



Plenary sitting

A9-0221/2023

29.6.2023

RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and Japan on certain provisions of agreements between Member States of the European Union and Japan for air services
(07028/2023 – C9-0119/2023 – 2022/0419(NLE))

Committee on Transport and Tourism

Rapporteur: Cláudia Monteiro de Aguiar

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 Union, of the Agreement between the European Union and Japan on certain provisions of agreements between Member States of the European Union and Japan for air services ((07028/2023 – C9-0119/2023 – 2022/0419(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (07028/2023),
 - having regard to the draft Agreement between the European Union and Japan on certain aspects of air services (16232/2022),
 - 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), of the Treaty on the Functioning of the European Union (C9-0119/2023),
 - 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 (A9-0221/2023),
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 Japan.

EXPLANATORY STATEMENT

Content

The Commission has negotiated an agreement with Japan (“the Agreement”) to replace certain provisions in the already existing bilateral air services agreements between Member States and Japan in order to bring the bilateral air services agreements in line with EU law, as requested by the Court of Justice in the so-called “Open Skies” cases of 2002.

On this basis, the Agreement will bring the bilateral air services agreements between 13 Member States (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Spain, Sweden) and Japan in line with the EU law.

Until now, traditional designation clauses in Member States’ bilateral air services agreements with Japan infringed Union law because they have allowed a third country to reject, withdraw or suspend the permissions or authorisations of an air carrier designated by a Member State and owned/controlled by another Member State or its nationals.

This practice is infringing Article 49 of the Treaty on the Functioning of the European Union (TFEU), which guarantees nationals of Member States who have exercised their freedom of establishment the same treatment in the host Member State as that accorded to nationals of that Member State.

Therefore, now the Agreement provides all EU air carriers non-discriminatory access to routes between the European Union and Japan. 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: any EU carrier can fly from any Member State that has a bilateral agreement with Japan where unused traffic rights are available.

Procedure

The negotiations on the Agreement were concluded, and the Agreement was signed on 20 February 2023. Therefore, 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.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Agreement between the European Union and Japan on certain aspects of air services						
References	07028/2023 – C9-0119/2023 – 2022/0419(NLE)						
Date of consultation or request for consent	29.3.2023						
Committee responsible Date announced in plenary	TRAN 17.4.2023						
Rapporteurs Date appointed	Cláudia Monteiro de Aguiar 25.4.2023						
Discussed in committee	24.5.2023						
Date adopted	27.6.2023						
Result of final vote	<table> <tr> <td>+: </td><td>40</td></tr> <tr> <td>–: </td><td>0</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	40	–:	0	0:	0
+:	40						
–:	0						
0:	0						
Members present for the final vote	Andris Ameriks, José Ramón Bauzá Díaz, Erik Bergkvist, Paolo Borchia, Ciarán Cuffe, Karima Delli, Anna Deparnay-Grunenberg, Mario Furore, Isabel García Muñoz, Jens Gieseke, Elsi Katainen, Bogusław Liberadzki, Benoît Lutgen, Marian-Jean Marinescu, Tilly Metz, Caroline Nagtegaal, Jan-Christoph Oetjen, Rovana Plumb, Tomasz Piotr Poręba, Bergur Løkke Rasmussen, Massimiliano Salini, Vera Tax, Barbara Thaler, István Ujhelyi, Achille Variati, Petar Vitanov, Lucia Vuolo, Kosma Złotowski						
Substitutes present for the final vote	Tom Berendsen, Clare Daly, Valter Flego, Beata Mazurek, Luděk Niedermayer, Ljudmila Novak, Markus Pieper, Dorien Rookmaker, Andreas Schieder, Jörgen Warborn						
Substitutes under Rule 209(7) present for the final vote	Vasile Blaga, Patricia Chagnon						
Date tabled	29.6.2023						

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

40	+
ECR	Beata Mazurek, Tomasz Piotr Poręba, Dorien Rookmaker, Kosma Złotowski
ID	Paolo Borchia, Patricia Chagnon
NI	Mario Furore
PPE	Tom Berendsen, Vasile Blaga, Jens Gieseke, Benoît Lutgen, Marian-Jean Marinescu, Luděk Niedermayer, Ljudmila Novak, Markus Pieper, Massimiliano Salini, Barbara Thaler, Lucia Vuolo, Jörgen Warborn
Renew	José Ramón Bauzá Díaz, Valter Flego, Elsi Katainen, Caroline Nagtegaal, Jan-Christoph Oetjen, Bergur Løkke Rasmussen
S&D	Andris Ameriks, Erik Bergkvist, Isabel García Muñoz, Bogusław Liberadzki, Rovana Plumb, Andreas Schieder, Vera Tax, István Ujhelyi, Achille Variati, Petar Vitanov
The Left	Clare Daly
Verts/ALE	Ciarán Cuffe, Karima Delli, Anna Deparnay-Grunenberg, Tilly Metz

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention