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Treaty Series No. 63 (2024)

Agreement

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

Managua, 18 July 2019

[The Agreement entered into force 31 December 2020]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of His Majesty
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**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 a 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

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.

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.

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.

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.

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 Secretaría 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.

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:

DYALÁ 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 SOLÓRZANO DELGADILLO

For the Republic of Panama:

RAMÓN E. RAMIREZ

ANNEX

The EU-Central America Agreement shall be incorporated into this Agreement with the following modifications:

1. MODIFICATIONS TO THE PREAMBLE

- (a) The paragraph starting with the words “HIGHLIGHTING the need to build upon” shall not be incorporated into this Agreement.
- (b) The paragraph starting with the words “BEARING IN MIND the strategic partnership developed” shall not be incorporated into this Agreement.

2. MODIFICATIONS TO PART I, TITLE I NATURE AND SCOPE OF THIS AGREEMENT

In Article 2(e) immediately after the words “regional integration” insert “in Central America”.

3. MODIFICATIONS TO PART I, TITLE II INSTITUTIONAL FRAMEWORK

- (a) In Article 4(1) replace the word “two” with “four.”
- (b) In Article 9(1) the words “is hereby established” shall be replaced by “may be established by the Parties”.
- (c) Article 10 shall not be incorporated into this Agreement.

4. MODIFICATIONS TO PART II POLITICAL DIALOGUE

Article 23 shall not be incorporated into this Agreement.

5. MODIFICATIONS TO PART III COOPERATION

- (a) Article 25(j) shall not be incorporated into this Agreement.
- (b) In Article 26 the following shall not be incorporated into this Agreement:

- i. in subparagraph (g), the words “in particular through funding of the European Investment Bank in Central America in line with its own procedures and financial criteria”; and
 - ii. subparagraphs (h) and (i).
- (c) In Article 28(3) the words “and Eurostat” shall not be incorporated into this Agreement.

6. **MODIFICATIONS TO PART III, TITLE II
JUSTICE, FREEDOM AND SECURITY**

In Article 35(3) the second sentence shall not be incorporated into this Agreement.

7. **MODIFICATIONS TO PART III, TITLE III
SOCIAL DEVELOPMENT AND SOCIAL COHESION**

Article 43(3) shall not be incorporated into this Agreement.

8. **MODIFICATIONS TO PART III, TITLE IV
MIGRATION**

In Article 49(3) the second instance of the word “concerned” shall be moved to directly following the second instance of the words “Republic of the CA Party”.

9. **MODIFICATIONS TO PART III, TITLE VI
ECONOMIC AND TRADE DEVELOPMENT**

- (a) In Article 56(2)(a) the words “at the European Union's level and at national and sub-national levels” shall not be incorporated into this Agreement.
- (b) In Article 68(2)(c) replace the words “for the transfer of European technology in the Global Navigation Satellite System and urban public transport centres” with “in the field of satellite navigation systems and urban public transport”.

10. **MODIFICATIONS TO PART III, TITLE IX
KNOWLEDGE SOCIETY**

In Article 76(1) the following shall not be incorporated into this Agreement:

- i. the words “covering all the activities under the research framework programmes (FPs)”;
- ii. in subparagraph (a), the words “as well as on the European Research and Technological Development and Demonstration Programmes”; and
- iii. subparagraph (b).

11. MODIFICATIONS TO PART IV, TITLE II TRADE IN GOODS

- (a) Without prejudice to Article 7 of this instrument:
 - i. in Articles 83(3) and 104(2)(b)(ii), replace “date of entry into force of this Agreement” with “date on which Part IV of the EU-Central America Agreement has been applied”; and
 - ii. in Article 104(3), in both places replace “entry into force of this Agreement” with “date on which Part IV of the EU-Central America Agreement has been applied”.
- (b) Article 109 shall not be incorporated into this Agreement nor shall any references to Article 109.
- (c) In Article 111:
 - i. replace paragraph 1 with:
 - “1. Pursuant to each Party’s domestic legislation, where applicable, a safeguard proceeding may be initiated by the competent investigating authority on its own initiative, or upon a written application by an entity which demonstrates that it is representative of the domestic industry producing a good like or directly competitive with the imported good.”; and
 - ii. in paragraph 4 replace “the requirements of its domestic legislation” with “any requirements of its domestic legislation”.
- (d) In Article 140(f) replace the words “the region to region” with “a UK to Central America”.

**12. MODIFICATIONS TO PART IV, TITLE III
ESTABLISHMENT, TRADE IN SERVICES AND ELECTRONIC
COMMERCE**

The footnote to Article 160(e) shall not be incorporated into this Agreement.

