Basic information

2010/0112(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EC/USA Air Transport Agreement: Protocol to amend the Agreement **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** United States	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	GRAPINI Maria (S&D)	15/10/2021
	Shadow rapporteur MARINESCU Marian-Jean (EPP) KYUCHYUK Ilhan (Renew) LUNDGREN Peter (ECR)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	ZASADA Artur (PPE)	21/06/2010

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3024	2010-06-24

European Commission

Commission DG	Commissioner
Energy and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
		COM(2010)0208	Summary

03/05/2010	Preparatory document		
08/11/2010	Legislative proposal published	15381/2010	Summary
25/11/2010	Committee referral announced in Parliament		
28/02/2011	Vote in committee		Summary
02/03/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0046/2011	
24/03/2011	Decision by Parliament	T7-0106/2011	Summary
24/03/2011	Results of vote in Parliament		
24/03/2011	Debate in Parliament		
22/01/2021	Preparatory document	COM(2021)0013	Summary
15/03/2021	Amended legislative proposal for reconsultation published	06385/2021	
20/07/2021	Formal reconsultation of Parliament		
01/12/2021	Vote in committee		
03/12/2021	Committee report tabled for plenary, reconsultation	A9-0335/2021	
14/12/2021	Decision by Parliament	T9-0495/2021	Summary
25/01/2022	Act adopted by Council after consultation of Parliament		
31/01/2022	Final act published in Official Journal		

Technical information

Procedure reference	2010/0112(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 218-p7 Treaty on the Functioning of the European Union TFEU 100-p2 Treaty on the Functioning of the European Union TFEU 207-p4 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/07319 TRAN/7/02856

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE454.627	16/12/2010	
Amendments tabled in committee		PE458.509	03/02/2011	
Committee report tabled for plenary, 1st reading/single				

reading		A7-0046/2011	02/03/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0106/2011	24/03/2011	Summary
Committee draft report		PE699.180	25/10/2021	
Committee final report tabled for plenary, reconsultation		A9-0335/2021	03/12/2021	
Text adopted by Parliament after reconsultation		T9-0495/2021	14/12/2021	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	09913/2010	11/06/2010	
Legislative proposal	15381/2010	08/11/2010	Summary
Amended legislative proposal for reconsultation	06385/2021	15/03/2021	

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2010)0208	03/05/2010	Summary
Document attached to the procedure	COM(2010)0209	03/05/2010	Summary
Preparatory document	COM(2021)0013	22/01/2021	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2022/0124
OJ L 020 31.01.2022, p. 0038

EC/USA Air Transport Agreement: Protocol to amend the Agreement

2010/0112(NLE) - 03/05/2010 - Preparatory document

PURPOSE: conclusion of the Protocol to Amend the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

PROPOSED ACT: Decision of the Council and the representatives of the Governments of the Member States of the European Union, meeting within the Council.

BACKGROUND: the 2007 EU-US Air Transport Agreement represented a significant change in transatlantic aviation relations, providing broad new commercial freedoms for airlines and a comprehensive framework for regulatory cooperation with the United States on a wide range of issues. The 2007 EU-US Air Transport Agreement created substantial benefits for airlines, airports and air transport users in Europe. However, the EU was seeking additional investment and market access opportunities. Therefore, Article 21 of the 2007 EU-US Air Transport Agreement established a non-exhaustive list of 'items of priority interest' for the second stage negotiations, including additional investment and market access opportunities, as well as environmental issues.

After eight rounds of second stage negotiations, agreement was reached on 25 March 2010 on a draft Protocol to Amend the 2007 EU-US Air Transport Agreement.

The Protocol aims at:

- launching a process towards additional foreign investment opportunities in the airline industry,
- further opening market access, including further access by EU airlines to US Government-financed air transportation, and
- further strengthening the regulatory cooperation in all fields of aviation policy, particularly on addressing the environmental impact of aviation.

