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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Saïd El Khadraoui

on behalf of the Committee on Transport and Tourism

on the conclusion of the Air Transport Agreement between the European Community and its Member States, on the one hand, and the United States of America, on the other hand

European Parliament resolution on the conclusion of the Air Transport Agreement between the European Community and its Member States, on the one hand, and the United States of America, on the other hand

The European Parliament,

- having regard to the proposal for a decision of the Council and the representatives of the governments of the Member States of the European Union, meeting within the Council on the conclusion of the Air Transport Agreement between the European Community and its Member States, on the one hand, and the United States of America, on the other hand COM(2006)0169,
- having regard to its resolution of 17 January 2006 on developing the agenda for the Community's external aviation policy¹,
- having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the Court of Justice of the EC has ruled that several bilateral aviation agreements between Member States and the USA contravene principles of EU law and whereas an EU-US aviation agreement is the best way to be in full compliance with EU law,
- B. whereas the EU and USA aviation markets combined account for about 60% of world air traffic and an EU-US aviation agreement will benefit consumers on both sides of the Atlantic and could serve as a model for further liberalisation and regulatory convergence worldwide,
- C. whereas the Council of the EU considered that the draft agreement finalised in November 2005 would not provide a sufficient balance of opportunities unless the US were to create greater opportunities for EU carriers to gain access to the US domestic market via investment and participation in US airlines,
- D. whereas the US Department of Transportation responded with a Notice of Proposed Rule Making, relaxing its interpretation of the statutory requirement that US airlines be under the actual control of US citizens, but decided in December 2006 to withdraw this Notice, after reviewing a multitude of public comments, including those received from the US Congress,
- E. whereas this creates a new situation that calls for a reassessment of the text of the November 2005 draft agreement and new steps to conclude a balanced EU-US aviation agreement,
- F. whereas in such an agreement convergence of regulations is particularly important, especially regulations on safety, security, the environment and the social rights of workers,

¹ P6_TA(2006)0006.

General principles

1. Recognises the importance of the EU-US aviation agreement not only in its own right but also as a model for later agreements;
2. Calls upon EU and US negotiators to reach a balanced aviation agreement as soon as possible;
3. Prefers the conclusion of one balanced overall agreement covering all aspects of market opening and regulatory convergence to a phased approach employing partial agreements;
4. Is of the opinion that, if the US is not willing to put forward any elements that would balance an air service agreement, the EU may decide to reduce some of the freedoms US airlines are benefiting from at this moment in the EU, in order to restore full reciprocity in the US-EU aviation market; calls upon the Commission and the Council not to sign the November 2005 draft agreement unless it is modified to achieve a full balance of interests;
5. Calls upon the Commission, if an overall agreement is not possible, to agree with a phased approach only if later phases, deadlines for their conclusion and the consequences of any failure in that connection are compulsorily mentioned in a first-phase agreement;
6. Calls upon the US to fundamentally reconsider its position on its highly restrictive rules on foreign ownership and control of US airlines and on cabotage rights for foreign airlines, as a balanced and comprehensive air service agreement between the US and the EU seems impossible if the US maintains its current position on these issues;

Market opening

7. Emphasises that a new EU-US aviation agreement should be balanced in terms of market access, considering also such issues as cabotage, right of establishment, ownership and de facto control and state aid;
8. Prefers therefore the inclusion of cabotage in the agreement, as without cabotage an agreement will tend to be in favour of US carriers, who are allowed flights between points in different EU Member States, whereas EU carriers are not allowed flights between points in the US;
9. Calls upon the Commission, if the inclusion of cabotage is not possible, to find a balanced approach in another way, preferably by compensating EU carriers in other fields or by reducing the rights of US carriers in Europe proportionally;
10. Emphasises that government subsidies to airlines can distort competition and calls upon both parties to limit their use to a minimum while welcoming at the same time procedures under which parties can inform each other and discuss measures taken by either side;

