



EUROPEAN PARLIAMENT

2009 – 2014

---

*Committee on Transport and Tourism*

---

**2009/0063(COD)**

4.2.2010

# **AMENDMENTS**

## **36 – 80**

**Draft report**

**Jörg Leichtfried**

(PE430.895v01-00)

on aviation security charges

Proposal for a directive

(COM(2009)0217 – C7-0038/2009 – 2009/0063(COD))

AM\803475EN.doc

PE438.433v01-00

**EN**

*United in diversity*

**EN**



**Amendment 36**  
**Gabriele Albertini**

**Proposal for a directive**  
**Citation 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to Article 23 (1) of Regulation 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community.***

Or. en

*Justification*

*Airlines are already required by Art. 23 (1) of Regulation 1008 to publish separately taxes, airport charges and other charges, surcharges and fees (such as those related to security or fuel) as long as these elements are added to the fare (such as those related to security or fuel) as long as these elements are added to the fare. That means that in all cases where they are included in the fare, the breakdown is not required and this for very logical reasons: it would be impossible to split on a passenger basis any operational costs incurred for a flight. This is clearly the case for most security charges (except of course for these which are already payable per passenger, as in the IATA list of taxes).*

**Amendment 37**  
**Eva Lichtenberger, Michael Cramer, Isabelle Durant**

**Proposal for a directive**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) State financing of aviation security should respect fair competition between all modes of transport. Disadvantages in the framework of financing security for more sustainable modes, such as rail, should be stopped and/or avoided.***

Or. en

## Amendment 38

Eva Lichtenberger, Michael Cramer, Isabelle Durant

### Proposal for a directive

#### Recital 2

*Text proposed by the Commission*

2 The collection of charges with respect to the provision of air navigation services and groundhandling services has already been addressed by Commission Regulation (EC) No 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services and Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports, respectively.

*Amendment*

2. The collection of charges with respect to the provision of air navigation services and groundhandling services has already been addressed by Commission Regulation (EC) No 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services and Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports, respectively. ***Increasing investments for installing new security screening and scanning machines at airports should not lead to saving money in the field of personnel and watering down health, education and social standards for the personnel concerned within the framework of liberalised security services. The Commission should therefore propose additional guarantees in favour of security personnel at airports, when reviewing the abovementioned ground handling legislation.***

Or. en

## Amendment 39

Spyros Danellis

### Proposal for a directive

#### Recital 3

*Text proposed by the Commission*

3. It is vital for airport users to obtain from the airport managing body, ***on a regular basis***, information on how and on what basis aviation security charges are calculated. This information will provide

*Amendment*

3. It is vital for airport users to obtain from the airport managing body information on how and on what basis aviation security charges are calculated. This information will provide air carriers with an insight into

air carriers with an insight into the costs incurred by providing security services and the productivity of related investments. To allow an airport managing body to properly assess the requirements with regard to its future investments, the airport users should be required to share all their operational forecasts, developments projects and specific demands and wishes with the airport managing body on a timely basis.

the costs incurred by providing security services and the productivity of related investments. To allow an airport managing body to properly assess the requirements with regard to its future investments, the airport users should be required to share all their operational forecasts, developments projects and specific demands and wishes with the airport managing body on a timely basis.

Or. en

**Amendment 40**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

4. As the methods for establishing and levying the amounts due for the coverage of security costs differ across the Community, the harmonisation of the basis for charging security costs at Community airports where the costs of security are reflected in the security charges is necessary. At these airports the charge should be related to the cost for providing security, taking into account any public financing of security costs.

*Amendment*

4. As the methods for establishing and levying the amounts due for the coverage of security costs differ across the Community, the harmonisation of the basis for charging security costs at Community airports **and airport networks** where the costs of security are reflected in the security charges is necessary. At these airports **and airport networks** the charge should be related to the cost for providing security, taking into account any public financing of security costs.

Or. en

**Amendment 41**  
**Ramon Tremosa i Balcells**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

4. As the methods for establishing and levying the amounts due for the coverage of security costs differ across the Community, the harmonisation of the basis for charging security costs at Community airports where the costs of security are reflected in the security charges is necessary. At these airports the charge should be related to the cost for providing security, taking into account any public *financing* of security costs.

