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ZIŅOJUMS

par attiecībām ar Krievijas Federāciju un Ķīnu gaisa satiksmes jomā
(2005/2085(INI))

Transporta un tūrisma komiteja

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EIROPAS PARLAMENTA REZOLŪCIJAS PRIEKŠLIKUMS

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(2005/2085 (INI))

Eiropas Parlaments,

- ņemot vērā Reglamenta 45. pantu,
- ņemot vērā Transporta un tūrisma komitejas ziņojumu (A6-0375/2005),

Ķīna

1. atzinīgi novērtē Komisijas vispārējo darbību attiecībā uz Ķīnas komerciālās aviācijas pašreizējo attīstību, modernizāciju un liberalizāciju;
2. apliecina vēlmi noslēgt visaptverošu Eiropas Savienības gaisa satiksmes nolīgumu ar Ķīnu; taču uzskata, ka pirms visaptveroša nolīguma noslēgšanas jānoslēdz horizontāls nolīgums ar Eiropas Savienību, lai Ķīnas pašreizējie divpusējie gaisa satiksmes pakalpojumu nolīgumi ar atsevišķām dalībvalstīm atbilstu Eiropas Kopienu Tiesas 2002. gada 5. novembra spriedumam (C-476/98) par "vienotajām debesīm" ("*open skies*");
3. atzīst, ka sarunas par šāda nolīguma noslēgšanu stiprinātu ES pozīcijas un būtu noderīgākas nozarē iesaistītajām personām un patērētājiem nekā vairāku tādu divpusēju nolīgumu pārskatīšana, kuri attiecas galvenokārt uz tiesībām veikt satiksmi;
4. aicina Padomi, neaizkavējot Komisijas sarunu pilnvaru piešķiršanu, tās paplašināt, lai tās attiecinātu uz nepieciešamās lidostu un drošības infrastruktūras nodrošināšanu un uz gaisa satiksmes kontroli Ķīnas gaisa telpā, jo diemžēl pašreiz tā nav atbilstīga un rada šķēršļus aviācijas sakaru attīstībai;
5. atzīmē teicamo darbu, ko Komisija veic sadarbībā ar Ķīnas partneriem, taču izsaka nožēlu, ka Eiropas Parlamentam nav bijuši pieejami to sarunu pilnvaru nosacījumi, kuras Komisija pašlaik lūdz Padomei attiecībā uz Ķīnu; pieprasa, lai Parlaments tiktu labāk iesaistīts sarunu procesā par nolīguma noslēgšanu, un cer, ka šo jautājumu atrisinās, jo ieguvējas būs visas ieinteresētās personas;
6. uzstāj, lai bez kavēšanās tiktu īstenoti sarunu ar Ķīnu līdzsvarota noslēguma noteikumi par gaisa kravu pārvadājumiem, un, ja nepieciešams, lai to veic pirms sarunu pabeigšanas par pasažieru pārvadājumiem;

Krievija

7. atzinīgi vērtē Komisijas attieksmi pret izaicinājumiem un iespējām, kuras Krievijas civilās aviācijas nozares attīstība un nostiprināšana sniedz Eiropas Savienībai;

