

EU/Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama agreement: political dialogue and cooperation agreement, with the exception of Article 49(3) thereof

2012/0219A(NLE) - 16/09/2013 - Legislative proposal

PURPOSE: to conclude the Political Dialogue and Cooperation Agreement with the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the [EU-Central America Political Dialogue and Cooperation Agreement](#) (PDCA) was signed on 15 December 2003 in Rome, subject to its conclusion at a later date.

All Contracting Parties to the Agreement, including all the Member States of the Union at the time of the signing of the Agreement, have by now deposited their instruments of ratification, with the exception of the Union.

Article 49(3) of the Agreement sets out the obligations for the Contracting Parties on readmission of illegal migrants. As a consequence, that provision falls within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union (TFEU), and in particular Article 79(3) thereof, as well as Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice and Protocol (No 22) on the position of Denmark, both annexed to the Treaty on European Union and to the TFEU, apply.

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

The Agreement should now be approved with the exception of Article 49(3) thereof. **A separate decision on the conclusion of Article 49(3) of the Agreement, will be adopted in parallel to this Decision.**

LEGAL BASIS: Article 209(2), in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal calls on the Council to conclude, on behalf of the European Union, the Agreement negotiated in 2003, between the European Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama on strengthening political dialogue and cooperation.

The draft Agreement is fully consistent with its [2003 version](#).

Its main aim is to institutionalise and strengthen the San Jose Dialogue process.

Respect for democratic principles and fundamental human rights as well as for the principle of the rule of law, underpins the internal and international policies of the Parties and constitutes an essential element of this Agreement.

The Agreement **does not contain a trade component.**

For further details of this Agreement, please refer to the summary of the *Commission's initial legislative proposal dated 13/08/2012.*

N.B. : the draft Decision comprises a specific mention as regards the provisions of the Agreement that fall within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Union, unless the European Union together with the United Kingdom and/or Ireland have notified the Central American Party that the United Kingdom and/or Ireland are/is bound as part of the European Union in accordance with the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union. If the United Kingdom and/or Ireland ceases to be bound as part of the European Union in accordance with Article 4a of Protocol No 21, the European Union together with the United Kingdom and/or Ireland shall immediately inform the Central American Party of any change in their position in which case they shall remain bound by the provisions of the Agreement in their own right. The same applies to Denmark in accordance with the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.