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**AVIATION 237
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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a COUNCIL DECISION on the conclusion, on behalf of the European Union of the Agreement between the European Union and the Republic of Korea on certain aspects of air services
– Adoption

1. The Commission had been granted a mandate in June 2003 according to which the Commission may open negotiations with the Republic of Korea with a view to bringing Member States' existing bilateral aviation agreements with the Republic of Korea in line with Union law. The above Agreement is the result of said negotiations.
2. On 21 February 2019, the Commission presented to the Council its proposals for Council Decisions on the signature and on the conclusion of an Agreement between the European Union and the Republic of Korea on certain aspects of air services (6820/19 and 6816/19 respectively).
3. The Decision on the signature of the Agreement between the European Union, on the one hand, and the Republic of Korea, on the other hand, was adopted by the Council on 24 April 2020. The Agreement was signed on 25 June 2020, subject to its conclusion at a later date.

4. The Decision on the signature of the Agreement was published in the Official Journal of the European Union on 5 May 2020¹.
 5. The European Parliament gave its consent to the Council Decision on the conclusion of the Agreement on 15 September 2021.
 6. With a view to preparing for the conclusion of the Agreement, Coreper is invited to suggest that the Council, in part "A" of the agenda of a forthcoming meeting, adopts the decision on conclusion as contained in J/L document 5210/21.
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¹ OJ L 142, 5.5.2020, p. 1.

Statement by the Council

As for similar agreements on certain aspects of air services already concluded with other third countries covered by the Council Decision of 5 June 2003 authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement, it is appropriate that the Union alone concludes the Agreement with the Republic of Korea on certain aspects of air services. The same considerations would apply in respect of future similar agreements as long as they are concluded in accordance with and within the limits of that Decision.

This Decision does not constitute a precedent as to the exercise of the respective competences of the Union and its Member States in respect of any ongoing or future negotiations for, or signature or conclusion of, international agreements other than those referred to above and is without prejudice to the division of competences between the Union and its Member States.
