

Basic information	
2005/0191(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Civil aviation security Repealing Regulation (EC) No 2320/2002 2001/0234(COD) Subject 3.20.01.01 Air safety 7.30.20 Action to combat terrorism	

Key players			
European Parliament	Committee responsible		Rapporteur
	CODE EP Delegation to Conciliation Committee		COSTA Paolo (ALDE)
	Former committee responsible		Former rapporteur
	TRAN Transport and Tourism		COSTA Paolo (ALDE)
	TRAN Transport and Tourism		COSTA Paolo (ALDE)
	Former committee for opinion		Former rapporteur for opinion
	LIBE Civil Liberties, Justice and Home Affairs		LA RUSSA Romano Maria (UEN)
	Council configuration		Date
Council of the European Union	Economic and Financial Affairs ECOFIN		2008-03-04
	Transport, Telecommunications and Energy		2005-10-06
	Transport, Telecommunications and Energy		2006-03-27
	Transport, Telecommunications and Energy		2007-10-02
	Transport, Telecommunications and Energy		2006-10-12
	Transport, Telecommunications and Energy		2005-12-01
	Transport, Telecommunications and Energy		2006-12-11
	Commission DG		Commissioner

European Commission		
	Energy and Transport	BARROT Jacques

Key events			
Date	Event	Reference	Summary
22/09/2005	Legislative proposal published	COM(2005)0429 	Summary
06/10/2005	Debate in Council		
27/10/2005	Committee referral announced in Parliament, 1st reading		
01/12/2005	Debate in Council		
27/03/2006	Debate in Council		Summary
02/05/2006	Vote in committee, 1st reading		Summary
22/05/2006	Committee report tabled for plenary, 1st reading	A6-0194/2006	
14/06/2006	Debate in Parliament		
15/06/2006	Decision by Parliament, 1st reading	T6-0267/2006	Summary
15/06/2006	Results of vote in Parliament		
11/12/2006	Council position published	14039/1/2006	Summary
18/01/2007	Committee referral announced in Parliament, 2nd reading		
11/04/2007	Vote in committee, 2nd reading		Summary
12/04/2007	Committee recommendation tabled for plenary, 2nd reading	A6-0134/2007	
24/04/2007	Debate in Parliament		
25/04/2007	Decision by Parliament, 2nd reading	T6-0142/2007	Summary
25/04/2007	Results of vote in Parliament		
02/10/2007	Parliament's amendments rejected by Council		
20/11/2007	Formal meeting of Conciliation Committee		
11/01/2008	Final decision by Conciliation Committee		
22/02/2008	Joint text approved by Conciliation Committee co-chairs	03601/2008	
29/02/2008	Report tabled for plenary, 3rd reading	A6-0049/2008	
04/03/2008	Decision by Council, 3rd reading		
10/03/2008	Debate in Parliament		
11/03/2008	Decision by Parliament, 3rd reading	T6-0080/2008	Summary
11/03/2008	Results of vote in Parliament		
11/03/2008	Final act signed		
11/03/2008	End of procedure in Parliament		
09/04/2008	Final act published in Official Journal		

Technical information

Procedure reference	2005/0191(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 2320/2002 2001/0234(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/6/49775

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE369.902	06/02/2006	
Amendments tabled in committee		PE371.808	27/03/2006	
Committee opinion	LIBE	PE370.097	05/04/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0194/2006	22/05/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0267/2006	15/06/2006	Summary
Committee draft report		PE384.265	08/02/2007	
Amendments tabled in committee		PE386.527	20/03/2007	
Committee recommendation tabled for plenary, 2nd reading		A6-0134/2007	12/04/2007	
Text adopted by Parliament, 2nd reading		T6-0142/2007	25/04/2007	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A6-0049/2008	29/02/2008	
Text adopted by Parliament, 3rd reading		T6-0080/2008	11/03/2008	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15865/2006	30/11/2006	
Council position	14039/1/2006	11/12/2006	Summary
Draft final act	03601/2008/LEX	11/03/2008	

European Commission

Document type	Reference	Date	Summary
	COM(2005)0429		

Legislative proposal		22/09/2005	Summary
Commission communication on Council's position	COM(2006)0810 	12/12/2006	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2007)0475 	03/08/2007	Summary
Follow-up document	C(2011)5111	22/07/2011	
Follow-up document	COM(2011)0649 	19/10/2011	Summary
Follow-up document	COM(2012)0412 	24/07/2012	Summary
Follow-up document	COM(2013)0523 	09/07/2013	Summary
Follow-up document	COM(2014)0399 	01/07/2014	Summary
Follow-up document	COM(2015)0360 	23/07/2015	Summary
Follow-up document	COM(2016)0454 	08/07/2016	Summary
Follow-up document	COM(2017)0768 	15/12/2017	Summary
Follow-up document	COM(2019)0183 	16/04/2019	Summary
Follow-up document	COM(2022)0106 	14/03/2022	
Follow-up document	COM(2023)0186 	13/04/2023	
Follow-up document	COM(2024)0107 	08/03/2024	
Follow-up document	COM(2024)0579 	18/12/2024	
Follow-up document	COM(2026)0229 	18/05/2026	
Follow-up document	COM(2026)0361 	13/07/2026	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0584/2006	20/04/2006	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	03601/2008	22/02/2008	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
Final act		
Regulation 2008/0300 OJ L 097 09.04.2008, p. 0072		Summary

Civil aviation security

2005/0191(COD) - 09/07/2013 - Follow-up document

This Commission report describes the implementation of Regulation (EC) No 300/2002 on common rules in the field of civil aviation security. It covers the period 1 January – 31 December 2012.

The main observations of the report are as follows:

- **New aviation security measures:** 2012 marked the year in which the first transitional period for the new aviation security measures introduced by Regulation (EC) 300/2008 and its implementing provisions came to an end. This concerned the requirement to either establish a secure supply chain for in-flight supplies and airport supplies or to screen 100% of such supplies upon entry in security restricted areas at airports. In its inspections throughout the year 2012, the Commission therefore put a lot of emphasis on verifying compliance with these new requirements.

