



EUROPEAN COMMISSION

Brussels, 13.8.2012
COM(2012) 455 final

2012/0220 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, of an accession Protocol to the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, on the other part

EXPLANATORY MEMORANDUM

The Political Dialogue and Cooperation Agreement (PDCA) between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, on the other part, was signed on 15 December 2003. The Agreement has now been ratified by all parties.

Under the terms of Article 6(2) of the Act of Accession of new Member States to the EU, the accession of the new EU Member States to the PDCA is to be agreed by means of a protocol to this Agreement. The same article provides for a simplified procedure, whereby the protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third country concerned.

The 10 new Member States that joined the EU in 2004 — the Czech Republic, the Republic of Estonia, the Republic of Cyprus, Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic — and the Republic of Bulgaria and Romania that joined in 2007, are to accede to the PDCA by means of a protocol to the Agreement.

A Council Decision on 17 November 2009 authorised the Commission to open negotiations with the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, in order to conclude the relevant protocol.

The text of the protocol negotiated with the Central American partners is attached. The most important provision of the protocol concerns the accession of the new Member States to the PDCA and provides for authentic versions of the Agreement in the new official languages of the EU.

The attached proposals are for (1) a Council Decision on the signature and provisional application of the Protocol and (2) a Council Decision on the conclusion of the Protocol.

The Council is requested to adopt the proposed Council Decisions for the signing and conclusion of the Protocol.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article(s) 212(3), in conjunction with Article 218(5) thereof,

Having regard to the Treaty of Accession of 16 April 2003, and in particular Article 2(3) thereof,

Having regard to the Act of Accession annexed to the Treaty of Accession, and in particular Article 6 (2) thereof,

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act annexed to the Treaty of Accession of Bulgaria and Romania to the European Union, and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 17 November 2009 the Council authorised the Commission to open negotiations with the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama for the signature of an accession protocol to the Political Dialogue and Cooperation Agreement. The negotiations were successfully concluded by the initialling of the Agreement.
- (2) Under the terms of Article 6(2) of the Act of Accession of new Member States to the EU, the accession of the new EU Member States to the PDCA is to be agreed by means of a protocol to this Agreement. The same article provides for a simplified procedure, whereby the protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.
- (3) Article X of the Protocol negotiated with the Central American partners provides for the provisional application of the Protocol before its entry into force.
- (4) Therefore, subject to its conclusion at a later date, the Protocol should be signed on behalf of the Union and its Member States and applied provisionally,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the accession Protocol to the Political Dialogue and Cooperation Agreement with the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement.

The text of the Agreement to be signed is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Union and its Member States, the Protocol to the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, on the other part.

Article 3

Pending its entry into force, the Protocol shall be applied on a provisional basis from the date of the entry into force of the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, on the other part.

Article 4

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

PROTOCOL

to the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, to take account of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia, and the Slovak Republic to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,
ROMANIA,
THE REPUBLIC OF SLOVENIA,
THE SLOVAK REPUBLIC,
THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
and
THE EUROPEAN UNION,
of the one part, and

THE REPUBLIC OF COSTA RICA,
THE REPUBLIC OF EL SALVADOR,
THE REPUBLIC OF GUATEMALA,
THE REPUBLIC OF HONDURAS,
THE REPUBLIC OF NICARAGUA,
THE REPUBLIC OF PANAMA,

of the other part,

WHEREAS the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, hereinafter referred to as “the Agreement”, was signed in Rome on 15 December 2003;

WHEREAS the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as “Treaty of Accession”) was signed in Athens on 16 April 2003;

WHEREAS, pursuant to Article 6(2) of the Act of Accession the incorporation of these Member States to the Agreement shall be formalised by the conclusion of a protocol to the Agreement;

WHEREAS the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (hereinafter referred to as “the second Treaty of Accession”) was signed in Luxembourg on 25 April 2005;

WHEREAS, pursuant to the second Treaty of Accession and in particular Article 6(2) of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania, the incorporation of the New Member States to the Agreement is to be formalised by the conclusion of a Protocol to the Agreement;

WHEREAS Article 53 of the Agreement states: “For the purposes of this Agreement, “the Parties” shall mean the Community, its Member States or the Community and its Member States, within their respective areas of competence, as derived from the Treaty establishing the European Community, on the one hand, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, on the other, in accordance with their respective spheres of competence. The Agreement shall also apply to measures taken by any State, regional or local authorities within the territories of the Parties.”;

WHEREAS Article 59 of the Agreement states: “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 Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama”;

WHEREAS Article 60 of the Agreement states: “This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic”;

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria, Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia, and the Slovak Republic are hereby incorporated as Parties to the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part.

Article 2

Within six months of the initialling of this Protocol the European Union shall communicate to its Member States and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, the Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovenian language versions of the Agreement. Subject to the entry into force of this Protocol the new language versions shall become authentic under the same conditions as the versions drawn up in the present languages of the Agreement.

Article 3

This Protocol shall form an integral part of the Political Dialogue and Cooperation Agreement.

Article 4

This Protocol is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Rumanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

Article 5

1. This Protocol shall be approved by the European Union and its Member States, and by the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, in accordance with their own procedures.
2. This Protocol shall enter into force on the first day of the month following the date on which all the Parties have notified each other of the completion of the procedures necessary for this purpose.

Done at Brussels,

For the Council

The President