*Amendment*

4. As the methods for *funding or* establishing and levying the amounts due for the coverage of security costs differ across the Community, the harmonisation of the basis for charging security costs at Community airports where the costs of security are reflected in the security charges is necessary. At these airports the charge should be related to the cost for providing security, taking into account any public *financing* of security costs, *with a view to avoiding any profit and to providing suitable and cost-effective security services and facilities at the airports concerned.*

Or. en

*Justification*

*Security charges at European airports should be related to the cost for the provision of the services and avoid any profit for the entity entrusted with the levying and/or collecting of security charges. Cost-effectiveness quantifies the cost per unit of output of services, including an assessment of unit cost for staff and operations.*

*Such amendment would align the Directive on aviation security charges with the Directive 2009/12/EC on airport charges to ensure consistency and easy application of the rules.*

**Amendment 42**  
**Inés Ayala Sender, Magdalena Alvarez**

**Proposal for a directive**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*(6a) In order to promote territorial cohesion, Member States should have the possibility to apply a common charging*

*system to cover an airport network.  
Economic transfers between airports in  
such networks should comply with  
European Union law.*

Or. es

*Justification*

*Consistency with Directive 2009/12/EC on airport charges.*

**Amendment 43**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Directive sets common principles for the levying of security charges at Community airports.

*Amendment*

1. This Directive sets common principles for the levying of security charges at Community airports *and airport networks*.

Or. en

**Amendment 44**  
**Christine De Veyrac**

**Proposal for a directive**  
**Article 1 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty.

*Amendment*

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty *in the case of passengers on commercial flights*.

Or. fr

*Justification*

*It is not appropriate for the directive to apply to general aviation and military transport.*

**Amendment 45**  
**Ville Itälä**

**Proposal for a directive**  
**Article 1 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty.

*Amendment*

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty **and open to commercial traffic whose annual traffic is over one million passenger movements.**

Or. en

*Justification*

*In order to avoid disproportionate administrative burden on small aerodromes, these aerodromes should be excluded from the scope of the draft Directive on aviation security charges. The scope of the Directive on airport charges (2009/12) should also be taken into account. Therefore, it is necessary to introduce a threshold to the first subparagraph of paragraph 2 of Article 1 of the draft Directive. A reference to commercial traffic is not sufficient alone, because for example aerodromes used mainly for recreational and sport aviation to which there are random taxi flights are aerodromes open to commercial traffic.*

**Amendment 46**  
**Dieter-Lebrecht Koch**

**Proposal for a directive**  
**Article 1 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty.

*Amendment*

2. This Directive applies to any airport **open to commercial traffic and** located in a territory subject to the provisions of the Treaty **whose annual traffic is over five million passenger movements, and to the airport with the most passenger movements in each Member State.**

Or. de

*Justification*

*Under Directive 2009/12/EC on airport charges all regional airports with fewer than 5*



*million passengers a year are excluded from its scope, in order to reduce the administrative burden on small airfields.*

**Amendment 47**

**Werner Kuhn**

**Proposal for a directive**

**Article 1 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. This Directive ***applies*** to any airport located in a territory subject to ***the provisions of*** the Treaty.

*Amendment*

2. This Directive ***shall apply*** to any airport located in a territory subject to the Treaty ***and open to commercial traffic whose annual traffic is over five million passenger movements and to the airport with the highest passenger movement in each Member State.***

Or. en

*Justification*

*Alignment with the EU Airport Charges Directive 2009/12.*

**Amendment 48**

**Marian-Jean Marinescu**

**Proposal for a directive**

**Article 1 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty.

*Amendment*

2. This Directive applies to any airport, ***airport network and airports organised into networks*** located in a territory subject to the provisions of the Treaty, ***and open to commercial traffic.***

Or. en

## Amendment 49

Inés Ayala Sender, Magdalena Alvarez

### Proposal for a directive

#### Article 1 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. This Directive applies to **any airport** located in a territory subject to the provisions of the Treaty.

