

**Seventh Meeting of the EU-U.S. Joint Committee
Record of Meeting**

1. The seventh meeting of the EU-U.S. Joint Committee took place in Paris on 19 May 2010. The lists of participants are at Attachment 1. The approved agenda is at Attachment 2.
2. Both delegations welcomed that the procedures on both sides are on track for signature of the Protocol (hereinafter "the Protocol") to Amend the U.S.-EU Air Transport Agreement (hereinafter "the Agreement") on 24 June.
3. Both delegations concurred that a Working Group should start technical work as soon as possible after signature of the Protocol to develop proposals regarding: (1) the conditions and procedures for the accession by Iceland and Norway to the Agreement as amended by the Protocol, (2) criteria for determining, in the context of third-country airline ownership and control waivers, whether countries have established a record of cooperation in air services relations, and (3) on mechanisms for determining the countries for the operation of 7th freedom passenger-combination services. Both delegations expect the Working Group to report to the next meeting of the Joint Committee. The most recent U.S. proposals on third-country airline ownership and control waivers and 7th freedom passenger-combination services tabled during the second-stage negotiations are at Attachment 3.
4. The U.S. delegation confirmed that expanded opportunities in the area of government-funded transportation will take effect immediately upon signature of the Protocol, that no additional regulatory action is required, and that the U.S. General Services Administration will make information about the new opportunities available on its website. EU carriers may contact the Office of Aviation Negotiations at the U.S. Department of State if they encounter difficulties with implementation.
5. In response to EU concerns about the provision on "actual control" in the FAA Reauthorization Act, as passed by the U.S. House of Representatives, the U.S. delegation indicated that if the provision were to be enacted it would not present a legal impediment to fully applying the Agreement as amended by the Protocol.
6. The EU delegation expressed concern about the process by which the U.S. Transportation Security Administration (TSA) communicates and implements emergency amendments to required security procedures. The Joint Committee noted that the Transportation Security Coordination Group (TSCG) is to meet 7-9 June 2010, encouraged the TSCG to discuss how this process could be improved, and requested a report on progress at the next meeting of the Joint Committee. Security experts from both delegations agreed to discuss developing a more effective mechanism with regard to requests for extra measures at the upcoming meeting of the TSCG. The U.S. Delegation noted the status of the U.S.-EU Passenger Name Record (PNR) Agreement currently before the European Parliament for consent, underscoring the importance of PNR data for the security of all international travellers and the legal certainty the agreement affords the airline industry. The U.S. delegation reported that TSA anticipates further progress at the TSCG on one-stop security, particularly on staff screening, and that TSA is developing a proposal intended to make inspections of foreign repair stations more accurate and less intrusive.

7. The EU delegation reiterated its concerns about full implementation of the Electronic System of Travel Authorization (ESTA), noting European aviation industry estimates that compliance by European travelers is currently approximately 90%. The U.S. delegation stated that it would welcome suggestions from the European Union with regard to efforts to inform passengers and improve the compliance rate. The U.S. delegation explained that the Department of Homeland Security (DHS) is preparing to initiate rulemaking procedures related to the \$10 fee established by the Travel Promotion Act and the fee to recover the cost of administering the ESTA program authorized by previous legislation. In response, the EU delegation underlined these fees could discourage tourism rather than promote it.

8. The Joint Committee welcomed the exemption of U.S.-originating duty-free liquids from confiscation at EU transfer point and continuing cooperative efforts toward reciprocal treatment of EU-originating duty-free liquids at U.S. airports. TSA expressed its expectation that it will soon identify a pilot airport in the U.S..

9. Both delegations exchanged views about developments and initiatives in the area of consumer protection.

10. The Joint Committee is looking forward to a report in the next meeting of the Joint Committee on the cooperation between the U.S. Department of Transport and the European Commission's Directorate-General for Competition under Annex 2 of the Agreement.


11. The U.S. delegation noted that the United States and all EU Member States are parties to the 1999 Montreal Convention, and expressed the view that universal adoption of the Convention would provide significant benefits to the travelling and shipping public as well as greater certainty to the airline industry as to what rules govern their liability. The U.S. delegation stated that the United States intends to table at the upcoming meeting of the ICAO General Assembly a working paper proposing that that the Assembly urge all Contracting States which have not done so to ratify the Convention and invited the EU and its Member States to join in the effort. The EU delegation reported that its aviation agreements with neighbouring countries encourage these countries to become Parties.

12. The Joint Committee expressed appreciation to the Directorate-General for Civil Aviation of France for the use of its facilities for this meeting.

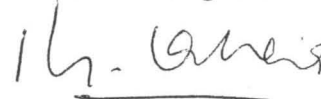
13. The delegations expect to hold the next meeting of the Joint Committee after the ICAO Assembly in October/November 2010 in Washington, D.C.

Signed in Luxembourg on 24 June 2010

For the U.S. Delegation:


John Byerly

For the EU Delegation:


Daniel Calleja

EU-US Joint Committee
Paris, 19 May 2010

EU Delegation

European Commission:

Mr Daniel Calleja, DG MOVE, Director for Air Transport
Mr Carlos Mestre, DG MOVE, Chief Negotiator Air Transport Agreements
Mr Mark Nicklas, DG MOVE, Policy Officer Internal Market & Air Transport Agreements
Mr Rad Olszewski, DG MOVE, Policy Officer Aviation Security
Mr Marc Skreikes, DG MOVE, Policy Officer Passenger Rights
Mr Tomas Abadia Vicente, DG RELEX, Desk Officer Relations with the United States

EU Member States:

Ms Eugenia Lloréns Beltrán de Heredia, Spain, Ministry of Public Works
Ms Ana Belén de Castro Reyero, Spain, Directorate General of Civil Aviation
Mr Krasimir Naydenov, Bulgaria, Civil Aviation Administration
Mr Matti Tupamäki, Finland, Civil Aviation Authority
Mr François Theoleyre, France, Directorate-General of Civil Aviation
Mr Olivier Meynot, France, Directorate-General of Civil Aviation
Ms Mareike Bartkowski, Germany, Federal Ministry of Transport, Building and Federal Affairs
Ms Maria Teresa Lioi, Italy, ENAC
Mr Hans de Jong, The Netherlands, Ministry of Transport
Ms Ana Cristina Pais, Portugal, INAC
Mr Anders Gradin, Civil Aviation Department, Swedish Transport Agency
Mr Francis Morgan, Aviation Directorate, Department for Transport, UK
Mr Tim Figures, Transport Security Directorate, Department for Transport, UK

Observers:

Mr Pierre Chauvin, Norway, Ministry of Transport and Communications
Mr Fabio Gamba, Association of European Airlines
Mr Gérard Borel, ACI Europe
Mr Steve Guynan, European Cargo Alliance
Mr Ignacio Plaza, European Cockpit Association
Mr François Ballester, European Transport Workers' Federation

**Lists of Participants
U.S.-EU Joint Committee
Paris 19 May, 2010**

U.S. Delegation

Department of State

Mr. John Byerly, Deputy Assistant Secretary, Transportation Affairs
Ms. Megan Walklet-Tighe, Office of Transportation Policy
Mr. Matthew Finston, Office of Aviation Negotiations
Ms. Jennifer Mergy, U.S. Embassy Paris

Department of Transportation

Mr. Paul Gretch, Director, Office of International Aviation
Mr. John Kiser, Chief, Pricing and Multilateral Affairs
Mr. Christopher T. "Kip" Tourtellot, Attorney Advisor, Office of International Law

Federal Aviation Administration

Mr. Steve Creamer, Regional Director, Europe, Africa and the Middle East
Ms. Tricia Stacey, Senior FAA Representative, Paris, France
Mr. Christopher Barks, Senior FAA Representative – Brussels, Belgium

Department of Homeland Security

Ms. Jackie Bednarz, Attaché, USEU

Department of Homeland Security Transportation Security Administration

Mr. John Halinski, Assistant Administrator, Office of Global Strategies
Ms. Anne Marie Pellerin, TSA Representative to France, Switzerland, Netherlands,
Luxembourg, and Denmark
Mr. Rick Kolodner, TSA Representative to the EU and Belgium

