


# Procedure file

Basic information		
CNS - Consultation procedure Decision	<a href="#">2005/0113(CNS)</a>	Procedure completed
EC/New Zealand agreement: air services, replacing the bilateral agreements by a Community agreement		
Subject 3.20.15.02 Air transport agreements and cooperation		
Geographical area New Zealand		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>TRAN</b> Transport and Tourism		29/08/2005
Council of the European Union		ALDE <a href="#">COSTA Paolo</a>	
	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2818</a>	18/09/2007
	<a href="#">Economic and Financial Affairs ECOFIN</a>	<a href="#">2726</a>	05/05/2006
European Commission	Commission DG Energy and Transport	Commissioner BARROT Jacques	

Key events			
21/06/2005	Legislative proposal published	<a href="#">COM(2005)0267</a>	Summary
07/07/2005	Committee referral announced in Parliament		
13/09/2006	Vote in committee		Summary
20/09/2006	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0294/2006</a>	
12/10/2006	Results of vote in Parliament		
12/10/2006	Decision by Parliament	<a href="#">T6-0398/2006</a>	Summary
18/09/2007	Act adopted by Council after consultation of Parliament		
18/09/2007	End of procedure in Parliament		
02/10/2007	Final act published in Official Journal		

Technical information	
Procedure reference	2005/0113(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/6/29280

### Documentation gateway

Legislative proposal	<a href="#">COM(2005)0267</a>	22/06/2005	EC	Summary
Supplementary legislative basic document	<a href="#">05791/2006</a>	20/02/2006	CSL	
Committee draft report	<a href="#">PE362.497</a>	19/07/2006	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0294/2006</a>	20/09/2006	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T6-0398/2006</a>	12/10/2006	EP	Summary

### Additional information

European Commission	<a href="#">EUR-Lex</a>
---------------------	-------------------------

### Final act

<a href="#">Decision 2007/633</a> <a href="#">OJ L 256 02.10.2007, p. 0027</a> Summary
---

## EC/New Zealand agreement: air services, replacing the bilateral agreements by a Community agreement

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

**PROPOSED ACT** : Council Decision.

**CONTENT** : international aviation relations between Member States and third countries have traditionally been governed by bilateral air services agreements between Member States and third countries. Following certain judgements of the Court of Justice of the European Communities, 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.

Following the Court of Justice judgements, 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 an agreement with New Zealand that replaces certain provisions in the existing bilateral air services agreements between Member States and New Zealand.

- 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 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.

The proposals deal with the signature and provisional application and on the conclusion of the agreement.

## EC/New Zealand agreement: air services, replacing the bilateral agreements by a Community agreement

---

The committee adopted the report by its chairman, Paolo COSTA (ALDE, IT), approving - under the consultation procedure - the conclusion of the agreement between the EC and New Zealand on certain aspects of air services.

## EC/New Zealand agreement: air services, replacing the bilateral agreements by a Community agreement

---

The European Parliament adopted the resolution drafted by Paolo COSTA (ALDE, IT), and approved the conclusion of the agreement between the EC and New Zealand on certain aspects of air services.

## EC/New Zealand agreement: air services, replacing the bilateral agreements by a Community agreement

---

**PURPOSE:** the conclusion of the Agreement between the European Community and New Zealand on certain aspects of air services.

**LEGISLATIVE ACT:** Council Decision 2007/633/EC.

**CONTENT:** the Council adopted a Decision approving the Agreement between the EU and New Zealand on air services. The agreement was signed on behalf of the European Community, subject to its possible conclusion at a later date, in accordance with Decision 2006/466/EC. It is the result of negotiation pursuant to a mandate enabling the Commission to negotiate with any third country, with a view to bringing Member States' existing bilateral aviation agreements into line with Community law.