1. Introduction

1.1. Following the 11 September 2001 terrorist attacks in the US the world is facing enormous uncertainty. The shock waves from those tragic events have spread throughout the world and ramifications are being felt in almost every facet of our lives.

1.2. Preventive and operational safety and security have assumed a higher profile than ever before and have been placed at the top of policymakers’ priority lists. It is noteworthy, however, that an internationally accepted definition of terrorism does not exist.

1.3. The need to enhance security worldwide is imperative and recognised by governments and industry alike. Perfect security is an impossible objective. In times of serious crisis there is a tendency to try to conceive every possible contingency and to find measures that could prevent that eventuality. However, no matter how serious the security threats may be, such intense security measures cannot be sustained for more than a few days at a time. In order to make sensible judgments about when to apply security measures, and their degree of intensity, it is necessary to better understand the types and likelihood of risks faced by the transport network.

1.4. In the aftermath of the 11 September the shipping and airline industries demonstrated their full support to the need to defeat terrorism and other threats to the security of ships and aircraft. Security is an issue where par excellence all links in the transport chain should be involved in order to achieve tangible results. All links should bear their share of responsibility, otherwise the ‘weakest link’ will be the target of terrorists in order to infiltrate into the system.

1.5. Maritime and civil aviation security is a global problem posed by terrorism and unlawful acts and as such it requires global attention and global solutions that only the respective international organisations, namely the International Maritime Organisation (IMO) and the International Civil Aviation Organisation (ICAO) can provide. Rail security appears to be largely focused on national level initiatives whilst terrorism in road and inland waterways transport has received relatively little attention. However, through the door-to-door concept involving several modes of transport all modes of transport are inevitably concerned by the increased security considerations. Hence, an interoperability of the integrated logistical chain is required.

2. The impact of security measures

2.1. Tighter security requirements and a series of surcharges have also affected the cost of transporting goods by sea and air. For international sea shipments, this has included notification requirements, more frequent Coast Guard inspections and tugboat escort obligations, which have resulted in increased costs and longer waiting times. For airfreight, higher security-related cost at airports led to the application of security charges, higher commercial insurance premia and war surcharges for certain sensitive regions.

2.2. A recent OECD Report (2) on the impact of the terrorist attacks of 11 September on international trade suggests that the cost of time delays, paperwork and compliance relating to border crossing ranged from 5 % to 13 % of the value of the goods involved and that ‘security measures could add a further 1 % to 3 % to these costs. It would be essential that governments avoid imposing disproportionate bureaucracy or costs. Furthermore, the costs that fall properly to governments should not be charged to transport providers’.

2.3. Shipping and civil aviation must continue to serve the flow of international trade effectively and efficiently and, to ensure this, ships, aircraft, airports and port facilities must adequately be prepared for the possibility of encountering terrorist attacks or other forms of criminal intentions. If security procedures become too stringent the business of transporting goods could grind almost to a halt, which would give terrorists the success they were seeking.

2.4. New security measures should be balanced in relation to the objectives they pursue, their costs and impact on traffic. Hence, it is necessary to consider carefully the proposals and assess whether they are realistic and practically feasible. They should not unduly restrain the personal human rights of the citizens nor the constitutional order of individual states, thus, serving the purpose of terrorists.

2.4.1. The cost and the distribution of cost of security measures should be based on estimates of reasonable measures that could be put in place in order to prevent or reduce the risk of terrorist attacks. The analysis should measure the actual cost of implementation, direct and indirect costs to transport providers and shippers (e.g. delays and additional equipment), impact on world trade and distortions on trading patterns (by trade being re-directed to areas of lesser security).

2.4.2. Unilateral measures are unacceptable, especially when they are applied asymmetrically and to the detriment of the interests of third countries. Unilateral and arbitrary measures should be avoided since they hamper world trade by raising bureaucratic as well as other obstacles, and eventually leading to distortions of competition and adverse economic effects.

