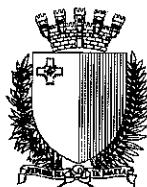


MINISTERU GHAT-TRASPORT U
L-INFRASTRUTTURA



MINISTRY FOR TRANSPORT AND
INFRASTRUCTURE

MALTA

L-Uffiċċju tas-Segretarju Permanenti

Office of the Permanent Secretary

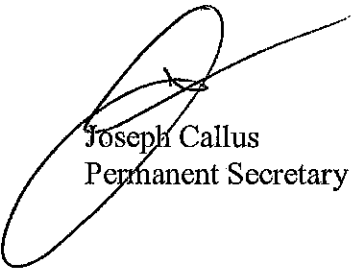
5th November 2013

The Chairman
Standing Committee on Foreign Affairs and European Union Affairs
House of Representatives
Valletta

(Attention: Mr John Vella)

Ratification of EU Aviation Agreements with Third Countries

Kindly find enclosed a Memorandum as approved by Cabinet on 9 July 2013, signed by the Minister for Transport and Infrastructure. The Memorandum is being forwarded to you in line with Article 4(2) of the European Union Act, in order to ratify a number of aviation agreements signed between the European Union and Third Countries. The Third Countries are Canada, Georgia, the Hashemite Kingdom of Jordan, the USA and Moldova.



Joseph Callus
Permanent Secretary

cc. EU Secretariat MEAIM , Director EU Affairs, MTI
Encl. Memorandum 'Ratification of EU aviation Agreements signed with third countries.



MEMORANDUM

To: Cabinet
From: Minister for Transport and Infrastructure
Date: 2nd July, 2013
Subject: Ratification of EU Aviation Agreements signed with Third Countries

Recommendation

Cabinet approval is requested for Malta to ratify and provisionally apply the following five agreements, namely:

1. Agreement on Air Transport between the European Community and its Member States, of the one part, and Canada, of the other part signed on 30 November 2009;
2. Common Aviation Area Agreement between the European Union and its Member States and Georgia signed on 2 December 2010;
3. Euro-Mediterranean Aviation Agreement between the European Union and its Member States of the one part and the Hashemite Kingdom of Jordan, of the other part signed on 15 December 2010;
4. Protocol to amend the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part signed on 24 June 2010.
5. Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova signed on 26 June 2012

Background

Due to the creation of a single market for aviation in the European Union, the economic and regulatory landscape of air transport has undergone revolutionary changes. All players of the air transport industry have benefited from new routes and airports, greater choice, lower prices and better overall quality of service.

However, airlines still have less commercial freedom when flying to countries outside the European Union, and passengers have less choice. International aviation has traditionally been governed by bilateral agreements between individual countries, restricting the number of airlines on the routes concerned, the number of flights and the possible destinations.

The European Union is extending its external aviation policy beyond its borders to overcome these limitations. First, any bilateral agreements that are not in line with the freedom of operation deriving from the single market need to be revised to ensure legal certainty and to put all European Union airlines on an equal footing for flights to countries outside the European Union. Second, the European Union is working to establish a common aviation area with neighbouring countries in the Mediterranean and to the east. Third, the European Union is setting up open aviation areas with other key international partners. Closer international relations will not only open markets, but also allow the European Union to ensure high standards of safety and security in international air transport and to work with others more effectively to address the impact of aviation on the environment.

Comprehensive Aviation Agreements are meant to deliver substantial benefits to passengers, freight operators and airlines, by means both of market access and provision of traffic rights; as well as regulatory convergence in order to promote adequate safety, security, social and environmental standards, as well as fair competition between operators.

Such aviation agreements have been signed by the Union and its Member States with Canada, Western Balkans, Georgia, Hashemite Kingdom of Jordan, Kingdom of Morocco, United States of America and more recently, with the Republic of Moldova.

In order for these agreements to enter into force, all Member States are required to deposit their instruments of ratification. Delays in the ratification process have been brought to the attention of Member States during the Transport, Telecommunications and Energy Council Meeting of the 31 March 2011, during which the Commission presented its document¹, highlighting the state of play of Member States' ratification of agreements noting that several Member States had not ratified some of these agreements or decided to apply them provisionally. Furthermore, the Commission pointed out that such inaction on the part of these Member States blocked the entering into force of the agreements. The Commission urged Member States to deposit their instruments of ratification. Entry into force of these agreements will allow European Union citizens and businesses to make full use of these agreements.

Since Malta had no objection to the European Union signing these agreements, it is recommended to proceed with the ratification process of all these agreements.

Legal Basis

The Ratification of Treaties Act – CAP 304

European Union Act – CAP 460

¹ 8193/11



Implications for Malta

Political

Malta is expected to ratify and provisionally apply these agreements.

Economic & Financial

Ratification should speed up the process by which European Union citizens and businesses will benefit from all the advancement that has been planned during a number of years. The Agreements when seen also in the light of the *Single European Sky* as well as the *Open Skies* visions promise an easier and more cost-effective transit from door to door for all beneficiaries.

Way forward

Once Cabinet approves this ratification, the Ministry for Transport and Infrastructure will submit these Agreements to the House of Representatives (Standing Committee on Foreign and European Affairs) for approval, and unless an adverse reply is received within a month, the ministry shall direct the Ministry for Foreign Affairs to issue and deliver to the depositary the appropriate instruments of ratification. The Minister responsible for Foreign Affairs shall subsequently inform Parliament of the ratification and will proceed to notify the Commission accordingly through the official channels. Since Malta is signatory to the Vienna Convention², it is recommended that Malta provisionally applies these agreements.

Hon. Joe Mizzi

Minister for Transport and Infrastructure

² Malta acceded to the Vienna Convention on 26 September 2012.

List of Appendices

- App I Agreement on Air Transport between the European Community and its Member States, of the one part, and Canada, of the other part ;
- App II Common Aviation Area Agreement between the European Union and its Member States and Georgia;
- App III Euro-Mediterranean Aviation Agreement between the European Union and its Member States of the one part and the Hashemite Kingdom of Jordan, of the other part;
- App IV Protocol to amend the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part;
- App V Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova;
- App VI Doc. 8193/11 - State of play of ratification by Member States of the aviation agreements;
- App VII Ratification of Treaties Act; Chapter 304