



Council of the
European Union

Brussels, 14 November 2019
(OR. en)

8243/09
DCL 1

JUSTCIV 73
AVIATION 57

DECLASSIFICATION

of document: 8243/09 RESTREINT UE/EU RESTRICTED
dated: 1 April 2009
new status: Public
Subject: Summary of discussions (extract)

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 April 2009

8243/09

RESTREINT UE

**JUSTCIV 73
AVIATION 57**

OUTCOME OF PROCEEDINGS (EXTRACT)

from : Committee on Civil Law Matters (General Questions)

on : 18 March 2009

Subject : Summary of discussions (extract)

Delegations will find attached the outcome of proceedings of agenda item 2 of the Committee on Civil Law Matters (General Questions) on 18 March 2009, relating to the Recommendation from the Commission to the Council to authorise the Commission to negotiate on behalf of the Community a multilateral agreement on compensation to third party victims for damage caused by aircraft and arising from acts of unlawful interference or from general risks.

RESTREINT UE

ANNEX

2. Recommendation from the Commission to the Council to authorise the Commission to negotiate on behalf of the Community a multilateral agreement on compensation to third party victims for damage caused by aircraft and arising from acts of unlawful interference or from general risks

The Committee proceeded to the final examination of the draft negotiating mandate (6224/09 JUSTCIV 267 AVIATION 304 RESTREINT UE) revised by the Presidency on the basis of written comments provided by delegations (6148/09 + ADD JUSTCIV 33 AVIATION 14 RESTREINT UE) and of the discussions at the meeting on 20 February 2009.

The Presidency reminded the Committee that the diplomatic conference would be held in April 2009 and that it would therefore be necessary to find an agreement on the mandate at the present meeting in order for the mandate to be adopted by the JHA Council on 6 and 7 April 2009.

Introductory part

A few delegations suggested deleting paragraph 9 which relates to matters not falling within the exclusive competence of the EC. It was agreed to record in the outcome of proceedings of the meeting that for matters not mentioned in paragraph 7, Member States will use their best endeavours to reach a common position. Where a common position is agreed, the Presidency may be tasked with acting on behalf of the Member States in the negotiations. Where no agreed position can be reached, Member States shall be free to speak on their own behalf.

Negotiating directives

One delegation, supported by many others, suggested a new drafting for paragraph 4 relating to the REIO clause. The Commission made a scrutiny reservation.

RESTREINT UE

The drafting of paragraph 9 was modified following a Commission's suggestion, supported by several delegations.

A discussion took place between several delegations as well as with the Commission about paragraphs 14 and 14a relating to the Product Liability Directive. It was decided that paragraph 14 would be deleted and that the Presidency, taking into account the outcome of discussions, would prepare the final draft for paragraph 14a.

Finally it was agreed to delete point d).

The Presidency concluded that:

- the Committee found an agreement on the introductory part as well as on the negotiating directives, except for paragraph 14a of the negotiating directives. The Presidency, taking into account the outcome of discussions, would therefore prepare the final draft for paragraph 14a, as it would be submitted to Coreper;
- the draft negotiating mandate would be submitted to Coreper on 25 March 2009 as a "I" item, and to the JHA Council on 6-7 April 2009 for adoption as an "A" point.

The Presidency informed delegations that a coordination meeting would be held on the subject on 15 April 2009 in Brussels. At this meeting information would be provided about the following coordination meetings (coordination during the diplomatic conference in Montreal).