



Brussels, 3.2.2023  
COM(2023) 49 final

2019/0261 (NLE)

Amended proposal for a

## **COUNCIL DECISION**

**on the conclusion, on behalf of the European Union and its Member States, of a Protocol amending the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, to take account of the accession to the European Union of the Republic of Croatia**

## **EXPLANATORY MEMORANDUM**

On 14 November 2019 the Commission presented a proposal for a Council decision, based on Article 218 (6) (a) of the Treaty on the Functioning of the European Union and Article 6 (2), second subparagraph, of the Act of Accession, approving the conclusion of a protocol amending the air transport agreement between the United States of America, the European Union and its Member States, Iceland and the Kingdom of Norway to take account of the accession to the European Union of the Republic of Croatia <sup>1</sup>.

The end of the transition period for the withdrawal of the United Kingdom from the European Union on 31 December 2020 required amendments to the protocol, in order to remove from it the references to the United Kingdom. The Commission has therefore negotiated with the United States, Iceland and Norway the necessary amendments to that effect. The delegations representing the parties have agreed on the amendments.

It is furthermore necessary to amend Article 2 of the proposed Council decision in order to ensure compliance with the attribution of powers among the institutions under the Treaties, and in particular the Commission's prerogative under Article 17 of the Treaty on European Union to represent the Union externally.

For these reasons the Commission submits the present amended proposal for the Council decision approving the conclusion of the protocol.

---

<sup>1</sup> [COM/2019/588-final](#).

Amended proposal for a

## COUNCIL DECISION

**on the conclusion, on behalf of the European Union and its Member States, of a Protocol amending the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, to take account of the accession to the European Union of the Republic of Croatia**

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) 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) In accordance with Council Decision [ ], the Protocol amending the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, to take account of the accession to the European Union of the Republic of Croatia (“the Protocol”) was signed on [ ], subject to its conclusion at a later date. The Protocol should be approved on behalf of the Union and its Member States.

HAS ADOPTED THIS DECISION:

### *Article 1*

The Protocol amending the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland of the third part, and the Kingdom of Norway, of the fourth part, signed on June 16 and 21, 2011, 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 shall proceed, on behalf of the Union and its Member States, to the exchange of diplomatic notes provided for in Article 5 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 day of its adoption.

Done at Brussels,

*For the Council  
The President*