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## COUNCIL

DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES OF THE MEMBER STATES OF  
THE EUROPEAN UNION MEETING WITHIN THE COUNCIL

of 9 June 2006

**on the signature and provisional application of the 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)**

(2006/682/EC)

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE MEMBER STATES OF THE EUROPEAN UNION  
MEETING WITHIN THE COUNCIL,

HAVE DECIDED AS FOLLOWS:

*Article 1*

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Council has authorised the Commission to open negotiations with certain European third countries to establish a European Common Aviation Area (ECAA).
- (2) The Commission has negotiated on behalf of the Community and its Member States a Multilateral Agreement with Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Iceland, Montenegro, Norway, Romania, Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area in accordance with the Council Decision authorising the Commission to open the negotiations.

1. The signing of the 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), hereinafter 'the Agreement', is hereby approved on behalf of the Community, subject to a Council Decision concerning the conclusion of the Agreement.

2. The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

3. Pending its entry into force, the Agreement shall be applied in accordance with Article 29(3) thereof. The President of the Council is hereby authorised to make the notification referred to in that provision on behalf of the Community and its Member States.

4. The text of the Agreement is attached to this Decision.

*Article 2*

- (3) Subject to its possible conclusion at a later date, the Agreement negotiated by the Commission should be signed and applied provisionally,

1. The Community and the Member States shall be represented in the Joint Committee set up under Article 18 of the Agreement.

2. The position to be taken by the Community and its Member States as regards decisions of the Joint Committee under Article 17 of the Agreement, which simply extend acts of Community legislation by including them into Annex I to the Agreement, subject to any technical adjustments needed, shall be adopted by the Commission.

3. For other Joint Committee decisions concerning matters that fall within Community competence, the position of the Community and its Member States shall be adopted by the Council, acting by qualified majority, on a proposal from the Commission.

4. For other Joint Committee decisions concerning matters which fall within Member States' competence, the position to be presented shall be adopted by the Council, acting by unanimity, on a proposal from the Commission or from Member States.

5. The position of the Community and the Member States in the Joint Committee shall be presented by the Commission, except in areas that fall exclusively within Member States' competence in which case it shall be presented by the Presidency of the Council or, if the Council so decides, by the Commission.

Done at Luxembourg, 9 June 2006.

*For the Council*  
*The President*  
H. GORBACH

**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 <sup>(1)</sup> on the establishment of a European Common Aviation Area**

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as 'EC Member States', and

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community' or 'the European Community', and

THE REPUBLIC OF ALBANIA,

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<sup>(1)</sup> Pursuant to UN Security Council Resolution 1244 of 10 June 1999.

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 IN KOSOVO,

all the abovementioned hereinafter referred to together as 'the Contracting Parties'.

RECOGNISING the integrated character of international civil aviation and desiring to create a European Common Aviation Area (ECAA) based on mutual market access to the air transport markets of the Contracting Parties and freedom of establishment, with equal conditions of competition, and respect of the same rules — including in the areas of safety, security, air traffic management, social harmonisation and environment;

CONSIDERING that the rules concerning the ECAA are to apply on a multilateral basis within the ECAA and therefore specific rules need to be defined in this respect;

AGREEING that it is appropriate to base the ECAA rules on the relevant legislation in force within the European Community, as laid down in Annex I to this Agreement, without prejudice to those contained in the Treaty Establishing the European Community;

RECOGNISING that full compliance with the ECAA rules entitle the Contracting Parties to reap the benefits from the ECAA, including market access;

BEARING IN MIND that compliance with the ECAA rules, including full market access, cannot be achieved in one step, but rather by means of a transition facilitated by specific arrangements of limited duration;

EMPHASISING that, subject to transitional arrangements where necessary, the rules concerning market access of air carriers should exclude limitations on frequencies, capacity, air routes, type of aircraft or similar restrictions under bilateral air transport agreements or arrangements, and that air carriers should not be required to enter into commercial agreements or similar arrangements as a condition to market access;

EMPHASISING that air carriers should be treated in a non-discriminatory manner regarding their access to air transport infrastructures especially where these infrastructures are limited;

BEARING IN MIND that Association Agreements between the European Communities and their Member States and certain other Contracting Parties as a matter of principle provide that, with a view to ensuring a coordinated development and progressive liberalisation of transport between the Parties to those Agreements as adapted to reciprocal commercial needs, the conditions of mutual market access in air transport should be dealt with by special agreements;

BEARING IN MIND the desire of each of the Associated Parties to make its laws on air transport and associated matters compatible with those of the European Community, including with regard to future legislative developments within the Community;

RECOGNISING the importance of technical assistance in this perspective;

RECOGNISING that the relations between the Community and the EC Member States and Norway and Iceland must continue to be governed by the European Economic Area Agreement;

DESIRING to allow for subsequent enlargement of the European Common Aviation Area;

RECALLING the negotiations between the European Community and the Associated Parties with a view to concluding Agreements on Certain Aspects of Air Services which will bring bilateral air service agreements between the EC Member States and the Associated Parties in line with European Community law,

HAVE AGREED AS FOLLOWS:

## OBJECTIVES AND PRINCIPLES

### Article 1

1. The aim of this Agreement is the creation of a European Common Aviation Area, hereinafter referred to as the ECAA. The ECAA shall be based on free market access, freedom of establishment, equal conditions of competition, and common rules including in the areas of safety, security, air traffic management, social and environment. For this purpose this Agreement sets out the rules applicable between the Contracting Parties under the conditions set out hereafter. These rules include the provisions laid down by the legislation specified in Annex I.

2. The provisions of this Agreement shall apply to the extent that they concern air transport or an associated matter mentioned in Annex I.

3. This Agreement consists of Articles, setting out the general functioning of the ECAA, hereinafter referred to as 'the Main Agreement', of Annexes, of which Annex I contains the European Community legislation applicable between the Contracting Parties in the framework of the Main Agreement, and of Protocols, of which at least one for each Associated Party establishes the transitional arrangements applicable to it.

### Article 2

1. For the purposes of this Agreement:

- (a) the term 'Agreement' means the Main Agreement, its Annexes, the acts referred to in Annex I as well as its Protocols;
- (b) the term 'Associated Party' means the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Montenegro, Romania, the Republic of Serbia, or any other State or entity that shall have become a party to this Agreement pursuant to Article 32;
- (c) an 'additional Associated Party' or 'UNMIK' means the United Nations Interim Administration Mission in Kosovo pursuant to UN Security Council Resolution 1244 of 10 June 1999;
- (d) the term 'Contracting Party' means, concerning the Community and the EC Member States, the Community and the EC Member States, or the Community, or the EC Member States. The meaning to be attributed to this expression in each case is to be deduced from the relevant provisions of this Agreement and from the respective competences of the Community and the EC Member States as they follow from the EC Treaty;
- (e) the term 'ECAA Partner' means an Associated Party, Norway or Iceland;
- (f) the term 'EC Treaty' means the Treaty Establishing the European Community;
- (g) the term 'EEA Agreement' means the Agreement on the European Economic Area and its Protocols and Annexes

signed on 2 May 1992 and to which the European Community, its Member States, Iceland, Liechtenstein and Norway are parties;

- (h) the term 'Association Agreement' means each of such Agreements establishing an association between the European Community, or between the European Community and its Member States, on the one hand, and the respective Associated Party, on the other hand;
- (i) the term 'ECAA air carrier' means an air carrier, which is licensed as provided for by this Agreement in accordance with the provisions of the relevant acts specified in Annex I;
- (j) the term 'Competent Civil Aviation Authority' means a government agency or entity that exercises a legal right to assess conformity of, to certify and control the use or sale of products or services or licences within a Contracting Party's jurisdiction and may take enforcement action to ensure that products or services marketed within its jurisdiction comply with legal requirements;
- (k) the term 'Convention' means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and the amendments and Annexes thereto;
- (l) the term 'SESAR' means the technical implementation of the Single European Sky which provides a coordinated and synchronised research, development and deployment of the new generations of ATM systems;
- (m) the term 'ATM Master Plan' (Air Traffic Management Master Plan) means the starting point of SESAR;
- (n) the term 'EC Member State' means a Member State of the European Community.

2. The use of the terms 'country', 'national', 'nationals' or 'territory' shall be without prejudice to the status of each Contracting Party under international law.

### Article 3

The applicable provisions of Acts referred to or contained either in Annex I, adapted in accordance with Annex II, or in decisions of the Joint Committee shall be binding upon the Contracting Parties and be, or be made, part of their internal legal order as follows:

- (a) an act corresponding to a European Community Regulation shall be made part of the internal legal order of the Contracting Parties;
- (b) an act corresponding to a European Community Directive shall leave to the authorities of the Contracting Parties the choice of form and method of implementation.

### Article 4

The Contracting Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Agreement and shall abstain from any measure which could jeopardise the attainment of the objectives of this Agreement.

*Article 5*

The provisions of this Agreement shall not affect the relations between the Contracting Parties of the EEA Agreement.

## NON-DISCRIMINATION

*Article 6*

Within the scope of this Agreement, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.

## RIGHT OF ESTABLISHMENT

*Article 7*

Within the scope and conditions of this Agreement and without prejudice to the provisions of the relevant acts specified in Annex I, there shall be no restrictions on the freedom of establishment of nationals of an EC Member State or an ECAA Partner in the territory of any of them. Freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms under the conditions laid down for its own nationals by the law of the country where such establishment is effected. This shall also apply to the setting up of agencies, branches or subsidiaries by nationals of any EC Member State or ECAA Partner established in the territory of any of them.

*Article 8*

1. Within the scope of this Agreement and without prejudice to the provisions of the relevant acts specified in Annex I, companies or firms constituted or organised in accordance with the law of an EC Member State or an ECAA Partner and having their principal place of business within the ECAA shall be treated in the same way as natural persons who are nationals of EC Member States or ECAA Partners.

2. The terms 'companies or firms' mean companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, except those which are non-profit-making.

*Article 9*

1. The provisions of Articles 7 and 8 shall not apply to activities which, in the territory of any Contracting Party, are connected, even occasionally, with the exercise of official authority.

2. The provisions of Articles 7 and 8 and measures taken in pursuance thereof shall not prejudice the applicability of provisions laid down by law, regulation or administrative action of the Contracting Parties regarding entry, residence and employment or providing for special treatment for foreign nationals on grounds of public policy, public security or public health.

*Article 10*

1. Without prejudice to more favourable provisions in existing agreements and within the scope of this Agreement, the Contracting Parties shall abolish quantitative restrictions and measures having an equivalent effect on transfers of equipment, supplies, spare parts, and other devices when they are necessary for an ECAA air carrier to continue to provide air transport services under the conditions foreseen by this Agreement.

2. The obligation referred to in paragraph 1 shall not preclude the Contracting Parties from prohibiting or imposing restrictions on such transfers justified on the grounds of public policy or public security, of the protection of health and life of humans, animals or plants, or of the protection of intellectual, industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

## AVIATION SAFETY

*Article 11*

1. The Contracting Parties shall put in place the appropriate means to ensure that aircraft registered in one Contracting Party, when landing at airports in another Contracting Party, comply with international safety standards established pursuant to the Convention and shall be subject to ramp inspections by the authorised representatives of that other Contracting Party, on board and around the aircraft to check both the validity of the aircraft documents and those of its crew and the apparent condition of the aircraft and its equipment.

2. A Contracting Party may request consultations at any time concerning the safety standards maintained by another Contracting Party in areas other than those covered by the acts referred to in Annex I.

3. Nothing in this Agreement shall be construed so as to limit the authority of a Competent Civil Aviation Authority to take all appropriate and immediate measures whenever it ascertains that a product or a service may:

(i) fail to satisfy the minimum standards which may be established pursuant to the Convention, or

(ii) give rise to serious concerns — established through an inspection referred to in paragraph 1 — that an aircraft or the operation of an aircraft does not comply with the minimum standards established pursuant to the Convention, or

(iii) give rise to serious concerns that there is a lack of effective maintenance and administration of minimum standards established pursuant to the Convention.

4. Where a Competent Civil Aviation Authority takes action under paragraph 3, it shall promptly inform the Competent Civil Aviation Authorities of the other Contracting Parties of taking such action, providing reasons for its action.



5. Where measures taken pursuant to paragraph 3 are not discontinued even though the basis for taking them has ceased to exist, any Contracting Party may refer the matter to the Joint Committee.

6. Any amendments to national law with respect to the status of the Competent Civil Aviation Authority shall be notified by the Contracting Party concerned to the other Contracting Parties.

#### AVIATION SECURITY

##### *Article 12*

1. In order to safeguard civil aviation against acts of unlawful interference, the Contracting Parties shall ensure that the common basic standards and the compliance monitoring mechanisms on aviation security as contained in Annex I are applied to any airport located in their territories, in accordance with the relevant provisions referred to in that Annex.

2. The Contracting Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers and crew, airports and air navigation facilities, and any other threat to the security of civil aviation.

3. When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of such aircraft, their passengers and crew, airports or air navigation facilities occurs, the Contracting Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

4. An Associated Party may be subjected to a European Commission inspection in accordance with the relevant European Community legislation as referred to in Annex I, and it may be required to participate in European Commission inspections in other Contracting Parties.

#### AIR TRAFFIC MANAGEMENT

##### *Article 13*

1. The Contracting parties shall cooperate in the field of air traffic management with a view to extending the Single European Sky to the ECAA in order to enhance current safety standards and overall efficiency of general air traffic standards in Europe, to optimise capacity and to minimise delays.

2. With a view to facilitating the application of the Single European Sky legislation in their territories,

— the Associated Parties, within the limits of their respective competences, shall at the earliest opportunity take the necessary measures to adjust their air traffic management institutional structures to the Single European Sky, in particular by designating or establishing pertinent national supervisory bodies at least functionally independent of air navigation service providers,

— the European Community shall associate the Associated Parties with any operational initiative in the fields of air navigation services, airspace and interoperability that stem from the Single European Sky, in particular through an early involvement of the relevant Contracting Parties' efforts to establish functional airspace blocks.

3. The European Community shall see to it that the Associated Parties are fully associated with the development of an ATM Master Plan within the SESAR programme of the Commission.

#### COMPETITION

##### *Article 14*

1. Within the scope of this Agreement the provisions of Annex III shall apply. Where rules on competition and State aid are included in other agreements between two or more Contracting Parties, such as Association Agreements, these rules shall apply between those Parties.

2. Articles 15, 16 and 17 shall not apply with respect to the provisions in Annex III.

#### ENFORCEMENT

##### *Article 15*

1. Without prejudice to paragraphs 2 and 3, each Contracting Party shall ensure that the rights which devolve from this Agreement, and in particular from the acts specified in Annex I, may be invoked before national courts.

2. In cases which may affect actual or potential air services to be authorised under this Agreement, the European Community institutions shall enjoy the powers specifically granted to them under the provisions of the acts referred to or contained in Annex I.

3. All questions concerning the legality of decisions taken by European Community institutions under this Agreement, in particular under the acts specified in Annex I, shall be of the exclusive competence of the Court of Justice of the European Communities, hereinafter referred to as 'the Court of Justice'.



## INTERPRETATION

## Article 16

1. In so far as the provisions of this Agreement and the provisions of the acts specified in Annex I are identical in substance to corresponding rules of the EC Treaty and to acts adopted pursuant to the EC Treaty, those provisions shall, in their implementation and application, be interpreted in conformity with the relevant rulings and decisions of the Court of Justice and the European Commission given before the date of signature of this Agreement. The rulings and decisions given after the date of signature of this Agreement shall be communicated to the other Contracting Parties. At the request of one of the Contracting Parties, the implications of such later rulings and decisions shall be determined by the Joint Committee in view of ensuring the proper functioning of this Agreement. Existing interpretations shall be communicated to the ECAA Partners prior to the date of signature of this Agreement. Decisions taken by the Joint Committee under this procedure shall be in conformity with the case law of the Court of Justice.

2. When a question of interpretation of this Agreement, of the provisions of the acts specified in Annex I or of acts adopted in pursuance thereof identical in substance to corresponding rules of the EC Treaty and to acts adopted pursuant to the EC Treaty, arises in a case pending before a court or tribunal of an ECAA Partner, the court or tribunal shall ask, if it considers this necessary to enable it to give a judgement and in accordance with Annex IV, the Court of Justice to decide on the question. An ECAA Partner may, by decision and in accordance with Annex IV, stipulate the extent to which, and according to what modalities, its courts and tribunals are to apply this provision. Such a decision shall be notified to the depositary and the Court of Justice. The depositary shall inform the other Contracting Parties.

3. Where, in accordance with paragraph 2, a court of a Contracting Party against whose decisions there is no judicial remedy under national law is not able to make a referral to the Court of Justice, any judgement of such court shall be transmitted by the Contracting Party concerned to the Joint Committee which shall act so as to preserve the homogeneous interpretation of this Agreement. If the Joint Committee, within two months after a difference between the case law of the Court of Justice and a judgement of a court of such a Contracting Party has been brought before it, has not succeeded in preserving the homogeneous interpretation of this Agreement, the procedures laid down in Article 20 may be applied.

## NEW LEGISLATION

## Article 17

1. This Agreement shall be without prejudice to the right of each Contracting Party, subject to compliance with the principle of non-discrimination and the provisions of this Article and of Article 18(4) to unilaterally adopt new legislation or amend its existing legislation in the field of air transport or an

associated area mentioned in Annex I. The Associated Parties shall not adopt any such legislation unless it is in accordance with this Agreement.

