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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Joint Committee established by the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo* on the establishment of a European Common Aviation Area as regards the adoption of the rules of procedure of the Joint Committee

* This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 (1999) and the Opinion of the International Court of Justice on Kosovo's declaration of independence.

COUNCIL DECISION (EU) 2018/...

of ...

**on the position to be taken on behalf of the European Union
within the Joint Committee established by the Multilateral Agreement
between the European Community and its Member States,
the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria,
the Republic of Croatia, the former Yugoslav Republic of Macedonia,
the Republic of Iceland, the Republic of Montenegro,
the Kingdom of Norway, Romania, the Republic of Serbia
and the United Nations Interim Administration Mission in Kosovo*
on the establishment of a European Common Aviation Area
as regards the adoption of the rules of procedure of the Joint Committee**

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(9) thereof,

Having regard to the proposal from the European Commission,

* This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 (1999) and the Opinion of the International Court of Justice on Kosovo's declaration of independence.

Whereas:

- (1) The Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area¹ ('the ECAA Agreement') was concluded by the Union by Council Decision (EU) 2018/145² and entered into force on 1 December 2017.

¹ OJ L 285, 16.10.2006, p. 3.

² Council Decision (EU) 2018/145 of 9 October 2017 on the conclusion, on behalf of the Union, of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area (ECAA) (OJ L 26, 31.1.2018, p. 1).

- (2) Pursuant to Article 18(5) of the ECAA Agreement, the Joint Committee is to adopt its rules of procedure.
- (3) The Joint Committee should adopt its rules of procedure during its first meeting scheduled on 3 May 2018.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Joint Committee with regard to the adoption of its rules of procedure.
- (5) The position of the Union within the Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee established by the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area, as regards the adoption of the rules of procedure of that Joint Committee, shall be based on the draft Decision of the Joint Committee attached to this Decision.

Minor changes to the draft Decision of the Joint Committee may be agreed to by the representatives of the Union within the Joint Committee without a further Council Decision.

Article 2

After their adoption, the acts of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels,

For the Council

The President

DRAFT

**DECISION No 1/2018
OF THE ECAA JOINT COMMITTEE**

of ...

with regard to the adoption of its rules of procedure

THE ECAA JOINT COMMITTEE,

Having regard to the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo* on the establishment of a European Common Aviation Area¹ ('the ECAA Agreement'), and in particular Article 18 thereof,

* This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 (1999) and the Opinion of the International Court of Justice on Kosovo's declaration of independence.

¹ OJ L 285, 16.10.2006, p. 3.

Whereas the ECAA Agreement entered into force on 1 December 2017,

HAS ADOPTED THIS DECISION:

Sole Article

The rules of procedure of the ECAA Joint Committee in the Annex to this Decision are hereby adopted.

Done at Brussels, on ... 2018.

For the Joint Committee,

The Chair

Carlos Bermejo Acosta

ANNEX

RULES OF PROCEDURE OF THE ECAA JOINT COMMITTEE

Article 1

General provisions

1. The ECAA Joint Committee ('the Joint Committee') is established in accordance with Article 18 of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo* on the establishment of a European Common Aviation Area ('the ECAA Agreement').
2. It shall be responsible for the administration of the ECAA Agreement and shall ensure its proper implementation.
3. In accordance with Article 18(2) of the ECAA Agreement, the Joint Committee shall consist of representatives of the Contracting Parties.

* This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 (1999) and the Opinion of the International Court of Justice on Kosovo's declaration of independence.

4. In accordance with Article 18(3) of the ECAA Agreement, the Joint Committee shall act by unanimity. However, the Joint Committee may decide to lay down a majority voting procedure for certain specific issues.

Article 2

Chairmanship

The Joint Committee shall be chaired alternately by an ECAA Partner and the European Union and its Member States. When chairing a Joint Committee meeting, the European Union and its Member States shall be represented by the European Commission.

Article 3

Meetings

1. The Joint Committee shall meet at least once a year and when circumstances so require, unless otherwise agreed by the Contracting Parties.
2. Each meeting of the Joint Committee shall be held at a date agreed by the Contracting Parties.
3. If the Contracting Parties so agree, the meetings of the Joint Committee may be held by any agreed technological means such as videoconference.

Article 4
Delegations

1. Prior to each meeting, the Contracting Parties shall be informed through the Secretary of the Joint Committee ('the Secretary') of the intended composition of the delegations attending the meeting.
2. The Joint Committee may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5
Secretariat

An official of the European Commission shall act as the Secretary.

