

**TRADE AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND, OF THE ONE PART, AND THE
REPUBLIC OF COLOMBIA, THE REPUBLIC OF ECUADOR AND THE
REPUBLIC OF PERU, OF THE OTHER PART**

The United Kingdom of Great Britain and Northern Ireland (“the United Kingdom”), of the one part, and the Republic of Colombia (“Colombia”), the Republic of Ecuador (“Ecuador”), and the Republic of Peru (“Peru”), collectively referred to as “signatory Andean Countries” and individually referred to as “signatory Andean Country”, of the other part, (hereinafter referred to as “the Parties”);

Recognising that the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador of the other part, done at Brussels, on 26 June 2012, as amended by its Protocols on 30 June 2015¹ and 11 November 2016², (hereinafter referred to as “the EU-Andean Countries Trade Agreement”) will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union or at the end of any transitional arrangement or implementation period during which the rights and obligations under the EU-Andean Countries Trade Agreement continue to apply to the United Kingdom;

Reaffirming the preamble and the objectives of the EU-Andean Countries Trade Agreement as incorporated into this Agreement;

Have agreed as follows:

ARTICLE 1

Objective

The objective of this Agreement is to preserve the rights and obligations between the Parties as provided for by the EU-Andean Countries Trade Agreement after it ceases to apply to the United Kingdom, subject to the terms provided for in this Agreement.

¹ 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 (hereinafter referred to as the “Additional Protocol”).

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.

ARTICLE 2

Incorporation of the EU-Andean Countries Trade Agreement

The provisions of the EU-Andean Countries Trade Agreement are incorporated into and made part of this Agreement, *mutatis mutandis*, subject to the provisions of this Agreement and the modifications in the Annex to this Agreement.

ARTICLE 3

Geographical Scope of Application³

This Agreement shall apply, on the one hand, to the territories of Colombia, Ecuador and Peru, and, on the other hand, to the territory of the United Kingdom and the following territories for whose international relations the United Kingdom is responsible, to the extent that and under the same conditions which paragraph 1 of Article 9 of the EU-Andean Countries Trade Agreement applied immediately before it ceased to apply to the United Kingdom:

- (a) Gibraltar;
- (b) the Channel Islands and the Isle of Man.

ARTICLE 4

Continuation of time periods

1. A period set out in an incorporated provision that confers a right or establishes an obligation, shall be counted from the following dates:

- 1 January 2017, between Ecuador and the United Kingdom.
- 1 August 2013, between Colombia and the United Kingdom.
- 1 March 2013, between Peru and the United Kingdom.

2. For greater certainty, any other period set out in an incorporated provision related to a procedure or other administrative matter (such as a review, committee procedure or notification), shall be counted from the date of entry into force of this Agreement.

³ For greater certainty the Parties hereby declare that the references to territory contained in this Agreement shall be understood exclusively for purposes of referring to its geographical scope of application.

ARTICLE 5

References to the euro

For greater certainty, any reference to the euro (including “EUR”) shall remain as such in this Agreement.

ARTICLE 6

Further provision in relation to the Trade Committee

1. Unless the Parties agree otherwise, any decisions of the Trade Committee established by the EU-Andean Countries Trade Agreement adopted before the EU-Andean Countries Trade Agreement ceased to apply to the United Kingdom shall be deemed to have been adopted, *mutatis mutandis*, by the Trade Committee of this Agreement.
2. Nothing in paragraph 1 prevents the Trade Committee established by this Agreement from making decisions which are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

ARTICLE 7

Integral parts of this Agreement

The annex, joint declaration and footnotes to this Agreement, including those incorporated under Article 2, constitute integral parts of this Agreement.

ARTICLE 8

Entry into force and provisional application

1. Each Party shall notify in writing through diplomatic channels the completion of its internal procedures required for the entry into force or the provisional application of this Agreement to all other Parties and the Depositary.
2. This Agreement shall enter into force between the United Kingdom and each signatory Andean Country on:
 - (a) the later of:
 - (i) the first day of the month following the date of receipt by the Depositary of the later of the notifications that the United Kingdom and that signatory Andean Country have completed their internal procedures; or

- (ii) the date on which the EU-Andean Countries Trade Agreement ceases to apply to the United Kingdom;

or

- (b) such other date as may be agreed between the United Kingdom and that signatory Andean Country.

3. Pending the entry into force of this Agreement, each of the Parties may, in accordance with their own internal procedures, provisionally apply this Agreement fully or partially.

4. If the United Kingdom and a signatory Andean Country have agreed the provisional application of this Agreement, it shall begin on:

- (a) the later of:

- (i) the first day of the month following the date of receipt by the Depositary of the later of the notifications that the United Kingdom and that signatory Andean Country have completed their internal procedures required for provisional application; or
- (ii) the date on which the EU-Andean Countries Trade Agreement ceases to apply to the United Kingdom;

or

- (b) such other date as may be agreed between the United Kingdom and that signatory Andean Country.

5. A Party may terminate the provisional application of this Agreement by giving written notice to the other Parties. Such termination shall take effect on the first day of the second month following that notification.

6. If a Party intends not to provisionally apply a provision of this Agreement, it shall first notify the other Parties of the provisions that it will not provisionally apply, and the Parties shall enter consultations promptly to agree those provisions exempt from provisional application. The provisions that are not subject to a notification by a Party shall be provisionally applied from the date provisional application of this Agreement comes into effect between the United Kingdom and a signatory Andean Country under paragraph 4.

7. If this Agreement or certain provisions of this Agreement are provisionally applied pending its entry into force, unless this instrument provides otherwise, all references in this Agreement to the date of entry into force shall be deemed to refer to the date that such provisional application takes effect.

ARTICLE 9

Depositary

The Government of the United Kingdom of Great Britain and Northern Ireland shall act as Depositary of this Agreement.

ANNEX

The incorporation of the EU-Andean Countries Trade Agreement into this Agreement is modified as follows:

MODIFICATIONS TO TITLE I, INITIAL PROVISIONS

CHAPTER 2

1. In Article 6, paragraph 1 is not incorporated.
2. In Article 7, footnote (1) is not incorporated.
3. Article 9 is not incorporated.
4. Article 10 is not incorporated.

MODIFICATIONS TO TITLE II, INSTITUTIONAL PROVISIONS

1. In Article 13(1), sub-paragraph (e) is not incorporated.
2. In Article 16, footnote (5) is not incorporated.

MODIFICATIONS TO TITLE III, TRADE IN GOODS

CHAPTER 2

Trade remedies

1. In Article 41, paragraph (c) is replaced by the following:
“with respect to the United Kingdom, the Trade Remedies Authority”.
2. In Article 46, paragraph (c) is replaced by the following:
“with respect to the United Kingdom, the Trade Remedies Authority”.

3. In Article 51, paragraph 4 is replaced by the following:

“4. Each Party shall ensure that its competent authorities complete any such investigation within any time limits established in its domestic legislation, which shall not exceed 12 months from the date of its initiation.”.

4. Article 56 is not incorporated.

CHAPTER 3

Customs and trade facilitation

Article 70 is not incorporated.

CHAPTER 6

Movement of goods

Article 105 is not incorporated.

MODIFICATIONS TO TITLE VII, INTELLECTUAL PROPERTY

CHAPTER 3

Provisions concerning intellectual property rights

1. In Article 204, footnote ⁽⁶⁴⁾ is not incorporated.

2. The following footnote is added to the title of Article 208:

“(66A) The geographical indications, from the Parties, already protected under the EU-Andean Countries Trade Agreement (listed in Appendix 1 of Annex XIII), on the date on which the EU-Andean Countries Trade Agreement ceases to apply to the United Kingdom, shall continue to be protected under the same conditions upon entry into force of this Agreement. These geographical indications shall not be subject to a new objection or examination procedure.”.

MODIFICATIONS TO TITLE VIII, COMPETITION

In Article 258(1), in the definition of “competition authority” and “competition authorities”, subparagraph (a) is replaced by the following:

“(a) for the United Kingdom, the Competition and Markets Authority; and,”.

MODIFICATIONS TO TITLE XIV, FINAL PROVISIONS

1. Article 328 is not incorporated.
2. Article 330 is not incorporated.
3. Article 332 is not incorporated.
4. Article 337 is not incorporated.

