

Procedure file

Basic information			
NLE - Non-legislative enactments	2016/0156(NLE)	Procedure completed	
EU/Philippines Agreement: air services			
Subject 3.20.15.02 Air transport agreements and cooperation			
Geographical area Philippines			
Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	 RADOŠ Jozo	01/08/2016
		Shadow rapporteur	
		 DELI Andor	
		 ASSIS Francisco	
		 DALTON Daniel	
		 TAYLOR Keith	
		 PAKSAS Rolandas	
		 ARNAUTU Marie-Christine	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3484	20/09/2016
European Commission	Commission DG	Commissioner	
	Mobility and Transport	BULC Violeta	
Key events			
27/05/2016	Preparatory document	COM(2016)0303	

20/09/2016	Debate in Council	3484	
08/02/2019	Legislative proposal published	15056/2018	Summary
11/03/2019	Committee referral announced in Parliament		
08/04/2019	Vote in committee		
09/04/2019	Committee report tabled for plenary, 1st reading/single reading	A8-0191/2019	Summary
16/04/2019	Results of vote in Parliament		
16/04/2019	Decision by Parliament	T8-0362/2019	Summary
23/05/2019	Act adopted by Council after consultation of Parliament		
23/05/2019	End of procedure in Parliament		
23/05/2019	Final act published in Official Journal		

Technical information

Procedure reference	2016/0156(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 100-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/07011

Documentation gateway

Document attached to the procedure	COM(2016)0302	27/05/2016	EC	
Preparatory document	COM(2016)0303	27/05/2016	EC	
Document attached to the procedure	11261/2016	09/09/2016	CSL	
Legislative proposal	15056/2018	08/02/2019	CSL	Summary
Committee draft report	PE636.202	13/03/2019	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0191/2019	09/04/2019	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0362/2019	16/04/2019	EP	Summary

Final act

[Decision 2019/825](#)
[OJ L 137 23.05.2019, p. 0001](#) Summary

PURPOSE: to approve, on behalf of the Union, the conclusion of the Agreement between the European Union and the Government of the Philippines on certain aspects of air services.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: following the judgements of the Court of Justice in the so-called Open Skies cases, on 5 June 2003 the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral air services agreements with an agreement at Union level (the horizontal authorisation).

The objectives of such agreements are to give all EU air carriers non-discriminatory access to routes between the European Union and third countries, and hence to bring bilateral air services agreements between Member States and third countries in line with Union law.

CONTENT: the draft Council Decision seeks to approve on behalf of the Union the Agreement between the European Union and the Philippines on certain aspects of air services.

The Agreement replaces certain provisions of the existing bilateral air services agreements concluded between the Member States and the Republic of the Philippines:

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

EU/Philippines Agreement: air services

The Committee on Transport and Tourism adopted the report by Jozo RADO (ALDE, HR) on the draft Council decision on the conclusion on behalf of the Union of the Agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

The committee recommended that the European Parliament give its consent to the conclusion of the agreement.

Following the judgements of the Court in the so-called Open Skies cases, on 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral air services agreements with an agreement at Union level (the horizontal authorisation). The objective of such agreements is to give all EU air carriers non-discriminatory access to routes between the European Union and third countries.

Given that some provisions of the ten bilateral air services agreements between Member States and the Republic of the Philippines were contrary to Union law, the Commission submitted, on 27 May 2016, its proposal for the conclusion of the agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

At the end of the negotiation process, both parties signed the draft agreement on 29 November 2018 in Brussels, and on 18 February 2019, the Council appealed to the European Parliament to give its consent.

To comply with the horizontal authorisation, the Commission has negotiated an agreement with the Republic of the Philippines that replaces certain provisions in the existing bilateral air services agreements between Member States and the Republic of the Philippines. Article 2 of the draft agreement replaces the traditional designation clauses with an EU designation clause, permitting all EU carriers to benefit from the right of establishment. Article 5 resolves potential conflicts with the competition rules of the Union.

Other provisions, particularly on aviation fuel taxation and obligatory commercial agreements between airlines, were introduced to ensure compliance with Union law and they serve to amend or complement existing provisions in bilateral air service agreements between Member States and third countries.

EU/Philippines Agreement: air services

The European Parliament adopted a legislative resolution by 612 votes to 19, with 20 abstentions, on the draft Council decision on the conclusion on behalf of the Union of the Agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

The European Parliament gave its consent to the conclusion of the Agreement.

EU/Philippines Agreement: air services

PURPOSE: to conclude, on behalf of the Union, the Agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/825 on the conclusion on behalf of the Union of the Agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

CONTENT: the Council decided to approve, on behalf of the Union, the Agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

The Agreement replaces certain provisions in the existing bilateral air services agreements between Member States and the Republic of the Philippines:

- Article 2 of the Agreement replaces the traditional designation clauses with an EU designation clause, permitting all EU carriers to benefit from the right of establishment;

- Article 5 resolves potential conflicts with the competition rules of the Union.

Other provisions, particularly on aviation fuel taxation and obligatory commercial agreements between airlines, were introduced to ensure compliance with Union law and they serve to amend or complement existing provisions in bilateral air service agreements between Member States and third countries.

ENTRY INTO FORCE: 14.5.2019.