

Air transport: common rules for civil aviation security

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This report is published pursuant to the requirement that the Commission should publish each year a report on the implementation of the common rules in the field of civil aviation security and on the situation in the Community as far as aviation security is concerned, drawing conclusions on inspections conducted by the Commission.

The Commission's inspections started in February 2004 and a total of 43 Commission inspections have been conducted since (as at 30 June 2005). 23 Member States had already been inspected by the Commission at least once. All the Member States of the EU 15 had been inspected at least once in 2004. Since December 2004 the inspections have been extended to the 10 new Member States.

Inspections have been particularly valuable in allowing the implementation of the legislation to be examined objectively. In this regard the report concludes that, in general, the sum total of Regulation 2320/2002 and its associated implementing legislation is helping to ensure a satisfactory level of security throughout the EU. In the absence of data on the actual level of security before the Community legislation entered into force, it is certainly difficult to assess the scope of progress made in each of the Member States and at the airports inspected.

There are a number of areas of non-conformity repeatedly detected during inspections of Community airports. Examples include the following:

- the screening of staff showed noticeable variations in the extent of such controls. Significant harmonisation and improvement of security standards in this area can be expected upon entry into force on 1 January 2006 of the second phase foreseen in Regulation 1138/2004 requiring the screening of all staff entering any area to which screened passengers have access.
- the performance of the air carriers is not always homogenous, with some complying better with the requirements than others. Verification and protection of aircraft should in particular be improved.
- non-conforming practices have also been observed with regard to freight, where there seems to be a strong need for a more harmonised common approach.
- particular provisions of the regulations are sometimes considered insufficiently unclear by the air carriers concerned.

Internal quality control mechanisms among all air transport operators – in particular airport authorities, air carriers and freight managers – would enable them to measure their own performance with regard to security and their conformity with the European standards.

Despite these areas of non-conformity it can be concluded that the introduction of binding Community legislation in the field of aviation security has contributed to a significant improvement of the protection of European citizens from acts of unlawful interference against civil aviation.

The existing legal system including the powers to ensure proper enforcement rules as well as legal requirements more demanding than the obligations and recommendations laid down in Convention of

International Civil Aviation allows for the conclusion that the quality of aviation security in the EU is standard-setting in a global context.

On the need to develop Regulation 2320/2002, the report states that, overall there is still some room for improving the protection of European citizens further without compromising the operators' legitimate interests. These improvements should be addressed by means of a revision of Regulation 2320/2002.

This revision is necessary to meet various needs connected with the simplification of procedures for adapting existing specifications, technical harmonisation, clarification of particular provisions, improvement of the level of security, and determination of mechanisms for cooperation with third countries.