



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on establishing common rules in the field of civil aviation security

(presented by the Commission)

EXPLANATORY MEMORANDUM

The challenge

1. The criminal acts committed in New York and Washington on 11 September have severely shaken the international community and shown how sensitive societies based on freedom of movement and trade were to the acts of terrorists who use this freedom to try to destroy them. If there is any one human activity which is one of the symbols of these freedoms, it is air transport and so it is not surprising that it is one of the priority targets of these blind, inhuman acts. The media coverage of any accident involving this means of transport also helps to give terrorists the platform they seek to weaken our societies and to undermine the confidence on which these societies are founded. The aviation community must therefore respond in an exemplary manner to the threat which it is again facing in order to restore public confidence and to help keep businesses operating.
2. This is the background to the decision, taken the day after the attacks by the Heads of State and Government, the President of the European Parliament, the President of the Commission and the High Representative responsible for the common foreign and security policy, that the European Union must take urgent decisions to respond to the new challenges facing it. For its part, the Council of the European Union, which met the same day, asked¹ the Ministers of Transport to evaluate the measures taken to ensure air transport security and any additional measures which should be taken.
3. On 14 September, the Council, at a special meeting of the Transport Ministers, adopted conclusions² in which it considers it is necessary, *inter alia*, to implement fully the essential measures to prevent unlawful acts against civil aviation contained in Document 30 of the European Civil Aviation Conference.
4. Lastly, the European Council, meeting in extraordinary session on 21 September, called upon “the Transport Council to take the necessary measures to strengthen air transport security at its next meeting on 15 October. These measures will cover in particular:
 - classification of weapons;
 - technical training for crews;
 - checking and monitoring of hold luggage;
 - protection of cockpit access;
 - quality control of security measures applied by Member States.

Effective and uniform application of air security measures will be ensured in particular by a peer review to be introduced in the very near future.”

An effective Community response

5. The Member States have been able to react in an appropriate manner to the waves of terrorism in the 70s and 80s up until the present time through cooperation within the

¹ SN 54/1/01 REV 1

² SN 57/2/01 REV 2

International Civil Aviation Organisation (ICAO) and the European Civil Aviation Conference (ECAC). While passenger numbers increased four-fold and flight numbers doubled between 1970 and 1999, the number of acts affecting the security of air transport fell from 100 to 6 and the number of victims from 92 to 0.

6. The size of the threat was often also linked to the nationality of an airline and the place of departure or arrival of a flight, so it made more sense for preventive action to be taken on a case-by-case basis according to the threat and the situation lent itself less to common action.
7. The Community has therefore only been indirectly concerned with security through the Commission's legislative proposals on crew training (proposal for a Directive on safety requirements for cabin crews,³ proposal for a Regulation amending Regulation 3922/91 to lay down common rules in the field of commercial operations by aircraft⁴) and the reporting of occurrences in civil aviation (proposal for a Directive on occurrence reporting in civil aviation⁵).
8. Recent events have shown that the situation has changed radically and that we are now all faced with the same threat in the Community since any aircraft can be hijacked on departure from an airport and used as a bomb against any city within its flying range. We are therefore all affected by the preventive measures taken in airports and these can no longer be left solely to the local authorities or even the national authorities responsible for an airport.
9. Awareness of this interdependence has come out clearly during discussions in the various bodies referred to above, leading to the realisation that everyone should now implement the same measures (those in Document 30), for both international and domestic flights, and that a collective mechanism should be devised to check that they are being applied (peer review).
10. Given this situation, the Commission believes the best way to achieve these objectives is to use the resources at the Community's disposal which have proven their value in a large number of other sectors.
11. The problem is the same as that of air safety and the same solutions could be adopted since the aim is to guarantee the highest possible uniform level of protection to all our citizens.
12. To achieve this, it will be sufficient to adopt common standards and to put means of control in place. Community discipline and the Treaty mechanisms will do the rest.
13. This approach also has several advantages. Thanks to the association agreements between the Community and various European States (European Economic Area, Community/Switzerland Agreement, Agreement on the European Civil Aviation Area), the incorporation of these standards into the Community *acquis* will extend the same level of protection to most of the European continent.

³ COM(2000) 121 final of 24.03.2000

⁴ COM(1997) 382 final of 22.07.1997, as amended by COM(1999) 68 final of 5.03.1999

⁵ COM(2000) 847 and COM(2001)532

14. Furthermore, the mutual trust created by a collective auditing system in Community legislation will make it possible to avoid repeating the checks made on passengers, luggage and cargo in one Community airport when they are in transit through another Community airport, but without affecting security.
15. Lastly, this will help to reduce the administrative burden on air carriers who will only have to show to one single Member State that they are applying the measures incumbent upon them.
16. In view of the urgency of the situation and the need to restore public confidence in air transport speedily, the Commission has also concluded that, despite the different responsibilities which Member States have as regards the implementation of security measures, a Regulation is the best way to adopt common rules and put in place the mechanisms to monitor their effective, uniform application, not a Directive, which would take too long to implement. Since this essentially involves adopting and implementing common standards for aviation security, the legal basis for the adoption of this Regulation is obviously transport policy and Article 80(2) of the Treaty.

A gradual approach

17. As stated above, there is agreement that the essential measures contained in ECAC Document 30 should be the basis for Community action: it is therefore proposed incorporating its provisions into the Community legal order.
18. However, it is accepted that these measures are not detailed enough to enable their application to be monitored and that, for this purpose, detailed technical implementation standards need to be adopted, the technical nature of which is not very well suited to a conventional legal process. The Commission, assisted by a Committee of Representatives of the Member States, therefore needs to be given the power to adopt the implementing measures required. For this purpose, it will use the detailed technical specifications which the ECAC has developed for applying the memorandum of understanding on which it is currently working.
19. It is also a known fact that, while some of these measures are already applied in the Member States, such as the surveillance of sensitive areas and the checking of passengers and luggage, others are applied only very partially, such as the checking of hold luggage and cargo. It will therefore not be possible to implement all these measures effectively and uniformly immediately and this will require a realistic, gradual process to take account of the time which will be needed to recruit and train personnel or alter infrastructure. The Commission will take this into account when drafting the implementing measures.
20. Lastly, as the Member State have very different responsibilities as regards the implementation of security measures, it is essential for each Member State to put in place a national implementation programme that reflects the structure of its own institutions and to appoint a competent authority to ensure the necessary cooperation.
21. As requested by the European Council on 21 September 2001, the Community will therefore give itself the means to ensure civil aviation security through the following measures:
 - control of access to sensitive areas of airports and aircraft;

