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NOTE

from: General Secretariat
to: Permanent Representatives' Committee/Council
Subject: Proposal for a Regulation of the European Parliament and of the Council on
common rules in the field of civil aviation security
– Outcome of the European Parliament's first reading
(Strasbourg, 12 to 15 June 2006)

I. INTRODUCTION

The rapporteur, Mr COSTA (ALDE-IT), presented a report containing 81 amendments to the proposal for a Regulation, on behalf of the Committee on Transport and Tourism. In addition, other Members of the Parliament tabled 6 further amendments at the plenary sitting.

II. DEBATE

Commissioner BARROT, representing the Commission, opened the debate by explaining that the Commission proposal aims at granting protection to citizens in the face of a the terrorist threat. The existing legislation was adopted as an emergency measure after the events of 11th September 2001 and needs to be improved in order to be more efficient. Following the opinion of the Commissioner, this harmonisation of the rules on security for civil aviation is needed and fully respects the principle of subsidiarity. The comitology system foreseen allows for a rapid reaction to new circumstances.

The Commissioner expressed the hope that an agreement can be reached soon, as the draft report largely supports to the Commission initiative.

MR. COSTA (ALDE-IT), reaffirmed the importance of the Commission proposal and the need to establish a single system of security both for airports and airlines in order to protect all citizens. Although the Commission proposal is good in general terms, there are a number of issues which need improvement.

First is the source of financing for security systems. This issue has remained open since 2002. The existing system for financing is not correct. Amendment 35 tries to assure an equal distribution of the economic burden for both sources of financing, namely the public source for financing general security measures against terrorist attack and the private contribution charged to users when there are additional requirements. The amendment in question invites the Commission to propose technical solutions to this subject. Financing should be transparent in such a way as to allow citizens to see what is the contribution to security and how such a contribution is used.

The reporter added that he was aware that this issue is very delicate for the Council, but security is a priority which needs to be assured.

Finally, regarding security on board, the report suggests that it should be forbidden to carry arms in airplanes except with a special justified authorisation.

Mrs. LA RUSSA spoke on behalf of the committee on Civil Liberties, Justice and Home Affairs expressing the opinion that Member States should be free to apply more restrictive security measures as long as they are proportionate with the respect of civil liberties. The Commission should only establish minimal rules. The speaker specifically referred to her committee amendment concerning the wide definition of "dangerous passenger."

The following Members of the Parliament took the floor on behalf of the political groups:

Mr. DRADBURN (PPE-DE U.K.) expressed his satisfaction with the Commission proposal but the following objections needed to be made:

- The Commission grants too many powers to itself. In his view, additional measures to solve emergency problems should be taken by the Member States.
- Security measures on board should be also reserved to Member States and airline companies.
- Some amendments try to increase the competence of EASA, which is not correct because this agency has been created to evaluate technical security and no other type of security.
- Common rules on security on civil aviation are welcome but a detailed regulation is not needed.

Mr. EL KHADRAOUI (PSE, BE) recalled that security is an important subject-matter for the public services, but they need to ensure transparency as regards the measures taken and also on the financing of the measures taken.

The expert group to which amendment 61 refers should not have "carte blanche ". Furthermore, clarification is needed on who finances the measures taken.

Relating to security on board, Mr. EL KHADRAOUI expressed the view that only member States should decide on the presence of armed forces on board. Also, harmonisation at European level should not extend to the detailed measures to be taken, but rather stay at a more general stage (such as common procedures, for example). As to the financing of measures, it is important to determine who will be responsible for what. Finally, he suggested that the implementation of the regulation should be reviewed on a yearly basis and recalled that the PSE awaits the initiative that the Commission has announced for summer time concerning security on transport.

Mr. MATSAKIS (ALDE-CY) expressed his support for the report of Mr. COSTA.

Nevertheless, he wanted to stress some aspects of the report such as the definition of potentially dangerous passenger. Such a definition, even though correct, does not take into account the biggest danger, which will persist for as long as alcohol is served on board. Furthermore, the most dangerous weapon, which is a broken crystal bottle, is currently served on board. Other type of weapons in the hands of the security guards are not acceptable.

Ms. LICHTENBERGER (VERTS/ALE-AT) indicated that basic measures in order to create secure conditions are needed even if there can be abuse. The financing of such measures should be transparent for UE citizens.

In this context the speaker suggested that having the documents of the Commission on the review process would facilitate the debate. Concerning the issue of armed forces on board, it could become a dangerous extra weapon.

Mr. MEIJER (GUE/NGL-NL) referred to the expert group who, in his opinion, should address its expertise not only to the Commission but also to passengers and industry. The Parliament should also intervene in the decision making procedure of the proposed Committee. Regarding the armed forces on board, he doubted the efficacy of such a measure to improve security.

Mr. JANOWSKI (UEN-PL) indicated that the Commission cannot provide a complete solution to the security problem. Instead, member States need to develop security programs and operators need to develop the technical means to put them into practice. The speaker considered that the draft report strongly improved the proposal. He gave particular support for Article 17 as amended concerning agreements with third countries. Finally, measures should be efficient and should not create difficulties for passengers.

