EUROPEAN
COMMISSION

Brussels, 23.11.2015
COM(2015) 575 final

2015/0036 (CNS)

Amended proposal for a

# COUNCIL DECISION

**on the conclusion of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo[1] on the establishment of a European Common Aviation Area (ECAA)**

[1] Pursuant to UN Security Council Resolution 1244 of 10 June 1999.

# EXPLANATORY MEMORANDUM

## 1. CONTEXT OF THE PROPOSAL

The Commission has negotiated, on behalf of the Union, a Multilateral Agreement on the establishment of a European Common Aviation Area (ECAA) between the European Community and its Member States and the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo[1], pursuant to a decision of the Council authorising the opening of negotiations on 10 December 2004.

The ECAA Agreement was signed on behalf of the Community on 9 June 2006, subject to its conclusion at a later date, in accordance with Decision 2006/682/EC of the Council and of the Representatives of the Member States of the European Union meeting within the Council[2], which authorized its signature and provisional application.

As regards the EU side, both the Union and its Member States are Parties to this Agreement. The ratification process has been completed by all Member States on 23 January 2014.

The proposal at issue modifies the initial proposal of the Commission (under COM (2006)113 Final), which was adopted on 14 March 2006 and subsequently submitted to the Council, with a view notably to take account of the entry into force of the Treaty of Lisbon. In order to ease examination by the Council, the whole of the relevant text is submitted as amended proposal.

## 2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Not applicable

## 3. LEGAL ELEMENTS OF THE PROPOSAL

Not applicable

## 4. BUDGETARY IMPLICATION

Not applicable

[1] Pursuant to UN Security Council Resolution 1244 of 10 June 1999.

[2] OJ L 285 of 16.10.2006, p. 1.

2015/0036 (CNS)

Amended proposal for a

# COUNCIL DECISION

**on the conclusion of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo[3] on the establishment of a European Common Aviation Area (ECAA)**

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) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament[4],

Whereas:

(1) The Commission has negotiated on behalf of the European Community a Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo[5] on the establishment of a European Common Aviation Area (ECAA).

(2) This Agreement was signed on behalf of the Community on 9 June 2006, subject to its conclusion at a later date, in accordance with Decision 2006/682/EC of the Council and of the Representatives of the Member States of the European Union meeting within the Council[6],

(3) With their respective accession and in accordance with Article 31 (2) of the Agreement, the Republic of Bulgaria, Romania, as well as the Republic of Croatia have become EU Member States and therefore ceased to be Associated Parties under this Agreement,

(4) This Agreement should be approved on behalf of the Union,

---

3 Pursuant to UN Security Council Resolution 1244 of 10 June 1999.
4 OJ C 81 E/01 of 15.03.2011.
5 Pursuant to UN Security Council Resolution 1244 of 10 June 1999.
6 OJ L 285 of 16.10.2006, p. 1.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area (ECAA), hereinafter 'the Agreement', is hereby approved on behalf of the Union.

2. The President of the Council shall designate the person(s) empowered to deposit, on behalf of the European Union, the instrument of approval provided for in Article 29 (2) of the Agreement in order to express the consent of the Union to be bound by the Agreement and shall make the following notification:

‘1. As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the text of the Agreement are, where appropriate, to be read as to “the European Union".

'2. With their respective accession and in accordance with Article 31 (2) of the Agreement, the Republic of Bulgaria, Romania, as well the Republic of Croatia have become European Union Member States and ceased to be Associated Parties under this Agreement”.

*Article 2*

1. The Union shall be represented in the Joint Committee set up under Article 18 of the Agreement by the Commission.

2. The position to be taken by the Union as regards decisions of the Joint Committee under Article 17 of the Agreement regarding merely the inclusion of Union legislation into Annex I to the Agreement, subject to any technical adjustments needed, shall be adopted by the Commission.

*Article 3*

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

Done at Brussels,

*For the Council*
*The President*