

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4548 of 28 February, 2019

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LEGAL NOTICE NO. 41 OF 2019.

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### AVIATION SECURITY (AMENDMENT ETC.) (EU EXIT) REGULATIONS 2019

In exercise of the powers conferred upon him by section 11(1) and 15(1) of, and Schedule 3 to, the European Union (Withdrawal) Act 2019 the Minister has made the following Regulations—

#### PART 1 Introduction

##### **Title and commencement.**

1. These Regulations may be cited as the Aviation Security (Amendment Etc.) (EU Exit) Regulations 2019 and come into operation on exit day.

#### PART 2 Amendment of primary legislation

##### **Amendment of the Aviation Security (EU Common Rules) Act 2011.**

2.(1) The Aviation Security (EU Common Rules) Act 2011 is amended as follows.

(2) For “Framework EU Regulation” substitute “Framework Regulation” in each place where it occurs.

(3) In section 1(1) omit “EU Common”;

(4) In section 2(1)—

(a) omit the definitions of “Commission inspection” and “Commission inspector”;

(b) after the definition “security restricted area” insert—

“ “UK air carrier” means an air carrier holding a valid operating licence granted by the entity which grants operating licences to United Kingdom registered air carriers.”.

(5) In section 4(2) omit “by the European Commission”.

- (6) In section 6–
- (a) in subsection (2) omit “and in compliance with European Union law”;
  - (b) omit subsections (3) and (4).
- (7) Omit section 7.
- (8) In section 11–
- (a) in subsection (2)(a) for “Member State” substitute “country”;
  - (b) in subsection (4)–
    - (a) after “Community air carrier” insert “or a UK air carrier”;
    - (b) for “appropriate authority of the Member State” substitute “entity”.
- (9) In section 14–
- (a) in subsection (1) for “European Union requirement” substitute “requirement under this Act”;
  - (b) omit subsections (4) and (6);
  - (c) in subsection (5) for “sub-sections (3) and (4)” substitute “sub-section (3)”.
- (10) In section 15(1) omit “and European Union”.
- (11) In section 16(2) omit “or European Union”.
- (12) In section 18(1)–
- (a) omit paragraph (e);
  - (b) in paragraph (f) omit “or a Commission inspector”.

### PART 3

#### Amendment and revocation of retained EU law

#### **Amendment of Regulation (EC) No 300/2008.**

3.(1) 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 is amended in accordance with regulations 4 to 40.

(2) The Regulation, as amended, is reproduced in Schedule 1 for information purposes only.

4. In the title omit “common”.

5. In Article 1 (objectives)–

(a) in paragraph 1–

(i) in the first subparagraph, omit “common”;

(ii) in the second subparagraph, for “a common” substitute “an”.

6. In Article 2 (scope)–

(a) in paragraph 1(a) for “territory of a Member State” substitute “Gibraltar”;

(b) omit paragraph 2.

7. In Article 3 (definitions)–

(a) omit paragraph 28;

(b) in paragraph 27 omit “common”;

(c) In paragraph 31 at the end for “flight.” substitute “flight;”;

(d) after paragraph 31 insert–

“32. ‘UK air carrier’ means an air carrier holding a valid operating licence granted by the entity which grants operating licences to United Kingdom registered air carriers.”.

8.(1) Article 4 (basic standards) is amended as follows.

(2) In the heading omit “common”.

(3) In paragraph–

(a) in the first subparagraph omit “common”;

(b) for the second subparagraph substitute–

“Additional basic standards not foreseen at the entry into force of this Regulation may be added to the Annex by regulations made by the Minister with responsibility for Civil Aviation.”.

(4) In paragraph 2–

(a) for the first subparagraph substitute–

“2. General measures, designed to amend non-essential elements of the basic standards referred to in paragraph 1 by supplementing them, may be prescribed by regulations made by the Minister with responsibility for Civil Aviation.”;

(b) in point (l) omit “common”;

(c) omit the final subparagraph.

