Basic information

2016/0156(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Philippines Agreement: air services **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** Philippines	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	RADOŠ Jozo (ALDE)	01/08/2016
	Shadow rapporteur DELI Andor (PPE) ASSIS Francisco (S&D) DALTON Daniel (ECR) KONEČNÁ Kateřina (GUE/NGL) TAYLOR Keith (Verts/ALE) PAKSAS Rolandas (EFDD) ARNAUTU Marie-Christine (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3484	2016-09-20

European Commission

Commission DG	Commissioner
Mobility and Transport	BULC Violeta

Key events

Date	Event	Reference	Summary
27/05/2016	Preparatory document	COM(2016)0303	
20/09/2016	Debate in Council		
08/02/2019	Legislative proposal published	15056/2018	Summary
11/03/2019	Committee referral announced in Parliament		
08/04/2019	Vote in committee		
09/04/2019	Committee report tabled for plenary, 1st reading/single reading	A8-0191/2019	Summary
16/04/2019	Decision by Parliament	T8-0362/2019	Summary
16/04/2019	Results of vote in Parliament		
23/05/2019	Act adopted by Council after consultation of Parliament		
23/05/2019	End of procedure in Parliament		
23/05/2019	Final act published in Official Journal		

Technical information

Procedure reference	2016/0156(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
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/8/07011

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE636.202	13/03/2019	
Committee report tabled for plenary, 1st reading/single reading		A8-0191/2019	09/04/2019	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0362/2019	16/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	11261/2016	09/09/2016	

Legislative proposal	15056/2018	08/02/2019	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2016)0302	27/05/2016	
Preparatory document	COM(2016)0303	27/05/2016	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2019/0825
OJ L 137 23.05.2019, p. 0001 Summary

EU/Philippines Agreement: air services

2016/0156(NLE) - 23/05/2019 - Final act

PURPOSE: to conclude, on behalf of the Union, the Agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/825 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.

CONTENT: the Council decided to approve, on behalf of the Union, the Agreement between the European Union and the Government of the Republic of the Philippines on certain aspects of air services.

The Agreement replaces certain provisions in the existing bilateral air services agreements between 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.

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.

ENTRY INTO FORCE: 14.5.2019.

EU/Philippines Agreement: air services

2016/0156(NLE) - 09/04/2019 - Committee report tabled for plenary, 1st reading/single reading

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.

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.

EU/Philippines Agreement: air services

2016/0156(NLE) - 27/05/2016

PURPOSE: to conclude 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: in accordance with the mechanisms and directives in the Annex to the ”horizontal authorisation”, the Commission has negotiated an Agreement with the Philippines that replaces certain provisions in the existing bilateral air services agreements between Member States and the Philippines.

The objective of the Agreement is to bring bilateral air services agreements between ten Member States and the Republic of the Philippines in line with Union law.

- 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.

With this proposal, the Council is called upon to approve, on behalf of the Union, the Agreement between the European Union and the Government of the Philippines on certain aspects of air services.

EU/Philippines Agreement: air services

2016/0156(NLE) - 16/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution by 612 votes to 19, with 20 abstentions, 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 European Parliament gave its consent to the conclusion of the Agreement.