

[All redactions made under Art. 4.1(b)]

Ref. Ares(2015)4200946 - 09/10/2015

From: [REDACTED] (TRADE)
Sent: 09 October 2015 11:03
To: [REDACTED] (TRADE)
Subject: RE: Request for meeting - confirmation

Could you please save it in Ares?

Thanks,

[REDACTED]

From: [REDACTED] (TRADE)
Sent: Friday, October 09, 2015 11:02 AM
To: [REDACTED] (TRADE); [REDACTED] (TAXUD); [REDACTED] (TRADE); [REDACTED] (TRADE)
Cc: [REDACTED] (TRADE)
Subject: RE: Request for meeting - confirmation

Please find below a report on the meeting with Celanese.

Date of the meeting: 8 October 2015

Participants: [REDACTED] - International Trade Services, White&Case
 [REDACTED] Acetyl Chain, Celanese
 [REDACTED] Celanese
 [REDACTED] (DG TRADE - C3)
 [REDACTED] (DG TRADE - C3)

Celanese's exports of derivatives of acetone and acetic acid from Mexico to the EU benefited until 30 June 2014 from a temporary relaxation of RoOs allowing to use acetone and acetic acid not originating in the EU or Mexico. This rule was not renewed in 2014 while it was in 2003, 2006 and 2009.

Celanese has already met with DG TAXUD and wishes to inform DG TRADE on the economic impacts of the non-renewal of this relaxed RoO and to present their request:

- 1st step; renewal of the temporary relaxation of the RoO (with retroactive application as from 1 July 2014) until the modernised Agreement enters into force,
- 2nd step; following the "chemical reaction" approach in the updated RoOs for chemical products in the modernised Agreement.

We thank Celanese for the very useful information provided and took good note of the proposed way forward. We reminded that the Special Committee on Customs Cooperation and Rules of Origin, chaired by DG TAXUD, is the relevant body for

addressing this issue and asked whether Celanese had already contacted the Mexican authorities.

Celanese replied that the Mexican authorities (both the Ministry of the Economy in Mexico and the Mexican mission in Brussels) were very receptive in all contacts they have had so far. They will maintain their contacts with the Mexicans and will keep the Commission updated.

Kind regards,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@whitecase.com]
Sent: Tuesday, October 06, 2015 4:01 PM
To: [REDACTED] (TRADE)
Cc: [REDACTED] (TRADE); [REDACTED]
Subject: RE: Request for meeting - confirmation

Dear Ms. [REDACTED],

Thank you for your email. The details are as follows:

- [REDACTED]
Birth Date: [REDACTED]
ID card number: [REDACTED]
[REDACTED]
- [REDACTED]
Birth Date: [REDACTED]
ID card number: [REDACTED]
[REDACTED]
- [REDACTED]
Birth Date: [REDACTED]
ID card number: [REDACTED]
[REDACTED]

Best regards,

[REDACTED] | [REDACTED] - International Trade Services
T [REDACTED] E [REDACTED]@whitecase.com
White & Case LLP | 62 rue de la Loi Wetstraat 62 | 1040 Brussels

From: [REDACTED]@ec.europa.eu [mailto:[REDACTED]@ec.europa.eu]
Sent: 05 October 2015 17:39
To: [REDACTED]
Cc: [REDACTED]@ec.europa.eu
Subject: FW: Request for meeting - confirmation

Dear Ms [REDACTED],

Due to European Commission security rules, could you please inform us the names of the participants to this meeting, their birth dates, ID numbers and nationalities?

Many thanks in advance!

With kind regards,

[redacted]
Unit C.3 Relations with Latin America



European Commission
DG TRADE

CHAR [redacted] 6
B-1049 Brussels/Belgium
+32 2 29 [redacted]
[redacted]@ec.europa.eu

From: [redacted] [mailto:[redacted]@whitecase.com]
Sent: Monday, October 05, 2015 11:01 AM
To: [redacted] (TRADE)
Subject: Request for meeting - confirmation

Dear Mr. [redacted],

As agreed, I have discussed this with our client, and we would like to go ahead with the meeting this Thursday 8 October 2015 in your offices at 11am. I will be accompanied by two persons from Celanese.

Best regards,

[redacted] | [redacted] - International Trade Services
T [redacted] E [redacted]@whitecase.com
White & Case LLP | 62 rue de la Loi Wetsstraat 62 | 1040 Brussels




From: [redacted]
Sent: 02 October 2015 11:57
To: [redacted]@ec.europa.eu
Cc: [redacted]
Subject: Request for meeting

Dear Mr. [redacted],

As discussed earlier today, I would like to reserve a time slot of one-hour meeting to meet with you (and any colleagues you would like to invite) next Thursday, 8 October 2015, at 11am to discuss the chemical origin rule under the EU-Mexico FTA. I will confirm as soon as possible whether the client wishes to go ahead, but I suspect the chances are that they would indeed welcome this opportunity.

