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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	8 April 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 158 final
Subject:	Amended proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Common Aviation Area Agreement between the European Union and its Member States and Ukraine

Delegations will find attached document COM(2021) 158 final.

Encl.: COM(2021) 158 final



EUROPEAN
COMMISSION

Brussels, 8.4.2021
COM(2021) 158 final

2014/0008 (NLE)

Amended proposal for a

COUNCIL DECISION

**on the signing, on behalf of the European Union, and provisional application of the
Common Aviation Area Agreement between the European Union and its Member States
and Ukraine**

EXPLANATORY MEMORANDUM

On 15 April 2014 the Commission adopted and subsequently submitted to the Council a proposal for a decision on the signing, on behalf of the European Union, and provisional application of the Common Aviation Area Agreement between the European Union and its Member States and Ukraine (COM(2014)18 final).

The present proposal amends the above-mentioned proposal in the following regards and for the following reasons.

Firstly, following the departure of the United Kingdom from the Union and the end of the transition period certain adaptations to the Agreement have been negotiated, namely the removal of the United Kingdom as a signatory to the Agreement and of references to Gibraltar in the definition of territory therein. Ukraine has agreed to these adaptations.

Moreover, certain amendments of the decision are proposed, in particular (i) in order to authorise the Commission to adopt the Union's position as regards certain decisions of the Joint Committee established by the Agreement, and (ii) to adapt the decision to the judgment of the Court of Justice of 28 April 2015 in Case C-28/12.

In addition some amendments of editorial nature are proposed.

In order to ease the examination by the Council, the whole of the relevant text is submitted as an amended proposal.

Amended proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, and provisional application of the Common Aviation Area Agreement between the European Union and its Member States and Ukraine

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) and (7) thereof,

Having regard to the proposal from the European Commission,

Whereas

- (1) On 12 December 2006, the Council authorised the Commission to open negotiations with Ukraine on the Common Aviation Area Agreement between the European Union and its Member States and Ukraine (the ‘Agreement’). As a result of those negotiations, a first version of the Agreement was initialled on 28 November 2013.
- (2) Following the departure of the United Kingdom from the European Union and the end of the transition period provided for in Articles 126 and 127 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, adaptations have been negotiated. Namely, the name of the United Kingdom as a signatory of the Agreement and references to Gibraltar in the definition of ‘territory’ have been removed. Ukraine agreed to those changes on 30 October 2020.
- (3) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.
- (4) In order to bring about the benefits of the Agreement as early as possible, it should be applied provisionally,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Common Aviation Area Agreement between the European Union and its Member States and Ukraine, is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement.

The text of the Agreement to be signed is attached to this Decision.

Article 2

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

Article 3

The Agreement shall be applied provisionally in accordance with Article 38 (3) thereof, pending its entry into force.

Article 4

The Commission is authorised to adopt the position to be taken by the Union as regards decisions of the Joint Committee under Article 15(3) of the Agreement to amend Annex I thereto by integrating Union legislation into that Annex, subject to any technical adjustments needed, after consultation of a Special Committee appointed by the Council.

Article 5

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

Done at Brussels,

For the Council
The President
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