EU/Philippines Agreement: air services

2016/0156(NLE) - 08/02/2019 - Legislative proposal

PURPOSE: to approve, on behalf of the Union, the conclusion of 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: the draft Council Decision seeks to approve on behalf of the Union the Agreement between the European Union and the Philippines on certain aspects of air services.

The Agreement replaces certain provisions of the existing bilateral air services agreements concluded between the Member States and the Republic of the Philippines:

- 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.