Thank you very much for your interest in this matter, and for agreeing to make time at such short notice.

Best regards,

 |  - International Trade Services
E  @whitecase.com
White & Case LLP | 62 rue de la Loi Wetstraat 62 | 1040 Brussels
WHITE & CASE

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From: [redacted]@whitecase.com>
Sent: mardi 13 octobre 2015 19:12
To: [redacted] (TRADE)
Cc: [redacted]
Subject: EU-Mexico FTA - special origin rule for chemicals

Dear Mr. [redacted],

I would like to thank you again on behalf of our client Celanese for making time in your schedule (and at such short notice) to meet us on 8 October 2015 to discuss the possibility of re-instating the special chemical origin rule under the EU-Mexico Free Trade Agreement.

We fully appreciate that the EU is expecting Mexico to undertake certain actions and commitments, and as we noted during our meeting, we are working very hard to show the crucial importance of the special origin rule for Celanese's Mexican operations to the Mexican administration. Meanwhile, we hope you also found our explanations on the importance of this rule for EU businesses useful. For us, the re-instatement of the special rule offers clear benefits for both sides, while the application of the normal MFN rate of 5.5% has far reaching negative consequences for both sides.

As offered during our meeting, if you have any questions please do not hesitate to contact us. We would be very happy to offer any clarifications by email, or come back for a further meeting with you and any colleagues you feel would merit from this.

Best regards,
Fabienne

[redacted] | [redacted] International Trade Services
T +32 [redacted] E [redacted]@whitecase.com
White & Case LLP | 62 rue de la Loi Wetstraat 62 | 1040 Brussels
WHITE & CASE

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From: [REDACTED] <[REDACTED]@whitecase.com>
Sent: mardi 23 février 2016 12:56
To: [REDACTED] (TRADE)
Cc: [REDACTED] (TRADE)
Subject: Meeting with Celanese - Additional information and questions
Attachments: Letter 23 September 2015.docx

Dear Mr. [REDACTED],

As discussed by telephone, we attach for your convenience and for general background a brief paper used in previous meetings with the Commission to explain the need for the special chemicals origin rule under the EU-Mexico FTA.

We understand from DG TAXUD and from senior Mexican contacts that the EU and Mexico have reached agreement in principle on making this special origin rule permanent while extending the benefits of the FTA to San Marino and Andorra. The purpose of our meeting is to understand better the procedure to implement that agreement. For reasons which can be further explained by its General Counsel, Celanese is urgently looking for clarity on the possible timing of the implementation of the agreement. We understand that the Mexican Congress convenes on this type of matters only twice per year, in April and September. For Celanese, it is of the utmost importance for the agreement to be implemented and the origin rule decision to be published this year. If the "April" window is missed, this timing is jeopardized.

Celanese would therefore hope that the EU and Mexico can swiftly advance. While we understand that both sides will need to be sure that all elements of the agreement in principle are actually implemented, we believe it could be possible to progress at different speeds if certain guarantees are provided at the right time to the other party. In light of this, we suggest the following key questions and observations which may be of assistance to you prior to the meeting:

- What precise action would Mexico have to undertake to allow the EU to start its drafting and internal consultation process?
 - For example, is the EU looking for an instrument from the Mexican Congress that would unambiguously state that Mexico agrees to extend the FTA benefits to products from San Marino and Andorra provided that the EU makes the special chemicals rule permanent?
 - Would it be an option for the EU and Mexico to agree on language that would provide the EU with certainty that the elements of the agreement which the EU needs to secure are backed politically in Mexico?
- What are the hesitations regarding adopting the origin rule through a Joint Committee Decision, as was done before?
 - What is the change to the rule compared to before: is it the fact that the rule would be made permanent, or are additional criteria/commitments being added?
 - If only the period of validity of the special rule is amended (from temporary to permanent), could it not be argued that this is permitted under the review clause foreseen in the FTA itself, i.e. that this does not qualify as a new change?

We look forward to hearing from your office on the combined DG Trade/Taxud meeting on Friday afternoon. Thank you very much for arranging this meeting at such short notice.

The attendees from Celanese will be:

[REDACTED], Celanese Europe
[REDACTED] Acetyl Chain, Celanese Europe.

From White & Case, the attendees will be:

[REDACTED] International Trade Services.

We look forward to meeting you shortly. If you have any questions for us before then please do not hesitate to get in contact.

