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*Plenary sitting*

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**A9-0125/2021**

19.4.2021

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## **RECOMMENDATION**

on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement with Respect to Time Limitations on Arrangements for the Provision of Aircraft with Crew between the European Union, the United States of America, Iceland, and the Kingdom of Norway  
(11645/2020 – C9-0392/2020 – 2019/0126(NLE))

Committee on Transport and Tourism

Rapporteur: Maria Grapini

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement with Respect to Time Limitations on Arrangements for the Provision of Aircraft with Crew between the European Union, the United States of America, Iceland, and the Kingdom of Norway  
(11645/2020 – C9-0392/2020 – 2019/0126(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (11645/2020),
  - having regard to the draft Agreement with Respect to Time Limitations on Arrangements for the Provision of Aircraft with Crew between the European Union, the United States of America, Iceland, and the Kingdom of Norway (10584/19),
  - having regard to the request for consent submitted by the Council in accordance with Article 100(2) and Article 218(6), second subparagraph, point (a)(v), and Article 218(7), of the Treaty on the Functioning of the European Union (C9-0392/2020),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A9-0125/2021),
1. Gives its consent to the conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the United States of America, Iceland, and the Kingdom of Norway.

## **EXPLANATORY STATEMENT**

### **Procedure**

On 25 and 30 April 2007, the European Union signed an overall aviation agreement with the United States, which was amended by a Protocol signed on 24 June 2010 (together referred to as the US-EU ATA). The US-EU ATA inter alia foresees an open wet lease regime between the Parties.

In parallel to the negotiations on the US-EU ATA, the EU also revised the rules for the EU internal aviation market, including on wet leasing. In 2008, the EU approved a Regulation<sup>1</sup>, whose Article 13 introduces a timing limitation for wet leasing of aircraft registered in third countries, a condition which did not exist in this form in predecessor regulation at the moment of signing the US-EU ATA. The United States therefore considered that the limitations introduced by this Article limit the exercise of commercial rights for US airlines as granted by the US-EU ATA.

In order to clarify and resolve the situation with the US, the Commission was authorised to negotiate an additional agreement concerning “the time limitations on arrangements for the provision of aircraft with crew” (wet lease agreement) with the US, Norway and Iceland<sup>2</sup>.

This agreement was signed on 27 August 2019 and was drawn up in the official languages of the Union (to be authenticated by an exchange of letters between the parties).

The Council has now requested the European Parliament’s consent, in compliance with Article 218 TFEU. In accordance with Rules 105 and 114 of Parliament’s Rules of Procedure, the Committee responsible (TRAN) shall submit a recommendation for the approval or rejection of the proposed act. Amendments at Committee level shall be admissible only with the aim to reverse the recommendation proposed by the rapporteur. Parliament shall then take a decision by means of a single vote, and no amendments to the agreement may be tabled.

### **Content**

The aim of such agreement is to confirm the establishment of clear and non-restrictive wet lease arrangements between the EU and the US by providing more precision to associated provisions of the US-EU ATA. In doing so, the parties seek to maximise benefits for consumers, airlines, labour, and communities on both sides of the Atlantic so as better to reflect the realities of a global aviation industry, and the strengthening of the transatlantic air transportation system.

The agreement clarifies the wet lease rules of the US-EU ATA and states that no party shall impose time limitations on the operation of any wet lease, which is to be considered any arrangement between two airlines for the provision of aircraft with crew for international air transportation. For any potential dispute, the wet lease agreement is linked to the dispute resolution mechanisms established by the US-EU ATA.

Pending its entry into force, the parties already apply the wet lease agreement provisionally

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<sup>1</sup> Regulation (EC) No 1008/2008

<sup>2</sup> Norway and Iceland acceded to the US-EU ATA in 2011.

since the date of signature and concur with respect to its effectiveness.

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Proposal for a Council decision on the conclusion, on behalf of the European Union, and on the provisional application of an Agreement with Respect to Time Limitations on Arrangements for the Provision of Aircraft with Crew between the United States of America, the European Union, Iceland, and the Kingdom of Norway
<b>References</b>	11645/2020 – C9-0392/2020 – 2019/0126(NLE)
<b>Date of consultation / request for consent</b>	8.12.2020
<b>Committee responsible</b> Date announced in plenary	TRAN 14.12.2020
<b>Committees asked for opinions</b> Date announced in plenary	EMPL 14.12.2020
<b>Not delivering opinions</b> Date of decision	EMPL 24.7.2019
<b>Rapporteurs</b> Date appointed	Maria Grapini 12.9.2019
<b>Date adopted</b>	15.4.2021
<b>Result of final vote</b>	<div style="display: flex; justify-content: space-between;"> <span>+: 48</span> </div> <div style="display: flex; justify-content: space-between;"> <span>–: 0</span> </div> <div style="display: flex; justify-content: space-between;"> <span>0: 0</span> </div>
<b>Members present for the final vote</b>	Magdalena Adamowicz, Andris Ameriks, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Marco Campomenosi, Ciarán Cuffe, Johan Danielsson, Karima Delli, Anna Deparnay-Grunenberg, Gheorghe Falcă, Giuseppe Ferrandino, Mario Furore, Søren Gade, Isabel García Muñoz, Jens Gieseke, Elsi Katainen, Elena Kountoura, Julie Lechanteux, Peter Lundgren, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Tilly Metz, Giuseppe Milazzo, Cláudia Monteiro de Aguiar, Caroline Nagtegaal, Jan-Christoph Oetjen, Philippe Olivier, Rovana Plumb, Tomasz Piotr Poręba, Dominique Riquet, Dorien Rookmaker, Massimiliano Salini, Sven Schulze, Vera Tax, Barbara Thaler, István Ujhelyi, Henna Virkkunen, Petar Vitanov, Elissavet Vozemberg-Vrionidi, Lucia Vuolo, Roberts Zīle, Kosma Złotowski
<b>Substitutes present for the final vote</b>	Leila Chaibi, Clare Daly, Maria Grapini, Roman Haider, Jutta Paulus, Marianne Vind
<b>Date tabled</b>	19.4.2021

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

<b>48</b>	<b>+</b>
ECR	Peter Lundgren, Tomasz Piotr Poręba, Roberts Zīle, Kosma Złotowski
ID	Marco Campomenosi, Roman Haider, Julie Lechanteux, Philippe Olivier, Lucia Vuolo
NI	Mario Furore, Dorien Rookmaker
PPE	Magdalena Adamowicz, Gheorghe Falcă, Jens Gieseke, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Giuseppe Milazzo, Cláudia Monteiro de Aguiar, Massimiliano Salini, Sven Schulze, Barbara Thaler, Henna Virkkunen, Elissavet Vozemberg-Vrionidi
Renew	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Søren Gade, Elsi Katainen, Caroline Nagtegaal, Jan-Christoph Oetjen, Dominique Riquet
S&D	Andris Ameriks, Johan Danielsson, Giuseppe Ferrandino, Isabel García Muñoz, Maria Grapini, Rovana Plumb, Vera Tax, István Ujhelyi, Marianne Vind, Petar Vitanov
The Left	Leila Chaibi, Clare Daly, Elena Kountoura
Verts/ALE	Ciarán Cuffe, Karima Delli, Anna Deparnay-Grunenberg, Tilly Metz, Jutta Paulus

<b>0</b>	<b>-</b>

<b>0</b>	<b>0</b>

Key:

+ : in favour

- : against

0 : abstentions