



EUROPEAN PARLIAMENT

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**A7-0298/2010**

28.10.2010

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## **RECOMMENDATION**

on the draft Council decision on the conclusion of an Agreement on civil aviation safety between the European Community and Canada (06645/2010 – C7-0100/2010 – 2009/0156(NLE))

Committee on Transport and Tourism

Rapporteur: Silvia-Adriana Țicău

***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 of an Agreement on civil aviation safety between the European Community and Canada  
(06645/2010 – C7-0100/2010 – 2009/0156(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (06645/2010),
  - having regard to the draft Agreement between the European Union and Canada on civil aviation safety (15561/2008),
  - having regard to the request for consent submitted by the Council pursuant to Articles 100(2), 207(4), 218(8), first subparagraph and Article 218(6), second subparagraph, point(a), of the Treaty on the Functioning of the European Union (C7-0100/2010),
  - having regard to Rules 81 and 90(8) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A7-0298/2010)
1. Consents to 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 Canada.

## **EXPLANATORY STATEMENT**

### **Introduction**

This recommendation deals with the Safety Agreement that was signed on behalf of the (then) European Community on 6 May 2009. The EU-Canada Air Transport Agreement, signed on 17-18 December 2009 and which will finally establish a full Open Aviation Area between the EU and Canada, will be the subject of a separate recommendation.

Only six Member States currently have bilateral agreements with Canada covering product certification. These will lapse when the EU-Canada Civil Aviation Safety Agreement (“the Agreement”) enters into force. As the removal of technical barriers to trade in goods comes within the exclusive competence of the Union, the Agreement can be concluded by means of a Council Decision. Unlike the Air Transport Agreement, it is not subject to provisional application and does not require ratification by the Member States.

It is appropriate that Canada was seen as a priority for an Air Safety Agreement to complement the Air Transport Agreement as Europe and Canada each have aircraft, engine and avionics manufacturers that are world leaders. The combined exports of civil aviation technology exceed €50 billion while European and Canadian overall trade in aircraft, spacecraft and parts was worth more than €49 billion in 2008.

### **The Treaty of Lisbon**

Under the Treaty of Nice, in force when the negotiations were taking place, Parliament was consulted on international air agreements. The Treaty of Lisbon, which entered into force on 1 December 2009, extended the circumstances in which Parliament’s consent was required for the conclusion of an international agreement. Air agreements now fall within this category because they cover a field to which the ordinary legislative procedure applies<sup>1</sup>. The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 on the “Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures”<sup>2</sup>.

The enhanced role for Parliament under the new Treaty implies a corresponding responsibility to monitor the conduct of negotiations more closely, making full use of the possibilities provided in Rule 90 of Parliament’s Rules of Procedure. It is clearly desirable for all parties that any concerns of sufficient importance to call into question Parliament’s readiness to grant consent be identified and addressed at an early stage rather than after the negotiations have been concluded. Equally, while the flexibility to alter the Agreement by means of changing the Annexes is welcome, thought should be given to how Parliament can be kept informed of the most significant changes.

### **Objectives of the Agreement**

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<sup>1</sup> Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union.

<sup>2</sup> COM(2009)0665.

As with the comparable Air Safety Agreement with the United States, the key objectives set out in the negotiating directives were to minimise the duplication of assessments, tests and controls (unless these reflected significant regulatory differences) and to enable both the EU and Canada to rely on each other's certification systems. This would be achieved by progressive approximation of the two sets of requirements and regulatory processes; by regular consultations between the parties to verify the continued fitness and ability of the regulatory bodies involved in the implementation of the Agreement; and by establishing a joint committee which would propose solutions to any problem arising from its implementation.

### **The content of the Agreement**

The Agreement broadly follows the structure of the existing Bilateral Aviation Safety Agreements ("BASA") between Member States and Canada. Like them, it is based on mutual trust of each other's system and on the comparison of regulatory differences. Hence, it places obligations and provides methods of cooperation so that the importing authority can issue its own certificate on the aeronautical product, part or appliance without duplicating all the assessments done by the exporting authority.

Annexes to the Agreement set out how this cooperation and mutual acceptance of certification findings in the area of airworthiness and maintenance should be carried out. In this respect, the Agreement differs from the existing BASA. Material presented in the Annexes to this Agreement is usually put in separate arrangements at civil aviation authority level that lack the binding nature of a treaty. The Agreement also allows the possibility of adding annexes to further enhance the functioning of the Agreement.

With regard to maintenance, the Canadian side has shown its willingness to achieve full mutual recognition. The Agreement therefore provides that compliance with the applicable legislation of one party, in line with the requirements specified in the relevant Annex, amounts to compliance with the legislation of the other party and that the certification practices and procedures of each side provide an equivalent proof of compliance. Licensing of maintenance personnel are also considered to be equivalent.

To maintain confidence in each other's systems, the Agreement foresees joint inspections, investigations, exchange of safety data (aircraft inspections and accident related information) and increased regulatory cooperation and consultation at a technical level to solve matters before they can become "disputes". It foresees for the creation of a joint committee and sub-committees in areas such as certification of airworthiness and maintenance. There are also strong safeguard measures that would ultimately allow either side to suspend acceptance of the finding of the other Competent Authority or to terminate the Agreement in whole or in part. Nevertheless the entire system of consultations, committees and sub-committees is intended to ensure that any differences are resolved well before reaching this stage.

### **Conclusions**

European and Canadian companies will save millions of Euros a year thanks to shorter and simpler, hence less costly, product-approval procedures and mutual acceptance of certification findings. Furthermore, the Agreement constitutes a net benefit for the Community given that

it will establish mutual acceptance of certification findings in all areas of airworthiness for all Member States.

Airlines will also benefit, since the Agreement provides for the use of each other's approved repair and maintenance facilities. The Agreement will not only make the Canadian and European markets more competitive, it will also make them safer as regulators and enforcement authorities are moving closer to cooperate in all matters of certification, inspections and enforcement to ensure the highest level of safety for passengers and cargo flights. The Agreement represents an important step forward in terms of establishing international standards for civil aviation safety and should serve as a starting point for future negotiations with other significant producers of aircraft and equipment.

In the light of the above remarks, the Rapporteur proposes that Parliament gives its consent to the conclusion of the Agreement. As it cannot enter into force until it has been concluded, it would also be highly desirable that, once Parliament has taken its decision, Council does not delay in finalising the procedures.



## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	27.10.2010
<b>Result of final vote</b>	+: 30 -: 0 0: 0
<b>Members present for the final vote</b>	Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Jacqueline Foster, Mathieu Grosch, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Jörg Leichtfried, Eva Lichtenberger, Gesine Meissner, Hella Ranner, Vilja Savisaar-Toomast, Brian Simpson, Keith Taylor, Giommara Uggias, Thomas Ulmer, Dominique Vlasto, Artur Zasada, Roberts Zīle
<b>Substitute(s) present for the final vote</b>	Philip Bradbourn, Tanja Fajon, Erminia Mazzoni, Jan Mulder, Ioan Mircea Pașcu, Dominique Riquet