Basic information

2006/0058(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/United States Air Transport Agreement **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** United States	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	GRIFFIN Theresa (S&D)	07/12/2015
	Shadow rapporteur FOSTER Jacqueline (ECR) VAN MILTENBURG Matthijs (ALDE) KONEČNÁ Kateřina (GUE/NGL) TAYLOR Keith (Verts/ALE) PAKSAS Rolandas (EFDD) ARNAUTU Marie-Christine (ENF)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	EL KHADRAOUI Saïd (PSE)	30/06/2006

Former committee for opinion	Former rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2791	2007-03-22

	Transport, Telecommunications and Energy	2735	2006-06-08
	Transport, Telecommunications and Energy	2754	2006-10-12

European Commission	Commission DG	Commissioner
	Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
21/04/2006	Legislative proposal published	COM(2006)0169	Summary
08/06/2006	Debate in Council		Summary
12/10/2006	Debate in Council		Summary
22/03/2007	Resolution/conclusions adopted by Council		Summary
09/07/2007	Committee referral announced in Parliament		
11/09/2007	Vote in committee		Summary
17/09/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0320/2007	
11/10/2007	Decision by Parliament	T6-0428/2007	Summary
11/10/2007	Debate in Parliament		
02/12/2009	Additional information		Summary
13/10/2015	Modified legislative proposal published	COM(2015)0491	Summary
08/11/2016	Amended legislative proposal for reconsultation published	13419/2016	Summary
03/03/2017	Formal reconsultation of Parliament		
23/11/2017	Vote in committee		
27/11/2017	Committee report tabled for plenary, reconsultation	A8-0376/2017	Summary
12/12/2017	Decision by Parliament	T8-0482/2017	Summary
23/01/2018	Act adopted by Council after consultation of Parliament		
29/07/2020	Final act published in Official Journal		

Technical information

Procedure reference	2006/0058(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 100-p2

Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/09385 TRAN/6/36003

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE388.477	30/07/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0320/2007	17/09/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0428/2007	11/10/2007	Summary
Committee draft report		PE610.891	13/10/2017	
Committee final report tabled for plenary, reconsultation		A8-0376/2017	27/11/2017	Summary
Text adopted by Parliament after reconsultation		T8-0482/2017	12/12/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary legislative basic document	08044/3/2007	24/04/2007	Summary
Amended legislative proposal for reconsultation	13419/2016	08/11/2016	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2006)0169	21/04/2006	Summary
Modified legislative proposal	COM(2015)0491	13/10/2015	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2020/1110
OJ L 244 29.07.2020, p. 0006

EU/United States Air Transport Agreement

2006/0058(NLE) - 13/10/2015 - Modified legislative proposal

This proposal modifies the initial proposal of the Commission, with a view notably to **take account of the entry into force of the Treaty of Lisbon**. In order to ease examination by the Council, the whole of the relevant text is submitted as amended proposal.

The proposal calls for the approval on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part. The references to “the European Community” in the text of the Agreement are, where appropriate, to be read as to “the European Union".

The Agreement was signed on 25 and 30 April 2007. It was intended, inter alia, to facilitate the expansion of international air transport opportunities by opening access to markets and maximising benefits for consumers, airlines, workers and communities on both sides of the Atlantic ocean.

As regards the EU side, both the Union and its Member States are Parties to this Agreement. The ratification process has been completed by the Member States in 2014. Croatia will accede to the Agreement in accordance with the procedure provided for in the Act concerning the conditions of accession of Croatia to the EU.

EU/United States Air Transport Agreement

2006/0058(NLE) - 11/10/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Saïd **EL KHADRAOUI** (PSE, BE) by 513 votes in favour to 15 against, and 35 abstentions, and approved the proposal for a decision of the Council and Member States of the EU, on the conclusion of the Air Transport Agreement between the EC and its Member States, and the United States of America.

EU/United States Air Transport Agreement

2006/0058(NLE) - 22/03/2007

The Council welcomes the results of the negotiations between the European Community and its Member States and the United States of America on a first stage comprehensive air services agreement. It the agreement which will be endorsed at the forthcoming EU-US Summit on 30 April in Washington.

The Council also reiterates its ultimate objective of a fully liberalised open aviation area covering the EU and the US in accordance with the mandate agreed by the Council in June 2003. It underlines the importance of reaching a second stage agreement in order to pursue the benefits of liberalisation on both sides of the Atlantic. It calls upon the Commission to engage robustly with the United States Government so as to secure this goal as quickly as possible.

