

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1174
of 7 July 2022
amending Implementing Regulation (EU) 2015/1998 as regards certain 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) Experience gained with the implementation of Commission Implementing Regulation (EU) 2015/1998 ⁽²⁾ has shown the need for minor amendments to the implementing modalities of certain common basic standards.
- (2) Certain detailed aviation security measures should be clarified, harmonised or simplified in order to improve legal clarity, standardise the common interpretation of the legislation and further ensure the best implementation of the common basic standards on aviation security. Furthermore, certain amendments have become necessary in accordance with the evolution of the threat and risk picture, recent developments in terms of airport and airline operations, technology and international policy. Those amendments regard to airport security, safe and secure carriage of firearms on board, training of personnel, air cargo and mail security, known suppliers of airport supplies, background check, explosive detection dogs (EDD), and detection standards for walk-through metal detection equipment (WTMD).
- (3) Implementing Regulation (EU) 2015/1998 should therefore be amended accordingly.
- (4) As a reasonable period is necessary to allow flight and cabin crew members implementing in-flight security measures to undergo the training established in point (38) of the Annex to this Regulation, the application of this point should be deferred to 1 January 2023.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19 of Regulation (EC) No 300/2008,

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 the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 97, 9.4.2008, p. 72.

⁽²⁾ 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).

It shall apply from 1 July 2022. However, points (32) and (38) of the Annex shall apply from 1 January 2023.

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

Done at Brussels, 7 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex to Implementing Regulation (EU) 2015/1998 is amended as follows:

- (1) in point 1.1.2.2 the following paragraph is added:

‘Persons carrying out a security search in areas different than those used by disembarking passengers not screened to the common basic standards, must be trained in accordance with point 11.2.3.1, 11.2.3.2, 11.2.3.3, 11.2.3.4 or 11.2.3.5.’;

- (2) point 1.4.4.2 is replaced by the following:

‘1.4.4.2. Examined vehicles that temporarily leave critical parts may be exempted from examination on their return provided that they have been under constant observation by authorised persons sufficient to reasonably ensure that no prohibited articles have been introduced into the vehicles.’;

- (3) the following point 1.4.4.3 is added:

‘1.4.4.3. Exemptions and special examination procedures shall also be subject to the additional provisions laid down in Commission Implementing Decision C(2015) 8005.’;

- (4) the following point 1.5.5 is added:

‘1.5.5. Procedures shall be established in order to deal with unidentified baggage and suspicious objects in accordance with a security risk assessment carried out or approved by the relevant national authorities.’;

- (5) in point 3.1.1.3, the following sentence is added:

‘The search may not start until the aircraft has reached its final parking position.’;

- (6) point 3.1.3 is replaced by the following:

‘3.1.3. Information on the aircraft security search

The following information on the aircraft security search performed of a departing flight shall be recorded and kept at a point not on the aircraft for the duration of the flight or for 24 hours, whichever is longer:

- (a) flight number;
- (b) origin of the previous flight;
- (c) date and time that the aircraft security search was completed;
- (d) the name and signature of the person responsible for the performance of the aircraft security search.

Recording of the information listed in the first paragraph may be held in electronic format.’;

- (7) in point 5.4.2, the following paragraph is added:

‘An air carrier shall ensure that the carriage of firearms in hold baggage is allowed only after an authorised and duly qualified person has determined that they are not loaded. Such firearms shall be stowed in a place not accessible to any person during the flight.’;

- (8) in point 6.1.1, point (c) is deleted;

- (9) the following point 6.1.3 is added:

‘6.1.3. A regulated agent who rejects a consignment due to high-risk reasons shall ensure that the consignment and the accompanying documentation are marked as high risk cargo and mail before the consignment is returned to the person representing the entity delivering it. Such consignment shall not be loaded on to an aircraft unless it is treated by another regulated agent in accordance with point 6.7.’;

- (10) in point 6.3.1.2 (a), the fourth paragraph is replaced by the following:

‘The signed declaration shall clearly state the location of the site or sites to which it refers and be retained by the appropriate authority concerned.’;

(11) point 6.3.2.1 is replaced by the following:

‘6.3.2.1. When accepting any consignments, a regulated agent shall establish whether the entity from which it receives the consignments is a regulated agent or a known consignor or neither of those.’;

(12) in point 6.3.2.3, point (a) is replaced by the following:

