











# Procedure file

Basic information		
NLE - Non-legislative enactments Decision	<a href="#">2009/0018(NLE)</a>	Procedure completed
EC/Canada agreement: air transport		
See also <a href="#">2014/0023(NLE)</a>		
Subject 3.20.15.02 Air transport agreements and cooperation		
Geographical area Canada		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">TRAN</a> Transport and Tourism	 <a href="#">ASSIS Francisco</a>	22/01/2018
		Shadow rapporteur	
		 <a href="#">PROUST Franck</a>	
		 <a href="#">FOSTER Jacqueline</a>	
		 <a href="#">RADOŠ Jozo</a>	
		 <a href="#">TAYLOR Keith</a>	
		 <a href="#">PAKSAS Rolandas</a>	
	Former committee responsible		
	 <a href="#">TRAN</a> <a href="#">Transport and Tourism</a>		
	 <a href="#">TRAN</a> Transport and Tourism		21/07/2009
		S&D <a href="#">ICĂU Silvia-Adriana</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3686</a>	15/04/2019
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2979</a>	30/11/2009
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2935</a>	30/03/2009
European Commission	Commission DG	Commissioner	
	<a href="#">Mobility and Transport</a>	KALLAS Siim	

Key events			
02/12/2009	Additional information		Summary
08/11/2010	Legislative proposal published	<a href="#">15380/2010</a>	Summary
25/11/2010	Committee referral announced in		

	Parliament		
28/02/2011	Vote in committee		Summary
02/03/2011	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0045/2011</a>	
24/03/2011	Results of vote in Parliament		
24/03/2011	Debate in Parliament		
24/03/2011	Decision by Parliament	<a href="#">T7-0107/2011</a>	Summary
10/01/2018	Modified legislative proposal published	<a href="#">COM(2018)0004</a>	Summary
27/03/2018	Amended legislative proposal for reconsultation published	<a href="#">06730/2018</a>	Summary
30/04/2018	Formal reconsultation of Parliament		
10/07/2018	Vote in committee		
12/07/2018	Committee report tabled for plenary, reconsultation	<a href="#">A8-0254/2018</a>	Summary
02/10/2018	Decision by Parliament	<a href="#">T8-0361/2018</a>	Summary
15/04/2019	Act adopted by Council after consultation of Parliament		
15/04/2019	End of procedure in Parliament		
08/05/2019	Final act published in Official Journal		

### Technical information

Procedure reference	2009/0018(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also <a href="#">2014/0023(NLE)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/12952; TRAN/7/00252

### Documentation gateway

Document attached to the procedure	<a href="#">COM(2009)0062</a>	17/02/2009	EC	
Document attached to the procedure	<a href="#">08303/2009</a>	24/11/2009	CSL	
Legislative proposal	<a href="#">15380/2010</a>	08/11/2010	CSL	Summary
Committee draft report	<a href="#">PE445.990</a>	17/12/2010	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0045/2011</a>	02/03/2011	EP	

Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0107/2011</a>	24/03/2011	EP	Summary
Modified legislative proposal	<a href="#">COM(2018)0004</a>	10/01/2018	EC	
Amended legislative proposal for reconsultation	<a href="#">06730/2018</a>	27/03/2018	CSL	Summary
Committee draft report	<a href="#">PE621.984</a>	15/05/2018	EP	
Committee final report tabled for plenary, reconsultation	<a href="#">A8-0254/2018</a>	12/07/2018	EP	Summary
Text adopted by Parliament after reconsultation	<a href="#">T8-0361/2018</a>	02/10/2018	EP	Summary

#### Additional information

National parliaments

[IPEX](#)

#### Final act

[Decision 2019/702](#)  
[OJ L 120 08.05.2019, p. 0001](#) Summary

## EC/Canada agreement: air transport

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Decision of the Council and the representatives of the Governments of the Member States of the European Union, meeting within the Council on the conclusion of the Air Transport Agreement between the European Community and its Member States, on the one hand, and Canada, on the other hand, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.80(2), Art.300(2) first para and (3) first para. - became Art 100(2), Art 218 (6)(a) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an interinstitutional non-legislative procedure (NLE).

