Commission Implementing Regulation (EU) 2020/910 of 30 June 2020 amending Implementing Regulations (EU) 2015/1998, (EU) 2019/103 and (EU) 2019/1583 as regards the re-designation of airlines, operators and entities providing security controls for cargo and mail arriving from third countries, as well as the postponement of certain regulatory requirements in the area of cybersecurity, background check, explosive detection systems equipment standards, and explosive trace detection equipment, because of the COVID-19 pandemic (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/910

of 30 June 2020

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(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(3) thereof,

Whereas:

(1) The devastating impact on international and European civil aviation of the current COVID-19 pandemic is severely limiting the capability of Member States and of the European Union as a whole to maintain an effective and efficient in-bound supply chain. Continued and uninterrupted cargo services are of essential strategic importance for the Union and play a fundamental role in the delivery of essential goods, including medicines, medical equipment, other substances and commodities.

(2) The Union in-bound regime in the field of air cargo and mail security, as set out in point 6.8 of the Annex to Commission Implementing Regulation (EU) 2015/1998[(2)], requires air carriers carrying cargo and mail into the European Union to be designated every five years as an 'Air Cargo or Mail carrier operating into the Union from a Third Country' (ACC3) and their ground service providers to be designated every three years as a 'third country EU aviation security validated regulated agent' (RA3) or 'third country EU aviation security validated known consignor' (KC3).

(3) The EU aviation security validation for the designation of ACC3, RA3 and KC3 requires, as part of the process, an on-site visit by an EU aviation security

validator performed at the premises of the operator in order to confirm the effective implementation of the measures.

(4) During the current COVID-19 pandemic, the performance of on-site visits for the designation and re-designations of air carriers and cargo operators in third countries is severely impacted and/or impeded because of objective reasons, which are beyond the responsibility or the control of those carriers or operators.

(5) A large number of designations as ACC3, RA3 and KC3 are due to expire in the upcoming months or have already expired, with no possibility to perform the necessary on-site validation visit. In the absence of the relevant Union status, such operators may no longer operate within the Union-bound secure supply chain, rendering impossible the continuation of essential operations in these critical times.

(6) It is necessary to adopt urgent measures establishing the appropriate legal basis to implement an alternative and expedite process for the EU aviation security validations of the Union-bound supply chain operators affected by the current situation.

(7) Implementing Regulations (EU) 2019/103[(3)] and 2019/1583[(4)], both amending Implementing Regulation (EU) 2015/1998, introduced regulatory requirements applicable as from 31 December 2020 in the areas of background check for civil aviation personnel and cybersecurity, respectively. The capability of authorities and operators to prepare the timely implementation of those requirements is being severely impacted by the effects of the restrictions imposed as a result of the COVID-19 pandemic, to the extent that the date of application needs to be postponed.

(8) Point 12.4.2.2 of the Annex to Implementing Regulation (EU) 2015/1998 set out on 1 September 2020 the expiry date for standard 2 explosive detection systems (EDS) equipment. The capability of a number of airports in the Union to complete the process of installation and activation of standard 3 EDS equipment is being severely impacted by the restrictions imposed as a result of the effects of the COVID-19 pandemic, to the extent that the expiry date needs to be postponed. As standard 3 EDS equipment offers higher performance and detection capability that can contribute to increased security, the Commission and the Member States remain committed to complete the implementation of this technology without further delays.

(9) Point 12.6.3 of the Annex to Implementing Regulation (EU) 2015/1998 set out on 1 July 2020 the date until which the appropriate authority may permit explosive trace detection (ETD) equipment that does not comply with attachment 12-L to continue to be used. The capability of a number of airports in the Union to complete the process of deployment of the new ETD equipment is being severely impacted by the restrictions imposed as a result of the effects of the COVID-19 pandemic, to the extent that the above date needs to be postponed to avoid legal consequences without posing an undue risk to aviation security.

(10) Implementing Regulations (EU) 2015/1998, (EU) 2019/103 and (EU) 2019/1583 should therefore be amended accordingly.

(11) As the Union status of some ACC3, RA3 and KC3 operators already expired either during the first phase of the current COVID-19 pandemic, or in the period immediately

preceding it when the relevant EU aviation security validation process had to be launched and performed, this Regulation should produce its effects retroactively, allowing such operators whose status has already expired to benefit from the measures provided for herein.

(12) The measures provided for in this Regulation do not affect the legitimate interests and rights, or limit the expectation of other air carriers, operators, entities or States.

(13) In order to provide Member States with the legal basis to immediately launch the alternative and expedite process of validation and designation of the Union-bound supply chain operators, necessary to resume cargo operations into the Union, this Regulation should enter into force the day following that of its publication in the *Official Journal of the European Union*.

(14) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19 of Regulation (EC) No 300/2008,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2015/1998 is amended in accordance with the Annex to this Regulation.

Article 2

In the second sentence of Article 2 of Implementing Regulation (EU) 2019/103, the date ‘31 December 2020’ is replaced by ‘31 December 2021’.

Article 3

In point (26) of the Annex to Implementing Regulation (EU) 2019/103, the dates ‘31 December 2020’ and ‘30 June 2023’ in point 11.1.12 are replaced by ‘31 December 2021’ and ‘30 June 2024’.

Article 4

In Article 2 of Implementing Regulation (EU) 2019/1583, the date ‘31 December 2020’ is replaced by ‘31 December 2021’.

Article 5

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

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

Done at Brussels, 30 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/910. (See end of Document for details)*