A number of Members intervened in the debate to express their point of view. The following issues were raised:

- the financing of measures, and the need to distribute the cost between the Member States, the passengers, and also airports (Mr. JARZAMBOWSKY (PPE/DE) Ms. SEGELSTRÖM (PSE), Ms. AYALA SENDER (PSE-ESD), Mr. DE VEURAC (PPE-De), Mr. LIBERADZKI (PSE).
- the need to ensure the basic liberties of citizens when applying security measures (Ms. SEGELSTRÖM, Mr. TRIANTAPHYLIDIS (GUE/NGL-CY)
- the rejection of the presence of armed forces on board (MR. JALOWSKI (PPE-DE-PL)
- a single security control should be done to passengers in transit in Europe (JARZAMBOWSKY (PPE/DE-DE)

- security should not give rise to negative effects, such as a deterioration in the functioning of mail services or restricted access to handicapped persons, (Ms. SEGELSTRÖM (PSE-SE))
- some doubts about the efficacy of the Consultative committee , (Mr. DE VEYRAC (PPE/DE-FR))
- the principle of subsidiarity is not fully respected, as Commission retains s too much power.
- the amendments concerning Gibraltar. Ms. AYALA SENDER (PSE-Es) referred to the long negotiations on the conflict over the airport of Gibraltar which is reaching a final stage, and the implementation of the Regulation could endanger their progress. Amendments 89 and 91 try to solve this conflict.

Commissioner BARROT clarified the following points:

- Arms on board are permitted under previous authorisation by the Member State concerned and under certain conditions.
- The terrorist threat does not only concern aviation but also other means of transport. The Commission will introduce a proposal in the summer time, which will ensure security for citizens while safeguarding the functioning of the internal market.
- On the financing issue, the Commissioner said that passengers currently bear most security expenses.. Transparency is needed in this matter. As to the Commission proposal it refers to more technical issues and its adoption should not be delayed by problems of another nature. For that reason the Commission is not in favour of amendments 35 and 43.
- The Commission cannot give support to amendments which try to extend the competence of EASA, which has difficulties in assuming its current commitments.
- Nevertheless, the Commissioner confirmed that most of amendments could be accepted. The Commission position towards the amendments adopted by the Parliament would be transmitted after the vote. Finally, the Commissioner expressed the hope of reaching a final agreement rapidly.

III. VOTE

The plenary adopted 81 of the 87 amendments tabled. The Commission's position on the amendments adopted was the following:

1. Amendments accepted in whole, in part or after being reworded

Amendment 1, Recital 1

Amendment 4, Recital 9 a (new)

Amendment 7, Recital 17 a (new)

Amendment 8, Recital 19 a (new)

Amendment 10, Article 1, paragraph 1, subparagraph 1

Amendment 11, Article 2, point (a)

Amendment 12, Article 2, paragraph 1 a (new)

Amendment 13, Article 3, point 2

Amendment 15, Article 3, point 4

Amendment 16, Article 3, point 6

Amendment 17, Article 3, point 9

Amendment 24, Article 3, point 23

Amendment 26, Article 3, point 24

Amendment 27, Article 3, point 25

Amendment 28, Article 3, point 26

Amendment 29, Article 3, point 27

Amendment 30, Article 3, point 28

Amendment 31, Article 3, point 29

Amendment 33, Article 4, paragraph 1

Amendment 34, Article 4, paragraph 2, subparagraph 1

Amendment 37, Article 4, paragraph 2, subparagraph 3

Amendment 40, Article 4 b, paragraph 1(new)

Amendment 46, Article 7

Amendment 47, Article 9, paragraph 1, subparagraph 2
Amendment 48, Article 9, paragraph 2
Amendment 49, Article 9 a (new)
Amendment 53, Article 12, paragraph 1, subparagraph 1
Amendment 55, Article 12, paragraph 2
Amendment 56, Article 13
Amendment 58, Article 14, paragraph 3, subparagraph 2
Amendment 60, Article 15 a (new)
Amendment 61, Article 16 a (new)
Amendment 65, Annex, chapter 1, section 1.2, point 1
Amendment 66, Annex, chapter 1, section 1.2, point 4
Amendment 67, Annex, chapter 1, section 1.2, point 5
Amendment 68, Annex, chapter 2
Amendment 73, Annex, chapter 6, title
Amendment 77, Annex, chapter 10, point 1
Amendment 78, Annex, chapter 10, point 2
Amendment 82, Annex, chapter 11, point 1

2. Amendments not accepted

Amendment 2, Recital 7
Amendment 3, Recital 9
Amendment 6, Recital 14 a (new)
Amendment 19, Article 3, point 14
Amendment 22, Article 3, point 17
Amendment 32, Article 3, point 29 a (new)
Amendment 35, Article 4, paragraph 1 a (new)
Amendment 36, Article 4, paragraph 2, subparagraph 2, point (h) a (new)
Amendment 38, Article 4, paragraph 3 a (new)
Amendment 41, Article 4 b, paragraph 2 (new)
Amendment 43, Article 5, paragraph 3 a (new)
Amendment 44, Article 5 a (new)
Amendment 45, Article 6, paragraph 2, subparagraph 1

