Council of the European Union

Brussels, 13 February 2020
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2020/0024 (NLE)

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	13 February 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 52 final
Subject:	Proposal for a Council Decision on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, to take account of the accession of the Republic of Croatia to the European Union

Delegations will find attached document COM(2020) 52 final.

Encl.: COM(2020) 52 final

EUROPEAN
COMMISSION

Brussels, 13.2.2020
COM(2020) 52 final

2020/0024 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, to take account of the accession of the Republic of Croatia to the European Union

EXPLANATORY MEMORANDUM

The Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (the "Association Agreement") was signed on 29 June 2012 and it has not yet fully entered into force, pending the ratifications of some Member States.

The trade pillar of the Association Agreement has been provisionally applied since 1 August 2013 with Honduras, Nicaragua and Panama, since 1 October 2013 with Costa Rica and El Salvador, and since 1 December 2013 with Guatemala.

Under Article 6(2) of the Act of Accession of the Republic of Croatia, Croatia undertook to accede to the existing agreements concluded or signed by the Member States and the European Union with third countries. Unless otherwise provided for in specific agreements, Croatia accedes to these existing agreements by means of protocols that the Council, acting unanimously on behalf of the Member States, concludes with the third countries concerned.

On 14 September 2012[1], the Council authorised the Commission to open negotiations with the third countries concerned with a view to concluding the relevant protocols. The negotiations with Central America started in May 2014 and were successfully concluded in June 2018. In particular, in respect of bananas imported from Central America, the Parties agreed to amend the trigger import volumes in the stabilisation clause above which the EU may suspend preferential tariff treatment. The preferential customs duty has remained unchanged. The Commission considers the outcome of the negotiations satisfactory.

The text of the Protocol to the Association Agreement ("Protocol") taking account of the accession of Croatia to the European Union was finalized by both sides on 27 June 2019 within the framework of the Association Committee meeting.

The Commission recommends that the Council adopt the attached Council Decision on the conclusion of a Protocol on behalf of the European Union and its Member States. The proposed Protocol incorporates the Republic of Croatia as a party to the Association Agreement with Central America. The text of the Association Agreement and the Protocol in the Croatian language will become authentic under the same conditions as other language versions of the Agreement.

[1] Council Decision authorising the opening of negotiations for the adaptation of agreements signed or concluded between the European Union, or the European Union and its Member States, with one or more third countries or international organisations, in view of the accession of the Republic of Croatia to the European Union (Council document 13351/12 LIMITED).

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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 217 in conjunction with Article 218(6)(a) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) In accordance with Council Decision (EU) [number of Decision] of [date][2], a Protocol to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, to take account of the accession of the Republic of Croatia to the European Union ('the Protocol') was signed, subject to its conclusion.

(2) The Protocol should be approved on behalf of the Union and its Member States.

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, to take account of the accession of the Republic of Croatia to the European Union is hereby approved on behalf of the Union and its Member States.

[2] OJ L […], […], p. […].

Article 2

The President of the Council shall designate the person(s) empowered to to proceed, on behalf of the European Union, to the notification provided for in Article 12(2) of the Protocol, in order to express the consent of the European Union to be bound by the Protocol.

Article 3

This Decision shall enter into force on the first day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President