Commission Implementing Regulation (EU) 2019/413 of 14 March 2019 amending Implementing Regulation (EU) 2015/1998 as regards third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/413

of 14 March 2019

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

(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) 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) That same 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 received confirmation from the United Kingdom of Great Britain and Northern Ireland that it will maintain its regulations and standards on aviation security equivalent to the Union legislation beyond the date of its withdrawal from the European Union on 30 March 2019.

(5) The Commission has verified that the United Kingdom of Great Britain and Northern Ireland satisfies the criteria set out in Part E of the Annex to Regulation (EC) No 272/2009.

(6) The Commission has established an appropriate process to reattribute to the other Member States the responsibility for the designation of air carriers, third country regulated agents and third country known consignors, currently designated by the United Kingdom as ACC3, RA3 and KC3 respectively, and that this process should be regulated through transitional implementing provisions.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/413. (See end of Document for details)*

(7) The Commission and the Member States acknowledge the valuable contribution to the functioning of the EU secure supply chain of ACC3, RA3 and KC3 provided by the EU aviation security validators approved by the United Kingdom of Great Britain and Northern Ireland, and the opportunity to provide for the Member States to take over the responsibility for their approval as from 30 March 2019.

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

(9) 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 day following that of its publication in the *Official Journal of the European Union*.

Article 3

This Regulation shall apply from the day following that of which the Treaties cease to apply to and in the United Kingdom of Great Britain and Northern Ireland pursuant to Article 50(3) of the Treaty on European Union, subject to any possible withdrawal agreement concluded in accordance with Article 50(2) of the Treaty on European Union.

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

Done at Brussels, 14 March 2019.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/413. (See end of Document for details)*

ANNEX

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

(1) In Chapter 3, Attachment 3-B is replaced by the following:

ATTACHMENT 3-B

AIRCRAFT SECURITY *THIRD COUNTRIES, AS WELL AS OTHER COUNTRIES AND TERRITORIES TO WHICH, IN ACCORDANCE WITH ARTICLE 355 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, TITLE VI OF PART THREE OF THAT TREATY DOES NOT APPLY, THAT ARE RECOGNISED AS APPLYING SECURITY STANDARDS EQUIVALENT TO THE COMMON BASIC STANDARDS ON CIVIL AVIATION SECURITY*

As regards aircraft security, the following third countries, as well as other countries and territories to which, in accordance with Article 355 of the Treaty on the Functioning of the European Union, Title VI of Part Three of that Treaty does not apply, have been recognised as applying security standards equivalent to the common basic standards on civil aviation security:

Canada
Faroe Islands, in regard to Vagar airport
Greenland, in regard to Kangerlussuaq airport
Guernsey
Isle of Man
Jersey
Montenegro
Republic of Singapore, in regard to Singapore Changi Airport
United Kingdom of Great Britain and Northern Ireland
United States of America

The Commission shall immediately notify the appropriate authorities of the Member States if it has information indicating that security standards applied by the third country or other country or territory concerned with a significant impact on overall levels of aviation security in the Union are no longer equivalent to the common basic standards of the Union.

The appropriate authorities of the Member States shall be notified without delay when the Commission has information about actions, including compensatory measures, confirming that the equivalency of relevant security standards applied by the third country or other country or territory concerned is re-established.;

(2) In Chapter 4, Attachment 4-B is replaced by the following:

ATTACHMENT 4-B

PASSENGERS AND CABIN BAGGAGE *THIRD COUNTRIES, AS WELL AS OTHER COUNTRIES AND TERRITORIES TO WHICH, IN ACCORDANCE WITH ARTICLE 355 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, TITLE VI OF PART THREE OF THAT TREATY DOES NOT APPLY, THAT ARE RECOGNISED AS APPLYING SECURITY STANDARDS EQUIVALENT TO THE COMMON BASIC STANDARDS ON CIVIL AVIATION SECURITY*

As regards passengers and cabin baggage, the following third countries, as well as other countries and territories to which, in accordance with Article 355 of the Treaty on the Functioning of the European Union, Title VI of Part Three of that Treaty does not

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apply, have been recognised as applying security standards equivalent to the common basic standards on civil aviation security:

Canada
Faroe Islands, in regard to Vagar airport
Greenland, in regard to Kangerlussuaq airport
Guernsey
Isle of Man
Jersey
Montenegro
Republic of Singapore, in regard to Singapore Changi Airport
United Kingdom of Great Britain and Northern Ireland
United States of America

The Commission shall immediately notify the appropriate authorities of the Member States if it has information indicating that security standards applied by the third country or other country or territory concerned with a significant impact on overall levels of aviation security in the Union are no longer equivalent to the common basic standards of the Union.

