

# **EU-AU Aviation Seminar 2006**

## **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