Best regards

[REDACTED]

T +32 [REDACTED] M +32 [REDACTED] E [REDACTED]@whitecase.com

White & Case LLP | Wetstraat 62 rue de la Loi | 1040 Brussels

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September 2015

Why Special Origin Rules for Chemicals under EU-Mexico Free Trade Agreement are essential and must be maintained

Celanese is a global Fortune 500 technology and specialty materials company that employs approximately 7.500 people worldwide, of which approximately 1.000 are employed in Mexico and 2.700 are employed in the EU. We manufacture a wide variety of products that advance automotive and consumer electronic designs; enable life-improving medical, food and beverage products; and are critical to the global chemicals and paints and coatings industries. Ensuring that our products can be efficiently and cost effectively moved to our customers is a primary business objective, which is why we believe it is imperative that the special rules of origins (ROOs) that were in place to allow Mexican producers to use non-originating acetone or acetic acid be reinstated.

Background: Temporary ROOs Needed

The EU-Mexico FTA in place since 2000 contains standard ROOs that require Mexican producers of derivatives from acetone and acetic acid to use acetone and acetic acid originating either in Mexico or in the EU to benefit from the FTA's duty preference (0%).¹

However, Mexican derivative products cannot satisfy the standard ROO and must pay the full duty when exported to the EU (5.5%) because the basic substances (acetone and acetic acid) are not produced in Mexico and importing them from the EU to Mexico² is not economically viable.

The EU and Mexico recognized this unique and undesirable situation from the beginning of the FTA, so temporary ROOs were introduced to allow Mexican producers to use non-originating acetone or acetic acid.³ This rule was initially introduced for a period of three years. The EU and Mexico agreed to review the necessity to extend these special rules "*if the economic conditions which formed the basis for establishing the rule [...] continue.*" The temporary ROOs were renewed twice for a three-year period (in 2003 and 2006) and then for a five-year period from mid-2009 to

¹ The standard ROO for acetone and its derivatives (all classified under HS 2914) and for acetic acid and its derivatives (all classified under HS 2915) provides as a first alternative that the value of non-originating (e.g. US) acetone and acetic acid cannot exceed 20% of the ex-works price of the resulting derivatives. The second alternative rule provides that the value of non-originating materials of any heading cannot exceed 40% of the ex-works price of the derivatives. US acetone and acetic acid used in Mexican production exceeds those values, so neither of these alternative rules can be satisfied.

² Bilateral cumulation of origin under the FTA means that EU materials used in Mexican production would qualify as "originating" materials, i.e. there would be no 20% cap on the use of EU materials.

³ The special ROO for acetone requires "manufacture" from acetone of any origin, while the special ROO for acetic acid derivatives requires "manufacture" of materials from any heading of any origin (and only maintains the 20% cap for materials of heading 2916).

mid-2014, as it is clearly in the interest of both EU and Mexican businesses “to ensure the continuity of the application of the mutual advantages.”⁴

Economic Conditions are Challenging

As was the case when the special ROO was originally instated in 2000, there is a shortage of acetic acid in both EU and Mexico. The EU has a trade deficit for the three key acetic acid derivatives: acetic anhydride, ethyl acetate and vinyl acetate. For both acetic anhydride and ethyl acetate, the EU is reliant on Mexico for almost half of its imports. The EU also has a trade deficit for acetone derivatives, with Mexico accounting for 30% of the EU’s import needs in 2011 and 21% in 2014. Even though the EU has a surplus of acetone which it could theoretically export to Mexico, this option is not feasible: the cost of transporting EU acetone to Mexico and then transporting the acetone derivatives back to the EU would make the Mexican product uncompetitive in the EU. These products support thousands of small to medium enterprises all around Europe who are fighting to remain competitive in a multitude of applications such as food ingredients, detergents, polymers, and agrochemicals. They are also used by two of the EU flagship industries, automotive and pharmaceutical, which depend heavily on competitively-priced raw materials, including derivatives from acetic acid and acetone, to maintain competitiveness locally and worldwide.

Clear Benefits Exist for the EU and Mexico

It is in the clear interest of EU customers to be able to purchase acetone derivatives from multiple sources, including Mexico, to ensure competitive prices and continuity of supply. On average, per key derivative (acetic anhydride, MIBK, and ethyl acetate), the EU only has two to three producers and a reliable, competitively priced, import channel is necessary to ensure security of supply for users. Mexican products have been a high quality source relied upon by EU customers for many years, and should this source be curtailed, prices in EU would most likely see a significant increase.

