


# Procedure file

| Basic information   |                                       |
|---|---------------------------------------|
| NLE - Non-legislative enactments<br>Decision  | 2007/0111(NLE)<br>Procedure completed |
| EC/USA agreement: cooperation in the regulation of civil aviation safety<br>See also <a href="#">2016/0343(NLE)</a> |                                       |
| Subject<br>3.20.01.01 Air safety<br>3.20.15.02 Air transport agreements and cooperation                             |                                       |
| Geographical area<br>United States  |                                       |

| Key players                   |  |                                  |            |
|-------------------------------|--|----------------------------------|------------|
| European Parliament           | Committee responsible  | Rapporteur                       | Appointed  |
|                               | <b>TRAN</b> Transport and Tourism  |                                  | 25/08/2008 |
| Council of the European Union | Council configuration  | ALDE <a href="#">COSTA Paolo</a> | Date       |
|                               | <a href="#">Employment, Social Policy, Health and Consumer Affairs3073</a> | Meeting                          | 07/03/2011 |
| European Commission           | Commission DG  | Commissioner                     |            |
|                               | <a href="#">Mobility and Transport</a>                                     | KALLAS Siim                      |            |

| Key events |   |   |         |
|------------|---|---|---------|
| 17/06/2007 | Legislative proposal published                                  | <a href="#">10972/2007</a>  | Summary |
| 02/09/2008 | Committee referral announced in Parliament                      |   |         |
| 02/12/2008 | Vote in committee   |   | Summary |
| 03/12/2008 | Committee report tabled for plenary, 1st reading/single reading | <a href="#">A6-0468/2008</a>  |         |
| 13/01/2009 | Results of vote in Parliament                                   |  |         |
| 13/01/2009 | Decision by Parliament  | <a href="#">T6-0001/2009</a>  | Summary |
| 02/12/2009 | Additional information  |   | Summary |
| 07/03/2011 | Act adopted by Council after consultation of Parliament         |   |         |
| 07/03/2011 | End of procedure in Parliament                                  |   |         |
| 09/11/2011 | Final act published in Official Journal                         |   |         |

| Technical information |                                  |
|-----------------------|----------------------------------|
| Procedure reference   | 2007/0111(NLE)                   |
| Procedure type        | NLE - Non-legislative enactments |
| Procedure subtype     | Consent by Parliament            |

|                            |   |
|----------------------------|---|
| Legislative instrument     | Decision  |
|                            | See also <a href="#">2016/0343(NLE)</a>   |
| Legal basis                | Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 100-p2 |
| Stage reached in procedure | Procedure completed   |
| Committee dossier          | TRAN/6/65375  |

### Documentation gateway

|   |                              |            |     |         |
|---|------------------------------|------------|-----|---------|
| Legislative proposal  | <a href="#">10972/2007</a>   | 18/06/2007 | CSL | Summary |
| Committee draft report  | <a href="#">PE412.334</a>    | 13/10/2008 | EP  |         |
| Committee report tabled for plenary, 1st reading/single reading | <a href="#">A6-0468/2008</a> | 03/12/2008 | EP  |         |
| Text adopted by Parliament, 1st reading/single reading          | <a href="#">T6-0001/2009</a> | 13/01/2009 | EP  | Summary |

### Additional information

|                      |                      |
|----------------------|----------------------|
| National parliaments | <a href="#">IPEX</a> |
|----------------------|----------------------|

### Final act

|   |
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| <a href="#">Decision 2011/719</a><br><a href="#">OJ L 291 09.11.2011, p. 0001</a> Summary |
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## EC/USA agreement: cooperation in the regulation of civil aviation safety

**PURPOSE:** to sign an Agreement between the European Community and the United States of America on cooperation in the regulation of civil aviation safety.

**PROPOSED ACT:** Council Decision.

**CONTENT:** on 24 November 2003, the Commission requested the authorisation from the Council to conduct negotiations with the United States of America on the reciprocal acceptance of certification findings in the field of civil aviation safety and environmental compatibility. The Council granted that authorisation on 9 March 2004 and instructed the Commission to carry out these negotiations in accordance with a set of negotiating directives and appointed a special committee to assist it in this task.

The authorisation granted to the Commission envisaged an agreement on the reciprocal acceptance of findings focusing mainly on two aspects:

- I. 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;
- II. 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.