‘(a) screened in accordance with point 6.2 or 6.7, as appropriate; or’;

(13) point 6.3.2.6 is amended as follows:

(a) point (d) is replaced by the following:

‘(d) the security status of the consignment, stating one of the following:

- ‘SPX’, meaning secure for passenger, all-cargo and all-mail aircraft;
- ‘SHR’, meaning secure for passenger, all-cargo and all-mail aircraft in accordance with high risk requirements.’;

(b) in point (e), point (ii) is deleted;

(14) in point 6.3.2.9, the first paragraph is replaced by the following:

‘A regulated agent shall ensure that all staff are recruited in accordance with the requirements of Chapter 11 and appropriately trained in accordance with the relevant job specifications. For the purposes of training, staff with unsupervised access to identifiable air cargo or identifiable air mail to which the required security controls have been applied shall be considered as staff implementing security controls. Persons previously trained in accordance with point 11.2.7 shall have their competences upgraded to those referred to in point 11.2.3.9 by 1 January 2023 at the latest.’;

(15) in point 6.4.2.1, first paragraph, point (b) is replaced by the following:

‘(b) all staff implementing security controls and all staff with unsupervised access to identifiable air cargo or identifiable air mail to which the required security controls have been applied are recruited in accordance with the requirements of Chapter 11 and have received security training in accordance with point 11.2.3.9. Persons previously trained in accordance with point 11.2.7 shall have their competences upgraded to those referred to in point 11.2.3.9 by 1 January 2023 at the latest; and’;

(16) point 6.5 is replaced by the following:

‘6.5. APPROVED HAULIERS

No provisions in this Regulation.’;

(17) point 6.6.1.1 is replaced by the following:

‘6.6.1.1. In order to ensure that consignments to which the required security controls have been applied are protected from unauthorised interference during transportation, all the following requirements shall apply:

- (a) the consignments shall be packed or sealed by the regulated agent or known consignor so as to ensure that any tampering would be evident; where this is not possible, alternative protection measures that ensure the integrity of the consignment shall be taken;
- (b) the cargo load compartment of the vehicle in which the consignments are to be transported shall be locked or sealed or curtain sided vehicles shall be secured with TIR cords so as to ensure that any tampering would be evident, or the load area of flatbed vehicles shall be kept under observation;
- (c) the haulier declaration as contained in Attachment 6-E shall be agreed by the haulier who has entered into the transport agreement with the regulated agent or known consignor, unless the haulier is itself approved as a regulated agent.

The signed declaration shall be retained by the regulated agent or known consignor on whose behalf the transport is carried out. On request, a copy of the signed declaration shall also be made available to the regulated agent or air carrier receiving the consignment or to the appropriate authority concerned.

As an alternative to point (c) of the first paragraph, the haulier may provide evidence to the regulated agent or known consignor for whom it provides transport that it has been certified or approved by an appropriate authority.

This evidence shall include the requirements contained in Attachment 6-E and copies shall be retained by the regulated agent or known consignor concerned. On request, a copy shall also be made available to the regulated agent or air carrier receiving the consignment or to another appropriate authority.;

(18) point 6.8.3.1 is amended as follows:

- (a) in the first paragraph, point (c) is deleted;
- (b) the second paragraph is deleted;

(19) the following point 6.8.3.10 is added:

'6.8.3.10. Security controls for cargo and mail arriving from a third country shall also be subject to the additional provisions laid down in Commission Implementing Decision C(2015) 8005.;

(20) in point 6.8.5.4, the second paragraph is deleted;

(21) in Attachment 6-A, second paragraph, fourth indent, point (a) is replaced by the following:

- '(a) minor planned changes to its security programme, such as company name, company address, person responsible for security or contact details, change of person requiring access to the 'Union database on supply chain security', promptly and at least within 7 working days before the planned change; and';

(22) in Attachment 6-C, Part 3, table, point 3.4 is replaced by the following:

'3.4. Do staff with unsupervised access to identifiable air cargo/air mail and staff implementing security controls receive security training in accordance with point 11.2.3.9 before being given unsupervised access to identifiable air cargo/air mail?';

(23) Attachment 6-D is deleted;

(24) in Attachment 6-E, second paragraph, the first indent is replaced by the following:

'— All staff who performs transport of cargo and mail will have received general security awareness training in accordance with point 11.2.7. Additionally, if such staff is also granted unsupervised access to cargo and mail to which the required security controls have been applied it will have received security training in accordance with point 11.2.3.9.;