Celanese is the only producer of derivatives of acetone and acetic acid in Mexico today. The company has been in Europe for over 100 years and recently celebrated its 70th anniversary in Mexico with the opening of a technical center. Over the years the company’s portfolio and manufacturing footprint has changed significantly and these derivatives are essential to its chemical operations in Mexico. The renewals of the temporary ROOs have substantially contributed to the company’s commitment to maintaining investments and retaining production of these products in Mexico. Adding 5.5% duty is jeopardizing the viability of these products that are commodity in nature, and therefore have a thin margin that has been further impacted by the currency depreciation. If we cannot cost effectively import acetone and acetic acid derivatives to the EU, then the jobs related to the manufacture and marketing of these products both in the EU and Mexico, as well as the \$2-3 million income generated for Europe (tax) are at risk. Not only direct jobs would be at risk but thousands of other customers and vendors that support the economic fabric of the communities. The continuation of the special ROOs is essential for the continuation of exports of these products to the EU.

⁴ See Decision 1/2010 of the EU-Mexico Joint Committee of 17 September 2010, at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22010D0626&from=EN>.

Reinstatement of special ROO

In the past European companies have not objected to the temporary ROOs and Celanese sees no reason to expect EU producers to be opposed to a further renewal.

A better, permanent solution would ultimately be found in the context of the modernization of the EU-Mexico FTA, e.g., through a rule that would not include a value cap but rather require a chemical reaction. However, this process will take many years and it is not feasible to wait for this outcome.

Therefore, in the interest of EU and Mexican business, and EU consumers, it is essential that the EU and Mexico adopt a further Joint Committee Decision to reinstate the temporary ROOs as from 1 July 2014 while a permanent solution is sought in the context of the modernization of the EU-Mexico FTA.

(TRADE)

Subject: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea
Location: llamamos al despacho de [redacted]
Start: jeu. 30/06/2016 17:30
End: jeu. 30/06/2016 18:00
Show Time As: Tentative
Recurrence: (none)
Organizer: [redacted]

From: [redacted]@ec.europa.eu [mailto:[redacted]@ec.europa.eu]
Sent: 30 June 2016 15:12
To: [redacted]
Cc: [redacted]@ec.europa.eu
Subject: RE: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Gracias [redacted]

estaré en el despacho de [redacted]

From: [redacted] [mailto:[redacted]@hoganlovells.com]
Sent: Thursday, June 30, 2016 3:08 PM
To: [redacted] (TRADE)
Cc: [redacted] (TRADE)
Subject: RE: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Mil gracias [redacted]
Major a las 17:30, estamos en linea con Quito
Os llamamos, a tu despacho o al de [redacted] i?
[redacted]

From: [redacted]@ec.europa.eu [mailto:[redacted]@ec.europa.eu]
Sent: 30 June 2016 14:59
To: [redacted]
Cc: [redacted]@ec.europa.eu
Subject: RE: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Hola [redacted],

Podemos fijar una hora en la que nos llamemos?

De 16:00 a 17:30 estamos ocupados. Antes o después nos vendría bien.

Un saludo,

From: [redacted] [mailto:[redacted]@hoganlovells.com]

Sent: Thursday, June 30, 2016 1:20 PM

To: [redacted] (TRADE)

Cc: [redacted] (TRADE)

Subject: RE: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Mil gracias [redacted]

Comentamos esta tarde

From: [redacted] @ec.europa.eu [mailto:[redacted]@ec.europa.eu]

Sent: 30 June 2016 13:16

To: [redacted]

Cc: [redacted] @ec.europa.eu

Subject: RE: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Hola [redacted],

Aquí tienes la tabla, como hablamos.

Un saludo,

From: [redacted] [mailto:[redacted]@hoganlovells.com]

Sent: Thursday, June 30, 2016 12:26 PM

To: [redacted] (TRADE)

Subject: RE: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Estimada [redacted]

¿Cuando puedas por favour enviame el link a COMTRADE para que verificar con aduanas de Ecuador?

Mil gracias

From: [redacted]

Sent: 30 June 2016 07:51

To: [redacted] @ec.europa.eu'

Cc: ceipa@ceipa.com.ec; [redacted] @ec.europa.eu; [redacted] @ec.europa.eu

Subject: RE: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Buenos días [redacted]

Esperamos tu llamada

Un saludo

Lourdes

From: [redacted] @ec.europa.eu [mailto:[redacted]@ec.europa.eu]

Sent: 29 June 2016 19:38

To: [redacted]; [redacted] @ec.europa.eu; [redacted] @ec.europa.eu

Cc: ceipa@ceipa.com.ec

Subject: RE: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Gracias, [REDACTED] recibido. Hablamos mañana.

Un saludo,

From: [REDACTED] [mailto:[REDACTED]@hoganlovells.com]

Sent: Wednesday, June 29, 2016 7:08 PM

To: [REDACTED] (TRADE); [REDACTED] (TAXUD); [REDACTED] (TRADE)

Cc: ceipa@ceipa.com.ec

Subject: Reivs Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Estimada [REDACTED]

Estimados [REDACTED] y [REDACTED]

De acuerdo con la conversación telefónica con [REDACTED], hemos revisada a fondo los datos de la nota del 22 de junio para asegurarnos que la información es totalmente correcta. Hemos encontrado una mínima discrepancia entre el volumen y valor de la materia prima importada bajo la acumulación de origen que fue utilizada para las exportaciones a la Unión Europea en 2015 y el primer trimestre del 2016. La nueva información ha sido contrastada con la Subsecretaría de Recursos Pesqueros del Ministerio de Agricultura y Pesca del Gobierno de Ecuador y si fuera necesario podemos sustentar todos los datos. Os adjuntamos una nueva versión de la nota que actualiza el impacto del uso de la acumulación de origen en las exportaciones de lomos de atún y conservas a la UE.

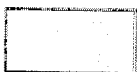
Teniendo en cuenta la importancia del tema, nos gustaría poder mantener una breve reunión mañana para intercambiar información y aclarara cualquier duda que tengáis al respecto. [REDACTED] y yo estamos disponible.

Quedamos a la espera de vuestras noticias,

Un muy cordial saludo

[REDACTED]

[REDACTED]



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Tel:
Direct:
Fax:
Email:



[\[REDACTED\]@hoganlovells.com](mailto:[REDACTED]@hoganlovells.com)
www.hoganlovells.com



From: [REDACTED] [@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu) [mailto:[REDACTED]@ec.europa.eu]
Sent: 22 June 2016 19:45

To: [redacted]@ec.europa.eu

Cc: ceipa@ceipa.com.ec

Subject: RE: Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Querida [redacted],

Muchas gracias por la información; nos es muy útil. Estamos en contacto.

Un saludo,

[redacted]

From: [redacted] [mailto:[redacted]@hoganlovells.com]

Sent: Wednesday, June 22, 2016 4:07 PM

To: [redacted] (TRADE); [redacted] (TAXUD)

Cc: [redacted] (ceipa@ceipa.com.ec)

Subject: Impacto del uso del cúmulo de origen en las exportaciones de lomos de atún y conservas de Ecuador a la Unión Europea

Estimada [redacted]

Estimado [redacted]

Firstly, on behalf of the Ecuadorean tuna exporters, I would like to thank you for your time and guidance during yesterday's meetings.

As promised, please find attached a note in Spanish explaining the impact on the use of regional cumulation in the exports of processed tuna to the EU. We trust that you'd find the information useful. We would be happy to provide you an English translation if required either later today or tomorrow.

May I suggest that we speak on the phone once you have a time to review? I can be contacted either by email or on my mobile: [redacted]

Thank you very much for your assistance,

With kind regards

[redacted]

[redacted]



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IMPACTO DEL USO DEL CÚMULO DE ORIGEN EN LAS EXPORTACIONES DE LOMOS DE ATÚN Y CONSERVAS DE ECUADOR A LA UNIÓN EUROPEA

Esta nota describe la importancia para el Ecuador de la acumulación de origen de materia prima proveniente de barcos de bandera de América Central y los países andinos destinados para el procesamiento y comercialización de lomos y conservas de atún.

Durante los últimos años las exportaciones lomos y conservas de atún de Ecuador ascendieron a USD 1.133.881,40 (FOB) y USD 817.881,54 (FOB) en 2014 y 2015, que a su vez representaron 223.051,72 toneladas y 206,360.12 toneladas respectivamente.¹

El valor de las exportaciones ecuatorianas de lomos y conservas de atún ecuatorianos a la Unión Europea ascendió a USD 474.294.320 (FOB) y USD 393.868.230 (FOB) que representaron 99,700.71 toneladas y 103,445.24 toneladas en 2014 y 2015 respectivamente.² Es decir, durante este período el 48% y 57% del valor de las exportaciones ecuatorianas son destinadas a la Unión Europea.

Durante este periodo de referencia (2014-2015), una gran parte de las exportaciones de lomos y conservas de atún a la Unión Europea provienen de atunes capturados por barcos de bandera de América Central y la Comunidad Andina principalmente en Panamá y Salvador tal y como se detalla en la Tabla 1.

