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EUROPEAN AIR TRANSPORT INDUSTRY POLICY PAPER
on
Civil Aviation Security

Providing a safe and secure air transport system is an utmost priority for the air transport industry. With the EU regulatory framework in civil aviation security being revised with the adoption of a legislative proposal (COM(2005)429) by the European Commission, the air transport industry calls for the following issues to be addressed:

1. **Consultation of industry stakeholders:** The air transport industry must be fully consulted on proposed aviation security measures throughout the rule-making process. To facilitate this important dialogue, Europe's air transport industry calls for its formal involvement in the development of new security requirements through the establishment of an Industry Consultation Body. Today, the status of such a body is only informal, existing as the Stakeholders' Advisory Group on Aviation Security (SAGAS). This Body should be formalised to establish an official consultative body that would serve to advise the European Commission and EU Member State governments on the technical and operational details of implementing rules in aviation security. **An Industry Consultation Body should be established in the proposed Regulation as a new specific article.**

2. **Risk and impact assessment:** Impact assessment must be conducted during the conception of proposed aviation security rules and prior to their introduction in order to evaluate their effectiveness in addressing security risks and threats. Such an approach is imperative for achieving the European Commission's stated policy of making 'Better Regulation'[1]. **The overall objective must be to ensure that security resources target significant risks in the air transport system.** In this regard, it is essential to assess fully the nature of the risk or threat, the role and effectiveness of existing security measures, and if new rules are deemed necessary, the impact of the measures proposed in terms of producing an adequate and proportionate response or action to the risk or threat identified.

3. **Financing of aviation security measures:** The air transport industry considers that countering the threat of terrorism is a national security duty. In this regard, EU Member States must implement a comprehensive policy for financing security measures that in practice serve to protect Europe's citizens from threats of terrorism. **More stringent aviation security measures introduced nationally by EU Member States as a response to terrorist threats must be financed by national governments' general budget.** Furthermore, Europe's air transport industry strongly urges the European Commission, in line with the relevant Inter-institutional Declaration[2], to make proposals for the purpose of guiding EU Member States towards a responsible partnership in which both governments and the industry accept their respective responsibilities in protecting air transport operations, passengers and the general public.

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[1] Communication on Better Regulation for Growth and Jobs in the European Union (COM(2005) 97) and Communication on Impact Assessment (COM(2002) 276)

[2] Inter-institutional Declaration on Civil Aviation Security (Official Journal L355 of 30 December 2002)

4. **One Stop Security: Europe's air transport industry supports the objective of establishing an area of One Stop Security** within the European Union, whereby passengers, baggage, cargo and aircraft, having undergone the necessary security controls at one EU airport, need not repeat these security controls when transferring through another EU airport. This goal is now possible due to the establishment of common EU rules in aviation security. A reference to One Stop Security across the territories of the European Union should feature more prominently in EU legislation. Furthermore, providing for the opportunity to negotiate recognition agreements with third countries concerning aviation security measures is essential in order to expand One Stop Security beyond the European Union's borders. In this regard, the legislative proposal's Article 17 on Third Countries is welcome. The air transport industry supports the harmonization of aviation security measures.

The introduction of more stringent measures over and above the EU regulatory framework by individual Member States contradicts the goals of harmonising aviation security measures across the European Union and of establishing a One Stop Security area. Europe's air transport industry recognises that more stringent measures may be justified in due cases and in this regard supports the mechanisms set up by the legislative proposal in Articles 5 and 6 as a means of ensuring the relevance of such measures to addressing identified risks and threats. Any additional deterrent or preventative security measures being proposed by individual Member States must be deliberated in full consultation with industry stakeholders.

5. **Balance of power - Framework Regulation versus comitology[3]:** Europe's air transport industry considers that the **European Union's objectives in aviation security and the precise fields of competence in aviation security afforded to comitology should be decided through the EU co-decision process**, requiring the endorsement of the European Parliament and the Council. It is therefore necessary for the framework Regulation to provide unambiguous directions in each section of its Annex in order to define clearly the mandate afforded to the Regulatory Committee of EU Member States that adopts legislative acts on aviation security.

Europe's air transport industry recognizes and accepts the need for exact technical standards and procedures in security, necessary for complying with the overall objectives, to be addressed through comitology. This procedure will ensure that sensitive information is not made public and allow technical details to be amended swiftly in response to, for example, technological developments in security equipment or risks. This being the case, Europe's air transport industry reiterates the need for the establishment of an Industry Consultation Body in order to guarantee that industry stakeholders may share their experience and expertise with regulatory decision-makers. Furthermore, it is essential for Member States to make available to air transport operators the EU Regulations on aviation security that are adopted through comitology so that the industry can implement these requirements.

[3] Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission

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