2024/1854

5.7.2024

COUNCIL DECISION (EU) 2024/1854

of 21 June 2024

on the position to be taken on behalf of the European Union within the EU-ICAO Joint Committee, concerning the Decision on the adoption of an Annex IV, on capacity building, technical assistance and implementation support, to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation

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 Convention on International Civil Aviation (the 'Chicago Convention') which regulates international air transport, entered into force on 4 April 1947. It established the International Civil Aviation Organization (ICAO). The Member States of the Union are Contracting States to the Chicago Convention and are members of the ICAO.

(2) The Memorandum of Cooperation between the Union and the ICAO providing a framework for enhanced cooperation ([1]) (hereinafter referred to as the 'Memorandum of Cooperation') entered into force on 29 March 2012.

(3) Pursuant to the Memorandum of Cooperation, the Joint Committee established therein may adopt annexes to the Memorandum of Cooperation.

(4) At its next meeting, the EU-ICAO Joint Committee is expected to adopt a decision on the adoption of an Annex IV to the Memorandum of Cooperation, on capacity building, technical assistance and implementation support. That new Annex IV is to provide for the establishment of a regular dialogue on capacity building, technical assistance and implementation support activities, including training activities, in the areas covered by the Memorandum of Cooperation, with a view to achieving synergies and, where appropriate, to coordinating those activities.

(5) It is appropriate to establish the position to be taken on behalf of the Union within the Joint Committee with regard to the adoption of the new Annex IV on capacity building, technical assistance, and implementation support, by supporting its adoption, as it will be binding on the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the EU-ICAO Joint Committee, with regard to the adoption of a new Annex IV on capacity building, technical assistance, and implementation support to the Memorandum of Cooperation, pursuant to Article 7.3(c) of the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation, shall be based on the draft Decision of the EU-ICAO Joint Committee, attached to this Decision.

Article 2

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

Done at Luxembourg, 21 June 2024.

For the Council

The President

V. VAN PETEGHEM

([1]) OJ L 232, 9.9.2011, p. 2.

DRAFT

DECISION OF THE EU-ICAO JOINT COMMITTEE

of …

on the adoption of an Annex IV, on capacity building, technical assistance and implementation support, to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation

THE EU-ICAO JOINT COMMITTEE,

Having regard to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation (the 'Memorandum of Cooperation'), which entered into force on 29 March 2012, and in particular Article 7.3(c) thereof,

Whereas it is appropriate to include an Annex on capacity building, technical assistance and implementation support in the Memorandum of Cooperation, in the areas covered by the Memorandum of Cooperation,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to this Decision is hereby adopted, and shall form an integral part of the Memorandum of Cooperation.

Article 2

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

Done at …, …

For the EU-ICAO Joint Committee

The Chairpersons

For the European Union *For the International Civil Aviation Organization*

ANNEX

ANNEX IV to MoC

CAPACITY BUILDING, TECHNICAL ASSISTANCE AND IMPLEMENTATION SUPPORT

1. OBJECTIVES

1.1 The Parties agree to cooperate in the provision of aviation capacity building, technical assistance and implementation support, subject to the Parties' relevant policies and decisions, with the view to support achieving the ICAO Strategic Objectives globally in the areas falling within the framework of the Memorandum of Cooperation (MOC) between the European Union (EU) and the International Civil Aviation Organization (ICAO) providing a framework for enhanced cooperation, which entered into force on 29 March 2012, and in particular Articles 5 and 7.3(c) thereof.

1.2 Recognizing the role of capacity building, technical assistance and implementation support in achieving the ICAO Strategic Objectives globally and ensuring global compliance with ICAO Standards and Recommended Practices (SARPs), the Parties agree to exchange information on their respective capacity building, technical assistance and implementation support activities with a view to identify possible synergies and cooperation activities.

2. SCOPE

2.1 In pursuit of the objectives specified in paragraphs 1.1 and 1.2, and in complement to the cooperation established under Annexes I, II and III to the MoC, the Parties agree to cooperate in the following areas:

— Establishment of a regular dialogue on capacity building, technical assistance and implementation support activities, including training activities, in the areas covered by the EU-ICAO MOC, with a view to achieve synergies and, where appropriate, to coordinate those activities;

— Supporting and facilitating the provision of the Parties' activities on capacity building, technical assistance and implementation support, including:

  — via the conduct, where appropriate, of joint activities on capacity building, technical assistance development and implementation support;

  — via the provision of subject matter experts and any other in-kind support, as appropriate;

  — via the development and delivery of capacity building, technical assistance development and implementation support products, and trainings;

  — via the participation in technical projects, when deemed appropriate.

