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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and
Council regulation on establishing common rules in the field of civil aviation
security
(15029/4/2001 – C5-0033/2002 – 2001/0234(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Jacqueline Foster

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***. 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). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

At the sitting of 29 November 2001 Parliament adopted its position at first reading on the proposal for a European Parliament and Council regulation on establishing common rules in the field of civil aviation security (COM(2001) 575 - 2001/0234 (COD)).

At the sitting of 6 February 2002 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (15029/4/2001 - C5-0033/2002).

The committee had appointed Jacqueline Foster rapporteur at its meeting of 20 November 2001.

It considered the common position and draft recommendation for second reading at its meetings of 20 February 2002 and 18 April 2002.

At the latter meeting it adopted the draft legislative resolution by 44 votes to 2, with no abstentions.

The following were present for the vote: Luciano Caveri, chairman; Rijk van Dam, Gilles Savary and Helmuth Markov, vice-chairmen; Jacqueline Foster, rapporteur; Emmanouil Bakopoulos, Carlos Bautista Ojeda (for Nelly Maes), Philip Charles Bradbourn, Luigi Cocilovo, Christine de Veyrac, Garrelt Duin, Giovanni Claudio Fava, Francesco Fiori (for Margie Sudre, pursuant to Rule 153(2)), Malcolm Harbour (for Felipe Camisón Asensio, pursuant to Rule 153(2)), Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Markus Ferber (for Rolf Berend), Georg Jarzembowski, Dieter-Lebrecht Koch, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Bill Miller (for Danielle Darras), Francesco Musotto, James Nicholson, Camilo Nogueira Román, Karla M.H. Peijs, Wilhelm Ernst Piecyk, Samuli Pohjamo, Alonso José Puerta, Bernard Poignant, Reinhard Rack, Carlos Ripoll i Martínez Bedoya, José Ignacio Salafranca Sánchez-Neyra (for Giorgio Lisi), Isidoro Sánchez García, Marieke Sanders-ten Holte (for Herman Vermeer), Ingo Schmitt, Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Helena Torres Marques (for Michel J.M. Dary), Ari Vatanen and Mark Francis Watts.

The recommendation for second reading was tabled on 22 April 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council regulation on establishing common rules in the field of civil aviation security (15029/4/2001 – C5-0033/2002 – 2001/0234(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position 15029/4/2001 – C5-0033/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2001) 575²),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0134/2002),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ Texts adopted, 29.11.2001, point 7.

² OJ C 51E, 26.2.2002, p. 221.

Amendment 1
Recital 9 a (new)

(9a) Member States should undertake coordinated action in drawing up a comprehensive policy for financing and guaranteeing the highest possible level of security for air travel.

(Reinstates Amendment 1 at first reading, adopted on 29 November 2001.)

Justification

Member States should be willing to support airports to improve security.

Amendment 2
Recital 9 b (new)

(9b) This will entail creating an audit system to be financed by operational appropriations.

(Reinstates Amendment 2 at first reading, adopted on 29 November 2001.)

Justification

According to Article 19 of the Financial Regulation, administrative expenditure should be financed under part A of the Budget. Operational appropriations are not appropriate to finance an administrative structure.

Amendment 3
Recital 9 c (new)

(9c) A decision by the legislative authority to this effect is without prejudice to budgetary decisions taken in the context of the annual budgetary procedure.

(Reinstates Amendment 3 at first reading, adopted on 29 November 2001.)

Justification

Prior adoption of a legal basis is necessary to authorise the implementation of the appropriations in the Budget. The annual amount is decided within that annual budgetary procedure.

Amendment 4
Recital 9 d (new)

(9d) Effective, uniform application of security measures will entail substantial costs for all operators. If implementation of the provisions of this Regulation is found seriously to jeopardise the survival of airports, the cost of certain additional air security measures could be met in the short term by public authorities. This financial compensation can only be granted on a one-off basis and can not be greater than the level of investment committed pursuant to this Regulation. It is essential that both users of air transport and the air transport sector will in the medium term have to contribute to the ensuing costs. The financing of the cost of certain additional air security measures may not lead to distortion of competition between operators and between airports. It is therefore necessary that Member States adopt, in close cooperation with the Commission, a clear, coordinated approach towards financial compensation.

