Basic information

2005/0143(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EC/Albania agreement: air services, replacing the bilateral agreements by a Community agreement **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Albania	

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
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)0349	Summary
22/11/2005	Vote in committee		Summary
06/04/2006	Committee referral announced in Parliament		
11/04/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0129/2006	
16/05/2006	Decision by Parliament	T6-0188/2006	Summary
16/05/2006	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		
01/07/2010	Final act published in Official Journal		

Technical information

Procedure reference	2005/0143(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 100-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/29791

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0129/2006	11/04/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0188/2006	16/05/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05033/2006	08/02/2006	
Supplementary legislative basic document	08531/2010	04/05/2010	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0349	29/07/2005	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2010/0364
OJ L 166 01.07.2010, p. 0016

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

2005/0143(NLE) - 24/06/2010 - Final act

PURPOSE : to conclude an air services agreement between the EC and Albania.

LEGISLATIVE ACT : Council Decision 2010/364/EU on the conclusion of the Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services.

CONTENT : the Council authorised the Commission in 2003 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 Albania on certain aspects of air, 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 2006/716/EC.

This Decision approves the Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services on behalf of the Union.

Article 2 of the Agreement replaces the traditional designation clauses in bilateral agreements 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.

Article 5 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 Decision also contains a notification that, as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has succeeded the European Community.

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

2005/0143(NLE) - 04/05/2010 - Supplementary legislative basic document

This document sets out the draft Council Decision on the conclusion of the Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services.

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 Albania on certain aspects of air services (the "Agreement") 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 2006/716/EC1.Following the entry into force of the Treaty of Lisbon on 1 December 2009, the EU should make a notification to Albania as regards the EU having replaced and succeeded the European Community.

Accordingly, the draft Decision provides that the Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services is approved on behalf of the Union. The President of the Council must be authorised to designate the person empowered to make the notification provided for in Article 8(1) of the Agreement and to make the following notification:

"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/Albania agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0143(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/Albania agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0143(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.

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

2005/0143(NLE) - 29/07/2005 - Legislative proposal

PURPOSE : to conclude the agreement between the EC and Albania 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 Albania 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.