— Promotion of regional cooperation;

— Promoting the respective Parties' activities as appropriate, including by providing information to the Parties' relevant bodies on the activities conducted.

3. IMPLEMENTATION

3.1 As provided for in Articles 3.3 and 4.1(a) of the MOC, the Parties shall establish working arrangements, as required, to effectively implement cooperative activities specified in Articles 2.1.and 5 of the present Annex. These working arrangements shall be adopted by the Joint Committee pursuant to Article 7.3(c) of the MOC.

4. DIALOGUE

4.1 The Parties shall meet at least once a year, at the level of the ICAO Director of the Capacity Development and Implementation Support Bureau, assisted by other ICAO Directors as appropriate, and of the European Union Representative to ICAO, assisted by the EASA Representative and the relevant services of the European Commission as appropriate, and to report back on those exchanges to EU-ICAO Joint Committee meetings. The Representatives of the EU Member States on the ICAO Council and other entities may be invited to attend this dialogue.

4.2 During the dialogue referred to in paragraph 4.1, the Parties shall exchange information regarding their respective capacity building, technical assistance and implementation support activities in the areas covered by the EU-ICAO MOC, and identify possible synergies and, where appropriate, seek to coordinate their respective activities as detailed in Article 5.

4.3 The dialogue referred to in paragraph 4.2 shall be complemented, at least once every quarter, by an exchange at technical level at the level of points of contacts to be designated by each party.

5. SUPPORT AND FACILITATION OF ACTIVITIES

5.1 The Parties agree, including as a result of the Dialogue referred to in Article 4, to support and facilitate the provision of the Parties' activities on capacity building, technical assistance development and implementation support.

5.2 Where appropriate, joint activities on capacity building, technical assistance development and implementation support may be undertaken.

5.3 This support may take the form of provision of subject matter experts with proven technical expertise in relevant fields.

5.4 This support may also take the form of the development and delivery of capacity building, technical assistance development and implementation support products, training, and participation in technical projects, when deemed appropriate.

5.5 This support shall include, as appropriate, cooperation on site between the relevant ICAO Regional Offices and the teams sent as part of the EU funded capacity building, technical assistance development or implementation support activities.

5.6 The use of the respective logos shall be considered when pertinent for the activity, subject to each party's rules and procedures.

6. REGIONAL COOPERATION

6.1 In their activities aimed at accelerating the implementation of ICAO SARPs, the Parties shall give priority to the regional approaches that offer opportunities for improved cost-efficiency, oversight and/or standardization processes.

7. PROMOTION OF ACTIVITIES

7.1 The Parties shall promote their respective activities as appropriate. This may notably include providing information about the activities conducted in application of this Annex to their relevant bodies such as the ICAO Council, relevant management of the European Commission or relevant EASA bodies.

8. REVIEW

8.1 The Parties shall review the implementation of this Annex on a regular basis and, as necessary, take into account any relevant policy or regulatory developments.

8.2 Any revision of this Annex shall be approved by the Joint Committee established pursuant to Article 7 of the MOC.

9. ENTRY INTO FORCE, AMENDMENTS AND TERMINATION

9.1 This Annex shall enter into force on the date of adoption by the Joint Committee and shall remain in force until terminated. The termination will not affect the implementation of ongoing activities unless otherwise agreed upon by the Parties.

9.2 Working arrangements agreed pursuant to this Annex shall enter into force on the date of adoption by the Joint Committee.

9.3 Any amendments to, or termination of, working arrangements adopted pursuant to this Annex shall be agreed within the Joint Committee.

9.4 This Annex may be terminated at any time by either Party. Such termination shall be effective six months following receipt of written notification of termination by one party from the other party, unless the said notice of termination has been withdrawn by mutual consent of the Parties before the six-month period has expired.

9.5 Notwithstanding any other provision of this Article, if the MOC is terminated, this Annex and any working arrangement adopted pursuant to it shall terminate simultaneously.