

EU/Morocco Euro-Mediterranean Aviation Agreement

2006/0048(NLE) - 17/01/2017 - Amended legislative proposal for reconsultation

PURPOSE: to conclude, on behalf of the Union, the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part.

PROPOSED ACT: Council Decision.

BACKGROUND: the Commission negotiated on behalf of the Union and of the Member States a Euro-Mediterranean Aviation Agreement with Morocco. The Agreement was signed on 12 December 2006 pursuant to [Decision 2006/959/EC](#) of the Council and of the Representatives of the Governments of the Member States of the European Union.

The Agreement was ratified by all Member States, except for Bulgaria, Romania and Croatia. It is intended that the latter Member States will accede to the Agreement in accordance with their respective Acts of Accession.

It is now necessary for this Agreement to be approved.

CONTENT: the draft Council Decision seeks to **approve, on behalf of the Union, the Euro-Mediterranean Aviation Agreement** between the European Community and its Member States, of the one part, and Morocco, of the other part.

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, references to "the European Community" in the text of the Agreement are, where appropriate, to be read as references to "the European Union".

In order to ensure **close cooperation** and unity of external representation in the Joint Committee, a coordination on the positions to be taken within the Joint Committee, on behalf of the Union and the Member States, as regards matters falling within the competence of both the Union and the Member States, should take place prior to any meeting of the Joint Committee dealing with such a matter.

The positions to be taken by the Union within the Joint Committee set up under Article 22 of the Agreement, as regards the amendment to the Annexes to the Agreement other than Annex I (Agreed Services and Specified Routes) and Annex IV (Transitional Provisions), shall be **adopted by the Commission, following consultation with a Special Committee appointed by the Council.**

Moreover, it is proposed to delete Articles 2 to 5 of Decision 2006/959/EC. These Articles contain provisions on decision-making by the Council with regard to various matters set out in the Agreement, including the establishment of the positions to be taken within the Joint Committee, and on the information obligations of the Member States, during the provisional application of the Agreement.

Those provisions are either not necessary or their application should be discontinued in view of the judgment of the Court of Justice of 28 April 2015 in Case C-28/12, Commission v Council.

It is therefore appropriate that all those provisions cease to apply at the date of entry into force of this Decision.

