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

2005/0011(CNS) - 30/11/2009 - Final act

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

LEGISLATIVE ACT: Council Decision 2009/947/EC on the conclusion of the Agreement between the European Community and the Government of the Republic of Azerbaijan 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 the Republic of Azerbaijan 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 has been signed on behalf of the Community on 7 July 2009 subject to its conclusion at a later date.

Under this decision, the Agreement between the European Community and the Government of the Republic of Azerbaijan 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;
- resolves conflicts between the existing bilateral air services agreements and Council Regulation 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.