Council Decision (EU) 2020/951 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 and the Republic of Moldova

COUNCIL DECISION (EU) 2020/951

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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

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 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 Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova[(2)] (the 'Agreement') was signed on 26 June 2012, subject to its conclusion, in accordance with Decision 2012/639/EU of the Council and of the Representatives of the Governments of the Member States, meeting within the Council[(3)].

(2) The Agreement has been ratified by all Member States except for the Republic of Croatia, which accedes to the Agreement in accordance with the 2012 Act of Accession. The Protocol amending the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova, to take account of the accession to the European Union of the Republic of Croatia[(4)] was signed on 22 July 2015 in accordance with Council Decision (EU) 2015/1389[(5)].

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

(4) Articles 4 and 5 of Decision 2012/639/EU contain provisions on decision-making and representation with regard to various matters set out in the Agreement. In view of the judgment of the Court of Justice of 28 April 2015 in Case C-28/12[(6)], *Commission* v *Council,* the application of those provisions should be discontinued. Having regard to the Treaties, new provisions on those matters are not necessary and the provisions concerning the provision of information to the Commission set out in Article 6 of Decision 2012/639/EU are no longer necessary. Consequently, paragraphs 2 to 5 of Article 4 and Articles 5 and 6 of Decision 2012/639/EU should cease to apply on the date of entry into force of this Decision,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/951. (See end of Document for details)*

Article 1

The Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova is hereby approved on behalf of the Union.[7]

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 29(1) of the Agreement.

Article 3

The position to be taken on behalf of the Union as regards decisions of the Joint Committee under point (a) of Article 26(7) of the Agreement concerning the inclusion of Union legislation in Annex III to the Agreement, subject to any technical adjustments needed, shall be expressed 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 4 and Articles 5 and 6 of Decision 2012/639/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