



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 4.9.2007
COM(2007) 495 final

2007/0181 (CNS)

Proposal for a

COUNCIL DECISION

**on the conclusion of a Protocol amending the Euro-Mediterranean Aviation Agreement
between the European Community and its Member States, of the one part, and the
Kingdom of Morocco, of the other part, to take account of the accession to the European
Union of the Republic of Bulgaria and Romania**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

The Euro-Mediterranean Aviation Agreement between the European Community and the Kingdom of Morocco was negotiated on the basis of a mandate given by the Council in December 2004. The agreement was signed on 12 December 2006.

- **General context**

The Republic of Bulgaria and Romania acceded to the European Union on 1 January 2007. Pursuant to Article 6(2) of the Act concerning the Conditions of Accession, those two States undertook to accede to the Agreements and Conventions concluded or signed by the Member States and the Community acting jointly.

The simplified procedure applies to accession to those Agreements and Conventions. A Protocol should be concluded by the Council of the European Union, acting unanimously on behalf of the Member States, and the third countries concerned.

The accession of the Republic of Bulgaria and Romania to the Euro-Mediterranean Aviation Agreement between the European Community and the Kingdom of Morocco signed in Brussels on 12 December 2006 should therefore be approved through the conclusion of a Protocol amending that Agreement.

The Protocol provides for the necessary technical and linguistic adaptations of the Agreement that ensue from the accession of Bulgaria and Romania.

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

The provisions of the Agreement supersede or complement the provisions in the Euro-Mediterranean Aviation Agreement between the European Community and the Kingdom of Morocco.

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

The Agreement with Morocco is the first step towards strengthening air transport links between the European Community and neighbouring countries. It forms part of the framework established by the Commission Communication COM(2005) 79 final: "Developing the agenda for the Community's external aviation policy".

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 replacements to be made in the Euro-Mediterranean Aviation Agreement following the accession of Bulgaria and Romania to the EU on 1 January 2007. The relevant provisions will be added to the Annex.

- **Legal basis**

Article 80(2) in conjunction with the first subparagraph of Article 300(2), Article 300(3) and Article 300(4).

- **Subsidiarity principle**

The subsidiarity principle applies since the proposal does not come under the exclusive competence of the Community.

- **Proportionality principle**

The Protocol will amend or supplement provisions in the Euro-Mediterranean Aviation Agreement only to the extent necessary to ensure compliance with Community law.

- **Choice of instruments**

A Protocol amending the Agreement between the Community and Morocco is the most efficient instrument to take account of the accession of the Republic of Bulgaria and Romania.

4) BUDGETARY IMPLICATIONS

The proposal has no implications for the Community budget.

5) ADDITIONAL INFORMATION

- **Detailed explanation of the proposal**

The Council is requested to approve the Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and the Kingdom of Morocco.

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on the conclusion of a Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession to the European Union of the Republic of Bulgaria and Romania

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof in conjunction with Article 300(2), the first subparagraph of Article 300(3) and Article 300(4),

Having regard to the Act of Accession of the Republic of Bulgaria and Romania to the European Union, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) On 5 December 2004, the Council authorised the Commission to negotiate a Euro-Mediterranean Aviation Agreement between the European Community and its Member States and the Kingdom of Morocco. The measures provided for in this Decision are in accordance with the opinion of the relevant Committee.
- (2) The Euro-Mediterranean Aviation Agreement between the European Community and its Member States and the Kingdom of Morocco ("the Agreement") was signed in Brussels on 12 December 2006.
- (3) The Treaty concerning the Accession of the Republic of Bulgaria and Romania to the European Union was signed in Luxembourg on 25 April 2005 and entered into force on 1 January 2007.
- (4) A Protocol amending the Aviation Agreement is necessary in order to take account of the accession of those two new Member States.
- (5) The Protocol was negotiated by the two Parties on [].
- (6) The Protocol should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States and the Kingdom of Morocco in order to take account of the accession of the Republic of Bulgaria and Romania to the European Union is hereby adopted on behalf of the European Community and its Member States. The text of the Protocol is attached to this Decision.

Article 2

The notification provided for in Article 4 of the Protocol shall be given by the Council.

Done at Brussels, [...]

For the Council
The President
[...]

ANNEX

DRAFT

**PROTOCOL AMENDING THE
EURO-MEDITERRANEAN
AVIATION AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY
AND ITS MEMBER STATES, OF THE ONE PART,
AND THE KINGDOM OF MOROCCO,
OF THE OTHER PART**

THE KINGDOM OF BELGIUM,
THE REPUBLIC OF BULGARIA,
THE CZECH REPUBLIC,
THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY,
THE REPUBLIC OF ESTONIA,
THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN,
THE FRENCH REPUBLIC,
IRELAND,
THE ITALIAN REPUBLIC,
THE REPUBLIC OF CYPRUS,
THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG,
THE REPUBLIC OF HUNGARY,
THE REPUBLIC OF MALTA,
THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA,
THE REPUBLIC OF POLAND,
THE PORTUGUESE REPUBLIC,
ROMANIA,
THE REPUBLIC OF SLOVENIA,
THE SLOVAK REPUBLIC,
THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as "the Member States", and the

THE EUROPEAN COMMUNITY,

hereinafter referred to as "the Community",

represented by the Council of the European Union,

of the one part, and

THE GOVERNMENT OF THE KINGDOM OF MOROCCO,

(hereinafter referred to as Morocco),

of the other part,

Having regard to the accession of the Republic of Bulgaria and Romania to the European Union and hence to the Community on 1 January 2007,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania are Parties to the Euro-Mediterranean Aviation Agreement concluded between the European Community and its Member States and the Kingdom of Morocco ("the Agreement") signed in Brussels on 12 December 2006.

Article 2

1. The following provisions are added to Annex II to the Agreement (Bilateral Agreements between Morocco and the Member States):

"- Aviation Agreement between the People's Republic of Bulgaria and the Kingdom of Morocco signed at Rabat on 14 October 1966;

- Civil Aviation Agreement between the Socialist Republic of Romania and the Government of the Kingdom of Morocco signed at Bucharest on 6 December 1971,

as last amended by the Memorandum of Understanding concluded at Rabat on 29 February 1996."

2. The following provisions are added to the first paragraph of Annex III to the Agreement (operating authorisations and technical permissions: competent authorities):

"Bulgaria:

Civil Aviation Authority

Ministry of Transport

Romania:

Directorate-Generale for Civil Aviation

Ministry of Transport, Construction and Tourism."

Article 3

The texts of the Agreement in Bulgarian and Romanian, which are attached to this Protocol, shall be authentic under the same conditions as the other language versions.

Article 4

This Protocol shall be approved by the Parties in accordance with their own procedures. It shall enter into force on the date of entry into force of the Agreement. However, should this Protocol be approved by the Contracting Parties after the date of entry into force of the Agreement the Protocol would then enter into force, in accordance with Article 27(1) of the Agreement, on the date on which the Parties notify each other of the completion of their internal approval formalities.

Article 5

Done at (...) in duplicate, on this (...) day of (...), in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Arabic languages, each text being equally authentic.

FOR THE MEMBER STATES

FOR THE EUROPEAN COMMUNITY,

FOR THE GOVERNMENT OF
THE KINGDOM OF MOROCCO

The President