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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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
– Adoption

1. The above draft Agreement is the result of the negotiations conducted by the Commission based on the authorisation granted by the Council in December 2006 to the Commission to open negotiations with Ukraine with a view to conclude a Common Aviation Area Agreement. The draft Agreement was initialled on 28 November 2013.
2. On 15 April 2014, the Commission presented to the Council its proposals for a Council Decision on the signing and provisional application of the above-mentioned draft Agreement and for a Council Decision on the conclusion of that Agreement (8290/14 and 6587/14 respectively).
3. Following the withdrawal of the United Kingdom from the European Union and the end of the transition period, adaptations to the draft Agreement have been negotiated with Ukraine. Namely, the references to the United Kingdom as a signatory of the draft Agreement and the the references to Gibraltar in the definition of 'territory' have been removed.

4. Therefore, on 8 April 2021, the Commission presented to the Council amended proposals for a Council Decision on the signing and provisional application of the above-mentioned draft Agreement and for a Council Decision on the conclusion of that Agreement (7668/21 and 7667/21 respectively).
5. The members of the Aviation Working Party examined the draft Council Decision on the signing and provisional application during informal videoconferences on 15 April and 29 April 2021. Moreover, delegations were consulted through a written consultation on 20 May 2021.
6. Following the examination at working party level, the text of the draft Council Decision on the signing and provisional application and the text of the draft Agreement have been revised by the Council's legal-linguistic services.
7. The Permanent Representatives Committee is therefore invited to examine the draft Council Decision as set out in J/L document 8462/21 and the text of the draft Agreement as set out in J/L document 7746/21, and suggest that the Council, in part “A” of the agenda of a forthcoming meeting adopts that Decision so as to permit the signing of the Agreement.
8. The European Parliament will be informed of the adoption in accordance with Article 218(10) TFEU and the Decision will be transmitted to the EP.
9. In this context, it is noted that the signature of the draft Agreement and its provisional application are also supported by Member States in their capacity as Parties to that Agreement alongside the Union.