Council of the European Union

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	3 February 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 50 final
Subject:	ANNEXES to the Amended proposal for a Council Decision on the signing, on behalf of the European Union and its Member States, of a Protocol amending the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, to take account of the accession to the European Union of the Republic of Croatia.

Delegations will find attached document COM(2023) 50 final.

Encl.: COM(2023) 50 final

EUROPEAN
COMMISSION

Brussels, 3.2.2023
COM(2023) 50 final

ANNEXES 1 to 2

ANNEXES

to the

Amended proposal for a Council Decision

on the signing, on behalf of the European Union and its Member States, of a Protocol amending the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, to take account of the accession to the European Union of the Republic of Croatia.

Annex 1

PROTOCOL

Amending the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, to take account of the accession to the European Union of the Republic of Croatia

THE UNITED STATES OF AMERICA (hereinafter, 'the United States'),

of the first part;

THE REPUBLIC OF AUSTRIA,

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE REPUBLIC OF CROATIA,

THE REPUBLIC OF CYPRUS,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE REPUBLIC OF ESTONIA,

THE REPUBLIC OF FINLAND,

THE FRENCH REPUBLIC,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

HUNGARY,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE KINGDOM OF SPAIN,

THE KINGDOM OF SWEDEN,

~~**THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,**~~

being parties to the Treaty on European Union and the Treaty on the Functioning of the European Union and being Member States of the European Union (hereinafter, 'the Member States'),

and

THE EUROPEAN UNION,

of the second part;

ICELAND,

of the third part; and

THE KINGDOM OF NORWAY (hereinafter, 'Norway'),

of the fourth part;

Having regard to the accession of the Republic of Croatia to the European Union on 1 July 2013,

HAVE AGREED AS FOLLOWS:

Article 1

The Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011 (hereinafter, 'the 2011 Agreement') shall apply to the Republic of Croatia as a Member State of the European Union.

Article 2

Article 2 of the 2011 Agreement shall be deleted in its entirety and replaced by the following:

"ARTICLE 2

Application of the Air Transport Agreement as amended by the Protocols and the Annex to this Agreement

The provisions of the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007 (hereinafter, "the Air Transport Agreement"), as amended by the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, signed by the United States of America and the European Union and its Member States on June 24, 2010, and as further amended by the Protocol Amending the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, as amended by the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30 2007, signed by the United States of America and the European Union and its Member States on June 24, 2010, to take account of the accession to the European Union of the Republic of Croatia, signed on _____, 20~~19~~**23** (hereinafter, "the Protocols"), which are hereby incorporated by reference, shall apply to all Parties to this Agreement, subject to the Annex to this Agreement. The provisions of the Air Transport Agreement, as amended by the Protocols, shall apply to Iceland and Norway as though they were Member States of the European Union, so that Iceland and Norway shall have all of the rights and obligations of Member States under that agreement. The provisions of the Annex to this Agreement form an integral part of this Agreement."

Article 3

All references to "the Protocol" in the Annex to the 2011 Agreement shall be replaced by references to "the Protocols".

Article 4

Paragraph 6 of the Annex to the 2011 Agreement shall be deleted in its entirety and replaced by the following:

"6. The text of Section 3 of Annex I of the Air Transport Agreement as amended by the Protocols, shall read as follows:

'Notwithstanding Article 3 of this Agreement, U.S. airlines shall not have the right to provide all-cargo services, that are not part of a service that serves the United States, to or from points

in the Member States, except to or from points in the Republic of Croatia, the Czech Republic, the French Republic, the Federal Republic of Germany, the Grand Duchy of Luxembourg, Malta, the Republic of Poland, the Portuguese Republic, the Slovak Republic, Iceland, and the Kingdom of Norway.'"

Article 5

This Protocol shall enter into force on the later of:

1. the date of entry into force of the 2011 Agreement;

2. the date of entry into force of the Protocol Amending the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, as amended by the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, signed by the United States of America and the European Union and its Member States on June 24, 2010, to take account of the accession to the European Union of the Republic of Croatia, signed on _____, 20~~19~~**23**; and

3. one month after the date of the last note of the exchanges of diplomatic notes among the Parties confirming that all necessary procedures for entry into force of this Protocol have been completed.

Article 6

Pending its entry into force, the Parties agree to provisionally apply this Protocol, to the extent permitted under applicable domestic law, from the date of signature.

Done at ……, in quadruplicate, on ……. 20~~19~~**23**.

For the United States of America:

For the Republic of Austria,
the Kingdom of Belgium,
the Republic of Bulgaria,
the Republic of Croatia,
the Republic of Cyprus,
the Czech Republic,
the Kingdom of Denmark,

the Republic of Estonia,
the Republic of Finland,
the French Republic,
the Federal Republic of Germany,
the Hellenic Republic,
Hungary,
Ireland,
the Italian Republic,
the Republic of Latvia,
the Republic of Lithuania,
the Grand Duchy of Luxembourg,
Malta,
the Kingdom of the Netherlands,
the Republic of Poland,
the Portuguese Republic,
Romania,
the Slovak Republic,
the Republic of Slovenia,
the Kingdom of Spain,
the Kingdom of Sweden,
~~**the United Kingdom of Great Britain and Northern Ireland,**~~ and
the European Union:

For Iceland:

For the Kingdom of Norway:

Annex 2

Joint Declaration

"Representatives of the United States of America, the European Union and its Member States, Iceland and the Kingdom of Norway confirmed that the text of the Protocol Amending the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, to take account of the accession to the European Union of the Republic of Croatia, signed on _____, 20~~19~~**23** ("the Protocol") is to be authenticated in other languages as provided either by exchange of letters, before signature of the Protocol, or by decision of the Joint Committee, after signature of the Protocol.

The Representatives also confirmed that the term "other languages" in the Joint Declaration forming part of the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, includes the languages of Member States acceding to the European Union.

This Joint Declaration is an integral part of the Protocol."

For the United States of America:

For the European Union

and its Member States:

For Iceland:

For the Kingdom of Norway: