




Basic information	
<p>2005/0140(NLE)</p> <p>NLE - Non-legislative enactments Decision</p>	Procedure completed
<p>EC/Bosnia and Herzegovina agreement: air services, replacing the bilateral agreements by a Community agreement</p> <p>Subject</p> <p>3.20.15.02 Air transport agreements and cooperation</p> <p>Geographical area</p> <p>Bosnia and Herzegovina</p>	

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
	Justice and Home Affairs (JHA)	2725	2006-04-27
	Transport, Telecommunications and Energy	3024	2010-06-24
European Commission	Commission DG	Commissioner	
	Mobility and Transport	KALLAS Siim	

Key events			
Date	Event	Reference	Summary
29/07/2005	Legislative proposal published	COM(2005)0351 	Summary
22/11/2005	Vote in committee		Summary
15/05/2006	Committee referral announced in Parliament		
22/05/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0195/2006	
13/06/2006	Decision by Parliament	T6-0248/2006	Summary
13/06/2006	Results of vote in Parliament		
02/12/2009	Additional information		Summary
24/06/2010	Act adopted by Council after consultation of Parliament		

24/06/2010	End of procedure in Parliament		
29/06/2010	Final act published in Official Journal		

Technical information	
Procedure reference	2005/0140(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 100-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/29792

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0195/2006	22/05/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0248/2006	13/06/2006	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Document attached to the procedure	05037/2006	26/04/2006		
Supplementary legislative basic document	08533/2010	04/05/2010	Summary	
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2005)0351 	29/07/2005	Summary	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act

EC/Bosnia and Herzegovina agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0140(NLE) - 13/06/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Paolo COSTA (ALDE, IT), approving the conclusion of the proposed Agreement between the European Community and Bosnia and Herzegovina on certain aspects of air services.

EC/Bosnia and Herzegovina agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0140(NLE) - 24/06/2010 - Final act

PURPOSE : to approve the Agreement between the European Community and Bosnia and Herzegovina on certain aspects of air services

LEGISLATIVE ACT : Council Decision 2010/360/EU on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on certain aspects of air services

CONTENT : on 5 June 2003, the Council authorised the Commission 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 Bosnia and Herzegovina on certain aspects of air services which was signed on behalf of the Community on 5 May 2006 subject to its possible conclusion at a later date, in conformity with Council Decision 2006/426/EC.

This Decision approves the Agreement between the European Community and Bosnia and Herzegovina on certain aspects of air services is hereby approved on behalf of the Union. In addition, it contains a notification that, as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the EU has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community.

EC/Bosnia and Herzegovina agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0140(NLE) - 27/04/2006

The Council adopted a Decision approving the signature and provisional application of an agreement on air services between the EU and Bosnia and Herzegovina. 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.

EC/Bosnia and Herzegovina agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0140(NLE) - 04/05/2010 - Supplementary legislative basic document

PURPOSE: to clarify the draft Agreement concluded between the European Community and Bosnia and Herzegovina on certain aspects of air services.

PROPOSED ACT: Council Decision.

LEGAL BASIS: Article 100(2), in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

BACKGROUND: on 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

On behalf of the Community, the Commission negotiated an agreement with Bosnia and Herzegovina on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

The Agreement was signed on behalf of the Community on 5 May 2006 subject to its possible conclusion at a later date, in conformity with Council Decision 2006/426/EC.

Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union should make a notification to Bosnia and Herzegovina as regards the European Union having replaced and succeeded the European Community. This is the aim of this proposal.

CONTENT: by this proposed decision, the Agreement between the European Community and Bosnia and Herzegovina on certain aspects of air services is hereby approved on behalf of the Union.

It aims to formally notify that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to 'the European Community' in the text of the Agreement are, where appropriate, to be read as the European Union.

EC/Bosnia and Herzegovina agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0140(NLE) - 29/07/2005 - Legislative proposal

PURPOSE : to conclude the agreement between the EC and Bosnia and Herzegovina on certain aspects of air services and to designate the persons authorized to sign the agreement on behalf of the Community.

PROPOSED ACT : Council Decision.

CONTENT : International aviation relations between Member States and third countries have been traditionally governed by bilateral air services agreements, their Annexes and other related bilateral or multilateral arrangements.

Following the judgements of the Court of Justice of the European Communities in the cases C-466/98, C-467/98, C-468/98, C-471/98, C-472/98, C-475/98 and C-476/98, 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. Accordingly, the Commission has negotiated an agreement with Bosnia and Herzegovina that replaces certain provisions in the existing bilateral air services agreements between Member States and 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 Council is asked to approve the decisions on the signature and provisional application and on the conclusion of the agreement.