



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 June 2012

10453/12

**Interinstitutional File:
2012/0004 (NLE)**

**AVIATION 93
RELEX 477
COEST 176
NIS 48
OC 259**

"I/A" ITEM NOTE

From : Council Secretariat

To : COREPER/Council

N° Cion prop : 5922/12 AVIATION 11 RELEX 70 COEST 23 NIS 6

Subject : Proposal for a DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES OF THE MEMBER STATES MEETING WITHIN THE COUNCIL on the signing, on behalf of the European Union, and provisional application of the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova

– Adoption

COMMON GUIDELINES

Consultation deadline: 6.6.2012

1. This draft Agreement is the result of the mandate granted by the Council to the Commission on 16 June 2011, to open negotiations with the Republic of Moldova for establishing a Common Aviation Agreement. On the basis of this mandate, the Commission concluded the negotiations successfully and the draft Agreement was initialled on 26 October 2011.

2. On 27 January 2011, the Commission submitted to the Council a proposal for a Council Decision on the signature of the Common Aviation Agreement between the European Union and its Member States, of the one part, and the Republic of Moldova, of the other part (doc. 5922/12). The text of the above draft Council Decision, including the draft Agreement was examined by the Aviation Working Party.

3. Following the comments made by delegations, the Presidency, after consultation with the Council Legal Service, has proposed to follow the established practice of the Council and to modify the draft Council Decision in order to involve Member States' representatives in the adoption process and thereby also making Member States' competences apparent in the context of this mixed agreement. Clarifications on the establishment of the Union positions within the Joint Committee set up by the Agreement have also been introduced. The compromise text was examined by delegations, adjusted in light of their comments and, thereafter revised by the Legal Linguistic Services¹.

4. Following the examination of the above text, COREPER could invite the Council to:
 - adopt the above draft Decision of the Council and of the Representatives of the Member States meeting within the Council, as well as the attached draft Agreement as they appear in documents 8181/12 and 8185/12, so that the signature and the provisional application of the Agreement can proceed;

 - include in its minutes the statement by Finland as set out in the Annex to this Note.

¹ 8181/12 (Decision on the signature)
8185/12 (Agreement)

Statement made by Finland

"Finland declares that it can apply this Agreement provisionally pursuant to Article 3 only from the date on which it has given its respective notification of the completion of its internal procedures necessary for the entry into force of this Agreement."
