

Developing the agenda for the Community's external aviation policy

2005/2084(INI) - 17/01/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Saïd **EL KHADRAOUI** (PES, BE) in response to the Commission communication on developing the agenda for the Community's external aviation policy. (Please see the summary of 22/11/2005.) Parliament recognised the global nature, economic importance and continuing growth of the aviation sector, as well as the need to manage the effects of this growth on air traffic management, safety and the environment, and therefore the need to develop a common external aviation policy. It considered agreements with the USA, Russia and China respectively as prerequisites. Parliament recognized the need to bring existing bilateral agreements into line with Community law, on the basis of the ruling of the Court of Justice. Bilateral agreements should be adapted as soon as possible in order to avoid legal uncertainty. The commencement of negotiations on Community agreements, which, by nature, take more time than horizontal negotiations, can only be supported if a clear, coherent negotiation strategy exists. This approach could be complemented by a more fundamental change in external aviation policy, which would provide benefits to European consumers and the EU industry through the adoption of new and ambitious agreements between the Community and third countries.

Parliament felt that in the event of long, drawn-out negotiations, with partner countries showing a protectionist attitude, bilateral coordination of traffic rights would be a possibility. It fully supported the principle of a double and indivisible agenda for such negotiations, linking the opening-up of markets to regulatory convergence.

Market opening: Parliament stressed that new agreements should be balanced in terms of market access, and might include issues such as cabotage, rights of establishment, ownership and control, competition rules and state aid, but only on a basis of strict reciprocity. It recognised that, although open skies agreements are desirable, they may not always be possible. Where an open skies agreement is not possible, the continuation of the existing bilateral regimes should be preferred, albeit as a temporary solution. The Commission should develop fair and transparent mechanisms for the distribution of traffic rights among Member States in such cases.

Parliament called for a realistic agenda for negotiations, with the selection of the countries to negotiate with being based on clear and sound criteria and an analysis of their economic and regulatory situation. These criteria could include economic aspects, with priority being given to countries of substantial importance for the European market, such as the USA, Russia and China, and also geographical aspects, with priority being given to countries in the vicinity of Europe so as to extend the European Common Aviation Area or implement the new neighbourhood policy.

Regulatory convergence: Parliament emphasised that the opening-up of markets should always follow regulatory convergence, and that the degree of liberalisation should be linked to the degree to which a level playing field is achieved.

Safety and security: The standards of third countries may not always be equal to those in the European Union. The EU could play a pioneering role in applying and upholding internationally recognised standards on a global scale. Parliament suggested, therefore, that references to the International Civil Aviation Organization ('ICAO') and EU safety regulations be made in agreements with third countries and that Member States increase their efforts, through bilateral cooperation and the European Aviation Safety Agency ('EASA'), to help third countries which lack a sufficient safety level to attain such a level. The

Commission is asked to propose, by no later than the end of 2006, better procedures under Directive 2004/36/EC ('the SAFA Directive') for monitoring the safety of the aircraft of third-country carriers, and also to propose the extension of the competence of EASA in this field. Parliament underlined the importance of the development of an EU security policy for transport, which should be included in the negotiating agendas for aviation agreements.

Environment: Parliament recognised that the aviation sector has several negative environmental effects, in particular as a source of noise and as a significant contributor to climate change, but airports and air carriers have already made, and will continue to make, significant efforts to reduce and avoid noise and emission pollution. In this respect, Parliament welcomed the communication from the Commission on possible measures reducing the climate change impact of the aviation sector (COM (2005)0459), and looked forward to the adoption of clear policies for better air traffic management and for the operational procedures and infrastructural circumstances of airports. It also looked forward to other measures, such as the integration of aviation into the European emissions trading system with equal treatment of EU and non-EU air carriers.

Social policy:Parliament urged the Commission to insist on the introduction of references in new agreements to relevant international legislation relating to social rights, 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). Community social legislation must be applied to employees recruited and/or employed in EU Member States.

Conduct of negotiations:Negotiations should be carried out in close cooperation with the Member States, which have the necessary expertise and experience to carry out such negotiations. The Commission is asked to ensure that the European Parliament and all relevant stakeholders are fully informed and consulted before and throughout the negotiations, by means of an agreed consultation road-map.