Basic information

2005/0161(CNS) CNS - Consultation procedure Decision	Procedure completed
EC/Morocco agreement: air services, replacing the bilateral agreements by a Community agreement See also 2007/0183(CNS) **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Morocco	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	COSTA Paolo (ALDE)	12/09/2005

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2721	2006-03-27
Agriculture and Fisheries	2860	2008-03-17

European Commission

Commission DG	Commissioner
Energy and Transport	BARROT Jacques

Key events

Date	Event	Reference	Summary
26/08/2005	Legislative proposal published	COM(2005)0393	Summary
24/01/2006	Vote in committee		Summary
06/04/2006	Committee referral announced in Parliament		
12/04/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0125/2006	
16/05/2006	Decision by Parliament	T6-0193/2006	Summary
16/05/2006	Results of vote in Parliament		
17/03/2008	Act adopted by Council after consultation of Parliament		

17/03/2008	End of procedure in Parliament		
29/03/2008	Final act published in Official Journal		

Technical information

Procedure reference	2005/0161(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	See also 2007/0183(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 300-p2-a1 EC Treaty (after Amsterdam) EC 080-p2 EC Treaty (after Amsterdam) EC 300-p3-a1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/30012

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0125/2006	12/04/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0193/2006	16/05/2006	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0393	26/08/2005	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2008/0274
OJ L 087 29.03.2008, p. 0009 Summary

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

2005/0161(CNS) - 17/03/2008 - Final act

PURPOSE: to conclude an Agreement between the EC and Morocco on certain aspects of air services.

LEGISLATIVE PROPOSAL: Council Decision (2008/274/EC) on the conclusion of the Agreement between the European Community and the Kingdom of Morocco on certain aspects of air services.

CONTENT: to recall, the Council authorised the Commission to open negotiations with the Kingdom of Morocco on certain aspects of air services, following a number of cases in which the European Court of Justice ruled that the Community has exclusive competence with respect to various aspects of external aviation policy. 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. A provisional Agreement was applied in 2006.

The purpose of this Council Decision is to conclude and approve the Agreement. The Agreement with Morocco replaces certain provisions in the existing bilateral air services agreements between Member States and Morocco.

Article 2 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 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). Article 5 (Tariffs) 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.

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

2005/0161(CNS) - 26/08/2005 - Legislative proposal

PURPOSE : to conclude an Agreement between the EC and Morocco 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 them. However, following the judgments of the Court of Justice in certain recent cases (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 policy. The Court of Justice has 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 Commission has negotiated an Agreement with Morocco that replaces certain provisions in the existing bilateral air services agreements between Member States and Morocco:

-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).

-Article 5 (Tariffs) 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 provisional application and on the conclusion of the Agreement and to designate the persons authorised to sign the Agreement on behalf of the Community.

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

2005/0161(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/Morocco agreement: air services, replacing the bilateral agreements by a Community agreement

2005/0161(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.