



Council of the
European Union

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9927/03
EXT 1

AVIATION 116
RELEX 202
USA 55

PARTIAL DECLASSIFICATION

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dated:	28 May 2003
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Subject:	Draft Council Decision on authorising the Commission to open negotiations with the United States in the field of air transport

Delegations will find attached the partially declassified version of the above-mentioned document.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 May 2003

**9927/03
EXT 1 (30.11.2016)**

RESTREINT UE

AVIATION	116
RELEX	202
USA	55

OUTCOME OF PROCEEDINGS

from :	Permanent Representatives Committee
dated :	28 May 2003
to:	Council

No. prev. doc.	9671/03 AVIATION 116 RELEX 202 USA 55
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Subject :	Draft Council Decision on authorising the Commission to open negotiations with the United States in the field of air transport
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Delegations will find attached the text of the above draft Decision as it results from its examination by the Committee, together with the small number of remaining reservations which are set out in footnotes 1 and 3.

¹ DRAFT DECISION BY THE COUNCIL

on

authorising the Commission to open negotiations
with the United States in the field of air transport

The Council, acting on a Commission recommendation, hereby authorises the Commission to open negotiations on behalf of the European Community and its Member States, within the limits of their respective competencies, with the United States in the field of air transport.

The Commission shall conduct the negotiations in accordance with the mechanism and directives in Annex I and in accordance with the ad hoc procedure in Annex II.

This Decision is without prejudice to arrangements, in accordance with Community law and in particular specific Community legislation on the negotiation and implementation of air service agreements between Member States and third countries, for ongoing bilateral agreements between Member States and the United States, pending the conclusion of an Open Aviation Area agreement.

The application of any agreement negotiated under this mandate to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

Application of any agreement negotiated under this mandate to the airport of Gibraltar shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 have come into operation. The Governments of Spain and the United Kingdom will inform the Council of this date of entry into operation.

¹ General scrutiny reserves maintained by A, E, IRL and P, and a linguistic scrutiny reserve maintained by D.

I. MECHANISM OF THE COMMUNITY NEGOTIATIONS WITH THE US

i) Single agreement

Any agreement for the establishment of an "Open Aviation Area" is to be conceived as a single agreement.

Similarly to Member States' bilateral negotiations, an agreement will be concluded only when the procedures required by the respective legislation of the Parties have been finalised.

ii) Institutional Arrangements

The Commission shall be assisted, during the negotiations, by a Special Committee designated by the Council. The Commission will regularly inform the Council on the progress of the negotiations.

