



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 March 2009**

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**Interinstitutional File:**  
**2009/0019 (CNS)**  
**2007/0082 (CNS)**  
**2007/0252 (CNS)**

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**7672/09**

**AVIATION 45**  
**RELEX 247**  
**COREE 3**  
**ASIE 13**

**"I/A" ITEM NOTE**

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From : General Secretariat of the Council

To : COREPER/Council

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N° Cion props : 6662/09 AVIATION 24 RELEX 157 COREE 1  
9144/07 AVIATION 81 ASIE 33 RELEX 295  
15703/07 AVIATION 211 RELEX 914

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Subject : Proposals for Council decisions on the signing and provisional application of the Agreements on certain aspects of air services between the European Community and:

a) the Republic of Korea

b) the Socialist Republic of Viet Nam

Proposal for a Council decision on the signing of the Agreement between the European Community and the Government of Mongolia

- *Adoption*

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1. The above draft Agreements are the result of the Commission's negotiating activities under the so-called "horizontal mandate" (granted by the Council in June 2003) according to which the Commission may negotiate with any third country with a view to bringing Member States' existing bilateral aviation agreements with that country into line with Community law.

2. The texts of the above draft Decisions were examined by the Aviation Working Party, and the texts, adjusted in the light of that examination, have been prepared by the Legal Linguist Services<sup>1</sup>.
  3. Following the examination of the above texts, COREPER could invite the Council:
    - to adopt the above draft Decisions so that the signature and provisional application of the Agreements with the Republic of Korea and the Socialist Republic of Viet Nam and the signature of the Agreement with the Government of Mongolia can proceed;
    - to take note of the joint Council/Commission statement set out in the Annex to this Note.
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<sup>1</sup> 6970/09 AVIATION 30 RELEX 182 COREE 2  
7170/09 AVIATION 36 ASIE 8 RELEX 201  
6848/1/08 REV 1 AVIATION 51 RELEX 121

**Joint Statement by the Council and the Commission**

"Inter alia for pragmatic reasons, it is preferable that the Community alone should conclude the Agreements with the Republic of Korea, the Socialist Republic of Viet Nam and the Government of Mongolia on certain aspects of air services. The same considerations would apply in respect of similar agreements as long as they are concluded in accordance with and within the limits of the mandate on the replacement of certain provisions in existing bilateral agreements adopted by the Council Decision of 5 June 2003.

These Decisions do not constitute a precedent as to the exercise of the respective competencies of the Community and its Member States in respect of agreements other than those referred to above, such as, for example, agreements of the type envisaged by the Council Decision of 5 June 2003 authorising the Commission to open negotiations with the United States in the field of air transport, which shall be concluded as mixed agreements.

These Decisions do not create any new Community competences as far as external agreements on air services are concerned, nor do they affect the division of competences between the Community and its Member States."