

# Civil aviation security

2005/0191(COD) - 25/04/2007 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Paolo **COSTA** (ALDE, IT) modifying the Council's common position. It followed the opinion of its Transport Committee and reinstated many of the amendments adopted by Parliament at 1st reading (see summary dated 02/05/2006), which had not been taken up by the Council. These covered such issues as the objectives of the regulation, definitions, the costs and funding of the proposed security measures, reporting requirements and the role of the European Aviation Safety Agency. The key amendments were as follows:

- the amendments on costs state that Member States and users shall share the costs of the application of the common basic standards for tackling acts of unlawful interference. In order to avoid any distortion of competition between Member States and between airports, air carriers and other entities concerned within the Community as well as between Member States and third countries, the Commission must submit a proposal to introduce uniform arrangements for financing these security measures;
- the detailed measures for the implementation of the common basic standards shall expire six months after their entry into force. The detailed measures may be maintained in accordance with the comitology procedure applicable, but only after a thorough re-evaluation of the security risks and a thorough evaluation of the costs and operational impact associated with those measures. Each of the detailed measures and procedures for the implementation of the common basic standards shall be laid down on the basis of a risk and impact assessment. The assessment shall include the estimated costs;
- Member States shall inform the Commission of those measures, the financial and other costs of which, upon implementation of the measure, are disproportionate to the added security, if any, which the measure establishes. In such instances the Commission shall allow Member States to derogate from the common basic standards in accordance with the regulatory procedure with scrutiny;
- Member States may apply more stringent standards than the common basic standards. The Commission may examine them and, after consulting the Committee, may decide whether the Member State is allowed to continue to apply the measures, and will communicate its decision to the Council and the Member States. Within one month of the decision being communicated by the Commission, a Member State may refer the decision to the Council. The Council, acting by qualified majority, may, within a period of three months, take a different decision. Member States shall meet the costs of applying more stringent measures;
- where airport or on-board security costs are included in the price of an air ticket, those costs shall be shown separately on the ticket or otherwise indicated to the passenger;
- security taxes and charges, whether levied by Member States or by air carriers or entities shall be transparent, shall be used exclusively to meet airport or on-board aircraft security costs and shall not exceed the costs of applying the common basic standards;
- the Commission shall cooperate with the International Civil Aviation Organization (ICAO) in fields falling within the scope of this Regulation. To facilitate such cooperation, the Commission is authorised to conclude agreements with the ICAO for the purpose of exchanging information and mutual support in connection with audits and inspections. The Commission shall negotiate those agreements with the assistance of the Committee;
- every year the Commission shall present a report to the European Parliament, the Council, the Member States and the national parliaments, informing them of the application of the Regulation and its impact on

improving air security, as well as of any weaknesses or shortcomings brought to light by the Commission's checks and inspections;

- the Commission shall establish a Stakeholders' Advisory Group on Aviation Security, composed of European representative organisations engaged in, or directly affected by, aviation security. The role of this group shall be solely to advise the Commission;

- every year the Commission shall draw conclusions from the inspection reports and publish, in accordance with Regulation (EC) No 1049/2001 regarding public access to documents, a report on the implementation of the Regulation and on the situation in the Community as far as aviation security is concerned;

- lastly, agreements recognising that the security standards applied in a third country are equivalent to Community standards should be included in global aviation agreements between the Community and a third country in accordance with Article 300 of the Treaty in order to advance the goal of "one-stop security" for all flights between the European Union and third countries.