





Basic information	
2009/0115(NLE) NLE - Non-legislative enactments Decision	Procedure completed, awaiting publication in Official Journal
EC/Brazil Agreement: air services Subject 3.20.15.02 Air transport agreements and cooperation Geographical area Brazil	

Key players			
European Parliament	Committee responsible TRAN Transport and Tourism	Rapporteur ICU Silvia-Adriana (S&D)	Appointed 01/09/2009
		Shadow rapporteur TEIXEIRA Nuno (PPE) MEISSNER Gesine (ALDE) LICHTENBERGER Eva (Verts/ALE) FOSTER Jacqueline (ECR)	
Council of the European Union	Council configuration	Meetings	Date
	Transport, Telecommunications and Energy	3080	2011-03-31
	Transport, Telecommunications and Energy	3052	2010-12-02
	Transport, Telecommunications and Energy	2964	2009-10-09
European Commission	Commission DG	Commissioner	
	Mobility and Transport	KALLAS Siim	

Key events			
Date	Event	Reference	Summary
03/08/2009	Preparatory document	COM(2009)0412 	Summary
02/12/2009	Additional information		Summary
14/10/2010	Legislative proposal published	13988/2010	Summary
21/10/2010	Committee referral announced in Parliament		

02/12/2010	Debate in Council		Summary
25/01/2011	Vote in committee		Summary
27/01/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0004/2011	
15/02/2011	Decision by Parliament	T7-0045/2011	Summary
15/02/2011	Results of vote in Parliament		
31/03/2011	Act adopted by Council after consultation of Parliament		
31/03/2011	End of procedure in Parliament		

Technical information	
Procedure reference	2009/0115(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2 Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed, awaiting publication in Official Journal
Committee dossier	TRAN/7/00530

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE452.696	10/11/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0004/2011	27/01/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0045/2011	15/02/2011	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Document attached to the procedure	12922/2009	08/07/2010	Summary	
Legislative proposal	13988/2010	14/10/2010	Summary	
European Commission				
Document type	Reference	Date	Summary	
Preparatory document	COM(2009)0412 	03/08/2009	Summary	
Document attached to the procedure	COM(2009)0411 	03/08/2009	Summary	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

EC/Brazil Agreement: air services

2009/0115(NLE) - 02/12/2010

The Commission briefed ministers on the results of the first three rounds of negotiations on a comprehensive air transport agreement with Brazil, aimed at a gradual opening of market access and enhanced regulatory cooperation. Significant progress has already been made in the negotiations, which were held on the basis of the mandate given by the transport Council at its previous meeting in October. A fourth round is scheduled for 7-9 December in Rio de Janeiro.

Recently the EU has successfully negotiated two other aviation agreements with Brazil: one on cooperation in the field of civil aviation safety, which provides in particular for the mutual recognition of certification findings and standards regarding airworthiness, maintenance and environmental requirements; and, secondly, an "agreement on certain aspects of air services", which brings a number of provisions of the bilateral air services agreements between Brazil and EU member states into line with EU legislation so as to ensure non-discriminatory treatment of all EU airlines established in the Member States concerned.

EC/Brazil Agreement: air services

2009/0115(NLE) - 03/08/2009 - Document attached to the procedure

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

PROPOSED ACT: Council Decision.

CONTENT: following the judgments of the Court of Justice in the so-called "Open Skies" cases, in 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 Brazil that replaces certain provisions in the existing bilateral air services agreements between Member States and Brazil.

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 clauses 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 resolves potential conflicts with the EC competition rules.

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 on the conclusion of the Agreement on certain aspects of air services between the European Community and Brazil and to designate the persons authorised to sign the Agreement on behalf of the Community.

EC/Brazil Agreement: air services

2009/0115(NLE) - 03/08/2009 - Preparatory document

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

PROPOSED ACT: Council Decision.

CONTENT: following the judgments of the Court of Justice in the so-called "Open Skies" cases, in 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 Brazil that replaces certain provisions in the existing bilateral air services agreements between Member States and Brazil.

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 clauses 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 resolves potential conflicts with the EC competition rules.

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

EC/Brazil Agreement: air services

2009/0115(NLE) - 15/02/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union and the Federative Republic of Brazil on certain aspects of air services.

The Parliament gave its consent to the conclusion of the Agreement.

EC/Brazil Agreement: air services

2009/0115(NLE) - 08/07/2010 - Document attached to the procedure

This document details the content of the agreement between the European Union and Brazil of certain aspects of air services.

Purpose of the agreement: according to rulings by the Court of Justice of the European Union, the EU has exclusive competence with respect to various aspects of external aviation which had traditionally been governed by bilateral air services agreements between Member States and third countries.

As a consequence, on 5 June 2003, the Council authorised the Commission to open negotiations with third countries in order to replace certain provisions in existing bilateral agreements with EU agreements.

The Commission has therefore negotiated an Agreement with the Federative Republic of Brazil that replaces certain provisions in 12 bilateral air services agreements concluded between EU Member States and this country. That Agreement was signed on the 14 July 2010.

Its main provisions may be summarised as follows:

- **designation by a Member State:** to avoid discrimination between EU air carriers, the traditional designation clauses, referring to air carriers of the Member State party to the bilateral agreement, are replaced by an **EU designation clause, referring to all EU carriers**;
- **safety:** this provision ensures that safety provisions in bilateral agreements are applicable to situations when regulatory control over an air carrier is exercised by Member State other than Member State that designated that air carrier;
- **taxation of aviation fuel:** whereas traditional bilateral agreements tend to exempt aircraft fuel in general from taxation, Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity permits such taxation for operations within the territory of the European Union;
- **compatibility with competition rules:** this Article prohibits anti-competitive practices.

Other provisions are also included such as on review of the agreement, its amendment and the date of its entry into force.

There is also an annex that contains the list of agreements and other arrangements concerning air services between Brazil and the Member States of the EU that have been replaced by this Agreement.

EC/Brazil Agreement: air services

2009/0115(NLE) - 14/10/2010 - Legislative proposal

PURPOSE: to conclude an Agreement between the European Union and Brazil on certain aspects of air services.

PROPOSED ACT: Council Decision.

BACKGROUND: by its Decision of 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level. On behalf of the Union, the Commission has negotiated an Agreement with Brazil on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council Decision of 5 June 2003.

The Agreement was signed on behalf of the Union on 14 July 2010 subject to its conclusion at a later date.

It is now necessary to approve and conclude this Agreement, on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment has been carried out.

LEGAL BASIS: Article 100(2), in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this proposal, the Agreement between the European Union and Brazil on certain aspects of air services is approved on behalf of the Union.

The text of the Agreement is attached to the Decision. For more details on the content of the Agreement, please refer to the summary of the document annexed to the procedure dated 8 July 2009.

FINANCIAL IMPLICATION: this proposal has no implication for the EU budget.