- **Amended supplementing provisions:** the supplementing provisions to Regulation (EC) 300/2008 were significantly amended. On one hand, the amendments aimed at fine-tuning or further clarifying the existing procedures for certain aviation security measures. On the other hand, complex new measures were introduced for air cargo and air mail being carried into the Union ("ACC3"). The regime on EU aviation security validation was also significantly strengthened. Two changes were later incorporated to ensure a secure supply chain and a reliable validation system at third country airports, at which air cargo and air mail bound to the Union shall be loaded onboard an aircraft, to be in place by mid 2014.

- **Liquid explosives:** with regard to liquid explosives, a reappraisal on the present threat to civil aviation confirmed that the related risk must still be considered high and must be addressed by aviation security measures. However, it became clear in the course of the year that removing the current restrictions on carrying liquids, aerosols and gels (LAGs) as hand luggage by the deadline of 29 April 2013 would not be feasible due to operational difficulties with screening equipment that would likely result in significant inconvenience for air passengers. Draft legislation was prepared to revise the approach by phasing in screening, starting with duty-free LAGs by 31 January 2014.

Mutual recognition of the respective air cargo and mail security regimes of the EU and US: arrangements for the mutual recognition of the respective air cargo and mail security regimes of the EU and the United States (U.S.) were concluded. This is an important achievement for EU exports and eliminates duplication in the application of security measures, and thus in turn translates into cost and time savings for air cargo and mail operators.

Main conclusions:

- a high level of security continues to be ensured in the EU. Commission inspections have shown a slightly increased level of compliance with main regulatory provisions.
- in traditional measures, deficiencies identified in the areas of staff and cargo screening requirements tended, by and large, to stem from human factor issues.
- further non-compliances found in the additional measures implemented under the new legal framework of Regulation (EC) 300/2008 were related to security controls of airport supplies (where a secure supply chain had not yet been fully deployed), patrols at airports, re-certification of screeners operating certain security equipment and high risk cargo and mail.
- 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.
- on the legislative front, further detailed implementing rules were adopted during 2012 to ensure that the new basic Regulation (EC) 300/2008 is applied in a harmonised way and in order to meet new threats or better mitigating existing threats.

Civil aviation security

In accordance with the requirements of Regulation (EC) No 300/2002, the Commission presents a report on common rules in the field of civil aviation security. The report covers the period 1 January – 31 December 2013.

The main observations of the report are as follows:

Consolidation of aviation security provisions: 2013 is described as a year of consolidation of aviation security provisions and increased efforts to implement upcoming new rules for air cargo and the carriage of liquids in cabin baggage. The only remaining transitional period for the aviation security measures introduced by Regulation (EC) 300/2008 ended in April. This concerned the requirement for known consignors of air cargo and airmail to be approved by the appropriate authorities instead of a simple designation by an affiliated regulated agent. Commission inspections therefore put emphasis on verifying compliance with these new requirements.

Partial lifting of restrictions on liquids: a key EU aviation security project is the phasing in of technology-based controls of liquids carried by passengers in their cabin baggage. Airport operators and security equipment manufacturers have enhanced cooperation throughout 2013 to best prepare for a partial lifting of the liquids restrictions as of 31 January 2014. The Commission is supporting this and other projects strengthening the detection performance of airport equipment and security measures with a Technology Roadmap first presented to stakeholders in 2013 and since continuously updated.

EU inbound cargo and mail: the implementation date for this security project of 1 July 2014 is approaching. Air carriers that wish to carry cargo and mail into the Union after 1 July 2014 need to be validated by a EU aviation security validator before that date in order to be re-designated as 'ACC3'. Other entities will need to be EU aviation security validated too if they wish to be involved in the related secure third country supply chain.

Throughout the second half of 2013 the Commission strengthened cooperation with Member States and industry to ensure a smooth implementation. Several efforts are under way to explain the enhanced EU system to third countries and to international organisations (European Civil Aviation Conference (ECAC), International Civil Aviation Organisation (ICAO)). Furthermore, detailed checklists for the validation of the related secure supply chain in third countries were adopted mid 2013 as a last preparatory step on the legislative side.

Cooperation : besides security alerts in August triggered by the United States, the year did not require any short term enhancements of aviation security controls in Europe. These security alerts also confirmed the **need to improve cooperation between EU Member States and between States and institutions**. The High Level Report on the Strengthening of Air Cargo Security from 2010 already identified this need but further work in this area remains to be undertaken.

In the international arena the Commission participated effectively in all relevant ICAO events where it increased the EU's visibility and influence as regards aviation security policy internationally. The Commission is also fully engaged with key third country partners, and during 2013 organised and participated in several bilateral and multi-lateral meetings.

Inspections: 26 initial inspections of airports were conducted during 2013, an increase by three inspections in comparison to 2012, mainly due to the fact that more cargo inspections were conducted and a number of smaller airports were covered, both kinds of inspections requiring a lower number of inspectors. All chapters were covered (although not during each inspection). The overall percentage of core measures found to be in compliance in 2013 was 80% - roughly the same as in previous years.

The report notes that **compliance levels remained stable** and did not require any suspension of the EU's One Stop Security System in 2013. In baseline measures, deficiencies identified in the areas of staff and cargo screening requirements tended, by and large, to stem from human factor issues. Further non-compliances found in the measures more recently adopted for implementation under the legal framework of Regulation (EC) 300/2008 were related to **security controls of high-risk cargo and mail** as well as of airport/in-flight supplies and training. Commission recommendations for corrective action were overall 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, initiating infringement proceedings if necessary.

The report concludes that a high level of security continues to be ensured in the EU. Commission inspections have shown a stable level of compliance with core regulatory provisions.