MODIFICATIONS TO ANNEX I, TARIFF ELIMINATION SCHEDULES

Appendix 1

ELIMINATION OF CUSTOMS DUTIES

SECTION A

TARIFF ELIMINATION SCHEDULE OF COLOMBIA FOR GOODS ORIGINATING IN THE EUROPEAN UNION

The following modifications apply as from 2019. Should this Agreement enter into force after 2019, for tariff rate quotas that increase over time, the aggregate quota during the year this Agreement enters into force shall be calculated by adding the applicable yearly increase, for each year from 2019 until the year of entry into force, to the aggregate quota volumes set out below. If the entry into force of this Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the quota will be pro-rated on a proportional basis for the remainder of that calendar year.

For the avoidance of doubt, the unit for the aggregate quota volumes set out below is metric tonnes.

- (a) In paragraph 20, for staging category MA, the aggregate quota is replaced by 14.6 and the yearly increase is replaced by 0.6.
- (b) In paragraph 21, for staging category HO, the aggregate quota is replaced by 3.5 and the yearly increase is replaced by 0.1.
- (c) In paragraph 22, for staging category HE, the aggregate quota is replaced by 31.2 and the yearly increase is replaced by 1.2.
- (d) In paragraph 23, for staging category YG, the aggregate quota is replaced by 10.4 and the yearly increase is replaced by 0.4.
- (e) In paragraph 24, for staging category PA, the aggregate quota is replaced by 630.1 and the yearly increase is replaced by 16.0.
- (f) In paragraph 25, for staging category AZ, the aggregate quota is replaced by 1953.4 and the yearly increase is replaced by 49.7.

- (g) In paragraph 26, for staging category DB, the aggregate quota is replaced by 194.4 and the yearly increase is replaced by 7.5.
- (h) In paragraph 27, for staging category LC, the aggregate quota is replaced by 10.4 and the yearly increase is replaced by 0.4.
- (i) In paragraph 28, for staging category TX, the aggregate quota is replaced by 384.5 and the yearly increase is replaced by 24.0.
- (j) In paragraph 30, for staging category LP1, the aggregate quota is replaced by 172.8 and the yearly increase is replaced by 10.8.
- (k) In paragraph 32, for staging category Q, the aggregate quota is replaced by 296.0 and the yearly increase is replaced by 18.5.
- (l) In paragraph 33, for staging category LM, the aggregate quota is replaced by 141.0 and the yearly increase is replaced by 8.8.

SECTION B

TARIFF ELIMINATION SCHEDULE OF THE EU PARTY

SUBSECTION 1

TARIFF ELIMINATION SCHEDULE OF THE EU PARTY FOR GOODS ORIGINATING IN COLOMBIA

A. Tariff Elimination

1. In sub-paragraph (l) and (m), the words “*shall be maintained*” are replaced by “*may be applied*”.
2. In sub-paragraph (n), the words “*In 2019, the EU Party and Colombia shall examine the improvement of tariff liberalisation of goods included in staging category ‘BA’*” are replaced by the following:

“No later than two years after the entry into force of this Agreement for all of the Parties, the United Kingdom and Colombia shall examine the improvement of tariff liberalisation of goods included in staging category ‘BA’”.

B. Tariff Quotas for specific goods

The following modifications apply as from 2019. Should this Agreement enter into force after 2019, for tariff rate quotas that increase over time, the aggregate quantity during the year this Agreement enters into force shall be calculated by adding the applicable yearly increase, for each year from 2019 until the year of entry into force, to the aggregate quantity volumes set out below. If the entry into force of this

Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the quota will be pro-rated on a proportional basis for the remainder of that calendar year.

For the avoidance of doubt, unless stated otherwise, the unit for the aggregate quota volumes set out below is metric tonnes.

- (a) In sub-paragraph (a), for staging category AV0-MM, the aggregate quantity is replaced by 10.4 and the yearly increase is replaced by 0.4.
- (b) In sub-paragraph (b), for staging category AV0-SC, the aggregate quantity is replaced by 20.8 and the yearly increase is replaced by 0.8.
- (c) In sub-paragraph (c), for staging category AV0-SP, the aggregate quantity is replaced by 1890.4 and the yearly increase is replaced by 48.1.
- (d) In sub-paragraph (d), for staging category BF, the aggregate quantity is replaced by 717.7 and the yearly increase is replaced by 44.9.
- (e) In sub-paragraph (e), for staging category CM, the aggregate quantity is replaced by 3.5 and the yearly increase is replaced by 0.1.
- (f) In sub-paragraph (f), for staging category RM, the aggregate quantity is replaced by 168.2 hectolitres and the yearly increase is replaced by 8.0 hectolitres.
- (g) In sub-paragraph (g), for staging category SR, the aggregate quantity is replaced by 5860.1 and the yearly increase is replaced by 149.0.
- (h) In sub-paragraph (h), for staging category YT, the aggregate quantity is replaced by 10.4 and the yearly increase is replaced by 0.4.

SUBSECTION 2

TARIFF ELIMINATION SCHEDULE OF THE EU PARTY FOR GOODS ORIGINATING IN PERU

A. Tariff Elimination

1. In sub-paragraph (h), the words “*is maintained*” are replaced by “may be applied”.
2. In sub-paragraph (i), the words “*In 2019, the EU Party and Peru shall examine the improvement of tariff liberalisation of goods included in staging category ‘BA’*” are replaced by the following:

“No later than two years after the entry into force of this Agreement for all of the Parties, the United Kingdom and Peru shall examine the improvement of tariff liberalisation of goods included in staging category ‘BA’”.

B. Tariff Quotas for specific goods

The following modifications apply as from 2019. Should this Agreement enter into force after 2019, for tariff rate quotas that increase over time, the aggregate quantity during the year this Agreement enters into force shall be calculated by adding the applicable yearly increase, for each year from 2019 until the year of entry into force, to the aggregate quantity volumes set out below. If the entry into force of this Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the quota will be pro-rated on a proportional basis for the remainder of that calendar year.

For the avoidance of doubt, unless stated otherwise, the unit for the aggregate quota volumes set out below is metric tonnes.

- (a) In sub-paragraph (a), for staging category BF, the aggregate quantity is replaced by 469 and the yearly increase is replaced by 29.
- (b) In sub-paragraph (b), for staging category BK, the aggregate quantity is replaced by 414 and the yearly increase is replaced by 26.
- (c) In sub-paragraph (c), for staging category BR, the aggregate quantity is replaced by 109 and the yearly increase is replaced by 7.
- (d) In sub-paragraph (d), for staging category CE, the aggregate quantity is replaced by 545 and the yearly increase is replaced by 34.
- (e) In sub-paragraph (e), for staging category GC, the aggregate quantity is replaced by 324 and the yearly increase is replaced by 20.
- (f) In sub-paragraph (f), for staging category IE, the aggregate quantity is replaced by 33 and the yearly increase is replaced by 2.
- (g) In sub-paragraph (g), for staging category ME, the aggregate quantity is replaced by 2179 and the yearly increase is replaced by 136.
- (h) In sub-paragraph (h), for staging category MM, the aggregate quantity is replaced by 22 and the yearly increase is replaced by 1.
- (i) In sub-paragraph (i), for staging category MP1, the aggregate quantity is replaced by 654 and the yearly increase is replaced by 41.
- (j) In sub-paragraph (j), for staging category MP2, the aggregate quantity is replaced by 1308 and the yearly increase is replaced by 82.

- (k) In sub-paragraph (k), for staging category PK, the aggregate quantity is replaced by 416 and the yearly increase is replaced by 26.
- (l) In sub-paragraph (l), for staging category PY, the aggregate quantity is replaced by 1634 and the yearly increase is replaced by 102.
- (m) In sub-paragraph (m), for staging category RE, the aggregate quantity is replaced by 7409 and the yearly increase is replaced by 463.
- (n) In sub-paragraph (n), for staging category RM, the aggregate quantity is replaced by 218 hectolitres and the yearly increase is replaced by 14 hectolitres.
- (o) In sub-paragraph (o), for staging category SC, the aggregate quantity is replaced by 153 and the yearly increase is replaced by 10.
- (p) In sub-paragraph (p), for staging category SP, the aggregate quantity is replaced by 1966 and the yearly increase is replaced by 50.
- (q) In sub-paragraph (q), for staging category SR, the aggregate quantity is replaced by 4325 and the yearly increase is replaced by 110.
- (r) In sub-paragraph (r), for staging category YT, the aggregate quantity is replaced by 7 and the yearly increase is replaced by 1.

