



Basic information	
2005/0112(CNS) CNS - Consultation procedure Decision	Procedure completed
EC/Australia Agreement: air services, replacing the bilateral agreements by a Community agreement Subject 3.20.15.02 Air transport agreements and cooperation Geographical area Australia	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">TRAN</div> Transport and Tourism	COSTA Paolo (ALDE)	29/08/2005
Council of the European Union	Council configuration	Meetings	Date
	Education, Youth, Culture and Sport	2762	2006-11-13
	Tourism	2721	2006-03-27
European Commission	Commission DG	Commissioner	
	Energy and Transport	BARROT Jacques	

Key events			
Date	Event	Reference	Summary
21/06/2005	Legislative proposal published	COM(2005)0264 	Summary
07/07/2005	Committee referral announced in Parliament		
13/09/2006	Vote in committee		Summary
20/09/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0293/2006	
12/10/2006	Decision by Parliament	T6-0397/2006	Summary
12/10/2006	Results of vote in Parliament		
13/11/2006	Act adopted by Council after consultation of Parliament		
13/11/2006	End of procedure in Parliament		

07/06/2008

Final act published in Official Journal

Technical information

Procedure reference	2005/0112(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3-a1 EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/29195


Documentation gateway**European Parliament**

Document type	Committee	Reference	Date	Summary
Committee draft report		PE362.501	19/07/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0293/2006	20/09/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0397/2006	12/10/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary legislative basic document	05036/2006	24/05/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0264 	21/06/2005	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

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

2005/0112(CNS) - 22/06/2009 - Final act

PURPOSE: to conclude the Agreement between the European Community and Australia on certain aspects of air services.

LEGISLATIVE ACT: Council Decision 2009/510/EC on the conclusion of the Agreement between the European Community and the Government of Australia on certain aspects of air services.

CONTENT: this Decision provides that the Agreement between the EC and Australia on certain aspects of air services is approved on behalf of the Community. This Agreement follows the finding by the Court of Justice that traditional designation clauses in Member States' bilateral air services agreements infringe Community law. They allow a third country to reject, withdraw or suspend the permissions or authorisations of an air carrier that has been designated by a Member State but that is not substantially owned and effectively controlled by that Member State or its nationals. This has been found to constitute discrimination against Community carriers established in the territory of a Member State but owned and controlled by nationals of other Member States. This is contrary to Article 43 of the Treaty which guarantees nationals of Member States who have exercised their freedom of establishment the same treatment in the host Member State as that accorded to nationals of that Member State.

Following the Court of Justice judgements in the "Open Skies" cases, the Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement. The Commission negotiated an agreement with Australia that replaces certain provisions in the bilateral air services agreements between Member States and Australia.

- Article 2 of the Agreement replaces the traditional designation clauses with a Community designation clause, permitting all Community carriers to benefit from the right of establishment.
- Article 4 (Pricing) 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 Agreement is concluded on behalf of the Community.

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

2005/0112(CNS) - 21/06/2005 - Legislative proposal

PURPOSE : to conclude an Agreement between the EC and Australia on certain aspects of air services

PROPOSED ACT : Council Decision.

CONTENT : international aviation relations between Member States and third countries have traditionally been governed by bilateral air services agreements or multilateral arrangements. Following certain judgements of the Court of Justice of the European Communities, the Community has exclusive competence with respect to various aspects of external aviation. The Court of Justice also clarified the right of Community air carriers to benefit from the right of establishment within the Community, including the right to non-discriminatory market access.

Traditional designation clauses in Member States' bilateral air services agreements infringe Community law. They allow a third country to reject, withdraw or suspend the permissions or authorisations of an air carrier that has been designated by a Member State but that is not substantially owned and effectively controlled by that Member State or its nationals. This has been found to constitute discrimination against Community carriers established in the territory of a Member State but owned and controlled by nationals of other Member States. This is contrary to Article 43 of the Treaty which guarantees nationals of Member States who have exercised their freedom of establishment the same treatment in the host Member State as that accorded to nationals of that Member State.

Following the Court of Justice judgements, the Council authorised the Commission in June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement. The Commission has negotiated an agreement with Australia that replaces certain provisions in the existing bilateral air services agreements between Member States and Australia.

- Article 2 of the Agreement replaces the traditional designation clauses with a Community designation clause, permitting all Community carriers to benefit from the right of establishment.

- Article 4 (Pricing) 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 proposals relate to the signature and provisional application and on the conclusion of the Agreement and to designate the persons authorised to sign the agreement on behalf of the Community.

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

2005/0112(CNS) - 27/03/2006

The Council adopted a decision approving the signature and provisional application of an agreement on air services between the EU and Australia. This agreement is the result of negotiation under a mandate by which the Commission can negotiate with any third country with a view to bringing Member States' existing bilateral aviation agreements into line with Community law.

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

2005/0112(CNS) - 12/10/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Paolo **COSTA** (ALDE, IT), and approved the conclusion of the agreement between the EC and Australia on certain aspects of air services.