



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 September 2012**

**13383/12**

**AVIATION 130  
RELEX 767  
OC 469**

**"I/A" ITEM NOTE**

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From : General Secretariat  
To : COREPER/Council

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N° Cion props : 12872/12 AVIATION 117 RELEX 722

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Subject : Proposal for a COUNCIL DECISION on the position to be taken by the European Union within the EU-ICAO Joint Committee, concerning the Decision on the adoption of an Annex on aviation security to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation  
– Adoption

**COMMON GUIDELINES**  
**Consultation deadline for Croatia: 11.09.2012**

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1. On 15 June 2009, the Commission submitted to the Council a Recommendation in order to authorise it to open negotiations on a Memorandum of Cooperation between the European Community and the International Civil Aviation Organisation (ICAO), providing a general framework for enhanced cooperation (doc. 11021/09 RESTREINT UE).
2. On 17-18 December 2009 the EU Transport Ministers adopted a Decision authorising the Commission to negotiate on behalf of the Union a Memorandum of Cooperation between the European Union and the International Civil Aviation Organisation (ICAO), providing a general framework for enhanced cooperation (doc. 16021/1/09 REV 1 RESTREINT UE).

3. On the basis of this mandate, the Commission conducted negotiations with ICAO and the Memorandum of Cooperation (MOC), together with a safety annex, was initialled on 27 September 2010, during the opening of the 37<sup>th</sup> ICAO General Assembly, at the ICAO Headquarters in Montreal.
4. The Commission presented to the Council a proposal for a Council Decision on the signature and provisional application of the MOC on 10 March 2011 (doc. 7660/11). The Council Decision concerning the signature and provisional application of the MOC<sup>1</sup> was adopted by the Council on 31 March 2011 (doc. 7702/11).
5. The MOC was signed on 28 April 2011 in Montreal (by the ICAO President, Mr Roberto Kobeh Gonzales) and on 4 May in Brussels (by the EU). The MOC has been provisionally applied as from the date of signature.
6. The European Parliament gave its consent to the draft Council Decision on the conclusion of the MOC on 19 January 2012.
7. The Council adopted the Council Decision on the conclusion of the MOC<sup>2</sup> on 31 March 2012 (doc. 9138/11).
8. Article 3 of the Council Decision on the conclusion of the MOC establishes that the Council shall determine the position to be taken by the Union in the Joint Committee established under paragraph 7.1 of the MOC as regards the adoption of new annexes to the Memorandum and amendments thereto, as referred to in point (c) of paragraph 7.3 of the Memorandum.
9. Therefore, on 14 August 2012, the Commission presented to the Council a proposal for a Council Decision on the position to be taken by the European Union within the EU-ICAO Joint Committee, concerning the Decision on the adoption of an annex on aviation security to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation (doc. 12872/12).

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<sup>1</sup> OJ L 232, 9.09.2011, p.1

<sup>2</sup> OJ L 121, 8.05.2012, p.16

10. On 3 September 2012, the Aviation Working Party examined the above-mentioned proposal, which was acceptable for all delegations.
  
11. Therefore, with a view to preparing the adoption of the security annex to the MOC by the EU-ICAO Joint Committee, COREPER is invited to suggest that the Council, in part "A" of the agenda of a forthcoming meeting, decides:
  - to adopt the above-mentioned Decision as contained in J/L document 13335/12 AVIATION 127 RELEX 763 OC 467;
  - to take note of the UK statement as set out in the Annex to this Note.

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STATEMENT FOR THE COUNCIL MINUTES

Ad item XX:

**STATEMENT BY THE UNITED KINGDOM**

"The UK will be abstaining on the Council Decision on the position to be taken by the European Union within the EU-ICAO Joint Committee, concerning the Decision on the adoption of an Annex on aviation security to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation.

The UK recognises the benefits of the Memorandum of Cooperation, but attaches great importance to the principle of Member State sovereignty in international organisations. The UK is cautious about any measures and processes which could eventually lead to a change of the distribution of competences between the EU and Member States. We would wish to convey these concerns by abstaining on this Decision."

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