

Air transport: common rules for civil aviation security

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The Commission has presented its second report on the implementation of Regulation (EC) No 2320/2002 on civil aviation. This second report covers the period July 2005-December 2006 and is based more particularly on the conclusions drawn from some fifty new inspections carried out by the Commission. It enables a comprehensive evaluation to be made of the state of security in the European Union four years after the entry into force of the European legislation.

Since February 2004 when inspections began, the Commission has carried out 89 inspections, including 47 new inspections conducted between July 2005 and December 2006 in EU-25 and

Switzerland. To date, all Member States have been inspected between two and five times, with visits either to the national appropriate authorities for civil aviation security or to airports themselves.

Inspections of national appropriate authorities: the initial conclusions drawn in 2005 can be confirmed: while transposition of the regulatory obligations is more or less satisfactory, the effectiveness of the Member States' national quality control is not. The operational implementation of national quality programmes has been found to have numerous deficiencies which are often considered by inspectors to be serious; the effectiveness of national quality control is at present structurally inadequate in ten or so Member States. The report notes the following:

- in many Member States, audits are neither regular enough nor comprehensive enough;
- many of the Member States do not have enough national inspectors to carry out quality control tasks with adequate frequency;
- the performance of the rectification process, i.e. the speed at which deficiencies found required to be put right, varies;
- in some Member States, sanctions are imposed only in exceptional circumstances.

Inspections at airports: the results of the 23 new initial inspections carried out since July 2005 confirm the main points highlighted in the Commission's first report. The basic principles, such as 100% screening of passengers, hand luggage and hold luggage, are being soundly applied.

In overall terms, the level of security in the European Union is high. However, the level of security is not uniform throughout the Union as there are substantial differences between airports. Deficiencies are still regularly found which compromise the general quality of the security measures: i) recurring deficiencies of minor or average seriousness were found in respect of essential procedures concerning access control, aircraft protection, the screening of passenger and the protection of hold luggage; ii) the cases of non-compliance with European regulations are often more serious as regards the screening of staff, aircraft searches, and the screening of hand luggage and cargo. Within the same airport, for example, identical procedures might not be used for the screening of staff and passengers, the methods applied to staff being more flexible and not allowing the systematic detection of prohibited articles; iii) the tests carried out during inspections confirm the need for technical harmonisation of security equipment; this process has been initiated and 2 regulations have been approved; iv) some operators find the regulations unclear, and further provisions have been drafted in this respect too.

The seriousness of the deficiencies found must not be underestimated: nine initial inspections out of ten are still pointing to serious deficiencies which have repercussions on the security chain. Given the

principle of one-stop security which underpins Regulation No 2320/2002, the deficiencies are often likely to have a direct negative impact on security at other European Union airports.

Regulatory developments in 2006: numerous Regulations have been adopted to try to improve the existing systems in place. They aim to: i) give greater precision on security procedures for those vehicles that are entering 'security restricted areas' of airports; ii) lay down more harmonised rules on air cargo security; iii) implement a regulatory solution to allow for Member States to deviate from the technical standards laid down in the legislation in order to trial new technologies; iv) adopt of a Commission Regulation on the risks of liquid explosives arising from the events of 10 August 2006 in the United Kingdom.

In 2007, several lines of action in particular should be pursued:

1) Action to strengthen the performance of quality control by the appropriate authorities of the Member States:

- Member States' performance of quality control has so far been identified as the weak link in the civil aviation security chain. Strengthening it should therefore have a lever effect. It is in particular essential that Member States carry out quality control in line with Community requirements and make the lessons drawn known at all their airports. This means combining the mobilisation of human resources in the form of the inspectors needed with the use of adequate implementing powers;
- cooperation between Member States on auditing with a view to the regular evaluation of operators with business activities throughout the EU should also be encouraged;
- the Commission for its part will continue to conduct inspections and infringement proceedings will be brought where necessary.

2) Actions to improve the present regulatory framework:

- in order to strengthen the complementarity between Community and national audits, Regulations (EC) Nos 1486/2003 and 1217/2003 should be revised. Requirements regarding national audit procedures, the rectification of deficiencies and the proportionality of quality control with the national airport system will have to be defined more clearly;
- given the importance of the human factor for the quality of the security control process, the Commission is examining proposals for improving training requirements for security staff;
- it is the Commission's intention that Regulation (EC) No 622/2003 should be developed further on a regular basis in order to revise security requirements either whenever technical developments or the need for additional precision at the Community level justifies it;
- the Commission intends to re-assess the continued necessity of the range of regulatory requirements in the field of aviation security based on operational experience and on updated risk assessments. Successive incidents over past years have necessitated emergency action to respond to immediate threats, putting considerable strains on available security control resources and on operational requirements at airport level. It is clear, however, that reviewing and subsequently removing or redefining some of the current requirements will necessitate prior adoption of the Commission's proposal for a new, simplified and more flexible framework Regulation which is currently in the legislative process. There would be considerable potential for operational facilitation if ways could be found to extend the intra-EU concept of one-stop security to like-minded third countries with equivalent high standards of security;
- the Commission is actively working on this concept and is expecting first results in due course following adoption of the new framework Regulation.