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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 7 December 2000 (14.12)
(OR. fr)**

14392/00

CONFIDENTIEL

AVIATION 53

REPORT

from :	Working Party on Aviation
to :	COREPER
Subject :	Negotiations with the United States in the field of air transport - Draft Council conclusions

1. At the Council meeting in December 1999, Ms DE PALACIO, Vice-President of the Commission, stated when presenting her report on the outcome of the Chicago conference organised by the American authorities that Mr SLATER, US Secretary of Transportation, had reacted favourably to the idea of creating a Transatlantic Common Aviation Area (TCAA).

At its meeting on 26 June 2000, the Council was informed by the Commission of the meetings with managers from the United States administration on the advisability of creating a Transatlantic Common Aviation Area (TCAA).

On that occasion, the Council expressed satisfaction with the progress of the work done at technical level on a possible brief for negotiations with the United States. However, the Council noted the need for further work to allow it to take a political decision.

The Council asked the Permanent Representatives Committee to do the necessary preparatory work so that a decision could be taken at the December Council meeting.

2. It should be pointed out that on 19 October 2000 the Working Party on Aviation held a hearing of the parties concerned (the European associations representing the airlines ¹ and aviation professional associations ²). At that hearing, favourable signals were given concerning the idea of creating a TCAA. When hearing the trade union organisations, the Working Party on Aviation noted that the involvement of professionals in the implementation of the TCAA at the appropriate moment was desirable.
3. Several meetings of the Working Party on Aviation were held recently, and at the meeting on 28 November 2000 draft conclusions drawn up by the Presidency on the subject were examined on the basis of working document 2000/123 REV 1.

Broad agreement was noted on the principle of such draft conclusions, with the exception of the Irish delegation which made a point of reaffirming its firm opposition to the very concept of a TCAA and therefore to the document submitted. All the delegations wanted the usual consensus to be sought on the text, in order to give the United States a strong political signal.

At a more specific level, two delegations (ES and UK) stood by their previous positions concerning the negotiations planned for creating the TCAA.

The outcome of the discussions on the text of the draft Council conclusions is given in the Annex. Delegations' positions are set out in footnotes.

¹ Association of European Airlines (AEA).

² European Transport Workers' Federation (ETF)
European Cockpit Association (ECA).

DRAFT COUNCIL CONCLUSIONS ¹

on the negotiations initiated with the United States
in the field of air transport

December 2000

The Council:

RECOGNISES that the development of the air transport system should facilitate trade, benefit consumers and support economic growth;

CONSIDERS that the Common Aviation Area which has been set up within the European Community over the last few decades provides an appropriate framework for the development of air transport and notes that other European countries will join the Common Aviation Area in the near future;

CONFIRMS the objective of establishing a Transatlantic Common Aviation Area encompassing the European Community and United States based on the same general principles in accordance with which both American and European Community air carriers would be able freely to establish themselves, provide their services on the basis of commercial principles and compete on a fair and equal basis under equivalent or harmonised regulatory conditions;

[STRESSES that a Transatlantic Common Aviation Area should go beyond full liberalisation of traffic rights and include common provisions on a complex set of issues such as competition, leasing, ownership and control of undertakings and relevant institutional arrangements, and considers that this approach could provide a model for the European Community's relations with other countries in the field of air transport on a multilateral basis;] ²

¹ General reservation by the Irish delegation which maintains its opposition to the creation of the TCAA.

² Scrutiny reservation by the Spanish delegation.

NOTES that the European parties concerned welcome the creation of the TCAA;

RECOGNISES the social and economic dimension of the changes considered and the need to proceed in consultation with the economic and social partners during forthcoming developments;

[EXPRESSES its satisfaction with the work done during this and previous Presidencies with a view to preparing a brief for negotiations to that end;]¹

RECOGNISES that such negotiations must take into account specific situations faced by Member States;

[RECOGNISES that, until the entry into force of the TCAA agreement, Member States will be able to enter into bilateral negotiations and conclude bilateral agreements with the United States including on issues covered by a brief concerning the creation of the TCAA;]²

STRESSES the need to overcome political obstacles such as the legal proceedings before the European Court of Justice on bilateral agreements concluded between some Member States and the United States, with a view to establishing the mutual confidence required for conducting such negotiations with the United States;

CALLS ON the Commission to pursue, in association with all the parties concerned, the ongoing dialogue with the United States authorities;

[CALLS ON Coreper to continue the necessary work for finalising a brief with a view to its adoption as soon as the political situation allows.]³

¹ Scrutiny reservation by the Spanish delegation.

² Commission reservation.

³ Reservation by the Commission which would like the inclusion of a precise deadline for adopting a brief.