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RECOMMENDATION

on the draft Council decision on the conclusion of a Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation, and laying down procedural arrangements related thereto (09138/2011 – C7-0163/2011 – 2011/0050(NLE))

Committee on Transport and Tourism

Rapporteur: Brian Simpson

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 a Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation, and laying down procedural arrangements related thereto

(09138/2011 – C7-0163/2011 – 2011/0050(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (09138/2011),
 - having regard to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization (07702/2011),
 - having regard to the request for consent submitted by the Council in accordance with Article 100(2), Article 218(6), second subparagraph, point (a), Article 218(7) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (C7-0163/2011),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Transport and Tourism (A7-0391/2011),
1. Consents to conclusion of the Memorandum of Cooperation;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the International Civil Aviation Organization.

EXPLANATORY STATEMENT

The Memorandum of Cooperation (MOC) aims at formalising and enhancing relations and cooperation between the EU and the International Civil Aviation Organization (ICAO). It was signed on 28 April in Montreal and on 4 May 2011 in Brussels and provisionally applied since then.

By letter of 16 June, the Council submitted to the Parliament its draft decision to conclude the Memorandum. Parliament is entitled to give its consent to the conclusion by means of a single vote, in accordance with Rule 81 of the Rules of Procedure. No amendments to the agreement itself may be tabled.

Background:

ICAO was founded by the Chicago Convention of 1944 as a UN Specialized Agency. Its 190 current member states work together in the fields of aviation safety, aviation security, air traffic management, and environmental protection. Most ICAO standards and requirements are addressed in EU law or even taken over as such in European law (e.g. environmental standards for aircrafts). Consequently, the EU takes a strong interest in contributing to the ICAO policy making process, not least for the competitiveness of its own civil aviation industry.

The overall goal of the MOC is to ensure greater harmonization of standards and closer coordination of respective activities. In addition, while preserving the integrity of both Parties, the MOC aims to achieve better use of limited resources and avoid duplication of effort.

The MOC does not supersede or prejudice existing forms of cooperation between the Parties. This concerns the Safety Oversight Audit and Security Audits/Inspections which are subject to two separate Memoranda of Cooperation signed respectively in 2006 and 2008.

The Council's draft decision approves the conclusion of the Memorandum and, in view of its functioning, lays down procedural arrangements for the respective roles of the Council, the Commission and the Member States in the framework of a Joint Committee. This Committee will be the responsible body for the application of the MOC and for the adoption of provisions regarding specific areas of cooperation which are annexed to the Memorandum and form an integral part of it. According to its draft decision and in line with Article 218 (9) TFEU, the Council will determine the EU position to be taken within the Joint Committee as far as the adoption of provisions and amendments to the provisions are concerned.

Thus far, provisions have been set up only on aviation safety. The Parties agree to cooperate closely and to coordinate their safety activities. The approach is based on the mutual commitment to achieve the highest levels of aviation safety worldwide and a global harmonisation of safety Standards and Recommended Practices (SARPs). To identify unsafe areas and carriers is a common fundamental interest and an important part of shared activities. On 16 June, the Council decided on the position to be taken by the EU within the EU-ICAO Joint Committee concerning the Decision on the adoption of the Annex on aviation safety to be added to the MOC.

In terms of the general implementation, the Union shall be represented by the Commission and assisted by representatives of the Member States. The Commission shall determine the EU position on cooperation regarding working conditions, financial and resources-related issues, consultation and exchange of information, the interoperability of new technologies, and the coordination of audit and inspection programmes.

Cooperation also includes arrangements for the EU to offer expertise and resources to ICAO. EU observers may participate in ICAO audit missions of EU States with their consent and under the strict observation of the confidentiality of the audit missions. Also, in accordance with applicable ICAO confidentiality rules, the Parties will share electronic information, data and official publications and provide mutual access to databases.

The MOC provides for a financial support of €500,000 per year for an initial period of 3 years based on a contribution-specific agreement in the framework of the Financial and Administrative Framework Agreement between the EC and the UN. This budget can be complemented by financial support from Member States or the European Aviation Safety Agency.

Next steps:

In order to cover the full scope of cooperation activities between both Parties, further provisions have to be set up in the field of aviation security, air traffic management and environmental protection and will be added as Annexes to the Memorandum. All Annexes are subject to adoption by the Council before being adopted by the Joint Committee, but will, regrettably, not be subject to Parliament's consent, because the Treaty provisions of Article 218(9) (TFEU) do not provide for any involvement of Parliament in the decisions of the Joint Committee.

Conclusions:

On the basis of the above-mentioned your Rapporteur takes the view that the Parliament should contribute to a strengthened EU position within ICAO and suggests, therefore, that the TRAN committee should give its consent to the conclusion of the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	22.11.2011
Result of final vote	+: 37 -: 0 0: 0
Members present for the final vote	Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Vilja Savisaar-Toomast, Olga Sehnalová, Debora Serracchiani, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Thomas Ulmer, Peter van Dalen, Dominique Vlasto, Artur Zasada, Roberts Zīle
Substitute(s) present for the final vote	Philip Bradbourn, Michel Dantin, Dominique Riquet, Alfreds Rubiks, Sabine Wils
Substitute(s) under Rule 187(2) present for the final vote	Jan Mulder