



EUROPEAN  
COMMISSION

Brussels, 8.5.2023  
COM(2023) 239 final

2023/0142 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the conclusion, on behalf of the European Union and its Member States, of a Protocol amending the 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, to take account of the accession to the European Union of the Republic of Croatia**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The Republic of Croatia acceded to the European Union on 1 July 2013. Pursuant to Article 6(2) of the Act concerning the Conditions of Accession, Croatia undertook to accede to the agreements concluded or signed by the Member States and the Union with one or more third countries or an international organisation, including the Euro-Mediterranean Aviation Agreement with Morocco.

According to the provisions of the above-mentioned Article 6(2), ‘the accession of Croatia to such agreements shall be agreed by the conclusion of a protocol to such agreements between the Council, acting unanimously on behalf of the Member States, and the third country or countries or international organisation concerned. The Commission [...] shall negotiate these protocols on behalf of the Member States [...]’.

The Commission has negotiated the Protocol amending the 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.

The Protocol provides for the necessary linguistic adaptations of the Agreement that ensue from the accession of Croatia.

Pursuant to the above-mentioned Article 6(2) and also Article 100(2) and Article 218(5) of the Treaty on the Functioning of the European Union, the signature of the Protocol has been approved by means of a decision of [date] and the Protocol was signed on [date].

The objective of the present proposal is to obtain a Council decision, on the basis of Article 100(2) and Article 218(6)(a) of the Treaty on the Functioning of the European Union (the ‘TFEU’), in conjunction with Article 6(2) of the Act of Accession, on the conclusion of the Protocol on behalf of the Union and the Member States.

#### **• Consistency with existing policy provisions in the policy area**

The provisions of the Protocol supplement the provisions of the 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, to take account of the accession of Croatia to the European Union. That Protocol allows Croatia to honour its obligations under Article 6(2) of the Act concerning the Conditions of Accession.

#### **• Consistency with other Union policies**

The Agreement with Morocco was the first comprehensive air transport agreement signed with a non-EU partner of the Union. That Agreement is an important element of the Union’s external aviation policy and is one of several Euro-Mediterranean aviation agreements which the Union has since signed also with Israel and Jordan. The Aviation Agreement with Morocco has made it possible to nearly triple, in absolute terms, connectivity between that country and the Union. This Protocol will enable Croatia to enjoy these benefits in the same way as the other Member States currently do.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

Article 100(2) in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union, and the second subparagraph of Article 6(2) of the Act of Accession.

- **Subsidiarity (for non-exclusive competence)**

The Protocol amends an agreement between the European Union (and its Member States) and a third country. It has been signed at Union level and should also be concluded at Union level.

- **Proportionality**

This is the standard procedure for recording the accession of a new Member State to an agreement concluded by the Union (and its Member States). The scope of the Protocol is strictly limited to the question of Croatia's accession to the Aviation Agreement with Morocco.

- **Choice of the instrument**

International agreement

## **3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- ***Ex post* evaluations / fitness checks of existing legislation**

Not applicable

- **Stakeholder consultations**

Not applicable.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

Not applicable

## **4. BUDGETARY IMPLICATIONS**

The proposal has no impact on the Union budget.

## **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable

- **Explanatory documents (for directives)**

Not applicable

- **Detailed explanation of the specific provisions of the proposal**

The Council is invited to conclude the Protocol amending the 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.

Article 1 records the approval of the Protocol on behalf of the Union and its Member States.

Article 2 specifies the procedure for notifying Morocco of the achievement by the Union and its Member States of their internal approval formalities.

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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(6)(a)(v) thereof,

Having regard to the Act of Accession of Croatia, and in particular Article 6(2), second subparagraph, thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) Pursuant to the decision [reference to the signature decision] of the Council, the Protocol amending the 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, to take account of the accession of the Republic of Croatia to the European Union (the ‘Protocol’) was signed on [date of the signature of the agreement], subject to its conclusion at a later date.
- (2) The Protocol should be approved on behalf of the Union and its Member States,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Protocol amending the 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, to take account of the accession to the European Union of the Republic of Croatia (the ‘Protocol’) is hereby approved on behalf of the Union and its Member States.

### *Article 2*

The Commission is authorised, on behalf of the Union and its Member States, to give the notification provided for in Article 4(1) of the Protocol, in order to express the consent of the Union and its Member States to be bound by the Protocol.

*Article 3*

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

Done at Brussels,

*For the Council  
The President*