2. As soon as a Contracting Party has adopted new legislation or an amendment to its legislation it shall inform the other Contracting Parties via the Joint Committee not later than one month after its adoption. Upon the request of any Contracting Party, the Joint Committee shall within two months thereafter hold an exchange of views on the implications of such new legislation or amendment for the proper functioning of this Agreement.

3. The Joint Committee shall:

- (a) either adopt a decision revising Annex I so as to integrate therein, if necessary on a basis of reciprocity, the new legislation or amendment in question; or
- (b) adopt a decision to the effect that the new legislation or amendment in question is to be regarded as in accordance with this Agreement; or
- (c) decide on any other measures to safeguard the proper functioning of this Agreement.

4. As regards the legislation which has been adopted between the signing of this Agreement and its entry into force and of which the other Contracting Parties have been informed, the date of referral shall be taken as the date on which the information was received. The date on which the Joint Committee reaches a decision may not be earlier than sixty days after the entry into force of this Agreement.

## JOINT COMMITTEE

## Article 18

1. A Joint Committee is hereby established which shall be responsible for the administration of this Agreement and shall ensure its proper implementation, without prejudice to Article 15(2) and (3) and Articles 21 and 22. For this purpose it shall make recommendations and take decisions in the cases provided for in this Agreement. The decisions of the Joint Committee shall be put into effect by the Contracting Parties in accordance with their own rules.

2. The Joint Committee shall consist of representatives of the Contracting Parties.

3. The Joint Committee shall act by unanimity. However, the Joint Committee may decide to lay down a majority voting procedure for certain specific issues.

4. For the purpose of the proper enforcement of this Agreement, the Contracting Parties shall exchange information, *inter alia*, on new legislation or decisions that are relevant for this Agreement, and, at the request of any Party, shall hold consultations within the Joint Committee, including on social issues.

5. The Joint Committee shall adopt its rules of procedure.

6. An ECAA Partner or the European Community and its Member States shall preside in turn over the Joint Committee in accordance with the arrangements to be laid down in its rules of procedure.

7. The chairman of the Joint Committee shall convene its meetings at least once a year in order to review the general functioning of this Agreement and, whenever special circumstances so require, at the request of a Contracting Party. The Joint Committee shall keep under constant review the development of the case law of the Court of Justice. To this end the European Community shall transmit to the ECAA Partners all judgements of the Court of Justice relevant for the functioning of this Agreement. The Joint Committee shall act within three months so as to preserve the homogeneous interpretation of this Agreement.

8. The Joint Committee may decide to set up any working party that can assist it in carrying out its duties.

#### *Article 19*

1. A decision of the Joint Committee shall be binding upon the Contracting Parties. Whenever a decision taken by the Joint Committee contains a requirement for action to be taken by a Contracting Party, the said Party shall take the necessary measures and inform the Joint Committee thereof.

2. The decisions of the Joint Committee shall be published in the Official Journals of the European Union and of the ECAA Partners. Each decision shall state the date of its implementation by the Contracting Parties and any other information likely to concern economic operators.

#### DISPUTE SETTLEMENT

##### *Article 20*

1. The Community, acting together with the EC Member States, or an ECAA Partner may bring a matter under dispute which concerns the application or interpretation of this Agreement before the Joint Committee, except where specific procedures are set out in this Agreement.

2. When a dispute has been brought before the Joint Committee under paragraph 1, immediate consultations shall be held between the parties to the dispute. In cases where the European Community is not a party to the dispute, a Community representative may be invited to the consultations by one of the parties to the dispute. The parties to the dispute may draw up a proposal for a solution which shall immediately be submitted to the Joint Committee. Decisions taken by the Joint Committee under this procedure shall respect the case law of the Court of Justice.

3. If the Joint Committee after four months from the date when the matter was brought before it has not succeeded to take a decision resolving the dispute, the parties to the dispute

may refer it to the Court of Justice whose decision shall be final and binding. The modalities according to which such referrals may be made to the Court of Justice are set out in Annex IV.

4. If the Joint Committee does not within four months take a decision on an issue which has been referred to it, the Contracting Parties may take appropriate safeguard measures in accordance with Articles 21 and 22 for a period not exceeding six months. After this period each Contracting Party may denounce this Agreement with immediate effect. A Contracting Party shall not take safeguard measures on a matter which has been referred to the Court of Justice in accordance with this Agreement, except in cases defined in Article 11(3) or in compliance with mechanisms provided for in individual acts specified in Annex I.

#### SAFEGUARD MEASURES

##### *Article 21*

Without prejudice to Article 11(3) and the safety and security assessments mentioned in the Protocols to this Agreement, safeguard measures shall be restricted with regard to their scope and duration to what is strictly necessary in order to remedy the situation. Priority shall be given to such measures as will least disturb the functioning of this Agreement.

##### *Article 22*

1. A Contracting Party which is considering taking safeguard measures shall notify the other Contracting Parties of its intention through the Joint Committee and shall provide all relevant information.

2. The Contracting Parties shall immediately enter into consultations in the Joint Committee with a view to finding a commonly acceptable solution.

3. Without prejudice to Article 11(3), the Contracting Party concerned may not take safeguard measures until one month has elapsed after the date of notification under paragraph 1, unless the consultation procedure under paragraph 2 has been concluded before the expiration of the said time limit.

4. The Contracting Party concerned shall without delay notify the Joint Committee of the measures taken and shall provide all relevant information.

#### DISCLOSURE OF INFORMATION

##### *Article 23*

The representatives, delegates and experts of the Contracting Parties, as well as officials and other servants acting under this Agreement, shall be required, even after their duties have ceased, not to disclose information covered by the obligation of professional confidentiality, in particular information about undertakings, their business relations or their cost components.

## THIRD COUNTRIES AND INTERNATIONAL ORGANISATIONS

*Article 24*

1. The Contracting Parties shall consult with each other in the framework of the Joint Committee at the request of any Contracting Party, in accordance with the procedures laid out in Articles 25 and 26,

- (a) on air transport questions dealt with in international organisations; and
- (b) on various aspects of possible developments in relations between Contracting Parties and third countries in air transport, and on the functioning of the significant elements of bilateral or multilateral agreements concluded in this field.

2. The consultations provided for in paragraph 1 shall be held within one month of the request and in urgent cases as soon as possible.

*Article 25*

1. The main aims of the consultations provided for in Article 24(1)(a) shall be:

- (a) to determine jointly whether the questions raise problems of common interest; and
- (b) depending upon the nature of such problems:
  - to consider jointly whether the Contracting Parties' action within the international organisations concerned should be coordinated, or
  - to consider jointly any other approach which might be appropriate.

2. The Contracting Parties shall as soon as possible exchange any information of relevance to the aims provided for in paragraph 1.

*Article 26*

The main aims of the consultations provided for in Article 24(1)(b) shall be to examine the relevant issues and to consider any approach which might be appropriate.

## TRANSITIONAL ARRANGEMENTS

*Article 27*

1. Protocols I to IX establish the transitional arrangements and corresponding periods applying between the European Community and the EC Member States, on the one hand, and the Associated Party concerned, on the other hand. In the relationship between Norway or Iceland and an Associated Party the same conditions shall apply as between the European Community and the EC Member States, on the one hand, and the Associated Party concerned, on the other hand.

2. During the transitional periods referred to in paragraph 1 the relevant elements of the air transport regime between two Associated Parties shall be determined on the basis of the more

restrictive of the two Protocols referring to the Associated Parties in question.

3. The gradual transition of each Associated Party to the full application of the ECAA shall be subject to assessments. The assessments shall be carried out by the European Community in cooperation with the Associated Party concerned. When an Associated Party is satisfied that the conditions for completing a transitional period as set out in the relevant Protocol have been fulfilled, it shall inform the European Community that an assessment should be carried out.

4. If the European Community determines that the conditions are fulfilled it shall inform the Joint Committee and decide thereafter that the Associated Party concerned qualifies for passing to the next transitional period or for full inclusion in the European Common Aviation Area as the case may be.

5. If the European Community determines that the conditions are not fulfilled it shall so report to the Joint Committee. The Community shall recommend to the Associated Party concerned specific improvements and determine an implementing period within which these improvements can reasonably be implemented. Before the end of the implementing period a second and, if necessary, further assessments shall be made whether the recommended improvements have effectively and satisfactorily been implemented.

## RELATIONSHIP WITH BILATERAL AIR TRANSPORT AGREEMENTS AND ARRANGEMENTS

*Article 28*

1. The provisions of this Agreement shall prevail over the relevant provisions of bilateral air transport agreements and/or arrangements in force between the Associated Parties on the one hand and the European Community, an EC Member State, Norway or Iceland on the other hand, as well as between Associated Parties.

2. Notwithstanding paragraph 1, during the transitional periods referred to in Article 27, the provisions concerning ownership, traffic rights, capacity, frequencies, type or change of aircraft, code-sharing and pricing of a bilateral agreement or arrangement in force between an Associated Party and the European Community, an EC Member State, Norway or Iceland or between two Associated Parties shall apply between the Parties thereto if such bilateral agreement and/or arrangement is more flexible, in terms of freedom for the air carriers concerned, than the provisions of the applicable Protocol with respect to the Associated Party concerned.

3. A dispute between an Associated Party and another Contracting Party as to whether the provisions of the Protocol with respect to the Associated Party concerned or the bilateral agreements and/or arrangements are, in view of the full application of the ECAA, more flexible shall be settled in the framework of the dispute settlement mechanism provided for in Article 20. Disputes on how to determine the relationship between conflicting Protocols shall be settled in the same way.

## ENTRY INTO FORCE, REVIEW, TERMINATION AND OTHER PROVISIONS

*Article 29***Entry into force**

1. This Agreement shall be subject to ratification or approval by the signatories in accordance with their own procedures. Instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union (depository), which shall notify all other signatories as well as the International Civil Aviation Organisation thereof.

2. This Agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification or approval by the European Community and the EC Member States and at least one Associated Party. For each signatory which ratifies or approves this agreement after such date, it shall enter into force on the first day of the second month following the deposit by such signatory of its instrument of ratification or approval.

3. Notwithstanding paragraphs 1 and 2, the European Community and its Member States and at least one Associated Party, may decide to apply provisionally this Agreement among themselves from the date of signature, in accordance with the application of domestic law, by notifying the depository which shall notify the other Contracting Parties thereof.

*Article 30***Review**

This Agreement shall be reviewed at the request of any Contracting Party and at any event five years after its entry into force.

*Article 31***Termination**

1. Each Contracting Party may denounce this Agreement by notifying the depository, which shall notify this termination to the other Contracting Parties as well as the International Civil Aviation Organisation. If this Agreement is denounced by the European Community and the EC Member States it shall cease to be in force one year after the date of notification. If this Agreement is denounced by any other Contracting Party it shall cease to be in force only with respect to such Contracting Party

one year after the date of notification. However, air services operated at the date of expiry of this Agreement may continue until the end of the International Air Transport Association (IATA) scheduling season into which that date of expiry falls.

2. Upon accession to the European Union of an Associated Party, that Party shall automatically cease to be an Associated Party under this Agreement and shall instead become an EC Member State.

3. This Agreement shall cease to be in force or be suspended with respect to an Associated Party if the corresponding Association Agreement ceases to be in force or is suspended.

*Article 32***Enlargement of the ECAA**

The European Community may ask any State or entity which is prepared to make its laws on air transport and associated matters compatible with those of the Community, and with which the Community has established or is establishing a framework of close economic cooperation, such as an Association Agreement, to participate in the ECAA. To this end, the Contracting Parties shall amend this Agreement accordingly.

*Article 33***Gibraltar airport**

1. The application of this Agreement to Gibraltar airport is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

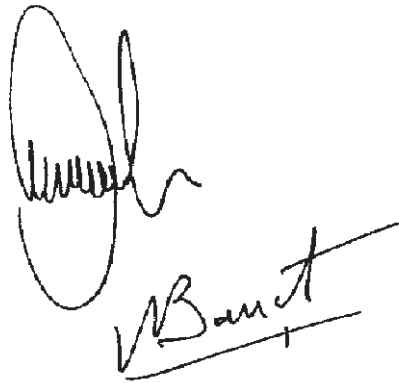
2. The application of this Agreement to Gibraltar airport shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 enter into operation.

*Article 34***Languages**

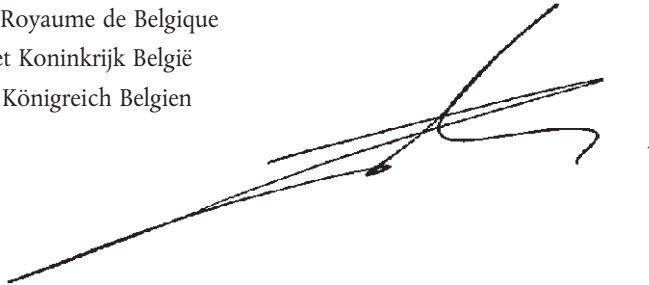
This Agreement is drawn up in a single original in the official languages of the institutions of the European Union and of the Contracting Parties other than the European Community and its Member States, each of these texts being equally authentic.

In WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorised thereto, have signed this Agreement:

Por la Comunidad Europea  
Za Evropské společenství  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Euroopa Ühenduse nimel  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Eiropas Kopienas vārdā  
Europos bendrijos vardu  
az Európai Közösség részéről  
Għall-Komunità Ewropea  
Voor de Europese Gemeenschap  
W imieniu Wspólnoty Europejskiej  
Pela Comunidade Europeia  
Za Európske spoločenstvo  
za Evropsko skupnost  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar



Pour le Royaume de Belgique  
Voor het Koninkrijk België  
Für das Königreich Belgien



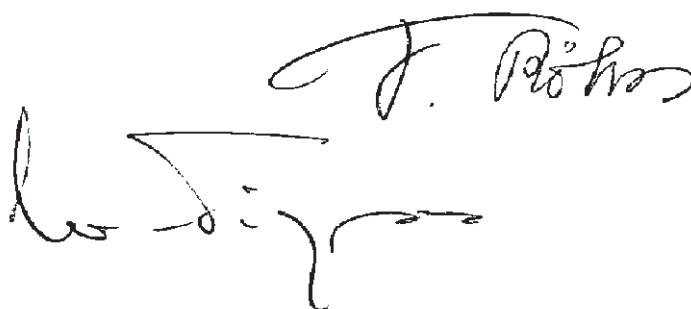
Za Českou republiku



På Kongeriget Danmarks vegne



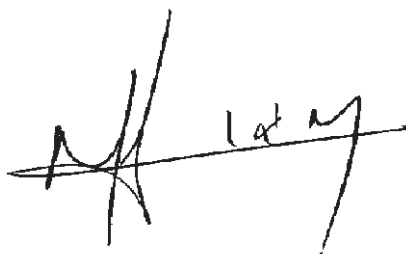
Für die Bundesrepublik Deutschland

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Eesti Vabariigi nimel

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Για την Ελληνική Δημοκρατία

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Por el Reino de España

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Pour la République française

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Thar cheann Na hÉireann

For Ireland

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Per la Repubblica italiana



Για την Κυπριακή Δημοκρατία



Latvijas Republikas vārdā

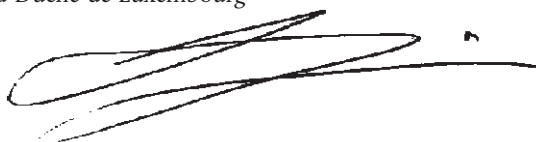


22-06-2006

Lietuvos Respublikos vardu



Pour le Grand-Duché de Luxembourg



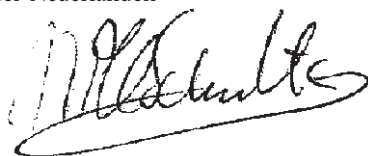
A Magyar Köztársaság részéről



Għar-Repubblika ta' Malta



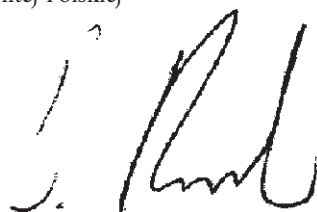
Voor het Koninkrijk der Nederlanden

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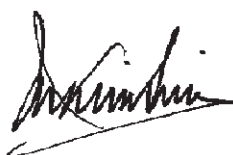
Für die Republik Österreich

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W imieniu Rzeczypospolitej Polskiej

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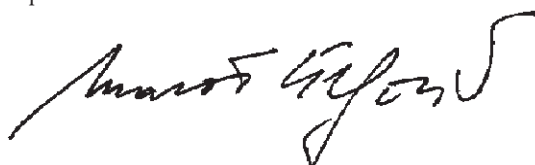
Pela República Portuguesa

A handwritten signature in black ink, appearing to be 'M. Almeida', written in a cursive style.

Za Republiko Slovenijo

A handwritten signature in black ink, appearing to be 'J. Janc', written in a cursive style.

Za Slovenskú republiku

A handwritten signature in black ink, appearing to be 'M. Gajdos', written in a cursive style.

