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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. Cion doc.: 14491/1/15 REV 1

Subject: Draft Council Decision on the conclusion, on behalf of the Union, 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)
- Adoption

1. The above Agreement is the result of the Commission's mandate (granted by the Council in December 2004) to extend the existing "ECAA" negotiating mandate of 1996 in order to include a number of countries of the Western Balkans for the establishment of a European Common Aviation Area (doc. 15309/04 EU RESTRICTED).
2. On 16 March 2006, the Commission presented to the Council its proposals for Council Decisions on the signature and provisional application of the agreement and on the conclusion, respectively (doc. 7596/06).

* This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 (1999) and the Opinion of the International Court of Justice on Kosovo's declaration of independence.

3. The Decision on the signature and provisional application of the Multilateral Agreement establishing a European Common Aviation Area was adopted by the Council of 8-9 June 2006. The Agreement was signed on 9 June 2006, subject to its conclusion at a later date.
4. The Decision on the signature and provisional application of the Agreement, together with the text of the Agreement, was published in the Official Journal of the European Union on 16 October 2006¹.
5. The European Parliament gave its consent to the conclusion of the Agreement on 25 April 2007.
6. The ratification process was completed by the Member States in 2014.
7. On 25 November 2015, the Commission submitted to the Council an amended proposal² for a Council Decision on the conclusion of the above Agreement, with a view notably to take into account of the entry into force of the Treaty of Lisbon.
8. The Aviation Working Party discussed the amended proposal and reached agreement on it at its meeting of 6 December 2016.
9. In the light of that examination, the text of the draft Council Decision³ on the conclusion was prepared by the Council's legal-linguistic service.
10. On 27 February 2017, the Council forwarded the amended draft decision on conclusion as contained in J/L document 15654/16 as well as the text of the Agreement⁴ to the European Parliament for its consent.
11. The European Parliament gave its consent to the Council Decision on the conclusion of the Agreement on 13 September 2017.
12. Coreper is therefore invited to examine the draft Council Decision as set out in doc. 15654/16 and suggest to Council to adopt it so as to permit the conclusion of the Agreement.

¹ OJ L 285, 16.10.2006, p. 3–46.

² 14491/1/15 REV 1.

³ 15654/16.

⁴ 8823/2/06 REV 2 EXT 1.