2.4.3. Given the international character of maritime and air transport, security requirements should be based on reciprocal arrangements, uniformly applied and enforced without discrimination and must allow for the most efficient flow of trade.

2.4.4. Precautions against an attack will require information, hence, it will be a duty of all transport operators to pass any information or suspicions that they have to the authorities and keep informed their personnel.

2.4.5. Unavoidably, the enhancement of security will involve costly arrangements in terms of hardware (infrastructure and equipment) and software (manpower and training). Care should be taken to avoid disproportionate technical arrangements which may be seen as protectionist and promoting commercial interests. Furthermore the scope and level of measures should take into account any adverse implications on the performance of the human element (fatigue, stress, etc.). Transport workers are bound to be affected by the implementation of security measures. The European philosophy and culture sustains a strong respect for the human rights and any reaction to threats of terrorism should not disregard these long cherished principles.

2.4.6. There is an increasing danger of imposing upon ship and aircraft crews and on port authorities directly or indirectly policing responsibilities that normally fall upon government agencies. Such responsibilities are beyond their traditional duties and may expose them to physical risks and emotional stress.

3. Insurance implications

3.1. In the aftermath of the 11 September, insurance implications in sea and air transport have been tremendous. There was a total withdrawal of war risk cover by commercial insurers. When commercial war-risk cover was offered again, it was at more than ten times the cost that had previously existed. The insurance industry raised its premia by between 0.03 and 0.05 per cent ad valorem, but this partly offset the decline recorded in the last decade. Terrorism insurance became largely unavailable. Consequently governments had to step in and cover risks deemed too large for the private sector.

3.2. The new security measures had also an impact on the insurance market. Cover for inevitable delays resulting from the intense security measures had to be considered. Moreover, very expensive sophisticated high tech scanning equipment had to be purchased and insured (1).

3.3. In the maritime field the geographical areas where additional premia are applicable and the periods of their application were extended unreasonably. There is a widespread perception that the 11 September events have been used as an excuse for the imposition of unreasonable premia. Nowadays, a dialogue between shipowners and insurers is ongoing with a view to reaching more sensible solutions to the problem.

(1) The cost of security equipment is very high, e.g. a container scanner in the port of Rotterdam costs EUR 14 m.
3.4. Regarding air transport, aviation war-risk underwriters were seeking extra premia. The extra cost of insurance of US carriers, was borne by the US government. Given the insurance challenges, the US government provided airline companies with direct financial help and reinforced airline security. In order to avoid disruption of the air traffic the EU Finance Ministers have approved a code of conduct that sets the conditions under which EU governments may sustain aviation insurance. The code of conduct enabled Member States so wishing, either to pay insurance premia linked to the ‘risk of war and terrorism’ for their airline companies or to grant them a State guarantee against such risk. The EESC supports the above EU initiative aiming at the viability of EU airlines.

3.5. Since there are indications for a return to an acceptable commercial aviation insurance situation, the Member States airline-insurance guarantees will not be prolonged. In a move to end the continuous difficulties in finding adequate insurance cover the Commission has proposed minimum aviation insurance requirements for all carriers using the EU airspace, i.e., a minimum liability per passenger and per kg of cargo. In the long run, a mutual fund scheme to cover third party liability for terrorism at reasonable cost appears to be an alternative.

4. Maritime Security

4.1. Maritime security in perspective

4.1.1. While the 11 September attacks involved aircraft and airports, ships and maritime transport infrastructure are vulnerable to terrorist risks. Ships could be used as a weapon, to launch an attack, to transport weapons or dangerous materials and by sinking to disrupt transport infrastructure (e.g. port entrance, canal passage). Chemical and gas carriers and laden oil tankers are particularly vulnerable and present increased dangers. Containers carried by ships could also be used to smuggle weapons of mass destruction or terrorists. In view of the potential danger, the US has put in place the most extensive provisions to protect its ports and vessels. No other country has as yet unilaterally and drastically altered their current security arrangements for shipping.