SUBSECTION 3

TARIFF ELIMINATION SCHEDULE OF THE EU PARTY FOR GOODS ORIGINATING IN ECUADOR

A. Tariff Elimination

1. In sub-paragraphs (g) and (h), the words *shall be maintained* are replaced by *may be applied*.
2. In sub-paragraph (m), the words *“In 2019, the EU Party and Ecuador shall examine the improvement of tariff liberalisation of goods included in staging category ‘SP1’”* are replaced by the following:

“No later than two years after the entry into force of this Agreement for all of the Parties, the United Kingdom and Ecuador shall examine the improvement of tariff liberalisation of goods included in staging category ‘SP1’”.

B. Tariff Quotas for specific goods

The following modifications apply as from 2019. Should this Agreement enter into force after 2019, for tariff rate quotas that increase over time, the aggregate quantity during the year this Agreement enters into force shall be calculated by adding the

applicable yearly increase, for each year from 2019 until the year of entry into force, to the aggregate quantity volumes set out below. If the entry into force of this Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the quota will be pro-rated on a proportional basis for the remainder of that calendar year.

For the avoidance of doubt, unless stated otherwise, the unit for the aggregate quota volumes set out below is metric tonnes.

- (a) In sub-paragraph (a), for staging category GC, the aggregate quantity is replaced by 27.
- (b) In sub-paragraph (b), for staging category MM, the aggregate quantity is replaced by 5.
- (c) In sub-paragraph (c), for staging category MZ, the aggregate quantity is replaced by 2079 and the yearly increase is replaced by 59.
- (d) In sub-paragraph (d), for staging category RI, the aggregate quantity is replaced by 265.
- (e) In sub-paragraph (e), for staging category MC, the aggregate quantity is replaced by 159.
- (f) In sub-paragraph (f), for staging category RM, the aggregate quantity is replaced by 14 hectolitres and the yearly increase is replaced by 1 hectolitres.
- (g) In sub-paragraph (g), for staging category SC1, the aggregate quantity is replaced by 21.
- (h) In sub-paragraph (h), for staging category SC2, the aggregate quantity is replaced by 16.
- (i) In sub-paragraph (i), for staging category SR, the aggregate quantity is replaced by 2166 and the yearly increase is replaced by 61.
- (j) In sub-paragraph (j), for staging category SP, the aggregate quantity is replaced by 546 and the yearly increase is replaced by 8.

SECTION C

TARIFF ELIMINATION SCHEDULE OF PERU FOR GOODS ORIGINATING IN THE EUROPEAN UNION

The following modifications apply as from 2019. Should this Agreement enter into force after 2019, for tariff rate quotas that increase over time, the aggregate quantity during the year this Agreement enters into force shall be calculated by adding the

applicable yearly increase, for each year from 2019 until the year of entry into force, to the aggregate quantity volumes set out below. If the entry into force of this Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the quota will be pro-rated on a proportional basis for the remainder of that calendar year.

For the avoidance of doubt, unless stated otherwise, the unit for the aggregate quota volumes set out below is metric tonnes.

- (a) In paragraph 1(j), for staging category BF, the aggregate quantity is replaced by 234 and the yearly increase is replaced by 15.
- (b) In paragraph 1(k), for staging category BR, the aggregate quantity is replaced by 67 and the yearly increase is replaced by 4.
- (c) In paragraph 1(l), for staging category CE, the aggregate quantity is replaced by 545 and the yearly increase is replaced by 34.
- (d) In paragraph 1(m), for staging category GC, the aggregate quantity is replaced by 81 and the yearly increase is replaced by 5.
- (e) In paragraph 1(n), for staging category IE, the aggregate quantity is replaced by 15 and the yearly increase is replaced by 1.
- (f) In paragraph 1(o), for staging category ME, the aggregate quantity is replaced by 2179 and the yearly increase is replaced by 136.
- (g) In paragraph 1(p), for staging category MM, the aggregate quantity is replaced by 11 and the yearly increase is replaced by 1.
- (h) In paragraph 1(q), for staging category MP, the aggregate quantity is replaced by 654 and the yearly increase is replaced by 41.
- (i) In paragraph 1(r), for staging category FP, the aggregate quantity is replaced by 109 and the yearly increase is replaced by 7.
- (j) In paragraph 1(s), for staging category PK, the aggregate quantity is replaced by 872 and the yearly increase is replaced by 54.
- (k) In paragraph 1(t), for staging category PY, the aggregate quantity is replaced by 817 and the yearly increase is replaced by 51.
- (l) In paragraph 1(u), for staging category RE, the aggregate quantity is replaced by 1768 and the yearly increase is replaced by 111.
- (m) In paragraph 1(v), for staging category RM, the aggregate quantity is replaced by 133 hectolitres and the yearly increase is replaced by 8 hectolitres.

- (n) In paragraph 1(w), for staging category SC, the aggregate quantity is replaced by 76 and the yearly increase is replaced by 5.
- (o) In paragraph 1(x), for staging category SP, the aggregate quantity is replaced by 983 and the yearly increase is replaced by 25.
- (p) In paragraph 1(y), for staging category SR, the aggregate quantity is replaced by 1768 and the yearly increase is replaced by 45.

SECTION D

TARIFF ELIMINATION SCHEDULE OF ECUADOR FOR GOODS ORIGINATING IN THE EUROPEAN UNION

The following modifications apply as from 2019. Should this Agreement enter into force after 2019, for tariff rate quotas that increase over time, the aggregate quota during the year this Agreement enters into force shall be calculated by adding the applicable yearly increase, for each year from 2019 until the year of entry into force, to the aggregate quota volumes set out below. If the entry into force of this Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the quota will be pro-rated on a proportional basis for the remainder of that calendar year.

For the avoidance of doubt, the unit for the aggregate quota volumes set out below is metric tonnes.

- (a) In paragraph 18, for staging category B, the aggregate quota is replaced by 115 and the yearly increase is replaced by 3.
- (b) In paragraph 19, for staging category B1, the aggregate quota is replaced by 115 and the yearly increase is replaced by 3.
- (c) In paragraph 20, for staging category D, the aggregate quota is replaced by 28 and the yearly increase is replaced by 1.
- (d) In paragraph 21, for staging category L1, the aggregate quota is replaced by 23 and the yearly increase is replaced by 1.
- (e) In paragraph 22, for staging category L2, the aggregate quota is replaced by 35 and the yearly increase is replaced by 2.
- (f) In paragraph 23, for staging category L3, the aggregate quota is replaced by 29 and the yearly increase is replaced by 1.
- (g) In paragraph 24, for staging category L4, the aggregate quota is replaced by 58 and the yearly increase is replaced by 3.
- (h) In paragraph 25, for staging category M, the aggregate quota is replaced by 16.

- (i) In paragraph 26, for staging category MC, the aggregate quota is replaced by 21.
- (j) In paragraph 27, for staging category PA, the aggregate quota is replaced by 14 and the yearly increase is replaced by 1.
- (k) In paragraph 28, for staging category P, the aggregate quota is replaced by 45 and the yearly increase is replaced by 1.
- (l) In paragraph 29, for staging category SP, the aggregate quota is replaced by 102.

MODIFICATIONS TO ANNEX II, CONCERNING THE DEFINITION OF THE CONCEPT OF "ORIGINATING PRODUCTS" AND METHODS OF ADMINISTRATIVE COOPERATION

The list of “*Declarations regarding Annex II concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation*” is replaced by the following:

“Declaration of the United Kingdom concerning Article 5 in relation to originating products from Colombia, Ecuador and Peru
Joint declaration of Colombia, Ecuador and Peru concerning Article 5 in relation to originating products from the United Kingdom
Joint declaration concerning the Principality of Andorra
Joint declaration concerning the Republic of San Marino
Joint declaration on the revision of the rules of origin contained in Annex II concerning the Definition of “Originating Products” and Methods of Administrative Cooperation
Joint declaration concerning a trilateral approach to rules of origin”.

