

# EUROPEAN PARLIAMENT

1999



2004

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*Session document*

FINAL  
**A5-0125/2004**

9 March 2004

## **\*\*\*III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on safety of third countries aircraft using community airports  
(PE-CONS 3616/2004 – C5-0062/2004 – 2002/0014(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Nelly Maes

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

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## PROCEDURAL PAGE

At its sitting of 3 September 2002 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive on safety of third countries aircraft using community airports (COM(2002) 8 – 2002/0014(COD)).

At the sitting of 19 June 2003 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (8478/1/2003 – C5-0278/2003).

At the sitting of 9 October 2003 Parliament adopted amendments to the common position.

By letter of 21 January 2004 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 27 January 2004.

At its meeting of 27 January 2004 the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the latter, it reached agreement on a joint text.

At its meeting of 27 January 2004 the Parliament delegation approved the results of the conciliation by 9 votes to 0 and 1 abstention.

The following took part in the vote: Giorgos Dimitrakopoulos (Vice-President and chairman of the delegation), Nelly Maes (rapporteur), Jacqueline Foster (for Charlotte Cederschiöld), Nirj Deva, Françoise Grossetête, Konstantinos Hatzidakis, Emmanouil Bakopoulos (for Erik Meijer pursuant to Rule 153(2)), Brian Simpson, Ulrich Stockmann and Jan Marinus Wiersma.

On 26 February 2004 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure<sup>1</sup>, and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 9 March 2004.

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<sup>1</sup> OJ C 148, 28.5.1999, p. 1.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the joint text by the Conciliation Committee for a European Parliament and Council directive on safety of third countries aircraft using community airports (PE-CONS 3616/2004 – C5-0062/2004 – 2002/0014(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3616/2004 – C5-0062/2004),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2002) 8)<sup>2</sup>,
  - having regard to its position at second reading<sup>3</sup> on the Council common position<sup>4</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2003) 674 - C5-0537/2003)<sup>5</sup>,
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 83 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A5-0125/2004),
1. Approves the joint text;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> Texts Adopted, 3.9.2002, P5\_TA(2002) 0395.

<sup>2</sup> OJ C 103 (E), 30.4.2002, p. 351.

<sup>3</sup> Texts Adopted, 9.10.2003, P5\_TA(2003) 0422.

<sup>4</sup> OJ C 233 (E), 30.9.2003, p. 12.

<sup>5</sup> Not yet published in OJ.

## EXPLANATORY STATEMENT

### Background

On 14 January 2002 the Commission submitted a proposal for a directive of the European Parliament and the Council on the safety of third countries aircraft using community airports. The purpose of the proposal is to improve air safety in the Community as well as that of its citizens residing near airports by ensuring that third-country aircraft using EU airports comply with the same international safety requirements that apply to Community aircraft.

Following Parliament's first reading on 3 September 2002, the Commission submitted on 26 November 2002 an amended proposal integrating 13 out of 19 Parliament first reading amendments. The Council adopted its common position on 13 June 2003 making a number of modifications to the Commission proposal.

Parliament concluded its second reading on 9 October 2003 adopting a total of 5 amendments to the Council's common position. These dealt in particular with requirements for the yearly aggregated information report, the power of the Commission to extend to the whole Community a ban or restrictions imposed by a Member State on the operation of a specific operator or a third country and the speeding up of the implementation procedures.

The Council concluded its second reading on 21 January 2004 indicating that it could not accept all of Parliament's second reading amendments.

### Conciliation

Parliament constituted its delegation on 19 November, in Strasbourg. Mr Giorgios DIMITRAKOPOULOS, vice-president, Mr Paolo COSTA, chairman of the Transport Committee and Mrs Nelly MAES, rapporteur, were given a mandate to begin negotiations with the Council.

At a first trialogue held on 20 January in Brussels the two institutions reached agreement on the bulk of the issues at stake. With regard to the yearly aggregated information report to be published by the Commission, which concerns the core issue of transparency, Parliament indicated that it could accept Council's compromise proposal, if the latter would agree to delete the words 'where appropriate', thus obliging the Commission to indicate always whether there exists an increased safety risk to air-passengers.

Following a COREPER meeting on 23 January the Council indicated that it could accept this proposal. Parliament's delegation met on 27 January and gave its approval (by 9 votes in favour and 1 abstention) to the overall compromise reached with the Council. The conciliation procedure was then formally opened on the evening of the same day, in the context of the discussion of the 'railways package', and closed without further debate as an A point.

The main elements of the agreement reached in conciliation can be summarised as follows:

#### *Yearly aggregated information report*

The Commission shall publish yearly an aggregated information report containing an analysis of *all* information received in accordance with the various procedures laid down in the directive.

At Parliament's insistence this information shall be made available also to the *industry stakeholders* and shall be *simple and easy to understand*. It shall also indicate whether there exists an increased safety risk to air-travellers.

The latter is a considerable success for Parliament's delegation, which in the aftermath of the tragic accident of 'Air Flash' at Sharm El Sheikh, in which 148 people (mainly French tourists returning home from their Christmas holidays in Egypt) lost their lives, put great emphasis on transparency and passengers' information. With the Commission's backing this provision is expected to result in a 'name and shame' procedure for air carriers, which fail to comply with international safety standards.

*Powers of the Commission with regard to States or operators which do not apply international safety standards*

According to the Council's common position the Commission would have had the power only to *recommend* to the other Member States to extend the security measures, such as the imposition of a ban or conditions on operation, taken by one Member State to the airports located in their territory. Parliament, on the other hand, held the view that the Commission's powers in this field should be reinforced. Its second reading amendment therefore called for the Commission to have the right to extend by itself the security measures taken by one Member State to the whole Community and not just to issue a recommendation.

The compromise agreement reached with the Council on this issue broadly endorses Parliament's view, but foresees that the relevant decision shall be taken on the basis of the regulatory and not the advisory 'comitology' procedure, hereby reinforcing the position of Member States in the decision process.

*Availability of standard and ramp inspection reports*

The Council accepted Parliament's suggestion that all standard reports and ramp inspection reports be also made available, at its request, to the European Aviation Safety Agency (EASA).

*Deadlines for the implementation of the directive*

The Council accepted Parliament's proposal to shorten the deadline for the transposition of the directive by the Member States from three to two years. It also accepted to cut to four from five years after the entry into force of the directive the time by which the Commission shall report on its application.

## **Conclusion**

The outcome of the conciliation can be considered as very satisfactory for Parliament's Delegation as the compromises reached with the Council are very close to both the letter and the spirit of Parliament's second reading amendments.

The Delegation therefore recommends that the House adopt the joint text at third reading.