



Brussels, 19 May 2021  
(OR. en)

8505/21

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**Interinstitutional File:**  
**2018/0004(NLE)**

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**AVIATION 113**  
**RELEX 395**  
**ENV 281**  
**CLIMA 95**

#### 'I/A' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	ST 5764/18 REV6
No. Cion doc.:	ST 5261/18 + ADD1
Subject:	Council Decision on the position to be adopted, on behalf of the European Union, as regards the notification of differences with respect to Annexes to the Convention on International Civil Aviation <ul style="list-style-type: none"><li>• Adoption</li></ul>

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1. On 15 January 2018, the Commission submitted a proposal for a Council framework decision on the position to be adopted, on behalf of the European Union, in the International Civil Aviation Organization (ICAO) when that body is called upon to adopt decisions having legal effects.
2. The proposal was discussed at the Aviation Working Party on 12 February 2018, 26 February 2018 and 19 March 2018. Delegations raised concerns on the proposal in particular with respect to its scope and duration and the discussions have stalled due to the absence of support for the adoption of a framework decision.

3. In light of the increasing number of proposals by the Commission for Council decisions to establish the EU position in ICAO and CLS opinion on the matter<sup>1</sup>, the Presidency presented a compromise text limiting the scope of the decision to the filing of differences in aviation safety and the duration until 1 December 2022. The compromise text was discussed at the meetings of the members of the Aviation working party of 11 March 2021, 22 April 2021 and 10 May 2021. Delegations expressed their overall support and provided comments on the text proposed by the Presidency.
  4. In light of the above and subject to confirmation by the Permanent Representatives Committee, the Council is invited to adopt the decision as set out in document 8507/21 (as revised by the lawyer-linguists) and to endorse the recommended EU position therein in one of its upcoming sessions.
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<sup>1</sup> ST 10756/20.