



Council of the
European Union

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	8 May 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2023) 238 final
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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 Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession to the European Union of the Republic of Croatia
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Delegations will find attached document COM(2023) 238 final.

Encl.: COM(2023) 238 final



Brussels, 8.5.2023
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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 Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession to the European Union of the Republic of Croatia

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, was negotiated on the basis of an authorisation to negotiate granted by the Council on 5 December 2004; the Agreement was signed on 12 December 2006.

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, including the Euro-Mediterranean Aviation Agreement with Morocco.

According to the provisions of the above-mentioned Article 6(2), ‘the accession of Croatia to such agreements shall be agreed by the conclusion of a protocol to such agreements between the Council, acting unanimously on behalf of the Member States, and the third country or countries or international organisations concerned. The Commission [...] shall negotiate these protocols on behalf of the Member States [...]’.

The Commission has negotiated the Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part.

The Protocol provides for the necessary linguistic adaptations of the Agreement that ensue from the accession of Croatia.

The objective of the present proposal is to obtain a Council decision, based on Article 218(5) of the Treaty on the Functioning of the European Union and Article 6(2) of the Act concerning the Conditions of Accession, authorising the signing of the Protocol on behalf of the Union and the Member States and its provisional application by the Union and the Member States in accordance with Article 4(2) thereof, subject to its conclusion at a later date.

- **Consistency with existing policy provisions in the policy area**

The provisions of the Protocol supplement the provisions of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession of Croatia to the European Union. That Protocol allows Croatia to honour its obligations under Article 6(2) of the Act concerning the Conditions of Accession

- **Consistency with other Union policies**

The Agreement with Morocco was the first comprehensive air transport agreement signed with a non-EU partner of the Union. That Agreement is an important element of the Union’s external aviation policy and is one of several Euro-Mediterranean aviation agreements, which the Union has since signed also with Israel and Jordan. The Aviation Agreement with Morocco has made it possible to nearly triple, in absolute terms, connectivity between that country and the Union. This Protocol will enable Croatia to enjoy these benefits in the same way as other Member States currently do.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **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.

- **Subsidiarity (for non-exclusive competence)**

The Protocol amends an agreement between the European Union (and its Member States) and a third country. It must therefore be signed at Union level.

- **Proportionality**

This is the standard procedure for recording the accession of a new Member State to an agreement concluded by the Union (and its Member States). The scope of the Protocol is strictly limited to the question of Croatia's accession to the Aviation Agreement with Morocco.

- **Choice of the instrument**

International agreement.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable

- **Stakeholder consultations**

Not applicable

- **Collection and use of expertise**

Not applicable

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

Not applicable

4. BUDGETARY IMPLICATIONS

The proposal has no impact on the Union budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable

- **Explanatory documents (for directives)**

Not applicable

- **Detailed explanation of the specific provisions of the proposal**

The Council is invited to approve the Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part.

Article 1 authorises the signature of the Agreement on behalf of the Union and its Member States.

Article 2 specifies the procedure for designating the person(s) authorised to sign the Agreement.

Article 3 provides for the provisional application of the Protocol.

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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), in conjunction with Article 218(5) 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,

Whereas:

- (1) The Commission has negotiated a Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession of the Republic of Croatia to the European Union (the 'Protocol'), so as to ensure that the above-mentioned Agreement is extended to also cover the Republic of Croatia.
- (2) The negotiations on the Protocol were successfully concluded and the Protocol was initialled by both parties on 23 December 2022.
- (3) The Protocol should therefore be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (4) In accordance with Article 4(2) thereof, the Protocol should apply on a provisional basis,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession of the Republic of Croatia to the European Union (the 'Protocol') is hereby authorised on behalf of the Union and its Member States, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The General Secretariat of the Council shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the Commission.

Article 3

The Protocol shall apply provisionally, in accordance with Article 4(2) thereof, from the date of signature by the parties.

Article 4

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

Done at Brussels,

*For the Council
The President*