Council Decision (EU) 2020/1075 of 26 June 2020 on the conclusion of the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China

COUNCIL DECISION (EU) 2020/1075

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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 point (a)(v) of the second subparagraph of Article 218(6) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament[(1)],

Whereas:

(1) On behalf of the Union, the Commission has negotiated an Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China (the 'Agreement') in accordance with Council Decision of 7 March 2016 authorising the Commission to open negotiations.

(2) In accordance with Council Decision (EU) 2018/1153[(2)], the Agreement was signed on 20 May 2019, subject to its conclusion at a later date.

(3) It is necessary to lay down procedural arrangements for the participation of the Union in the joint bodies established by the Agreement and for the adoption of safeguard measures, requests for consultations and measures to suspend acceptance obligations.

(4) In accordance with point (c) of Article 11(2) and Article 17(6) of the Agreement, the Joint Committee established by Article 11(1) of the Agreement (the 'Joint Committee') is able to adopt amendments to the Annexes to the Agreement.

(5) In order to facilitate the approval of amendments to the Annexes to the Agreement to be adopted by the Joint Committee and to avoid the risk of not having a Union position on proposed amendments, the Commission should be authorised to approve such proposed amendments on behalf of the Union subject to specific substantive and procedural conditions.

(6) In order to ensure that the approval by the Commission of proposed amendments to the Annexes to the Agreement to be adopted by the Joint Committee is in conformity with the conditions laid down in this Decision, the Commission should submit the proposed amendments to the Council for consultation sufficiently in advance of the Joint Committee meeting at which those amendments would be adopted. The conformity of the amendments submitted by the Commission to the Council should be assessed by

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/1075. (See end of Document for details)*

the Committee of Permanent Representatives of the Governments of the Member States (Coreper).

(7) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China (the 'Agreement') is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 17(1) of the Agreement[(3)].

Article 3

1 The Union shall be represented in the Joint Committee established by Article 11(1) of the Agreement by the European Commission, assisted by the European Union Aviation Safety Agency ('EASA') and accompanied by the aviation authorities as representatives of the Member States.

2 The Union shall be represented in the Certification Oversight Board established by point 3.1.1 of Annex I to the Agreement by EASA, assisted by the aviation authorities directly concerned by the agenda of each meeting.

Article 4

The Commission shall be authorised to approve, on behalf of the Union, amendments to the Annexes to the Agreement adopted by the Joint Committee in accordance with point (c) of Article 11(2) and Article 17(6) of the Agreement in so far as such amendments are consistent with, and do not entail any modification of, relevant Union legal acts, subject to the following conditions:

(a) The Commission shall ensure that the approval on behalf of the Union:
- — is in the interests of the Union,
- — serves the objectives pursued by the Union within the framework of its aviation safety and trade policy,
- — takes into account the interests of the manufacturers, traders and consumers of the Union,
- — is not contrary to Union law or international law,
- — where applicable, supports the improvement of the quality of aeronautical products by improving the detection of fraudulent and misleading practices,
- — where applicable, aims at the approximation of standards relating to aeronautical products,
- — where applicable, avoids creating obstacles to innovation, and
- — where applicable, facilitates trade in aeronautical products.

(b) The Commission submits the proposed amendments to the Council in a timely manner before their approval.