


Procedure file

Basic information		
CNS - Consultation procedure Decision	2007/0252(CNS)	Procedure completed
EC/Mongolia agreement: air services		
Subject 3.20.15.02 Air transport agreements and cooperation 6.40.04.04 Relations with Caucasus countries		
Geographical area Mongolia		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		15/07/2009
		S&D SIMPSON Brian	
	Former committee responsible		
	TRAN Transport and Tourism		
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2979	30/11/2009
	Transport, Telecommunications and Energy	2935	30/03/2009
European Commission	Commission DG Energy and Transport	Commissioner TAJANI Antonio	

Key events			
21/11/2007	Legislative proposal published	COM(2007)0731	Summary
14/07/2009	Committee referral announced in Parliament		
21/07/2009	Vote in committee		Summary
07/08/2009	Committee report tabled for plenary, 1st reading/single reading	A7-0001/2009	
15/09/2009	Results of vote in Parliament		
15/09/2009	Decision by Parliament	T7-0006/2009	Summary
30/11/2009	Act adopted by Council after consultation of Parliament		
30/11/2009	End of procedure in Parliament		

Technical information	
Procedure reference	2007/0252(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 100-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/00098

Documentation gateway					
Legislative proposal		COM(2007)0731	21/11/2007	EC	Summary
Committee draft report		PE402.670	24/06/2009	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0001/2009	07/08/2009	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0006/2009	15/09/2009	EP	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Decision 2009/974 OJ L 336 18.12.2009, p. 0004 Summary

EC/Mongolia agreement: air services

PURPOSE: the signature, provisional application and conclusion of the Agreement between the European Community and the Government of Mongolia on certain aspects of air services.

PROPOSED ACT: Council Decision

CONTENT: following the judgements of the Court of Justice in the so-called 'Open Skies' cases, in June 2003 the Council granted the Commission a mandate to open negotiations with third countries on the replacement of certain provisions in existing bilateral 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 has negotiated an agreement with Mongolia that replaces certain provisions in existing bilateral air services agreements between Member States and Mongolia.

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) thereof. 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. Article 6 brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.

The Council is asked to approve the decisions on the signature and provisional application and on the conclusion of the Agreement between the European Community and Mongolia on certain aspects of air services and to designate the persons authorised to sign the Agreement on behalf of the Community.

EC/Mongolia agreement: air services

The Committee on Transport and Tourism adopted, under the Simplified procedure - Rule 46(1) of the Rules of Procedure, the report drawn up by Brian SIMPSON (SD, UK) approving unamended the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Government of Mongolia on certain aspects of air services.

EC/Mongolia agreement: air services

The European Parliament adopted, by 456 votes to 21, with 2 abstentions, a legislative resolution approving unamended, under the consultation procedure, the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Government of Mongolia on certain aspects of air services.

EC/Mongolia agreement: air services

PURPOSE: to approve the Agreement between the European Community and the Government of Mongolia on certain aspects of air services.

LEGISLATIVE ACT: Council Decision 2009/974/EC on the conclusion of the Agreement between the European Community and the Government of Mongolia on certain aspects of air services.

CONTENT: on 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

On behalf of the Community, the Commission negotiated an Agreement between the European Community and the Government of Mongolia on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council 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 Agreement was signed on behalf of the Community on 3 April 2009 subject to its conclusion at a later date.

Under this decision, the Agreement between the European Community and the Government of Mongolia on certain aspects of air services is hereby approved on behalf of the Community.

In short, the Agreement:

- replaces the traditional designation clauses with a Community designation clause, permitting all Community carriers to benefit from the right of establishment;
- addresses two types of clauses concerning matters of Community competence;
- 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) thereof;
- 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;
- brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.