IMPACT ASSESSMENT: the Protocol further increases the benefits for consumers, airlines, labour, and communities in the Union: (1) in a study carried out for the Commission, the economic benefits of a fully Open Aviation Area between the EU and the United States have been estimated at several billion Euros per year; (2) another study estimates that further regulatory convergence in the field of air transport could significantly reduce costs for the industry. The same study concluded that the second stage negotiations have the potential to change the structure of the market in the EU and in the US, increasing profitability in the airline industry; (3) the inclusion of an article on the social dimension ensures that the further market opening will be accompanied by high labour standards and that labour-related rights will not be undermined by the new opportunities created by the Protocol; (4) lastly, the Protocol includes firm commitments from both Parties to limit or reduce the impact of international aviation on the environment.

LEGAL BASE: Article 207(5), in conjunction with Article 218 paragraphs (2) and (5), as well Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union. The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reasons: (i) an amendment of an international treaty at Union level can only be done at Union level; (ii) the objectives of the Protocol can only be achieved at Union level because they involve a number of areas of exclusive Union competence.

CONTENT: the Protocol amends the 2007 EU-US Air Transport Agreement with the following provisions:

- a legal obligation to reciprocally recognise the regulatory determinations of the other Party with regard to airline fitness and citizenship;
- an enhanced cooperation to limit the impact of international aviation on the environment. The cooperation on addressing the environmental impacts of international aviation will include the areas of research and development, air traffic management innovation, coordination in international fora;
- an explicit recognition of the importance of the social dimension and the benefits of high labour standards as well as an enhanced cooperation on the social effects of the agreement;
- a strengthened role of the Joint Committee, enabling it to address incompatible regulatory approaches, allow for reciprocal recognition of decision-making, and promote cooperation across a number of additional fields, including air traffic management, facilitation, safety and cooperation with other countries;
- a process towards further market access and investment opportunities. Both sides commit to continuing to remove market access barriers. The Joint Committee will regularly review progress in that respect. Both sides will establish a process of cooperation in the Joint Committee towards the shared goal of removing market access barriers;
- further access of EU airlines to air transport funded by the US Government that is restricted currently to US airlines ("Fly America"). EU airlines will be able to sell air transportation to contractors of the US Government on any route, with exception of transport financed by the US Department of Defence.

The Protocol is accompanied by a Memorandum of Consultations that includes additional new elements, in order to further enhance the existing cooperation in the areas of aviation security, competition policy, and the joint efforts to address the environmental impact of international aviation.

BUDGETARY IMPLICATION: the proposal has no implication for the Union’s budget.

EC/USA Air Transport Agreement: Protocol to amend the Agreement

2010/0112(NLE) - 08/11/2010 - Legislative proposal

PURPOSE: to conclude the Protocol to Amend the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

PROPOSED ACT: Council Decision.

BACKGROUND: the Air Transport Agreement between the European Community and its Member States, on the one hand, and the United States of America, on the other hand, signed on 25 and 30 April 2007 included an obligation on both Parties to enter into second-stage negotiations.

The Commission has negotiated on behalf of the Union and of the Member States a Protocol to amend the Agreement in accordance with Article 21 of that Agreement. The Protocol is fully consistent with Union law, particularly with the Union emissions trading system.

The Protocol was signed on 24 June 2010 and applies provisionally subject to its conclusion.

It is now necessary that the protocol be approved by Union and the Members States.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 100(2), in conjunction with Article 218 (6)(a)(v) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this proposed Decision, the Protocol to Amend the Air Transport Agreement between the United States of America, of the one part, and the European Community and its Member States, of the other part, is hereby approved on behalf of the Union. For details of the content of the Agreement, please refer to the summary of the previous initial legislative document dated 03/05/2010.

Termination: procedural arrangements are laid down for deciding, if appropriate, how to terminate the Agreement as amended by the Protocol. A decision to terminate the Agreement and to give notice thereof to the United States of America, and a decision to withdraw such notice, shall be taken by the Council, on behalf of the Union and of the Member States, acting unanimously on the basis of a Commission proposal.

