

Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2007/0024(NLE)	Preparatory phase in Parliament
EC/Russia Agreement: agreed principles of the modernisation of the existing system of utilisation of the Transsiberian routes		
Subject 3.20.15 Transport agreements and cooperation 6.40.04.02 Relations with Russian Federation		
Geographical area Russian Federation		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Transport and Tourism	Shadow rapporteur	
		 SCHULZE Sven	
		 LIBERADZKI Boguslaw	
	Former committee responsible		
	 Transport and Tourism		
	 Transport and Tourism		
	 Transport and Tourism		
	Committee for opinion	Rapporteur for opinion	Appointed
	 Foreign Affairs	The committee decided not to give an opinion.	
 International Trade	The committee decided not to give an opinion.		
Former committee for opinion			
 Foreign Affairs			
 Foreign Affairs			
 Foreign Affairs			
 International Trade			
 International Trade			
 International Trade			
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2791	22/03/2007
European Commission	Commission DG	Commissioner	
	Mobility and Transport	KALLAS Siim	

Key events			
14/02/2007	Preparatory document	COM(2007)0055	Summary
02/12/2009	Additional information		Summary

Technical information	
Procedure reference	2007/0024(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
Stage reached in procedure	Preparatory phase in Parliament

Documentation gateway					
Preparatory document		COM(2007)0055	14/02/2007	EC	Summary

Additional information	
National parliaments	IPEX

EC/Russia Agreement: agreed principles of the modernisation of the existing system of utilisation of the Transsiberian routes

PURPOSE: to conclude an agreement on the modernisation of the existing system of utilisation of the Transsiberian routes between the European Community and its Member States, on the one hand, and the Russian Federation, on the other hand.

PROPOSED ACT: Decision of the Council and the representatives of the governments of the EU Member States meeting within the Council.

BACKGROUND: this draft agreement aims to solve the issue of Siberian overflight payments requested by the Russian Federation from EC carriers for overflights over Russian territory which were

an important stumbling block in EU-Russia relations. The payments are an EU-Russia trade irritant which has to be solved before Russia's accession to WTO.

The agreement will strengthen transport cooperation in the framework of the EU-Russia Common Economic Space. It lays down general principles which will have to be implemented in bilateral air services agreements between Member States and the Russian Federation.

Based on the negotiating directives of the mandate, the text of the agreement was agreed ad referendum at the final negotiating round on 24 November 2006 between Vice-president Barrot and Mr. Levitin, Transport Minister of the Russian Federation, in the margins of the EU-Russia summit in Helsinki.

CONTENT: the agreement contains key principles which must be implemented in the bilateral agreements between Member States and the Russian Federation and includes the following results:

- all payments after 1st January 2014 shall be cost-based, transparent and non-discriminatory between foreign carriers and in line with the Chicago Convention;
- the provisions of bilateral agreements between EU Member States and the Russian Federation requiring prior conclusion of commercial agreements for Transsiberian routes shall be terminated;
- all new frequencies granted by the Russian side during the transition period and beyond shall be free of payments and will not need the prior conclusion of a commercial agreement;
- all frequencies currently leased by EC carriers from Russian carriers will be grandfathered. In return, the Member States will have the choice either of increasing overflight frequencies for the Russian side or agreeing bilaterally with the Russian side on any other means;
- the current level of payments will be reduced in 2010 for certain parts of the payments.

In a separate letter, the Russian Minister Levitin stated the Russia Federation's readiness to increase overflight frequencies for EC carriers in future bilateral negotiations with Member States. The increase of overflight frequencies to Asian destinations will be made taking into account the traffic rights obtained by EU Member States to destinations in the Far East.

Lastly, it should also be noted that bilateral air services agreements will be amended, but will remain in force.

EC/Russia Agreement: agreed principles of the modernisation of the existing system of utilisation of the Transsiberian routes

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Decision of the Council and the Representatives of the Governments of the Member States of the European Union, meeting within the Council on the conclusion of the Agreement in the form of an Exchange of Letters on "Agreed Principles of the Modernisation of the existing system of utilisation of the Transsiberian routes" between the European Community and its Member States, on the one hand, and the Russian Federation, on the other hand, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.80(2), Art.300(2) first para, (3) first para and (4). ? became Art 100(2), Art 218 (6)(a) and (7) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an interinstitutional non-legislative procedure (NLE).