



Council of the  
European Union

156338/EU XXVII. GP  
Eingelangt am 06/10/23

Brussels, 6 October 2023  
(OR. en)

7049/03  
DCL 1

AVIATION 40  
RELEX 86

#### DECLASSIFICATION<sup>1</sup>

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of document:	ST 7049/03 RESTREINT UE/EU RESTRICTED
dated:	7 March 2003
new status:	Public

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Subject:	Recommendation for a Council decision authorising the Commission to open negotiations with third countries on air carrier ownership and control and other issues within Community exclusive competence
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Delegations are informed that the above document has been declassified.

This document exists only in paper format and is available upon request from the Central Archives of the Council.

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<sup>1</sup> Document declassified by the European Commission on 8 September 2023.

# RESTREINT UE



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 7 March 2003

7049/03

RESTREINT UE

AVIATION 40  
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## COVER NOTE

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from : the Secretary-General of the European Commission  
signed by Mr Sylvain BISARRE, Director

date of receipt : 28 February

to : Mr Javier SOLANA, Secretary-General/High Representative

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Subject : Recommendation for a Council decision authorising the Commission to open  
negotiations with third countries on air carrier ownership and control and other  
issues within Community exclusive competence

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Delegations will find attached Commission document SEC(2003) 226 final.

Encl.: SEC(2003) 226 final

# RESTREINT UE



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.2.2003  
SEC(2003) 226 final  
RESTRICTED-EU

Recommendation for a

**COUNCIL DECISION**

**Authorising the Commission to open negotiations with third countries on air carrier ownership and control and other issues within Community exclusive competence**

(presented by the Commission)

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Recommendation for a

## **COUNCIL DECISION**

### **Authorising the Commission to open negotiations with third countries on air carrier ownership and control and other issues within Community exclusive competence**

The Commission recommends to the Council that it be authorised to open negotiations with third countries on behalf of the European Community in order to enable bilateral aviation agreements to be brought into full conformity with Community law.

The Commission shall conduct the negotiations in accordance with the mechanism and directives in Annex I.

#### **Annex I**

##### **Mechanism of the negotiations**

Agreements resulting from this mandate shall be conceived as single agreements between the Community and the third country concerned.

It shall be agreed with a third country that the provisions contained in such an agreement with the Community shall supersede provisions on the same issues contained within any existing bilateral arrangements between that country and Member States of the Community. Where necessary, Member States shall agree to the deletion of such clauses from their existing agreement with the country concerned.

##### **Institutional Arrangements**

The Commission shall be assisted during the negotiations by a Special Committee designated by the Council. The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist in this task and within the framework of these directives. The Commission will regularly inform the Council on the progress of the negotiations.

##### **Negotiating Directives**

The purpose of the European Community in this area is to reach agreement on the replacement of certain provisions in existing bilateral agreements with a Community agreement in order to permit Community carriers as defined in Community law to benefit from the right of establishment as laid down in the Treaty and thereby to create the possibility for Community carriers to operate on routes between the Community and third countries on a non-discriminatory basis.

The objective will be the conclusion of an agreement between the Community and the third country concerned covering this specific issue and the removal of conflicting texts from the bilateral agreements between the third country and Member States.

The Community shall seek to remove any legal irregularities in the agreements stemming from an infringement of Community competence at the time of signature. Clauses covering

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issues of Community competence should be transferred from the bilateral agreement to the new Community agreement.

The establishment of priorities

In consultation with the Special Committee, the Commission shall establish the order of priority in which third countries shall be approached. In establishing priorities, the Commission shall take into consideration, inter alia,

- the willingness displayed previously by a third country to accept Community designation,
- the economic importance of the air transport market between the Community and a third country and the level of liberalisation already attained in that country;
- any specific requests from Community carriers wishing to operate to a third country,
- an urgent need to facilitate the consolidation process between Community carriers,
- the desirability of developing relations with a specific region of the World;
- the efficient conduct of negotiations.