

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

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

**PURPOSE:** to conclude 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, as regards Article 49(3) thereto.

**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 American Political Dialogue and Cooperation Agreement](#) was signed on 15 December 2003, 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.

It is for this reason that it was necessary to provide a distinct and parallel decision to approve the Agreement as regards Article 49(3) thereof.

A [separate decision on the conclusion of the Agreement](#) with the exception of Article 49(3) thereof, will be **adopted in parallel** to this Decision.

It is now necessary to approve the draft Agreement as regards Article 49(3) thereof.

**LEGAL BASIS:** Article 79(3), in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** this proposal aims to call on the Council to conclude, on behalf of the European Union, 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, as regards **Article 49(3) thereof**.

For further details of the main elements of this Agreement with the exception of Article 49(3), please refer to the [parallel legislative proposal](#) aiming to approve the political dialogue Agreement.

N.B.: the draft Decision includes a specific notification concerning the provisions of the Agreement that fall within the scope of Title V of Part Three of the TFEU. This notification clarifies that the United Kingdom and Ireland should be considered 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 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 cease 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.