Civil aviation security

2005/0191(COD) - 11/03/2008 - Final act

PURPOSE: to establish common rules on civil aviation safety.

LEGISLATIVE ACT: Regulation (EC) No 300/2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002.

CONTENT: the Council adopted by qualified majority a regulation on common rules in the field of civil aviation security, in accordance with a joint text on which agreement was reached with the European Parliament under the conciliation procedure. (Please see the preceding summary.)

In the light of experience gained, the Regulation seeks to replace Regulation 2320/2002, which was adopted in the wake of the terrorist attacks of 11 September 2001 and has been in force since January 2003.

In order to protect persons and goods within the EU from acts of unlawful interference, which jeopardise the security of civil aviation, the Regulation sets common rules and common basic standards on aviation security and mechanisms for monitoring compliance. With the aim of enhancing security,

it clarifies, simplifies and further harmonises the existing rules. It also provides the basis for a common interpretation of Annex 17 to the 1944 Chicago Convention on International Civil Aviation.

The common basic standards laid down in the Regulation concern in particular: airport security, aircraft security, passengers and cabin baggage, hold baggage, cargo and mail, in-flight and airport supplies, in-flight security measures, staff recruitment and training and categories of articles that may be prohibited.

In addition, the Regulation sets rules for situations where a third country wishes to apply security measures to flights from Community airports different from those laid down by Community legislation.

The Regulation will apply to all airports serving civil aviation located in the territory of a Member State, to all operators, including air carriers, providing services at such airports and to all entities applying aviation security standards providing goods and/or services to or through such airports.

It allows Member States to apply stricter national measures than those contained in the existing Regulation. Given the gravity of the various security threats and the fast-changing circumstances surrounding these threats, Member States should have a sufficient margin of manoeuvre to impose any additional or special measures they judge necessary.

On security costs, the Regulation states that each Member State may determine in which circumstances, and the extent to which, the costs of security measures taken under the Regulation to protect civil aviation against acts of unlawful interference should be borne by the State, the airport entities, air carriers, other responsible agencies, or users. Member States may contribute with users to the costs of more stringent security measures taken under the Regulation. As far as may be practicable, any charges or transfers of security costs shall be directly related to the costs of providing the security services concerned and shall be designed to recover no more than the relevant costs involved.

ENTRY INTO FORCE: 29/04/2008.

Civil aviation security

2005/0191(COD) - 25/04/2007 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Paolo **COSTA** (ALDE, IT) modifying the Council's common position. It followed the opinion of its Transport Committee and reinstated many of the amendments adopted by Parliament at 1st reading (see summary dated 02/05/2006), which had not been taken up by the Council. These covered such issues as the objectives of the regulation, definitions, the costs and funding of the proposed security measures, reporting requirements and the role of the European Aviation Safety Agency. The key amendments were as follows:

- the amendments on costs state that Member States and users shall share the costs of the application of the common basic standards for tackling acts of unlawful interference. In order to avoid any distortion of competition between Member States and between airports, air carriers and other entities concerned within the Community as well as between Member States and third countries, the Commission must submit a proposal to introduce uniform arrangements for financing these security measures;
- the detailed measures for the implementation of the common basic standards shall expire six months after their entry into force. The detailed measures may be maintained in accordance with the comitology procedure applicable, but only after a thorough re-evaluation of the security risks and a thorough evaluation of the costs and operational impact associated with those measures. Each of the detailed measures and procedures for the implementation of the common basic standards shall be laid down on the basis of a risk and impact assessment. The assessment shall include the estimated costs;
- Member States shall inform the Commission of those measures, the financial and other costs of which, upon implementation of the measure, are disproportionate to the added security, if any, which the measure establishes. In such instances the Commission shall allow Member States to derogate from the common basic standards in accordance with the regulatory procedure with scrutiny;
- Member States may apply more stringent standards than the common basic standards. The Commission may examine them and, after consulting the Committee, may decide whether the Member State is allowed to continue to apply the measures, and will communicate its decision to the Council and the Member States. Within one month of the decision being communicated by the Commission, a Member State may refer the decision to the Council. The Council, acting by qualified majority, may, within a period of three months, take a different decision. Member States shall meet the costs of applying more stringent measures;
- where airport or on-board security costs are included in the price of an air ticket, those costs shall be shown separately on the ticket or otherwise indicated to the passenger;
- security taxes and charges, whether levied by Member States or by air carriers or entities shall be transparent, shall be used exclusively to meet airport or on-board aircraft security costs and shall not exceed the costs of applying the common basic standards;
- the Commission shall cooperate with the International Civil Aviation Organization (ICAO) in fields falling within the scope of this Regulation. To facilitate such cooperation, the Commission is authorised to conclude agreements with the ICAO for the purpose of exchanging information and mutual support in connection with audits and inspections. The Commission shall negotiate those agreements with the assistance of the Committee;
- every year the Commission shall present a report to the European Parliament, the Council, the Member States and the national parliaments, informing them of the application of the Regulation and its impact on improving air security, as well as of any weaknesses or shortcomings brought to light by the Commission's checks and inspections;

- the Commission shall establish a Stakeholders' Advisory Group on Aviation Security, composed of European representative organisations engaged in, or directly affected by, aviation security. The role of this group shall be solely to advise the Commission;
- every year the Commission shall draw conclusions from the inspection reports and publish, in accordance with Regulation (EC) No 1049/2001 regarding public access to documents, a report on the implementation of the Regulation and on the situation in the Community as far as aviation security is concerned;
- lastly, agreements recognising that the security standards applied in a third country are equivalent to Community standards should be included in global aviation agreements between the Community and a third country in accordance with Article 300 of the Treaty in order to advance the goal of "one-stop security" for all flights between the European Union and third countries.

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.

Civil aviation security

2005/0191(COD) - 15/06/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Paolo **COSTA** (ALDE, IT), and made several amendments to the Commission's proposal. (For a summary of the principal amendments, please refer to the preceding document.)

