Council Decision (EU) 2019/2036 of 25 November 2019 on the position to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization as regards Amendment 17 to Annex 17 (Security) to the Convention on International Civil Aviation

COUNCIL DECISION (EU) 2019/2036

of 25 November 2019

on the position to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization as regards Amendment 17 to Annex 17 (Security) to the Convention on International Civil Aviation

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).

(2) The Member States of the Union are contracting parties to the Chicago Convention and ICAO Member States, whereas the Union has observer status in certain ICAO bodies, including in the Assembly and other technical bodies.

(3) Pursuant to point (l) of Article 54 of the Chicago Convention, the ICAO Council is to adopt international standards and recommended practices ('SARPs').

(4) On 4 July 2019, the ICAO issued State letter AS8/2.1-19/48 to inform ICAO Member States that the proposed Amendment 17 to Annex 17 (Security) to the Chicago Convention ('Annex 17') will be presented to the ICAO Council for adoption during its 218th session, taking place from 18 to 29 November 2019, and is envisaged to become applicable in July 2020. Amendment 17 to Annex 17 includes new or revised provisions on vulnerability assessments, information sharing between states and stakeholders, training programmes and certification systems, access control, staff screening and other editorial amendments. State letter AS8/2.1-19/48 launched the period for consultation of ICAO Member States on Amendment 17 to Annex 17, and that period expired on 4 October 2019.

(5) Amendment 17 to Annex 17 was prepared by the ICAO Aviation Security Panel, in which experts of eight Member States of the Union are active members, and submitted for endorsement to the 217th session of the ICAO Council. Following the consultation of ICAO Member States, it is probable that Amendment 17 to Annex 17 will be adopted by the ICAO Council at its 218th session.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/2036. (See end of Document for details)*

(6) Once adopted, the amended Annex 17 will be binding on all ICAO Member States, including all Member States of the Union, in accordance with and within the limits set out in the Chicago Convention. Article 38 of the Chicago Convention requires contracting parties to notify the ICAO using the notification of differences mechanism if they intend to deviate from SARPs. It is therefore appropriate to establish the position to be taken on behalf of the Union within the ICAO Council with regard to Amendment 17 to Annex 17.

(7) The position of the Union within the ICAO Council should be as set out in the Annex to this Decision and should be expressed by the Member States of the Union that are members of the ICAO Council, acting jointly,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the Council of the International Civil Aviation Organization (ICAO) as regards Amendment 17 to Annex 17 (Security) to the Convention on International Civil Aviation shall be as set out in the Annex to this Decision.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the ICAO Council, acting jointly.

Article 3

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

Done at Brussels, 25 November 2019.

For the Council

The President

F. MOGHERINI