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A7-0259/2011

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RECOMMENDATION

on the draft Council decision on the conclusion of an Agreement between the European Union and the Government of the Federative Republic of Brazil on civil aviation safety
(13989/1/2010 – C7-0336/2010 – 2010/0143(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 between the European Union and the Government of the Federative Republic of Brazil on civil aviation safety (13989/1/2010 – C7-0336/2010 – 2010/0143(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (13989/1/2010),
 - having regard to the draft Agreement between the European Union and the Government of the Federative Republic of Brazil on civil aviation safety (11282/2010),
 - having regard to the request for consent submitted by the Council pursuant to Article 100(2), Article 207(4), first subparagraph, Article 218(8), first subparagraph, Article 218(7) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0336/2010),
 - 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 (A7-0259/2011),
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 the Federative Republic of Brazil.

EXPLANATORY STATEMENT

Introduction

This recommendation deals with draft Council decision on the conclusion of an Agreement between the EU and Brazil on civil aviation safety (“the Agreement”). The Agreement was signed on behalf of the European Union on 14 July 2010 and is not provisionally applied. 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.

Only six Member States currently have bilateral agreements with Brazil covering product certification. Those bilateral agreements will be terminated from the date of entry into force of the Agreement. The Agreement constitutes a net benefit for the European Union given that it will establish mutual acceptance of certification findings in all areas of airworthiness for all Member States. It should be noted that Brazil is not only the tenth largest economy in the world, but also the EU's tenth largest trade partner.

The Treaty of Lisbon

The Treaty of Lisbon, which entered into force on 1 December 2009, extended the circumstances in which Parliament’s consent is 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 applies¹.

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

The primary objectives of the Agreement is to facilitate trade in goods and services covered by the Agreement, to limit as much as possible the duplication of assessments, tests and controls to significant regulatory differences and to rely on the certification system of either party to check conformity with the requirements of the other party.

The content of the Agreement

The Agreement broadly follows the structure of the existing Bilateral Aviation Safety Agreements (“BASA”) between Member States and third countries. Like them, it is based on

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

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. The Agreement does not propose to go beyond what is permissible in the applicable law of either party. The applicable law for the European Union is Regulation (EC) N° 216/2008 and its implementing measures including any modification thereof. The European Union system is fully reflected in the draft text setting out clearly a separation of tasks with regard to certification of aeronautical products and components and organisations involved in the design and manufacture of such products and components.

The Agreement foresees for the creation of a joint committee and sub-committees in areas such as certification of airworthiness and maintenance. The text of the Agreement is set up to afford the parties the necessary flexibility to react immediately to safety problems or to set up a higher level of protection they consider appropriate for safety. In order to enable the two sides to deal with such situations without putting at risk the validity of the Agreement, specific procedures are foreseen.

Conclusions

EU and Brazilian companies will significantly benefit from the application of the Agreement 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 European Union given that it will establish mutual acceptance of certification findings in all areas of airworthiness for all Member States.

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

Date adopted	21.6.2011
Result of final vote	+: 33 -: 2 0: 0
Members present for the final vote	Georges Bach, Izaskun Bilbao Barandica, Michael Cramer, Luis de Grandes Pascual, Saïd El Khadraoui, Ismail Ertug, Knut Fleckenstein, Jacqueline Foster, Jim Higgins, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Marian-Jean Marinescu, Gesine Meissner, Mike Nattrass, Hubert Pirker, David-Maria Sassoli, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Thomas Ulmer, Peter van Dalen, Artur Zasada, Roberts Zīle
Substitute(s) present for the final vote	Philip Bradbourn, Spyros Danellis, Tanja Fajon, Markus Ferber, Dominique Riquet, Laurence J.A.J. Stassen, Ramon Tremosa i Balcells