- control of passengers and their hand luggage;
 - control and monitoring of hold luggage;
 - control of cargo and mail;
 - training of ground staff;
 - definition of specifications for the equipment for the above controls;
 - classification of weapons and others items which it is prohibited to bring on to aircraft or into the sensitive areas of airports.
22. There may be exceptional cases, however, where the common measures are not fully suitable for dealing with a particular threat on certain flights. The Member States must therefore be able to take additional measures to deal with such events. As this must not unduly affect the uniformity recommended by the European Council, this flexibility must be subject to a Community control mechanism that allows the preventive measures applicable everywhere to be modified and enables any national variants which are no longer justified to be terminated.
23. As stressed by the Council, the ECAC measures do not, however, take account of any change in the threat. Additional measures will therefore supplement the common standards as and when they are developed by the ECAC or any other international bodies that have started work on devising effective responses to any foreseeable threat.
24. Lastly, an effective system of control is needed which also helps to spread good practice. Even if it has only been tested on a small scale (only six checks have been made), the mechanism envisaged by the ECAC and which the Transport Council has asked us to promote throughout the world (conclusions of the Council of 14 September) constitutes a good basis for this purpose. The Member States must designate an authority to coordinate the implementation of the measures and to put in place a quality control system for each carrier and airfield. These systems will then be audited centrally by multinational teams of specially trained inspectors whose reports will enable the Member States to make up for any shortcomings and the Commission, if necessary, to fulfil its responsibilities as guardian of the Treaty. The Regulation should therefore lay the foundations for such a system of peer review, as requested by the European Council.
25. According to an initial evaluation in the financial statement attached to this proposal, an inspection body should be set up within the Commission with its own staff (of four) to provide back-up and logistical support for inspectors made available by the Member States from the competent authorities responsible for implementing national quality controls. These inspectors, in two teams of four, should be able to audit 70 to 80 airports a year, i.e. 20% of Community airports, enough to assess the implementation of the security measures and detect any shortcomings. The operating costs of this surveillance system (staff, training and mission expenses) should be divided between the Member States and the Community.
26. However, the urgency of the situation, as emphasised by the European Council, calls for the above control system to be set up immediately to check that the Member States are now applying all the measures in ECAC Document 30 in an effective manner, as they say they are. The Commission has therefore decided to take the measures required for this purpose in cooperation with the administrations concerned. It will set up a Member

States' group of experts to work out the arrangements for these inspections and assign the necessary financial and human resources.

27. While the above measures will enable most of the European Council's requests to be met, those concerning crew training and cockpit access will require other legal instruments as they are not concerned with the preventive measures to be taken in airports. As indicated above, Commission proposals on these points are being examined by the Council and the European Parliament (see paragraph 8). Furthermore, thought will have to be given to the security of the telecommunications networks used by the various components of civil aviation, in particular the most sensitive ones such as air traffic management.
28. Finally, it must be pointed out that the Community can only legislate for the territory for which it is competent. It therefore cannot impose measures to be taken in third country airports for flights which land at Community airports or overfly the Member States. It will therefore be necessary to establish the bilateral or multilateral arrangements necessary to guarantee civil aviation security throughout the world. Action along these lines has already been taken by the ICAO at its last Assembly. The Community and the Member States, in agreement with the other European States which are members of the ICAO, have proposed that the standards laid down in Annex 17 to the Chicago Convention should be strengthened and that the ICAO should be given the powers to enable it to monitor their effective implementation, drawing on the work carried out along these lines in Europe. The Commission will propose the measures required to continue this action at all the necessary levels.
29. Without prejudice to the measures described here above, the development of future technologies would need to be pursued to allow for better prevention, as well as for new corrective measures to be implemented progressively. Research for technologies for better airport security equipment and secure aeronautical telecommunication networks, as well as technologies for airborne systems (e.g. comprehensive aircraft anti collision system⁶) should be initiated. A specific research activity will be included in the Sixth Framework Programme for RTD to support this. Future systems would have to be compatible with the growing need for air transportation.

Conclusions

Recent events show that all the Member States are now faced with the same terrorist threat and must therefore formulate a collective response by effectively and uniformly introducing common preventive measures based on the world of the ECAC.

This challenge can best be met by making use of the Community's powers that have already been proven in many other sectors in which similar problems have arisen and by taking action on aviation security as recommended by the European Council.

⁶ E.g. Currently most commercial aircraft are equipped with electronic anti-collision systems such as GPWS (Ground Proximity Warning System – to prevent ground collision) and TCAS (Traffic alert and Collision Avoidance System – to prevent airborne collision) and SMGCS (Surface Movement and Guidance Control System – to guide the taxing aircraft). Research work should also be dedicated towards devising an airborne anti-collision system against man-made objects.

The Commission therefore asks the European Parliament and the Council to adopt the attached draft Regulation, which establishes common rules to ensure civil aviation security, gives the Commission the necessary powers to adopt the implementing measures that will facilitate their application and establishes a collective control mechanism for this application.

In parallel, the Commission will immediately set up a peer review of the effective and uniform application of air security measures. It will also propose measures to ensure the protection of European Union citizens throughout the world by means of appropriate bilateral or multilateral arrangements.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on establishing common rules in the field of civil aviation security

(Text with EEA relevance)

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 proposal from the Commission⁷,

Having regard to the opinion of the Economic and Social Committee⁸,

Having regard to the opinion of the Committee of the Regions⁹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty¹⁰,

Whereas:

- (1) The criminal acts committed in New York and Washington on 11 September 2001 show that terrorism is one of the greatest threats to the ideals of democracy and freedom and the values of peace, which are the very essence of the European Union.
- (2) A high uniform level of protection of the European citizen should at all times be ensured in civil aviation by preventing acts of unlawful interference.
- (3) Without prejudice to measures to be taken on the basis of title 6 of the Treaty on the European Union, such objective should be achieved by the adoption of common civil aviation security rules and by measures ensuring that they are applied effectively and uniformly in the Community; and executive powers should be delegated to the Commission to adopt the related detailed implementation measures.
- (4) Common aviation security rules should be fully consistent with the Charter of Fundamental Rights of the European Union.
- (5) The various types of aviation activities are not subject to the same type of threat; it is therefore necessary for the detailed implementation measures to be duly adjusted to the special circumstances of each activity.

⁷ OJ C , , p. .

⁸ OJ C , , p. .

⁹ OJ C , , p. .

¹⁰ OJ C , , p. .