SECTION 2

DEFINITION OF THE CONCEPT OF ‘ORIGINATING PRODUCTS’

1. The following is inserted after Article 3:

“Article 3A

Extended Cumulation of Origin

- 1. Without prejudice to the provisions of Article 2(1), materials originating in the European Union shall be considered as materials originating in the United Kingdom when incorporated into a product obtained in the United

Kingdom, provided that the working or processing carried out there goes beyond the operations referred to in Article 7.

2. Without prejudice to the provisions of Article 2(2), materials originating in the European Union shall be considered as materials originating in a signatory Andean Country when incorporated into a product obtained in a signatory Andean Country, provided that the working or processing carried out there goes beyond the operations referred to in Article 7.
 3. Without prejudice to the provisions of Article 2(1), working or processing carried out in the European Union shall be considered as having been carried out in the United Kingdom when the materials obtained undergo subsequent working or processing in the United Kingdom, which goes beyond the operations referred to in Article 7.
 4. The cumulation provided for in this Article will apply provided that:
 - a) the countries involved in the acquisition of the originating status and the country of destination have arrangements on administrative cooperation which ensure the correct implementation of this Article; and
 - b) materials and products have acquired originating status in application of the same rules of origin as provided in this Annex.
 5. The originating status of materials exported from the European Union to the United Kingdom or to a signatory Andean Country to be used in further working or processing shall be established by a proof of origin.
 6. Proof of the originating status acquired under the terms of this Article, of products exported to the United Kingdom or a signatory Andean Country, shall be established by a movement certificate EUR.1 issued or an invoice declaration made out in the exporting Party in accordance with the provisions of Section 4 (Proof of Origin). These documents shall bear the mention "cumulation with [name of country]".
2. In Article 4(5), paragraph (c) is replaced by the following:
- “(c) notices indicating the fulfilment of the necessary requirements to apply cumulation under this Article have been published in the official publications of the United Kingdom, the signatory Andean Countries and of the non-Party or non-Parties concerned, according to their own procedures.”.

SECTION 3

TERRITORIAL REQUIREMENTS

1. In Article 12 paragraph 1, at the start of the first sentence, insert “Except as provided for in Article 3A”.

2. Article 13 is replaced by the following:

“Article 13

Direct Transport

1. The preferential treatment provided for under this Agreement applies only to products satisfying the requirements of this Annex, which are transported directly between the United Kingdom and the signatory Andean Countries or, as part of that transport, through the territory of the European Union in transit or transshipment, with or without temporary warehousing. However, products may be transported through other territories with, should the occasion arise, transshipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit, transshipment or temporary warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition.

2. For the avoidance of doubt, consignments that are in transit, transshipment or temporary warehousing in the territory of the European Union may undergo operations including unloading, reloading, splitting, storing, labelling, marking or any operation designed to preserve them in good condition provided they remain under the surveillance of the customs authorities in the European Union Member State of transit, transshipment or warehousing.

3. Originating products may be transported by pipeline across territory other than that of the United Kingdom or the signatory Andean Countries.

4. Evidence that the conditions set out in paragraphs 1, 2 and 3 have been fulfilled shall be supplied, upon request, to the customs authorities of the importing Party by the submission of:

- (a) transportation documents, such as airway bills, bills of lading, cargo manifest, or multimodal, or combined transportation documents, that certify transport from the country of origin to the importing Party;
- (b) customs documents that authorise the trans-shipment or temporary storage; or
- (c) failing these, any substantiating documents.”.

SECTION 4

PROOF OF ORIGIN

1. In Article 16, paragraph 2 is replaced by the following:

“2. For the purposes of paragraph 1, the exporter or his/her authorised representative shall fill out both the movement certificate EUR.1 and the application form, specimens of which appear in Appendix 3. These forms shall be completed in Spanish or English and in accordance with the provisions of the domestic law of the exporting Party. If they are hand-written, they shall be completed in ink in printed characters. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.”.

2. In Article 17, paragraph 4 is replaced by the following:

“4. Movement Certificate EUR.1 issued retrospectively shall be endorsed with one of the following phrases:

ES “EXPEDIDO A POSTERIORI”

EN “ISSUED RETROSPECTIVELY”.

3. In Article 18, paragraph 2 is replaced by the following:

“2. The duplicate issued pursuant to paragraph 1 shall be endorsed with one of the following words:

ES “DUPLICADO”

EN “DUPLICATE”.

4. Article 29 is replaced by the following:

“Article 29

Amounts Expressed in Euro

1. For the application of the provisions of Article 20, subparagraph 1(b) and Article 25, paragraph 3 in cases where products are invoiced in a currency other than euro, amounts in the national currency of the United Kingdom equivalent to the amounts expressed in euro shall be fixed annually by the United Kingdom and submitted to the signatory Andean Countries.

2. A consignment shall benefit from the provisions of Article 20 subparagraph 1(b) or Article 25 paragraph 3 having as reference the currency

in which the invoice is drawn up, according to the amount fixed by the United Kingdom.

3. The amounts to be used in the national currency of the United Kingdom shall be the equivalent in that currency of the amounts expressed in euro as at the first working day of October. The United Kingdom shall notify the signatory Andean Countries of these amounts by 15 October and these amounts shall apply from 1 January the following year.

4. The United Kingdom may round up or down the amount resulting from the conversion into its national currency of an amount expressed in euro. The rounded-off amount may not differ from the amount resulting from the conversion by more than five per cent. The United Kingdom may retain unchanged its national currency equivalent of an amount expressed in euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding off, results in an increase of less than 15 per cent in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion would result in a decrease in that equivalent value.

5. The amounts expressed in euro shall be reviewed by the Subcommittee at the request of a Party. When carrying out this review, the Subcommittee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, the Subcommittee may decide to modify the amounts expressed in euro.”.

SECTION 5

ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

In Article 30(1) and Article 30(2), the words “, *through the European Commission,*” are deleted.

SECTION 6

CEUTA AND MELILLA

1. Article 35 is replaced by the following:

“Article 35

Application of this Annex

The term ‘European Union’ used in this Annex does not cover Ceuta and Melilla.”.

2. Article 36 is not incorporated.

APPENDIX 2A

Appendix 2A is replaced by the following:

“ADDENDUM TO THE LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER THAT THE PRODUCT MANUFACTURED CAN OBTAIN ORIGINATING STATUS
Common provisions

1. For the products described below, the following rules may also apply instead of the rules set out in Appendix 2 for products originating either in the United Kingdom or in a signatory Andean Country, as the case may be.

2. When a product is covered by a rule of origin that is subject to quotas, the proof of origin for that product shall contain the following statement in English: "Product originating in accordance with Appendix 2A of Annex II".

3. The quotas indicated below will be managed on a first-come, first-served basis. The quantities exported to a Party shall be calculated on the basis of the imports of the Party concerned.

4. For greater certainty, if the entry into force of this Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the quota will be pro-rated on a proportional basis for the remainder of that calendar year.

Note 1

The following rule shall confer origin for products exported from the United Kingdom to Colombia, Ecuador or Peru within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
ex 0901	Roasted coffee of the variety Arabica	Manufacture from materials of any heading	

Colombia	Peru	Ecuador
16 Metric Tonnes	5 Metric Tonnes	15 Metric Tonnes

Note 2

The following rule shall confer origin for products exported from the United Kingdom to Peru and from Peru to the United Kingdom:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
1507 to 1508	Soybean oil, peanut (ground-nut)oil, and their fractions, but not chemically modified	Manufacture from materials of any subheading, except that of the product	
1512 to 1515	Sunflower-seed, safflower or cotton-seed, coconut (copra), palm kernel, babassu, rape, colza, mustard, other fixed vegetable fats and oils (including jojoba oil) and their fractions, but not chemically modified	Manufacture from materials of any subheading, except that of the product	

1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared	Manufacture from materials of any heading except that of the product	
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading 1516	Manufacture: - from materials of any heading except that of the product, and - in which at least 40 per cent by weight of all the materials of Chapter 4 used are originating	

Note 3

The following rule shall confer origin for products exported from the United Kingdom to Colombia, Ecuador or Peru within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)

1805	Cocoa powder, not containing added sugar or other sweetening matter	Manufacture from materials of any heading, except that of the product	
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Colombia	Peru	Ecuador
14 Metric Tonnes	61 Metric Tonnes	16 Metric Tonnes

Note 4

The following rule shall confer origin for products exported from the United Kingdom to Peru and from Peru to the United Kingdom:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
ex 3824	Biodiesel: mixtures of mono alkyl ethers of the fatty acids of the long chain of sub products of vegetable and animal oils. For greater certainty, the mono alkyl ether makes reference to methyl ether or ethyl ether of fatty acids	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 per cent of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 per cent of the ex-works price of the product

Note 5

The following rule shall confer origin for products exported from Colombia, Ecuador and Peru to the United Kingdom within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
3920	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not-reinforced, laminated, supported or similarly combined with other materials	Manufacture from materials of any heading except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 per cent of the ex works price of the product	Manufacture in which the value of all the materials used does not exceed 55 per cent of the ex works price of the product

Colombia	Peru	Ecuador
2,043 Metric Tonnes	2,043 Metric Tonnes	2,043 Metric Tonnes

If more than 75 per cent of the above-stated quota quantities is used during a given year, these quantities shall be reviewed, with a view to agree on their increase, in the Subcommittee.

