



**CHELGATE INTRODUCTORY GUIDE**

**CERTIFICATION SYSTEM FOR AVIATION SECURITY SCREENING EQUIPMENT (ASSE)**

On 7 September 2016, the European Commission adopted a proposal for a regulation establishing a certification system for aviation security screening equipment (ASSE). The proposal seeks ‘to contribute to the proper functioning of the EU internal market and to increase the global competitiveness of the EU industry by establishing an EU certification system for aviation security equipment’. This system would be based on EU type-approval and issuance of a certificate of conformity by manufacturers, which would be valid in all Member States, according to the principle of mutual recognition.



The European Commission’s original proposal was not well-received by industry and it was hoped that the legislative dossier may be dropped. However, recent terror attacks in Europe have led to fresh calls, particularly within the EU Parliament and Council, for this legislative dossier to be concluded and its negotiations expedited.

The work of the EU Parliament over the coming year will be fundamental in shaping the final report which will be adopted by the EU Institutions. This report will now certainly be adopted, in some guise or other, and engagement with the Parliament is critical to ensure the report supports the business models of the Association’s membership. There are many positive proposals within the European Commission proposal which engagement with the Parliament and Council can ensure are eventually adopted.

**EUROPEAN PARLIAMENT**

The European Parliament is finalising the timetable for this specific report within the committee secretariats. However, it is likely that discussion will begin late October/early November within the IMCO and TRAN Committees. The below chart details the current committee rapporteurs and shadow rapporteurs who will lead on the ASSE report within the Parliament.

The ASSE has been granted Rule.55 status within the European Parliament, this means that report will be drawn up, jointly, by two Parliamentary Committees. This involves joint meetings of committees and a joint vote on the report. Rule.55 procedures are applied to reports which the European Parliament deem to fall within the competence of more than one single Parliamentary Committee. In this case, transport and internal market competences.

| Committee responsibilities ASSE |                            |                      |                                   |                             |                  |  |
|---------------------------------|----------------------------|----------------------|-----------------------------------|-----------------------------|------------------|--|
|                                 |                            |                      |                                   |                             |                  |  |
| Rapporteurs                     |                            |                      |                                   |                             |                  |  |
| Luis De Grandes Pascual         |                            | Anneleen Van Bossuyt |                                   |                             |                  |  |
| Shadow Rapporteurs              |                            |                      |                                   |                             |                  |  |
| Carlos Coelho                   | Maria Grapini<br>Anna Hedh | Peter van Dalen      | Filiz Hyusmenova<br>Pavel Telička | Jakop Dalunde<br>Julia Reda | Kateřina Konečná | Daniela Aiuto<br>Marie-Christine Arnautu |



## TIMETABLE

The European Parliament Committees are about to commence their scrutiny of the EU Commission proposal. The Timetable for this scrutiny procedure within the two Rule 55 committees is:

| Committee Stage         | TRAN Committee |
|-------------------------|----------------|
| DRAFT REPORT            | 19-20 March    |
| DEADLINE FOR AMENDMENTS | 17 April       |
| FINAL REPORT            | 20 June        |
| PLENARY SESSION         | Tbc            |

## CHELGATE ANALYSIS - POTENTIAL ISSUES

The Rule.55 is granted sparingly within the Parliament, owing to the notorious political infighting these joint committee hearings, and votes, normally take. Different committees have different objectives when compiling legislative dossiers. In this current example, the IMCO committee will be far more concerned with ensuring single market rules which adhered to whilst TRAN Committee will focus on security considerations:

- **Type approval v security** – the certification system is proposed as one based on EU-type approval conformity according to the rules of mutual recognition. The IMCO Committee will stress the importance to ensure internal market rules of type approval are established, whereas the TRAN Committee will wish to go beyond mere mutual recognition type approval rules and allow countries to adopt higher standards, should they wish, something the IMCO Committee will not wish to accept
- **Single EU approval authority v type approval recognition** – there will be a great divide between the two committees, and political groups within each committee, as to whether the EU Parliament report should call for a single EU approval authority or allow member states to designate their own authorities. This debate will become extremely political in light of the VW type approval scandal
- **Delegated Acts** – one of the more important elements of this report for the practical day-to-day running of the certification scheme for businesses will be the potential power of the EU Commission to make technical modifications within the final directive. The Commission is seeking broad delegated powers to be able to easily adapt to new threats or new technologies in classifying the type approval standards. The EU TRAN Committee could be in favour of this proposition as it potentially allows an increase in security but IMCO will be against such broad delegated powers

## CONCLUSION

This legislative report will introduce new harmonized single market rules in the field of aviation security. As such, it will have a significant impact upon the business models of those companies who work in this field. Engagement with the EU Institutions on this report over the coming months can ensure the final legislative text presents commercial opportunities for companies wishing to expand into new EU markets, as well as markets in many third-party countries.

The negotiations within the EU Institutions will become inherently political when the draft report is published shortly. Stakeholders wishing to engage on this legislative dossier will only have a brief, yet productive, window in which to do so immediately after its publication, prior to amendments being submitted and voted on within committee.