4.1.2. In comparison with aircraft and with the exception of the hijacking of the cruise ship Achille Lauro, no other passenger ship or cargo ship have been the target of terrorist attacks as such. However, cargo ships have been the victims of acts of piracy and armed robbery. The total number of incidents of piracy and armed robbery against ships reported to have occurred from 1984 to 2002 was 2,650.

4.1.3. Therefore, the assessment of risks should focus on the probability and the possible seriousness of the risks, e.g. geographic location, transport mode characteristics, ease of access, risk exposure, institutional and legal problems facing security measures.

4.1.4. Security measures related to shipping should be clear in respect of requirements related to vessels, crews, passengers, shipper, consignees, terminal operators, road and rail carriers involved in international trade and should be appropriate to the level of threat assessed.

4.2. The work in IMO

4.2.1. Concern about unlawful acts which threaten the safety of ships and the security of their passengers and crews has been addressed by IMO since the 1980s.

4.2.2. Pursuant to the Achille Lauro incident (1985), IMO adopted a resolution and two circulars recommending measures to prevent unlawful acts against the safety and security of passenger ships (1).


4.2.3.1. The preparatory work leading to the adoption of these treaties took place at the same time as that leading to the adoption of the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971.

4.2.3.2. Moreover, IMO established a correspondence group to address the revision of the SUA Convention and Protocol in order to facilitate international cooperation as a means of combating unlawful acts, including terrorist attacks.

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(1) A.584(14), MSC/Circ.443, MSC/Circ.754.
(2) Number of contracting states is 67 and 60 respectively.
4.2.4. Following the 11 September attacks the IMO sought to urgently reassess the state of international regulations dealing with security. At the instigation of the US, the IMO held ad-hoc meetings of an Interpersonal Working Group of the Maritime Safety Committee on 11-15 February 2002, 15-24 May 2002 and 9-13 September 2002.

4.2.5. It has been decided by IMO that the new measures to enhance maritime security would form the International Code for the Security of Ships and Port Facilities and that the basic elements would be contained in amendments to Chapter XI of the International Convention for the Safety of Life at Sea (SOLAS). The IMO measures are expected to be adopted by a Diplomatic Conference on 4-13 December 2002. These measures will concern the following issues:

- automatic identification systems for ships;
- ship and offshore installation security plans;
- a ship security officer/a company security officer;
- port facility security plans and port facility vulnerability assessments;
- container security measures;
- information on ship, cargo, crew and passengers.

4.2.6. Issues of particular interest where further international and national work will be necessary include the security of port areas, the application of measures to ports and the security of containers.

4.2.7. The IMO measures will cover the ‘Ship/port’ interface, namely the immediate shore security threat towards the ship and vice-versa including anchorage and the movements of the ship in port. The remainder will be addressed by IMO in cooperation with ILO and other relevant organisations (e.g. World Customs Organisation, International Association of Ports and Harbours, International Harbour Masters Association).

4.2.8. The IMO has considered the issue of application of Port Vulnerability Assessment (PVA) requirements for ‘small ports’ and ports ever hardly called at by ships engaged in international voyages. Although it was recognised that the PVA requirements might not be applicable to all ports of a country, flexibility was considered necessary to close the maritime security loop for those cases when and where a security risk might arise.

4.2.9. Containerisation is very open but it is this openness that makes it prone to terrorist action. The sea transport of containers is only part of the multimodal transport chain and there is a need to ensure security at all stages including shippers, forwarders and carriers. The role of frontier agencies, in particular customs administrations, in controlling the international movement of containers is crucial and instrumental. Customs administrations worldwide have a long history of controlling containers in conjunction with other national and international law enforcement agencies and relevant trade bodies. The World Customs Organisation has a vital role to play in developing a comprehensive container security system in co-operation with interested international organizations and in consultation with the associations of shippers, forwarders and carriers. Part of the system should cover the responsibility to issue and control proper cargo declarations for containers.