Regulatory convergence

11. Notes that the development of regulatory convergence is only partially dealt with in the November 2005 agreement and is left to a large extent to the Joint Committee;
12. Notes furthermore that, in so far as the November 2005 agreement deals with regulatory convergence, this concerns mainly provisions on safety and security, with very little reference to environmental and social aspects;

Safety and security

13. Welcomes cooperation between EU and US responsible authorities in the field of aviation safety, both at EU and US federal level and at the level of (Member) States;
14. Notes the importance of the European blacklist of substandard carriers and the US system for monitoring carrier standards and invites calls on both parties to share information in this respect;
15. Notes the importance of security measures for aviation but warns against excessive or uncoordinated measures that are not based on a proper risk assessment; insists in this respect that the newly imposed tighter controls on liquids, medicines and the like carried on board be lifted unless an actual security gain/real added value can be shown to have been achieved in the light of experience to date;
16. Calls on the Commission, in its negotiations with the US, to review the efficiency of the additional security measures enforced since 2001 so as to eliminate overlapping and weak links in the security chain;
17. Emphasises that the privacy of European and US citizens should be respected when personal passenger data are exchanged between the EU and the US, in accordance with the criteria called for by the European Parliament in its resolutions of 13 March 2003¹ and 7 September 2006²; stresses in this connection the urgency of arriving at worldwide standards on data protection and privacy;
18. Advocates the concept of 'one stop security', checking passengers and luggage only at the start of their journey and not again at every transfer;
19. Points out to the negotiators that the possible failure of the negotiations should not hold up the future cooperation agreements between the EASA and the FAA in the area of safety;

Environment

20. Recognises that the aviation sector has several negative environmental effects, in particular as a source of noise and as a contributor, like other modes of transport, to climate change, and that these effects will increase with the growth of aviation;
21. Notes that the provisions of Article 14 of the November 2005 agreement stress mainly the

¹ P5_TA(2003)0097.

² P6_TA(2006)0354.

possible adverse effects of environmental measures and the need to mitigate these, instead of emphasising the need for environmental action in aviation;

22. Underlines therefore the need for both the EU and the US side to take effective measures to reduce the negative environmental impact of aviation, without prior exclusion of any regulatory, financial or other instrument to achieve this goal;
23. Welcomes the proposal by the Commission to include aviation in the European emissions trading system to reduce the impact of the aviation sector on climate change; points out that talks will need to be held with the US at an early stage with a view to encompassing transatlantic air traffic within the European emissions trading system by 2012 so as to enable aviation to be included within the time-frame laid down;
24. Calls on both parties to exchange best practices on noise reduction, acknowledging differences in local circumstances;

Social policy

25. Calls upon US and EU aviation stakeholders to enter into a continuous dialogue on social standards, with the aim of promoting mutual understanding, a level playing field and high social standards at the same time;
26. Calls upon the Commission to advocate the inclusion of references to relevant international legislation on social rights in the agreement, in particular the labour standards embodied in the fundamental conventions of the International Labour Organisation (ILO 1930-1999), the OECD guidelines for Multinational Enterprises (1976, revised 2000) and the Rome Convention on the Law Applicable to Contractual Obligations (1980);
27. Insists that EU social legislation should be applied to employees recruited and/or working in EU Member States, in particular the Directives concerning the consultation and information of employees (2002/14/EC, 98/59/EC and 80/987/EC), the Directive on the organisation of working time of mobile staff in civil aviation (2000/79/EC) and the Directive concerning the posting of workers in the framework of the provision of services (96/71/EC);

Conduct of negotiations

28. Calls on the Commission to ensure full information and consultation of the European Parliament and of all relevant stakeholders before and throughout the negotiations;
29. Welcomes the idea of regular meetings between Members of the European Parliament and the US Congress to discuss all relevant issues concerning an EU-US aviation agreement;
30. Instructs its President to forward this resolution to the Council, the Commission and the US Congress.