



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 22 April 2008**

**8683/08**

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**Interinstitutional File:  
2005/0011 (CNS)**

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**AVIATION 95  
COEST 84  
NIS 62**

**"I/A" ITEM NOTE**

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From : Council Secretariat  
To : COREPER/Council  
N° Cion prop 6965/05 AVIATION 13 COEST 36 NIS 31

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Subject : Agreement between the European Community and the Republic of Azerbaijan on certain aspects of air services  
- Adoption

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1. The above Agreement is the result of the Commission's negotiating activities under the so-called "horizontal mandate" (granted by the Council in June 2003) according to which the Commission can negotiate with any third country with a view to bringing Member States' existing bilateral aviation agreements with that country into line with Community law.
2. The text of the above Agreement was adopted by the Council on 25 June 2007<sup>1</sup>.

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<sup>1</sup> 10448/07 AVIATION 107 COEST 190 NIS 146

3. However, after its adoption by the Council, the Government of the Republic of Azerbaijan submitted further draft amendments to the above Agreement. The text, adjusted in light of the above, has now been prepared by the Legal Linguist Services<sup>2</sup>.
4. Following the examination of the above text, COREPER could now invite the Council:
  - to adopt the slightly modified Agreement so that the signature and provisional application of the Agreement can proceed;
  - to take note of the joint Council/Commission statement set out in the Annex to this Note.

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<sup>2</sup> 10448/1/07 AVIATION 107 COEST 190 NIS 146 REV 1  
REV 1 COR 1 (es)  
REV 1 COR 2 (et)  
REV 1 COR 3 (lv)  
REV 1 COR 4 (cs)

**Joint Statement by the Council and the Commission**

Inter alia for pragmatic reasons, it is preferable that the Community alone should conclude the agreement with the Government of the Republic of Azerbaijan on certain aspects of air services. The same considerations would apply in respect of similar agreements as long as they are concluded in accordance with and within the limits of the mandate on the replacement of certain provisions in existing bilateral agreements adopted by the Council Decision of 5 June 2003.

This Decision does not constitute a precedent as to the exercise of the respective competencies of the Community and its Member States in respect of agreements other than those referred to above, such as, for example, agreements of the type envisaged by the Council Decision of 5 June 2003 authorising the Commission to open negotiations with the United States in the field of air transport, which shall be concluded as mixed agreements.

This Decision does not create any new Community competences as far as external agreements on air services are concerned, nor does it affect the division of competences between the Community and its Member States.

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