Basic information

2005/0113(CNS) CNS - Consultation procedure Decision	Procedure completed
EC/New Zealand agreement: air services, replacing the bilateral agreements by a Community agreement **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** New Zealand	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	COSTA Paolo (ALDE)	29/08/2005

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2726	2006-05-05
Justice and Home Affairs (JHA)	2818	2007-09-18

European Commission

Commission DG	Commissioner
Energy and Transport	BARROT Jacques

Key events

Date	Event	Reference	Summary
22/06/2005	Legislative proposal published	COM(2005)0267	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	A6-0294/2006	
12/10/2006	Decision by Parliament	T6-0398/2006	Summary
12/10/2006	Results of vote in Parliament		
18/09/2007	Act adopted by Council after consultation of Parliament		
18/09/2007	End of procedure in Parliament		

02/10/2007	Final act published in Official Journal		

Technical information

Procedure reference	2005/0113(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/6/29280

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE362.497	19/07/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0294/2006	20/09/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0398/2006	12/10/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary legislative basic document	05791/2006	20/02/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0267	22/06/2005	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2007/0633
OJ L 256 02.10.2007, p. 0027

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

2005/0113(CNS) - 22/06/2005 - Legislative proposal

PURPOSE : to conclude the Agreement between the European Community and New Zealand 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 between Member States and third countries. 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 New Zealand that replaces certain provisions in the existing bilateral air services agreements between Member States and New Zealand.

- 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.

- 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, particularly Article 14 paragraph 2 thereof.

- Article 5 (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 deal with the signature and provisional application and on the conclusion of the agreement.

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

2005/0113(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 New Zealand on certain aspects of air services.

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

2005/0113(CNS) - 18/09/2007 - Final act

PURPOSE: the conclusion of the Agreement between the European Community and New Zealand on certain aspects of air services.

LEGISLATIVE ACT: Council Decision 2007/633/EC.

CONTENT: the Council adopted a Decision approving the Agreement between the EU and New Zealand on air services. The agreement was signed on behalf of the European Community, subject to its possible conclusion at a later date, in accordance with Decision 2006/466/EC. It is the result of negotiation pursuant to a mandate enabling the Commission to negotiate with any third country, with a view to bringing Member States' existing bilateral aviation agreements into line with Community law.

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

2005/0113(CNS) - 05/05/2006

The Council adopted a decision approving the signature and provisional application of agreements on air services between the EU and New Zealand. The 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.