Commission Implementing Regulation (EU) No 687/2014 of 20 June 2014 amending Regulation (EU) No 185/2010 as regards clarification, harmonisation and simplification of aviation security measures, equivalence of security standards and cargo and mail security measures (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 687/2014

of 20 June 2014

amending Regulation (EU) No 185/2010 as regards clarification, harmonisation and simplification of aviation security measures, equivalence of security standards and cargo and mail security measures

(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 Regulation (EU) No 185/2010[(2)] has shown the need for amendments to the implementing modalities of certain common basic standards.

(2) Certain specific aviation security measures should be clarified, harmonised or simplified in order to improve legal clarity, so as to avoid diverging interpretations 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 prohibited articles, aircraft security, security controls for cargo, mail, in-flight and airport supplies and security equipment.

(4) In accordance with Commission Regulation (EC) No 272/2009[(3)], the Commission should recognise the equivalence of aviation security standards of third countries and other countries and territories to which Title VI of the TFEU does not apply under the condition that the criteria set out in that Regulation are met.

(5) The Commission has verified that airports located in Guernsey, Isle of Man and Jersey fulfil the criteria set out in Part E of the Annex to Regulation (EC) No 272/2009.

(6) Regulation (EU) No 185/2010 lists in its Annex the third countries and other countries and territories to which Title VI of the TFEU does not apply recognised as applying security standards equivalent to the common basic standards that Regulation (EC) No 272/2009 establishes.

Changes to legislation: Commission Implementing Regulation (EU) No 687/2014 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(7) Commission Regulation (EEC) No 2454/93[4] and Regulation (EU) No 185/2010 both lay down similar security requirements for entities operating in the cargo and mail supply chain.

(8) The security requirements for the aviation security regulated agent and known consignor programme defined in Regulation (EU) No 185/2010 and for the customs Authorized Economic Operator programme defined in Regulation (EEC) No 2454/93 should be further aligned in order to allow for mutual recognition to facilitate the concerned industry and government authorities while at the same time maintaining current security levels.

(9) Regulation (EU) No 185/2010 should therefore be amended accordingly.

(10) 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 Regulation (EU) No 185/2010 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*.

Point 5(o) of the Annex shall apply as of 1 July 2014.

Points 10(b) and 11(b) of the Annex shall apply from 1 March 2015.

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

Done at Brussels, 20 June 2014.

For the Commission

The President

José Manuel BARROSO

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ANNEX

The Annex to Regulation (EU) No 185/2010 is amended as follows:

(1) Chapter 1 is amended as follows:

(a) the following point 1.0.5 is added:

1.0.5. References to third countries in this chapter and where applicable in a separate Commission Decision 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 that Treaty does not apply.;

(b) point 1.3.1.7 is deleted;

(c) the following point 1.6 is added:

1.6. PROHIBITED ARTICLES

1.6.1. Persons other than passengers shall not be permitted to carry into security restricted areas the articles listed in Attachment 1-A.

1.6.2. An exemption to point 1.6.1 may be granted on condition that the person is authorised to carry prohibited articles into security restricted areas in order to undertake tasks that are essential for the operation of airport facilities or of aircraft, or for performing in-flight duties.

1.6.3. In order to allow reconciliation of the person authorised to carry one or more articles as listed in Attachment 1-A with the article carried:

(a) the person shall have an authorisation and shall carry it. The authorisation shall either be indicated on the identification card that grants access to security restricted areas or on a separate declaration in writing. The authorisation shall indicate the article(s) that may be carried, either as a category or as a specific article. If the authorisation is indicated on the identification card, then it shall be recognisable on a need-to-know basis; or

(b) a system shall be in place at the security checkpoint indicating which persons are authorised to carry which article(s), either as a category or as a specific article.

Reconciliation shall be performed before the person is allowed to carry the article(s) concerned into security restricted areas or on board an aircraft, or upon being challenged by persons performing surveillance or patrols under point 1.5.1 (c).

1.6.4. Articles as listed in Attachment 1-A may be stored in security restricted areas provided they are kept in secure conditions. Articles as listed in points (c), (d) and (e) of Attachment 4-C may be stored in security restricted areas provided they are not accessible to passengers.;

(d) the following Attachment 1-A is added:
‘ATTACHMENT 1-APERSONS OTHER THAN PASSENGERS
LIST OF PROHIBITED ARTICLES

(a) *guns, firearms and other devices that discharge projectiles* — devices capable, or appearing capable, of being used to cause serious injury by discharging a projectile, including:

— firearms of all types, such as pistols, revolvers, rifles, shotguns,

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— toy guns, replicas and imitation firearms capable of being mistaken for real weapons,
— component parts of firearms, excluding telescopic sights,
— compressed air and CO_2 guns, such as pistols, pellet guns, rifles and ball bearing guns,
— signal flare pistols and starter pistols,
— bows, cross bows and arrows,
— harpoon guns and spear guns,
— slingshots and catapults;

(b) *stunning devices* — devices designed specifically to stun or immobilise, including:
— devices for shocking, such as stun guns, tasers and stun batons,
— animal stunners and animal killers,
— disabling and incapacitating chemicals, gases and sprays, such as mace, pepper sprays, capsicum sprays, tear gas, acid sprays and animal repellent sprays;

(c) *explosives and incendiary substances and devices* — explosives and incendiary substances and devices capable, or appearing capable, of being used to cause serious injury or to pose a threat to the safety of aircraft, including:
— ammunition,
— blasting caps,
— detonators and fuses,
— replica or imitation explosive devices,
— mines, grenades and other explosive military stores,
— fireworks and other pyrotechnics,
— smoke-generating canisters and smoke-generating cartridges,
— dynamite, gunpowder and plastic explosives;

(d) any other article capable of being used to cause serious injury and which is not commonly used in security restricted areas, e.g. martial arts equipment, swords, sabres, etc.';

(2) Chapter 3 is amended as follows:

(a) the following point 3.0.6 is added:

3.0.6. References to third countries in this chapter and where applicable in a separate Commission Decision 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 that Treaty does not apply.;

(b) point 3.2.1.1 is replaced by the following:

3.2.1.1. Regardless of where an aircraft is parked at an airport, each of its external doors shall be protected against unauthorised access by:

(a) ensuring that persons seeking to gain unauthorised access are challenged promptly; or

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(b) having the external door closed. Where the aircraft is in a critical part, external doors that are not accessible by a person from the ground shall be considered closed if access aids have been removed and placed sufficiently far from the aircraft as to reasonably prevent access by a person; or

(c) having electronic means which will immediately detect unauthorised access; or;

(d) having an electronic airport identification card access system at all doors leading directly to the passenger boarding bridge, adjacent to an open aircraft door, which only allows access for persons that are trained in accordance with point 11.2.3.7. Such persons must ensure that unauthorised access is prevented, during their use of the door.;

(c) Attachment 3-B is replaced by the following:
'ATTACHMENT 3-BAIRCRAFT 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 THAT TREATY DOES NOT APPLY, RECOGNISED AS APPLYING SECURITY STANDARDS EQUIVALENT TO THE COMMON BASIC STANDARDS.

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 that Treaty does not apply, have been recognised as applying security standards equivalent to the common basic standards:

United States of America
Faroe Islands, in regard to Vagar airport
Greenland, in regard to Kangerlussuaq airport
Guernsey
Jersey
Isle of Man

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.';

(3) Chapter 4 is amended as follows:

(a) the following point 4.0.5 is added:

4.0.5. References to third countries in this chapter and where applicable in a separate Commission Decision 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 that Treaty does not apply.;

(b) Attachment 4-B is replaced by the following: