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REPORT

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Government of Nepal on certain aspects of air services
(COM(2008)0041 – C6-0041/2009 – 2008/0017(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***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. 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). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Government of Nepal on certain aspects of air services (COM(2008)0041 – C6-0041/2009 – 2008/0017(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2008)0041),
 - 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 (C6-0041/2009),
 - 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 (A6-0071/2009),
1. Approves conclusion of the Agreement;
 2. Instructs its President to forward its position to the Council and the Commission, and the governments and parliaments of the Member States and the Government of Nepal.

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 Government of Nepal that replaces certain provisions in the existing bilateral air services agreements between Member States and Nepal.

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, EEA carriers and carriers of Switzerland.

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.

Article 5 (pricing): Resolves conflicts between the bilateral agreements and Council Regulation (EEC) 2409/92 on fares and rates for air services. The agreement stipulates that tariffs to be charged by the air carriers designated by Nepal for carriage wholly within the European Community shall be subject to European Community law.

Annex 1 and 2 list the bilateral agreements and their articles which are referred to in Articles 1 to 6 of the proposed Agreement; these are the agreements between Nepal and Austria, France, Germany, Italy, Luxembourg, the Netherlands and 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 has been signed and should be provisionally applied. The proposed Council Decision empowers the President of the Council to designate the person or persons competent to notify Nepal 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	Agreement between the EC and Nepal on certain aspects of air services
References	COM(2008)0041 – C6-0041/2009 – 2008/0017(CNS)
Date of consulting Parliament	29.1.2009
Committee responsible Date announced in plenary	TRAN 5.2.2009
Rapporteur(s) Date appointed	Paolo Costa 26.2.2008
Simplified procedure - date of decision	26.2.2008
Date adopted	17.2.2009