Commission Implementing Regulation (EU) No 654/2013 of 10 July 2013 amending Regulation (EU) No 185/2010 in respect of EU aviation security validation checklists for third country entities (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 654/2013

of 10 July 2013

amending Regulation (EU) No 185/2010 in respect of EU aviation security validation checklists for third country entities

(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 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 (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security[(2)] contains detailed rules for EU aviation security validation.

(2) Checklists are the instrument to be used by the EU aviation security validator for assessing the level of security applied to EU/EEA bound air cargo or air mail. It is necessary to add two further checklists to the existing ones in order to establish full implementation of the EU aviation security validation regime.

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

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security set up by Article 19(1) of Regulation (EC) No 300/2008.

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 date 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.

Changes to legislation: Commission Implementing Regulation (EU) No 654/2013 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

Done at Brussels, 10 July 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) The following Attachment is inserted after Attachment 6-C:

ATTACHMENT 6-C2 VALIDATION CHECKLIST FOR THIRD COUNTRY EU AVIATION SECURITY VALIDATED REGULATED AGENTS

Third country entities have the option to become part of an ACC3's (*Air cargo or mail carrier operating into the Union from a third country airport*) secure supply chain by seeking designation as a third country EU aviation security validated Regulated Agent (RA3). An RA3 is a cargo handling entity located in a third country that is validated and approved as such on the basis of an EU aviation security validation.

An RA3 shall ensure that security controls including screening where applicable have been applied to consignments bound for the European Union and the consignments have been protected from unauthorised interference from the time that those security controls were applied and until the consignments are loaded onto an aircraft or are otherwise handed over to an ACC3 or other RA3.

The prerequisites for carrying air cargo or air mail into the Union[(3)] or Iceland, Norway and Switzerland are required by Regulation (EU) No 185/2010.

The checklist is the instrument to be used by the EU aviation security validator for assessing the level of security applied to EU/EEA bound air cargo or air mail[(4)] by or under the responsibility of the entity seeking designation as an RA3. The checklist is to be used only in the cases specified in point 6.8.4.1(b) of the Annex to Regulation (EU) No 185/2010. In the cases specified in point 6.8.4.1(a) of that Annex, the EU aviation security validator shall use the ACC3 checklist.

If the EU aviation security validator concludes that the entity has succeeded in complying with the objectives referred to in this checklist, a validation report shall be given to the validated entity. The validation report shall state that the entity is designated Third Country EU aviation security validated Regulated Agent (RA3). The RA3 shall be able to use the report in its business relations with any ACC3. Integral parts of the validation report shall include at least all of the following:

(a) the completed checklist (attachment 6-C2 set out in the Annex to Regulation (EU) No 185/2010) signed by the EU aviation security validator and where applicable commented by the validated entity;

(b) the declaration of commitments (Attachment 6-H2 set out in the Annex to Regulation (EU) No 185/2010) signed by the validated entity;

(c) an independence declaration (Attachment 11-A set out in the Annex to Regulation (EU) No 185/2010) in respect of the entity validated signed by the EU aviation security validator.

Page numbering, the date of the EU aviation security validation and initialling on each page by the validator and the validated entity shall be the proof of the validation report's integrity. By default, the validation report shall be in English.

Part 5 – Screening and Part 6 – High risk cargo or mail (HRCM) shall be assessed against the requirements of Chapters 6.7 and 6.8 of the Annex to Regulation (EU) No 185/2010. For those parts that cannot be assessed against the requirements of Regulation (EU) No 185/2010, baseline standards are the Standards

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and Recommended Practices (SARPs) of Annex 17 to the Convention on International Civil Aviation and the guidance material contained in the ICAO Aviation Security Manual (Doc 8973-Restricted).

If the EU aviation security validator concludes that the entity has failed to comply with the objectives referred to in this checklist, the entity shall receive a copy of the completed checklist stating the deficiencies.

Completion notes:

(1) All parts of the checklist must be completed. Where no information is available, this must be explained.

(2) After each part, the EU aviation security validator shall conclude if and to what extent the objectives of this part are met.

PART 1

Identification of the entity validated and the validator

1.1. Date(s) of validation	
Use exact date format, such as 01.10.2012 to 02.10.2012	
dd/mm/yyyy	
1.2. Date of previous validation where applicable	
dd/mm/yyyy	
Previous RA3 registration number, where available	
AEO certificate/C-TPAT status/other certifications, where available	
1.3. Aviation security validator information	
Name	
Company/Organisation/Authority	
Unique Alphanumeric Identifier (UAI)	
E-mail address	
Telephone number – including international codes	
1.4. Name of entity	
Name	
Company number (e.g. commercial register identification number, if applicable)	
Number/Unit/Building	
Street	
Town	
Postcode	

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State (where relevant)	
Country	
P.O. Box address, if applicable	
1.5. Main address of organisation (if different from site to be validated)	
Number/Unit/Building	
Street	
Town	
Postcode	
State (where relevant)	
Country	
P.O. Box address, if applicable	
1.6. Nature of business – More than one business type may be applicable	
a) air cargo only b) air and other modes of transport c) freight forwarder with cargo premises d) freight forwarder without cargo premises e) handling agent f) others	
1.7. Does the applicant …?	
a) receive cargo from another 3rd country regulated agent	
b) receive cargo from 3rd country known consignors	
c) receive cargo from 3rd country account consignors	
d) receive exempted cargo	
e) screen cargo	
f) store cargo	
g) other, please specify	
1.8. Approximate number of employees on site	
Number	
1.9. Name and title of person responsible for third country air cargo/air mail security	
Name	