



Brussels, 10 April 2019
(OR. en, es)

Interinstitutional Files:
2009/0018(NLE)
2014/0023(NLE)

12965/18
ADD 1

AVIATION 126
RELEX 895

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)/Council

No. Cion doc.: 5325/18 AVIATION 9 RELEX 35

Subject: Amended proposal for a COUNCIL DECISION on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part

- Adoption
- Statements

**Commission statement in relation to the Council Decisions on the conclusion of the
Air Transport Agreement between the EU and Canada**

The Commission fully supports the adoption by the Council of the intended Council decision. However, as regards the procedure, the Commission would like to underline that the adoption of the Decision cannot be conditioned upon the agreement of the Representatives of the Governments of the Member States meeting within the Council (see judgment of the ECJ in case C-28/12).

Such an additional procedural step, of intergovernmental nature, is not provided for in Article 218 TFEU and would be incompatible with that provision.

However, the Commission understands that such a step is not mentioned in the draft Decision and that it is not part of the present adoption procedure.

Statement by Spain

España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006.
