








Procedure file

Basic information		
NLE - Non-legislative enactments	2019/0044(NLE)	Awaiting final decision
EU/Korea Agreement: air services		
Subject 3.20.15.02 Air transport agreements and cooperation		
Geographical area South Korea		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Transport and Tourism	 RIQUET Dominique	12/09/2019
		Shadow rapporteur	
		 FRANKOWSKI Tomasz	
		 GRAPINI Maria	
		 ZÍLE Roberts	
		 KONEČNÁ Kateřina	
	Former committee responsible		
	 Transport and Tourism		
Council of the European Union			
European Commission	Commission DG Mobility and Transport	Commissioner VĂLEAN Adina-Ioana	

Key events			
21/02/2019	Preparatory document	COM(2019)0092	Summary
25/01/2021	Legislative proposal published	05210/2021	
26/04/2021	Committee referral announced in Parliament		
12/07/2021	Vote in committee		
26/07/2021	Committee report tabled for plenary, 1st reading/single reading	A9-0251/2021	

16/09/2021	Decision by Parliament	T9-0381/2021	Summary
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Technical information	
Procedure reference	2019/0044(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
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	Awaiting final decision
Committee dossier	TRAN/9/00423

Documentation gateway					
Document attached to the procedure		COM(2019)0091	21/02/2019	EC	Summary
Preparatory document		COM(2019)0092	21/02/2019	EC	Summary
Legislative proposal		05210/2021	26/01/2021	CSL	
Committee draft report		PE693.890	21/06/2021	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0251/2021	26/07/2021	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0381/2021	16/09/2021	EP	Summary

EU/Korea Agreement: air services

PURPOSE: to sign, on behalf of the European Union, the Agreement between the European Union and the Republic of Korea on certain aspects of air services.

PROPOSED ACT: Council Decision.

BACKGROUND: on 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level.

The Commission negotiated, on behalf of the Union, an Agreement with the Republic of Korea on certain aspects of air services. The negotiations were successfully concluded by the initialling of the Agreement on 12 November 2008. Subsequently, the Council adopted on 31 March 2009 a Decision on the signing of the Agreement but due to reluctance by the Republic of Korea the Agreement has not yet been signed. In 2018, however, the Republic of Korea expressed a new interest in signing and concluding the Agreement.

Following the successful conclusion of the negotiations on the Agreement, it should be signed on behalf of the European Union subject to its conclusion at a later date. This proposal contains a decision to this effect.

CONTENT: the purpose of the proposal for a Council Decision is to approve, on behalf of the Union, the signing of the Agreement between the European Union and the Republic of Korea on certain aspects of air services, subject to its conclusion.

The purpose of the Agreement is to bring the existing bilateral air services agreements between the Member States and the Republic of Korea into conformity with EU law.

For more details on the content of the agreement, please refer to the summary of the initial legislative proposal for the conclusion of the agreement dated 21.2.2019.

EU/Korea Agreement: air services

PURPOSE: to conclude the Agreement between the European Union and the Republic of Korea 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: in accordance with the mechanisms and directives in the Annex to the horizontal authorisation, the Commission has negotiated an Agreement with the Republic of Korea that replaces certain provisions in the existing bilateral air services agreements between Member States and the Republic of Korea.

The objective of the Agreement is to bring bilateral air services agreements between 22 Member States and the Republic of Korea in line with Union law:

- 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 4 safeguards the right of Member States under EU law to impose, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of the Republic of Korea that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State.
- Article 5 resolves potential conflicts with the competition rules of the Union.

With this proposal for a Decision, the Council is invited to approve on behalf of the Union the Agreement between the European Union and the Republic of Korea on certain aspects of air services.

EU/Korea Agreement: air services

The European Parliament adopted by 679 votes to 6, with 3 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Korea on certain aspects of air services.

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

The agreement between the European Union and the Republic of Korea on certain aspects of air services is a Horizontal Aviation Agreement negotiated by the European Commission on behalf of EU Member States and the Republic of Korea, following the judgements of the Court of Justice in the so-called Open Skies cases.

The agreement replaces or complements existing bilateral air services agreements between Member States and the Republic of Korea. It was signed on 25 June 2020.

The agreement allows any EU airline to fly to the Republic of Korea from any of the 22 EU Member States, which currently have a bilateral air services agreement with the Republic of Korea.

In addition to the new routes opportunities for the EU carriers, the agreement is beneficial for both sides by bringing legal certainty to the commercial operations and ensuring non-discriminative approach to the airlines flying between the two respective territories.