- (6) The Convention on International Civil Aviation, signed in Chicago on 7 December 1944, provides for minimum standards to ensure the security of civil aviation.
- (7) In view of the diversity of the parties involved in the implementation of security measures at national level, it is necessary for each Member State to designate a competent authority responsible for the co-ordination and the monitoring of the implementation of aviation security programmes.
- (8) Member States shall be given the necessary flexibility to adjust their security programme to special circumstances, subject to an appropriate review by the Commission in order to ensure that such measures do not extend beyond what is necessary and proportionate to address such circumstances.
- (9) The effective and uniform implementation of security measures requires the setting up at national level of appropriate quality control systems and the organisation of a collective peer review under the authority of the Commission, so as to verify the effectiveness of each national system.
- (10) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, measures for the implementation of this Regulation should be adopted by use of the procedures provided for in Articles 3 or 5 of that Decision, as the case may be.
- (11) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of the proposed action, namely the establishment and uniform application of common rules in the field of aviation security, cannot be sufficiently achieved by the Member States and can therefore, by reason of the European-wide scope of this Regulation, be better achieved by the Community. This Regulation confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose.

HAVE ADOPTED THIS REGULATION:

Article 1
Objectives

1. The main objective of this regulation is to ensure a high level of security by taking action to prevent acts of unlawful interference against civil aviation.
2. Additional objectives are:
 - (a) to facilitate the free movement of goods and persons through the uniform enforcement of common standards;
 - (b) to provide a basis for a uniform implementation of the related provisions of the Chicago Convention, by ensuring that the provisions of its Annex 17 are duly taken into account in this Regulation and the measures taken for its application.
3. The means of achieving the objectives set out in paragraphs 1 and 2 shall be:

- (a) the setting of common standards on security measures at airports and of technical specifications for equipment in support of aviation security;
- (b) the setting up of appropriate compliance monitoring mechanisms.

Article 2
Definitions

For the purpose of this regulation:

- (a) “Air navigation facility” shall mean a physical unit which is used to provide services necessary to facilitate air navigation, such as air traffic management, meteorology, telecommunication.
- (b) “Airport” shall mean any area in a Member State which is open for commercial air transport operations.
- (c) ‘Chicago Convention’ shall mean the Convention on International Civil Aviation and its annexes, signed in Chicago on 7 December 1944;
- (d) ‘security’ shall mean the combination of measures and human and natural resources intended to safeguard civil aviation against acts of unlawful interference.

Article 3
Scope

The measures prescribed by this regulation shall apply to any airport and other air navigation facilities, located in the territory of the Member States.

Article 4
Common standards

1. The common standards on security measures at airports and the technical specifications for equipment in support of aviation security are laid down in the annex.
2. The necessary measures for the implementation and the technical adaptation of the common standards and the technical specifications referred to in paragraph 1 shall be adopted following the procedure laid down in Article 8(3), giving due consideration to the various types of operation.

Article 5
National security programme for civil aviation

1. Each Member State shall adopt a national security programme in order to ensure the application of the common standards referred to in Article 4(1) and the measures adopted in accordance with article 4(2) by the date specified in these measures.
2. Each Member States shall designate a competent authority responsible for the co-ordination and the monitoring of the implementation of the security programme.

Article 6
More stringent measures

Member States may apply more stringent measures than those laid down in this regulation. In such a case they shall notify to the Commission and the other Member States the nature of these measures and the reasons therefore. If the Commission considers that these measures are discriminatory or unnecessarily restrictive and are not justified by the particular circumstances, it may decide, following the procedures laid down in article 8(2), that the measures shall be withdrawn.

Article 7
Compliance monitoring

1. The specifications for the quality control system to be implemented by the Member States shall be adopted following the procedure laid down in Article 8(3). Such system shall be based on best practices and allow for the swift detection and correction of failures.
2. The Commission shall conduct, in co-operation with the competent authorities, inspections to monitor the application by Member States of the provisions of this Regulation. The procedures for conducting such inspections shall be adopted in accordance with the procedure laid down in Article 8(3).
3. The officials mandated by the Commission to conduct inspections in accordance with paragraph 2 above shall exercise their powers upon production of an authorisation in writing specifying the subject-matter, the purpose of the inspection and the date on which it is to begin. In good time before the inspection, the Commission shall inform the Member State concerned of the inspection and of the identity of the authorised officials. The Member State concerned shall submit to such inspections and shall ensure that bodies or persons concerned also submit to inspections.
4. The inspections reports shall be communicated by the Commission to the concerned Member State which shall within three months of notification indicate the measures taken to remedy any eventual shortcoming. The report and the answer of the competent authority shall be communicated to the Committee instituted by Article 8(1).
5. The inspections reports and the answer of the Member States shall be confidential.

Article 8
Committee

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.
2. Where reference is made to this paragraph, the advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply in compliance with Article 7 and Article 8 thereof.

3. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply in compliance with Article 7 and Article 8 thereof. .
4. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be one month

Article 9
Publication of information

The Commission shall publish each year a report on the implementation of this regulation and on the situation in the Community as far as aviation security is concerned, drawing conclusions from the inspection reports

Article 10
Entry into force

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

Common standards for security measures and technical specifications of equipment in support of aviation security

1. SECURITY MEASURES AT AIRPORTS

1.1 Airport planning requirements

The design or layout of airports, passenger terminals, cargo terminals and other airport buildings having direct access to the airside shall take into account the essential requirements related to:

- a) security measures for passengers including hand baggage, check-in baggage and its identification;
- b) security measures for cargo, express parcels, mail and supplies;
- c) the protection of and controlled access to:
 - i) sterile terminal areas,
 - ii) separate terminal areas for the check-up and boarding of high-risk passengers,
 - iii) the airside, and
 - iv) other specific sensitive areas and facilities; and
- d) the efficient use of security equipment.

1.2 Control of access to airside, other restricted areas of airports and aircraft

1.2.1 Boundaries between landside and airside

Boundaries shall be established between landside and airside areas. Passages through such boundaries shall be protected by guarded gates and/or locked or guarded doors which shall be inspected at irregular intervals.

1.2.2 Terminal areas

Surveillance shall be maintained over all terminal areas accessible to the public. Terminals shall be patrolled, and passengers and other persons kept under surveillance by security personnel. Air carriers shall be required and assisted to exercise control over areas allocated to them on landside and over their passengers on airside.

1.2.3 Other public areas

The means of controlling access to public areas which are close to aircraft movement areas (spectator terraces, airport hotels and car parks) shall be provided. Arrangements shall also be made to ensure that such public areas may be closed at short notice in the event of an increase in threat. Security guards shall patrol these areas when open to the public.

1.2.4 Access control to airside

1.2.4.1 Access to airside and other restricted areas shall be controlled at all times in order to ensure that no unauthorised person can access to these areas and that no object which can be used to commit an act of unlawful interference can be introduced into an aircraft. An indicative list of such objects is given in Attachment A.

