

Air transport: common rules for civil aviation security

2001/0234(COD) - 12/06/2002 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted, at second reading, 32 amendments to the Council common position. These amendments relate mainly to the part of the proposal that had been revisited by the Council when adopting its common position. Of those 32 amendments, the Commission can accept 12, and a further four in principle but subject to redrafting. The remaining 16 amendments were considered to be unacceptable. As regards the amendments accepted by the Commission, these refer to those which: - seek either to strengthen rules on aviation security, or to improve the text of the Regulation without changing its substance: - require that all staff should be screened systematically when entering security areas (100% screening). The Commission agrees that staff should be subject to the same levels of security screening as passengers, and not inferior levels. - suggest that the content of the section dealing with searching and checking aircraft should be fully described in the heading. - aim at removing a restriction introduced by the Council common position regarding the security of parked aircraft. - constitute various editorial improvements to the annex when dealing with screening of passengers and protection of hold baggage. - ensure that risk assessment is undertaken by suitable responsible authorities. - ensure that the specified obligations of the regulated agents in charge of security controls for cargo, courier and express parcels shall be defined by the appropriate authority. - improve security of air carrier mail and materials. - points out that section 9 does not deal with cleaning materials. - change the wording regarding metal detection equipment. The amendments acceptable in principle subject to redrafting concern those which: - state that requiring unannounced airport inspection is acceptable in principle. It is intended that airports should not know in advance of inspections. But it is also the wish of the Commission that airports should be inspected with the knowledge and cooperation of the national regulatory authorities in the same way that the Competition or Agriculture services of the Commission undertake inspections. As a consequence, the following drafting is suggested: "Inspections at airports shall be unannounced. The Commission shall in good time before scheduled inspections inform the Member States concerned of the inspections. - require the overall responsibility of the Member States for the surveillance of all terminal areas accessible to the public, for controlling access to public areas which are closed to aircraft movement areas and for perimeter fence and adjacent areas to security restricted areas are acceptable in principle, as Member States authorities are already fully responsible for overall functioning of aviation security measures. The aim of the annex is not to outline the individual responsibilities for execution of the various security measures, but to identify security measures that should be undertaken by the Member States. The amendments not accepted by the Commission concern those which: - seek either to dilute the regulation or to broaden its scope. - raise the issue of financing of additional security measures. The Commission understands the political objective of these amendments and recalls that in its Communication of 10 October 2001 on the economic impact of terrorist attacks, it stated it would be ready to consider positively public financing for the compensation of additional security measures, which are clearly a concern of airports and air carriers. However, as indicated by the Commission in its communication of 30.01.2002 concerning the common position of the Council, these provisions are not directly related to the objective of improving aviation security. Therefore this Regulation should be restricted to establishing the commitments of the Member States as opposed to possible rules on funding of such measures. Furthermore, even if it were possible to adopt rules in this Regulation concerning additional funding, it would not negate the overlying EU rules on state aid which would still apply to the financing of aviation security. The Commission is ready to look at the funding issue from a broader perspective. This could include the need for more harmonisation in the area of financing expenditure for aviation security, avoiding distortion of competition and, if necessary, after carrying out detailed studies, it could bring forward a legislative proposal. But, such action should be stand-alone and not a part of this Regulation. An inter-institutional declaration could identify the objectives of this work. - refer to the recommendations of the European Civil Aviation Conference (ECAC) Document 30, there is the risk that the Community

refers to a document which could be amended without its consent. - would conflict with the implementing legislation that will result from this Regulation and address this issue. Moreover, the reference to ECAC is superfluous, as it has no mandate to draft legislation. - indicate an entry into force on 31 December 2003.