

Pursuant to Article 16, Article 61 paragraph (1), Article 64 and Article 71 paragraph 1, of the Administration Law of Bosnia and Herzegovina (Official Gazette of BiH No 32/02 and 102/09) and Article 14, paragraph 3, point a) of the Aviation Law of Bosnia and Herzegovina (Official Gazette of BiH No 39/09)) Director General of the Bosnia and Herzegovina Directorate of Civil Aviation, hereby issues the following

RULEBOOK

ON COMMON RULES IN THE FIELD OF CIVIL AVIATION SECURITY

I GENERAL PROVISIONS

Article 1

(Subject)

- (1) Subject of this Rulebook is establishing of common rules to protect civil aviation against acts of unlawful interference that jeopardise the security of civil aviation.
- (2) This Rulebook and its Annexes provide basis for uniform interpretation of Annex 17 to the Chicago Convention on International Civil Aviation.
- (3) The means of achieving the objectives set out in paragraph 1 of this Article shall be:
 - a) the setting of common rules and common basic standards on aviation security;
 - b) mechanisms for monitoring compliance.

Article 2

(Applicability)

- (1) This Rulebook shall implement the following provisions of Appendix I to this Rulebook:
 - a) Articles 1 - 18, Article 21, Article 24, paragraphs (2) and (3) and Annex Articles 1 - 1
 - b) Appendices I and II shall be implemented in their entirety.
- (2) The confidential Commission decisions, which have not been published in the Official Gazette of BiH, shall also be used for implementation of this Rulebook.
 - Commission Decision 2010/774/EU of 13 April 2010 laying down detailed measures for the implementation of the common basic standards of civil aviation security, containing information as referred to in point (a) of Article 18 of Regulation (EC) No 300/2008,
 - Commission Decision 2010/3572/EU of 30 June 2010 laying down detailed

measures for the implementation of the common basic standards on aviation security containing information as referred to in point (a) of Article 18 of Regulation (EC) No 300/2008.

Article 3

(Terms)

- (1) Terms 'Community', 'Community Law', 'Treaty Establishing the European Union', 'Official Journal of the European Union' and 'Member State' referred to in the Regulation under Appendix I to this Rulebook, shall be read in accordance with with points 2 and 3 of the Appendix II to ECAA Agreement.
- (2) For the purpose of this Rulebook, terms 'National Aviation Authority' and 'national competent authority' referred to in the Regulation under Appendix I to this Rulebook, shall be read 'the Bosnia and Herzegovina Directorate of Civil aviation'.
- (3) Definitions relevant for the implementation of the Regulation under Appendix I to this Rulebook are contained in Article of the mentioned Regulation.

Article 4

(Appendices)

- (1) Appendices I, II and III to this Rulebook form its integral part.
- (2) The Appendix I under paragraph (1) of this Article is the Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security (Text with EEA relevance) and repealing Regulation (EC) No 2320/2002.
- (3) The Appendix II under paragraph (1) of this Article is the Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex, and which in accordance with Article 4 of the Regulation (EC) 300/2008 is supplementing it.
- (4) The Appendix III under paragraph (1) of this Article is the Regulation (EC) No 297/2010 of 9 April 2010 supplementing the common basic standards on civil aviation security with its Annex amending the Regulation (EC) 272/2009.

Article 5

(Amendments)

- (1) Annex to the Regulation (EC) 272/2009, which forms Appendix II referred in Article 4, paragraphs (1) and (3) is amendment to Annex to the Regulation (EC) 300/2008, which forms Appendix I referred in Article 4, paragraphs (1) and (2) in the domain of basic common standards in the field of civil aviation security, more precisely
 - methods of screening allowed;
 - categories of articles that may be prohibited;
 - as regards access control: grounds for granting access to airside and security restricted areas;

- methods allowed for the examination of vehicles, aircraft security checks and aircraft security searches;
 - criteria for recognising the equivalence of security standards of third countries;
 - cargo and mail;
 - air carrier mail and air carrier materials: conditions for screening and other security controls;
 - in-flight supplies and airport supplies;
 - criteria for defining critical parts of security restricted areas;
 - staff recruitment and methods of training;
 - conditions under which special security procedures or exemptions from security controls may be applied.
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- (2) Annex to the Regulation (EC) 297/2010, which forms Appendix III referred in Article 4, paragraphs (1) and (4) is amendment to Annex to the Regulation (EC) 272/2009, which forms the Appendix I referred to in Article 4, paragraphs (1) and (3) in the domain of basic common standards in the field of civil aviation security, more precisely:
- In the part A.3 of the Annex to the Regulation (EC) 272/2009, points (f) and (g) are supplemented by point (h), and
 - After Part B of the Annex to the Regulation 272/2009, the following part B1 shall be added: 'Liquids, aerosols and gels'.

Article 6
(Responsibility for Implementation of the Rulebook)

BHDCA shall be responsible for implementation of this Rulebook and belonging Appendices, within responsibilities under Article 1 of the Rulebook, based upon the Bosnia and Herzegovina Aviation Law (Official Gazette of BiH No 39/09) as well as other entities relevant for implementation of civil aviation protection measures against acts of unlawful interference in accordance with responsibilities defined in the Bosnia and Herzegovina Civil Aviation Security Programme No: 02-04-2-002/08, approved on 31 January 2008.

Article 7
(Interpretation)

In case of obscurities in interpretation of this Rulebook and provisions contained in its Appendices, the text of the Regulations that are Appendices to this Rulebook in English language, as published in the Official Journal of the European Union, shall prevail.

Article 8
(Harmonisation of Legislation)

BiH Civil Aviation Security Programme shall be completely harmonised with contents of this Rulebook and its Appendices.

Article 9
(Sanctions)

In accordance with Article 21 of the Regulation (EC) 300/2008, which forms Appendix I to this Rulebook, concerning measures required for implementation of effective, proportionate and dissuasive sanctions, BiH shall harmonise the BiH Civil Aviation Security Programme and provide for implementation of Article 133, paragraph 1, point i) (Penalty Provisions) of the BiH Aviation Law.

Article 10

(Entry into force)

This Rulebook shall come into force on the eighth day following that of its publication in the Official Gazette of BiH.

No: 1-3-02-2-394-1/11

Banja Luka, 10 March 2011

Director General
Djordje Ratkovica

**REGULATION (EC) No 300/2008 OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

of 11 March 2008

**on common rules in the field of civil aviation security repealing
Regulation (EC) No 2320/2002 (Text relevant for EEA)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the opinion of the European Economic and Social Committee,¹

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty (2), in the light of the joint text approved by the Conciliation Committee on 16 January 2008,²

Whereas:

(1) In order to protect persons and goods within the European Union, acts of unlawful interference with civil aircraft that jeopardise the security of civil aviation should be prevented by establishing common rules for safeguarding civil aviation. This objective should be achieved by setting common rules and common basic standards on aviation security as well as mechanisms for monitoring compliance.