(Reinstates Amendment 22 at first reading, adopted on 29 November 2001.)

Justification

Amendment 5
Article 4, paragraph 1

1. The common basic standards on aviation security measures are laid down in the Annex.

1. The common basic standards on aviation security measures **are based on the current recommendations of European Civil Aviation Conference (ECAC) Document 30 and** are laid down in the Annex **or annexes as adapted by the Community.**

(Reinstates Amendment 5 at first reading, adopted on 29 November 2001.)

Justification

There needs to be specific recognition of ECAC's continuing role and a much clearer distinction between the ECAC standards and any Community adaptations.

Amendment 6
Article 4, paragraph 3(c)

(c) with commercial activity limited to aircraft with less than 10 tonnes of Maximum Take Off Weight (MTOW) or less than **20** seats,

(c) with commercial activity limited to aircraft with less than 10 tonnes of Maximum Take Off Weight (MTOW) or less than **40** seats,

Justification

Many small airports handle an average of over 2 commercial flights per day, but have an extremely low passenger throughput. These airports are often vital for remote communities, connecting them with larger cities. The compulsory measures would hit small airports especially hard both in terms of cost and operational efficiency. Expanding the category of small airports and allowing them to take equivalent but locally adapted safety measures is important in the light of economic efficiency and regional cohesion.

Amendment 7
Article 5, paragraph 4

4. Each Member State shall ensure that their airports and air carriers providing service from that State establish,

4. Each Member State shall ensure that their airports and air carriers providing service from that State establish,

implement and maintain airport and air carrier security programmes appropriate to meet the requirements of its the national civil aviation security programme. These programmes shall be submitted for approval to and monitored by the appropriate authority.

implement and maintain airport and air carrier security programmes appropriate to meet the requirements of its the national civil aviation security programme **and shall meet an equitable share of the costs of these programmes.** These programmes shall be submitted for approval to and monitored by the appropriate authority.

Justification

Member States should be prepared to meet at least part of the costs incurred in these programmes by operators because ensuring citizens' safety from terrorist attacks is a state responsibility.

Amendment 8 Article 7, paragraph 3

3. The officials mandated by the Commission to conduct inspections in accordance with paragraph 2 shall exercise their powers upon production of an authorisation in writing specifying the subject-matter, the purpose of the inspection and the date on which it is to begin. ***In good time before the inspection, the Commission shall inform the Member State concerned of the inspection and of the identity of the authorised officials.***

The Member State concerned shall submit to such inspections and shall ensure that bodies or persons concerned also submit to those inspections.

3. The officials mandated by the Commission to conduct inspections in accordance with paragraph 2 shall exercise their powers upon production of an authorisation in writing specifying the subject-matter, the purpose of the inspection and the date on which it is to begin. ***Inspections of airports shall be unannounced.***

The Member State concerned shall submit to such inspections and shall ensure that bodies or persons concerned also submit to those inspections.

(Reinstates Amendment 8 at first reading, adopted on 29 November 2001.)

Justification

Inspections must be unannounced if airports are to be inspected in real operating conditions.

Amendment 9
Article 7, paragraph 5 a (new)

5a. Member States shall undertake coordinated action in drawing up a comprehensive policy for financing and guaranteeing the highest possible level of security possible for air travel.

(Reinstates Amendment 10 at first reading, adopted on 29 November 2001)

Justification

The financing of security for air transport currently differs from country to country. The cost is borne by the government in some States, paid for by a special departure tax in other States, and financed directly by air transport operators in others. The security issue demands a harmonised approach in the European Union. Consequently, the cost of implementing all security measures, not just those additional measures recently proposed in Europe, should from now on be covered by national governments.

Amendment 10
Article 7 a (new)

Article 7 a

The European Commission shall submit, within six months of the entry into force of this Regulation, proposals to introduce uniform arrangements in the Member States for the financing of security measures provided for under this Regulation, in order to avoid any distortion of competition between operators and Member States within the Community.

