Basic information

2005/0141(NLE) NLE - Non-legislative enactments Decision	Procedure lapsed or withdrawn
EC/Serbia and Montenegro agreement: air services, replacing the bilateral agreements by a Community agreement **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Serbia and Montenegro, until 02/2003	

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
Transport, Telecommunications and Energy	2721	2006-03-27

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
29/07/2005	Legislative proposal published	COM(2005)0353	Summary
22/11/2005	Vote in committee		Summary
06/04/2006	Committee referral announced in Parliament		
12/04/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0126/2006	
16/05/2006	Decision by Parliament	T6-0189/2006	Summary
16/05/2006	Results of vote in Parliament		
02/12/2009	Additional information		Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2005/0141(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Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	TRAN/6/29789

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0126/2006	12/04/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0189/2006	16/05/2006	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0353	29/07/2005	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

EC/Serbia and Montenegro agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0141(NLE) - 29/07/2005 - Legislative proposal

PURPOSE : to conclude the agreement between the EC and Serbia and Montenegro 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 Serbia and Montenegro that replaces certain provisions in the existing bilateral air services agreements between Member States and Serbia and Montenegro.

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.

EC/Serbia and Montenegro agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0141(NLE) - 16/05/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Paolo **COSTA** (ALDE, IT), and approved the conclusion of the Agreement.

EC/Serbia and Montenegro agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0141(NLE) - 27/03/2006

The Council adopted decisions approving the signature and provisional application of agreements on air services between the EU and Albania, the former Yugoslav Republic of Macedonia, Morocco, Australia, Romania, Moldova and Serbia Montenegro. The seven agreements are 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.