

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2014 OF THE EU-CENTRAL AMERICA ASSOCIATION COUNCIL of 7 November 2014 adopting its Rules of Procedure and those of the Association Committee [2015/1215]

THE EU-CENTRAL AMERICA ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an Association between the European Union and its Member States, on the one part, and Central America, on the other, ('the Agreement') and in particular Article 4 and Articles 5(2), 7(3) and 8(6) thereof,

Whereas:

- (1) Pursuant to Article 353(4), Part IV of the Agreement concerning trade matters has been applied since 1 August 2013 with Nicaragua, Honduras and Panama, since 1 October 2013 with El Salvador and Costa Rica and since 1 December 2013 with Guatemala.
- (2) In order to contribute to the effective implementation of the Agreement, its institutional framework should be established as soon as possible.
- (3) Save as otherwise specified in the Agreement, it is for the Association Council to supervise the implementation of the Agreement and to establish its own rules of procedure as well as those of the Association Committee and Sub Committees,

HAS ADOPTED THIS DECISION:

Sole Article

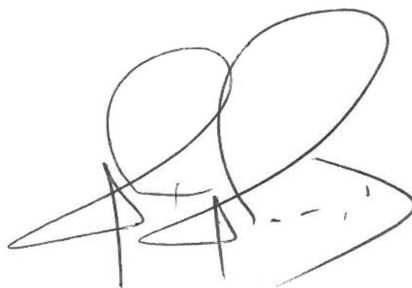
The Rules of Procedure of the Association Council and those of the Association Committee and the Sub-Committees, as set out in Annexes A and B respectively, are hereby adopted.

This Decision shall be adopted through written procedure. It shall enter into force on the date of reception by the Secretariat of this Decision duly signed by all the Parties.

Done at San José, Costa Rica on 7 November 2014.

For the Association Council,

For the CA Party,

A stylized signature consisting of several overlapping loops and a long horizontal stroke at the bottom.

For Costa Rica

A signature with a large, bold 'V' at the top, followed by several loops and a long horizontal stroke at the bottom.

For El Salvador

A signature with a large, bold 'G' at the top, followed by several loops and a long horizontal stroke at the bottom.

Por Guatemala

A signature with a large, bold 'H' at the top, followed by several loops and a long horizontal stroke at the bottom.

For Honduras

A signature with a large, bold 'N' at the top, followed by several loops and a long horizontal stroke at the bottom.

For Nicaragua

A signature with a large, bold 'P' at the top, followed by several loops and a long horizontal stroke at the bottom.

For Panamá

For the EU Party,

A signature with the text 'C. H. A. C.' written in a stylized font.

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ANNEX A

RULES OF PROCEDURE OF THE ASSOCIATION COUNCIL*Article 1***General provisions**

1. The Association Council that is established in accordance with Article 4(1) of the Agreement establishing an Association between the European Union and its Member States, of the one hand, and Central America, of the other ('Agreement') shall perform its duties as provided for in Article 4(2) of the Agreement and take responsibility for general implementation of the Agreement, as well as any other bilateral, multilateral or international question of common interest.
2. As provided for in Articles 5 and 345 of the Agreement, the Association Council shall be composed of representatives of the EU Party and representatives of each of the Republics of the CA Party, at ministerial level as appropriate and taking into consideration the specific issues to be addressed at any given session. Where appropriate and agreed by both parties, the Association Council shall meet at Head of State or Government level.
3. Pursuant to Article 345 of the Agreement, when the Association Council performs exclusively or principally the tasks conferred upon it in Part IV of the Agreement, it shall be composed of representatives of the EU Party and the Ministers of each of the Republics of the CA Party with responsibility for trade-related matters.
4. As provided for in Article 352(3) of the Agreement, the Republics of the CA Party shall act collectively in the decision making within the institutional framework of the Agreement; the adoption of decisions and recommendations shall require their consensus.
5. Reference to the Parties in these Rules of Procedure is in accordance with the definition provided for in Article 352 of the Agreement.

*Article 2***Chairmanship**

The Association Council shall be chaired alternately for periods of 12 months by the High Representative of the Union for Foreign Affairs and Security Policy and a representative at ministerial level of the CA Party. The first period shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. The Association Council shall meet regularly at a period not exceeding 2 years. Special sessions of the Association Council may be held if the Parties so agree, at the request of a Party.
2. Each session of the Association Council shall be held where appropriate and at a date agreed by the Parties.
3. The meetings of the Association Council shall be jointly convened by the Secretaries of the Association Council, in agreement with the Chair of the Association Council.
4. By way of exception, and if the Parties agree, the meetings of the Association Council may be held by technological means, such as video-conference.

*Article 4***Representation**

1. The members of the Association Council may be represented if unable to attend. If a member wishes to be so represented, he or she must notify in writing to the Chair, of the name of his or her representative before the meeting at which he or she is to be so represented.
2. The representative of a member of the Association Council shall exercise all the rights of that member.

