

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0061/2004

19 February 2004

*****I**

REPORT

on the proposal for a European Parliament and Council regulation on amending Regulation (EC) No 2320/2002 of the European Parliament and of the Council establishing common rules in the field of civil aviation security (COM(2003) 566 – C5-0424/2003 – 2003/0222(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Jan Dhaene

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.

CONTENTS

	Page
PROCEDURAL PAGE	2
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	2
EXPLANATORY STATEMENT	2

PROCEDURAL PAGE

By letter of 25 September 2003 the Commission submitted to Parliament, pursuant to Articles 251(2) and 80(2) of the EC Treaty, the proposal for a European Parliament and Council regulation on amending Regulation (EC) No 2320/2002 of the European Parliament and of the Council establishing common rules in the field of civil aviation security (COM(2003) 566 – 2003/0222(COD)).

At the sitting of 8 October 2003 the President of Parliament announced that he had referred the proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible (C5-0424/2003).

The committee appointed Jan Dhaene rapporteur at its meeting of 4 November 2003.

It considered the Commission proposal and draft report at its meeting(s) of 21 January and 17 February 2004.

At the last meeting it adopted the draft legislative resolution by 44 votes with 1 abstention.

The following were present for the vote: Paolo Costa (chairman, Rijk van Dam (vice-chairman), Gilles Savary (vice-chairman), Jan Dhaene (rapporteur), Pedro Aparicio Sánchez (for Danielle Darras), Graham H. Booth, Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Christine de Veyrac, Nirj Deva (for Rolf Berend), Den Dover, Garrelt Duin, Markus Ferber (for Mathieu J.H. Grosch), Jacqueline Foster, Catherine Guy-Quint, Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Roger Helmer (for José Javier Pomés Ruiz), Liam Hyland (for Adriana Poli Bortone pursuant to Rule 153(2)), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Elisabeth Jeggle (for Dana Rosemary Scallon), Dieter-Lebrecht Koch, Giorgio Lisi, Erik Meijer, Bill Miller (for Joaquim Vairinhos), Enrique Monsonís Domingo, Francesco Musotto, James Nicholson, Camilo Nogueira Román, Josu Ortuondo Larrea, Peter Pex, Wilhelm Ernst Piecyk, Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Ingo Schmitt, Elisabeth Schroedter (for Nelly Maes), Dirk Sterckx, Ulrich Stockmann, Hannes Swoboda (for Giovanni Claudio Fava), Herman Vermeer, Mark Francis Watts and Brigitte Wenzel-Perillo (for Ari Vatanen).

The report was tabled on 19 February 2004 .

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a European Parliament and Council regulation on amending Regulation (EC) No 2320/2002 of the European Parliament and of the Council establishing common rules in the field of civil aviation security (COM(2003) 566 – C5-0424/2003 – 2003/0222(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003) 566)¹,
 - having regard to Articles 251(2) and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0424/2003),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0061/2004),
1. Approves the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

EXPLANATORY STATEMENT

Introduction

The question of civil aviation security is one to which the Parliament has always attached importance and concern and attention to this subject has of course been heightened in the climate prevailing post 11 September 2001. In the recent past the Committee for Regional Policy, Transport and Tourism examined in detail and scrupulously Regulation (EC) 2320/2002 establishing common rules in the field of civil aviation security in the context of the codecision procedure. The Regulation was the subject of conciliation which resulted in the Committee's concerns, endorse and supported by the Parliament, on the need for comprehensive screening, adequate technical standards and consideration of who should bear final costs of security being reflected in the legislation as finally adopted.

/

The Regulation was adopted on 16 December 2002 and came into force on 19 January 2003.

It is recognised that the draft Regulation was prepared at speed by the Commission to respond to a generally perceived sharp increase in the threat to aviation security. Parliament worked quickly, although thoroughly, to adopt the Regulation as soon as reasonably possible.

The proposed amending Regulation

The Commission has now brought forward a proposed amending Regulation. The Commission presents the amending Regulation as a tidying-up of legislative drafting and an opportunity to benefit from the first experiences of the application of Regulation 2320/2002 to those parts of airports reserved exclusively for small aircraft (less than ten tonnes or fewer than twenty seats) and general aviation. It is inefficient and costly to apply to what are in effect aerodromes for small aircraft and leisure flying adjoining airports the same security provisions as for airports themselves. That is not to say that security measures will not apply. Nationally specified security measures will apply in such instances where the provisions of Regulation 2320/2002 are objectively impractical or disproportionate. The Commission proposes to amend the Regulation by introducing "demarcated areas" which will be separated from other security restricted areas by means of access control in those situations where general aviation and small aircraft use facilities adjoining airports.

The Commission also proposes clarifying a criterion used to define small airports at article 4(3); replacing the word "audit" with "compliance monitoring activities" at Article 7 of Regulation 2320/2002 to avoid ambiguity; and aligning the terminology used for air cargo and air mail in the annexe to the regulation.

Your Rapporteur's approach

Your rapporteur is of the view that in the light of experience it is important to amend the Regulation to clarify it and remove legislative drafting errors and, more importantly, to make sure its provisions are practical and applicable for aerodromes for small aircraft which are sited beside airports. At this juncture he does not propose amendments.

Your rapporteur is of the view that although that it is not appropriate to embark on extensive changes to Regulation 2320/2002 on the basis of one year's experience of its implementation.

He supports the Commission's general approach of "tidying up" legislation which was drafted in an emergency.

Nevertheless he is aware that Council will, after Parliament's first reading, adopt a Common Position on the amending Regulation. If Council were not to respect the basic Regulation and embark on important changes by way of substantial amendment to Regulation 2320/2002 your Rapporteur would, as a consequence, adjust his approach.

For the time being however he recommends the Commissions draft of the amending Regulation