

Civil aviation security

2005/0191(COD) - 11/03/2008 - Final act

PURPOSE: to establish common rules on civil aviation safety.

LEGISLATIVE ACT: Regulation (EC) No 300/2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002.

CONTENT: the Council adopted by qualified majority a regulation on common rules in the field of civil aviation security, in accordance with a joint text on which agreement was reached with the European Parliament under the conciliation procedure. (Please see the preceding summary.)

In the light of experience gained, the Regulation seeks to replace Regulation 2320/2002, which was adopted in the wake of the terrorist attacks of 11 September 2001 and has been in force since January 2003.

In order to protect persons and goods within the EU from acts of unlawful interference, which jeopardise the security of civil aviation, the Regulation sets common rules and common basic standards on aviation security and mechanisms for monitoring compliance. With the aim of enhancing security, it clarifies, simplifies and further harmonises the existing rules. It also provides the basis for a common interpretation of Annex 17 to the 1944 Chicago Convention on International Civil Aviation.

The common basic standards laid down in the Regulation concern in particular: airport security, aircraft security, passengers and cabin baggage, hold baggage, cargo and mail, in-flight and airport supplies, in-flight security measures, staff recruitment and training and categories of articles that may be prohibited.

In addition, the Regulation sets rules for situations where a third country wishes to apply security measures to flights from Community airports different from those laid down by Community legislation.

The Regulation will apply to all airports serving civil aviation located in the territory of a Member State, to all operators, including air carriers, providing services at such airports and to all entities applying aviation security standards providing goods and/or services to or through such airports.

It allows Member States to apply stricter national measures than those contained in the existing Regulation. Given the gravity of the various security threats and the fast-changing circumstances surrounding these threats, Member States should have a sufficient margin of manoeuvre to impose any additional or special measures they judge necessary.

On security costs, the Regulation states that each Member State may determine in which circumstances, and the extent to which, the costs of security measures taken under the Regulation to protect civil aviation against acts of unlawful interference should be borne by the State, the airport entities, air carriers, other responsible agencies, or users. Member States may contribute with users to the costs of more stringent security measures taken under the Regulation. As far as may be practicable, any charges or transfers of security costs shall be directly related to the costs of providing the security services concerned and shall be designed to recover no more than the relevant costs involved.

ENTRY INTO FORCE: 29/04/2008.