



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	13 May 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2014) 257 final
Subject:	Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia

Delegations will find attached document COM(2014) 257 final.

Encl.: COM(2014) 257 final



EUROPEAN
COMMISSION

Brussels, 13.5.2014
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Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal / general context**

The Common Aviation Area Agreement between the European Union, its Member States and Georgia was negotiated on the basis of the Council Decision adopted in June 2009 authorising the opening of negotiations. The Agreement was signed on 2 December 2010.

The Republic of Croatia acceded to the European Union on 1 July 2013. Pursuant to Article 6(2) of the Act concerning the Conditions of Accession, Croatia undertook to accede to the agreements concluded or signed by the Member States and the Union with one or more third countries or an international organisation.

The simplified procedure applies to accession to the above mentioned agreement with Georgia. A Protocol should thus be signed in accordance with that procedure and with Article 218(5) of the Treaty on the Functioning of the European Union.

The Protocol provides for the necessary linguistic adaptations of the Agreement that ensue from the accession of Croatia.

- **Existing provisions in the area covered by the proposal**

The provisions of the Protocol supersede or complement the provisions in the Common Aviation Area Agreement between the European Union, its Member States and Georgia.

- **Consistency with other policies and objectives of the Union**

The Agreement with Georgia was the first comprehensive air transport agreement signed with an important aviation partner in the Caucasus region. It forms part of the Union's external aviation policy framework established by the Commission Communication COM(2005)79: "Developing the agenda for the Community's external aviation policy" and recently reviewed by the Commission Communication COM(2012)556: "The EU's External Aviation Policy - Addressing Future Challenges" and the corresponding Council Conclusions.

2) CONSULTATION OF THE STAKEHOLDERS AND IMPACT ASSESSMENT

- **Consultation of the stakeholders**

Consultation methods, main sectors targeted and general profile of respondents

Not applicable

Summary of responses and how they have been taken into account

Not applicable

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed measures**

The Protocol ensures the necessary amendment to be made the Common Aviation Area Agreement between the European Union, its Member States and Georgia following the accession of Croatia to the EU on 1 July 2013.

- **Legal basis**

Article 100(2) and Article 218(5) of the Treaty on the Functioning of the European Union in conjunction with Article 6(2) of the Act of Accession.

4) BUDGETARY IMPLICATIONS

The proposal has no implications for the Union budget.

5) ADDITIONAL INFORMATION

- **Detailed explanation of the proposal**

The Council is requested to approve the signing of the Protocol amending the Common Aviation Area Agreement between the European Union, its Member States and Georgia.

The Protocol should be applied provisionally as of the date of its signature.

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on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) and Article 218(5) thereof,

Having regard to the Act of Accession of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 September 2012 the Council authorised the Commission to open negotiations, on behalf of the Union and its Member States and the Republic of Croatia, to conclude a Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia ("the Protocol").
- (2) Those negotiations were successfully completed on 5 December 2013.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (4) In accordance with its Article 3(2), the Protocol should be applied provisionally.

HAS ADOPTED THIS DECISION:

Article 1

1. The signing of the Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia is hereby authorised on behalf of the Union and its Member States, subject to the conclusion of the said Protocol.
2. The text of the Protocol is attached to this Decision.

Article 2

The Council Secretariat General shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator of the Protocol.

Article 3

The Protocol shall be applied on a provisional basis, in accordance with Article 3(2) thereof, as from its signature by the parties, pending its entry into force.

Article 4

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

Done at Brussels,

*For the Council
The President*