Basic information

2009/0018(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EC/Canada agreement: air transport See also 2014/0023(NLE) **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Canada	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	ASSIS Francisco (S&D)	22/01/2018
	Shadow rapporteur PROUST Franck (PPE) FOSTER Jacqueline (ECR) RADOŠ Jozo (ALDE) KONEČNÁ Kateřina (GUE/NGL) TAYLOR Keith (Verts/ALE) PAKSAS Rolandas (EFDD)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism		
TRAN Transport and Tourism	ȚICĂU Silvia-Adriana (S&D)	21/07/2009

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2979	2009-11-30
Transport, Telecommunications and Energy	2935	2009-03-30
Agriculture and Fisheries	3686	2019-04-15

European Commission	Commission DG	Commissioner
	Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
02/12/2009	Additional information		Summary
08/11/2010	Legislative proposal published	15380/2010	Summary
25/11/2010	Committee referral announced in Parliament		
28/02/2011	Vote in committee		Summary
02/03/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0045/2011	
24/03/2011	Decision by Parliament	T7-0107/2011	Summary
24/03/2011	Results of vote in Parliament		
24/03/2011	Debate in Parliament		
10/01/2018	Modified legislative proposal published	COM(2018)0004	Summary
27/03/2018	Amended legislative proposal for reconsultation published	06730/2018	Summary
30/04/2018	Formal reconsultation of Parliament		
10/07/2018	Vote in committee		
12/07/2018	Committee report tabled for plenary, reconsultation	A8-0254/2018	Summary
02/10/2018	Decision by Parliament	T8-0361/2018	Summary
02/10/2018	Results of vote in Parliament		
15/04/2019	Act adopted by Council after consultation of Parliament		
15/04/2019	End of procedure in Parliament		
08/05/2019	Final act published in Official Journal		

Technical information

Procedure reference	2009/0018(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2014/0023(NLE)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed

Committee dossier	TRAN/7/00252 TRAN/8/12952

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE445.990	17/12/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0045/2011	02/03/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0107/2011	24/03/2011	Summary
Committee draft report		PE621.984	15/05/2018	
Committee final report tabled for plenary, reconsultation		A8-0254/2018	12/07/2018	Summary
Text adopted by Parliament after reconsultation		T8-0361/2018	02/10/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	08303/2009	24/11/2009	
Legislative proposal	15380/2010	08/11/2010	Summary
Amended legislative proposal for reconsultation	06730/2018	27/03/2018	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2009)0062	17/02/2009	Summary
Modified legislative proposal	COM(2018)0004	10/01/2018	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2019/0702
OJ L 120 08.05.2019, p. 0001 Summary

EC/Canada agreement: air transport

2009/0018(NLE) - 02/10/2018 - Text adopted by Parliament after reconsultation

The European Parliament adopted by 583 votes to 42 with 23 abstentions a legislative resolution on the draft Council decision on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part.

Following the recommendation of its Committee on Transport and Tourism, Parliament **gave its consent** to the conclusion of the agreement.

The Agreement includes a gradual phasing-in of traffic rights and investment opportunities, as well as far reaching cooperation on a number of issues including safety, security, social matters, consumer interests, environment, air traffic management, state aids and competition.

EC/Canada agreement: air transport

2009/0018(NLE) - 12/07/2018 - Committee final report tabled for plenary, reconsultation

The Committee on Transport and Tourism adopted the report by Francisco ASSIS (S&D, PT) on the draft Council decision on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part.

The committee recommended that the European Parliament **approve the conclusion** of the agreement.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date, in accordance with Council Decision 2010/417/EC. All Member States, except for Croatia, have ratified it. It has been provisionally applied since its signature.

On 10 January 2018, the Commission presented an amended proposal for a Council decision on the conclusion of the Agreement, to take into account the entry into force of the Treaty of Lisbon and the legal modifications required by the European Court of Justice in its judgment of 28 April 2015 in case C-28/12.

The European Parliament is being **consulted again** for approval on the draft decision to conclude the agreement on behalf of the Union.

The Agreement includes a gradual phasing-in of traffic rights and investment opportunities, as well as far reaching cooperation on a number of issues including safety, security, social matters, consumer interests, environment, air traffic management, state aids and competition.

As indicated in the explanatory memorandum accompanying the recommendation, all EU airlines will be able to operate direct flights to Canada from anywhere in Europe. The Agreement removes all restrictions on routes, prices, or the number of weekly flights between Canada and the EU. Airlines will be free to enter into commercial arrangements such as code-share agreements, and to establish their tariffs in line with competition law. The Agreement contains provisions for the phased market opening (in four phases) linked to the granting of greater investment freedoms by both sides. It provides for:

- the agreement of both sides to cooperate closely in order to mitigate the effects of aviation on climate change;
- mutual recognition of standards and "one-stop security" (i.e. transfer passengers, luggage and cargo would be exempted from any additional security measures);
- specific provisions to improve consumer interests including a commitment to consult on issues such as compensation for denied boarding, accessibility measures and passenger refunds;
- a strong mechanism to ensure that airlines cannot face discrimination in terms of access to infrastructure or state subsidies.

According to a study launched by the Commission, an open agreement with Canada would generate an additional half million passengers in its first year and, within a few years, **3.5 million extra passengers** might be expected to take advantage of the opportunities offered by the Agreement. The Agreement could generate consumer benefits of at least EUR 72 million through lower fares and would also create new jobs.

EC/Canada agreement: air transport

2009/0018(NLE) - 27/03/2018 - Amended legislative proposal for reconsultation

The draft Council Decision concerns 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 Canada, of the other part**.

The European Parliament has been **consulted again** for the approval on the draft decision to conclude the Agreement on behalf of the Union.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date, in accordance with Decision 2010/417/EC of the Council. It was ratified by all Member States, except for the Republic of Croatia.

It is intended that Croatia will accede to the Agreement in accordance with Article 6(2) of the 2011 Act of Accession.

According to the Council’s draft, the provisions on decision making and representation with regard to various matters set out in the Agreement should be discontinued in view of the judgement of the Court of Justice of the European Union of 28 April 2015 in case C-28/12.

Having regard to the Treaties, new provisions on those matters are not necessary, nor are provisions on information obligations of the Member States, such as those set out in Article 5 of Decision 2010/417/EC.

Consequently, Articles 3, 4 and 5 of Decision 2010/417/EC should cease to apply at the date of entry into force of the proposed Decision.

EC/Canada agreement: air transport

2009/0018(NLE) - 10/01/2018 - Modified legislative proposal

The amended proposal for a Council Decision invites the Council to approve, on behalf of the Union, the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part. The consent of the European Parliament is required for the Council to adopt the act.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date, in accordance with Decision 2010/417/EC of the Council and of the Representatives of the Member States of the European Union meeting within the Council.

The Agreement aimed, in particular, to foster the growth of international air transport by opening up market access and maximising benefits for consumers, air carriers, workers and people on both sides of the Atlantic.

This proposal **amends the initial Commission proposal**, which was adopted on 17 February 2009 and submitted to the Council, in particular to take account of the entry into force of the **Treaty of Lisbon** and following the judgement of the **European Court of Justice** of 28 April 2015 in Case C-28/12.

According to the amended proposal, the application of the decision-making and representation provisions on various matters set out in the Agreement should be discontinued in the light of the ECJ judgment.

Having regard to the Treaties, **new provisions on those matters are not necessary**, nor are provisions on information obligations of the Member States, such as those set out in Decision 2010/417/EC.

Consequently, Articles 3, 4 and 5 of that decision shall cease to apply on the date of entry into force of the proposed decision.

EC/Canada agreement: air transport

2009/0018(NLE) - 10/01/2018

The amended proposal for a Council Decision invites the Council to approve, on behalf of the Union, the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part. The consent of the European Parliament is required for the Council to adopt the act.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date, in accordance with Decision 2010/417/EC of the Council and of the Representatives of the Member States of the European Union meeting within the Council.

The Agreement aimed, in particular, to foster the growth of international air transport by opening up market access and maximising benefits for consumers, air carriers, workers and people on both sides of the Atlantic.

This proposal **amends the initial Commission proposal**, which was adopted on 17 February 2009 and submitted to the Council, in particular to take account of the entry into force of the **Treaty of Lisbon** and following the judgement of the **European Court of Justice** of 28 April 2015 in Case C-28/12.

According to the amended proposal, the application of the decision-making and representation provisions on various matters set out in the Agreement should be discontinued in the light of the ECJ judgment.

Having regard to the Treaties, **new provisions on those matters are not necessary**, nor are provisions on information obligations of the Member States, such as those set out in Decision 2010/417/EC.

Consequently, Articles 3, 4 and 5 of that decision shall cease to apply on the date of entry into force of the proposed decision.

EC/Canada agreement: air transport

2009/0018(NLE) - 24/03/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft decision of the Council and of the Representatives of the Governments of the Member States of the European Union, meeting within the Council on the conclusion of the Agreement on Air Transport between the European Community and its Member States, of the one part, and Canada, of the other part.

Parliament gives its consent to the conclusion of the Agreement.

EC/Canada agreement: air transport

2009/0018(NLE) - 08/11/2010 - Legislative proposal

PURPOSE: to conclude the EU-Canada Air Transport Agreement.

PROPOSED ACT: Council Decision.

BACKGROUND: the Commission negotiated on behalf of the Community and of the Member States an Agreement on Air Transport with Canada. The Agreement was signed on 17 and 18 December 2009 and applies provisionally subject to its conclusion at a later date.

It is now necessary to approve the Agreement by the Union and its Member States.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 100(2), in conjunction with Article 218(6)(a)(v) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this Decision, the Agreement on Air Transport between the European Community and its Member States, of the one part, and Canada, of the other part, is hereby approved on behalf of the Union. For details of the content of the Agreement, please refer to the summary of the previous initial legislative document dated 17/02/2009.

Termination of the Agreement: procedural arrangements have been laid down in the Agreement for deciding, if appropriate, how to terminate the Agreement and a decision to withdraw such notice, shall be taken by the Council, on behalf of the Union and of the Member States, acting unanimously on the basis of a Commission proposal.

Joint Committee: it also lays down appropriate procedural arrangements for the participation of the Union and the Member States in the Joint Committee set up under Article 17 of the Agreement and in the dispute settlement procedures provided for in Article 21 of the Agreement, as well as for implementing certain provisions of the Agreement concerning security and safety.

It should be noted that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the text of the Agreement are, where appropriate, to be read as "the European Union".

BUDGETARY IMPLICATION: this proposal has no implication for the EU budget.

EC/Canada agreement: air transport

2009/0018(NLE) - 30/03/2009

The Council adopted a Decision approving the signing of an agreement between the European Community and Canada on civil aviation safety.

The agreement is the result of negotiations led by the Commission on the basis of a mandate granted by the Council in March 2004. It aims to enhance cooperation and increase efficiency in matters relating to civil aviation safety and to promote civil aviation safety and environmental quality and compatibility.

EC/Canada agreement: air transport

2009/0018(NLE) - 17/02/2009

PURPOSE: signature and conclusion of the EU-Canada Air Transport Agreement.

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

BACKGROUND: this Agreement was negotiated under a mandate received from the Council in October 2007. Air services between the EU and Canada presently operate on the basis of bilateral agreements between individual Member States and Canada. These bilateral agreements contain provisions that the European Court of Justice ruled in November 2002 to be incompatible with Community law.

It is therefore essential that a **new Community-level framework for EU/Canada air services** is established.

The negotiating mandate set the objective of establishing an Open Aviation Area (OAA) between the EU and Canada. This would create a single market for air transport between the EU and Canada in which investment could flow freely and in which European and Canadian airlines would be able to provide air services without any restriction, including in the domestic markets of both parties. Achievement of the mandate in full would require significant legislative changes in Canada, in particular to remove the existing legal restrictions on foreign ownership and control of Canadian airlines and on cabotage. For this reason, the mandate explicitly recognises the possibility of implementing an agreement in a phased approach.

