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From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	ST 7656/21
Subject:	Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Common Aviation Area Agreement between the Republic of Armenia, of the one part, and the European Union and its Member States, of the other part – Presidency compromise

In preparation of the informal videoconference of the members of the Aviation Working Party of 29 April 2021, delegates may find below a Presidency compromise on the above mentioned proposal. The changes to the Commission's proposal are highlighted in **bold** for the additions and in ~~striketrough~~ for the deletions.

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, and provisional application of the Common Aviation Area Agreement between the Republic of Armenia, of the one part, and the European Union and its Member States, 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 (5) **and (7)**, thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On ~~71~~ December 2015~~6~~, the Council authorised the Commission to open negotiations with the Republic of Armenia on a Common Aviation Area Agreement between the Republic of Armenia, of the one part, and the European Union and its Member States, of the other part . The negotiations were successfully concluded by the initialling of the Agreement on 24 November 2017.
- (2) The Agreement should be signed on behalf of the Union **with respect to matters falling within EU exclusive competence insofar as the Agreement may affect common rules or alter their scope**, subject to its conclusion at a later date. **This Decision should not be interpreted as making use of the possibility for the Union to exercise its external competence with regard to areas covered by the Agreement falling within shared competence to the extent that such competence has not yet been exercised internally by the Union. The signing of the Agreement on behalf of the Union and its provisional application should not affect the allocation of competences between the Union and its Member States.**
- (3) The Agreement should be applied provisionally.
- (4) **It is appropriate to lay down the procedure to be followed with respect to the position to be taken on behalf of the Union as regards decisions of the Joint Committee under Article 27(7) of the Agreement concerning the inclusion of Union legislation into Annex II thereto.**

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Common Aviation Area Agreement between the Republic of Armenia, of the one part, and the European Union and its Member States, of the other part, is hereby authorised on behalf of the Union, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

~~The Council Secretariat General shall establish the instrument of full powers to sign the Agreement, subject to its conclusion, for the person(s) indicated by the negotiator of the Agreement.~~ **The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.**

Article 3

Pending its entry into force, the Agreement shall be applied on a provisional basis by the Union in accordance with Article 30**(4) and (5)** thereof.

Article 4

~~The position to be taken on behalf of Commission is authorised to adopt the position to be taken by the Union as regards decisions of the Joint Committee under Article 27(7) of the Agreement to amend concerning the revision of Annex II, insofar as it concerns the inclusion of thereto by integrating Union legislation into that Annex, subject to any technical adjustments needed, shall be adopted by the Commission after consultation sufficiently in advance of the Council or its preparatory bodies, as the Council may decide of a Special Committee appointed by the Council.~~

Article 5

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

Done at Brussels,

*For the Council
The President*