Basic information

2012/0015(NLE) NLE - Non-legislative enactments Decision	Procedure completed, awaiting publication in Official Journal
EU/Macao Agreement: air services **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Macao	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	KOCH Dieter-Lebrecht (PPE)	02/12/2014
	Shadow rapporteur GRASWANDER-HAINZ Karoline (S&D) ZĪLE Roberts (ECR) FARIA José Inácio (ALDE) KONEČNÁ Kateřina (GUE/NGL) ŠKRLEC Davor (Verts/ALE) PAKSAS Rolandas (EFDD)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism		

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner

	Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
02/02/2012	Preparatory document	COM(2012)0029	Summary
28/01/2014	Legislative proposal published	05255/2014	Summary
12/02/2015	Committee referral announced in Parliament		
15/03/2016	Vote in committee		
31/03/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0072/2016	Summary
12/04/2016	Decision by Parliament	T8-0096/2016	Summary
12/04/2016	Results of vote in Parliament		
29/09/2016	Act adopted by Council after consultation of Parliament		
29/09/2016	End of procedure in Parliament		

Technical information

Procedure reference	2012/0015(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-p8-a2 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, awaiting publication in Official Journal
Committee dossier	TRAN/8/00105

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE575.001	06/01/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0072/2016	31/03/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0096/2016	12/04/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	08179/2012	24/04/2012	
Legislative proposal	05255/2014	28/01/2014	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0029	02/02/2012	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0029	07/05/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

EU/Macao Agreement: air services

2012/0015(NLE) - 12/04/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 663 votes to 42, 4 abstentions, a legislative resolution on the draft Council decision on conclusion of the Agreement on certain aspects of air services between the European Union and the Government of the Macao Special Administrative Region of the People's Republic of China.

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

The Agreement replaces certain provisions in the existing 15 bilateral air services agreements concluded between EU Member States and Macao Special Administrative Region of the People's Republic of China.

EU/Macao Agreement: air services

2012/0015(NLE) - 02/02/2012 - Preparatory document

PURPOSE: to conclude the Agreement on certain aspects of air services between the European Union and the Macao Special Administrative Region of the People's Republic of China.

PROPOSED ACT: Council Decision.

BACKGROUND: following the judgements of the Court of Justice in the so-called “Open Skies” cases, on 5 June 2003 the Council granted the Commission a mandate to open negotiations with third countries on the replacement of certain provisions in existing agreements with an agreement at Union level (the “horizontal mandate”). The objectives of such agreements are to give all European Union air carriers non-discriminatory access to routes between the European Union and third countries, and to bring bilateral air service agreements between Member States and third countries in line with the law of the Union.

In accordance with the mechanisms and directives in the Annex to the ”horizontal mandate”, the Commission has negotiated an agreement with the Macao Special Administrative Region of the People's Republic of China that replaces certain provisions in the existing bilateral air services agreements between Member States and the Macao Special Administrative Region of the People's Republic of China.

IMPACT ASSESSMENT: Member States as well as the industry were consulted throughout the negotiations.

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

CONTENT: in accordance with the standard procedure for the signature and conclusion of international agreements, the Council is asked to approve the decisions on the signature and on the conclusion of the Agreement on certain aspects of air services between the European Union and the Macao Special Administrative Region of the People's Republic of China and to designate the persons authorised to sign the Agreement on behalf of the Union.

More specifically,

- 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 4 deals with the taxation of aviation fuel, a matter which has been harmonised by Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity.
- Article 5 resolves potential conflicts with the competition rules of the Union.

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

EU/Macao Agreement: air services

2012/0015(NLE) - 28/01/2014 - Legislative proposal

PURPOSE: to conclude an Agreement on certain aspects of air services between the European Union and the Macao Special Administrative Region of China.

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: by its Decision of 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level.

On behalf of the Union, the Commission negotiated an Agreement on certain aspects of air services with the Government of the Macao Special Administrative Region of the People's Republic of China in accordance with the mechanisms and directives in the Annex to the Council Decision of 5 June 2003.

The Agreement was signed on behalf of the Union on 23 November 2013 subject to its possible conclusion at a later date, in conformity with a Decision.

The Agreement should be approved on behalf of the European Union.

CONTENT: under this proposed Decision, the Council is requested to conclude the Agreement on certain aspects of air services between the European Union and the Government of the Macao Special Administrative Region of the People's Republic of China, on behalf of the European Union.

For further details of the Agreement, please refer to the summary of the *Commission’s initial legislative proposal dated 02/02/2012*.

EU/Macao Agreement: air services

2012/0015(NLE) - 02/02/2012

PURPOSE: to conclude the Agreement on certain aspects of air services between the European Union and the Macao Special Administrative Region of the People's Republic of China.

PROPOSED ACT: Council Decision.

BACKGROUND: following the judgements of the Court of Justice in the so-called “Open Skies” cases, on 5 June 2003 the Council granted the Commission a mandate to open negotiations with third countries on the replacement of certain provisions in existing agreements with an agreement at Union level (the “horizontal mandate”). The objectives of such agreements are to give all European Union air carriers non-discriminatory access to routes between the European Union and third countries, and to bring bilateral air service agreements between Member States and third countries in line with the law of the Union.

In accordance with the mechanisms and directives in the Annex to the ”horizontal mandate”, the Commission has negotiated an agreement with the Macao Special Administrative Region of the People's Republic of China that replaces certain provisions in the existing bilateral air services agreements between Member States and the Macao Special Administrative Region of the People's Republic of China.

IMPACT ASSESSMENT: Member States as well as the industry were consulted throughout the negotiations.

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

CONTENT: in accordance with the standard procedure for the signature and conclusion of international agreements, the Council is asked to approve the decisions on the signature and on the conclusion of the Agreement on certain aspects of air services between the European Union and the Macao Special Administrative Region of the People's Republic of China and to designate the persons authorised to sign the Agreement on behalf of the Union.

More specifically,

- 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 4 deals with the taxation of aviation fuel, a matter which has been harmonised by Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity.
- Article 5 resolves potential conflicts with the competition rules of the Union.

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

EU/Macao Agreement: air services

2012/0015(NLE) - 31/03/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Dieter-Lebrecht KOCH (EPP, DE) on the draft Council decision on conclusion of the Agreement on certain aspects of air services between the European Union and the Government of the Macao Special Administrative Region of the People's Republic of China.

The committee proposed that the European Parliament give its consent to the conclusion of the Agreement.

To recall, the Commission negotiated the Agreement that replaces certain provisions in the existing 15 bilateral air services agreements concluded between EU Member States and Macao Special Administrative Region of the People's Republic of China.

The main aspects of the Agreement signed on 23 November 2013 are as follows:

- **designation clause**: 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;
- **safety**: Article 3 ensures that safety provisions in bilateral agreements are applicable to situations when regulatory control over an air carrier is exercised by Member State other than Member State that designated that air carrier;
- **taxation**: Article 4 deals with the taxation of aviation fuel, a matter which has been harmonised by Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity, and in particular Article 14 (2) thereof.
- **compatibility with competition rules**: Article 5 prohibits anti-competitive practices.