

Euromed Study Tour

EU POLICY ON AVIATION SECURITY

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WHY EU POLICY?

Before 9/11

No EU policy: national laws and co-ordination through
European Civil
Aviation Conference

Post 9/11

Political acceptance of EU initiative by Member States

- * new level of threat: aircraft used as weapons
- * interdependency of European states
with free movement - national borders
give little defence

TOWARDS EU LEGISLATION

So agreement by Member States:

- * voluntary standards and recommendations not enough**
- * binding EU legislation needed**
- * standards had to be tougher than ICAO Annex 17**

Commission proposal in October 2002

Co-decision of European Parliament and Council (ministers of 25 Member States) on Regulation 2320 in December 2002

REGULATION 2320/2002 (1)

Basic aim: to prevent unlawful interference by keeping potential weapons out of aircraft and restricted areas of airports

Sets binding enforceable rules: Commission has powers of enforcement

Harmonises standards at high level, but leaves Member States free to take more stringent measures

Applies to airports in all 25 Member States (except smallest)

REGULATION 2320/2002 (2)

Sets common standards, e.g. for establishment of restricted areas, control of access to them, screening of passengers and baggage, controls on cargo, staff training, standards for security equipment

Common standards complemented by detailed implementing measures, adopted by Commission with consent of Member States under simplified procedure

Transfer traffic from third countries re-screened unless previously screened to EU standards

REGULATION 2320/2002 (3)

Strong emphasis on implementation and quality control

National security programmes for implementation of common standards

Two-tier quality control:

- * national quality control programme**

- *Commission inspections of national programmes and airports (control of controllers).**

NEW REGULATION (1)

Problem of inflexibility of Regulation 2320: changes to common standards need decision of Parliament and Council

Commission's proposal for replacement regulation to make decision making more flexible:

- * presented in September 2005**
- * under discussion in European Parliament and Council**
- * adoption expected late 2006 or 2007**

NEW REGULATION (2)

Substance almost same as Regulation 2320 but:

- * framework regulation only setting basic standards
- * specifics left to detailed implementing measures adopted by Commission under simplified procedure

Changes in substance:

- * covers all civil aviation, commercial and non-commercial (Regulation 2320 commercial only)
- * creates possibility of in-flight security measures

EU POLICY AND THIRD COUNTRIES (1)

EU rules applied beyond EU territory:

- * presently by Romania and Bulgaria (future Member States) and by Norway, Iceland and Switzerland
- * in future by West Balkans countries under aviation agreement with EU
- * as recommendations in other members of European Civil Aviation Conference

EU POLICY AND THIRD COUNTRIES (2)

EU accepts host-state responsibility:

- * expects non-EU states to apply Annex 17 in full**
- * does not require stricter measures as condition for entry into its territory**

EU supports strengthening of international standards (ICAO)

IN SUMMARY

EU policy on civil aviation security:

- * harmonisation of standards at high level throughout EU (and other European states)
- * elements of flexibility: Member States can take tougher measures and exempt smallest airports
- * strong emphasis on implementation and quality control - EU control of national controllers
- * reasonable balance between security and facilitation of transport