



EUROPEAN
COMMISSION

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Proposal for a

COUNCIL DECISION

on the signing, 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.

The simplified procedure applies to accession to the above mentioned agreement with Canada. A Protocol should thus be signed in accordance with that procedure and with Article 218(5) of the Treaty on the Functioning of the European Union.

The Protocol provides for the necessary linguistic adaptations of the Agreement that ensue from the accession of Croatia.

- **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 Article 218(5) 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 signing of the Protocol amending the Agreement on Air Transport between the European Community, its Member States and Canada.

During the negotiations, Canada expressed that it was not in a position to accept provisional application of the Protocol.

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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 Article 100(2) and Article 218(5) 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,

Whereas:

- (1) On 14 September 2012 the Council authorised the Commission to open negotiations, on behalf of the Union and its Member States and the Republic of Croatia, to conclude a Protocol amending the Agreement on Air Transport between Canada and the European Community and its Member States, to take account of the accession of the Republic of Croatia to the European Union ("the Protocol").
- (2) Those negotiations were successfully completed by initialling the Protocol on 16 October 2013.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.

HAS ADOPTED THIS DECISION:

Article 1

1. The signing of 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 authorised on behalf of the Union and its Member States, subject to the conclusion of the said Protocol.
2. The text of the Protocol is attached to this Decision.

Article 2

The Council Secretariat General shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator of the Protocol..

Article 3

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

Done at Brussels,

For the Council
The President