(2) It is desirable, in the interests of civil aviation security generally, to provide the basis for a common interpretation of Annex 17 to the Chicago Convention on International Civil Aviation of 7 December 1944.

(3) Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security (3) was adopted as a result of the events of 11 September 2001 in the United States. A common approach is needed in the field of civil aviation security and consideration should be given to the most effective means of offering assistance following terrorist acts that have a major impact in the transport field.³

(4) The content of Regulation (EC) No 2320/2002 should be revised in the light of the experience gained, and the Regulation itself should be repealed and replaced by this Regulation seeking the simplification, harmonisation and clarification of the existing rules and the improvement of the levels of security.

¹ (1) OJ C 185, 8.8.2006, p. 17.

² Opinion of the European Parliament of 15th June 2006 (OJ C 300 E, 9.12.2006, p. 463), Council Common Position of 11 December 2006 (OJ C 70 E, 27.3.2007, p. 21) and Position of the European Parliament of 25 April 2007 (not yet published in the OJ), Legislative Resolution of the European Parliament of 11 March 2008 (not yet published in the Official Journal) and Council Decision of 4 March 2008.

³ OJ L 355, 30.12.2002, p. 1. Regulation as amended by Regulation (EC) No 849/2004 (OJ L 158, 30.4.2004, p. 1, corrected by OJ L 229, 29.6.2004, p. 3).

(5) Given the need for more flexibility in adopting security measures and procedures in order to meet evolving risk assessments and to allow new technologies to be introduced, this Regulation should lay down the basic principles of what has to be done in order to safeguard civil aviation against acts of unlawful interference without going into the technical and procedural details of how they are to be implemented.

(6) This Regulation should apply to airports serving civil aviation located in the territory of a Member State, to operators providing services at such airports and to entities providing goods and/or services to or through such airports.

(7) Without prejudice to the Convention on offences and certain other acts committed on board aircraft, Tokyo, 1963, the Convention for the suppression of unlawful seizure of aircraft, The Hague, 1970, and the Convention for the suppression of unlawful acts against the safety of civil aviation, Montreal, 1971, this Regulation should also cover security measures that apply on board an aircraft, or during a flight, of Community air carriers.

(8) Each Member State retains the competence to decide whether to deploy in-flight security officers on aircraft registered in that Member State and on flights of air carriers licensed by it, as well as to ensure, in accordance with paragraph 4.7.7 of Annex 17 to the Chicago Convention on International Civil Aviation and under the terms of that Convention, that such officers are government personnel who are specially selected and trained, taking into account the required security and safety aspects on board an aircraft.

(9) The various types of civil aviation do not necessarily present the same level of threat. In setting common basic standards on aviation security, the size of the aircraft, the nature of the operation and/or the frequency of operations at airports should be taken into account with a view to permitting the grant of derogations.

(10) Member States should also be allowed, on the basis of a risk assessment, to apply more stringent measures than those laid down in this Regulation.

(11) Third countries may require the application of measures that differ from those laid down in this Regulation in respect of flights from an airport in a Member State to, or over, that third country. However, without prejudice to any bilateral agreements to which the Community is a party, it should be possible for the Commission to examine the measures required by the third country.

(12) Even though, within a single Member State, there may be two or more bodies involved in aviation security, each Member State should designate a single authority responsible for the coordination and monitoring of the implementation of security standards.

(13) In order to define responsibilities for the implementation of the common basic standards on aviation security and to describe what measures are required by operators and other entities for this purpose, each Member State should draw up a national civil aviation security programme. Furthermore, each airport operator, air carrier and entity implementing aviation security standards should draw up, apply and maintain a security programme in order to comply both with this Regulation and with whichever national civil aviation security programme is

applicable.

(14) In order to monitor compliance with this Regulation and with the national civil aviation security programme, each Member State should draw up and ensure the implementation of a national programme to check the level and quality of civil aviation security.

(15) In order to monitor the application by Member States of this Regulation, and also to make recommendations to improve aviation security, the Commission should conduct inspections, including unannounced inspections.

(16) As a general rule, the Commission should publish measures that have a direct impact on passengers. Implementing acts setting out common measures and procedures for the implementation of the common basic standards on aviation security which contain sensitive security information, together with Commission inspection reports and the answers of the appropriate authorities should be regarded as EU classified information within the meaning of Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal rules of procedure⁴. Those items should not be published and should be made available only to those operators and entities with a legitimate interest.

(17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (2).

(18) In particular, the Commission should be empowered to adopt general measures amending non-essential elements of the common basic standards by supplementing them, set criteria allowing Member States both to derogate from the common basic standards and to adopt alternative security measures, and adopt specifications for national quality control programmes. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(19) When, on imperative grounds of urgency, the normal time-limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to apply the urgency procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of common rules for safeguarding civil aviation

(20) The goal of 'one-stop security' for all flights within the European Union should be advanced.

(21) Furthermore, it should not be necessary to rescreen passengers or their baggage arriving on flights from third countries that have aviation security standards equivalent to those

⁴ OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/548/EC, Euratom (OJ L 215, 5.8.2006, p. 38).

laid down by this Regulation. Therefore, without prejudice to the right of each Member State to apply more stringent measures, or to the respective competences of the Community and Member States, decisions of the Commission, and, where necessary, agreements between the Community and third countries, which recognise that the security standards applied in the third country are equivalent to the common standards, should be encouraged since these further one-stop security.

(22) This Regulation is without prejudice to the application of rules on aviation safety, including those relating to the transport of dangerous goods.

(23) Penalties should be provided for infringements of the provisions of this Regulation. Those penalties, which may be of a civil or administrative nature, should be effective, proportionate and dissuasive.

(24) The Ministerial Statement on Gibraltar Airport, agreed in Cordoba on 18 September 2006 during the first Ministerial meeting of the Forum of Dialogue on Gibraltar, will replace the Joint Declaration on Gibraltar Airport made in London on 2 December 1987, and full compliance with it will be deemed to constitute compliance with the 1987 Declaration.

(25) Since the objectives of this Regulation, namely to safeguard civil aviation against acts of unlawful interference and to provide a basis for a common interpretation of Annex 17 to the Chicago Convention on International Civil Aviation, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

Article 1

Objectives

(1) This Regulation establishes common rules to protect civil aviation against acts of unlawful interference that jeopardise the security of civil aviation.

It also provides the basis for a common interpretation of Annex 17 to the Chicago Convention on International Civil Aviation.

(2) The means of achieving the objectives set out in paragraph 1 shall be:

- (a) the setting of common rules and common basic standards on aviation security;
- (b) mechanisms for monitoring compliance.

Article 2

Scope

- (1) This Regulation shall apply to the following:
 - (a) all airports or parts of airports located in the territory of a Member State that are not exclusively used for military purposes;
 - (b) all operators, including air carriers, providing services at airports referred to in point (a);
 - (c) all entities applying aviation security standards that operate from premises located inside or outside airport premises and provide goods and/or services to or through airports referred to in point (a).