8. atbalsta Komisijas priekšlikumu, ka jānoslēdz visaptverošs aviācijas nolīgums, kas ir labākais veids minēto mērķu sasniegšanā un Eiropas Savienības sarunu pozīcijas nostiprināšanā attiecībā uz Krieviju; tomēr uzskata, ka atbilstīgi transporta, telekomunikāciju un enerģētikas Padomes 2005. gada 27. un 28. jūnija secinājumiem par ārējām attiecībām aviācijas jomā nepieciešams vispirms pieņemt Kopienas noteikumus, lai uzsāktu Kopienas sarunas visaptveroša nolīguma noslēgšanai;
9. atzīmē teicamo darbu, ko Komisija veic sadarbībā ar Krievijas partneriem, taču izsaka nožēlu, ka Eiropas Parlamentam nav bijuši pieejami to sarunu pilnvaru nosacījumi, kuras Komisija pašlaik lūdz Padomei attiecībā uz Krieviju; pieprasa, lai Parlaments tiktu labāk iesaistīts sarunu procesā par nolīguma noslēgšanu, un cer, ka šo jautājumu atrisinās, jo ieguvējas būs visas ieinteresētās personas;
10. atzīmē, ka Krievijas pieprasītās pārlidojumu maksas ir starptautisko tiesību pārkāpums un ka tās lielākoties nav izmantotas gaisa satiksmes kontroles pārvaldes uzlabošanai, kā sākotnēji bija apsoltis, bet drīzāk Krievijas aviācijas subsidēšanai, tādējādi pārkāpjot konkurences tiesības;
11. tomēr noteikti uzstāj, ka Komisija un Padome visaptverošu nolīgumu nedrīkst noslēgt, kamēr nav panākta tūlītēja un pilnīga Krievijas pārlidojumu maksas atcelšana;
12. turklāt uzstāj, ka nedrīkst apstiprināt pašreizējā pārlidojumu maksas režīma aizvietošanu ar citu, grozītu pārlidojumu maksas shēmu;
13. aicina Komisiju nenošlēgt nolīgumu par Krievijas Federācijas dalību Pasaules Tirdzniecības organizācijā, kamēr Krievija turpina pieprasīt maksu par Sibīrijas pārlidojumiem;
14. šajā kontekstā aicina Komisiju novērtēt visus argumentus attiecībā uz modernizāciju, kapitālieguldījumiem un tehniskām prasībām Eiropas Savienības un Krievijas aviācijas nozaru sadarbības jomā un atšķirības to pārlidojumu maksas pieprasīšanā;

Ķīna un Krievija

15. uzsver, ka sarunas gan ar Ķīnu, gan ar Krieviju var tikai tad sekmīgi pabeigt, ja šajā nozarē iesaistītās personas spēj darboties kā Komisijas padomdevējas un ir pilnībā informētas par šo sarunu gaitu un tajās ieņemamo nostāju;
16. uzsver, ka nedrīkst piešķirt pilnvaras, kuras neparedz obligāti saistīt paplašinātu pieeju Ķīnas un Krievijas tirgiem ar “vienlīdzīgu spēles noteikumu” radīšanu, ko nodrošinātu ar darbības standartu saskaņošanu tādās jomās kā gaisa satiksmes kontrole un vadība, darbinieku apmācība un darbības esošie standarti, aviācijas drošība un droša ekspluatācija un ar konkurences noteikumu saskaņošanu;
17. uzdod priekšsēdētājam nosūtīt šo rezolūciju Padomei un Komisijai.

PASKAIDROJUMS

Introduction

Member States have, over a very long period of time, negotiated bi-lateral agreements with third countries on air services, including frequency of access and landing rights, usually for national flag carrier passenger airlines. Approximately two thousand such agreements exist currently.

On the 8 November 2002 the European Court of Justice found that bilateral agreements between eight Member States and the United States of America were not in conformity with EC law because their nationality clauses infringed the right of establishment (Art 43, EC Treaty) as they discriminated on grounds of nationality and certain other clauses infringed the exclusive external competence of the EU.

This judgement of the Court has led the Commission, Council and Parliament to act to avoid legal uncertainty attaching to the existing bilateral agreements, to ensure they are aligned with the Court's judgement and to achieve this transition without economic or operational disruption in the aviation sector. On 29 April 2004 the Parliament and Council adopted a Regulation 847/2004 which specified standard clauses to be included in new or revised bilateral agreements, circumstances in which these need not be used and procedures for co-operation between the Commission and national administrations.

The Commission has received a mandate from Council to conclude an open skies agreement with the USA, to conclude a broad agreement with the EU's neighbours in the European Common Aviation Area (ECAA) and a horizontal mandate to negotiate horizontal agreements with third countries which take into account the EU single aviation market and permit all EU airlines to operate on the routes concerned on a non-discriminatory basis.

To date thirteen horizontal agreements have been reached with third countries modifying in total some 225 bilateral agreements. Negotiations with the United States are continuing and with countries in ECAA. The Commission has made it clear that it intends to seek further horizontal mandates and will aim to conclude further agreements which align existing bilateral agreements to the jurisprudence of the Court.