Amendment 50, Article 11, paragraph 1, subparagraph 1
Amendment 52, Article 12, title
Amendment 54, Article 12, paragraph 1, subparagraph 2
Amendment 59, Article 14, paragraph 3 a (new)
Amendment 62, Article 16 b (new)
Amendment 63, Article 17
Amendment 69, Annex, chapter 3, point 1
Amendment 70, Annex, chapter 3, point 1 a (new)
Amendment 71, Annex, chapter 3, point 2
Amendment 74, Annex, chapter 6, section 6.1, point 1
Amendment 75, Annex, chapter 6, section 6.1, point 2
Amendment 76, Annex, chapter 6, section 6.1 a (new)
Amendment 80, Annex, chapter 10, paragraph 6
Amendment 83, Annex, chapter 11, point 2
Amendment 85, Annex, chapter 12 a (new)

3. Amendments accepted in principle

Amendment 9, Recital 19 b (new)
Amendment 14, Article 3, point 2 a (new)
Amendment 23 + 25, Article 3, point 22 a (new)
Amendment 39, Article 4 a (new)
Amendment 42, Article 5, paragraph 1, subparagraph 2
Amendment 51, Article 11, paragraph 2 a (new)
Amendment 64, Article 20, subparagraph 2
Amendment 72, Annex, chapter 5, section 5.3, point 2
Amendment 79, Annex, chapter 10, point 4
Amendment 81, Annex, chapter 10, point 6 a (new)
Amendment 84, Annex, chapter 12

4. Amendments accepted in part

Amendment 5, Recital 13

Amendment 20, Article 3, point 15

Amendment 21, Article 3, point 16

Amendment 57, Article 14, paragraph 1, subparagraph 1

Amendment 18, Article 3, point 13

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on common rules in the field of civil aviation security (COM(2005)0429 – C6-0290/2005 – 2005/0191(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0429)¹,
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0290/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A6-0194/2006),
1. Approves the Commission proposal as amended;
 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 and Commission.

Amendment 1
Recital 1

(1) In order to protect persons and goods within the European Union, acts of unlawful interference with civil aircraft should be prevented by establishing common rules for safeguarding civil aviation. This objective should be achieved by setting common rules and common standards on aviation security as well as mechanisms for monitoring compliance.

(1) In order to protect persons and goods within the European Union, acts of unlawful interference with civil aircraft, **which jeopardise the security of civil aviation** should be prevented by establishing common rules for safeguarding civil aviation. This objective should be achieved by setting common rules and common standards on aviation security as well as mechanisms for monitoring compliance.

¹ Not yet published in OJ

Amendment 2
Recital 7

(7) Without prejudice to the Convention on offences and certain other acts committed on board aircraft, Tokyo, 1963, the Convention for the suppression of unlawful seizure of aircraft, The Hague, 1970 and the Convention for the suppression of unlawful acts against the safety of civil aviation, Montreal 1971, the new act should cover security measures that apply on board an aircraft, or during a flight, of Community air carriers.

(7) Without prejudice to the Convention on offences and certain other acts committed on board aircraft, Tokyo, 1963, the Convention for the suppression of unlawful seizure of aircraft, The Hague, 1970 and the Convention for the suppression of unlawful acts against the safety of civil aviation, Montreal 1971, the new act should **also** cover security measures that apply on board an aircraft, or during a flight, of Community air carriers.

Amendment 3
Recital 9

(9) Member States should also be allowed, on the basis of a risk assessment, to apply more stringent measures than those to be laid down. **However, it should be possible for the Commission to examine those** more stringent measures **and to decide whether a Member State may continue to apply them.**

(9) Member States should also be allowed, on the basis of a risk assessment, to apply more stringent measures than those to be laid down. **A distinction should be drawn, however, between common basic standards and** more stringent measures **and there should be a similar distinction in their funding.**

Amendment 4
Recital 9 a (new)

(9a) A distinction should be drawn between mail and traditional cargo. Common security measures adapted to the specific features of mail should be put in place.

Amendment 5
Recital 13

(13) In order to monitor compliance with the new act and with the national civil aviation security programme, each Member State should draw up and ensure the implementation of a national programme to check the **quality** of civil aviation security.

(13) In order to monitor compliance with the new act and with the national civil aviation security programme, each Member State should draw up and ensure the implementation of a national programme to check the **level** of civil aviation security.

Amendment 6
Recital 14 a (new)

(14a) In the context of the forthcoming extension of its competences, the European Aviation Safety Agency should gradually be integrated into the monitoring of compliance with common provisions on civil aviation security.

Amendment 7
Recital 17 a (new)

(17a) The goal of "one-stop security" for all flights within the European Union should be advanced.

Amendment 8
Recital 19 a (new)

(19a) Arrangements for greater cooperation over the use of Gibraltar airport were agreed in London on 2 December 1987 by the Kingdom of Spain and the United Kingdom in a joint declaration by the Ministers of Foreign Affairs of the two countries. Such arrangements have yet to enter into operation.

Amendment 9
Recital 19 b (new)

(19b) Consideration should be given to the creation of a solidarity mechanism that could offer assistance following terrorist acts with a major impact on the transport field.

