



**COUNCIL OF  
THE EUROPEAN UNION**

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Subject: **DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES  
OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING  
WITHIN THE COUNCIL on the conclusion of the Common Aviation  
Area Agreement between the European Union and its Member States and  
the Republic of Moldova  
COMMON GUIDELINES  
Consultation deadline for Croatia: 8.10.2012**

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**DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES  
OF THE GOVERNMENTS OF THE MEMBER STATES,  
MEETING WITHIN THE COUNCIL**

**of**

**on the conclusion of the Common Aviation Area Agreement between  
the European Union and its Member States and the Republic of Moldova**

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE  
GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION, MEETING  
WITHIN THE COUNCIL,

Having regard to the Treaty on the Functioning of the European Union, and in particular  
Article 100(2), in conjunction with point (a) of Article 218(6) and the first subparagraph of  
Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

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<sup>1</sup> OJ C

Whereas:

- (1) The Commission has negotiated on behalf of the Union and of the Member States a Common Aviation Area Agreement with the Republic of Moldova ("the Agreement").
- (2) In accordance with the Decision of the Representatives of the Governments of the Member States of the European Union, meeting within the Council of 7 June 2012, the Agreement was signed on 26 June 2012.
- (3) It is necessary to lay down appropriate arrangements for the coordination between and representation of the Union and the Member States in the Joint Committee set up under Article 22 of the Agreement and in the dispute settlement procedures provided in Article 23 of the Agreement, as well as for implementing certain provisions of the Agreement concerning security and safety.
- (4) Since the Agreement contains elements of both Union and Member States' competence, in order to ensure close cooperation and unity in international relations, this Decision should be adopted jointly by the Council and the Member States. In addition, this Decision also aims to ensure a uniform application in respect of the Joint Committee set up under Article 22 of the Agreement.

- (5) The rules envisaged to ensure such close cooperation and unity should include clear guidance for representation "on the spot", *inter alia* by confirming the necessity of a joint and common approach. In the context of a mixed agreement, those rules should still fully respect Union procedures also as regards the establishment of the Union position and the representation of the Union within the Joint Committee.
- (6) The Agreement should be approved on behalf of the European Union,

HAVE ADOPTED THIS DECISION:

*Article 1*

*Approval*

1. The Common Aviation Area Agreement between the European Union and its Member States, and the Republic of Moldova is hereby approved on behalf of the Union<sup>1</sup>.
2. The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to the notifications provided for in Article 29 of the Agreement in order to express the consent of the European Union to be bound by the Agreement<sup>2</sup>.

*Article 2*

*Joint Committee*

1. The Union and the Member States shall be represented in the Joint Committee established pursuant to Article 22 of the Agreement by representatives of the Commission and of the Member States, respectively.
2. The position to be taken by the Union and supported by its Member States within the Joint Committee with respect to matters of exclusive Union competence that do not require the adoption of a decision having legal effect shall be established by the Commission and shall be notified in advance to the Council and the Member States.

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<sup>1</sup> The Agreement\* has been published in OJ L.....together with the Decision on the signing and provisional application.

\*doc st 8185/12

<sup>2</sup> The date of entry into force of the Agreement shall be published in the OJ of the EU by the General Secretariat of the Council.

3. The position to be taken by the Union and its Member States within the Joint Committee with respect to matters other than those referred to in paragraph 2 that do not require the adoption of a decision having legal effects shall be established jointly by the Commission and the Member States.
4. For Joint Committee decisions having legal effect concerning matters that fall within the exclusive competence of the Union, the position to be taken by the Union and supported by its Member States shall be adopted by the Council, acting by qualified majority on a proposal from the Commission, unless the applicable voting procedures set down in the Treaty on European Union and the Treaty on the Functioning of the European Union provide otherwise.
5. For Joint Committee decisions having legal effect, other than those referred to in paragraph 4, the position to be taken by the Union and its Member States shall be adopted by the Council, acting by qualified majority, on a proposal by the Commission, unless the applicable voting procedures set down in the Treaty on European Union and the Treaty on the Functioning of the European Union provide otherwise, and by the Member States.

*Article 3*  
*Settlement of Disputes*

1. The Commission shall represent the Union in dispute settlement proceedings pursuant to Article 23 of the Agreement.
2. The decision to suspend the application of benefits pursuant to Article 23(5) of the Agreement shall be taken by the Council, by qualified majority, on the basis of a Commission proposal.
3. Any other appropriate action to be taken pursuant to Article 23 of the Agreement on matters which fall within Union competence shall be decided upon by the Commission, in consultation with a Special Committee of representatives of the Member States appointed by the Council.

*Article 4*  
*Information to the Commission*

1. Member States shall promptly inform the Commission of any decision to refuse, revoke, suspend or limit the authorisation of an airline of the Republic of Moldova that they intend to adopt pursuant to Article 5 of the Agreement.

2. Member States shall promptly inform the Commission of any requests or notifications made or received by them pursuant to Article 14 (Aviation Safety) of the Agreement.
3. Member States shall promptly inform the Commission of any requests or notifications made or received by them pursuant to Article 15 (Aviation security) of the Agreement.

*Article 5*

*Entry into force*

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

Done at Brussels, [...]

*The President*

[...]

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