



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 4 February 2014
(OR. en)**

6072/14

**AVIATION 29
RELEX 83
ALB 1
BIH 2
PECOS 1
COWEB 18
EEE 1**

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	7596/06 AVIATION 42 RELEX 162 ALB 3 BIH 7 PECOS 10 COWEB 55 EEE 16
Subject:	Proposal for a Council Decision on the conclusion of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area (ECAA)

Further to the ratification by all Member States party to the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area (ECAA), delegations will find attached a revised version of the above-mentioned Commission proposal.

The proposal has been adapted to the new provisions of the Treaty on the Functioning of the European Union, and to the Decision on the signature and provisional application of the Agreement (Decision 2006/682/EC).

2006/0036 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, ~~the European Community, the Republic of Iceland~~, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, ~~Serbia and Montenegro~~, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo¹ on the Establishment of a European Common Aviation Area (ECAA)

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

Having regard to the Treaty **on the Functioning of the European Union** establishing the European Community, and in particular Article **100 (2)**, ~~80, paragraph 2~~, in conjunction with ~~Article 300, paragraph 2, first sentence of the first subparagraph thereof, and Article 300, paragraph 4~~, **Article 218 (6)(a) and 218 (8) thereof**,

Having regard to the proposal from the **European Commission**,

¹ Pursuant to UN Security Council Resolution 1244 of 10 June 1999.

Having regard to the ~~opinion~~ **consent** of the European Parliament²,

Whereas:

- (1) The Council has authorised the Commission to open negotiations with certain European third countries to establish a European Common Aviation Area (ECAA);
- (2) The Commission has negotiated on behalf of the Community **and its Member States** a Multilateral Agreement with Albania, Bosnia and Herzegovina, Bulgaria, Croatia, ~~Iceland~~, the former Yugoslav Republic of Macedonia, **Iceland, Montenegro**, Norway, ~~Serbia and Montenegro~~, Romania, **Serbia** and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area in accordance with the Council Decision authorising the Commission to open the negotiations.
- (3) This Agreement was signed on behalf of the **Union Community** on **9 June 2006**³, subject to its possible conclusion at a later date, ~~in conformity with the decision .../.../EC of the Council on~~ **in accordance with Decision 2006/682/EC of the Council and of the Representatives of the Member States of the European Union meeting within the Council.**
- (4) This Agreement should be approved.

HAVES ADOPTED THIS DECISION ~~DECIDED AS FOLLOWS:~~

² OJ C 81 E/01 of 15.03.2011.

³ OJ L 285, 16.10.2006.

Article 1

1. The Multilateral Agreement between the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the European Community, the Republic of Iceland, the former Yugoslav Republic of Macedonia, **Montenegro**, the Kingdom of Norway, ~~Serbia and Montenegro~~, Romania, **Serbia** and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area (ECAA), hereinafter 'the Agreement', is **hereby** approved on behalf of the **Union Community**.
- ~~2. The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.~~
3. **Pending its entry into force, the Agreement shall be applied in accordance with Article 29(3) thereof.** The President of the Council is **hereby** authorised to make the notification **referred to in that provision on behalf of the Union Community and its Member States.**
- ~~4. The text of the Agreement is attached to this Decision.~~

Article 2

1. The **Union Community and the Member States** shall be represented in the Joint Committee set up under Article 18 of the Agreement. ~~by the Commission assisted by representatives of the Member States.~~
2. The position to be taken by the **Union Community and its Member States** as regards decisions of the Joint Committee **under Article 17 of the Agreement, which simply extend acts of Union legislation by including them into Annex I to the Agreement, subject to any technical adjustments needed,** shall be adopted by the Commission.
3. **For other Joint Committee decisions concerning matters that fall within Union competence, the position of the Union and its Member States shall be adopted by the Council, acting by qualified majority, on a proposal from the Commission.**
4. **For other Joint Committee decisions concerning matters which fall within Member States' competence, the position to be presented shall be adopted by the Council, acting by unanimity, on a proposal from the Commission or from Member States.**
5. **The position of the Union and the Member States in the Joint Committee shall be presented by the Commission, except in areas that fall exclusively within Member States' competence in which case it shall be presented by the Presidency of the Council or, if the Council so decides, by the Commission.**

Done at Brussels,

For the Council

The President