Suomen tasavallan puolesta

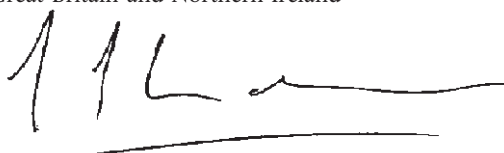
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



Për Republikën e Shqipërisë



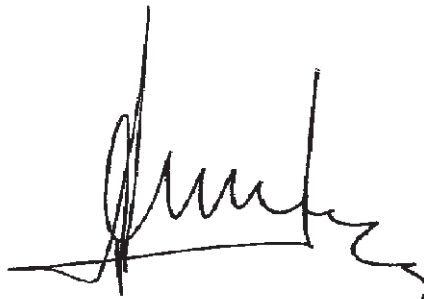
Za Bosnu i Hercegovinu

За Босну и Херцеговину

Za Bosnu i Hercegovinu



За Република България



Za Republiku Hrvatsku



За Бивша Југославска Република Македонија

Fyrir hönd Lyðveldisins Íslands



Za Republiku Crnu Goru



05 -07- 2006

For Kongeriket Norge



Pentru România



За Републику Србију



29 -06- 2006

For the United Nations Interim Administration in Kosovo  
*with Declaration*



**REPUBLIC OF MACEDONIA**  
**MINISTRY OF TRANSPORT AND COMMUNICATIONS**

Luxembourg, 9 June 2006

Dear Sirs,

Hereby I declare that the final text from 22 May 2006 of the Multilateral ECAA Agreement is acceptable for the Government of the Republic of Macedonia.

With this letter, the Government of the Republic of Macedonia considers itself as signatory of the Multilateral Agreement between the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the European Community and its Member States, the Republic of Iceland, the Republic of Macedonia, the Kingdom of Norway, Serbia and Montenegro, Romania and United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the abovementioned Agreement, having in view that the constitutional name of my country is Republic of Macedonia.

Please accept, Sirs, the assurances of my highest consideration.

*Xhemali MEHAZI*

*Minister of Transport  
and Communications*



THE COUNCIL OF THE EUROPEAN UNION  
AND THE EUROPEAN COMMISSION

Luxembourg, 9 June 2006

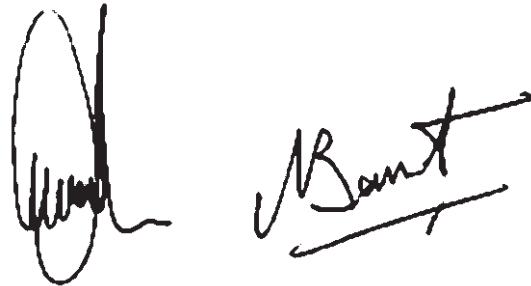
Mr. Xhemali MEHAZI,  
Minister of Transport and Communications  
of the former Yugoslav Republic of Macedonia,

Sir,

The European Community and its Member States take note of your letter of today's date and confirms that your letter and this reply shall together take the place of the signature of the Multilateral Agreement between the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the European Community and its Member States, the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, Serbia and Montenegro, Romania and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area (ECAA). However, this cannot be construed as acceptance or recognition by the European Community and its Member States, in whatever form or content of a denomination other than the 'former Yugoslav Republic of Macedonia'.

Please accept, Sir, the assurance of our highest consideration.

*On behalf of the European Community and  
its Member States*



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## ANNEX I

## RULES APPLICABLE TO CIVIL AVIATION

The 'Applicable provisions' of the following European Community acts shall be applicable in accordance with the Main Agreement and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to IX thereafter. Where necessary, specific adaptations for each individual act are set out hereafter:

## A. MARKET ACCESS AND ANCILLARY ISSUES

No 2407/92

Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers

Applicable provisions: Articles 1 to 18 and the Annex except for the reference in Article 13(3) to Article 226 (ex 169) of the EC Treaty

No 2408/92

Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes

as amended or adapted by:

- Article 29 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden;
- the decision of the EEA Joint Committee No 7/94 of 21 March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement;
- Article 20 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, hereinafter referred to as 'the 2003 Act of Accession'.

Applicable provisions: Articles 1 to 15 and Annexes I, II and III

No 2409/92

Council Regulation (EEC) No 2409/92 of 23 July 1992 on fares and rates for air services

Applicable provisions: Articles 1 to 10

No 95/93

Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports

as amended by:

- Regulation (EC) No 894/2002 of the European Parliament and of the Council of 27 May 2002 amending Council Regulation (EEC) No 95/93,
- Regulation (EC) No 1554/2003 of the European Parliament and of the Council of 22 July 2003 amending Council Regulation (EEC) No 95/93,
- Regulation (EC) No 793/2004 of the European Parliament and of the Council of 21 April 2004 amending Council Regulation (EEC) No 95/93.

Applicable provisions: Articles 1 to 12, and 14a(2)

As regards the application of Article 12(2), the term 'the Commission' shall read 'the Joint Committee'.

No 96/67

Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports

Applicable provisions: Articles 1 to 25 and Annex

As regards the application of Article 10, the term 'Member States' shall read 'EC Member States'.

As regards the application of Article 20(2), the term 'the Commission' shall read 'the Joint Committee'.

No 785/2004

Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators

Applicable provisions: Articles 1 to 8, and 10(2)

## B. AIR TRAFFIC MANAGEMENT

No 549/2004

Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation)

Applicable provisions: Articles 1 to 4, 6, and 9 to 14

No 550/2004

Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation)

Applicable provisions: Articles 1 to 19, Annexes I and II

No 551/2004

Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation)

Applicable provisions: Articles 1 to 11

No 552/2004

Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation)

Applicable provisions: Articles 1 to 12, Annexes I to V

No 2096/2005

Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services

Applicable provisions: Articles 1 to 9, Annexes I to V

No 2150/2005

Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace

Applicable provisions: Articles 1 to 9, Annex

## C. AVIATION SAFETY

No 3922/91

Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation

as amended by:

- Commission Regulation (EC) No 2176/96 of 13 November 1996 amending to scientific and technical progress Council Regulation (EEC) No 3922/91,
- Commission Regulation (EC) No 1069/1999 of 25 May 1999 adapting to scientific and technical progress Council Regulation (EEC) No 3922/91,
- Commission Regulation (EC) No 2871/2000 of 28 December 2000 adapting to scientific and technical progress Council Regulation (EEC) 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation,
- Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

Applicable provisions: Articles 1 to 10, 12 to 13 with the exception of Article 4(1) and Article 8(2) (second sentence), Annexes I to III

As regards the application of Article 12, 'Member States' shall read 'EC Member States'.

No 94/56

Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigations of civil aviation accidents and incidents

Applicable provisions: Articles 1 to 12

As regards the applications of Articles 9 and 12, the term 'the Commission' shall read 'all other ECAA Contracting Parties'.

No 1592/2002

Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

as amended by:

- Regulation (EC) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1592/2002,
- Commission Regulation (EC) No 1701/2003 of 24 September 2003 adapting Article 6 of Regulation (EC) No 1592/2002.

Applicable provisions: Articles 1 to 57, Annexes I and II

No 2003/42

Directive 2003/42/EC of the European Parliament and the Council of 13 June 2003 on occurrence reporting in civil aviation

Applicable provisions: Articles 1 to 11, Annexes I and II

No 1702/2003

Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations

as amended by:

- Commission Regulation (EC) No 381/2005 of 7 March 2005 amending Regulation (EC) No 1702/2003

Applicable provisions: Articles 1 to 4, Annex. The transitional periods referred to in this Regulation shall be determined by the Joint Committee.

No 2042/2003

Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

Applicable provisions: Articles 1 to 6, Annexes I to IV

No 104/2004

Commission Regulation (EC) No 104/2004 of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency

Applicable provisions: Articles 1 to 7 and Annex

No 488/2005

Commission Regulation (EC) No 488/2005 of 21 March 2005 on the fees and charges levied by the European Aviation Safety Agency

No 2111/2005

Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC

Applicable provisions: Articles 1 to 13, Annex

#### D. AVIATION SECURITY

No 2320/2002

Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security

as amended by:

- Regulation (EC) No 849/2004 of the European Parliament and of the Council of 29 April 2004 amending Regulation (EC) No 2320/2002

Applicable provisions: Articles 1 to 12 and Annex

No 622/2003

Commission Regulation (EC) No 622/2003 of 4 April 2003 laying down measures for the implementation of the common basic standards on aviation security

as amended by:

- Commission Regulation (EC) No 68/2004 of 15 January 2004 amending Regulation (EC) No 622/2003,
- Commission Regulation (EC) No 781/2005 of 24 May 2005 amending Regulation (EC) No 622/2003,
- Commission Regulation (EC) No 857/2005 of 6 June 2005 amending Regulation (EC) No 622/2003.

Applicable provisions: Articles 1 to 5 and Annex

No 1217/2003

Commission Regulation (EC) No 1217/2003 of 4 July 2003 laying down common specifications for national civil aviation security quality control programmes

Applicable provisions: Articles 1 to 11, Annexes I and II

No 1486/2003

Commission Regulation (EC) No 1486/2003 of 22 August 2003 laying down procedures for conducting Commission inspections in the field of civil aviation security

Applicable provisions: Articles 1 to 16

No 1138/2004

Commission Regulation (EC) No 1138/2004 of 21 June 2004 establishing a common definition of critical parts of security restricted areas at airports

Applicable provisions: Articles 1 to 8

#### E. ENVIRONMENT

No 89/629

Council Directive 89/629/EEC of 4 December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes.

Applicable provisions: Articles 1 to 8

No 92/14

Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 of the Convention of International Civil Aviation, second edition (1988)

as amended by:

- Council Directive 98/20/EC of 30 March 1998 amending Directive 92/14/EEC,
- Commission Directive 1999/28/EC of 21 April 1999 amending the Annex to Council Directive 92/14/EEC,
- Commission Regulation (EC) No 991/2001 of 21 May 2001 amending the Annex to Council Directive 92/14/EEC.

Applicable provisions: Articles 1 to 11 and Annex

No 2002/30

Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports

As amended or adapted by the 2003 Act of Accession

Applicable provisions: Articles 1 to 15, Annexes I and II

No 2002/49

Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise

Applicable provisions: Articles 1 to 16, Annexes I to VI

#### F. SOCIAL ASPECTS

No 1989/391

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

Applicable provisions: Articles 1 to 16 and 18 and 19

No 2003/88

Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time

Applicable provisions: Articles 1 to 19, 21 to 24 and 26 to 29

No 2000/79

Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)

Applicable provisions: Articles 1 to 5

#### G. CONSUMER PROTECTION

No 90/314

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours

Applicable provisions: Articles 1 to 10

No 92/59

Council Directive 92/59/EEC of 29 June 1992 on general product safety

Applicable provisions: Articles 1 to 19

No 93/13

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts

Applicable provisions: Articles 1 to 10 and Annex

As regards the application of Article 10, the term 'the Commission' shall read 'all other ECAA Contracting Parties'.

No 95/46

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Applicable provisions: Articles 1 to 34

No 2027/97

Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents

as amended by:

— Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97

Applicable provisions: Articles 1 to 8

No 261/2004

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91

Applicable provisions: Articles 1 to 17

#### H. OTHER LEGISLATION

No 2299/1989

Council Regulation (EEC) No 2299/1989 of 24 July 1989 on a code of conduct for computer reservation systems

as amended by:

— Council Regulation (EEC) No 3089/93 of 29 October 1993 amending Regulation (EEC) No 2299/89,

— Council Regulation (EC) No 323/1999 of 8 February 1999 amending Regulation (EEC) No 2299/89.

Applicable provisions: Articles 1 to 22 and Annex



No 91/670

Council Directive No 91/670/EEC of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation

Applicable provisions: Articles 1 to 8 and Annex

No 3925/91

Council Regulation (EEC) No 3925/91 of 19 December 1991 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing

Applicable provisions: Articles 1 to 5

No 437/2003

Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air

as amended by:

— Commission Regulation (EC) No 1358/2003 of 31 July 2003 implementing and amending Regulation (EC) No 437/2003 of the European Parliament and of the Council.

Applicable provisions: Articles 1 to 11, Annexes I and II

No 1358/2003

Commission Regulation (EC) No 1358/2003 of 31 July 2003 implementing Regulation (EC) No 437/2003 of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air and amending Annexes I and II thereto

Applicable provisions: Articles 1 to 4, Annexes I to III

No 2003/96

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity

Applicable provisions: Article 14(1)(b) and (2)

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## ANNEX II

**HORIZONTAL ADAPTATIONS AND CERTAIN PROCEDURAL RULES**

The provisions of the acts specified in Annex I shall be applicable in accordance with the Agreement and points 1 to 4 of this Annex, unless otherwise provided in Annex I. The specific adaptations necessary for individual acts are set out in Annex I.

This Agreement shall be applicable in accordance with the procedural rules set out in points 5 and 6 of this Annex.

**1. INTRODUCTORY PARTS OF THE ACTS**

The preambles of the acts specified are not adapted for the purposes of this Agreement. They are relevant to the extent necessary for the proper interpretation and application, within the framework of this Agreement, of the provisions contained in such acts.

**2. SPECIFIC TERMINOLOGY OF THE ACTS**

The following terms used by the acts specified in Annex I shall read as follows:

- (a) the term 'Community' shall read 'European Common Aviation Area';
- (b) the terms 'Community law', 'Community legislation', 'Community instruments' and 'EC Treaty' shall read 'ECAA Agreement';
- (c) the term 'Community airport' shall read 'airport located in the European Common Aviation Area';
- (d) the term '*Official Journal of the European Communities*' or '*Official Journal of the European Union*' shall read 'Official Journals of the Contracting Parties';
- (e) the term 'Community air carrier' shall read 'ECAA air carrier'.

**3. REFERENCES TO MEMBER STATES**

Without prejudice to point 4 of this Annex, whenever acts specified in Annex I contain references to 'Member State(s)', the references shall be understood to include, apart from the EC Member States, also the ECAA Partners.

**4. PROVISIONS ON EUROPEAN COMMUNITY COMMITTEES AND CONSULTATION OF THE ASSOCIATED PARTIES**

Experts of the Associated Parties shall be consulted by the European Commission and given the opportunity to submit their advice each time the acts specified in Annex I provide for the consultation by the European Commission of European Community Committees and for the opportunity to submit their advice or opinion.

Each consultation shall consist of one meeting chaired by the European Commission and shall take place within the Joint Committee at the invitation of the European Commission prior to the consultation of the relevant European Community Committee. The European Commission shall provide each Associated Party at least two weeks in advance of the meeting, unless specific circumstances require a shorter notice, with all necessary information.

The Associated Parties shall be invited to submit their views to the European Commission. The European Commission shall take due account of the advice delivered by the Associated Parties.

The above provisions shall not apply on the application of competition rules set out in this Agreement which shall be governed by the specific consultation procedures set out in Annex III.

**5. COOPERATION AND EXCHANGE OF INFORMATION**

To facilitate the exercise of the relevant powers of the competent authorities of the Contracting Parties, such authorities shall upon request mutually exchange all information necessary for the proper functioning of this Agreement.

**6. REFERENCE TO LANGUAGES**

The Contracting Parties shall be entitled to use, in the procedures established in the ambit of this Agreement and without prejudice to Annex IV, any official language of the institutions of the European Union or of another Contracting Party. The Contracting Parties are aware, however, that the utilisation of English facilitates those procedures. If a language which is not an official language of the institutions of European Union is used in an official document, a translation into an official language of the institutions of the European Union shall be simultaneously submitted, taking into account the provision of the preceding sentence. If a Contracting Party intends to use, in an oral procedure, a language that is not an official language of the institutions of the European Union, that Contracting Party shall ensure simultaneous interpretation into English.

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## ANNEX III

**RULES ON COMPETITION AND STATE AID REFERRED TO IN ARTICLE 14 OF THE MAIN AGREEMENT***Article 1***State monopolies**

An Associated Party shall progressively adjust any State monopolies of a commercial character so as to ensure that, by the end of the second period referred to in the Protocol to this Agreement which contains the transitional measures with regard to the Associated Party concerned, no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of the Contracting Parties. The Joint Committee shall be informed of the measures adopted to attain this objective.

*Article 2***Approximation of State aid and competition legislation**

1. The Contracting Parties recognise the importance of the approximation of the existing legislation on State aid and competition of the Associated Parties to that of the European Community. The Associated Parties shall endeavour to ensure that their existing and future laws on State aid and competition are gradually made compatible with the European Community *acquis*.
2. This approximation shall start upon the entry into force of this Agreement, and shall gradually extend to all the elements of the European Community State aid and competition provisions referred to in this Annex by the end of the second period referred to in the Protocol to this Agreement which contains the transitional measures with regard to the Associated Party concerned. The Associated Party shall also define, in agreement with the European Commission, the modalities for the monitoring of the implementation of the approximation of legislation and law enforcement actions to be taken.

*Article 3***Competition rules and other economic provisions**

1. The following practices are incompatible with the proper functioning of this Agreement, in so far as they may affect trade between two or more Contracting Parties:
  - (i) all agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
  - (ii) abuse by one or more undertakings of a dominant position in the territories of the Contracting Parties as a whole or in a substantial part thereof;
  - (iii) any State aid which distorts or threatens to distort competition by favouring certain undertakings or certain products.
2. Any practices contrary to this Article shall be assessed on the basis of criteria arising from the application of the competition rules applicable in the European Community, in particular from Articles 81, 82, 86 and 87 of the EC Treaty and interpretative instruments adopted by the European Community institutions.
3. Each Associated Party shall ensure that an operationally independent public body is entrusted with the powers necessary for the full application of paragraph 1(i) and (ii), regarding private and public undertakings and undertakings to which special rights have been granted.
4. Each Associated Party shall designate or establish an operationally independent authority which is entrusted with the powers necessary for the full application of paragraph 1(iii). This authority shall have, *inter alia*, the powers to authorise State aid schemes and individual aid grants in conformity with paragraph 2, as well as the powers to order the recovery of State aid that has been unlawfully granted.
5. Each Contracting Party shall ensure transparency in the area of State aid, *inter alia*, by providing the other Contracting Parties with a regular annual report or equivalent, following the methodology and the presentation of the European Community survey on State aid. Upon request by a Contracting Party, another Contracting Party shall provide information on particular individual cases of public aid.
6. Each Associated Party shall establish a comprehensive inventory of aid schemes instituted before the establishment of the authority referred to in paragraph 4 and shall align such aid schemes with the criteria referred to in paragraph 2.