Industry Associations

Mr. Russ Bailey, Air Line Pilots Association
Ms. Cecilia Bethke, Air Transport Association
Mr. K. Dean Hubbard, Jr., Transport Workers Union of America

EU-U.S. Joint Committee
Paris, 19 May 2010

Agenda

- Adoption of Agenda
- Update on Second-Stage Agreement: approval process in the U.S. and EU; preparations for implementation
- Regulatory Cooperation
 - Aviation Security
 - Post 25 December security requirements
 - Extra measures / “Equivalency” of security measures
 - Cargo Security
 - Foreign Repair Stations
 - LAGS
 - PNR Agreement
 - Competition
 - Update on cooperation under Annex 2
 - House Bill on Airline Alliance Revenue Sharing Agreements
 - Air Traffic Flow Management and consideration of new slot rules in EU
 - Consumer Protection
 - ECJ Judgment on DBC – question of possible new legislation to address
 - ECJ Judgment on “long delays = cancellation” – status of evaluation in EU
 - Commission consultation on passenger rights
 - DOT update on U.S. initiatives
 - FAA Reauthorization Legislation – update from U.S.
 - ESTA/Travel Promotion Act – update from U.S.
 - UK Radio Spectrum Initiative – EU-wide consideration
 - Commission consultation on Groundhandling
 - Volcanic-ash ramifications
- Other Issues
 - Accession of third states to the 1999 Montreal Convention (accident liability)
 - AOB
 - Adoption of Record of Meeting
 - Next Meeting

U.S. proposal
3/25/10
Distributed 10:40 am

3(b) Airlines of the United States shall have the right to provide scheduled passenger combination services between points in the European Union and its Member States and five (5) countries, to be selected by the United States from the following list, without serving a point in the territory of the United States: Canada, the Bahamas, Brazil, India, the Republic of Korea, Mexico, Qatar, Singapore, Thailand, and the United Arab Emirates. The Joint Committee may amend the list by written decision.

4(a) Airlines of the European Union shall have the right to provide scheduled passenger combination services between points in the United States and five (5) countries, to be selected by the European Union and its Member States from the following list, without serving a point in the territory of the European Union and its Member States: Ethiopia, Ghana, India, Indonesia, Jordan, the Republic of Korea, Malaysia, Morocco, Qatar, Singapore, Switzerland, Thailand, Turkey, and the United Arab Emirates¹. The Joint Committee may amend the list by written decision.

¹John Byerly offered to add Senegal during the plenary discussion.

Nationality Clause Waiver List
Proposed September 2008

- | | | |
|------------------------------|-----------------------------|-----------------|
| 1. Albania | 23. Guatemala | 45. Oman |
| 2. Aruba | 24. Honduras | 46. Pakistan |
| 3. Australia | 25. Iceland | 47. Panama |
| 4. Bahrain | 26. India | 48. Paraguay |
| 5. Benin | 27. Indonesia | 49. Peru |
| 6. Bosnia and
Herzegovina | 28. Jamaica | 50. Qatar |
| 7. Brunei | 29. Jordan | 51. Rwanda |
| 8. Burkina Faso | 30. Kenya | 52. Samoa |
| 9. Cameroon | 31. Korea | 53. Senegal |
| 10. Canada | 32. Kuwait | 54. Singapore |
| 11. Cape Verde | 33. Liberia | 55. Sri Lanka |
| 12. Chad | 34. Madagascar | 56. Switzerland |
| 13. Chile | 35. Malaysia | 57. Taiwan |
| 14. Cook Islands | 36. Maldives | 58. Tanzania |
| 15. Costa Rica | 37. Mali | 59. Thailand |
| 16. Croatia | 38. Morocco | 60. Tonga |
| 17. El Salvador | 39. Namibia | 61. Turkey |
| 18. Ethiopia | 40. Netherlands
Antilles | 62. U.A.E. |
| 19. Gabon | 41. New Zealand | 63. Uganda |
| 20. Gambia | 42. Nicaragua | 64. Uruguay |
| 21. Georgia | 43. Nigeria | 65. Uzbekistan |
| 22. Ghana | 44. Norway | |

The United States is prepared to add:

Armenia

Laos

Zambia

Upon implementation of Open Skies agreements, the United States would be prepared to add:

Israel

Japan