- (2) The application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

Article 3

Definitions

For the purposes of this Regulation:

- (1) 'civil aviation' means any air operation carried out by civil aircraft, excluding operations carried out by State aircraft referred to in Article 3 of the Chicago Convention on International Civil Aviation;

- (2) 'aviation security' means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise the security of civil aviation;

- (3) 'operator' means a person, organisation or enterprise engaged, or offering to engage, in an air transport operation;

- (4) 'air carrier' means an air transport undertaking holding a valid operating licence or equivalent;

- (5) 'Community air carrier' means an air carrier holding a valid operating licence granted by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers (1);⁵

- (6) 'entity' means a person, organisation or enterprise, other than an operator;

⁵ (1) OJ L 240, 24.8.1992, p. 1.

- (7) 'prohibited articles' means weapons, explosives or other dangerous devices, articles or substances that may be used to commit an act of unlawful interference that jeopardises the security of civil aviation;
- (8) 'screening' means the application of technical or other means which are intended to identify and/or detect prohibited articles;
- (9) 'security control' means the application of means by which the introduction of prohibited articles may be prevented;
- (10) 'access control' means the application of means by which the entry of unauthorised persons or unauthorised vehicles, or both, may be prevented;
- (11) 'airside' means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is restricted;
- (12) 'landside' means those parts of an airport, adjacent terrain and buildings or portions thereof that are not airside;
- (13) 'security restricted area' means that area of airside where, in addition to access being restricted, other aviation security standards are applied;
- (14) 'demarcated area' means an area that is separated by means of access control either from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an airport;
- (15) 'background check' means a recorded check of a person's identity, including any criminal history, as part of the assessment of an individual's suitability for unescorted access to security restricted areas;
- (16) 'transfer passengers, baggage, cargo or mail' means passengers, baggage, cargo or mail departing on an aircraft other than that on which they arrived;
- (17) 'transit passengers, baggage, cargo or mail' means passengers, baggage, cargo or mail departing on the same aircraft as that on which they arrived;
- (18) 'potentially disruptive passenger' means a passenger who is either a deportee, a person deemed to be inadmissible for immigration reasons or a person in lawful custody;
- (19) 'cabin baggage' means baggage intended for carriage in the cabin of an aircraft;
- (20) 'hold baggage' means baggage intended for carriage in the hold of an aircraft;
- (21) 'accompanied hold baggage' means baggage, carried in the hold of an aircraft, which has been checked in for a flight by a passenger travelling on that same flight;

- (22) 'air carrier mail' means mail whose origin and destination are both an air carrier;
- (23) 'air carrier materials' means materials either whose origin and destination are both an air carrier or that are used by an air carrier;
- (24) 'mail' means dispatches of correspondence and other items, other than air carrier mail, tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union;
- (25) 'cargo' means any property intended for carriage on an aircraft, other than baggage, mail, air carrier mail, air carrier materials and in-flight supplies;
- (26) 'regulated agent' means an air carrier, agent, freight forwarder or any other entity who ensures security controls in respect of cargo or mail;
- (27) 'known consignor' means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of cargo or mail on any aircraft;
- (28) 'account consignor' means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo on all-cargo aircraft or mail on all-mail aircraft;
- (29) 'aircraft security check' means an inspection of those parts of the interior of the aircraft to which passengers may have had access, together with an inspection of the hold of the aircraft in order to detect prohibited articles and unlawful interferences with the aircraft;
- (30) 'aircraft security search' means an inspection of the interior and accessible exterior of the aircraft in order to detect prohibited articles and unlawful interferences that jeopardise the security of the aircraft;
- (31) 'in-flight security officer' means a person who is employed by a state to travel on an aircraft of an air carrier licensed by it with the purpose of protecting that aircraft and its occupants against acts of unlawful interference that jeopardise the security of the flight.

Article 4

Common basic standards

- (1) The common basic standards for safeguarding civil aviation against acts of unlawful interference that jeopardise the security of civil aviation shall be as laid down in the Annex.

Additional common basic standards not foreseen at the entry into force of this Regulation should be added to the Annex in accordance with the procedure referred to in Article 251 of the Treaty.

(2) General measures, designed to amend non-essential elements of the common basic standards referred to in paragraph 1 by supplementing them, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).

These general measures shall concern:

- (a) methods of screening allowed;
- (b) categories of articles that may be prohibited;
- (c) as regards access control, grounds for granting access to airside and security restricted areas;
- (d) methods allowed for the examination of vehicles, aircraft security checks and aircraft security searches;
- (e) criteria for recognising the equivalence of security standards of third countries;
- (f) conditions under which cargo and mail shall be screened or subjected to other security controls, as well as the process for the approval or designation of regulated agents, known consignors and account consignors;
- (g) conditions under which air carrier mail and air carrier materials shall be screened or subjected to other security controls;
- (h) conditions under which in-flight supplies and airport supplies shall be screened or subjected to other security controls, as well as the process for the approval or designation of regulated suppliers and known suppliers;
- (i) criteria for defining critical parts of security restricted areas;
- (j) criteria for staff recruitment and methods of training;
- (k) conditions under which special security procedures or exemptions from security controls may be applied; and
- (l) any general measures designed to amend non-essential elements of the common basic standards referred to in paragraph 1 by supplementing them not foreseen at the date of entry into force of this Regulation.

On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 19(4).

(3) Detailed measures for the implementation of the common basic standards referred to in paragraph 1 and the general measures referred to in paragraph 2 shall be laid down in accordance with the regulatory procedure referred to in Article 19(2).

These shall include:

- (a) requirements and procedures for screening;
- (b) a list of prohibited articles;
- (c) requirements and procedures for access control;
- (d) requirements and procedures for the examination of vehicles, aircraft security checks and aircraft security searches;
- (e) decisions to recognise the equivalence of security standards applied in a third country;
- (f) as regards cargo and mail, procedures for the approval or designation of, and the

- obligations to be fulfilled by, regulated agents, known consignors and account consignors;
- (g) requirements and procedures for security controls of air carrier mail and air carrier materials;
 - (h) as regards in-flight supplies and airport supplies, procedures for the approval or designation of, and the obligations to be fulfilled by, regulated suppliers and known suppliers;
 - (i) definition of critical parts of security restricted areas;
 - (j) staff recruitment and training requirements;
 - (k) special security procedures or exemptions from security controls;
 - (l) technical specifications and procedures for approval and use of security equipment; and
 - (m) requirements and procedures concerning potentially disruptive passengers.

(4) The Commission shall, by amending this Regulation through a decision in accordance with the regulatory procedure with scrutiny referred to in Article 19(3), set criteria to allow Member States to derogate from the common basic standards referred to in paragraph 1 and to adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment. Such alternative measures shall be justified by reasons relating to the size of the aircraft, or by reasons relating to the nature, scale or frequency of operations or of other relevant activities.