1.2.4.2 At any airport where the number of employees precludes immediate personal recognition of all staff, identity cards shall be issued to all personnel working in the airport or visiting it frequently (including airport and air carrier employees and employees of other organizations). The identity card shall carry a photograph of the bearer and an indication - by means of colour-coding or otherwise - of the areas of the airport to which the bearer is entitled to have access. It shall be encased in a transparent, tamper-proof cover and be capable of being worn as a badge. It shall be valid for a limited period only. Security checking before issue is desirable, but in any case employers shall be advised to make appropriate employment checks before engaging personnel.

1.2.4.3 The identity card shall be worn in a visible place, at all times.

1.2.4.4 The airport management shall issue passes for vehicles requiring to move between landside and airside. The pass shall be specific to the vehicle and fixed to it in an easily visible place. Other vehicles requiring access to airside shall be admitted only after having been inspected and issued with a temporary pass. Only vehicles on emergency missions may be exempted from these requirements.

1.2.4.5 Identity cards and vehicle passes shall be checked at all access points to the airside, either visually by security personnel or electronically by an automatic system which shall be at least as effective.

1.2.4.6 Vehicles and supplies to be conveyed into the airside or other restricted areas shall be inspected on a selective basis.

1.2.5 Additional security measures on aprons and for other restricted areas

1.2.5.1 There shall be frequent patrols of the apron, other operational areas, the perimeter fence and adjacent areas outside this fence, including those in the immediate vicinity of runway threshold and taxiways, with variations in timing, routes and procedures.

1.2.5.2 Aprons and other parking areas shall be adequately lit, and the lighting shall include specially vulnerable sections of the airport perimeter.

1.2.5.3 Technical and maintenance areas shall be protected by fencing, guards, patrols and the control of access by means of identity cards and vehicle passes. Similar measures shall be taken to protect the perimeter and such installations as power supplies, electrical sub-stations, control towers and other buildings used by the air traffic services, and fuel and communications facilities. Special precautions shall be taken against attempts to sabotage fuel and communications facilities.

1.2.6 Pre-departure checks and in-transit checks

1.2.6.1 Pre-departure security checks of originating flights shall be implemented to discover weapons, explosives and sabotage or other dangerous devices which may have been placed on board.

1.2.6.2 Appropriate security measures and facilities shall be implemented to ensure that weapons, explosives or other dangerous devices are not left on board an aircraft at transit stops by passengers who disembark.

1.2.6.3 Appropriate control systems shall be implemented to identify transit passengers who disembark and fail to reboard the aircraft at transit stops. The hand baggage and checked-in baggage of such transit passengers shall not be transported.

1.2.7 Control of access to parked aircraft

Responsibility shall be established for controlling access to parked aircraft. When they are unattended, their doors should be closed and steps removed or airbridges withdrawn. When considering how to control access to aircraft, measures provided by airport authorities to protect the area in which the aircraft is parked may be taken into account (aircraft should whenever possible be parked away from perimeter fences or other easily penetrable barrier in well lighted areas).

1.2.8 Security measures for general aviation

1.2.8.1 General aviation aircraft using international airports shall not be parked in the close vicinity of aircraft which are subject to security programmes to avoid undermining the provisions of those programmes.

1.2.8.2 Provisions to separate security-screened passengers of scheduled or non-scheduled air transport flights from occupants of general aviation aircraft shall be implemented, based on the following principles and methods:

- a) at major airports serving scheduled or non-scheduled air transport operations, physical arrangements and/or security measures shall be introduced to prevent mixing of departing and arriving occupants of general aviation aircraft with other already security-screened passengers;
- b) if possible, departing and arriving occupants of general aviation aircraft shall pass through a separate general aviation terminal and, also, when embarking or disembarking on the apron, shall either be separated from other security-screened passengers, or be transported in a special bus or car, or be under constant surveillance;
- c) if no separate terminal is available, occupants of general aviation aircraft shall either:
 - i) pass through a separate part of the terminal building and be escorted or transported by bus/car to and from their aircraft on the apron; or
 - ii) when passing through sterile areas of the terminal building is unavoidable, be subject to security screening prior to entering the sterile area; or
 - iii) be subjected to other security measures achieving the same effect depending on local circumstances.

1.3 Security measures related to passengers, baggage, mail and cargo

1.3.1 Security screening for passengers and hand baggage

1.3.1.1 Security screening for passengers

All departing passengers and their hand baggage shall be subject to security screening prior to departure on international scheduled and non-scheduled air transport flights in order to ensure that no object which could be used to commit an act of unlawful interference, is carried on board the aircraft. An indicative list of such objects is provided in attachment A.

1.3.1.2 Search or screening of passengers

Passenger screening may be carried out by hand or by metal detection equipment. Screening can take place at the departure gate or can be centralized on entry into a sterile area. However, centralized searching procedures shall not be applied in terminals where arriving passengers, who have not been searched on departure in accordance with the essential requirements contained in this document, would have to enter the same areas as departing passengers already searched.

1.3.1.3 Separation of screened and unscreened passengers

Security arrangements at airports shall prevent departing passengers mixing with arriving passengers after the point of security screening. Where these passengers cannot be separated physically, and arriving passengers boarded their aircraft at an airport where the security measures do not meet the essential requirements contained in this document, arriving passengers shall not be permitted to:

- a) mix with screened departing passengers unless they have been subject to appropriate security screening; or
- b) transfer to another flight before being subject to security screening.

1.3.1.4 Security provisions for potentially disruptive passengers

a) Specific security measures shall be introduced for the air transport of the three groups of potentially disruptive passengers defined below:

i) Deportees

Persons who previously had been legally admitted to a State, or had entered a State illegally, and who have now been formally ordered by the competent authorities to leave that State.

ii) Inadmissible persons

Persons whose entry to a State is refused by the competent authorities and which is being transported back to their State of departure, or to any other State where the persons are admissible.

iii) Persons in lawful custody

Persons either under arrest or convicted by courts of law who have to be transported to another State for legal reasons.

b) The competent authorities (police, immigration and/or prison authorities) should notify the air carrier concerned in sufficient time in writing when they plan to embark potentially disruptive passengers. The air carrier concerned has to inform the pilot-in-command of the respective aircraft accordingly.

c) The written notification to the air carrier and to the pilot-in-command according to para b) above should contain the following details:

i) identity of the person;

ii) reason for transportation;

iii) escort(s), if provided;

iv) risk assessments by the competent authorities;

v) prior seating arrangements, if required; and

vi) nature of available document(s).

d) The supplementary safeguards shall be observed:

i) stringent search of potentially disruptive passengers and their baggage;

ii) boarding prior to all other passengers;

iii) no occupancy of aisle seats or seats next to emergency exits;

iv) no access to alcohol;

v) sufficient number of escorts, if provided;

vi) escorts should be able to converse with the aircraft crew;

vii) no public disclosure of the flight schedule for transporting potentially disruptive passengers; and

viii) restraining devices have to be provided as required.

