Commission Implementing Regulation (EU) 2020/111 of 13 January 2020 amending Implementing Regulation (EU) 2015/1998 as regards the approval of civil aviation security equipment as well as third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security

COMMISSION IMPLEMENTING REGULATION (EU) 2020/111

of 13 January 2020

amending Implementing Regulation (EU) 2015/1998 as regards the approval of civil aviation security equipment as well as third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security

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) Commission Regulation (EC) No 272/2009[(2)] supplements the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008.

(2) Regulation (EC) No 272/2009 charges the Commission with the recognition of the equivalence of security standards of third countries, in accordance with the criteria set out in Part E of the Annex to that Regulation.

(3) The Annex to Commission Implementing Regulation (EU) 2015/1998[(3)] lists the third countries recognised as applying security standards equivalent to the common basic standards.

(4) The Commission has verified that the Republic of Serbia, in regard to Belgrade Nikola Tesla Airport, satisfies the criteria set out in Part E of the Annex to Regulation (EC) No 272/2009.

(5) The Commission has verified that the State of Israel, in regard to Ben Gurion International Airport, satisfies the criteria set out in Part E of the Annex to Regulation (EC) No 272/2009, with regard to aircraft security and screening of passengers and cabin baggage.

(6) Detailed measures for the implementation of the common basic standards referred to in Regulation (EC) No 300/2008 include procedures for approval and use of civil aviation security equipment.

(7) Steps taken to ensure that civil aviation security equipment meets the required performance standards should be harmonised to ensure the best implementation of the common basic standards on aviation security.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/111. (See end of Document for details)*

(8) The Commission acknowledges the common evaluation process of the European Civil Aviation Conference as a mandatory pre-condition for the approval of civil aviation security equipment. Security equipment that has undergone that process should therefore benefit from an EU approval scheme consisting of a visual stamp marking and its entry into a consolidated Union database allowing for the immediate deployment of civil aviation security equipment throughout the Union.

(9) As the final approval of civil aviation equipment will be granted by adopting a legal act, the installation and use of such security equipment should be legally allowed under a pending status until the final approval.

(10) Implementing Regulation (EU) 2015/1998 should therefore be amended accordingly.

(11) 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

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*. However, points (1)(b) and (2)(b) of the Annex to this Regulation shall apply from 1 April 2020.

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

Done at Brussels, 13 January 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) 2020/111. (See end of Document for details)*

ANNEX

The Annex to Implementing Regulation (EU) 2015/1998 is amended as follows:

(1) the list in Attachment 3-B of Chapter 3 is amended as follows:

(a) the following entry is inserted after the entry concerning Montenegro:

Republic of Serbia, in regard to Belgrade Nikola Tesla Airport;

(b) the following entry is inserted after the entry concerning Singapore:

State of Israel, in regard to Ben Gurion International Airport;

(2) the list in Attachment 4-B of Chapter 4 is amended as follows:

(a) the following entry is inserted after the entry concerning Montenegro:

Republic of Serbia, in regard to Belgrade Nikola Tesla Airport;

(b) the following entry is inserted after the entry concerning Singapore:

State of Israel, in regard to Ben Gurion International Airport;

(3) in the list in Attachment 5-A of Chapter 5, the following entry is inserted after the entry concerning Montenegro:

Republic of Serbia, in regard to Belgrade Nikola Tesla Airport;

(4) in the list in Attachment 6-F of Chapter 6, the following entry is inserted after the entry concerning Montenegro:

Republic of Serbia;

(5) in Chapter 12, Chapter 12.0 is replaced by the following:

12.0. GENERAL PROVISION AND APPROVAL OF SECURITY EQUIPMENT

12.0.1. **General provision**

12.0.1.1. The authority, operator or entity using equipment for the implementation of measures for which it is responsible in accordance with the national civil aviation security programme as referred to in Article 10 of Regulation (EC) No 300/2008 shall ensure that the equipment meets the standards set out in this Chapter.

The information contained in this Chapter and classified in accordance with Decision (EU, Euratom) 2015/444[(4)] shall be made available by the appropriate authority to manufacturers on a need-to-know basis.

12.0.1.2. There shall be routine testing of each piece of security equipment.

12.0.1.3. Equipment manufacturers shall provide a concept of operations and equipment shall be evaluated and used in accordance with it.

12.0.1.4. Where several security equipment are combined, each one has to comply with the defined specifications and meet the standards set out in this Chapter, both used separately and combined as a system.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/111. (See end of Document for details)*

12.0.1.5. Equipment shall be positioned, installed and maintained in compliance with the requirements of equipment manufacturers.

12.0.2. **Approval of security equipment**

12.0.2.1. Without prejudice to point 12.0.5, the following security equipment may be installed after 1 October 2020 only if it has been granted an "EU Stamp" marking or an "EU Stamp pending" marking status as provided for in points 12.0.2.5 and 12.0.2.6:

(a) walk-through metal detection (WTMD) equipment;

(b) explosive detection systems (EDS) equipment;

(c) explosive trace detection (ETD) equipment;

(d) liquid explosive detection systems (LEDS) equipment;

(e) metal detection equipment (MDE);

(f) security scanners;

(g) shoe scanner equipment; and

(h) explosive vapour detection (EVD) equipment.

12.0.2.2. The Commission shall approve the security equipment listed in 12.0.2.1 and shall grant the "EU Stamp" marking.

12.0.2.3. The "EU Stamp" marking may be granted only to security equipment tested by test centres for which an appropriate authority has the responsibility for quality control measures in accordance with the Common Evaluation Process of the European Civil Aviation Conference.

12.0.2.4. The Commission may grant an "EU Stamp" marking to security equipment only after it has received the test reports for the equipment in question or Level 2 reports by the Common Evaluation Process of the European Civil Aviation Conference.

The Commission may request additional information relating to test reports.

12.0.2.5. The Commission may grant an "EU Stamp" marking to security equipment confirmed by the Common Evaluation Process of the European Civil Aviation Conference. Such equipment shall be automatically eligible to the "EU Stamp" marking, and shall receive a temporary "EU Stamp pending" marking status until the final approval.

Security equipment with an "EU Stamp pending" marking status shall be allowed for installation and use.

12.0.3. **"EU Stamp" marking and Union database on supply chain security — security equipment**

12.0.3.1. Security equipment listed in point 12.0.2.1 for which "EU Stamp" marking has been granted shall be entered into the "Union database on supply chain security — security equipment".