



Brussels, 13.10.2015  
COM(2015) 491 final

2006/0058 (CNS)

Amended proposal for a

**COUNCIL DECISION**

**on the conclusion of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

On 25 and 30 April 2007, the European Community and its Member States, of the one part, and the United States of America, of the other part, signed an Air Transport Agreement ('the EU/USA Air Transport Agreement'). That agreement was intended, inter alia, to facilitate the expansion of international air transport opportunities by opening access to markets and maximising benefits for consumers, airlines, workers and communities on both sides of the Atlantic ocean.

As regards the EU side, both the Union and its Member States are Parties to this Agreement. The ratification process has been completed by the Member States in 2014. The Republic of Croatia will accede to the Agreement in accordance with the procedure provided for in the Act concerning the conditions of accession of Croatia to the EU.

The proposal at issue modifies the initial proposal of the Commission (2006/0058 (CNS))<sup>1</sup>, with a view notably to take account of the entry into force of the Treaty of Lisbon. In order to ease examination by the Council, the whole of the relevant text is submitted as amended proposal.

### **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

Not applicable

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

Not applicable

### **4. BUDGETARY IMPLICATION**

Not applicable

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<sup>1</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427727730466&uri=CELEX:52006PC0169\(02\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427727730466&uri=CELEX:52006PC0169(02))

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## **COUNCIL DECISION**

**on the conclusion of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>2</sup>,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community and of the Member States, an Agreement on Air Transport with the United States of America (hereinafter, the "Agreement") in accordance with the Council Decision authorising the Commission to open negotiations.
- (2) The Agreement was signed on 25 and 30 April 2007. It should be approved on behalf of the Union.

HAS ADOPTED THIS DECISION:

### *Article 1*

1. The Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part, (hereinafter, the "Agreement") is hereby approved on behalf of the Union.

2. The President of the Council shall designate the person(s) empowered to deposit, on behalf of the European Union, the instrument of approval provided for in Article 26 of the Agreement in order to express the consent of the Union to be bound by the Agreement and shall make the following notification:

'As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the text of the Agreement are, where appropriate, to be read as to "the European Union".'

### *Article 2*

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<sup>2</sup> OJ C 81 E/01 of 15.03.2011.

1. The Union shall be represented in the Joint Committee established under Article 18 of the Agreement by the Commission.
2. The position to be taken by the Union within the Joint Committee as regards matters falling within Articles 14 and 20 of the Agreement shall be adopted by the Commission, following consultation with a Special Committee appointed by the Council.

*Article 3*

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

Done at Brussels,

*For the Council  
The President*