

EC/Kyrgyzstan agreement: air services

2007/0065(CNS) - 18/02/2008 - Final act

PURPOSE : to conclude the Agreement between the EC and the Kyrgyz Republic on certain aspects of air services.

LEGISLATIVE ACT : Council Decision 2008/195/EC on the conclusion of the Agreement between the European Community and the Kyrgyz Republic 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 the Kyrgyz Republic that replaces certain provisions in the existing bilateral air services agreements between Member States and the Kyrgyz Republic.

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 (Pricing) resolves conflicts between the existing bilateral air services agreements and Council Regulation No 2409/92 on fares and rates for air services which prohibit third country carriers from being price leaders on air services for carriage wholly within the Community. Article 6 resolves potential conflicts with the EC competition rules.

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