*Amendment*

2. This Directive applies to **all airports** located in a territory subject to the provisions of the Treaty **and open to commercial traffic whose annual traffic is over five million passenger movements, and to the airport with the highest passenger movement in each Member State.**

Or. es

## Amendment 50

Ismail Ertug

### Proposal for a directive

#### Article 1 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. This Directive applies to **any airport** located in a territory subject to the provisions of the Treaty.

*Amendment*

2. This Directive applies to **airports** located in a territory **which is** subject to the provisions of the Treaty **if they are open to commercial traffic and their annual traffic is over five million passenger movements, and to the airport with the highest passenger movement in each Member State.**

Or. de

#### *Justification*

*The draft directive does not concern security requirements at airports (which must be equally stringent at all airports), but the determination of flight safety charges. So it is important to ensure consistency with the EU Directive on airport charges. Introducing a consultation process for small regional airports would impose a heavy administrative burden on them.*

**Amendment 51**

**Inés Ayala Sender, Magdalena Alvarez**

**Proposal for a directive**

**Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall publish a list of the airports on their territory to which this Directive applies. This list shall be based on data from the Commission (Eurostat) and shall be updated annually.***

Or. es

*Justification*

*Consistency with Directive 2009/12/EC on airport charges.*

**Amendment 52**

**Marian-Jean Marinescu**

**Proposal for a directive**

**Article 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) ‘airport managing body’ means a body which, whether or not in conjunction with other activities, has as its objective under national laws or regulations the administration and management of the airport infrastructures and the coordination and control of the activities of the different operators present in the airports concerned;

(b) ‘airport managing body’ means a body which, whether or not in conjunction with other activities, has as its objective under national laws or regulations the administration and management of the airport ***and airport network*** infrastructures and the coordination and control of the activities of the different operators present in the airports ***and airport networks*** concerned;

Or. en

## Amendment 53

Inés Ayala Sender, Magdalena Alvarez

### Proposal for a directive

#### Article 2 – point b

*Text proposed by the Commission*

(b) ‘airport managing body’ means a body which, whether or not in conjunction with other activities, has as its objective under ***national*** laws ***or*** regulations the administration and management of the airport infrastructures and the coordination and control of the activities of the different operators present in the airports concerned;

*Amendment*

(b) ‘airport managing body’ means a body which, whether or not in conjunction with other activities, has as its objective under laws, regulations ***or contracts*** the administration and management of the airport infrastructures ***and airport networks*** and the coordination and control of the activities of the different operators present in the airports ***or airport network*** concerned;

Or. es

*Justification*

*Consistency with Directive 2009/12/EC on airport charges.*

## Amendment 54

Marian-Jean Marinescu

### Proposal for a directive

#### Article 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) "airport network" means a number of airports in a Member State serving the same city or conurbation that are operated by an airport managing body designated by the competent national authority.***

Or. en

**Amendment 55**  
**Markus Ferber**

**Proposal for a directive**  
**Article 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) "competent body" means an airport managing body and/or any other body or authority responsible for the application and/or the setting of the level and the structure of aviation security charges at Community airports.***

Or. en

*Justification*

*The Member States have different procedures in place for the provision of aviation security measures. Depending on each national context, it can be the public authorities, the airport managing body and the airlines – or a combination of those, which are responsible for aviation security.*

**Amendment 56**  
**Spyros Danellis**

**Proposal for a directive**  
**Article 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) ‘security charge’ means a levy which is specifically designed to recover all or part of the cost of security measures intended to protect civil aviation against acts of unlawful interference.

(d) ‘security charge’ means a levy which is specifically designed to recover all or part of the cost of security measures intended to protect civil aviation against acts of unlawful interference. ***This cost of aviation security may include the costs incurred for ensuring the application of Regulation (EC) No 300/2008 or for fulfilling the related regulatory and supervisory costs by the appropriate authority.***

Or. en

**Amendment 57**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 3a**

***Airport network***

***Member States shall allow the airport managing body of an airport network to introduce a common and transparent charging system for security charges to cover the airport network.***

Or. en

**Amendment 58**  
**Artur Zasada**

**Proposal for a directive**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall ensure that ***at each airport*** a compulsory ***and regular*** procedure for consultation between the ***airport managing*** body and airport users is established with respect to the operation of the system of security charges and the level of such charges. ***That*** consultation shall take place at least once a year.

