




| Basic information   |                     |
|---|---------------------|
| <b>2008/0121(CNS)</b><br>CNS - Consultation procedure<br>Decision   | Procedure completed |
| EC/India agreement: air services<br><br><b>Subject</b><br>3.20.15.02 Air transport agreements and cooperation |                     |

| Key players                   |   |                             |                  |
|-------------------------------|---|-----------------------------|------------------|
| European Parliament           | <b>Committee responsible</b>  | <b>Rapporteur</b>           | <b>Appointed</b> |
|                               | <div style="border: 1px solid red; display: inline-block; padding: 2px;">TRAN</div> Transport and Tourism | ALBERTINI Gabriele (PPE-DE) | 15/07/2008       |
| Council of the European Union | <b>Council configuration</b>  | <b>Meetings</b>             | <b>Date</b>      |
|                               | Competitiveness (Internal Market, Industry, Research and Space)   | 2891                        | 2008-09-25       |
|                               | Agriculture and Fisheries   | 2952                        | 2009-06-22       |
| European Commission           | <b>Commission DG</b>  | <b>Commissioner</b>         |                  |
|                               | Energy and Transport  | TAJANI Antonio              |                  |

| Key events |   |  |         |
|------------|---|--|---------|
| Date       | Event   | Reference  | Summary |
| 20/06/2008 | Legislative proposal published                                  | COM(2008)0347<br> | Summary |
| 09/10/2008 | Committee referral announced in Parliament                      |  |         |
| 02/12/2008 | Vote in committee   |  | Summary |
| 04/12/2008 | Committee report tabled for plenary, 1st reading/single reading | A6-0471/2008   |         |
| 16/12/2008 | Decision by Parliament  | T6-0587/2008   | Summary |
| 16/12/2008 | Results of vote in Parliament                                   |                   |         |
| 22/06/2009 | Act adopted by Council after consultation of Parliament         |  |         |
| 22/06/2009 | End of procedure in Parliament                                  |  |         |
| 03/07/2009 | Final act published in Official Journal                         |  |         |

| Technical information      |   |
|----------------------------|---|
| Procedure reference        | 2008/0121(CNS)  |
| Procedure type             | CNS - Consultation procedure  |
| Procedure subtype          | International agreement   |
| Legislative instrument     | Decision  |
| Legal basis                | EC Treaty (after Amsterdam) EC 300-p2/3-a1<br>EC Treaty (after Amsterdam) EC 080-p2 |
| Stage reached in procedure | Procedure completed   |
| Committee dossier          | TRAN/6/64578  |

| Documentation gateway   |  |                              |                         |                         |
|---|--|------------------------------|-------------------------|-------------------------|
| <b>European Parliament</b>                                      |  |                              |                         |                         |
| Document type   | Committee  | Reference                    | Date                    | Summary                 |
| Committee draft report  |  | <a href="#">PE415.058</a>    | 14/11/2008              |                         |
| Committee report tabled for plenary, 1st reading/single reading |  | <a href="#">A6-0471/2008</a> | 04/12/2008              |                         |
| Text adopted by Parliament, 1st reading/single reading          |  | <a href="#">T6-0587/2008</a> | 16/12/2008              | <a href="#">Summary</a> |
| <b>European Commission</b>                                      |  |                              |                         |                         |
| Document type   | Reference  | Date                         | Summary                 |                         |
| Legislative proposal  | <a href="#">COM(2008)0347</a><br> | 20/06/2008                   | <a href="#">Summary</a> |                         |

| Additional information |                         |      |
|------------------------|-------------------------|------|
| Source                 | Document                | Date |
| National parliaments   | <a href="#">IPEX</a>    |      |
| European Commission    | <a href="#">EUR-Lex</a> |      |

| Final act  |                         |
|--|-------------------------|
| <a href="#">Decision 2009/0516</a><br><a href="#">OJ L 173 03.07.2009, p. 0010</a> | <a href="#">Summary</a> |

## EC/India agreement: air services

2008/0121(CNS) - 20/06/2008 - Legislative proposal

PURPOSE: to conclude an Agreement between the European Community and India on certain aspects of air services.

LEGISLATIVE ACT: Council Decision.

CONTENT: on 5 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. 120 International aviation relations between Member States and third countries have traditionally been governed by bilateral air services agreements between Member States and third countries. 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. There are further issues, such as obligatory commercial agreements between airlines where compliance with Community law should be ensured through amending or complementing existing provisions in bilateral air services agreements between Member States and third countries.

In accordance with the "horizontal mandate", the Commission has negotiated an Agreement with India that replaces certain provisions in the existing bilateral air services agreements between Member States and India:

- 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;

- Article 4 brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.

When negotiating the Agreement, it was emphasised that the Agreement shall not affect the volume or balance of traffic rights. To this effect the terms of a letter to be sent by the EC and its Member States to India following the signature of the "horizontal agreement" were defined. This letter, which was endorsed by the Member States within the Special Committee, is being sent to the Council together with this proposal.

## EC/India agreement: air services

2008/0121(CNS) - 22/06/2009 - Final act

PURPOSE: to conclude the Agreement between the European Union and India on certain aspects of air services.

LEGISLATIVE ACT: Council Decision 2009/516/EC.

CONTENT: the Council authorised the Commission on 5 June 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 between the European Community and the Government of the Republic of India on certain aspects of air services 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 28 September 2008 subject to its conclusion at a later date.

The Council has adopted this decision approving the conclusion of the agreement on certain aspects of air services with India.

In summary, the Agreement:

- replaces the traditional designation clauses with a Community designation clause. This permits all Community carriers to benefit from the right of establishment;
- addresses the issue of safety, within the context of Community designations;
- addresses the matter of aviation fuel taxation (a matter which has been harmonised by Council Directive 2003/96/EC);
- resolves conflicts between the existing bilateral air services agreements and Council Regulation (EC) 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; and
- resolves potential conflicts with EC competition rules.

## EC/India agreement: air services

2008/0121(CNS) - 16/12/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 534 votes to 16 with 8 abstentions a legislative resolution under the consultation procedure, and approved the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of India on certain aspects of air services. The report had been tabled for consideration in plenary by Gabriele ALBERTINI (EPP-ED, IT) on behalf of the Committee on Transport and Tourism.