

**DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES, MEETING WITHIN THE COUNCIL**

**of 4 December 2006**

**on the signature and provisional application of the Euro-Mediterranean Aviation Agreement between  
the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the  
other part**

**(Text with EEA relevance)**

(2006/959/EC)

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

HAVE DECIDED AS FOLLOWS:

*Article 1*

**Signature and provisional application**

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Council has authorised the Commission to open negotiations with the Kingdom of Morocco to establish a Euro-Mediterranean Aviation Agreement.
- (2) The Commission has negotiated on behalf of the Community and its Member States an Euro-Mediterranean Aviation Agreement with the Kingdom of Morocco (hereinafter 'the Agreement') in accordance with the Council Decision authorising the Commission to open negotiations.
- (3) The Agreement was initialled at Marrakech on 14 December 2005.
- (4) Subject to its possible conclusion at a later date, the Agreement negotiated by the Commission should be signed and applied provisionally by the Community and the Member States.
- (5) It is necessary to lay down procedural arrangements for the participation of the Community and the Member States in the Joint Committee set up under Article 22 of the Agreement and in the arbitration procedures provided for in Article 23 of the Agreement, as well as for implementing certain provisions of the Agreement, including those concerning the adoption of safeguard measures, the granting and revocation of traffic rights, and certain safety and security matters,

1. The signing of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, hereinafter 'the Agreement', is hereby approved on behalf of the Community, subject to the conclusion of the Agreement.

2. The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

3. Pending its entry into force, the Agreement shall be applied in accordance with Article 30(1) thereof.

4. The text of the Agreement is attached to this Decision.

*Article 2*

**Joint Committee**

1. The Community and the Member States shall be represented in the Joint Committee established under Article 22 of the Agreement by representatives of the Commission and of the Member States.

2. The position to be taken by the Community and the Member States within the Joint Committee as regards the amendment of the Annexes to the Agreement others than Annex I (Agreed Services and Specific Routes) and Annex IV (Transitional Provisions), and any matters falling within Article 7 or 8 of the Agreement shall be adopted by the Commission, following consultation with a Special Committee of the Representatives of the Member States appointed by the Council.

3. For other Joint Committee decisions concerning matters that fall within Community competence, the position of the Community and its Member States shall be adopted by the Council, acting by qualified majority, on a proposal from the Commission.

4. For other Joint Committee decisions concerning matters that fall within Member States' competence, the position to be presented shall be adopted by the Council, acting by unanimity, on a proposal from the Commission or from Member States.

5. The position of the Community and of the Member States within the Joint Committee shall be presented by the Commission, except in areas that fall exclusively within Member States' competence, in which case it shall be presented by the Presidency of the Council or, if the Council so decides, by the Commission.

#### *Article 3*

##### **Arbitration**

1. The Commission shall represent the Community and the Member States in arbitration proceedings under Article 23 of the Agreement.

2. A decision to limit, suspend or revoke the application of rights or privileges pursuant to Article 23(6) of the Agreement shall be taken by the Council on the basis of a Commission proposal. The Council shall decide by qualified majority.

3. Any other appropriate action to be taken under Article 23 of the Agreement on matters which fall within Community competence shall be decided by the Commission, with the assistance of a Special Committee of Representatives of the Member States appointed by the Council.

#### *Article 4*

##### **Safeguard measures**

1. A decision to take safeguard measures pursuant to Article 24 of the Agreement shall be taken, on its own initiative

or upon a request from a Member State, by the Commission, which shall be assisted by a Special Committee of Representatives of the Member States appointed by the Council.

2. Where a Member State requests the Commission to apply safeguard measures, it shall provide the Commission, in support of its request, with the information necessary to justify it. The Commission shall take a decision on such request within one month or, in cases of urgency, within 10 working days, and inform the Council and the Member States of its decision. Any Member State may refer the Commission's decision to the Council within 10 working days of its notification. The Council may take a different decision within one month of the referral. The Council shall decide by qualified majority.

#### *Article 5*

##### **Informing the Commission**

1. Member States shall promptly inform the Commission of any decision to refuse, revoke, suspend or limit the authorisations of an air carrier of Morocco that they have adopted under Articles 3 or 4 of the Agreement.

2. Member States shall inform the Commission immediately of any requests or notifications made or received by them under Article 14 of the Agreement.

3. Member States shall inform the Commission immediately of any requests or notifications made or received by them under Article 15 of the Agreement.

Done at Brussels, 4 December 2006.

*For the Council*

*The President*

M. PEKKARINEN