



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 April 2012

8823/12

**Interinstitutional File:
2012/0014 (NLE)**

**AVIATION 69
RELEX 339
MACAO 5
OC 197**

"I/A" ITEM NOTE

from: General Secretariat of the Council

to COREPER/Council

No. Cion prop.: 6217/12 AVIATION 21 RELEX 93 MACAO 1

Subject: Proposal for a Council Decision on the signature, on behalf of the European Union, and provisional application of the Agreement on certain aspects of air services between the European Union and the Republic of the Macao Special Administrative Region of the People's Republic of China

– Adoption

COMMON GUIDELINES

Consultation deadline for Croatia: 10.05.2012

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. Following the initialling of the Agreement, the Commission presented the above-mentioned proposal to the Council on 2 February 2012. The text of the proposal was examined by the Aviation Working Party, and the text has been prepared by the Legal Linguist Services¹.

3. 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;
 - to take note of the joint Council/Commission statement set out in the Annex to this Note.
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¹ 8178/12 (Decision on the signature)
8179/12 (Agreement)

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 Republic of the Macao Special Administrative Region of the People's Republic of China 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."
