

# **Agreement Establishing an Association between the United Kingdom of Great Britain and Northern Ireland and Central America**

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ("the United Kingdom") on the one hand, 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,

("Central America") on the other,

(hereinafter referred to as "the Parties");

RECOGNISING that the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other, done at Tegucigalpa on 29 June 2012 ("the EU-Central America Agreement") will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union, or at the end of any transitional arrangement during which the rights and obligations under the EU-Central America Agreement continue to apply to the United Kingdom;

RECOGNISING that the EU-Central America Agreement has been applied pursuant to paragraph 4 of Article 353 of that Agreement between the European Union and its Member States, and Honduras, Nicaragua and Panama since 1 August 2013, between the European Union and its Member States, and Costa Rica and El Salvador since 1 October 2013 and between the European Union and its Member States, and Guatemala since 1 December 2013;

DESIRING that the rights and obligations between the Parties as provided for by the EU-Central America Agreement should continue;

HAVE AGREED AS FOLLOWS:

## **Article 1. Objectives**

1. The overriding objective of this Agreement is to preserve the links between the Parties established in the association created in Article 2 of the EU-Central America Agreement.
2. In particular, the Parties agree to preserve the preferential conditions relating to trade between the Parties set out in the EU-Central America Agreement and to provide a platform for further trade liberalisation between the Parties.
3. For the avoidance of doubt, it is confirmed that the Parties affirm the objectives in Articles 2, 24 and 78 of the EU-Central America Agreement (as modified by this instrument).

## **Article 2. Definitions and Interpretation**

1. Throughout this instrument:

the "Incorporated Agreement" means the EU-Central America Agreement as incorporated into this Agreement (and related expressions are to be read accordingly);

an "incorporated Article" means an Article of the Incorporated Agreement, as modified and incorporated into this Agreement (and related expressions are to be read accordingly); and

"mutatis mutandis" means with the technical changes necessary to apply the EU- Central America Agreement as if it had been concluded between the United Kingdom and Central America, taking into account the object and purpose of this Agreement.

2. Throughout the Incorporated Agreement and this instrument "this Agreement" means the entire Agreement, including anything incorporated by Article 3.

3. References to financial assistance in the Incorporated Agreement cover a range of forms of such assistance and means by which it may be provided, including assistance provided through multilateral and regional organisations.

### **Article 3. Incorporation of the EU-Central America Agreement**

The provisions of the EU-Central America Agreement at the time of signature of this Agreement (whether or not the provisions are in force) are incorporated by reference into, and made part of, this Agreement, mutatis mutandis, subject to the provisions of this instrument.

### **Article 4. References to European Union Law**

1. Except as otherwise provided, references in this Agreement to European Union law are to be read as references to that European Union law in force as incorporated or implemented in United Kingdom law as retained European Union law on the day after the United Kingdom ceases to be bound by the relevant European Union law.

2. In this Article "United Kingdom law" includes the law of the territories for whose international relations the United Kingdom is responsible to whom this Agreement applies, as set out in Article 6.

### **Article 5. References to the Euro**

Notwithstanding Article 3, references to the euro (including "EUR" and "€") in the Incorporated Agreement shall continue to be read as such in this Agreement.

### **Article 6. Territorial Application**

1. In respect of the United Kingdom, this Agreement shall apply to the extent that and under the conditions which the EU-Central America Agreement applied (or would have applied had it fully entered into force) to the United Kingdom and the territories for whose international relations it is responsible.

2. Notwithstanding paragraph 1, and Article 10, this Agreement shall apply to the territories for whose international relations the United Kingdom is responsible, from the date of written notification by the United Kingdom to the Republics of the CA Party that those territories have completed their internal procedures for the entry into force of this Agreement.

3. Notwithstanding paragraphs 1 and 2, this Agreement shall not apply to the Sovereign Base Areas of Akrotiri and Dhekelia in the Republic of Cyprus.

4. In respect of Central America, this Agreement shall apply to the territories of the Republics of the CA Party, in accordance with their respective domestic legislation and international law.

