Operation of air services in the Community: technical adaptation

2016/0411(COD) - 21/12/2016 - Legislative proposal

PURPOSE: to ensure the legal consistency between Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community and an international agreement.

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: Article 13 of Regulation 1008/2008 defines the conditions under which lease arrangements of aircraft registered in third countries, especially wet-lease, are allowed. The possibilities are exceptional circumstances, such as a lack of adequate aircraft on the Community market, and they should be strictly limited in time and fulfil safety standards equivalent to the safety rules of Community and national legislation.

An Air Transport Agreement (ATA) between the EU and United States was signed in 2007 and amended by a Protocol of 24 June 2010. Accordingly, the ATA foresees an open wet-lease regime between the parties.

In order to bring clarity and certainty to the air carriers, the Commission has recommended the Council to authorise it to negotiate a specific wet-lease agreement with the US, aiming at lifting the time restrictions.

The present proposal aims to adapt the EU regulation accordingly.

CONTENT: the proposal aims to introduce a **possibility for derogation from the conditions on wet-leasing** set out in Article 13(3)(b) of Regulation (EC) No 1008/2008 through the conclusion of international agreements.

This would allow for more flexibility, in so far as the conclusion of such agreements presents economic and social advantages for the EU.

The changes proposed add a **reference to international agreements** to Article 13(3)(b) of the Regulation where conditions to allow wet leasing (extraordinary circumstances, seasonal needs, operational difficulties) are set out.

The other provisions of Article 13 (e.g. on safety standards and rights of the competent authority) would remain unchanged.