## EC/Canada agreement: air transport

**PURPOSE:** to conclude the EU-Canada Air Transport Agreement.

**PROPOSED ACT:** Council Decision.

**BACKGROUND:** the Commission negotiated on behalf of the Community and of the Member States an Agreement on Air Transport with Canada. The Agreement was signed on 17 and 18 December 2009 and applies provisionally subject to its conclusion at a later date.

It is now necessary to approve the Agreement by the Union and its Member States.

**IMPACT ASSESSMENT:** no impact assessment was carried out.

**LEGAL BASIS:** Article 100(2), in conjunction with Article 218(6)(a)(v) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** by this Decision, the Agreement on Air Transport between the European Community and its Member States, of the one part, and

Canada, of the other part, is hereby approved on behalf of the Union. For details of the content of the Agreement, please refer to the summary of the previous initial legislative document dated 17/02/2009.

Termination of the Agreement: procedural arrangements have been laid down in the Agreement for deciding, if appropriate, how to terminate the Agreement and a decision to withdraw such notice, shall be taken by the Council, on behalf of the Union and of the Member States, acting unanimously on the basis of a Commission proposal.

Joint Committee: it also lays down appropriate procedural arrangements for the participation of the Union and the Member States in the Joint Committee set up under Article 17 of the Agreement and in the dispute settlement procedures provided for in Article 21 of the Agreement, as well as for implementing certain provisions of the Agreement concerning security and safety.

It should be noted that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the text of the Agreement are, where appropriate, to be read as "the European Union".

BUDGETARY IMPLICATION: this proposal has no implication for the EU budget.

## EC/Canada agreement: air transport

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The Committee on Transport and Tourism adopted the report drafted by Silvia-Adriana Ionescu (S&D, RO) in which it recommends the European Parliament to give its consent to the conclusion of the Agreement on Air Transport between the European Community and its Member States, of the one part, and Canada, of the other part.

## EC/Canada agreement: air transport

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The European Parliament adopted a legislative resolution on the draft decision of the Council and of the Representatives of the Governments of the Member States of the European Union, meeting within the Council on the conclusion of the Agreement on Air Transport between the European Community and its Member States, of the one part, and Canada, of the other part.

Parliament gives its consent to the conclusion of the Agreement.

## EC/Canada agreement: air transport

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The amended proposal for a Council Decision invites the Council to approve, on behalf of the Union, the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part. The consent of the European Parliament is required for the Council to adopt the act.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date, in accordance with [Decision 2010/417/EC](#) of the Council and of the Representatives of the Member States of the European Union meeting within the Council.

The Agreement aimed, in particular, to foster the growth of international air transport by opening up market access and maximising benefits for consumers, air carriers, workers and people on both sides of the Atlantic.

This proposal amends the initial Commission proposal, which was adopted on 17 February 2009 and submitted to the Council, in particular to take account of the entry into force of the Treaty of Lisbon and following the judgement of the European Court of Justice of 28 April 2015 in Case C-28/12.

According to the amended proposal, the application of the decision-making and representation provisions on various matters set out in the Agreement should be discontinued in the light of the ECJ judgment.

Having regard to the Treaties, new provisions on those matters are not necessary, nor are provisions on information obligations of the Member States, such as those set out in Decision 2010/417/EC.

Consequently, Articles 3, 4 and 5 of that decision shall cease to apply on the date of entry into force of the proposed decision.

## EC/Canada agreement: air transport

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The draft Council Decision concerns the approval, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part.

The European Parliament has been consulted again for the approval on the draft decision to conclude the Agreement on behalf of the Union.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date, in accordance with Decision 2010/417/EC of the Council. It was ratified by all Member States, except for the Republic of Croatia.

It is intended that Croatia will accede to the Agreement in accordance with Article 6(2) of the 2011 Act of Accession.

According to the Council's draft, the provisions on decision making and representation with regard to various matters set out in the Agreement should be discontinued in view of the judgement of the Court of Justice of the European Union of 28 April 2015 in case C-28/12.

Having regard to the Treaties, new provisions on those matters are not necessary, nor are provisions on information obligations of the Member States, such as those set out in Article 5 of Decision 2010/417/EC.

Consequently, Articles 3, 4 and 5 of Decision 2010/417/EC should cease to apply at the date of entry into force of the proposed Decision.