2. Member States shall ensure that a compulsory procedure for ***regular*** consultation between the ***competent*** body and airport users ***or the representatives or associations of airport users*** is established with respect to the operation of the system of security charges and the level of such charges. ***Such*** consultation shall take place at least once a year, ***unless agreed otherwise in the latest consultation.*** ***Where a multi-annual agreement between the competent body and the airport users exists, the consultations shall take place as provided for in such an agreement.*** ***Member States shall retain the right to request more frequent consultations.***

Or. en

## *Justification*

*The airlines are already required by Art. 23 (1) of Regulation 1008 to publish separately taxes, airport charges and other charges, surcharges and fees (such as those related to security or fuel) as long as these elements are added to the fare. There is no necessary to inform the associations of air passengers of highly sensitive and confidential information.*

### **Amendment 59**

**Dieter-Lebrecht Koch**

#### **Proposal for a directive**

#### **Article 4 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that **at each airport** a compulsory **and regular** procedure for consultation between the **airport managing** body and airport users is established with respect to the operation of the system of security charges and the level of such charges. **That** consultation shall take place at least once a year.

*Amendment*

2. Member States shall ensure that a compulsory procedure for **regular** consultation between the **competent** body and airport users **or the representatives or associations of airport users** is established with respect to the operation of the system of security charges and the level of such charges. **Such** consultation shall take place at least once a year, **unless agreed otherwise in the last consultation round. If there is a multiannual agreement between the competent body and the airport users, the consultation shall take place as laid down in that agreement. Member States shall, however, retain the right to require more frequent consultation.**

Or. de

### **Amendment 60**

**Werner Kuhn**

#### **Proposal for a directive**

#### **Article 4 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that **at each airport** a compulsory **and regular**

*Amendment*

2. Member States shall ensure that a compulsory **procedure for regular**

*procedure for consultation* between the *airport managing* body and airport users is established with respect to the operation of the system of security charges and the level of such charges. **That** consultation shall take place at least once a year.

*consultation* between the *competent* body and airport users **or the representatives or associations of airport users** is established with respect to the operation of the system of security charges and the level of such charges. **Such** consultation shall take place at least once a year, **unless agreed otherwise in the latest consultation.** **Where a multi-annual agreement between the competent body and the airport users exists, the consultations shall take place as provided for in such an agreement. Member States shall retain the right to request more frequent consultations.**

Or. en

**Amendment 61**  
**Markus Ferber**

**Proposal for a directive**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that **at each airport** a compulsory **and regular procedure for consultation** between the *airport managing* body and airport users is established with respect to the operation of the system of security charges and the level of such charges. **That** consultation shall take place at least once a year.

*Amendment*

2. Member States shall ensure that a compulsory **procedure for regular consultation** between the *competent* body and airport users **or the representatives or associations of airport users** is established with respect to the operation of the system of security charges and the level of such charges. **Such** consultation shall take place at least once a year, **unless agreed otherwise in the latest consultation.** **Where a multi-annual agreement between the competent body and the airport users exists, the consultations shall take place as provided for in such an agreement. Member States shall retain the right to request more frequent consultations.**

Or. en



*Justification*

*It is necessary to ensure consistency with the EU Airport Charges Directive. “Airport users” in the context of the EU Charges Directive are the airlines. The airlines always act in the interest of their customers (the passengers). As security charges include sensitive information, those should not be shared to broadly.*

**Amendment 62**

**Inés Ayala Sender, Magdalena Alvarez**

**Proposal for a directive**

**Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. A modification of the system or the level of airport charges decided upon by the airport managing body shall, if brought before the independent supervisory authority, not take effect until that authority has examined the matter. The independent supervisory authority shall, within four weeks of the matter being brought before it, take an interim decision on the entry into force of the modification of airport charges, unless the final decision can be taken within the same deadline.***

Or. es

*Justification*

*Consistency with Directive 2009/12/EC on airport charges.*

**Amendment 63**

**Gabriele Albertini**

**Proposal for a directive**

**Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) A modification of the system or the level of security charges decided upon by***