Civil aviation security

2005/0191(COD) - 11/03/2008 - Text adopted by Parliament, 3rd reading

The European Parliament adopted, by 583 votes to 21 with 35 abstentions, a legislative resolution approving, under the 3rd reading of the codecision procedure, the joint text resulting from the agreement reached in the Conciliation Committee between the European Parliament delegation and the Council. (For details of the agreement, please see the summary of 11/01/2008).

Civil aviation security

2005/0191(COD) - 03/08/2007 - Commission opinion on Parliament's position at 2nd reading

The Commission states that it can accept in their entirety, partly or in principle most of the amendments adopted by the European Parliament in second reading. These amendments confirm the original proposal of the Commission, introduce minor drafting changes without negatively affecting the proposal, add reporting requirements and introduce a very welcome provision on the cooperation with the International Civil Aviation Organization (ICAO). Accordingly, the Commission can accept 36 in full (subject to redrafting) amendments, 14 amendments in principle, and 10 amendments in part. The remaining 37 amendments are rejected.

Main amendments accepted in principle:

- the Commission stated that it accepted in principle the incorporation of definitions of "airport", "mail", "known consignor" and "account";
- security costs shall be indicated to the passenger. Whilst not strictly relevant to the Regulation, this could be considered as a means of ensuring greater transparency for citizens;
- cooperation with ICAO is welcomed but should be inserted in a separate article;
- recognition of Community air carrier security programmes;
- the principle that guns carried in the hold are safe is acceptable but the wording could be improved;
- defining responsibilities clearly in the event of an act of unlawful interference;
- on 'in-flight security officers' should include both Member State's and third country's officers, so 'Member' should be deleted;
- air carrier security programmes should refer both to EU legal obligations and the national civil aviation security programme obligations, not just the latter. Also, the original proposal gives carriers, airports and other entities similar obligations which would change with Parliament's amendment;

Main amendments rejected by the Commission:

- those amendments which suppress the possibility of using the urgency procedure for the adoption of implementing measures via comitology cannot be accepted;
- the amendments on the financing of security seek to oblige Member States to pay some of the costs of aviation security – those measures required by Member States in addition to the EU Regulation ('more stringent measures', as permitted under Article 5 of the Regulation). Whereas the Commission could show some sympathy with the issue, it should not be dealt with in this proposed regulation which concerns technical standards;
- two amendments on EASA require the European Aviation Safety Agency to perform security inspections. It is inappropriate substantially to change by means of such an amendment the scope of EASA by giving it security responsibilities;
- certain amendments on agreements with third countries seek to advance the goal of "one-stop security" for flights between the Community and third countries. Although the intention of the amendments is good, these amendments have the effect of making the task more difficult, and not easier as intended. As the rules on transfer passengers and transfer baggage are to be applied at Community airports, there are as such no extraterritorial

elements involved and therefore no need for agreements. It should be possible to recognise security standards in third countries following the 'comitology' procedure;

- two amendments on background checks seek to harmonise rules governing background checks on airport staff and flight crew. This goes beyond the scope of this legislation, as work of national intelligence services would be included (subsidiarity);
- the amendment on transit passengers is not acceptable, as passengers departing on the same aircraft where the flight number changes would fall outside the scope of the regulation;
- the introduction of a 'sunset clause' requires all implementing legislation to be reviewed and readopted after 6 months. This would create legislative uncertainty, as there would be no longer any stability in the measures to be applied, from which industry would suffer the most;
- on the introduction of risk-, impact- and costs assessments: while the definition of the standards and overall policy will be subject to a risk- and impact assessment, it would not be appropriate to do this for the individual measures and procedures. Furthermore, the stakeholder group will be able to provide a forum for the detailed assessment of implementing measures and procedures;
- the Commission rejected the amendment introducing an 'opt-out' possibility for Member States for those measures that they deem disproportionate. This would destroy the entire concept of harmonised baseline levels of aviation security across the Community, reverting to the old situation where uncoordinated sets of national rules applied;
- the clause requiring the Commission to consult a third country before drawing up a response to that third country is inappropriate for an EC Regulation;
- the clause reducing the scope to regulated agents is not acceptable as the rule should apply to more than just regulated agents;
- the amendment which foresees that every European airport that falls within the scope of this Regulation is inspected at least once within four years of the entry into force of this Regulation is unrealistic. This would either mean that the Commission undertakes 200 inspections a year or, conversely, that the Commission compels Member States to a 4-year cycle for inspecting its airports which is not frequent enough;
- certain amendments are of a degree of detail which should be left to implementing legislation;
- the clause on background checks before pilot licensing goes beyond the scope of the Regulation.

Civil aviation security

2005/0191(COD) - 27/03/2006

The Council unanimously agreed a general approach, pending the European Parliament's opinion at first reading, on a proposal for a regulation of the European Parliament and of the Council on common rules in the field of aviation security.

The proposal seeks to replace Regulation 2320/2002/EC on common rules in civil aviation Security adopted in the wake of the terrorist attacks of 11 September 2001 and in force since January 2003. The Commission submitted a proposal for its revision in September 2005.

The new regulation is aimed at clarifying, simplifying and harmonising further the legal requirements with the objective of enhancing overall security in civil aviation. It lays down common rules for safeguarding civil aviation against acts of unlawful interference. It also provides the basis for a common interpretation of Annex 17 to the 1944 Chicago Convention on International Civil Aviation.

The new regulation will in particular extend Community competence to cover in-flight security measures. In addition, it addresses situations whereby a third country wants to apply different security measures to flights from Community airports than those laid down by Community legislation.

Civil aviation security

2005/0191(COD) - 12/10/2006

The Council reached political agreement on a proposal for a Regulation on common rules in the field of civil aviation security. The text as agreed will be formally adopted as a common position at a forthcoming Council meeting and sent to the European Parliament in order to reach a swift agreement at second reading.