(5) In paragraph 3–

(a) for the first subparagraph substitute–

“3. Detailed measures for the implementation of the basic standards referred to in paragraph 1 and the general measures referred to in paragraph 2 may be prescribed by regulations made by the Minister with responsibility for Civil Aviation.”.

(b) in point (e) for a “third” substitute “another”.

(6) In paragraph 4–

(a) for the first subparagraph substitute–

“4. The Minister with responsibility for Civil Aviation may make regulations to set criteria to permit derogation from the basic standards referred to in paragraph 1 and to adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment. Such alternative measures shall be justified by reasons relating to the size of the aircraft, or by reasons relating to the nature, scale or frequency of operations or of other relevant activities.”;

(b) omit the second and third subparagraphs.

(7) In paragraph 5–

(a) for “Member States” in the first sentence substitute “The appropriate authority”;

(b) for “their territory” substitute “Gibraltar”;

(c) omit “common”;

(d) for “a Member State” in the second sentence substitute “the appropriate authority”.

9. In Article 5 (security costs)–

(a) for “Subject to the relevant rules of Community law, each Member State” substitute “The Minister with responsibility for Civil Aviation”;

- (b) for “and in conformity with Community Law, Member States” substitute “the Minister with responsibility for Civil Aviation”.

10.(1) Article 6 (more stringent measures) is amended as follows.

(2) In the heading, omit “applied by Member States”.

(3) In paragraph 1–

- (a) for “Member States” substitute “The Minister with responsibility for Civil Aviation”;
- (b) omit “common”;
- (c) for “they” substitute “the Minister with responsibility for Civil Aviation”;
- (d) omit “and in compliance with Community law”.

(4) Omit paragraphs 2 and 3.

11. Omit Articles 7 and 8.

12. In Article 9 (appropriate authority)–

- (a) for “Where, within a single Member State, two or more bodies are involved in civil aviation security, that Member State shall designate a single” substitute “The Minister with responsibility for Civil Aviation is designated as the”;
- (b) omit “common”.

13. In Article 10 (national civil aviation security programme), in paragraph 1–

- (a) in the first subparagraph, for ““Every Member State” substitute “The appropriate authority”;
- (b) in the second subparagraph, omit “common”.

14.(1) Article 11 (national quality control programme) is amended as follows.

(2) In paragraph 1–

- (a) in the first subparagraph, for “Every Member State” substitute “The appropriate authority”;
- (b) in the second subparagraph, for “Member State” substitute “appropriate authority”.

(3) In paragraph 2–

- (a) for the first subparagraph substitute—  
“The specifications for the national quality control programme may be prescribed by regulations made by the Minister with responsibility for Civil Aviation.”;
- (b) omit the second subparagraph;
- (c) in the third subparagraph for “the territory of the Member State concerned” substitute “Gibraltar”.

15. In Article 12 (airport security programme), in paragraph 1, in the second subparagraph omit “of the Member State in which the airport is located”.

16.(1) Article 13 (air carrier security programme) is amended as follows.

- (2) In paragraph 1, in the second subparagraph for “Member State” substitute “country”.
- (3) In paragraph 3—
  - (a) for the first sentence substitute—  
“Where a Community air carrier or a UK air carrier security programme has been validated by the entity granting an operating licence, the air carrier shall be recognised as having fulfilled the requirements of paragraph 1.”.
  - (b) in the second sentence, for “a Member State’s” substitute “the Minister with responsibility for Civil Aviation’s”;
  - (c) in point (a) for “that Member State” substitute “the Minister with responsibility for Civil Aviation”.

17. In Article 14 (entity security programme), in paragraph 1, in the second subparagraph omit “of the Member State in respect of its operations in that Member State”.

18.(1) Article 15 (inspection) is amended as follows.

- (2) In the heading, omit “Commission”.
- (3) In paragraph 1—
  - (a) in the first subparagraph—
    - (i) for “The Commission, acting in cooperation with the appropriate authority of the Member State concerned,” substitute “The appropriate authority”;
    - (ii) omit “by Member States”;
    - (iii) omit the sentence beginning with the words “For this purpose”;

(b) for the second subparagraph substitute—

“The procedures for conducting inspections may be prescribed by regulations made by the Minister with responsibility for Civil Aviation.”.

