



Brussels, 26 February 2015
(OR. en)

6422/15

Interinstitutional File:
2015/0034 (NLE)

AVIATION 26
RELEX 143
COEST 66
NIS 7

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	20 February 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 59 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 and the Republic of Moldova, to take account of the accession to the European Union of the Republic of Croatia

Delegations will find attached document COM(2015) 59 final.

Encl.: COM(2015) 59 final



EUROPEAN
COMMISSION

Brussels, 19.2.2015
COM(2015) 59 final

2015/0034 (NLE)

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 and the Republic of Moldova, 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 and its Member States and the Republic of Moldova was negotiated on the basis of the Council Decision of 16 June 2011 authorising the opening of negotiations. The Agreement was signed on 26 June 2012.

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 Croatia's accession to the above mentioned agreement with Moldova. A Protocol should thus be signed in accordance with this 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 and its Member States and the Republic of Moldova.

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

The Agreement with Moldova 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 to the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova 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 and its Member States and the Republic of Moldova.

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

Proposal for a

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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, 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 and the Republic of Moldova¹, to take account of the accession to the European Union of the Republic of Croatia ("the Protocol").
- (2) Those negotiations were successfully completed on 16 September 2014.
- (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 and the Republic of Moldova, 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 Protocol.
2. The text of the Protocol is attached to this Decision.

¹ The text of the Agreement is published in OJ L 292, 20.10.2012, p. 3.

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*