The draft Regulation as agreed by the Council takes into account the new Decision 2006/512/EC of 17 July 2006 amending the comitology rules (**CNS /2002/0298**) as well as the agreement reached between Spain and the United Kingdom on the Gibraltar issue in Cordoba on 18 September 2006.

In view of security incidents in the United Kingdom in August 2006, the Council intends to reach a rapid agreement with the European Parliament on the proposal. In this context, the issue of financing the security measures would in particular need to be studied more carefully in order to satisfy the concerns of all parties.

Civil aviation security

2005/0191(COD) - 12/12/2006 - Commission communication on Council's position

The Commission considers that the Council's common position does not contradict the essential objectives and the underlying approach of its proposal, and can therefore support it.

Five statements have been included in the Annex :

- **More stringent measures applied by Member States:** the Commission does not consider it appropriate to amend its proposal until the European Parliament has delivered its opinion on the change of Article 5(2) and (3) in the common position when compared to the Commission's original proposal, particularly as regards the provisions on implementation of the committee procedure as regards the examination of and authorisation for the application of stricter measures by the Member States';

- **Security measures required by third countries:** in deciding whether or not to act on its own initiative under Article 6(2), the Commission will take into account whether the request concerns specifically the notifying Member State or has been or is likely to be addressed also to other Member States;

- **Entry into force:** during the period running from the date of entry into force of this Regulation until the date of application of Article 11, the Commission will interpret and construe Article 5(4) of Regulation 2320/2002/EC in the light of Article 11 of this Regulation;

- **Cargo and mail:** the Commission recognises that mail is a specific form of cargo and, therefore, should have specific security controls. Such controls should be proportionate to the degree of risk and should also seek not to adversely prejudice both the commercial and public service obligations in the mail sector.

The precise requirements for security controls for mail will be laid down in implementing legislation, but the Commission recognises the wish of the postal sector for stable rules. Consequently, the Commission intends that the implementing legislation will be based on the existing EC security requirements for mail and will, in particular, initially maintain the specific rules for mail which is to be carried on all-mail flights.

Furthermore, the Commission intends that the draft implementing rules for mail will be brought forward prior to the repealing of Regulation 2320/2002 /EC and its implementing acts, with the aim of ensuring that there is continuity by having the repealed acts immediately replaced.

- **In flight security measures:** in relation to paragraphs 3 and 4 of Chapter 10 as contained in the common position, the Commission wishes to clarify that it neither seeks to oblige Member States to accept the carriage of weapons on flights, nor seeks to prohibit them. The Commission recognises that the decision as to when weapons will be carried on board aircraft for potential use by State officials is a matter for each Member State to decide upon.'

Civil aviation security

2005/0191(COD) - 11/12/2006 - Council position

The Council's common position, adopted by unanimity, does not undermine the essential objectives and the underlying approach of the Commission's proposal. Two specific issues have arisen in the Council which are worth mentioning:

1. The application of new comitology rules: coherence had to be made with the newly adopted rules laid down in Council Decision 2006/512/EC of 17 July 2006 amending Decision 1999/468/EC that gives the European Parliament greater powers of scrutiny over autonomous acts adopted by comitology. In the view of the Council, the regulatory procedure with scrutiny laid down in Article 5a of Decision 1999/468/EC should apply to both Article 4(3) setting the criteria to allow Member States to derogate from the common basic standards for small airports / small aircraft and Article 9(2) establishing the specifications for the national quality control programme of Member States. The Commission shares the view of the Council on this.

2. The deletion of the provision on the examination by the Commission of more stringent measures applied by Member States: in Article 5(2) of the Commission proposal, the Commission proposed that it should be in the position to examine whether more stringent measures applied by a Member State are indeed based on a risk assessment and are relevant, objective, non-discriminatory and proportional to the risk that is being addressed. Where this would not be the case, the Commission after consulting the Committee –and ultimately the Council– should be in the position to decide that the Member State concerned is not allowed to continue to apply these more stringent measures. This provision was deleted by the Council which the Commission resisted through a statement.

Intensive contacts have taken place between the three institutions in order to facilitate an early agreement in second reading on this file. However, this could not be achieved primarily because of the issue of financing of security for which the European Parliament had introduced in first reading several amendments seeking to commit Member States to pay at least some of the costs of aviation security.

Lastly, the Council believes that its common position is appropriate and balanced. It reflects the aims behind the majority of the Parliament's amendments. It would like to underline the great effort which has gone into securing early agreement on this Regulation and trusts that the common position will allow for early adoption of the legislation in due course.

Civil aviation security

2005/0191(COD) - 22/09/2005 - Legislative proposal

PURPOSE: to replace Regulation 2320/2002/EC in order to clarify, simplify and harmonise the rules on civil aviation security.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: Regulation 2320/2002/EC has been in force since January 2003. Experience over time has shown that the regulation is too detailed and is in need of simplification. Having such a high degree of detail in framework legislation adopted by codecision makes legal revision to take into account technical or operational

developments impractical. This is an over-prescriptive approach in a framework legislation, which should be replaced by general principles with details added, when necessary, in the implementing legislation.

It is, therefore, appropriate to replace this Regulation. The new framework regulation will solely lay down the basic principles of what has to be done in order to safeguard civil aviation against acts of unlawful interference, whereas implementing acts will lay down the technical and procedural decisions on how this is to be achieved.

Increased harmonisation is also an integral element of 'one-stop security' - the concept whereby transfer- and transit passengers, bags and cargo need not be re-screened since there is confidence that baseline levels of security were met at the original departing airport. Again, this is an element that is of benefit to operators acting in a highly competitive market.

A further issue of concern is that the current regulation is in the public domain. Consequently, any amendments made to it will also be in the public domain. In the view of the Commission it is not desirable to have detailed security measures and procedures placed in the public domain, as potential terrorists could use the information to seek out weaknesses in aviation security in order to perpetrate unlawful acts. Similarly, it is also not in the public interest to publicise new developments in security. By placing operational details in implementing legislation this issue can be addressed.

