



**COUNCIL OF
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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	19 February 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2014) 104 final
Subject:	Amended proposal for a COUNCIL DECISION on the conclusion of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part

Delegations will find attached document COM(2014) 104 final.

Encl.: COM(2014) 104 final



EUROPEAN
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Brussels, 19.2.2014
COM(2014) 104 final

2006/0048 (APP)

Amended proposal for a

COUNCIL DECISION

on the conclusion of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Commission has negotiated, on behalf of the Union, the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, pursuant to a decision from the Council authorising the opening of negotiations in December 2004. The Agreement was signed on 12 December 2006.

On the EU side, both the Union and its Member States are parties to the Agreement. The ratification process by all Member States has been completed on 13 January 2014.

This proposal concerns a modification of the Commission proposal submitted to the Council in 2006 (COM(2006)145 Final). In order to ease examination by the Council, the whole of the relevant text is submitted as amended proposal.

Having regard to the Treaty on the Functioning of the European Union, the Council decision on the conclusion of the international agreements has to be adopted by the Council only for the matters falling under the Union competence.

The intention of the present amended proposal is to align the title of the act proposed and its enacting terms to the provisions of the Treaties.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Not applicable

3. LEGAL ELEMENTS OF THE PROPOSAL

Not applicable

4. BUDGETARY IMPLICATION

Not applicable

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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(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

Whereas:

- (1) The Commission has negotiated on behalf of the Union an Euro-Mediterranean Aviation Agreement with the Kingdom of Morocco (hereinafter “the Agreement”).
- (2) The Agreement was signed on 12 December 2006², in accordance with Decision 2006/959/EC of the Council and of the Representatives of the Governments of the Member States, meeting within the Council.
- (3) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part is hereby approved on behalf of the Union.
2. The president of the Council is hereby authorised to designate the person(s) empowered to deliver to the Kingdom of Morocco the diplomatic notes provided in Article 30 of the Agreement on behalf of the Union and to make the following notification:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and

¹ OJ C 081 E, 15.03.2011.

² OJ L 386, 29.12.2006.

from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the text of the Agreement are, where appropriate, to be read as “the European Union”.’

Article 2

1. The Union shall be represented in the Joint Committee established under Article 22 of the Agreement by the Commission.
2. The position to be taken by the Union within the Joint Committee as regards the amendment of the Annexes of the Agreement others than Annex I (Agreed Services and Specific Routes) and Annex IV (Transitional Provisions), and any matters falling within Article 7 or 8 of the Agreement shall be adopted by the Commission, following consultation with a Special Committee appointed by the Council.

Article 3

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

Done at Brussels,

For the Council
The President