**13. MODIFICATIONS TO PART IV, TITLE VI
INTELLECTUAL PROPERTY**

- (a) Article 244(1) shall be replaced with:
 - “1. The Parties shall maintain systems for the protection of geographical indications in their legislation.”
- (b) Article 245 shall be replaced with:
 - “Geographical indications listed in Annex XVII shall be processed according to the applicable protection procedures of the United Kingdom, once such an application for protection has been submitted.”
- (c) Article 246(2) shall be replaced with:
 - “2. A geographical indication which has been granted protection in one of the Parties, as listed in Annex XVIII, cannot, in that Party of registry, be deemed to have become generic, as long as it is protected as a geographical indication in the Party of origin.”
- (d) In Article 246(4) replace “the date of entry into force of this Agreement” with “the date on which Part IV of the EU-Central America Agreement has been applied.”
- (e) In Article 247(1) replace “or regional authorities” with “authority”.
- (f) The second footnote to Article 248(1) shall not be incorporated into this Agreement.
- (g) For the purposes of Article 252, and for the avoidance of doubt, in the United Kingdom an “unregistered design” is one which is protected by Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs.

14. **MODIFICATIONS TO PART IV, TITLE VII
TRADE AND COMPETITION**

Article 277(2)(a) shall be replaced with:

- “(a) for the United Kingdom Party, the Competition and Markets Authority;”

15. **MODIFICATIONS TO PART IV, TITLE IX
REGIONAL ECONOMIC INTEGRATION**

- (a) Article 305(1) shall not be incorporated into this Agreement.
- (b) Article 306(2) shall not be incorporated into this Agreement.

16. **MODIFICATIONS TO PART V
FINAL PROVISIONS**

- (a) In Article 352(1) replace the words “European Union or its Member States or the European Union and its Member States, within their respective areas of competence, referred to as the "EU Party"” with “United Kingdom of Great Britain and Northern Ireland, referred to as the “United Kingdom””.
- (b) Article 353 shall not be incorporated into this Agreement nor shall any reference to Article 353.
- (c) In Article 359(1) the words “of any request made by a third State to become a member of the European Union and” shall not be incorporated into this Agreement.
- (d) Article 359(2) shall not be incorporated into this Agreement.
- (e) Article 360 shall not be incorporated into this Agreement.

17. **MODIFICATIONS TO ANNEX I
ELIMINATION OF CUSTOMS DUTIES**

- (a) In Appendices 1 and 2 to Annex I, information relating to the import tariff-rate quota volumes and, where applicable, annual increase volumes, are replaced by the rates and volumes as set out in the tables below.

- (b) In those tables:
- i. the applicable import tariff-rate quota volumes for 2019 shall be those stipulated under the heading “2019 quota”; and
 - ii. for import tariff-rate quotas that increase over time, the volume for subsequent years shall be calculated in accordance with the “Yearly increase” figure.
- (c) Should this Agreement enter into force in 2020 or in a subsequent year, for import tariff-rate quotas that increase over time, the applicable volume during the year the Agreement enters into force shall be calculated by combining the “2019 quota” and the “Yearly increase” figures as applicable for each year after 2019 up until and including the year of entry into force.
- (d) For the avoidance of doubt, if this Agreement enters into force partly through a quota period, the import tariff-rate quotas shall be applied on a pro-rata basis in accordance with Annex I, section A, paragraph 9.
- (e) Appendix 1 – Import tariff-rate quotas of the Republics of the CA Party
- i. Joint quotas:

Product	Appendix 1 paragraph reference	Tariff lines	2019 quota (in tonnes)	Yearly increase (in tonnes)
Cured hams and streaky bacon	3	0210.11.00, 0210.12.00 and 0210.19.00	159	6
Prepared or preserved swine meat	7	1602.41.00, 1602.42.00 and 1602.49.90	159	6

- ii. Individual quotas - powdered milk (Appendix 1, paragraph 4):

Republic of the CA Party	Tariff lines	2019 quota (in tonnes)	Yearly increase (in tonnes)
Costa Rica	0402.10.00, 0402.21.11, 0402.21.12, 0402.21.21, 0402.21.22 and 0402.29.00	27	1
El Salvador	0402.10.00, 0402.21.11, 0402.21.12, 0402.21.21, 0402.21.22 and 0402.29.00	27	1

Republic of the CA Party	Tariff lines	2019 quota (in tonnes)	Yearly increase (in tonnes)
Guatemala	0402.10.00, 0402.21.11, 0402.21.12, 0402.21.21, 0402.21.22 and 0402.29.00	53	2
Honduras	0402.10.00, 0402.21.11, 0402.21.12, 0402.21.21, 0402.21.22 and 0402.29.00	53	2
Nicaragua	0402.10.00, 0402.21.11, 0402.21.12, 0402.21.21, 0402.21.22 and 0402.29.00	27	1
Panama	0402.10.00, 0402.21.11, 0402.21.12, 0402.21.21, 0402.21.22 and 0402.29.00	67	3

iii. Individual quotas – cheese (Appendix 1, paragraph 6):