*the airport managing body or any other entity entrusted with the levying and/or collecting of security charges shall, if brought before the independent supervisory authority, not take effect until that authority has examined the matter. The independent supervisory authority shall, within four weeks of the matter being brought before it, take an interim decision on the entry into force of the modification of security charges, unless the final decision can be taken within the same deadline.*

Or. en

#### *Justification*

*The Directive on aviation security charges should not be any less ambitious than the Directive 2009/12/EC on airport charges to ensure consistency and easy application of the rules. Airport users shall have the same right to disagree and challenge the level and structure of security charges at airports.*

#### **Amendment 64**

**Artur Zasada**

#### **Proposal for a directive**

#### **Article 5 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Member States shall ensure that the **airport managing** body provides each airport user **and** the representatives or associations of airport users, **once a year**, with information on the components serving as a basis for determining the level of all security charges levied at **the** airport. This information shall at least include:

##### *Amendment*

1. Member States shall ensure that the **competent** body provides each airport user, **or** the representatives or associations of airport users, **every time consultations as referred to in Article 4(2) are to be held**, with information on the components serving as a basis for determining **the structure and** the level of all security charges levied at **each** airport. This information shall at least include:

Or. en

### *Justification*

*This amendments seeks to clarify the arrangements for the provision of information concerning the determination of security costs. Firstly, information should be provided on both the structure and level of the charges. Secondly, all airports should be required to provide that information.*

#### **Amendment 65** **Dieter-Lebrecht Koch**

##### **Proposal for a directive** **Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) forecasts of the level of security charges;

*Amendment*

(e) forecasts of the level of security charges  
***and of proposed investment in security infrastructure;***

Or. de

#### **Amendment 66** **Marian-Jean Marinescu**

##### **Proposal for a directive** **Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) forecasts of the level of security charges;

*Amendment*

(e) forecasts of the level of security charges  
***taking into account proposed investments, traffic growth and more stringent measures due to increased level of security threats;***

Or. en

**Amendment 67**  
**Jeanine Hennis-Plasschaert**

**Proposal for a directive**  
**Article 5 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) security key performance indicators***

Or. en

*Justification*

*Information on security costs and funding should be provided by the entity in charge of levying security charges at each airport to allow for an accurate understanding of the security charges by the airport users. This requirement would be consistent with the ICAO principles, which have been recently reviewed (ICAO Doc 9082/8).*

**Amendment 68**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 6 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

1. Before adopting more stringent measures pursuant to Article 6 of Regulation (EC) No 300/2008, Member States shall undertake an impact assessment with regard to the effects on the level of security charges.

1. Before adopting more stringent measures pursuant to Article 6 of Regulation (EC) No 300/2008, Member States shall undertake an impact assessment with regard to the effects on the level of security charges, ***as well as on the impact on passengers.***

Or. en

**Amendment 69**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 6 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) More stringent measures pursuant to Article 6 of Regulation (EC) No 300/2008 shall not undermine the comfort of passengers and shall not apply to transit passengers except in cases where there is a high level security threat.***

Or. en

**Amendment 70**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 6 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

With regard to more stringent national measures already existing on [the date of entry into force of this Directive], Member States shall undertake impact assessments during a transitional period of **three years** from the date of entry into force of this Directive.

With regard to more stringent national measures already existing on [the date of entry into force of this Directive], Member States shall undertake impact assessments during a transitional period of **one year** from the date of entry into force of this Directive.

Or. en

**Amendment 71**  
**Jeanine Hennis-Plasschaert**

**Proposal for a directive**  
**Article 6 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Before adopting measures pursuant to Article 4 of Regulation (EC) No***

***300/2008, the Commission shall undertake an impact assessment with regard to the effects on the level of security charges. The Commission shall consult the Stakeholders' Advisory Group constituted under Article 17 of Regulation (EC) No 300/2008 about the outcome of this impact assessment.***

Or. en

*Justification*

*The European Commission shall also produce an impact assessment, measuring the operational impact on operators and passengers, before adopting new aviation security measures under comitology rules. The necessity of rules should be very clear. The recent example of the rules on the carriage of liquids in cabin luggage has shown the importance of such assessment and consultation with airport operators and users to select a balanced measure, capable to mitigate the threat and limiting the impact on operations for the benefit of the passengers and the aviation industry.*

**Amendment 72**  
**Artur Zasada**

**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Security charges shall be used exclusively to meet security costs. These costs shall be determined using the principles of accounting and evaluation generally accepted in each of the Member States.