Note 6

The following rule shall confer origin for products exported from Peru to the United Kingdom within the annual quota indicated below:

HS heading	Description of product	Working or processing carried out on non-originating	
(1)	(2)	(3) or (4)	
ex 5607 50 and 5608	Twine (cordage) and nets	Manufacture from high tenacity filament yarn classified in subheadings 5402 11, 5402 19 or 5402 20	

HS classification	Peru
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Ex 5607 50 and 5608	108 Metric Tonnes
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This quantity shall be subject to revision every three years, in a period of 12 years. If more than 75 per cent of the above-stated quota quantity is used per year during that 3-year period, the quantity for the next three years will be increased by the rate of growth over the same period of exports from Peru to the United Kingdom of products of chapter 50 to 63 or by 5 per cent, whichever is higher.

The revision mentioned in paragraph 1 will be made according to the data published by the United Kingdom as soon as they are available. The United Kingdom Government shall publish the adjusted quotas.

Note 7

The following rule shall confer origin for products exported from Colombia, Ecuador and Peru to the United Kingdom within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3) or (4)
6108.22	Women's or girls' briefs and panties, knitted or crocheted of man-made fibres	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404
6112.31	Men's or boys' swimwear knitted or crocheted of synthetic fibres	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404
6112.41	Women's or girls' swimwear knitted or crocheted of synthetic fibres	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404
6115.10	Graduated compression hosiery (for example, stockings for varicose veins), knitted or crocheted	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404

6115.21	Other pantyhose and tights of synthetic fibres measuring per single yarn less than 67 decitex, knitted or crocheted	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404
6115.22	Other pantyhose and tights of synthetic fibres measuring per single yarn 67 decitex or more, knitted or crocheted	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404
6115.30	Other women's full-length or knee length hosiery, measuring per single yarn less than 67 decitex	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404
6115.96	Other, of synthetic fibres	Manufacture from nylon yarn or elastomeric yarns from headings 5402 and 5404

HS heading	Colombia (Metric Tonnes)	Peru (Metric Tonnes)	Ecuador (Metric Tonnes)
6108.22	27	27	27
6112.31	3	3	3
6112.41	14	14	14
6115.10	3	3	3
6115.21	5	5	5
6115.22	2	2	2
6115.30	3	3	3
6115.96	24	24	24

If more than 75 per cent of the above-stated quota quantities is used during a given year, these quantities shall be reviewed, with a view to agree on their increase, in the Subcommittee.

Note 7a

The following rule shall confer origin for products exported from Ecuador to the United Kingdom and from the United Kingdom to Ecuador:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
ex 6504	Toquilla straw hats	Manufacture in which the toquilla straw of heading 1401 used is originating	

Note 8

The rules of origin provided for in Appendix 2 for the products listed below shall apply for as long as the United Kingdom maintains a 0 per cent WTO bound tariff for these products. If the United Kingdom increases the WTO bound tariff applicable to these products, the following rule shall confer origin for products exported from Colombia, Ecuador and Peru to the United Kingdom within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
7209 to 7214	Flat-rolled products of iron or non-alloy steel; bars and rods of iron or non-alloy steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
7216 to 7217	Angles, shapes and sections of iron or non-alloy steel; wire of iron or non-alloy steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product

7304 to 7306	Tubes, pipes and hollow profiles, of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
7308	Structures and parts of structures, of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product

HS heading	Description	Colombia (Metric Tonnes)	Peru (Metric Tonnes)	Ecuador (Metric Tonnes)
7209	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, cold-rolled (cold-reduced), not clad, plated or coated	13,620	13,620	13,620
7210	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, clad, plated or coated	13,620	13,620	13,620
7211	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, not clad, plated or coated			
7212	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, clad, plated or coated	13,620	13,620	13,620
7213	Bars and rods, hot-rolled, in irregularly wound coils, of iron or non-alloy steel	13,620	13,620	13,620

7214	Other bars and rods of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, but including those twisted after rolling	13,620	13,620	13,620
7216	Angles, shapes and sections of iron or non-alloy steel	13,620	13,620	13,620
7217	Wire of iron or non-alloy steel	6,810	6,810	6,810
7304	Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel	6,810	6,810	6,810
7305	Other tubes and pipes (for example, welded, riveted or similarly closed), having circular cross-sections, the external diameter of which exceeds 406,4 mm, of iron or steel	6,810	6,810	6,810
7306	Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel	13,620	13,620	13,620
7308	Structures and parts of structures, of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	6,810	6,810	6,810

When 50 per cent of a quota entry is reached, during a given year, the annual tonnage shall increase by 50 per cent for the following year. The basis for calculation shall be the quota quantity of the previous year. These quantities, as well as the basis for calculation may be revised at the request of any Party upon agreement with the other Parties.

Note 9

The following rule shall confer origin for products exported from Colombia, Ecuador and Peru to the United Kingdom within the annual quotas per country indicated below:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
7321	Stoves, ranges, grates, cookers (including those with subsidiary boilers for central heating), barbecues, braziers, gas rings, plate warmers and similar nonelectric domestic appliances, and parts thereof, of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
7323	Table, kitchen or other household articles and parts thereof, of iron or steel; iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like, of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product
7325	Other cast articles of iron or steel	Manufacture from materials of any heading, except that of the product	Manufacture in which the value of all the materials used does not exceed 50 per cent of the ex-works price of the product

HS heading	Colombia	Peru	Ecuador
7321	2,724 units	2,724 units	2,724 units
7323	6,810 Metric Tonnes	6,810 Metric Tonnes	6,810 Metric Tonnes
7325	6,810 Metric Tonnes	6,810 Metric Tonnes	6,810 Metric Tonnes

These quantities may be revised at the request of any Party upon agreement with the other Parties.”.

APPENDIX 4

INVOICE DECLARATION

Appendix 4 is replaced by the following:

“INVOICE DECLARATION

Specific requirements as for the making out of an invoice declaration

An invoice declaration, the text of which is set out below, shall be made out using one of the following linguistic versions and in accordance with the domestic law of the exporting Party. If the declaration is handwritten, it shall be written in ink in printed characters. The invoice declaration must be drawn up in accordance with the respective footnotes. The footnotes do not have to be reproduced.

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera o de la autoridad gubernamental competente N° ... ⁽¹⁾) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... ⁽²⁾.

English version

The exporter of the products covered by this document (customs [or competent governmental] authorisation No ... ⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ... preferential origin ⁽²⁾.

..... ⁽³⁾
(Place and date)

..... ⁽⁴⁾
(Signature of the exporter; in addition, the name of the person signing the declaration has to be indicated in clear script)

¹ When the invoice declaration is made out by an approved exporter within the meaning of Article 21 of Annex II, Concerning the Definition of the Concept of “Originating Products” and Methods of Administrative Cooperation, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

² Origin of products to be indicated.

³ These indications may be omitted if the information is contained on the document itself.

⁴ See Article 20(5) of Annex II, Concerning the Definition of the Concept of “Originating Products” and Methods of Administrative Cooperation. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.”.