Republic of the CA Party	Tariff lines	2019 quota (in tonnes)	Yearly increase (in tonnes)
Costa Rica	0406.20.90, 0406.30.00, 0406.90.10, 0406.90.20 and 0406.90.90	42	2
El Salvador	0406.20.90, 0406.30.00, 0406.90.10, 0406.90.20 and 0406.90.90	78	3
Guatemala	0406.20.90, 0406.30.00, 0406.90.10, 0406.90.20 and 0406.90.90	80	3
Honduras	0406.20.90, 0406.30.00, 0406.90.10, 0406.90.20 and 0406.90.90	67	3
Nicaragua	0406.20.90, 0406.30.00, 0406.90.10, 0406.90.20 and 0406.90.90	53	2
Panama	0406.20.90, 0406.30.00, 0406.90.10, 0406.90.20 and 0406.90.90	80	3

(f) Appendix 2: Import tariff-rate quotas of the United Kingdom

i. Joint quotas:

Product	Appendix paragraph reference	Tariff lines	2019 quota (in tonnes)	Yearly increase (in tonnes)
Garlic	4	0703 20 00	75	No staging
Manioc (cassava) starch	5	1108 14 00	681	No staging

Product	Appendix 2 paragraph reference	Tariff lines	2019 quota (in tonnes)	Yearly increase (in tonnes)
Sweet corn	6	0710 40 00, 0711 90 30, 2001 90 30, 2004 90 10 and 2005 80 00	294	16
Mushrooms	7	0711 51 00, 2003 10 20 and 2003 10 30	37	No staging
Beef	8	0201 10 00, 0201 20 20, 0201 20 30, 0201 20 50, 0201 20 90, 0201 30 00, 0202 10 00, 0202 20 10, 0202 20 30, 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90	1 268	49
Rice	10	1006 20 15, 1006 20 17, 1006 20 96, 1006 20 98, 1006 30 25, 1006 30 27, 1006 30 46, 1006 30 48, 1006 30 65, 1006 30 67, 1006 30 96, 1006 30 98	3 541	136

ii. Joint quotas applicable to all Republics of the CA Party except Panama:

Product	Appendix 2 paragraph reference	Tariff lines	2019 quota (in tonnes except where expressed otherwise)	Yearly increase (in tonnes except where expressed otherwise)
Sugar, including organic sugar, and goods with high sugar content	9	1701 11 10, 1701 11 90, 1701 91 00, 1701 99 10, 1701 99 90, 1702 30 10, 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 30, 1702 90 50, 1702 90 71, 1702 90 75, 1702 90 79,	56 127	1 427

Product	Appendix 2 paragraph reference	Tariff lines	2019 quota (in tonnes except where expressed otherwise)	Yearly increase (in tonnes except where expressed otherwise)
		1702 90 80, and 1702 90 99. ii. 1702 50 00, 1704 90 99, 1806 10 30, 1806 10 90, 1806 20 95ex2, 1806 90 90ex2, 1901 90 99, 2006 00 31, 2006 00 38, 2007 91 10, 2007 99 20, 2007 99 31, 2007 99 33, 2007 99 35, 2007 99 39, 2009 11 11ex2, 2009 11 91, 2009 19 11ex2, 2009 19 91, 2009 29 11ex2, 2009 29 91, 2009 39 11ex2, 2009 39 51, 2009 39 91, 2009 49 11ex2, 2009 49 91, 2009 80 11ex2, 2009 80 35ex2, 2009 80 61, 2009 80 86, 2009 90 11ex2, 2009 90 21ex2, 2009 90 31, 2009 90 71, 2009 90 94, 2101 12 98ex2, 2101 20 98ex2, 2106 90 98ex2, and 3302 10 29		
Bulk Rum	11	2208 40 51 and 2208 40 99	1 199 hl	41 hl

iii. Individual quotas:

Republic of the CA Party	Product	Appendix 2 paragraph reference	Tariff lines	2019 quota in tonnes except where expressed otherwise)	Yearly increase in tonnes except where expressed otherwise)
Nicaragua	Beef	8	0201 10 00, 0201 20 20, 0201 20	67	3

Republic of the CA Party	Product	Appendix 2 paragraph reference	Tariff lines	2019 quota in tonnes except where expressed otherwise)	Yearly increase in tonnes except where expressed otherwise)
			30, 0201 20 50, 0201 20 90, 0201 30 00, 0202 10 00, 0202 20 10, 0202 20 30, 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90		
Panama	Sugar, including organic sugar, and goods with high sugar content	9	1701 11 10, 1701 11 90, 1701 91 00, 1701 99 10, 1701 99 90, 1702 30 10, 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 30, 1702 90 50, 1702 90 71, 1702 90 75, 1702 90 79,	1 929	49