1.3.1.5 Hand search or screening of hand baggage

Screening of hand baggage should be carried out by hand or by X-ray equipment. When X-ray equipment is used:

a) the operator must satisfy himself that nothing is present of a suspect nature. If he has any doubt, the item of baggage must be subjected to a hand search;

b) not less than 10% of baggage screened by X-ray should be searched by hand in a random manner; and

c) staff shall not be required to scrutinize X-ray images continuously for longer than 20 minutes and shall not resume the scrutiny of X-ray images for a further 40 minutes.

1.3.2 Handling of checked-in baggage

1.3.2.1 Checked-in baggage shall be protected from interference between the point of check-in and the aircraft.

1.3.2.2 Without prejudice to para 1.3.7, the following security requirements shall be applied to all direct flights:

- a) Passengers shall be advised that, unless they are declared, electric or electronic items shall not be placed in their checked-in baggage and that their checked-in baggage may be subjected to a security check;
- b) Passengers shall be warned that if security controls on checked-in baggage reveal the presence of undeclared electric or electronic items, this baggage might not be transported;
- c) Passengers checking in baggage shall be asked to contribute to the security of the flight by making declarations about the ownership, custody and contents of their baggage, and in particular, whether their baggage contains electric or electronic items. Should the results of the questioning necessitate it, the passenger and his baggage shall be required to undergo a security check. The staff involved in such questioning shall be appropriately trained.
- d) Checked-in baggage shall be screened by X-ray, other technical means or manually to determine to the greatest feasible extent that the baggage does not contain an explosive device.

1.3.2.3 Transfer and transit baggage shall be subjected to the security control measures specified in paragraph 2 above if they have not been subject to measures at the points of departure and transit equivalent to those prescribed by these essential requirements. In other cases, not less than 5% of the on-line and interline transfer baggage should be screened by X-ray, other technical means or manually.

1.3.3 Identification of checked-in baggage

1.3.3.1 Measures shall be introduced requiring air carriers to:

- a) accept and transport checked-in baggage only if it is properly marked externally to permit identification with the respective passengers;
- b) confirm that the passenger to whom the baggage belongs is ticketed for the intended flight; and
- c) ensure that checked-in baggage, prior to being loaded on the aircraft, will be held in an area of the airport to which only authorized persons may have access.

1.3.3.2 Provision shall be made to ensure that passengers who have checked in their baggage do subsequently board the aircraft. Baggage which has become separated from its owner shall only be taken on board an aircraft after it has either been identified by its owner or been subjected to security control.

1.3.3.3 When in special cases, due to risk assessment or because of exceptional circumstances at an airport, checked-in baggage is subjected to other security control measures which can prevent the introduction of weapons or articles likely to be utilized to commit an act of

unlawful interference, a further reconciliation of boarding passengers with their checked-in baggage is not required.

1.3.4 Cargo, courier and express parcels and mail

1.3.4.1 Cargo, courier and express parcels

1.3.4.1.1 Application

Cargo, courier and express parcels carried on passenger and all-cargo aircraft shall be subjected to security controls before being placed on board aircraft.

1.3.4.1.2 Security controls

Security controls shall have for aim to:

- a) Ensure that reception, processing and handling of cargo is performed by properly recruited and trained staff; and
- b) Reasonably ensure that the cargo does not contain any prohibited articles as described in points (iv) and (v) of attachment A by:
 - i) searching it by hand or physical check; or
 - ii) screening it by X-ray; or
 - iii) subjecting it to simulation chamber; or
 - iv) applying other means, both technical and biosensory (e.g. sniffers, trace detectors, dogs, etc.)

Where none of the above means and methods of security screening can be applied due to the nature of the goods, a 24-hour security storage may be accepted.

1.3.4.1.3 Exemptions

The security controls at para 2 b) above need not be applied in respect of:

- cargo for which an appropriate traceability can be established to ensure that the objective of para 2 b) here above is met;
- cargo received from a known consignor;
- transshipment cargo, as defined in para 4 hereunder;
- human remains, originating from a recognized source;
- live animals;
- bona fide consignments of life-saving materials;
- high-value goods which have been screened to a standard at least equal to these essential requirements;
- special nuclear materials.

1.3.4.1.4 Transhipment cargo

Transhipment cargo arriving by air need not be screened provided that it is protected against unauthorized interference at the transit point. Other transhipment cargo, not being submitted to security controls at the point of departure or en route, shall be screened in accordance with para 2 b) above and protected from unauthorized interference.

1.3.4.2 Mail

1.3.4.2.1 Application

Mail carried on passenger, all-cargo and all-mail aircraft shall be subjected to security controls before being placed on board an aircraft.

1.3.4.2.2 Definitions

Mail shall mean dispatches of correspondence and other objects tendered to, and intended for delivery by a postal authority/administration as defined by Member States.

1.3.4.2.3 Security controls

a) Time-sensitive mail

For time-sensitive mail (i.e. up to 48-hour delivery) the aim of the security controls is to:

- i) ensure that the reception, processing and handling of mail is performed by properly recruited and trained staff;
- ii) reasonably ensure that the mail does not contain any prohibited articles, as listed in points (iv) and (v) of Attachment A by:
 - searching it by hand or physical checks; or
 - screening it by X-ray; or
 - subjecting it to simulation chamber; or
 - applying other means, procedural, technical and biosensory (e.g. sniffers, trace detectors, dogs, etc.); and
- iii) ensure that the flight details and aircraft routing on which the mail is to be carried remain confidential.

b) Other mail

For mail which is not time-sensitive, the security controls described in para a) ii) above need only be applied to a random proportion of mail.

1.3.4.2.4 Exemptions

The security controls at 3 a) ii) above need not be applied in respect of:

- mail for which an appropriate traceability can be established to ensure that the objectives of para 2 here above are met;
 - letters under a specified weight;
 - human remains, originating from a recognized source;
 - live animals;
 - bona fide consignments of life-saving materials;
 - high-value goods which have been screened to a level at least equal to these measures;
- and
- transshipment mail as defined in para 4 hereunder.

1.3.4.2.5 Transshipment mail

Transshipment mail arriving by air need not be screened provided that it is protected against unauthorized interference at the transit point. Other transshipment mail not being submitted to security controls at the point of departure or en route shall be screened and protected from unauthorized interference.