(4) In paragraph 2—

(a) omit “Commission”;

(b) omit the second sentence.

(5) Omit paragraph 3.

19. Omit Articles 16 to 20.

20. Omit Articles 21 and 22.

21. In Article 24 (entry into force) omit the second subparagraph of paragraph 3 beginning with the words “This Regulation”.

22. Annex I is amended in accordance with regulations 23 to 29.

23. In the heading omit “common”.

24. In point 1.1 omit “common”.

25. In point 2 omit “common”.

26. In point 4.1—

(a) in paragraph 2 for “if:” substitute “if they arrive from any airport designated by the appropriate authority.”

(b) in paragraph 2 omit points (a) and (b).

(c) for paragraph 3(c) substitute—

“(c) they arrive from any airport designated by the appropriate authority.”.

(d) omit paragraph 3(d).

27. In point 4.2—

(a) in paragraph 2 for “unless:” substitute “unless the passengers arrive from any airport designated by the appropriate authority.”;

(b) in paragraph 2 omit points (a) and (b).

28. In point 5.1 for paragraph 2 substitute–

“Hold baggage may be exempted from screening if it arrives from any airport designated by the appropriate authority.”.

29. In point 6.1 for “, a known consignor or an account consignor” substitute “or a known consignor”.

30. Annex II is amended in accordance with regulations 31 to 40.

31. In the heading–

(a) omit “Common”;

(b) for “each Member State” substitute “the appropriate authority”.

32. Omit point 1.1(2).

33. Omit point 2.1.

34. In point 3.2(f), for “points 2.1 and 2.3” substitute “point 2.3”.

35. Omit point 7.6.

36. In point 11–

(a) in the heading omit “common”;

(b) in point 11.1 omit “harmonised”.

37. In points 14.1 and 15.1 for “Each Member State” substitute “The appropriate authority”.

38. Omit points 17 to 18.3.

39. In Appendix II, in the heading omit “harmonised”.

40. Omit Appendix III.

**Amendment of Commission Regulation (EC) No 272/2009.**

41.(1) 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 is amended in accordance with regulations 42 to 46.

(2) The Regulation, as amended, is reproduced in Schedule 2 for information purposes only.



42. In the title omit “common”.

43. In Article 1–

(a) in the first subparagraph omit “common”;

(b) omit point (e).

44. In Article 2, in paragraphs 3, 4 and 5 omit “common”.

45. In Article 3 (entry into force) omit the third subparagraph beginning with the words “This Regulation”.

46.(1) The Annex is amended as follows.

(2) In Part A–

(a) in the first paragraph, for “to be adopted pursuant to” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”;

(b) in the last paragraph, for “to be adopted pursuant to” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”.

(3) In Part B, in the first paragraph for “to be adopted pursuant to” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”.

(4) In Part B1 for “adopted pursuant to” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”.

(5) In Part D, in the first and second paragraphs for “to be adopted pursuant to” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”.

(6) Omit Part E.

(7) In Part F, point 2.2, in the third paragraph for “to be adopted pursuant to in” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”.

(8) In Part H, in point 2.1 for “to be adopted pursuant to” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”.

(9) In Part J, in point 2 for “to be adopted pursuant to” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”.

(10) In Part K–

- (a) in the first paragraph for “to be adopted pursuant to” substitute “prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with”;
- (b) in point (a) omit “the Commission or”.

**Amendment of Commission Regulation (EU) No 1254/2009.**

47.(1) Commission Regulation (EU) No 1254/2009 of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures is amended in accordance with regulations 48 to 50.

(2) The Regulation, as amended, is reproduced in Schedule 3 for information purposes only.

48. In the title, for “Member States to derogate from the common” substitute “derogation from the”.

49. In Article 1–

- (a) in the first subparagraph–
  - (i) for “Member States” substitute “The appropriate authority”;
  - (ii) omit “common”;
- (b) in the second subparagraph omit the second and third sentences.

