COUNCIL DECISION (EU) 2020/948

of 26 June 2020

on the conclusion, on behalf of the Union, of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, 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 point (a)(v) of the second subparagraph of Article 218(6) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ([1]),

Whereas:

(1) The Commission has negotiated, on behalf of the European Union and its Member States, the Common Aviation Area Agreement with Georgia (the 'Agreement') in accordance with the Council Decision authorising the Commission to open negotiations.

(2) The Agreement was signed on 2 December 2010, subject to its conclusion at a later date, in accordance with Decision 2012/708/EU of the Council and of the Representatives of the Member States of the European Union meeting within the Council ([2]).

(3) The Agreement has been ratified by all Member States except for the Republic of Croatia. The Republic of Croatia accedes to the Agreement in accordance with the procedure provided for in the Act of Accession annexed to the Treaty of Accession of 5 December 2011. The relevant Protocol of Accession of the Republic of Croatia was signed in November 2014.

(4) The Agreement should be approved on behalf of the Union.

(5) Articles 3 and 4 of Decision 2012/708/EU contain provisions on decision making and representation with regard to various matters set out in the Agreement. In light of the judgement of the European Court of Justice of 28 April 2015 in case C-28/12 ([3]), the application of some those provisions should be discontinued. Having regard to the Treaties, neither new provisions on those matters nor provisions on information obligations of the Member States are necessary. Consequently, paragraphs 2 to 5 of Article 3 and Articles 4 and 5 of Decision 2012/708/EU should cease to apply on the date of entry into force of this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part (the 'Agreement') is hereby approved on behalf of the Union ([4]).

([1]) Consent of 17 June 2020 (not yet published in the Official Journal).

([2]) Decision 2012/708/EU of the Council and of the Representatives of the Governments of the Member States of the European Union, meeting within the Council of 15 October 2010 on the signature and provisional application of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part (OJ L 321, 20.11.2012, p. 1).

([3]) ECLI:EU:C:2015:282.

([4]) The text of the Agreement has been published in OJ L 321, 20.11.2012, p. 3 together with the decision on signature.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 29 of the Agreement.

Article 3

The position to be taken by the Union as regards decisions of the Joint Committee under Article 22 of the Agreement, solely regarding the inclusion of Union legislation into Annex III (Rules applicable to civil aviation) to the Agreement, subject to any technical adjustments needed, shall be adopted by the Commission, after submitting it for consultation to the Council or its preparatory bodies, as the Council may decide.

Article 4

Paragraphs 2 to 5 of Article 3 and Articles 4 and 5 of Decision 2012/708/EU shall cease to apply on the date of entry into force of this Decision.

Article 5

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

Done at Brussels, 26 June 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