(25) in point 8.1.1.1, the introductory wording is replaced by the following:

'In-flight supplies shall be screened by or on behalf of an air carrier, a regulated supplier or an airport operator before being taken into a security restricted area, unless';

(26) in point 8.1.3.2(a), the fourth paragraph is replaced by the following:

'The signed declaration shall clearly state the location of the site or sites to which it refers and be retained by the appropriate authority concerned';

(27) in point 8.1.4.2, point (a) is replaced by the following:

- '(a) the 'Declaration of commitments – known supplier of in-flight supplies' as contained in Attachment 8-B. This declaration shall clearly state the location of the site or sites to which it refers and be signed by the legal representative; and';

(28) in point 8.1.5.1, point (b) is replaced by the following:

- '(b) ensure that persons with access to in-flight supplies receive general security awareness training in accordance with point 11.2.7 before being given access to those supplies. In addition, ensure that persons implementing screening of in-flight supplies receive training in accordance with point 11.2.3.3 and persons implementing other security controls in respect of in-flight supplies receive training in accordance with point 11.2.3.10; and';

(29) in Attachment 8-B, second paragraph, first indent, point (b) is replaced by the following:

'(b) ensure that persons with access to in-flight supplies receive general security awareness training in accordance with point 11.2.7 before being given access to those supplies. In addition, ensure that persons implementing security controls other than screening in respect of in-flight supplies receive training in accordance with point 11.2.3.10; and';

(30) in point 9.1.1.1, the introductory wording is replaced by the following:

'Airport supplies shall be screened by or on behalf of an airport operator or a regulated supplier before being taken into a security restricted area, unless:';

(31) in point 9.1.3.2, point (a) is replaced by the following:

'(a) the 'Declaration of commitments – known supplier of airport supplies' as contained in Attachment 9-A. This declaration shall clearly state the location of the site or sites to which it refers and be signed by the legal representative; and';

(32) point 9.1.3.3 is replaced by the following:

'9.1.3.3 All known suppliers must be designated on the basis of validations of:

- (a) the relevance and completeness of the security programme in respect of point 9.1.4; and
- (b) the implementation of the security programme without deficiencies.

As a legal proof of the designation, the appropriate authority may require airport operators to enter the necessary details of the known suppliers they designate into the "Union database on supply chain security" not later than the next working day. When making the database entry, the airport operator shall give each designated site a unique alphanumeric identifier in the standard format.

Access into the security restricted areas of airport supplies may only be granted after having established the status of the supplier. This shall be done by verifying in the "Union database on supply chain security", if applicable, or by using an alternative mechanism delivering the same objective.

If the appropriate authority or the airport operator is no longer satisfied that the known supplier complies with the requirements of point 9.1.4, the airport operator shall withdraw the status of known supplier without delay.';

(33) in point 9.1.4.1, point (b) is replaced by the following:

'(b) ensure that persons with access to airport supplies receive general security awareness training in accordance with point 11.2.7 before being given access to those supplies. In addition, ensure that persons implementing screening of airport supplies receive training in accordance with point 11.2.3.3 and persons implementing other security controls in respect of airport supplies receive training in accordance with point 11.2.3.10; and';

(34) in Attachment 9-A, second paragraph, first indent, point (b) is replaced by the following:

'(b) ensure that persons with access to airport supplies receive general security awareness training in accordance with point 11.2.7 before being given access to these supplies. In addition, ensure that persons implementing security controls other than screening in respect of airport supplies receive training in accordance with point 11.2.3.10; and';

(35) point 11.1.1 is replaced by the following:

'11.1.1. The following personnel shall have successfully completed an enhanced background check:

- (a) persons being recruited to implement, or to be responsible for the implementation of screening, access control or other security controls in a security restricted area;
- (b) persons with general responsibility at national or local level for ensuring that a security programme and its implementation meet all legal provisions (security managers);

- (c) instructors, as referred to in Chapter 11.5;
- (d) EU aviation security validators, as referred to in Chapter 11.6.