Tabla 1

IMPORTACIONES MATERIA PRIMA LOMOS Y CONSERVAS DE ATÚN			
Años	PAÍS ORIGEN	CIF	TM
2014	PANAMA	37.984.371,70	24.985,99
	SALVADOR	1.747.245,68	1.365,01
2015	PANAMA	23.009.007,12	21.610,43
	EL SALVADOR	883.653,92	1.308,54

Fuente: Servicio Nacional de Aduana de Ecuador ("**SENAE**")

En 2015, de las 22.918,97 toneladas de materia prima importada según la Tabla 1, se utilizaron 21.862,67 toneladas en la producción de lomo y conservas de atún que se exportó a la Unión Europea beneficiándose de las reglas de acumulación de origen en 2015. En términos de valor, las exportaciones de lomo y conservas de atún a la UE preparadas con la citada materia prima ascendieron a USD115.075.398,53 según la Subsecretaría de Recursos Pesqueros del Ministerio de Agricultura y Pesca del Gobierno ecuatoriano. Es decir, en el 2015 un 30% del valor de las exportaciones de lomo y conservas de atún del Ecuador a la Unión Europea

¹ Fuente: Banco Central del Ecuador

² Fuente: Banco Central del Ecuador

utilizaron materia prima proveniente del cúmulo regional. Por ello, el impacto directo arancelario de las exportaciones provenientes de materia prima bajo la acumulación de origen en el año 2015 ascendió a USD 27.618.095,64.

Las exportaciones de lomos de atún y conservas a la Unión Europea en el período de enero-marzo del 2016 ascendieron a USD 195.499.860 que representaron unas 54.643,86 toneladas como se detalla en la Tabla 2.

Tabla 2

	2016 USD MILES	2016 TM
Enero	59,517.95	16,629.93
Febrero	63,997.67	17,983.38
Marzo	71,984.24	20,030.56
TOTAL	195,499.86	54,643.86

Fuente: SENAE

Según datos de la Subsecretaría de Recursos Pesqueros del Ministerio de Agricultura y Pesca del Gobierno ecuatoriano en el período enero-marzo del 2016, la materia prima importada bajo la acumulación regional y utilizada para las exportaciones de lomo y conservas de atún a la Unión Europea ascendió a 3.529,32 toneladas, representando un valor de USD 17.784.703,22.

Por ello, el coste adicional directo para los exportadores ecuatorianos en caso de pérdida de la acumulación de origen durante el primer trimestre del 2016 sería aproximadamente de USD 4.300.000.

A partir del segundo trimestre del año en curso, las exportaciones ecuatorianas de lomos y conservas de atún que se beneficiaban de la acumulación regional se han paralizado..

[All redactions made under Art. 4.1(b)]

Ref. Ares(2016)5785982 - 06/10/2016

From: [REDACTED]@hoganlovells.com>
Sent: vendredi 1 juillet 2016 09:12
To: [REDACTED] (TRADE); [REDACTED]
(TRADE)
Cc: [REDACTED] (ceipa@ceipa.com.ec)
Subject: Comunicación Viceministro a MJ - acumulación
Attachments: 0013.pdf; ATT00001.htm

Buenos días [REDACTED] y [REDACTED]
Imagino habéis recibido la comunicación adjunta.
Estoy a vuestra disposición para cualquier duda o aclaración al respecto.
Un muy cordial saludo
[REDACTED]

[REDACTED]

Hogan Lovells International LLP
Pericles Building
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1040 Brussels

Tel: +32 2 505 0911
Direct: [REDACTED]
Fax: [REDACTED]
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República del Ecuador



Ministerio de
Comercio Exterior

Oficio No. MCE-VNIDC-2016-0013-O

Quito, 30 de junio de 2016

Señor [REDACTED]

Dirección General de Comercio de la Comisión Europea

Presente,

Estimado Sr. [REDACTED],

Como alcance a las comunicaciones MCE-VNIDC-0004-2016-O de 4 de abril de 2016, MCE-VNIDC-005-2016-O, de 7 de abril de 2016 y MCE-VNIDC-0006-2016-O de 19 de abril de 2016, en las que se informó de las dificultades que conlleva para el Ecuador la imposibilidad de que materia prima proveniente de Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panamá y Perú destinada a la producción de lomo y conservas de atún que se exporta a la Unión Europea pueda beneficiarse de acumulación regional de origen, me permito señalar lo siguiente:

1. Situación en 2014 y 2015

Entre 2014 y 2015, gran parte de las exportaciones de lomos y conservas de atún a la Unión Europea correspondía a pesca realizada por barcos provenientes de países de Centroamérica y de la Comunidad Andina, particularmente Panamá y El Salvador (ver tabla 1).