4.2.10. The record of the history of the ship and information on ownership will respond adequately to the security concerns regarding transparency. Ships will be required to maintain a Continuous Synopsis Record (CSR). The CSR is intended to provide on board record of the history of the ship, with respect to information on the flag, date of registration, name and IMO number of the ship. It will also include information on the registered owner(s), charterer(s), classification societies, the ISM Code documentation. Furthermore, information on who appoints the crew, who fixes the use of the ship and who signs the charter party on behalf of the owner will be readily available.

4.2.11. The IMO has agreed in principle to accelerate the fitting of existing ships with Automatic Identification Systems (AIS). However, the determination of the final date for the carriage requirement is being left until the December 2002 Diplomatic Conference.

5. The EU perspective

5.1. The proposals or action that have been put forward internationally within the IMO framework seem to strike a fairly ‘good balance’ between the necessity to ensure free circulation of goods and persons and the necessity to provide the highest possible protection against terrorist attacks.

5.2. Although some IMO measures may later be transferred into Community legislation, the adoption of new international measures should not lead to delays in Community legislative procedures. There is a need to coordinate the decision-making processes in international fora and at the EU level in order to avoid possible inconsistencies between international and Community rules.
5.3. The European Council in Seville (21-22.6.2002) invited closer cooperation among the Member States in the fight against terrorism. It also welcomed the progress achieved since 11 September in incorporating the fight against terrorism into all aspects of the EU’s external relations policy.

5.4. The EU ports should adopt common standards to heighten port security against terrorism before other countries take unilateral measures. Unilateral and discriminatory measures that may result in the classification of foreign ports as ‘safe’ and blacklisting of ‘unsafe’ in terms of detecting illegal immigrants and terrorists are unacceptable as they may lead to market distortion and could jeopardise the smooth flow of international trade. Furthermore, individual initiatives of certain EU customs authorities to conclude bilateral agreements with the US Customs pre-empt EU collective action and undermine the desirable framework of future arrangements that need to be reciprocal and collaborative. Screening at the port of loading (EU) instead of the port of discharge (US) is a Herculean task. The EESC supports the European Commission’s stance in challenging the legality of these bilateral agreements. This move should be seen in light of legal considerations concerning the EU’s competence in external trade relations. The EESC also supports EU action to pursue talks with the US in order to arrive at an arrangement giving equal treatment for all cargoes (containers) originating from the EU and to transfer/integrate the bilateral arrangements in multilateral agreement (WCO).

5.5. Concern arises with the prospect of adoption by the US of rules that the rest of the world may not be in a position to follow, thereby causing confusion for ships, shipowners and ship/port interface. The US maritime security initiative allows the US government to undertake foreign port assessment, with the ship’s entry into the US being conditional on proof that the port of origin provided effective cargo screening and other anti-terrorist measures. The volume of trade with the US may provide a measure of the significance and the impact of the initiative. The cruise ship industry carries more than 6.5 million Americans annually on passenger vessels. Six million loaded containers, 156 million tons of hazardous material and nearly one billion tons of petroleum products enter in US ports each year. The total container movement between Europe and North America (US, Canada and Mexico) in 2001 amounted to 6 177 000 units (1). Approximately 22.5 % of container sea traffic bound for US ports originates from nine mega-ports in seven EU States.

5.5.1. The sheer volume of trade with the EU and other parts of the world should induce the US and other parts of the world to seek realistic solutions in cooperation with its trade partners. Conversely, the EU realising the potential impact of various and variable measures in other parts of the world should assume a leading role for the establishment of a global system in the interest of all. The EESC urges the EU to initiate a dialogue with the US and other countries to discuss sovereignty, data sharing, container inspection procedures, reciprocity and other issues of mutual concern. It is an opportunity for the EU to show a higher profile. Past and recent experience in many parts of the world has proved that focusing only on policing measures has limited effect. A policing strategy is not a secure strategy in a non-secure world. There is an urgent need for the EU to take the lead internationally in developing a broader framework for security which will address also the causes of terrorism and not only seek to eliminate its effects.

