



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 March 2011

8193/11

AVIATION 70

INFORMATION NOTE

From: European Commission
To: Council
Subject: State of play of ratification by Member States of the aviation agreements
- Information from the Commission

Delegations will find annexed an information note from the Commission on the above mentioned subject, which will be dealt with under "Any Other Business" at the meeting of the Council (**Transport**, Telecommunications and Energy) on 31 March 2011.

Information Note from the Commission

State of play of ratification by Member States of the aviation agreements

1. In the framework of its External Aviation Policy, the EU concludes (among other types of agreements in the field of aviation) comprehensive aviation agreements to open-up market access and ensure regulatory convergence with neighbouring countries and significant global partners.

These agreements are meant to deliver substantial benefits to passengers, freight operators and airlines, by means both of market access -and thus provision of traffic rights- as well as regulatory convergence in order to promote adequate safety, security, social and environmental standards, as well as fair competition between operators.

2. Such aviation agreements have been signed by the Union and its Member States with the following countries / regions:

- Canada
- Western Balkans
- Georgia
- Hashemite Kingdom of Jordan
- Kingdom of Morocco and
- United States of America

3. In this context it is unfortunate that several Member States have not ratified and/or decided to apply provisionally some of these agreements. This situation has the consequence of delaying their entry into force, while quite a few of these agreements cannot even be applied provisionally, due to missing notifications by the Member States for their provisional application.

As regards in particular the Agreement between the EU, its Member States and the Western Balkan States on the establishment of a European Common Aviation Area (ECAA¹, signed in 2006), this has neither entered into force, nor can be applied provisionally, since four Member States have neither ratified it yet or apply it provisionally, even if more than four years have elapsed since its signature (see attached table in Annex 2).

One of the most striking consequences of this situation is that the Council cannot adopt any decision confirming that a Balkan country fulfils the conditions under the transitional periods of the Agreement. This has an immediate impact on Croatia for which the Commission has put forward a proposal for a Council Decision confirming that this country fulfils the pertinent conditions under the first transitional period, which remains blocked at the Council. What is more, various other Balkan States that are getting ready to fulfilling relevant prerequisites of the Agreement may likewise be soon affected by this situation.

4. Delegations will find attached as a background document, the status of ratification and/or provisional application by Member States of the relevant Conventions, as last updated on 23 March 2011 (Annexes 1 to 7).

¹ Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area (ECAA).

5. The Commission urges the Ministers to fulfil promptly the commitments undertaken by the Member States and invites them to discuss the possible reasons which could cause delays or prevent them from doing so.

Annexes: 7

Annex 1

Title of the Agreement: *“Agreement on Air Transport between the European Community and its Member States, of the one part, and Canada, of the other part”*, signed on 30 November 2009.

State of ratification/ Provisional application.

Every Member-State has to notify the ratification or the provisional application.

Member State	Ratified	Applied provisionally	Neither ratified nor applied provisionally
Austria			✓
Belgium			✓
Bulgaria			✓
Czech Republic			✓
Cyprus			✓
Denmark			✓
Germany			✓
Greece			✓
Estonia			✓
Spain			✓
France			✓
United Kingdom			✓
Hungary	✓		

Italy			✓
Ireland			✓
Lithuania			✓
Luxembourg			✓
Latvia			✓
Malta			✓
Netherlands			✓
Portugal			✓
Poland			✓
Romania			✓
Sweden	✓		
Finland			✓
Slovenia			✓
Slovakia			✓

Annex 2

Title of the Agreement: “*Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area (ECAA)*”, signed on 9 June 2006.

State of ratification/ Provisional application.

Every Member-State has to notify the ratification or the provisional application.

Member State	Ratified	Applied provisionally	Neither ratified nor applied provisionally
Austria	✓		
Belgium			✓
Bulgaria	✓		
Czech Republic	✓		
Cyprus			✓
Denmark			✓
Germany		✓	
Greece			✓
Estonia	✓		
Spain	✓		

France	✓		
United Kingdom	✓		
Hungary	✓		
Italy	✓		
Ireland		✓	
Lithuania	✓		
Luxembourg	✓		
Latvia	✓		
Malta	✓		
Netherlands	✓		
Portugal	✓		
Poland	✓		
Romania	✓		
Sweden	✓		
Finland	✓		
Slovenia	✓		
Slovakia	✓		

Annex 3

Title of the Agreement: “*Common Aviation Area Agreement between the European Union and its Member States and Georgia*”, signed on 2 December 2010.

State of ratification/ Provisional application.