50. In Article 2 (entry into force) omit the last subparagraph beginning with the words “This Regulation”.

**Amendment of Commission Regulation Implementing Regulation (EU) 2015/1998.**

51.(1) 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 is amended in accordance with regulations 52 to 125.

(2) The Regulation, as amended, is reproduced in Schedule 4 for information purposes only.

52. In the title omit “common”.

53. In Article 1, omit “common” in both places it occurs.

54. In Article 3 (entry into force) omit the third subparagraph beginning with the words “This Regulation”.

**Amendment of Chapter 1 (airport security).**

55.(1) Chapter 1 of the Annex is amended as follows.

- (2) Omit point 1.0.5.
- (3) In point 1.1.3.4–
  - (a) in point (b), for “third countries other than those listed in Attachment 4-B” substitute “any airport other than an airport designated by the appropriate authority”;
  - (b) omit point (c);
  - (c) in the last sentence for “points (b) and (c) are” substitute “point (b) is”.
- (4) In points 1.2.3 and 1.2.3.1, for “Union” substitute “Gibraltar”.
- (5) Omit points 1.2.3.7 and 1.2.3.8.
- (6) In points 1.2.4 and 1.2.4.1, for “Union” substitute “Gibraltar”.
- (7) Omit points 1.2.8, 1.3.1.9, 1.3.2.3, 1.4.1.4, 1.4.2.3, 1.4.3.3 and 1.4.4.2.

**Amendment of Chapter 3 (aircraft security).**

56.(1) Chapter 3 of the Annex is amended as follows.

- (2) Omit points 3.0.2, 3.0.6, 3.0.8 and 3.1.1.2.
- (3) In point 3.1.1.3 for “a third country not listed in Attachment 3-B” substitute “any airport other than an airport designated by the appropriate authority”.
- (4) Omit points 3.1.1.4, 3.1.1.5 and 3.1.2.
- (5) Omit point 3.2.2.5 and Attachment 3-A (aircraft security search) and Attachment 3-B (aircraft security).

**Amendment of Chapter 4 (passengers and cabin baggage).**

57.(1) Chapter 4 of the Annex is amended as follows.

- (2) Omit points 4.0.2 and 4.0.3.
- (3) In point 4.0.4(c), omit “that meets the provisions of point 12.7 of the Annex to Commission Implementing Decision C(2015) 8005”.
- (4) Omit points 4.0.5 and 4.0.6.
- (5) In point 4.1.1.7, omit “The Commission shall be informed of the categories created.”.
- (6) Omit point 4.1.1.8.

(7) In the third subparagraph of point 4.1.1.10, omit “in accordance with Attachment 4-A of Commission Implementing Decision C(2015) 8005”.

(8) In point 4.1.2.10, omit “The Commission shall be informed of the categories created.”.

(9) Omit point 4.1.2.12.

(10) In point 4.1.3.3, omit “The Commission shall be informed of the categories created.”.

(11) Omit points 4.1.3.4 and 4.2.

(12) Omit Attachment 4-A (requirements for a hand search) and Attachment 4-B (passengers and cabin baggage).

**Amendment of Chapter 5 (hold baggage).**

58.(1) Chapter 5 of the Annex is amended as follows.

(2) Omit points 5.0.2, 5.0.3, 5.0.5 and 5.0.6.

(3) In point 5.1.5, omit “The Commission shall be informed of the categories created.”.

(4) Omit points 5.1.6, 5.2.3 and 5.3.2.2.

(5) In point 5.3.3.1, omit “and, where applicable, applying additional requirements laid down in Commission Implementing Decision C(2015) 8005”.

(6) In point 5.3.3.2 for “referred to in point 5.3.2.2” substitute “designated by the appropriate authority”.

(7) Omit point 5.3.3.3 and Attachment 5-A (hold baggage).

