II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2021/1897

of 28 June 2021

on the signing, on behalf of the European Union, and provisional application of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(5) and (7) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 12 December 2006 the Council authorised the Commission to open negotiations with Ukraine for a common aviation area agreement. As a result of those negotiations, the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part ('the Agreement') was initialled on 28 November 2013.

(2) The signing of the Agreement on behalf of the Union and its provisional application do not affect the allocation of competences between the Union and its Member States. This Decision should not be interpreted as making use of the possibility for the Union to exercise its external competence with regard to areas covered by the Agreement falling within shared competence to the extent that such competence has not yet been exercised internally by the Union.

(3) In order to bring about the benefits of the Agreement as early as possible, it should be signed and applied on a provisional basis, pending the completion of the procedures necessary for its entry into force.

(4) It is appropriate to lay down the procedure to be followed with respect to the position to be taken on behalf of the Union as regards decisions of the Joint Committee under point (a) of Article 15(3) of the Agreement concerning the inclusion of Union legislation in Annex I thereto,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, is hereby approved, subject to the conclusion of the said Agreement ([1]).

([1]) See page 3 of this Official Journal.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

The Agreement shall be applied on a provisional basis in accordance with Article 38(3) thereof, pending the completion of the procedures necessary for its entry into force.

Article 4

The Commission is authorised to adopt, after consultation sufficiently in advance of the Council or its preparatory bodies, as the Council may decide, the position to be taken on behalf of the Union as regards decisions of the Joint Committee under point (a) of Article 15(3) of the Agreement concerning the revision of Annex I to the Agreement, insofar as it concerns the inclusion of Union legislation in that Annex, subject to any technical adjustments needed.

Article 5

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

Done at Luxembourg, 28 June 2021.

For the Council
The President
M. do C. ANTUNES