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A7-0298/2011

1.9.2011

RECOMMENDATION

on the draft Council decision on the conclusion of the Agreement on certain aspects of air services between the European Union and the United Mexican States
(05735/2011 – C7-0067/2011 – 2008/0161(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 the Agreement on certain aspects of air services between the European Union and the United Mexican States (05735/2011 – C7-0067/2011 – 2008/0161(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (05735/2011),
 - having regard to the draft Agreement on certain aspects of air services between the European Union and the United Mexican States (07158/2/2009),
 - having regard to the request for consent submitted by the Council in accordance with Articles 100(2), 218(8) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0067/2011),
 - 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 (A7-0298/2011),
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 United Mexican States.

EXPLANATORY STATEMENT

Introduction

International aviation relations between Member States and third countries have traditionally been governed by bilateral air services agreements. The EU Court of Justice ruled in 2002 that traditional designation clauses in Member States' bilateral air services agreements infringe EU law. They allow a third country to reject, withdraw or suspend the permissions or authorisations of an air carrier that has been designated by a Member State but that is not substantially owned and effectively controlled by that Member State or its nationals. This has been found to constitute discrimination against EU carriers established in the territory of a Member State but owned and controlled by nationals of other Member States. This is contrary to Article 49 of the Treaty on the Functioning of the European Union which guarantees nationals of Member States who have exercised their freedom of establishment the same treatment in the host Member State as that accorded to nationals of that Member State. There are also further issues, such as competition, where compliance with EU law should be ensured through amending or complementing existing provisions in bilateral air services agreements between Member States and third countries.

The Commission has negotiated the Agreement that replaces certain provisions in the existing 13 bilateral air services agreements concluded between EU Member States and the United Mexican States.

Main aspects of the Agreement

Article 2 (designation clause): To avoid discrimination between EU air carriers, the traditional designation clauses, referring to air carriers of the EU Member State party to the bilateral agreement, are replaced by an EU designation clause, referring to all EU carriers. The objective is to give all EU air carriers non-discriminatory access to routes between the EU Member State party to the bilateral agreement and Mexico.

Article 3 (safety): This provision ensures that safety provisions in bilateral agreements are applicable to situations when regulatory control over an air carrier is exercised by EU Member State other than Member State that designated that air carrier.

Article 4: (compatibility with competition rules) This Article prohibits anti-competitive practices.

The agreement that was initialled in May 2008 contained a reciprocal provision that would allow for fuel taxation on intra-EU flights and flights between Mexico and other American countries. However, the Council could not accept this and in the end it was withdrawn from the final text.

The Agreement was signed on 15 December 2010. It is not applied provisionally. To conclude the Agreement, the Council needs the consent of the European Parliament. In accordance with Article 81 of the Rules of Procedure the Parliament shall take a decision by means of a single vote, and no amendments to the agreement itself may be tabled.

Rapporteur's position

The Horizontal Agreement with Mexico will restore a sound legal basis for the EU's aviation relations with Mexico. This is an important first step in strengthening EU-Mexico aviation relations.

Mexico is an important market for EU carriers with approximately 2.5 million passengers and 90 000 tonnes of cargo in 2009. In view of the size and importance of the EU-Mexico aviation market, the potential for a more comprehensive EU-Mexico air transport agreement should be explored. Such an agreement could enhance EU-Mexico cooperation on aviation matters and expand the opportunities and benefits for industry and consumers both in Mexico and the EU. Moreover, it would complete the EU-Americas open aviation area after the comprehensive agreements already reached with the US, Canada and most recently with Brazil.

On the basis of the above-mentioned your Rapporteur suggests that the TRAN committee should support the conclusion of this Agreement.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	31.8.2011
Result of final vote	+: 40 -: 0 0: 0
Members present for the final vote	Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Ville Itälä, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Bogusław Liberadzki, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Vilja Savisaar-Toomast, Debora Serracchiani, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Giommaria Uggias, Thomas Ulmer, Peter van Dalen, Dominique Vlasto, Artur Zasada, Roberts Zīle
Substitute(s) present for the final vote	Philip Bradbourn, Michel Dantin, Isabelle Durant, Zita Gurmai, Dominique Riquet, Laurence J.A.J. Stassen, Sabine Wils
Substitute(s) under Rule 187(2) present for the final vote	Anne E. Jensen