

Air transport: common rules for civil aviation security

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The Commission presents its fifth report on the implementation of Regulation (EC) 2320 on the common rules on aviation security. Under the terms of the Regulation, it is required to conduct inspections of Member States' aviation security administrations and of EU airports.

Initial inspections at airports: 19 initial inspections of airports were conducted during 2009, almost double the number carried out in 2008. The overall percentage of core measures found to be in compliance rose once again by a small margin, to almost 85%. The deficiencies which were found tended, by and large, to occur in the same areas as for previous inspections, frequently stemming from human factor issues.

The weakest areas at the airports inspected during 2009 related to the quality of staff screening, the provisions governing staff use of prohibited articles and implementation of cargo security requirements. For instance, staff were not always required to remove their jackets before screening and hand searches of staff did not follow the same methodology as for passengers. Several airports also failed to implement adequate procedures for identifying staff members formally authorised to carry prohibited articles into the security restricted area.

All seven inspections covering cargo security revealed a number of problem areas, including poor security programmes and failure to select the most appropriate screening method, given the nature of the consignment. Other common deficiencies concerned the requirements for taking liquids into the security restricted area (such as the use of proper tamper-evident plastic bags), failure to fully protect baggage in the make-up area, vehicle search and technical standards for equipment.

Compliance with the provisions covering passengers and cabin baggage was mostly high although sometimes continuous random search ratios were not observed and/or the quality of passenger hand search was not fully satisfactory. Compliance in the area of hold baggage screening was extremely high, although at one location dogs were used to screen hold baggage, despite the fact that this was not allowed under the then existing legislative provisions.

As regards air carriers, the areas needing most additional efforts were search and check of aircraft and procedures for dealing with rush bags.

Open files, Article 15 cases and legal proceedings: 20 files (14 airport and 6 appropriate authorities) were closed during 2009. In all, 17 appropriate authority and 20 airport inspection files remained open at the end of the year. There were no Article 15 cases open at the beginning of the year and none were initiated during 2009. The Commission closed 1 infringement procedure in 2009, after a 14 month delay, when the key issues, relating to lack of resources and lack of enforcement, had been resolved. In total three infringement cases were pending at the end of 2009.

Member States own evaluations on the results of their national compliance monitoring: harmonisation of these compliance monitoring regimes in the EU has in fact proved difficult since the programme began in 2003. This has been because the different Member States varied in their understanding of terms, development of methodologies and reporting requirements. This situation has improved over time, but could still be better. A certain number of discrepancies between the results of national compliance monitoring and the findings of Commission inspections stem from the lack of

harmonisation, with the latter often indicating a lower level of compliance than the national reports might suggest.

Legislation: the report outlines new security legislative acts published during 2009. Separately, work was also begun on new rules for the screening of liquids, the use of dogs in aviation security screening and the use of metal detectors for screening certain specialised types of cargo.

The greatest efforts of the Commission and Member States during 2009 were concentrated on the preparation of the detailed implementing package and the new inspection and quality control regulations.

Trials: a number of trials were conducted during 2009. These concerned the use of security scanners for passenger and staff screening and the use of dogs for security screening. Information from the scanner trials was passed to the Commission to assist with the preparation of the planned report on the use of this equipment. Information from the dog trials was considered in the work towards a future legislative proposal.

Third countries: the Commission actively continued the dialogue with aviation security issues with the US in a number of fora, in particular the EU-US Transportation Group, which progressed work towards one-stop security. The Commission also intervened on a number of occasions when Member States raised particular concerns about additional US security demands, which appeared to give inadequate consideration to the robust EU systems already in place.

Lastly, the report notes that the security incident on Northwest Airlines flight 253 from Amsterdam to Detroit which occurred just days before the end of the year served as a reminder that the adequacy of screening options must constantly be reviewed and close cooperation with international partners continued. The Commission will maintain and, as necessary, extend its programme in these two key areas.