## EC/Canada agreement: air transport

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The Committee on Transport and Tourism adopted the report by Francisco ASSIS (S&D, PT) on the draft Council decision on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part.

The committee recommended that the European Parliament approve the conclusion of the agreement.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date, in accordance with Council Decision 2010/417/EC. All Member States, except for Croatia, have ratified it. It has been provisionally applied since its signature.

On 10 January 2018, the Commission presented an amended proposal for a Council decision on the conclusion of the Agreement, to take into account the entry into force of the Treaty of Lisbon and the legal modifications required by the European Court of Justice in its judgment of 28 April 2015 in case C-28/12.

The European Parliament is being consulted again for approval on the draft decision to conclude the agreement on behalf of the Union.

The Agreement includes a gradual phasing-in of traffic rights and investment opportunities, as well as far reaching cooperation on a number of issues including safety, security, social matters, consumer interests, environment, air traffic management, state aids and competition.

As indicated in the explanatory memorandum accompanying the recommendation, all EU airlines will be able to operate direct flights to Canada from anywhere in Europe. The Agreement removes all restrictions on routes, prices, or the number of weekly flights between Canada and the EU. Airlines will be free to enter into commercial arrangements such as code-share agreements, and to establish their tariffs in line with competition law. The Agreement contains provisions for the phased market opening (in four phases) linked to the granting of greater investment freedoms by both sides. It provides for:

- the agreement of both sides to cooperate closely in order to mitigate the effects of aviation on climate change;
- mutual recognition of standards and "one-stop security" (i.e. transfer passengers, luggage and cargo would be exempted from any additional security measures);
- specific provisions to improve consumer interests including a commitment to consult on issues such as compensation for denied boarding, accessibility measures and passenger refunds;
- a strong mechanism to ensure that airlines cannot face discrimination in terms of access to infrastructure or state subsidies.

According to a study launched by the Commission, an open agreement with Canada would generate an additional half million passengers in its first year and, within a few years, 3.5 million extra passengers might be expected to take advantage of the opportunities offered by the Agreement. The Agreement could generate consumer benefits of at least EUR 72 million through lower fares and would also create new jobs.

## EC/Canada agreement: air transport

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The European Parliament adopted by 583 votes to 42 with 23 abstentions a legislative resolution on the draft Council decision on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part.

Following the recommendation of its Committee on Transport and Tourism, Parliament gave its consent to the conclusion of the agreement.

The Agreement includes a gradual phasing-in of traffic rights and investment opportunities, as well as far reaching cooperation on a number of issues including safety, security, social matters, consumer interests, environment, air traffic management, state aids and competition.

## EC/Canada agreement: air transport

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**PURPOSE:** to approve, on behalf of the Union, the conclusion of the Agreement on Air Transport with Canada.

**NON-LEGISLATIVE ACT:** Council Decision (EU) 2019/702 on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part.

**CONTENT:** the Council adopted a Decision on the approval, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date. It was ratified by all Member States, except for Croatia. It is intended that Croatia will accede to the Agreement in accordance with the 2011 Act of Accession.

The Agreement includes a gradual phasing-in of traffic rights and investment opportunities, as well as far reaching cooperation on a number of issues including safety, security, social matters, consumer interests, environment, air traffic management, state aids and competition.

The Agreement removes all restrictions on routes, prices, or the number of weekly flights between Canada and the EU. Airlines will be free to enter into commercial arrangements such as code-share agreements, and to establish their tariffs in line with competition law.

The Agreement contains provisions for the phased market opening (in four phases) linked to the granting of greater investment freedoms by both sides. It provides for:

- the agreement of both sides to cooperate closely in order to mitigate the effects of aviation on climate change;

- mutual recognition of standards and one-stop security (i.e. transfer passengers, luggage and cargo would be exempted from any additional security measures);
- specific provisions to improve consumer interests including a commitment to consult on issues such as compensation for denied boarding, accessibility measures and passenger refunds;
- a strong mechanism to ensure that airlines cannot face discrimination in terms of access to infrastructure or state subsidies.

The Council's decision discontinues the application of the decision-making and representation provisions on various matters set out in the Agreement in view of the judgment of the Court of Justice of the European Union (ECJ) of 28 April 2015 in Case C-28/12.

ENTRY INTO FORCE: 15.4.2019.