7. (a) For the purposes of applying the provisions of paragraph 1(iii), the Contracting Parties recognise that during the periods referred to in the Protocol to this Agreement which contains the transitional measures with regard to an Associated Party, any public aid granted by this Associated Party shall be assessed taking into account that the Associated Party concerned is to be regarded as an area identical to those areas of the European Community described in Article 87(3)(a) of the Treaty establishing the European Community;
  - (b) By the end of the first period referred to in the Protocol to this Agreement which contains the transitional measures with regard to an Associated Party, this Party shall submit to the European Commission its GDP per capita figures harmonised at NUTS II level. The authority referred to in paragraph 4 and the European Commission shall then jointly evaluate the eligibility of the regions of the Associated Party concerned as well as the maximum aid intensities in relation thereto in order to draw up the regional aid map on the basis of the relevant European Community guidelines.
  8. If one of the Contracting Parties considers that a particular practice is incompatible with the terms of paragraph 1, it may take appropriate measures after consultation within the Joint Committee or after thirty working days following referral for such consultation.
  9. The Contracting Parties shall exchange information taking into account the limitations imposed by the requirements of professional and business confidentiality.
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## ANNEX IV

**REFERRALS TO THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES****1. General principles relating to Article 16 of the Agreement**

1. The procedures established by the Court of Justice of the European Communities, hereinafter referred to as 'the Court of Justice', for referrals for preliminary rulings within the European Community shall apply, as far as appropriate. Further to the preliminary ruling, a court or tribunal of a Contracting Party shall apply the interpretation ruled by the Court of Justice.
2. Contracting Parties shall have, within the ambit of this Agreement, the same rights to submit observations to the Court of Justice as the EC Member States.

**2. Extent and modalities of the procedure established in Article 16(2) of the Agreement**

1. When, in accordance with the second sentence of Article 16(2), a Contracting Party adopts a decision on the extent and modalities of referrals to the Court of Justice, that decision shall specify that either:
  - (a) any court or tribunal of the Contracting Party against whose decisions there is no judicial remedy under national law shall request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the validity or interpretation of an act referred to in Article 16(2) if that court or tribunal considers that a decision on the question is necessary to enable it to give a judgment, or
  - (b) any court or tribunal of that Contracting Party may request the Court of Justice to give a preliminary ruling on a question raised before it and concerning the validity or interpretation of an act referred to in Article 16(2) if that court or tribunal considers that a decision on the question is necessary to enable it to give a judgment.
2. The modalities of application of Article 16(2) shall be based on the principles enshrined in the legal provisions governing the functioning of the Court of Justice, including the relevant provisions of the EC Treaty, the Statute and the Rules of Procedure of the Court of Justice, as well as the case law of the latter. In the event that it takes a decision on the modalities of application of this provision, the Contracting Party shall also take into consideration the practical guidance released by the Court of Justice in the Information Notice on references by national courts for preliminary rulings.

**3. Referrals according to Article 20(3) of the Agreement**

The Court of Justice shall treat disputes submitted to it in accordance with Article 20(3) in the same manner as those submitted to it in accordance with Article 239 of the EC Treaty.

**4. Referrals to the Court of Justice and languages**

The Contracting Parties shall be entitled to use, in the procedures before the Court of Justice established in the ambit of the Agreement, any official language of the institutions of the European Union or of another Contracting Party. If a language which is not an official language of the institutions of the European Union is used in an official document, a translation into French shall be simultaneously submitted. If a Contracting Party intends to use, in an oral procedure, a language that is not an official language of the institutions of the European Union, the Contracting Party shall ensure simultaneous interpretation into French.

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## ANNEX V

## PROTOCOL I

**Transitional arrangements between the European Community and the EC Member States, of one part, and the Republic of Albania, of the other part***Article 1***Transitional periods**

1. The first transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the Republic of Albania, hereinafter referred to as 'Albania', as verified by an assessment carried out by the European Community.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Albania as verified by an assessment carried out by the European Community.

*Article 2***Conditions relating to transition**

1. By the end of the first transitional period Albania shall:
  - (i) be a full member of the Joint Aviation Authorities and shall endeavour to implement all aviation safety legislation as provided in Annex I;
  - (ii) apply ECAC Document 30 and shall endeavour to implement all aviation security legislation as provided in Annex I;
  - (iii) apply Regulation (EEC) No 3925/91 (on elimination of controls applicable to cabin and hold baggage), Regulation (EEC) No 2409/92 (on fares and rates for air services), Directive 94/56/EC (on accident investigation), Regulation (EC) No 2027/97 (on air carrier liability in the event of accidents), Directive 2003/42/EC (on occurrence reporting), Regulation (EC) No 261/2004 (on denied boarding), Directive 2000/79/EC (on working time in civil aviation) and Directive 2003/88/EC (on working time) as provided in Annex I;
  - (iv) separate the air traffic service provider and the national regulatory body, establish a national supervisory body for air traffic services, start the reorganisation of its airspace into a functional block or blocks, and apply flexible use of airspace;
  - (v) ratify the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention);
  - (vi) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 14(1) of the Main Agreement or in Annex III, whichever is applicable.
2. By the end of the second transitional period Albania shall apply this Agreement including all legislation set out in Annex I.

*Article 3***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement:
  - (a) during the first transitional period:
    - (i) Community air carriers and air carriers licensed by Albania shall be permitted to exercise unlimited traffic rights between any point in Albania and any point in an EC Member State;
    - (ii) Community air carriers shall not be majority owned or effectively controlled by Albania or its nationals and air carriers licensed by Albania shall not be majority owned or effectively controlled by EC Member States or their nationals;



- (b) during the second transitional period:
- (i) Community air carriers and air carriers licensed by Albania shall be permitted to exercise the traffic rights provided for in paragraph (1)(a)(i);
  - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in Albania and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State;
  - (iii) air carriers licensed by Albania shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in Albania.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the second transitional period, without prejudice to the obligation of Albania and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by Albania or its nationals from the end of the first transitional period.

#### *Article 4*

##### **Aviation safety**

1. At the start of the first transitional period Albania shall be involved as observer in the work of the European Aviation Safety Agency.
2. At the end of the second transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of Albania in the European Aviation Safety Agency.
3. Until the end of the second transitional period, if safety deficiencies are identified, the European Community may require that the permission for an air carrier licensed by Albania to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

#### *Article 5*

##### **Aviation security**

1. At the start of the second transitional period the confidential part of the security legislation as provided in Annex I shall be made available to the appropriate authority of Albania.
  2. Until the end of the second transitional period, if security deficiencies are identified, the European Community may require that the permission for an air carrier licensed by Albania to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.
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**PROTOCOL II****Transitional arrangements between the European Community and the EC Member States, of one part, and Bosnia and Herzegovina, of the other part***Article 1***Transitional periods**

1. The first transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Bosnia and Herzegovina as verified by an assessment carried out by the European Community.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Bosnia and Herzegovina as verified by an assessment carried out by the European Community.

*Article 2***Conditions relating to transition**

1. By the end of the first transitional period Bosnia and Herzegovina shall:
  - (i) be a full member of the Joint Aviation Authorities and shall endeavour to implement all aviation safety legislation as provided in Annex I;
  - (ii) apply ECAC Document 30 and shall endeavour to implement all aviation security legislation as provided in Annex I;
  - (iii) apply Regulation (EEC) No 3925/91 (on elimination of controls applicable to cabin and hold baggage), Regulation (EEC) No 2409/92 (on fares and rates for air services), Directive 94/56/EC (on accident investigation), Directive 96/67/EC (on ground handling), Regulation (EC) No 2027/97 (on air carrier liability in the event of accidents), Directive 2003/42/EC (on occurrence reporting), Regulation (EC) No 261/2004 (on denied boarding), Directive 2000/79/EC (on working time in civil aviation) and Directive 2003/88/EC (on working time) as provided in Annex I;
  - (iv) ratify the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention);
  - (v) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 14(1) of the Main Agreement or in Annex III of this Agreement, whichever is applicable.
2. By the end of the second transitional period Bosnia and Herzegovina shall:
  - (i) separate the air traffic service provider and the national regulatory body, establish a national supervisory body for air traffic services, start the reorganisation of its airspace into a functional block or blocks, and apply flexible use of airspace;
  - (ii) apply this Agreement including all legislation set out in Annex I.

*Article 3***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement:
  - (a) during the first transitional period:
    - (i) Community air carriers and air carriers licensed by Bosnia and Herzegovina shall be permitted to exercise unlimited traffic rights between any point in Bosnia and Herzegovina and any point in an EC Member State;
    - (ii) Community air carriers shall not be majority owned or effectively controlled by Bosnia and Herzegovina or its nationals and air carriers licensed by Bosnia and Herzegovina shall not be majority owned or effectively controlled by EC Member States or their nationals;

- (b) during the second transitional period:
- (i) Community air carriers and air carriers licensed by Bosnia and Herzegovina shall be permitted to exercise the traffic rights provided for in paragraph (1)(a)(i);
  - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in Bosnia and Herzegovina and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State;
  - (iii) air carriers licensed by Bosnia and Herzegovina shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in Bosnia and Herzegovina.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the second transitional period, without prejudice to the obligation of Bosnia and Herzegovina and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by Bosnia and Herzegovina or its nationals from the end of the first transitional period.

#### *Article 4*

##### **Aviation safety**

1. At the start of the first transitional period Bosnia and Herzegovina shall be involved as observer in the work of the European Aviation Safety Agency.
2. At the end of the second transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of Bosnia and Herzegovina in the European Aviation Safety Agency.
3. Until the end of the second transitional period, if safety deficiencies are identified the European Community may require that the permission for an air carrier licensed by Bosnia and Herzegovina to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

#### *Article 5*

##### **Aviation security**

1. At the start of the second transitional period the confidential part of the security legislation as provided in Annex I shall be made available to the appropriate authority of Bosnia and Herzegovina.
  2. Until the end of the second transitional period, if security deficiencies are identified the European Community may require that the permission for an air carrier licensed by Bosnia and Herzegovina to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.
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**PROTOCOL III****Transitional arrangements between the European Community and the EC Member States, of one part, and the Republic of Bulgaria, of the other part***Article 1***Transitional period**

1. The transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 2 of this Protocol have been fulfilled by the Republic of Bulgaria, hereinafter referred to as 'Bulgaria', as verified by an assessment carried out by the European Community, and not later than Bulgaria's accession to the European Union.
2. References to the 'second transitional period' in this Agreement or in its Annexes shall mean in the case of Bulgaria the transitional period referred to in paragraph 1.

*Article 2***Conditions relating to transition**

By the end of the transitional period Bulgaria shall apply this Agreement including all legislation set out in Annex I as provided for in Article 3 of the Main Agreement.

*Article 3***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement, during the transitional period:
  - (i) Community air carriers and air carriers licensed by Bulgaria shall be permitted to exercise unlimited traffic rights between any point in Bulgaria and any point in an EC Member State;
  - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in Bulgaria and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State;
  - (iii) air carriers licensed by Bulgaria shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in Bulgaria.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the transitional period, without prejudice to the obligation of Bulgaria and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by Bulgaria or its nationals from the beginning of the transitional period.

*Article 4***Aviation safety**

1. At the end of the transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of Bulgaria in the European Aviation Safety Agency.
2. Until the end of the transitional period, if safety deficiencies are identified the European Community may require that the permission for an air carrier licensed by Bulgaria to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

*Article 5***Aviation security**

Until the end of the transitional period, if security deficiencies are identified the European Community may require that the permission for an air carrier licensed by Bulgaria to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

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**PROTOCOL IV****transitional arrangements between the European Community and the EC Member States, of one part, and the Republic of Croatia, of the other part***Article 1***Transitional periods**

1. The first transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the Republic of Croatia, hereinafter referred to as 'Croatia', as verified by an assessment carried out by the European Community.

2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Croatia as verified by an assessment carried out by the European Community.

*Article 2***Conditions relating to transition**

1. By the end of the first transitional period Croatia shall:
  - (i) be a full member of the Joint Aviation Authorities and shall endeavour to implement all aviation safety legislation as provided in Annex I;
  - (ii) apply ECAC Document 30 and shall endeavour to implement all the aviation security legislation as provided in Annex I;
  - (iii) apply Regulation (EEC) No 3925/91 (on the elimination of controls applicable to cabin and hold baggage), Regulation (EEC) No 2409/92 (on fares and rates for air services), Directive 94/56/EC (on accident investigation), Directive 96/67/EC (on ground handling), Regulation (EC) No 2027/97 (on air carrier liability in the event of accidents), Directive 2003/42/EC (on occurrence reporting), Regulation (EC) No 261/2004 (on denied boarding), Directive 2000/79/EC (on working time in civil aviation) and Directive 2003/88/EC (on working time) as provided in Annex I;
  - (iv) separate the air traffic service provider and the national regulatory body, establish a national supervisory body for air traffic services, start the reorganisation of its airspace into a functional block or blocks, and apply flexible use of airspace;
  - (v) ratify the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention);
  - (vi) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 14(1) of the Main Agreement or in Annex III of this Agreement, whichever is applicable.
2. By the end of the second transitional period Croatia shall apply this Agreement including all the legislation set out in Annex I.

*Article 3***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement:
  - (a) during the first and the second transitional periods Community air carriers and air carriers licensed by Croatia shall be permitted to exercise unlimited traffic rights between any point in Croatia and any point in an EC Member State;
  - (b) during the second transitional period:
    - (i) Community air carriers and air carriers licensed by Croatia shall be permitted to exercise the traffic rights provided for in paragraph (1)(a),
    - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in Croatia and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State,
    - (iii) air carriers licensed by Croatia shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in Croatia;

- (c) until the end of the second transitional period Community air carriers shall not be majority owned or effectively controlled by Croatia or its nationals and air carriers licensed by Croatia shall not be majority owned or effectively controlled by EC Member States or their nationals.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the second transitional period, without prejudice to the obligation of Croatia and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by Croatia or its nationals from the end of the first transitional period.

#### *Article 4*

##### **Aviation safety**

1. At the start of the first transitional period Croatia shall be involved as observer in the work of the European Aviation Safety Agency.
2. At the end of the second transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of Croatia in the European Aviation Safety Agency.
3. Until the end of the second transitional period, if safety deficiencies are identified, the European Community may require that the permission for an air carrier licensed by Croatia to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

#### *Article 5*

##### **Aviation security**

1. At the start of the second transitional period the confidential part of the security legislation as provided in Annex I shall be made available to the appropriate authority of Croatia.
2. Until the end of the second transitional period, if security deficiencies are identified, the European Community may require that the permission for an air carrier licensed by Croatia to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.
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**PROTOCOL V****Transitional arrangements between the European Community and the EC Member States, of one part, and the former Yugoslav Republic of Macedonia, on the other part***Article 1***Transitional periods**

1. The first transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the former Yugoslav Republic of Macedonia as verified by an assessment carried out by the European Community.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by the former Yugoslav Republic of Macedonia as verified by an assessment carried out by the European Community.

*Article 2***Conditions relating to transition**

1. By the end of the first transitional period the former Yugoslav Republic of Macedonia shall:
  - (i) be a full member of the Joint Aviation Authorities and shall endeavour to implement all the aviation safety legislation as provided in Annex I;
  - (ii) apply ECAC Document 30 and shall endeavour to implement all the aviation security legislation as provided in Annex I;
  - (iii) apply Regulation (EEC) No 3925/91 (on elimination of controls applicable to cabin and hold baggage), Regulation (EEC) No 2409/92 (on fares and rates for air services), Directive 94/56/EC (on accident investigation), Directive 96/67/EC (on ground handling), Directive 2003/42/EC (on occurrence reporting), Directive 2000/79/EC (on working time in civil aviation) and Directive 2003/88/EC (on working time) as provided in Annex I;
  - (iv) separate the air traffic service provider and the national regulatory body, establish a national supervisory body for air traffic services, start the reorganisation of its airspace into a functional block or blocks, and apply flexible use of airspace;
  - (v) ratify the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention);
  - (vi) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 14(1) of the Main Agreement or in Annex III of this Agreement, whichever is applicable.
2. By the end of the second transitional period the former Yugoslav Republic of Macedonia shall apply this Agreement including all the legislation set out in Annex I.

*Article 3***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement,
  - (a) during the first transitional period:
    - (i) Community air carriers and air carriers licensed by the former Yugoslav Republic of Macedonia shall be permitted to exercise unlimited traffic rights between any point in the former Yugoslav Republic of Macedonia and any point in an EC Member State;
    - (ii) Community air carriers shall not be majority owned or effectively controlled by the former Yugoslav Republic of Macedonia or its nationals and air carriers licensed by the former Yugoslav Republic of Macedonia shall not be majority owned or effectively controlled by EC Member States or their nationals.