### **Article 7. Continuation of Time Periods**

1. The Parties agree that unless this instrument provides otherwise, at the date of entry into force of this Agreement:

(a) if a period in the EU-Central America Agreement has not yet ended, the remainder of that period shall be incorporated into this Agreement; and

(b) if period in the EU-Central America Agreement has ended, any ongoing right or obligation in the EU-Central America Agreement shall apply between the Parties and that period shall not be incorporated into this Agreement.

2. Notwithstanding paragraph 1, a reference in the Incorporated Agreement to a period relating to a procedure or other administrative matter (such as a review, committee procedure or notification) shall not be affected.

## **Article 8. Further Provision In Relation to the Association Council and Association Committee**

1. Upon entry into force of this Agreement, any decisions adopted by the Association Council or Association Committee established by the EU-Central America Agreement before signature of this Agreement shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted, mutatis mutandis, and subject to the provisions of this instrument, by the Association Council or Association Committee established under incorporated Articles 4 and 7, respectively. (1)

2. Nothing in paragraph 1 prevents the Association Council or the Association Committee making decisions which modify, are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

(1) For greater certainty, the panelists proposed by the European Union in Decision 3/2014 of the Association Council established by the EU-Central America Agreement and the list of national trade and sustainable development experts endorsed in Decision 4/2014 of the Association Council established by the EU Central America Agreement shall not be deemed to have been adopted. At the entry into force of this Agreement, the Association Council shall adopt a decision incorporating the panelists of the United Kingdom and the list of national trade and sustainable development experts.

## **Article 9. Integral Parts of this Agreement**

The Annex and Joint Declarations to this instrument shall form an integral part of this Agreement.

## **Article 10. Entry Into Force**

1. This Agreement shall be approved by the Parties in accordance with their own internal procedures. The Parties shall notify each other of the completion of those procedures, in accordance with paragraph 7.

2. This Agreement shall enter into force between the United Kingdom and each of the Republics of the CA Party from the later of:

(a) the date on which the EU-Central America Agreement ceases to apply to the United Kingdom;(2) or

(b) the date of the later of those Parties' notifications that they have completed their internal procedures.

3. Notwithstanding paragraph 2, this Agreement, or provisions of it, may be applied by the United Kingdom and each of the Republics of the CA Party from the later of:

(a) the date on which the EU-Central America Agreement ceases to apply to the United Kingdom; or

(b) the date of the later of those Parties' notifications that they have completed their internal procedures necessary for this purpose.

4. The United Kingdom and each of the Republics of the CA Party to which this Agreement, or provisions of it, is applied in accordance with paragraph 3 may terminate the application of this Agreement, or provisions of it, by written notification in accordance with paragraph 7. Such termination shall take effect on the first day of the second month following the notification.

5. Where a provision of this Agreement is applied in accordance with paragraph 3, any reference in such provision to the date of entry into force of this Agreement shall be understood to refer to the date from which those Parties agree to apply that provision in accordance with paragraph 3.

6. For the avoidance of doubt, the Parties for which this Agreement has entered into force in accordance with paragraph 2, or is applied pursuant to paragraph 3, may also use materials originating in the Republics of the CA Party for which this Agreement is not in force or applied.

7. Notifications under this Article shall be sent to the Secretaria General del Sistema de la Integración Centroamericana (SG-SICA), who shall be the depository of this Agreement. Certified copies of the notifications shall be lodged with the Government of the United Kingdom of Great Britain and Northern Ireland.

(2) For greater certainty, the Republics of the CA Party will be notified of the date referred to in this paragraph and paragraph (3)(a) either by

the United Kingdom or through other means.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at MANAGUA this eighteenth day of July 2019 in 8 originals, each original in the English and Spanish languages, both texts being equally authoritative. One original shall be deposited with the Depositary.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ROSS DENNY

For the Republic of Costa Rica:

DYALA JIMENEZ FIGUERES

For the Republic of El Salvador:

MARIA LUISA HAYEM

For the Republic of Guatemala:

JULIO DOUGHERTY

For the Republic of Honduras:

ARNALDO CASTILLO

For the Republic of Nicaragua:

ORLANDO SOLORIZANO DELGADILLO

For the Republic of Panama:

RAMON E. RAMIREZ