(Reinstates Amendment 19 at first reading, adopted 29 November 2001.)

Justification

The financing of security in the field of air transport differs from country to country in the European Union, with the cost either being borne by the government, paid for by a special departure tax, or financed directly by air transport operators. The security issue demands a harmonised approach within the Union: the introduction of uniform rules based on a security

tax would ensure that small airports are not penalised, which would be the case if an overall tax was introduced at central level, and avoid any distortion of competition between companies in the European Union.

Amendment 11
Article 9 a (new)

Article 9a
The Commission shall develop, along with the ICAO and ECAC, a mechanism to assess whether third country airports meet the essential security requirements.

(Reinstates Amendment 20 (modified) at first reading, adopted 29 November 2001.)

Justification

It is necessary also to assess security of airports in third countries.

Amendment 12
Article 10

Subject to Regulation (EC) No 1049/2001, the Commission shall publish each year a report on the implementation of this Regulation and on the situation in the Community as far as aviation security is concerned, drawing conclusions from the inspection reports.

Subject to Regulation (EC) No 1049/2001, the Commission shall publish each year a report on the implementation of this Regulation and on the situation in the Community as far as aviation security is concerned, drawing conclusions from the inspection reports. ***When presenting the Preliminary Draft Budget, the Commission shall forward to the Budgetary Authority the result of quantitative and qualitative evaluation of the action based on annual programming and performance targets.***

(Reinstates Amendment 13 (last part only) at first reading, adopted on 29 November 2001.)

Justification

Nothing in the report should in any way compromise security at airports. The budgetary authority needs to be informed about the evaluation of this action at a useful stage of the annual procedure.

Amendment by Ari Vatanen

Amendment 13
Article 12

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities, except for the following provisions of the Annex:

- on screening of hold baggage (point 5.2),
- on cargo, courier and express parcels (Part 6), and
- on mail (Part 7),

which shall enter into force on **31 December 2002**.

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities, except for the following provisions of the Annex:

- on screening of hold baggage (point 5.2),
- on cargo, courier and express parcels (Part 6), and
- on mail (Part 7),

which shall enter into force on **31 December 2003**.

Justification

Europe needs to put an effort into implementing sensible air safety improvements, especially after the barbaric terrorist acts in the USA last autumn. However, the worthy goal in itself or political pressure should not obscure the fact that implementation at airports certainly entails huge adjustments. Buying and installing screening devices is not instantaneous because of limited supply. Furthermore, the training of personnel also is a lengthy process. By postponing the entry into force by one year, airports and airlines are given a fair chance to adapt to the new rules.

Amendment by Georg Jarzembowski

Amendment 14
Annex 2.2.2

Surveillance shall be maintained over all terminal areas accessible to the public. Terminals shall be patrolled and passengers and other persons kept under surveillance by security staff.

Surveillance shall be maintained **by the Member States' authorities** over all terminal areas accessible to the public. Terminals shall be patrolled **by the Member States' authorities**, and passengers and other persons kept under surveillance by **the Member States' authorities'** security staff.

Justification

It must be made absolutely clear that these measures in areas where the public has access are general measures to ensure public order and safety, and as such they are the responsibility of the State and not of the airport operators.. As this regulation will be directly applicable, pursuant to Article 249 (2) of the EC Treaty, the authorities' responsibility for the new aviation security measures must be laid down in the regulation.

Amendment by Georg Jarzembowski

Amendment 15
Annex 2.2.3

The means of controlling access to public areas which are close to aircraft movement areas, (spectator terraces, airport hotels and car parks), shall be provided. Other public areas which shall require supervision are, but are not limited to, facilities which are always located landside including patron and other public parking areas, terminal and public access roadways, rental car facilities, taxi and ground transportation staging areas, and any on-airport hotel facilities.

Arrangements shall also be made to ensure that such public areas ***may be closed*** at short notice in the event of an increase in threat. Security staff shall patrol these areas when open to the public.

