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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Joint Committee established by the Agreement on Air Transport between Canada and the European Community and its Member States

Following the discussion at the Aviation Working Group of 28 November 2019 and in preparation to Coreper/Council, please find below the updated presidency compromise. New text is highlighted in **Bold and underline** while the deletions are in ~~strikethrough~~.

ANNEX I

2019/0260 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Joint Committee established by the Agreement on Air Transport between Canada and the European Community and its Member States

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 Air Transport between Canada and the European Community and its Member States ('the Agreement') was concluded by the Union by Council Decision (EU) 2019/702[1] and entered into force on 16 May 2019.

(2) Article 17 of the Agreement establishes a Joint Committee to ensure the proper functioning and implementation of the Agreement.

(3) Article 17(8) of the Agreement provides that the Joint Committee is to adopt its Rules of procedure.

(4) In order to ensure the effective implementation of the Agreement, the Joint Committee's Rules of procedure should be adopted.

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

[1] OJ L 120, 8.5.2019, p.1.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union in the first meeting of the Joint Committee set up by Article 17 of the Agreement on Air Transport between Canada and the European Community and its Member States, in relation to the adoption of the Rules of procedure of the Joint Committee, shall be the one set out in the draft Decision of the Joint Committee attached to this Decision.

Minor changes to the draft Decision of the Joint Committee may be agreed to by the representatives of the Union within the Joint Committee without a further Council Decision.

Article 2

This Decision ~~is addressed to the Commission~~**shall enter into force on the date of its adoption**.

Done at Brussels,

For the Council
The President

ANNEX II

Draft

Decision No 1/2019 of the Canada/EU Joint Committee set up under the Agreement on Air Transport between Canada and European Community and its Member States

of [date]

adopting its rules of procedure

THE CANADA - EU JOINT COMMITTEE,

Having regard to the Agreement on Air Transport between Canada and European Community and its Member States, ('the Agreement'), and in particular Article 17 thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

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

Done at,

For the Joint Committee,

The Head of the European Union Delegation

[name]

The Head of the Canada Delegation

[name]

Rules of Procedure

THE JOINT COMMITTEE

Having regard to the Agreement on Air Transport between Canada and the European Community and its Member States, and in particular to Article 17 thereof,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE

Article 1

Heads of Delegation

1. The Joint Committee will be composed of representatives of the Parties.

2. The Joint Committee will be jointly chaired by the Heads of delegation of the Parties.

Article 2

Meetings

1. The Joint Committee will meet at least once a year, with responsibility for hosting alternating between the Parties. In addition, either Party may request the convening of a meeting of the Joint Committee pursuant to Article 17, paragraph 3, of the Agreement.

2. The Joint Committee may hold meetings face-to-face or via other means (conference calls or video conferences).

Article 3

Delegations

1. Prior to a meeting, the Heads of delegation will inform each other of the intended composition of their delegations for that meeting.

2. Air transport industry stakeholder representatives may be invited to attend meetings as observers, if the Joint Committee so agrees.

3. The Joint Committee may agree to invite other interested parties or experts to attend meetings in order to provide information on particular subjects.

Article 4

Secretariat

An official of the European Commission and an official of the Government of Canada will act jointly as secretaries of the Joint Committee.

Article 5

Agenda of the meetings

1. The Heads of delegation will establish the provisional agenda of each meeting by mutual agreement. To facilitate distribution to, and consultation with, members of each delegation, and to the extent possible, this provisional agenda will be established at the latest fifteen days before the date of the meeting.

2. The agenda shall 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 Joint Committee so agrees.

3. The Heads of delegation may shorten the time limit specified in paragraph 1 in order to take into account the urgent nature of a particular matter.

Article 6

Record of Meeting

1. A draft Record of Meeting of each Joint Committee meeting will be drawn up at the end of each meeting. It will indicate the items discussed and any joint conclusions reached, including any recommendations and decisions adopted.

2. The Record of Meeting will be approved in writing by the Heads of delegation within 30 days of the date of the meeting or by any other date decided by the Parties to the Agreement.

3. When approved, the Record of Meeting will be signed by the Heads of delegation and one original copy will be filed by each of the Parties. The Parties may decide that signing and exchanging electronic copies satisfies this requirement.

4. Except as otherwise agreed, the meetings of the Joint Committee will not be public. The Records of Meeting and exchanges of correspondence, as the case may be, will be public unless otherwise requested by one of the Parties. If necessary, the Joint Committee may agree to recommend the issuance of a joint press release.

Article 7

Written procedure

Where necessary, and duly motivated, decisions and recommendations of the Joint Committee may be adopted through written procedure. To that end, the Heads of delegation will exchange the draft measures on which the opinion of the Joint Committee is asked, which then may be confirmed by exchange of correspondence.

Article 8

Deliberations

1. The Joint Committee will take its decisions and formulate recommendations on the basis of consensus.

2. The decisions and recommendations of the Joint Committee will be entitled "Decision" and “Recommendation” and 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 Heads of delegation and attached to the Record of Meeting.

4. Any decision taken by the Joint Committee will be implemented by the Parties in accordance with their own internal procedures.

Article 9

Working Groups

1. The Joint Committee may agree to set up working groups to study specific matters of relevance to the Agreement. Terms of reference for a working group will be approved by the Joint Committee and included in the appropriate Record of Meeting.

2. The membership of the working groups will be determined by the Joint Committee.

3. The working groups will report to the Joint Committee. They can not make decisions but may make recommendations to the Joint Committee.

4. The Joint Committee may at any time agree to abolish any existing working groups, modify their terms of reference or establish new working groups to assist it in carrying out its duties.

Article 10

Expenses

1. Members of each delegation will defray their expenses related to their participation in a meeting or a working group.

2. Any other expenditure relating to the material organisation of meetings shall be borne by the Party hosting the meeting.

Article11

Amendments to the Rules of Procedure

The Joint Committee can, at any time, amend these Rules of procedure, by decision taken in accordance with Article 8.