Amendment 10
Article 1, paragraph 1, subparagraph 1

1. This Regulation establishes common rules ***for safeguarding*** civil aviation against acts of unlawful interference.

1. This Regulation establishes common rules ***to protect*** civil aviation against acts of unlawful interference ***that jeopardise the security of civil aviation.***

Amendment 11
Article 2, point (a)

(a) all airports serving civil aviation located in the territory of a Member State;

(a) all airports ***or parts of airports*** serving civil aviation located in the territory of a Member State;

Amendment 12
Article 2, paragraph 1 a (new)

1a. Application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

Amendment 13
Article 3, point 2

(2) ‘aviation security’ means the combination of measures and human and natural resources intended to safeguard civil aviation against acts of unlawful interference.

(2) ‘aviation security’ means the combination of measures and human and natural resources intended to safeguard civil aviation against acts of unlawful interference ***that jeopardise the security of civil aviation.***

Amendment 14
Article 3, point 2 a (new)

(2a) 'airport' means any area of land [or water] specially adapted for the landing, taking-off and manoeuvres of aircraft, including ancillary installations which these operations may involve for the requirements of aircraft traffic and services including the installations needed to assist commercial air services.

Amendment 15
Article 3, point 4

(4) ‘air carrier’ means an air transport undertaking holding a valid operating licence;

(4) ‘air carrier’ means an air transport undertaking holding a valid operating licence ***or equivalent;***

Amendment 16
Article 3, point 6

(6) ‘prohibited articles’ means weapons, explosives or other dangerous devices, articles or substances that may be used to commit an act of unlawful interference;

(6) ‘prohibited articles’ means weapons, explosives or other dangerous devices, articles or substances that may be used to commit an act of unlawful interference ***that jeopardises security;***

Amendment 17
Article 3, point 9

(9) ‘access control’ means the application of means by which the entry of unauthorised persons or unauthorised vehicles, or both, ***is*** prevented;

(9) ‘access control’ means the application of means by which the entry of unauthorised persons or unauthorised vehicles, or both, ***may be*** prevented;

Amendment 18
Article 3, point 13

(13) ‘demarcated area’ means an area that is separated **by means of access control either** from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an airport;

(13) ‘demarcated area’ means an area **that is not accessible to the general public and** that is separated from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an airport;

Amendment 19
Article 3, point 14

(14) ‘background check’ means a verifiable check of a person’s identity, including any criminal history, **as part of the assessment of an individual’s suitability for unescorted access to security restricted areas;**

(14) ‘background check’ means a verifiable check of a person’s identity, including any criminal history **and intelligence data;**

Amendment 20
Article 3, point 15

(15) ‘transfer passengers, baggage **or** cargo’ means passengers, baggage **or** cargo departing on an aircraft other than that on which they arrived;

(15) ‘transfer passengers, baggage, cargo **or mail**’ means passengers, baggage, cargo **or mail** departing on an aircraft other than that on which they arrived **or on the same aircraft but on a flight with a different flight number;**

Amendment 21
Article 3, point 16

(16) ‘transit passengers, baggage **or** cargo’ means passengers, baggage **or** cargo departing on the same aircraft as that on which they arrived;

(16) ‘transit passengers, baggage, cargo **or mail**’ means passengers, baggage, cargo **or mail** departing on the same aircraft as that on which they arrived **on a flight with the same flight number;**

Amendment 22
Article 3, point 17

(17) 'potentially disruptive passenger' means a passenger *who* is *either* a deportee, a person deemed to be inadmissible for immigration reasons or a person in lawful custody;

(17) 'potentially disruptive passenger' means a passenger *whose behaviour is manifestly abnormal and threatens to compromise the security of a flight, or a passenger who* is a deportee, a person deemed to be inadmissible *to the country of origin* for immigration reasons or a person in lawful custody;

Amendment 23 + 25
Article 3, point 22 a (new)

(22a) 'mail' means letters, packages, dispatches of correspondence and other articles intended for delivery to postal service companies responsible for handling them in accordance with the provisions of the Universal Postal Union (UPU).

Amendment 24
Article 3, point 23

(23) 'cargo' means any property intended for carriage on an aircraft other than baggage, air carrier mail and air carrier materials, and in-flight supplies;

(23) 'cargo' means any property intended for carriage on an aircraft other than baggage, *mail*, air carrier mail and air carrier materials, and in-flight supplies.

Amendment 26
Article 3, point 24

(24) 'regulated agent' means an air carrier, agent, freight forwarder or any other entity *who provides* the security controls in accordance with this Regulation in respect of cargo;

(24) 'regulated agent' means an air carrier, agent, freight forwarder or any other entity *that ensures* the security controls in accordance with this Regulation in respect of cargo *or mail*;

Amendment 27
Article 3, point 25

(25) ‘known consignor’ means a consignor who originates cargo and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo on any aircraft ***without further screening***;

(25) ‘known consignor’ means a consignor who originates cargo ***or mail*** and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo ***or mail*** on any aircraft;

Amendment 28
Article 3, point 26

(26) ‘account consignor’ means a consignor who originates cargo and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo on all-cargo aircraft ***without further screening***;

(26) ‘account consignor’ means a consignor who originates cargo ***or mail*** and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo on all-cargo aircraft ***and aircraft carrying mail only***;

Amendment 29
Article 3, point 27

(27) ‘aircraft check’ means an inspection of those parts of the interior of the aircraft to which passengers may have had access, together with an inspection of the hold of the aircraft in order to detect prohibited articles and unlawful interferences ***with*** the aircraft;

