Basic information

2010/0132(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Indonesia Agreement: air services **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Indonesia	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	SIMPSON Brian (S&D)	22/06/2010
	Shadow rapporteur MEISSNER Gesine (ALDE) LICHTENBERGER Eva (Verts/ALE) ZĪLE Roberts (ECR) KOHLÍČEK Jaromír (GUE/NGL)	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3034	2010-10-07
Transport, Telecommunications and Energy	3145	2012-02-14

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
26/05/2010	Preparatory document	COM(2010)0247	Summary
26/08/2011	Legislative proposal published	13238/2011	Summary

15/09/2011	Committee referral announced in Parliament		
20/12/2011	Vote in committee		
21/12/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0448/2011	Summary
19/01/2012	Decision by Parliament	T7-0007/2012	Summary
19/01/2012	Results of vote in Parliament		
14/02/2012	Act adopted by Council after consultation of Parliament		
14/02/2012	End of procedure in Parliament		
24/02/2012	Final act published in Official Journal		

Technical information

Procedure reference	2010/0132(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/7/03022

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE473.955	13/10/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0448/2011	21/12/2011	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0007/2012	19/01/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	10843/2010	14/06/2011	
Legislative proposal	13238/2011	26/08/2011	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2010)0247	26/05/2010	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2012/0113 OJ L 052 24.02.2012, p. 0001	Summary

EU/Indonesia Agreement: air services

2010/0132(NLE) - 21/12/2011 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report drafted by Brian SIMPSON (S&D, UK) recommending the European Parliament to give its consent to the conclusion of an Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services.

EU/Indonesia Agreement: air services

2010/0132(NLE) - 19/01/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of an Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services.

Parliament gave its consent to the Agreement.

EU/Indonesia Agreement: air services

2010/0132(NLE) - 14/02/2012 - Final act

PURPOSE: to conclude an Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services.

LEGISLATIVE ACT: Council Decision 2012/113/EU.

CONTENT: by its Decision of 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level.

In accordance with Council Decision 2011/663/EU, the Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services has been signed and provisionally applied, subject to its conclusion.

Under this Decision, the Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services is hereby approved on behalf of the Union.

ENTRY INTO FORCE: 14/02/2012.

EU/Indonesia Agreement: air services

2010/0132(NLE) - 26/05/2010 - Preparatory document

PURPOSE: to conclude the Agreement on certain aspects of air services between the EU and Indonesia.

PROPOSED ACT: Council Decision.

LEGAL BASE: Art. 100(2), 218(5) and 218(6)(a) of the Treaty on the Functioning of the EU. The proposal is entirely based on the “horizontal mandate” granted by the Council taking into account the issues covered by EU law and bilateral air services agreements. It will amend or complement provisions in bilateral air services agreements only to the extent necessary to ensure compliance with EU law.

BACKGROUND: international aviation relations between Member States and third countries have traditionally been governed by bilateral air services agreements, the Annexes to such agreements and other related bilateral or multilateral arrangements. Following the judgements of the Court of Justice in the so-called “Open Skies” cases, on 5 June 2003, it was held that traditional designation clauses in Member States’ bilateral air services agreements infringe EU 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 but that is not substantially owned and effectively controlled by that Member State or its nationals. This has been found to constitute discrimination against EU carriers established in the territory of a Member State but owned and controlled by nationals of other Member States. This is contrary to Article 49 of the Treaty on the Functioning of the EU 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 .

There are further issues, such as aviation fuel taxation or tariffs introduced by third country air carriers on intra-EU routes, where compliance with EU law should be ensured through amending or complementing existing provisions in bilateral air services agreements between Member States and third countries.

IMPACT ASSESSMENT: no impact assessment was carried out.

CONTENT: this proposal will supersede or complement the existing provisions in the 18 bilateral air services agreements between Member States and Indonesia. The Commission has negotiated an agreement with Indonesia that replaces certain provisions in the existing bilateral air services agreements between Member States and Indonesia:

- Article 2 of the Agreement replaces the traditional designation clauses with a Community designation clause, permitting all European Union carriers to benefit from the right of establishment;
- 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;
- lastly, Article 5 resolves potential conflicts with the competition rules of the European Union.

In accordance with the standard procedure for the signature and conclusion of international agreements, the Council is asked to approve this proposal on the conclusion of the Agreement on certain aspects of air services between the EU and Indonesia.

FINANCIAL IMPLICATIONS: the proposal has no implication for the budget of the European Union.

EU/Indonesia Agreement: air services

2010/0132(NLE) - 26/08/2011 - Legislative proposal

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

PROPOSED ACT: Council Decision.

BACKGROUND: by its Decision of 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level.

In accordance with a Council Decision, the Agreement between the European Union and Indonesia on certain aspects of air services has been signed and provisionally applied, subject to its conclusion.

It is now necessary to conclude the Protocol on behalf of the Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 100(2), in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this proposal, the Agreement between the European Union and Indonesia on certain aspects of air services is hereby approved on behalf of the Union.

The text of the Agreement is attached to the proposal.

For further details of this Agreement, please refer to the summary of the previous initial legislative document dated 26/05/2010.

BUDGETARY IMPLICATIONS: this proposal has no implications for the Union.