Basic information

2012/0006(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Moldova Common Aviation Area Agreement See also 2015/0035(NLE) **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Moldova	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	ZĪLE Roberts (ECR)	12/09/2019
	Shadow rapporteur MARINESCU Marian-Jean (EPP) GRAPINI Maria (S&D) KOVAŘÍK Ondřej (Renew) DALY Clare (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism		
TRAN Transport and Tourism		

Council of the European Union

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
27/01/2012	Preparatory document	COM(2012)0020	Summary
08/10/2012	Legislative proposal published	13800/2012	Summary
19/11/2012	Committee referral announced in Parliament		
20/10/2014	Resumption of business from the previous parliamentary term		
21/10/2019	Resumption of business from the previous parliamentary term		
21/04/2020	Vote in committee		
23/04/2020	Committee report tabled for plenary, 1st reading/single reading	A9-0084/2020	
17/06/2020	Decision by Parliament	T9-0145/2020	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	2012/0006(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2015/0035(NLE)
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p7 Treaty on the Functioning of the European Union TFEU 100-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/00038

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE648.290	21/02/2020	
Committee report tabled for plenary, 1st reading/single reading		A9-0084/2020	23/04/2020	
Text adopted by Parliament, 1st reading/single reading		T9-0145/2020	17/06/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	08185/2012	31/05/2012	
Legislative proposal	13800/2012	08/10/2012	Summary
Supplementary legislative basic document	14205/2019	03/12/2019	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0020	27/01/2012	Summary
Document attached to the procedure	COM(2019)0568	05/11/2019	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0020	07/06/2012	
Contribution	RO_CHAMBER	COM(2019)0568	26/07/2020	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2020/0951
OJ L 212 03.07.2020, p. 0008

EU/Moldova Common Aviation Area Agreement

2012/0006(NLE) - 27/01/2012

PURPOSE: conclusion of 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.

BACKGROUND: Air services between the EU and the Republic of Moldova presently operate on the basis of bilateral agreements between individual Member States and the Republic of Moldova. 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.

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 has been negotiated by the Commission as authorised by the Council in June 2011.

The negotiating directives set out the general objective of negotiating a comprehensive air transport agreement with the aim of gradually and reciprocally opening market access and ensuring regulatory convergence and effective implementation of EU standards. In accordance with the negotiating directives, a **draft Agreement with the Republic of Moldova was initialled by the two sides on 26 October 2011**.

The conclusion of a comprehensive air transport agreement with the Republic of Moldova is an important element in the development of the EU external aviation policy and in particular a wider European Common Aviation Area, as described in the Commission Communication "Developing the agenda for the Community's external aviation policy".

IMPACT ASSESSMENT: a report prepared for the Commission in 2011 by consultants, estimated that the economic benefit of such an agreement is estimated at around € 17 million per year (mainly due to lower air fares, increased air travel and the associated economic activity). The analysis also showed that air fares on popular routes are likely to drop significantly as a result of increased competition. The Agreement would also help improve "doing business" issues for EU carriers.

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

CONTENT: the Agreement consists of the main body including the main principles, and two annexes: Annex I on route schedule, traffic rights and operational flexibility, and Annex II on bilateral air services agreements. The Agreement aims at:

- gradual market opening in terms of access to routes and capacity on a reciprocal basis;
- promoting regulatory cooperation and harmonisation of regulations and approaches based on EU legislation in the field of aviation;
- promoting air services based on competition among air carriers with minimum government interference and regulation;
- non-discrimination and level playing field for economic operators.

A Joint Committee will be established to discuss matters related to the implementation of the Agreement. The Joint Committee will monitor safety aspects related to the Agreement, foster expert-level exchanges on new legislative or regulatory initiatives or developments and consider potential areas for further development of the Agreement. The Joint Committee will be composed of representatives of the Commission and the Member States.

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

EU/Moldova Common Aviation Area Agreement

2012/0006(NLE) - 17/06/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 654 votes to 10, with 24 abstentions, a legislative resolution on the draft 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 the Republic of Moldova, 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 Agreement is part of the European Union's Neighbourhood Policy. It builds on the bilateral air transport agreements between the EU Member States and Moldova and replaces them with the creation of the Common Aviation Area between the European Union and its Eastern Partnership partners. The Agreement was signed on 26 June 2012, subject to its conclusion at a later date.

This comprehensive Agreement covers not only air traffic rights, in order to allow direct flights between any EU airport and Moldova, but also a wide range of air transport issues, such as passenger rights, air traffic management, economic regulation, competition or social aspects.

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.

EU/Moldova Common Aviation Area Agreement

2012/0006(NLE) - 03/12/2019 - Supplementary legislative basic document

PURPOSE: conclusion of 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.

