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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 Agreement on Air Transport between Canada and the European Community and its Member States

COUNCIL DECISION (EU) 2019/ ...

of ...

**on the position to be taken on behalf of the European Union
within the Joint Committee established by the Agreement on Air Transport
between Canada and the European Community and its Member States**

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 Agreement on Air Transport between Canada and the European Community and its Member States ('the Agreement') was concluded by the Union by means of Council Decision (EU) 2019/702¹ and entered into force on 16 May 2019.
- (2) Article 17 of the Agreement establishes a Joint Committee to ensure the proper functioning and implementation of the Agreement.
- (3) Article 17(8) of the Agreement provides that the Joint Committee is to adopt its rules of procedure.
- (4) In order to ensure the effective implementation of the Agreement, the Joint Committee's rules of procedure should be adopted.
- (5) The position of the Union within the Joint Committee should therefore be based on the attached draft Joint Committee Decision,

HAS ADOPTED THIS DECISION:

¹ Council Decision (EU) 2019/702 of 15 April 2019 on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part (OJ L 120, 8.5.2019, p. 1).

Article 1

The position to be taken on behalf of the Union during the first meeting of the Joint Committee established by Article 17 of the Agreement on Air Transport between Canada and the European Community and its Member States, in relation to the adoption of the rules of procedure of the 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

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

Done at Brussels,

For the Council

The President

DRAFT

DECISION No 1/2019
OF THE CANADA-EU JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON AIR TRANSPORT
BETWEEN CANADA AND EUROPEAN COMMUNITY AND ITS MEMBER STATES

of ...

adopting its rules of procedure

THE CANADA-EU JOINT COMMITTEE,

Having regard to the Agreement on Air Transport between Canada and the European Community and its Member States ('the Agreement'), and in particular Article 17 thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The rules of procedure of the Joint Committee annexed to this Decision are hereby adopted.

Done at ...,

For the Joint Committee,

The Head of the European Union Delegation

The Head of the Canada Delegation

[name]

[name]

ANNEX
RULES OF PROCEDURE

THE JOINT COMMITTEE,

Having regard to the Agreement on Air Transport between Canada and the European Community and its Member States, and in particular Article 17 thereof,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1
Heads of Delegation

1. The Joint Committee shall be composed of representatives of the Parties.
2. The Joint Committee shall be jointly chaired by the Heads of Delegation of the Parties.

Article 2
Meetings

1. The Joint Committee shall meet at least once a year, with responsibility for hosting alternating between the Parties. In addition, either Party may request the convening of a meeting of the Joint Committee pursuant to Article 17(3) of the Agreement.
2. The Joint Committee may hold meetings face-to-face or via other means (conference calls or video conferences).

Article 3
Delegations

1. Prior to a meeting, the Heads of Delegation shall inform each other of the intended composition of their delegations for that meeting.

2. Air transport industry stakeholder representatives may be invited to attend meetings as observers, if the Joint Committee so agrees.
3. The Joint Committee may agree to invite other interested parties or experts to attend meetings in order to provide information on particular subjects.

Article 4

Secretariat

An official of the European Commission and an official of the Government of Canada shall act jointly as secretaries of the Joint Committee.

Article 5

Agenda of the meetings

1. The Heads of Delegation shall establish the provisional agenda of each meeting by mutual agreement. To facilitate distribution to, and consultation with, members of each delegation, and to the extent possible, that provisional agenda shall be established at the latest fifteen days before the date of the meeting.
2. The agenda shall be adopted by the Joint Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be included in the agenda if the Joint Committee so agrees.

3. The Heads of Delegation may shorten the time limit provided for in paragraph 1 in order to take into account the urgent nature of a particular matter.

Article 6

Record of the Meeting

1. A draft Record of the Meeting of each Joint Committee meeting shall be drawn up at the end of each meeting. It shall indicate the items discussed and any joint conclusions reached, including any recommendations and decisions adopted.
2. The Record of the Meeting shall be approved in writing by the Heads of Delegation within 30 days of the date of the meeting or by any other date decided by the Parties.
3. When approved, the Record of the Meeting shall be signed by the Heads of Delegation and one original copy will be filed by each of the Parties. The Parties may decide that signing and exchanging electronic copies satisfies that requirement.
4. Except as otherwise agreed, the meetings of the Joint Committee shall not be public. The Records of the Meeting and exchanges of correspondence, as the case may be, shall be public unless otherwise requested by one of the Parties. If necessary, the Joint Committee may agree to recommend the issuance of a joint press release.

Article 7

Written procedure

Where necessary, and duly motivated, decisions and recommendations of the Joint Committee may be adopted through written procedure. To that end, the Heads of Delegation shall exchange the draft measures on which the opinion of the Joint Committee is asked, which then may be confirmed by exchange of correspondence.

Article 8

Deliberations

1. The Joint Committee shall take its decisions and formulate recommendations on the basis of consensus.
2. The decisions and recommendations of the Joint Committee shall be entitled ‘Decision’ and ‘Recommendation’ and followed by a serial number, by the date of their adoption and by a description of their subject.
3. The decisions and recommendations of the Joint Committee shall be signed by the Heads of Delegation and attached to the Record of the Meeting.
4. Any decision taken by the Joint Committee shall be implemented by the Parties in accordance with their own internal procedures.

Article 9
Working Groups

1. The Joint Committee may agree to set up working groups to study specific matters of relevance to the Agreement. The terms of reference for a working group shall be approved by the Joint Committee and included in the appropriate Record of the Meeting.
2. The membership of the working groups shall be determined by the Joint Committee.
3. The working groups shall report to the Joint Committee. They shall not make decisions but may make recommendations to the Joint Committee.
4. The Joint Committee may at any time agree to abolish any existing working groups, modify their terms of reference or establish new working groups to assist it in carrying out its duties.

Article 10
Expenses

1. Members of each delegation shall defray their expenses related to their participation in a meeting or a working group.
2. Any other expenditure relating to the material organisation of meetings shall be borne by the Party hosting the meeting.

Article 11
Amendments to the Rules of Procedure

The Joint Committee may, at any time, amend these Rules of procedure, by decision taken in accordance with Article 8.
