



Council of the
European Union

Brussels, 10 April 2019
(OR. en, es)

Interinstitutional Files:
2009/0018(NLE)
2014/0023(NLE)

12965/18
ADD 1

AVIATION 126
RELEX 895

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. Cion doc.:	5325/18 AVIATION 9 RELEX 35
Subject:	Amended proposal for a COUNCIL DECISION on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part – Adoption – Statements

Commission statement in relation to the Council Decisions on the conclusion of the Air Transport Agreement between the EU and Canada

The Commission fully supports the adoption by the Council of the intended Council decision. However, as regards the procedure, the Commission would like to underline that the adoption of the Decision cannot be conditioned upon the agreement of the Representatives of the Governments of the Member States meeting within the Council (see judgment of the ECJ in case C-28/12).

Such an additional procedural step, of intergovernmental nature, is not provided for in Article 218 TFEU and would be incompatible with that provision.

However, the Commission understands that such a step is not mentioned in the draft Decision and that it is not part of the present adoption procedure.

Statement by Spain

Spain hereby declares that the adoption of this Decision does not affect its legal position on the sovereignty dispute concerning the territory in which Gibraltar airport is situated. Spain notes that on 20 November 2012 it informed the Commission that it no longer considered the Córdoba Statement to be in force and therefore, as from that date, it did not consider it acceptable to continue making reference to the Ministerial Statement of 18 September 2006 on Gibraltar Airport (Córdoba Statement) in European Union civil aviation legislation and accordingly requested a return to the situation prior to 18 September 2006 in any proposals for new legislation.
