

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 13/06/2003 - Council position

To recall, the text of the Commission proposal was greatly inspired by that of the common position which was reached by the Council in the framework of an earlier legislative procedure on the same subject that could eventually not be finalised because of the Gibraltar issue. Given this context, the Council could from the outset agree to several elements of the Commission proposal. On a few points, however, the Council decided to modify the text of this proposal, generally in order to make it simpler, clearer and easier to understand. The modifications often resulted from amendments presented by the European Parliament. Overall, the Council is of the opinion that the text of its common position is appropriate and balanced. With respect to the amendments proposed by the European Parliament in first reading, the Council observes that a large majority of these amendments have been integrated - to the letter or in spirit, partially or in full - in the common position. The Council holds therefore that the text of its common position ensures by and large that the aim sought by the amendments of Parliament is achieved. The main modifications operated by the Council are the following: - Article 1 (objective) and Article 2 (scope) have been merged in one single Article 1 (Scope and objective). The Council reinforced the provision according to which the Directive is without prejudice to the Member States' right to carry out inspections not covered by this Directive and to ground, ban, or impose conditions on any aircraft landing at its airports in accordance with Community and international law (Article 1(2)). This modification allows Member States, in accordance with Community and international law, to continue to carry out safety checks regarding Community aircraft, without extending the scope of the Directive to such aircraft, which would encounter legal problems; - Article 4 (ramp inspection): a new paragraph allows Member States to establish rules in order to carry out ramp inspections in accordance with a spot-check procedure in the absence of any particular suspicion, provided that such rules comply with Community and international law, and provided that the spot-check procedure is carried out in a non-discriminatory way. This paragraph was inserted further to an amendment of the European Parliament, which was much welcomed by the Council; - Article 6 (protection and dissemination of information): - the first paragraph of Article 6 was brought in line with the text of Article 8 (1) of the Directive of the European Parliament and of the Council on occurrence reporting in civil aviation (2000/0343 COD), as it has been agreed on 9 April 2003 by the Conciliation Committee. The Member States have presented a statement for entering into the minutes of the Council meeting: the Member States agree that when exchanging information in application of Article 5, the Member State providing the information shall indicate to what extent the confidentiality of such information is protected under the rules of its national law. The member States receiving the information shall ensure that this information shall be given the same protection of confidentiality; - the second paragraph was changed so that, instead of the Member States publishing half yearly information to the public, it is now for the Commission to publish yearly an aggregated information report available to the public containing an analysis of the information received; - the third paragraph, in which reference is made to Regulation 1049/2001/EC of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, is again largely inspired by the Directive on occurrence reporting in civil aviation, see Article 7(2) thereof. - Article 7 (Grounding of aircraft): the text of this Article was revised to better comply with international practice in this field; - Article 9 (Imposition of ban or conditions on operation): the Council decided to modify this Article in the sense that the Commission will have the possibility to issue a recommendation to the other Member States to extend a measure taken by one Member State against an operator or operators of a third country to the airports located in their respective territories. In the view of the Council, this modification is needed in order to assure a balanced division of responsibilities between the Commission and the Member States with respect to safety matters; - Article 11 (Implementation): the delay for implementation of the Directive has been extended from 2 years to 3 years. As regards the amendments of Parliament, the Council endeavoured to incorporate them to the greatest extent possible.

However, in various cases it was impossible to integrate an amendment literally and to the full, because the relevant texts had been substantially modified or had even been deleted.