



Council of the
European Union

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Eingelangt am 13/02/19

**Brussels, 13 February 2019
(OR. en)**

5995/19

AVIATION 19

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union in the Council of the International Civil Aviation Organization, in respect of the Adoption of Amendment 17 to Annex 13

COUNCIL DECISION (EU) 2019/...

of ...

**on the position to be taken on behalf of the European Union
in the Council of the International Civil Aviation Organization,
in respect of the Adoption of Amendment 17 to Annex 13**

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,

Whereas:

- (1) The Convention on International Civil Aviation ('the Chicago Convention') which regulates international air transport, entered into force on 4 April 1947. It established the International Civil Aviation Organization (ICAO).
- (2) The Member States are Contracting States of the Chicago Convention and members of the ICAO, while the Union has observer status in certain ICAO bodies.
- (3) Pursuant to Article 54 of the Chicago Convention, the ICAO Council may adopt International Standards and Recommended Practices.
- (4) The ICAO Council during its 216th session, starting on 14 February 2019, is to adopt Amendment 17 to Annex 13 to the Chicago Convention on reporting and timely investigation of accidents and incidents.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the ICAO Council as some of the provisions of the proposed amendment have legal effect and may, to some extent, influence the content of Union law, namely Regulation (EU) No 996/2010 of the European Parliament and of the Council¹.

¹ Regulation (EU) No 996/2010 of the Parliament and the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295, 12.11.2010, p. 35).

- (6) The scope of this Council decision is limited to Amendment 17 to Annex 13, which covers domains already covered by Regulation (EU) No 996/2010, and not the entire scope of Annex 13.
- (7) The purpose of the amendment is to introduce the following changes: in the areas of timely investigation of accidents and serious incidents, and the release of the final report; the definition for ‘Accredited representative’; the alignment of provisions on notification, and the dissemination of Final Reports; facilitation of the entry of investigators; rights and entitlement of an expert; consultation of draft safety recommendations; the list of examples of serious incidents; and delegation of investigation.
- (8) The Union is a strong supporter of these efforts by ICAO to improve aviation safety by ensuring a high level of efficiency, expediency, and quality of civil aviation safety investigations.
- (9) The Union’s position is to be expressed by the Member States of the Union that are members of the ICAO Council,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the 216th session of the Council of the International Civil Aviation Organization ('ICAO') shall be to support the proposed Amendment 17 to Annex 13 to the Convention on International Civil Aviation ('Chicago Convention') without prejudice to the right to notify differences in accordance with Article 38 of the Chicago Convention.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the ICAO Council.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President
