



Council of the
European Union

Brussels, 29 November 2022
(OR. en)

10756/11
EXT 1

AVIATION 149
RELEX 571
COEST 178
NIS 74

PARTIAL DECLASSIFICATION

of document: 10756/11

dated: 6 June 2011

new status: Public

Subject: ***Preparation of the Council meeting (Transport, Telecommunications
and Energy) on 16 June 2011***

Draft Council Decision authorising the Commission to open negotiations on
a comprehensive air transport agreement with the Republic of Moldova

- Adoption

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



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 June 2011

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**AVIATION 149
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REPORT

From : General Secretariat of the Council

To : COREPER/Council

No. Cion prop. : 9668/11 AVIATION 115 RELEX 427 COEST 144 NIS 54

Subject : ***Preparation of the Council meeting (Transport, Telecommunications and Energy) on 16 June 2011***

Draft Council Decision authorising the Commission to open negotiations on a comprehensive air transport agreement with the Republic of Moldova

- Adoption

1. Introduction

On 3 May 2011, the Commission submitted a Recommendation to the Council in order to authorise the Commission to open negotiations on a comprehensive air transport agreement with the Republic of Moldova. The overall objective of the agreement would be to further enhance political and economic relations with the Republic of Moldova by progressively integrating it into a European aviation area.

2. Content of the proposal

The agreement on certain aspects of air services between the European Union and the Republic of Moldova entered into force on 25 February 2008. The comprehensive agreement to be negotiated would aim at removing remaining restrictions and opening up new opportunities in air transport, thereby also contributing to the objectives of the European Neighbourhood Policy.

3. Work within Council bodies

The Working Party on Aviation examined a first draft of the Council Decision on 16 May 2011 and some delegations suggested several modifications. A revised version of the draft mandate was re-examined on 30 May 2011, and following further comments a modified version of the draft Council Decision was circulated to delegations (docs. 9701/2/11 and 9701/3/11). The Working Party on Aviation examined the text of the draft mandate at its meeting on 6 June 2011 and solved the remaining outstanding issue regarding the environmental and climate change impact of international aviation (paragraph (7) of the negotiating directives, p. 6). As a result of the discussions, a draft Council statement recalling the importance of sub-regional integration has also been added to the text (see Annex II).

DE maintains a general scrutiny reservation on the mandate.

4. Tasks for Coreper/Council

Coreper is invited to examine the above issues and confirm the agreement reached at Working Party level and suggest to the TTE Council to adopt the annexed Council Decision authorising the Commission to open negotiations on a comprehensive air transport agreement with the Republic of Moldova, at its meeting on 16 June 2011, and to include in its minutes the draft Council statement appearing in Annex II.

**DRAFT DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES
OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,
MEETING WITHIN THE COUNCIL,**

authorising the Commission to open negotiations with the Republic of Moldova with a view to
establishing
a comprehensive air transport agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(3), (4) and Article 218(8), first subparagraph thereof,

HAS DECIDED AS FOLLOWS:

Sole article

The Commission is hereby authorised to open negotiations on behalf of the European Union and its Member States, within the limits of their respective competencies, with the Republic of Moldova with a view to establishing a comprehensive air transport agreement.

The Commission shall conduct the negotiations in accordance with the negotiating directives set out in Annex 1 and the procedure set out in Annex 2 to this Decision.

This Decision shall be without prejudice to arrangements, in accordance with Union law and in particular Regulation (EC) No 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 the Republic of Moldova, pending the conclusion of a comprehensive air transport agreement between the European Union and its Member States and the Republic of Moldova.

The application of this agreement to the Airport of Gibraltar 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 European Union Aviation measures existing as of 18 September 2006 as between Member States in accordance with the terms of the Ministerial Statement on Gibraltar Airport agreed in Cordoba on 18 September 2006.

Done at Brussels,

For the Council

The President

NOT DECLASSIFIED FROM THIS POINT UNTIL PAGE 11

Draft Statement by the Council

"The Council emphasizes the importance of the mandate to authorize the European Commission to open negotiations on a comprehensive air transport agreement of the European Union and its Member States with the Republic of Moldova, and recalls the objective of a sub-regional integration in the longer term with neighbourhood countries having fully completed the process of harmonisation."
