Basic information

2018/0155(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/China Agreement: civil aviation safety **Subject** 3.20.15.02 Air transport agreements and cooperation **Geographical area** China	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	PORĘBA Tomasz Piotr (ECR)	12/09/2019
	Shadow rapporteur ŁUKACIJEWSKA Elżbieta Katarzyna (EPP) UJHELYI István (S&D) BILBAO BARANDICA Izaskun (Renew) CUFFE Ciarán (Greens/EFA) DALY Clare (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism		

Council of the European Union

European Commission

Commission DG	Commissioner
Mobility and Transport	BULC Violeta

Key events

Date	Event	Reference	Summary

18/05/2018	Preparatory document	COM(2018)0308	Summary
03/12/2019	Legislative proposal published	14185/2019	Summary
19/12/2019	Committee referral announced in Parliament		
21/04/2020	Vote in committee		
23/04/2020	Committee report tabled for plenary, 1st reading/single reading	A9-0087/2020	
17/06/2020	Decision by Parliament	T9-0149/2020	Summary
17/06/2020	Results of vote in Parliament		
18/06/2020	Results of vote in Parliament		
19/06/2020	Results of vote in Parliament		
26/06/2020	Act adopted by Council after consultation of Parliament		
24/07/2020	Final act published in Official Journal		
28/07/2020	End of procedure in Parliament		

Technical information

Procedure reference	2018/0155(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 100-p2 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/9/00320

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE648.293	18/02/2020	
Committee report tabled for plenary, 1st reading/single reading		A9-0087/2020	23/04/2020	
Text adopted by Parliament, 1st reading/single reading		T9-0149/2020	17/06/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	09702/2018	19/06/2018	

Legislative proposal	14185/2019	03/12/2019	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2018)0308	18/05/2018	Summary
Document attached to the procedure	COM(2018)0309	18/05/2018	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2020/1075
OJ L 240 24.07.2020, p. 0001

EU/China Agreement: civil aviation safety

2018/0155(NLE) - 17/06/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 645 votes to 13, with 30 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China.

In line with the recommendation made by the Committee on Transport and Tourism, the European Parliament gave its consent to the conclusion of the Agreement.

The Agreement was signed on 20 May 2019, subject to its subsequent conclusion. It aims to strengthen cooperation in the field of certification and surveillance of aeronautical products, parts and appliances, as well as in the environmental control and certification of production. It shall therefore improve civil aviation safety and facilitate trade and investment in aeronautical products.

Based on mutual trust in each other's systems and on the comparison of regulatory differences, the Agreement:

- entails obligations and methods of cooperation between the authorities and technical agents so that the latter can issue their own certificates for the aeronautical product, part or appliance without duplicating all the assessments done by the other Authority;

- stipulates that each Party shall accept findings of compliance made by the Competent Authority of the other Party;

- provides for a system of continual cooperation and consultation involving enhanced cooperation in the framework of audits, inspections, timely notifications and consultations;

- establishes a Joint Committee empowered to adopt amendments to the Annexes to the Agreement.

The Commission shall be empowered to approve, on behalf of the Union, any amendments that may be submitted, insofar as such amendments are consistent with the relevant Union legal acts and subject to the conditions set out in the Council Decision on the conclusion of the Agreement.

EU/China Agreement: civil aviation safety

2018/0155(NLE) - 03/12/2019 - Legislative proposal

PURPOSE: to conclude an agreement on civil aviation safety between the European Union and the Government of the People's Republic of China.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China negotiated by the Commission was signed on 20 March 2019, subject to its conclusion at a later date. The Agreement now needs to be approved.

CONTENT: the draft Council Decision is aimed at approving, on behalf of the Union, the Agreement on civil aviation safety between the European Union and China. The Agreement is based on mutual confidence as regards systems and on the comparison of regulatory differences.

The objectives of this Agreement are to:

- enable the reciprocal acceptance, as provided for in the Annexes to this Agreement, of findings of compliance and certificates issued by either Party's Competent Authorities;

- facilitate the multinational dimension of the civil aviation industry;

- facilitate and promote the free circulation of civil aeronautical products and services;

- promote cooperation in order to achieve a high level of civil aviation safety and environmental compatibility.

The scope of cooperation under this Agreement includes the following areas:

- the airworthiness Certificates and Monitoring of Civil Aeronautical Products;

- environmental testing and Certificates of Civil Aeronautical Products;

- the certification and Monitoring of design and production organisations;

- the certification and Monitoring of maintenance organisations;

- personnel licensing and training;

- operation of aircraft;

- air traffic services and air traffic management.