The Council instructs COREPER to proceed without delay with the necessary formalities for the signature of the agreement. In this respect, the Council confirms that:

a) the provisional application of the agreement will take place from 30 March 2008. The Commission was asked to secure agreement of the United States to confirm their agreement to reflect this;

b) if no Stage 2 agreement has been reached within 12 months of the start of the review mentioned in Article 21 (3), any Member State may notify to the Commission which traffic rights in relation to its own territory it wishes to suspend. Such traffic rights may not include any rights specified in the agreements mentioned in Annex 1 to the Agreement. The President of the Council on behalf of the EC and its Member States shall then give notice of the suspension of such rights to the US in accordance with Article 21 (3).

However, the Council, acting by unanimity on a proposal from the Commission, may decide not to give notice of suspension or subsequently to withdraw it.

The Commission is invited to draw up provisions to that effect for insertion in the draft Council Decisions on signature and conclusion of the EU-US air transport agreement.

EU/United States Air Transport Agreement

2006/0058(NLE) - 21/04/2006 - Legislative proposal

PURPOSE: to sign a provisional application of the Air Transport Agreement between the European Community and its Member States and the US and to conclude an Air Transport Agreement between the same parties.

PROPOSED ACT: Decision of the Council and of the Representatives of the Governments of the Member States of the European Union, meeting within the Council.

CONTENT: in June 2003, the European Community and its Member States were given a mandate to negotiate an Agreement with the United States of America for an “Air Transport Agreement”. The mandate was given following rulings by the European Court of Justice in November 2002 which stated that existing bi-lateral arrangements in the air transport sector were incompatible with EU law. Currently, there are twenty separate Agreements in place governing the laws and provisions of air operations between Europe and the US.

The objective of the negotiations, therefore, was the establishment of an “Open Aviation Area” (OOA) between the EU and US. The idea being to create a single market for air transport between the EU and US in which EU and US airlines would be able to provide air services without any restriction and which would include the domestic markets of both parties. Given the wide-ranging implications of such an Agreement, most notably the requirement for the US to remove restrictions on foreign legal ownership and control of US airlines cabotage, the Agreement became a politically sensitive issue for the US government. To address this problem both parties have agreed to a staggered implementation of the Agreement. At the same time, however, there is an implicit understanding that mechanisms should be put in place which allow the Agreement to become more complete.

As a first stage, the EU has accepted that cabotage will not be included in the first Agreement. The EU has made clear to the US that this would only be acceptable if meaningful progress can be made towards the removal of restrictions on ownership and control of US airlines. As such the Council has stated that it will take particular notice of progress made by the US Department of Transportations and its pledge to re-interpret the statutory requirement that US airlines can only be under the “actual control” of US citizens.

In other words, the adoption of this Decision by the Council will be subject to US adoption of rules deemed to constitute clear, meaningful and robust changes to the US’ policy vis-à-vis foreign ownership of its commercial air fleet. Depending on the speed with which the US confirms its commitment to re-assessing its current statutes, signature of the Agreement could take place in the first half of 2006.

The Agreement represents a comprehensive first-stage agreement that will replace the existing bilateral agreements concluded by the Member States with the United States. It removes all existing restrictions on the rights of both Community air carriers and Unites States air carriers to operate between points in the European Community and points in the United States. Further, the Agreement established provisions which allow Community air carriers uniform conditions for market access; it establishes new arrangements for regulatory co-operation between the European Community and the United States and it establishes provisions essential to the safe, secure and efficient operation of transatlantic air services.

There will be strengthened co-operation in matters concerning aviation security and aviation safety and there will be new arrangement for co-operation between the EU-US Competition authorities concerning the application of their respective competition regimes affecting the transatlantic market. All of the terms will simultaneously apply to the 25 EU Member States who will apply the same rules without discrimination and in a uniform manner. In return, Community air carriers will be able to access commercial opportunities, which Member States, acting individually, have been unable to secure. In short, adoption of the proposed Agreement will help enact one of the main objectives of the negotiations, namely the creation of a level playing field between all the EU and US air carriers, complemented by tight regulatory rules.

The proposal has no implications for the Community budget.

EU/United States Air Transport Agreement

2006/0058(NLE) - 24/04/2007 - Supplementary legislative basic document

The Council and of the Representatives of the Governments of the Member States of the European Union, meeting within the Council, have decided to approve the signing of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part, subject to a Council Decision concerning the conclusion of the Agreement.

EU/United States Air Transport Agreement

2006/0058(NLE) - 08/06/2006

The Council emphasised the importance it attaches to concluding a historic first-stage EU/US air transport agreement that would establish an open market based on principles of fair competition. It reaffirmed its unanimous satisfaction with the draft EU/US air transport agreement resulting from the negotiations in November 2005, while noting that it would await the outcome of the US rulemaking process in relation to the control of US air carriers by foreign nationals before deciding whether to proceed with the agreement.

