Basic information

2009/0156(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EC/Canada agreement: civil aviation safety **Subject** 3.20.01.01 Air safety 3.20.15.02 Air transport agreements and cooperation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	ȚICĂU Silvia-Adriana (S&D)	01/12/2009
	Shadow rapporteur GROSCH Mathieu (PPE) MEISSNER Gesine (ALDE) LICHTENBERGER Eva (Verts/ALE) BRADBOURN Philip (ECR) KOHLÍČEK Jaromír (GUE/NGL)	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3108	2011-07-19

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
03/10/2008	Preparatory document	COM(2008)0615	Summary
12/11/2009	Committee referral announced in Parliament		
02/12/2009	Additional information		Summary
12/04/2010	Initial legislative proposal published	06645/2010	Summary

27/10/2010	Vote in committee		Summary
28/10/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0298/2010	
17/05/2011	Legislative proposal published	06645/1/2010	Summary
23/06/2011	Decision by Parliament	T7-0282/2011	Summary
23/06/2011	Results of vote in Parliament		
19/07/2011	Act adopted by Council after consultation of Parliament		
19/07/2011	End of procedure in Parliament		
27/07/2011	Final act published in Official Journal		

Technical information

Procedure reference	2009/0156(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 207-p4 Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 100-p2 Treaty on the Functioning of the European Union TFEU 218-p7
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/01505

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE448.752	06/09/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0298/2010	28/10/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0282/2011	23/06/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	15561/2008	29/04/2009	
Initial legislative proposal	06645/2010	12/04/2010	Summary
Legislative proposal	06645/1/2010	17/05/2011	Summary

European Commission

Document type	Reference	Date	Summary

Preparatory document	COM(2008)0615	03/10/2008	Summary

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2011/0466 OJ L 195 27.07.2011, p. 0005	Summary

EC/Canada agreement: civil aviation safety

2009/0156(NLE) - 03/10/2008 - Preparatory document

PURPOSE: to conclude an Agreement between the EC and Canada on civil aviation safety.

PROPOSED ACT: Council Decision.

BACKGROUND: the Council granted the Commission authorisation to conduct negotiations with Canada on the reciprocal acceptance of certification findings in the field of civil aviation safety and environmental compatibility on 21 April 2004. The authorisation envisaged an agreement on the reciprocal acceptance of findings focusing mainly on two aspects:

1. products designed, manufactured, modified, or repaired under the regulatory control of one party to be easily issued the necessary approvals to be registered or operated under the regulatory control of the other party;
2. aircraft registered or operated under the regulatory control of one party to be maintained by organisations under the regulatory control of the other party.

The primary objectives of the negotiating directives were to facilitate trade in goods and services covered by the agreement, to limit as much as possible the duplication of assessments, tests and controls to significant regulatory differences and to rely on the certification system of either party to check conformity with the requirements of the other party.

CONTENT: the negotiated Agreement reflects by and large the structure of a "classical" agreement in the area of aviation safety, a "BASA" as are called the existing Bilateral Aviation Safety Agreements between Member States and Canada.

As in the case of the BASAs, **the agreement is based on mutual trust of each other's system and on the comparison of regulatory differences**. Hence, it entails obligations and methods to cooperate between exporting and importing authority so that the latter can issue its own certificate on the aeronautical product without duplicating all the assessments done by the exporting authority as well as dispute resolution procedures for amending the agreement. The means to do so, i.e. to cooperate and mutually accept each other's certification findings in the area of airworthiness and maintenance (methods, scope in terms of products or services, regulatory differences) are set out in the Annexes to the Agreement. These Annexes are binding on both sides and are integral parts of the Agreement. The draft agreement permits the Parties to consider ways to enhance the functioning of the agreement and make recommendations for modifications including addition of new annexes to the agreement via the Joint Committee. It constitutes a net benefit for the Community given that it will establish mutual acceptance of certification findings in all areas of airworthiness for all Member States. It should be noted that currently, only 6 Member States have a bilateral agreement with Canada covering product certification.

Clear rights and obligations for both Parties: the applicable law for the EC is Regulation (EC) N° 216/2008 which replaced Regulation (EC) N° 1592 /2002 and its implementing measures. The Community system is fully reflected in the draft text setting out clearly separation of tasks with regard to certification of aeronautical products and components and organisations involved in the design and manufacture of such products and components.

With regard to **maintenance**, Canada proposed going beyond the remit of article 12(1) of Regulation (EC) N° 216/2008 and issuing approvals on behalf of EASA maintenance organisations located in Canada carrying out maintenance on aircraft and parts designed in the EC, without the need for the Agency to issue its own certificates/approvals on the basis of certificates/approvals issued by Transport Canada. The Commission considers that the provisions of article 12(1) of Regulation (EC) N° 216/2008 is not an obstacle for the Community to conclude an international agreement whereby certificates issued by the competent authority of the third country are automatically valid in the Community.

Provisions are made to this effect in the Agreement.

