



Non-official translation. Original FR.

Introduction of liquids onboard of aircrafts State of play

Shadow: J. Hennis-Plasschaert

Background:

The ban on liquids was introduced following the discovery of a plot, in August 2006, to destroy an aircraft destined for the United States by using homemade explosive liquids carried onboard in hand luggage.

Legislation:

The restrictions were introduced by the Commission Regulation n°1546/2006, modifying Regulation n° 622/2003, setting the measures for the implementation of the common rules in the field of air security.

This Regulation was cancelled by the Court of Justice following the "Heinrich case", as the measures were adopted in a "secret" appendix; the Regulation on liquids was then revised and finally published. It states that each passenger may embark, in a transparent bag placed in their hand luggage, liquids in individual bottles or tubes of maximum 100ml each with the total amount not exceeding one litre.

This regulation is of a temporary nature with a view to be replaced before 29 April 2010 by suitable screening technologies for identifying liquids.

According to the Commission, the threat of using liquid explosives for terrorist attacks remains and is significant. The Commission therefore presented a new European proposal in order to avoid, with the expiration of the Regulation on 29 April, having to face 27 different regulations on bans of liquids onboard of aircraft departing from European Airports.

The Commission proposed thus to go further than the current regulation by introducing a 3 step measure:

- As a first step, from 2010 onwards, liquids, aerosols and gels obtained at a third country airport or on board an aircraft of a non-Community air carrier shall be permitted into security restricted areas and on board an aircraft, under certain conditions. This first step will notably improve the situation of passengers in transfer having bought at duty-free shops and remove the need for confiscation.
- As a second step, by 29 April 2012, all airports handling at least 10 million passengers per annum shall have the capability to screen liquids, aerosols and gels in accordance with the requirements of Regulation (EC) N°300/2008.
- Finally, by 29 April 2014, all airports must have the capability to screen liquids, aerosols and gels in accordance with the requirements of Regulation (EC) N° 300/2008.

Available technologies:

An important element in this discussion is the accuracy and efficiency of the screening machines. The Commission distinguishes four types of machines, based on the European Civil Aviation Conference - ECAC's standards:

Type A: takes a sample of the liquid	Very accurate	Very time consuming
Type B: screens each individual bottle	Accurate	Quite time consuming
Type C: screens a basket with several bottles or tubes	Not so accurate	Quite fast
Type D: screens liquids while they are kept in the hand luggage	Machine is being developed	Would be very fast

The certification procedure on European level is non-existent and certain Member States have introduced their own technical regulation, which for security reasons are kept confidential.

Parliament's position:

The TRAN Coordinators had given their consent under the comitology procedure to the restriction of the quantity of liquids allowed onboard. However, on 5 September 2007, the Parliament expressed concerns about the costs and inconveniences for the passengers of this ban and called upon the Commission to urgent review, and if no further conclusive facts were brought forward, to repeal this Regulation.

Council's position:

During the 9 October 2009 Transport Council meeting, a vast majority of the Member States opposed to the lifting of the ban.

Status today:

The ban should be lifted on 29 April 2010 and in response to the Parliament's resolution, Commissioner Tajani proposes, in an informal letter addressed to TRAN and LIBE Chairmen, a phasing out in three steps, as previously indicated.

On 9 November, a compromise proposal was reached by the TRAN Coordinators followed-up the following day by a debate in the TRAN Committee. During this debate many dissonant voices were heard, especially from LIBE members, who were invited to the debate.

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- By 1 January 2012 all upgraded type C liquid screening machines should be certified by Member States for usage throughout the EU and by 1 January 2013 all airports must have the capability to screen liquids, aerosols and gels in accordance with Regulation No 300/2008 (EC) based on the available technology.

Future procedures:

The Committee of Air Safety will meet on 19 November 2009. It should adopt a measure which would enable to carry on with the ban on liquids while taking into account the available technologies for controlling liquids. It seems that the Member States are not in measure to accept the schedule proposed

by the Commission, and even less the one proposed by the TRAN Coordinators. The Ministers of the Transport Council could in that case be called upon to make a decision.

The Parliament will only have little room for manoeuvre as the Regulation can only be modified under the comitology procedure (PRAC). The Parliament will have 3 months to speak out, either by accepting the measure as such or by rejecting it by a veto resolution. This veto resolution could be a means of pressure on the Council and the Commission to obtain a better proposal. But if the veto procedure is concluded, the vote in plenary would not take place before January or February 2010, with the risk to see the ban lifted on 29 April 2010, and to have to face 27 different regulations.

In its previous mandate, ALDE strongly opposed to the measures currently in place and has always been in favour of a swift and rapid abolition of these measures and thus replacing them by alternative control methods (new technologies).

Position of our shadow:

The idea to improve the situation of passengers in transfer as from 2010 is charming. However, this measure will cause a logistical nightmare for airports, in particular for those equipped with so called "gate security".

The United States will possibly replace the liquids ban by a screening procedure as from 2011. Why not using the same technology as in the United States also in the European airports?

An open-ending regulation is not an option.

AD & OM 13/11/09