Council of the European Union

Brussels, 29 March 2019
(OR. en)

12965/18

Interinstitutional File: 2009/0018(NLE)

AVIATION 126
RELEX 895

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. Cion doc.:	5325/18 AVIATION 9 RELEX 35
Subject:	Amended proposal for a COUNCIL DECISION on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part – Adoption

1. The above Agreement is the result of the Commission's mandate (granted by the Council on 2 October 2007) to open negotiations with Canada on a comprehensive air transport agreement (12939/07).

2. On 17 February 2009, the Commission presented to the Council its proposals for Council Decisions on the signature and provisional application of the Agreement and on the conclusion of the Agreement, respectively (6621/09).

3. The Agreement was signed on 17-18 December 2009. The Decision on the signature and provisional application of the Agreement, together with the text of the Agreement, was published in the *Official Journal of the European Union* on 6 August 2010[1].

[1] OJ L 207, 6.8.2010, p. 30.

4. The ratification process was completed by all Member States on 25 October 2016, except for the Republic of Croatia, but it is intended that the Republic of Croatia will accede to the Agreement in accordance with the procedure provided for in the Act of accession annexed to its Treaty of Accession of 5 December 2011.

5. On 10 January 2018, the Commission submitted an amended proposal for a Council Decision on the conclusion of the Agreement, with a view notably to take into account the entry into force of the Treaty of Lisbon and the judgement of the European Court of Justice of 28 April 2015 in the Case C-28/12.

6. The Aviation Working Party discussed the amended proposal and reached agreement on it on 19 February 2018.

7. Following the agreement reached at working party level, the text of the amended Council Decision on the conclusion was revised by the Council's legal-linguistic services.

8. On 19 April 2018, the Council forwarded the amended draft decision on conclusion as contained in document 6730/18 as well as the text of the Agreement[2] to the European Parliament for its consent.

9. The European Parliament gave its consent to the Council Decision on the conclusion of the Agreement on 2 October 2018.

10. Coreper is therefore invited to examine the draft Council Decision as set out in doc. 6730/18 and suggest to Council to adopt it so as to permit the conclusion of the Agreement.

11. In this context, it is noted that the Representatives of the Governments of the Member States meeting within the Council are in agreement with the modifications to Articles 3, 4 and 5 of the Decision of the Council and the Representatives of the Governments of the Member States of the European Union, meeting within the Council, of 30 November 2009 on the signing and provisional application of the Agreement on Air Transport between the European Community and its Member States, of the one part, and Canada, of the other part.

---

[2] 8823/2/06 REV 2 EXT 1.