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ARBEITSGEMEINSCHAFT DEUTSCHER VERKEHRSFLUGHÄFEN . GESCHÄFTSFÜHRUNG . STUTTGART-FLUGHAFEN

February 9, 1999
CI/HB

U.S. Department of Transportation Dockets
Docket No. FAA-1 998-4758
400 Seventh Street
SW
Room Plaza 401
Washington D.C. 20590
USA

DEPT. OF TRANSPORTATION
DOCKET SECTION
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Comments on Proposed Rulemaking; Docket No. FAA-1998-4758 - 2

Dear Sirs,

Please find attached our comments on the above Notice of Proposed Rulemaking containing the Hatch Amendment, which are enclosed in duplicate in accordance with your official instructions. We would be very grateful if our comments were taken into consideration in the further rulemaking process.

Yours faithfully

ADV - German Airports Association

Bernd Nierobisch
Executive Director



The German Airports Association (ADV), representing all international and more than 40 regional German airports, cannot accept that U.S. legislation be applied in an extraterritorial fashion.

In accordance with the unanimous opinion of the 37 ECAC-States, ADV firmly believes that implementation of the Hatch Amendment would be contrary to international law.

Bilateral Air Service Agreements and the Chicago Convention exclude that specific security measures be imposed on non-US-airlines at foreign airports by US authorities.

Any acceptance of specific security procedures directed by foreign authorities would lead to a confusing variety of procedures to be carried out simultaneously at individual airports. This would inevitably lead to great difficulties from an operational point of view, if not in fact jeopardize the entire security structure at German airports. Additionally, diffusing responsibility for security would lead to a situation threatening the goal of attaining the highest possible level of security in international civil aviation.

It is for that reason that, to give one example, the state of Israel accepts differing security measures for non-Israeli airline flights to Israel as opposed to those which are applied to El Al.

Moreover, it can be assumed that costs arising from the implementation of the amendment - although hardly quantifiable - could easily run into hundreds of millions US\$ for Germany alone, based on the experience of implementing comprehensive baggage screening. Such expenditure would be out of all proportion, particularly as any benefits in terms of security gains are at the very least questionable, bearing in mind the fact that security measures in Europe and thus in Germany are in general



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different from those the US-carriers have to follow. This does not imply a lower level of security but simply constitutes a different approach.

Capital expenditures caused by such supplementary measures would, therefore, have to be charged to the US Government.

Airports from which US carriers provide services to the USA would face security measures which would significantly impair the passengers' convenience compared to airports not served by US carriers. This would finally lead to a distortion in competition between European and even between German airports.

We sincerely hope that the US government will find a way of solving this self-made legislative problem, caused by the 'Antiterrorism Act' of 1996, in a way that meets both the requirements of international law and the operational needs of airlines and airports.