Basic information

2008/0111(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/International Civil Aviation Organisation (ICAO) Memorandum of Cooperation: security audits/inspections and related matters **Subject** 3.20.01.01 Air safety 3.20.15.02 Air transport agreements and cooperation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	COSTA Paolo (ALDE)	23/06/2008

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Education, Youth, Culture and Sport	3013	2010-05-10

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
05/06/2008	Legislative proposal published	COM(2008)0335	Summary
25/09/2008	Committee referral announced in Parliament		
07/10/2008	Vote in committee		Summary
08/10/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0374/2008	
21/10/2008	Decision by Parliament	T6-0479/2008	Summary
21/10/2008	Results of vote in Parliament		

02/12/2009	Additional information		Summary
10/05/2010	Act adopted by Council after consultation of Parliament		
10/05/2010	End of procedure in Parliament		
17/05/2010	Formal reconsultation of Parliament		
28/05/2010	Final act published in Official Journal		

Technical information

Procedure reference	2008/0111(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/63878

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE412.273	19/09/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0374/2008	08/10/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0479/2008	21/10/2008	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	11475/2008	14/07/2008	
Supplementary legislative basic document	08490/2010	27/04/2010	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0335	05/06/2008	Summary

Additional information

Source	Document	Date

Final act

Decision 2010/0302
OJ L 129 28.05.2010, p. 0068

Summary

EU/International Civil Aviation Organisation (ICAO) Memorandum of Cooperation: security audits/inspections and related matters

2008/0111(NLE) - 10/05/2010 - Final act

PURPOSE: to formally conclude, on behalf of the European Union, the Memorandum of Cooperation (MoC) between the European Community and the International Civil Aviation Organization regarding security audits/inspections and related matters.

LEGISLATIVE ACT: Decision No 458/2010/EU of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 by removing funding for certain Community actions and altering the limit for funding such actions.

CONTENT: on 30 November 2007, the Council adopted the Commission recommendation to authorise the Commission to open negotiations on an agreement regarding aviation security audits / inspections and related matters between the European Community and the International Civil Aviation Organization (ICAO).

On behalf of the Union, the Commission has negotiated a Memorandum of Cooperation (MoC) with the ICAO regarding security audits/inspections and related matters.

The MoC was signed on 17 September 2008 on behalf of the Community subject to its possible conclusion at a later date, in conformity with Decision 2009/97/EC of the Council of 24 July 2008 on the signing and provisional application of a Memorandum of Cooperation between the International Civil Aviation Organisation and the European Community regarding security audits/ inspections and related matters.

By this Decision, the Memorandum of Cooperation (MoC) between the European Community and the International Civil Aviation Organisation regarding security audits/inspections and related matters is hereby approved on behalf of the Union.

EU/International Civil Aviation Organisation (ICAO) Memorandum of Cooperation: security audits/inspections and related matters

2008/0111(NLE) - 05/06/2008 - Legislative proposal

PURPOSE: to sign a provisional application of a Memorandum of Understanding between the International Civil Aviation Organisation and the Community on security audits/inspections and related matters.

PROPOSED ACT: Council Decision.

BACKGROUND: currently two sets of security audits are carried out in the EU. Since 2002 the International Civil Aviation Organisation (ICAO) has been monitoring the application of Annex 17 to the Chicago Convention alongside the Commission (on the basis of Regulation (EC) No 2320/2002), which conducts security inspections in order to monitor the application by the Member States of this Regulation. Given that Annex 17 of the Chicago Convention and Regulation (EC) No 2320/2002 contain, to a large extent, similar standards, the Member States are confronted with two compliance monitoring systems with the same objective and – broadly – the same scope. In order to make better use of limited resources the ICAO audits in the Community should be reduced.

CONTENT: the purpose of this proposal, therefore, is to sign a provisional application of a Memorandum of Understanding between the ICAO and the Community on security audits/inspections and related matters.

In accordance with the mandate given to the Commission to open negotiations with the ICAO, the draft MoC seeks to significantly reduce individual audits by the ICAO in the Member States. To that end the ICAO will assess the European Commission aviation security inspection system, including national authorities' inspection reports together with data received from the Member States, the inspection methodology and any follow-up audits.

In order to guarantee the correct handling of EU classified information, the ICAO is bound to comply with Commission Decision 2001/844/EC, ECSC, Euratom. The Commission is authorised to verify, *in situ*, which protection measures have been put in place by the ICAO. Although the proposal will have no impact on the Community budget, it nevertheless seeks to reduce significantly the number of individual audits in the Member States, at national and at airport level in order to avoid a duplication of work and to allow for a better use of limited resources. Both the Member States and the aviation industry will, as result, benefit from this MoC.

EU/International Civil Aviation Organisation (ICAO) Memorandum of Cooperation: security audits/inspections and related matters

2008/0111(NLE) - 27/04/2010 - Supplementary legislative basic document

PURPOSE: to formally conclude, on behalf of the European Union, the Memorandum of Cooperation (MoC) between the European Community and the International Civil Aviation Organization regarding security audits/inspections and related matters.

PROPOSED ACT: Council Decision.

LEGAL BASIS: Article 100(2), in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

BACKGROUND: the Council authorised the Commission on 30 November 2007 to open negotiations on an agreement regarding aviation security audits/inspections and related matters between the

European Community and the International Civil Aviation Organization (ICAO).

On behalf of the Union, the Commission negotiated a Memorandum of Cooperation (MoC) which was signed on 17 September 2008 on behalf of the Community subject to its possible conclusion at a later date.

Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union should make a notification to the International Civil Aviation Organization (ICAO) as regards the European Union having replaced and succeeded the European Community. It is necessary to take account of this modification in the framework of the MoC.

CONTENT: by this proposed decision, the MoC between the European Community and the International Civil Aviation Organization regarding security audits/inspections and related matters is hereby approved on behalf of the Union.

It aims to formally notify that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to ‘the European Community’ in the text of the Agreement are, where appropriate, to be read as the European Union.

EU/International Civil Aviation Organisation (ICAO) Memorandum of Cooperation: security audits/inspections and related matters

2008/0111(NLE) - 21/10/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 648 votes in favour to 6 against with 15 abstentions, a legislative resolution under the consultation procedure, approving the conclusion of a Memorandum of Cooperation between the International Civil Aviation Organisation and the European Community regarding security audits/inspections and related matters. The report had been tabled for consideration in plenary by Paolo **COSTA** (ALDE, IT), on behalf of the Committee on Transport and Tourism.