**Amendment of Chapter 6 (cargo and mail).**

59. Chapter 6 of the Annex is amended in accordance with regulations 60 to 120.

60. Omit point 6.0.3.

61. In point 6.1.1, omit point (c).

62. Omit point 6.2.1.3.

63. In point 6.2.1.6, omit “and notified to the Commission”.

64. Omit point 6.2.2.

65. In point 6.3.1.2–

(a) in the first subparagraph of point (a) omit “of the Member State”;

(b) in point (b)–

(i) in the first subparagraph omit “EU”;

(ii) omit the second subparagraph;

(c) in points (c) and (d), omit “Union”.

66. In point 6.3.1.4, omit the third subparagraph.

67. In point 6.3.1.5–

(a) omit the second and third subparagraphs;

(b) in the fourth subparagraph, omit “Union”.

68. Omit points 6.3.1.6 and 6.3.1.8.

69. In point 6.3.2.1, for the words from “, a known consignor” to the end substitute “or a known consignor”.

70. In point 6.3.2.4 omit “and point 6.3 of the Annex to Commission Implementing Decision C(2015) 8005”.

71. In point 6.3.2.6–

(a) in point (c) for “except for consignments listed in points 6.2.1(d) and (e) of Commission Implementing Decision C(2015) 8005” substitute “except for small consignments or consolidations of such consignments designated by the appropriate authority”;

(b) in point (e), omit point (ii) and the “or” after it.

72. In point 6.3.2.7, in the second subparagraph, omit “or exempted from screening in line with points 6.2.1(d) and (e) of Commission Implementing Decision C(2015) 8005”.

73. In point 6.3.2.9, omit the second subparagraph.

74. In point 6.4.1.2–

(a) in point (a), omit “of the Member State in which its site is located”;

(b) in point (b) for “EU aviation security validator” in each place it occurs substitute “aviation security validator”;

(c) omit point (c);

(d) in point (d)–

(i) in the first subparagraph omit “or (a) and (c), as applicable” and “Union”;

(ii) in the second subparagraph, omit “or (a) and (c), as applicable”;

(e) in point (e) omit “Union”.

75. In point 6.4.1.4, omit the third subparagraph.

76. In point 6.4.1.5–

(a) omit the second and third subparagraphs;

(b) in the fourth subparagraph, omit “Union”.

77. Omit points 6.4.1.6 and 6.4.1.7.

78. Omit points 6.5 to 6.5.4.

79. In point 6.6.1.1, for “, known consignor or account consignor”, in each place it occurs, substitute “or known consignor”.

80. Omit point 6.7.

81. In point 6.8 for “the Union from third” substitute “Gibraltar from other”.

82. For point 6.8.1.1 substitute–

“6.8.1.1. Any air carrier carrying cargo or mail from an airport in another country for transfer, transit or unloading at any airport falling within the scope of Regulation (EC) No 300/2008 shall be designated as an ‘Air Cargo or Mail Carrier operating into Gibraltar from Another Country Airport’ (GIBRALTAR-ACC3) by the appropriate authority.

This requirement does not apply in respect of a country or territory designated by the appropriate authority.”.

83. In point 6.8.1.2–

(a) for “ACC3”, in both places it occurs, substitute “GIBRALTAR-ACC3”;

(b) in point (b), for “an EU aviation security validation report” substitute “an assessment by the appropriate authority of relevant evidence (which for the purpose of this Regulation may include a validation report)”.

84. In point 6.8.1.3–

- (a) for “ACC3” substitute “GIBRALTAR-ACC3”;
- (b) for “third country airport” substitute “airport in another country”;
- (c) for “the Union” substitute “Gibraltar”.

85. In point 6.8.1.4–

- (a) for “ACC3’s” substitute “GIBRALTAR-ACC3’s”;
- (b) omit “Union”;
- (c) for a “maximum period of five years” substitute “period of five years, unless the appropriate authority determines that the designation shall cease to be valid on an earlier date or determines that the designation remains valid for a further period not exceeding three months”.

86. For point 6.8.1.5 substitute–

“6.8.1.5. A GIBRALTAR-ACC3 listed on the database on supply chain security shall be recognised by the appropriate authority for all operations from an airport in another country into Gibraltar.”.

