


# Procedure file

Basic information	
CNS - Consultation procedure Decision	2005/0161(CNS) Procedure completed
EC/Morocco agreement: air services, replacing the bilateral agreements by a Community agreement See also <a href="#">2007/0183(CNS)</a>	
Subject 3.20.15.02 Air transport agreements and cooperation	
Geographical area Morocco	

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="#">Agriculture and Fisheries</a>	<a href="#">2860</a>	17/03/2008
	<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			
26/08/2005	Legislative proposal published	<a href="#">COM(2005)0393</a>	Summary
24/01/2006	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="#">A6-0125/2006</a>	
16/05/2006	Results of vote in Parliament		
16/05/2006	Decision by Parliament	<a href="#">T6-0193/2006</a>	Summary
17/03/2008	Act adopted by Council after consultation of Parliament		
17/03/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2005/0161(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
	See also <a href="#">2007/0183(CNS)</a>
Legal basis	EC Treaty (after Amsterdam) EC 300-p3-a1; EC Treaty (after Amsterdam) EC 080-p2; EC Treaty (after Amsterdam) EC 300-p2-a1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/30012

Documentation gateway					
Legislative proposal		<a href="#">COM(2005)0393</a>	26/08/2005	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0125/2006</a>	12/04/2006	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0193/2006</a>	16/05/2006	EP	Summary

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

Final act
<a href="#">Decision 2008/274</a> <a href="#">OJ L 087 29.03.2008, p. 0009</a> Summary

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

**PURPOSE :** to conclude an Agreement between the EC and Morocco 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 them. However, following the judgments of the Court of Justice in certain recent cases (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 policy. The Court of Justice has 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 Commission has negotiated an Agreement with Morocco that replaces certain provisions in the existing bilateral air services agreements between Member States and Morocco:

-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).

-Article 5 (Tariffs) 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 provisional application and on the conclusion of the Agreement and to designate the persons authorised to sign the Agreement on behalf of the Community.

## EC/Morocco 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 Kingdom of Morocco on certain aspects of air services.

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

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**PURPOSE:** to conclude an Agreement between the EC and Morocco on certain aspects of air services.

**LEGISLATIVE PROPOSAL:** Council Decision (2008/274/EC) on the conclusion of the Agreement between the European Community and the Kingdom of Morocco on certain aspects of air services.

**CONTENT:** to recall, the Council authorised the Commission to open negotiations with the Kingdom of Morocco on certain aspects of air services, following a number of cases in which the European Court of Justice ruled that the Community has exclusive competence with respect to various aspects of external aviation policy. 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. A provisional Agreement was applied in 2006.

The purpose of this Council Decision is to conclude and approve the Agreement. The Agreement with Morocco replaces certain provisions in the existing bilateral air services agreements between Member States and Morocco.

Article 2 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 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). Article 5 (Tariffs) 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.