

Civil aviation security

2005/0191(COD) - 11/12/2006 - Council position

The Council's common position, adopted by unanimity, does not undermine the essential objectives and the underlying approach of the Commission's proposal. Two specific issues have arisen in the Council which are worth mentioning:

1. The application of new comitology rules: coherence had to be made with the newly adopted rules laid down in Council Decision 2006/512/EC of 17 July 2006 amending Decision 1999/468/EC that gives the European Parliament greater powers of scrutiny over autonomous acts adopted by comitology. In the view of the Council, the regulatory procedure with scrutiny laid down in Article 5a of Decision 1999/468/EC should apply to both Article 4(3) setting the criteria to allow Member States to derogate from the common basic standards for small airports / small aircraft and Article 9(2) establishing the specifications for the national quality control programme of Member States. The Commission shares the view of the Council on this.

2. The deletion of the provision on the examination by the Commission of more stringent measures applied by Member States: in Article 5(2) of the Commission proposal, the Commission proposed that it should be in the position to examine whether more stringent measures applied by a Member State are indeed based on a risk assessment and are relevant, objective, non-discriminatory and proportional to the risk that is being addressed. Where this would not be the case, the Commission after consulting the Committee –and ultimately the Council– should be in the position to decide that the Member State concerned is not allowed to continue to apply these more stringent measures. This provision was deleted by the Council which the Commission resisted through a statement.

Intensive contacts have taken place between the three institutions in order to facilitate an early agreement in second reading on this file. However, this could not be achieved primarily because of the issue of financing of security for which the European Parliament had introduced in first reading several amendments seeking to commit Member States to pay at least some of the costs of aviation security.

Lastly, the Council believes that its common position is appropriate and balanced. It reflects the aims behind the majority of the Parliament's amendments. It would like to underline the great effort which has gone into securing early agreement on this Regulation and trusts that the common position will allow for early adoption of the legislation in due course.