*Article 5***Delegations**

1. The members of the Association Council may be accompanied by officials. Before each meeting, the Chairman shall be informed, through the Secretariat, of the intended composition of the delegation of each Party.
2. The Association Council may, by agreement between the Parties, invite non-members to attend its meetings as observers or in order to provide information on particular subjects.

*Article 6***Secretariat**

An official of the General Secretariat of the Council of the European Union and an official of the CA Party shall act jointly as Secretaries of the Association Council.

*Article 7***Correspondence**

1. Correspondence addressed to the Association Council shall be directed to the Secretary of either the EU Party or of the Republics of the CA Party, which in turn will inform the other Secretary.
2. The Secretariat shall ensure that correspondence is forwarded to the Chair and, where appropriate, circulated to the other members of the Association Council.
3. The Secretariat shall send the correspondence to the General Secretariat of the European Commission, the European External Action Service, the Permanent Representations of the Member States and to the General Secretariat of the Council of the European Union, as well as to the Embassies of the Republics of the CA Party established in Brussels, Belgium, with copy, as applicable, to the ministries responsible for foreign affairs or the ministries responsible for trade-related matters.
4. Communications from the Chair of the Association Council shall be sent to the addressees by the Secretariat and circulated, where appropriate, to the other members of the Association Council at the addresses indicated in the third paragraph.

*Article 8***Confidentiality**

1. Unless otherwise decided, the meetings of the Association Council shall not be public.
2. When a Party submits to the Association Council information designated as confidential, the other Party shall treat that information in accordance with the procedure described in Article 336(2) of the Agreement.

3. Each Party may decide on the publication of the decisions and recommendations of the Association Council in its respective official publication.

Article 9

Agendas for the meetings

1. The Chair shall draw up a provisional agenda for each meeting. It shall be dispatched by the Secretaries of the Association Council to the addressees referred to in Article 7 not later than 15 calendar days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda not later than 21 calendar days before the beginning of the meeting, save that such items shall not be written into the provisional agenda the supporting documentation for which has not been forwarded to the Secretaries not later than the date of dispatch of the agenda.

2. The agenda shall be adopted by the Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
3. The Chair may reduce, in consultation with the Parties, the time periods specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 10

Minutes

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) the documentation submitted to the Association Council;
 - (b) statements which a member of the Association Council has asked to be entered; and
 - (c) issues agreed to by the Parties, such as decisions adopted, the statements agreed upon and any conclusions, among others.
3. The draft minutes shall be submitted to the Association Council for approval. They shall be approved within 45 calendar days after each Association Council meeting. Once approved, the minutes shall be signed by the Chair and the two Secretaries. A certified true copy shall be forwarded to each of the addressees referred to in Article 7.

Article 11

Decisions and recommendations

1. The Association Council shall take decisions and make recommendations by mutual agreement between the Parties, which shall be signed by the Republics of the CA Party and the EU Party.
2. The Association Council may also take decisions or make recommendations by written procedure if the Parties so agree. For this purpose, the text of the proposal shall be circulated in writing by the Chair of the Association Council to its members pursuant to Article 7, with a time limit of no less than 21 calendar days within which members must make known any reservations or amendments they wish to make. Once the text is agreed to, the decision or recommendation shall be signed independently and successively by the representatives of the EU Party and each of the Republics of the CA Party.

3. The acts of the Association Council shall be entitled 'Decision' or 'Recommendation' respectively within the meaning of Article 6 of the Agreement. The Secretariat of the Association Council shall give any decision or recommendation a serial number, the date of adoption and a description of their subject-matter. Each decision shall provide for the date of its entry into force and shall be signed by the Republics of the CA Party and the EU Party.
4. The decisions and recommendations of the Association Council shall be authenticated by the two Secretaries.
5. The decisions and recommendations shall be forwarded to each of the addressees referred to in Article 7 of these rules of Procedure.
6. Each Party may decide to order publication of the decisions and recommendations of the Association Council in its respective official publication.

Article 12

Languages

1. The official languages of the Association Council shall be Spanish and another of the authentic languages of the Agreement agreed by the Parties.
2. Unless otherwise decided, the Association Council shall base its deliberations on documentation prepared in those languages.

Article 13

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Association Council, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and translation of documents into or from Spanish and the other official language of the Association Council as referred to in Article 12(1) of these Rules of Procedure shall be borne by the Party hosting the meeting. Interpreting and translation into or from other languages shall be borne directly by the requesting Party.