*Amendment*

Security charges shall be used exclusively to meet security costs ***at each airport.*** These costs shall be determined using the principles of accounting and evaluation generally accepted in each of the Member States.

Or. en

**Amendment 73**  
**Jeanine Hennis-Plasschaert**

**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Security charges shall be used exclusively to meet security costs. These costs shall be determined using the principles of accounting and evaluation generally accepted in each of the Member States.

*Amendment*

1. Security charges shall be used exclusively to meet security costs. These costs shall be determined using the principles of accounting and evaluation generally accepted in each of the Member States. ***The total revenue from security charges shall not be higher than the total costs of aviation security for that airport, airport network, or group of airports.***

Or. en

**Amendment 74**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 7 – paragraph 2 – indent 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***– the national and/or international level of security threat;***

Or. en

**Amendment 75**  
**Artur Zasada**

**Proposal for a directive**  
**Article 7 – paragraph 2 – indent 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***– indirect costs, including administrative costs;***

*Justification*

*Indirect costs (in particular administrative costs) need to be taken into account when determining security costs.*

**Amendment 76**  
**Dieter-Lebrecht Koch**

**Proposal for a directive**  
**Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***When the implementation of security measures is transferred by Member States to third parties, airport users must not incur any additional costs in the form of taxes or charges.***

*Justification*

*At EU airports the air safety authority regularly awards the performance of certain security control tasks to private third parties by public tender. These security service providers charge their costs to the air safety authority in addition to the local taxes and charges. Such costs are transferred to the airlines as part of the security charge. In this way the state seeks to gain additional revenue by passing on tasks that should be its own.*

**Amendment 77**  
**Artur Zasada**

**Proposal for a directive**  
**Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The cost base for the calculation of security charges shall not include any costs that would be incurred for more general security functions performed by Member States such as general policing, intelligence gathering and national***



*security.*

Or. en

*Justification*

*It needs to be ensured that, in all airports, security charges are used exclusively to meet security costs.*

**Amendment 78**  
**Ramon Tremosa i Balcells**

**Proposal for a directive**  
**Article 8 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) When undertaking an investigation into the justification for the modification of the system or the level of security charges as set out in Article [...], the independent supervisory authority shall have access to the necessary information from the parties concerned and shall be required to consult the parties concerned in order to reach its decision. Without prejudice to Article [...], it shall issue a final decision as soon as possible, and in any case within four months of the matter being brought before it. This period may be extended by two months in exceptional and duly justified cases. The decisions of the independent supervisory authority shall have binding effect, without prejudice to parliamentary or judicial review, as applicable in the Member States.***

Or. en

*Justification*

*The Directive on aviation security charges should mirror the Directive on airport charges to ensure consistency and easy application of the rules.*

**Amendment 79**  
**Christine De Veyrac**

**Proposal for a directive**  
**Article 8 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. When a Member State applies, in accordance with its national law, a regulatory or legislative procedure to determine and approve the structure or level of security charges at national level, the national authorities responsible for examining the validity of security charges shall perform the tasks of the independent supervisory authority set out in paragraphs 1 to 5.***

Or. fr

*Justification*

*In some Member States (such as Spain and France) security charges are laid down by a regulatory or legislative procedure. In these cases it is the legal authorities responsible for investigating appeals to regulations or laws which should act as the independent supervisory authority and rule on challenges concerning the level or structure of security charges.*

**Amendment 80**  
**Ramon Tremosa i Balcells**

**Proposal for a directive**  
**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The Commission shall submit a report on the funding of aviation security, examining the evolution of aviation security costs and the methods for funding aviation security, no later than two years after entry into force of this Directive.***

Or. en

### *Justification*

*The Commission shall however continue reflecting about the overall funding of aviation security and shall produce a further report with additional proposals within the next two years following adoption of this Directive.*