Basic information

2016/0411(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Operation of air services in the Community: technical adaptation Amending Regulation (EC) No 1008/2008 2006/0130(COD) **Subject** 3.20.01 Air transport and air freight	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	ȚAPARDEL Claudia (S&D)	27/03/2017
	Shadow rapporteur GAHLER Michael (PPE) FOSTER Jacqueline (ECR) BILBAO BARANDICA Izaskun (ALDE) KONEČNÁ Kateřina (GUE/NGL) DALUNDE Jakop G. (Verts/ALE) PAKSAS Rolandas (EFDD) ARNAUTU Marie-Christine (ENF)	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3661	2018-12-06

European Commission

Commission DG	Commissioner
Mobility and Transport	BULC Violeta

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
21/12/2016	Legislative proposal published	COM(2016)0818	Summary
19/01/2017	Committee referral announced in Parliament, 1st reading		
25/04/2018	Vote in committee, 1st reading		
27/04/2018	Committee report tabled for plenary, 1st reading	A8-0150/2018	Summary
24/05/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
28/05/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
30/05/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
22/11/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2018)008777 PE630.476	
29/11/2018	Decision by Parliament, 1st reading	T8-0473/2018	Summary
29/11/2018	Results of vote in Parliament		
06/12/2018	Act adopted by Council after Parliament's 1st reading		
11/12/2018	Final act signed		
11/12/2018	End of procedure in Parliament		
14/01/2019	Final act published in Official Journal		

Technical information

Procedure reference	2016/0411(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 1008/2008 2006/0130(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/08880

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE606.192	26/01/2018	
Amendments tabled in committee		PE618.315	04/04/2018	
Committee report tabled for plenary, 1st reading/single				

reading		A8-0150/2018	27/04/2018	Summary
Text agreed during interinstitutional negotiations		PE630.476	12/11/2018	
Text adopted by Parliament, 1st reading/single reading		T8-0473/2018	29/11/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2018)008777	23/10/2018	
Draft final act	00061/2018/LEX	11/12/2018	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0818	21/12/2016	Summary
Commission response to text adopted in plenary	SP(2018)838	19/12/2018	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2016)0818	24/02/2017	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2104/2017	05/07/2017	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2019/0002
OJ L 011 14.01.2019, p. 0001 Summary

Operation of air services in the Community: technical adaptation

2016/0411(COD) - 29/11/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 488 votes to 85, with 62 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community.

Regulation (EC) No 1008/2008 includes provisions allowing lease agreements for aircraft registered in third countries, in particular wet lease agreements. The purpose of the proposal is to provide for the possibility of derogating from the conditions for wet-leasing set out in Article 13(3)(b) of Regulation (EC) No 1008/2008 by concluding international agreements.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure provides for the possibility of derogating from the restrictive conditions applicable to wet lease contracts for aircraft registered in a third country, **where an international wet lease agreement signed by the Union, on the basis of an air transport agreement in force signed before 1 January 2008**, provides for a specific wet lease regime.

The amended text specifies that, with a view to a possible revision of Regulation (EC) No 1008/2008, the proposed amendment should be limited to the harmonisation of the Regulation with relevant international obligations.

The international agreement on wet-leasing should include reciprocal rights and obligations for both parties and should be based on an existing air transport agreement.

Operation of air services in the Community: technical adaptation

2016/0411(COD) - 11/12/2018 - Final act

PURPOSE: to provide for the possibility of derogating from the conditions for wet-leasing set out in Article 13(3)(b) of Regulation (EC) No 1008/2008 by concluding international agreements.

LEGISLATIVE ACT: Regulation (EU) 2019/2 of the European Parliament and of the Council amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community.

CONTENT: the Regulation amending Regulation (EC) No 1008/2008 provides for the possibility of derogating from the restrictive conditions applicable to wet lease agreements for aircraft registered in a third country, where an international wet lease agreement signed by the Union, on the basis of an air transport agreement in force signed before 1 January 2008, provides for a specific wet lease regime.

The Commission is

currently reviewing Regulation (EC) No 1008/2008, including its provisions on wet-leasing and their possible impact on employees and consumers. Given that this review could lead to a general revision of that Regulation, this Regulation is limited to aligning Regulation (EC) No 1008/2008 with the relevant international obligations. The international agreement on wet-leasing should include reciprocal rights and obligations for both parties and should be based on an existing Air Transport Agreement.

ENTRY INTO FORCE: 3.2.2019.

Operation of air services in the Community: technical adaptation

2016/0411(COD) - 21/12/2016 - Legislative proposal

PURPOSE: to ensure the legal consistency between Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community and an international agreement.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Article 13 of Regulation 1008/2008 defines the conditions under which lease arrangements of aircraft registered in third countries, especially wet-lease, are allowed. The possibilities are exceptional circumstances, such as a lack of adequate aircraft on the Community market, and they should be strictly limited in time and fulfil safety standards equivalent to the safety rules of Community and national legislation.

An Air Transport Agreement (ATA) between the EU and United States was signed in 2007 and amended by a Protocol of 24 June 2010. Accordingly, the ATA foresees an open wet-lease regime between the parties.

In order to bring clarity and certainty to the air carriers, the Commission has recommended the Council to authorise it to negotiate a specific wet-lease agreement with the US, aiming at lifting the time restrictions.

The present proposal aims to adapt the EU regulation accordingly.

CONTENT: the proposal aims to introduce a **possibility for derogation from the conditions on wet-leasing** set out in Article 13(3)(b) of Regulation (EC) No 1008/2008 through the conclusion of international agreements.

This would allow for more flexibility, in so far as the conclusion of such agreements presents economic and social advantages for the EU.

The changes proposed add a **reference to international agreements** to Article 13(3)(b) of the Regulation where conditions to allow wet leasing (extraordinary circumstances, seasonal needs, operational difficulties) are set out.

The other provisions of Article 13 (e.g. on safety standards and rights of the competent authority) would remain unchanged.

Operation of air services in the Community: technical adaptation

2016/0411(COD) - 27/04/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Claudia ȚAPARDEL (S&D, RO) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community.

The committee recommended that European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal.

The Commission proposed to amend Art.13(3)(b) of Regulation N°1008/2008 and opening the possibility to lift the restrictive conditions applying to wet-lease agreements for aircraft registered in a third country when a specific wet-lease regime has been included in an international agreement concluded by the Union.

Parliament proposed for its part to grant the possibility to derogate from the restrictive conditions applicable to wet lease agreements for aircraft registered in a third country, where an international agreement on wet-leasing signed by the Union, on the basis of an existing Air Transport Agreement signed before 1 January 2008 provides for a specific wet-lease regime.

The amended text specified that in view of a possible revision of Regulation (EC) No 1008/2008, the proposed amendment should be limited in scope to aligning the Regulation with the international obligations.