



Council of the
European Union

Brussels, 29 November 2022
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PARTIAL DECLASSIFICATION

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Subject: Draft Decision by the Council on authorising the Commission to open negotiations with Ukraine in the field of air transport
- Adoption

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



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THE EUROPEAN UNION**

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**AVIATION 196
RELEX 848
NIS 210**

REPORT

From : COREPER

To: COUNCIL

No. Cion prop. : 12742/05 AVIATION 130 NIS 133

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Subject : Draft Decision by the Council on authorising the Commission to open negotiations with Ukraine in the field of air transport
- Adoption

Introduction

On 27 September 2005, the Commission adopted a Recommendation to the Council in order to authorise the Commission to open negotiations on a comprehensive aviation agreement with Ukraine. The agreement would integrate the Ukrainian aviation sector into a wider European aviation area.

In light of the above Recommendation, the Working Party on Aviation prepared a text of a draft Council Decision authorising the Commission to open negotiations with Ukraine in the field of air transport (see Annex). The text was examined by COREPER at its meeting on 28 November 2006.

Task for the Council

Following the above, the Council is invited to examine the concerns expressed by the above delegations and to see whether it will be feasible to get a common agreement, on the basis of the annexed draft Council Decision, authorising the Commission to open negotiations with Ukraine in the field of air transport.

DRAFT DECISION BY THE COUNCIL

on

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.

Application of this agreement to Gibraltar airport 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 and to the continuing suspension of Gibraltar Airport from EU Aviation measures existing as at 18th September 2006 as between Member States in accordance with the terms of the Ministerial Statement on Gibraltar Airport agreed in Cordoba on the 18th September 2006.