- (b) during the second transitional period:
- (i) Community air carriers and air carriers licensed by the former Yugoslav Republic of Macedonia shall be permitted to exercise the traffic rights provided for in paragraph (1)(a)(i);
  - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in the former Yugoslav Republic of Macedonia and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State;
  - (iii) air carriers licensed by the former Yugoslav Republic of Macedonia shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in the former Yugoslav Republic of Macedonia.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the second transitional period, without prejudice to the obligation of the former Yugoslav Republic of Macedonia and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by the former Yugoslav Republic of Macedonia or its nationals from the end of the first transitional period.

#### Article 4

##### **Application of certain legislation by the former Yugoslav Republic of Macedonia**

Notwithstanding Article 2 of this Protocol, upon entry into force of this Agreement the former Yugoslav Republic of Macedonia shall:

- (i) apply in practice the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention);
- (ii) enforce that air carriers licensed by the former Yugoslav Republic of Macedonia comply in practice with Regulation (EC) No 261/2004;
- (iii) terminate or bring in line with Community law the contract between the Government of the former Yugoslav Republic of Macedonia and Macedonian Airlines (MAT).

#### Article 5

##### **Aviation safety**

1. At the start of the first transitional period the former Yugoslav Republic of Macedonia shall be involved as observer in the work of the European Aviation Safety Agency.
2. At the end of the second transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of the former Yugoslav Republic of Macedonia in the European Aviation Safety Agency.
3. Until the end of the second transitional period, if safety deficiencies are identified the European Community may require that the permission for an air carrier licensed by the former Yugoslav Republic of Macedonia to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

#### Article 6

##### **Aviation security**

1. At the start of the second transitional period the confidential part of the security legislation as provided in Annex I shall be made available to the appropriate authority of the former Yugoslav Republic of Macedonia.
  2. Until the end of the second transitional period, if security deficiencies are identified the European Community may require that the permission for an air carrier licensed by the former Yugoslav Republic of Macedonia to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.
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**PROTOCOL VI****Transitional arrangements between the European Community and the EC Member States, of one part, and the Republic of Serbia, of the other part***Article 1***Transitional periods**

1. The first transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the Republic of Serbia as verified by an assessment carried out by the relevant authority of the European Community.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by the Republic of Serbia as verified by an assessment carried out by the relevant authority of the European Community.

*Article 2***Conditions relating to transition**

1. By the end of the first transitional period the Republic of Serbia shall:
  - (i) be a full member of the Joint Aviation Authorities and shall endeavour to implement all the aviation safety legislation as provided in Annex I;
  - (ii) apply ECAC Document 30 and shall endeavour to implement all the aviation security legislation as provided in Annex I;
  - (iii) apply Regulation (EEC) No 3925/91 (on elimination of controls applicable to cabin and hold baggage), Regulation (EEC) No 2409/92 (on fares and rates for air services), Directive 94/56/EC (on accident investigation), Directive 96/67/EC (on ground handling), Regulation (EC) No 2027/97 (on air carrier liability in the event of accidents), Directive 2003/42/EC (on occurrence reporting), Regulation (EC) No 261/2004 (on denied boarding), Directive 2000/79/EC (on working time in civil aviation) and Directive 2003/88/EC (on working time) as provided in Annex I;
  - (iv) separate the air traffic service provider and the regulatory body for the Republic of Serbia, establish a supervisory body for the Republic of Serbia for air traffic services, start the reorganisation of the airspace of the Republic of Serbia into a functional block or blocks, and apply flexible use of airspace;
  - (v) ratify the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention);
  - (vi) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 14(1) of the Main Agreement or in Annex III of this Agreement, whichever is applicable.
2. By the end of the second transitional period the Republic of Serbia shall apply this Agreement including all legislation set out in Annex I.

*Article 3***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement:
  - (a) during the first transitional period:
    - (i) Community air carriers and air carriers licensed by the Republic of Serbia shall be permitted to exercise unlimited traffic rights between any point in the Republic of Serbia and any point in an EC Member State;
    - (ii) Community air carriers shall not be majority owned or effectively controlled by the Republic of Serbia or its nationals and air carriers licensed by the Republic of Serbia shall not be majority owned or effectively controlled by EC Member States or their nationals;

- (b) during the second transitional period:
- (i) Community air carriers and air carriers licensed by the Republic of Serbia shall be permitted to exercise the traffic rights provided for in paragraph (1)(a)(i);
  - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in the Republic of Serbia and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State;
  - (iii) air carriers licensed by the Republic of Serbia shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in the Republic of Serbia.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the second transitional period, without prejudice to the obligation of the Republic of Serbia and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by the Republic of Serbia or its nationals from the end of the first transitional period.

#### *Article 4*

##### **Aviation safety**

1. At the start of the first transitional period the Republic of Serbia shall be involved as observer in the work of the European Aviation Safety Agency.
2. At the end of the second transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of the Republic of Serbia in the European Aviation Safety Agency.
3. Until the end of the second transitional period, if safety deficiencies are identified, the European Community may require that the permission for an air carrier licensed by the Republic of Serbia to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

#### *Article 5*

##### **Aviation security**

1. At the start of the second transitional period the confidential part of the security legislation as provided in Annex I shall be made available to the appropriate authority of the Republic of Serbia.
  2. Until the end of the second transitional period, if security deficiencies are identified, the European Community may require that the permission for an air carrier licensed by the Republic of Serbia to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.
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**PROTOCOL VII****Transitional arrangements between the European Community and the EC Member States, of one part, and the Republic of Montenegro, of the other part***Article 1***Transitional periods**

1. The first transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the Republic of Montenegro as verified by an assessment carried out by the relevant authority of the European Community.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by the Republic of Montenegro as verified by an assessment carried out by the relevant authority of the European Community.

*Article 2***Conditions relating to transition**

1. By the end of the first transitional period the Republic of Montenegro shall:
  - (i) be a full member of the Joint Aviation Authorities and shall endeavour to implement all the aviation safety legislation as provided in Annex I;
  - (ii) apply ECAC Document 30 and shall endeavour to implement all the aviation security legislation as provided in Annex I;
  - (iii) apply Regulation (EEC) No 3925/91 (on elimination of controls applicable to cabin and hold baggage), Regulation (EEC) No 2409/92 (on fares and rates for air services), Directive 94/56/EC (on accident investigation), Directive 96/67/EC (on ground handling), Regulation (EC) No 2027/97 (on air carrier liability in the event of accidents), Directive 2003/42/EC (on occurrence reporting), Regulation (EC) No 261/2004 (on denied boarding), Directive 2000/79/EC (on working time in civil aviation) and Directive 2003/88/EC (on working time) as provided in Annex I;
  - (iv) separate the air traffic service provider and the regulatory body for the Republic of Montenegro, establish a supervisory body for the Republic of Montenegro for air traffic services, start the reorganisation of the airspace of the Republic of Montenegro into a functional block or blocks, and apply flexible use of airspace;
  - (v) ratify the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention);
  - (vi) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 14(1) of the Main Agreement or in Annex III of this Agreement, whichever is applicable.
2. By the end of the second transitional period the Republic of Montenegro shall apply this Agreement including all legislation set out in Annex I.

*Article 3***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement:
  - (a) during the first transitional period:
    - (i) Community air carriers and air carriers licensed by the Republic of Montenegro shall be permitted to exercise unlimited traffic rights between any point in the Republic of Montenegro and any point in an EC Member State;
    - (ii) Community air carriers shall not be majority owned or effectively controlled by the Republic of Montenegro or its nationals and air carriers licensed by the Republic of Montenegro shall not be majority owned or effectively controlled by EC Member States or their nationals;

- (b) during the second transitional period:
- (i) Community air carriers and air carriers licensed by the Republic of Montenegro be permitted to exercise the traffic rights provided for in paragraph (1)(a)(i);
  - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in the Republic of Montenegro and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State;
  - (iii) air carriers licensed by the Republic of Montenegro shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in the Republic of Montenegro.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the second transitional period, without prejudice to the obligation of the Republic of Montenegro and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by the Republic of Montenegro or its nationals from the end of the first transitional period.

#### *Article 4*

##### **Aviation safety**

1. At the start of the first transitional period the Republic of Montenegro shall be involved as observer in the work of the European Aviation Safety Agency.
2. At the end of the second transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of the Republic of Montenegro in the European Aviation Safety Agency.
3. Until the end of the second transitional period, if safety deficiencies are identified, the European Community may require that the permission for an air carrier licensed by the Republic of Montenegro to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

#### *Article 5*

##### **Aviation security**

1. At the start of the second transitional period the confidential part of the security legislation as provided in Annex I shall be made available to the appropriate authority of the Republic of Montenegro.
  2. Until the end of the second transitional period, if security deficiencies are identified, the European Community may require that the permission for an air carrier licensed by the Republic of Montenegro to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.
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**PROTOCOL VIII****Transitional arrangements between the European Community and the EC Member States, of one part, and Romania, of the other part***Article 1***Transitional period**

1. The transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 2 of this Protocol have been fulfilled by Romania as verified by an assessment carried out by the European Community.
2. References to the 'second transitional period' in this Agreement or in its Annexes shall mean in the case of Romania the transitional period referred to in paragraph 1.

*Article 2***Conditions relating to transition**

By the end of the transitional period Romania shall apply this Agreement including all legislation set out in Annex I.

*Article 3***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement:  
during the transitional period:
  - (i) Community air carriers and air carriers licensed by Romania shall be permitted to exercise unlimited traffic rights between any point in Romania and any point in an EC Member State;
  - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in Romania and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State;
  - (iii) air carriers licensed by Romania shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in Romania.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the transitional period, without prejudice to the obligation of Romania and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by Romania or its nationals from the beginning of the transitional period.

*Article 4***Aviation safety**

1. At the end of the transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of Romania in the European Aviation Safety Agency.
2. Until the end of the transitional period, if safety deficiencies are identified the European Community may require that the permission for an air carrier licensed by Romania to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

*Article 5***Aviation security**

Until the end of the transitional period, if security deficiencies are identified the European Community may require that the permission for an air carrier licensed by Romania to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

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**PROTOCOL IX****Transitional arrangements between the European Community and the EC Member States, of the one part, and the United Nations Interim Administration in Kosovo, of the other part***Article 1***UNMIK's competences**

The provisions of this Protocol are without prejudice to the competences of the United Nations Interim Administration Mission in Kosovo, hereinafter referred to as 'UNMIK', as derived from UN Security Council Resolution 1244 of 10 June 1999.

*Article 2***Transitional periods**

1. The first transitional period shall extend from the entry into force of this Agreement until all conditions set out in Article 3(1) of this Protocol have been fulfilled by UNMIK as verified by an assessment carried out by the European Community.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 3(2) of this Protocol have been fulfilled by UNMIK as verified by an assessment carried out by the European Community.

*Article 3***Conditions relating to transition**

1. By the end of the first transitional period UNMIK shall:
  - (i) implement, without prejudice to its special status under international law, the Joint Aviation Requirements (JARs) adopted by the Joint Aviation Authorities and shall endeavour to implement all aviation safety legislation as provided in Annex I;
  - (ii) apply ECAC Document 30 and shall endeavour to implement all aviation security legislation as provided in Annex I;
  - (iii) apply Regulation (EEC) No 3925/91 (on elimination of controls applicable to cabin and hold baggage), Regulation (EEC) No 2409/92 (on fares and rates for air services), Directive 94/56/EC (on accident investigation), Regulation (EC) No 2027/97 (on air carrier liability in the event of accidents), Directive 2003/42/EC (on occurrence reporting), Regulation (EC) No 261/2004 (on denied boarding), Directive 2000/79/EC (on working time in civil aviation) and Directive 2003/88/EC (on working time) as provided in Annex I;
  - (iv) separate the air traffic service provider and the regulatory body, establish or designate a supervisory body for air traffic services;
  - (v) apply in practice the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention);
  - (vi) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 14(1) of the Main Agreement or in Annex III, whichever is applicable.
2. By the end of the second transitional period UNMIK shall apply this Agreement including all the legislation set out in Annex I.

*Article 4***Transitional arrangements**

1. Notwithstanding Article 1(1) of the Main Agreement:
  - (a) during the first transitional period:
    - (i) Community air carriers and air carriers licensed by UNMIK shall be permitted to exercise unlimited traffic rights between any point in Kosovo and any point in an EC Member State;
    - (ii) Community air carriers shall not be majority owned or effectively controlled by UNMIK or residents of Kosovo and air carriers licensed by UNMIK shall not be majority owned or effectively controlled by EC Member States or their nationals;

- (b) during the second transitional period:
- (i) Community air carriers and air carriers licensed by UNMIK shall be permitted to exercise the traffic rights provided for in paragraph (1)(a)(i);
  - (ii) Community air carriers shall be permitted to exercise unlimited traffic rights between points in Kosovo and other Associated Parties and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in an EC Member State;
  - (iii) air carriers licensed by UNMIK shall be permitted to exercise unlimited traffic rights between points in different EC Member States and shall be permitted to change, at any point, from one aircraft to one other aircraft provided that the flight is a part of a service that serves a point in Kosovo.
2. For the purpose of this Article, 'Community air carrier' shall mean an air carrier licensed by an EC Member State, Norway or Iceland.
3. Articles 7 and 8 of the Main Agreement shall not apply until the end of the second transitional period, without prejudice to the obligation of UNMIK and of the Community to grant operating licences in accordance with the acts specified in Annex I, respectively, to carriers which are majority owned or effectively controlled by the EC Member States or their nationals and to carriers which are majority owned or effectively controlled by UNMIK or residents of Kosovo from the end of the first transitional period.

#### *Article 5*

#### **International conventions and agreements**

Where the legislation set out in Annex I provides for the obligation to become party to international conventions or agreements, the special status of UNMIK under international law shall be taken into consideration.

#### *Article 6*

#### **Aviation safety**

1. At the start of the first transitional period UNMIK shall be involved as observer in the work of the European Aviation Safety Agency.
2. At the end of the second transitional period the Joint Committee established under Article 18 of the Main Agreement shall determine the precise status and conditions for the participation of UNMIK in the European Aviation Safety Agency.
3. Until the end of the second transitional period, if safety deficiencies are identified, the European Community may require that the permission for an air carrier licensed by UNMIK to operate on air routes to, from or within the European Community be made subject to a specific safety assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.

#### *Article 7*

#### **Aviation security**

1. At the start of the second transitional period the confidential part of the security legislation as provided in Annex I shall be made available to the appropriate authority of UNMIK.
  2. Until the end of the second transitional period, if security deficiencies are identified, the European Community may require that the permission for an air carrier licensed by UNMIK to operate on air routes to, from or within the European Community be made subject to a specific security assessment. Such assessment shall be made by the European Community expeditiously in order to avoid any undue delay in the exercise of traffic rights.
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**COUNCIL DECISION**  
**of 15 September 2006**  
**adopting the Council's Rules of Procedure**

(2006/683/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(3), first subparagraph, thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(3) thereof,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(1) thereof,

Whereas:

- (1) The European Council, meeting on 15 and 16 June 2006, underlined that with a view to increasing the confidence of citizens in the European Union, it is important to enable them to acquire first hand insight into its activities, notably through further increasing openness and transparency. Therefore, as agreed at the European Council, and fully respecting the need to ensure the effectiveness of the Council's work, the work of the Council should be further opened up, particularly when the Council deliberates on legislative acts under the codecision procedure. Measures should also be taken in order substantially to improve the technical means used to broadcast, in all official languages of the institutions of the European Union, Council public deliberations and debates, notably through the use of Internet.

In December 2006, the Council will review the implementation of the abovementioned opening-up measures with a view to assessing their impact on the effectiveness of the Council's work.

- (2) It is also appropriate to streamline the programming of the activities of the Council. Accordingly, a new system based on an 18-month programme to be submitted for endorsement to the Council by the three Presidencies due to hold office during that given period should be introduced and replace the previous system.
- (3) Finally, in an effort to improve the functioning of the written procedure and to accelerate the adoption by the Council of replies to questions from Members of the European Parliament, of decisions to appoint Members of the European Economic and Social Committee and Members of the Committee of the Regions and of decisions to consult other institutions and bodies, it is appropriate to amend and clarify the provisions on written procedure.

HAS DECIDED AS FOLLOWS:

*Article 1*

The Rules of Procedure of the Council of 22 March 2004 <sup>(1)</sup> shall be replaced by the following:

<sup>(1)</sup> Council Decision (2004/338/EC, Euratom) of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Rules of Procedure as last amended by Council Decision 2006/34/EC, Euratom of 23 January 2006 (OJ L 22, 26.1.2006, p. 32).



**'RULES OF PROCEDURE OF THE COUNCIL***Article 1***Notice and venue of meetings**

1. The Council shall meet when convened by its President on his own initiative or at the request of one of its members or of the Commission <sup>(1)</sup>.
2. Seven months before the beginning of its term of office, after consulting the Presidencies preceding and following its term of office where appropriate, the Presidency shall make known the dates which it envisages for meetings that the Council will have to hold in order to complete its legislative work or take operational decisions.
3. The Council shall have its seat in Brussels. During the months of April, June and October the Council shall hold its meetings in Luxembourg <sup>(2)</sup>.

In exceptional circumstances and for duly substantiated reasons, the Council or the Committee of Permanent Representatives (hereinafter referred to as Coreper), acting unanimously, may decide that a Council meeting will be held elsewhere.

