

Dear Ms Lucas,

Thank you for your e-mail of 20 February. I too shared your surprise when I saw the article to which you refer in the Guardian newspaper, not least because it is factually incorrect in a number of important respects.

I shall address some of the more important errors which appear in the article, but before doing so, I should like to assure you that in negotiating the draft EU/US air transport agreement the Commission's took care to ensure that nothing in the agreement would undermine the ability of the EU to move ahead with measures to address aviation's growing impact on the environment. This of course includes those measures that are currently being studied in relation to the EU emissions trading scheme following the Commission's Communication on Reducing the Climate Change Impact of Aviation. The negotiations with the US are now complete, and I am pleased to say that the Commission has succeeded in its aim. In particular, there is nothing in the draft agreement that would preclude the EU from taking measures in order to address its environmental concerns.

You refer to the specific suggestion made in the Guardian's article that EU Member States would be required by Article 14 of the draft agreement "to reach agreement with each other and with the US before taking measures to tackle noise or pollution from airlines". This is incorrect. Neither Article 14, nor any other provision of the draft agreement, would have this effect. Article 14 opens with an innovation in aviation agreements – an explicit recognition of the importance of protecting the environment when developing and implementing international aviation policy. It goes on to lay down some general principles relating to the establishment of environmental measures. It does not place either Party under any obligation to agree with the other in advance of taking such measures, although it does make provision for both sides to discuss and consider such measures and the effects they might have.

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The Guardian article also states that "Britain could lose its ability to impose environmental taxes, restrictions and safeguards on airlines under a draft treaty between the EU and US which curtails the power of national governments". This is not only incorrect, but is the opposite of the actual situation. The text of the draft agreement would not curtail the existing powers of national governments in relation to environmental matters. On the contrary, the current situation restricts the powers of national governments in at least one area. Today, as you are no doubt aware, Member States, including the United Kingdom, are prohibited by the terms of their existing bilateral air services agreements with the United States from imposing tax on aviation fuel supplied to US airlines in the EU. The draft EU/US air transport agreement would, for the first time and under certain conditions, recognise this possibility for EU Member States in respect of routes within the EU.

The press article also raises the possibility that a fee might be levied on every airline ticket, but then states that "The proposed treaty would make any such levy impossible without transatlantic agreement". Once again, this is incorrect. The draft agreement would not prevent such a levy, and indeed such levies on tickets are already possible today, as demonstrated for example by the UK's Air Passenger Duty and the levy that is soon to be introduced in France to fund development assistance.

I might add that the Commission also took the additional precaution of including in the Memorandum of Consultations that accompanies the draft agreement the following statement: "The two delegations emphasized that nothing in the Agreement affects in any way their respective legal and policy positions on various aviation-related environmental issues".

So, as you can see, the article in the Guardian was rather ill-informed. My spokesman contacted the newspaper in order to clarify these points. I understand your concerns, of course, because I know you share my view that it is frustrating when inaccurate press reports appear on matters of such importance. I hope you find this letter helpful in clarifying the position.

Yours sincerely,



Jacques BARROT