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

2006/0202(CNS) - 18/02/2008 - Final act

PURPOSE: the conclusion of the Agreement between the European Community and Malaysia on certain aspects of air services.

LEGISLATIVE ACT: Council Decision 2008/196/EC on the conclusion of the Agreement between the European Community and the Government of Malaysia on certain aspects of air services.

CONTENT: following the rulings of the Court of Justice of the European Communities in the “Open skies” case, the Council authorised the Commission, in June 2003, to open negotiations with third countries in order to replace certain provisions in existing bilateral agreements with Community agreements. On behalf of the Community, the Commission has negotiated an Agreement with Malaysia 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 in order to replace certain provisions in existing bilateral agreements with Community agreements.

The Council decided to approve the agreement between the European Community and Malaysia on certain aspects of air services. 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. Article 4 (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.