APPENDIX 5

1. Appendix 5 is replaced by the following:

“PRODUCTS TO WHICH SUBPARAGRAPH (b) OF THE DECLARATION OF THE UNITED KINGDOM CONCERNING ARTICLE 5 IN RELATION TO ORIGINATING PRODUCTS FROM COLOMBIA, ECUADOR AND PERU APPLIES

1. The conditions established in subparagraph (b) of the Declaration of the United Kingdom concerning Article 5 in relation to originating products from Colombia, Ecuador and Peru apply for determining the origin of the following products exported from Peru to the United Kingdom subject to the annual quotas established below:

Combined Nomenclature 2008	Description	Metric Tonnes
0303 74 30	Frozen mackerel "Scomber scombrus" and "Scomber japonicus"	666
0303 79 65	Frozen anchovies "Engraulis spp."	20
0303 79 91	Horse mackerel "scad" "Caranx trachurus, Trachurus trachurus", frozen	10
0307 49 59	Frozen squid "Ommastrephes spp.", "Nototodarus spp." and "Sepioteuthis spp.", with or without shell (excl. "Ommastrephes Sagittatus")	700
0307 49 99	Squid "Ommastrephes spp.", "Nototodarus spp.", "Sepioteuthis spp.", dried, salted or in brine, with or without shell (excl. "Ommastrephes Sagittatus")	417
1604 15 11	Fillets of mackerel of the species Scomber scombrus and Scomber japonicus, prepared or preserved	333
1604 15 19	Mackerel of the species Scomber scombrus and Scomber japonicus, prepared or preserved, whole or in pieces (excl. minced mackerel and fillets of mackerel)	133
1604 15 90	Prepared or preserved mackerel of species Scomber australasicus, whole or in pieces (excl. minced)	3
1604 16 00	Prepared or preserved anchovies, whole or in pieces (excl. minced)	67
1604 20 40	Prepared or preserved anchovies (excl. whole or in pieces)	6
1605 90 30	Mussels, snails and other molluscs, prepared or preserved (excl. mussels of the species Mytilus and of the species Perna)	83

2. The proofs of origin issued or made out for products which use the quotas established in this Appendix shall bear the following statement in English: “Product

originating in accordance with Appendix 5 of Annex II’.

3. The quotas established in this Appendix shall be managed on a first-come, first-served basis. The quantities exported to the United Kingdom shall be calculated on the basis of the imports of the United Kingdom.

4. For greater certainty, if the entry into force of this Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the quota will be pro-rated on a proportional basis for the remainder of that calendar year.

DECLARATIONS

JOINT DECLARATION ON THE REVISION OF THE RULES OF ORIGIN CONTAINED IN ANNEX II CONCERNING THE DEFINITION OF "ORIGINATING PRODUCTS" AND METHODS OF ADMINISTRATIVE COOPERATION

1. The “*Declaration of the European Union concerning Article 5 in relation to originating products from Colombia, Ecuador and Peru*” is replaced by the following:

“DECLARATION OF THE UNITED KINGDOM CONCERNING ARTICLE 5 IN RELATION TO ORIGINATING PRODUCTS FROM COLOMBIA, ECUADOR AND PERU

The United Kingdom declares that, for the purposes of subparagraphs 1(f) and 1(g) of Article 5 of Annex II Concerning the Definition of the Concept of ‘Originating Products’ and Methods of Administrative Cooperation (hereinafter referred to as ‘the Annex’):

- (a) the terms ‘their vessels’ and ‘their factory ships’ shall apply only to vessels and factory ships which¹⁴
 - (i) are registered in the United Kingdom or in a signatory Andean Country;
 - (ii) sail under the flag of the United Kingdom or of a signatory Andean Country; and
 - (iii) meet the following conditions:
 - they are at least 50 percent owned by nationals of the United

¹ For the purposes of fulfilling the conditions for the vessels and factory ships established under this subparagraph of this Declaration, cumulation of origin may apply with a member Countries of the Andean Community that is not a Party to this Agreement, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Venezuela.

Kingdom, of a European Union Member State or of a signatory Andean Country; or

- they are owned by juridical persons:
 - = which have their head office and their main place of business in the United Kingdom, in a European Union Member State or in a signatory Andean Country, and
 - = which are at least 50 percent owned by nationals or public entities of the United Kingdom, of a European Union Member State or of a signatory Andean Country.

(b) notwithstanding subparagraph (a), the terms ‘their vessels’ and ‘their factory ships’ shall also apply to vessels and factory ships that capture products of sea fishing within 200 nautical miles from the baselines of Peru and that comply with the following conditions:

- (i) they are registered in the United Kingdom or in a signatory Andean Country;
- (ii) they sail under the flag of the United Kingdom or of a signatory Andean Country;
- (iii) they land their captures in Peru; and
- (iv) they are owned by juridical persons:
 - which have their head office and their main place of business in the United Kingdom, in a European Union Member State or in a signatory Andean Country, and
 - who collect more than 50 percent of their total turnover in the United Kingdom, in a European Union Member State or in a signatory Andean Country

The conditions established in this subparagraph (b) shall be applicable to products specified in Appendix 5.

Every three years from the entry into force of this Agreement, the United Kingdom shall review Appendix 5, taking into account the situation of the biomass within 200 nautical miles from the base lines of Peru, the investments in Peru, its export capacity and the social and economic impact in the United Kingdom.

The provisions of the Annex and its Appendices shall be applicable to the present Declaration, which constitutes an integral part of this Agreement.”.

2. The “*Joint declaration of Colombia, Ecuador and Peru concerning Article 5 in relation to originating products from the European Union*” is replaced by the following:

“JOINT DECLARATION OF COLOMBIA, ECUADOR AND PERU CONCERNING ARTICLE 5 IN RELATION TO ORIGINATING PRODUCTS FROM THE UNITED KINGDOM

The Republic of Colombia, the Republic of Ecuador and the Republic of Peru declare that, for the purposes of subparagraphs 1(f) and 1(g) of Article 5 of Annex II Concerning the Definition of The Concept of ‘Originating Products’ and Methods of Administrative Cooperation (hereinafter referred to as ‘the Annex’):

The terms ‘their vessels’ and ‘their factory ships’ shall apply only to vessels and factory ships which:

- (a) are registered in the United Kingdom or in a signatory Andean Country;
- (b) sail under the flag of the United Kingdom or of a signatory Andean Country; and
- (c) meet the following conditions:
 - (i) they are at least 50 percent owned by nationals of the United Kingdom, of a European Union Member State or of a signatory Andean Country; or
 - (ii) they are owned by juridical persons:
 - which have their head office and their main place of business in the United Kingdom, in a European Union Member State or in a signatory Andean Country, and
 - which are at least 50 percent owned by nationals or public entities of the United Kingdom, of a European Union Member State or of a signatory Andean Country.

The provisions of the Annex and its Appendices shall be applicable to this Declaration, which constitutes an integral part of this Agreement.”.

3. The “*Joint Declaration concerning the Principality of Andorra*” is replaced by the following:

“JOINT DECLARATION CONCERNING THE PRINCIPALITY OF ANDORRA

1. Products originating in the Principality of Andorra meeting the conditions of subparagraph 4(b) of Article 3A of Annex II Concerning the Definition of the Concept of ‘Originating Products’ and Methods of

Administrative Cooperation (hereinafter referred to as ‘the Annex’), and falling within Chapters 25 to 97 of the Harmonised System shall be accepted by the Parties as originating in the European Union within the meaning of this Annex.

2. The Annex shall apply *mutatis mutandis* for the purposes of defining the originating status of the above-mentioned products.”.
4. The “*Joint Declaration concerning the Republic of San Marino*” is replaced by the following:

“JOINT DECLARATION CONCERNING THE REPUBLIC OF SAN MARINO

1. Products originating in the Republic of San Marino meeting the conditions of subparagraph 4(b) of Article 3A of Annex II Concerning the Definition of the Concept of ‘Originating Products’ and Methods of Administrative Cooperation (hereinafter referred to as ‘the Annex’) shall be accepted by the Parties as originating in the European Union within the meaning of this Annex.
2. The Annex shall apply *mutatis mutandis* for the purposes of defining the originating status of the above-mentioned products.”.
5. The Parties agree to make the following Joint Declaration regarding Annex II:

“JOINT DECLARATION CONCERNING A TRILATERAL APPROACH TO RULES OF ORIGIN

1. In advance of trade negotiations between the European Union and the United Kingdom, the Parties recognise that a trilateral approach to rules of origin, involving the European Union, is the preferred outcome in trading arrangements between the Parties and the European Union. This approach would replicate coverage of existing trade flows, and allow for continued recognition of originating content from the Parties and from the European Union in exports to each other, as per the intention of the EU-Andean Countries Trade Agreement. In this regard, the Governments of the United Kingdom and the signatory Andean Countries understand that any bilateral arrangement between the Parties represents a first step towards this outcome.
2. In the event of an agreement between the United Kingdom and the European Union, the Parties approve taking the necessary steps, as a matter of urgency, to update Annex II, as incorporated into this Agreement, to reflect a trilateral approach to Rules of Origin, involving the European Union. The necessary steps will be taken in accordance with the procedures of the Trade Committee.”.