*Article 2***Configurations of the Council, role of the General Affairs and External Relations Council and programming**

1. The Council may meet in different configurations according to the subject-matter dealt with. The Council in its General Affairs and External Relations configuration (hereinafter referred to as General Affairs and External Relations Council), convened in a meeting as referred to in paragraph 2(a), shall fix the list of these configurations, which is set out in Annex I.
2. The General Affairs and External Relations Council shall cover the following two main areas of activity, for which it shall hold separate meetings, with separate agendas and possibly on different dates, dealing respectively with:
  - (a) preparation for and follow-up to the European Council meetings, including the necessary coordination of all preparatory work, overall coordination of policies, institutional and administrative questions, horizontal dossiers which affect several of the European Union's policies and any dossier entrusted to it by the European Council, having regard to operating rules for the Economic and Monetary Union;
  - (b) the whole of the European Union's external action, namely common foreign and security policy, European security and defence policy, foreign trade, development cooperation and humanitarian aid.
3. For the purpose of preparing the meetings of the European Council, the General Affairs and External Relations Council convened in a meeting as referred to in paragraph (2)(a) shall:
  - (a) draw up an annotated draft agenda on a proposal by the Presidency at least four weeks before the meeting of the European Council;
  - (b) hold a final preparatory meeting on the eve of the European Council meeting and approve the agenda.

Contributions to the proceedings of the European Council by other Council configurations shall be forwarded to the General Affairs and External Relations Council, convened in a meeting as referred to in paragraph (2)(a), at the latest two weeks before the meeting of the European Council.

Except for urgent and unforeseeable reasons linked, for example, to current international events, no other configuration of the Council or Council preparatory committee may meet between the final preparatory meeting referred to in point (b) of the first subparagraph and the European Council meeting.

The measures necessary for the practical organisation of the European Council's proceedings shall be taken by the Presidency in liaison with the General Secretariat, in accordance with the rules on which the European Council itself has agreed.

<sup>(1)</sup> This paragraph reproduces Article 204 of the Treaty establishing the European Community (hereinafter referred to as the EC Treaty).

<sup>(2)</sup> This paragraph reproduces point (b) of the sole Article of the Protocol on the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol annexed to the Treaties.

4. Every 18 months, the three Presidencies due to hold office shall prepare, in close cooperation with the Commission, and after appropriate consultations, a draft programme of Council activities for that period. The three Presidencies shall jointly submit the draft programme no later than one month before the relevant period, with a view to its endorsement by the General Affairs and External Relations Council, convened in a meeting as referred to in paragraph 2(a) <sup>(1)</sup>.

5. The incoming Presidency shall establish indicative provisional agendas for Council meetings scheduled for the next six-month period, showing the legislative work and operational decisions envisaged. These indicative provisional agendas shall be established at the latest one week before the beginning of its term of office, on the basis of the Council's 18-month programme and after consulting the Commission. Where necessary, extra Council meetings may be provided for, in addition to those previously planned.

Similar indicative provisional agendas for Council meetings scheduled for the six-month period following that referred to in the first subparagraph shall be established by the Presidency concerned, after consulting the Commission and the next Presidency, at the latest one week before the beginning of its term of office.

If during a six-month period any of the meetings planned during that period proves to be no longer warranted, the Presidency shall not convene it.

### Article 3 <sup>(2)</sup>

#### Agenda

1. Taking into account the Council's 18-month programme, the President shall draw up the provisional agenda for each meeting. The agenda shall be sent to the other members of the Council and to the Commission at least 14 days before the beginning of the meeting.

2. The provisional agenda shall contain the items in respect of which a request for inclusion on the agenda, together with any documents relating thereto, has been received by the General Secretariat from a member of the Council or from the Commission at least 16 days before the beginning of that meeting. The provisional agenda shall also indicate by way of an asterisk the items on which the Presidency, a member of the Council or the Commission may request a vote. Such an indication shall be made once all the procedural requirements provided for by the Treaties have been complied with.

3. Items relating to the adoption of an act or a common position on a legislative proposal or a proposal for a measure to be adopted under Title VI of the Treaty on European Union (hereinafter referred to as the EU Treaty) shall not be placed on the provisional agenda for a decision until the six-week period provided for in point 3 of the Protocol on the role of national parliaments in the European Union has elapsed.

The Council may unanimously derogate from the six-week period where the entry of an item is subject to the exception on grounds of urgency provided for in point 3 of that Protocol.

<sup>(1)</sup> See statement (a) set out below:

(a) Concerning Article 2(4):

"The 18-month programme will include a general introductory section setting the programme in the context of the European Union's longer term strategic orientations. On this section, the three Presidencies in charge of preparing the draft 18-month programme will consult with the three subsequent Presidencies, as part of the 'appropriate consultations' referred to in the first sentence of paragraph 4.

The draft 18-month programme should also have regard, *inter alia*, to relevant points arising from the dialogue on the political priorities for the year, conducted at the Commission's initiative."

<sup>(2)</sup> See statements (b) and (c) set out below:

(b) Re Article 3(1) and (2)

"The President will endeavour to ensure that, in principle, the provisional agenda for each meeting of the Council dealing with implementation of Title IV of Part 3 of the EC Treaty and Title VI of the EU Treaty and any documents relating to the items involved reach members of the Council at least 21 days before the beginning of the meeting."

(c) Re Articles 1 and 3

"Without prejudice to Article 22(2) of the EU Treaty, which specifies that an extraordinary Council meeting may be convened at very short notice in cases requiring a rapid decision, the Council is aware of the need for matters relating to the common foreign and security policy to be dealt with swiftly and efficiently. The arrangements in Article 3 shall not prevent this need from being met."

4. Only items in respect of which the documents have been sent to the members of the Council and to the Commission at the latest by the date on which the provisional agenda is sent may be placed on that agenda.

5. The General Secretariat shall transmit to the members of the Council and to the Commission requests for the inclusion of items in the agenda and documents in respect of which the time limits specified above were not respected.

If, by the end of the week preceding the week prior to a Council meeting, Coreper has not completed its examination of legislative items within the meaning of Article 7, the Presidency shall, unless considerations of urgency require otherwise and without prejudice to paragraph 2, remove them from the provisional agenda.

6. The provisional agenda shall be divided into Part A and Part B. Items for which approval by the Council is possible without discussion shall be included in Part A, but this does not exclude the possibility of any member of the Council or of the Commission expressing an opinion at the time of the approval of these items and having statements included in the minutes.

7. The agenda shall be adopted by the Council at the beginning of each meeting. The inclusion in the agenda of an item other than those appearing on the provisional agenda shall require unanimity in the Council. Items entered in this way may be put to the vote if all the procedural requirements provided for by the Treaties have been complied with.

8. However, an "A" item shall be withdrawn from the agenda, unless the Council decides otherwise, if a position on an "A" item might lead to further discussion thereof or if a member of the Council or the Commission so requests.

9. Any request for the inclusion of an "Any other business" item shall be accompanied by an explanatory document.

#### *Article 4*

### **Representation of a Council member unable to attend**

Subject to the provisions of Article 11 on the delegation of voting rights, a member of the Council who is prevented from attending a meeting may arrange to be represented.

#### *Article 5*

### **Meetings**

1. Meetings of the Council shall not be public except in the cases referred to in Article 8.

2. The Commission shall be invited to take part in meetings of the Council. The same applies to the European Central Bank in cases where it exercises its right of initiative. The Council may, however, decide to deliberate without the presence of the Commission or of the European Central Bank.

3. The members of the Council and of the Commission may be accompanied by officials who assist them. The names and functions of those officials shall be notified in advance to the General Secretariat. The maximum number of persons per delegation in the Council meeting room at the same time, including members of the Council, may be laid down by the Council.

4. Admission to meetings of the Council shall be subject to the production of a pass delivered by the General Secretariat.

#### *Article 6*

### **Professional secrecy and production of documents in legal proceedings**

1. Without prejudice to Articles 8 and 9 and to provisions on public access to documents, the deliberations of the Council shall be covered by the obligation of professional secrecy, except in so far as the Council decides otherwise.

2. The Council or Coreper may authorise the production for use in legal proceedings of a copy of or an extract from Council documents which have not already been released to the public in accordance with the provisions on public access to documents.

*Article 7***Cases where the Council acts in its legislative capacity**

The Council acts in its legislative capacity within the meaning of the second subparagraph of Article 207(3) of the EC Treaty when it adopts rules which are legally binding in or for the Member States, by means of regulations, directives, framework decisions or decisions, on the basis of the relevant provisions of the Treaties, with the exception of discussions leading to the adoption of internal measures, administrative or budgetary acts, acts concerning interinstitutional or international relations or non-binding acts (such as conclusions, recommendations or resolutions).

Where legislative proposals or initiatives are submitted to it the Council shall refrain from adopting acts which are not provided for by the Treaties, such as resolutions, conclusions or declarations other than those referred to in Article 9.

*Article 8***Council deliberations open to the public and public debates**

1. Council deliberations on legislative acts to be adopted in accordance with the codecision procedure under Article 251 of the EC Treaty shall be open to the public as follows:

- (a) the presentation, if any, by the Commission of its legislative proposals and the ensuing deliberation in the Council shall be open to the public;
- (b) the vote on such legislative acts shall be open to the public, as well as the final Council deliberations leading to that vote and the explanations of voting accompanying it;
- (c) all other Council deliberations on such legislative acts shall be open to the public, unless, on a case by case basis, the Council or Coreper decides otherwise with regard to a given deliberation.

2. The Council's first deliberation on important new legislative proposals other than those to be adopted in accordance with the codecision procedure shall be open to the public. The Presidency shall identify which new legislative proposals are important and the Council or Coreper may decide otherwise, whenever appropriate. The Presidency may decide, on a case by case basis, that the subsequent Council deliberations on a particular legislative act shall be open to the public, unless the Council or Coreper decides otherwise.

3. On a decision taken by the Council or by Coreper, acting by a qualified majority, the Council shall hold public debates on important issues affecting the interests of the European Union and its citizens.

It shall be for the Presidency, any member of the Council, or the Commission to propose issues or specific subjects for such debates, taking into account the importance of the matter and its interest to citizens.

4. The General Affairs and External Relations Council convened in a meeting as referred to in Article 2(2)(a) shall hold a public policy debate on the Council's 18-month programme. Policy debates in other Council configurations on their priorities shall also be held in public. The Commission's presentation of its five-year programme, of its annual work programme and of its annual policy strategy, as well as the ensuing debate in the Council, shall be public.

5. As from the sending of the provisional agenda pursuant to Article 3:

- (a) those items on the agenda of the Council which are open to the public in accordance with paragraphs 1 and 2 shall be marked with the words "public deliberation";
- (b) those items on the agenda of the Council which are open to the public in accordance with paragraphs 3 and 4 shall be marked with the words "public debate".

The opening to the public of Council deliberations and public debates in accordance with this Article shall be made through public transmission by audiovisual means, notably in an overflow room and through broadcasting in all official languages of the institutions of the European Union using video-streaming. A recorded version shall remain available for at least one month on the Council's Internet site. The outcome of voting shall be indicated by visual means.

The General Secretariat shall as far as possible inform the public in advance of the dates and approximate time on which such audiovisual transmissions will take place and shall take all practical measures to ensure the proper implementation of this Article.

#### *Article 9*

##### **Making public votes, explanations of votes and minutes**

1. In addition to cases where Council deliberations are open to the public under Article 8(1), where the Council acts in its legislative capacity within the meaning of Article 7, the results of votes and explanations of votes by Council members, as well as the statements in the Council minutes and the items in those minutes relating to the adoption of legislative acts, shall be made public.

The same rule shall apply for:

- (a) results of votes and explanations of votes, as well as the statements in the Council minutes and the items in those minutes relating to the adoption of a common position pursuant to Article 251 or Article 252 of the EC Treaty;
- (b) results of votes and explanations of votes by members of the Council or their representatives on the Conciliation Committee set up by Article 251 of the EC Treaty, as well as the statements in the Council minutes and the items in those minutes relating to the Conciliation Committee meeting;
- (c) results of votes and explanations of votes, as well as the statements in the Council minutes and the items in those minutes relating to the establishment by the Council of a convention on the basis of Title VI of the EU Treaty.

2. Moreover, the results of votes shall be made public:

- (a) when the Council acts pursuant to Title V of the EU Treaty, by a unanimous Council or Coreper decision taken at the request of one of their members;
- (b) when the Council adopts a common position within the meaning of Title VI of the EU Treaty, by a unanimous Council or Coreper decision taken at the request of one of their members;
- (c) in other cases, by Council or Coreper decision taken at the request of one of their members.

When the result of a vote in the Council is made public in accordance with points (a), (b) and (c) of the first subparagraph, the explanations of votes made when the vote was taken shall also be made public at the request of the Council members concerned, with due regard for these Rules of Procedure, legal certainty and the interests of the Council.

Statements entered in the Council minutes and items in those minutes relating to the adoption of the acts referred to in points (a), (b) and (c) of the first subparagraph shall be made public by Council or Coreper decision taken at the request of one of their members.

3. Except in cases where Council deliberations are open to the public in accordance with Article 8, votes shall not be made public in the case of discussions leading to indicative votes or the adoption of preparatory acts.

#### *Article 10*

##### **Public access to Council documents**

The specific provisions regarding public access to Council documents are set out in Annex II.

*Article 11***Voting arrangements and quorum**

1. The Council shall vote on the initiative of its President.

The President shall, furthermore, be required to open a voting procedure on the initiative of a member of the Council or of the Commission, provided that a majority of the Council's members so decides.

2. The members of the Council shall vote in the order of the Member States laid down in Article 203 of the EC Treaty and in Article 116 of the Treaty establishing the European Atomic Energy Community (hereinafter referred to as the Euratom Treaty), beginning with the member who, according to that order, follows the member holding the office of President.

3. Where a vote is taken, any member of the Council may also act on behalf of not more than one other member <sup>(1)</sup>.

4. The presence of a majority of the members of the Council who are, under the Treaties, entitled to vote is required to enable the Council to vote. When the vote is taken, the President, assisted by the General Secretariat, shall check that there is a quorum.

5. When a decision is to be adopted by the Council by a qualified majority, and if a member of the Council so requests, it shall be verified that the Member States constituting the qualified majority represent at least 62 % of the total population of the European Union calculated according to the population figures set out in Article 1 of Annex III.

*Article 12***Ordinary written procedure and silence procedure**

1. Acts of the Council on an urgent matter may be adopted by a written vote where the Council or Coreper unanimously decides to use that procedure. In special circumstances, the President may also propose the use of that procedure; in such a case, written votes may be used where all members of the Council agree to that procedure.

Agreement by the Commission to the use of the written procedure shall be required where the written vote is on a matter which the Commission has brought before the Council.

A summary of acts adopted by the written procedure shall be drawn up every month by the General Secretariat.

2. On the initiative of the Presidency, the Council may act by means of a simplified written procedure called "silence procedure":

- (a) for the purpose of adopting the text of a reply to a written question or, as appropriate, to an oral question submitted to the Council by a Member of the European Parliament, after the draft reply has been examined by Coreper <sup>(2)</sup>;
- (b) for the purpose of appointing Members of the European Economic and Social Committee and Members, and their alternates, of the Committee of the Regions, after the draft decision has been examined by Coreper;
- (c) for the purpose of deciding to consult other institutions or bodies wherever such consultation is required by the Treaties;

<sup>(1)</sup> This paragraph reproduces Article 206 of the EC Treaty.

<sup>(2)</sup> See statement (d) set out below:

(d) Re Article 12(2)(a), (b) and (c)

"In accordance with the Council's regular practice, the time limit fixed will normally be three working days".

- (d) for the purpose of implementing the common foreign and security policy through the "COREU" network (COREU silence procedure) <sup>(1)</sup>.

In that case, the relevant text shall be deemed to be adopted at the end of the period laid down by the Presidency depending on the urgency of the matter, except where a member of the Council objects.

3. The General Secretariat shall establish that the written procedures have been completed.

#### *Article 13*

##### **Minutes**

1. Minutes of each meeting shall be drawn up and, when approved, shall be signed by the Secretary-General/High Representative for the Common Foreign and Security Policy (hereinafter referred to as the Secretary-General) or the Deputy Secretary-General. They may delegate their power to sign to Directors-General of the General Secretariat.

The minutes shall as a general rule indicate in respect of each item on the agenda:

- the documents submitted to the Council,
- the decisions taken or the conclusions reached by the Council,
- the statements made by the Council and those whose entry has been requested by a member of the Council or the Commission.

2. The draft minutes shall be drawn up by the General Secretariat within 15 days and submitted to the Council or to Coreper for approval.

3. Prior to such approval any member of the Council, or the Commission, may request that more details be inserted in the minutes regarding any item on the agenda. These requests may be made in Coreper.

#### *Article 14*

##### **Deliberations and decisions on the basis of documents and drafts drawn up in the languages provided for by the language rules in force**

1. Except as otherwise decided unanimously by the Council on grounds of urgency, the Council shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing languages.

2. Any member of the Council may oppose discussion if the texts of any proposed amendments are not drawn up in such of the languages referred to in paragraph 1 as he or she may specify.

#### *Article 15*

##### **Signing of acts**

The text of the acts adopted by the Council and that of the acts adopted jointly by the European Parliament and the Council shall be signed by the President-in-Office at the time of their adoption and by the Secretary-General or the Deputy Secretary-General. The Secretary-General and the Deputy Secretary-General may delegate their power to sign to Directors-General of the General Secretariat.

<sup>(1)</sup> See statement (e) set out below:

(e) Re Article 12(2)(d)

"The Council would point out that the COREU network must be used in accordance with the Council conclusions of 12 June 1995 (doc. 7896/95) concerning the Council's working methods."



