EU/Moldova Common Aviation Area Agreement

2012/0006(NLE) - 05/11/2019 - Document attached to the procedure

PURPOSE: to conclude the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and the Republic of Moldova, of the other part.

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 Common Aviation Area Agreement between the European Union and its Member States, of the one part, and the Republic of Moldova, of the other part, was signed on 26 June 2012, subject to its conclusion at a later date. 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, except for Croatia. Croatia 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 on the accession of Croatia to this Agreements was signed on 22 July 2015.

The Agreement must now be approved on behalf of the Union.

CONTENT: this proposal amends the Commission's original proposal, which was adopted on 27 January 2012 and submitted to the Council, in particular to take into account the entry into force of the Lisbon Treaty and following the judgment of the Court of Justice of 28 April 2015 in Case C-28/12.

The Commission proposes that the Council decide to approve, on behalf of the Union, the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Moldova, of the other part.

The Agreement consists of the main body including the core principles, and four annexes: Annex I on agreed services and specified routes; Annex II on transitional provisions, Annex III on the rules applicable to civil aviation and Annex IV with a list of other States referred to in Articles 3 and 4 and Annex I.

The proposed Decision provides that the position to be taken by the Union as regards decisions of the Joint Committee under Article 22 of the Agreement regarding merely the inclusion of Union legislation into Annex III (Rules applicable to civil aviation) to the Agreement, subject to any technical adjustments needed, shall be adopted by the Commission, after consultation of a Special Committee appointed by the Council.

The proposal also puts an end to Articles 4 and 5 of Decision 2012/639/EU which contain provisions on decision making and representation with regard to various matters set out in the Agreement, in view of the judgment of the European Court of Justice of 28 April 2015 in Case C-28/12.