Republic of the CA Party	Product	Appendix 2 paragraph reference	Tariff lines	2019 quota in tonnes except where expressed otherwise)	Yearly increase in tonnes except where expressed otherwise)
			1702 90 80, and 1702 90 99. ii. 1702 50 00, 1704 90 99, 1806 10 30, 1806 10 90, 1806 20 95ex2, 1806 90 90ex2, 1901 90 99, 2006 00 31, 2006 00 38, 2007 91 10, 2007 99 20, 2007 99 31, 2007 99 33, 2007 99 35, 2007 99 39, 2009 11 11ex2, 2009 11 91, 2009 19 11ex2, 2009 19 91, 2009 29 11ex2, 2009 29 91, 2009 39 11ex2, 2009 39 51, 2009 39 91,		

Republic of the CA Party	Product	Appendix 2 paragraph reference	Tariff lines	2019 quota in tonnes except where expressed otherwise)	Yearly increase in tonnes except where expressed otherwise)
			2009 49 11ex2, 2009 49 91, 2009 80 11ex2, 2009 80 35ex2, 2009 80 61, 2009 80 86, 2009 90 11ex2, 2009 90 21ex2, 2009 90 31, 2009 90 71, 2009 90 94, 2101 12 98ex2, 2101 20 98ex2, 2106 90 98ex2, and 3302 10 29		
Panama	Bulk Rum	11	2208 40 51 and 2208 40 99	177 hl	7 hl

18. MODIFICATIONS TO ANNEX II
**CONCERNING THE DEFINITION OF THE CONCEPT OF
“ORIGINATING PRODUCTS” AND METHODS OF ADMINISTRATIVE
COOPERATION**

- (a) Both footnotes to Article 3 shall not be incorporated into this Agreement.
- (b) In Article 3(11)(c), replace “in the Official Journal of the European Union (C series), in the official publications of the Republics of the CA Party”, with “in the official publications of the Parties ”.

(c) After Article 3 insert the following:

“Article 3a

Extended Cumulation of Origin

1. The extended cumulation of origin provided for in this Article shall apply notwithstanding Article 3.

2. Materials originating in the European Union shall be considered as materials originating in the United Kingdom when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided that they have undergone working or processing going beyond that referred to in Article 6.

3. Materials originating in the European Union shall be considered as materials originating in Central America when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided that they have undergone working or processing going beyond that referred to in Article 6.

4. Without prejudice to the provisions of Article 2(1), working or processing carried out in the European Union shall be considered as having been carried out in the United Kingdom when the materials obtained undergo subsequent working or processing in the United Kingdom which goes beyond the operations referred to in Article 6.

5. The cumulation provided for in this Article will apply provided that:

- (a) the countries involved in the acquisition of the originating status and the country of destination have arrangements on administrative cooperation which ensure a correct implementation of this Article;
- (b) materials and products have acquired originating status in application of the same rules of origin as provided in this Annex.”
- (c) Articles 4(2) and 4(3) shall be replaced with:

“2. The terms "their vessels" and "their factory ships" in paragraph 1(f) and (g) shall apply only to vessels and factory ships which:

- (a) are registered in the United Kingdom or a Republic of the CA Party in accordance with the domestic legislation of each Party;
- (b) sail under the flag of the United Kingdom or a Republic of the CA Party; and

- (c) meet one of the following conditions:
 - (i) they are at least 50 per cent owned by nationals of the United Kingdom, the Member States of the European Union or the Republics of the CA Party; or
 - (ii) they are owned by companies

- which have their head office and their main place of business in the United Kingdom, a Member State of the European Union or a Republic of the CA Party, and

- which are at least 50 percent owned by the United Kingdom, a Member State of the European Union or a Republic of the CA Party, public entities or nationals thereof.

3. The conditions of paragraph 2 can be fulfilled in the different countries mentioned in Article 3, under conditions referred to in this Article.”

- (d) In the first sentences of Article 11(1) and 11(2), in each case, at the start of the sentence insert the words “Except as provided for in Article 3a,”.

- (e) In Article 12(1):

- i. at the end of the first sentence insert the words “or through the European Union”.

- ii. after the second paragraph, insert the following:

“For the avoidance of doubt, consignments that are transported through the European Union may undergo operations including unloading, reloading, splitting, storing, labelling, marking or any operation designed to preserve them in good condition provided they remain under the surveillance of the customs authorities in the European Union Member State.”

- (f) Article 16(4) shall be replaced with:

“4. Movement certificates EUR.1 issued retrospectively must be endorsed with the phrase “issued retrospectively” in one of the following languages:

ES ‘EXPEDIDO A POSTERIORI’
EN ‘ISSUED RETROSPECTIVELY’”.

