

Civil aviation security

2005/0191(COD) - 12/12/2006 - Commission communication on Council's position

The Commission considers that the Council's common position does not contradict the essential objectives and the underlying approach of its proposal, and can therefore support it.

Five statements have been included in the Annex :

- **More stringent measures applied by Member States:** the Commission does not consider it appropriate to amend its proposal until the European Parliament has delivered its opinion on the change of Article 5(2) and (3) in the common position when compared to the Commission's original proposal, particularly as regards the provisions on implementation of the committee procedure as regards the examination of and authorisation for the application of stricter measures by the Member States';

- **Security measures required by third countries:** in deciding whether or not to act on its own initiative under Article 6(2), the Commission will take into account whether the request concerns specifically the notifying Member State or has been or is likely to be addressed also to other Member States;

- **Entry into force:** during the period running from the date of entry into force of this Regulation until the date of application of Article 11, the Commission will interpret and construe Article 5(4) of Regulation 2320/2002/EC in the light of Article 11 of this Regulation;

- **Cargo and mail:** the Commission recognises that mail is a specific form of cargo and, therefore, should have specific security controls. Such controls should be proportionate to the degree of risk and should also seek not to adversely prejudice both the commercial and public service obligations in the mail sector.

The precise requirements for security controls for mail will be laid down in implementing legislation, but the Commission recognises the wish of the postal sector for stable rules. Consequently, the Commission intends that the implementing legislation will be based on the existing EC security requirements for mail and will, in particular, initially maintain the specific rules for mail which is to be carried on all-mail flights.

Furthermore, the Commission intends that the draft implementing rules for mail will be brought forward prior to the repealing of Regulation 2320/2002/EC and its implementing acts, with the aim of ensuring that there is continuity by having the repealed acts immediately replaced.

- **In flight security measures:** in relation to paragraphs 3 and 4 of Chapter 10 as contained in the common position, the Commission wishes to clarify that it neither seeks to oblige Member States to accept the carriage of weapons on flights, nor seeks to prohibit them. The Commission recognises that the decision as to when weapons will be carried on board aircraft for potential use by State officials is a matter for each Member State to decide upon.'