



2006/0048(NLE)

14.9.2017

DRAFT RECOMMENDATION

on the draft Council Decision on the conclusion, on behalf of the Union, of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part
(15653/2016 – C8-0094/2017 – 2006/0048(NLE))

Committee on Transport and Tourism

Rapporteur: Dominique Riquet

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, on behalf of the Union, of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part
(15653/2016 – C8-0094/2017 – 2006/0048(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council Decision (15653/2016),
 - having regard to the Proposal for a Council Decision on the signature and provisional application of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, on the one hand, and the Kingdom of Morocco, on the other hand
 - having regard to the request for consent submitted by the Council in accordance with Article 100(2) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0094/2017),
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its internal Rules of Procedure,
 - having regard to the recommendation of the Committee on Transport and Tourism (A8-0000/2017),
1. Gives its consent to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Kingdom of Morocco.

EXPLANATORY STATEMENT

Background to the agreement

In March 2005, the Commission presented a communication on aviation relations¹, and conclusions were adopted at the Council of Transport Ministers on 27 June 2005. These texts establish an action plan for the development of Community aviation relations and define the three pillars on which European policy is founded:

- 1) To guarantee the legal certainty of bilateral agreements, in particular by including new designation clauses².
- 2) To develop a wider European Common Aviation Area, which means that neighbouring countries should incorporate European rules into their own legal systems, starting with safety rules. The agreement with Morocco is the first to have been signed with a country outside the European continent.
- 3) To establish a range of new comprehensive aviation agreements, with inseparable twin aims: on the one hand, to open markets in order to create new economic opportunities and, on the other hand, to establish a process of regulatory convergence that ensures a satisfactory level playing field with sufficiently fair and equitable competition conditions.

This aviation agreement, which is submitted for your approval, should be seen against the background of the special partnership which has emerged from the Barcelona process between the EU and the countries around its Mediterranean border.

Content of the agreement

The aim of the agreement³ is both to open markets and to move towards the alignment of aviation legislation on both sides, in particular around key aspects of European rules on aviation, including those concerning safety, economic regulation and, in particular, competition, air traffic control and consumer protection. It also contains provisions concerning bilateral investment on both sides of the Mediterranean.

It shall comprise two phases:

Phase 1 (underway): Regulatory convergence begins in phase 1. The main competition rules and the ban on state aid also apply from phase 1. With regard to market access, phase 1 includes the following:

For Moroccan carriers:

- unlimited 3rd and 4th freedoms (the freedom to pick up and deliver, cargo and post) between Morocco and the EU;
- the right to operate from any point in Morocco to any point in Europe;

For European carriers:

¹ 'Developing the agenda for the Community's external aviation policy', COM(2005) 0079

² The Community designation clause allows all Community carriers resident in the territory of the Member State in question to operate under this agreement.

³ Agreement published on 29 December 2006 in the Official Journal of the European Union, OJ L 386, p. 57.

- unlimited 3rd and 4th freedoms (the freedom to pick up and deliver, cargo and post) between the EU and Morocco;
- the right to operate from any point in Europe to any point in Morocco;

The administrative burden shall be kept to a minimum.

Phase 2 (not yet in force): The satisfactory application of the relevant European legislation by Morocco, which will be evaluated by the Commission, is a prerequisite for entering into phase 2. The relevant European legislation in question covers the best part of some 28 regulations and directives (such as those concerning social legislation, air traffic control, denied boarding, environmental and noise restrictions, etc.).

With regard to market access, phase 2 includes the following:

For Moroccan carriers:

- 5th freedom consecutive traffic rights in Europe (the freedom to pick up or deliver passengers, cargo and post travelling to or from other Member States).

For European carriers:

- 5th freedom passenger traffic rights beyond Morocco to countries covered by the neighbourhood policy;
- 5th freedom cargo traffic rights beyond Morocco without restriction.

The Joint Committee: an EU-Morocco Joint Committee will be set up from phase 1 in order to discuss the application of the agreement and to decide whether to incorporate any new laws into the agreement. The purpose of the Joint Committee will be to develop the agreement and to discuss its social implications and any economic issues relating to the ownership and control of airlines.

Achievements

The agreement has been provisionally in force since it was signed on 12 December 2006 (Council Decision 2006/959/EC, published in the Official Journal on 29 December 2006⁴). It has created new development opportunities for Moroccan and EU companies by doing away with capacity, nationality, frequency or route restrictions.

Since 2006, the opening up of the markets has brought some huge benefits: passenger traffic between the EU and Morocco has more than doubled, reaching 12 million passengers per year and an increase of 109% since 2005; the services and destinations on offer have also significantly increased. Coupled with the 60% or so reduction in average ticket prices, all this has brought significant advantages for consumers.

Procedure

Negotiations on the Euro-Mediterranean Aviation Agreement with Morocco began in May 2005 on the basis of a Council mandate granted in December 2004, and the agreement was signed on 12 December 2006 on the condition that it would be concluded at a later date⁵.

⁴ OJ L 386, 29 December 2006, p. 57.

⁵ Decision No 2006/959/EC, OJ L 386 of 29 December 2006, p. 57.

Parliament gave its consent for the conclusion of the agreement on 12 December 2007⁶.

The ratification process was completed by all the Member States, with the exception of Bulgaria, Romania and Croatia⁷, in 2014.

On 19 February 2014⁸, the Commission presented an amended proposal for a Council decision on the conclusion of the agreement, in order to take account of the entry into force of the Treaty of Lisbon and the fact that Bulgaria, Croatia and Romania had become EU Member States in the meantime.

Following revision by the Council's lawyer-linguists, the draft decision submitted today for approval by Parliament includes the legal modifications required by the ECJ case law established in its Judgment of 28 April 2015⁹.

In order to conclude the EU-Morocco Agreement, the Council needs the consent of the European Parliament as required by Article 218 TFEU.

In accordance with Rules 99 and 108(7) of Parliament's rules of procedure, the committee responsible shall submit a recommendation for the approval or rejection of the proposed act. Parliament shall then take a decision by means of a single vote, and no amendments to the agreement may be tabled. Amendments in committee shall be admissible only if their aim is to reverse the recommendation proposed by the rapporteur.

Rapporteur's position

The agreement should be seen against the background of European neighbourhood policy, through which the EU is working to strengthen relations with its neighbouring countries. It sets out ambitious targets for regulatory cooperation and improves the conditions for bilateral investment.

Its implementation should be celebrated: 11 years after the start of its provisional entry into force, it has proved its worth by bringing significant benefits to both sides.

In the light of the above, your Rapporteur suggests that the TRAN Committee should give a favourable recommendation on the conclusion of this agreement.

⁶ T6-0600/2007 and TRAN Committee report A6-0416/2007.

⁷ These countries became parties to the agreement through membership of the EU.

⁸ COM(2014)104 final, 19 February 2014.

⁹ Case C-28/12, Commission v Council, Judgment of the Court (Grand Chamber) of 28 April 2015, OJ C 213/3 of 29 June 2015