Every Member-State has to notify the ratification or the provisional application.

Member State	Ratified	Applied provisionally	Neither ratified nor applied provisionally
Austria			✓
Belgium			✓
Bulgaria			✓
Czech Republic			✓
Cyprus			✓
Denmark			✓
Germany			✓
Greece			✓
Estonia			✓
Spain			✓
France			✓
United Kingdom			✓
Hungary	✓		

Italy			✓
Ireland			✓
Lithuania			✓
Luxembourg			✓
Latvia			✓
Malta			✓
Netherlands			✓
Portugal			✓
Poland			✓
Romania			✓
Sweden	✓		
Finland			✓
Slovenia			✓
Slovakia			✓

Annex 4

Title of the Agreement: “*Euro-Mediterranean Aviation Agreement between the European Union and its Member States of the one part and the Hashemite Kingdom of Jordan, of the other part*”, signed on 15 December 2010.

State of ratification/ Provisional application.

The Agreement is considered being provisionally applied from the 14 December 2011, except if a Member-States declares being unable to apply it provisionally.

Member State	Ratified	Applied provisionally	Neither ratified nor applied provisionally
Austria			✓
Belgium			✓
Bulgaria			✓
Czech Republic			✓
Cyprus			✓
Denmark			✓
Germany			✓
Greece			✓
Estonia			✓
Spain			✓
France			✓
United Kingdom			✓

Hungary			✓
Italy			✓
Ireland			✓
Lithuania			✓
Luxembourg			✓
Latvia			✓
Malta			✓
Netherlands			✓
Portugal			✓
Poland			✓
Romania			✓
Sweden	✓		
Finland			✓
Slovenia			✓
Slovakia			✓

Annex 5

Title of the Agreement: “*Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part*”, signed on 15 December 2006.

State of ratification/ Provisional application.

The Agreement is applied provisionally from the date of signature except if a Member State declares being unable to apply it provisionally.

Member State	Ratified	Applied provisionally	Neither ratified nor applied provisionally
Austria	✓		
Belgium			✓
Bulgaria	✓		
Czech Republic	✓		
Cyprus		✓	
Denmark		✓	
Germany		✓	
Greece	✓		
Estonia	✓		
Spain	✓		
France	✓		
United Kingdom		✓	

Hungary	✓		
Italy	✓		
Ireland		✓	
Lithuania	✓		
Luxembourg	✓		
Latvia	✓		
Malta	✓		
Netherlands	✓		
Portugal	✓		
Poland	✓		
Romania	✓		
Sweden	✓		
Finland	✓		
Slovenia	✓		
Slovakia	✓		

Annex 6

Title of the Agreement: “*Air Transport Agreement between the European Community and its Member States, on the one hand, and the United States of America, on the other hand*”, signed on 25 April 2007.

State of ratification/ Provisional application.

The Agreement is provisionally applied as from 30 March 2008.

Member State	Ratified	Applied provisionally	Neither ratified nor applied provisionally
Austria	✓		
Belgium		✓	
Bulgaria	✓		
Czech Republic	✓		
Cyprus		✓	
Denmark		✓	
Germany		✓	
Greece	✓		
Estonia	✓		
Spain	✓		
France	✓		
United Kingdom		✓	

Hungary	✓		
Italy	✓		
Ireland	✓		
Lithuania	✓		
Luxembourg	✓		
Latvia	✓		
Malta	✓		
Netherlands	✓		
Portugal	✓		
Poland	✓		
Romania	✓		
Sweden	✓		
Finland	✓		
Slovenia	✓		
Slovakia	✓		

Annex 7

Title of the Agreement: *“Protocol to amend the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part”*, signed on 24 June 2010.

State of ratification/ Provisional application.

Pending its entry into force, the Parties agree to provisionally apply this Protocol, to the extent permitted under applicable domestic law, from the date of signature.

Member State	Ratified	Applied provisionally	Neither ratified nor applied provisionally
Austria			✓
Belgium			✓
Bulgaria	✓		
Czech Republic			✓
Cyprus		✓	
Denmark		✓	
Germany		✓	
Greece		✓	
Estonia	✓		
Spain			✓
France			✓
United Kingdom		✓	

Hungary			✓
Italy			✓
Ireland		✓	
Lithuania		✓	
Luxembourg		✓	
Latvia	✓		
Malta		✓	
Netherlands		✓	
Portugal			✓
Poland			✓
Romania			✓
Sweden	✓		
Finland			✓
Slovenia		✓	
Slovakia		✓	
