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IMPLEMENTING LEGISLATION FOR REG. 300/2008Z

KEY INDUSTRY CONCERNS

ACI EUROPE, AEA, ELFAA, ERA, IACA and IATA together welcome the constructive dialogue and the extensive work done on the implementing legislation for Regulation 300/2008 over the last two years. Before finalising the text, our associations would like to highlight the issues on which the aviation industry has a strong consensus and to stress the importance of the following points, which will determine whether the new Regulation is manageable and can be correctly implemented by the aviation industry.

One-Stop Security shall be implemented throughout Europe: Our associations understand that due to specific and temporary threats, a Member State can introduce additional measures to the EU baseline. However, these additional measures shall remain temporary and justified by a risk assessment. The new Regulation 300 will provide a solid and efficient security regime, which shall be applied in all EU Member States. One-Stop security within the EU should, therefore, be applied at all EU airports, as this has been proposed in the conclusions of the Commission's report on the financing of aviation security.

The industry urges each national authority to seek harmonisation of the European security measures and to specifically support the following points in the implementing legislation:

- Any aircraft flying from a critical part to another critical part within the EU shall be exempted from security checks. To ensure the proper implementation of the measure, any change in the status of an airports' critical part should be advised on a timely basis to the air carriers operating to/from that airport.
- Passengers and baggage originating from an EU airport and transferring in another EU airport shall not be rescreened.
- Regulated Agents and Known Consignors approved by one national authority shall be recognised in all EU Member States.
- Security training, given in one EU Member State, shall be recognised in all other Member States. Mutual recognition of training shall also be based on the quality of the course content and not on its duration. Any mention of duration of training shall, therefore, be taken out of the text, to avoid divergent interpretation.

New screening methods and processes shall be recognised: In order to balance the security requirements and the necessity to facilitate seamless movement of passengers and cargo, the industry strongly supports the recognition of new screening methods in the new implementing legislation. The use of explosive detection dogs, explosive trace detection, multi-view x-ray equipment and explosive detection systems shall be allowed, as they would contribute to the improvement of security standards in Europe.

The new regulation shall also encourage the use of advanced technology standards by introducing incentives and greater flexibility, as it is proposed under chapter 4, for the screening of hand baggage with multi-view x-ray or EDS, or under chapter 5, for defining appropriate security controls for unaccompanied baggage.

Redundant measures and unnecessary costs shall be avoided: The industry is concerned that some of the provisions of the draft implementing legislation risk creating unnecessary costs which would only burden the aviation industry without introducing significant added-value for security.

The proposed template for an **EU crew ID**, including biometric elements, would, for instance, imply the creation of an EU-wide database with the crew biometric information, in order to verify the identity of the crew member. This would also oblige all EU airports to timely install equipment at all crew access points to read the biometric component of the card. In the absence of such a system and database, requiring airlines to invest in a new costly card model is not relevant. Before such a verification system of an EU crew ID is possible, European airlines would, however, in the interim period, accept to insert a symbol on their crew ID in order to facilitate recognition of EU crew. In the long term, as the use of the EU crew identification card would merely facilitate border crossing processes, the industry expects also that all costs related to infrastructure, document and background checks will be borne by the EU Member States.

The section regarding the **protection of the aircraft** in chapter 3 would also, as drafted, create redundant protection requirements, which will result in significant costs for the airlines. Considering the security measures introduced to protect the airports' critical part, including access control as well as systematic staff and vehicle screening, an aircraft in the critical part should not need to be guarded by a person specifically dedicated to control access to the aircraft. Challenging any person seeking unauthorised access to the aircraft shall be deemed necessary.

The industry supports the improvements in the **training requirements** as described under chapter 11. These are necessary to ensure a coherent and harmonised implementation of security measures throughout Europe. Training requirements under chapter 11 shall, however, be defined to avoid having an unnecessary extensive scope and avoid divergent interpretation. In this context, the definition of a "supervisor" shall be clarified particularly when flight and cabin crew undertake security functions such as access control and aircraft searching requirements. Additional training requirements for persons screening airport and in-flight supplies, air carrier mail and material are also fully redundant.

Our associations have submitted or will submit individual comments, based on their specific operations, but with this joint letter, we would like to further stress our common views on the above matters, which will be crucial to enhance the EU aviation security regime and facilitate its implementation throughout Europe. We very much hope that the Member States and the Commission will take into consideration the above mentioned points in their discussion on the consolidated text and look forward to further consultation before the final adoption of the implementing legislation.