

COUNCIL DECISION

of 29 April 2004

on the conclusion by the European Community of the Protocol on the accession of the European Community to the European Organisation for the Safety of Air Navigation

(2004/636/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The congestion of airspace and the forthcoming implementation of the Single European Sky call for urgent measures to be undertaken at Community level and within the framework of the European Organisation for the Safety of Air Navigation (Eurocontrol).
- (2) The Community has exclusive competence or competence shared with its Member States in certain areas covered by the Eurocontrol International convention relating to Cooperation for the Safety of Air Navigation of 13 December 1960, as variously amended, and as consolidated by the Protocol opened for signature on 27 June 1997 (the revised Convention). The accession of the Community to Eurocontrol for the purpose of exercising such competence is permitted under Article 40 of the revised Convention.
- (3) The Commission has negotiated with the Contracting Parties to Eurocontrol on behalf of the Community a Protocol on the accession of the European Community to Eurocontrol (the Protocol).
- (4) The Protocol was signed in Brussels on 8 October 2002 on behalf of the Community, subject to its conclusion.
- (5) In keeping with the mutual cooperation obligations of the Community and the Member States, the Community and the Member States which are members of Eurocontrol should simultaneously ratify the Protocol and the

revised Convention in order to ensure the full, uniform application of the provisions thereof within the Community.

- (6) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol on the accession of the European Community to the European Organisation for the Safety of Air Navigation is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to deposit the instrument of ratification with the Government of the Kingdom of Belgium on behalf of the Community, in accordance with Article 9(2) of the Protocol, together with the declaration of competence attached to this Decision.

The instrument of ratification of the Protocol by the Community shall be deposited simultaneously with the instruments of ratification of the Protocol and of the revised Convention by all the Member States.

Done at Luxembourg, 29 April 2004.

For the Council

The President

M. McDOWELL

⁽¹⁾ Opinion delivered on 20 April 2004 (not yet published in the Official Journal).