



**COUNCIL OF
THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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

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

of ...

**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 between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part, with the Government of the State of Israel (hereinafter, the "Agreement").
- (2) The Agreement was signed on 10 June 2013, in accordance with Decision 2013/398/EU of the Council and of the Representatives of the Governments of the Member States¹.
- (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.

¹ Decision 2013/398/EU of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 20 December 2012 on the signing, on behalf of the European Union, and provisional application 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 (OJ L 208, 2.8.2013, p. 1).

- (4) Since the Agreement contains elements of both Union and Member States' competence, and 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" by, inter alia, 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.
- (6) The Agreement should be approved on behalf of the Union.
- (7) The Agreement should be implemented in conformity with the 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,

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 approved on behalf of the Union.¹
2. The President of the Council is hereby authorised to designate the person(s) empowered to proceed on behalf of the Union, to make the notifications provided for in Article 30 of the Agreement in order to express the consent of the 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 which 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.

¹ The text of the Agreement is published in OJ L 208, 2.8.2013, p. 3 together with the decision on signature.

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 and which 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 proposal by the Commission.
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, which 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 5

Entry into force

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

Done at Brussels,

For the Council

The President
