Commission Implementing Regulation (EU) No 1116/2013 of 6 November 2013 amending Regulation (EU) No 185/2010 as regards clarification, harmonisation and simplification of certain specific aviation security measures (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 1116/2013

of 6 November 2013

amending Regulation (EU) No 185/2010 as regards clarification, harmonisation and simplification of certain specific aviation 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 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security[(2)] has shown the need for small 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, 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 access control, aircraft security, screening of cabin baggage and hold baggage, security controls for cargo, mail, in-flight and airport supplies, training of persons and 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.

Changes to legislation: Commission Implementing Regulation (EU) No 1116/2013 is up to date with all changes known to be in force on or before 17 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

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*.

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

Done at Brussels, 6 November 2013.

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 1.0.4 is added:

1.0.4. "Items carried by persons other than passengers" are belongings intended for the personal use of the person that carries them.;

(b) the following sentence is added at the end of point 1.2.1.1:

Guided tours of the airport escorted by authorised persons shall be considered to have a legitimate reason.;

(c) the following sentence is added at the end of point 1.2.2.1:

Guided tours of the airport escorted by authorised persons shall be considered to have a legitimate reason.;

(d) the following sentence is added at the end of point 1.2.7.2:

A person may be exempted from the requirement to be escorted if that person displays an authorisation and is a holder of a valid airport identification card.;

(e) the following point 1.2.7.5 is added:

1.2.7.5. Whenever a passenger does not travel as a result of an air carriage contract resulting in the delivery of a boarding pass or equivalent, a crew member escorting this passenger may be exempted from the requirements of point 1.2.7.3(a).;

(f) point 1.3.1.5 is replaced by the following:

1.3.1.5. points 4.1.2.4-4.1.2.7 and 4.1.2.11 shall apply to the screening of items carried by persons other than passengers.;

(2) Chapter 3 is amended as follows:

(a) point 3.1.1.3 is replaced by the following:

3.1.1.3. An aircraft arriving into a critical part from a third country not listed in Attachment 3-B shall be subjected to an aircraft security search any time after passenger disembarkation from the area to be searched and/or the unloading of the hold.;

(b) point 3.1.3 is amended as follows:

(i) the second and fourth indent are deleted;

(ii) the third indent is replaced by the following:
— origin of the previous flight.;

(c) point 3.2.1.1(b) is replaced by the following:

(b) having its external doors 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

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and placed sufficiently far from the aircraft as to reasonably prevent access by a person; or;

(d) the second sentence of point 3.2.2.1 is replaced by the following:

Point (a) shall not apply for a door that is accessible from the ground by a person.;

(e) point 3.2.2.2 is replaced by the following:

3.2.2.2 Where access aids are removed for doors that are not accessible by a person from the ground, they shall be placed sufficiently far from the aircraft as to reasonably prevent access.;

(3) Attachment 3-B is replaced by the following:
ATTACHMENT 3-BAIRCRAFT SECURITY*THIRD COUNTRIES, AS WELL AS OVERSEAS COUNTRIES AND TERRITORIES WITH SPECIAL RELATIONS TO THE UNION ACCORDING TO THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND TO WHICH THE TRANSPORT TITLE 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 overseas countries and territories with special relations to the union according to the treaty on the functioning of the European union and to which the transport title of that treaty does not apply, have been recognised as applying security standards equivalent to the common basic standards:
United States of America

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 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 is re-established.;

(4) in Chapter 4, point 4.1.2.11 is replaced by the following:

4.1.2.11. Persons screening cabin baggage by x-ray or EDS equipment shall normally not spend more than 20 minutes continuously reviewing images. After each of these periods, the screener shall not review images for at least 10 minutes. This requirement shall only apply when there is an uninterrupted flow of images to be reviewed.

There shall be a supervisor responsible for screeners of cabin baggage in order to assure optimum team composition, quality of work, training, support and appraisal.;

(5) Attachment 4-B is replaced by the following:
ATTACHMENT 4-BPASSENGERS AND CABIN BAGGAGE*THIRD COUNTRIES, AS WELL AS OVERSEAS COUNTRIES AND TERRITORIES WITH SPECIAL RELATIONS TO THE UNION ACCORDING TO THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND TO WHICH THE TRANSPORT TITLE OF THAT TREATY DOES NOT APPLY, RECOGNISED AS APPLYING SECURITY STANDARDS EQUIVALENT TO THE COMMON BASIC STANDARDS*

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As regards passengers and cabin baggage, the following third countries, as well as overseas countries and territories with special relations to the union according to the treaty on the functioning of the European union and to which the transport title of that treaty does not apply, have been recognised as applying security standards equivalent to the common basic standards.

United States of America

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 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 is re-established.;

(6) in Chapter 5, the following point 5.1.7 is added:

5.1.7. Persons screening hold baggage by x-ray or EDS equipment shall normally not spend more than 20 minutes continuously reviewing images. After each of these periods, the screener shall not review images for at least 10 minutes. This requirement shall only apply when there is an uninterrupted flow of images to be reviewed.

There shall be a supervisor responsible for screeners of hold baggage in order to assure optimum team composition, quality of work, training, support and appraisal.;

(7) Attachment 5-A is replaced by the following:

ATTACHMENT 5-AHOLD BAGGAGE*THIRD COUNTRIES, AS WELL AS OVERSEAS COUNTRIES AND TERRITORIES WITH SPECIAL RELATIONS TO THE UNION ACCORDING TO THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND TO WHICH THE TRANSPORT TITLE OF THAT TREATY DOES NOT APPLY, RECOGNISED AS APPLYING SECURITY STANDARDS EQUIVALENT TO THE COMMON BASIC STANDARDS*

As regards hold baggage, the following third countries, as well as overseas countries and territories with special relations to the union according to the treaty on the functioning of the European union and to which the transport title of that treaty does not apply, have been recognised as applying security standards equivalent to the common basic standards.

United States of America

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 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 is re-established.;

(8) Chapter 6 is amended as follows:

(a) in points 6.3.1.2 (c), 6.3.1.2 (d), 6.3.1.5, 6.4.1.2 (c), 6.4.1.2 (e), 6.4.1.5, 6.8.1.4, 6.8.1.5, 6.8.4.1, 6.8.5.1.2, 6.8.5.1.3, 6.8.5.2, attachment 6-A,