







# Procedure file

Basic information		
NLE - Non-legislative enactments	<a href="#">2019/0126(NLE)</a>	Awaiting final decision
EU/USA, Iceland and Norway Agreement: Time Limitations on Arrangements for the Provision of Aircraft with Crew		
Subject 3.20.15.02 Air transport agreements and cooperation		
Geographical area Norway United States Iceland		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Transport and Tourism</a>	 <a href="#">GRAPINI Maria</a>	12/09/2019
	Former committee responsible	Shadow rapporteur	
	 <a href="#">Transport and Tourism</a>	 <a href="#">MARINESCU Marian-Jean</a>	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	 <a href="#">Employment and Social Affairs</a>	The committee decided not to give an opinion.	
	Former committee for opinion		
European Commission	 <a href="#">Employment and Social Affairs</a>		
	Commission DG <a href="#">Mobility and Transport</a>	Commissioner VĂLEAN Adina	

Key events			
05/06/2019	Preparatory document	<a href="#">COM(2019)0254</a>	Summary
08/12/2020	Legislative proposal published	11645/2020	Summary

14/12/2020	Committee referral announced in Parliament		
15/04/2021	Vote in committee		
19/04/2021	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0125/2021</a>	
18/05/2021	Decision by Parliament	<a href="#">T9-0225/2021</a>	Summary

### Technical information

Procedure reference	2019/0126(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 165
Stage reached in procedure	Awaiting final decision
Committee dossier	TRAN/9/00478

### Documentation gateway

Document attached to the procedure	<a href="#">COM(2019)0256</a>	05/06/2019	EC	Summary
Preparatory document	<a href="#">COM(2019)0254</a>	05/06/2019	EC	Summary
Document attached to the procedure	11100/2019	10/07/2019	CSL	
Document attached to the procedure	10584/2019	12/07/2019	CSL	
Legislative proposal	11645/2020	08/12/2020	CSL	Summary
Committee draft report	<a href="#">PE680.980</a>	22/02/2021	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0125/2021</a>	19/04/2021	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T9-0225/2021</a>	18/05/2021	EP	Summary

## EU/USA, Iceland and Norway Agreement: Time Limitations on Arrangements for the Provision of Aircraft with Crew

**PURPOSE:** to approve the conclusion, on behalf of the European Union, and provisional application of the Agreement on time limitations on arrangements for the provision of aircraft with crew between the United States of America, the European Union, Iceland and the Kingdom of Norway.

**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:** the Agreement on time limitations on arrangements for the provision of aircraft with crew between the United States of America, the European Union, Iceland and the Kingdom of Norway was negotiated by the Commission, as authorised by the Council on 21 December 2016.

This Agreement is based on the Air Transport Agreement (ATA) between the EU and the United States, which was signed on 25 and 30 April 2007.

The EU-US ATA is the most important air transport agreement in the world, providing more than 75 million seats per year, and as such a cornerstone of the EU's external aviation policy.

The ATA between the EU and the US foresees an open wet-lease regime between the parties. The negotiating directives set out the general objective of negotiating a Wet Lease Agreement with the aim of providing precision to the relevant provisions of the ATA and abolishing time

limitations for wet lease arrangements affecting the EU, Icelandic, Norwegian and US air carriers.

CONTENT: the Commission proposes that the Council decide to authorise, on behalf of the Union, the conclusion of the Agreement on time limitations on arrangements for the provision of aircraft with crew between the United States of America, the European Union, Iceland, and the Kingdom of Norway.

The Wet Lease Agreement will resolve a long-standing uncertainty concerning the application of the wet lease provisions of the ATA, and as such contribute to the well-functioning of the transatlantic aviation relationship

The Agreement confirms the establishment of clear and non-restrictive wet lease arrangements involving the airlines of the Parties, thereby providing more precision to the respective provisions of the ATA. The Wet Lease Agreement not only resolves the current dispute on the application of the relevant provisions of the ATA, it also provides clarity and legal certainty for future arrangements affecting EU, Icelandic, Norwegian and US air carriers.

## EU/USA, Iceland and Norway Agreement: Time Limitations on Arrangements for the Provision of Aircraft with Crew

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PURPOSE: signature, on behalf of the European Union, and provisional application of the Agreement on time limitations on arrangements for the provision of aircraft with crew between the United States of America, the European Union, Iceland and the Kingdom of Norway.

PROPOSED ACT: Council Decision.

BACKGROUND: the Agreement on time limitations on arrangements for the provision of aircraft with crew between the United States of America, the European Union, Iceland and the Kingdom of Norway was negotiated by the Commission, as authorised by the Council on 21 December 2016. The negotiations resulted in the initialling of the Agreement on 8 March 2019.

This Agreement is based on the Air Transport Agreement (ATA) between the EU and the United States, which was signed on 25 and 30 April 2007.

