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

2005/0143(NLE) - 24/06/2010 - Final act

PURPOSE : to conclude an air services agreement between the EC and Albania.

LEGISLATIVE ACT : Council Decision 2010/364/EU on the conclusion of the Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services.

CONTENT : the Council authorised the Commission in 2003 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 with Albania on certain aspects of air, which was signed on behalf of the Community on 5 May 2006 subject to its possible conclusion at a later date, in conformity with Council Decision 2006/716/EC.

This Decision approves the Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services on behalf of the Union.

Article 2 of the Agreement replaces the traditional designation clauses in bilateral agreements 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.

Article 5 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.

The Decision also contains a notification that, as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has succeeded the European Community.