









# Procedure file

Basic information		
NLE - Non-legislative enactments Decision	<a href="#">2018/0147(NLE)</a>	Procedure completed
EU/China Agreement: air services		
Subject 3.20.15.02 Air transport agreements and cooperation		
Geographical area China		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Transport and Tourism</a>	 <a href="#">POREBA Tomasz Piotr</a>	03/09/2019
		Shadow rapporteur	
		 <a href="#">ŁUKACIJEWSKA Elzbieta Katarzyna</a>	
		 <a href="#">VITANOV Petar</a>	
		 <a href="#">BILBAO BARANDICA Izaskun</a>	
		 <a href="#">ROWETT Catherine</a>	
		 <a href="#">KONEČNÁ Kateřina</a>	
	Former committee responsible		
	 <a href="#">Transport and Tourism</a>		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Foreign Affairs</a>	<a href="#">3747</a>	17/02/2020
European Commission	Commission DG	Commissioner	
	<a href="#">Mobility and Transport</a>	BULC Violeta	

Key events			
17/05/2018	Preparatory document	<a href="#">COM(2018)0295</a>	
15/07/2019	Legislative proposal published	<a href="#">11033/2019</a>	Summary
16/09/2019	Committee referral announced in Parliament, 1st reading/single reading		
03/12/2019	Vote in committee, 1st reading/single reading		
05/12/2019	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0041/2019</a>	Summary

15/01/2020	Decision by Parliament, 1st reading/single reading	<a href="#">T9-0003/2020</a>	
17/02/2020	Act adopted by Council after consultation of Parliament		
17/02/2020	End of procedure in Parliament		
26/02/2020	Final act published in Official Journal		

### Technical information

Procedure reference	2018/0147(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 100-p2
Modified legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/00299

### Documentation gateway

Document attached to the procedure	<a href="#">COM(2018)0294</a>	17/05/2018	EC	
Preparatory document	<a href="#">COM(2018)0295</a>	17/05/2018	EC	
Document attached to the procedure	<a href="#">09685/2019</a>	19/06/2019	CSL	
Legislative proposal	<a href="#">11033/2019</a>	15/07/2019	CSL	Summary
Committee draft report	<a href="#">PE641.390</a>	09/10/2019	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0041/2019</a>	05/12/2019	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T9-0003/2020</a>	15/01/2020	EP	

### Final act

[Decision 2020/255](#)  
[OJ L 055 26.02.2020, p. 0001](#) Summary

## 2018/0147(NLE) - 15/07/2019 Legislative proposal

**PURPOSE:** to conclude the Agreement between the European Union and the Government of the People's Republic of China 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 (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.

In accordance with the mechanisms and directives in the Annex to the horizontal authorisation, the Commission has negotiated an Agreement with China that replaces certain provisions in the existing bilateral air services agreements between Member States and China.

The Agreement was signed, subject to its conclusion at a later date.

CONTENT: The draft Council Decision concerns the approval, on behalf of the Union, of the Agreement between the European Union and the Government of the People's Republic of China on certain aspects of air services.

The purpose of the agreement is to bring existing bilateral air services agreements between 27 Member States and China into line with EU law:

- Article 2 of the Agreement replaces the traditional designation clauses with an EU designation clause which allows all EU carriers to benefit from the right of establishment;
- Article 4 resolves potential conflicts with EU competition rules.

## 2018/0147(NLE) - 05/12/2019 Committee report tabled for plenary, 1st reading/single reading

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The Committee on Transport and Tourism adopted the report by Tomasz Piotr POR?BA (ECR, PL) 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 Peoples Republic of China on certain aspects of air services.

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

To comply with the ruling of the Court of Justice and in accordance with the mechanisms and directives in the Annex to the horizontal authorisation, the Commission negotiated an agreement with China that replaces certain provisions in the existing bilateral air services agreements between Member States and China.

Negotiations were successfully concluded in December 2017 and the agreement was signed on 20 May 2019 in Brussels.

The agreement is a direct consequence of European Court of Justice case law. It will serve a fundamental objective of the external aviation policy of the Union by bringing existing bilateral air services agreements in line with Union law with a key partner of the European Union.

The agreement will amend or complement provisions in bilateral air services agreements only to the extent necessary to ensure compliance with Union law. Its provisions supersede or complement the existing provisions in 27 bilateral air services agreements between Member States and China.

## 2018/0147(NLE) - 26/02/2020 Final act

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PURPOSE: to conclude the Agreement between the European Union and China on certain aspects of air services.

NON-LEGISLATIVE ACT: Council Decision (EU) 2020/255 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Government of the People's Republic of China on certain aspects of air services.

CONTENTS: the Council decided to approve, on behalf of the Union, the Agreement between the European Union and the Government of the People's Republic of China on certain aspects of air services.

The purpose of the Agreement is to bring the existing bilateral air services agreements between 27 Member States and the People's Republic of China into line with the EU law.

Article 2 of this Agreement replaces the traditional designation clauses with an EU designation clause which allows all EU carriers to benefit from the right of establishment. Article 4 resolves potential conflicts with Union competition rules.

ENTRY INTO FORCE: 17.2.2020.