EU/International Civil Aviation Organisation (ICAO) Memorandum of Cooperation: security audits/inspections and related matters

2008/0111(NLE) - 05/06/2008 - Legislative proposal

PURPOSE: to sign a provisional application of a Memorandum of Understanding between the International Civil Aviation Organisation and the Community on security audits/inspections and related matters.

PROPOSED ACT: Council Decision.

BACKGROUND: currently two sets of security audits are carried out in the EU. Since 2002 the International Civil Aviation Organisation (ICAO) has been monitoring the application of Annex 17 to the Chicago Convention alongside the Commission (on the basis of Regulation (EC) No 2320/2002), which conducts security inspections in order to monitor the application by the Member States of this Regulation. Given that Annex 17 of the Chicago Convention and Regulation (EC) No 2320/2002 contain, to a large extent, similar standards, the Member States are confronted with two compliance monitoring systems with the same objective and – broadly – the same scope. In order to make better use of limited resources the ICAO audits in the Community should be reduced.

CONTENT: the purpose of this proposal, therefore, is to sign a provisional application of a Memorandum of Understanding between the ICAO and the Community on security audits/inspections and related matters.

In accordance with the mandate given to the Commission to open negotiations with the ICAO, the draft MoC seeks to significantly reduce individual audits by the ICAO in the Member States. To that end the ICAO will assess the European Commission aviation security inspection system, including national authorities' inspection reports together with data received from the Member States, the inspection methodology and any follow-up audits.

In order to guarantee the correct handling of EU classified information, the ICAO is bound to comply with Commission Decision 2001/844/EC, ECSC, Euratom. The Commission is authorised to verify, *in situ*, which protection measures have been put in place by the ICAO. Although the proposal will have no impact on the Community budget, it nevertheless seeks to reduce significantly the number of individual audits in the Member States, at national and at airport level in order to avoid a duplication of work and to allow for a better use of limited resources. Both the Member States and the aviation industry will, as result, benefit from this MoC.