### ARTICLE 333

##### Modifications to the WTO Agreement

The Parties understand that any provision of the WTO Agreement incorporated into this Agreement, is incorporated with any amendments which have entered into force at the time such provision is applied.

## ARTICLE 334

### Amendments

1. The Parties may agree in writing to any amendment to this Agreement.
2. Any amendment shall enter into force and constitute an integral part of this Agreement according to the conditions established in Article 330, *mutatis mutandis*.
3. The Parties may further develop the commitments undertaken in this Agreement, or broaden its scope of application, by agreeing to amendments to this Agreement or by concluding agreements on specific sectors or activities, taking into consideration the experience gained during its implementation.

## ARTICLE 335

### Reservations

This Agreement does not allow for reservations within the meaning of the Vienna Convention on the Law of Treaties.

## ARTICLE 336

### Rights and Obligations under this Agreement

Nothing in this Agreement shall be construed as conferring rights or imposing obligations on persons, other than those created between the Parties under public international law.

## ARTICLE 337

### Authentic Texts

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

IN WITNESS WHEREOF, the undersigned, duly authorised, have signed this Agreement.