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Committee on Transport and Tourism

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*****II**

DRAFT RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a regulation of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (14039/1/2006 – C6-0041/2007 – 2005/0191(COD))

Committee on Transport and Tourism

Rapporteur: Paolo Costa

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a regulation of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (14039/1/2006 – C6-0041/2007 – 2005/0191(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (14039/1/2006 – C6-0041/2007),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2005)0429)²,
 - having regard to the amended Commission proposal (COM(2006)0810)³,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A6-0000/2007),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

Council common position

Amendments by Parliament

Amendment 1
Recital 1

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

¹ *Adopted Text*, 15.6.2006, P6_TA(2006)0267.

² Not yet published in OJ.

³ Not yet published in OJ.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 2
Recital 6

(6) **This Regulation** should apply to airports serving civil aviation located in the territory of a Member State, to operators providing services at such airports and to entities providing goods and/or services to or through such airports.

(6) **The new act** should apply to airports serving civil aviation located in the territory of a Member State, to operators providing services at such airports and to entities providing goods and/or services to or through such airports.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 3
Recital 10

(10) Member States should also be allowed, on the basis of a risk assessment, to apply more stringent measures than those laid down **in this Regulation**.

(10) 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.***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 4
Recital 11

(11) Third countries may require the application of measures that differ from those laid down in this **Regulation** in respect of flights from an airport in a Member State to, or over, that third country. However, without prejudice to any bilateral agreements to which the Community is a party, it should be possible

(11) Third countries may require the application of measures that differ from those laid down in this **act** in respect of flights from an airport in a Member State to, or over, that third country. However, without prejudice to any bilateral agreements to which the Community is a party, it should be possible for the

for the Commission to examine the measures required by the third country.

Commission to examine the measures required by the third country **and to decide whether a Member State, operator or other entity concerned may continue to apply the measures required.**

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 5
Recital 12

(12) Even though, within a single Member State, there may be two or more bodies involved in aviation security, each Member State should designate a single authority responsible for the coordination and monitoring of the implementation of **common basic standards on aviation security.**

(12) Even though, within a single Member State, there may be two or more bodies **or entities** involved in aviation security, each Member State should designate a single authority responsible for the coordination and monitoring of the implementation of **security standards.**

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 6
Recital 13

(13) In order to define responsibilities for the implementation of the common basic standards **on aviation security** and to describe what measures are required by operators and other entities for this purpose, each Member State should draw up a national civil aviation security programme. Furthermore, each airport operator, air carrier and entity **implementing** aviation security standards should draw up, apply and maintain a security programme in order to comply both with **this Regulation** and with whichever national civil aviation security programme is applicable.

(13) In order to define responsibilities for the implementation of the common basic standards and to describe what measures are required by operators and other entities for this purpose, each Member State should draw up a national civil aviation security programme. Furthermore, each airport operator, air carrier and entity **applying** aviation security standards should draw up, apply and maintain a security programme in order to comply both with **the new act** and with whichever national civil aviation security programme is applicable.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 7
Recital 14

(14) In order to monitor compliance with **this Regulation** 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.

(14) 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 8
Recital 15 a (new)

(15a) 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 9
Recital 17

(17) Implementing acts setting out common measures and procedures for the implementation of the common basic standards **on aviation security** and containing sensitive security information, together with Commission inspection reports and answers of appropriate authorities should be regarded as "EU classified information" within the meaning of Commission Decision 2001/844/EC,

(17) Implementing acts setting out common measures and procedures for the implementation of the common basic standards and containing sensitive security information, together with Commission inspection reports and answers of appropriate national authorities should be regarded as "EU classified information" within the meaning of Commission Decision 2001/844/EC, ECSC, Euratom of

ECSC, Euratom of 29 November 2001 amending its internal rules of procedure. Those items should not be published; they should only be made available to those operators and entities with a legitimate interest.

29 November 2001 amending its internal rules of procedure. Those items should not be published; they should only be made available to those operators and entities with a legitimate interest.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 10
Recital 18 a (new)

(18a) For the purpose of allowing transfer passengers and transfer baggage to be exempted from screening when arriving on a flight from a third country, which is known as the concept of “one-stop security”, as well as for allowing passengers arriving on such a flight to mix with screened departing passengers, it is appropriate to encourage agreements between the Community and third countries, recognising that the security standards applied in the third country are equivalent to Community standards.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 11
Recital 21

(21) ***Member States should determine the penalties applicable to*** infringements of the provisions of this Regulation. ***The penalties provided for, which may be of a civil or administrative nature,*** should be effective, proportionate and dissuasive.

