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:	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

2019/0259 (NLE)

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

EXPLANATORY MEMORANDUM

On 14 November 2019 the Commission presented a proposal for a Council decision, based on Article 218 (5) of the Treaty on the Functioning of the European Union and Article 6 (2), second subparagraph, of the Act of Accession, authorising the signing of a protocol amending the air transport agreement between the United States of America, the European Union and its Member States, Iceland and the Kingdom of Norway to take account of the accession to the European Union of the Republic of Croatia[1].

The end of the transition period for the withdrawal of the United Kingdom from the European Union on 31 December 2020 required amendments to the protocol in order to remove from it the references to the United Kingdom. The Commission has therefore negotiated with the United States, Iceland and Norway the necessary amendments to that effect. The delegations representing the parties have agreed on the amendments.

It is furthermore necessary to amend Article 2 of the proposed Council decision in order to ensure compliance with the attribution of powers among the institutions under the Treaties, and in particular the Commission's prerogative under Article 17 of the Treaty on European Union to represent the Union externally.

For these reasons the Commission submits the present amended proposal for the Council decision authorising the signing of the protocol.

[1] COM/2019/586 final.

2019/0259 (NLE)

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

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 (5) thereof,

Having regard to the Act of Accession of Croatia, and in particular Article 6 (2), second subparagraph, thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Commission has negotiated 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 ("the Protocol"), in accordance with Council Decision 13351/12 of 14 September 2012 authorising the Commission to open negotiations;

(2) The negotiations were successfully concluded by the initialling of the Protocol on 8 March 2019;

(3) The Protocol should be signed and applied provisionally by the Union and its Member States in accordance with Article 6 thereof, subject to its conclusion at a later date;

HAS ADOPTED THIS DECISION:

Article 1

The signing 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 ('the Protocol"), is hereby authorised on behalf of the Union and its Member States, subject to the conclusion of the Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The General Secretariat of the Council shall establish the instrument of full powers to sign the Protocol, subject to its conclusion on behalf of the Union and its Member States, for the person or persons indicated by the Commission.

Article 3

Pending its entry into force, the Protocol shall be provisionally applied by the Union and its Member States in accordance with Article 6 thereof.

Article 4

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

Done at Brussels,

For the Council
The President