The Commission's Objectives.

The Commission's three most recent communications concern respectively a general strategy for on the creation of a Common Aviation Area with the EU's neighbours and launching targeted negotiations to achieve global agreement ("Developing the agenda for the Community's external aviation policy", COM (2005) 79 final) for which our colleague Mr El Kadraoui is rapporteur; and two communications on respectively a civil aviation policy towards China (COM (2005) 78 final) and a framework for developing relations with Russia in the field of air transport (COM(2005) 77 final).

Although obviously different countries and markets China and Russia share very high growth rates in the aviation sector and face challenges of consolidation, liberalisation and

modernisation. Your rapporteur will examine each in turn before presenting a draft resolution on both countries. It should be borne in mind however that developments in respect of China and Russia cannot be divorced from the more general question of developing the EU's relations more generally in a new legal context and the need to arrive at legal certainty through transition which does not compromise economic stability in the sector.

China

The average annual growth rate in international traffic in China is 16%. Scheduled non-stop flight seat availability between the EU and China grew from 250,000 in 1990 to nearly 3 million in 2003. Eight EU carriers fly to China and three Chinese carriers fly to Europe. Of the 226 weekly frequencies Air China has 28%, Lufthansa 17% and Air France 15%. Projected annual growth rates are very high, from 8.6% to 15%. Within ten years China will also be the major Asian hub for cargo traffic. There are currently sixty weekly cargo flights.

The civil aviation industry in China is characterised by consolidation into three main airline groups, managed market opening and infrastructure development. China is also liberalising its aviation market, making foreign investment easier and embarking on an extensive programme of airport building.

Nineteen EU Member States have bilateral air service agreements with China, all based on national designation at Member State level of a single (or in a few cases more) national carriers. These agreements now require to be amended to bring them into line with the Court of Justice judgement of 5 November 2002. The Commission has been in discussion with the Chinese authorities since May 2004 on the need to amend existing air service agreements. The Commission is now seeking a negotiating mandate from the Council. This draft negotiating mandate is confidential and has not been seen by your rapporteur. What follows is based on discussions with and information received from the Commission and stakeholders in the aviation industry. In view of the profound changes underway in the Chinese civil aviation sector and the economic impact of coming to an agreement with China the Commission has as its objective a comprehensive open aviation agreement.

Your rapporteur agrees that such an approach is to be preferred to simply agreeing community designation clauses. In a period of rapid change the opportunity to close gaps in fields such as aviation safety, security, air traffic management, environmental protection standards and technology and research should not be missed. It will also be necessary to ensure that the allocation of traffic rights is on a non-discriminatory and transparent basis, while securing a general increase in traffic rights to meet increasing demand. These are substantial challenges in any negotiating framework.

Your rapporteur considers that regulatory convergence must accompany any negotiation on traffic rights and that progress on the former is a necessary precondition for conclusion of the latter. The creation of a level playing field where clear and agreed rules are applied on state subsidies and no advantage is available by applying different rules on, for example safety standards must also be part of a comprehensive agreement with China.

While agreeing therefore with a comprehensive approach to China your rapporteur insists that liberalisation should be paced and its speed should be determined by the degree to which a "

level playing field" has been achieved. In this context the training of personnel and their conditions of service will be an important consideration. It is for these reasons that your rapporteur calls on the Commission to ensure that stakeholders in the industry airlines, freight carriers and others have an adequate opportunity to advise the Commission within the framework of the negotiating procedure. Finally it should not be forgotten that before aviation links between the EU and China can be developed fully to mutual advantage the question of Siberian overflight rights with the Russian Federation will have to be resolved.

The Russian Federation

About 75% of all Russian passenger traffic is directed towards European destinations and this is forecast to grow by 5.8% per annum to 2007. Passenger air traffic in Russia grew by 9.95% in 2003, freight traffic grew by 2.7%. Russian growth rates are above those of the EU or the USA. Only four commercial carriers carried more than one million passengers. Aeroflot dominates the international market and supplied 37.7% of the total Russia-EU seats. Lufthansa was the next biggest EU-Russia carrier with 12.6%. Weekly frequencies have risen from 279 in 1992 to 465 in 2003 and available seats from 44,880 to 65,663 over the same period. Some 5.3 million passengers travelled between Russia and Europe in 2002. 23 of the 25 Member States have bilateral agreements with Russia.