(27) ‘aircraft ***security*** check’ means an inspection of those parts of the interior of the aircraft to which passengers may have had access, together with an inspection of the hold of the aircraft in order to detect prohibited articles and unlawful interferences ***that jeopardise the security of*** the aircraft;

Amendment 30
Article 3, point 28

(28) ‘aircraft search’ means an inspection of the interior and accessible exterior of the aircraft in order to detect prohibited articles and unlawful interferences ***with*** the aircraft;

(28) ‘aircraft ***security*** search’ means an inspection of the interior and accessible exterior of the aircraft in order to detect prohibited articles and unlawful interferences ***that jeopardise the security of*** the aircraft;

Amendment 31
Article 3, point 29

(29) 'in-flight security officer' means a person who is employed by a Member State to travel on an aircraft of the air carrier licensed by it with the purpose of protecting that aircraft and its occupants against acts of unlawful interference.

(29) 'in-flight security officer' means a person who is employed by a Member State to travel on an aircraft of the air carrier licensed by it with the purpose of protecting that aircraft and its occupants against acts of unlawful interference ***that jeopardise the security of the flight,***

Amendment 32
Article 3, point 29 a (new)

(29a) "Continuous random check" means a check conducted during the entire period of activity, whilst these checks are to be conducted on a random basis.

Amendment 33
Article 4, paragraph 1

1. The common standards for safeguarding civil aviation against acts of unlawful interference shall be as laid down in the Annex.

1. The common ***basic*** standards for safeguarding civil aviation against acts of unlawful interference ***that jeopardise the security of civil aviation*** shall be as laid down in the Annex.

Amendment 35
Article 4, paragraph 1 a (new)

1a. Member States and users shall share the costs of the application of the common standards for tackling acts of unlawful interference. In order to avoid any distortion of competition between Member States and between airports, air carriers and other entities concerned within the Community as well as between Member States and third countries, the Commission shall as soon as possible submit a proposal to introduce uniform arrangements for financing these security measures.

Amendment 34
Article 4, paragraph 2, subparagraph 1

2. Detailed measures and procedures for the implementation of the common standards referred to in paragraph 1 shall be laid down in accordance with the procedure referred to in Article 16(2).

2. Detailed measures and procedures for the implementation of the common **basic** standards referred to in paragraph 1 shall be laid down in accordance with the procedure referred to in Article 16(2).

Amendment 36
Article 4, paragraph 2, subparagraph 2, point (h) a (new)

(ha) background checks

Amendment 37
Article 4, paragraph 2, subparagraph 3

By way of derogation from the common standards referred to in paragraph 1, ***the measures and procedures may also address screening, access control or other security controls*** that provide an adequate level of protection at airports, or demarcated areas thereof. Such alternative measures shall be justified by reasons relating to the size of the aircraft, the nature of the operation and/or the frequency of operations at the airports concerned.

The Commission shall set, in accordance with the procedure referred to in Article 16(2), criteria for allowing Member States to derogate from the common ***basic*** standards referred to in paragraph 1, ***and to adopt security measures*** that provide an adequate level of protection at airports or demarcated areas thereof ***on the basis of a local risk assessment***. Such alternative measures shall be justified by reasons relating to the size of the aircraft, the nature of the operation and/or the frequency of operations at the airports concerned.

Amendment 38
Article 4, paragraph 3 a (new)

3a. Each of the detailed measures and procedures for the implementation of the common basic standards referred to in paragraph 1 shall be laid down on the basis of a risk and impact assessment. The assessment shall include the estimated costs.

Amendment 39
Article 4 a (new)

Article 4a

Transparency in charging

Where airport or on board security costs are included in the price of an air ticket, those costs shall be shown separately on the ticket or otherwise indicated to the passenger.

Amendment 40
Article 4 b, paragraph 1(new)

Article 4b

Action to be taken in the event of a security breach

Where they have reason to believe that the level of security has been compromised through a security breach, Member States shall ensure that appropriate and prompt action is taken to rectify that breach and ensure the continuing security of civil aviation.

Amendment 41
Article 4 b, paragraph 2 (new)

Member States shall consult the Committee referred to in Article 16 before applying such measures.

Amendment 42
Article 5, paragraph 1, subparagraph 2

Member States shall notify the Commission of such measures.

Member States shall notify the Commission *and the Committee referred to in Article 16* of such measures *before applying them*.

Amendment 43
Article 5, paragraph 3 a (new)

3a. Member States shall meet the costs of applying more stringent measures, as referred to in paragraph 1.

Amendment 44
Article 5 a (new)

Article 5a

Hypothecation of security taxes and charges

Security taxes and charges, whether levied by Member States or by air carriers or entities shall be transparent, shall be used exclusively to meet airport or on board aircraft security costs and shall not exceed the costs for applying the common basic standards referred to in Article 4.

