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*****I**

REPORT

on the proposal for a directive of the European Parliament and of the Council
on aviation security charges
(COM(2009)0217 – C7-0038/2009 – 2009/0063(COD))

Committee on Transport and Tourism

Rapporteur: Jörg Leichtfried

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.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on aviation security charges
(COM(2009)0217 – C7-0038/2009 – 2009/0063(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0217),
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0038/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled "Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures" (COM(2009)0665),
 - having regard to Article 294(3) and Article 100(2) of the Treaty on the Functioning of the EU,
 - having regard to the opinion of the European Economic and Social Committee of 5 November 2009¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0035/2010),
1. Adopts the position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Proposal for a directive Recital 1

Text proposed by the Commission

(1) Aviation security at European airports is essentially a state responsibility. ***Each Member State decides on the methods for financing aviation security.*** It is, ***however,*** necessary to establish a common framework regulating the essential features of security charges and the way they are set, as in the absence of such framework basic requirements in the relationship between airport managing bodies and airport users may not be respected.

Amendment

(1) Aviation security at European airports is essentially a state responsibility. It is necessary to establish a common framework regulating the essential features of security charges and the way they are set, as in the absence of such framework basic requirements in the relationship between bodies setting such charges and airport users may not be respected.

Justification

Necessary adaptation to Article 6.

Amendment 2

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 ***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.

Amendment

(3) It is vital for airport users to obtain from the ***body setting or applying the charges***, on a regular basis, information on how and on what basis aviation security charges are calculated. This information will provide ***airport users*** with an insight into the costs incurred by providing security services ***such as those referred to in Regulation (EC) No 300/2008 of 11 March 2008 on common rules in the field of civil aviation security ¹ and its implementing rules***, the productivity of related investments ***and any grants and subsidies allocated by the authorities for security purposes***. To allow ***the competent body setting or applying the charges*** to properly assess the requirements with

regard to its future investments, airport users should be required to share all their operational forecasts, developments projects and specific demands and wishes with the **competent** body on a timely basis.

¹ OJ L 97, 9.4.2008, p. 72.

Justification

The directive should not focus only on airport managing bodies and therefore a more neutral term as later on defined in Article 2 respects better the different situations in Member States. Air carriers should be replaced with airport users as this is in line with the definition in Article 2. It is important to increase transparency on any financing from public authorities. Linked to Amendment 23.

Amendment 3

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 **funding** 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.**

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 4

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) It is important to establish transparency ***in relation to the economic impact*** of national security measures more stringent than the common basic standards established in accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002.

Amendment

(5) It is important to establish transparency ***with regard to the use*** of national security measures more stringent than the common basic standards established in accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002.

Justification

Linked to Article 6.

Amendment 5

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) An independent supervisory authority ***in every Member State*** should ensure the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise and the financial resources for the performance of its tasks.

Amendment

(6) ***In every Member State in which security charges are levied at airports*** an independent supervisory authority should ensure the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise and the financial resources for the performance of its tasks.

Justification

Linked to Amendment 35 on transposition.

Amendment 6

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Member States should have the possibility of applying a common charging system to cover an airport network or other groups of airports including those serving the same city or conurbation.

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 7

Proposal for a directive Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) When calculating security charges in respect of cost-relatedness, objective criteria should be used as a basis, such as those laid down in the relevant International Civil Aviation Organization documents, which advocate the use of the number of passengers or aircraft maximum take-off weight or a combination of these.

Amendment 8

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

Text proposed by the Commission

Amendment

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

This Directive applies to any airport located in a territory subject to the provisions of the Treaty ***and open to commercial traffic.***

Amendment 9

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 that are operated by an airport managing body designated by the competent national authority.

Amendment 10

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

Text proposed by the Commission

Amendment

(ba) "competent body" means an airport managing body 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;

Justification

Member States have different systems in place for the provision of aviation security measures. Depending on the national context, it can be public authorities, the airport managing body and also the airlines that are responsible for the provision of aviation security.

Amendment 11

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 ***collected by any entity, airport or airport user in different forms*** which is specifically designed to recover the ***costs*** 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.

Justification

Member States have different systems in place for the provision of aviation security measures. Depending on the national context, it can be public authorities, the airport managing body and also the airlines that are responsible for the provision of aviation security. Consequently, the financing of security measures also falls on different actors in the different Member States. Therefore, the definition of 'security charge' in Article 2 must reflect the different responsibilities and types of security charges levied by airports, public authorities and airlines.