On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 19(4).

The Member States shall inform the Commission of such measures.

(5) Member States shall ensure the application in their territory of the common basic standards referred to in paragraph 1. Where a Member State has reason to believe that the level of aviation security has been compromised through a security breach, it shall ensure that appropriate and prompt action is taken to rectify that breach and ensure the continuing security of civil aviation.

Article 5

Security costs

Subject to the relevant rules of Community law, each Member State may determine in which circumstances, and the extent to which, the costs of security measures taken under this 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. If appropriate, and in conformity with Community law, Member States may contribute with users to the costs of more stringent security measures taken under this 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.

Article 6

More stringent measures applied by Member States

- (1) Member States may apply more stringent measures than the common basic standards referred to in Article 4. In doing so, they shall act on the basis of a risk assessment and in compliance with Community law. Those measures shall be relevant, objective, non-discriminatory and proportional to the risk that is being addressed.
- (2) Member States shall inform the Commission of such measures as soon as possible after their application. Upon reception of such information, the Commission shall transmit this information to the other Member States.
- (3) Member States are not required to inform the Commission where the measures concerned are limited to a given flight on a specific date.

Article 7

Security measures required by third countries

- (1) Without prejudice to any bilateral agreements to which the Community is a party, a Member State shall notify the Commission of measures required by a third country if they differ from the common basic standards referred to in Article 4 in respect of flights from an airport in a Member State to, or over, that third country.

That programme shall define responsibilities for the implementation of the common basic standards referred to in Article 4 and shall describe the measures required by operators and entities for this purpose.

- (2) At the request of the Member State concerned or on its own initiative, the Commission shall examine the application of any measures notified under paragraph 1 and may, in accordance with the regulatory procedure referred to in Article 19(2), draw up an appropriate response to the third country concerned.
- (3) Paragraphs 1 and 2 shall not apply if:
 - (a) the Member State concerned applies the measures concerned in accordance with Article 6; or
 - (b) the requirement of the third country is limited to a given flight on a specific date.

Article 8

Cooperation with the International Civil Aviation Organisation

Without prejudice to Article 300 of the Treaty, the Commission may conclude a Memorandum of Understanding concerning audits with the International Civil Aviation Organisation (ICAO) in order to avoid duplicate monitoring of Member States' compliance with Annex 17 to the Chicago Convention on International Civil Aviation.

Article 9

Appropriate authority

Where, within a single Member State, two or more bodies are involved in civil aviation security, that Member State shall designate a single authority (hereinafter referred to as the appropriate authority) to be responsible for the coordination and monitoring of the implementation of the common basic standards referred to in Article 4.

Article 10

National civil aviation security programme

- (1) Every Member State shall draw up, apply and maintain a national civil aviation security programme.
- (2) The appropriate authority shall make available in writing on a 'need to know' basis the appropriate parts of its national civil aviation security programme to operators and entities which it deems to have a legitimate interest.

Article 11

National quality control programme

- (1) Every Member State shall draw up, apply and maintain a national quality control programme.

That programme shall enable the Member State to check the quality of civil aviation security in order to monitor compliance both with this Regulation and with its national civil aviation security programme.

- (2) The specifications for the national quality control programme shall be adopted by amending this Regulation through the addition of an annex in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).

On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 19(4).

The programme shall allow for the swift detection and correction of deficiencies. It shall also provide that all airports, operators and entities responsible for the implementation of aviation security standards that are located in the territory of the Member State concerned shall be regularly monitored directly by, or under the supervision of, the appropriate authority.

Article 12

Airport security programme

(1) Every airport operator shall draw up, apply and maintain an airport security programme. That programme shall describe the methods and procedures which are to be followed by the airport operator in order to comply both with this Regulation and with the national civil aviation security programme of the Member State in which the airport is located.

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the airport operator.

(2) The airport security programme shall be submitted to the appropriate authority, which may take further action if appropriate.

Article 13

Air carrier security programme

(1) Every air carrier shall draw up, apply and maintain an airport security programme. That programme shall describe the methods and procedures which are to be followed by the air carrier in order to comply both with this Regulation and with the national civil aviation security programme of the Member State from which it provides services.

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the air carrier.

(2) Upon request, the air carrier security programme shall be submitted to the appropriate authority, which may take further action if appropriate.

(3) Where a Community air carrier security programme has been validated by the appropriate authority of the Member State granting the operating licence, the air carrier shall be recognised by all other Member States as having fulfilled the requirements of paragraph 1. This is without prejudice to a Member State's right to request from any air carrier details of its implementation of:

- (a) the security measures applied by that Member State under Article 6; and/or
- (b) local procedures that are applicable at the airports served.

Article 14

Entity security programme

(1) Every entity required under the national civil aviation security programme referred to in Article 10 to apply aviation security standards shall draw up, apply and maintain a security programme.

That programme shall describe the methods and procedures which are to be followed by the entity in order to comply with the national civil aviation security programme of the Member State in respect of its operations in that Member State.

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the entity itself.

(2) Upon request, the security programme of the entity applying aviation security standards shall be submitted to the appropriate authority, which may take further action if appropriate.

Article 15

Commission inspections

(1) The Commission, acting in cooperation with the appropriate authority of the Member State concerned, shall conduct inspections, including inspections of airports, operators and entities applying aviation security standards, in order to monitor the application by Member States of this Regulation and, as appropriate, to make recommendations to improve aviation security. For this purpose, the appropriate authority shall inform the Commission in writing of all airports in its territory serving civil aviation other than those covered by Article 4(4).

The procedures for conducting Commission inspections shall be adopted in accordance with the regulatory procedure referred to in Article 19(2).

(2) Commission inspections of airports, operators and entities applying aviation security standards shall be unannounced. The Commission shall in good time before an inspection inform the Member State concerned thereof.

(3) Each Commission inspection report shall be communicated to the appropriate authority of the Member State concerned, which shall, in its answer, set out the measures taken to remedy any identified deficiencies.

The report, together with the answer of the appropriate authority, shall subsequently be communicated to the appropriate authority of the other Member States.

Article 16

Annual report

Every year the Commission shall present a report to the European Parliament, the Council and the Member States informing them of the application of this Regulation and of its impact on improving aviation security.

Article 17

Stakeholders' Advisory Group

Without prejudice to the role of the Committee referred to in Article 19, 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. The Committee referred to in Article 19 shall keep the Stakeholders' Advisory Group informed during the entire regulatory process.

Article 18

Dissemination of information

As a general rule, the Commission should publish measures that have a direct impact on passengers. However, the following documents shall be regarded as EU classified information within the meaning of Decision 2001/844/EC, ECSC, Euratom:

- (a) measures and procedures as referred to in Articles 4(3), 4(4), 6(1) and 7(1), if containing sensitive security information;
- (b) the Commission inspection reports and the answers of the appropriate authorities referred to in Article 15(3).

