



EUROPEAN
COMMISSION

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2014/0023 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union and its Member States, of a Protocol amending the Agreement on Air Transport between Canada and the European Community and its Member States, to take account of the accession to the European Union of the Republic of Croatia

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal / general context**

The Agreement on Air Transport between the European Community, its Member States and Canada was negotiated on the basis of the Council Decision of 2 October 2007 authorising the opening of negotiations.. The Agreement was signed on 17 December 2009.

The Republic of Croatia acceded to the European Union on 1 July 2013. Pursuant to Article 6(2) of the Act concerning the Conditions of Accession, Croatia undertook to accede to the agreements concluded or signed by the Member States and the Union with one or more third countries or an international organisation.

A protocol had been negotiated, containing the necessary linguistic adaptations of the Agreement that ensue from the accession of Croatia.

Under the above mentioned Article 6(2) as well as Articles 100(2) and 218(5) TFEU, the signing of the Protocol has been approved by decision of [...], and the Protocol has been signed on [...]

The Protocol should now be approved, on the basis of Articles 100(2) and 218(6)(a) TFEU, in conjunction with Article 6(2) of the Act of Accession.

- **Existing provisions in the area covered by the proposal**

The provisions of the Protocol supersede or complement the provisions in the Agreement on Air Transport between the European Community, its Member States and Canada.

- **Consistency with other policies and objectives of the Union**

The Agreement with Canada was the second comprehensive air transport agreement signed with a key aviation partner of the Union. It forms part of the Union's external aviation policy framework established by the Commission Communication COM(2005)79: "Developing the agenda for the Community's external aviation policy" and recently reviewed by the Commission Communication COM(2012)556: "The EU's External Aviation Policy - Addressing Future Challenges" and the corresponding Council Conclusions.

2) CONSULTATION OF THE STAKEHOLDERS AND IMPACT ASSESSMENT

- **Consultation of the stakeholders**

Consultation methods, main sectors targeted and general profile of respondents

Not applicable

Summary of responses and how they have been taken into account

Not applicable

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed measures**

The Protocol ensures the necessary amendment to be made to the Agreement on Air Transport between the European Community, its Member States and Canada following the accession of Croatia to the EU on 1 July 2013.

- **Legal basis**

Article 100(2) and 218(6)(a) of the Treaty on the Functioning of the European Union, in conjunction with Article 6(2) of the Act of Accession.

4) BUDGETARY IMPLICATIONS

The proposal has no implications for the Union budget.

5) ADDITIONAL INFORMATION

- **Detailed explanation of the proposal**

The Council is requested to approve the Protocol amending the Agreement on Air Transport between the European Community, its Member States and Canada.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 100(2) and 218(6)(a) thereof,

Having regard to the Act of Accession of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament¹,

Whereas:

- (1) In accordance with Council Decision 2013/ .../EU², the Protocol amending the Agreement on Air Transport between Canada and the European Community and its Member States, to take account of the accession to the European Union of the Republic of Croatia ("the Protocol") has been signed, subject to its conclusion.
- (2) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol amending the Agreement on Air Transport between Canada and the European Community and its Member States, to take account of the accession to the European Union of the Republic of Croatia is hereby approved on behalf of the Union and its Member States.³

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the Union and its Member States, the instrument of approval provided for in Article 3 of the Protocol.

¹ OJ C , , p. .

² OJ L [...], [...], p. [...].

³ The text of the Protocol was published in the *Official Journal of the European Union* OJ L , together with the decision on its signing.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*