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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, of the Comprehensive Air Transport Agreement between the Member States of the Association of Southeast Asian Nations, and the European Union and its Member States

COUNCIL DECISION (EU) .../...

of ...

**on the signing, on behalf of the Union, of the Comprehensive Air Transport Agreement
between the Member States of the Association of Southeast Asian Nations,
and the European Union and its Member States**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 100(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 7 June 2016, the Council authorised the opening of negotiations with the Member States of the Association of Southeast Asian Nations (ASEAN) for a comprehensive air transport agreement.
- (2) On 26 May 2020, the Council extended by one year the authorisation of 7 June 2016.
- (3) The negotiations for the Comprehensive Air Transport Agreement between the Member States of the Association of Southeast Asian Nations, and the European Union and its Member States ('the Agreement') were successfully completed on 2 June 2021.
- (4) The ASEAN Member States are among the fastest-growing economies in the world, and their markets for air services have strong potential for further growth. The Agreement aims in particular to ensure fair competition, the facilitation of gradual market opening and an increase in access to routes and capacity between the Union and the ASEAN Member States, thereby benefitting consumers and the economy.
- (5) The Agreement should therefore be signed on behalf of the Union.

- (6) The signing of the Agreement on behalf of the Union does not affect the allocation of competences between the Union and its Member States. This Decision should not be interpreted as making use of the possibility for the Union to exercise its external competence with regard to areas covered by the Agreement falling within shared competence to the extent that such competence has not yet been exercised internally by the Union.
- (7) In order for the Agreement to deliver its full benefits as early as possible, it should be concluded swiftly. To that effect, it is envisaged that, on the occasion of the signing of the Agreement, the Union and its Member States and the Member States of the Association of Southeast Asian Nations make a statement ('the statement by the Parties') that, in accordance with their applicable laws and regulations, they will take all steps necessary to bring the Agreement into force as expeditiously as possible.
- (8) The uncoordinated response of countries across the world to the COVID-19 pandemic was particularly disruptive for the aviation industry. In order to avoid such disruptions in the event of future crises, there is a need for better coordination between the Union and key international partners. It is therefore envisaged that, on the occasion of the signing of the Agreement, the Parties also express in the statement by the Parties their intention to maintain close discussions and coordination, within the framework of the Joint Committee provided for under the Agreement, on responses to unexpected crisis events such as the COVID-19 pandemic, with the objective of mitigating, to the extent possible, any disruptive effects on air services.

- (9) The statement by the Parties should be approved on behalf of the Union.
- (10) The statement by the Parties, as well as a statement by the Member States of the Union and of the Member States of ASEAN with the exception of Malaysia and a statement by Malaysia, will be compiled in a Record of Statements made on the occasion of the signature of the ASEAN-EU Comprehensive Air Transport Agreement ('the Record of Statements'). The signing, on behalf of the Union, of the Record of Statements should be authorised,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Comprehensive Air Transport Agreement between the Member States of the Association of Southeast Asian Nations, and the European Union and its Member States is hereby authorised, subject to the conclusion of the said Agreement.¹⁺

Article 2

The Statement by the Member States of the Association of Southeast Asian Nations and the European Union and its Member States² is hereby approved on behalf of the Union.

The signing, on behalf of the Union, of the Record of Statements made on the occasion of the signature of the ASEAN-EU Comprehensive Air Transport Agreement⁺, is hereby authorised.³

¹ The text of the Agreement is published in ... [*insert OJ reference*].

⁺ Delegations: see document ST 8974/22.

² The text of the Statement is published in ... [*insert OJ reference*].

³ The text of the Record of Statements is published in ... [*insert OJ reference*].

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Record of Statements on behalf of the Union.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Council

The President
