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

2005/0161(CNS) - 17/03/2008 - Final act

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.