Basic information

2008/0040(NLE) NLE - Non-legislative enactments Decision	Procedure lapsed or withdrawn
EC/Kazakhstan agreement: air services **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Kazakhstan	

Key players

Council of the European Union	
European Commission	**Commission DG** / **Commissioner** Mobility and Transport / KALLAS Siim

Key events

Date	Event	Reference	Summary
21/02/2008	Preparatory document	COM(2008)0092	Summary
02/12/2009	Additional information		Summary
23/04/2021	Proposal withdrawn by Commission		

Technical information

Procedure reference	2008/0040(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Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

European Commission

Document type	Reference	Date	Summary

Preparatory document	COM(2008)0092	21/02/2008	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

EC/Kazakhstan agreement: air services

2008/0040(NLE) - 21/02/2008 - Preparatory document

PURPOSE: the signature and provisional application of the Agreement between the European Community and the Republic of Kazakhstan on certain aspects of air services.

PROPOSED ACT: Council Decision.

CONTENT: following the judgements of the Court of Justice in the so-called “Open Skies” cases, in June 2003 the Council granted the Commission a mandate to open negotiations with third countries on the replacement of certain provisions in existing agreements with a Community agreement (the “horizontal mandate”). The objectives of such agreements are to give all EU air carriers non-discriminatory access to routes between the Community and third countries, and to bring bilateral air service agreements between Member States and third countries in line with Community law.

In accordance with the mechanisms and directives in the Annex to the ”horizontal mandate”, the Commission has negotiated an agreement with the Republic of Kazakhstan that replaces certain provisions in the existing bilateral air services agreements between Member States and the Republic of Kazakhstan.

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 clause 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) thereof. 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. Article 6 brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.

In accordance with the standard procedure for the signature and conclusion of international agreements, the Council is asked to approve the decisions on the signature and provisional application and on the conclusion of the Agreement between the European Community and the Republic of Kazakhstan on certain aspects of air services and to designate the persons authorised to sign the Agreement on behalf of the Community.