Amendment 12

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

Text proposed by the Commission

Amendment

(da) 'aviation security' means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise the security of civil aviation;

Justification

Definition taken from Regulation 300/2008. Necessary definition here in order to focus not only on airports. Linked to Amendments 15 and 26.

Amendment 13

Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Airport network

Member States may allow the competent body of an airport network to introduce a

***common and transparent charging system
for security charges to cover the airport
network.***

Justification

Airport networks have been established by several Member States (e.g. Spain, Portugal, Greece, Sweden, Finland and Norway) within the framework of their national transport policy. Airport networks need to be in a position to apply a common charging system for security charges in order to foster territorial cohesion and limit the remote regions' competitive disadvantage. Therefore, the draft EU Directive on Security Charges should be aligned with Article 4 of the EU Directive on Airport Charges in order to recognise airport networks.

Amendment 14

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

Text proposed by the Commission

Amendment

Article 3b

Common charging systems

***After having informed the Commission
and in accordance with Community law,
Member States may allow the competent
body to apply a common and transparent
charging system at airports serving the
same city or conurbation, provided that
each airport fully complies with the
requirements on transparency set out in
Article 5.***

Justification

It is necessary to ensure consistency with the EU Airport Charges Directive. Airport managing bodies operating airports that serve the same city or conurbation, have often established a common charging system for reasons of traffic distribution. These airport systems must be enabled to apply a common charging system also for security charges. Therefore, the draft EU Directive on Security Charges should be aligned with Article 5 of the EU Directive on Airport Charges in order to recognise airport systems serving the same city or conurbation.

Amendment 15

Proposal for a directive Article 4 – title

Text proposed by the Commission

Amendment

Consultation

Consultation *and remedy*

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 16

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the **airport managing** body has access to all necessary information on the costs of providing aviation security services at the airport.

1. Member States shall ensure that the **competent** body has access to all necessary information on the costs of providing aviation security services at the airport.

Amendment 17

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.*

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 18

**Proposal for a directive
Article 4 – paragraph 3**

Text proposed by the Commission

3. The **airport managing** body shall submit any proposal to modify the system or the level of security charges to the airport users no later than four months before it enters into force, together with the reasons for the proposed changes. The **airport managing** body shall hold consultations on the proposed changes with the airport users and take their views into account before a decision is taken.

Amendment

3. The **competent** body shall submit any proposal to modify the system or the level of security charges to the airport users **or the representatives or associations of airport users** no later than four months before it enters into force, together with the reasons for the proposed changes. The **competent** body shall hold consultations on the proposed changes with the airport users and take their views into account before a decision is taken.

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 19

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

Text proposed by the Commission

4. The **airport managing** body shall publish its decision no later than two months before it enters into force. When no agreement on the proposed changes is reached between the **airport managing**

Amendment

4. The **competent** body shall publish its decision no later than two months before it enters into force. When no agreement on the proposed changes is reached between the **competent** body and the airport users,

body and the airport users, the **airport managing** body shall justify its decision with regard to the airport users.

the **competent** body shall justify its decision with regard to the airport users.

Amendment 20

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

Text proposed by the Commission

Amendment

(4a) Member States shall ensure that in the event of a disagreement over a decision on security charges taken by the competent body, either party may seek the intervention of the independent supervisory authority referred to in Article 8 which shall examine the justifications for the modification of the system or the level of security charges.

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 21

Proposal for a directive Article 4 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

(4b) A Member State may decide not to apply paragraph 4a in relation to changes to the level or the structure of the aviation security charges at those airports for which:

(a) there is a mandatory procedure under national law whereby aviation security charges, or their maximum level, are to be determined or approved by the independent supervisory authority; or

(b) there is a mandatory procedure under national law whereby the independent supervisory authority examines, on a

regular basis or in response to requests from interested parties, whether such airports are subject to effective competition. Whenever the situation so warrants on the basis of such an examination, the Member State shall decide that the aviation security charges, or their maximum level, are to be determined or approved by the independent supervisory authority. This decision shall apply for as long as is necessary on the basis of the examination conducted by that authority.

The procedures, conditions and criteria applied by the Member State for the purposes of this paragraph shall be relevant, objective, non-discriminatory and transparent.