- (g) Article 17(2) shall be replaced with:

“2. The duplicate issued in this way must be endorsed with the phrase “duplicate” in one of the following languages:

ES ‘DUPLICADO’
EN ‘DUPLICATE’”.

(h) Article 28(3) shall be replaced with:

“3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in euro as at the first working day of October. The amounts shall be communicated by October 15th, and shall apply from January 1st, the following year. The Parties shall notify each other of the relevant amounts.”

(i) In Article 29(1), the phrase “, through the European Commission,” shall not be incorporated into this Agreement.

(j) Article 34 shall be replaced with:

“Article 34

Application of this Annex

The term ‘European Union’ used in this Annex does not cover Ceuta and Melilla. Products originating in Ceuta and Melilla are not considered to be products originating in the European Union.”

(k) Article 35 shall not be incorporated into this Agreement.

(l) In Appendix 2 A:

i. In paragraph 2 of Note 1, replace “4 000” with “545”.

ii. In Note 2, replace “5 000” with “681”.

iii. In paragraph 1(a) of Note 4, replace the table containing annual quotas per country, with the following:

Country	Units (pairs)
Costa Rica	544 800
El Salvador	340 500
Honduras	953 400
Panama	204 300

iv. In paragraph 1(b) of Note 4, in the table containing annual quotas per country, replace each entry in the column entitled “From year 6” with the following units in respect of the relevant country:

Country	Units
Costa Rica	1 382 431
El Salvador	2 014 057
Guatemala	1 382 429
Honduras	10 439 730
Nicaragua	1 728 037
Panama	691 217
Total	17 637 901

- v. In paragraph 1(c) of Note 4, for the Costa Rica distribution table column entitled “From year 6” replace each of the relevant HS code entries, with the following units:

HS	Units
Total Units per year	1 382 431
6103 43	39 498
6105 10	118 494
6105 90	23 699
6106 10	88 870
6107 11	46 410
6107 19	13 824
6108 21	9 282
6108 22	4 937
6109 10	367 331
6111 20	39 498
6112 41	9 875
6114 30	5 925

6117 80	3 950
6201 13	1 580
6202 13	2 962
6203 11	69 122
6203 12	69 122
6203 31	34 561
6203 33	52 335
6203 41	98 745
6203 43	102 695
6204 31	34 561
6204 33	32 586
6204 53	5 925
6204 61	13 824
6204 63	55 297
6211 33	8 887
6211 43	8 887
6212 10	19 749

- vi. In paragraph 1(c) of Note 4, replace the Guatemala distribution table column entitled “From year 6” for each of the relevant HS code entries with the following units:

HS	Units
Total Units per year	1 382 429
6104 62	207 364
6105 20	691 215
6203 42	207 364
6203 43	138 243

6204 62	138 243
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- vii. In paragraph 1(c) of Note 4 for the Honduras distribution table column entitled “From year 6” replace each of the relevant HS code entries with the following units:

HS	Units
Total Units per year	10 439 730
6205 20	2 097 480
6205 30	2 621 850
6205 90	190 680
6206 30	1 906 800
6206 40	2 478 840
6206 90	190 680
6212 10	953 400

- viii. In paragraph 1(c) of Note 4, for the Panama distribution table column entitled “From year 6” replace each of the relevant HS code entries with the following units:

HS	Units
Total Units per year	691 217
6103 22	7 900
6104 22	7 900
6106 10	27 649
6108 21	152 067
6109 10	217 239
6110 20	157 992
6111 20	9 875
6203 22	1 975
6203 42	39 498
6203 43	19 749

6205 20	19 749
6206 30	19 749
6209 20	9 875

- ix. In paragraph 1(d) of Note 4, for the El Salvador distribution table column entitled “From year 6” replace each of the relevant HS code entries, with the following units:

HS	Units
Total Units per year (global quota per year, caps per subheading)	2 014 057
6102 20	94 387
6102 30	146 824
6104 22	41 950
6104 42	41 950
6104 43	83 899
6104 44	41 950
6104 62	188 773
6104 63	62 924
6202 12	41 950
6202 13	104 874
6202 92	41 950
6202 93	62 924
6203 42	104 874
6205 20	157 311
6205 30	209 748
6207 11	104 874
6207 19	83 899
6207 21	152 544
6207 22	104 874

6207 91	73 412
6207 99	41 950
6208 21	41 950
6208 22	83 899
6208 91	125 849
6208 92	52 437
6212 10	188 773

- x. In paragraph 1(d) of Note 4, for the Nicaragua distribution table column entitled “From year 6” replace each of the relevant HS code entries with the following units:

HS	Units
Total Units per year (global quota per year, caps per subheading)	1 728 037
6104 23	9 534
6104 42	37 183
6104 43	14 301
6104 53	5 720
6104 63	57 204
6105 10	146 824
6106 10	112 501
6106 20	76 272
6107 11	684 541
6107 12	101 060
6108 22	530 090
6109 10	741 745
6109 90	190 680
6203 23	9 534

6203 42	190 680
6203 43	89 620
6204 43	46 717
6204 44	26 695
6204 62	261 232
6204 63	66 738
6205 20	62 924
6207 11	69 598
6207 19	10 487
6207 21	18 115
6207 22	3 814
6207 91	30 509
6208 21	19 068
6208 22	17 161
6208 91	1 907
6208 92	1 907
6212 10	5 720
6212 20	95 340
6212 30	3 814
6212 90	190 680

xi. In Note 5 replace “1 000” with “136”.

xii. In Note 6:

(A) replace “20 000” with “2 724”; and

(B) replace the annual quotas table with the following:

Country	Metric tones
Honduras	1 090
Central America	1 634

- xiii. For the avoidance of doubt, if the entry into force of this Agreement corresponds to a date after 1 January up until and inclusive of 31 December of the same calendar year, the annual quotas in Appendix 2 A to Annex II to this Agreement (as amended by this Annex) shall be pro-rated on a proportional basis for the remainder of that calendar year.
- xiv. In Appendix 4, of the versions of the invoice declaration, only the Spanish and English shall be incorporated, and the second sentence of footnote 2 shall not be incorporated.

19. **MODIFICATIONS TO ANNEX III
MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS**

- (a) Article 14(1)(c) shall not be incorporated into this Agreement.
- (b) In Article 14(2) replace “or may be concluded between individual Member States of the European Union and Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama” with “concluded between the United Kingdom and any of the Republics of the CA Party prior to the date this Agreement is signed”.

20. **MODIFICATIONS TO ANNEX VI
COMPETENT AUTHORITIES (SPS)**

Part A shall be replaced with:

“COMPETENT AUTHORITIES OF THE UNITED KINGDOM
The United Kingdom shall notify the Republics of the CA Party of its competent authorities on the date of entry into force of this Agreement.”

21. **MODIFICATIONS TO ANNEX VII
REQUIREMENTS AND PROVISIONS FOR APPROVAL OF
ESTABLISHMENTS FOR PRODUCTS OF ANIMAL ORIGIN**

The sentence in paragraph 2(d) “Taking into account the specific structure and division of competence within the EU Party, such verification in the EU Party may concern individual Member States of the European Union” shall not be incorporated into this Agreement.

22. **MODIFICATIONS TO ANNEX IX
CONTACT POINTS AND WEB-SITES (SPS)**

- (a) In Part A (contact points) replace the details of the EU Party with:

“The United Kingdom shall notify the Republics of the CA Party of its contact points on the date of entry into force of this Agreement.”

(b) In Part B (fee free web-sites) replace the details of the EU Party with:

“For the United Kingdom

www.gov.uk”.

23. MODIFICATIONS TO ANNEX X LISTS OF COMMITMENTS ON ESTABLISHMENT

- (a) Throughout Section A, commitments relating to specific countries which are not part of this Agreement shall not be incorporated into this Agreement.
- (b) In paragraph 1 the subparagraph beginning with the words “When the column” and ending with the words “reservations that may apply.” shall not be incorporated into this Agreement.
- (c) In commitment 6E. b) (Rental/Leasing Services without Operators) the words “or elsewhere in the EU” shall not be incorporated into this Agreement.
- (d) Replace the footnote referred to in the description of the reservation to commitment 7B.a) (Telecommunications Services) with “The United Kingdom reserves its rights to maintain public participation in certain telecommunication operators in the future. This is not a market access limitation.”.
- (e) In commitment 16B (Internal Waterways Transport) the words “(incl. agreements following the Rhine-Main-Danube link)” and “Regulations implementing the Mannheim Convention on Rhine Shipping.” shall not be incorporated into this Agreement.
- (f) In commitment 17B (Services auxiliary to internal waterways transport) the words “(incl. agreements following the Rhine-Main-Danube link)” and “Regulations implementing the Mannheim Convention on Rhine Shipping.” shall not be incorporated into this Agreement.
- (g) In commitment 17E.d) (Rental of aircraft with crew) the words “or elsewhere in the EU” shall not be incorporated into this Agreement.