1.3.5 Screening of diplomats and other privileged persons

1.3.5.1 Subject to the provisions of the Vienna Convention on Diplomatic Relations, diplomats and other privileged persons and their personal baggage, except "diplomatic bags", shall be liable to search for security purposes. Air carrier staff responsible for receiving diplomatic bags shall make sure that they have, in fact, been sent by duly-appointed officials of the missions concerned. Diplomatic couriers and their personal baggage are not exempted from security screening.

1.3.5.2 Only the following persons may be exempted from normal security screening:

- a) Heads of State;
- b) official guests invited by the Government; and
- c) without prejudice to para 3.1.4, persons duly authorized and accompanied by armed escorts.

1.3.6 Protection of security checkpoints

Every effort shall be made to properly protect the staff involved in security screening. Armed guards should, where practicable, be posted at or patrol in the immediate vicinity of each security checkpoint in airport terminals.

1.3.7 Air carrier catering, stores and supplies

1.3.7.1 Application and objective

Measures shall be taken to ensure that air carrier catering, stores and supplies on board passenger aircraft do not contain any prohibited articles that could endanger the safety of the aircraft.

1.3.7.2 Security controls

1.3.7.2.1 Suppliers of air carrier catering, cleaning and stores and supplies shall introduce security measures necessary to prevent the introduction of weapons, explosives and other dangerous devices into catering supplies intended for carriage on passenger flights.

At least the following security measures shall be included:

- a) The appointment of a security officer responsible for the implementation and supervision of security in the company;
- b) When employing staff, high standards of reliability shall be required;
- c) All staff who have access to sterile and/or secured areas shall comply with instructions issued by the airport authority;
- d) The company shall prevent unauthorized access to its facilities;
- e) If the company is located outside the airport, ensure that catering supplies are transported in locked or sealed vehicles; and
- f) Ensure that processing and handling of catering supplies are carried out by properly recruited and trained staff.

1.3.7.2.2 After deliveries of catering supplies, the crew shall check the supplies on a random basis to ensure that they do not contain any prohibited articles and, if sealed, that there are no signs of interference.

1.3.7.2.3 Supplies from a company which does not fulfil the security control measures in para 1 above should not be taken on board an aircraft.

1.4 Security staff

People who are deployed to undertake security duties either as all or part of their employment shall fulfill the following requirements.

1.4.1 Qualifications of security staff

- a) meet specified standards of physical and mental fitness;
- b) be subject to pre-employment checks sufficient to ensure they are of good character.

1.4.2 Training of security staff

- a) be subject to initial training before they undertake the duties to which they will be assigned;
- b) undergo regular recurrent training and, as appropriate, conversion training on new equipment or procedures.

1.4.3 Motivation of security staff

Appropriate measures shall be promoted to ensure that security staff are highly motivated so as to be effective in the performance of their duties.

1.5 Other staff

Ground Staff Security Training and Awareness

Security training program shall be conducted on initial and recurrent basis for all airport and air carrier ground staff. The training shall contribute towards raised security awareness as well as improving the existing security systems. It shall incorporate the following components:

- (i) security systems and access control; and
- (ii) lines of communications; and
- (iii) ground and in-flight security; and
- (iv) pre-boarding screening; and
- (v) baggage and cargo security; and
- (vi) aircraft security and searches; and
- (vii) emergency response; and
- (viii) weapons and restricted items; and
- (ix) monitoring of ground services; and
- (x) overview of terrorism; and
- (xi) other areas and measures related to security that are considered appropriate to enhance security awareness.

2. TECHNICAL SPECIFICATIONS FOR EQUIPMENT

Equipment used in support of aviation security shall meet the specifications outlined in this section.

2.1 METAL DETECTION EQUIPMENT

2.1.1 Walk-through metal detectors

Walk-through metal detectors used in passenger screening at airports shall fulfil the following requirements:

- a) Security
 - 1) Equipment shall be capable of detecting the smallest item of different metals with a small proportion in favour of ferrous metals in all foreseeable conditions.
 - 2) Equipment shall be capable of detecting metal objects independently of their orientation and location inside the frame.
 - 3) The sensitivity of the equipment shall be as uniform as possible inside the whole frame and should remain stable and checked periodically.

- b) Operating requirements

The functioning of the equipment shall not be affected by its environment.

- c) Alarm indication

Metal detection shall be indicated automatically, leaving nothing to the operator's discretion (go/no go indicator system):

- d) Controls

- 1) Equipment shall be capable of being adjusted to meet all specified detection requirements, as well as the volume of the audible alarm.
- 2) Controls for adjustment of detection levels shall be designed to prevent unauthorized access. The settings shall be clearly indicated.

- e) Calibration

Calibration procedures shall not be made available to unauthorized persons.

2.1.2 Hand-held metal detectors

Hand-held metal detectors used in passenger screening shall fulfil the following requirements:

- a) Equipment shall detect very small quantities of metal without being in direct contact with the object in all foreseeable conditions. Sensitivity should enable it to detect 5 g of metal at 5 cm.
- b) Equipment shall detect both ferrous and non-ferrous metals.

- c) The detector coil shall be designed to pinpoint the position of detected metal easily.
- d) Equipment shall be fitted with audible and/or visible alarm indicators.

2.2 STANDARDS AND TESTING PROCEDURES FOR X-RAY EQUIPMENT

2.2.1 Applicability

- a) Equipment

These requirements and guidelines for X-ray security equipment are applicable to any X-ray-based screening equipment that provide an image for an operator to interpret. This includes conventional X-rays as well as EDS/EDDS used in indicative mode.

- b) Items

Similarly, these requirements and guidelines for X-ray security equipment are applicable to every item being screened, whatever its type or size.

Any item going on board an aircraft, if it has to be screened, has to be screened to the same standards.

2.2.2 Performance requirements

- a) Security

The X-ray equipment shall provide for the necessary detection, measured in terms of resolution, penetration and discrimination, to forbid that objects as listed in Attachment A, are carried on board aircraft.

- b) Tests

Performance shall be assessed using appropriate test procedures.

- c) Operational requirements

The X-ray equipment shall display a complete image of any item fitting into the tunnel. There shall be no corner cut off.

Distortion of the item displayed shall be kept to a minimum.

The belt of the machine shall be marked to indicate where bags shall be placed on the belt to obtain optimum images.

Contrast sketching: the X-ray equipment shall have the ability to display groups of grey levels (scan a smaller range).

The image of any part of the item being screened shall be displayed on the screen for at least 5 seconds. In addition, the operator shall have the ability to stop the belt and, if necessary, reverse the belt when further examination is required.

Screen size: the monitor's screen shall be sufficient in size for operator's comfort (typically 14 inches and above).