- **Clear means to achieve the objectives of the mandate**: the draft stipulates that each party shall accept findings of compliance as results of specified procedures of the other party when these are made according to the provisions of the annexes. It recognises the right of either party' s regulatory authority to issue certificates attesting conformity with the system of the other party on behalf of that other party. The Agreement ensures that confidence is maintained in each other through the appropriate mechanism – it provides for a system of continual cooperation and consultation that is put in place by means of enhanced cooperation in the framework of audits, inspections, timely notifications and consultations on all matters falling within its scope.
- **Regular consultations and rapid dispute resolution**: the draft agreement is designed to work smoothly on a daily basis so as to solve technical issues arising from its implementation as quickly as possible. To that end a Joint Committee of the Parties is created, as well as sub-committees – the Joint Sectoral Committee on Certification and the Joint Sectoral Committee on Maintenance – reporting to the Joint Committee of the Parties and monitoring the application of the Annexes. The Joint Committee is entrusted with discussing and recommending to the Parties any amendments to the agreement and its annexes and with developing working procedures on regulatory cooperation and transparency for all activities which are not developed by the sub-committees.
- **Maintain a high degree of confidence in each other's system**: the Parties will ensure through regular audits that national aviation authorities which have been notified as "competent authorities" remain capable of fulfilling their obligations stemming from the agreement and its annexes. Parties will also cooperate on quality assurance, standardised inspections and conformity assessments, as well as exchange safety data. Unlike the USA, Canada has not insisted on a confidence building process consisting of inspections of EASA or the national aviation authorities.
- **Strong safeguard measures**: the Agreement makes provision for special procedures to enable the Parties to react immediately to safety problems or to set up a higher level of protection they consider appropriate for safety.

EC/Canada agreement: civil aviation safety

2009/0156(NLE) - 12/04/2010 - Initial legislative proposal

PURPOSE: the conclusion of an Agreement between the European Community and Canada on civil aviation safety.

PROPOSED ACT: Council Decision.

CONTENT: this Decision concerns the conclusion of an agreement between the European Community and Canada on civil aviation safety. The agreement is based on mutual trust of each other's system and on the comparison of regulatory differences. The draft agreement gives the possibility to the Parties to consider ways to further enhance the functioning of the agreement and make recommendations for modifications. Furthermore, the draft agreement constitutes a net benefit for the Community given that it will establish mutual acceptance of certification findings in all areas of airworthiness for all Member States.

The Agreement provides for:

- clear rights and obligations for both Parties;
- clear means to achieve the objectives of the mandate;
- regular consultations and rapid dispute resolution;
- the maintenance of a high degree of confidence in each other's system;
- strong safeguard measures in order to give the parties the necessary flexibility to react immediately to safety problems or to set up a higher level of protection they consider appropriate for safety.

EC/Canada agreement: civil aviation safety

2009/0156(NLE) - 19/07/2011 - Final act

PURPOSE: to conclude an Agreement between the EC and Canada on civil aviation safety.

NON-LEGISLATIVE ACT: Council Decision 2011/466/EU on the conclusion of an Agreement on civil aviation safety between the European Community and Canada.

CONTENT: the Council authorised the conclusion of an agreement between the EU and Canada on civil aviation safety, following the consent given by the European Parliament

The agreement, signed in 2009, provides for the mutual recognition of certification findings and approvals in the areas of airworthiness of civil aeronautical products, services and manufacturing and maintenance organisations. It aims to promote cooperation and increase efficiency in matters relating to civil aviation safety, so as to enhance safety and environmental quality and facilitate the exchange of civil aeronautical products.

The Agreement shall lay down procedural arrangements for the participation of the Union in the joint bodies established by the Agreement, as well as for the adoption of certain decisions concerning in particular the amendment of the Agreement and its Annexes, the addition of new annexes, the termination of individual annexes, consultations and dispute resolution and the adoption of safeguard measures.

The Member States should take the necessary measures in order to ensure that their bilateral agreements with Canada on the same subject are terminated as of the date of entry into force of the Agreement. ENTRY INTO FORCE: 19/07/2011.

EC/Canada agreement: civil aviation safety

2009/0156(NLE) - 23/06/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on thedraft Council decision on the conclusion of an Agreement on civil aviation safety between the European Community and Canada.

Parliament gives its consent to the conclusion of the Agreement.

EC/Canada agreement: civil aviation safety

2009/0156(NLE) - 17/05/2011 - Legislative proposal

PURPOSE: conclude an Agreement on civil aviation safety between the European Community and Canada.

BACKGROUND: the Commission has negotiated on behalf of the Union an Agreement on civil aviation safety between the European Community and Canada in accordance with the Council Decision authorising the Commission to open negotiations. The Agreement was signed on 6 May 2009 on behalf of the Union subject to its possible conclusion at a later date.

Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union should make a notification to Canada as regards the succession of the European Community by the European Union.

It is now appropriate to approve this Agreement on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Articles 100(2) and 207(4) in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8) of the Treaty on the functioning of the European Union (TFEU).

CONTENT: by this Decision, the Agreement on civil aviation safety between the European Community and Canada is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision. For further details on the content of this Agreement please refer to the summary of the previous initial legislative document dated 12/04/2010.

Procedural arrangements for the participation of the Union in the joint bodies established by the Agreement are provided, as well as for the adoption of certain decisions concerning in particular the amendment of the Agreement and its Annexes, the addition of new annexes, the termination of individual annexes, consultations and dispute resolution and the adoption of safeguard measures.

It should be noted that the Member States should take the necessary measures in order to ensure that their bilateral agreements with Canada on the same subject are terminated as of the date of entry into force of the Agreement.

BUGETARY IMPLICATION: this proposal has no implication for the EU budget.