



Brussels, 8 November 2019
(OR. en)

13819/19

Interinstitutional File:
2012/0006(NLE)

AVIATION 216
RELEX 1006

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Amended proposal for a COUNCIL DECISION on the conclusion of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and the Republic of Moldova, of the other part

With a view to the Aviation Working Party of 14 November 2019, delegations will find attached a Presidency compromise text on the above-mentioned proposal. Changes with respect to the Commission proposal have been marked with **bold and underline** and ~~strikethrough~~.

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) (v) and Article 218 (7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

Whereas:

- (1) The Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova was signed on 26 June 2012, subject to its conclusion at a later date, in accordance with Decision 2012/639/EU of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 7 June 2012 on the signing, on behalf of the Union, and provisional application of the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova².

¹ Consent [date] (not yet published in the Official Journal).

² Decision of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 7 June 2012 on the signing, on behalf of the Union, and provisional application of the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova (2012/639/EU) *OJ L 292*, 20.10.2012, p. 1–2

- (2) The Agreement has been ratified by all Member States, except for the Republic of Croatia. The Republic of Croatia accedes to the Agreement in accordance with the procedure provided for in the Act of accession annexed to the Treaty of Accession of 5 December 2011, and the relevant Protocol on the accession of the Republic of Croatia to this Agreements has been signed on 22 July 2015¹.
- (3) The Agreement should be approved on behalf of the Union.
- (4) Articles 4 and 5 of Decision 2012/639/EU contain provisions on decision making and representation with regard to various matters set out in the Agreement. In view of the judgment of the European Court of Justice of 28 April 2015 in Case C-28/12, the application of those provisions should be discontinued. Having regard to the Treaties, new provisions on those matters are not necessary, nor are provisions on information obligations of the Member States, contained in Article 6 of the Decision. Consequently, **paragraphs 2 to 5 of Article 4 and** Articles ~~4~~5 and 6 of Decision 2012/639/EU should cease to apply at the date of entry into force of this Decision.

HAS ADOPTED THIS DECISION:

Article 1

The Common Aviation Area Agreement between the European Union and its Member States, of the one part, and the Republic of Moldova, of the other part, is hereby approved on behalf of the Union².

¹ Council Decision (EU) 2015/1389 of 7 May 2015 on the signing, on behalf of the 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 ~~OJL 2015 215 R 0001~~ OJL 215, 14.8.2015, p. 1-2

² The Agreement has been published in OJ L292, 20.10.2012, p.3 together with the decision on signature.

Article 2

The position to be taken by the Union as regards decisions of the Joint Committee under Article 22 of the Agreement regarding merely the inclusion of Union legislation into Annex III (Rules applicable to civil aviation) to the Agreement, subject to any technical adjustments needed, shall be adopted by the Commission, after **submitting it for** consultation **to the Council or its preparatory bodies, as the Council may decide** ~~of a Special Committee appointed by the Council.~~

Article 3

Paragraphs 2 to 5 of Article 4 and Articles ~~4~~⁵ and 6 of Decision 2012/639/EU shall cease to apply at the date of entry into force of this Decision.

Article 4

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

Done at Brussels,

For the Council

The President

[...]