Tabla 1

Importaciones de materia prima: Lomos y Conservas de Atún			
Años	Origen	CIF	TM
2014	Panamá	37.984.371,70	24.985,99
	Salvador	1.747.245,68	1.365,01
	TOTAL 2014	39.731.617,38	26.351,00
2015	Panamá	23.009.007,12	21.610,43
	El Salvador	883.653,92	1.308,54
	TOTAL 2015	23.892.661,04	22.918,97

Fuente: Servicio Nacional de Aduana de Ecuador ("SENAE")



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Comercio Exterior

De las 22.918,97 toneladas de materia prima que Ecuador importó en el 2015, el 95,4% es decir, 21.862,67 toneladas, fueron procesadas en lomos y conservas de atún, para luego ser exportadas hacia la UE, beneficiándose de la acumulación regional de reglas de origen en 2015. Estas exportaciones a la UE en 2015 contabilizaron un total de USD 115.075.398,53, según datos de la Subsecretaría de Recursos Pesqueros del Ministerio de Agricultura, Ganadería, Acuacultura y Pesca. Es decir, 30% del valor de las exportaciones de lomo y conservas de atún del Ecuador a la UE en 2015 utilizaron materia prima proveniente del cúmulo regional.

Consecuentemente, el impacto directo arancelario de las exportaciones provenientes de materia prima bajo la acumulación de origen en el año 2015 ascendió a USD 27.618.095,64.

2. Situación en 2016

En el primer trimestre del 2016, las exportaciones de lomos de atún y conservas a la UE ascendieron a 54.643,86 toneladas por un valor de USD 195.499.860 como se detalla en la Tabla 2.

Tabla 2

	2016 USD	2016 TM
Enero	59.517.950	16.629,93
Febrero	63.997.670	17.983,38
Marzo	71.984,240	20.030,56
TOTAL	195.499.860	54.643,86

Fuente: Servicio Nacional de Aduana de Ecuador ("SENAE")

Según datos de la Subsecretaría de Recursos Pesqueros, en el primer trimestre del 2016, la materia prima importada bajo la acumulación regional y utilizada para las exportaciones de lomo y conservas de atún a la UE ascendió a 3.529,32 toneladas, por un valor de USD 17.784.703,22.

Por ello, el coste adicional directo para los exportadores ecuatorianos en caso de pérdida de la acumulación de origen durante el primer trimestre del 2016 sería aproximadamente USD 4.300.000.



República del Ecuador

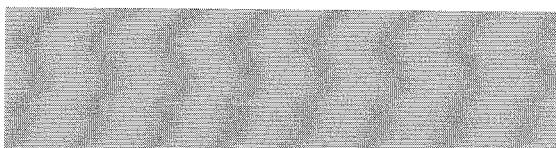


Ministerio de
Comercio Exterior

Sobre la base de los antecedentes expuestos, me permito solicitar que se adopten las medidas necesarias a fin de que se reestablezcan las condiciones de acceso y origen vigentes hasta el año pasado para las exportaciones de atún provenientes del Ecuador, que hacían parte del acervo del SGP, y que deberán igualmente regir a partir del momento de la entrada en vigor del acuerdo Multipartes con la Unión Europea.

Aprovecho la ocasión para reiterarle los sentimientos de mi más y distinguida consideración.

Atentamente,



Humberto Jiménez Torres
VICEMINISTRO DE NEGOCIACIONES,
INTEGRACIÓN Y DEFENSA COMERCIAL

6,

From: KONIG Helena (TRADE)
Sent: 06 April 2016 18:24
To: [REDACTED]
Cc: [REDACTED] (TRADE); [REDACTED] (TRADE); [REDACTED] (TRADE); [REDACTED] (TRADE)
Subject: RE: EU - Mexico FTA - Special Rules of Origin Matter

Dear [REDACTED],

Thank you for your e-mail and as you have been informed we, and I personally, are involved in trying to find a solution, which is acceptable for both sides, to this issue. However, as discussions are still on-going on this there is nothing new I can tell you at present, why I suggest that we could speak on this issue at the end of this month when I may have more clarity.

In the meantime, let me assure you that I have been fully informed about the importance of this issue for Celanese

Helena König
Director
Trade relations with Asia and Latin America



European Commission
DG TRADE
Directorate C

CHAR 08/234
B-1049 Brussels/Belgium
+32 2 296 02 05

Helena.Koenig@ec.europa.eu

From: [REDACTED] [mailto:[REDACTED]@whitecase.com]
Sent: Tuesday, April 05, 2016 8:13 PM
To: KONIG Helena (TRADE)
Cc: [REDACTED] (TRADE); [REDACTED] (TRADE); [REDACTED] (TRADE); [REDACTED] (TRADE); [REDACTED] (TRADE)
Subject: RE: EU - Mexico FTA - Special Rules of Origin Matter

Dear Ms. König,

You may recall that we were in touch some months ago (see below) to raise an urgent matter for our client Celanese. This was regarding the extension of the ROO for certain chemical products under the EU-Mexico Free Trade Agreement (FTA), on which we had previously been in touch with Mauro Petriccione. We had in February a useful and much appreciated meeting with [REDACTED] and [REDACTED], but there was little that they could discuss at that stage. The situation remains time critical for Celanese, and there is high level concern in the company as regards what is happening now, and what this will mean for it financially.