5.6. Security measures should be of such a nature to avoid deflection of traffic in favour of some ports (because of increased security measures) to the detriment of other ports. Moreover, security measures should not discriminate between liner/tramp shipping calling at EU ports.

5.7. The EESC proposes that all EU Member States not parties to the SUA Convention and its Protocol be urged to ratify both instruments (2).

5.8. Any EU action should take into consideration economic aspects, such as analysis of who pays for security measures and the competitive impact of security requirements on publicly and privately owned ports. The maritime industry has recognised the need for comprehensive anti-terrorism legislation and is prepared to share some of the costs of improved security measures.

5.9. The EU interest should focus primarily on an assessment of questions linked not only to security of persons working in the sector (seamen, port workers) but also to security of port terminals. The EU has to determine the means of a better identification of risks involved and to propose procedural/technological solutions in order to reduce them.

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(2) Belgium, Ireland and Luxemburg have not ratified as yet.
5.10. Ship and port facility security is a risk-management activity. This assessment is a sovereign decision made according to the judgment of each Member State. However, as in various areas of maritime safety, EU action to establish uniform standards and procedures will prove indispensable. Common personnel training to respond to increased security demands will achieve harmonisation of procedures at reduced costs. Therefore, the entire logistical chain will have to change its business procedures in the long run to cater for security considerations.

5.11. Member States in coordination must conduct port-facility security assessments. The EESC believes that an overarching port security plan must form the framework to establish port facility plans. Seaports are often very open and exposed and, by the very nature of their role in promoting the free flow of commerce, may be susceptible to large scale terrorism that could pose a threat to coastal environment and industrial, commercial and administrative centres and their resident or working populations. Effective physical security and access control in seaports is fundamental to deterring and preventing potential threats to seaport operations, cargo shipments and ships. The EESC believes that the establishment of Port Security Committees will allow to combine efforts of port authorities, government representatives, (customs, immigrations, etc.), port users and other interested parties involved in security.

5.12. Security assessments should have three essential components. First, they must identify and evaluate important assets and infrastructure that are critical to the port facilities as well as those areas or structures that, if damaged, could cause significant loss of life or damage to the port facilities' economy or environment. Second, the assessment must identify the actual threats to those critical assets and infrastructure in order to prioritise security measures. Finally, the assessment must address vulnerability of the port facilities by identifying their weaknesses in physical security, structural integrity, protection systems, procedural policies, communication systems, transportation infrastructure, utilities, and other areas within the port facilities that may be a likely target.

5.13. Effective access control would require a photo ID for all persons boarding a ship in a port. Without such measure the ship would not be able to exercise control over persons boarding and leaving the ship and would therefore be unable to ensure the security as required by the ship security plan. Under the ILO 108 Convention seafarers can be exempt from normal visa requirements for the purpose of shore leave or for transit to and from their ships. Security considerations will have to be reconciled with the 108 Convention security considerations. It is anticipated that the format of identity documents, which will be issued by the seafarers' country of nationality, will be standardised through the development of machine readable documents.

5.14. The EESC notes that practical and cost implications might deter wide implementation of any new ID requirements. The use of biometric templates to verify the identity of the holder could give rise to human rights and data protection concerns. Moreover, reconciling the above exercise with the Schengen visa requirements will be an additional consideration as far as the EU is concerned.

5.15. The EESC urges speedy ratification of the 108 Convention by the EU Member States that have not done so. With respect to port workers, IMO and ILO will urgently resolve the matter and the EU should give its full support to that effect. Pending international action, the EU may consider transitional arrangements along the lines of the identified need for access control of government employees whose duties require access to ships.

5.16. Increased security measures will necessitate a strengthened cooperation between the various administrations of the EU Member States (immigration, customs, airport authorities and port authorities). Equally important is the need for coordination between the European Commission services involved.

