

Position Paper

Revision of Regulation 2320/2002 (Aviation Security)

Summary of Main AEA Comments 5 December 2005

1. Industry Consultation

European airlines must be fully consulted on the elaboration and implementation of requirements in civil aviation security throughout the decision-making process. As such, AEA calls for formal involvement through the establishment of an Industry Consultation Body for the purpose of advising the European Commission and EU Member State governments.

2. Scope of the Framework Regulation

The Framework Regulation, as its name implies, should establish a framework of fundamental principles for European aviation security. While AEA welcomes the simplification of the text, phrasing such as "appropriate measures shall be taken" should be avoided as they leave absolutely all privilege to the Committee to set the rules. The Framework Regulation should contain general directions for each and every section of the Annex.

3. Risk and Impact Assessment

Impact assessment must be conducted prior to the introduction of any new rule in order to evaluate the costs and benefits of proposed measures in civil aviation security. This matches the Lisbon Agenda's obligation to conduct Regulatory Impact Assessments. Measures must also be firmly based on risk: no such assessment is currently conducted at EU level. Risk and impact assessments will ensure that aviation security measures are appropriate for addressing threats of terrorism to aviation.

4. Financing of Security Measures

AEA calls upon the EU Member States to draw up and implement a comprehensive policy for financing aviation security measures, which form part of their national security duty to protect their citizens from the threats of terrorism. Three years after the European Parliament flagged this issue during the adoption of Regulation 2320/2002, no such mechanism has yet been addressed. The industry continues to pay fully for security.

5. One-Stop Security

The concept of one-stop security is laid down in the Preamble and should apply where relevant, so that security resources can be deployed more effectively

- Adria Airways
- Aer Lingus
- Air France
- Air Malta
- Alitalia
- Austrian
- bmi
- British Airways
- Cargolux
- Croatia Airlines
- CSA
- Cyprus Airways
- Finnair
- Iberia
- Icelandair
- Jat Airways
- KLM
- LOT
- Lufthansa
- Luxair
- Malev
- Olympic Airlines
- SAS
- SN Brussels Airlines
- Spanair
- SWISS
- TAP Portugal
- TAROM
- Turkish Airlines
- Virgin Atlantic Airways

elsewhere. Cargo, hold baggage, air carrier mail and inflight-supplies should not need any further protection against unauthorized interference after being brought into the critical part of the security restricted area, as this area is meant to be sterile and “clean”. Similarly, aircraft arriving from EU airports, or airports with which the EU has concluded a recognition agreement, should not have to be checked again.

6. More stringent measures (by Member States, and by third countries)

States and local authorities currently impose additional measures that do not appear to have any basis in risk assessment. We support Article 5’s objective, which should aim to limit the number and scope of more stringent measures. We also support the political tool created by Article 6, to avoid excessive extra-territorial measures imposed by third countries. We suggest, however, that the “decision” by the Commission to authorise or not the application of these measures be preceded by consultation with the third country concerned as well as the Committee. This will limit the possibility of situations where carriers, unable to comply, are denied entry into the third country.

7. In-Flight Security

In flight security measures should be the ‘last link’: we need to have faith in a robust security regime to try and stop perpetrators on the ground, before they get into aircraft: this should remain the clear scope of the Framework Regulation.

A number of organisations and agencies are currently issuing ‘in flight’ security rules and recommendations (JAA, EASA, ECAC, ICAO; paragraphs 4 and 5 are largely areas of national competence). We suggest the whole of Chapter 10 should be “without prejudice to the applicable safety rules” and not only paragraphs 1 and 2.

Again, subjecting in-flight security to “appropriate” or “required” security measures (paragraphs 2, 3, 4, 5) is not enough for a Framework Regulation. The scope of the appropriate measures to be implemented must be clearly defined.

Paragraph 5: The deployment of In Flight Security Officers must be subjected to a protocol between individual airlines and the State concerned. All costs for the training and deployment of IFSOs should be borne by the governments. The “right not to authorise the use” of IFSOs on flights should also be exercised by air carriers, and in any case by the captain.

This Chapter should apply to all aircraft departing from Community airports, and not be restricted to Community carriers.