Screening of Chapter 14 – Transport Policy

AVIATION SECURITY

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TOWARDS EU LEGISLATION

After 9/11 agreement by Member States:

- voluntary standards and recommendations not enough

- binding EU legislation needed

- standards tougher than ICAO Annex 17

Commission proposal in October 2002: based on ECAC Document 30

Co-decision of European Parliament and Council on Regulation 2320/2002 in December 2002

REGULATION 2320/2002 (1)

Basic aim: to prevent unlawful interference by keeping unauthorised persons and potential weapons out of aircraft and restricted areas of airports

Sets binding rules: Commission has powers of enforcement

Harmonises standards at high level, but leaves Member States free to take more stringent measures

Applies to airports in all 25 Member States (except smallest)

REGULATION 2320/2002 (2)

Sets common standards for:
- **airport security**
- **aircraft security**
- **passengers and cabin baggage**
- **hold baggage**
- **cargo, courier and express parcels**
- **mail**
- **air carrier mail and materials**
- **air carrier catering stores and supplies**
- **air carrier cleaning stores and supplies**
- **general aviation**
- **staff recruitment and training**
- **security equipment**

REGULATION 2320/2002 (3)

Common standards complemented by implementing measures, adopted by Commission under "comitology" procedure:

- **national quality control programmes (1217/2003)**
- **commission inspections (1486/2003)**
- **critical parts of security restricted areas (1138/2004)**
- **general implementing measures (622/2003)**
- **prohibited articles (68/2004)**
- **X-ray equipment (781/2005)**
- **hand searches of passengers (857/2005)**
- **evaluation of new technologies (65/2006)**
- **searching of vehicles (240/2006)**

REGULATION 2320/2002(4)

Strong emphasis on implementation and quality control

National security programmes for implementation of common standards

Two-tier quality control:
- **national quality control programme**
- **Commission inspections of national programmes and airports (control of controllers).**

Commission enforcement procedures

NEW REGULATION (1)

Problem of inflexibility of Regulation 2320: changes to common standards need decision of Parliament and Council.

Commission's proposal for replacement regulation to make decision making more flexible:

- **presented in September 2005**
- **under discussion in European Parliament and Council**
- **adoption expected late 2006 or 2007**

NEW REGULATION (2)

Substance as Regulation 2320 but changes in form:
- framework regulation only sets basic standards

- specifics are left to detailed implementing measures adopted by Commission under simplified procedure

Changes in substance:
- covers all civil aviation, commercial and non-commercial (Regulation 2320 commercial only)

- creates possibility of in-flight security measures

- creates possibility of special procedures for airports used by smaller aircraft

TRANSFERS OF PASSENGERS, BAGGAGE

AND CARGO

Regulation says:

- **re-screening required unless previously screened to EU standards and screened departing passengers cannot mix with arriving passengers unless latter previously screened to EU standards.**

Consequences:

- **traffic coming from an other Member State: re-screening not required in normal circumstances**
- **traffic coming from a third country: re-screening required unless agreement on recognition of third country's standards as equivalent**

ARRIVALS FROM THIRD COUNTRIES

EU accepts host-state responsability:

- **expects non EU- states to apply Annex 17 in full**

- **does not require stricter measures as condition for entry into its territory**

EU supports strengthening of international standards (ICAO)

IN SUMMARY

EU policy on civil aviation security:

- **harmonisation of standards at high level throughout EU**

- **elements of flexibility: Member States can take tougher measures and exempt smallest airports**

- **strong emphasis on implementation and quality control-EU control of national controllers**

- **reasonable balance between security and facilitation of transport**

EU supports strengthening of international standards (ICAO)