



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 June 2011

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2010/0131 (NLE)**

**AVIATION 162
RELEX 633
ASIE 35**

"I/A" ITEM NOTE

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

No. Cion prop.: 10389/10 AVIATION 70 RELEX 482 ASIE 31

Subject: Proposal for a Council Decision on the signature and provisional application of the Agreement on certain aspects of air services between the European Union and the Government of the Republic of Indonesia
– 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 can 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 27 May 2010. The text of the proposal was examined by the Aviation Working Party, and the text has been prepared by the Legal Linguist Services. The text of the above Agreement was adopted by the Council on 7 October 2010. The Agreement is not yet signed.

3. During the preparation of the Agreement for signature, some further technical changes have been identified and, as a result of consultations between the relevant Member States experts, the Indonesian counterpart and the Commission, needed to be introduced in the text of the Agreement¹.

4. Following the examination of the above text, COREPER could invite the Council to:
 - adopt the modified text so that the signature of the Agreement can proceed;
 - take note of the joint Council/Commission statement set out in the Annex to this Note.

¹ 10843/3/10 REV 3

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 Government of the Republic of Indonesia 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 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 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."
