Basic information

2005/0146(CNS) CNS - Consultation procedure Decision	Procedure completed
EC/Former Yugoslav Republic of Macedonia FYROM agreement: air services, replacing the bilateral agreements by a Community agreement **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Former Yugoslav Republic of Macedonia	

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
General Affairs	2850	2008-02-18
Transport, Telecommunications and Energy	2721	2006-03-27

European Commission

Commission DG	Commissioner
Energy and Transport	BARROT Jacques

Key events

Date	Event	Reference	Summary
29/07/2005	Legislative proposal published	COM(2005)0355	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	A6-0130/2006	
16/05/2006	Decision by Parliament	T6-0190/2006	Summary
16/05/2006	Results of vote in Parliament		
18/02/2008	Act adopted by Council after consultation of Parliament		
18/02/2008	End of procedure in Parliament		

05/03/2008	Final act published in Official Journal		

Technical information

Procedure reference	2005/0146(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/6/29790

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0130/2006	11/04/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0190/2006	16/05/2006	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0355	29/07/2005	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2008/0198
OJ L 060 05.03.2008, p. 0032 Summary

EC/Former Yugoslav Republic of Macedonia FYROM agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0146(CNS) - 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/Former Yugoslav Republic of Macedonia FYROM agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0146(CNS) - 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/Former Yugoslav Republic of Macedonia FYROM agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0146(CNS) - 29/07/2005 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Community and the former Yugoslav Republic of Macedonia (FYROM) on certain aspects of air services.

PROPOSED ACT: Council Decision.

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

Following the judgments of the Court of Justice of the European Communities in recent 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 judgments, 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 the FYROM that replaces certain provisions in the existing bilateral air services agreements between Member States and the FYROM:

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, and in particular Article 14(2) of the Directive. Article 5 (Pricing) resolves conflicts between the existing bilateral air services agreements and Council Regulation No 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 on the conclusion of the Agreement between the EC and the FYROM on certain aspects of air services and to designate the persons authorized to sign the Agreement on behalf of the Community.

EC/Former Yugoslav Republic of Macedonia FYROM agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0146(CNS) - 18/02/2008 - Final act

PURPOSE: to conclude the Agreement between the European Community and the former Yugoslav Republic of Macedonia (FYROM) on certain aspects of air services.

LEGISLATIVE ACT: Council Decision 2008/198/EC on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on certain aspects of air services.

CONTENT: 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 on behalf of the Community an agreement with the FYROM on certain aspects of air services in accordance with the mechanisms and Directives in the Annex to the Council's decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

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/EC 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.