Screen characteristics: the screen shall be flicker-free and have at least 800 lines (typically 1024*1024 pixels, i.e. high-resolution monitors).

Where dual monitors are used, one shall be monochrome only.

The X-ray equipment shall indicate visually materials it cannot penetrate.

The X-ray equipment shall provide organic and inorganic stripping.

The systems shall provide automatic threat recognition to facilitate operator's search.

d) Maintenance

No unauthorized changes, including maintenance or repair, shall be made. There shall be no change in the hardware or the software of the machine without verifying that it does not adversely affect image performance.

The composition of the belt material shall not be changed without verifying that this induces no change in image performance.

If modem access for maintenance or upgrades is available, access shall be controlled and monitored.

Attachment A

Guidelines for classification of weapons, dangerous goods and restricted items that are prohibited in the sterile airport areas and aircraft cabins.

These are guidelines of possible shape of weapons and restricted items, common sense should however prevail in accessing if an object is raising cause to believe that it may be used a weapon.

(i)Firearms: Any weapon from which a shot may be fired by the force of an explosion or compressed air, including starter and flare pistols.

(ii)Knives and cutting tools: Including sabers, swords, cardboard cutters, hunting knives, souvenir knives, martial arts devices, professional tools and such other knives with blades of 6 cm long or longer and/or knives considered illegal by local law.

(iii)Bludgeons: Blackjacks, billy clubs, baseball clubs or similar instruments.

(iv)Explosives/Ammunition /Flammable Liquids/Corrosive: Any explosive or incendiary components, which by themselves or in conjunction with other items can result in an explosion or fire. These include explosive materials, blasting caps, fireworks, gasoline, other flammable liquids, ammunition, etc., or any combination of these items. Any corrosive or toxic substances, including gases, whether or not under pressure.

(v)Disabling or Incapacitating Items: All tear gas, mace, and similar chemicals and gasses whether in pistol, canister, or other container, and other disabling devices such as electronic stunning/shocking devices.

(vi)Other Articles: Such items as ice picks, alpenstocks straight razors, and elongated scissors, even though not commonly thought of as a deadly or dangerous weapon, but could be used as a weapon, including toy or “dummy” weapons or grenades.

(vii)Articles of any kind giving rise to reasonable suspicion that an items may be used to simulate a deadly weapon, such could include but not be limited to: objects resembling explosive devices or other items that may give appearance of a weapon or dangerous item. “

LEGISLATIVE FINANCIAL STATEMENT

Policy area: Aviation safety and protection of passengers

Activity: Security

TITLE OF ACTION: REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING COMMON RULES IN THE FIELD OF AVIATION SECURITY

1. BUDGET LINE

The commitment will be charged to heading B2-702 B against the financial year 2002.

2. OVERALL FIGURES

2.1. Total allocation for action (Part B): annual expenditure: 1.215 € million for commitment

2.2. Period of application:

starting in 2002, ongoing

2.3. Overall multi-annual estimate of expenditure:

(a) Schedule of commitment appropriations/payment appropriations (financial intervention) *(see point 6.1.1)*

€ million *(to three decimal places)*

	Year 2002	2003	2004	2005	2006	2007 and subs. Years	Total
Commitments	1.215	1.215	1.215	1.215	1.215	1.215	
Payments	1.215	1.215	1.215	1.215	1.215	1.215	

(b) Technical and administrative assistance and support expenditure

Commitments	-	-	.-	-	-	-	
Payments	-	-	-	-	-	-	

Subtotal a+b							
Commitments	1.215	1.215	1.215	1.215	1.215	1.215	7.290
Payments	1.215	1.215	1.215	1.215	1.215	1.215	7.290

- (c) Overall financial impact of human resources and other administrative expenditure
(see points 7.2 and 7.3)

Commitments/ payments	0.430	0.430	0.430	0.430	0.430	0.430	2.580
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TOTAL a+b+c							
Commitments	1.645	1.645	1.645	1.645	1.645	1.645	9.870
Payments	1.645	1.645	1.645	1.645	1.645	1.645	9.870

2.4. Compatibility with financial programming and financial perspective

New action

2.5. Financial impact on revenue:

Proposal has no financial implications (involves technical aspects regarding implementation of a measure)

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA contribution	Contributions form applicant countries	Heading in financial perspective
Comp	Differentiated	YES	NO	NO	No

4. LEGAL BASIS

Article 80 (2)

5. DESCRIPTION AND GROUNDS

5.1. Need for Community intervention

5.1.1. Objectives pursued

Europe must take urgent action to respond to the terrorist threat. The Council of Transport Ministers, meeting on 14 September 2001, agreed that all Member States should apply the key measures recommended by the European Aviation Civil Aviation Conference (ECAC) to ensure aviation security and to examine what complimentary measures might be necessary.

The European Council, meeting in an extraordinary session on 21 September, asked that the next Council meeting of Transport Ministers, scheduled for 15 October 2001, take the necessary measures to strengthen aviation security. These measures cover, in particular, the following items:

Classification of armaments.

Technical training of crews.

Control and monitoring of hold baggage.

Control of access to the cockpit.

Quality control of security measures applied by Member States.

It also required that the effective and uniform implementation of security measures be ensured by means, in particular, of reciprocal controls (“peer review”), to be established without delay.

The Community, after examination of these orientations, decided that the best way forward was to propose legislation covering these various points.

The final actions on the above list, described as “Quality control of security measures applied by Member States” and the peer review, involve direct action by the Commission and, accordingly will impact financially upon its budget. This action is, therefore, the subject of this document. The figures set out here are based on the assumption that the Commission will bear the full cost; however, it may be possible that a cost-sharing arrangement with Member States be established.

To fulfil these tasks the Commission proposes to establish a Security Audit Office which will be staffed as follows:

Manager
Security Expert
Administrator
Secretary

The Audit Office will employ the services of 2 teams of security auditors each composed of 4 members. Audits will be conducted annually in each Member State, including sample audits at airports. It is anticipated that each team will audit 40 airports per year which, ECAC has stated, is sufficient to evaluate the state of implementation of the common security measures and to detail possible weaknesses..

5.1.2. Measures taken in connection with ex ante evaluation

This involves:

- (a) The Commission together with the Council presidency organised on 25 September a meeting with the main stakeholders to which the proposed initiatives were presented and discussed. The action covered by the present financial statement are based on the work prepared by the relevant international organisations (ECAC and ICAO)
- (b) The Commission-proposed course of action was accepted as a suitable response to the threat.

5.2. Action envisaged and budget intervention arrangements

The beneficiaries of the proposed actions will be the European flying public, the 387 airports they use and the 15 national authorities which are responsible for their security. The objective of this proposal is to increase and standardise the security arrangements at European airports.

