



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 27 March 2014**

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**Interinstitutional File:  
2012/0219 (NLE)**

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**7955/14  
ADD 1**

**COLAC 11  
PESC 288  
PVD 3**

**ADDENDUM TO “I/A” ITEM NOTE**

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from: Working Group on Latin America and the Caribbean  
to: Permanent Representatives Committee / Council

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No. prev. doc.: 13744/13 COLAC 8 PESC 1102 PVD 1 + ADD 1

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Subject:

- Council Decision on the conclusion on behalf of the European Union of 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, with the exception of Article 49(3) thereof
- Council Decision on the conclusion on behalf of the European Union of 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
- Formal adoption

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**Statement by Austria**

“Austria holds the view that Council decisions in accordance with Article 218 TFEU always concern an agreement in its entirety. A splitting into several decisions which refer to individual articles of an agreement is legally not viable.”

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## **Statement by the Czech Republic**

"The Czech Republic holds the view that Council decisions adopted in accordance with Article 218 TFEU throughout the process of concluding the so-called mixed agreements should relate to individual agreements in their entirety. A splitting into two decisions, each of them referring to different articles of an agreement, does not seem to be necessary and could lead to cumbersome procedures.

The Czech Republic notes that the established practice has been to conclude only one Council decision relating to an agreement as a whole. With respect to the Case C-377/12 European Commission against Council of the European Union, pending before the Court of Justice of the European Union, we consider the modification of this practice as premature".

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## **Declaration by the Commission**

"The Commission disagrees with the addition of Article 79(3) of the TFEU as legal basis for the conclusion of the PDCA with the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama and the signature of a Protocol to that agreement, as well as the consequent splitting of the Council Decisions. The Commission considers that there are no concrete obligations in the agreement going beyond development cooperation. The Commission therefore considers that Article 209(2) TFEU constitutes a sufficient substantive legal basis for the Union to conclude the agreement and sign the Protocol.

A similar issue is already pending before the Court of Justice with relation to the PCA with the Philippines (Case 377/12 Commission v Council)."

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