EU/West African Economic and Monetary Union agreement: air services

2008/0145(NLE) - 21/02/2011 - Final act

PURPOSE: to conclude the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services.

NON-LEGISLATIVE ACT: Council Decision 2011/126/EU concerning the conclusion of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services.

CONTENT: following the judgments of the Court of Justice in the so-called “Open Skies” cases, in 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.

By this Decision, the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services, is hereby approved on behalf of the Union.

To summarise, the Agreement:

- replaces the traditional designation clauses with a Community designation clause, permitting all Community carriers to benefit from the right of establishment;
- 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;
- 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;
- brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.