Suspension of the reciprocal recognition of regulatory determinations: it is also necessary to lay down arrangements for the suspension of the reciprocal recognition of regulatory determinations with regard to airline fitness and citizenship. This decision and the decision to inform the United States of America of the Agreement as amended by the Protocol shall be taken by the Council, on behalf of the Union and of the Member States, acting unanimously in accordance with the relevant Treaty provisions.

The Protocol establishes a **joint committee** in charge of ensuring the management of the Protocol as well as the procedural rules for decisions taken under Article 21 of the Agreement.

BUDGETARY IMPLICATION: this proposal has no implication for the Union’s budget.

EC/USA Air Transport Agreement: Protocol to amend the Agreement

2010/0112(NLE) - 03/05/2010 - Document attached to the procedure

PURPOSE: signature and provisional application of the Protocol to Amend the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

PROPOSED ACT: Decision of the Council and the representatives of the Governments of the Member States of the European Union, meeting within the Council.

BACKGROUND: the 2007 EU-US Air Transport Agreement represented a significant change in transatlantic aviation relations, providing broad new commercial freedoms for airlines and a comprehensive framework for regulatory cooperation with the United States on a wide range of issues. The 2007 EU-US Air Transport Agreement created substantial benefits for airlines, airports and air transport users in Europe. However, the EU was seeking additional investment and market access opportunities. Therefore, Article 21 of the 2007 EU-US Air Transport Agreement established a non-exhaustive list of 'items of priority interest' for the second stage negotiations, including additional investment and market access opportunities, as well as environmental issues.

After eight rounds of second stage negotiations, agreement was reached on 25 March 2010 on a draft Protocol to Amend the 2007 EU-US Air Transport Agreement.

The Protocol aims at:

- launching a process towards additional foreign investment opportunities in the airline industry,
- further opening market access, including further access by EU airlines to US Government-financed air transportation, and
- further strengthening the regulatory cooperation in all fields of aviation policy, particularly on addressing the environmental impact of aviation.

IMPACT ASSESSMENT: the Protocol further increases the benefits for consumers, airlines, labour, and communities in the Union: (1) in a study carried out for the Commission, the economic benefits of a fully Open Aviation Area between the EU and the United States have been estimated at several billion Euros per year; (2) another study estimates that further regulatory convergence in the field of air transport could significantly reduce costs for the industry. The same study concluded that the second stage negotiations have the potential to change the structure of the market in the EU and in the US, increasing profitability in the airline industry; (3) the inclusion of an article on the social dimension ensures that the further market opening will be accompanied by high labour standards and that labour-related rights will not be undermined by the new opportunities created by the Protocol; (4) lastly, the Protocol includes firm commitments from both Parties to limit or reduce the impact of international aviation on the environment.

LEGAL BASE: Article 207(5), in conjunction with Article 218 paragraphs (2) and (5), as well Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union. The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reasons: (i) an amendment of an international treaty at Union level can only be done at Union level; (ii) the objectives of the Protocol can only be achieved at Union level because they involve a number of areas of exclusive Union competence.

CONTENT: the Protocol amends the 2007 EU-US Air Transport Agreement with the following provisions:

- a legal obligation to reciprocally recognise the regulatory determinations of the other Party with regard to airline fitness and citizenship;
- an enhanced cooperation to limit the impact of international aviation on the environment. The cooperation on addressing the environmental impacts of international aviation will include the areas of research and development, air traffic management innovation, coordination in international fora;
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an explicit recognition of the importance of the social dimension and the benefits of high labour standards as well as an enhanced cooperation on the social effects of the agreement;

- a strengthened role of the Joint Committee, enabling it to address incompatible regulatory approaches, allow for reciprocal recognition of decision-making, and promote cooperation across a number of additional fields, including air traffic management, facilitation, safety and cooperation with other countries;
- a process towards further market access and investment opportunities. Both sides commit to continuing to remove market access barriers. The Joint Committee will regularly review progress in that respect. Both sides will establish a process of cooperation in the Joint Committee towards the shared goal of removing market access barriers;

further access of EU airlines to air transport funded by the US Government that is restricted currently to US airlines ("Fly America"). EU airlines will be able to sell air transportation to contractors of the US Government on any route, with exception of transport financed by the US Department of Defence.