MODIFICATIONS TO ANNEX IV, AGRICULTURAL SAFEGUARD MEASURES

SECTION A

COLOMBIA

1. Staging category LP1 is replaced by the following:

“Staging category LP1, as detailed below:

Tariff lines	Year	Trigger Import Volume (Metric Tonnes)
04021010 04021090 04022111 04022119 04022191 04022199		
	Entry into Force	20% in addition of the pro – rated quota
	2019	207
	2020	220
	2021	233
	2022	246
	2023	259
	2024	272
	2025	285
	2026	298
	2027	311
	2028	324
	2029	337
	2030	350

”.

2. Staging category LP2 is replaced by the following:

“Staging category LP2, as detailed below:

Tariff lines	Year	Trigger Import Volume (Metric Tonnes)
04022911 04022919 04022991 04022999 04029110 04029190 04029990		
	Entry into Force	20% in addition of the pro – rated quota
	2019	77
	2020	82
	2021	87
	2022	91
	2023	96
	2024	101
	2025	106

”.

3. Staging category LS is replaced by the following:

“Staging category LS, as detailed below:

Tariff lines	Year	Trigger Import Volume (Metric Tonnes)
04041010 04041090 04049000		
	Entry into Force	20% in addition of the pro – rated quota
	2019	384
	2020	409
	2021	433
	2022	457
	2023	481
	2024	505
	2025	529

”.

4. Staging category Q is replaced by the following:

“Staging category Q, as detailed below:

Tariff lines	Year	Trigger Import Volume (Metric Tonnes)
04062000 04063000 04064000 04069040 04069050 04069060 04069090		
	Entry into Force	20% in addition of the pro – rated quota
	2019	355
	2020	377
	2021	400
	2022	422
	2023	444
	2024	466
	2025	488
	2026	511
	2027	533
	2028	555
	2029	577
	2030	599

”

5. Staging category LM is replaced by the following:

“Staging category LM, as detailed below:

Tariff lines	Year	Trigger Import Volume (Metric Tonnes)
19011010 19011091 19011099		
	Entry into Force	20% in addition of the pro – rated quota
	2019	169
	2020	180
	2021	190
	2022	201
	2023	211
	2024	222

Tariff lines	Year	Trigger Import Volume (Metric Tonnes)
	2025	233
	2026	243
	2027	254
	2028	264
	2029	275
	2030	285

”

SECTION B

PERU

In paragraph 2, for heading 1601, “400” is replaced by “54”, and “40” is replaced by “5”.

SECTION C

ECUADOR

1. In paragraph 1, where it says “*for each of the following tariff lines when the amount of imports per year exceeds a volume of more than 200 metric tonnes*”, the words “*200 metric tonnes*” are replaced by “*11 metric tonnes*”.

2. Paragraph 2 is replaced by the following:

“2. for the following tariff lines under category L4, as detailed below:

Tariff lines	Year	Trigger import volume (Metric Tonnes)
04064000 04069040 04069050 04069060 A		
	Entry into force	20% in addition of the prorated quota
	2019	70
	2020	73
	2021	77
	2022	80
	2023	84
	2024	88

	2025	91
	2026	95
	2027	98
	2028	102
	2029	106
	2030	109
	2031	113
	2032	116
	2033	120
	2034	124

”.

MODIFICATIONS TO ANNEX V, MUTUAL ASSISTANCE IN CUSTOMS MATTERS

1. In Article 6, paragraph 3 is replaced by the following:

“3. Requests shall be submitted to a signatory Andean Country in either Spanish or English, and in the case of the UK party, in English.”.

2. In Article 13, the words “*the competent services of the European Commission and the customs authorities of the European Union Member States, as appropriate*” are replaced by the words “Her Majesty’s Revenue and Customs”.

3. Article 14(1)(c) is not incorporated.

MODIFICATIONS TO ANNEX VI, SANITARY AND PHYTOSANITARY MEASURES

Appendix 1

COMPETENT AUTHORITIES

Paragraph 1 is replaced by the following:

“1. The United Kingdom shall notify the signatory Andean Countries of its competent authorities on or by the date of entry into force of this Agreement.”.

Appendix 4

CONTACT POINTS AND WEBSITES

1. In Section A, the Contact Points relating to the European Union are replaced by the following:

“The United Kingdom shall notify the signatory Andean Countries of its contact points on or by the date of entry into force of this Agreement.”.

2. In Section B, the Free Websites relating to the European Union are replaced by the following:

“The United Kingdom shall notify the signatory Andean Countries of its free website on or by the date of entry into force of this Agreement.”.

MODIFICATIONS TO ANNEX VII, LIST OF COMMITMENTS ON ESTABLISHMENT

SECTION B

EU PARTY

1. In paragraph 1 the words:

“When the column referred to under subparagraph (b) only includes European Union Member State-specific reservations, European Union Member States not mentioned therein undertake commitments in the sector concerned without reservations ⁽¹⁾.”,

and footnote ⁽¹⁾ are deleted and replaced by the following:

“When the column referred to under subparagraph (b) does not include UK specific reservations in a given sector, without prejudice to horizontal reservations that may apply, the UK undertakes commitments in the sector concerned without reservations.”.

2. In the table, for the sub-sector 6.E.b) Relating to Aircraft, in the second column (Description of Reservation), where it says:

“EU: Aircraft used by European Union carriers have to be registered in the European Union Member State licensing the carrier or elsewhere in the European Union. (...)”.

the words “*or elsewhere in the European Union*” are deleted.

3. In the table, for sub-sector 7.B.a), All services consisting of the transmission and reception of signals by any electromagnetic means ⁽³²⁾, excluding broadcasting ⁽³³⁾; in the second column (Description of Reservation), the content of footnote ⁽³⁴⁾ which says:

“Footnote for clarification purposes: Some European Union Member States maintain public participation in certain telecommunication operators.”.

European Union Member States reserve their rights to maintain such public participation in the future. This is not a market access limitation. (...).”,

is replaced by the following:

“Footnote for clarification purposes: The UK reserves its rights to maintain public participation in certain telecommunication operators in the future. This is not a market access limitation.”.

4. In the table, for the sub-sectors 16.B, a) and b), Internal Waterways Transport⁽⁴⁶⁾, in the second column (Description of Reservation), where it says:

“EU: Measures based upon existing or future agreements on access to inland waterways (incl. agreements following the Rhine-Main-Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping.”,

the words *“(incl. agreements following the Rhine-Main-Danube link)”* and *“Regulations implementing the Mannheim Convention on Rhine Shipping”* are deleted.

5. In the table, for the sub-sectors 17.B, a) to g), Services auxiliary to internal waterways transport, in the second column (Description of Reservation), where it says:

“EU: Measures based upon existing or future agreements on access to inland waterways (incl. agreements following the Rhine-Main-Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping.”,

the words *“(incl. agreements following the Rhine-Main-Danube link)”* and *“Regulations implementing the Mannheim Convention on Rhine Shipping”* are deleted.

6. In the table, for the sub-sector 17.D.d), Rental of aircraft with crew, in the second column (Description of Reservation), where it says:

“EU: Aircraft used by European Union carriers have to be registered in a European Union Member State licensing the carrier or, if the licensing European Union Member State allows so, elsewhere in the European Union. (...).”,

the words *“or, if the licensing European Union Member State allows so, elsewhere in the European Union”* are deleted.

MODIFICATIONS TO ANNEX VIII, LIST OF COMMITMENTS ON CROSS-BORDER SUPPLY OF SERVICES

SECTION B

EU PARTY

1. In paragraph 1 the words:

“When the column referred to under subparagraph (b) only includes European Union Member State-specific reservations, European Union Member States not mentioned therein undertake commitments in the sector concerned without reservations.⁽¹⁾”,

and footnote⁽¹⁾ are deleted and replaced by the following:

“When the column referred to under subparagraph (b) does not include UK specific reservations in a given sector, without prejudice to horizontal reservations that may apply, the UK undertakes commitments in the sector concerned without reservations.”

