EU/International Civil Aviation Organisation (ICAO) Memorandum of Cooperation: security audits/inspections and related matters

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PURPOSE: to formally conclude, on behalf of the European Union, the Memorandum of Cooperation (MoC) between the European Community and the International Civil Aviation Organization regarding security audits/inspections and related matters.

PROPOSED ACT: Council Decision.

LEGAL BASIS: Article 100(2), in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

BACKGROUND: the Council authorised the Commission on 30 November 2007 to open negotiations on an agreement regarding aviation security audits/inspections and related matters between the

European Community and the International Civil Aviation Organization (ICAO).

On behalf of the Union, the Commission negotiated a Memorandum of Cooperation (MoC) which was signed on 17 September 2008 on behalf of the Community subject to its possible conclusion at a later date.

Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union should make a notification to the International Civil Aviation Organization (ICAO) as regards the European Union having replaced and succeeded the European Community. It is necessary to take account of this modification in the framework of the MoC.

CONTENT: by this proposed decision, the MoC between the European Community and the International Civil Aviation Organization regarding security audits/inspections and related matters is hereby approved on behalf of the Union.

It aims to formally notify that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to ‘the European Community’ in the text of the Agreement are, where appropriate, to be read as the European Union.