5.17. The cooperation of the shipping industry should be sought in promoting security awareness. Any additional security measures should take into account other threats to ship/crew security such as drug trafficking, piracy, armed robbery and stowaways. The EESC notes that for a number of years ships and seafarers face an escalation of piracy and armed robbery incidents at sea. The current emphasis on maritime security should be seen also as an opportunity to finding solutions to the piracy problem. However, the safety and working conditions of transport workers should not be put at risk when dealing with such cases. Thus, actions dealing with the threat of terrorism will also serve the aim of dealing with other illegal acts (trafficking in drugs or people, piracy). When considering the economic costs of security measures the benefits achieved should be taken into account.
5.18. Care should be taken to avoid any imbalance between vessel security and port facility security that may result in forcing upon vessels and their operators the obligation to provide additional quay security to redress the imbalance. Costs that fall properly to governments should not be charged to the industry.

5.19. Member States should develop efficient methods of handling information on cargoes typically based on a single point of lodgement of information and on electronic systems. In particular, for containers there is a need for comprehensive data interchange between all parties concerned with their movements. The EESC believes that the system already established under Directive 93/75/EEC on reporting requirements for dangerous or polluting goods should be expanded to cater for the exchange of the data required to be submitted.

5.20. The EESC believes that the early implementation of the Galileo system (planned to be operational by 2008) will permit a very precise identification of ships and containers and, thus, facilitate attainment of the objective of increased security. In the meantime, an effort should be made to accelerate the operational phase (2003-2008) of the Egnos project, the precursor of Galileo, which relies on American GPS and the Russian GLONASS and monitors their integrity and implement it alongside Galileo.

5.21. Under the anticipated IMO measures ships will be subject to control in ports of the Member States and may be inspected, consistent with international law for the purpose of determining their compliance with the applicable requirements. In cases of violations ships may be subject to delay, detention, restriction of operations, expulsion from the port, or denial of entry into port. The EESC proposes that timely amendments to the Port State Control Directive (95/21/EC) should be drafted to give effect to the expansion of the scope of port state control.

5.22. The Automatic Identification System (AIS) only has a security benefit if signals can be received ashore, analysed and acted upon. The EESC proposes close monitoring of timely compliance of Member States with the relevant obligation under the proposed reporting Directive.

6. Civil aviation security

6.1. Civil aviation — a risk


6.1.2. Given the global nature of air transport, security measures need to be coordinated internationally and where necessary bilaterally to be effective. It is more important than ever that the entire aviation industry works together towards the common objective of increased security. Preventive measures can no longer be left solely to the local authorities or even the responsible national authorities. Therefore, the EU should coordinate activities on aviation security with ICAO and should make reference to relevant ICAO standards as far as possible.

6.1.3. The EESC shares the view that not all adjustments of security measures can be implemented effectively and uniformly with immediate effect but a realistic, gradual process will be required to cope with the necessary recruitment and training of personnel and the alterations of infrastructure.

6.2. Onboard security

6.2.1. Regarding onboard security the ICAO recently adopted standards relating to the incorporation of security into the design of aircraft and other in-flight security measures. The ICAO flightdeck security standards will require that passenger-carrying aircraft of 60 passengers or more, or with a maximum certificated take-off weight of 45 500 kg be protected from intrusion and ballistic threats. This requirement is not mandatory until November 2003.

6.2.2. However, the US corresponding rule requires that certain US air carriers must install reinforced flightdeck doors by 9.4.2003, i.e. 7 months earlier than the ICAO requirements. Since the US authorities considered it unacceptable to create two levels of flightdeck protection for the same operations to and from US airports by foreign operators, therefore the rule will apply to aircraft belonging to foreign carriers engaged in air transportation serving the US.

6.2.3. A few governments, including those of France and Germany have started deploying sky marshals, US and British carriers have taken significant steps to ensuring the sanctity of the cockpit through cockpit-door reinforcement and the worldwide increase in the number of bags being physically inspected has benefited security.
6.3. **Ground security**

6.3.1. On 14 September 2001 the EU Transport Council decided that it was necessary to implement the essential measures to prevent unlawful acts against civil aviation set out in Document 30 of the European Civil Aviation Conference (ECAC) (1). The EESC in its opinion (28.11.2001) (2) on the Proposal for a Regulation on establishing common rules in the field of civil aviation security (3) welcomed the proposal insofar as it was a fast and adequate answer to ensure a high level of security by taking action to prevent acts of unlawful interference against civil aviation.

