

Observación:

Ante la conclusión de las negociaciones sobre el Acuerdo de Asociación entre Mercosur y la Unión Europea, el 6 de diciembre de 2024, el Ministerio de Relaciones Exteriores del Uruguay decidió publicar los textos negociados en 2023 y 2024, con el fin de garantizar la transparencia en la gestión pública.

Cabe señalar que estos textos se publican únicamente con fines informativos y podrán sufrir modificaciones adicionales como resultado del proceso de revisión legal al que estarán sujetos, sin perjuicio de los compromisos asumidos.

Los textos definitivos se publicarán tras la firma del Acuerdo.

El Acuerdo será vinculante para las Partes, de conformidad con el derecho internacional, sólo después de la finalización de los procedimientos legales internos necesarios para su entrada en vigor.

ARTICLE XX

Climate change

1. The Parties recognise that the global threat of climate change calls for the widest possible cooperation of all countries to reduce global greenhouse gas emissions and to adapt to the adverse effects of climate change in a manner that does not threaten food production, with developed countries continuing to take the lead. The Parties reiterate their commitment to the implementation of the Paris Agreement adopted under the UN Framework Convention on Climate Change (UNFCCC), reflecting equity and the principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances.

2. The Parties shall cooperate, as appropriate, on trade-related climate change issues bilaterally, regionally and in relevant international fora. In this context, recognizing the role of trade in contributing to the response to the urgent threat of climate change, each Party shall remain a party, in good faith, of the UNFCCC and its Paris Agreement¹.

3. The Parties agree that the second sentence of paragraph 2 constitutes an essential element of this Agreement.

4. Nothing in this Article prejudices to the rights of a Party to have recourse to dispute settlement procedures available under any other international agreement to which the Parties are party, including the WTO Agreement.

[...]

ARTICLE XY

Fulfilment of obligations

1. Based on the principles of mutual respect, equal partnership and respect for international law, each Party shall take any general or specific measures required to fulfil their obligations under this Agreement.

¹ The international instruments herein referred to do not include amendments thereto or their successor agreements, nor decisions, interpretations or any acts adopted by the bodies governing such instruments, unless the Parties agree otherwise.

2. If either Party considers that the other Party has failed to fulfil any of the obligations under Part X (Trade) of this Agreement, the specific mechanisms provided for in that Part of the Agreement shall apply.

3. If either Party considers, on the basis of the factual situation, that the other Party has committed a violation of the obligations that are described as essential elements in Article YY [*Respect for democratic principles, human rights and fundamental freedoms*] and Article ZZ [*Weapons of mass destruction Article, second paragraph*] and XX [*Paris*], it may take appropriate measures.

It shall immediately notify the other Party of this fact and of the measures taken. A Party may request to hold urgent consultations on the matter with a view to seeking a mutually agreed solution. The Parties concerned shall endeavour to hold consultations before the appropriate measures are taken. The notifying Party adopting the measures shall submit all relevant information required for a thorough examination of the situation.

For the purpose of this paragraph, ‘appropriate measures’ may include the suspension, in part or in full, of this Agreement. Suspension of this Agreement is a measure of last resort and can be imposed only in the event of particularly serious and substantial violations of the essential elements set out in Article YY, Article ZZ and XX. In such an event, the Parties shall be released from the obligation to perform this Agreement, in full or in part, in their mutual relations during the period of the suspension. Such suspension shall apply for the minimum period necessary to resolve the issue in a manner acceptable to the Parties.

4. If either Party considers, on the basis of the factual situation, that the other Party has failed to fulfil any obligation in this Agreement, save those falling within the scope of paragraphs 2 and 3, it shall notify the other Party. The Parties shall intensify their efforts to consult and cooperate in order to resolve the issues in a timely and amicable manner and shall hold consultations under the auspices of the [XX Council] with a view to reaching a mutually acceptable solution. The [XX Council] may ask the [XX Committee] to convene within 15 days to hold urgent consultations. Each Party shall provide the relevant information required for a thorough examination. Where the [XX Council] is unable to reach a mutually acceptable solution within 90 days of the date of notification, the notifying Party may take appropriate measures. For the purpose of this paragraph, ‘appropriate measures’ may include the suspension only of Parts X, X and X of this Agreement. In such an event, the notifying and the notified Party shall be released from the obligation to perform the suspended parts of this Agreement in their mutual relations during the period of the suspension.

5. ‘Appropriate measures’, as referred to in paragraphs 3 and 4 shall be taken in full respect of international law and shall be proportionate to the failure to fulfil the obligations under this Agreement. Priority must be given to those appropriate measures which least disturb the functioning of this Agreement.

6. The suspension of the operation of any part of this Agreement in relation to a signatory MERCOSUR State shall not entail the suspension of the operation of this Agreement in relation to the other signatory MERCOSUR States, save where the full suspension of this Agreement pursuant to paragraph 3 is appropriate to redress a breach the essential elements set out in Article YY and Article ZZ. When determining whether to suspend this Agreement in full, the EU Party shall take in to account any measures taken by MERCOSUR against the signatory Mercosur State that has committed the breach.

7. The suspension of this Agreement in the event of a violation of the essential element set out in Article XX [Paris] committed by a Signatory MERCOSUR State shall not entail the suspension of the operation of this Agreement in relation to the other Signatory MERCOSUR States.