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REPORT

on the proposal for a Council decision on the conclusion of the Agreement
between the European Community and the Republic of Paraguay on certain
aspects of air services
(COM(2006)0266 – C6-0308/2006 – 2006/0094(CNS))

Committee on Transport and Tourism

Rapporteur: Paolo Costa

(Simplified procedure - Rule 43(1) of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	6
PROCEDURE	8

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Paraguay on certain aspects of air services (COM(2006)0266 – C6-0308/2006 – 2006/0094(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2006)0266)¹,
 - having regard to Articles 80(2) and 300(2), first subparagraph, first sentence, of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0308/2006),
 - having regard to Rules 51, 83(7) and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A6-0406/2006),
1. Approves conclusion of the agreement;
 2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Republic of Paraguay.

¹ Not yet published in the OJ.

EXPLANATORY STATEMENT

As ruled by the Court of Justice of the European Communities, the Community has exclusive competence with respect to various aspects of external aviation which were traditionally governed by bilateral air services agreements between Member States and third countries.

Consequently, the Council authorised the Commission in June 2003 to open negotiations with third countries in order to replace certain provisions in existing bilateral agreements with Community agreements.

Thus, the Commission has negotiated an Agreement with the Republic of Paraguay that replaces certain provisions in the existing bilateral air services agreements between Member States and Paraguay.

These changes concern:

Article 2 (designation clause): To avoid discrimination between Community air carriers, the traditional designation clauses, referring to air carriers of the Member State party to the bilateral agreement, are replaced by a Community designation clause, referring to all Community carriers and EEA carriers.

Article 4 (taxation of aviation fuel): Whereas traditional bilateral agreements tend to exempt aircraft fuel in general from taxation, Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity permits such taxation for operations within the territory of the Community. Under Article 4, the provisions of Directive 2003/96/EC likewise apply to aircraft of designated air carriers of Paraguay operating within the territory of the Community. Furthermore, Paraguay is entitled to impose taxes on fuel supplied in its territory for use in aircraft of a designated air carrier of a Member State operating within the territory of Paraguay.

Article 5 (pricing): Resolves conflicts between the bilateral agreements and Council Regulation (EEC) 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.

Annex 1 and 2 list the bilateral agreements and their articles which are referred to in Article 1 to 5 of the proposed Agreement; these are the agreements between Paraguay and Belgium, Germany, Italy, the Netherlands, Spain and the United Kingdom.

Annex 3 lists the other states referred to in Article 2: Iceland, Liechtenstein, Norway - which fall under the Agreement on the European Economic Area - and Switzerland falling under the Agreement between the European Community and the Swiss Confederation on Air Transport.

The Agreement negotiated by the Commission should be signed and provisionally applied. The proposed Council Decision empowers the President of the Council to designate the person or persons competent to notify Paraguay that the internal procedures necessary for the entry into force of the Agreement have been completed.

Parliament is entitled to give its opinion on this Agreement under the consultation procedure, in accordance with Rule 83 'International agreements', paragraph 7, which reads as follows:

"Parliament shall give its opinion on, or its assent to, the conclusion, renewal or amendment of an international agreement or a financial protocol concluded by the European Community in a single vote by a majority of the votes cast without amendments to the text of the agreement or protocol being admissible."

On the basis of the above your rapporteur suggests that the TRAN committee should give a favourable opinion on the conclusion of this Agreement.

PROCEDURE

Title	Proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Paraguay on certain aspects of air services
References	COM(2006)0266 – C6-0308/2006 – 2006/0094(CNS)
Date of consulting Parliament	25.9.2006
Committee responsible Date announced in plenary	TRAN 28.9.2006
Committee(s) asked for opinion(s) Date announced in plenary	
Not delivering opinion(s) Date of decision	
Enhanced cooperation Date announced in plenary	
Rapporteur(s) Date appointed	Paolo Costa 20.6.2006
Previous rapporteur(s)	
Simplified procedure – date of decision Date of decision	Rule 43(1) 20.6.2006
Legal basis disputed Date of JURI opinion	
Financial endowment amended Date of BUDG opinion	
Parliament to consult European Economic and Social Committee – date decided in plenary	
Parliament to consult Committee of the Regions – date decided in plenary	
Discussed in committee	22.11.2006
Date adopted	22.11.2006
Result of final vote	+: 45 –: 0 0: 0
Members present for the final vote	Gabriele Albertini, Margrete Auken, Etelka Barsi-Pataky, Philip Bradbourn, Paolo Costa, Michael Cramer, Arūnas Degutis, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Roland Gewalt, Mathieu Grosch, Ewa Hedkvist Petersen, Jeanine Hennis-Plasschaert, Stanisław Jałowiecki, Georg Jarzembowski, Dieter-Lebrecht Koch, Jaromír Kohlíček, Rodi Kratsa-Tsagaropoulou, Jörg Leichtfried, Fernand Le Rachinel, Bogusław Liberadzki, Eva Lichtenberger, Robert Navarro, Josu Ortuondo Larrea, Willi Piecyk, Luís Queiró, Reinhard Rack, Luca Romagnoli, Gilles Savary, Renate Sommer, Ulrich Stockmann, Georgios Toussas, Marta Vincenzi, Corien Wortmann-Kool
Substitute(s) present for the final vote	Johannes Blokland, Markus Ferber, Anne E. Jensen, Sepp Kusstatscher, Antonio López-Istúriz White, Helmuth Markov, Francesco Musotto, Aldo Patriciello, Ari Vatanen
Substitute(s) under Rule 178(2) present for the final vote	Brian Simpson

Date tabled	23.11.2006
Comments (available in one language only)	