The only additional competence sought relates to rules for in-flight security measures. It covers such diverse topics as access to the cockpit, unruly passengers and in-flight security officers ('sky marshals'). There currently does not exist Community legislation covering in-flight security measures. In the view of the Commission harmonised rules would be best addressed as an element of aviation security legislation, by means of implementing legislation. However, the Commission stresses that such implementing legislation will be developed only as and when such rules are deemed necessary at the Community level. Also, it should be noted that the Commission has no intention of compelling any Member State to accept in-flight security officers on board aircraft and the proposal in no way seeks to change existing sovereignty on this matter.

The following points should be noted:

-The proposal permits Member States to apply more stringent security measures. The principle is unchanged from Regulation 2320/2002/EC. However, the new proposal requires that Member States shall both undertake a risk assessment and that they shall be able to justify such action, in general terms, if requested to do so by the Commission. Actions by Member States in response to specific threat information should not be prejudiced by this legislation and so heightened security requirements for individual flights would fall outside the requirements of this article.

-A new Article addresses the situation whereby a third country requires different security measures on flights from Community airports than those laid down by Community legislation.

Lastly, the proposal does not address the issue of financing security. A later Communication will deal with this matter.

Civil aviation security

2005/0191(COD) - 24/07/2012 - Follow-up document

In accordance with Regulation (EC) No 300/2008, the Commission presents a report on the common rules on civil aviation security. The report covers the period 1 January to 31 December 2011. It describes the Commission's inspection activity during 2011 and recalls developments in the area of legislation, trials and studies, and international relations.

Inspections: the Commission **monitored 10 appropriate authorities** during 2011, all of which had been subject to previous Commission inspections. For several Member States these inspections showed significant improvements from the past.

- **The deficiencies most commonly found in 2011 were similar to those in 2010** and 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 required aspects of the legislation and follow-up activities were sometimes inadequate. **Sanctions** were provided in the legislation of all Member States, but were not always applied in case deficiencies were not corrected swiftly.

With regard to **initial inspections**, 19 initial inspections of airports were conducted during 2011, the same number as carried out in 2010. **The overall percentage of core measures found to be in compliance in 2011 was 80% and thus identical to the compliance rate in 2010.**

Deficiencies found in the area of traditional measures tended, by and large, to stem from human factor issues and did not change significantly from previous years.

- Non-compliances in the area of **traditional measures** at the airports inspected during 2011 **mainly related to the quality of staff screening as well as to certain cargo security requirements**. In particular, the **inadequate quality of hand searches of staff continued to be a challenge**.
- 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 require careful attention and, until new technological and/or procedural alternatives are available, should be addressed through intensified training and supervision.

- Furthermore, certain additional measures introduced under the new regulatory framework had not yet been fully implemented at the airports inspected in 2011. Non-compliances arose in relation to **methods and standards of screening of in-flight and airport supplies** (where a secure supply chain had not yet been fully deployed) and **missing risk assessments** in order to establish adequate means and frequencies of patrols at airports. Member States' appropriate authorities should actively pursue the implementation of these new provisions.

Commission recommendations for corrective action were on the whole followed up satisfactorily and 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, using its established **peer review system as well as instigating formal infringement procedures** if necessary.

On the **legislative front**, further detailed implementing rules were adopted during 2011 mainly to permit the deployment of security scanners under certain conditions and to increase security of cargo and mail being transported into the EU. These and other measures are also being taken forward on the international front in contacts with international organisations and third countries in order to increase global aviation security standards.

Civil aviation security

2005/0191(COD) - 23/07/2015 - Follow-up document

The Commission presents its annual report on the implementation of Regulation (EC) N° 300/2008 on common rules in the field of civil aviation security. The report covers the period from 1 January to 31 December 2014.

The report notes that a **high level of aviation security continues to be ensured in the EU** in order to protect civil aviation against acts of unlawful interference.

Inspections: Commission inspections have confirmed a **stable level of compliance with EU requirements** in aviation security.

- In total, **nine appropriate authority inspections** were carried out during 2014. For most Member States, these inspections showed significant improvements from previous inspections. The deficiencies most commonly found in 2014 were similar to those identified throughout the third cycle and mainly related to minor discrepancies in the full alignment of the National Aviation Security Programmes and limitations in the implementation of the National Quality Control Programmes.
- Twenty-five initial inspections of airports** were conducted during 2014, a similar number to those carried out in 2013. Most of the deficiencies found still stem, like in the past, from **human factor** issues. These mainly occur in the areas of screening and aircraft security as well as in the implementation of certain cargo security requirements. These human factor issues should be addressed through **increased training and supervision**.

On the other hand, 2014 saw improvements in the compliance with requirements relating to security controls for airport and in-flight supplies.

Commission recommendations for corrective action were overall **followed up satisfactorily**, but the inspections' 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, initiating infringement proceedings if necessary.

Legislation and supplementary tools: in continuation of the consolidation process initiated in 2013, the Commission adopted in June 2014 a further legislative package aiming at **clarifying, harmonising and simplifying** the existing aviation security measures (Commission [Implementing Regulation \(EU\) No 687/2014](#)). Member States and stakeholders welcomed the changes, which improve legal clarity, so as to avoid diverging interpretations of the legislation.

The package also included an **alignment of the customs' authorised economic operator programme and the aviation security regime for regulated agents and known consignors**. This alignment allows for mutual recognition of certain activities carried out by the respective authorities, facilitating the concerned industry and government authorities, while at the same time maintaining current security levels.