Article 16 <sup>(1)</sup>**Absence of the possibility to participate in the vote**

For the purposes of application of these Rules of Procedure, due account will be taken, in accordance with Annex IV, of cases in which, under the Treaties, one or more members of the Council may not participate in the vote.

## Article 17

**Publication of acts in the Official Journal**

1. The following shall be published in the *Official Journal of the European Union* (hereinafter referred to as the Official Journal) by the Secretary-General or the Deputy Secretary-General:

- (a) the acts referred to in Article 254(1) and (2) of the EC Treaty;
- (b) the acts referred to in the first paragraph of Article 163 of the Euratom Treaty;
- (c) the common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty, and the reasons underlying those common positions;
- (d) the framework decisions and decisions referred to in Article 34(2) of the EU Treaty;
- (e) the conventions established by the Council in accordance with Article 34(2) of the EU Treaty.

Reference shall be made in the Official Journal to the entry into force of such conventions;

- (f) the conventions signed between Member States on the basis of Article 293 of the EC Treaty.

Reference shall be made in the Official Journal to the entry into force of such conventions;

- (g) international agreements concluded by the Community.

Reference shall be made in the Official Journal to the entry into force of such agreements;

- (h) international agreements concluded in accordance with Article 24 of the EU Treaty, unless the Council decides otherwise on the grounds of Articles 4 and 9 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(2)</sup>.

Reference shall be made in the Official Journal to the entry into force of such agreements.

2. Unless the Council or Coreper decides otherwise, the following shall be published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- (a) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty;
- (b) initiatives presented to the Council by a Member State pursuant to Article 34(2) of the EU Treaty;
- (c) the common positions referred to in Article 34(2) of the EU Treaty;
- (d) directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions.

3. The Council or Coreper shall decide unanimously, on a case-by-case basis, whether there should be publication in the Official Journal by the Secretary-General or the Deputy Secretary-General of the common strategies, the joint actions and the common positions referred to in Article 12 of the EU Treaty.

<sup>(1)</sup> See statement (f) set out below:

(f) Re Article 16 and Annex IV

"The Council agrees that the provisions of Article 16 and Annex IV apply to acts for the adoption of which some members of the Council are, under the Treaties, not entitled to vote. However, application of Article 7 of the EU Treaty is not covered by those provisions.

In the first application of Articles 43 and 44 of the EU Treaty, the Council will, in the light of experience acquired in other fields, consider any adaptations necessary to Article 16 of and Annex IV to these Rules of Procedure."

<sup>(2)</sup> OJ L 145, 31.5.2001, p. 43.



4. The Council or Coreper shall decide, on a case-by-case basis and taking account of possible publication of the basic act, whether the following should be published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- (a) the measures implementing the joint actions referred to in Article 12 of the EU Treaty;
- (b) the joint actions, the common positions or any other decision adopted on the basis of a common strategy, as provided for in the first indent of Article 23(2) of the EU Treaty;
- (c) any measures implementing the decisions referred to in Article 34(2) of the EU Treaty and any measures implementing conventions drawn up by the Council in accordance with Article 34(2) of the EU Treaty;
- (d) other Council acts, such as *sui generis* decisions or resolutions.

5. Where an agreement concluded between the Communities and one or more States or international organisations sets up a body vested with powers of decision, the Council shall decide, when such an agreement is concluded, whether decisions to be taken by that body should be published in the Official Journal.

#### Article 18

##### Notification of acts

1. Directives other than those referred to in Article 254(1) and (2) of the EC Treaty and Decisions other than those referred to in Article 254(1) of the EC Treaty shall be notified to their addressees by the Secretary-General, the Deputy Secretary-General or a Director-General acting on their behalf.

2. When they are not published in the Official Journal, the following acts shall be notified to their addressees by the Secretary-General, the Deputy Secretary-General or a Director-General acting on their behalf:

- (a) recommendations;
- (b) the common strategies, joint actions and common positions referred to in Article 12 of the EU Treaty;
- (c) the common positions referred to in Article 34(2) of the EU Treaty;
- (d) measures implementing the acts adopted on the basis of Articles 12 and 34 of the EU Treaty.

3. The Secretary-General, the Deputy Secretary-General or a Director-General acting on their behalf shall send to the Governments of the Member States and to the Commission authentic copies of Council directives other than those referred to in Article 254(1) and (2) of the EC Treaty and Council decisions and recommendations.

#### Article 19 <sup>(1)</sup>

##### Coreper, committees and working parties

1. Coreper shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council. It shall in any case <sup>(2)</sup> ensure consistency of the European Union's policies and actions and see to it that the following principles and rules are observed:

- (a) the principles of legality, subsidiarity, proportionality and providing reasons for acts;
- (b) rules establishing the powers of Union institutions and bodies;
- (c) budgetary provisions;
- (d) rules on procedure, transparency and the quality of drafting.

<sup>(1)</sup> These provisions are without prejudice to the role of the Economic and Financial Committee as laid down in Article 114 of the EC Treaty and to existing Council Decisions thereon (OJ L 358, 31.12.1998, p. 109 and OJ L 5, 1.1.1999, p. 71).

<sup>(2)</sup> See statement (g) set out below:

(g) Re Article 19(1)

"Coreper will ensure consistency and observance of the principles set out in paragraph 1, in particular for matters where substantive preparation is undertaken in other fora."

2. All items on the agenda for a Council meeting shall be examined in advance by Coreper unless the latter decides otherwise. Coreper shall endeavour to reach agreement at its level to be submitted to the Council for adoption. It shall ensure adequate presentation of the dossiers to the Council and, where appropriate, shall present guidelines, options or suggested solutions. In the event of an emergency, the Council, acting unanimously, may decide to settle the matter without prior examination.

3. Committees or working parties may be set up by, or with the approval of, Coreper with a view to carrying out certain preparatory work or studies defined in advance.

The General Secretariat shall update and make public the list of preparatory bodies. Only the committees and working parties on this list may meet as Council preparatory bodies.

4. Coreper shall be chaired, depending on the items on the agenda, by the Permanent Representative or the Deputy Permanent Representative of the Member State which holds the Presidency of the Council. Unless the Council decides otherwise, the various committees provided for in the Treaties shall also be chaired by a delegate of that Member State. The same shall apply to the committees and working parties referred to in paragraph 3, unless Coreper decides otherwise.

5. For the preparation of meetings of Council configurations meeting once every six months, where held during the first half of this period, the meetings of committees other than Coreper and those of working parties held during the preceding six months shall be chaired by a delegate of the Member State whose turn it is to chair the said Council meetings.

6. When a dossier will essentially be dealt with during a six-month period, a delegate of the Member State holding the Presidency during that six-month period may, during the preceding six-month period, chair meetings of committees, other than Coreper, and working parties when they discuss that dossier. The practical implementation of this paragraph shall be the subject of an agreement between the two Presidencies concerned.

In the specific case of the examination of the budget of the European Communities for a given financial year, meetings of Council preparatory bodies, other than Coreper, dealing with the preparation of Council agenda items on the examination of the budget shall be chaired by a delegate of the Member State which will hold the Council Presidency during the second six-month period of the year prior to the financial year in question. The same shall apply, with the agreement of the other Presidency, to the chairing of Council meetings at the time when the said budget items are discussed. The Presidencies concerned will consult on the practical arrangements.

7. In accordance with the relevant provisions referred to below, Coreper may adopt the following procedural decisions, provided that the items relating thereto have been included on its provisional agenda at least three working days before the meeting. Unanimity on the part of Coreper shall be required for any derogation from that period <sup>(1)</sup>:

- (a) decision to hold a Council meeting in a place other than Brussels or Luxembourg (Article 1(3));
- (b) authorisation to produce a copy of or an extract from a Council document for use in legal proceedings (Article 6(2));
- (c) decision to hold a public debate in the Council or not to hold in public a given Council deliberation (Article 8(1)(c), (2) and (3));
- (d) decision to make the results of votes and the statements entered in the Council minutes public in the cases laid down in Article 9(2);
- (e) decision to use the written procedure (Article 12(1));
- (f) approval or amendment of Council minutes (Article 13(2) and (3));

<sup>(1)</sup> See statement (h) set out below:

(h) Re Article 19(7)

"If a member of the Council considers that a draft procedural decision submitted to Coreper for adoption in accordance with Article 19(7) raises a question of substance, the draft decision will be submitted to the Council."

- (g) decision to publish or not to publish a text or an act in the Official Journal (Article 17(2), (3) and (4));
- (h) decision to consult an institution or body wherever such consultation is not required by the Treaties;
- (i) decision setting or extending a time limit for consultation of an institution or body;
- (j) decision to extend the periods laid down in Article 251(7) of the EC Treaty;
- (k) approval of the wording of a letter to be sent to an institution or body.

#### *Article 20*

### **The Presidency and the businesslike conduct of discussions**

1. The Presidency shall be responsible for the application of these Rules of Procedure and for ensuring that discussions are conducted in a businesslike manner. In particular, the Presidency shall ensure that the provisions of Annex V concerning the working methods for an enlarged Council are complied with.

To ensure that discussions are conducted properly it may also, unless the Council decides otherwise, take any appropriate measure necessary to achieve the best possible use of the time available during meetings and in particular:

- (a) restrict the numbers per delegation present in the meeting room for discussion of a particular item, and decide whether to authorise the opening of an overflow room;
- (b) set the order in which items are to be taken and determine the duration of discussions on them;
- (c) organise the time allotted for discussion of a particular item, in particular through limiting the time during which participants may speak and determining the order in which they may take the floor;
- (d) ask delegations to present in writing their proposals for amendment of a text under discussion before a given date, together with a brief explanation if appropriate;
- (e) ask delegations which have identical or similar positions on a particular item, text or part thereof to choose one of them to express their shared position at the meeting or in writing before the meeting.

2. Without prejudice to the provisions of Article 19(4) to (6) and to its powers and its overall political responsibility, the Presidency shall be assisted by the representative of the Member State next holding the Presidency. At the Presidency's request and acting on its instructions, the latter shall replace it as and when required, shall relieve it, where necessary, of certain tasks and shall ensure the continuity of the Council's proceedings.

#### *Article 21 <sup>(1)</sup> <sup>(2)</sup>*

### **Reports from committees and working parties**

Notwithstanding the other provisions of these Rules of Procedure, the Presidency shall organise the meetings of the various committees and working parties so that their reports are available before the Coreper meetings at which they are to be examined.

<sup>(1)</sup> These provisions are without prejudice to the role of the Economic and Financial Committee as laid down in Article 114 of the EC Treaty and to existing Council Decisions thereon (OJ L 358, 31.12.1998, p. 109 and OJ L 5, 1.1.1999, p. 71).

<sup>(2)</sup> See statement (i) set out below:

(i) Re Article 21

"Reports from working parties and any other documents used as a basis for Coreper's discussions should be sent to delegations in time to allow for their examination."

Unless considerations of urgency require otherwise, the Presidency shall postpone to a subsequent Coreper meeting any legislative items within the meaning of Article 7 on which the committee or working party has not completed its discussions at least five working days prior to Coreper's meeting.

#### Article 22

##### Quality of drafting <sup>(1)</sup>

In order to assist the Council in its task of ensuring the drafting quality of the legislative acts which it adopts, the Legal Service shall be responsible for checking the drafting quality of proposals and draft acts at the appropriate stage, as well as for bringing drafting suggestions to the attention of the Council and its bodies, pursuant to the Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation <sup>(2)</sup>.

Throughout the legislative process, those who submit texts in connection with the Council's proceedings shall pay special attention to the quality of the drafting.

#### Article 23

##### The Secretary-General and the General Secretariat

1. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General, who shall be assisted by a Deputy Secretary-General responsible for the running of the General Secretariat. The Secretary-General and the Deputy Secretary-General shall be appointed by the Council acting by qualified majority.

2. The Council shall decide on the organisation of the General Secretariat <sup>(3)</sup>.

Under its authority the Secretary-General and the Deputy Secretary-General shall take all the measures necessary to ensure the smooth running of the General Secretariat.

3. The General Secretariat shall be closely and continually involved in organising, coordinating and ensuring the coherence of the Council's work and implementation of its 18-month programme. Under the responsibility and guidance of the Presidency, it shall assist the latter in seeking solutions.

In accordance with the provisions of the EU Treaty, the Secretary-General shall assist the Council and the Presidency in matters concerning the common foreign and security policy, including coordination of the work of the Special Representatives.

If appropriate, the Secretary-General may ask the Presidency to convene a committee or working party, in particular in relation to matters concerning the common foreign and security policy, or to place an item on the agenda for a committee or working party.

4. The Secretary-General or the Deputy Secretary-General shall submit to the Council the draft estimate of the expenditure of the Council in sufficient time to ensure that the time limits laid down by the financial provisions are met.

<sup>(1)</sup> See statement (j) set out below:

(j) Re Article 22

"The Council Legal Service has also been instructed to provide assistance to a Member State responsible for an initiative within the meaning of Article 67(1) of the EC Treaty or Article 34(2) of the EU Treaty for the purpose *inter alia* of checking the quality of drafting of such initiatives if that assistance is requested by the Member State concerned."

See statement (k) set out below:

(k) Re Article 22

"Members of the Council will comment on proposals for official codification of legislative texts within 30 days of the circulation of such proposals by the General Secretariat. Members of the Council will ensure that those provisions of a proposal for the recasting of legislative texts which have been taken from the preceding act without substantive amendment are examined in accordance with the principles established for examination of codification proposals."

<sup>(2)</sup> OJ C 73, 17.3.1999, p. 1.

<sup>(3)</sup> Paragraphs 1 and 2, first subparagraph, reproduce Article 207(2) of the EC Treaty.

5. The Secretary-General, assisted by the Deputy Secretary-General, shall have full responsibility for administering the appropriations entered in Section II — Council — of the budget and shall take all measures necessary to ensure that they are properly managed. He shall implement the appropriations in question in accordance with the provisions of the Financial Regulation applicable to the budget of the European Communities.

*Article 24*

**Security**

The rules on security shall be adopted by the Council acting by a qualified majority.

*Article 25*

**Duties as depositary of agreements and conventions**

In the event of the Secretary-General of the Council being designated as depositary of an agreement concluded in accordance with Article 24 of the EU Treaty or concluded by the Community and one or more States or international organisations, of a convention concluded between Member States or of a convention established pursuant to Article 34 of the EU Treaty, the acts of ratification, acceptance or approval of those agreements or conventions shall be deposited at the address of the Council.

In such instances the Secretary-General shall perform the duties of a depositary and shall also ensure that the dates of entry into force of such agreements or conventions are published in the Official Journal.

*Article 26*

**Representation before the European Parliament**

The Council may be represented before the European Parliament or its committees by the Presidency or, with the latter's agreement, by the following Presidency or by the Secretary-General. The Council may also be represented before those committees by its Deputy Secretary-General or senior officials of the General Secretariat, acting on instructions from the Presidency.

The Council may also present its views to the European Parliament by means of a written statement.

*Article 27*

**Provisions concerning the form of acts**

The provisions concerning the form of acts are set out in Annex VI.

*Article 28*

**Correspondence addressed to the Council**

Correspondence to the Council shall be sent to the President at the following address of the Council:

Council of the European Union  
rue de la Loi/Wetstraat 175  
B-1048 Brussels.

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## ANNEX I

**LIST OF COUNCIL CONFIGURATIONS**

1. General affairs and external relations <sup>(1)</sup>;
2. Economic and financial affairs <sup>(2)</sup>;
3. Justice and home affairs <sup>(3)</sup>;
4. Employment, social policy, health and consumer affairs;
5. Competitiveness (internal market, industry and research) <sup>(4)</sup>;
6. Transport, telecommunications and energy;
7. Agriculture and fisheries;
8. Environment;
9. Education, youth and culture <sup>(5)</sup>.

It is for each Member State to determine the way in which it is represented in the Council, in accordance with Article 203 of the EC Treaty.

Several Ministers may participate as full members of the same Council configuration, with the agenda and the organisation of proceedings being adjusted accordingly <sup>(6)</sup>.

In the case of the General Affairs and External Relations Council, each government shall be represented at the different meetings of this configuration by the Minister or State Secretary of its choice.

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<sup>(1)</sup> Including European security and defence policy and development cooperation.

<sup>(2)</sup> Including budget.

<sup>(3)</sup> Including civil protection.

<sup>(4)</sup> Including tourism.

<sup>(5)</sup> Including audiovisual affairs.

<sup>(6)</sup> See statement (l) set out below:

(l) Re Annex I, second subparagraph

"The Presidency will organise Council agendas by grouping together related agenda items, in order to facilitate attendance by the relevant national representatives, particularly where a given Council configuration as to deal with clearly distinguishable sets of topics."

## ANNEX II

**SPECIFIC PROVISIONS REGARDING PUBLIC ACCESS TO COUNCIL DOCUMENTS***Article 1***Scope**

Any natural or legal person shall have access to Council documents subject to the principles, conditions and limits laid down in Regulation (EC) No 1049/2001 and the specific provisions laid down in this Annex.

*Article 2***Consultation as regards third-party documents**

1. For the purpose of applying Article 4(5) and Article 9(3) of Regulation (EC) No 1049/2001 and unless it is clear, upon examination of the document in the light of Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, that it shall not be disclosed, the third party concerned shall be consulted if:

- (a) the document is a sensitive document as defined in Article 9(1) of Regulation (EC) No 1049/2001;
- (b) the document originates from a Member State and

was submitted to the Council before 3 December 2001; or

the Member State concerned requested that it not be disclosed without its prior agreement.

