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European Union

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AVIATION 175
RELEX 732
NIS 181

PARTIAL DECLASSIFICATION

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Subject:	Draft Decision by the Council on authorising the Commission to open negotiations with the Ukraine in the field of air transport
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Delegations will find attached the partially declassified version of the above-mentioned document.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 31 October 2006

14692/06

RESTREINT UE

**AVIATION 175
RELEX 732
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NOTE

From : General Secretariat
To: Working Party on Aviation
No. Cion prop. : 12742/05 AVIATION 130 NIS 133
Subject : Draft Decision by the Council on authorising the Commission to open negotiations with the Ukraine in the field of air transport

In the light of the discussions in the Working Party on 30 October 2006, delegations will find attached a draft Decision by the Council on the above subject. The text developed has used, as a model, the texts of the mandates for the comprehensive air transport agreements with Morocco and China.

The changes with regard to the Recommendation from the Commission to the Council on the above subject are indicated in **bold** and ~~striketrough~~.

DRAFT DECISION BY THE COUNCIL

authorising the Commission to open negotiations
with Ukraine 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 Ukraine with a view to establish a Common Aviation Area.

The Commission shall conduct the negotiations in accordance with the directives set out in Annex I.

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.

The Commission shall conduct the negotiations in accordance with the ad hoc procedure set out in Annex II of this Decision.¹

This Decision is without prejudice to arrangements, in accordance with Community law and in particular Regulation (EC) N° 847/2004 on the negotiation and implementation of air service agreements between Member States and third countries, for ongoing bilateral agreements between Member States and Ukraine, pending the conclusion of a Community agreement.

¹ The negotiations shall be conducted in a way that will ensure full and timely consultation of all relevant stakeholders, including the European airline industry, throughout the negotiations.

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.
