

Civil aviation security

2005/0191(COD) - 19/10/2011 - Follow-up document

The Commission presents its 2010 annual report on the implementation of Regulation (EC) No. 300/2008 on common rules in the field of civil aviation security, which entered into force on 29 April 2010. The report covers the period 1 January – 31 December 2010. Under the terms of the Regulation the Commission is required to conduct inspections of Member States' aviation security administrations and of EU airports.

Inspections of national appropriate authorities: the Commission monitored 5 appropriate authorities during 2010, all of which had been subject to a previous Commission inspection. The deficiencies most commonly found in 2010 were related to the yet outstanding full alignment of the National Aviation Security Programmes and the National Quality Control Programmes to the new legal framework of Regulation (EC) 300/2008.

As regards implementation of the measures, there was still evidence in some Member States of a lack of capacity to detect and correct failures swiftly. Some Member States had failed to monitor all aspects of the legislation and some airports went uninspected for long periods. Follow-up activities were sometimes inadequate or not carried out, and it was not unusual to find significant delays before deficiencies were corrected. Sanctions were available to all Member States, but were not always strong enough or always used in such a way as to provide a deterrent effect.

Inspections at airports: 19 initial inspections of airports were conducted during 2010. The overall percentage of core measures found to be in compliance in 2010 was almost 80%. The deficiencies which were found in the area of traditional measures tended, by and large, to **stem from human factor issues**. Non-compliances in the area of traditional measures at the airports inspected during 2010 **mainly related to the quality of staff and passenger screening as well as to cargo security requirements**. In particular, the hand searches of staff and passengers did not always meet the common basic standards, which had been set out in detail in the new regulatory framework. In the area of cargo, most non-compliance related to the selection of the most suitable methods for screening, given the nature of the consignment, and standards for applying them. These human factor issues should be addressed through better training and supervision. Furthermore, certain additional measures introduced under the new regulatory framework had not yet been fully implemented at the airports inspected in period June – December 2010.

Non-compliances arose in relation to methods and standards of screening of in-flight supplies and of airport supplies (where a secure supply chain had not yet been fully deployed), accreditation procedures for staff to be exempted from screening and missing risk assessment for the frequency of patrols at airports. Member States' appropriate authorities should actively pursue the implementation of these new provisions.

Some problems were found at airports inspected in course of the year 2010 in the areas of access control to security restricted zones, reconciliation of hold baggage, screening methods for unaccompanied baggage and standards of security screening equipment.

Commission recommendations for corrective action were on the whole followed up satisfactorily, but the inspectors' findings confirm the importance of a robust EU inspection regime and of adequate quality assurance at Member State level. The Commission will continue its efforts to ensure that all legal requirements are fully and correctly implemented, instigating formal infringement procedures if necessary. In total five infringement cases were still in progress at the end of 2010.

Legislation: the report gives details of new aviation security legislative acts published during 2010 mainly aimed at completing and refining the new legal framework under Regulation (EC) 300/2008.

In response to the air cargo incidents in late October 2010 (Yemen cartridge bombs and incendiary devices sent through EU mail courier services), the Council meeting on 8th November 2010 requested the setting up a High Level Working Group (HLWG) to look at ways to strengthen air cargo security. The HLWG presented their report and action plan to the Transport Council and the JHA Council on 2nd December 2010, who endorsed the report and its action plan.

Historically, transfer cargo and mail have been associated with a low degree of risk when transferring at EU airports because air cargo and mail should have already been subject to security measures at the airport of departure according to ICAO's principle of host state security responsibility.

This principle was also reflected in the current version of the new legal framework, where transfer cargo and transfer mail arriving by air are exempted from screening (provided that they are protected from unauthorised interference from arrival until the departure of the aircraft on which they are to be carried).

In the light of the Yemen incidents, the report recommended accelerating the adoption of measures enhancing aviation security for air cargo and mail originating from outside the EU, favouring a risk-based approach and taking into account the supply chain security regulated in EU legislation and as a global principle under ICAO rules. It also recommended enhancing and further harmonising the existing EU cargo and mail security regime.

Both of latter actions proposed should be completed by:

- examining ways to extend the EU scheme on regulated agents and known consignors by including the possibility to approve or independently validate such industry located in third countries;
- further analyzing and where necessary improving screening methods and technologies;
- harnessing intelligence and law enforcement cooperation that should lead to a common EU threat assessment on aviation security;
- enhancing global standards on legal frameworks and capacity building.

The Yemen cargo incident and the EU mail parcel incidents in late October 2010 served as reminders that civil aviation continues to be targeted in new and innovative ways, and as mandated in the air cargo security action plan, the Commission has extended its action in this area.