



Council of the  
European Union

129366/EU XXVII. GP  
Eingelangt am 03/02/23

Brussels, 3 February 2023  
(OR. en)

6057/23

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Interinstitutional File:  
2019/0258(NLE)

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AVIATION 19  
RELEX 145  
USA 11  
N 9  
ISL 10

## PROPOSAL

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| From:            | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director   |
| date of receipt: | 3 February 2023   |
| To:              | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union   |
| No. Cion doc.:   | COM(2023) 52 final  |
| Subject:         | Amended proposal for a COUNCIL DECISION on the conclusion, on behalf of the European Union and its Member States, of the Protocol amending the Air Transport Agreement between the United States of America and the European Community and its Member States signed on April 25 and 30, 2007 as amended by the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, signed by the United States of America and the European Union and its Member States on 24 June 2010, to take account of the accession to the European Union of the Republic of Croatia |

Delegations will find attached document COM(2023) 52 final.

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Encl.: COM(2023) 52 final



EUROPEAN  
COMMISSION

Brussels, 3.2.2023  
COM(2023) 52 final

2019/0258 (NLE)

Amended proposal for a

## **COUNCIL DECISION**

**on the conclusion, on behalf of the European Union and its Member States, of the Protocol amending the Air Transport Agreement between the United States of America and the European Community and its Member States signed on April 25 and 30, 2007 as amended by the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, signed by the United States of America and the European Union and its Member States on 24 June 2010, to take account of the accession to the European Union of the Republic of Croatia**

## **EXPLANATORY MEMORANDUM**

On 14 November 2019 the Commission presented a proposal for a Council decision, based on Article 218 (6) (a) of the Treaty on the Functioning of the European Union and Article 6 (2), second subparagraph, of the Act of Accession, approving the conclusion of a protocol amending the air transport agreement between the United States of America and the European Community and its Member States to take account of the accession to the European Union of the Republic of Croatia<sup>1</sup>.

The end of the transition period for the withdrawal of the United Kingdom from the European Union on 31 December 2020 required amendments to the protocol in order to remove from it the references to the United Kingdom. The Commission has therefore negotiated with the United States the necessary amendments to that effect. The delegations representing the Commission and the United States have agreed on the amendments.

It is furthermore necessary to amend Article 2 of the proposed Council decision in order to ensure compliance with the attribution of powers among the institutions under the Treaties, and in particular the Commission's prerogative under Article 17 of the Treaty on European Union to represent the Union externally.

For these reasons the Commission submits the present amended proposal for the Council decision approving the conclusion of the protocol.

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<sup>1</sup> [COM/2019/585-final](#).

Amended proposal for a

## COUNCIL DECISION

**on the conclusion, on behalf of the European Union and its Member States, of the Protocol amending the Air Transport Agreement between the United States of America and the European Community and its Member States signed on April 25 and 30, 2007 as amended by the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, signed by the United States of America and the European Union and its Member States on 24 June 2010, to take account of the accession to the European Union of the Republic of Croatia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Act of Accession of Croatia, and in particular Article 6 (2), second subparagraph, thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In accordance with Council Decision [ ], the Protocol amending the Air Transport Agreement between the United States of America and the European Community and its Member States signed on April 25 and 30, 2007 as amended by the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, signed by the United States of America and the European Union and its Member States on 24 June 2010, to take account of the accession to the European Union of the Republic of Croatia (“the Protocol”) was signed on [ ], subject to its conclusion at a later date. The Protocol should be approved on behalf of the Union and its Member States.

HAS ADOPTED THIS DECISION:

### *Article 1*

The Protocol amending the Air Transport Agreement between the United States of America and the European Community and its Member States signed on April 25 and 30, 2007 as amended by the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, signed by the United States of America and the European Union and its Member States on 24 June 2010, to take account of the accession to the European Union of the Republic of Croatia (“the Protocol”), is hereby approved on behalf of the Union and its Member States.

## *Article 2*

The Commission shall proceed, on behalf of the Union and its Member States, to the exchange of diplomatic notes provided for in Article 3 of the Protocol, in order to express the consent of the Union and its Member States to be bound by the Protocol.

## *Article 3*

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

Done at Brussels,

*For the Council  
The President*