EU/Georgia Agreement: common aviation area

2010/0186(NLE) - 18/06/2019 - Amended legislative proposal for reconsultation

PURPOSE: to conclude, on behalf of the Union, the Agreement on the establishment of a Common Aviation Area between the European Union and its Member States, on the one hand, and Georgia, on the other.

PROPOSED ACT: Council Decision.

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

BACKGROUND: 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.

As far as the European Union is concerned, both the Union and its Member States are parties to this Agreement. The ratification process was completed by all Member States on 9 February 2017, except Croatia.

Croatia accedes to the Agreement in accordance with the procedure laid down 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 on various matters contained in the Agreement. The application of these provisions should be discontinued, taking into account the judgment of the Court of Justice of the European Union of 28 April 2015 in Case C-28/12.

In view of the Treaties, there is no need to lay down new provisions on these issues or on the information obligations of the Member States. Therefore, Articles 3, 4 and 5 of Decision 2012/708/EU should cease to apply on the date of entry into force of this Decision.

CONTENT: Parliament is consulted again for approval on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement on the establishment of a Common Aviation Area between the European Union and its Member States, of the one part, and Georgia, of the other part.

The draft Decision stipulates that the position to be taken by the Union with regard to decisions of the Joint Committee under Article 22 of the Agreement, with regard only to the inclusion of Union legislative acts in Annex III (Rules applicable to civil aviation) to the Agreement, subject to the necessary technical adjustments, shall be adopted by the Commission, after having submitted it for consultation to the Council or its preparatory bodies, as the Council may decide.