We understand that you are dealing with this issue personally. We would very much like to arrange a brief telephone call with you to discuss the current status. Celanese is always ready to provide further information which could be valuable for you in your discussions. We fully appreciate that discussions may still be ongoing with Mexico, but would very much appreciate being able to talk with you, as you are in the best position to let us know realistically the position as regards the implementation of the agreement in principle, and what might be done to advance the matter..

Your assistant emphasised how busy you are, but said that you may be able to speak to us on Thursday 7 April - and we would very much welcome such an opportunity, however brief. If you are available in the afternoon, I and my colleague [REDACTED] would both be able to speak. However, if you are only available in your morning, [REDACTED] is ready to speak with you alone, and as a very full picture of the issues. Perhaps you can let us know what time works best for you and we will call you then?

Thank you very much for your time – we do appreciate that you have a very busy schedule, but would very much value a short call with you this week.

Best regards,

[REDACTED] | Partner
T +32 [REDACTED] M +32 [REDACTED] E [REDACTED]@whitecase.com
White & Case LLP | Wetstraat 62 rue de la Loi | 1040 Brussels

From: [REDACTED]
Sent: 19 February 2016 10:03
To: Helena.koenig@ec.europa.eu; [REDACTED]@ec.europa.eu
Cc: [REDACTED]@ec.europa.eu; [REDACTED]@ec.europa.eu; [REDACTED]
Subject: EU - Mexico FTA - Special Rules of Origin Matter

Dear Ms. Konig,
Dear [REDACTED],

Earlier today, we sent the message below to Mr. Petriccione and yourselves, but there was a small typo in the email addresses we used, so we are resending this to you to ensure you also have our message. We are also copying [REDACTED] and [REDACTED] this time round (for practical follow-up). We will aim to speak to Mr. Petriccione later today.

Best regards,

[REDACTED]

From: [REDACTED]
Sent: 19 February 2016 13:22
To: mauro.petriccione@ec.europa.eu
Cc: [REDACTED]@ec.europa.eu; helena.koenig@ec.europa.eu; [REDACTED]@ec.europa.eu;

Subject: urgent - EU-Mexican FTA Special Rules of Origin Matter

Dear Mauro

You may recall that a number of years ago you were instrumental in achieving the final adoption of the decision renewing a special rule of origin for chemicals under the EU- Mexico FTA. We understand that the EU and Mexico recently agreed to make the existing special rule permanent, with retroactive effect to July 1, 2014, and at the same time, Mexico has agreed to extend the FTA to San Marino and Andorra.

We represent Celanese Corporation which relies on this rule to import Mexican product into the EU for direct sales to EU customers and further processing in its EU operations.

We understand that DG TAXUD and DG Trade are currently working on the implementation of this agreement, and there is some question as to the timing of its final adoption. This matter is time critical for Celanese, and a top priority for its senior management. The issue has been under discussion for two years, and now that agreement in principle has been reached, Celanese is urgently hoping for its swift adoption. Celanese will then be able to seek refunds of the almost two years of duties, amounting to millions of Euros, which have been paid. This rule is key for the sustainability of the Mexican Celanese plant.

As you are no doubt aware, there is a small window in Mexico for the package to be put to Congress in April. The next window is apparently not until September (because of internal Mexican congressional rules) – which might push publication of this agreement, giving Celanese the legal basis to seek refunds, back into 2017. We are not sure whether Mexico or the EU is drafting the relevant texts, and it is unclear to us currently what is the precise EU procedure which will apply to adoption.

Celanese senior management would very much appreciate meeting with you directly to discuss what is a meaningful prediction for the adoption of this package, as once again, the company must make provisions in its accounts for this situation, with the concomitant impact that has. Celanese's European General Counsel is ready to come to Brussels to discuss this with you in person as soon as possible. Celanese has requested an opportunity to meet with you next week if that would be possible, reflecting the key importance of this matter to the company and the proximity of the window for adoption of the agreement in Mexico.

We understand how busy you are, and we will call you shortly to follow up. We very much appreciate your attention to this matter.

Best regards

| Partner
T +32 M +32 E @whitecase.com

White & Case LLP | Wetstraat 62 rue de la Loi | 1040 Brussels

WHITE & CASE

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