EU/Moldova Common Aviation Area Agreement

2012/0006(NLE) - 08/10/2012 - Legislative proposal

PURPOSE: the conclusion of the Common Aviation Area Agreement between the European Union and its Member States and Moldova.

PROPOSED ACT: Decision of the Council and of the Representatives of the Governments of the Member States, meeting within the Council.

BACKGROUND: the Commission has negotiated on behalf of the Union and of the Member States a Common Aviation Area Agreement with Moldova.

In accordance with the Decision of the Representatives of the Governments of the Member States of the European Union, meeting within the Council of 7 June 2012, the Agreement was signed on 26 June 2012.

It is necessary to lay down appropriate arrangements for the coordination between and representation of the Union and the Member States in the Joint Committee set up under Article 22 of the Agreement and in the dispute settlement procedures provided in Article 23 of the Agreement, as well as for implementing certain provisions of the Agreement concerning security and safety.

Since the Agreement contains **elements of both Union and Member States' competence**, in order to **ensure close cooperation** and unity in international relations, the Decision should be adopted jointly by the Council and the Member States.

The rules envisaged to ensure such close cooperation and unity should include clear guidance for representation "on the spot", inter alia, by confirming the necessity of a joint and common approach. In the context of a mixed agreement, those rules should still fully respect Union procedures also as regards the establishment of the Union position and the representation of the Union within the Joint Committee.

The Agreement should be approved on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 100(2), in conjunction with point (a) of Article 218(6) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal aims to approve the Common Aviation Area Agreement between the European Union and its Member States, and Moldova.

Apart from the main points of the Agreement, which are already set out in the Commission’s initial legislative proposal (please see the summary of 27/01/2012) the Agreement contains the following technical points:

- **Joint Committee:** the Union and the Member States shall be represented in the Joint Committee established pursuant to Article 22 of the Agreement by representatives of the Commission and of the Member States, respectively. The proposal sets out, in each case, the **position to be taken by the Union and its Member States in the Joint Committee with regard to matters falling within or outside the exclusive competence of the Union.**

- **Settlement of disputes**: in the case of dispute settlement proceedings pursuant to Agreement, the proposal sets out the position to be taken by the Commission.

- **Information to the Commission**: Member States shall promptly inform the Commission of any decision to refuse, revoke, suspend or limit the authorisation of an airline of Moldova that they intend to adopt.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.