6.4. **The EU perspective**

6.4.1. The 11 September events demonstrated that air transport has been misused by terrorists to attack governments. However, the air transport industry itself is not the intended target of terrorist activity and should not be responsible for the cost of preventive measures. Therefore, the reinforcement of certain security measures by the public authorities in the wake of the attacks directed against society as a whole and not at the industry players must be borne by the public authorities.

6.4.2. All adjustments of security measures, including the change of security measures’ recommendations into mandatory legal requirements should be subject to a cost/benefit analysis and to a check of their operational implications. It should be underlined that within the EU the financing of security for air transport currently differs from country to country. The cost is borne by the government in some States, paid for by a special departure tax in other States, and financed directly by air-transport operators in others.

6.4.3. The EESC expresses its concern about the financing of existing and new security measures. It believes that governments’ financial obligations in this field must go further. Indeed as is the case for other modes of transport, airports are national frontiers and it should be the responsibility of governments to ensure the highest level of national security for their citizens at these borders. The security issue demands a harmonised approach in the EU and governments should undertake coordinated action in drawing up a comprehensive policy for financing and guaranteeing the highest level of security possible for air travel.

6.4.4. The EESC recalls its opinion on the Regulation establishing common rules in the field of civil aviation security (4) whereby it was established that ‘it is unfair that airports and airlines should bear the additional expenditure. Securing public safety at airports should be shouldered by the Member States’.

6.4.5. The EESC notes that the US Congress adopted an emergency package of measures, part of which will be allocated to the safety and security of air transport. No cost reimbursement for additional security measures is available from EU Member States for European carriers so far. Consequently, a distortion of competition between European and US air carriers by contrasting policies regarding the allocation of cost for security measures must be avoided. However, the EESC believes that new technical norms should not be introduced under the guise of increased security whilst in fact serving other purposes (e.g. commercial promotion of new equipment, protectionism).

6.4.6. In light of the above considerations, the EESC takes the view that the draft Regulation on common rules for civil aviation security should also deal with the cost of funding of security and not leave this issue for subsequent legislation. The competitive position of EU airlines has to be taken into account in deciding about the funding of security measures.

6.4.7. The EESC reiterates its previous call that the other pieces of proposed legislation dealing with civil aviation security should be promoted and adopted as soon as possible.

6.5. The EU cannot adopt measures applicable in third country airports. Therefore, it should devise a mechanism assessing whether third country airports meet the essential security requirements. Failure to meet such requirements may lead to further discrepancies between the security levels of EU countries. Such discrepancies should lead to the consideration of an important aspect of security, namely the segregation of passengers and its likely impact in operational, human and financial terms.

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(1) ECAC is a voluntary association of European aviation authorities which has adopted a number of recommendations, notably in the field of civil aviation security.

(2) TEN/097.


6.5.1. The EESC believes that the EU should aim at introducing measures that would not conflict with on-board security measures adopted by the US. Furthermore, since the security risk is not at the same level all over Europe, there is a need for flexibility based on the corresponding risk assessment.

6.5.2. Efforts should concentrate on preventing individuals and/or items presenting a security risk from boarding or being placed on the aircraft. The primary focus of action should be ground security, laying with the responsibility of governments.

6.5.3. There is a need to review the measures and procedures for airside access control and in particular the degree of trust placed on airport-based employees when entering restricted zones. If one can enter a restricted area with ease, the benefits of enhanced passenger screening have been negated.

6.5.4. Failure to address the concern may jeopardise the objective to establish a ‘common secure area’, in terms of aviation security. This objective, commonly known as One-Stop Security (OSS) is to apply the appropriate security measures at the point of origin only, thereby removing the requirement for these measures to be repeated at the point of transfer.