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 22

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:

Justification

This amendment 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 23

Proposal for a directive

Article 5 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the overall cost structure with regard to the facilities and services to which security charges relate;

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 24

Proposal for a directive

Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the revenue **and cost of each category** of security charges **levied at the airport**;

(c) the revenue of **the** security charges **and the total cost of the services covered by them**;

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 25

Proposal for a directive

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) any financing from public authorities of the facilities and services to which security charges relate;

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 26

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 increased levels of security threats;***

Amendment 27

Proposal for a directive

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ensure that airport users submit information to the ***managing*** body before every consultation, as provided for in Article 4, concerning in particular:

Amendment

2. Member States shall ensure that airport users submit information to the ***competent*** body before every consultation, as provided for in Article 4, concerning in particular:

Amendment 28

Proposal for a directive

Article 5 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the amount of the security charge levied by airport users on passengers departing from the airport and information on the components serving as a basis for determining these charges in accordance with points (a) to (f) of paragraph 1.

Justification

Certain security measures as defined in Regulation 2008/300 are taken by air carriers. To increase the transparency of the costs of these measures it is in the interest of the end consumer, i.e. the passenger, so that the cost-relatedness of these surcharges is guaranteed.

Amendment 29

Proposal for a directive – amending act Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Member States shall ensure that information on the amount of security charges levied by the competent body and the airport users is publicly accessible.

Amendment 30

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

Text proposed by the Commission

Amendment

(2a) Subject to national legislation, the information provided on the basis of this Article shall be regarded as confidential or economically sensitive and handled accordingly. In the case of airport managing bodies that are quoted on a stock exchange, stock exchange regulations in particular shall be complied with.

Justification

Alignment with the EU Airport Charges Directive 2009/12.

Amendment 31

Proposal for a directive Article 6 – title

Text proposed by the Commission

Amendment

Impact assessments

More stringent measures

Justification

Amendment linked to the next one. No need for impact assessment, if more stringent and expensive measures are paid by the Member States.

Amendment 32

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

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. 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.***

Amendment

1. ***The additional costs of implementing*** more stringent measures pursuant to Article 6 of Regulation (EC) No 300/2008 ***shall be borne by the Member States.***

Amendment 33

Proposal for a directive Article 6 – paragraph 2

Text proposed by the Commission

2. ***Member States shall inform the Commission and consult airport users in accordance with Article 4 about the outcome of the impact assessments provided for in paragraph 1.***

deleted

Amendment

Justification

Linked to Amendment 29.

Amendment 34

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.

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 35

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

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.

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.***

Amendment 36

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.

Justification

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

Amendment 37

Proposal for a directive
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) In compliance with national law, this Directive shall not prevent the national independent supervisory authority from delegating, under its supervision and full responsibility, the implementation of this Directive to other independent supervisory authorities, provided that implementation takes place in accordance with the same standards.

Justification

In compliance with the principle of subsidiarity, it is essential to have the possibility to delegate the powers of the national supervisory authority to regional authorities in charge of the economic regulation of airports in federal systems. Alignment with the EU Airport Charges Directive 2009/12.

Amendment 38

Proposal for a directive Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall guarantee the independence of the independent supervisory authority by ensuring that it is legally distinct from and functionally independent of any **airport managing** body **and** air carrier. Member States that retain ownership or control of airports, airport managing bodies or air carriers shall ensure effective structural separation of the regulatory function from activities associated with ownership or control. Member States shall ensure that the independent supervisory authority exercises its powers impartially and transparently.

Amendment

2. Member States shall guarantee the independence of the independent supervisory authority by ensuring that it is legally distinct from and functionally independent of any **competent** body **or** air carrier. Member States that retain ownership or control of airports, airport managing bodies or air carriers shall ensure effective structural separation of the regulatory function from activities associated with ownership or control. Member States shall ensure that the independent supervisory authority exercises its powers impartially and transparently.

Amendment 39

Proposal for a directive Article 8 – paragraph 4 – point a

Text proposed by the Commission

(a) establish a procedure for resolving disagreements between the **airport managing** body and the airport users;

Amendment

(a) establish a procedure for resolving disagreements between the **competent** body and the airport users;

Amendment 40

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.

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 41

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.

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.

Amendment 42

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive ***by [...] at the latest***. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive ***before ...****. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

**OJ: Please insert the date 2 years after the entry into force of this Directive.*

Amendment 43

Proposal for a directive

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) In so far as no security charges are levied at any airport in a Member State, and without prejudice to Article 9(2), that Member State shall not be required to comply with paragraphs 1 and 2.

EXPLANATORY STATEMENT

Your rapporteur largely supports the Commission proposal which seeks to establish a number of basic principles to be respected when determining security charges. These are: non-discrimination, consultation and remedy, transparency and cost-relatedness of security charges and establishment of a supervisory authority.