Following the outcome of the EU risk assessment focusing on passenger related risks, work was carried out to **increase the explosive detection capability**. One of the main changes adopted in 2014 concerns the use of dedicated means for detecting explosives hidden on passengers ([Commission Implementing Regulation \(EU\) No 278/2014](#)). The work resulted in legislation defining the use of explosive trace detection (ETD) equipment for the screening of passengers, baggage and cargo. The use of ETD in the passenger and cabin baggage screening processes will become **mandatory as of September 2015**. In parallel, two further rounds of air cargo risk assessments were carried out. New aviation security implementing legislation adopted in the year 2014 will further refine the legal framework under Regulation (EC) No 300/2008 and its implementing rules.

New initiatives: significant progress was made in one of the most important and challenging files, namely the **roadmap for the development of technologies in aviation security**. In relation to cargo, the Commission continues to work closely with Member States in order to negotiate the implementation of a regime for advance cargo information analysis. In this context, cooperation with customs continued.

Dialogue with international organisations and third countries: on the international scene, the Commission participated effectively in all relevant International Civil Aviation Organisation (ICAO) **events and fora** where it continued to play an important role in the **coordination of the EU's position and strategy** as regards aviation security policy internationally. The Commission fully engaged with key third country partners and regional organisations. A particular emphasis was put on awareness raising activities in the **African region** in order to facilitate the smooth implementation of the inbound cargo and mail requirements.

Civil aviation security

The Commission presented its 2015 annual report on the implementation of Regulation (EC) N° 300/2008 on common rules in the field of civil aviation security. The report covers the period 1 January – 31 December 2015.

The main findings are as follows:

Inspections: the Commission continued the fourth cycle of inspections of appropriate authorities in 2015. The report noted that **compliance levels remained stable** and did not require in 2015 temporary exclusions of any EU airport from the EU's One Stop Security System to rectify serious deficiencies.

In total, eleven appropriate authority inspections were carried out during the year. For most Member States, these inspections showed significant improvements from previous inspections. The deficiencies most commonly found in 2015 related to minor shortcomings in the full alignment of the National Aviation Security Programmes and limitations in the implementation of the National Quality Control Programmes. For most Member States inspected in 2015 the rectification process when deficiencies were identified was also satisfactory and adequate enforcement measures were available to all Member States.

Twenty initial inspections of airports were conducted during 2015. The overall percentage of core measures found to be in compliance in 2015 was 80%; roughly the same as in previous years. Most of the **deficiencies found continue to stem from human factor issues**. These mainly occur in the practical implementation of certain reinforced screening measures for cabin baggage and also in the screening of staff and cargo. Aircraft security searches is another area where further efforts are necessary.

2015 showed further **increased compliance levels** in relation to regulated suppliers of in-flight supplies, after already relatively good results in 2014.

Risk-based approach: the end of the year was marked by increased security alert levels in several Member States due to the Metrojet incident over Sinai and the Paris attacks. The impact on different transport modes, including aviation, was significant. This risk situation confirmed the Commission's policy choices:

- to continue **enhancing the explosive detection capability at passenger security checkpoints** and air cargo screening facilities;
- to **ensure a proper balance between the highest possible level of security and other important factors**, such as travel convenience, privacy and protection of personal data and facilitation of operational factors.

Legislation: given that civil aviation remains to be an attractive target for terrorist groups, the Commission and Member States are constantly adjusting the mitigation measures in order to achieve the highest level of security while minimising adverse effects on operations:

- in 2015 measures came into force which are expected to considerably strengthen the explosive detection capability at passenger security checkpoints of airports in respect of cabin baggage ([Commission Implementing Regulation \(EU\) 2015/187](#) as regards the screening of cabin baggage and Commission Implementing Decision C(2015) 561 on the same issue);
- in November 2015, the Commission adopted [Implementing Regulation \(EU\) 2015/1998](#) and Implementing Decision C(2015)8005 both laying down detailed measures for the implementation of the common basic standards on aviation security. These new acts consolidate the previous ones and all their amendments and at the same time clarify and update certain requirements in light of the practical experiences gained and taking account of relevant technological developments;
- the **database of regulated agents and known consignors** has been the only legal primary tool to be used by regulated agents for consultation when accepting consignments from another regulated agent or from a known consignor since 1 June 2010. At the end of 2015, the database contained approximately 14 000 records of regulated agents, known consignors and independent validators. Its target availability rate of 99.5 % was continuously met in 2015 as well.

Dialogue with international bodies and third countries: in this context, the Commission **extended One-Stop-Security to Canada and Montenegro** and continued its efforts regarding the establishment of harmonised rules at international level through cooperation with the United States and other likeminded aviation security partners.

The Commission also participated effectively in all relevant events of the International Civil Aviation Organization (ICAO) and air cargo related meetings of the World Customs Organization (WCO).

In close cooperation with the departments for development cooperation and neighbouring policy of the EU, **programmes for capacity building in aviation security in third countries** have been established and will be implemented as of 2016. Assistance will focus on countries in Africa and the Middle East as well as EU Neighbouring countries and States in Central Asia.

Civil aviation security

The Commission presented its annual report on the implementation of Regulation (EC) No 300/2008 on common rules in the field of civil aviation security. The report covers the period from 1 January to 31 December 2017.

2017 featured renewed concerns related to the global threat that improvised explosive devices (IEDs) artfully concealed in tampered electronic devices constitute. The U.S. and UK governments banned from the cabins of flights from airports located in some Middle Eastern and North African countries all personal electronic devices larger than cell phones. Cybersecurity and the protection of public areas of airports remained a priority.

Inspections

The Commission continued its fifth cycle of inspections of appropriate authorities in 2017. In total, nine inspections of appropriate authorities were carried out during the year. For most Member States, these inspections showed significant improvements from previous inspections. The deficiencies most commonly found in 2017 related to shortcomings in the implementation of the National Quality Control Programmes. Some Member States did not monitor with the expected regularity foreign air carriers and did not fully apply some of the compliance monitoring methodologies required by the Regulation.

