Basic information

2008/0145(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/West African Economic and Monetary Union agreement: air services **Subject** 3.20.15.02 Air transport agreements and cooperation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	KOCH Dieter-Lebrecht (PPE)	21/07/2009
	Shadow rapporteur EL KHADRAOUI Saïd (S&D) MEISSNER Gesine (ALDE) LICHTENBERGER Eva (Verts/ALE) BRADBOURN Philip (ECR) KOHLÍČEK Jaromír (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism		

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3068	2011-02-21
Transport, Telecommunications and Energy	2935	2009-03-30

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
17/07/2008	Preparatory document	COM(2008)0463	Summary
02/12/2009	Additional information		Summary
13/04/2010	Legislative proposal published	06646/2010	Summary
06/05/2010	Committee referral announced in Parliament		
01/12/2010	Vote in committee		Summary
07/12/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0361/2010	
18/01/2011	Decision by Parliament	T7-0003/2011	Summary
18/01/2011	Results of vote in Parliament		
21/02/2011	Act adopted by Council after consultation of Parliament		
21/02/2011	End of procedure in Parliament		
25/02/2011	Final act published in Official Journal		

Technical information

Procedure reference	2008/0145(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 218-p6a Treaty on the Functioning of the European Union TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/00115

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE445.935	19/08/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0361/2010	07/12/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0003/2011	18/01/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	06190/2009	09/03/2009	
Legislative proposal	06646/2010	13/04/2010	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2008)0463	17/07/2008	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2011/0126
OJ L 051 25.02.2011, p. 0001 Summary

EU/West African Economic and Monetary Union agreement: air services

2008/0145(NLE) - 18/01/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services.

Parliament consents to the conclusion of the Agreement.

EU/West African Economic and Monetary Union agreement: air services

2008/0145(NLE) - 17/07/2008 - Preparatory document

PURPOSE: the signature and provisional application of the Agreement between the European Community and the West African Economic and Monetary Union 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 ”horizontal mandate”, the Commission has negotiated an agreement with the West African Economic and Monetary Union that replaces certain provisions in the existing bilateral air services agreements between Member States and the West African Economic and Monetary Union. 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 West African Economic and Monetary Union on certain aspects of air services and to designate the persons authorised to sign the Agreement on behalf of the Community.

EU/West African Economic and Monetary Union agreement: air services

2008/0145(NLE) - 21/02/2011 - Final act

PURPOSE: to conclude the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services.

NON-LEGISLATIVE ACT: Council Decision 2011/126/EU concerning the conclusion of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services.

CONTENT: following the judgments 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.

By this Decision, the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services, is hereby approved on behalf of the Union.

To summarise, the Agreement:

- replaces the traditional designation clauses with a Community designation clause, permitting all Community carriers to benefit from the right of establishment;
- 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;
- 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;
- brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.

EU/West African Economic and Monetary Union agreement: air services

2008/0145(NLE) - 13/04/2010 - Legislative proposal

PURPOSE: the conclusion of the Agreement between the European Community and the West African Economic and Monetary Union 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 Community 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 West African Economic and Monetary Union that replaces certain provisions in the existing bilateral air services agreements between Member States and the Member States of the West African Economic and Monetary Union.

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 5 and 6 of the Agreement address two types of clauses concerning matters of Community competence. Article 5 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 6 (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 7 brings provisions in bilateral agreements which are clearly anti-competitive (obligatory commercial agreements between airlines) in line with EU competition law.

This Decision approves the conclusion of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services is approved on behalf of the Community.