Council Decision (EU) 2020/1026 of 24 April 2020 on the signing, on behalf of the Union, and provisional application of the Agreement on civil aviation safety between the European Union and Japan

COUNCIL DECISION (EU) 2020/1026

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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 Article 218(5) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Commission has negotiated, on behalf of the Union, an Agreement on civil aviation safety between the European Union and Japan ('the Agreement') in accordance with the Council Decision of 7 March 2016. The negotiations were successfully concluded with the initialling of the Agreement on 25 July 2019.

(2) The objective of the Agreement is to foster bilateral cooperation on civil aviation safety and facilitate trade and investment in civil aeronautical products between the Union and Japan.

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

(4) The Agreement should be signed and applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Agreement on civil aviation safety between the European Union and Japan is hereby authorised, subject to the conclusion of the said Agreement[(1)].

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/1026. (See end of Document for details)*

Article 3

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

2 The Union shall be represented in the Certification Oversight Board established pursuant to Article 3 of Annex 1 to the Agreement by the European Union Aviation Safety Agency, assisted by the aviation authorities of the Member States directly concerned by the agenda of each meeting.

Article 4

1 The Commission may take the following actions:

a adopt safeguard measures in accordance with point (b) of Article 5(1) of the Agreement;

b request consultations in accordance with Article 16(3) of the Agreement;

c take measures to suspend reciprocal acceptance obligations and to rescind such suspension in accordance with Article 17 of the Agreement.

2 The Commission shall notify to the Council sufficiently in advance its intention to take any action under this Article.

Article 5

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) 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 civil aeronautical products by improving the detection of fraudulent and misleading practices;

— where applicable, aims at the approximation of standards relating to civil aeronautical products;

— where applicable, avoids creating obstacles to innovation; and

— where applicable, facilitates trade in civil aeronautical products; and

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

The Committee of Permanent Representatives of the Governments of the Member States shall assess whether the proposed amendments satisfy the conditions laid down in point (a) of the first paragraph.

The Commission shall approve the proposed amendments on behalf of the Union unless a number of Member States representing a blocking minority of the Council in