

AD HOC GROUP ON CIVIL AVIATION SECURITY

Preliminary Report

FOREWORD

1. The terrorist attacks of 11 September 2001 demonstrated a new form of acts of unlawful interference against civil aviation. Until then, the concept of security measures was based on attacks against civil aviation aimed at either destroying the aircraft or entering into negotiations; consequently, they concentrated on all kind of aggressors (other than suicides). But besides the particularity that the aggressors from 11 September 2001 were prepared to die during the aggression, these attacks were also characterised by an even more important element : the aircraft as such was used as a bomb against targets on the ground.
2. The anti-terrorist measures taken until now according to annex 17 to the Chicago Convention and to Document 30 elaborated by the European Civil Aviation Conference (ECAC) are still valid. What has to be considered is how to best handle the new forms of aggression.
3. It can be expected that numerous future acts of unlawful interference against civil aviation will follow the well-known patterns. It would therefore be a wrong conclusion to change for the sake of change. The weakness was not in the system but in the inability to imagine and then to prevent such atrocities.
4. This present preliminary report identifies the weak points of the present system. First, there is no requirement that the international standards (including those in document 30) should be applied to domestic flights. Second, there is uneven implementation of the standards for international flights among Member States. The report also examines the deficiencies in the current system such as training of staff which have to be addressed and remedied.
5. In addition, the present report identifies the options for additional measures addressing this new form of threat. These options include not only security measures as such but also safety measures linked with the design and operation of aircraft (for example, the locking of the cockpit door), air traffic management procedures, intelligence measures necessitating an improvement in the cooperation between different administrations and last but not least, training measures.

As explained in this report the enhancement of aviation security requires the following:

1. The reinforcement of the implementation of ECAC recommendations through training, enforcement mechanism (legal instrument and quality control), appropriate financing and intense administrative cooperation;
 2. Adoption of new rules in order to address the new form of threat: some of them will necessitate intense work involving the aircraft manufacturers and safety regulators; such as strengthening cockpit doors. Others are easier to adopt such as procedures governing the closure of the cockpit door, the prohibition of dangerous articles and intensification of controls on access;
 3. A coordinated effort in the development of training not only for the personnel in charge of security but also for the personnel on the ground and the crew.
 4. A closer cooperation between all the services, including aviation security services, involved in the fight against terrorism.
 5. The intensification of the existing Audit programmes.
6. The development of these initiatives and improvements will need international cooperation first within ECAC, which should remain the expert body for the setting up of the technical rules to the benefit of its 38 Member states. Without international cooperation, any measure adopted at European level will have a limited effect: the security of air transport will depend now, even more than in the past, upon the security measures adopted and enforced, in the countries where the flights are originating. For this reason the European Community will have to contribute in liaison with ECAC through its Ad-Hoc group, to the ICAO activities, in accordance with the orientations decided in the 2001 Assembly.
7. The Ad-Hoc group intends to set up a coherent working programme on the basis of the issues identified in this preliminary report and on the basis of the ECAC's work, in view of the December Transport Council.

INTRODUCTION

8. The Ad-Hoc group was set up by the decision of the extraordinary meeting of the Transport Council of 14 September 2001. This group is multidisciplinary in the sense that it gathers not only experts from the Aviation Security, but also from Justice and Home Affairs; the Secretariat of the European Civil Aviation Conference, the Secretariat of ICAO as well as representatives of Eurocontrol and the Joint Aviation Authorities.
9. In parallel the Commission set up a group representing the stakeholders (airlines, airports, crew, ground staff, business aviation, manufacturers) to contribute to the deliberations of the Ad-Hoc group.
10. The group was chaired jointly by the Commission and the Presidency. Its task, as defined by the Council, was firstly to examine "co-ordination and co-operation needs within the Union to guarantee the consistent introduction of security measures" and, secondly, to consider "legislative initiatives that would guarantee they are effectively and uniformly

implemented, without prejudice to the Commission's right of initiative"; its task was also to examine "whether Community regulations are consistent with US legislation so as to avoid European airlines being subject to different types of regulation". It examined also the modalities of implementation of the conclusions of the extraordinary European Council of 21 September 2001.

11. The Council asked the group to produce a first report in time for the Transport Council of 16 October. To that end it has met 3 times. In parallel, ECAC created 3 task forces; the report of one task force is annexed to the present report although the Ad-Hoc group was not in a position to discuss its report as it was not yet available when this report was drafted. As specified by the President of ECAC, the report was made available on 11 October and the other reports will be made available in due time before 6 December 2001.

CURRENT SITUATION

12. Civil aviation security is the result of a combination of measures implemented under the control of National Authorities in airports, on board aircraft and in air traffic control centres. The situation in each field is summarised hereunder.

1) AIRPORT SECURITY

(i) Institutional framework

13. The existing security provisions are organised at two different levels :
 - The international requirements are laid down by the International Civil Aviation Organisation; these requirements are binding only on international flights. It was decided during the last Assembly of that organisation (5 October) to reinforce the regulatory and surveillance responsibilities of that organisation.
 - The European requirements are contained in document 30 of the European Civil Aviation Conference and are applicable in 38 European States. But these standards have been designed for international flights even if many of the European Community Member States apply them to domestic flights. Implementation of these requirements is now subject to audit by ECAC inspection teams.
14. Responsibility for the implementation of ECAC recommendations and international standards varies greatly among Member States. In most countries it is the Department of Transport which bears this responsibility or it is shared between several Ministries including Justice and Home affairs & Defence. The sharing of tasks among airports, airlines and police for implementation also varies widely.
15. To date, the European Community has not developed rules in the security field, except when related to safety issues (see section 2). There was a strong view in the group that if Community action was to be considered, it should aim at establishing a minimum common level of protection, but should not deprive Member States from determined their own level of threat for and on corresponding additional measures. It was felt also that conclusions of agreements with 3rd countries in the field of aviation security should remain a national competence. Stakeholders on their side were much more inclined to support Community action to ensure uniformity – exceptional measures, when justified, have to be proportionate to the threat.

16. As far as the other measures listed in the European Council conclusions (classification of weapons, hold baggage control and quality control), their enactment has to be part of a general approach embracing all the security measures recommended by ECAC. For that reason the Ad-Hoc group has considered the adoption of such measures in the context of an improvement in the application of the existing recommendations which include the control of hold baggage and prohibited and dangerous items.

(ii) Current state of implementation

17. There is a general agreement in the Ad-Hoc group that the measures contained in document 30, if fully applied, would ensure a good level of aviation security; however even if these measures had been fully enforced in European airports, they would not have prevented a terrorist act similar to those which occurred in the US.

18. The main problems would appear to originate in :

- The measures are not applied to all flights as the ECAC and ICAO requirements only apply to international flights. Nevertheless, while in some Member States less prescriptive measures are applied to domestic flights and to intra-Schengen flights, the trend goes towards the application of these requirements to all flights.
- The screening of hold baggage today varies greatly from country to country but this situation is due to change by the end of 2002 on international flights through the implementation of the ECAC recommendation on a 100% hold baggage control; to follow the conclusions of the European Council the Ad-Hoc group proposes to make these provisions binding at all commercial airports; to all flights (domestic and international).
- In many Member States airport design and infrastructures do not always allow for the total segregation of passengers departing and arriving, with the consequence that a passenger arriving from an airport with deficient security control could come in contact with a passenger already screened in the area for embarkation. However, this does not pose a major threat if adequate compensatory measures are applied.
- Some Member States face difficulties in implementing the recommended measures for cargo operations because of lack of political will or/and technical expertise;
- There are variations in, or lack of, national quality control systems, mainly due to lack of resources (training, manpower, financial) and lack of quality culture;
- The audit programme design by ECAC requires additional resources and the Group was informed that a new ECAC audit system was introduced in 2000. To date 3 pilots scheme have been carried out on a voluntary basis and 3 audits have been undertaken. It is hoped to carry out 50 more audits over the next 18 months. It is judged that a sample of 50/70 airports out of an estimated 400 airports within the Community will provide sufficient results to permit conclusions on the level of application. It is vital for all member States to launch audit systems based on ECAC requirements.

19. It was also stressed that up until now the level of implementation of security measures had to take into consideration the need of not unduly affecting passengers and air operations. Maintaining the past level of facilitation, while strengthening the implementation of security measures requires therefore additional resources, both in terms of staff and equipment.

20. In short, the efficiency of implementation of the present measures depends mainly from a more rigorous and systematic control of their effective application in all the airports; it requires clear legal obligations on all the actors and additional resources for recruitment and training.

2) AIRCRAFT SECURITY

(i) institutional framework

21. International requirements are contained in ICAO Annexes 6 and 8. These requirements are further developed in the Joint Aviation Requirements (JARs) issued by the JAA, for example, in the airworthiness codes and JAR OPS. There are security requirements in the Commission's proposals on Operational requirements for commercial operations by airplanes¹ and on safety requirements for cabin crews², which are pending before the Council and the European Parliament.

(ii) current state of implementation

22. Further examination will be carried out to verify if the measures are implemented in a satisfactory way.

3) AIR TRAFFIC MANAGEMENT SECURITY

(i) Institutional framework

23. As far as unlawful interference and related procedures are concerned, international requirements are contained in ICAO Annex 11 and further developed in ICAO guidance material (doc. 4444).

(ii) Current state of implementation

24. Security measures are incorporated in the procedure manuals and co-ordination protocols of air traffic control centres. They would appear to be correctly implemented.

AREAS FOR IMPROVEMENT

1) AIRPORT SECURITY

(i) Areas for which document 30 measures should be strengthened

25. Certain best practices, going beyond the current recommendations of document 30, if regulated and implemented, would improve the present situation. ECAC has indeed already established a task force to consider this question and a first report of its work is attached to this report. Without prejudice to the suggestions made by ECAC, the following points have been envisaged :

¹ COM 2000/121 final 24th March 2000.

² COM 97/ 0382 final of 22 July 1997 amended by COM 99/0068 final of 5 March 1999.

- Cabin searches prior to departure, currently undertaken by airline staff, security firms and/or secure cleaners, should be carried out systematically and comprehensively;
- Control to restricted areas could be significantly improved by better technology, organisation and management control;
- Training of security personnel sometimes falls short of required standards. This could be a consequence of the current perceived nature of the job, which is characterised by high turnover, low remuneration and lack of job satisfaction. A higher job profile and improved vetting (including pre-employment checks) of personnel recruited could be considered to rectify this situation. In a joint venture with ECAC, and subject to appropriate financial arrangements, the regional ICAO European Aviation Security Training Institute (EASTI), located in Brussels, will increase its efforts in developing the European versions of the standardised aviation security training package for all categories of government, airlines and airport personnel, adapted to the new threats and with specific emphasis on security awareness courses, aviation security courses for cockpit and cabin crew, check in personnel and aviation security inspectors.

(ii) Possible new measures

26. In the light of the new threat it is now opportune to consider new measures capable of preventing kamikaze terrorists to get on board aircraft. Here again an ECAC task force is considering this question and will report before the Council meeting of 6 December 2001. The following measures are envisaged :

- Measures requiring new working methods and an improved co-operation between different departments : improved liaison between intelligence/police/airport/security services and appropriate Authority would improve reactions to potential threats by a better use of the information available in all the relevant services;
- Measures requiring an improvement of the control methods: such as the introduction of profiling techniques in selected cases at check-in to better identify potential suspects, or the introduction of reconciliation at gate of departure of passport/boarding card or the introduction of random checks in sterile areas. These measures do not require important investments and the operational instructions might be easily defined by the experts and could improve a high profile deterrent;
- The restriction on carry-on luggage might reduce the risk to introduce prohibited articles in the cabin even if it will be a highly visible measure, its effectiveness would depend upon its application to all flights originating from outside the European Community and further the commercial implication will have to be considered.
- Consideration should be given to closer controls and vetting of trainees using simulation facilities and pilot training schools. The question remains open as to whether such measures are aviation security measures or part of the wider police intelligence role.

2) AIRCRAFT SECURITY

27. Assuming that the preventive measures on the ground have failed, there is a need to further examine what measures can be taken to neutralise hijackers once on board an aircraft. This is currently being examined by an ECAC Task Force, together with the JAA. Without prejudice to their conclusions, the following measures have been identified.

- Measures linked to the design of an aircraft: It would appear general consensus to keep the cockpit door closed during the flight and restrict access. However the locking of the door and the reinforcement of the door and the isolation of the cockpit from the cabin and its consequences and procedures will have to be subject to discussion between safety experts, manufacturers and pilots. Other on-board devices will also be considered by the experts, such as the inviolability of the transponder and the installation of a video camera to permit the pilot in the cockpit to be informed of the situation in the cabin;
- Employment of in-flight security personnel (sky marshalls) on board some aircraft: such a measure is additional to the training of the aircrews. The support to employ sky marshalls differs from Member State to Member State due to the necessity to find a right balance between security and safety on board.
- Measures related to the operational procedures on board aircraft and the training of crew should be examined. Consideration should be given to appropriate amendments of the pending Commission proposals (see paragraph 27.1 above). It should also be noted that the aviation security training package being developed by European Aviation Security Training Institute (EASTI) is intended to include aviation security courses for cockpit and cabin crew.

3) AIR TRAFFIC MANAGEMENT MEASURES

28. It is felt that the Air traffic management community which is the best placed to interface with a hijacked aeroplane should be able to play a more prominent role in the identification of an unlawful act, the dissemination of information and possibly in the following intervention :

- Identification : the usual procedure based on transponders to signal the hijack, is now well known by terrorists who prevent its use. Work shall be done therefore to allow for some automatic switching of transponders on alarm modes and forbid their neutralisation in flight. Use of primary radar and available military surveillance facilities to follow the flight shall be re-examined;
- Information : air traffic management is currently fitted with a communication network. That network shall be used and extended to disseminate information and data to all those who have to act in case of hijacking both civil and military. Many of those in the security domains are not connected to that network. This shall be remedied and appropriate procedures be established to allow for a swift reaction and the implementation of accompanying measures such as grounding of aircraft and closing of airspace in a certain perimeter. Eurocontrol Central Flow Management Unit certainly has an important role to play in this chain of action. Some automatic switching of air ground communication able to bring to that chain appropriate information on what is happening on board would be an essential tool to initiate the reaction;
- Intervention : Decisions on what to do in case of hijacking is definitely for the highest government levels and requires closest civil / military co-ordination and co-operation. It has been pointed out that NATO has developed common procedures permitting a fighter to cross national borders between its contracting states. Taking control of the aircraft from the ground to direct it to a specific airport shall be considered and research in that field intensified.

FINANCIAL AND ADMINISTRATIVE IMPLICATIONS

29. There can be no doubt that the measures considered to improve security will have financial implications. Work will be done to evaluate them and the consequences on the air transport industry.
30. Consideration will also have to be given on the way extra costs are to be absorbed and shared, since increased security will benefit to the general public as well as the airlines airports and passengers.

CO-OPERATION AND CONSISTENCY AT INTERNATIONAL LEVEL

31. The Ad-Hoc group was informed of the few difficulties that are being encountered from the new USA measures, and recommend continued full co-operation with the USA to ensure consistency of new security measures introduced both in Europe and the United States. Appropriate liaison with the FAA has therefore been established to prepare this report and will be maintained for the future.
32. The Ad-Hoc group will also prepare initiatives for the contribution of the European Community to future work in ICAO. It is also well understood that aviation security requires world-wide actions and that consistency shall be ensured not only with our American counterparts, but also with other parts of the world. Initiatives taken in ICAO, by the Community and its Member States, together with ECAC, have already led to the adoption of a Resolution which provides for such co-ordinated efforts. Initiatives shall continue to be taken in that forum to further review Annex 17 and put in place an ICAO security assessment programme.