Commission Implementing Regulation (EU) No 278/2014 of 19 March 2014 amending Regulation (EU) No 185/2010 as regards clarification, harmonisation and simplification of the use of explosive trace detection (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 278/2014

of 19 March 2014

amending Regulation (EU) No 185/2010 as regards clarification, harmonisation and simplification of the use of explosive trace detection

(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 of[(2)] has shown the need for revision of the implementing modalities of the common basic standards for the use of Explosive Trace Detection (ETD) techniques.

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

(3) The amendments concern measures describing the permitted use of ETD in relation to the screening of passengers, persons other than passengers, cabin baggage, hold baggage, cargo, mail, in-flight supplies and airport supplies and technical requirements for ETD security equipment.

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

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

***Changes to legislation:** Commission Implementing Regulation (EU) No 278/2014 is up to date with all changes known to be in force on or before 15 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*

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

Done at Brussels, 19 March 2014.

For the Commission

The President

José Manuel BARROSO

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ANNEX

1. Chapter 4 is amended as follows:

(a) Point 4.1.1.2 is replaced by the following:

4.1.1.2. Passengers shall be screened by at least one of the following methods:

(a) hand search;

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

(c) explosive detection dogs;

(d) explosive trace detection (ETD) equipment;

(e) security scanners which do not use ionising radiation;

(f) ETD equipment combined with hand held metal detection (HHMD) equipment.

Where the screener cannot determine whether or not the passenger is carrying prohibited articles, the passenger shall be denied access to security restricted areas or rescreened to the screener's satisfaction.

(b) Point 4.1.1.9 is replaced by the following:

4.1.1.9 Explosive detection dogs and ETD equipment may only be used as a supplementary means of screening.

(c) Point 4.1.2.3 is replaced by the following:

4.1.2.3 Cabin baggage shall be screened by at least one of the following methods:

(a) a hand search;

(b) x-ray equipment;

(c) explosive detection systems (EDS) equipment;

(d) explosive detection dogs in combination with point (a);

(e) ETD equipment.

Where the screener cannot determine whether or not the cabin baggage contains any prohibited articles, it shall be rejected or rescreened to the screener's satisfaction.

2. Chapter 6 is amended as follows:

(a) The following points 6.2.1.5 and 6.2.1.6 are added:

6.2.1.5 Cargo and mail shall be screened by at least one of the following methods in accordance with Attachment 6-J:

(a) hand search;

(b) x-ray equipment;

(c) EDS equipment;

(d) explosive detection dogs (EDD);