The Russian government wishes to develop its aviation sector through restructuring, improved competitiveness in the international arena and through adopting international commercial, environmental and service related standards. There are currently 215 registered Russian airlines of which 55 are state owned. About one third of the current fleet will have to be replaced over the next five years. More than 1600 aircraft do not comply with ICAO noise standards.

The Commission advocates a comprehensive air transport agreement with Russia. As with China the Commission believes that a comprehensive agreement would link traffic rights and an extension of these to joint mechanisms for cooperation on security, safety and environmental standards. The Commission is seeking a negotiating mandate from the Council on this basis. It believes a community approach strengthens the EU's negotiating position when compared to a bilateral approach by each Member State.

An outstanding issue distinguishes aviation relations with Russia. This is the Russian Federation's insistence on receiving payments for Siberian overflights. This practice began when Russia was a directed economy and when overflight was not possible without refuelling in Moscow. It has continued in very different circumstances but its economic effect is seriously to disadvantage European carriers and to provide a direct subsidy to a competitor, Aeroflot. The annual cost of these fees in 2003 was 250 million Euros. Re routing to avoid Siberia is not economically feasible for most carriers. Russia is the only country in the world where such payments are made.

The Commission's view is that this is an unacceptable charge for transit. Your rapporteur is nevertheless concerned to read in the Commission's Communication that the proposed air transport agreement

"would provide for a transition period for the modernisation of the current mechanism of

payments for Siberian overflights by 2013 at the latest and ensure that charges applied after the transition period will be transparent, cost-based and not lead to discrimination between airlines"

Firstly the overflight charge is illegal and contravenes Article 15 of the Chicago Convention to which Russia is a signatory. Secondly it is in no sense compatible with a process of modernisation, liberalisation and capital investment in EU-Russia aviation links. Even if the idea of "phasing out" such a charge was accepted 2013 is some eight years distant and as a deadline date is unacceptable in your rapporteur's view. Moreover the wording in the Commission's Communication suggests that the charge would continue in post 2013 after it had been "modernised". Your rapporteur thinks that it is vital that the overflight charge issue is solved and believes that it can be if the Commission is resolute on this trade issue and enjoys support from the Member States. The issue should be resolved before Russia accedes to the World Trade Organisation and no comprehensive aviation agreement should be reached with Russia until a binding commitment to phase out the overflight charge within a shorter time scale is in place. Aeroflot made a profit of 101.8 million US dollars in 2002 and is continuing to restructure. This process should be completed long before 2013. Industry analysts believe it should be completed within three years.

Besides the Siberian overflight problem your rapporteur notes that there are other issues which are not addressed in the Communication. It is not acceptable that Member States are treated differently in the matter of agreements with Russia. There are "more successful" companies from certain countries and companies from countries which can only obtain so called "temporary" landing rights in the airports of major cities. In any event such partnership arrangements cannot be called transparent.

Your rapporteur also welcomes improvements in cooperation between Commission and industry during negotiations.

At the same time it would be necessary recognize that in case of Russia negotiators very often simultaneously represent both administration and business.

General Conclusion

Your rapporteur welcomes the Commission's proposals for comprehensive aviation agreements with China and the Russian Federation. In each case such an approach allows a range of interrelated issues to be dealt with in a co-ordinated way. It strengthens the EU's negotiating position and is preferable to depending on a series of revised bilateral agreements or simply restricting negotiations to traffic rights. Nevertheless in the case of China mutual market opening cannot precede the creation of a level playing field and the convergence of European and Chinese standards in areas such as security and safety on an upward trajectory. In the case of Russia the removal of charges for Siberian overflight cannot await 2013.

It is crucial to improve transparency and to create an equal legal status for the European Union airline companies' partner agreements' with Russia.

Your rapporteur underlines the need to improve cooperation between Commission and industry during negotiations with Russia.

