

# EU/Philippines Agreement: air services

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The Committee on Transport and Tourism adopted the report by Jozo RADOŠ (ALDE, HR) on the draft Council decision on the conclusion on behalf of the Union of the Agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

The committee recommended that the European Parliament give its consent to the conclusion of the agreement.

Following the judgements of the Court 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 objective of such agreements is to give all EU air carriers non-discriminatory access to routes between the European Union and third countries.

Given that some provisions of the ten bilateral air services agreements between Member States and the Republic of the Philippines were contrary to Union law, the Commission submitted, on 27 May 2016, its proposal for the conclusion of the agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

At the end of the negotiation process, both parties signed the draft agreement on 29 November 2018 in Brussels, and on 18 February 2019, the Council appealed to the European Parliament to give its consent.

To comply with the “horizontal authorisation”, the Commission has negotiated an agreement with the Republic of the Philippines that replaces certain provisions in the existing bilateral air services agreements between Member States and the Republic of the Philippines. Article 2 of the draft 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.

Other provisions, particularly on aviation fuel taxation and obligatory commercial agreements between airlines, were introduced to ensure compliance with Union law and they serve to amend or complement existing provisions in bilateral air service agreements between Member States and third countries.