(21) Penalties ***should be provided for*** infringements of the provisions of this Regulation. ***Those*** penalties should be effective, proportionate and dissuasive.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 12
Recital 22 a (new)

(22a) 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 13
Article 1, paragraph 1

1. This Regulation establishes common rules to ***safeguard*** civil aviation against acts of unlawful interference.

It also provides the basis for a common interpretation of Annex 17 to the Chicago Convention on International Civil Aviation.

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

It also provides the basis for a common interpretation ***of the April 2002 issue*** of Annex 17 to the Chicago Convention on International Civil Aviation.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 14
Article 2, paragraph 1, point (a)

a) all airports or parts of airports located in the territory of a Member State ***that are not exclusively used for military purposes;***

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

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 15
Article 3, point 1

1) "civil aviation" means any air operation

1) "civil aviation" means any air ***transport***

carried out by civil aircraft, excluding operations carried out by state aircraft referred to in Article 3 of the Chicago Convention on International Civil Aviation;

operation, ***both commercial and non-commercial, as well as both scheduled and non-scheduled operations, but*** excluding operations carried out by state aircraft referred to in Article 3 of the ***1944*** Chicago Convention on International Civil Aviation;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 16
Article 3, point 2

2) "aviation security" means the combination of measures and human and ***material*** 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;***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 17
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;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 18
Article 3, point 7

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

7) "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**;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 19
Article 3, point 13

13) "security restricted area" means that area of airside where, in addition to access being restricted, **other aviation security standards are** applied;

13) "security restricted area" means that area of airside where, in addition to access being restricted, **access control is** applied;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 20
Article 3, point 14

14) "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;

14) "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;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 21
Article 3, point 15

15) "background check" means a **recorded** 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**

15) "background check" means a **verifiable** check of a person's identity, including any criminal history **and intelligence data**;

areas;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 22
Article 3, point 16

16) "transfer passengers, baggage, cargo or mail" means passengers, baggage, cargo or mail departing on an aircraft other than that on which they arrived;

16) "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;***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 23
Article 3, point 17

17) "transit passengers, baggage, cargo or mail" means passengers, baggage, cargo or mail departing on the same aircraft as that on which they arrived;

17) "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;***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 24
Article 3, point 18

18) "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;

18) "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;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 25
Article 3, point 21

21) "accompanied hold baggage" means baggage, ***carried*** in the hold of an aircraft, which ***has been checked in for a flight by a passenger travelling on that same flight;***

21) "accompanied hold baggage" means baggage ***accepted for carriage*** in the hold of an aircraft ***on which the passenger who checked it in is on board;***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 26
Article 3, point 24

24) "mail" means dispatches of correspondence and other ***items, other than air carrier mail, tendered by and intended for delivery to postal services*** in accordance with the ***rules*** of the Universal Postal Union;

24) "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***);

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 27
Article 3, point 26

26) "regulated agent" means an air carrier, agent, freight forwarder or any other entity ***who*** ensures security controls in respect of cargo or mail;

26) "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;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 28
Article 3, point 27

27) "known consignor" means a consignor who originates cargo or mail **for its own account** and whose procedures meet common security rules and standards sufficient to allow carriage of cargo or mail on any aircraft;

27) "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;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 29
Article 3, point 28

28) "account consignor" means a consignor who originates cargo or mail **for its own account** and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo on all-cargo aircraft **or mail on all-mail aircraft**;

28) "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**;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 30
Article 3, point 29

29) "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 **with** the aircraft;

29) "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;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 31
Article 3, point 30

30) "aircraft security 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;

30) "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;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 32
Article 3, point 31

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

31) "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.*

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 33
Article 3, point 31 a (new)

31a) "continuous random check" means a check conducted during the entire period of activity, whilst these checks are to be conducted on a random basis.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 34
Article 4, paragraph 1

1. The common basic standards for

1. The common basic standards for

safeguarding civil aviation against acts of unlawful interference shall be as laid down in the Annex.

safeguarding civil aviation against acts of unlawful interference **that jeopardise the security of civil aviation** shall be as laid down in the Annex.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 35

Article 4, paragraph 1 a (new)

1a. Member States and users shall share the costs of the application of the common basic 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 36

Article 4, paragraph 2 , point (h)

(h) categories of persons, goods **and aircraft** that for objective reasons shall be subject to special security procedures or shall be exempted from screening, access control or other security controls.