Means by which the Member States' authorities may control access to public areas which are close to aircraft movement areas, (spectator terraces, airport hotels and car parks), shall be provided. Other public areas which shall require supervision ***by the Member States' authorities*** are, but are not limited to, facilities which are always located landside including patron and other public parking areas, terminal and public access roadways, rental car facilities, taxi and ground transportation staging areas, and any on-airport hotel facilities.

Arrangements shall also be made to ensure that ***the Member States' authorities may close*** such public areas at short notice in the event of an increase in threat. ***The Member States' authorities'*** security staff shall patrol these areas when open to the public.

Justification

The Member States' authorities' responsibility for the new measures must be laid down at the outset, in the provision introducing the measure. This is essential, since only the holder of sovereign authority has the power carry out these measures.

Amendment by Jacqueline Foster

Amendment 16
Annex 2.3 (a)

(a) All staff, including flight crew, together with items carried shall be screened before being allowed access into security restricted areas. ***Where this is not practicable then persons and items shall be subjected to continuous random screening at a frequency indicated by risk assessments conducted by the appropriate authority in each Member State. The random screening shall be extended to all items carried onboard aircraft by any services including cleaning, catering, duty free, and other parties with aircraft access.*** The screening procedure shall ensure that no prohibited article is carried and the methodology shall be the same as for screening passengers and cabin baggage.

(a) All staff, including flight crew, together with items carried shall be screened before being allowed access into security restricted areas. The screening procedure shall ensure that no prohibited article is carried and the methodology shall be the same as for screening passengers and cabin baggage.

Justification

It is irresponsible to allow the very real potential of contamination of screened passengers and baggage by staff who have not been subjected to the same level of security controls at the airport. Passengers are entitled to expect the highest possible level of protection for themselves and their belongings.

Amendment by Georg Jarzembowski

Amendment 17
Annex 2.4 (b)

(b) Technical and maintenance areas shall be protected by fencing, guards, patrols and access to these areas controlled by means of airport identification cards and vehicle passes. Similar measures shall be taken to protect the perimeter and such airport based installations as power supplies, electrical

(b) Technical and maintenance areas ***outside the security restricted areas*** shall be protected by fencing, guards, patrols and access to these areas controlled by means of airport identification cards and vehicle passes. Similar measures shall be taken to protect the perimeter and such airport based

sub-stations, navigational facilities, control towers and other buildings used by the air traffic control services, and fuel and communications facilities. Special precautions shall be taken against attempts to sabotage fuel and communications facilities.

installations as power supplies, electrical sub-stations, navigational facilities, control towers and other buildings used by the air traffic control services, and fuel and communications facilities. Special precautions shall be taken against attempts to sabotage fuel and communications facilities.

Justification

Clarification to avoid unnecessary security measures.

Amendment by Georg Jarzembowski

Amendment 18
Annex 2.4 (c)

(c) The perimeter fence and adjacent areas to security restricted areas, other airside areas outside this fence, including those in the immediate vicinity of the runway threshold and taxiways, **shall be** subjected to surveillance by patrols, closed circuit television or other monitoring measures. Strict challenging procedures for persons without airport identification displayed, and persons accessing areas for which they are unauthorised shall be implemented.

(c) The **Member States' authorities shall ensure that** the perimeter fence and adjacent areas to security restricted areas, other airside areas outside this fence, including those in the immediate vicinity of the runway threshold and taxiways, **are** subjected to surveillance by patrols, closed circuit television or other monitoring measures. Strict challenging procedures for persons without airport identification displayed, and persons accessing areas for which they are unauthorised shall be implemented **by the Member States' authorities.**

Justification

The new regulations in the the Common Position go far beyond the existing duties of airport operators and cover areas of territory which are not under their control. For this reason and also because they introduce new concepts and their scope is more extensive, implementation

must be a matter for the Member States' authorities.

Amendment by Jacqueline Foster

Amendment 19
Annex 3.1 Heading

Searching Aircraft

Searching *and Checking* Aircraft

Justification

This heading better describes the section content.