In order to achieve these objectives the negotiating directives identified the following means:

- to approximate progressively the requirements and regulatory processes of both parties;
- to build confidence in the certification systems of both parties so as to permit all Member States' competent authorities to execute on behalf of the US competent authority, the Federal Aviation Administration (FAA), in a reasonable time frame, the tasks they have to execute for the implementation of the Regulation (EC) N° 1592/2002;
- to allow any party to be satisfied that bodies involved in the regulatory process of the other party, are able to conduct in a satisfactory way conformity assessments and regulatory oversight as necessary to issue its own approvals;
- to enhance cooperation by providing for regular consultations between the parties to ensure that the agreement operates satisfactorily in particular by introducing the appropriate co-operation mechanisms to verify on a reciprocal basis the continued fitness and ability of the regulatory bodies involved in the implementation of the agreement;
- to set up a system of continual monitoring of the functioning of the agreement and in particular of the implementation procedures,

which are integral part thereof, and to allow for the agreement to be efficiently managed by a joint committee composed of representatives of both parties, entrusted to find and propose solutions timely to any problem raising from the implementation of the agreement.

## EC/USA agreement: cooperation in the regulation of civil aviation safety

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The Committee on Transport and Tourism adopted a report drafted by Paolo COSTA (EPP-ED, PT) and approved the proposal for a Council decision on the conclusion of an Agreement between the European Community and the United States of America on cooperation in the regulation of civil aviation safety.

## EC/USA agreement: cooperation in the regulation of civil aviation safety

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The European Parliament adopted by 421 votes to 4 with 24 abstentions, a legislative resolution approving, under the consultation procedure, the proposal for a Council decision on the conclusion of an Agreement between the European Community and the United States of America on cooperation in the regulation of civil aviation safety.

The report had been tabled for consideration in plenary by Paolo COSTA (EPP-ED, PT) on behalf of the Committee on Transport and Tourism.

## EC/USA agreement: cooperation in the regulation of civil aviation safety

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The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Decision on the conclusion of an Agreement between the European Community and the United States of America on cooperation in the regulation of civil aviation safety, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.80(2), Art. 133(4), Art.300(2) first para, (3) first para, and (4). ? became Art 100(2), Art.207(4) first para, Art 218 (6)(a) and (7) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an interinstitutional non-legislative procedure (NLE).

## EC/USA agreement: cooperation in the regulation of civil aviation safety

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**PURPOSE:** to conclude an agreement between the European Community and the United States of America regarding cooperation in the regulation of civil aviation safety.

**NON LEGISLATIVE ACT:** Council Decision 2011/719/EU concerning the conclusion of the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety.

**BACKGROUND:** the Commission has negotiated on behalf of the Union an Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety, in accordance with the Council Decision authorising the Commission to open negotiations.

The Agreement was signed on 30 June 2008 on behalf of the Union subject to its possible conclusion at a later date.

It is now appropriate to approve the Agreement on behalf of the EU.

**CONTENT:** this Decision approves the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety is hereby approved on behalf of the Union.

The Agreement relates mainly to the reciprocal acceptance of findings on:

- 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;

- 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 are 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.

In order to achieve these objectives, the Agreement:

- will approximate progressively the requirements and regulatory processes of both parties;
- will build confidence in the certification systems of both parties so as to permit all Member States' competent authorities to execute on behalf of the US competent authority, the Federal Aviation Administration (FAA), in a reasonable time frame, the tasks they have to execute for the implementation of the Regulation (EC) N° 1592/2002;
- will allow any party to be satisfied that bodies involved in the regulatory process of the other party, are able to conduct in a satisfactory way conformity assessments and regulatory oversight as necessary to issue its own approvals;
- will enhance cooperation by providing for regular consultations between the parties to ensure that the agreement operates satisfactorily in particular by introducing the appropriate co-operation mechanisms to verify on a reciprocal basis the continued fitness and ability of the regulatory bodies involved in the implementation of the agreement;
- will set up a system of continual monitoring of the functioning of the agreement and in particular of the implementation procedures, which are integral part thereof, and to allow for the agreement to be efficiently managed by a joint committee composed of representatives of both parties, entrusted to find and propose solutions timely to any problem raising from the implementation of the agreement.

The Agreement also sets out:

- 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 principle that Member States should take the necessary measures in order to ensure that their bilateral agreements with the United States on the same subject are either amended or terminated, as appropriate, as of the date of entry into force of the Agreement.

ENTRY INTO FORCE: the Decision enters into force on 07/03/2011.