



**COUNCIL OF
THE EUROPEAN UNION**

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ADDENDUM TO REPORT

From: General Secretariat
To: COREPER / Council
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Subject: ***Preparation of the Council meeting (Transport, Telecommunications and Energy) on 29 October 2012***

Proposal for a COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation
- Adoption

Delegations will find attached the UK statement on the above Council Decision to be inscribed in the Council minutes.

UK Minute Statement – EU/Eurocontrol HLA

The UK strongly welcomes the Draft Agreement between the European Union and the European Organisation for the Safety of Air Navigation providing a general framework for enhanced cooperation, which will establish and strengthen cooperation in this key area for European aviation.

However, the UK objects to the inclusion of the citation of Articles 218 and 220 TFEU in the recitals to the Draft Agreement.

The citation of specific TFEU articles in an international agreement risks undermining the EU decision-making process, which must consider the appropriate legal bases to cite for the Council Decisions on signature and conclusion.

The risks associated with this approach are highlighted in this case by the discrepancies in the legal bases cited in the recitals to the Draft Agreement and those cited in the original negotiating mandate for the Draft Agreement and the Council Decision on signature. The Draft Agreement cites Articles 218 and 220 TFEU, the negotiating mandate cites Article 100 and the Council Decision on signature and provisional application of the Agreement cites Articles 218(5) and Article 100.

The UK does not consider that the citation of Article 220 in the Draft Agreement is correct in this context. Article 220 concerns administrative cooperation between the EU and international organisations, but is not the appropriate legal base under the TFEU for the negotiation of legally binding agreements with international organisations on behalf of the EU.
