International Air Agreements under the Treaty of Lisbon

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The European Parliament adopted a resolution on international air agreements under the Treaty of Lisbon.

The Treaty of Lisbon extended the circumstances in which Parliament's consent was required for the conclusion of an international agreement. Air agreements now fall within this category because they cover a field to which the ordinary legislative procedure applies. Previously Parliament had only been consulted on such agreements.

In view of this change, Parliament wishes to set out a series of general principles regarding how air agreements should be evaluated both in terms of substance and the procedures which may be adopted to ensure that it was well-informed throughout the course of negotiations and has an opportunity to express its priorities well before being confronted with the yes/no choice of consent.

Criteria for assessing an agreement: Members emphasise that, in each negotiation, a judgment must be made about the benefits of an early agreement as compared with delaying in search of a more ambitious outcome. When assessing comprehensive agreements that are presented for consent, Parliament will seek to apply a consistent set of standards. In carrying out that assessment Parliament will focus on the extent to which:

- **restrictions** on market access and **investment opportunities** are relaxed in a balanced manner;
- incentives are provided to maintain and enhance **social and environmental standards**;
- adequate safeguards are provided for **data protection and privacy**;
- mutual recognition of safety and **security standards** are included;
- and a high level of passenger rights is ensured.

Parliament considers that **worldwide standards** for data protection and privacy are urgently required, and that the criteria set out by Parliament in its resolution of 5 May 2010 provide an appropriate model for such an agreement. It considers that agreements should include a commitment to work together, in the framework of the International Civil Aviation Organisation, to reduce **aircraft emissions**, together with an objective of enhancing technical cooperation in the fields of climate science (CO_2 and other climate-relevant emissions into the atmosphere), research and technology development and fuel efficiency.

In the case of **safety agreements**, criteria shall include: (i) full mutual recognition of certification practices and procedures; (ii) exchange of safety data; joint inspections; (iii) increased regulatory cooperation; and (iv) technical level consultations so as to resolve issues before they trigger the dispute settlement mechanism.

Procedure: the resolution stresses that, in order to be able to take its decision on whether or not to grant consent at the end of the negotiations, Parliament needs to **follow the process from the beginning**.

In accordance with the revised Framework Agreement of October 2010, the Commission is expected to provide its responsible committee with information about the intention to propose negotiations with a view to concluding and amending international air agreements, and with the draft negotiating directives, draft negotiating texts and the document to be initialled, together with other relevant documents and information. Parliament's role in relation to any further amendments of an international air agreement should be explicitly stipulated in the agreement.

Moreover, the information mentioned above must be forwarded to Parliament in such a way that, if necessary, it can deliver an opinion. Member stress the importance of Parliament receiving full and timely information about the work of the various joint committees.

Parliament calls on the Commission to submit reports to Parliament regularly, and no less frequently than every three years, analysing the strengths and weaknesses of existing agreements.

Members regret that the Council has yet to grant the Commission a mandate to negotiate a comprehensive air agreement with important trading partners such as **China and India**. They point out the absence of important countries, such as **Japan** and **Russia**, in the Commission's latest list of ongoing international air agreements. Concerned about the ongoing issue of **Siberian overflights**, Members call on the Commission to make all the necessary efforts, including pursuing this issue in the context of Russia's WTO accession negotiations, to avoid any distortion of competition between EU airlines.