



Council of the  
European Union

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Brussels, 3 February 2023  
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## PROPOSAL

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
Subject:	ANNEXES to the 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

ANNEXES 1 to 2

## **ANNEXES**

*to the*

### **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.**

## 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 UNITED STATES OF AMERICA (hereinafter, 'the United States'), of the one part;

and

THE REPUBLIC OF AUSTRIA,

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE REPUBLIC OF CROATIA,

THE REPUBLIC OF CYPRUS,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE REPUBLIC OF ESTONIA,

THE REPUBLIC OF FINLAND,

THE FRENCH REPUBLIC,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

HUNGARY,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

MALTA,  
THE KINGDOM OF THE NETHERLANDS,  
THE REPUBLIC OF POLAND,  
THE PORTUGUESE REPUBLIC,  
ROMANIA,  
THE SLOVAK REPUBLIC,  
THE REPUBLIC OF SLOVENIA,  
THE KINGDOM OF SPAIN,  
THE KINGDOM OF SWEDEN,  
~~THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,~~

being parties to the Treaty on European Union and the Treaty on the Functioning of the European Union and being Member States of the European Union (hereinafter, ‘the Member States’),

and the EUROPEAN UNION, of the other part;

Having regard to the accession of the Republic of Croatia to the European Union on 1 July 2013,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

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 (hereinafter, ‘the Air Transport Agreement’), 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 June 24, 2010 (hereinafter, ‘the 2010 Protocol’), shall apply to the Republic of Croatia as a Member State of the European Union.

#### *Article 2*

1. The following provision shall be added to Section 1 of Annex 1 of the Air Transport Agreement, as amended by the 2010 Protocol, after paragraph c relating to The Republic of Bulgaria:

"c bis) The Republic of Croatia: Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Croatia, signed at Washington on February 3, 2011."

2. The text of Section 3 of Annex 1 of the Air Transport Agreement, as amended by the 2010 Protocol, shall be deleted in its entirety and replaced with the following:

“Notwithstanding Article 3 of this Agreement, U.S. airlines shall not have the right to provide all-cargo services, that are not part of a service that serves the United States, to or from points in the Member States, except to or from points in the Republic of Croatia, the Czech Republic, the French Republic, the Federal Republic of Germany, the Grand Duchy of Luxembourg, Malta, the Republic of Poland, the Portuguese Republic, and the Slovak Republic.”

### *Article 3*

This Protocol shall enter into force on the later of:

1. the date of entry into force of the 2010 Protocol; and
2. one month after the date of the last note of an exchange of diplomatic notes between the Parties confirming that all necessary procedures for entry into force of this Protocol have been completed.

### *Article 4*

Pending its entry into force, the Parties agree to provisionally apply this Protocol, to the extent permitted under applicable domestic law, from the date of signature.

Done at ....., in duplicate, on ..... 201~~9~~23.

For the United States of America:

For the Republic of Austria,  
the Kingdom of Belgium,

the Republic of Bulgaria,  
the Republic of Croatia,  
the Republic of Cyprus,  
the Czech Republic,  
the Kingdom of Denmark,  
the Republic of Estonia,  
the Republic of Finland,  
the French Republic,  
the Federal Republic of Germany,  
the Hellenic Republic,  
Hungary,  
Ireland,  
the Italian Republic,  
the Republic of Latvia,  
the Republic of Lithuania,  
the Grand Duchy of Luxembourg,  
Malta,  
the Kingdom of the Netherlands,  
the Republic of Poland,  
the Portuguese Republic,  
Romania,  
the Slovak Republic,  
the Republic of Slovenia,  
the Kingdom of Spain,  
the Kingdom of Sweden,  
~~the United Kingdom of Great Britain and Northern Ireland~~, and  
the European Union

### Joint Declaration

Representatives of the United States of America and of the European Union and its Member States confirmed that the text 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 June 24, 2010, to take account of the accession to the European Union of the Republic of Croatia, signed on \_\_\_\_\_, ~~2010~~2023 (“the Protocol”) is to be authenticated in other languages, as provided either by exchange of letters, before signature of the Protocol, or by decision of the Joint Committee, after signature of the Protocol.

The Representatives also confirmed that the term "other languages" in the Joint Declarations forming part of 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, and 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 June 24, 2010, includes the languages of Member States acceding to the European Union.

This Joint Declaration is an integral part of the Protocol.

For the United States of America:

For the European Union  
and its Member States: