Basic information

2010/0186(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Georgia Agreement: common aviation area See also 2014/0134(NLE) **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Georgia	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	AMERIKS Andris (S&D)	16/10/2019
	Shadow rapporteur DELI Andor (EPP) KOVAŘÍK Ondřej (Renew) CUFFE Ciarán (Greens/EFA) ZŁOTOWSKI Kosma (ECR) DALY Clare (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	ULMER Thomas (PPE)	24/11/2010

Council of the European Union

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary

28/06/2010	Preparatory document	COM(2010)0339	Summary
10/05/2011	Legislative proposal published	09185/2011	Summary
07/06/2011	Committee referral announced in Parliament		
11/10/2011	Vote in committee		Summary
13/10/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0344/2011	
15/11/2011	Decision by Parliament	T7-0481/2011	Summary
15/11/2011	Results of vote in Parliament		
28/06/2018	Preparatory document	COM(2018)0495	
18/06/2019	Amended legislative proposal for reconsultation published	09556/2019	Summary
25/06/2019	Formal reconsultation of Parliament		
21/04/2020	Vote in committee		
22/04/2020	Committee report tabled for plenary, reconsultation	A9-0082/2020	
17/06/2020	Decision by Parliament	T9-0150/2020	Summary
17/06/2020	Results of vote in Parliament		
18/06/2020	Results of vote in Parliament		
19/06/2020	Results of vote in Parliament		
26/06/2020	Act adopted by Council after consultation of Parliament		
03/07/2020	Final act published in Official Journal		

Technical information

Procedure reference	2010/0186(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2014/0134(NLE)
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 100-p2 Treaty on the Functioning of the European Union TFEU 218-p8-a2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/03443 TRAN/9/00572

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE467.158	21/06/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0344/2011	13/10/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0481/2011	15/11/2011	Summary
Committee draft report		PE644.721	28/11/2019	
Committee final report tabled for plenary, reconsultation		A9-0082/2020	22/04/2020	
Text adopted by Parliament after reconsultation		T9-0150/2020	17/06/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	14370/2010	12/10/2010	
Legislative proposal	09185/2011	10/05/2011	Summary
Amended legislative proposal for reconsultation	09556/2019	18/06/2019	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2010)0339	28/06/2010	Summary
Preparatory document	COM(2018)0495	28/06/2018	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	RO_CHAMBER	COM(2018)0495	29/10/2018	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2020/0948
OJ L 212 03.07.2020, p. 0003

EU/Georgia Agreement: common aviation area

2010/0186(NLE) - 10/05/2011 - Legislative proposal

PURPOSE: the conclusion of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part.

PROPOSED ACT: Decision of the Council and the representatives of the Governments of the Member States of the EU meeting within the Council.

BACKGROUND: the Commission has negotiated on behalf of the Union and its Member States the Common Aviation Area Agreement with Georgia. The agreement was signed on 2 December 2010 in accordance with Decision 2011/50/EU of the Council and the representatives of the Governments of the Member States of the EU meeting within the Council of 15 October 2010.

It is therefore appropriate now to conclude the agreement on behalf of the EU.

IMPACT ASSESSMENT: no impact assessment was undertaken.

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

CONTENT: with this proposal, it is envisaged to approve the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part.

The text of the agreement is attached to the proposed Decision.

This proposed agreement also lays down procedural arrangements for deciding, if appropriate, how to terminate the Agreement and for the participation of the Union and the Member States in the Joint Committee set up under the Agreement. It also covers the dispute settlement procedures and procedures for implementing certain provisions of the Agreement concerning security and safety.

For further information regarding the content of this agreement, please refer to the summary of the previous initial legislative document dated 28/06 /2010.

It should be noted that for the agreement to enter into force, each Member State has to ratify it at national level. Once the ratification procedures have been completed, each Member State is required to notify the Secretariat-General of the Council.

BUDGETARY IMPACT: the proposal has no impact on the EU’s budget.

EU/Georgia Agreement: common aviation area

2010/0186(NLE) - 28/06/2010 - Preparatory document

PURPOSE : to conclude the Common Aviation Area Agreement between the EU and its Member States, of the one part, and Georgia, of the other part

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

BACKGROUND : the Common Aviation Area Agreement between the EU and its Member States, of the one part, and Georgia, of the other part has been negotiated under a mandate received from the Council in June 2009. Air services between the EU and Georgia presently operate on the basis of bilateral agreements between individual Member States and Georgia. It is part of the EU neighbourhood policy to replace this network of bilateral agreements through the establishment of a Common Aviation Area between the EU and its neighbours. The negotiating mandate set the objective of establishing a Common Aviation Area (CAA) between the EU and Georgia. This would extend the rules and provisions of the single market for air transport in the EU to a large extent to Georgia in which European

and Georgian airlines would be able to provide air services without any restriction. Based on the negotiating directives of the mandate, a draft Agreement with Georgia was initialled by the two sides on 5 March 2010.

IMPACT ASSESSMENT : the Agreement ensures the gradual establishment of an EU/Georgia Common Aviation Area. A report prepared for the Commission in 2008 by consultants, estimated that an

EU/Georgia Common Aviation Area would generate 25,000 extra passengers and consumer benefits of up to EUR 17 million in the first effective year of market opening. The Agreement establishes a Joint Committee which will be responsible for reviewing the implementation of the Agreement and its effects.

LEGAL BASE :

CONTENT : 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;

- Alignment of the Georgian aviation legislation with EU legislation on issues such as safety, security and air traffic management.

The Agreement provides for the possibility for Georgia to join the main multilateral aviation agreement with European countries, the European Common Aviation Area (ECAA) signed in 2006.

FINANCIAL IMPLICATIONS : the proposal has no implication for the Union budget.

EU/Georgia Agreement: common aviation area

2010/0186(NLE) - 15/11/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft decision of the Council and the representatives of the governments of the Member States, meeting within the Council, on the conclusion of the Common Aviation Area Agreement between the European Union and its Member States and Georgia.

Parliament gave its consent to the conclusion of the Agreement.

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.

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.

EU/Georgia Agreement: common aviation area

2010/0186(NLE) - 17/06/2020 - Text adopted by Parliament after reconsultation

The European Parliament adopted by 653 to 10, with 25 abstentions, a legislative resolution on the draft Council decision on the conclusion, 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.

In line with the recommendation made by the Committee on Transport and Tourism, the European Parliament gave its consent to the conclusion of the Agreement.

The Council signed the Agreement on 2 December 2010. On 15 November 2011, Parliament gave its consent to the conclusion of the Agreement. In order to take account of the legal consequences of the entry into force of the Treaty of Lisbon and of the 2015 judgment of the Court of Justice, the Council decided to consult Parliament again to obtain its consent.

The Agreement is aimed at regulating aviation relations between the European Union, its Member States and Georgia. Its purpose is to create a common aviation area between the EU and Georgia. It aims to extend to Georgia all the legislation and the rules governing the EU single market in air transport and create a level playing field between all air carriers in the European Union and Georgia.

The application of the existing rules on aviation safety and security and air traffic management to Georgia shall lead to a reciprocal market opening and enable all economic stakeholders to participate in the common aviation area on a non-discriminatory basis. This means that in future all aviation undertakings in the EU and Georgia shall be able to offer their services from anywhere in the EU to anywhere in Georgia.