The EU-US ATA is the most important air transport agreement in the world, providing more than 75 million seats per year, and as such a cornerstone of the EUs external aviation policy.

The ATA between the EU and the US foresees an open wet-lease regime between the parties. The negotiating directives set out the general objective of negotiating a Wet Lease Agreement with the aim of providing precision to the relevant provisions of the ATA and abolishing time limitations for wet lease arrangements affecting the EU, Icelandic, Norwegian and US air carriers.

CONTENT: the Commission proposes that the Council decide to authorise, on behalf of the Union, the signature of the Agreement on time limitations on arrangements for the provision of aircraft with crew between the United States of America, the European Union, Iceland, and the Kingdom of Norway, subject to the conclusion of the Agreement.

The Wet Lease Agreement will resolve a long-standing uncertainty concerning the application of the wet lease provisions of the ATA, and as such contribute to the well-functioning of the transatlantic aviation relationship

The Agreement confirms the establishment of clear and non-restrictive wet lease arrangements involving the airlines of the Parties, thereby providing more precision to the respective provisions of the ATA. The Wet Lease Agreement not only resolves the current dispute on the application of the relevant provisions of the ATA, it also provides clarity and legal certainty for future arrangements affecting EU, Icelandic, Norwegian and US air carriers.

Pending its entry into force, the Agreement shall be applied on a provisional basis by the Union.

## EU/USA, Iceland and Norway Agreement: Time Limitations on Arrangements for the Provision of Aircraft with Crew

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PURPOSE: to conclude, on behalf of the European Union, the Agreement with Respect to Time Limitations on Arrangements for the Provision of Aircraft with Crew between the European Union, the United States of America, Iceland, and the Kingdom of Norway.

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: the Agreement with Respect to Time Limitations on Arrangements for the Provision of Aircraft with Crew between the European Union, the United States of America, Iceland, and the Kingdom of Norway was signed on 27 August 2019, subject to its conclusion at a later date.

The Agreement has been applied on a provisional basis since the date of signature. It should now be approved.

CONTENT: the Council draft aims to approve, on behalf of the EU, the Agreement with Respect to Time Limitations on Arrangements for the Provision of Aircraft with Crew between the European Union, the United States of America, Iceland, and the Kingdom of Norway, of which the Joint Declaration forms an integral part.

This Agreement is based on the Air Transport Agreement (ATA) between the EU and the United States signed on 25 and 30 April 2007. The ATA provides for an open wet lease regime between the parties.

The Agreement clarifies the relevant provisions of the ATA and abolishes the time limitations applicable to wet lease contracts between EU, Iceland, Norway and US air carriers. It confirms the establishment of clear and non-restrictive wet lease agreements between the airlines of the Parties and provides legal certainty for future contracts involving EU, Iceland, Norway and US airlines.

The Agreement, which has been signed in its English language version, has also been drawn up in other official EU languages and these additional language versions have to be authenticated by an exchange of letters between the parties.

## EU/USA, Iceland and Norway Agreement: Time Limitations on Arrangements for the Provision of Aircraft with Crew

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The European Parliament adopted by 654 votes to 30, with 12 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement with Respect to Time Limitations on Arrangements for the Provision of Aircraft with Crew between the European Union, the United States of America, Iceland, and the Kingdom of Norway.

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

On 25 and 30 April 2007, the European Union signed an overall aviation agreement with the United States, which was amended by a protocol signed on 24 June 2010 (the US-EU ATA). The US-EU ATA provides, *inter alia*, for an open wet lease regime between the parties.

In parallel with its negotiations on the US-EU ATA, the EU has also revised its internal aviation market rules, including on wet-leasing. In 2008, the EU approved a Regulation which provides for the introduction of a time limitation for wet leasing of third country registered aircraft, a condition which did not exist in this form in the previous regulation at the time of the signature of the US-EU ATA.

In order to clarify and settle the situation with the US, the Commission was authorised to negotiate an additional agreement on the time limitations on arrangements for the provision of aircraft with crew (wet lease agreement) with the US, Norway and Iceland. This agreement was signed on 27 August 2019 and was drawn up in the official languages of the Union (to be authenticated by an exchange of letters between the parties).

The aim of such agreement is to confirm the establishment of clear and non-restrictive wet lease arrangements between the EU and the US by providing more precision to associated provisions of the US-EU ATA. In doing so, the parties seek to maximise benefits for consumers, airlines, labour, and communities on both sides of the Atlantic so as better to reflect the realities of a global aviation industry, and the strengthening of the transatlantic air transportation system.

The agreement clarifies the wet lease rules of the US-EU ATA and states that no party shall impose time limitations on the operation of any wet lease, which is to be considered any arrangement between two airlines for the provision of aircraft with crew for international air transportation. For any potential dispute, the wet lease agreement is linked to the dispute resolution mechanisms established by the US-EU ATA.