The Council stressed the crucial importance of clear, meaningful and robust policy changes in this area and noted that the US process has been extended and looks forward to reaching a conclusion in the second half of 2006, following its assessment of the US rule.

EU/United States Air Transport Agreement

2006/0058(NLE) - 12/10/2006

The Council was informed by Vice-President Barrot of the latest state of play regarding the negotiations on the Air Transport Agreement with the US, following a delay in the adoption of the rules on control of US airlines.

The Council referred to the results of the EU-US Transatlantic Summit in Vienna on 21 June 2006, after the last meeting of the Transport Council on 9 June, where EU and US leaders agreed to redouble their efforts to conclude a first-stage Air Transport Agreement by the end of 2006.

The Council underlined the importance it attached to the conclusion of an historic EU-US air transport agreement. It reaffirmed its unanimous satisfaction with the text of the draft agreement negotiated in November 2005 but regretted the further delay in the US reform on control of U.S. air carriers, which it considered an essential element before proceeding with the agreement. The results must be absolutely clear, meaningful and robust.

Several delegations expressed particular concerns regarding the implications of this delay and that the existing agreements do not ensure a level playing field.

The Council requested the Commission to continue its efforts, on the basis of further contacts with the United States, to secure a satisfactory and balanced outcome with the necessary safeguards, including the transitional provisions, in preparation for the December Council and in accordance with the EU-US Summit conclusions.

EU/United States Air Transport Agreement

2006/0058(NLE) - 12/12/2017 - Text adopted by Parliament after reconsultation

The European Parliament adopted by 571 votes to 44, with 35 abstentions, a legislative resolution on the draft Council decision on the conclusion on behalf of the European Union of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

In line with the recommendation made by its Committee on Transport and Tourism, Parliament gave its **consent** to the conclusion of the Agreement.

The Agreement aims to facilitate the expansion of international air transport opportunities by opening access to markets and maximising benefits for consumers, airlines, workers and communities on both sides of the Atlantic ocean.

EU/United States Air Transport Agreement

2006/0058(NLE) - 27/11/2017 - Committee final report tabled for plenary, reconsultation

The Committee on Transport and Tourism adopted the report by Theresa GRIFFIN (S&D, UK) on the draft Council decision on the conclusion on behalf of the European Union of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

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

As stated in the explanatory memorandum accompanying the draft recommendation, the so-called "first stage agreement" was signed on 25 and 30 April 2007 and has been applied on a provisional basis since 30 March 2008. Parliament gave its consent to the conclusion of the agreement on 11 October 2007.

The ratification process of the agreement was completed by all the Member States, with the exception of Bulgaria, Romania and Croatia, in November 2014.

In October 2015, the Commission presented an amended proposal for a Council decision on the conclusion of the agreement, in order to take account of the entry into force of the Treaty of Lisbon and the fact that Bulgaria, Croatia and Romania had become EU Member States in the meantime.

The draft decision submitted for approval by Parliament includes the legal modifications required by the European Court of Justice case law established in its judgment of 28 April 2015.

In July 2017, the EU and the USA celebrated the 10 Years Anniversary of the EU-US Air Transport Agreement. It is widely seen as a great achievement. The transatlantic market today totals 55 million passengers, this is 6.4 million more passengers and 52 more city-pairs being served than 10 years ago.

The United States and the European Union are still today the most developed aviation markets.

However, it should be noted that the combined share of passengers carried through EU and US airports has gone down from 61% of total world passengers in 2000 to 38% in 2015. This reflects the changing nature of aviation markets and the need for ever closer cooperation in international aviation.

EU/United States Air Transport Agreement

2006/0058(NLE) - 08/11/2016 - Amended legislative proposal for reconsultation

PURPOSE: to conclude, on behalf of the European Union, the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

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: the Council decided, in particular to take account of the entry into force of the Lisbon Treaty, to consult once again the European Parliament on the amending legislative proposal on the conclusion on behalf of the European Union of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

The Commission negotiated, on behalf of the European Community and of the Member States, the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part, in accordance with the Council Decision authorising the Commission to open negotiations.

The Agreement was signed on 25 and 30 April 2007, and has been applied provisionally since 30 March 2008. Croatia will accede to the Agreement in accordance with the procedure laid down in the Act of Accession annexed to the Treaty of Accession.

CONTENT: the draft Council decision seeks the approval, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

The Agreement aims to facilitate the expansion of international air transport opportunities by opening access to markets and maximising benefits for consumers, airlines, workers and communities on both sides of the Atlantic ocean.