

Multilateral trade negotiations — then the commercial aspects (market access, capacity, tariffs and related provisions) of air relations with third countries fall within the ambit of Article 113.

- Under Article 113, the Community delegates exclusive competence to the Commission for the conduct of commercial agreements with third countries. Member States, therefore, are not authorized to negotiate or conclude agreements on matters subject to the Community's commercial policy. Other important considerations adduced in support were the Community's common air transport policy within the single internal market, jointly owned and operated computer reservation systems, trans-national airline alliances, mergers and commercial marketing arrangements that overtake national boundaries within the EC. Thus, the Community as a single entity becomes the appropriate partner and interlocutor with third countries and international organizations. Because of the Community's common air transport policy, air regulations and agreements with third countries cease to be exclusively bilateral matters as they begin to impinge on Community interests. Such exercise of collective Community competence would also not be without its bargaining leverage.

The Commission further states that under Article 228 of the Treaty, supported by ECJ decisions¹⁷, the Community is also endowed with exclusive competence in non-commercial issues for negotiations with third countries,