



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 July 2013**

**12277/13**

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**Interinstitutional File:  
2012/0324 (NLE)**

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**AVIATION 105  
ISR 5**

**NOTE**

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from: General Secretariat of the Council

dated: Delegations

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No. Cion prop.: 16650/12 AVIATION 180 ISR 19

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Subject: Proposal for a COUNCIL DECISION on the conclusion of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part

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In view of the Aviation Working Party on 22 July 2013, delegations will find attached a revised version of the draft Decision on the conclusion of Euro-Mediterranean Aviation Agreement between the European Union and its Member States, and the Government of the State of Israel.

Following the signature of the Agreement at the TTE Council on 10 July 2013, the draft Decision on conclusion has been adapted to the Decision on the signature and provisional application of the Agreement.<sup>1</sup> Following its examination by the Aviation Working Party, the draft Decision will be subject to legal-linguistic revision and inscribed to a forthcoming meeting of Coreper and Council, with a view to requesting the consent of the European Parliament in accordance with Article 218(6) of the Treaty on the Functioning of the European Union.

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<sup>1</sup> 16826/13.

2012/0324 (NLE)

~~Proposal for a~~

**COUNCIL DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES**  
**OF THE GOVERNMENTS OF THE MEMBER STATES,**  
**MEETING WITHIN THE COUNCIL**

**on the conclusion of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part**

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

Having regard to the Treaty on the Functioning of the European Union and in particular Article 100 (2), in conjunction with Article 218 (6)(a) and the **first subparagraph of Article 218 (8)** thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) the Commission has negotiated on behalf of the Union and of the Member States a Euro-Mediterranean Aviation Agreement with the Government of the State of Israel (hereinafter, the “Agreement”)
- (2) In accordance with ~~Council~~ Decision 2012/xxx **of the Representatives of the Governments of the Member States of the European Union, meeting within the Council of 20 December 2012**, (---) the Agreement was signed on (---) **10 June 2013**;

- (3) **It is necessary to lay down appropriate arrangements for the coordination between and representation of the Union and the Member States in the Joint Committee set up under Article 22 of the Agreement and in the dispute settlement procedures provided in Article 23 of the Agreement, as well as for implementing certain provisions of the Agreement concerning security and safety.**
- (4) **Since the Agreement contains elements of both Union and Member States' competence, in order to ensure close cooperation and unity in international relations, this Decision should be adopted jointly by the Council and the Member States. In addition, this Decision also aims to ensure a uniform application in respect of the Joint Committee set up under Article 22 of the Agreement.**
- (5) **The rules envisaged to ensure such close cooperation and unity should include clear guidance for representation "on the spot", *inter alia* by confirming the necessity of a joint and common approach. In the context of a mixed agreement, these rules should still fully respect Union procedures also as regards the establishment of the Union position and the representation of the Union within the Joint Committee,**
- (36) The Agreement should be approved on behalf of the European Union,
- (47) The Agreement should be implemented in conformity with the European Union's position that the territories which came under Israeli administration in June 1967 are not part of the territory of the State of Israel

~~HAS~~ **HAVE** ADOPTED THIS DECISION:

*Article 1*

Conclusion

1. The Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part, is hereby concluded on behalf of the Union.

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

2. The President of the Council shall designate the person empowered to proceed on behalf of the European Union, to make the notifications provided for in Article 30 of the Agreement in order to express the consent of the European Union to be bound by the Agreement.

*Article 2*  
*Joint Committee*

1. **The Union and the Member States shall be represented in the Joint Committee established under Article 22 of the Agreement by representatives of the Commission and of the Member States, respectively.**
2. **The position to be taken by the Union and supported by its Member States within the Joint Committee with respect to matters of exclusive Union competence that do not require the adoption of a decision having legal effect shall be established by the Commission and shall be notified in advance to the Council and the Member States.**
3. **The position to be taken by the Union and its Member States within the Joint Committee with respect to matters other than those referred to in paragraph 2 that do not require the adoption of a decision having legal effects shall be established jointly by the Commission and the Member States.**
4. **For Joint Committee decisions having legal effect concerning matters that fall within the exclusive competence of the Union, the position to be taken by the Union and supported by its Member States shall be adopted by the Council, acting by qualified majority on a proposal from the Commission, unless the applicable voting procedures set down in the Treaty on European Union and the Treaty on the Functioning of the European Union provide otherwise.**

5. **For Joint Committee decisions having legal effect, other than those referred to in paragraph 4, the position to be taken by the Union and its Member States shall be adopted by the Council, acting by qualified majority, on a proposal by the Commission, unless the applicable voting procedures set down in the Treaty on European Union and the Treaty on the Functioning of the European Union provide otherwise, and by the Member States.**

### *Article 3*

#### *Settlement of Disputes*

1. **The Commission shall represent the Union in dispute settlement proceedings under Article 23 of the Agreement.**
2. **The decision to suspend the application of benefits pursuant to Article 23(7) of the Agreement shall be taken by the Council, by qualified majority, on the basis of a Commission proposal.**
3. **Any other appropriate action to be taken under Article 23 of the Agreement on matters which fall within Union competence shall be decided upon by the Commission, in consultation with a Special Committee of representatives of the Member States appointed by the Council.**

### *Article 4*

#### *Information to the Commission*

1. **Member States shall promptly inform the Commission of any decision to refuse, revoke, suspend or limit the authorisation of an airline of the State of Israel that they intend to adopt under Article 4 of the Agreement.**

2. **Member States shall promptly inform the Commission of any requests or notifications made or received by them under Article 13 (Aviation Safety) of the Agreement.**
3. **Member States shall promptly inform the Commission of any requests or notifications made or received by them under Article 14 (Aviation security) of the Agreement.**

*Article 2 5*

*Entry into force*

This Decision shall enter into force on the day of its adoption. It shall be published in the Official Journal of the European Union.

Done at Brussels,

*For the Council*

*The President*

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