The proposed Decision provides that the signing of the Protocol to Amend the Air Transport Agreement between the United States of America, of the one part, and the European Community and its Member States, of the other part, is hereby approved on behalf of the Union, subject to a Council Decision concerning the conclusion of the Protocol. The text of the Protocol is attached to this Decision. Pending its entry into force, the Protocol shall be applied on a provisional basis by the Union and its Member States, to the extent permitted under national law, from the date of signature.

The Protocol is accompanied by a Memorandum of Consultations that includes additional new elements, in order to further enhance the existing cooperation in the areas of aviation security, competition policy, and the joint efforts to address the environmental impact of international aviation.

BUDGETARY IMPLICATION: the proposal has no implication for the Union’s budget.

EC/USA Air Transport Agreement: Protocol to amend the Agreement

2010/0112(NLE) - 24/03/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Decision of the Council and the Representatives of the Member States and of the European Union, meeting within the Council on the conclusion of the Protocol to Amend the Air Transport Agreement between the United States of America, of the one part, and the European Community and its Member States, of the other part.

Parliament gives its consent to the conclusion of the Protocol.

EC/USA Air Transport Agreement: Protocol to amend the Agreement

2010/0112(NLE) - 14/12/2021 - Text adopted by Parliament after reconsultation

The European Parliament adopted by 658 votes to 9, with 30 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States.

Parliament **gave its consent** to the conclusion of the Protocol.

On 25 and 30 April 2007, the European Union signed an overall aviation agreement with the United States, which was amended by a Protocol signed on 24 June 2010 (together referred to as the US-EU ATA). The Protocol expands the scope and depth of the ATA adding provisions to establish a comprehensive aviation partnership with benefits for consumers, airlines and workers.

Since 2007, and pending its entry into force, the US-EU ATA has been administratively applied. During its administrative application, it generated considerable economic benefits to both sides. With the signing of the 2010 Protocol, the EU-US passenger market measured in seat capacity has grown by 4% per year.

The 2010 Protocol added dedicated social provisions, explicitly including a commitment to high labour standards, and environmental provisions in order to establish a framework to tackle the local and global environmental challenges linked to aviation.

The US-EU ATA provides better market access for EU airlines and includes mechanisms to gradually achieve a normalisation of the aviation sector by liberalising foreign ownership. It also gives EU airlines full access to sell tickets to contractors of the US Government and a partial access to the air travel of US Government officials.

EC/USA Air Transport Agreement: Protocol to amend the Agreement

2010/0112(NLE) - 22/01/2021 - Preparatory document

Following the judgment of the Court of Justice of the European Union of 28 April 2015 in Case C-28/12, this proposal for a Council Decision aims to amend the initial Commission proposal for the conclusion of the Protocol to Amend the Air Transport Agreement between the United States of America, of the one part, and the European Community and its Member States, of the other part.

In accordance with Decision 2010/465/EU, the Protocol to amend the Air Transport Agreement between the United States of America, of the one part, and the European Community and its Member States, of the other part, was signed on 24 June 2010, subject to its conclusion at a later date. The Agreement has been ratified by all Member States except the Republic of Croatia.

Certain provisions of Decision 2010/465/EU contain decision-making and representation provisions on various matters contained in the Agreement as amended by the Protocol. It is proposed to discontinue the application of these provisions in the light of the judgment of the Court of Justice of the European Union of 28 April 2015 in Case C-28/12.