EU/Philippines Agreement: air services

2016/0156(NLE) - 27/05/2016

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

The objective of the Agreement is to bring bilateral air services agreements between ten Member States and the Republic of the Philippines 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 5 resolves potential conflicts with the competition rules of the Union.

With this proposal, the Council is called upon to approve, on behalf of the Union, the Agreement between the European Union and the Government of the Philippines on certain aspects of air services.