



ECA POSITION ON THE PROPOSAL FOR A REGULATION ON CIVIL AVIATION SECURITY (2005/0191(COD))

SUMMARY

- The European Cockpit Association (ECA) welcomes the draft proposal.
- ECA supports the completion of the European civil aviation security system through the introduction of a chapter on in-flight security
- ECA calls for the recognition of the "Stakeholder Advisory Group on Aviation Security"
- ECA, jointly with the European air transport industry representatives, calls for public funding of aviation security measures.

1. An important Step Forward

The European Cockpit Association, representing over 34.000 European pilots, welcomes the draft proposal for a regulation on aviation security. Regulation 2320/2002 was an important step for the establishment of a European aviation security policy. The new Proposal for a Regulation gives further coherence and effectiveness to the system by allowing greater flexibility and covering some important areas missing in Reg. 2320. However, the greater importance of the committee procedure in this new Regulation needs to be accompanied by measures allowing for transparency and industry participation.

2. New Provisions on In-flight Security – A Must for Secure Aviation

ECA strongly welcomes the Commission's decision to introduce in-flight security as a new chapter of the new Regulation's annex.

A harmonised high level of security protection for persons and goods – which is the aim of this Regulation – cannot stop once the passengers / cargo are on board. It must continue *inside the aircraft and during the flight*. The European security system should be able to adopt a harmonised and comprehensive approach to the protection of citizens both on the ground and on board against the potential threat to security that represents a flying aircraft.

The absence of a European legal base to act on in-flight security in the past has prevented a coherent EU reaction to unilateral measures imposed by third countries to EU carriers. Instead, it has resulted in different, chaotic and uncoordinated solutions by individual Member States. This situation is not optimal, and prevents a harmonious development of the operations in Europe.

Without the provisions on in-flight security, the EU aviation security system will not be complete. The position of the European Cockpit Association is that all efforts have to be deployed on the ground to avoid any security problem in-flight. However, experience has shown that measures are needed in case the system on the ground fails. The tragic events of 9/11 have shown that ground security is not a panacea.

In the new security context, it is important to define the different responsibilities in case of an in-flight security threat. ECA therefore proposes that a reference to *the captain's authority* is included in the text of chapter 10 of the annex.

ECA stresses that the fact of having common European rules on in-flight security does not prevent Member States to take appropriate action in case of a sudden security threat. Common rules are a necessity to allow for a coherent security policy in the EU, and for a high level of in-flight security across Europe. The chapter on in-flight security should therefore be kept, as proposed by the Commission.

3. "Stakeholder Advisory Group" to be Formally Enshrined

ECA is very satisfied with the way the Commission organised consultation on aviation security legislation through the "Stakeholders Advisory Group on Aviation Security" (SAGAS). The Commission itself has recognised the value added of the stakeholders' input to the legislative work (See page 4 of the Explanatory Memorandum, COM (2005) 429 final).

ECA, together with other members of the industry, believe that this group – which today exists only because of the goodwill of the current Commission team in charge of the dossier – is given stability and is formally incorporated in the new Regulation.

Participation of stakeholders has in our view two distinctive advantages:

- It provides the *expertise and know-how* of the people "on the terrain" (thus avoiding impracticable solutions);
- It ensures some *transparency* in a new security system that will work mainly under the committee procedure.

For ECA, as "stakeholder", it is crucial to have a permanent forum where our experts can express their opinion on issues under preparation and give advice before it is too late.

ECA suggests that the Advisory Group would remain as it is today: an advisory group. It would have consultative power, and participants would continue to be subject to the same restrictions as in the present (confidentiality and strict background checks). But the Group would hold an official status, recognised by the Regulation, thus not depending on the goodwill of the officials in charge.

4. Suggestions for Amendments

New Article 9A

Without prejudice to the role of the Committee referred to in Article 9, the Commission shall establish a « Stakeholders Advisory Group on Aviation Security » to which pan-European professional representative organisations engaged or directly affected by aviation security belong. The role of this group shall be solely to advise the Commission. The meetings of this committee will be open to the members of the committee referred to in article 9. Subject to Member States' representatives agreement, the Commission may organise joint meetings of this committee with the committee referred to in article 9.

Annex I - Section 10 In-flight Security

New 1. Without prejudice to the principle of Captain's authority, responsibilities shall be clearly defined to take appropriate action in case of any act of unlawful interference committed onboard of a civil aircraft or during a flight.

[Renumber the existing paragraphs]

5. European Air Transport Industry Position on Civil Aviation Security

You will find attached a joint paper from the European Air Industry representatives concerning the proposed Regulation.

In addition to the point concerning the recognition of the stakeholder advisory group, the paper refers to other points of common interests to the associations engaged in aviation security

We would like to call your attention in particular to the need for proper financing of aviation security measures. Ensuring the protection of citizens and goods is a public goal and competence. Hence, public funds have to be made available to achieve the desired levels of security. In the same way that nobody would support private security patrolling the streets instead of police, the security of aviation shall not be left uniquely to private entities, such as airports and carriers.

The European Cockpit Association is concerned about the increasing costs borne by companies, which force them to seek savings in the variable cost they can still control, i.e. their employees.

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