Article 19

Committee procedure

- (1) The Commission shall be assisted by a Committee.
- (2) Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

- (3) Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
- (4) Where reference is made to this paragraph, Article 5a(1), (2), (4), and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 20

Agreements between the Community and third countries

When appropriate, and in conformity with Community law, agreements recognising that the security standards applied in a third country are equivalent to Community standards could be envisaged in 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.

Article 21

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Article 22

Commission report on financing

The Commission will report, no later than 31 December 2008, on the principles of the financing of the costs of civil aviation security measures. That report will consider what steps need to be taken in order to ensure that security charges are used exclusively to meet security costs, and to improve the transparency of such charges. The report will also address the principles necessary to safeguard undistorted competition between airports and between air carriers, and the different methods to ensure consumer protection as regards the distribution of the costs of security measures between taxpayers and users. The Commission report will be accompanied, if appropriate, by a legislative proposal.

Article 23

Repeal

Regulation (EC) No 2320/2002 is hereby repealed.

Article 24

Entry into force

(1) This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

(2) It shall apply as from the date specified in the implementing rules adopted in accordance with the procedures referred to in Article 4(2) and (3), but not later than 24 months after the entry into force of this Regulation.

(3) By way of exception to paragraph 2, Articles 4(2), 4(3), 4(4), 8, 11(2), 15(1) second subparagraph, 17, 19 and 22 shall apply from the date of entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 11 March 2008

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.LENARCIC

ANNEX

COMMON BASIC STANDARDS FOR SAFEGUARDING CIVIL AVIATION AGAINST ACTS OF UNLAWFUL INTERFERENCE (ARTICLE 4)

1. AIRPORT SECURITY

1.1. Airport planning requirements

1. When designing and constructing new airport facilities or altering existing airport facilities, requirements for the implementation of the common basic standards set out in this Annex and its implementing acts shall be fully taken into account.

2. At airports the following areas shall be established:

- (a) landside;
- (b) airside;
- (c) security restricted areas; and
- (d) critical parts of security restricted areas.

1.2. Access control

1. Access to airside shall be restricted in order to prevent unauthorised persons and vehicles from entering these areas.

2. Access to security restricted areas shall be controlled in order to ensure that no unauthorised persons and vehicles enter these areas.

3. Persons and vehicles may be granted access to airside and security restricted areas only if they fulfil the required security conditions.

4. Persons, including flight crew members, shall have successfully completed a background check before either a crew identification card or an airport identification card authorising unescorted access to security restricted areas is issued to them.

1.3. Screening of persons other than passengers and items carried

1. Persons other than passengers, together with items carried, shall be screened on a continuous random basis upon entering security restricted areas in order to prevent prohibited articles from being introduced into these areas.

2. All persons other than passengers, together with items carried, shall be screened upon entering critical parts of security restricted areas in order to prevent prohibited articles from being introduced into these parts.

1.4. Examination of vehicles

Vehicles entering a security restricted area shall be examined in order to prevent prohibited articles from being introduced into these areas.

1.5. Surveillance, patrols and other physical controls

There shall be surveillance, patrols and other physical controls at airports and, where appropriate, in adjacent areas with public access, in order to identify suspicious behaviour of persons, to identify vulnerabilities which could be exploited to carry out an act of unlawful interference and to deter persons from committing such acts.

2. DEMARCATED AREAS OF AIRPORTS

Aircraft parked in demarcated areas of airports to which alternative measures referred to in Article 4(4) apply, shall be separated from aircraft to which the common basic standards apply in full, in order to ensure that security standards applied to aircraft, passengers, baggage, cargo and mail of the latter are not compromised.

3. AIRCRAFT SECURITY

3.1 Before departure, an aircraft shall be subjected to an aircraft security check or aircraft security search in order to ensure that no prohibited articles are present on board. An aircraft in transit may be subjected to other appropriate measures.

3.2 Every aircraft shall be protected from unauthorised interference.

4. PASSENGERS AND CABIN BAGGAGE

4.1. Screening of passengers and cabin baggage

1. All originating, transfer and transit passengers and their cabin baggage shall be screened in order to prevent prohibited articles from being introduced into security restricted areas and on board an aircraft.

2. Transfer passengers and their cabin baggage may be exempted from screening, if:

(a) they arrive from a Member State, unless the Commission or that Member State has provided information that those passengers and their cabin baggage cannot be considered as having been screened to the common basic standards; or

(b) they arrive from a third country where the security standards applied are recognised as equivalent to the common basic standards in accordance with the regulatory procedure referred to in Article 19(2).

3. Transit passengers and their cabin baggage may be exempted from screening, if:

(a) they remain on board the aircraft; or

(b) they do not mix with screened departing passengers other than those who board the same aircraft; or

(c) they arrive from a Member State, unless the Commission or that Member State has provided information that those passengers and their cabin baggage cannot be considered as having been screened to the common basic standards; or

(d) they arrive from a third country where the security standards applied are recognised as equivalent to the common basic standards in accordance with the regulatory procedure referred to in Article 19(2).

4.2. Protection of passengers and cabin baggage

1. Passengers and their cabin baggage shall be protected from unauthorised interference from the point at which they are screened until departure of the aircraft on which they are carried.

2. Screened departing passengers shall not mix with arriving passengers, unless:

(a) the passengers arrive from a Member State, provided that the Commission or that Member State has not provided information that those arriving passengers and their cabin baggage cannot be considered as having been screened to the common basic standards; or

(b) the passengers arrive from a third country where the security standards applied are recognised as equivalent to the common basic standards in accordance with the regulatory procedure referred to in Article 19(2).

4.3. Potentially disruptive passengers

Before departure potentially disruptive passengers shall be subjected to appropriate security measures.

5. HOLD BAGGAGE

5.1. Screening of hold baggage

1. All hold baggage shall be screened prior to being loaded onto an aircraft in order to prevent prohibited articles from being introduced into security restricted areas and on board aircraft.

2. Transfer hold baggage may be exempted from screening, if:

(a) it arrives from a Member State, unless the Commission or that Member State has provided information that this hold baggage cannot be considered as having been screened to the common basic standards; or

(b) it arrives from a third country where the security standards applied are recognised as equivalent to the common basic standards in accordance with the regulatory procedure referred to in Article 19(2).

3. Transit hold baggage may be exempted from screening if it remains on board the aircraft.

5.2. Protection of hold baggage

Hold baggage to be carried on an aircraft shall be protected from unauthorised interference from the point at which it is screened or accepted into the care of the air carrier, whichever is earlier, until the departure of the aircraft on which it is to be carried.

5.3. Baggage reconciliation

1. Each item of hold baggage shall be identified as accompanied or unaccompanied.

2. Unaccompanied hold baggage shall not be transported, unless that baggage has been either separated due to factors beyond the passenger's control or subjected to appropriate security controls.

