

EU/International Civil Aviation Organisation (ICAO) agreement: Memorandum of Cooperation

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PURPOSE: to conclude a Memorandum of Cooperation between the EU and the International Civil Aviation Organisation (ICAO).

PROPOSED ACT: Council Decision.

BACKGROUND: the ICAO is a UN Specialised Agency acting as the global forum for civil aviation. ICAO works to achieve its vision of safe, secure and sustainable development of civil aviation through cooperation amongst its member states. The legal basis for ICAO is the Chicago Convention of 1944. Currently ICAO covers 190 countries.

The EU has to work closely with ICAO for the following reasons:

-most aspects of the Chicago Convention are within Union competence. ICAO is pursuing policies in the fields of safety, security, environment and air traffic management;

-ICAO standards and requirements form the basis for EU legislation. Moreover, certain standards, such as environmental standards for aircraft, are part of EU law and the EU may not amend them.

For Europe it is therefore important to engage in the ICAO work and policy making to contribute to sound global aviation policies. Also the competitiveness of the European civil aviation industry is at stake. That is why other global players are also actively involved in ICAO activities.

The Council gave a mandate to the Commission on 17 December 2009 to launch the negotiations on an agreement, and the Memorandum of Cooperation was subsequently initialled on 27 September 2010 during the opening of the 37th ICAO Assembly.

IMPACT ASSESSMENT: no impact assessment was undertaken. Member States were regularly informed throughout the negotiation process. The Commission respected the conditions of the Council mandate.

LEGAL BASIS: Article 100(2) and Article 218(6) of the Treaty on the Functioning of the EU. The agreement covers issues where the European Union has competence and where relations with ICAO need to be maintained at the European level.

CONTENT: the proposal involves the conclusion of the Memorandum of Cooperation. The Memorandum shall:

- establish a framework for enhanced relations between the Parties;
- strengthen cooperation between the Parties;
- identify areas of mutual cooperation between the Parties; and
- establish the terms, conditions and mechanisms for implementing cooperation between the Parties in the areas of **aviation safety, aviation security, air traffic management, and environmental protection.**

Under the terms of the Memorandum, the EU may **finance specific actions or post experts to the ICAO secretariat**. The Memorandum allows the pooling and coordinating of European support.

The agreement also establishes a **joint committee** to oversee its application. This joint committee will adopt the annexes on security, environment and air traffic management, so as to cover the full scope of the activities.

BUDGETARY IMPLICATION: the Memorandum of Cooperation would provide for a financial support of **EUR 500 000 per year for an initial period of 3 years** and be the purpose of a contribution-specific agreement in the framework of the Financial and Administrative Framework Agreement. This budget can be complemented by financial support from Member States or the European Aviation Safety Agency.