Amendment by Jacqueline Foster

Amendment 20
Annex 3.1, paragraph 1(a)

(a) aircraft not in service, ***prior to originating flights***, shall be subjected to an 'aircraft security search' immediately before being taken into a security restricted area for a flight; aircraft may be searched other than immediately before being taken into a security restricted area but shall be secured or guarded from the commencement of the search until ***departure***; and

(a) aircraft not in service, shall be subjected to an 'aircraft security search' immediately before ***or immediately after*** being taken into a security restricted area for a flight: aircraft may be searched other than immediately before being taken into a security restricted area but shall be secured or guarded from the commencement of the search until ***entry into a security restricted area***; and

Justification

Clarifies the meaning

Amendment by Jacqueline Foster

Amendment 21
Annex 3.2, paragraph 4

4. In addition, when all staff are not screened for access into security restricted areas, each aircraft shall be visited at least once every 30 minutes by a foot or mobile patrol or placed under surveillance sufficient to detect unauthorised access.

Delete

Justification

To be read in conjunction with Annex 2.3 (a) as amended. It is unnecessary to require compensatory measures for aircraft security in the event of less than 100% staff search when Annex 2.3 (a) as amended has removed the option to carry out less than 100% staff search.

Amendment by Jacqueline Foster

Amendment 22
Annex 4.1, paragraph 1(b)

(b) screened by Walk-Through-Metal-Detection equipment. Where Walk-Through-Metal-Detection equipment is used there shall also be a continuous random hand search of screened passengers. Such hand searches shall be carried out on all passengers who cause the equipment to alarm, **as well as** a continuous random search **which shall be carried out on** those passengers who do not cause the equipment to alarm, and if:

(b) screened by Walk-Through-Metal-Detection equipment. Where Walk-Through-Metal-Detection equipment is used there shall also be a continuous random hand search of screened passengers. Such hand searches shall be carried out on all passengers who cause the equipment to alarm **and there shall also be** a continuous random search **of** those passengers who do not cause the equipment to alarm, and if:

Justification

Improved syntax which clarifies meaning.

Amendment by Jacqueline Foster

Amendment 23
Annex 4.2

Screened departing passengers shall not mix with arriving passengers who may not have been screened to the standard detailed in this Annex. Where these passengers cannot be physically separated then the security objective shall be achieved by the application of compensatory measures in accordance with the *local risk* assessment.

Screened departing passengers shall not mix with arriving passengers who may not have been screened to the standard detailed in this Annex. Where these passengers cannot be physically separated then the security objective shall be achieved by the application of compensatory measures in accordance with the assessment *of the risk by the appropriate authority*.

Justification

Allocates an unambiguous responsibility for risk assessment.

Amendment by Jacqueline Foster

Amendment 24
Annex 5.3, paragraph 1(c)

(c) *Hold* and transfer baggage shall not be left unattended on the ramp or plane side prior to being loaded on aircraft.

(c) *Originating* and transfer *hold* baggage shall not be left unattended on the ramp or plane side prior to being loaded on aircraft.

Justification

Improved syntax provides clarity.

Amendment by Jacqueline Foster

Amendment 25
Annex 5.3, paragraph 1(d)

(d) Tail to tail transfer baggage shall not be left unattended on the ramp or plane side prior to being loaded.

(d) Tail to tail transfer *hold* baggage shall not be left unattended on the ramp or plane side prior to being loaded.

Justification

Improved syntax provides clarity.

Amendment by Jacqueline Foster

Amendment 26
Annex 6.2, (b)

(b) subject to specified obligations.

(b) subject to specified obligations, ***defined by the appropriate authority.***

Justification

Allocates a responsibility for specifying the obligations.

