



Council of the
European Union

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	ST 131554/19
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union within the enlarged Commission of Eurocontrol, regarding principles for establishing the cost-base for en route charges and the calculation of the unit rate and conditions of application of the route charges system and conditions of payment • Presidency compromise

Delegations will find attached a revised draft Council decision on the position to be taken on behalf of the European Union within the enlarged Commission of Eurocontrol, regarding principles for establishing the cost-base for en-route charges and the calculation of the unit rate and conditions of application of the route charges system and conditions of payment.

Changes with respect to the Commission's proposal are marked with **bold** and ~~striketrough~~.

In the absence of comments by delegations by close of business on **Monday, 28 October 2019**¹, the file will be forwarded to the lawyer-linguists for legal-linguistic revision, and subsequently to Coreper and Council for adoption as a "I/A" item at a future meeting.

¹ avia-mar@consilium.europa.eu

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the enlarged Commission of Eurocontrol, regarding principles for establishing the cost-base for en route charges and the calculation of the unit rate and conditions of application of the route charges system and conditions of payment

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Multilateral Agreement relating to Route Charges ('the Agreement')² entered into force in 1. January 1986.
- (2) Pursuant to Article 3(2) of the Agreement, the enlarged Commission adopts principles governing the assessment of costs for the calculation of air navigation charges and the conditions of application and payment of such charges.
- (3) The enlarged Committee, ~~before or during its 113th session on 20 and 21 November 2019~~ **26 and 27 June 2019**, ~~is to adopt~~ **has adopted by written procedure** decisions on **the proposed modifications** ~~an update~~ to the Principles for establishing the cost-base for en route charges and the calculation of the unit rates and on an update to the Conditions of Application of the Route Charges System and Conditions of Payment ('the decisions').

² <https://www.eurocontrol.int/sites/default/files/article/attachments/multilateral-agreement-relating-to-route-charges.pdf>

- (4) It is appropriate to establish the position to be taken on the Union's behalf in the enlarged Commission of Eurocontrol, **which will approve these modifications at its ad hoc session on 28 November 2019**, as the subject matter of those decisions is largely covered by Union legislation, namely Commission Implementing Regulation (EU) 2019/317³. Those acts may therefore affect common rules or alter their scope and the Union has exclusive external competence by virtue of Article 3(2) of Treaty on the Functioning of the European Union
- (5) The purpose of the decisions is to ensure continued consistency with Union rules on transport, in particular Regulation (EC) No 549/2004 of the European Parliament and of the Council⁴ and Implementing Regulation (EU) 2019/317. It is, therefore, appropriate to support the adoption of those decisions.
- (6) The Union's position is to be expressed by the Member States of the Union that are members of the enlarged Commission of Eurocontrol, acting jointly,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the written procedure before or during the **ad hoc session** of the enlarged Commission of Eurocontrol to be held on 28 November 2019 shall be the following:

- a) to support the updated Principles for establishing the cost-base for en route charges⁵;

³ Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (OJ L 56, 25.2.2019, p. 1).

⁴ Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 096, 31.3.2004, p.1)

⁵ <https://ext.eurocontrol.int/ftp/?t=93085cefad506a898b74bf51ae9f2ec6> Eurocontrol Document No 19.60.01

- b) to support the updated Conditions of Application of the Route Charges System and Conditions of Payment⁶.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the enlarged Commission of Eurocontrol, acting jointly.

Article 3

This Decision **shall enter into force on the date of its adoption**~~is addressed to the Member States.~~

Done at Brussels,

For the Council

The President

⁶ <https://ext.eurocontrol.int/ftp/?t=5db7f9ad4dda0c0a7803388ca46b101e> Eurocontrol
Document No 19.60.02-1