The appropriate authorities of the Member States shall be notified without delay when the Commission has information about actions, including compensatory measures, confirming that the equivalency of relevant security standards applied by the third country or other country or territory concerned is re-established.;

(3) In Chapter 5, Attachment 5-A is replaced by the following:
ATTACHMENT 5-A

HOLD BAGGAGE*THIRD COUNTRIES, AS WELL AS OTHER COUNTRIES AND TERRITORIES TO WHICH, IN ACCORDANCE WITH ARTICLE 355 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, TITLE VI OF PART THREE OF THAT TREATY DOES NOT APPLY, THAT ARE RECOGNISED AS APPLYING SECURITY STANDARDS EQUIVALENT TO THE COMMON BASIC STANDARDS ON CIVIL AVIATION SECURITY*

As regards hold baggage, the following third countries, as well as other countries and territories to which, in accordance with Article 355 of the Treaty on the Functioning of the European Union, Title VI of Part Three of that Treaty does not apply, have been recognised as applying security standards equivalent to the common basic standards on civil aviation security:

Canada
Faroe Islands, in regard to Vagar airport
Greenland, in regard to Kangerlussuaq airport
Guernsey
Isle of Man
Jersey
Montenegro
Republic of Singapore, in regard to Singapore Changi Airport
State of Israel, in regard to Ben Gurion International Airport
United Kingdom of Great Britain and Northern Ireland
United States of America

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/413. (See end of Document for details)*

The Commission shall notify without delay the appropriate authorities of the Member States if it has information indicating that security standards applied by the third country or other country or territory concerned with a significant impact on overall levels of aviation security in the Union are no longer equivalent to the common basic standards of the Union.

The appropriate authorities of the Member States shall be notified without delay when the Commission has information about actions, including compensatory measures, confirming that the equivalency of relevant security standards applied by the third country or other country or territory concerned is re-established.;

(4) In chapter 6, the following point 6.8.1.6 is added:

6.8.1.6 Following the notification by the United Kingdom of Great Britain and Northern Ireland of its intention to withdraw from the European Union pursuing Article 50 of the TEU, the ACC3 designations issued by this Member State are subject to the following provisions:

(a) The responsibility for the current designations is transferred to the appropriate authority of the Member State listed in the Annex to Commission Regulation (EC) No 748/2009, as amended for the purposes of the withdrawal of the United Kingdom from the Union.

(b) The responsibility for ACC3 designations of air carriers not listed in the Annex to Commission Regulation (EC) No 748/2009, as amended, is transferred to the appropriate authority as identified in point 6.8.1.1 (c).

(c) The appropriate authority of the Member State as described in points (a) and (b) may agree with its counterpart in another Member State, for the latter to accept responsibility for the ACC3 designation of a given air carrier. In doing so, the concerned Member States shall promptly inform the Commission.

(d) The Commission will inform the appropriate authority of the United Kingdom about the Member States taking over the responsibility of its ACC3 designations.

(e) The appropriate authority of the United Kingdom shall make available to the appropriate authority of the receiving Member State, copy of the necessary documentation on which basis it had designated the air carriers listed in point (a) as ACC3. This shall include, at least, the complete validation report, the security programme and if applicable, the roadmap that was agreed with the relevant air carrier.

(f) Provided the obligations in point (e) are satisfied, the transfer of responsibility for ACC3 designations shall occur on the day of withdrawal of the United Kingdom from the European Union.

(g) ACC3 designations of air carriers operating exclusively to the United Kingdom shall be discontinued.

(h) ACC3 designations transferred shall remain valid until their expiry and the receiving Member State takes over the responsibilities and obligations described in this Regulation.

(i) The Commission will facilitate the administrative transition including the listing of the ACC3 details into the Union database on supply chain security.