Point (b) of the first paragraph shall apply from 1 January 2023. Before that date, such persons shall have completed an enhanced or a standard background check either in accordance with point 1.2.3.1 or as determined by the appropriate authority in accordance with applicable national rules.;

- (36) in point 11.1.5, the following paragraph is added:

'An enhanced background check shall be fully completed before the person undergoes the training referred to in points 11.2.3.1 to 11.2.3.5.:'

- (37) in point 11.2.3.9, the introductory wording is replaced by the following:

'Training of persons with unsupervised access to identifiable air cargo and mail to which the required security controls have been applied and persons implementing security controls for air cargo and mail other than screening shall result in all of the following competences:'

- (38) the following point 11.2.3.11 is added:

'11.2.3.11. Training of flight and cabin crew members implementing in-flight security measures shall result in all of the following competences:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (b) awareness of the relevant legal requirements and knowledge of elements contributing to the establishment of a robust and resilient security culture in the workplace and in the aviation domain, including, inter alia, insider threat and radicalisation;
- (c) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of flight and cabin crew members;
- (d) knowledge of how to protect and prevent unauthorised access to aircraft;
- (e) knowledge of procedures for sealing aircraft, if applicable for the person to be trained;
- (f) ability to identify prohibited articles;
- (g) knowledge of how prohibited articles may be concealed;
- (h) ability to implement aircraft security searches to a standard sufficient to reasonably ensure the detection of concealed prohibited articles;
- (i) knowledge of the configuration of the type or types of aircraft on which the duties are performed;
- (j) ability to protect flight deck during the flight;
- (k) knowledge of procedures relevant to carriage of potentially disruptive passengers on board an aircraft, if applicable for the person to be trained;
- (l) knowledge of handling persons authorised to carry firearms on board, if applicable for the person to be trained;
- (m) knowledge of reporting procedures;
- (n) ability to respond appropriately to security related incidents and emergencies on board an aircraft.:'

- (39) point 12.0.3.2 is replaced by the following:

'12.0.3.2. The "EU Stamp" marking shall be affixed by manufacturers on security equipment approved by the Commission and visible on one side or on-screen.:'

- (40) point 12.1.2.1 is replaced by the following:

'12.1.2.1. There shall be four standards for WTMD. Detailed requirements on those standards are laid down in Commission Implementing Decision C(2015) 8005.:'

(41) the following point 12.1.2.4 is added:

‘12.1.2.4. All WTMD installed as of 1 July 2023 shall meet standard 1.1 or standard 2.1.’;

(42) point 12.2.4 is deleted;

(43) in point 12.5.1.1, the seventh paragraph is deleted;

(44) point 12.6.3 is deleted;

(45) point 12.7.3 is deleted;

(46) point 12.9.1.7 is replaced by the following:

‘12.9.1.7 An EDD team shall be approved by or on behalf of the appropriate authority in accordance with Attachments 12-E and 12-F to Commission Implementing Decision C(2015) 8005. The appropriate authority may allow the deployment and use of EDD teams trained and/or approved by the appropriate authority of another Member State, provided it has formally agreed with the approving authority on the respective roles and responsibilities in ensuring that all the requirements in Chapter 12.9 of this Annex are fulfilled, in accordance with Attachment 12-P to this Annex. In the absence of such agreement, full responsibility for the fulfilment of all requirements in Chapter 12.9 of this Annex remains with the appropriate authority of the Member State where the EDD team is deployed and used.’;

(47) point 12.9.3.2 is replaced by the following:

‘12.9.3.2 The content of training courses shall be specified or approved by the appropriate authority. The theoretical training of the handler shall include the provisions laid down in Chapter 11.2 for the screening of the specific area or areas where the EDD team is approved.’;

(48) the following Attachment 12-P is added:

ATTACHMENT 12-P

LETTER OF UNDERSTANDING BETWEEN APPROPRIATE AUTHORITIES SUPPORTING THE DEPLOYMENT OF EDD TEAMS

This letter of understanding is established between the following parties:

The appropriate authority receiving support for the deployment of EDD teams:

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The appropriate authority or authorities providing support for the deployment of EDD teams:

.....

For the identification of the following roles (*) to ensure that the deployment of EDD teams meets EU requirements:

Appropriate authority in charge of specifying or approving the content of training courses:

.....

Appropriate authority in charge of approving EDD teams:

.....

Appropriate authority in charge of the external quality control:

.....

For the following period of validity:

Date:

Signatures:

(*) Should there be a need, this letter of understanding may be supplemented with additional details and amended as needed in order to specify the roles of the appropriate authorities, and to determine its scope of application.’