6. CARGO AND MAIL

6.1. Security controls for cargo and mail

1. All cargo and mail shall be subjected to security controls prior to being loaded on an aircraft. An air carrier shall not accept cargo or mail for carriage on an aircraft unless it has applied such controls itself or their application has been confirmed and accounted for by a regulated agent, a known consignor or an account consignor.

2. Transfer cargo and transfer mail may be subjected to alternative security controls to be detailed in an implementing act.

3. Transit cargo and transit mail may be exempted from security controls if it remains on board the aircraft.

6.2. Protection of cargo and mail

1. Cargo and mail to be carried on an aircraft shall be protected from unauthorised interference from the point at which security controls are applied until the departure of the aircraft on which it is to be carried.

2. Cargo and mail that are not adequately protected from unauthorised interference after security controls have been applied shall be screened.

7. AIR CARRIER MAIL AND AIR CARRIER MATERIALS

Air carrier mail and air carrier materials shall be subjected to security controls and thereafter protected until loaded onto the aircraft in order to prevent prohibited articles from being introduced on board an aircraft.

8. IN-FLIGHT SUPPLIES

In-flight supplies, including catering, intended for carriage or use on board an aircraft shall be subjected to security controls and thereafter protected until loaded onto the aircraft in order to prevent prohibited articles from being introduced on board an aircraft.

9. AIRPORT SUPPLIES

Supplies intended to be sold or used in security restricted areas of airports, including supplies for duty-free shops and restaurants, shall be subjected to security controls in order to prevent prohibited articles from being introduced into these areas.

10. IN-FLIGHT SECURITY MEASURES

10.1. Without prejudice to the applicable aviation safety rules:

(a) unauthorised persons shall be prevented from entering the flight crew compartment during a flight;

(b) potentially disruptive passengers shall be subjected to appropriate security measures during a flight.

10.2. Appropriate security measures such as training of flight crew and cabin staff shall be taken to prevent acts of unlawful interference during a flight.

10.3. Weapons, with the exception of those carried in the hold, shall not be carried on board an aircraft, unless the required security conditions in accordance with national laws have been fulfilled and authorisation has been given by the states involved.

10.4. Paragraph 3 shall also apply to in-flight security officers if they carry weapons.

11. STAFF RECRUITMENT AND TRAINING

11.1. Persons implementing, or responsible for implementing, screening, access control or other security controls shall be recruited, trained and, where appropriate, certified so as to ensure that they are suitable for employment and competent to undertake the duties to which they are assigned.

11.2. Persons other than passengers requiring access to security restricted areas shall receive security training, before either an airport identification card or crew identification card is issued.

11.3. Training as mentioned in paragraphs 1 and 2 shall be conducted on initial and recurrent basis.

11.4. Instructors engaged in the training of the persons mentioned in paragraphs 1 and 2 shall have the necessary qualifications.

12. SECURITY EQUIPMENT

Equipment used for screening, access control and other security controls shall comply with the defined specifications and be capable of performing the security controls concerned.

APPENDIX 29

COMMISSION REGULATION (EC) No 272/2009 of 2 April 2009
supplementing the common basic standards on civil aviation security
laid down in the Annex to Regulation (EC) No 300/2008 of the
European Parliament and of the Council

Article 1

This Regulation provides for general measures to supplement the common basic standards set out in the Annex to Regulation (EC) No 300/2008 in order to:

- a) allow methods of screening as laid down in part A of the Annex; (Part A of Annex to this Regulation);
- b) prohibit categories of articles as laid down in part B of the Annex;
- (c) provide grounds for granting access to airside and security restricted areas as laid down in part C of the Annex;;
- (d) allow methods for the examination of vehicles, aircraft security checks and aircraft security searches as laid down in part D of the Annex;;
- (e) establish criteria for recognising the equivalence of security standards of third countries as laid down in part E of the Annex;
- (f) set the conditions under which cargo and mail shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated agents, known consignors and account consignors as laid down in part F of the Annex;
- (g) set the conditions under which air carrier mail and air carrier materials shall be screened or subjected to other security controls as laid down in part G of the Annex;
- (h) set the conditions under which in-flight supplies and airport supplies shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated suppliers and known suppliers as laid down in part H of the Annex;
- (i) establish criteria for defining critical parts of security restricted areas as laid down in part I of the Annex;
- (j) establish criteria applicable for the recruitment of persons who will implement, or will be responsible for the implementation of, screening, access control or other security controls and instructors as well as the methods of training of those persons and persons who will be issued with an airport identification card or crew identification card as laid down in part J of the Annex; and
- (k) set the conditions under which special security procedures or exemptions from security controls may be applied as laid down in part K of the Annex.

Article 2

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'airport supplies' means all items intended to be sold, used or made available in security restricted areas of airports;
- (2) 'in-flight supplies' means all items other than:
 - (a) cabin baggage;
 - (b) items carried by persons other than passengers; and
 - (c) air carrier mail and air carrier materials;intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew during a flight;
- (3) 'regulated supplier of in-flight supplies' means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of in-flight supplies directly to aircraft;
- (4) 'known supplier of in-flight supplies' means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft;
- (5) '*known supplier of airport supplies*' means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of airport supplies to security restricted areas.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply as from the date specified in the implementing rules adopted in accordance with the procedure referred to in Article 4(3) of Regulation (EC) No 300/2008, but not later than 29 April 2010.

ANNEX

PART A

Methods of screening allowed

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of the following methods of screening, individually or in combination, as a primary or secondary means and under defined conditions:

For the screening of persons:

- (a) hand search;
- (b) walk-through metal detection (WTMD) equipment;
- (c) hand-held metal detection (HHMD) equipment;
- (d) explosive detection dogs; and
- (e) explosive trace detection (ETD) equipment.

For the screening of cabin baggage, items carried by persons other than passengers, air carrier mail and air carrier materials except when to be loaded into the hold of an aircraft, in-flight supplies and airport supplies:

- (a) hand search;
- (b) visual check;
- (c) x-ray equipment;
- (d) explosive detection systems (EDS) equipment;
- (e) explosive detection dogs; and
- (f) explosive trace detection (ETD) equipment.

For the screening of liquids, gels and aerosols:

- (a) tasting or testing on the skin;
- (b) visual check;
- (c) x-ray equipment;
- (d) explosive detection systems (EDS) equipment;
- (e) explosive detection dogs;
- (f) explosive trace detection (ETD) equipment;
- (g) chemical reaction test strips; and
- (h) bottled liquid scanners.

For the screening of hold baggage, cargo and mail as well as air carrier mail and air carrier materials to be loaded into the hold of an aircraft:

- (a) hand search;
- (b) visual check;
- (c) x-ray equipment;

- (d) explosive detection systems (EDS) equipment;
- (e) explosive detection dogs;
- (f) explosive trace detection (ETD) equipment; and
- (g) simulation chamber.

In order to evaluate methods of screening using new technologies not foreseen at the time of adoption of this Regulation, the implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of other methods on a trial basis and for a limited period of time on condition that such trials do not prejudice the overall levels of security.