Amendment 45
Article 6, paragraph 2, subparagraph 1

2. At the request of the Member State concerned or on its own initiative, the Commission shall examine the application of paragraph 1 and, ***after consulting the Committee referred to in Article 16(1), may decide whether the Member State, operator or other entity concerned may continue to apply these measures.***

2. At the request of the Member State concerned or on its own initiative, the Commission shall examine the application of any measures notified under paragraph 1 and ***may, in accordance with the procedure referred to in Article 16(2), and after consulting the third country, draw up an appropriate response to the third country.***

Amendment 46
Article 7

Where, within a single Member State, two or more bodies or entities are involved in aviation security, that Member State shall designate a single authority (hereinafter referred to as “the ***national*** authority”) to be responsible for the coordination and monitoring of the implementation of the common standards referred to in Article 4.

Where, within a single Member State, two or more bodies or entities are involved in aviation security, that Member State shall designate a single authority (hereinafter referred to as “the ***appropriate*** authority”) to be responsible for the coordination and monitoring of the implementation of the common ***basic*** standards referred to in Article 4.

Amendment 47
Article 9, paragraph 1, subparagraph 2

That programme shall define responsibilities for the implementation of the common standards referred to in Article 4 and shall describe the measures required by operators and other entities for this purpose.

That programme shall define responsibilities for the implementation of the common ***basic*** standards referred to in Article 4 and shall describe the measures required by operators and other entities for this purpose.

Amendment 48
Article 9, paragraph 2

2. The ***national*** authority shall make available in writing the appropriate parts of its national civil aviation security programme to operators and entities with a legitimate interest.

2. The ***appropriate*** authority shall make available in writing ***on a 'need to know' basis*** the appropriate parts of its national civil aviation security programme to operators and entities which it deems to have a legitimate interest.

Amendment 49
Article 9 a (new)

Article 9a

National quality control programme

1. Every Member State shall draw up, apply and maintain a national quality control programme.

That programme shall enable the Member State to check the quality of civil aviation security in order to monitor compliance both with this Regulation and with its national civil aviation security programme.

2. The specifications for the national quality control programme shall be adopted in accordance with the procedure referred to in Article 16(2).

The programme shall allow for the swift detection and correction of deficiencies. It shall also provide that all airports, operators and other entities responsible for the application of security standards that are located in the territory of the Member State concerned are to be regularly monitored directly by, or under the supervision of, the national authority.

Amendment 50

Article 11, paragraph 1, subparagraph 1

1. Every *air carrier shall draw up, apply and maintain* an air carrier security programme.

1. Every *Member State shall ensure that air carriers providing services from their territory, implement and maintain* an air carrier security programme *appropriate to meet the requirements of national civil aviation security programmes.*

Amendment 51

Article 11, paragraph 2 a (new)

2a. Where a Community air carrier security programme has been validated by the appropriate authority of the Member State granting the operating licence, it shall be recognised by all other Member States. Such validation and recognition shall not apply to those parts of the programme that relate to any more stringent measures that are to be applied in a Member State other than the Member State granting the operating license.

Amendment 52
Article 12, title

Security programme of *an entity* applying aviation security standards

Security programme of *a regulated agent* applying aviation security standards

Amendment 53
Article 12, paragraph 1, subparagraph 1

1. Every entity *applying* aviation security standards shall draw up, apply and maintain a security programme.

1. Every entity *required under the national civil aviation security programme to apply* aviation security standards shall draw up, apply and maintain a security programme.

Amendment 54
Article 12, paragraph 1, subparagraph 2

That programme shall describe the methods and procedures which are to be followed by the entity in order to comply *both with this Regulation* and with the national civil aviation security programme of the Member State *in which it is located*.

That programme shall describe the methods and procedures which are to be followed by the entity in order to comply *primarily* with the national civil aviation security programme of the *relevant* Member State *in respect of its operations in that Member State and with this Regulation*.

Amendment 55
Article 12, paragraph 2

2. Upon request, the security programme of the entity applying aviation security standards shall be submitted to the *national* authority.

2. Upon request, the security programme of the entity applying aviation security standards shall be submitted to the *appropriate* authority.

Amendment 56
Article 13

Article 13

deleted

National quality control programme

1. Every Member State shall draw up, and ensure the implementation of, a national quality control programme.

That programme shall enable the Member State to check the quality of civil aviation security in order to monitor compliance both with this Regulation and with its national civil aviation security programme.

2. The specifications for the national quality control programme shall be adopted in accordance with the procedure referred to in Article 16(2).

The programme shall allow for the swift detection and correction of deficiencies. It shall also provide that all airports, operators and other entities responsible for the application of security standards that are located in the territory of the Member State concerned shall be regularly monitored by, or under the supervision of, the national authority.

Amendment 57

Article 14, paragraph 1, subparagraph 1

1. The Commission, acting in cooperation with the *national* authority, *shall* conduct inspections - including inspections of airports, operators and entities applying aviation security standards - in order to monitor the application by Member States of this Regulation *and* to identify weak points in aviation security. For this purpose, the *national* authority shall inform the Commission in writing of all airports in its territory serving civil aviation other than those covered by the third subparagraph of Article 4(2).

1. The Commission *shall instruct the European Aviation Safety Agency*, acting in cooperation with the *appropriate* authority *of the Member State concerned, to* conduct inspections - including inspections of airports, operators and entities applying aviation security standards - in order to monitor the application by Member States of this Regulation, to identify weak points in aviation security *and, as appropriate, to make recommendations to improve aviation security*. For this purpose, the *appropriate* authority shall inform the Commission in writing of all airports in its territory serving civil aviation other than those covered by the third subparagraph of Article 4(2).

