Resolution on the EU-US air agreement

2010/2724(RSP) - 17/06/2010 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the EU-US air agreement.

The resolution was tabled by the S&D, ECR, Greens/ALE, ALDE and EPP groups.

The resolution notes that the first-stage agreement, which entered into provisional application on 30 March 2008, was only a first step in opening up the EU-US aviation markets, firmly committing both sides to further negotiations on continuing to open access to markets. The negotiations launched in May 2008 led to a preliminary agreement on 25 March 2010 which both consolidates the advances in market access included in the first-stage agreement and offers enhanced regulatory cooperation.

Parliament recalls that various aspects of aviation regulation, including noise restrictions and night flight limitations, should be determined at local level, in full compliance with the principle of subsidiarity. It therefore asks the Commission to coordinate these issues at European level, taking into account the national legislation of Member States, in order to continue the negotiations with the US and also to solve other issues related to these problems, such as cabotage.

Market opening: Parliament regrets the **absence of substantive progress** in removing outdated regulatory constraints in the area of foreign investment, and considers that this will maintain the current unbalanced restrictions on foreign ownership and control in the United States and recalls that the final goal of the EU-US Air Transport Agreement is the complete opening of the market without any restrictions from either side, i.e. EU carriers will only gain limited access to US government-financed traffic (the "Fly America Programme") whereas EU national governments do not have similar provisions.

Regulatory convergence, safety and security: Parliament encourages the Joint Committee to develop additional proposals for the **mutual recognition of regulatory decisions** in line with the principles of better regulation. It attaches high priority to cooperation on the development of the EU and US air traffic management systems ("SESAR" and "Next Gen") with a view to achieving interoperability and compatibility, as well as contributing to reduced environmental impacts. It welcomes cooperation between the EU and US authorities responsible for the field of aviation safety at all levels but regrets that no further steps have been taken on the issues of foreign repair stations.

Reiterating the importance of the **EU blacklist of substandard carriers** and the US system for monitoring carrier standards, Parliament calls on both parties to share information in this area.

Parliament 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 resolution of 5 May 2010. It stresses, in this connection, the urgency of arriving at worldwide standards on data protection and privacy. All transfers of personal data from the EU and its Member States for security purposes should be based on international agreements with the status of legislative acts.

Parliament underlines the importance of **legal certainty** for EU and US citizens and airlines, as well as the need for harmonised standards for the latter. It notes the importance of consultation and cooperation with respect to security measures but warns against excessive or uncoordinated measures that are not based on a proper risk assessment.

It renews its call on the Commission and the US to review the efficiency of the additional security measures adopted since 2001 so as to **eliminate overlapping and weak links** in the security chain and advocates the concept of **"one-stop security",** rather than rechecking passengers and luggage at every transfer.

Environment: Parliament recognises that the aviation sector has several negative environmental effects, in particular as a source of noise and as a contributor to climate change, and that these effects will increase with its growth. It notes that the joint statement on environmental cooperation is of critical importance in addressing the environmental impacts of international aviation, but **regrets that Emissions Trading Scheme (ETS) regulation is not part of the preliminary agreement**. It points out that further talks will need to be held with the US with a view to the **entry into force of ETS by 2012**.

Parliament welcomes the agreement to work together in the framework of the International Civil Aviation Organisation to reduce aircraft noise and emissions, together with the intention to **enhance technical cooperation** between the EU and US in the fields of climate science, research and technology development, fuel efficiency and reduction of emissions from air transport, and the exchange of best practices on noise reduction, while acknowledging differences in local circumstances.

Social policy: Parliament welcomes the agreement's recognition of the importance of the social dimension and the responsibility given to the Joint Committee to monitor the social effects of the agreement and develop appropriate responses as necessary. It calls on the Commission to use the agreement to promote **compliance with relevant international legislation on social rights** such as the International Labour Organization (ILO 1930-1999), the OECD Guidelines for Multinational Enterprises (1976, revised 2000) and the Rome Convention on the Law Applicable to Contractual Obligations of 1980. It insists that **EU social legislation should be applied to employees recruited and/or working in the Member States**, in particular the Directives concerning the consultation and information of employees, the Directive on the organisation of working time of mobile staff in civil aviation and the Directive concerning the posting of workers in the framework of the provision of services.

Operation of the Agreement: Parliament calls on the Commission to ensure that the European Parliament is fully informed and consulted about the work of the Joint Committee like all relevant stakeholders. It recalls that following the entry into force of the Lisbon Treaty, European Parliament consent is required before the conclusion of an international agreement in the field of ordinary procedure. It welcomes the idea of regular meetings between Members of the European Parliament and the US Congress to discuss all relevant issues concerning EU-US aviation policy.

Lastly, it asks the European Commission to start the process of third-stage negotiations with a view to including the following items, by 31 December 2013:

- further liberalisation of traffic rights;
- additional foreign investment opportunities;
- the effect of environmental measures and infrastructure constraints on the exercise of traffic rights;
- better coordination of passenger rights policies in order to ensure the highest possible level of protection for passengers.