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AVIATION 218  
RELEX 1008

#### LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: Amended proposal for a COUNCIL DECISION on the conclusion of the Euro Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part

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With a view to the Aviation Working Party of 14 November 2019, delegations will find attached a Presidency compromise text on the above-mentioned proposal. Changes with respect to the Commission proposal have been marked with **bold and underline** and ~~strikethrough~~.

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) (v) and Article 218 (7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

Whereas:

- (1) The Euro Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part was signed on 15 December 2010, subject to its conclusion at a later date, in accordance with Decision [2012/750/EU](#) of the Council and the Representatives of the Governments of the Member States, meeting within the Council.<sup>2</sup>

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<sup>1</sup> Consent of [date] (not yet published in the Official Journal).

<sup>2</sup> Decision [2012/750/EU](#) of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 15 October 2010 on the signature and provisional application of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and The Hashemite Kingdom of Jordan, of the other part (OJ L 334, 6.12.2012, p.1)

- (2) The Agreement has been ratified by all Member States, except for the Republic of Croatia. The Republic of Croatia accedes to the Agreement in accordance with the procedure provided for in the Act of accession annexed to the Treaty of Accession of 5 December 2011, and the relevant Protocol on the accession of the Republic of Croatia to this Agreement was signed on 3 May 2016<sup>1</sup>.
- (3) The Agreement should be approved on behalf of the Union .
- (4) Articles 3 and 4 of Decision 2012/750/EU contain provisions on decision making and representation with regard to various matters set out in the Agreement. In view of the judgment of the European Court of Justice of 28 April 2015 in Case C-28/12, the application of those provisions should be discontinued. Having regard to the Treaties, new provisions on those matters are not necessary, nor are provisions on information obligations of the Member States, contained in Article 5 of the Decision. Consequently, **paragraphs 2 to 5 of Article 3 and** Articles ~~3~~ 4 and 5 of Decision 2012/750/EU should cease to apply at the date of entry into force of this Decision. .

HAS ADOPTED THIS DECISION:

*Article 1*

The Euro Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, is hereby approved on behalf of the Union<sup>2</sup>.

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<sup>1</sup> Council Decision (EU) 2016/803 of 7 May 2015 on the signing, on behalf of the Union and its Member States, and provisional application of a Protocol amending the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession to the European Union of the Republic of Croatia (OJ L 132, 25.05.2016, p.79)

<sup>2</sup> The Agreement has been published in OJ L 334, 6.12.2012, p.3 together with the decision on signature.

*Article 2*

The position to be taken by the Union as regards decisions of the Joint Committee under Article 21 of the Agreement regarding merely the inclusion of Union legislation into Annex III (List of civil aviation rules) to the Agreement, subject to any technical adjustments needed, shall be adopted by the Commission, after **submitting it for** consultation **to the Council or its preparatory bodies, as the Council may decide** ~~of a Special Committee appointed by the Council.~~

*Article 3*

**Paragraphs 2 to 5 of Article 3 and** ~~Articles 3, 4 and 5 of Decision~~ 2012/750/EU shall cease to apply at the date of entry into force of this Decision.

*Article 4*

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

Done at Brussels,

*For the Council*

*The President*

[...]