Amendment 58
Article 14, paragraph 3, subparagraph 2

The report, together with the answer of the ***national*** authority, shall subsequently be communicated to ***all other national authorities***.

The report, together with the answer of the ***appropriate*** authority, shall subsequently be communicated to ***the appropriate authorities of all other Member States***.

Amendment 59
Article 14, paragraph 3 a (new)

3a. The Commission shall ensure that every European airport that falls within the scope of this Regulation is inspected at least once within four years of the entry into force of this Regulation.

Amendment 60
Article 15 a (new)

Article 15a

Report

Every year the Commission shall present a report to the European Parliament, the Council, the Member States and the national parliaments, informing them of the application of this Regulation and its impact on improving air security, as well as of any weaknesses or shortcomings brought to light by the Commission's checks and inspections.

Amendment 61
Article 16 a (new)

Article 16a

Stakeholders' Advisory Group

Without prejudice to the role of the Committee referred to in Article 16, the Commission shall establish a Stakeholders' Advisory Group on Aviation Security, composed of European representative organisations engaged in or directly affected by aviation security. The role of this group shall be solely to advise the Commission. The Committee referred to in Article 16 shall keep the Stakeholders' Advisory Group informed during the entire regulatory process.

Amendment 62
Article 16 b (new)

Article 16b

Publication of information

Every year the Commission shall draw conclusions from the inspection reports and publish, in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents¹ a report on the implementation of this Regulation and on the situation in the Community as far as aviation security is concerned.

¹ OJ L 145, 31.5.2001, p. 43.

Amendment 63
Article 17

Agreements recognising that the security standards applied in a third country are equivalent to Community standards **may be concluded** between the Community and a third country in accordance with Article 300 of the Treaty.

Agreements recognising that the security standards applied in a third country are equivalent to Community standards **should be included in global aviation agreements** between the Community and a third country in accordance with Article 300 of the Treaty **in order to advance the goal of "one-stop security" for all flights between the European Union and third countries.**

Amendment 64
Article 20, subparagraph 2

It shall apply from [...], with the exception of Articles 4(2), 13(2), 14(1) and 16 which shall apply from the date of entry into force.

It shall apply from **[one year from the date of entry into force of this Regulation]**, with the exception of Articles 4(2), 13(2), 14(1) and 16, which shall apply from the date of entry into force.

Amendment 65
Annex, chapter 1, section 1.2, point 1

1. Access to airside shall be restricted in order to **deter** unauthorised persons and vehicles from entering these areas.

1. Access to airside shall be restricted in order to **prevent** unauthorised persons and vehicles from entering these areas.

Amendment 66
Annex, chapter 1, section 1.2, point 4

4. Before being issued with a crew identification card, a flight crew member of a Community air carrier shall have successfully completed a background check carried out by the licensing Member State.

deleted

Amendment 67
Annex, chapter 1, section 1.2, point 5

5. *Before being issued with an airport identification card that authorises access to security restricted areas, a staff member shall have successfully completed a background check carried out by the Member State in which the airport is located. This shall not apply to flight crew members that have been issued with crew identification cards as referred to in paragraph 4.*

5. *All staff, including flight crew members, shall have successfully completed a background check before an airport or crew identification card is issued to them authorising unescorted access to security restricted areas. Identification cards may be recognised by an appropriate authority other than that which issued the identification card concerned.*

Amendment 68
Annex, chapter 2

Aircraft parked in demarcated areas of airports to which alternative measures referred to in the third subparagraph of Article 4(2) apply, shall be separated from aircraft to which the common standards as laid down in this Annex apply in full, in order to **avoid** that security standards applied to aircraft, passengers, baggage and cargo of the latter are compromised.

Aircraft parked in demarcated areas of airports to which alternative measures referred to in the third subparagraph of Article 4(2) apply, shall be separated from aircraft to which the common **basic** standards as laid down in the Annex apply in full, in order to **ensure** that security standards applied to aircraft, passengers, baggage and cargo of the latter are **not** compromised.

Amendment 69
Annex, chapter 3, point 1

1. If passengers disembark an aircraft, the aircraft shall be subjected to an aircraft check before departure in order to ensure that no prohibited articles are present on board.

1. If passengers disembark an aircraft, the aircraft shall be subjected to an aircraft **security** check before departure in order to ensure that no prohibited articles are present on board. *An aircraft may be exempted from the check if it arrives from a Member State, unless the Commission or that Member State has provided information suggesting that the passengers and their cabin baggage cannot be considered as having been screened in accordance with the common basic standards referred to in Article 4.*

Amendment 70
Annex, chapter 3, point 1 a (new)

1a. Passengers who are disembarked from an aircraft at a recognised airport due to technical issues and subsequently held in a secure zone at that airport should not be subject to re-screening.

Amendment 71
Annex, chapter 3, point 2

2. Every aircraft shall be protected from unauthorised interference.

2. Every aircraft shall be protected from unauthorised interference. ***The presence of aircraft in the critical parts of the security restricted area shall be deemed to be sufficient protection.***

Amendment 72
Annex, chapter 5, section 5.3, point 2

2. Unaccompanied hold baggage shall not be transported, unless that baggage has been either separated due to factors beyond the passenger's control or subjected to ***additional*** security controls.

