# Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council

## COMMISSION REGULATION (EC) No 272/2009

## of 2 April 2009

## supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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(2) thereof,

Whereas:

(1) The Commission is required by Article 4(2) of Regulation (EC) No 300/2008 to adopt general measures designed to amend non-essential elements of the common basic standards on civil aviation security laid down in the Annex to that Regulation by supplementing them.

(2) Article 4(3) of Regulation (EC) No 300/2008 further provides that the Commission must adopt detailed measures for implementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008, as supplemented by the general measures adopted by the Commission on the basis of Article 4(2).

(3) General measures supplementing the common basic standards on civil aviation security should therefore be adopted in the field of screening, access control and other security controls as well as in the field of prohibited articles, third country recognition of equivalence, staff recruitment, training, special security procedures and exemptions from security controls.

(4) These general measures are necessary in order to achieve a level of aviation security within the European Union that is equivalent to the standards required by Regulation (EC) No 2320/2002[(2)], which was repealed by Regulation (EC) No 300/2008.

(5) In accordance with Article 24 of Regulation (EC) No 300/2008, the Annex to the said Regulation shall apply as from the date to be specified in the implementing rules, but not later than 24 months after the entry into force of Regulation (EC) No 300/2008. Therefore, the application of the general measures adopted pursuant to Article 4(2) of Regulation (EC) No 300/2008 should be deferred until the adoption of implementing rules pursuant to Article 4(3), but not later than 29 April 2010.

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EC) No 272/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) Methods, including technologies, for detection of liquid explosives should be deployed on an EU-wide basis at airports as swiftly as possible and no later than 29 April 2010, thus allowing passengers to carry harmless liquids without restrictions. If it is not possible to deploy methods, including technologies, for the detection of liquid explosives on an EU-wide basis in time, the Commission will propose the necessary addition to the categories of items that may be prohibited (Part B of the Annex). If the deployment of methods, including technologies, is not possible at certain airports for objective reasons, modalities to allow liquids to be carried without compromising standards of security will be specified by the Commission in implementing measures.

(7) 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*

This Regulation provides for general measures to supplement the common basic standards set out in the Annex to Regulation (EC) No 300/2008 in order to:

(a) allow methods of screening as laid down in part A of the Annex;

(b) prohibit categories of articles as laid down in part B of the Annex;

(c) provide grounds for granting access to airside and security restricted areas as laid down in part C of the Annex;

(d) allow methods for the examination of vehicles, aircraft security checks and aircraft security searches as laid down in part D of the Annex;

(e) establish criteria for recognising the equivalence of security standards of third countries as laid down in part E of the Annex;

(f) set the conditions under which cargo and mail shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated agents, known consignors and account consignors as laid down in part F of the Annex;

(g) set the conditions under which air carrier mail and air carrier materials shall be screened or subjected to other security controls as laid down in part G of the Annex;

(h) set the conditions under which in-flight supplies and airport supplies shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated suppliers and known suppliers as laid down in part H of the Annex;

(i) establish criteria for defining critical parts of security restricted areas as laid down in part I of the Annex;

(j) establish criteria applicable for the recruitment of persons who will implement, or will be responsible for the implementation of, screening, access control or other security controls and instructors as well as the methods of training of those persons and persons who will be issued with an airport identification card or crew identification card as laid down in part J of the Annex; and

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(k) set the conditions under which special security procedures or exemptions from security controls may be applied as laid down in part K of the Annex.

*Article 2*

For the purposes of this Regulation, the following definitions shall apply:

1. ‘airport supplies’ means all items intended to be sold, used or made available in security restricted areas of airports;

2. ‘in-flight supplies’ means all items other than:

   (a) cabin baggage;

   (b) items carried by persons other than passengers; and

   (c) air carrier mail and air carrier materials;

   intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew during a flight;

3. ‘regulated supplier of in-flight supplies’ means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of in-flight supplies directly to aircraft;

4. ‘known supplier of in-flight supplies’ means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft;

5. ‘known supplier of airport supplies’ means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of airport supplies to security restricted areas.

*Article 3*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply as from the date specified in the implementing rules adopted in accordance with the procedure referred to in Article 4(3) of Regulation (EC) No 300/2008, but not later than 29 April 2010.

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

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ANNEX

PART A.

**Methods of screening allowed**

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of the following methods of screening, individually or in combination, as a primary or secondary means and under defined conditions:

1. For the screening of persons:

   (a) hand search;

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

   (c) hand-held metal detection (HHMD) equipment;

   (d) explosive detection dogs; and

   (e) explosive trace detection (ETD) equipment**[**F1;**]**

   (f) **[**F2security scanners which do not use ionising radiation.**]**

2. **[**F3For the screening of cabin baggage, items carried by persons other than passengers, air carrier mail and air carrier materials except when to be loaded into the hold of an aircraft, in-flight supplies and airport supplies:

   (a) hand search;

   (b) visual check;

   (c) x-ray equipment;

   (d) explosive detection systems (EDS) equipment;

   (e) explosive detection dogs (EDD);

   (f) explosive trace detection (ETD) equipment; and

   (g) liquid explosive detection systems (LEDS) equipment.**]**

3. For the screening of hold baggage, cargo and mail as well as air carrier mail and air carrier materials to be loaded into the hold of an aircraft:

   (a) hand search;

   (b) visual check;

   (c) x-ray equipment;

   (d) explosive detection systems (EDS) equipment;

   (e) explosive detection dogs;

   (f) **[**F4explosive trace detection (ETD) equipment;

   (g) simulation chamber; and**]**

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(h) **[**[F5]metal detection equipment.**]**

**Textual Amendments**

**F1** Substituted by Commission Regulation (EU) No 1141/2011 of 10 November 2011 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security as regards the use of security scanners at EU airports (Text with EEA relevance).

**F2** Inserted by Commission Regulation (EU) No 1141/2011 of 10 November 2011 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security as regards the use of security scanners at EU airports (Text with EEA relevance).

**F3** Substituted by Commission Regulation (EU) No 245/2013 of 19 March 2013 amending Regulation (EC) No 272/2009 as regards the screening of liquids, aerosols and gels at EU airports (Text with EEA relevance).

**F4** Substituted by Commission Regulation (EU) No 297/2010 of 9 April 2010 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security (Text with EEA relevance).

**F5** Inserted by Commission Regulation (EU) No 297/2010 of 9 April 2010 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security (Text with EEA relevance).

In order to evaluate methods of screening using new technologies not foreseen at the time of adoption of this Regulation, the implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of other methods on a trial basis and for a limited period of time on condition that such trials do not prejudice the overall levels of security.

## PART B.

## Categories of articles that may be prohibited

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may prohibit, under defined conditions, the introduction of any or all of the following categories of articles into security restricted areas and on board an aircraft:

(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;

(b) *stunning devices* – devices designed specifically to stun or immobilise;

(c) *objects with a sharp point or sharp edge* – objects with a sharp point or sharp edge capable of being used to cause serious injury;

(d) *workmen's tools* – tools capable of being used either to cause serious injury or to threaten the safety of aircraft;

(e) *blunt instruments* – objects capable of being used to cause serious injury when used to hit; and

(f) *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.