Article 6
Correspondence

All correspondence to and from the Chair of the Joint Committee ('the Chair') shall be forwarded also to the Secretary. The Secretary shall ensure that correspondence is transmitted to the Contracting Parties.

Article 7
Confidentiality

The Joint Committee's deliberations shall be confidential. When a Contracting Party submits information designated as confidential to the Joint Committee, the other Contracting Parties shall treat that information as such.

Article 8
Agenda of the meetings

1. A provisional agenda for each meeting of the Joint Committee shall be drawn up by the Secretary on the basis of the proposals made by the Contracting Parties. Agenda items shall be supported by relevant documents and submitted no later than 21 calendar days before the meeting.
2. The provisional agenda shall be circulated to all Contracting Parties no later than 15 calendar days before the meeting.
3. The agenda shall be adopted by the Joint Committee at the beginning of each meeting. Any item other than those on the provisional agenda may be added to the agenda if the Contracting Parties so agree.

4. The Chair may shorten the time limit specified in paragraph 1 in order to take account of the requirements or urgency of a particular matter.

Article 9

Minutes and operational conclusions

1. Draft minutes of each Joint Committee meeting shall be drawn up by the Secretary. They shall indicate the decisions and recommendations taken and the conclusions adopted.
2. Within one month following the meeting, the draft minutes shall be submitted to the Joint Committee for approval by written procedure. The minutes may also be adopted by the Joint Committee at its next meeting.
3. When approved, the minutes shall be signed by the Chair and the Secretary and one copy shall be transmitted to each of the Contracting Parties.

Article 10

Decisions and recommendations

1. The Joint Committee shall take its decisions and make its recommendations by unanimity. However, decisions and recommendations within the meaning of Articles 16, 20 and 28(3) of the ECAA Agreement shall require a simple majority.

2. The Joint Committee shall be considered as meeting the required quorum only if four South East European Parties and the European Union are represented.
3. During the inter-session period, the Joint Committee may take decisions or make recommendations by written procedure. Any Contracting Party may request, however, that the Joint Committee be convened to discuss that matter. The Contracting Party which proposes the use of the written procedure shall submit the draft instrument to the Secretary who shall transmit it to all Contracting Parties. Each Contracting Party shall inform the Chair and the Secretary within 15 working days from the receipt of the draft instrument and shall indicate whether or not it accepts the draft, whether it proposes any changes to the draft, or whether it considers that the Joint Committee should be convened to discuss the matter. If the draft is adopted, the Chair shall finalise the decision or the recommendation in accordance with paragraphs 5 and 6.
4. Abstention by a Contracting Party shall not prevent the Joint Committee from adopting a decision or a recommendation provided that there is a quorum as required by paragraph 2.
5. The decisions and recommendations of the Joint Committee shall be respectively entitled 'Decision' and 'Recommendation' and shall be followed by a serial number, by the date of their adoption and by a description of their subject.
6. The decisions and recommendations of the Joint Committee shall be signed by the Chair and authenticated by the Secretary.

7. The decisions taken by the Joint Committee shall be published by the Contracting Parties in their respective official publications. Each Contracting Party may decide on the publication of any other act adopted by the Joint Committee. One copy of the decisions and recommendations shall be transmitted to each of the Contracting Parties.

Article 11

Languages

1. The official languages of the Joint Committee shall be the official languages of the Contracting Parties. However, the Contracting Parties shall endeavour, for the sake of efficiency, to use the English language at Joint Committee meetings, for correspondence and for preparing documentation.
2. The decisions and recommendations of the Joint Committee shall be written in English.

Article 12

Expenses

1. Each Contracting Party shall bear any expenses it incurs for its participation in the meetings of the Joint Committee and of the working parties or groups of experts.
2. The Joint Committee shall agree on the breakdown of expenses for any missions assigned to experts.

Article 13
Amendment of Rules of Procedure

These Rules of Procedure may be amended in accordance with Article 10.

Article 14
Working Parties

1. The composition and functioning of the working parties or groups of experts set up in accordance with Article 18(8) of the ECAA Agreement shall be agreed, *mutatis mutandis*, in accordance with the rules applicable to the Joint Committee.
2. The working parties or groups of experts shall work under the authority of the Joint Committee, to which they shall report after each of their meetings. They are not authorised to take decisions but may make recommendations for the Committee's attention.
3. The Joint Committee may terminate or amend the mandate of the working parties or groups of experts.