The Union shall be represented in the Joint Committee established by the Agreement by the European Commission, assisted by the European Union Aviation Safety Agency ('EASA') and accompanied by the aviation authorities as representatives of the Member States. It shall be represented in the Certification Oversight Board established by the Agreement by EASA, assisted by the aviation authorities directly concerned by the agenda of each meeting.

The Commission shall be authorised to approve, on behalf of the Union, amendments to the Annexes to the Agreement adopted by the Joint Committee in so far as such amendments are consistent with, and do not entail any modification of, relevant Union legal acts.

It shall in particular ensure that the approval on behalf of the Union: (i) is in the interests of the Union; (ii) serves the objectives pursued by the Union within the framework of its aviation safety and trade policy; (iii) takes into account the interests of the manufacturers, traders and consumers of the Union.

In order to ensure that the approval by the Commission of proposed amendments to the Annexes to the Agreement to be adopted by the Joint Committee is in conformity with the conditions laid down in this Decision, the Commission shall submit the proposed amendments to the Council for consultation sufficiently in advance of the Joint Committee meeting at which those amendments would be adopted. The conformity of the amendments submitted by the Commission to the Council should be assessed by the Committee of Permanent Representatives of the Governments of the Member States (Coreper).

EU/China Agreement: civil aviation safety

2018/0155(NLE) - 18/05/2018 - Preparatory document

PURPOSE: to conclude an agreement between the European Union and the Government of the People's Republic of China on civil aviation safety.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: on 7 March 2016, the Council authorised the Commission to conduct negotiations with the Chinese Government on civil aviation safety in order to facilitate trade and investment between the EU and China in aeronautical products, parts and appliances. The Council addressed a set of negotiating directives to the Commission to carry out the negotiations and appointed a special committee to be consulted in this task.

On 29 September 2017, after 4 rounds of negotiations between the Commission and the Civil Aviation Authority of China (CAAC), the two negotiating teams agreed on a draft text for the Agreement and its annex on airworthiness and environmental certification. The text was initialled on 8 December 2017.

CONTENT: the Commission proposes that the Council approve on behalf of the Union the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China.

The agreement is based on **mutual trust in the systems and comparison of regulatory differences**. It entails obligations and methods to cooperate between the authorities and technical agents so that the latter can issue their own certificate on the aeronautical product, part or appliance without duplicating all the assessments done by the other authority.

The draft text provides that:

- each party shall accept findings of compliance as results of specified procedures of the other Party's Competent Authority;
- also ensures that confidence is maintained through an appropriate mechanism;
- gives the possibility to the Parties to consider ways to further enhance the functioning of the Agreement and make recommendations for modifications including addition of new annexes to the Agreement via the Joint Committee.

Products covered: the draft agreement covers **all aeronautical products** from the outset. However, for new Chinese products entering the EU market, the European Aviation Safety Agency (EASA) will exercise special procedures and scrutiny during the first validation of a given product category; subsequent validations will be subject to the 'level of involvement' principle.

Certificates: the draft text describes and defines the modalities of acceptance and validation of certificates. In order to take account of the different levels of maturity of the regulatory systems in the EU and China, an Appendix states that there are differences between the modalities applicable to EU certificates and those applicable to certificates issued by the CAAC.

Chinese production of aeronautical products for export to the EU: it was agreed that EASA will establish a list of Chinese production certificate holders accepted by the EU. This list will be published on the EASA website. The CAAC will not be formally involved in the creation or maintenance of this list, nor may it veto its content.

EU manufacturing sites in China: the agreement provides that an EASA production certificate may include these sites, which is particularly important for EU companies operating in China. The existing arrangements cannot be changed without the agreement of both sides.

It should also be noted that the agreement:

- already provides for a wide range of (future) areas of (potential) cooperation, including personnel licensing and training, aircraft operations, air traffic services and air traffic management;
- creates a framework for regulatory cooperation, mutual assistance and transparency;
- establishes provisions on the exchange of security-related information;
- includes specific provisions that reinforce the protection of confidentiality and the protection of proprietary data and information, as well as the possibility for third countries to participate.

Lastly, the agreement establishes a **Joint Committee** to administer the agreement, and a first joint sub-committee on airworthiness and environmental certification issues.