



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 March 2011

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**AVIATION 60
AMLAT 31
RELEX 273**

"I/A" ITEM NOTE

From : General Secretariat of the Council
To : COREPER/Council

N° Cion props : 13988/10 AVIATION 138 AMLAT 103 RELEX 793

Subject : COUNCIL DECISION on the conclusion of the Agreement between
the European Union and the Federative Republic of Brazil on certain aspects of
air services
- Adoption

1. The above 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 Union law.
2. The Commission presented the above-mentioned proposal to the Council on 3 August 2009.
3. The Council Decision on the signature and provisional application of the Agreement between the European Union and the Federative Republic of Brazil on certain aspects of air services was adopted by the Council on 12 July 2010.

4. The Agreement was signed on 14 July 2010, subject to its conclusion at a later date.
5. The text of the draft Council Decision has been prepared by the Council Legal Linguist Services¹ and subsequently transmitted to the European Parliament on 19 October 2010 for its consent.
6. The European Parliament gave its consent to the proposed Council Decision on the conclusion of the Agreement on 14 February 2011.
7. COREPER is therefore invited to examine the above text and to invite the Council:
 - to adopt the above draft Council Decision so as to permit the conclusion of the Agreement;
 - to take note of the joint Council/Commission statement set out in the Annex to this Note.

¹ 13988/10.

Joint Statement by the Council and the Commission

"Inter alia for pragmatic reasons, it is preferable that the Union alone should conclude the Agreement with the Federative Republic of Brazil 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 Union and its Member States in respect of agreements other 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 Union competences as far as external agreements on air services are concerned, nor does it affect the division of competences between the Union and its Member States."