The proposed amendments may be summarised as follows:

1) Financing

Parliament had repeatedly called in vain for the financing of security charges to be regulated, particularly in the negotiations on Regulation (EC) 300/2008 on common rules in the field of civil aviation security and repealing Regulation (EC) 2320/2002 (Costa report) and on Directive 2009/12 on airport charges (Stockmann report).

Parliament called for transparency and for security taxes and charges to be related to their purpose and considered that Member States should cover the costs of imposing stricter measures, in accordance with Article 8 of Regulation (EC) No 300/2008.

As already explained in the working document, the Commission was unwilling or unable to address this issue. It only attempts to restrict costs or at least to make them comprehensible (see Article 6 of the proposal) through a new mandatory economic impact assessment of more stringent national measures. However, your rapporteur proposes that, where these more stringent measures result in additional costs, they should be borne by Member States. In this case no mandatory impact assessment would be necessary, since each Member State would think very hard about whether these measures were necessary, if it was unable to pass the costs on to passengers.

The terrorist incident a few weeks ago has again shown that airport security is the responsibility of States and that the purpose of existing and newly envisaged security measures is to prevent acts of terrorism. However, one point that has not so far been raised in the debate on the matter is the fact that it is ultimately passengers who foot the bill for such measures.

2) Consumer protection and passengers' rights

The Commission proposal sets out basic principles and procedures applicable to the body responsible for security and the airlines. Relations between airport users and passengers are governed by Regulation (EC) 1008/2008. Article 23 on passengers' right to information and non-discrimination contains provisions giving passengers the right to have the actual cost of security shown separately in the final price. But how can passengers be sure that they are paying the actual price agreed between the competent body and the airlines in accordance with Article 4 of this proposal for a directive? And what steps can be taken to ensure that the additional security charges levied by the airlines are transparent?

Your rapporteur takes the view that it will be easier to enforce Article 23 of Regulation (EC) No 1008/2008 with the proposed amendments. On the one hand, it is proposed that passenger and consumer protection organisations should take part in the consultations and thus gain an insight into the pricing of security measures which they can then check against the ticket

price. On the other hand, the amended or new definitions of security charges and aviation security are intended to show that airlines too are taking security measures. Where airlines charge these security measures to passengers as additional costs, this information should be provided under the terms of Article 5 of the proposal for a directive.

3) Scope of the directive

The Commission proposes that the directive should apply to practically all EU airports in line with Regulation (EC) No 300/2008. However, negotiations in the Council working party show that this is a very controversial issue. Some Member States would prefer to see the directive apply only to airports with more than two or five million passengers (in line with the Directive on ground-handling service at airports and airport charges). Your rapporteur would like to point out that the directive must only be implemented in those Member States which levy security charges. Furthermore, it is intended to apply only in airports licensed for commercial traffic (no aviation clubs).

4) Harmonisation of the Commission proposal with Directive 2009/12/EC on airport charges

The Commission proposal draws heavily on the Directive on airport charges. The amendments seek, as far as possible and desirable, to harmonise the two legal texts. Your rapporteur believes that this will not only facilitate transposition into national legislation, but also prevent unnecessary parallel proceedings and administrative costs at the implementation stage.

PROCEDURE

Title	Aviation security charges		
References	COM(2009)0217 – C7-0038/2009 – 2009/0063(COD)		
Date submitted to Parliament	11.5.2009		
Committee responsible Date announced in plenary	TRAN 14.7.2009		
Committee(s) asked for opinion(s) Date announced in plenary	LIBE 14.7.2009		
Not delivering opinions Date of decision	LIBE 3.9.2009		
Rapporteur(s) Date appointed	Jörg Leichtfried 2.9.2009		
Discussed in committee	10.11.2009	27.1.2010	23.2.2010
Date adopted	1.3.2010		
Result of final vote	+: 34 -: 0 0: 5		
Members present for the final vote	Magdalena Alvarez, Margrete Auken, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Marian-Jean Marinescu, Gesine Meissner, Hella Ranner, Vilja Savisaar, Olga Sehnalová, Brian Simpson, Dirk Sterckx, Silvia-Adriana Țicău, Thomas Ulmer, Peter van Dalen, Artur Zasada, Roberts Zile		
Substitute(s) present for the final vote	Frieda Brepoels, Michel Dantin, Derk Jan Eppink, Tanja Fajon, Markus Ferber, Jeanine Hennis-Plasschaert, Gilles Pargneaux, Dominique Riquet, Alfreds Rubiks, Sabine Wils, Janusz Władysław Zemke		