(h) categories of persons **and** goods that for objective reasons shall be subject to special security procedures or shall be exempted from screening, access control or other security controls;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 37

Article 4, paragraph 2, point (h a) (new)

(ha) background checks.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 38
Article 4, paragraph 3

3. The Commission shall, **by amending this Regulation through a decision in accordance with the regulatory procedure with scrutiny referred to in Article 15(3), set criteria to allow** Member States to derogate from the common basic standards referred to in paragraph 1 and to adopt **alternative** security measures that provide an adequate level of protection on the basis of a local risk assessment. Such alternative measures shall be justified by reasons relating to the size of the aircraft, **or by reasons relating to** the nature, **scale or** frequency of operations **or of other relevant activities. On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 15(4). The Member States shall inform the Commission of these measures.**

3. The Commission shall **set, in accordance with the procedure referred to in Article 20(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.**

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 39
Article 4, paragraph 4

4. Member States shall ensure the application in their territory of the common basic standards referred to in paragraph 1. **Where a Member State has reason to believe that the level of aviation security has been compromised through a security breach, it shall ensure that appropriate and prompt action is taken to rectify that breach and ensure the continuing security of civil aviation.**

4. Member States shall ensure the application of the common basic standards referred to in paragraph 1.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 40
Article 4, paragraph 4 a (new)

4a. 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 41
Article 5 a (new)

Article 5 a

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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 42
Article 5 b (new)

Article 5 b

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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 43
Article 5 c (new)

Article 5 c

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.

Member States shall consult the Committee referred to in Article 20 before applying such measures.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 44
Article 5, paragraph 1

1. Member States may apply more stringent measures than the common basic standards referred to in Article 4. In doing so, they shall act on the basis of a risk assessment and in compliance with Community law. **The** measures shall be relevant, objective, non-discriminatory and proportional to the risk that is being addressed.

1. Member States may apply more stringent measures than the common basic standards as laid down in Article 4. In doing so, they shall act on the basis of a risk assessment and in compliance with Community law. **More stringent** measures shall be relevant, objective, non-discriminatory and proportional to the risk that is being addressed.

Member States shall notify the Commission and the Committee referred to in Article 20 of such measures before

applying them.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 45
Article 5, paragraph 2

2. Member States shall inform the Commission of such measures as soon as possible after their application. Upon reception of such information, the Commission shall transmit this information to the other Member States.

2. The Commission may examine the application of paragraph 1 and, after consulting the Committee referred to in Article 20(1), may decide whether the Member State is allowed to continue to apply the measures.

The Commission shall communicate its decision to the Council and the Member States.

Within one month of the decision being communicated by the Commission, a Member State may refer the decision to the Council. The Council, acting by qualified majority, may, within a period of three months, take a different decision.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 46
Article 5, paragraph 3

3. Member States are not required to inform the Commission if the measures concerned are limited to a given flight on a specific date.

3. The second subparagraph of paragraph 1, and paragraph 2, shall not apply if the more stringent measures are limited to a given flight on a specific date.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 47
Article 5, paragraph 3 a (new)

3a. Member States shall meet the costs of

applying more stringent measures, as referred to in paragraph 1.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 48
Article 6, paragraph 1

1. Without prejudice to any bilateral agreements to which the Community is a party, a Member State shall ***inform*** the Commission of ***security*** measures required by a third country if they differ from the common basic standards referred to in Article 4 in respect of flights from an airport in a Member State to, or over, that third country.

1. Without prejudice to any bilateral agreements to which the Community is a party, a Member State shall ***notify*** the Commission of measures required by a third country if they differ from the common basic standards as laid down in Article 4 in respect of flights from an airport in a Member State to, or over, that third country.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 49
Article 6, paragraph 2

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 15(2)***, draw up an appropriate response to the third country ***concerned***.

2. At the request of the Member State concerned or on its own initiative, the Commission shall examine the application of paragraph 1 and may, in accordance with the procedure referred to in ***Article 20(2)***, ***and after consulting the third country***, draw up an appropriate response to the third country.