2. Unaccompanied hold baggage shall not be transported, unless that baggage has been either separated due to factors beyond the passenger's control or subjected to ***adequate*** security controls.

Amendment 73
Annex, chapter 6, title

CARGO

CARGO ***AND MAIL***

Amendment 74
Annex, chapter 6, section 6.1, point 1

1. All cargo shall be subjected to security controls prior to being loaded on an aircraft. An air carrier shall not accept cargo for carriage on an aircraft unless the application of security controls is confirmed and accounted for by ***a*** regulated agent, a known consignor or an account consignor.

1. All cargo shall be subjected to security controls prior to being loaded on an aircraft. An air carrier shall not accept cargo for carriage on an aircraft unless the application of security controls is confirmed and accounted for by ***another air carrier*** regulated agent, a known consignor or an account consignor.

Amendment 75
Annex, chapter 6, section 6.1, point 2

2. Transfer cargo shall be subjected to security controls as detailed in an implementing act.

2. Transfer cargo shall be subjected to security controls as detailed in an implementing act. ***It may be exempted from security controls:***
(a) if it arrives from a Member State, unless the Commission or that Member State has provided information suggesting that the cargo cannot be considered as having been screened in accordance with the common basic standards referred to in Article 4, or
(b) if it arrives from a third country with which the Community has an agreement as referred to in Article 17 that recognises that the cargo has been screened in accordance with security standards equivalent to Community standards, or
(c) in cases detailed in an implementing act.

Amendment 76
Annex, chapter 6, section 6.1 a (new)

6.1a. Security controls for mail
1. All mail shall be subjected to security controls prior to being loaded on an aircraft. An air carrier shall not accept mail for carriage on an aircraft unless it is confirmed that appropriate security controls for mail, as detailed in an implementing act, have been applied.
2. Transfer mail shall be subjected to security controls as detailed in an implementing act. It may be exempted from security controls on the basis of the exemption criteria laid down in section 5.1, point 2.
3. Transit mail may be exempted from security controls if it remains on board of the aircraft.

Amendment 77
Annex, chapter 10, point 1

1. Without prejudice to the applicable aviation safety rules, unauthorised persons shall be prevented from entering the flight crew compartment during a flight.

Without prejudice to the applicable aviation safety rules:

1. unauthorised persons shall be prevented from entering the flight crew compartment during a flight;

Amendment 78

Annex, chapter 10, point 2

2. ***Without prejudice to the applicable aviation safety rules***, potentially disruptive passengers shall be subjected to appropriate security measures during a flight.

2. potentially disruptive passengers shall be subjected to appropriate security measures during a flight;

Amendment 79

Annex, chapter 10, point 4

4. Weapons shall not be carried on board an aircraft, unless ***an authorisation has been given by the Member State concerned and the required security conditions have been fulfilled.***

4. Weapons, ***with the exception of those carried as declared cargo***, shall not be carried on board an aircraft, unless ***the required security conditions have been fulfilled, and***
(a) authorisation has been given by the State granting the operating licence to the air carrier concerned; and
(b) prior approval has been given by the States of departure and arrival and, where applicable, by any State which is flown over or in which intermediate stops are made;

Amendment 80

Annex, chapter 10, paragraph 6

6. Paragraphs 1 to 5 shall apply ***only to Community air carriers***

6. Points 1 to 5 shall apply ***to Community air carriers and to carriers that have their principal place of business in one or more Member States.***

Amendment 81

Annex, chapter 10, point 6 a (new)

6a. Responsibilities for taking appropriate action in the event of any act of unlawful interference committed on board a civil aircraft or during a flight shall be clearly defined, without prejudice to the principle of the authority of the captain of the aircraft.

Amendment 82
Annex, chapter 11, point 1

1. Persons implementing or responsible for implementing, screening, access control or other security controls shall be recruited, trained and certified so as to ensure that they are suitable for employment and competent to undertake the duties to which they will be assigned.

1. Persons implementing, or responsible for implementing, screening, access control or other security controls shall be recruited, trained and, ***where appropriate***, certified so as to ensure that they are suitable for employment and competent to undertake the duties to which they will be assigned.

Amendment 83
Annex, chapter 11, point 2

2. Persons other than passengers requiring access to security restricted areas shall, before either an airport identification card or crew identification card is issued, receive security training.

2. Persons other than passengers ***and escorted persons with a short term airport pass*** requiring access to security restricted areas shall, before either an airport identification card or crew identification card is issued, receive security training ***unless they are continuously escorted by one or more persons that have an airport identification card or crew identification card.***

Amendment 84
Annex, chapter 12

Equipment used for screening, access control and other security controls shall ***be capable to perform the security controls concerned.***

Equipment used for screening, access control and other security controls shall ***comply with approved specification and be capable of performing the security controls concerned.***

Amendment 85
Annex, chapter 12 a (new)

12a. BACKGROUND CHECKS

All pilots and applicants for pilot licences for motorised aircraft shall be subject to uniform background checks which shall be repeated at regular intervals. Decisions of the appropriate authorities regarding background checks shall be taken on the basis of the same criteria.