



Council of the
European Union

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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	ST 13811/19
Subject:	Draft COUNCIL DECISION on the conclusion, on behalf of the Union, of the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova - Decision to use the Written Procedure for Adoption

1. The above Agreement is the result of the Commission's mandate granted by the Council on 16 June 2011, to open negotiations with the Republic of Moldova on a comprehensive air transport agreement.
2. On 27 January 2012, 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.
3. The Agreement was signed on 26 June 2012. The Council 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 20 October 2012¹.

¹ OJ L 292, 20.10.2012, p. 1.

4. The ratification process was completed by all Member States on 5 February 2019, 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 5 November 2019, the Commission submitted an amended proposal for a Council Decision on the conclusion of the Agreement², 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 14 November 2019.
7. Following 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 5 December 2019, the Council forwarded the amended draft decision on conclusion, as contained in document ST 14205/19, as well as the text of the Agreement as contained in document ST 8185/12, prepared by the legal-linguistic services, 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 17 June 2020.
10. In view of the above, the Committee of Permanent Representatives is invited:
 - to confirm its agreement to the text of the draft Council Decision as contained in document ST 14205/19, prepared by the legal-linguistic services, and
 - to decide, in accordance with the first subparagraph of Article 12(1) of the Council Rules of Procedure and Article 1 of Council Decision (EU) 2020/430, that the Council uses the written procedure for the adoption of the Council Decision in all languages, including in Irish.

² ST 13811/19

11. The European Parliament will be informed of the adoption of the Council Decision in all languages, including in Irish, in accordance with Article 218(10) TFEU and that Decision will be transmitted to the Parliament.
 12. 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 4, 5 and 6 of the Decision of the Council and the Representatives of the Governments of the Member States, meeting within the Council, of 7 June 2012 on the signing, on behalf of the Union, and provisional application of the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova.
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