The Commission shall communicate its decision to the Council and the Member States.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 50
Article 7, heading

Appropriate authority

National authority

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 51
Article 7 a (new)

Article 7a

Programmes

Member States, airport operators, air carriers and other entities applying aviation security standards shall be responsible for drawing up, applying and maintaining their respective security programmes in the manner set out in Articles 12 to 16.

Member States shall additionally perform the broad quality-control function defined in Article 17.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 52
Article 8, paragraph 2

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.

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 ***with*** a legitimate interest.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 53
Article 9, paragraph 2

2. The specifications for the national

2. The specifications for the national

quality control programme shall be adopted **by amending this Regulation through the addition of an annex** in accordance with the **regulatory procedure with scrutiny** referred to in **Article 15(3)**.

On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 15(4).

quality control programme shall be adopted in accordance with the procedure referred to in **Article 20(2)**.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 54

Article 10, paragraph 1, subparagraph 2

The programme shall **include internal quality control provisions describing** how compliance with these methods and procedures is monitored by the airport operator.

The programme shall **also describe** how compliance with these methods and procedures is monitored by the airport operator.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 55

Article 10, paragraph 2

2. The airport security programme shall be submitted to the appropriate authority, **which may take further action if appropriate.**

2. The airport security programme shall be submitted to the appropriate authority.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 56

Article 11, paragraph 1

1. Every **air carrier** shall **draw up, apply** and maintain an air carrier security programme. That programme shall describe the methods and procedures which

1. Every **Member State** shall **ensure that air carriers providing services from their territory implement** and maintain an air carrier security programme **appropriate to**

are to be followed by the air carrier in order to comply both with this Regulation and with the national civil aviation security programme of the Member State from which it provides services.

The programme shall **include internal quality control provisions describing** how compliance with these methods and procedures is monitored by the air carrier.

meet the requirements of national civil aviation security programmes. That programme shall describe the methods and procedures which are to be followed by the air carrier in order to comply both with this Regulation and with the national civil aviation security programme of the Member State from which it provides services.

The programme shall **also describe** how compliance with these methods and procedures is monitored by the air carrier.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 57 Article 11, paragraph 2

2. Upon request, the air carrier security programme shall be submitted to the appropriate authority, **which may take further action if appropriate.**

2. Upon request, the air carrier security programme shall be submitted to the appropriate authority.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 58 Article 11, paragraph 3

3. Where a Community air carrier security programme has been validated by the appropriate authority of the Member State granting the operating licence, **the air carrier** shall be recognised by all other Member States **as having fulfilled the requirements of paragraph 1. This is without prejudice to a Member State's right to request from any air carrier details of its implementation of:**

(a) the security measures applied by that Member State under Article 5; and/or

3. 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.**

(b) local procedures that are applicable at the airports served.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 59
Article 12, heading

Entity security programme

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

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 60
Article 12, paragraph 1

1. Every entity required under ***a*** national civil aviation security programme ***referred to in Article 8*** to apply aviation security standards shall draw up, apply and maintain ***an entity*** security programme.

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

The programme shall ***include internal quality control provisions describing*** how compliance with these methods and procedures is monitored by the entity.

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.

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.***

The programme shall ***also describe*** how compliance with these methods and procedures is ***to be*** monitored by the entity ***itself.***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 61
Article 12, paragraph 2

2. Upon request, the programme shall be submitted to the appropriate authority *of the Member State concerned, which may take further action if appropriate.*

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

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 62
Article 13, paragraph 1

1. The Commission, acting in cooperation with the appropriate authority of the Member State concerned, *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, 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 Article 4(3).

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(3).

The procedures for conducting Commission inspections shall be adopted in accordance with the procedure referred to in *Article 15(2)*.

The procedures for conducting Commission inspections shall be adopted in accordance with the procedure referred to in *Article 20(2)*.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 63
Article 13, paragraph 2

2. Commission inspections of airports, operators and entities applying aviation security standards shall be unannounced. *The Commission shall in good time before*

2. Commission inspections of airports, operators and other entities applying aviation security standards shall be

an inspection inform the Member State concerned thereof. unannounced.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 64
Article 13, 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.***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 65
Article 14, point (a)

(a) measures and procedures as referred to in ***Articles 4(2), 4(3), 5(1) and 6(1)***, if containing sensitive security information;

(a) measures and procedures as referred to in ***Article 4(3)***, if containing sensitive security information;

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 66
Article 14, point (b)

(b) Commission inspection reports and answers of the appropriate authorities, as referred to in ***Article 13(3)***.

