



Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the EU-Central America Association Council regarding modifications to Appendix 2 and Appendix 2A to Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other

COUNCIL DECISION (EU) 2023/...

of ...

**on the position to be taken on behalf of the European Union
within the EU-Central America Association Council
regarding modifications to Appendix 2 and Appendix 2A to Annex II to the Agreement
establishing an Association between the European Union and
its Member States, on the one hand,
and Central America on the other**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other ('the Agreement') was signed on behalf of the Union by virtue of Council Decision 2012/734/EU¹. Pursuant to Article 353, paragraph 4 of the Agreement, Part IV of the Agreement has been provisionally applied since 1 August 2013 between the Union, Nicaragua, Honduras and Panama, since 1 October 2013 between the Union and El Salvador and Costa Rica, and since 1 December 2013 between the Union and Guatemala.
- (2) Pursuant to Article 345, paragraph 2(a)(iv) of the Agreement and to Article 36 of Annex II to the Agreement, which concerns the definition of the concept of 'originating products' and methods of administrative cooperation, the EU-Central America Association Council ('the Association Council') established by Article 4 of the Agreement may decide to modify the Appendices to Annex II to the Agreement.

¹ Council Decision 2012/734/EU of 25 June 2012 on the signing, on behalf of the European Union, of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, and the provisional application of Part IV thereof concerning trade matters (OJ L 346, 15.12.2012, p. 1).

- (3) The Association Council is to adopt a Decision amending Appendix 2 (List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status) and Appendix 2A (Addendum to the list of working and processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status) to Annex II to the Agreement, which are based on the Harmonized System ('HS') 2017, to align the product-specific rules of origin with the updated HS as applicable from 2022. Such alignment includes the changes introduced by the HS 2022 to the product-specific rules of origin of Appendix 2 and to Note 4, paragraph 1(c) and (d) concerning the products of Chapters 61 and 62 of Appendix 2A. For reasons of clarity, taking in account the number of amendments that need to be made to Appendix 2, that Appendix should be replaced in its entirety. In Appendix 2A to Annex II, only Note 4 should be replaced.
- (4) It is appropriate to establish the position to be taken on the Union's behalf within the Association Council concerning the Decision of the Association Council, as that Decision will have legal effect in the Union.
- (5) The position of the Union within the Association Council should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the EU-Central America Association Council shall be based on the draft Decision attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Council

The President
