



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 April 2009

7754/09

**Interinstitutional File:
2008/0161 (CNS)**

**AVIATION 49
AMLAT 38**

"I/A" ITEM NOTE

From : Council Secretariat
To : COREPER/Council

N° Cion prop : 12440/08 AVIATION 166 AMLAT 68

Subject : Proposal for a Council Decision on the signing of the Agreement on certain aspects of air services between the European Community and the United Mexican States
- Adoption

1. The above draft Agreement is 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 text of the above draft Decision was examined by the Aviation Working Party, and the text, adjusted in the light of that examination, has been prepared by the Legal Linguist Services¹.

¹ 7158/09 AVIATION 34 AMLAT 23

3. Following the examination of the above text, COREPER could invite the Council:
- to adopt the above draft Decision so that the signature of the Agreement can proceed;
 - to take note of the joint Council/Commission statement set out in the Annex to this Note.
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Joint Statement by the Council and the Commission

"Inter alia for pragmatic reasons, it is preferable that the Community alone should conclude the Agreement with the United Mexican States 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.

This Decision does 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.

This Decision does not create any new Community competences as far as external agreements on air services are concerned, nor does it affect the division of competences between the Community and its Member States."