5.3. Methods of implementation

Direct management by the Commission using regular and outside staff.

6. FINANCIAL IMPACT

6.1. Total financial impact on Part B - (over the entire programming period)

6.1.1. Technical and administrative assistance, support expenditure and IT expenditure (commitment appropriations)

	2002	2003	2004	2005	2006	2007 and subs. years	Total
1) Technical and administrative assistance	-	-	-	-	-	-	-
a) Technical assistance offices	-	-	-	-	-	-	-
b) Other technical and administrative assistance: - intra m euros: - extra m euros: <i>of which for construction and maintenance of computerised management systems</i>	-	-	-	-	-	-	-
Subtotal 1	-	-	-	-	-	-	-
2) Support expenditure	-	-	-	-	-	-	-
a) Training	-	-	-	-	-	-	-
b) Meetings of experts	-	-	-	-	-	-	-
c) Information and publications	-	-	-	-	-	-	-
Subtotal 2	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-	-

6.2 Calculation of costs by measure envisaged in Part B (over the entire programming period)

The cost per year to hire 8 auditors is estimated to be 8 x 150 000 EUR = 1 200 000 EUR. This annual cost is unlikely to vary over the period shown in the table.

Training costs are calculated as follows:

Assistant Security Expert – Familiarisation Training 3 days @ EUR 500/day = EUR 1 500

Security Expert

Plus

8xAuditors - European Standardisation Training = 9 x 3 days @ EUR 500/day = EUR 13 500

Total annual training costs are therefore EUR 15 000.

The training cost estimates include accommodation and since the individual auditors will change according to circumstances in the provider states and the Assistant Security Expert will require annual updating, it is assumed that the training requirement will remain roughly the same each year throughout the period.

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

7.1. Impact on human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action
		Number of permanent posts	Number of temporary posts		
Officials or temporary staff	A	1		1	Security expert
	B	1		1	Administrator
	C	1		1	Secretary
Other human resources			1		DNE (security expert)
Total		3	1	4	

„In the estimate of human and administrative resources required for the action, DG/Services must take into account the decisions taken by the Commission in its orientation debate and when adopting the preliminary draft budget (PDB). This means that DGs must show that human resources can be covered by the indicative pre-allocation made when the PDB was adopted.

Exceptional cases, where the action concerned could not be foreseen when the PDB was being prepared, will have to be referred to the Commission for a decision on whether and how (by means of an amendment of the indicative pre-allocation, an ad hoc redeployment exercise, a supplementary/amending budget or a letter of amendment to the draft budget) implementation of the proposed action can be accepted.“

7.2. Overall financial impact of human resources

Type of human resources	Amount (€)	Method of calculation *
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Officials	324 000	Average cost of Commission officials, including overheads – from D4 BUDG
Temporary staff		
Other human resources (specify budget line)	42 000	DNE
Total	366 000	

The amounts are total expenditure for twelve months.

„In the estimate of human and administrative resources required for the action, DG/Services must take into account the decisions taken by the Commission in its orientation debate and when adopting the preliminary draft budget (PDB). This means that DGs must show that human resources can be covered by the indicative pre-allocation made when the PDB was adopted.

Exceptional cases, where the action concerned could not be foreseen when the PDB was being prepared, will have to be referred to the Commission for a decision on whether and how (by means of an amendment of the indicative pre-allocation, an ad hoc redeployment exercise, a supplementary/amending budget or a letter of amendment to the draft budget) implementation of the proposed action can be accepted.“

7.3. Other administrative expenditure deriving from the action

Budget line (number and heading)	Amount €	Method of calculation
Overall allocation (Title A7)		
A0701 – Missions	64000	80 airport inspections per year at 800 €
A07030 – Meetings		
A07031 – Compulsory committees		
A07032 – Non-compulsory committees		
A07040 – Conferences		
A0705 – Studies and consultations		
Other expenditure (specify)		
Information systems (A-5001/A-4300)		
Other expenditure - Part A (specify)		
Total	64000	

The amounts are total expenditure for twelve months.

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG

I.	Annual total (7.2 + 7.3)	€ 430 000
II.	Duration of action	indefinite
III.	Total cost of action (I x II)	€ 430 000

8. FOLLOW-UP AND EVALUATION

8.1. Follow-up arrangements

Follow-up audits will be conducted

8.2. Arrangements and schedule for the planned evaluation

The Commission Audit Office will liaise with national authorities seeking their co-operation to remedy deficiencies

9. ANTI-FRAUD MEASURES

The Commission Audit Office will be subject to the normal Commission audit regimes.

IMPACT ASSESSMENT FORM

THE IMPACT OF THE PROPOSAL ON BUSINESS WITH SPECIAL REFERENCE TO SMALL AND MEDIUM-SIZED ENTERPRISES(SMEs)

TITLE OF PROPOSAL

Proposal for a regulation of the European Parliament and of the Council on establishing common rules in the field of civil aviation security

DOCUMENT REFERENCE NUMBER

COM(2001)575

THE PROPOSAL

1. Taking account of the principle of subsidiarity, why is Community legislation necessary in this area and what are its main aims? – *Recent events precipitated the need for a tightening of aviation security. This must be achieved by establishing common rules and ensuring their uniform application through appropriate monitoring and inspection.*

THE IMPACT ON BUSINESS

2. Who will be affected by the proposal?
 - which sectors of business – *airlines and airports*
 - which sizes of business (what is the concentration of small and medium-sized firms) – *all sizes of airline/airport undertakings*
 - are there particular geographical areas of the Community where these businesses are found - *no*
3. What will business have to do to comply with the proposal? – *Develop procedures and make relatively modest investment in equipment. It is likely that additional staff will be required; it is however not known whether such surcharge shall be beared by the industry or by Member States themselves.*
4. What economic effects is the proposal likely to have?
 - on employment – *some jobs will be created.*
 - on investment and the creation of new businesses – *security specialist firms may expand.*
 - on the competitiveness of businesses – *nil since all will be subject to the same measures.*

5. Does the proposal contain measures to take account of the specific situation of small and medium-sized firms (reduced or different requirements etc)? – *not directly, but since the stringency of the security measures shall take into account the circumstance of each type of operation, it is likely that the impact on small aircraft (and therefore on small companies) will be lighter.*

CONSULTATION

6. List the organisations which have been consulted about the proposal and outline their main views.

The Airport Council International, the Association of European Airlines, the European Regional Airlines Association, the International Air Carriers Association, the European Transport Federation and the European Cockpit Association are being involved in the process. They all support the establishment of common rules and of a collective review for their effective and uniform application. In the current situation it is vital for the industry as a whole to restore confidence and convince the public to continue travelling by air.