Commission Implementing Regulation (EU) 2017/815 of 12 May 2017 amending Implementing Regulation (EU) 2015/1998 as regards clarification, harmonisation and simplification of certain specific aviation security measures (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/815

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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) Experience with the implementation of Commission Implementing Regulation (EU) 2015/1998[(2)] has shown the need for minor amendments to the implementing modalities of certain common basic standards. The changes proposed in the attached texts do not create any substantial new requirements but facilitate the practical implementation of the EU aviation security measures and are based on input received from Member States and aviation security stakeholders.

(2) Certain specific aviation security measures should be clarified, harmonised or simplified in order to improve legal clarity, standardise the common interpretation of the legislation and further ensure the best implementation of the common basic standards on aviation security.

(3) The amendments concern the implementation of a limited number of measures in relation to airport security, aircraft security, screening of liquids aerosols and gels, hold baggage, cargo and mail, in-flight supplies, staff recruitment and training, and security equipment.

(4) Following the entry into force of this Regulation regulated agents should be prohibited from designating further account consignors as recommended by State letter 16/85 of the International Civil Aviation Organization (ICAO). Before losing their status by 30 June 2021 at the latest, account consignors designated before the entry into force of this Regulation should have the option of becoming regulated agents or known consignors.

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/815. (See end of Document for details)*

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

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*.

It shall apply from 1 June 2017.

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

Done at Brussels, 12 May 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/815. (See end of Document for details)*

ANNEX

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

(1) point 1.0.3 is replaced by the following:

1.0.3 Without prejudice to the criteria for derogations as set out in Part K of the Annex to Commission Regulation (EC) No 272/2009[3], the appropriate authority may allow special security procedures or exemptions for the protection and security of airside areas at airports on days on which there is not more than one aircraft to be loaded, unloaded, boarded or disembarked at any one time either within the critical part of the security restricted area or at an airport that falls outside of the scope of point 1.1.3.;

(2) point 1.1.3.1 is replaced by the following:

1.1.3.1 Critical parts shall be established at airports where more than 60 persons hold airport identification cards giving access to security restricted areas.;

(3) in point 1.2.6.2, the second paragraph is deleted;

(4) point 1.2.6.3 is replaced by the following:

1.2.6.3 An electronic vehicle pass shall, either:

(a) be fixed to the vehicle in a manner which ensures that it is non-transferable; or

(b) be linked to the registered vehicle user through a secure vehicle registration database.

Electronic vehicle passes need not display the areas for which the vehicle is authorised to have access nor the expiry date, provided that this information is electronically readable and checked before granting access to security restricted areas. Electronic vehicle passes shall also be electronically readable in security restricted areas.;

(5) point 1.3.1.8 is replaced by the following:

1.3.1.8 Animals used for operational needs and handled by a person carrying a valid airport identification card shall be subjected to a visual check before access to security restricted areas is granted.;

(6) the following point 1.3.1.9 is added:

1.3.1.9 The screening of persons other than passengers and items carried shall also be subject to the additional provisions laid down in Commission Implementing Decision C(2015) 8005.;

(7) point 1.6.4 is replaced by the following:

1.6.4 Reconciliation shall be performed before the person is allowed to carry the article(s) concerned into security restricted areas and upon being challenged by persons performing surveillance or patrols under point (c) of point 1.5.1.;

(8) point 3.0.6 is replaced by the following:

3.0.6 The list of prohibited articles for aircraft security searches of the interior of aircraft is the same as the one set out in Attachment 1-A. Assembled explosive

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/815. (See end of Document for details)*

and incendiary devices shall be considered as prohibited articles for aircraft security searches of the exterior of aircraft.;

(9) the following points 3.0.7 and 3.0.8 are added:

3.0.7 For the purpose of this Chapter, 'aircraft service panels and hatches' means aircraft external access points and compartments that have external handles or external clip-down panels and are routinely used for providing aircraft ground handling services.

3.0.8 References to third countries in this Chapter and in Commission Implementing Decision C(2015) 8005 include 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.;

(10) point 4.1.3.1 is replaced by the following:

4.1.3.1 LAGs carried by passengers may be exempted from screening with LEDS equipment upon entry to the SRA in the following cases:

(a) if the LAGs are in individual containers with a capacity not greater than 100 millilitres or equivalent in one transparent resealable plastic bag of a capacity not exceeding 1 litre, whereby the contents of the plastic bag fit comfortably and the bag is completely closed;

(b) if the LAG is sealed in a dedicated STEB upon purchase locally at the airport airside.;

(11) point 4.1.3.2 is replaced by the following:

4.1.3.2 The dedicated STEBs referred to under point (b) of point 4.1.3.1 shall:

(a) be clearly identifiable as a STEB of that airport; and

(b) display inside proof of purchase at that airport within the preceding period of three hours; and

(c) be subject to the additional provisions laid down in Commission Implementing Decision C(2015) 8005.;

(12) point 4.1.3.3 is replaced by the following:

4.1.3.3 The appropriate authority may create categories of LAGs that, for objective reasons, shall be subjected to special screening procedures or may be exempted from screening. The Commission shall be informed of the categories created.;

(13) the following point 4.1.3.4 is added:

4.1.3.4 The screening of LAGs shall also be subject to the additional provisions laid down in Commission Implementing Decision C(2015) 8005.;

(14) point 5.4.3 is replaced by the following:

5.4.3 The air carrier shall ensure that passengers are informed of the prohibited articles listed in Attachment 5-B at any time before the check-in is completed.;

(15) in point 6.2.1.5, the second paragraph is deleted;

(16) point 6.3.2.2 is replaced by the following:

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6.3.2.2 The regulated agent or air carrier shall ask the person delivering any consignments to present an identity card, passport, driving licence or other document, which includes his or her photograph and which has been issued or is recognised by the national authority. The card or document shall be used to establish the identity of the person delivering the consignments.;

(17) point 6.3.2.4 is replaced by the following:

6.3.2.4 After the security controls referred to in points from 6.3.2.1 to 6.3.2.3 of this Annex and point 6.3 of the Annex to Commission Implementing Decision C(2015) 8005 have been applied, the regulated agent shall ensure the protection of cargo and mail in accordance with point 6.6.;

(18) point 6.3.2.6 (e) is replaced by the following:

(e) the reason why the security status was issued, stating:

(i) 'KC', meaning received from known consignor; or

(ii) 'AC', meaning received from account consignor; or

(iii) 'RA', meaning selected by a regulated agent; or

(iv) the means or method of screening used, as follows:
— hand search (PHS);
— X-ray equipment (XRY);
— EDS equipment (EDS);
— explosive detection dogs (EDD)
— ETD equipment (ETD);
— visual check (VCK);
— metal detection equipment (CMD);
— any other method (AOM) in accordance with point 6.2.1.6 where the method used shall be specified; or

(v) the grounds for exempting the consignment from screening;;

(19) in point 6.4.1.2, points (a) and (b) are replaced by the following:

(a) the applicant shall seek approval from the appropriate authority of the Member State in which its site is located.

The applicant shall submit a security programme to the appropriate authority concerned. The programme shall describe the methods and procedures which are to be followed by the consignor in order to comply with the requirements of Regulation (EC) No 300/2008 and its implementing acts. The programme shall also describe how compliance with these methods and procedures is to be monitored by the consignor itself.

The applicant shall be provided with the 'Guidance for known consignors' as contained in Attachment 6-B and the 'Validation checklist for known consignors' as contained in Attachment 6-C;

(b) the appropriate authority, or EU aviation security validator acting on its behalf, shall examine the security programme and then make an on-site verification of the sites specified in order to assess whether the applicant