PART B

Categories of articles that may be prohibited

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may prohibit, under defined conditions, the introduction of any or all of the following categories of articles into security restricted areas and on board an aircraft:

- (a) *guns, firearms and other devices that discharge projectiles* – devices capable, or appearing capable, of being used to cause serious injury by discharging a projectile;
- (b) *stunning devices* – devices designed specifically to stun or immobilise;
- (c) *objects with a sharp point or sharp edge* – objects with a sharp point or sharp edge capable of being used to cause serious injury;
- (d) *workmen's tools* – tools capable of being used either to cause serious injury or to threaten the safety of aircraft;
- (e) *blunt instruments* – objects capable of being used to cause serious injury when used to hit; and
- (f) *explosives and incendiary substances and devices* – explosives and incendiary substances and devices capable, or appearing capable, of being used to cause serious injury or to pose a threat to the safety of aircraft.

PART C

Access control: grounds for granting access to airside and security restricted areas

Access to airside and security restricted areas shall be granted according to the following criteria:

1. Access to airside may only be authorised if persons and vehicles have a legitimate reason to be there.

- a) In order to be granted access to airside a person shall carry an authorisation.
- b) In order to be granted access to airside a vehicle shall have a vehicle pass.

2. Access to security restricted areas may only be granted if persons and vehicles have a legitimate reason to be there.

- a) In order to be granted access to security restricted areas a person shall present an authorisation.
- b) In order to be granted access to security restricted areas a vehicle shall display a vehicle pass.

PART D

Methods allowed for the examination of vehicles, aircraft security checks and aircraft security searches

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of the following methods for the examination of vehicles, aircraft security checks and aircraft security searches, individually or in combination, as a primary or secondary means and under defined conditions:

- (a) hand search;
- (b) visual check;
- (c) explosive detection dogs; and
- (c) explosive trace detection (ETD) equipment.

In order to evaluate methods of examination using new technologies not foreseen at the time of adoption of this Regulation, the implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of other methods on a trial basis and for a limited period of time on condition that such trials do not prejudice the overall levels of security.

PART E

Criteria for recognising the equivalence of security standards of third countries

The Commission shall recognise the equivalence of security standards of third countries in accordance with the following criteria:

- (a) The third country has a good record of cooperation with the Community and its Member States;
- (b) The Commission has verified that the third country applies satisfactory standards of aviation security, including quality control; and
- (c) The Commission has verified that:

— as regards passengers and cabin baggage, security measures are applied equivalent to those set out in sections 1, 3, 11 and 12 and points 4.1 and 4.2 of the Annex to Regulation (EC) No 300/2008 and related implementing acts;

— as regards hold baggage, security measures are applied equivalent to those set out in sections 1, 3, 5, 11 and 12 of the Annex to Regulation (EC) No 300/2008 and related implementing acts;

— as regards cargo and mail, security measures are applied equivalent to those set out in sections 1, 3, 6, 11 and 12 of the Annex to Regulation (EC) No 300/2008 and related implementing acts; and/or

— as regards aircraft security, security measures are applied equivalent to those set out in sections 1, 3, 11 and 12 and points 4.1 and 4.2 of the Annex to Regulation (EC) No 300/2008 and related implementing acts.

PART F

Cargo and mail

1. *Cargo and mail: conditions under which they shall be screened or subjected to other security controls*

Cargo and mail to be loaded on an aircraft shall be screened, unless:

- (a) security controls have been applied to the consignment by a regulated agent and the consignment has been protected from unauthorised interference from the time that those security controls were applied; or
- (b) security controls have been applied to the consignment by a known consignor and the consignment has been protected from unauthorised interference from the time that those security controls were applied; or
- (c) security controls have been applied to the consignment by an account consignor, the consignment has been protected from unauthorised interference from the time that those security controls were applied, and the cargo is carried on an all-cargo aircraft or the mail on an all-mail aircraft; or
- (d) security controls have been applied to transfer cargo and transfer mail, as referred to in point 6.1.2 of the Annex to Regulation (EC) No 300/2008.

2. *Cargo and mail: the process for the approval or designation of regulated agents, known consignors and account consignors*

The following process for the approval or designation of regulated agents, known consignors and account consignors shall apply:

1. Regulated agents shall be approved by the appropriate authority.

In order to be approved as a regulated agent, the applicant shall submit documentation on aviation security standards and shall then be subject to an on-site verification to ensure that it fulfils the required standards.

2. Known consignors shall be approved by the appropriate authority.

In order to be approved as a known consignor, the applicant shall provide information on aviation security standards and shall be subject to an on-site verification to ensure that it fulfils the required standards.

As an alternative to approval, the appropriate authority may allow a known consignor to be designated by a regulated agent until a date to be established in the implementing rules to be adopted pursuant to in Article 4(3) of Regulation (EC) No 300/2008.

3. Account consignors shall be designated by a regulated agent.

In order to be designated as an account consignor, the regulated agent shall ensure that the prospective account consignor provides information on aviation security standards and shall make a validation.

PART G

Air carrier mail and air carrier materials: conditions under which they shall be screened or subjected to other security controls

Air carrier mail and air carrier materials to be loaded into the hold of an aircraft shall either be screened as hold baggage or subjected to the same security controls as for cargo and mail.

Air carrier mail and air carrier materials to be loaded into any part of an aircraft other than the hold shall be screened as cabin baggage.

PART H

In-flight supplies and airport supplies

1. *In-flight supplies and airport supplies: conditions under which they shall be screened or subjected to other security controls*

1. In-flight supplies to be loaded on an aircraft shall be screened, unless:

(a) security controls have been applied to the supplies by an air carrier that delivers these to its own aircraft and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft; or

(b) security controls have been applied to the supplies by a regulated supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft or, where applicable, to the air carrier or another regulated supplier; or

(c) security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the air carrier or regulated supplier.

2. Airport supplies shall be screened before being allowed into security restricted areas, unless security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until they are in the security restricted area.

2. *In-flight supplies and airport supplies: the process for the approval or designation of regulated suppliers and known suppliers*

1. Regulated suppliers of in-flight supplies shall be approved by the appropriate authority by a date to be established in the implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008.

In order to be approved as a regulated supplier of in-flight supplies, the applicant shall submit documentation on aviation security standards and shall then be subject to an on-site verification to ensure that it fulfils the required standards.

2. Known suppliers of in-flight supplies shall be designated by the operator or entity to whom it delivers.

In order to be designated as a known supplier of in-flight supplies, the operator or entity to whom it delivers shall ensure that the prospective known supplier provides information on aviation security standards and shall make a validation.

3. Known suppliers of airport supplies shall be designated by the airport operator.

In order to be designated as a known supplier of airport supplies, the airport operator shall ensure that the prospective known supplier provides information on aviation security standards and shall make a validation.

PART I.

Criteria for defining critical parts of security restricted areas

The definition of critical parts of security restricted areas shall ensure that there is no contamination of screened departing passengers (both originating and transfer) and their cabin baggage as well as of screened departing hold baggage (both originating and transfer).

PART J

Staff recruitment and methods of training

1. *Criteria for staff recruitment*

The following criteria shall apply for the recruitment of both persons who will implement, or will be responsible for the implementation of, screening, access control or other security controls and instructors:

(a) they shall have successfully completed a background check or pre-employment check in accordance with national rules; and

(b) they shall have those abilities necessary to carry out the tasks to which they are assigned.

2. *Methods of training*

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may require that:

(a) persons implementing, or responsible for implementing, screening, access control or other security controls;

(b) instructors; and

(c) persons who will be issued with an airport identification card or crew identification card;

receive theoretical, practical and/or on-the-job training.

PART K

Conditions under which special security procedures or exemptions from security controls may be applied

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow special security procedures or exemptions from security controls to be applied on condition that:

(a) the procedure or exemption is established by the Commission or the appropriate authority; and

(b) there are objective reasons that justify the procedure or exemption.

APPENDIX III

COMMISSION REGULATION (EU) No 297/2010

of 9 April 2010

amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (1) and in particular Article 4(2) thereof,

Whereas:

(1) General measures supplementing the common basic standards on civil aviation security should be adopted in the field of screening, access control and other security controls as well as in the field of prohibited articles, third country recognition of equivalence, staff recruitment, training, special security procedures and exemptions from security controls.

(2) These general measures are necessary in order to achieve a common level of aviation security within the European Union to protect the travelling public from acts of unlawful interference. One-stop security is the main facilitating element offered by EU legislation. Therefore the harmonisation of screening methods is essential in order to maintain one-stop security within the EU including controls of liquids, aerosols and gels without impeding the benefits of the Single aviation market for EU citizens.

(3) The Annex to Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council (2), details in its Part A.3 the methods of screening allowed for baggage, cargo and mail which is to be loaded into the hold of an aircraft. It is necessary from time to time to make provision for additional methods of screening shown to be effective for screening some or all types of cargo and to provide a legal basis for the development of detailed implementing measures. Metal detection equipment is considered to be an effective screening method for some types of cargo.

- (1) (4) Regulation (EC) No 272/2009 does not provide for liquids, aerosols and gels to be considered as a category of articles that may be prohibited from introduction into security restricted areas and on board an aircraft. Instead Regulation (EC) No 272/2009 requires methods, including technologies, for detection of liquid explosives to be deployed on an EU-wide basis at airports as swiftly as possible, but no later than 29 April 2010.
- (5) It is now time to put an end to the restrictions on liquids, aerosols and gels, moving progressively from banning most liquids to a system of screening for liquid explosives. To this end, transitional arrangements beyond April 2010 are required to phase-in the deployment of detection methods, including technologies, at all EU airports without compromising aviation security. The concerns of the law enforcement community, aimed at preventing possible terrorist threats in the future, require an effective mechanism in place until airports are in a position to install reliable detection equipment. Therefore a new approach is needed. This should be achieved by 29 April 2013, the date by which all airports should have the capability to screen liquids, aerosols and gels.
- (6) However, such an approach should not prevent airports from deploying and using equipment at an earlier date, provided that the equipment meets the standards set by the implementing legislation adopted by the Commission. This way, airports would be able to facilitate the carriage of liquids, aerosols and gels by departing passengers by deploying, for example, screening equipment for liquid explosives at one security check lane. Furthermore, some airports may choose to install advanced equipment more quickly.
- (7) Given the need for flexibility on how to operate security measures at airports the common basic standards on civil aviation security remain strictly technology neutral. Member States and airports may choose the technologies to be deployed and operated most effectively and efficiently at airports from the available options listed in Regulation (EC) No 272/2009 amended herewith.
- (8) Operating screening equipment capable of detecting liquid explosives requires airports or other entities responsible for aviation security to procure and deploy equipment proven to comply with the technical standards adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008. Member States should ensure that all regulatory requirements are in place to allow such equipment to be deployed in time to meet the deadlines referred to in this Regulation.
- (9) During the transitional period, passengers should be clearly informed of the EU airports applying liquid screening. Airports and airlines should cooperate to ensure that confiscation of liquids, aerosols and gels remains a means of last resort.
- (10) The general measures provided for by Regulation (EC) No 272/2009 should be amended to introduce rules allowing metal detection equipment to be used for the screening of hold baggage, cargo and mail, where appropriate and authorising phasing-in arrangements for liquids, aerosols and gels to be brought into the security restricted area or on board an aircraft to apply for a limited period of time, in order not to compromise standards of security.
- (11) Regulation (EC) No 272/2009 should therefore be amended accordingly.
- 12) Developments of technological or regulatory nature both at EU and international level may affect the dates laid down in this Regulation. Where appropriate, the Commission may make proposals for revision, in particular taking into account the operability of equipment and passenger facilitation.

13) Regulation (EC) No 300/2008 shall apply in full as from the date specified in the implementing rules adopted in accordance with the procedures referred to in Article 4(2) and 4(3) of that Regulation but not later than 29 April 2010. This Regulation should therefore apply as from 29 April 2010 together with Regulation (EC) No 300/2008 and its supplementing and implementing acts.

(14) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security set up by Article 19(1) of Regulation (EC) No 300/2008,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 272/2009 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 29 April 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 April 2010

For the Commission

The President

José Manuel BARROSO

ANNEX

The Annex to Regulation (EC) No 272/2009 is amended as follows:

1. In part A.3, points (f) and (g) are replaced by the following:

‘(f) explosive trace detection (ETD) equipment;
(g) simulation chamber; and
(h) metal detection equipment.’

2. After Part B the following part B1 is added:

'PART B1.

Liquids, aerosols and gels

Liquids, aerosols and gels shall be permitted to be taken into security restricted areas and on board an aircraft provided they are screened or exempted from screening in accordance with the requirements of implementing rules adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008.

By 29 April 2011 liquids, aerosols and gels obtained at a third country airport or on board an aircraft of a non- Community air carrier shall be permitted into security restricted areas and on board an aircraft, on condition that the liquid is packed in a bag that conforms to the recommended security control guidelines of the International Civil Aviation Organisation and the bag displays satisfactory proof of purchase within the preceding thirty-six hours airside at the airport or on board the aircraft. They shall be screened in accordance with the requirements of implementing rules adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008.

By 29 April 2013 all airports shall screen liquids, aerosols and gels in accordance with the requirements of implementing rules adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008.

Member States shall ensure that all regulatory requirements are in place to allow deployment of liquid screening equipment complying with the requirements of implementing rules adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008, in time to meet the deadlines referred to under paragraph 1 and 2.

Passengers shall be clearly informed of the EU airports where they are permitted to take liquids, aerosols and gels into the security restricted area and on board aircraft, and any conditions associated with it.'