

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/421

of 14 March 2022

amending Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security

(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) Commission Regulation (EC) No 272/2009 ⁽²⁾ supplements the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008.
- (2) Regulation (EC) No 272/2009 charges the Commission with the recognition of the equivalence of security standards of third countries, in accordance with the criteria set out in Part E of the Annex to that Regulation.
- (3) The Annex to Commission Implementing Regulation (EU) 2015/1998 ⁽³⁾ lists the third countries recognised as applying security standards equivalent to the common basic standards.
- (4) The Commission has verified that the Republic of Serbia, in regard to Belgrade Nikola Tesla Airport, satisfies the criteria set out in Part E of the Annex to Regulation (EC) No 272/2009, with regard to screening of passengers and cabin baggage, screening of hold baggage, cargo and mail and aircraft security.
- (5) The Commission has verified that the State of Israel, in regard to Ben Gurion International Airport, satisfies the criteria set out in Part E of the Annex to Regulation (EC) No 272/2009, with regard to aircraft security and screening of passengers and cabin baggage.

⁽¹⁾ OJ L 97, 9.4.2008, p. 72.

⁽²⁾ 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 (OJ L 91, 3.4.2009, p. 7).

⁽³⁾ Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 299, 14.11.2015, p. 1).

- (6) Commission Implementing Regulation (EU) 2020/111 ⁽⁴⁾ amending Implementing Regulation (EU) 2015/1998 included both the Republic of Serbia, in regard to Belgrade Nikola Tesla Airport, and the State of Israel, in regard to Ben Gurion International Airport, in the relevant Attachments listing third countries recognised as applying security standards equivalent to the common basic standards.
- (7) Commission Implementing Regulation (EU) 2019/413 ⁽⁵⁾ amending Implementing Regulation (EU) 2015/1998 recognised the United Kingdom of Great Britain and Northern Ireland as applying security standards equivalent to the common basic standards. The annex to that Regulation consisted, inter alia, in the replacement of the entire content of Attachments 3-B, 4-B, 5-A and 6-F with new Attachments containing also the United Kingdom of Great Britain and Northern Ireland.
- (8) The application date of Implementing Regulation (EU) 2019/413 was established in Article 3, namely the date following that of which the Treaties would cease to apply to and in the United Kingdom of Great Britain and Northern Ireland pursuant to Article 50(3) of the Treaty on European Union. The delayed entry into application of Implementing Regulation (EU) 2019/413, on 1 January 2021, has resulted in the replacement from that day of Attachments 3-B, 4-B, 5-A and 6-F with attachments containing lists that do not reflect modifications occurred after the adoption of Implementing Regulation (EU) 2019/413, namely those introduced through Implementing Regulation (EU) 2020/111.
- (9) It is therefore necessary to re-establish the correct lists of third countries recognised as applying security standards equivalent to the common basic standards by adding those third countries that had been added through Implementing Regulation (EU) 2020/111.
- (10) Commission Implementing Regulation (EU) 2021/255 ⁽⁶⁾ amending Implementing Regulation (EU) 2015/1998 introduced a new road map for the progressive completion of the installation of standard 3 explosive detection systems (EDS) equipment for the screening of hold baggage at European airports, adding the necessary flexibility due to the COVID-19 pandemic. In elaborating such roadmap, a similar additional flexibility from 1 September 2021 was not granted, by mistake, to operators still using standard 2 EDS equipment for the screening of cargo and mail. The appropriate authorities should be given the possibility to allow a reasonable extension of the use of standard 2 EDS also to operators engaged in the screening of cargo and mail.
- (11) Experience gained with the implementation of Implementing Regulation (EU) 2015/1998 has shown the need for some amendments to the implementing modalities of certain common basic standards in the areas of EU aviation security validators and the progressive phase-out of single-view x-ray equipment respectively. The related provisions in the Annex need to be adjusted in order to improve legal clarity, standardize the common interpretation of the legislation and further ensure the best implementation of the common basic standards in aviation security.
- (12) Implementing Regulation (EU) 2015/1998 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 19 of Regulation (EC) No 300/2008,

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/111 of 13 January 2020 amending Implementing Regulation (EU) 2015/1998 as regards the approval of civil aviation security equipment as well as third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security (OJ L 21, 27.1.2020, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2019/413 of 14 March 2019 amending Implementing Regulation (EU) 2015/1998 as regards third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security (OJ L 73, 15.3.2019, p. 98).

⁽⁶⁾ Commission Implementing Regulation (EU) 2021/255 of 18 February 2021 amending Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 58, 19.2.2021, p. 23).

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2015/1998 is amended in accordance with the Annex to this Regulation.

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, 14 March 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex is amended as follows:

- (1) the list in Attachment 3-B of Chapter 3 is amended as follows:
 - (a) the following entry is inserted after the entry concerning Montenegro:
'Republic of Serbia, in regard to Belgrade Nikola Tesla Airport';
 - (b) the following entry is inserted after the entry concerning Republic of Singapore, in regard to Singapore Changi Airport:
'State of Israel, in regard to Ben Gurion International Airport';
 - (2) the list in Attachment 4-B of Chapter 4 is amended as follows:
 - (a) the following entry is inserted after the entry concerning Montenegro:
'Republic of Serbia, in regard to Belgrade Nikola Tesla Airport';
 - (b) the following entry is inserted after the entry concerning Republic of Singapore, in regard to Singapore Changi Airport:
'State of Israel, in regard to Ben Gurion International Airport';
 - (3) in the list in Attachment 5-A of Chapter 5, the following entry is inserted after the entry Montenegro:
'Republic of Serbia, in regard to Belgrade Nikola Tesla Airport';
 - (4) in the list 6-Fi in Attachment 6-F of Chapter 6, the following entry is inserted after the entry Montenegro:
'Republic of Serbia';
 - (5) letter (c) in point 11.6.4.1 is replaced by the following:
'(c) may not perform EU aviation security validations if it holds the status of aviation security validator under an equivalent scheme in place in a third country or an international organisation, unless the third country or international organisation grants reciprocal opportunities to EU aviation security validators within its scheme.';
 - (6) point 12.3.1 is replaced by the following:
'12.3.1 All equipment installed from 1 January 2023 at the latest, to be used in the Union for the screening of cargo and mail, as well as air carrier mail and air carrier materials subject to security controls in accordance with Chapter 6, shall be multi-view.

The appropriate authority, for objective reasons, may allow the use of single-view X-ray equipment installed before 1 January 2023 until the following dates:
 - (a) single-view X-ray equipment installed before 1 January 2016, until 31 December 2025 at the latest;
 - (b) single-view X-ray equipment installed from 1 January 2016, for a maximum period of 10 years from the date of its installation or at the latest until 31 December 2027, whichever is the earlier.The appropriate authority shall inform the Commission where it applies the provisions of the second paragraph.';
 - (7) in point 12.4.2.4, the following sentence is added after the table:
'Additionally, the appropriate authority may allow the use of standard 2 EDS for the screening of cargo and mail as well as air carrier mail and air carrier materials subject to security controls in accordance with Chapter 6, until 1 September 2022 at the latest.'.
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