COUNCIL DECISION (EU) 2023/1052

of 22 May 2023

on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on civil aviation safety between the European Union and Japan as regards the adoption of the rules of procedure of the Joint Committee

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 civil aviation safety between the European Union and Japan ([1]) ('the Agreement') was approved on behalf of the Union by Council Decision (EU) 2021/112 ([2]) and entered into force on 30 June 2021.

(2) Article 11(1) of the Agreement, provides for a Joint Committee of the Parties to be established for the effective implementation of the Agreement.

(3) Article 11(3) of the Agreement further provides that the Joint Committee shall draw up and adopt its rules of procedure.

(4) The Commission and the Ministry of Foreign Affairs of Japan have cooperated in the drawing up of draft rules of procedure.

(5) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee as regards the adoption of the rules of procedure of the Joint Committee as they will be binding on the Union.

(6) The position of the Union within the Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on the Union's behalf within the Joint Committee established by the Agreement on civil aviation safety between the European Union and Japan at its first meeting as regards the adoption of its rules of procedure shall be based on the draft Decision of the Joint Committee attached to this Decision.

2. The representative of the Union within the Joint Committee may agree to minor changes to the draft Decision of the Joint Committee without a further decision of the Council.

Article 2

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

([1]) OJ L 229, 16.7.2020, p. 4.

([2]) Council Decision (EU) 2021/112 of 25 January 2021 on the conclusion of the Agreement on civil aviation safety between the European Union and Japan (OJ L 36, 2.2.2021, p. 1).

Done at Brussels, 22 May 2023.

For the Council
The President
F. BUSCH

DRAFT

DECISION No 1/… OF THE EU-JAPAN JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT ON CIVIL AVIATION SAFETY BETWEEN THE EUROPEAN UNION AND JAPAN

of …

adopting its rules of procedure

THE EU-JAPAN JOINT COMMITTEE,

Having regard to the Agreement on Civil Aviation Safety between the European Union and Japan, and in particular Article 11(3) thereof,

HAS ADOPTED THIS DECISION:

Item 1

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

Item 2

This Decision will become applicable on the day of its adoption.

Done at …,

For the European Union
For Japan

ANNEX

JOINT COMMITTEE OF THE PARTIES TO THE AGREEMENT ON CIVIL AVIATION SAFETY BETWEEN THE EUROPEAN UNION AND JAPAN

Rules of Procedure

Item 1

Definitions

For the purposes of these rules of procedure under Article 11(3) of the Agreement on Civil Aviation Safety between the European Union and Japan, the term:

— 'Party' means the European Union or Japan;

— 'both Parties' means the European Union and Japan.

Item 2

Chair and Composition

1. The Joint Committee will be chaired jointly by a representative of the European Union and by a representative of Japan (the 'chairpersons').

2. The European Union is represented in the Joint Committee by the European Commission, assisted by the European Union Aviation Safety Agency and accompanied by the aviation authorities of the European Union Member States.

3. Japan is represented in the Joint Committee by the Ministry of Foreign Affairs and/or the Mission of Japan to the European Union and accompanied by the Ministry of Land, Infrastructure, Transport and Tourism.

Item 3

Meetings

1. The Joint Committee will meet at regular intervals on the request of either Party.

2. Meeting locations will alternate, as much as possible, between Brussels and Tokyo. As an alternative, discussions via videoconference could be organised. Decisions and recommendations adopted during videoconferences will have the same value as those adopted in physical meetings. Once the date and the place of a meeting have been decided between the Parties, the meeting will be convened by the European Commission for the European Union and by the Ministry of Foreign Affairs for Japan.

3. Except as otherwise decided by the chairpersons, the meetings of the Joint Committee will not be open to public participation. A press release may, by mutual consent of the chairpersons, be issued after the meetings.

4. Meetings and documents will be in English. Costs of interpretation or translation into another language will be borne by the Party requesting it.

Item 4

Delegations

1. Prior to each meeting, the Parties will inform each other of the intended composition of their respective delegations, nominating their respective chairpersons.

2. The chairpersons may, on an ad-hoc basis, decide to invite external participants to attend meetings of the Joint Committee in order to provide information on particular subjects or as observers.

Item 5

Secretariat

An official of the European Commission and an official of the Ministry of Foreign Affairs will act jointly as secretaries of the Joint Committee.

Item 6

Agenda of the Meetings

1. The chairpersons will establish the provisional agenda of each meeting by mutual consent. This provisional agenda and any relevant meeting documents will be transmitted by the secretaries to the participants at the latest fifteen working days before the date of the meeting.

2. The agenda will 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 Parties so decide.

3. The chairpersons may modify, by consent, the time limit for transmitting documents, referred to in paragraph 1, including the provisional agenda, in order to take into account the requirements of a Party's internal procedures or the urgency of a particular matter.

Item 7

Minutes

1. Draft minutes of each Joint Committee meeting will be drawn up after the meeting. They will indicate the decisions and recommendations adopted and the conclusions made.

2. When approved, the minutes will be signed by the chairpersons, and one original or scanned copy will be filed by each Party. Electronic signature and archiving is possible.

Item 8

Written Procedure

Where necessary and justified, recommendations and decisions of the Joint Committee may be adopted through written procedure. To that end, the chairpersons will exchange the draft measures on which the opinion of the Joint Committee is sought, which may then be confirmed by exchange of correspondence. Any Party may, however, request that the Joint Committee be convened to discuss the matter.

Item 9

Deliberations

1. The Joint Committee will adopt its decisions and recommendations by consensus between the Parties.

2. The decisions and recommendations of the Joint Committee will be entitled respectively 'Decision' and 'Recommendation' and will be 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 will be signed by the chairpersons.

4. The decisions adopted by the Joint Committee will be implemented by the Parties in line with their own internal procedures.

5. The decisions adopted by the Joint Committee may be published by the Parties in their respective official publications. Recommendations or any other act adopted by the Joint Committee may be published if the Parties so decide. One original or scanned copy of the decisions and recommendations will be retained by each Party.

Item 10

Expenses

1. The Parties will be in charge of paying their own expenses incurred by reason of their participation in the meetings of the Joint Committee and meetings in line with the decisions and recommendations of the Joint Committee, including staff, travelling and subsistence expenditures and postal and telecommunications costs.

2. Expenditure relating to the material organisation of meetings will be borne by the Party hosting the meeting.