EU/Georgia Agreement: common aviation area

2010/0186(NLE) - 28/06/2018

The European Commission presented an **amended proposal** for a Council Decision on the conclusion, on behalf of the Union, of the common aviation area agreement between the European Union and its Member States, of the one part, and Georgia, of the other part.

The Commission negotiated, on behalf of the European Union and its Member States, the common aviation area agreement with Georgia in accordance with the Council Decision authorising the Commission to open negotiations.

The agreement aims at gradual market opening in terms of access to routes and capacity on a reciprocal basis; non-discrimination and level playing field for economic operators based on the principles of the EU Treaties; as well as alignment of the Georgian aviation legislation with EU legislation on issues such as safety, security and air traffic management.

The agreement was signed on 2 December 2010, subject to its conclusion at a later date, in accordance with Decision 2012/708/EU of the Council and of the Representatives of the Member States of the European Union meeting within the Council.

The ratification process was completed by all Member States on 9 February 2017, except for Croatia. Croatia, however, accedes to the Agreement in accordance with the procedure provided for in the Act of accession annexed to the Treaty of Accession of 5 December 2011 and the relevant Protocol of accession of Croatia to this Agreement was signed in November 2014.

Articles 3 and 4 of Decision 2012/708/EU contain provisions on decision making and representation with regard to various matters set out in the agreement. In view of the judgement of the European Court of Justice of 28 April 2015 in case C-28/12, **the application of those provisions should be discontinued**. Having regard to the Treaties, **new provisions on those matters are not necessary**, nor are provisions on information obligations of the Member States. Consequently, Articles 3, 4 and 5 of Decision 2012/708/EU shall cease to apply at the date of entry into force of this Decision.

Therefore, this proposal **modifies the initial proposal** of the Commission, which was adopted on 28 June 2010 and subsequently submitted to the Council.

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