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REPORT

on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation on establishing common rules in the field of civil aviation security
(PE-CONS 3660/2002 – C5-0482/2002 – 2001/0234(COD))

European Parliament delegation to the Conciliation Committee

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)

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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).

At the sitting of 14 May 2002 Parliament adopted amendments to the common position.

By letter of 2 August 2002 the Council stated that it was unable to approve all Parliament's amendments.

By letter of 13 September 2002 the President of Parliament informed the Council that it was necessary to extend the deadline for convening the Conciliation Committee, as laid down in Article 251(7) of the EC Treaty.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 19 September 2002.

By letter of 18 October 2002 the President of the Parliament informed the Council that it was necessary to extend the period for the work in committee, as laid down in Article 251(7) of the EC Treaty.

At its meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament. In the light of subsequent trialogues and delegation meetings agreement was reached by exchange of letters of 24 October 2002 and 30 October 2002.

At its meeting of 24 October 2002 the Parliament delegation approved the results of the conciliation unanimously.

The following took part in the vote: Giorgos Dimitrakopoulos, Vice-President and chair of the delegation; Luciano Caveri, chair of the Committee on Regional Policy, Transport and Tourism; Jacqueline Foster, rapporteur; Emmanouil Bakopoulos, Luigi Cocilovo (for Charlotte Cederschiöld), Giovanni Claudio Fava, Françoise Grossetête, Konstantinos Hatzidakis, Georg Jarzembowski, Ulrich Stockmann and Jan Marinus Wiersma .

On 15 November 2002 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,¹ and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 26 November 2002.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation on establishing common rules in the field of civil aviation security (PE-CONS 3660/2002 – C5-0482/2002 – 2001/0234(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee and the relevant Parliament, Council and Commission joint statement (PE-CONS 3660/2002 – C5-0482/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2001) 575²),
 - having regard to its position at second reading³ on the Council common position⁴,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2002) 327 - C5-0272/2002)⁵,
 - 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 (A5-0402/2002),
1. Approves the joint text and draws attention to the joint statement thereon;
 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, together with the joint statement by the European Parliament, the Council and the Commission thereon, in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ Text Adopted, 29.11.2001, item 7.

² OJ C 51 E of 26.2.2002, p. 221.

³ P5_TAPROV(2002)0217.

⁴ OJ C 113 E of 14.5.2002, p. 17.

⁵ OJ C not yet published.

EXPLANATORY STATEMENT

Introduction

The terrorist attacks acts committed in New York and Washington on 11 September 2001 gave new impetus to the reinforcement of arrangements for aviation security. The European Council meeting the day after those terrorist attacks, instructed the Transport Council to evaluate the measures to be taken to improve aviation security and complete its consideration of those already proposed.

The Commission, for its part, presented this Regulation establishing common rules in the field of civil aviation security. It concerns principally access control and passenger luggage and freight screening on the ground at airports. The scope does not extend to onboard security which may need to be addressed at some future date. The technical standards themselves are those adopted by the European Civil Aviation Conference (ECAC) and are given in the annex to the Regulation.

In order to achieve the objectives of this Regulation, each Member States should adopt a national civil aviation security programme and is given the possibility to apply more stringent measures.

In addition, the monitoring of security measures requires the setting up at national level of appropriate quality control systems and the organisation of inspections under the supervision of the Commission.

First and second readings

The subject was addressed in the Jacqueline FOSTER (EPP-ED, UK) report, adopted at first reading on 29 November 2001. It adopted 14 amendments designed mainly to allow Member States to adopt more stringent standards, to allow more time for infrastructure changes at airports, to make explicit reference to ECAC documents, to ensure that airport inspections are unannounced, to ensure that all staff is screened and to require Member States to take some measures in the area of financing the security.

The Commission did not submit an amended proposal following the Parliament's first reading and the Council adopted its common position on 4 February 2002. It did not accommodate Parliament's amendments on explicit reference to ECAC documents, on staff screening and on unannounced inspections. In addition, the Council failed to respond to any of the amendments on financing increased security.

On 14 May 2002, the EP adopted its second reading and the FOSTER report containing 32 amendments to the common position. These amendments cover in particular Member State responsibility for additional security costs, unannounced inspections at airports, screening of staff and international cooperation in the area of exchange of information for security purposes.

The Regulation in conciliation

The EP delegation was constituted on 12 June 2002. The constituent meeting was followed by a triologue on 9 July. The Council formally decided on 2 August 2002 it could not accept Parliament's amendments.

Further delegation meetings took place on 4 and 24 September and 22 and 24 October. New trialogues were held on 10 September and 10 and 22 October.

The conciliation procedure was opened at the meeting of the Conciliation Committee on 19 September. At this meeting, the committee was unable to reach an agreement because the EP delegation considered that the interinstitutional declaration (see below) as presented by the Council and the Commission, was not sufficient to meet the concerns of the delegation about the financing of additional security measures.

Negotiations were concluded in writing through an exchange of letters between Parliament and Council which took place after the last meeting of the EP delegation, on 24 October. The joint text was formally adopted on 14 November 2002.

On the merits, the following main improvements of the text, obtained in conciliation, can be stressed:

- Inspections at airports shall be unannounced. The Commission shall in good time before scheduled inspections inform the Member States concerned,
- all staff, including flight crew, together with items carried, shall be screened before being allowed access into security restricted area. Where this is not practicable, persons and items shall be subject to continuous appropriate random screening. One year after the entry into force of the Regulation, all staff together with items carried shall be screened before being allowed access into critical parts of security restricted areas, as identified by the competent authorities of each Member State. By 1 July 2004 the Commission will adopt a common definition of the critical parts of those areas (100% staff screening),
- finally and despite the fact that Council underlined from the beginning its strong resistance to the idea of all countries providing financial aid to the aviation sector, members of the EP delegation stressed the importance of Council committing itself to a fair share of the funding concerning the additional security costs. An inter-institutional declaration to be attached to the final text and published in the Official Journal states that the institutions:
 - o recognise that this policy raises important questions in relation to its funding aspects,
 - o take into account the policy position taken by the Member States of the EU at the Montreal Ministerial Conference on Aviation Security (where there was agreement that some aspects be financed by the public authorities),
 - o take note of the Commission's position that it would consider positively public financing for the compensation of additional security measures and
 - o take note of a study undertaken by the Commission concerning the way the financing is shared between public authorities and the operators.

Conclusions

The delegation regards the end result of conciliation as very satisfactory for Parliament, as the joint text has incorporated most of its amendments in full or in a reworked form. It therefore recommends that the House adopt the text at third reading.