Article 14

Association Committee

1. In accordance with Article 7 of the Agreement, the Association Council shall be assisted in carrying out its duties by the Association Committee. The Committee shall be composed of representatives of the EU Party, on the one hand, and of representatives of the CA Party, on the other hand, at the level determined by the Agreement.
2. The Association Committee shall prepare the meetings and the deliberations of the Association Council ⁽¹⁾, implement the decisions of the Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit proposals or any draft decisions/recommendations to the Association Council for its approval. In accordance with Article 7(4) of the Agreement, the Association Council may empower the Association Committee to take decisions on its behalf.

⁽¹⁾ Regarding Part IV of the Agreement, this function shall be complied by the Association Committee in close coordination with the Coordinators designated in accordance with Article 347 of the Agreement.

3. In cases where the Agreement refers to an obligation to consult or a possibility of consultation or where the Parties decide by mutual agreement to consult each other, such consultation may take place within the Association Committee, except as otherwise specified in the Agreement. The consultation may continue in the Association Council if the two Parties so agree.

Article 15

Amendment of Rules of Procedure

These Rules of Procedure may be amended in accordance with the provisions of Article 11.

ANNEX B

RULES OF PROCEDURE OF THE ASSOCIATION COMMITTEE AND SUB-COMMITTEES*Article 1***General provisions**

1. The Association Committee that is established in accordance with Article 7 of 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’) shall perform its duties as provided for in the Agreement and take responsibility for the general implementation of the Agreement.
2. As provided for in Article 7(1) and Article 346 of the Agreement, the Association Committee shall be composed of representatives of the EU Party and representatives of each of the Republics of the CA Party, at senior official level, which have competence over the specific issues to be addressed at any given session.
3. Pursuant to Article 346 of the Agreement, when the Association Committee performs the tasks conferred upon it in Part IV of the Agreement, it shall be composed of senior officials of the European Commission and of each of the Republics of the CA Party having responsibility for trade-related matters. A representative of the Party chairing the Association Committee shall act as chairperson.
4. As provided for in Article 352(3) of the Agreement, the Republics of the CA Party shall act collectively in the decision making in the institutional framework of the Agreement; the adoption of decisions and recommendations shall require their consensus.
5. Reference to the Parties in these Rules of Procedure is in accordance with the definition provided for in Article 352 of the Agreement.

*Article 2***Chairmanship**

The EU Party and the CA Party shall hold the Chair of the Association Committee, alternately, for a period of 12 months. The Chair shall be a Member of the Association Committee. The first period shall begin on the date of the first Association Committee meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the Association Committee shall meet regularly, at least once a year. Special sessions of the Association Committee may be held if the Parties so agree, at the request of a Party.
2. Each meeting of the Association Committee shall be convened by the Chair at a date and place agreed by the Parties. The convening notice of the meeting shall be issued by the Secretariat of the Association Committee to the Members no later than 28 calendar days prior to the start of the session, unless the Parties agree otherwise.
3. Whenever it is possible, the regular meeting of the Association Committee shall be convened in due time in advance of the regular meeting of the Association Council.
4. By way of exception and if the Parties agree, the meetings of the Association Committee may be held by any agreed technological means.

*Article 4***Representation**

1. Each Party shall notify to the other Parties the list of its representatives in the Association Committee ('Members') for the different issues to be addressed. The list shall be administered by the Secretariat of the Association Committee.
2. A Member wishing to be represented by an alternate representative for a particular meeting shall notify in writing to the other Parties of the Association Committee of the name of his or her alternate representative before that meeting takes place. The alternate representative of a Member shall exercise all the rights of that Member.

*Article 5***Delegations**

The Members of the Association Committee may be accompanied by other officials. Before each meeting, the Parties shall be informed, through the Secretariat, of the intended composition of the delegations attending the meeting.

*Article 6***Secretariat**

An official of the EU Party and an official of a Republic of the CA Party, who shall rotate in accordance with guidelines established to that effect by the Republics of the CA Party, shall act jointly as Secretaries of the Association Committee.

*Article 7***Correspondence**

1. Correspondence addressed to the Association Committee shall be directed to the Secretary of either the EU Party or of the Republic of the CA Party, which in turn will inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the Association Committee is forwarded to the Chair of the Committee and circulated, where appropriate, as documents referred to in Article 8 of these Rules of Procedure.
3. Correspondence from the Chair of the Association Committee shall be sent to the Parties by the Secretariat and circulated, where appropriate, as documents referred to in Article 8 of these Rules of Procedure.

*Article 8***Documents**

1. Where the deliberations of the Association Committee are based on written supporting documents, such documents shall be numbered and circulated by the Secretariat to the Members.
2. Each Secretary shall be responsible for circulating the documents to the appropriate Members of his or her side in the Association Committee and systematically copying the other Secretary.

*Article 9***Confidentiality**

1. Unless otherwise decided, the meetings of the Association Committee shall not be public.

2. When a Party submits to the Association Committee, Sub-Committees, Working Groups or any other bodies, information designated as confidential, the other Party shall treat that information in accordance with the procedure described in Article 336(2) of the Agreement.
3. Each Party may decide on the publication of the decisions and recommendations of the Association Committee in its respective official publication.

