



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 January 2009

**13843/1/08
REV 1**

**AMLAT 82
PVD 45**

DECLASSIFICATION

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Subject: Recommendation from the Commission to the Council to authorise the Commission to negotiate the modification of the Political Dialogue and Cooperation Agreement between the Andean Community and its Member countries and the European Community and its Member States signed at Rome on 15 December 2003 in order to take into account the withdrawal of Venezuela from the Andean Community and the withdrawal of its signature from the above-mentioned Agreement.

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



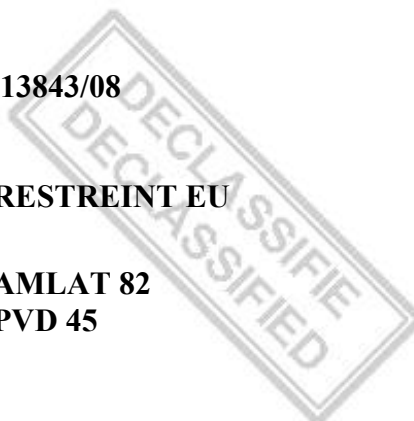
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 October 2008

13843/08

RESTREINT EU

**AMLAT 82
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"I/A" ITEM NOTE

from : Latin America Working Party

to : Coreper/Council

on : 9 October 2008

Subject : Recommendation from the Commission to the Council to authorise the Commission to negotiate the modification of the Political Dialogue and Cooperation Agreement between the Andean Community and its Member countries and the European Community and its Member States signed at Rome on 15 December 2003 in order to take into account the withdrawal of Venezuela from the Andean Community and the withdrawal of its signature from the above-mentioned Agreement.

1. The Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its member countries (Bolivia, Colombia, Ecuador, Peru and Venezuela), of the other part, was signed in Rome on 15 December 2003 ("the Agreement"). The Agreement has not yet entered into force, as it has not been ratified by certain countries.

2. In April 2006 Venezuela, member country of the Andean Community when the above-mentioned Agreement was signed, declared that it was going to withdraw from the Andean regional bloc. This information has been officially confirmed to the EU by the Presidency of the Andean Community,

through a letter from the Bolivian Minister for Foreign Affairs of 20 November 2006, as well as by Venezuela itself, through a letter from the Venezuelan Minister for Foreign Affairs of 18 December 2006. On the same occasion, Venezuela confirmed the withdrawal of its signature from the above-mentioned Political Dialogue and Cooperation Agreement of 2003.

3. In light of the above documents, the Legal Services of the Council and of the Commission concluded that the Agreement would therefore need to be formally amended through an agreement in the form of an exchange of letters, by deleting the references to the Bolivarian Republic of Venezuela from the text of the Agreement.

4. At the meeting on 20 February 2007 of the Latin America Working Party (AMLAT), the Council Presidency therefore called on the Commission to put forward a proposal for such an amendment. In July 2007, the Commission presented to the Council a recommendation for a letter to be signed and sent to the Presidency of the Andean Community to initiate an exchange of letters amending the Political Dialogue and Cooperation Agreement between the European Community and the Andean Community signed in 2003.

The Commission's proposal was examined by the Latin America Working Party (AMLAT) in July and November 2007, where it was agreed to introduce several modifications to the draft letter. It was agreed that the Commission should negotiate these modifications as an Agreement in the form of an exchange of letters.

EU internal procedures were suspended to allow a member state to finalise its national procedures.

5. At its meeting of 30 September 2008, the LAWP reached consensus on the way to proceed. COREPER is therefore invited to suggest that the Council:

- authorises the Commission to negotiate, on behalf of the European Community and its Member States, an Agreement in the form of an exchange of letters with the Andean Community and its member countries, in line with the attached draft.
- appoints the Latin America Working Party (AMLAT) to assist it in this task.

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS BETWEEN THE
EUROPEAN COMMUNITY AND ITS MEMBER STATES AND THE ANDEAN
COMMUNITY AND ITS MEMBER STATES**

ANNEX I

LETTER FROM THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

(Letter to the Presidency of the Andean Community)

Sir,

On behalf of the European Community and its Member States, I thank the Andean Community for its letter No GM-419/2006-15949 of 20 November 2006 concerning Venezuela's withdrawal from the Andean Community. I confirm receipt of Note No 1652 from the Venezuelan Ministry of External Relations dated 18 December 2006 also confirming Venezuela's withdrawal from the Political Dialogue and Cooperation Agreement signed in Rome on 15 December 2003.