**24. MODIFICATIONS TO ANNEX XI
LISTS OF COMMITMENTS ON CROSS-BORDER SUPPLY OF SERVICES**

- (a) Throughout Section A, commitments relating to specific countries which are not part of this Agreement shall not be incorporated into this Agreement.
- (b) In paragraph 1 the subparagraph beginning with the words “When the column” and ending with the words “reservations that may apply)” shall not be incorporated into this Agreement.
- (c) In commitment 1E.b) (Rental/Leasing Services without Operators) the words “or elsewhere in the EU” shall not be incorporated into this Agreement.
- (d) In commitment 11B (Internal Waterways Transport) the words “(incl. agreements following the Rhine-Main-Danube link)” and “Regulations implementing the Mannheim Convention on Rhine Shipping.” shall not be incorporated into this Agreement.
- (e) In commitment 12B (Services auxiliary to internal waterways transport) the words “(incl. agreements following the Rhine-Main-Danube link)” and “Regulations implementing the Mannheim Convention on Rhine Shipping.” shall not be incorporated into this Agreement.
- (f) In commitment 12E.d) (Rental of aircraft with crew) the words “or elsewhere in the EU” shall not be incorporated into this Agreement.

**25. MODIFICATIONS TO ANNEX XII
RESERVATIONS ON KEY PERSONNEL AND GRADUATE TRAINEES OF
THE EU PARTY**

- (a) Throughout Section A, reservations relating to specific countries which are not part of this Agreement shall not be incorporated into this Agreement.
- (b) In paragraph 1 the subparagraph beginning with the words “When the column” and ending with the words “reservations that may apply)” shall not be incorporated into this Agreement.
- (c) The ALL SECTORS reservation on Recognition, including the footnote to it, shall not be incorporated into this Agreement.

26. **MODIFICATIONS TO ANNEX XVI
GOVERNMENT PROCUREMENT**

- (a) Upon entry into force of this Agreement, the United Kingdom shall provide the Republics of the CA Party with details of the United Kingdom's means of publication of notices referred to in Appendices 2 and 3 of this Annex.
- (b) In Appendix 1, institutions relating to specific countries which are not part of this Agreement or to the European Union shall not be incorporated into this Agreement.

27. **MODIFICATIONS TO ANNEX XVII
LIST OF NAMES TO BE APPLIED FOR PROTECTION AS
GEOGRAPHICAL INDICATIONS IN THE TERRITORY OF THE PARTIES**

Annex XVII shall be replaced with:

PART A

Names of the Republics of the CA Party

Country	Name	Products
Nicaragua	Café de Nicaragua	Coffee
Nicaragua	Queso Chontaleño	Cheese

28. **MODIFICATIONS TO ANNEX XVIII
PROTECTED GEOGRAPHICAL INDICATIONS**

- (a) In the list stipulated in Part A, insert the following footnote after "Irish Cream":

"The geographical indication Irish Cream covers liqueur produced on the territory of Ireland and Northern Ireland. This shall not be deemed to modify any existing rights in relation to such geographical indication as protected in each of the Republics of the CA Party."

- (b) In the list stipulated in Part A, insert the following footnote after "Irish whiskey/ Uisce Beathe Eireannach/Irish whisky":

"The geographical indication Irish whiskey/ Uisce Beathe Eireannach/Irish whisky covers whisky/whiskey produced on the territory of Ireland and Northern Ireland. This shall not be deemed to modify any existing

rights in relation to such geographical indication as protected in each of the Republics of the CA Party.”

- (c) Other geographical indications, listed in Part A of Annex XVIII, relating to specific countries which are not part of this Agreement shall not be incorporated into this Agreement.

29. MODIFICATIONS TO JOINT DECLARATIONS

Pursuant to Article 3 of this instrument, the Joint Declarations made by the Parties to the EU-Central America Agreement in relation to that Agreement are incorporated into this Agreement, subject to the following provisions:

- (a) Replace paragraph 1 of the Joint Declaration concerning the Principality of Andorra with:

“1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonized System, meeting the conditions of Article 3a(5)(b) of Annex II, shall be accepted by the Parties as originating in the European Union within the meaning of this Agreement.”

- (b) Replace paragraph 1 of the Joint Declaration concerning the Republic of San Marino with:

“1. Products originating in the Republic of San Marino, meeting the conditions of Article 3a(5)(b) of Annex II, shall be accepted by the Parties as originating in the European Union within the meaning of this Agreement.”

- (c) The Joint Declaration “Names that have been applied for registration as geographical indications in a Republic of a CA Party” shall not be incorporated into this Agreement.

- (d) The Joint Declaration on EU Party’s Customs Unions shall not be incorporated into this Agreement.

- (e) In the Joint Declaration of Costa Rica and the European Union to Chapter 1 of Title II (Trade in Goods) of this Agreement the following shall not be incorporated into this Agreement:

- i. in paragraph (a) the words “carbonated beverages classified under tariff heading 2202 and”; and
- ii. paragraph (b).

- (f) In the Joint Declaration on Article 88 of Chapter 1 of Title II (Trade in Goods) of this Agreement replace the words “of entry into force of this

Agreement” on each instance that they occur with “on which Part IV of the EU-Central America Agreement has been applied”.

