

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Common rules ensuring basic air connectivity following the end of the transition period mentioned in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community	
Subject 3.20.01 Air transport and air freight	
Geographical area United Kingdom	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	 DANIELSSON Johan	11/12/2020
Council of the European Union	Commission DG	Commissioner	
European Commission	Mobility and Transport	VĂLEAN Adina-Ioana	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
10/12/2020	Legislative proposal published	COM(2020)0827	Summary
10/12/2020	Decision by committee, without report		
14/12/2020	Committee referral announced in Parliament, 1st reading		
18/12/2020	Decision by Parliament, 1st reading	T9-0387/2020	Summary
23/12/2020	Act adopted by Council after Parliament's 1st reading		
23/12/2020	Final act signed		
28/12/2020	Final act published in Official Journal		
22/01/2021	End of procedure in Parliament		

Technical information	
Procedure reference	2020/0363(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Rules of Procedure EP 163; Treaty on the Functioning of the EU TFEU 100-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/04842

Documentation gateway					
Legislative proposal		COM(2020)0827	10/12/2020	EC	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0387/2020	18/12/2020	EP	Summary
Draft final act		00066/2020/LEX	23/12/2020	CSL	

Final act
Regulation 2020/2225 OJ L 437 28.12.2020, p. 0086

Common rules ensuring basic air connectivity following the end of the transition period mentioned in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

PURPOSE: to lay down temporary measures to ensure basic air transport connectivity after the end of the transitional period referred to in the agreement on the withdrawal of the United Kingdom.

PROPOSED ACT: Regulation of the European Parliament and of the Council

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: this proposal is part of a package of contingency measures to prepare for a possible scenario of no agreement between the Union and the United Kingdom after the end of the transitional period.

In the absence of an agreement between the EU and the United Kingdom governing the matter, there would be no legal basis for the provision of air services between the United Kingdom and the Member States by the respective carriers after the end of the transition period under the withdrawal agreement.

In a no-deal scenario, it is expected that the consequences for the respective economies would be severe. The disruption of air transport connectivity would represent the loss of a strategic asset for the EU and the Member States.

CONTENT: the proposed Regulation aims to ensure the provision of certain air services between the United Kingdom and the European Union for a limited period of 6 months (until 30 June 2021) if no agreement governing this area can be reached, provided that the United Kingdom does the same.

The proposal provides for:

- the unilateral grant of first, second, third and fourth freedom traffic rights to United Kingdom air carriers so that these can continue to overfly and make technical stops in Union's territory, as well as serve direct routes between the respective territories;
- the possibility for UK carriers to provide those services by means of code-sharing or blocked-space arrangements, and to enter into leasing arrangements under strict conditions;
- a mechanism to ensure that the rights enjoyed by Union carriers in the United Kingdom stay equivalent to those granted to UK carriers under the proposed Regulation. If that is not the case, the Commission is empowered to adopt the necessary measures to correct the situation by

means of implementing acts;

- the establishment of a flexible mechanism to ensure that Union air carriers enjoy fair and equal conditions of competition with United Kingdom carriers once the United Kingdom is no longer bound by Union law;
- the establishment of procedures to enable Member States to verify that air carriers, aircraft and crews entering their territory under the Regulation are licensed or certified by the United Kingdom in accordance with internationally recognised safety standards.

Common rules ensuring basic air connectivity following the end of the transition period mentioned in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

The European Parliament adopted by 680 votes to 3, with 4 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on common rules ensuring basic air connectivity following the end of the transition period mentioned in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

The proposal is part of a package of temporary contingency measures to alleviate some of the major disruptions that will occur on 1 January 2021 in the event that an agreement with the United Kingdom is not yet reached. It aims to ensure the provision of certain air services between the United Kingdom and the European Union for a period until 30 June 2021 (or until the date of entry into force of an agreement with the United Kingdom if earlier), provided that the United Kingdom does likewise.

Parliament adopted its position at first reading under the ordinary legislative procedure by amending the Commission proposal as follows:

Traffic rights

As the crisis arising from the COVID-19 pandemic poses significant logistical challenges for Member States, Member States could authorise, on an ad hoc basis and in accordance with their national law, the provision of the following services on their territory by a UK air carrier:

(a) air ambulance services;

(b) non-scheduled all-cargo air services between points in their territory and points in a third country as part of a service originating or terminating in the United Kingdom to the extent necessary for the carriage of medical equipment, vaccines and medicines, provided that such services do not constitute a disguised form of scheduled air services.

Exercise of competence

In view of the exceptional and unique circumstances that necessitate the adoption of this Regulation and in accordance with the Treaties, it is appropriate for the Union to exercise temporarily the relevant shared competence conferred upon it by the Treaties. However, any effect of this Regulation on the division of competences between the Union and the Member States should be strictly limited in time. The competence

exercised by the Union should therefore only be exercised with respect to the period of application of this Regulation. Accordingly, the shared competence thus exercised should cease to be exercised by the Union as soon as this Regulation ceases to apply.