2. In the table, for the sub-sector 1.E.b) Relating to Aircraft, in the second column (Description of Reservation), where it says:

“EU: Aircraft used by European Union air carriers have to be registered in the European Union Member State licensing the air carrier or elsewhere in the European Union.(...)”

the words *“or elsewhere in the European Union”* are deleted.

3. In the table, for the sub-sectors 11.B, a) and b), Internal Waterways Transport, in the second column (Description of Reservation), where it says:

“EU: Measures based upon existing or future agreements on access to inland waterways (incl. agreements following the Rhine-Main-Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping”,

the words *“(incl. agreements following the Rhine-Main-Danube link)”* and *“Regulations implementing the Mannheim Convention on Rhine Shipping”* are deleted.

4. In the table, for the sub-sectors 12.B, a) to g), Services Auxiliary to internal waterways, in the second column (Description of Reservation), where it says:

“EU: Measures based upon existing or future agreements on access to inland waterways (incl. agreements following the Rhine-Main-Danube link) reserving

some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping.”,

the words “(incl. agreements following the Rhine-Main-Danube link)” and “Regulations implementing the Mannheim Convention on Rhine Shipping” are deleted.

5. In the table, for the sub-sector 12.E.d), Rental of aircraft with crew, in the second column (Description of Reservation), where it says:

“EU:Aircraft used by European Union air carriers have to be registered in the European Union Member States licensing the air carrier or elsewhere in the European Union.(...)”,

the words “or elsewhere in the European Union” are deleted.

SECTION D

ECUADOR

In the table, for part 7, Financial Services, in the sixth paragraph of the second column (Description of Reservation), where it says:

“On the securities market, Ecuador will accept the risk rating by an agency recognised by the European Securities and Markets Authority (ESMA) as a “Nationally Recognized Statistical Rating Organisation — RSRO”(...)”,

the words “European Securities and Markets Authority (ESMA) as a “Nationally Recognized Statistical Rating Organisation — RSRO”” are replaced by the words “Financial Conduct Authority (FCA) as a “Credit Rating Agency – CRA””.

MODIFICATIONS TO ANNEX IX, RESERVATIONS REGARDING TEMPORARY PRESENCE OF NATURAL PERSONS FOR BUSINESS PURPOSES

Appendix 1

RESERVATIONS ON KEY PERSONNEL AND GRADUATE TRAINEES

SECTION B

EU PARTY

1. In paragraph 1 the words:

“When the column referred to under subparagraph (b) only includes European Union Member State-specific reservations, European Union Member States not mentioned therein undertake commitments in the sector concerned without reservations ⁽¹⁾.”,

and footnote ⁽¹⁾ are deleted and replaced by the following:

“When the column referred to under subparagraph (b) does not include UK specific reservations in a given sector, without prejudice to horizontal reservations that may apply, the UK undertakes commitments in the sector concerned without reservations.”

2. In the table, the reservation for ALL SECTORS for Recognition, and the words:

“EU: European Union directives on mutual recognition of diplomas only apply to European Union nationals. The right to practise a regulated professional service in one European Union Member State does not grant the right to practice in another European Union Member State ⁽¹⁾”,

and footnote ⁽¹⁾ are deleted.

Appendix 2

RESERVATIONS ON CONTRACTUAL SERVICE SUPPLIERS AND INDEPENDENT PROFESSIONALS

SECTION B

EU PARTY

1. In the table, the reservation for ALL SECTORS for Recognition, and the words:

“EU: European Union directives on mutual recognition of diplomas only apply to European Union nationals. The right to practise a regulated professional service in one European Union Member State does not grant the right to practice in another European Union Member State ⁽²⁾.”,

and footnote ⁽²⁾ are deleted.

MODIFICATIONS TO ANNEX XII, GOVERNMENT PROCUREMENT

Appendix 3

MEDIA FOR PUBLICATION OF NOTICES

Paragraph 1 is replaced by the following:

“1. Upon entry into force of this Agreement, the United Kingdom shall provide the Parties with details of the United Kingdom’s means of publication of notices.”

MODIFICATIONS TO ANNEX XIII, LISTS OF GEOGRAPHICAL INDICATIONS

Appendix 1

Lists of Geographical indications for Agricultural and Foodstuff Products, Wines, Spirit Drinks, and Aromatised Wines

1. Geographical indications relating to parts of the European Union that are not the United Kingdom are not incorporated into this Agreement.
2. Notwithstanding paragraph 1 above, the protection of the “Irish Whisky”, “Uisce Beatha Éireannach”, “Irish Whiskey” and “Irish Cream” geographical indications, which cover spirit drinks produced in Ireland and Northern Ireland, shall continue, upon the entry into force of this Agreement, as under the EU-Andean Countries Trade Agreement. However, obligations in respect of these geographical indications under this Agreement shall enter into force once the registry of each signatory Andean Country has been modified, in accordance with the domestic law of each signatory Andean Country. A decision shall take place no later than 12 months after the process to modify the registry of each signatory Andean Country has been properly initiated in accordance with its domestic law. If a signatory Andean Country is not able to issue a decision within this time period, prior to its expiration it shall inform the United Kingdom in writing the reasons for the delay and the additional period of time it will require. Nothing in this paragraph affects the continued use of these geographical indications, established under the EU-Andean Countries Trade Agreement.

MODIFICATIONS TO THE JOINT DECLARATIONS

The Joint Declaration titled “JOINT DECLARATION”, which refers to States with which the European Union has established a Customs Union, is not incorporated.

Joint Declaration on Geographical Indications

Recognising the cultural and economic importance of geographical indications and being cognisant of the traditional and cultural connection to the place of production of such products, the Parties confirm that:

- a) The protection of geographical indications is an important part of this Agreement;
- b) The signatory Andean Countries have submitted the following applications for the protection of geographical indications, under the framework of the Sub-committee on Intellectual Property of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Ecuador and Peru, of the other part:

Geographical Indication	Product	Date of Application
Colombia		
Café de Santander	Coffee	8 December 2016
Arroz de la Meseta de Ibagué	Rice	8 December 2016
Bocadillo Veleño	Guava paste	21 November 2017
Café Sierra Nevada	Coffee	11 December 2018
Café del Tolima	Coffee	11 December 2018
Perú		
Café Villa Rica	Coffee	31 October 2017
Loche de Lambayeque	Pumpkin	
Café Machu Picchu-Huadquiña	Coffee	
Maca Junín-Pasco	Maca	
Aceituna de Tacna	Olive	
Cacao Amazonas Perú	Cocoa	
Ecuador		
Maní de Transkutuku	Peanuts	11 December 2018
Café de Galápagos	Coffee	11 December 2018
Pitahaya de Palora	Dragonfruit	11 December 2018

Regarding these Geographical Indications:

- i. Unless and until the United Kingdom notifies each signatory Andean Country that the date of application for protection of these geographical indications shall be the date when they were transmitted to the Sub-committee on Intellectual Property under the EU-Andean Countries Trade Agreement, the date of application for protection of these geographical indications shall be the date of transmission of the application to the corresponding authority in the

United Kingdom. For clarity, further requests for information relating to the application will have no impact on the date of transmission of the applications.

- ii. The signatory Andean Countries intend to deliver their applications on the first date on which the United Kingdom officially ceases to be part of the European Union, or when the GI scheme of the European Union ceases to apply to the United Kingdom, whichever comes later.
- iii. In the context of their discussions with the United Kingdom, the signatory Andean Countries have not identified to date prior rights that may interfere with the registration of these GIs.
- iv. The United Kingdom will process these GI applications in a transparent and efficient manner. In addition, it will make all reasonable efforts to resolve satisfactorily, in consultation with Colombia, any registration conflict that may arise regarding a geographical indication of Colombia, listed in this Declaration, that is subsequently protected, in accordance with the United Kingdom's domestic procedures.
 - c) The Parties will ensure the efficient and timely processing of applications for protection of new geographical indications; and
 - d) The Parties may request information and share views on any matter arising regarding the progress of an application for protection of a geographical indication through the Sub-committee on Intellectual Property.