BACKGROUND: the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova was signed on 26 June 2012, subject to its conclusion, in accordance with Decision 2012/639/EU of the Council and of the Representatives of the Governments of the Member States, meeting within the Council.

The Agreement was ratified by all Member States except for Croatia, which accedes to the Agreement in accordance with the 2012 Act of Accession. The Protocol amending the Common Aviation Area Agreement between the European Union and its Member States and Moldova, to take account of the accession to the European Union of Croatia was signed on 22 July 2015.

It is now necessary to approve the Agreement on behalf of the Union.

CONTENT: the draft Council Decision concerns the approval, on behalf of the Union, of the Agreement on the establishment of a Common Aviation Area between the European Union and its Member States and Moldova.

The proposed decision provides that the position to be taken by the Union with regard to decisions taken by the Joint Committee under the Agreement on the inclusion of Union legislation in Annex III to the Agreement, subject to the necessary technical adaptations, shall be expressed by the Commission, after it has submitted it for consultation to the Council or its preparatory bodies, as decided by the Council.

The Council draft also terminates the application of Articles 4 and 5 of Decision 2012/639/EC, which contain decision-making and representation provisions on various issues contained in the Agreement, in the light of the judgment of the Court of Justice of the European Union of 28 April 2015 in Case C-28/12.

EU/Moldova Common Aviation Area Agreement

2012/0006(NLE) - 08/10/2012 - Legislative proposal

PURPOSE: the conclusion of the Common Aviation Area Agreement between the European Union and its Member States and Moldova.

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

BACKGROUND: the Commission has negotiated on behalf of the Union and of the Member States a Common Aviation Area Agreement with Moldova.

In accordance with the Decision of the Representatives of the Governments of the Member States of the European Union, meeting within the Council of 7 June 2012, the Agreement was signed on 26 June 2012.

It is necessary to lay down appropriate arrangements for the coordination between and representation of the Union and the Member States in the Joint Committee set up under Article 22 of the Agreement and in the dispute settlement procedures provided in Article 23 of the Agreement, as well as for implementing certain provisions of the Agreement concerning security and safety.

Since the Agreement contains **elements of both Union and Member States' competence**, in order to **ensure close cooperation** and unity in international relations, the Decision should be adopted jointly by the Council and the Member States.

The rules envisaged to ensure such close cooperation and unity should include clear guidance for representation "on the spot", inter alia, by confirming the necessity of a joint and common approach. In the context of a mixed agreement, those rules should still fully respect Union procedures also as regards the establishment of the Union position and the representation of the Union within the Joint Committee.

The Agreement should be approved on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

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

CONTENT: this proposal aims to approve the Common Aviation Area Agreement between the European Union and its Member States, and Moldova.

Apart from the main points of the Agreement, which are already set out in the Commission's initial legislative proposal (please see the summary of 27 /01/2012) the Agreement contains the following technical points:

- **Joint Committee:** the Union and the Member States shall be represented in the Joint Committee established pursuant to Article 22 of the Agreement by representatives of the Commission and of the Member States, respectively. The proposal sets out, in each case, the **position to be taken by the Union and its Member States in the Joint Committee with regard to matters falling within or outside the exclusive competence of the Union.**
- **Settlement of disputes**: in the case of dispute settlement proceedings pursuant to Agreement, the proposal sets out the position to be taken by the Commission.
- **Information to the Commission**: Member States shall promptly inform the Commission of any decision to refuse, revoke, suspend or limit the authorisation of an airline of Moldova that they intend to adopt.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

EU/Moldova Common Aviation Area Agreement

2012/0006(NLE) - 27/01/2012 - Preparatory document

PURPOSE: conclusion of 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.

BACKGROUND: Air services between the EU and the Republic of Moldova presently operate on the basis of bilateral agreements between individual Member States and the Republic of Moldova. 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.

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The negotiating directives set out the general objective of negotiating a comprehensive air transport agreement with the aim of gradually and reciprocally opening market access and ensuring regulatory convergence and effective implementation of EU standards. In accordance with the negotiating directives, a **draft Agreement with the Republic of Moldova was initialled by the two sides on 26 October 2011**.

The conclusion of a comprehensive air transport agreement with the Republic of Moldova is an important element in the development of the EU external aviation policy and in particular a wider European Common Aviation Area, as described in the Commission Communication "Developing the agenda for the Community's external aviation policy".

IMPACT ASSESSMENT: a report prepared for the Commission in 2011 by consultants, estimated that the economic benefit of such an agreement is estimated at around € 17 million per year (mainly due to lower air fares, increased air travel and the associated economic activity). The analysis also showed that air fares on popular routes are likely to drop significantly as a result of increased competition. The Agreement would also help improve "doing business" issues for EU carriers.

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

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- promoting air services based on competition among air carriers with minimum government interference and regulation;
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BUDGETARY IMPLICATION: this proposal has no impact on the EU's budget.