

SENATE OF THE REPUBLIC

XVII LEGISLATIVE PERIOD

Doc. XVIII

No 183

RESOLUTION OF THE EIGHTH STANDING COMMITTEE

(Public works, Communications)

(Rapporteur: CARDINALI)

adopted at the sitting of 14 February 2017

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
(COM/2016/0818 FINAL)**

pursuant to Article 144(1) and (6) of the Rules of Procedure

Sent to the President's Office on 20 February 2017

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The Committee,

having examined, pursuant to Article 144 of the Rules of Procedure, EU document COM(2016) 818 final 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,

whereas:

the Proposal aims to coordinate the rules on wet leasing laid down in Article 13 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 with the provisions of the Air Transport Agreement between the European Union and its Member States and the United States of America signed on 30 April 2007 and amended in June 2010;

this Agreement provides for an open wet-lease regime enabling the airlines of the parties to lease aircraft with crew (as opposed to dry leading, where aircraft are leased without crew);

the existing Article 13(3)(a) and (b) of Regulation (EC) No 1008/2008 makes authorisation for this kind of contract for aircraft registered in non-EU countries dependent on a series of conditions: compliance with all safety rules equivalent to Community or national rules; the occurrence of specific circumstances (exceptional needs, seasonal capacity needs or operational difficulties) leading to a lack of suitable aircraft on the Community market; and the strictly limited duration of the wet lease contract;

the Proposal intends to enable derogations from the conditions listed in Article 13 of the existing Regulation, where an international agreement entered into by the European Union stipulates otherwise, as the case with the agreement with the United States, the only one so far entered into by the European Union;

having regard to the observations made by the 14th Committee and contained in the Government report submitted in accordance with Article 6(4) and (5) of Law No 234 of 24 December 2012;

whereas the legal basis has been correctly identified as Article 100(2) of the Treaty on the Functioning of the European Union, which provides for the ordinary legislative procedure to be used to lay down appropriate provisions for sea and air transport,

hereby issues, pursuant to Protocol No 2 to the Treaty on the Functioning of the European Union, regarding application of the principles of subsidiarity and proportionality:

a favourable opinion as to compliance with the principle of subsidiarity, since action at European Union level is both necessary and brings added value as compared to action by the Member States alone. Indeed, the objective of introducing a derogation to the current aircraft-

leasing regime provided for in Regulation (EC) No 1008/2008 can be achieved only by means of a legislative act of the Union;

a favourable opinion as to compliance with the principle of proportionality, since the Proposal is consistent with the objectives it aims to achieve and confines itself to what is strictly necessary to introduce a derogation for leasing contracts entered into under international agreements, while maintaining the existing rules in all other cases.

This document is also to be understood as guidance to the Government within the meaning of Article 7 of Law No 234 of 24 December 2012.

OPINION OF THE 14TH STANDING COMMITTEE
(EUROPEAN UNION POLICIES)

(Rapporteur: LIUZZI)

9 February 2017

The Committee,

whereas the aim of the proposal is to align Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on the provision of air services with international agreements on wet leasing (leasing aircraft with crew);

whereas, in particular:

the existing Article 13 of Regulation (EC) No 1008/2008 provides for the possibility of authorising aircraft leasing contracts. In particular, wet lease contracts for aircraft registered in non-EU countries may be entered into provided that there are exceptional circumstances (e.g. a lack of suitable aircraft on the Community market) and that this possibility is strictly limited in time and subject to security standards equivalent to those laid down in Community and national legislation;

on 30 April 2007, the European Union and the United States entered into an Agreement on Air Transport, the aim of which was to remove market access barriers and create an open civil aviation space, in order to maximise benefits for consumers, airlines, workers and the communities on both sides of the Atlantic. The open regime applies also to the wet lease market between the parties, in which the European Union does however impose time restrictions not provided for in the United States, and which do not allow full potential benefits in this sector to be developed;

consequently, Article 13 of Regulation (EC) No 1008/2008 should be amended so that it is without prejudice to international agreements providing for different conditions between parties for wet lease contracts, including the wet-lease agreement with the United States, the only one so far entered into by the European Union,

comments favourably, within its area of responsibility, with the following observations:

the legal basis has been correctly identified as Article 100(2) of the Treaty on the Functioning of the European Union, which provides for the ordinary legislative procedure to be used to lay down appropriate provisions for sea and air transport;

the principle of subsidiarity is respected, since the objective of introducing a derogation to the aircraft-leasing rules provided for in Regulation (EC) No 1008/2008 can be achieved only by means of a legislative act of the Union;

the principle of proportionality is respected, since the Proposal does not go beyond what is strictly necessary to introduce a derogation for leasing contracts entered into under international agreements, while leaving unchanged the existing regime for all other cases.