Amendment by Jacqueline Foster

Amendment 27
Annex 8.3, (a)

(a) it shall be controlled ***and security screened*** to ensure that no prohibited article has been introduced into company shipment; and

(a) it shall be controlled to ensure that no prohibited article has been introduced into company shipment; and

Justification

Air carrier mail and materials do not require screening since the known customer regime applies. By definition, they are in-house goods and documents carried by a carrier on its own network

Amendment by Jacqueline Foster

Amendment 28
Annex 8.3, (c) and (d) (new)

(c) air carrier shall ensure that any other co-mail or co-mat shipment made on behalf of the carrier by a contract organisation such as, but not limited to, catering equipment and stores, cleaning supplies and other materials handled by contracted service providers are inspected prior to loading on board aircraft; and

(d) all articles that are considered as dangerous goods or hazardous materials shall not be allowed for carriage on board aircraft as co-mail or co-mat.

Justification

These two extra requirements add to the security of co-mail and co-mat

Amendment by Jacqueline Foster

Amendment 29

Annex 9.2, paragraph 1, introductory part

1. Suppliers of air carrier catering, ***cleaning*** stores and supplies shall implement security controls to prevent the introduction of prohibited articles into such stores and supplies intended to be carried on board aircraft. These measures shall include the following:

Suppliers of air carrier catering, stores and supplies shall implement security controls to prevent the introduction of prohibited articles into such stores and supplies intended to be carried on board aircraft. These measures shall include the following:

Justification

Section 9 only refers to catering stores and supplies. Cleaning supplies are covered in Section 10

Amendment by Georg Jarzembowski

Amendment 30

Annex 12.3, Introduction

Flight crew and airport ground staff Security Training and Awareness training programme **shall be conducted** on initial and recurrent basis for all airport and **air carrier flight and airport ground** staff. The training shall contribute towards raised security awareness as well as improving the existing security systems. It shall incorporate the following components:

The Member States' authorities shall conduct a training programme on **an** initial and recurrent basis, **with refresher courses at least every five years**, for all airport and **airline** staff **who have or will have access to security restricted areas**. The training shall contribute towards raised security awareness as well as improving the existing security systems. It shall incorporate the following components:

Justification

The training programme must be limited to the group of people who have access to the security restricted area and the aircraft. In this way, detailed knowledge would not be passed on to people who would not even be subject to official background checks, as they would have no need to enter the security restricted area. The Member States' authorities must bear the responsibility for the initial and recurrent training as, pursuant to Article 5 of the EU regulation, they are responsible for each national civil aviation security programme and for the relevant national quality control programme for civil aviation security.

Amendment by Georg Jarzembowski

Amendment 31
Annex 12.3, last subparagraph

The security training course **for all airport and air carrier ground staff with access to security restricted areas**, shall be designed for a duration of at least 3 hours in the classroom and a 1 hour field introduction.

The security training course shall be designed for a duration of at least three hours in the classroom and a one-hour field introduction.

Justification

See justification for Amendment 48.

Amendment by Georg Jarzembowski

Amendment 32
Annex 13.1.1 (a i)

(i) equipment shall be capable of detecting **the smallest item** of different metals, with a higher sensitivity for ferrous metals in all foreseeable conditions;

(i) equipment shall be capable of detecting **small items** of different metals, with a higher sensitivity for ferrous metals in all foreseeable conditions;

Justification

The use of walk-through metal detectors should be limited to what is feasible.

Amendment by Georg Jarzembowski

Amendment 33
Annex 13.1.2 (a)

(a) Equipment shall detect **very** small quantities of metal without being in direct contact with the object in all foreseeable conditions.

(a) Equipment shall detect small quantities of metal without being in direct contact with the object in all foreseeable conditions.

Justification

The use of walk-through metal detectors should be limited to what is feasible.

EXPLANATORY STATEMENT

The Commission Proposal

In the wake of the tragic events of the 11 September the Commission speedily brought forward a draft regulation to improve security in Europe's airports. The main elements of the proposal are the creation of an EU inspection regime; tighter screening of passengers, luggage, post and freight; a requirement placed on Member States to establish national security programmes; and common standards for equipment. The latter are based on the European Civil Aviation Conference (ECAC)'s Document 30 and are given in the annex to the regulation. The Commission in its proposal was silent on the question of costs and who meets them.

First Reading in the European Parliament

The Council stressed the urgency of the proposal and the need to adopt the legislation in the shortest period of time compatible with due and proper examination of the draft regulation. As a result Parliament foreshortened its procedures in Committee and completed its First Reading on 29 November 2001.

Parliament forewent direct amendment of the Annex which, as presented by the Commission, was not in its final form. In total 14 amendments were adopted by Parliament in First Reading in which the legislative resolution was adopted by 398 votes to 100 with 21 abstentions. Parliament's amendments to articles of the legislation were to

- § make the main objective an "appropriate" level of security
 - § allow Member States to adopt more stringent standards without the Commission being empowered to decide they should be withdrawn if it considers them discriminatory or unnecessarily restrictive
 - § allow more time for infrastructure changes at airports to meet the regulation's requirements
 - § make explicit reference to ECAC document 30 where common standards are laid down
 - § ensure that airport inspections are unannounced
 - § require Member States in the area of financing the measures
 - to coordinate their action in drawing up a comprehensive policy to finance security;
 - to provide one-off public finance support to airports whose continued operation would otherwise be jeopardised by implementing the new measures;
 - and
 - that the Commission submit uniform arrangements for financing security expenditure;
- and
- § provide the budgetary authority with a qualitative and quantitative assessment of the action taken.

Three amendments to the recitals reflected the amendments on a comprehensive, coordinated policy to finance security; the creation of an audit system; and the non-prejudicing of the budgetary procedure.

The amended Commission proposal

The Commission did not submit an amended proposal following the Parliament's first reading.

The Council's Common Position

Despite urging the Parliament to adopt its first reading as soon as possible the Council failed to adopt a Common Position at its December meeting and notified the Parliament of its common position on 4 February 2002.

The common position accepts Parliament's amendments on "appropriate" security as an objective and a reduced role for the Commission where Member States adopt more stringent standards. Parliament's concern to allow sufficient time for infrastructure changes is also reflected in the common position. Council's view is that it has incorporated in whole or part six of the Parliament's amendments.

The common position does not accommodate Parliament's amendments on

- § explicit reference to ECAC document 30 in the articles of the regulation
- § unannounced inspections
- § coordinated Member State action to prepare a comprehensive policy to finance security or one-off financial support to airports
- § providing the budgetary authority with an assessment of action taken.

Your rapporteur proposes that all of these amendments be re-introduced at second reading. The Council has in particular failed to respond to any of the Parliament's amendments on financing increased security. It argues that this would prejudice the more general debate on fare pricing. In addition, given that the Council has extensively amended article 5 on national security programmes, your rapporteur proposes an amendment to this new text to clarify Member States' financial responsibilities.

The Commission's view of the Common Position

The Commission accepts the common position because the issues on which Parliament and Council diverge are not directly related to the objective of improving aviation security. Nevertheless the Commission considers that unannounced inspections would enhance the effectiveness of the inspections and had previously agreed in principle to Parliament's amendments on financing improved aviation security.

Second Reading and beyond

Your rapporteur wishes to reiterate the importance of two matters which cannot at this point be dealt with directly by amendment in view of the Parliament's First Reading and the Common Position. These are national administrations' role in the security screening of airport and airline staff in security sensitive roles and expert advice to the comitology committees.

Your rapporteur urges Member States to give full assistance to airports and airlines in vetting their security staff. National administrations have exclusive access to information in this area without which there cannot always be adequate checks on new staff. Cooperation between airports and airlines on the one hand and national administrations on the other in this area is clearly in the public interest.

Your rapporteur also expects the comitology committees to make use of the experts and expertise available to the High Level Working Group, and from the industry generally, by giving the appropriate representatives of industry the opportunity to participate in the committees' deliberations, at least as observers.

Parliament has shown its preparedness to treat this proposed regulation as a priority matter. It trusts that the Council will respond as quickly to the second reading as Parliament did to the initial proposal. Differences clearly remain between Parliament and Council on Member States' responsibilities to ensure coordinated financing of the proposals and on the need for unannounced inspection visits. Your rapporteur hopes however that agreement can be reached as quickly as possible after second reading and will work towards that objective.