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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion of the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China

COUNCIL DECISION (EU) 2019/...

of ...

**on the conclusion of the Agreement on civil aviation safety
between the European Union
and the Government of the People's Republic of China**

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 point (a)(v) of the second subparagraph of Article 218(6) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) On behalf of the Union, the Commission has negotiated an Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China (the 'Agreement') in accordance with Council Decision of 7 March 2016 authorising the Commission to open negotiations.
- (2) In accordance with Council Decision (EU) 2018/1153¹, the Agreement was signed on 20 May 2019, subject to its conclusion at a later date.
- (3) It is necessary to lay down procedural arrangements for the participation of the Union in the joint bodies established by the Agreement and for the adoption of safeguard measures, requests for consultations and measures to suspend acceptance obligations.
- (4) In accordance with point (c) of Article 11(2) and Article 17(6) of the Agreement, the Joint Committee established by Article 11(1) of the Agreement (the 'Joint Committee') is able to adopt amendments to the Annexes to the Agreement.

¹ Council Decision (EU) 2018/1153 of 26 June 2018 on the signing on behalf of the Union of the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China (OJ L 210, 21.8.2018, p. 2).

- (5) In order to facilitate the approval of amendments to the Annexes to the Agreement to be adopted by the Joint Committee and to avoid the risk of not having a Union position on proposed amendments, the Commission should be authorised to approve such proposed amendments on behalf of the Union subject to specific substantive and procedural conditions.
- (6) In order to ensure that the approval by the Commission of proposed amendments to the Annexes to the Agreement to be adopted by the Joint Committee is in conformity with the conditions laid down in this Decision, the Commission should submit the proposed amendments to the Council for consultation sufficiently in advance of the Joint Committee meeting at which those amendments would be adopted. The conformity of the amendments submitted by the Commission to the Council should be assessed by the Committee of Permanent Representatives of the Governments of the Member States (Coreper).
- (7) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China (the 'Agreement') is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.⁺

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 17(1) of the Agreement.¹

Article 3

1. The Union shall be represented in the Joint Committee established by Article 11(1) of the Agreement by the European Commission, assisted by the European Union Aviation Safety Agency ('EASA') and accompanied by the aviation authorities as representatives of the Member States.

⁺ OJ: Please attach document ST 9702/18.

¹ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

2. The Union shall be represented in the Certification Oversight Board established by point 3.1.1 of Annex I to the Agreement by EASA, assisted by the aviation authorities directly concerned by the agenda of each meeting.

Article 4

The Commission shall be authorised to approve, on behalf of the Union, amendments to the Annexes to the Agreement adopted by the Joint Committee in accordance with point (c) of Article 11(2) and Article 17(6) of the Agreement in so far as such amendments are consistent with, and do not entail any modification of, relevant Union legal acts, subject to the following conditions:

- (a) The Commission shall ensure that the approval on behalf of the Union:
- is in the interests of the Union;
 - serves the objectives pursued by the Union within the framework of its aviation safety and trade policy;
 - takes into account the interests of the manufacturers, traders and consumers of the Union;
 - is not contrary to Union law or international law;

- where applicable, supports the improvement of the quality of aeronautical products by improving the detection of fraudulent and misleading practices;
 - where applicable, aims at the approximation of standards relating to aeronautical products;
 - where applicable, avoids creating obstacles to innovation; and
 - where applicable, facilitates trade in aeronautical products.
- (b) The Commission submits the proposed amendments to the Council in a timely manner before their approval.

Coreper shall assess whether the proposed amendments satisfy the conditions laid down in point (a).

The Commission shall approve the proposed amendments on behalf of the Union unless a number of Member States representing a blocking minority of the Council in accordance with Article 16(4) of the Treaty on European Union object to them. If there is such a blocking minority, the Commission shall reject the proposed amendments on behalf of the Union.

Article 5

1. The Commission may take the following action:
 - (a) adopt safeguard measures in accordance with point (b) of Article 5(1) of the Agreement,
 - (b) request consultations in accordance with Article 15(3) of the Agreement,
 - (c) take measures to suspend reciprocal acceptance obligations and to rescind such suspension in accordance with Article 16 of the Agreement.
2. The Commission shall notify to the Council sufficiently in advance its intention to take action under this Article.

Article 6

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

Done ...,

For the Council

The President