The EU accepted during the negotiations that full **investment opening could not be achieved from the start**, but would be gradually introduced in different phases during a transitional period. Based on the negotiating directives of the mandate, and in line with conclusions of the

EU-Canada summit of October 2008, the draft Agreement with Canada was finalised by the Commission in November 2008.

IMPACT ASSESSMENT: the Agreement ensures the gradual establishment of an EU/Canada Open Aviation Area. A report prepared for the Commission in 2006 by consultants, estimated that an EU/Canada Open Aviation Area would generate upwards of 17 million extra passengers a year, consumer benefits of at least EUR 5 billion a year, and would support employment on both sides of the Atlantic.

CONTENT: this Agreement represents a comprehensive agreement that will replace the existing bilateral agreements concluded by the Member States with Canada. It removes all existing restrictions on the rights of both Community air carriers and Canadian air carriers to operate between points in the European Community and points in Canada. In this respect, the Agreement removes the obstacles to the ability of Community air carriers to benefit from the right of establishment within the Community, including the right to non-discriminatory market access, in relation to the provision of air services to and from Canada.

It includes a gradual phasing-in of traffic rights and investment opportunities. It would meet the legal requirements of the Community and deliver substantial immediate economic benefits for transatlantic air travellers and shippers.

The Agreement:

- creates simultaneously for all Community air carriers uniform conditions for market access, and establishes new arrangements for regulatory co-operation between the European Community and Canada in fields essential for the safe, secure, and efficient operation of transatlantic air services. In particular, there will be strengthened co-operation in matters concerning aviation security and aviation safety. There will also be new arrangements for cooperation to ensure a competitive level playing-field. These arrangements can only be achieved at Community level because they involve a number of areas of exclusive Community competence;
- allows for the simultaneous extension of its terms to the 27 Member States, applying the same rules without discrimination and benefiting all Community air carriers regardless of their nationality. These carriers can now operate freely from any point in the European Union to any point in Canada. Removal of all market access restrictions between the EU and Canada will not only attract new entrants to the market and create opportunities to operate to underserved airports, but will also facilitate consolidation between Community air carriers;
- secures for all Community air carriers access to commercial opportunities, such as the possibility to freely establish prices, which no Member State has been able to secure by negotiating individually. One of the main objectives of the mandate is to create a level playing field between all EU and Canadian air carriers, and this requires strong regulatory co-operation which can only be delivered at Community level.

BUDGETARY IMPLICATION: the proposal has no implication for the Community budget.

EC/Canada agreement: air transport

2009/0018(NLE) - 08/05/2019 - Final act

PURPOSE: to approve, on behalf of the Union, the conclusion of the Agreement on Air Transport with Canada.

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/702 on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part.

CONTENT: the Council adopted a Decision on 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 Canada, of the other part.

The Agreement was signed on 17 and 18 December 2009, subject to its conclusion at a later date. It was ratified by all Member States, except for Croatia. It is intended that Croatia will accede to the Agreement in accordance with the 2011 Act of Accession.

The Agreement includes a gradual phasing-in of traffic rights and investment opportunities, as well as far reaching cooperation on a number of issues including safety, security, social matters, consumer interests, environment, air traffic management, state aids and competition.

The Agreement removes all restrictions on routes, prices, or the number of weekly flights between Canada and the EU. Airlines will be free to enter into commercial arrangements such as code-share agreements, and to establish their tariffs in line with competition law.

The Agreement contains provisions for the phased market opening (in four phases) linked to the granting of greater investment freedoms by both sides. It provides for:

- the agreement of both sides to cooperate closely in order to mitigate the effects of aviation on climate change;

- mutual recognition of standards and ‘one-stop security’ (i.e. transfer passengers, luggage and cargo would be exempted from any additional security measures);

- specific provisions to improve consumer interests including a commitment to consult on issues such as compensation for denied boarding, accessibility measures and passenger refunds;

- a strong mechanism to ensure that airlines cannot face discrimination in terms of access to infrastructure or state subsidies.

The Council's decision discontinues the application of the decision-making and representation provisions on various matters set out in the Agreement in view of the judgment of the Court of Justice of the European Union (ECJ) of 28 April 2015 in Case C-28/12.

ENTRY INTO FORCE: 15.4.2019.