

AGREEMENT BETWEEN THE GOVERNMENT OF THE
UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE REPUBLIC OF ECUADOR
CONCERNING A UNITED STATES-ECUADOR COUNCIL
ON TRADE AND INVESTMENT

The Government of the United States of America and the Government of the Republic of Ecuador (individually a "Party" and collectively the "Parties"):

- 1) Desiring to enhance the friendship and spirit of cooperation between both countries;
- 2) Desiring to develop further both countries' international trade and economic interrelationship;
- 3) Noting that this Agreement is without prejudice to the rights and obligations of either Party under the General Agreement on Tariffs and Trade, together with its agreements, understandings, and other instruments;
- 4) Bearing in mind the importance of the successful completion of the Uruguay Round of Multilateral Trade Negotiations for increasing global trade and investment flows;

- 5) Recognizing the importance of promoting an open and predictable environment for international trade and investment;
- 6) Recognizing the benefits to each Party resulting from increased international trade and investment, and agreeing that trade-distorting investment measures and protectionism would deprive the Parties of such benefits;
- 7) Recognizing the essential role of private investment, both domestic and foreign, in furthering growth, creating jobs, expanding trade, improving technology and enhancing economic and social development;
- 8) Recognizing that foreign direct investment confers positive benefits on each Party;
- 9) Recognizing the increased importance of services in their economies and in their bilateral relations;
- 10) Taking into account the need to eliminate non-tariff barriers in order to facilitate greater access to the markets of both countries;

- 11) Recognizing the importance of providing adequate and effective protection and enforcement of intellectual property rights, and taking account of the Parties' commitments to the protection of intellectual property rights in conventions and agreements to which they are both parties;

- 12) Recognizing the significance to both countries' economic welfare of working toward the observance and promotion of internationally recognized worker rights;

- 13) Recognizing the desirability of resolving trade and investment problems as expeditiously as possible;

- 14) Considering that it would be in their mutual interest to establish a bilateral mechanism between the Parties for the facilitation and expansion of trade and investment between them.

To this end, on the occasion of the official visit of the President of Ecuador to the United States of America, the Parties agree as follows:

ARTICLE ONE

There shall be established between the Parties the United States-Ecuador Council on Trade and Investment (the "Council").

ARTICLE TWO

The Council shall be composed of representatives of both Parties. Ecuador's side will be chaired by a senior official of the Ministry of Foreign Affairs in coordination with the Ministry of Industry and Commerce; and the United States side will be chaired by a senior official of the Office of the United States Trade Representative.

ARTICLE THREE

The Council will meet at such times as agreed by the two Parties.

ARTICLE FOUR

The Parties will seek the advice of the private sector in their respective countries on matters related to the work of the Council. Private sector representatives may be asked to participate in Council meetings whenever both Parties agree it is appropriate.

ARTICLE FIVE

The objectives of the Council are as follows:

- 1) To monitor trade and investment relations, to identify opportunities for expanding trade and investment, and to negotiate agreements where appropriate.
- 2) To hold consultations on specific trade and investment matters of interest to the Parties.
- 3) To identify and work towards the removal of impediments to trade and investment flows.

ARTICLE SIX

- 1) Either Party may raise for consultation any trade or investment matter between the Parties. Requests for consultation shall be accompanied by a written explanation of the subject to be discussed and consultations shall be held within 30 days of the request, unless the requesting Party agrees to a later date.
- 2) Consultations will take place initially in the country whose measure or practice is the subject of discussion.

3) This Article shall be without prejudice to the rights of either Party under domestic law, the General Agreement on Tariffs and Trade, its codes, or under any instruments or agreements to which both countries are a party.

ARTICLE SEVEN

1) The Council will commence its work by addressing the "Immediate Action Agenda" of trade and investment issues set forth as an Annex to this Agreement.

2) The Council may establish ad hoc working groups that may meet concurrently or separately in order to facilitate its work.

ARTICLE EIGHT

This Agreement shall enter into force on the date of its signature by both Parties.

ARTICLE NINE

This Agreement shall remain in force unless terminated by mutual consent of the Parties or by either Party upon six months written notice to the other Party.

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IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this agreement.

DONE at Washington, D.C. this 23rd day of July, 1990, in duplicate in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
REPUBLIC OF ECUADOR:



ANNEX

IMMEDIATE ACTION AGENDA

In relation to the agreement concerning the creation of a United States-Ecuador Trade and Investment Council, setting forth principles and procedures for consultations regarding trade and investment issues, the United States and Ecuador confirm the following:

- 1) They are prepared to commence the work of the Council within 90 days with an "Immediate Action Agenda" composed of the following topics:
 - o Market access for goods and services: review of possible measures to facilitate and expand trade;
 - o Exchange of views on developments in the Uruguay Round of Multilateral Trade Negotiations and the General Agreement on Tariffs and Trade;
 - o Exchange of views on matters and issues regarding intellectual property rights protection; and
 - o Review of investment matters and identification of issues and opportunities of mutual interest.
- 2) The inclusion of topics on this "Immediate Action Agenda" does not limit the ability of either Party to raise for consultations under Article 6 of the Agreement any other issue relating to trade or investment which might arise in the near term and requires immediate bilateral consultations, nor prejudice the raising of new issues in the future.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF
THE REPUBLIC OF ECUADOR