



Brussels, 5.11.2019
COM(2019) 569 final

2012/0324 (NLE)

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 Government of the State of Israel, of the other part

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part has been negotiated by the Commission as authorised by the Council in April 2008.

The Agreement was signed on 10 June 2013, subject to its conclusion at a later date, in accordance with Decision 2013/398/EU of the Council and the Representatives of the Governments of the Member States, meeting within the Council¹. As regards the EU side, both the Union and its Member States are parties to this Agreement.

The ratification process has been completed 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 Agreements was signed on 19 February 2015².

With a view notably to take account of the entry into force of the Treaty of Lisbon, and following the judgment of the European Court of Justice of 28 April 2015 in Case C-28/12, this proposal modifies the initial proposal of the Commission (under COM(2012)689 final³), which was adopted on 22 November 2012 and subsequently submitted to the Council. In order to ease the examination by the Council, the whole of the relevant text is submitted as an amended proposal.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

The legal basis for the proposal is Article 100(2) of the Treaty on the Functioning of the European Union, in conjunction with Article 218(6)(a)(v) and Article 218(7) thereof.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposal has no implication for the budget of the Union.

¹ Decision 2013/398/EU of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 20 December 2012 on the signing, on behalf of the European Union, and provisional application of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part (OJ L 208, 2.8.2013, p. 1–2)

² Council Decision (EU) 2015/372 of 8 October 2014 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 government of the State of Israel, of the other part, to take account of the accession to the European Union of the Republic of Croatia (OJ L 64, 7.3.2015, p.1-5)

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52012PC0689>

5. OTHER ELEMENTS

- **Summary of the proposed agreement**

The Agreement consists of the main body including the main principles, and six annexes: Annex I on agreed services and specified routes; Annex II on transitional provisions; Annex III with a list of the states referred to in Articles 3, 4 and 8 of the Agreement and in Annex I; Annex IV on rules relating to civil aviation; Annex V on agreed base frequencies on certain routes; and Annex VI on regulatory requirements and standards.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article Article100 (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 Parliament⁴,

Whereas:

- (1) The Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part was signed on 10 June 2013, subject to its conclusion at a later date, in accordance with Decision 2013/398/EU of the Council and the Representatives of the Governments of the Member States, meeting within the Council⁵,
- (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 19 February 2015⁶,
- (3) The Agreement should be approved on behalf of the Union,
- (4) The Agreement should be implemented in conformity with the Union's position that the territories which came under Israeli administration in June 1967 are not part of the territory of the State of Israel,
- (5) Articles 4 and 5 of Decision 2013/398/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,

⁴ OJ C , , p. .

⁵ Decision 2013/398/EU of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 20 December 2012 on the signing, on behalf of the European Union, and provisional application of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part (OJ L 208, 2.8.2013, p. 1–2)

⁶ Council Decision (EU) 2015/372 of 8 October 2014 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 government of the State of Israel, of the other part, to take account of the accession to the European Union of the Republic of Croatia (OJ L 64, 7.3.2015, p.1-5)

new provisions on those matters are not necessary, nor are provisions on information obligations of the Member States, contained in Article 6 of the Decision. Consequently, Articles 4, 5 and 6 of Decision 2013/398/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 Government of the State of Israel, of the other part, is hereby approved on behalf of the Union⁷.

Article 2

The position to be taken by the Union as regards decisions of the Joint Committee under Article 22 of the Agreement regarding merely the inclusion of Union legislation into Annex IV (Rules relating to civil aviation) to the Agreement, subject to any technical adjustments needed, shall be adopted by the Commission, after consultation of a Special Committee appointed by the Council.

Article 3

Articles 4, 5 and 6 of Decision 2013/398/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
[...]

⁷ The Agreement has been published in OJ L 208, 2.8.2013, p.3 together with the decision on signature.