

EU/Peru Agreement: air services

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PURPOSE: to expand the scope of the automatic exchange of information in the field of taxation in order to better combat fiscal fraud.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

CONTEXT: following the judgments of the Court of Justice in the so-called “Open Skies” cases, on 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing agreements with an agreement at Union level (the “horizontal mandate”). The objectives of such agreements are to give all European Union air carriers non-discriminatory access to routes between the European Union and third countries, and to bring bilateral air service agreements between Member States and third countries in line with the law of the Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 100(2), in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union. The proposal is entirely based on the “horizontal mandate” granted by the Council taking into account the issues covered by the law of the Union and bilateral air services agreements.

CONTENT: in accordance with the mechanisms and directives in the “horizontal mandate”, the Commission has negotiated an agreement with Peru that replaces certain provisions in the existing bilateral air services agreements between Member States and Peru.

- Article 2 of the Agreement replaces the traditional designation clauses with an EU designation clause, permitting all EU carriers to benefit from the right of establishment.
- Article 5 resolves potential conflicts with the competition rules of the Union.

In accordance with the standard procedure for the signing and conclusion of international agreements, the Council is asked to approve the decision on the conclusion of the Agreement on certain aspects of air services between the European Union and the Republic of Peru.

BUDGETARY IMPLICATION: the proposal has no implications for the EU’s budget.