

EU/Ukraine Common Aviation Area Agreement

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PURPOSE : to conclude a Common Aviation Area Agreement between the European Union and its Member States and Ukraine.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: air services between the EU and Ukraine operate at present on the basis of bilateral agreements between individual Member States and Ukraine. It is part of the EU's external aviation policy to negotiate comprehensive air services agreements with neighbouring countries, where the added value and economic benefits of such agreements have been demonstrated.

In this context, the Commission has negotiated an agreement on a Common Aviation Area Agreement between the European Union and its Member States and Ukraine.

The negotiating directives set out the general objective of **gradually and reciprocally opening market access** and ensuring regulatory convergence and effective implementation of EU requirements and standards.

In accordance with the negotiating directives, a draft Agreement with Ukraine was initialled by the two sides on 28 November 2013.

The Agreement should be concluded on behalf of the EU.

CONTENT: the draft decision calls on the Council to approve on behalf of the EU the Common Aviation Area Agreement between the EU and its Member States and Ukraine.

General principles : the Agreement aims for :

- gradual market opening in terms of access to routes and capacity on a **reciprocal** basis;
- ensuring regulatory convergence and effective compliance by Ukraine with EU aviation related legislation; and
- non-discrimination and level playing field for economic operators.

The provisions of the Agreement will prevail over the relevant provisions of the existing bilateral air services agreements between Member States and Ukraine.

However, existing traffic rights which originate from these bilateral agreements and which are not covered under this Agreement can continue to be exercised, provided that there is no discrimination between the Member States and their nationals.

Main provisions: the Agreement creates equal and uniform conditions for market access for all Union carriers and establishes new arrangements for **regulatory cooperation and convergence between the European Union and Ukraine** in fields essential for the safe, secure, and efficient operation of air services.

The Agreement provides for :

- the extension of its terms to the 28 Member States, applying the same rules without discrimination and benefiting all Union air carriers regardless of their nationality ;
- enabling these carriers to operate freely from any point in the European Union to any point in Ukraine which is currently not the case.

Annexes : the Agreement consists of the main body including the core principles and seven annexes:

- Annex I on EU applicable requirements and standards; Annex II on agreed services and specified routes;
- Annex III on transitional provisions;
- Annex IV on the list of certificates to be recognised;
- Annex V on the list of States referred to in Articles 17, 19 and 22 and Annexes II and III to the Agreement;
- Annex VI on procedural rules; and
- Annex VII on criteria referred to in Article 26, paragraph 4 of the Agreement.