



Brussels, 22 December 2020  
(OR. en, fr)

14340/20

---

---

**Interinstitutional File:  
2020/0363 (COD)**

---

---

**VOTE 78  
INF 234  
PUBLIC 95  
CODEC 1421**

#### **NOTE**

---

Subject:	<ul style="list-style-type: none"><li>– Voting result</li><li>– REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules ensuring basic air connectivity following the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community</li><li>– Adoption of the legislative act, and</li><li>– Derogation from the 8-week period provided for in Article 4 of Protocol 1 to the TFEU on the role of national parliaments in the EU</li><li>– Outcome of the written procedure completed on 22 December 2020</li></ul>
----------	--

---

The outcome of voting on the abovementioned legislative act can be found in Annex 1 to this note.

Reference document:

PE-CONS 66/20

date of adoption by Coreper 2 of the decision to use the Written Procedure

16.12.2020

The statements and/or explanations of vote are in Annex 2 to this note.

---



## General Secretariat of the Council

Institution: Council of the European Union  
 Session:  
 Configuration:  
 Item: 2020/0363 (COD) (Document: 66/20)  
 Voting Rule: **qualified majority**  
 Subject: REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules ensuring basic air connectivity following the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

Vote	Members	Population (%)
Yes	26	99,86%
No	0	0%
Abstain	1	0,14%
Not participating	0	
Total	27	

Sitting date: **22/12/2020**

Final result



Member State	Weighting	Vote	Member State	Weighting	Vote
BELGIQUE/BELGIË	2,56		LIETUVA	0,62	
БЪЛГАРИЯ	1,56		LUXEMBOURG	0,14	
Ceská republika	2,35		MAGYARORSZÁG	2,18	
DANMARK	1,30		MALTA	0,11	
DEUTSCHLAND	18,54		NEDERLAND	3,89	
EESTI	0,30		ÖSTERREICH	1,98	
ÉIRE/IRELAND	1,10		POLSKA	8,49	
ΕΛΛΑΔΑ	2,40		PORTUGAL	2,30	
ESPAÑA	10,49		ROMÂNIA	4,34	
FRANCE	14,98		SLOVENIJA	0,47	
HRVATSKA	0,91		SLOVENSKO	1,22	
ITALIA	13,65		SUOMI/FINLAND	1,23	
ΚΥΠΡΟΣ	0,20		SVERIGE	2,29	
LATVIJA	0,43				

\* When acting on a proposal from the Commission or the High Representative, qualified majority is reached if at least 55 % of members vote in favour (15 MS) accounting for at least 65% of the population

For information: <http://www.consilium.europa.eu/public-vote>

**Statement by Luxembourg**

Luxembourg considers that the freedoms of the air that make it possible for a Member State to be connected to a third country are not covered by the scope of the Regulation on common rules ensuring basic air connectivity.

In particular, the fifth freedom of the air, regarding extra-EU air traffic (the freedom to take up and discharge traffic at intermediate points outside the EU), falls under the competence of the Member States and cannot therefore be suspended or abolished by the Regulation in question.

Luxembourg regrets that its suggestion for clarification of the text of the Regulation on common rules ensuring basic air connectivity has not been taken into account, but considers that the interpretation of the Regulation has nevertheless not been altered.

**Statement by the Commission**

In respect of Article 2 and recital 8, the Commission recalls that the division of competences as between the Union and the Member States is exhaustively dealt with in the Treaties, both for usual and exceptional circumstances. In accordance with the jurisprudence of the Court of Justice, the legislator has no power to alter that division. Against this background, the Commission considers that this Regulation, as such, does not prejudge the nature of the future relationship with the United Kingdom in the area of aviation following its expiry. The exercise of competence through the Regulation is temporary and strictly limited to its period of validity.

This is without prejudice to the legal position following from the current or any future authorisations to negotiate with any third country.