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Subject: Progress report regarding strengthening air cargo security

Delegations will find attached a letter by Commissioners Kallas, Malmström and Šemeta to the Council on implementing the EU action plan on air cargo security (Annex 1) as well as a progress report in this subject (Annex 2).



EUROPEAN COMMISSION

Brussels, 7 June 2011
Cab (2011) 675973

Dear colleagues,

At our meeting on 2 December 2010 we endorsed the High Level Working Group report and action plan on strengthening air cargo security and you asked the Commission to report on progress in six months. The action plan was a direct response to the October incident involving explosive devices concealed in air cargo consignments from Yemen.

We are pleased to inform you of the collaborative and rapid progress in implementing the action plan, as described in the annex. Let us highlight the key points:

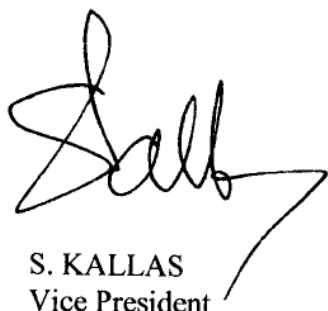
Firstly, we managed to agree new rulemaking to strengthen cargo security. For the first time, we will secure cargo entering the EU from third countries and we will tailor controls on the basis of risk. Following a positive vote in the Regulatory Committee on aviation security on 8 June, the Commission will adopt the measures as soon as possible so that they can enter into force in a few months' time.

Secondly, great strides have been made in the improvement of information sharing. Work on a methodology for a common EU aviation security risk assessment is well advanced. Working together on identifying threat and risk, and designing integrated countermeasures is the most effective method for preventing terrorism. Working together is now what we do with all Commission departments concerned, as well as other agencies, both at EU and Member States level.

Thirdly, Europe is fully engaged in the work launched by the International Civil Aviation Organisation and World Customs Organisation in order to agree on higher global cargo security standards. We should push for ICAO to adopt reinforced standards and guidance at the envisaged special Assembly in September 2012. There is a need to accompany this with further capacity building in those third countries where we have the greatest concerns. We should join efforts and coordinate actions in this regard.

Dear colleagues, civil aviation clearly remains an important target for international terrorism and it will require our continued attention in the time to come. On cargo security, we have introduced a differentiated, risk and information based approach. And we have tried to tackle security as much as possible at the source, thus securing an uninterrupted supply and transport chain. We firmly believe that this is the only way we can keep up high controls while facilitating travel and trade. We will need Member States' support in the coming period to properly implement the new approach and to follow through on all the commitments taken in the cargo security action plan. We are grateful for your strong support in this field.

Yours sincerely,



S. KALLAS
Vice President



C. MALMSTRÖM
Commissioner



A. ŠEMETA
Commissioner



EUROPEAN COMMISSION

Brussels, 7/6/2011

Progress report regarding strengthening air cargo security

In the aftermath of the Yemen incident the Council (Transport and Home Affairs configurations) endorsed the High Level Working Group report and action plan on *Strengthening Air Cargo Security* (2.12.2011). The action plan concluded that security of inbound cargo must be strengthened on the basis of a coordinated approach at EU and international level. The Council asked for a speedy implementation of the action plan and invited the Commission to report on progress within six months.

1. Enhancing and further harmonising the EU cargo security regime

1.1. New rulemaking on air cargo security

The Commission has prepared draft legislation to reinforce security of cargo entering the EU from third countries, focusing on measures for mitigating the risk where it appears greatest:

- Air carriers will be required to ensure that cargo either has been screened for explosives or inflammables or comes from a trusted source before they are allowed to fly into the EU from third countries; the carriers and trusted sources in third countries will be subject to independent validation as of 2014.
- In third countries with high security standards cargo will be exempted from these additional measures whilst in third countries with high risk enhanced screening for cargo will be required by means of a combination of two or more screening measures. These exemptions and additional requirements will continuously be reviewed based on an EU risk assessment;
- Cargo being transferred from all-cargo on to passenger flights at EU airports must be screened to higher, passenger flight standards prior to loading on to the passenger aircraft.

The proposal has been developed in close cooperation with Member States and industry experts meeting in the context of the Aviation Security Regulatory Committee and its Working Group on air cargo. Member States should endorse the legal proposal of the Commission by vote on 8 June 2011. The new rules for the protection of inbound cargo should enter into force on 1 February 2012. The EU and the Member States should undertake a diplomatic effort to explain the new rules to carriers and third country partners.

Supply chain security is also being strengthened within the EU. Member States have been urged to speed up the full implementation of the regime of trusted operators to enhance air cargo security within the EU. This regime approves regulated agents and known consignors as part of a secure supply chain. Work is under way to analyse the legal provisions governing authorised economic operators, regulated agents and known consignors, with a view to establishing their degree of equivalency, and to further align the customs and aviation security regimes to avoid unnecessary duplication.

The advance information system used by EU customs has a promising role to play in strengthening air cargo security through a more refined risk analysis of cargo shipments entering, transiting on or exiting from the EU territory. The Commission has initiated discussions with Member State and industry experts on the necessary adaptations to meet the needs of aviation security, including amendments of the Customs code to improve the timelines and quality of data necessary for electronic risk analysis before loading. This work, which is also conducted by the U.S. and in the context of the WCO (World Customs Organization), should aim to produce concrete results in aviation in 2012/2013.

1.2. Technology

The EU Network of Detection Explosive experts have delivered an assessment of available air cargo security technologies that the Commission has used for its new rulemaking. In addition, tests are ongoing on technology used for cargo security that will allow a constant update of methods with the objective of making cargo traffic more secure.

The Commission will promote the development of technical standards and certification for explosive detection systems at EU level. To further stimulate and support innovative projects in the field of detection technology used for screening, the Commission has included cargo screening in its calls for proposals within the Framework Programme for EU Research and Development.

1.3. Declaration of security equivalency

According to the legislation currently in force, it is possible to recognise third countries' security and compliance programmes as equivalent to EU standards. Discussions regarding such recognitions are ongoing for North Atlantic routes; however, in order to succeed, stronger commitment is required from the U.S. side. The process would benefit from a restatement of the objective of mutual recognition at political level. The Commission is also seeking closer cooperation and information exchange on technological development and equipment standards. Closer cooperation with major third country players is concluded or being negotiated for customs security matters such as mutual recognition of security standards and trade partnership programmes.

1.4. Application monitoring and EU inspections

The implementation of aviation security measures is reviewed on a regular basis, both in terms of the adequacy of the national aviation security programmes and of their practical application. Member States submit annual reports on the implementation of the common basic standards for aviation security to the Commission, including their own airports inspection activities. The analytical result thereof and specific Commission inspections of cargo activities at airports or specific cargo sites may lead to identification and the consequent need for rectification of deficiencies. The Commission has increased the number of cargo security inspections following the adoption of the action plan.

The Commission also offers certification of national aviation security inspectors to EU standards. Some of the inspectors who work at national level to improve security are in addition qualified to assist in Commission inspections at EU airports. In late 2010 and early 2011 the Commission has held three training courses. This now makes a total of approximately 40 specialised national inspectors certified for Commission air cargo security inspections.

2. EU coordination and exchange of information

2.1. EU risk assessment

In March 2011 the Joint Situation Centre (SitCen) delivered a comprehensive threat assessment report on civil aviation security based on the input from several Member States. Together with previous reports on the subject matter, it has provided the basis for the Commission's overall risk assessment used for the new rulemaking on air cargo security.

Moreover, the Commission is working with Member States' interior and aviation affairs experts to establish a general framework and procedure for common EU aviation security risk assessments. Key elements for a risk assessment methodology include available threat and vulnerability information, and current risk mitigation measures. Compliance with international standards for aviation security and in particular relevant ICAO (The International Civil Aviation Organisation) requirements is instrumental in this regard. The regular risk assessment reviews will help to identify any needs for legislative changes at EU level or possible changes of international requirements and recommended practices as regards the security of aviation entering the EU from third countries.

2.2. Sharing information

Overall the launching of the risk assessment process has triggered first improvements regarding the dialogue between authorities responsible for threat assessments and those developing aviation security risk assessments both at national and EU level. The importance of sharing information has been acknowledged and the Member States have carried out a survey on the measures taken by the Member States, mechanisms in place and possibilities to further enhance aviation security from the counter terrorism perspective. As envisaged in the action plan, these mechanisms should include a procedure to disseminate quickly and securely specific threat information and information on immediate security measures relating to air cargo. The Commission will follow up progress in this area.

Parallel to the discussions of new legislative proposals with Member States' experts meetings with industry were held to establish a common approach on airport security in third countries. The industry's recommendations were incorporated into the legislative proposals to a high degree.

The Commission, the Council, Member States and industry are exploring methods to share threat and risk information and how to better cooperate on emergency measures. Some Member States already rely on a structured dialogue with the industry by way of regular meetings which provide input to the identification of possible risk situations in third countries and need of mitigation measures.

3. Enhancing global standards

3.1. Cooperation with international organisations

The International Civil Aviation Organisation (ICAO) has put air cargo security high on the global agenda. ICAO established a working group on air cargo security which will propose amendments to the international requirements laid down in the Chicago Convention. Its recommendations are due before the end of this year. Another working group will present measures to globally implement the requirement of staff screening that is expected to considerably reduce insider threat throughout the world and may as such reduce corruption related threats. The Commission and several Member States participate in these working groups.

The EU is also supporting greater transparency of ICAO security audits and ICAO coordination of capacity-building efforts and the deployment of joint assessments. The possible high-level ICAO conference devoted to aviation security in the second half of 2012 will be an occasion to deliver results on global cooperation in air cargo security.

The Framework for Enhanced Cooperation is an EU-ICAO Memorandum of Cooperation. As laid down in the framework an annex will cover security cooperation such as training and participation in each others activities. Discussions are ongoing with Member States as to the content of the annex, which should be adopted in the third quarter of 2011.

Similar work by Customs authorities is ongoing to amend the World Customs Organization (WCO) SAFE framework of Standards.

3.2. EU third country relations

After the cargo incident in October the Commission undertook an assessment mission to Yemen in January 2011 to see how international ICAO requirements regarding air cargo security were met and how the Yemen security regime compared with the EU regime. The assessment showed that several additional security measures had been put in place at the Sana'a airport at the time. Nevertheless, the general situation in Yemen for the past months does not allow the EU to draw final conclusions as to the overall improvement of aviation security in Yemen.

In addition to the capacity building efforts of Member States, which need to be further reinforced and coordinated, the Commission also aims to engage in capacity building activities in third countries in order to increase security and safety at the same time. This should lead to developing an aviation security and safety partnership initiative in agreement with beneficiary countries. There are several ongoing projects which relate to a broad range of aviation issues (such as general policy support; security capacity building; safety; training and regulatory cooperation/convergence), including work with neighbouring countries and main trading partners. Regional and national aspects of aviation safety and security are also on the agenda.

The Commission and Member States also strive to establish partnerships with relevant third countries to improve security standards through air transport agreements. These agreements often include provisions on cooperation in security matters.

The Commission will continue to report on the follow-up to the Action Plan on a regular basis.