JOINT DECLARATIONS

JOINT DECLARATION ON *MUTATIS MUTANDIS*

In order to facilitate the understanding of the text incorporated by Article 3 and read *mutatis mutandis* as defined in Article 2, the following terms shall, save where context otherwise requires, be interpreted as follows:

- (a) replace “EU Party” with “United Kingdom”;
- (b) replace “the Member State’s” with “the United Kingdom’s”;
- (c) replace “the European Union”, “individual Member States of the European Union”, “the European Union and its Member States”, “one Member State of the European Union”, “one of the Member States of the European Union”, “each member State of the European Union”, “a Member State of the European Union”, “the Member State of the European Union”, “Member State of the European Union”, “European Commission” and “the Member States of the European Union” with “the United Kingdom”;
- (d) replace “Brussels” with “London”;
- (e) replace “the associated countries and regions”, “both regions”, “the regions” or “the two regions” with “the United Kingdom and the Republics of the CA Party”;
- (f) “bi-regional” as not being incorporated into the Agreement;
- (g) European Union commitments, including on establishment and services, as being incorporated into the Agreement;
- (h) replace “European Parliament” with “UK Parliament”.

The above represents an illustrative list of terms subject to the application of *mutatis mutandis* and is not exhaustive.

JOINT DECLARATION WITH REFERENCE TO RULES OF ORIGIN

In advance of trade negotiations between the European Union and the United Kingdom, the Parties recognise that a trilateral approach to rules of origin, involving the European Union, is the preferred outcome in trading arrangements between the Parties and the European Union. This approach would replicate coverage of existing

trade flows and allow for continued recognition of originating content from either of the Parties and from the European Union in exports to each other, as per the intention of the EU-Central America Agreement. In this regard, the Parties understand that any bilateral arrangement between the Parties represents a first step towards this outcome.

In the event of an agreement between the United Kingdom and the European Union, the Parties approve taking the necessary steps, as a matter of urgency, to update Annex II to reflect a trilateral approach to Rules of Origin, involving the European Union.

JOINT DECLARATION ON TRADE AND COMPETITION

The Parties recognise that according to Title VII of Part IV of the EU-Central America Agreement, as incorporated into this Agreement, a Central American Competition Regulation and a Central American Competition Body shall be established by the CA Party. In regard to the obligations of Title VII as incorporated, the Parties understand that the content of such a Central American Competition Regulation or the form or powers of a Central American Competition Body are for the CA Party to determine.

JOINT DECLARATION ON THE CIVIL SOCIETY DIALOGUE FORUM

The Parties reiterate the commitment in Article 295 of the Incorporated Agreement to facilitate a bi-regional Civil Society Dialogue Forum for open dialogue, with a balanced representation of environmental, economic and social stakeholders.

In furtherance of and notwithstanding their shared commitment to sustainable development as set out in Title VIII of the Incorporated Agreement, the Parties recognise the importance of ensuring that the Civil Society Dialogue Forum is run as efficiently as possible. The Parties are committed to working together to identify ways in which this can be achieved, including by, but not limited to:

- identifying locations for meetings that help ensure efficiencies in travel;
- exploring the use of technological solutions to facilitate remote attendance;
- and
- agreeing the timing and frequency of meetings with due care and based upon the availability of the participants.

The Parties will continue to assess the operation of these arrangements through the Board on Trade and Sustainable Development established under Article 294 of the Incorporated Agreement, in furtherance of their shared commitment to sustainable development.

JOINT DECLARATION ON TECHNICAL BARRIERS TO TRADE

In furtherance of the provisions on Regional Economic Integration in Title IX of the Incorporated Agreement, the Parties make the following declaration:

- (a) The United Kingdom affirms its intent, in accordance with legislation and published guidance, to continue to accept for a time-limited period certain goods that meet European Union regulatory requirements on the UK market without any need for reassessment or re-marking³;
- (b) In the event of an agreement between the United Kingdom and the European Union, and subject to the terms of any such agreement, the Parties undertake to consult through the Association Committee on the application from the United Kingdom to the Republics of the CA Party of relevant benefits further to any such agreement on technical regulations and conformity assessment, within the framework of Title IX of the Incorporated Agreement.

JOINT DECLARATION ON THE MOVEMENT CERTIFICATE EUR.1 FORMS

The Parties acknowledge that if a Movement Certificate EUR.1 varies slightly, such as in wording or the placement of footnotes, from the specimen contained in Appendix 3 to Annex II it may be accepted if:

- (a) the variations do not modify the information required in each box; and
- (b) the competent public authorities of the Parties have provided each other the varied specimen of the certificate.

³ The UK will notify the Republics of the CA Party when an end to the time period is determined.

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