2. In all other cases, where the Council receives an application for a third-party document in its possession, the General Secretariat, for the purpose of applying Article 4(4) of Regulation (EC) No 1049/2001, shall consult the third party concerned unless it is clear, upon examination of the document in the light of Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, that it shall or shall not be disclosed.

3. The third party shall be consulted in writing (including by e-mail) and be given a reasonable time limit for its reply, taking into account the time limit laid down in Article 7 of Regulation (EC) No 1049/2001. In the cases referred to in paragraph 1, the third party shall be asked to give its opinion in writing.

4. Where the document does not fall within paragraph 1(a) or (b) and the General Secretariat, in the light of the third party's negative opinion, is not satisfied that Article 4(1) or (2) of Regulation (EC) No 1049/2001 is applicable, the Council shall be seized of the matter.

If the Council envisages the release of the document, the third party shall be informed immediately in writing of the Council's intention to release the document after a time period of at least 10 working days. At the same time, the third party's attention shall be drawn to Article 243 of the EC Treaty.

*Article 3***Requests for consultation received from other institutions or from Member States**

Requests for consultations with the Council made by another institution or a Member State concerning an application for a Council document shall be sent via e-mail to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) or by fax to (32-2) 281 63 61.

The General Secretariat shall give its opinion on behalf of the Council promptly, taking into account any time limit required for a decision to be made by the institution or the Member State concerned, and at the latest within five working days.

*Article 4***Documents originating from Member States**

Any request by a Member State under Article 4(5) of Regulation (EC) No 1049/2001 shall be made in writing to the General Secretariat.

*Article 5***Referral of requests by Member States**

When a Member State refers to a request to the Council, it shall be handled in accordance with Articles 7 and 8 of Regulation (EC) No 1049/2001 and the relevant provisions of this Annex. In the event of a total or partial refusal of access, the applicant shall be informed that any confirmatory application must be addressed directly to the Council.

*Article 6***Address for applications**

Applications for access to a document shall be addressed in writing to the Secretary-General of the Council/High Representative, rue de la Loi/Wetstraat 175, B-1048 Brussels, by e-mail to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) or by fax to (32-2) 281 63 61.

*Article 7***Processing of initial applications**

Subject to Article 9(2) and (3) of Regulation (EC) No 1049/2001, any application for access to a Council document shall be handled by the General Secretariat.

*Article 8***Processing of confirmatory applications**

Subject to Article 9(2) and (3) of Regulation (EC) No 1049/2001, any confirmatory application shall be decided upon by the Council.

*Article 9***Charges**

The charges for producing and sending copies of Council documents shall be set by the Secretary-General.

*Article 10***Public register of Council documents**

1. The General Secretariat shall be responsible for providing public access to the register of Council documents.
2. In addition to the references to documents, it shall be indicated in the register which documents drawn up after 1 July 2000 have already been released to the public. Subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(1)</sup> and Article 16 of Regulation (EC) No 1049/2001, their content shall be made available on the Internet.

*Article 11***Documents directly accessible to the public**

1. This Article shall apply to all Council documents, provided that they are not classified and without prejudice to the possibility of making a written application in accordance with Article 6 of Regulation (EC) No 1049/2001.
2. For the purpose of this Article:
  - “circulation” shall mean distribution of the final version of a document to the members of the Council, their representatives or delegates,
  - “legislative document” shall mean any document concerning the examination and adoption of a legislative act within the meaning of Article 7 of the Rules of Procedure.
3. The General Secretariat shall make the following documents available to the public as soon as they have been circulated:
  - (a) documents of which neither the Council nor a Member State is the author, which have been made public by their author or with his agreement;
  - (b) provisional agenda for meetings of the Council in its various configurations;
  - (c) any text adopted by the Council and intended to be published in the Official Journal.

<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.



4. Provided that they are clearly not covered by any of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001, the General Secretariat may also make the following documents available to the public as soon as they have been circulated:

- (a) provisional agenda of committees and working parties;
- (b) other documents, such as information notes, reports, progress reports and reports on the state of discussions in the Council or one of its preparatory bodies which do not reflect individual positions of delegations, excluding Legal Service opinions and contributions.

5. The General Secretariat shall make the following legislative documents available to the public, in addition to the documents referred to in paragraphs 3 and 4, as soon as they have been circulated:

- (a) cover notes and copies of letters concerning legislative acts addressed to the Council by other institutions or bodies of the European Union or, subject to Article 4(5) of Regulation (EC) No 1049/2001, by a Member State;
- (b) documents submitted to the Council which are listed under an item on its agenda marked with the words "public deliberation" or "public debate" in accordance with Article 8 of the Rules of Procedure;
- (c) notes submitted to Coreper and/or to the Council for approval (I/A and A item notes), as well as the draft legislative acts to which they refer;
- (d) decisions adopted by the Council during the procedure referred to in Article 251 of the EC Treaty and joint texts approved by the Conciliation Committee.

6. After adoption of one of the decisions referred to in paragraph 5(d) or final adoption of the act concerned, the General Secretariat shall make available to the public any legislative documents relating to this act which were drawn up before one of such decisions and which are not covered by any of the exceptions laid down in Article 4(1), (2) and (3), second subparagraph, of Regulation (EC) No 1049/2001, such as information notes, reports, progress reports and reports on the state of discussions in the Council or in one of its preparatory bodies (outcomes of proceedings), excluding Legal Service opinions and contributions.

At the request of a Member State, documents which are covered by the first subparagraph and reflect the individual position of that Member State's delegation in the Council shall not be made available to the public under these provisions.

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## ANNEX III

**DETAILED RULES FOR IMPLEMENTING THE PROVISIONS CONCERNING THE WEIGHTING OF VOTES IN THE COUNCIL***Article 1*

For the purposes of implementing Article 205(4) of the EC Treaty, Article 118(4) of the Euratom Treaty, and the third subparagraph of Article 23(2) and Article 34(3) of the EU Treaty, the total population of each Member State for the period from 1 January to 31 December 2006 shall be as follows:

Member State	Population (× 1 000)
Germany	82 500,8
France	62 370,8
United Kingdom	60 063,2
Italy	58 462,4
Spain	43 038,0
Poland	38 173,8
Netherlands	16 305,5
Greece	11 073,0
Portugal	10 529,3
Belgium	10 445,9
Czech Republic	10 220,6
Hungary	10 097,5
Sweden	9 011,4
Austria	8 206,5
Denmark	5 411,4
Slovakia	5 384,8
Finland	5 236,6
Ireland	4 109,2
Lithuania	3 425,3
Latvia	2 306,4
Slovenia	1 997,6
Estonia	1 347,0
Cyprus	749,2
Luxembourg	455,0
Malta	402,7
Total	461 324,0
Threshold (62 %)	286 020,9

*Article 2*

1. Before 1 September each year, Member States shall communicate to the Statistical Office of the European Communities the data concerning their total population as at 1 January of the current year.
2. With effect from 1 January each year, the Council shall, in accordance with the data available to the Statistical Office of the European Communities on 30 September of the preceding year, amend the figures set out in Article 1. This Decision shall be published in the Official Journal.

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## ANNEX IV

1. In application of the following provisions of the Rules of Procedure and for decisions in respect of which, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members:
  - (a) Article 1(3), second subparagraph (holding of a meeting in a place other than Brussels or Luxembourg);
  - (b) Article 3(7) (inclusion on the agenda of an item other than those appearing on the provisional agenda);
  - (c) Article 3(8) (maintaining as a B item on the agenda an A item which would otherwise have had to be withdrawn from the agenda);
  - (d) Article 5(2), as regards the presence of the European Central Bank only (deliberation without the presence of the European Central Bank);
  - (e) Article 9(2), first subparagraph, points (b) and (c), second and third subparagraphs (making public the results of votes, explanations of votes, statements in the Council minutes and items in those minutes relating to the adoption of a common position under Title VI of the EU Treaty; making public the results of votes, explanations of votes, statements in the Council minutes and items in those minutes relating to cases other than those referred to in paragraph 2);
  - (f) Article 11(1), second subparagraph (opening of a voting procedure);
  - (g) Article 12(1) (use of the written procedure);
  - (h) Article 14(1) (decision to deliberate and take decisions exceptionally on the basis of documents and drafts not drawn up in all the languages) <sup>(1)</sup>;
  - (i) Article 17(2)(a) and (b) (non-publication in the Official Journal of an initiative presented by a Member State pursuant to Article 67(1) of the EC Treaty or Article 34(2) of the EU Treaty);
  - (j) Article 17(2)(c) and (d) (non-publication in the Official Journal of a common position adopted on the basis of Article 34 of the EU Treaty or certain directives, decisions, recommendations and opinions);
  - (k) Article 17(4)(c) (publication in the Official Journal of any measures implementing decisions or conventions referred to in Article 34(2) of the EU Treaty);
  - (l) Article 17(5) (whether to publish in the Official Journal decisions taken by a body set up under an international agreement).
2. A member of the Council or of Coreper may not make use of the following provisions of these Rules of Procedure in connection with decisions on which, under the Treaties, that member may not participate in the vote:
  - (a) Article 3(8) (possibility of a member of the Council requesting withdrawal of an A item from the agenda);
  - (b) Article 11(1), second subparagraph (possibility of a member of the Council requesting the opening of a voting procedure);
  - (c) Article 11(3) (possibility of a member of the Council acting on behalf of another in a vote);
  - (d) Article 14(2) (possibility for any member of the Council to oppose discussion if the texts of any proposed amendments are not drawn up in the language he or she has specified).

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<sup>(1)</sup> See statement (m) set out below:

(m) Re Annex IV, paragraph 1(h)

"The Council confirms that present practice whereby the texts serving as a basis for its deliberations are drawn up in all the languages will continue to apply."

## ANNEX V

**WORKING METHODS FOR AN ENLARGED COUNCIL****Preparation for meetings**

1. The Presidency shall ensure that a file is submitted to Coreper by a working party or by a committee only when there is reasonable prospect of progress or clarification of positions being achieved at that level. Conversely, files may be referred to a working party or to a committee again only when necessary, and in any event only with the remit to tackle precise, well-defined problems.
2. The Presidency shall take the steps necessary to advance work between meetings. It can, for example, with the agreement of the working party or committee, undertake in the most efficient way necessary consultations on specific problems with a view to reporting back to the working party or committee concerned on possible solutions. It can also conduct written consultations by requesting delegations to react in written form to a proposal before the next meeting of the working party or committee.
3. Whenever appropriate, delegations shall set out the positions they are likely to take in a forthcoming meeting in written form before that meeting. When that includes proposals for amending text, delegations shall suggest specific wording. Wherever possible, written input shall be submitted jointly by delegations maintaining identical positions.
4. Coreper shall avoid going over ground already covered in the preparation of its proceedings. That shall apply in particular to "I" items, to information on the organisation and order of its business and to information on the agenda and organisation of forthcoming Council meetings. Wherever possible, delegations shall raise "Any other business" items when Coreper's proceedings are being prepared rather than in Coreper itself.
5. The Presidency shall convey to delegations as soon as possible when Coreper's proceedings are being prepared all the information necessary to allow thorough preparation of Coreper's proceedings, including information on what the Presidency expects to achieve from the discussion on each agenda item. Conversely, the Presidency shall, as appropriate, encourage delegations to communicate to the other delegations, when Coreper's proceedings are being prepared, information on the positions they will be taking in Coreper. In this context the Presidency shall finalise Coreper's agenda. The Presidency may convene more frequently the groups that prepare Coreper's proceedings, when required by circumstances.

**Conduct of meetings**

6. No item shall be placed on the Council agenda simply for presentation by the Commission or by a Council member, except where a debate on new major initiatives is planned.
7. The Presidency shall refrain from placing on Coreper's agenda items for information only. Such information, e.g. on the outcome of meetings in another forum or with a third State or another institution, procedural or organisational questions, etc., should instead be transmitted to delegations when Coreper's proceedings are being prepared, whenever possible in written form, and should not be repeated in Coreper.
8. At the start of a meeting, the Presidency shall give any further information necessary regarding the handling of the meeting and in particular indicate the length of time it intends to be devoted to each item. It shall refrain from making lengthy introductions and avoid repeating information which is already known to delegations.
9. At the start of a discussion on a substantive point, the Presidency shall, depending on the type of discussion which is needed, indicate to delegations the maximum length of their interventions on that point. In most cases interventions should not exceed two minutes.
10. Full table rounds shall be proscribed in principle; they may be used only in exceptional circumstances on specific questions, with a time limit on interventions set by the Presidency.
11. The Presidency shall give as much focus as possible to discussions, in particular by requesting delegations to react to compromise texts or specific proposals.
12. During and at the end of meetings the Presidency shall refrain from making lengthy summaries of the discussions and shall confine itself to concluding briefly on the results (substance and/or procedure) achieved.
13. Delegations shall avoid repeating points made by previous speakers. Their interventions shall be brief, substantive and to the point.

14. Like-minded delegations shall be encouraged to hold consultations with a view to the presentation by a single spokesperson of a common position on a specific point.
  15. When discussing texts, delegations shall make concrete drafting proposals, in writing, rather than merely express their disagreement with a particular proposal.
  16. Unless indicated otherwise by the Presidency, delegations shall refrain from taking the floor when in agreement with a particular proposal; in this case silence shall be taken as agreement in principle.
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## ANNEX VI

**PROVISIONS CONCERNING THE FORMS OF ACTS****A. Form of Regulations:**

1. Regulations adopted jointly by the European Parliament and the Council and Council Regulations shall include:
  - (a) in their title the word "Regulation", followed by a serial number, the date of their adoption and an indication of their subject-matter;
  - (b) the words "The European Parliament and the Council of the European Union" or "The Council of the European Union", as appropriate;
  - (c) a reference to the provisions under which the Regulation is adopted, preceded by the words "Having regard to";
  - (d) a citation containing a reference to proposals submitted and to opinions obtained and consultations held;
  - (e) a statement of the reasons on which the Regulation is based, preceded by the word "Whereas:", the recitals being numbered;
  - (f) the words "have adopted this Regulation" or "has adopted this Regulation", as appropriate, followed by the enacting terms of the Regulation.
2. Regulations shall be divided into Articles, if appropriate grouped into chapters and sections.
3. The final Article of a Regulation shall fix the date of entry into force, where that date is before or after the 20th day following publication.
4. The final Article of a Regulation shall be followed by:
  - (a) (i) the words "This Regulation shall be binding in its entirety and directly applicable in all Member States"
 

or

 (ii) the words "This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community", in any cases in which an act is not applicable to, or in, all Member States <sup>(1)</sup>;
  - (b) the words "Done at .....", followed by the date on which the Regulation was adopted,
  - and
  - (c) in the case of:
    - (i) a Regulation adopted jointly by the European Parliament and the Council, the formula:
 

"For the European Parliament	"For the Council
The President"	The President",

followed by the name of the President of the European Parliament and of the President-in-Office of the Council at the time when the Regulation is adopted;
    - (ii) a Council Regulation, the formula:
 

"For the Council

The President",

followed by the name of the President-in-Office of the Council at the time when the Regulation is adopted.

**B. Forms of Directives, Decisions, recommendations and opinions (EC Treaty)**

1. Directives and Decisions adopted jointly by the European Parliament and the Council, and Directives and Decisions of the Council, shall include in their titles the word "Directive" or "Decision".
2. Recommendations and opinions issued by the Council shall include in their titles the word "Recommendation" or "Opinion".
3. The provisions relating to Regulations set out in A above shall apply *mutatis mutandis*, subject to the relevant provisions of the EC Treaty, to directives and decisions.

<sup>(1)</sup> See statement (n) set out below:

(n) Re Annex VI, paragraph A.4 (a) (ii)

"The Council would point out that, in the cases provided for in the Treaties where an act is not applicable to or in all Member States, it is necessary to make clear its territorial application in the reasons given for and content of the act concerned."

**C. Forms of common strategies of the European Council, joint actions and common positions referred to in Article 12 of the EU Treaty,**

common strategies, joint actions and common positions within the meaning of Article 12 of the EU Treaty shall bear one of the following headings, as appropriate:

- (a) "European Council Common Strategy", a serial number (year/number/CFSP), the date of adoption and the subject-matter;
- (b) "Council Joint Action", a serial number (year/number/CFSP), the date of adoption and the subject-matter;
- (c) "Council Common Position", a serial number (year/number/CFSP), the date of adoption and the subject-matter.

**D. Forms of common positions, framework decisions, decisions and conventions referred to in Article 34(2) of the EU Treaty**

Common Positions, framework Decisions, decisions and conventions within the meaning of Article 34(2) of the EU Treaty shall bear one of the following headings, as appropriate:

- (a) "Council Common Position", a serial number (year/number/JHA), the date of adoption and the subject-matter;
- (b) "Council Framework Decision", a serial number (year/number/JHA), the date of adoption and the subject-matter;
- (c) "Council Decision", a serial number (year/number/JHA), the date of adoption and the subject-matter;
- (d) "Convention established by the Council in accordance with Article 34 of the Treaty on European Union" and the subject-matter.'

*Article 2*

This Decision shall take effect on the day of its adoption. It shall be published in the *Official Journal of the European Union*.

The first Council's 18-month programme shall be established for the period starting in January 2007.

Done at Brussels, 15 September 2006.

*For the Council*  
*The President*  
E. TUOMIOJA

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