

EU/Kazakhstan Agreement: air services

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PURPOSE: to conclude, on behalf of the European Union, the Agreement between the European Union and the Government of the Republic of Kazakhstan on certain aspects of air services

PROPOSED ACT: Decision of the Council.

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

BACKGROUND: following the judgements 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 bilateral air services agreements with an agreement at Union level (the ‘horizontal authorisation’).

The Agreement between the European Union and Kazakhstan on certain aspects of air services is based on that horizontal authorisation and has the specific objective to amend the existing bilateral air services agreements to bring them in line with Union law, by giving all EU air carriers non-discriminatory access to routes between the European Union and third countries.

Negotiations with Kazakhstan started in 2007 but Kazakhstan declined to sign the 2007 Agreement. Talks resumed in 2022 and the negotiators initialled a revised Agreement in October 2024.

CONTENT: the Commission proposes that the Council decides to approve, on behalf of the Union, the Agreement between the European Union and the Government of the Republic of Kazakhstan on certain aspects of air services.

In accordance with the mechanisms and directives in the Annex to the ‘horizontal authorisation’, the Commission has negotiated an Agreement with Kazakhstan that replaces certain provisions in the existing bilateral air services agreements between Member States and Kazakhstan. 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.

The proposal replaces the proposal for a Council Decision on the conclusion of the first agreement, which has become obsolete and is hereby withdrawn. The current Agreement differs considerably from the 2007 Agreement. There is no provisional application foreseen in the new draft agreement and various other provisions have been modified to take into account best practices derived from experience with that kind of agreement during the intervening sixteen years.