(b) Commission inspection reports and answers of appropriate authorities, as referred to in ***Article 17(3)***.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 67
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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 68
Article 15 b (new)

Article 15b

Stakeholders' Advisory Group

Without prejudice to the role of the Committee referred to in Article 20, 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 20 shall keep the Stakeholders' Advisory Group informed during the entire regulatory process.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 69
Article 15 c (new)

Article 15c

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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 70
Article 15 d (new)

Article 15d

Third countries

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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 71
Article 18

It shall apply from ...^{*}, with the exception of *Articles 4(2), 4(3), 9(2), 13(1) and 15,*

It shall apply from ...^{*}, with the exception of *Article 4(3), Article 17(1) and Article*

which shall apply from *the date of entry into force of this Regulation*.

* *Two years after* the date of entry into force of this Regulation.

20, which shall apply from ... **.

* *One year from* the date of entry into force of this Regulation.

** *The date of entry into force of this Regulation*.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 72
Annex I, heading

COMMON BASIC STANDARDS
(ARTICLE 4)

COMMON BASIC STANDARDS **FOR
SAFEGUARDING CIVIL AVIATION
AGAINST ACTS OF UNLAWFUL
INTERFERENCE** (ARTICLE 4)

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 73
Annex I, paragraph 1, section 1.2, point 4

4. **Persons**, including flight crew members, shall have successfully completed a background check before *either a* crew identification card *or an airport identification card* authorising unescorted access to security restricted areas *is issued to them*.

4. **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.*

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 74
Annex I, article 1, section 1.5

There shall be surveillance, patrols and other physical controls *at airports and*,

There shall be surveillance, patrols and other physical controls *in the security*

where appropriate, in adjacent areas with public access, in order to identify suspicious behaviour of persons, to identify vulnerabilities which could be exploited to carry out an act of unlawful interference and to deter persons from **committing** such acts.

restricted areas and all adjacent areas with public access, in order to identify suspicious behaviour of persons, to identify vulnerabilities which could be exploited to carry out an act of unlawful interference and to deter persons from such acts.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 75
Annex I, article 2

Aircraft parked in demarcated areas of airports to which alternative measures referred to in Article 4(3) apply, shall be separated from aircraft to which the common basic standards apply in full, in order to ensure that security standards applied to aircraft, passengers, baggage, cargo and mail of the latter are not compromised.

Aircraft parked in demarcated areas of airports to which alternative measures referred to **in the third subparagraph of** Article 4(3) 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 76
Annex I, article 3, paragraph 1

1. **Before departure, an** aircraft shall be subjected to an aircraft security check **or aircraft security search** in order to ensure that no prohibited articles are present on board. An aircraft **in transit** may be **subjected to other appropriate measures**.

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.**

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 77
Annex I, article 3, paragraph 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 78
Annex I, article 3, paragraph 2

2. Every aircraft shall be protected from unauthorised interference.

3. 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.***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 79
Annex I, article 3, paragraph 2 a (new)

2a. Every aircraft that has not been protected from unauthorised interference shall be subjected to an aircraft search.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 80
Annex I, article 4, section 4.1, paragraph 2, point (b)

(b) they arrive from a third country *where the security standards applied are recognised as equivalent to the common basic standards in accordance with the procedure referred to in Article 15(2).*

(b) they arrive from a third country *with which the Community has an agreement as referred to in Article 23 that recognises that these passengers and their cabin baggage have been screened to security standards equivalent to Community standards.*

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 81

Annex I, article 4, section 4.1, paragraph 3, point (d)

(d) they arrive from a third country *where the security standards applied are recognised as equivalent to the common basic standards in accordance with the procedure referred to in Article 15(2).*

(d) they arrive from a third country *with which the Community has an agreement as referred to in Article 23 that recognises that these passengers and their cabin baggage have been screened to security standards equivalent to Community standards.*

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 82

Annex I, article 4, section 4.2, paragraph 2, point (b)

(b) the passengers arrive from a third country *where the security standards applied are recognised as equivalent to the common basic standards in accordance with the procedure referred to in Article 15(2).*