In the light of these documents and the legal instruments to which they refer (in particular Case 145-AI-2005 of the Court of Justice of the Andean Community), the European Community and its Member States consider that Venezuela is no longer a party to the Political Dialogue and Cooperation Agreement 2003.

Consequently, I propose that references to Venezuela in the Agreement be deleted. This will involve the following amendments:

Page 1, Title:

"POLITICAL DIALOGUE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES OF THE ONE PART, AND THE ANDEAN COMMUNITY AND ITS MEMBER COUNTRIES (BOLIVIA, COLOMBIA, ECUADOR, PERU AND VENEZUELA), OF THE OTHER PART"

should be amended as follows:

"POLITICAL DIALOGUE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES OF THE ONE PART, AND THE ANDEAN COMMUNITY AND ITS MEMBER COUNTRIES (BOLIVIA, COLOMBIA, ECUADOR AND PERU), OF THE OTHER PART"

Page 4, the reference to *"THE BOLIVARIAN REPUBLIC OF VENEZUELA"* should be deleted.

Page 65, Article 59:

"This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territories of the Andean Community and its Member countries (Bolivia, Colombia, Ecuador, Peru and Venezuela)."

should be amended as follows :

"This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territories of the Andean Community and its Member countries (Bolivia, Colombia, Ecuador and Peru)."»

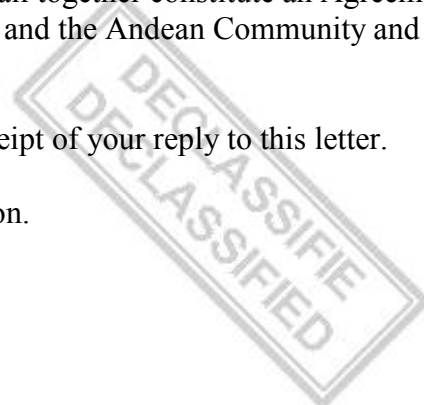
I have the honour to propose that, if the above mentioned is acceptable to the Andean Community and its Member States, this letter and your confirmation shall together constitute an Agreement between the European Community and its Members States and the Andean Community and its Member States.

This Agreement will come into force on the date of the receipt of your reply to this letter.

Please accept, Sir, the assurance of my highest consideration.

Signature :

On the behalf of the European Community and its Member States



ANNEX II

LETTER FROM THE ANDEAN COMMUNITY AND ITS MEMBER STATES

(Letter to the Presidency of the European Community)

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

“On behalf of the European Community and its Member States, I thank the Andean Community for its letter No GM-419/2006-15949 of 20 November 2006 concerning Venezuela's withdrawal from the Andean Community. I confirm receipt of Note No 1652 from the Venezuelan Ministry of External Relations dated 18 December 2006 also confirming Venezuela's withdrawal from the Political Dialogue and Cooperation Agreement signed in Rome on 15 December 2003.

In the light of these documents and the legal instruments to which they refer (in particular Case 145-AI-2005 of the Court of Justice of the Andean Community), the European Community and its Member States consider that Venezuela is no longer a party to the Political Dialogue and Cooperation Agreement 2003.

Consequently, I propose that references to Venezuela in the Agreement be deleted. This will involve the following amendments:

Page 1, Title:

"POLITICAL DIALOGUE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES OF THE ONE PART, AND THE ANDEAN COMMUNITY AND ITS MEMBER COUNTRIES (BOLIVIA, COLOMBIA, ECUADOR, PERU AND VENEZUELA), OF THE OTHER PART"

should be amended as follows:

"POLITICAL DIALOGUE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES OF THE ONE PART, AND THE ANDEAN COMMUNITY AND ITS MEMBER COUNTRIES (BOLIVIA, COLOMBIA, ECUADOR AND PERU), OF THE OTHER PART"

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should be amended as follows :

"This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and, on the

other hand, to the territories of the Andean Community and its Member countries (Bolivia, Colombia, Ecuador and Peru)."»".

I have the honour to confirm that the above is acceptable to the Andean Community and its Member States and that your letter and this letter constitute an agreement in accordance with your proposal.

This Agreement will come into force on the date of the receipt of your reply to this letter.

Please accept, Sir, the assurance of my highest consideration.

Signature :

For the Andean Community and its Member States

