

Air transport: common rules for civil aviation security

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The Commission has presented its **third report** on the implementation of Regulation (EC) No 2320/2002 establishing common rules in the field of civil aviation. It covers the period January-December 2007 and is based in particular on the conclusions drawn from 28 new inspections carried out by the Commission during this period.

The report confirms continuing progress in the implementation of common rules for civil aviation security, from a strong global base - although there is certainly still room for improvement. It also details the proactive approach being taken by the Community in developing a flexible, practical and harmonised system, designed to facilitate the movement of passengers and cargo through a secure airport environment.

Altogether, 117 inspections were undertaken between February 2004 and December 2007. Between 1 and 6 airport inspections have been completed in each Member State (except Bulgaria) and all Member States' appropriate authorities (except Rumania) have been monitored at least once. Switzerland has also been included in the Community programme, while since December 2005 Norway and Iceland have been inspected against parallel provisions by the EFTA Surveillance Authority.

Inspections of national appropriate authorities: each Member State is required to adopt a national aviation security programme and nominate a single appropriate authority to co-ordinate and monitor its implementation. All 27 have done so. Appropriate authorities must:

- develop and implement a quality control programme;
- monitor airport and airline security programmes;
- develop and implement an aviation security training programme.

During 2007, the Commission inspected 10 appropriate authorities. The inspections involved an examination of documentary evidence, supported by interviews and - for the first time in 2007 - on-site verifications at an airport implementing the national measures. The findings of the inspections were consistent with those from previous monitoring exercises, essentially:

- there is a good level of compliance as regards the establishment of an adequate legal framework;
- there is a less satisfactory achievement as regards the effectiveness of implementation of the common standards.

Legal framework: as a general rule, the contents of Member States' national aviation security programmes accurately reflect the requirements of European legislation. However, the updating of the programmes to reflect changes in Community law has not always been carried out as promptly as would have been desirable. Most Member States have established satisfactory national quality control programmes, clearly setting out the recruitment, training, duties and powers of the national inspectors, the priorities and methodology for the inspection programme. Sometimes, however, the programmes fail to meet all requirements, for instance they do not make provision for a test programme or omit frequencies for monitoring activities. There is a clear case for improved sharing of best practice and generally for greater harmonisation of national programmes.

Inspections at airports: in general terms, the level of security at European airports is high – especially when measured against global standards and practices. The level of compliance has improved by almost

40% since inspections began and the number of serious deficiencies continues to fall. The 2007 findings tend to repeat the pattern of earlier inspections. As regards what may be regarded as the core areas of aviation security - airport security, aircraft security, passenger and cabin baggage screening and hold baggage screening – the results are certainly improving; but there nonetheless remain significant areas of non compliance. These relate in particular to areas where the human factor is key, but other relevant issues would be:

- overly prescriptive requirements in parts of the current legislation;
- lead times required for adjusting to new requirements;
- insufficient monitoring at national level;
- lack of enforcement powers at the level of the appropriate authorities.

The 2007 inspections also initiated EU monitoring of areas which were rarely included in previous reports – catering, cleaning, company mail and material and technical requirements for equipment. Although there is still insufficient data in these areas to provide meaningful conclusions, Commission inspectors have expressed some concerns about the monitoring of standards for equipment. This may reflect a lack of available technical expertise in some Member States.

Follow up inspections: 8 follow up inspections were conducted at EU airports during 2007. In these cases, it has generally been found that at least a third of the serious deficiencies identified during the initial inspection were rectified within a reasonable time frame; but no airport was able to remedy all serious deficiencies before the follow up inspection was carried out. The most intractable difficulties appear to involve staff screening (human factors, the inappropriate use of hand held metal detectors) and aircraft security.

The results of the Commission inspections have indicated a number of difficulties in connection with implementation of the Regulations. Annual reports and other information from Member States and the industry have flagged up similar problems. The main issues appear to be:

- **lack of clarity or over-onerous requirements** in the current legislation;
- variations between Member States' requirements, leading to a **lack of harmony** across the Community;
- lack of **transparency** and proper **review**;
- a perception that **operational requirements** are not sufficiently taken into account;
- lack of **standardisation** on technological requirements;
- variations between Community requirements and those of **third countries**, particularly the US;
- excessive demand on Member States resources arising from **duplication of requirements**, especially in relation to different inspection regimes (ICAO and TSA in addition to EU).

Considerable efforts were made to address each of these issues in 2007, with the express aim of facilitating passenger movements through Community airports and easing the burden on the industry, without compromising security standards.

Regulatory Developments in 2007: 2007 saw a heavy programme of legislative development, including: i) the second reading and conciliation stage of the adoption of the framework regulation to replace Regulation 2320/2002; ii) further development of the planned new implementing Regulation to replace Commission Regulation 622/2003; iii) further work on new texts to replace Regulations 1217/2003 (national quality control) and 1486/2003 (Commission inspections of Member States); iv) a new layer of legislation to give the European Parliament greater powers of scrutiny for implementing legislation in the field of aviation security; v) agreement on technical standards for threat image projection; and review and amendment of the legislation addressing the threat from liquid explosives (cabin bag size, third country agreements).

2008 work programme: the Commission intends to:

- finalise the new implementing legislation;
- find better ways of addressing the threat from liquid explosives;
- consider the most appropriate approach to the funding of aviation security;
- continue the inspection programme (including involvement as observers in some inspections in the US);
- introduce new technical standards;
- assist Member States to improve and harmonise national quality control programmes;
- analyse the results of studies; and
- advance agreements with third countries.

While security considerations must always be paramount, the active involvement of stakeholder groups, rigorous appraisal of new proposals and regular review of existing legislation will ensure that this programme will be developed in a way which takes full consideration of practical concerns and benefit from the lessons of experience.

The report concludes that progress since 2002 has been substantial. The future programme will build on this achievement, enhancing security on flights in to and out of the Community, protecting European interests and maintaining public confidence in the air transport system. It will lead to a further, and significant, stage in the development of a comprehensive air transport security regime, taking full account of the needs of passengers and the industry.