Article 10

Agendas for the Meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Association Committee on the basis of proposals made by the Parties. It shall be forwarded, together with the relevant documents, to the Chair of the Association Committee and its Members no later than 15 calendar days before the beginning of the meeting as documents referred to in Article 8 of these Rules of Procedure.
2. The provisional agenda shall include items in respect of which the Secretariat of the Association Committee has received a request for inclusion in the agenda by a Party, together with the relevant documents, no later than 21 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Association Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chairperson of the session of the Association Committee may, upon agreement, invite observers on an ad-hoc basis to attend its meetings or experts in order to provide information on specific subjects.
5. The Chairperson of the session of the Association Committee may reduce, in consultation with the Parties, the time periods specified in paragraphs 1 and 2 in order to take account of the requirements of a particular case.

Article 11

Minutes

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries, normally within 21 calendar days from the end of the meeting.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) the documentation submitted to the Association Committee;
 - (b) statements which a Member of the Association Committee has asked to be entered; and
 - (c) issues agreed to by the Parties, such as decisions adopted, recommendations made, statements agreed upon and any conclusions on specific items, among others.
3. The minutes shall also include a list of Members or their alternate representatives who took part in the meeting, a list of the Members of the delegations accompanying them and a list of any observers or experts to the meeting.
4. The minutes shall be approved in writing by all Parties within 28 calendar days of the date of the meeting. Once approved, the minutes shall be signed by the Chair and the two Secretaries of the Association Committee. A certified true copy shall be forwarded to each of the Parties.
5. Unless otherwise agreed, the Association Committee shall adopt an action plan reflecting the actions agreed during the meeting and its implementation shall be reviewed in the following meeting.

*Article 12***Decisions and recommendations**

1. In the specific cases where the Agreement confers the power to take decisions or where such power has been delegated to it by the Association Council, the Association Committee shall take decisions and make recommendations by mutual agreement between the Parties, which shall be signed by the Republics of the CA Party and the EU Party during its meetings.
2. The Association Committee may take decisions or make recommendations by written procedure if the Parties so agree. For this purpose, the text of the proposal shall be circulated in writing by the Chair of the Association Committee to its Members pursuant to Article 8, with a time limit of no less than 21 calendar days within which Members must make known any reservations or amendments they wish to make. Once the text is agreed to, the decision or recommendation shall be signed independently and successively by the representatives of the EU Party and each of the Republics of the CA Party.
3. The acts of the Association Committee shall be entitled 'Decision' or 'Recommendation' respectively. The Secretariat of the Association Committee shall give any decision or recommendation a serial number, the date of adoption and a description of their subject-matter. Each decision shall provide for the date of its entry into force and shall be signed by the Republics of the CA Party and the EU Party.

*Article 13***Reports**

The Association Committee shall report to the Association Council on its activities and those of its Sub Committees, Working Groups and other bodies at each regular meeting of the Association Council.

*Article 14***Languages**

1. The official languages of the Association Committee shall be Spanish and another of the authentic languages of the Agreement agreed by the Parties.
2. Unless otherwise decided, the Association Committee shall base its deliberations on documentation prepared in those languages.

*Article 15***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Association Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and translation of documents into or from Spanish and the other official language of the Association Committee as referred to in Article 14(1) of these Rules of Procedure shall be borne by the Party hosting the meeting. Interpreting and translation into or from other languages shall be borne directly by the requesting Party.

*Article 16***Amendment of Rules of Procedure**

These Rules of Procedure may be amended in accordance with the provisions of Article 12.

*Article 17***Sub-Committees and specialised Working Groups**

1. In accordance with Article 8(2) of the Agreement, the Association Committee may decide to create Sub-Committees or specialised Working Groups other than provided for in the Agreement to assist it in the performance of its duties. The Association Committee may decide to abolish any such Sub-Committee or Working Group, define or amend their terms of reference. Unless otherwise decided, these sub-committees shall work under the authority of the Association Committee, to which they shall report after each of their meetings.

2. Unless otherwise provided for by the Agreement or agreed in the Association Council, the present rules of procedures shall be applied *mutatis mutandis* to any Sub-Committee, Board or specialised Working Group, with the following adaptations:

- (a) each Party shall notify in writing to the other Parties the list of its participants in these bodies and their respective functions. The Secretariat of the Association Committee shall administer these lists;
 - (b) all relevant correspondences, documents and communications between the contact points shall also be forwarded to the Secretariat of the Association Committee simultaneously;
 - (c) unless otherwise provided for in the Agreement or agreed by the Parties, the Sub-Committees, Boards or Working Groups shall only have the power to make recommendations.
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