The majority of Member States inspected did, nevertheless, align National Aviation Security Programmes with the EU legislation, implemented mostly the requirements relating to security training, met the minimum frequency for inspecting security measures at airports and ensured that identified deficiencies were rectified within established timeframes.

As regards airports, the inspection results reflect the efforts made by appropriate authorities and the industry. The majority of security requirements stemming from this ambitious legislation were correctly implemented; the level of compliance for the most important areas of aviation security remained stable at around 80%.

Most of the deficiencies found continued to stem from human factor issues. In particular, some provisions relating to access control, screening of staff and screening of cabin baggage will require continued efforts by the appropriate authorities, industry stakeholders and the Commission. Aircraft security searches was another area where further efforts are necessary.

In the course of the year, an assessment of one US airport (Charlotte-Douglas International airport) confirmed that the implementation of US security measures continues to be of an equivalent standard to the implementation of EU aviation security legislation.

Legislation, tests, studies

The report notes in particular the following:

- The Commission and Member States are therefore constantly adjusting the mitigation measures in order to achieve the highest level of security while minimising adverse effects on operations. In May 2017 the Commission adopted Regulation (EU) 2017/815 amending Commission Implementing Regulation (EU) 2015/1998 as regards clarification, harmonisation and simplification of certain specific aviation security measures.

- Two trials conducted in the Netherlands and France were completed in 2017. They concerned the use of new generation screening equipment for cabin baggage without the need to remove laptops, and the use of shoe analysis equipment detecting both metals and explosive materials in combination with walk-through metal detectors and security scanners. Both trials have given positive results and it will be considered to include the trial on shoe analysing equipment for inclusion in an amendment to the legislation in 2018. No other trials were conducted or initiated in the course of 2017;

- At the end of 2017, DG MOVE commissioned a Study on economic (and other benefits) of One Stop Security (OSS) to analyse economic and other benefits in the scope of existing OSS arrangements between the EU and the United States of America, the EU and Canada and the EU and Montenegro. If the study confirms the importance of the economic (and/or other) benefits that OSS entails, this could serve as additional incentive for continuing to work towards a global sustainability of aviation security and engage in OSS talks with our major partners. The study shall be completed in September 2018.

- As regards cargo, the Commission continued to work closely with Member States to prepare for the implementation of a regime for pre-loading advance cargo information (PLACI) analysis.

Dialogue with international bodies and third countries

The Commission continued its efforts to enhance aviation security worldwide, through its longstanding cooperation with ICAO and through its capacity building project CASE for Africa and Middle East.

At ICAO level, a Task Force to address the issue of the carriage of PEDs on board an aircraft was established with the strong support of the Member States and the Commission. The Task Force met in July in Paris and established a number of recommendations on how to mitigate the threat of concealed explosives without having to ban items like portable electronic devices.

During the transport dialogue with Singapore (June 2017), an administrative agreement was signed to demonstrate a continuous commitment to the implementation of the One Stop Security control between the European Union and Singapore.

Civil aviation security

2005/0191(COD) - 15/12/2017 - Follow-up document

The Commission presented its annual report on the implementation of Regulation (EC) No 300/2008 on the introduction of common rules in the field of civil aviation security. The report covers the period from 1 January to 31 December 2016. The main findings of the report are as follows:

Inspections: the Commission started the fifth cycle of inspections of appropriate authorities in 2016. In total, **eight appropriate authority inspections were carried out** during the year. For most Member States, these inspections showed **significant improvements** from previous inspections.

The deficiencies most commonly found in 2016 related to **shortcomings in the implementation of the National Quality Control Programmes**. Some Member States did not sufficiently monitor the adequacy and implementation of the security programmes of airports, air carriers and regulated entities, did not monitor with the expected regularity foreign air carriers and did not fully apply some of the compliance monitoring methodologies required by the Regulation.

In addition, **26 initial inspections of airports** were conducted during 2016. The inspection results reflect the efforts made by appropriate authorities. The majority of security requirements were **correctly implemented**. The level of the compliance index for the most important areas of aviation security remained stable at around 80%. However, **progress remains to be made** in the areas of access control, screening of staff and of cabin baggage and aircraft security searches.

2016 again showed **high compliance levels** in relation to screening of hold baggage, in-flight and airport supplies, training and security equipment.

28 inspection files (16 files concerning airport inspections and 12 concerning inspections of appropriate authorities) could be closed. In all, inspection files relating to 8 appropriate authorities and 21 airports remained open at the end of the year.

Legislation and risk assessments: 2016 saw a **surge in the terrorist threat levels** in general and for civil aviation, marked by the terrorist attacks in Brussels and Istanbul airports. Immediately after the Brussels attack, the Commission convened Member States in an extraordinary session of the **Aviation Security Regulatory Committee**. The latter reached the conclusion that while there was a need for protecting the public areas of the airports, where the attacks took place, measures designed for the protection of the Security Restricted Areas (SRAs) of airports were not suitable for application at the **entry points of terminal buildings**. These areas should be kept public and measures should be taken based upon local risk assessments, involving all relevant authorities and stakeholders. **A proper balance** between the security needs and the other important factors, such as travel convenience, privacy and protection of personal data and facilitation of operational factors should be maintained.

In order to ensure the implementation of proportionate and risk-based protection measures, the Commission and Member States **constantly adjust the mitigation measures** in order to achieve the highest level of security while minimising adverse effects on operations.

In November 2016 the Commission adopted [Regulation \(EU\) 2016/2096](#) amending Regulation (EU) No 1254/2009 as regards certain criteria to allow Member States to **derogate from the common basic standards** on civil aviation security and to adopt alternative security measures. This Regulation clarified the requirements for risk assessments and further specified the types of operations of certain categories of air traffic.

The Commission considers that the **exchange of experiences and best practices** would be a key element in successfully reinforcing security. It contributes to the goal of preventing terrorist threats against civil aviation through its **cooperation** with the ICAO and in particular through its capacity building initiative CASE on civil aviation security in Africa and Middle Eastern countries.