Procedure file

Basic information

CNS - Consultation procedure Decision	2005/0059(CNS)	Procedure completed
EC/Croatia agreement: air services, replacing the bilateral agreements by a Community agreement Subject 3.20.15.02 Air transport agreements and cooperation Geographical area Croatia		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		24/05/2005
		ALDE COSTA Paolo	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	2850	18/02/2008
European Commission	Commission DG	Commissioner	
	Energy and Transport		

Key events

22/04/2005	Legislative proposal published	COM(2005)0159	Summary
07/06/2005	Committee referral announced in Parliament		
30/08/2005	Vote in committee		Summary
01/09/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0259/2005	
27/09/2005	Results of vote in Parliament		
27/09/2005	Decision by Parliament	T6-0344/2005	Summary
25/10/2005	Debate in Parliament		
18/02/2008	Act adopted by Council after consultation of Parliament		
18/02/2008	End of procedure in Parliament		
05/03/2008	Final act published in Official Journal		

Technical information

Procedure reference	2005/0059(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 080-p2; EC Treaty (after Amsterdam) EC 300-p2/3-a1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/27805

Documentation gateway

Legislative proposal		COM(2005)0159	22/04/2005	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0259/2005	01/09/2005	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0344/2005 OJ C 227 21.09.2006, p. 0017-0040 E	27/09/2005	EP	Summary

Additional information

European Commission	EUR-Lex

Final act

Decision 2008/193
OJ L 060 05.03.2008, p. 0027 Summary

EC/Croatia agreement: air services, replacing the bilateral agreements by a Community agreement

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

PROPOSED ACT: Council Decisions.

CONTENT: international aviation relations between Member States and third countries have been traditionally governed by bilateral air services agreements between Member States and third countries, their Annexes and other related bilateral or multilateral arrangements.

The Community has exclusive competence with respect to various aspects of external aviation. The Court of Justice also clarified the right of Community air carriers to benefit from the right of establishment within the Community, including the right to non-discriminatory market access.

Traditional designation clauses in Member States? bilateral air services agreements infringe Community law. They allow a third country to reject, withdraw or suspend the permissions or authorisations of an air carrier that has been designated by a Member State but that is not substantially owned and effectively controlled by that Member State or its nationals. This has been found to constitute discrimination against Community carriers established in the territory of a Member State but owned and controlled by nationals of other Member States. This is contrary to Article 43 of the Treaty which guarantees nationals of Member States who have exercised their freedom of establishment the same treatment in the host Member State as that accorded to nationals of that Member State.

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

In accordance with the mechanisms and directives in the Annex to the Council?s 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 Commission has negotiated an agreement with Croatia that replaces certain provisions in the existing bilateral air services agreements between Member States and this country. 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, particularly Article 14 paragraph 2 thereof. Article 5 (Pricing) resolves conflicts between the existing bilateral air services agreements and Council Regulation 2409/92/EC 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.

EC/Croatia agreement: air services, replacing the bilateral agreements by a Community agreement

The committee adopted the report by its chairman, Paolo COSTA (ALDE, IT), approving the conclusion of the agreement under the consultation procedure.

EC/Croatia agreement: air services, replacing the bilateral agreements by a Community agreement

The European Parliament adopted a resolution drafted by Paolo COSTA (ALDE, IT), and approved conclusion of the agreement.

EC/Croatia agreement: air services, replacing the bilateral agreements by a Community agreement

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

LEGISLATIVE ACT: Council Decision 2008/193/EC on the conclusion of the Agreement between the European Community and the Republic of Croatia on certain aspects of air services.

CONTENT: the Council authorised the Commission in June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement. The Commission has negotiated on behalf of the Community an agreement with Croatia on certain aspects of air services in accordance with the mechanisms and Directives in the Annex to the Council?s decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

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, particularly Article 14 paragraph 2 thereof. Article 5 (Pricing) resolves conflicts between the existing bilateral air services agreements and Council Regulation 2409/92/EC 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.