



EUROPEAN PARLIAMENT

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Plenary sitting

A7-0361/2010

7.12.2010

RECOMMENDATION

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
(06646/2010 – C7-0103/2010 – 2008/0145(NLE))

Committee on Transport and Tourism

Rapporteur: Dieter-Lebrecht Koch

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

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

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DRAFT EUROPEAN PARLIAMENT 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

(06646/2010 – C7-0103/2010 – 2008/0145(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (06646/2010),
 - having regard to the draft Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services (06190/2009),
 - having regard to the request for consent submitted by the Council in accordance with Article 100(2), Article 218(8), first subparagraph, and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0103/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Transport and Tourism (A7-0361/2010)
1. Consents to conclusion of the Agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the West African Economic and Monetary Union.

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 West African Economic and Monetary Union that replaces certain provisions in the existing 47 bilateral air services agreements concluded between EU Member States and Member States of the West African Economic and Monetary Union.

Main aspects of the Agreement:

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

Article 5 (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 European union.

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

Annex 1 and 2 list the bilateral agreements and their articles which are referred to in Articles 1 to 7 of the proposed Agreement.

The Agreement negotiated by the Commission was signed on 30 November 2009 and has been provisionally applied.

Parliament is entitled to give its consent to the conclusion of this Agreement, in accordance with Rule 81 of the Rules of Procedure. Parliament shall take a decision by means of a single vote, and no amendments to the agreement itself may be tabled."

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

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.12.2010
Result of final vote	+: 33 -: 0 0: 0
Members present for the final vote	Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Christine De Veyrac, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Mathieu Grosch, Dieter-Lebrecht Koch, Werner Kuhn, Jörg Leichtfried, Eva Lichtenberger, Hella Ranner, Vilja Savisaar-Toomast, Debora Serracchiani, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Giommara Uggias, Thomas Ulmer, Dominique Vlasto, Artur Zasada, Roberts Zīle
Substitute(s) present for the final vote	Zigmantas Balčytis, Philip Bradbourn, Spyros Danellis, Dominique Riquet, Anna Rosbach, Joachim Zeller, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote	David-Maria Sassoli