(b) the passengers arrive from a third country *with which the Community has an agreement as referred to in Article 23 that recognises that these passengers have been screened to security standards equivalent to Community standards.*

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 83

Annex I, article 5, section 5.1, paragraph 1

1. All hold baggage shall be screened prior

1. All hold baggage shall be screened prior

to being loaded onto an aircraft ***in order to prevent prohibited articles from being introduced into security restricted areas and on board aircraft.***

to being loaded onto an aircraft.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 84

Annex I, article 5, section 5.1, paragraph 2, point (b)

(b) it arrives from a third country ***where the security standards applied are recognised as equivalent to the common basic standards in accordance with the procedure referred to in Article 15(2).***

(b) it arrives from a third country ***with which the Community has an agreement as referred to in Article 23 that recognises that this hold baggage has been screened to security standards equivalent to Community standards.***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 85

Annex I, article 5, section 5.3, paragraph 1

1. Each item of hold baggage shall be identified as accompanied or unaccompanied.

1. Each item of hold baggage shall be identified as accompanied or unaccompanied. ***The hold baggage of a passenger who has checked in for a flight but who is not on board the aircraft shall be identified as unaccompanied.***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 86

Annex I, article 5, section 5.3, paragraph 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

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.

adequate security controls.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 87

Annex I, article 6, section 6.1, heading

Security controls for cargo **and mail**

Security controls for cargo

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 88

Annex I, article 6, section 6.1, paragraph 1

1. All cargo **and mail** shall be subjected to security controls prior to being loaded on an aircraft. An air carrier shall not accept cargo or mail for carriage on an aircraft unless **it has applied such controls itself or their application has been** 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 89

Annex I, article 6, section 6.1, paragraph 2

2. Transfer cargo **and transfer mail may** be subjected to **alternative** security controls **to be** 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 23 that recognises that the cargo has been screened in accordance with security standards equivalent to Community standards, or*

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 90
Annex I, article 6, section 6.2, heading

Protection of cargo **and mail**

Protection of cargo

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 91
Annex I, article 6, section 6.2, paragraph 1

1. Cargo **and mail** to be carried on an aircraft shall be protected from unauthorised interference from the point at which security controls are applied until the departure of the aircraft on which it is to be carried.

1. Cargo to be carried on an aircraft shall be protected from unauthorised interference from the point at which security controls are applied until the departure of the aircraft on which it is to be carried.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 92
Annex I, article 6, section 6.2, paragraph 2

2. Cargo **and mail** that **are** not adequately protected from unauthorised interference after security controls have been applied shall be screened.

2. Cargo that **is** not adequately protected from unauthorised interference after security controls have been applied shall be screened.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 93
Annex I, article 6, section 6.2 a (new)

Security controls for mail

- 1. All mail shall be subjected to security controls prior to being loaded on to 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 the aircraft.***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 94
Annex I, article 10, paragraph 2

2. Appropriate security measures such as training of flight crew and cabin staff shall be taken to prevent acts of unlawful interference during a flight.

2. If, during a flight, a passenger seeks to commit an act of unlawful interference, appropriate security measures shall be taken to prevent such an act.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 95
Annex I, article 10, paragraph 3

3. Weapons shall not be carried in the

3. Weapons, with the exception of those

*cabin or the flight crew compartment of an aircraft, unless **authorisation has been given by the States involved in accordance with their respective national laws.***

*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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 96

Annex I, article 10, paragraph 3 a (new)

3a. In-flight security officers may only be deployed on board an aircraft if the required security conditions and training have been fulfilled. Member States retain the right not to authorise the use of in-flight security officers on flights of air carriers licensed by them.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 97

Annex I, article 10, paragraph 4

4. Paragraph 3 shall *also* apply to *in-flight security officers if they carry weapons.*

4. *Points 1 to 4* shall apply to *Community air carriers and to carriers that have their principal place of business in one or more Member States.*

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 98

5a. 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 99

Annex I, article 11, paragraph 2

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

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 who have an airport identification card or crew identification card.***

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 100

Annex I, article 12

Equipment used for screening, access control and other security controls shall be capable of performing 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.

Justification

Restores the position adopted by Parliament in its first reading.

Amendment 101
Annex I, article 12 a (new)

Article 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.

Justification

Restores the position adopted by Parliament in its first reading.