




Basic information	
2008/0017(CNS) CNS - Consultation procedure Decision	Procedure completed
EC/Nepal agreement: air services Subject 3.20.15.02 Air transport agreements and cooperation 6.40.08 Relations with Asian countries Geographical area Nepal	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	COSTA Paolo (ALDE)	26/02/2008
Council of the European Union	Council configuration	Meetings	Date
	Transport, Telecommunications and Energy	2861	2008-04-07
	Agriculture and Fisheries	2952	2009-06-22
European Commission	Commission DG	Commissioner	
	Energy and Transport	TAJANI Antonio	

Key events			
Date	Event	Reference	Summary
31/01/2008	Legislative proposal published	COM(2008)0041 	Summary
05/02/2009	Committee referral announced in Parliament		
17/02/2009	Vote in committee		Summary
18/02/2009	Committee report tabled for plenary, 1st reading/single reading	A6-0071/2009	
24/03/2009	Decision by Parliament	T6-0146/2009	Summary
24/03/2009	Results of vote in Parliament		
22/06/2009	Act adopted by Council after consultation of Parliament		
22/06/2009	End of procedure in Parliament		
03/07/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0017(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3-a1 EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/58876

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE404.647	30/01/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0071/2009	18/02/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0146/2009	24/03/2009	Summary
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2008)0041 	31/01/2008	Summary	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2009/0514 OJ L 173 03.07.2009, p. 0008	Summary

EC/Nepal agreement: air services

2008/0017(CNS) - 24/03/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 441 votes to 10, with 9 abstentions, a legislative resolution approving unamended, under the consultation procedure, the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Government of Nepal on certain aspects of air services.

EC/Nepal agreement: air services

2008/0017(CNS) - 22/06/2009 - Final act

PURPOSE: to conclude an Agreement between the European Community and the Government of Nepal on certain aspects of air services.

LEGISLATIVE ACT: Council Decision 2009/514/EC.

CONTENT: the Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

On behalf of the Community, the Commission negotiated an Agreement between the European Community and the Government of Nepal on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement. The Agreement was signed on behalf of the Community on 23 January 2009 subject to its conclusion at a later date.

The Agreement between the European Community and the Government of Nepal on certain aspects of air services is hereby approved on behalf of the Community.

In summary, the Agreement:

- replaces the traditional designation clauses with a Community designation clause, permitting all Community carriers to benefit from the right of establishment;
- addresses two types of clause concerning matters of Community competence;
- deals with the taxation of aviation fuel, a matter which has been harmonised by Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity, and in particular Article 14 (2) thereof;
- resolves conflicts between the existing bilateral air services agreements and Council Regulation No 2409/92 on fares and rates for air services which prohibits third country carriers from being price leaders on air services for carriage wholly within the Community;
- brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.

EC/Nepal agreement: air services

2008/0017(CNS) - 31/01/2008 - Legislative proposal

PURPOSE: the signature and provisional application of the Agreement between the European Community and the Government of Nepal on certain aspects of air services.

PROPOSED ACT: Council Decision.

CONTENT: following the judgements of the Court of Justice in the so-called "Open Skies" cases, on 5 June 2003 the Council granted the Commission a mandate to open negotiations with third countries on the replacement of certain provisions in existing agreements with a Community agreement (the "horizontal mandate"). The objectives of such agreements are to give all EU air carriers non-discriminatory access to routes between the Community and third countries, and to bring bilateral air service agreements between Member States and third countries in line with Community law.

In accordance with the mechanisms and directives in the Annex to the "horizontal mandate", the Commission has negotiated an agreement with Nepal that replaces certain provisions in existing bilateral air services agreements between Member States and Nepal.

Article 2 of the Agreement replaces the traditional designation clauses with a Community designation clause, permitting all Community carriers to benefit from the right of establishment. Articles 4 and 5 of the Agreement address two types of clause concerning matters of Community competence. Article 4 deals with the taxation of aviation fuel, a matter which has been harmonised by Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity, and in particular Article 14 (2) thereof. Article 5 (Pricing) resolves conflicts between the existing bilateral air services agreements and Council Regulation No 2409/92 on fares and rates for air services which prohibits third country carriers from being price leaders on air services for carriage wholly within the Community. Article 6 brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.

In accordance with the standard procedure for the signature and conclusion of international agreements, the Council is asked to approve the decisions on the signature and provisional application and on the conclusion of the Agreement between the European Community and the Government of Nepal on certain aspects of air services and to designate the persons authorised to sign the Agreement on behalf of the Community.