6.5.5. The ECAC 30 air cargo security system could also be used in devising a container security system in the maritime sector. The ECAC 30 is based upon the ‘Known shipper’ system and the issuance of consignment security certificate. However, the ECAC 30 concept cannot be applied to tramp shipping in view of its fundamental differences from container/liner shipping as well as from air transport.

6.6. The stakeholders should be an integral part of the security process that includes the drafting, implementation and quality control of security measures. Airlines operating to States should have a right to see the inspection reports and/or any recommendations made, since they will be directly exposed to security risks as a result of any shortcomings by States or airports.

6.6.1. The EESC is of the opinion that the deployment of sky marshals should be left to individual airlines and individual governments. The acts of unlawful interference should be prevented on the ground. However, where the State mandates the use of armed in-flight security personnel, they should be provided by the State which must have the responsibility for funding, selecting and training such personnel.

6.6.2. The EESC does not believe that the arming of the crew with lethal weapons offers an alternative solution, as the disadvantages could be much greater than the benefits. On the other hand, the potential use of non-lethal protective devices in the cabin area for use in emergencies should be further assessed.

7. Conclusions

7.1. The EESC welcomes the European Council’s invitation for closer cooperation among the Member States in the fight against terrorism. It also welcomes the progress achieved since 11 September in incorporating the fight against terrorism into all aspects of the EU’s external relations policy.

7.2. The EESC firmly believes that a policing strategy is not a secure strategy in a non-secure world. Hence, the EU should take the lead internationally in developing a broader framework for security which will address the causes of terrorism and not only seek to eliminate its effects.

7.3. The need to enhance security worldwide is imperative and recognised by governments and industry alike. Increased security measures will necessitate a strengthened co-operation between the various administrations of the EU Member States (immigration, customs, airport authorities and port authorities) and increased coordination between the European Commission services involved.

7.4. Shipping and civil aviation must continue to serve the flow of international trade effectively and efficiently and, to ensure this, ships, aircraft, airports and port facilities must adequately be prepared for the possibility of encountering terrorist attacks or other forms of criminal intentions.

7.5. Given the international character of maritime and air-transport security requirements should be based on reciprocal arrangements, uniformly applied and enforced without discrimination and must allow for the most efficient flow of trade.

7.6. Security is an issue where all links in the transport chain should be involved and through the door-to-door concept all modes of transport are affected by security considerations at varying degrees. Hence, an interoperability of the integrated logistical chain is required.
7.7. There is a need to coordinate the decision-making processes in international fora and at the EU level in order to avoid possible inconsistencies between international and Community rules. Unilateral and arbitrary measures should be avoided since they hamper world trade by raising bureaucratic as well as other obstacles, and eventually leading to distortions of competition and adverse economic effects.

7.8. Bilateral agreements of some EU customs authorities with the US authorities in the context of the US container security initiative are inconsistent with a unified EU approach and they undermine EU solidarity. For this reason, the EESC supports EU action to pursue talks with the US with a view to transferring/integrating the bilateral arrangements in a multilateral agreement.

7.9. New security measures should be balanced in relation to the objectives they pursue, their costs and impact on traffic. They should not unduly restrain the personal human rights of the citizens nor the constitutional order of individual states, thus, serving the purpose of terrorists.

7.10. Transport workers are bound to be affected by the implementation of security measures. The European philosophy and culture sustains a strong respect for the human rights and any reaction to threats of terrorism should not disregard these long cherished principles.

7.11. New technical norms should not be introduced under the guise of increased security whilst in fact serving other purposes (e.g. commercial promotion of new equipment, protectionism).

7.12. EU Governments have the responsibility to ensure the highest practical level of national security commensurate with the threat for their citizens at their borders, including ports and airports. They should undertake coordinated action in drawing up a comprehensive policy for financing and guaranteeing the highest level of security possible for sea and air travel.


The President
of the European Economic and Social Committee
Roger BRIESCH