


# Procedure file

Basic information		
CNS - Consultation procedure Decision	<a href="#">2005/0151(CNS)</a>	Procedure completed
EC/Moldova agreement: air services, replacing the bilateral agreements by a Community agreement		
Subject 3.20.15.02 Air transport agreements and cooperation		
Geographical area Moldova		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>TRAN</b> Transport and Tourism	ALDE <a href="#">COSTA Paolo</a>	12/09/2005
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2850</a>	18/02/2008
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2721</a>	27/03/2006
European Commission	Commission DG Energy and Transport	Commissioner BARROT Jacques	

Key events			
12/08/2005	Legislative proposal published	<a href="#">COM(2005)0371</a>	Summary
22/11/2005	Vote in committee		Summary
06/04/2006	Committee referral announced in Parliament		
12/04/2006	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0127/2006</a>	
16/05/2006	Results of vote in Parliament		
16/05/2006	Decision by Parliament	<a href="#">T6-0192/2006</a>	Summary
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	2005/0151(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 080-p2; EC Treaty (after Amsterdam) EC 300-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/29875

Documentation gateway					
Legislative proposal		<a href="#">COM(2005)0371</a>	12/08/2005	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0127/2006</a>	12/04/2006	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0192/2006</a>	16/05/2006	EP	Summary

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

Final act
<a href="#">Decision 2008/190</a> <a href="#">OJ L 060 05.03.2008, p. 0024</a> Summary

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

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

**PROPOSED ACT:** Council Decision.

**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, the Annexes to such agreements and other related bilateral or multilateral arrangements.

Following the judgments of the Court of Justice of the European Communities in recent cases (C-466/98, C-467/98, C-468/98, C-471/98, C-472/98, C-475/98 and C-476/98), 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 judgments, 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 Moldova that replaces certain provisions in the existing bilateral air services agreements between Member States and Moldova:

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) of the Directive. 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.

The Council is asked to approve the decisions on the signature and on the conclusion of the Agreement between the EC and Moldova on certain aspects of air services and to designate the persons authorized to sign the Agreement on behalf of the Community.

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

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The committee adopted the report by its chair, Paolo COSTA (ALDE, IT), approving the conclusion of the Agreement between the European Community and the Republic of Moldova on certain aspects of air services.

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

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

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

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

**LEGISLATIVE ACT:** Council Decision 2008/190/EC on the conclusion of the Agreement between the European Community and the Republic of Moldova on certain aspects of air services.

**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 negotiated an agreement with Moldova that replaces certain provisions in the existing bilateral air services agreements between Member States and Moldova.

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) of the Directive. 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.

This Decision concludes the Agreement between the European Community and Moldova on certain aspects of air services on behalf of the Community.