87. Omit points 6.8.2 to 6.8.2.4.

88. In point 6.8.3 for “a third” substitute “another”.

89. In point 6.8.3.1–

- (a) for “ACC3” substitute “GIBRALTAR-ACC3”;
- (b) for “a Union” substitute “Gibraltar”;
- (c) in points (a) and (b), omit “EU”;
- (d) omit point (c);
- (e) omit “Point (c) shall apply until 30 June 2021.”.

90. In point 6.8.3.2 for “the Union” substitute “Gibraltar”.

91. In point 6.8.3.3–

- (a) for “ACC3” substitute “GIBRALTAR-ACC3”;
- (b) in points (a) and (b) omit “EU”.

92. In point 6.8.3.4, for “ACC3”, in both places it occurs, substitute “GIBRALTAR-ACC3”.

93. In point 6.8.3.5–

- (a) for “ACC3”, in both places it occurs, substitute “GIBRALTAR-ACC3”;
- (b) in point (b), omit “Union”;
- (c) in the second subparagraph–
  - (i) omit “Union”;
  - (ii) for “ACC3” substitute “GIBRALTAR-ACC3”;
  - (iii) omit “EU”.

94. In point 6.8.3.6–

- (a) for “ACC3” substitute “GIBRALTAR-ACC3”;
- (b) omit “EU”;
- (c) in point (a), for “ACC3” substitute “GIBRALTAR-ACC3”;
- (d) in point (b), omit “EU”;
- (e) in the last sentence–
  - (i) for “ACC3” substitute “GIBRALTAR-ACC3”;
  - (ii) omit “EU”;
  - (iii) for “European Union” substitute “Gibraltar”.

95. Omit point 6.8.3.7.

96. For point 6.8.4.1 substitute–

“6.8.4.1. Entities from another country being, or intending to be, part of the supply chain of an air carrier holding the status of GIBRALTAR-ACC3, may be designated as either ‘regulated agent for another country’ (RA3) or ‘known consignor from another country’ (KC3).”.

97. For point 6.8.4.2 substitute–

“6.8.4.2. To obtain designation, the entity shall address the request to the appropriate authority.”.



98. In point 6.8.4.4(b), for “an EU aviation security validation report” substitute “an assessment by the appropriate authority of relevant evidence (which for the purpose of this Regulation may include a validation report)”.

99. In point 6.8.4.5–

- (a) for “third” substitute “other”;
- (b) for “the Union” substitute “Gibraltar”.

100. In point 6.8.4.6 omit “Union”.

101. Omit points 6.8.4.7 and 6.8.4.9.

102. Omit points 6.8.5 to 6.8.5.7.

103. In point 6.8.6, for “ACC3” substitute “GIBRALTAR-ACC3”.

104. In point 6.8.6.1.1–

- (a) omit “Commission or an”;
- (b) for “ACC3” substitute “GIBRALTAR-ACC3”;
- (c) for “the Union” substitute “Gibraltar”;
- (d) at the end of point (a) omit “and”;
- (e) omit point (b).

105. In point 6.8.6.1.2–

- (a) in the first subparagraph–
  - (i) for “ACC3”, in both places it occurs, substitute “GIBRALTAR-ACC3”;
  - (ii) omit “, or the Commission”;
- (b) in points (a) and (b)–
  - (i) for “ACC3” substitute “GIBRALTAR-ACC3”;
  - (ii) omit “Union”;
- (c) omit the second subparagraph.

106. In point 6.8.6.1.3–

- (a) for “ACC3” substitute “GIBRALTAR-ACC3”;
- (b) omit “Union”;
- (c) omit “EU”.

107. In point 6.8.6.1.4–

- (a) for “ACC3” substitute “GIBRALTAR-ACC3”;
- (b) for “authorities” substitute “authority”;
- (c) for “themselves” substitute “itself”;
- (d) for “ACC3s” substitute “GIBRALTAR-ACC3s”;
- (e) for “their” substitute “its”.

108. In point 6.8.6.2.1–

- (a) in the first subparagraph–
  - (i) for “ACC3” substitute “GIBRALTAR-ACC3”;
  - (ii) omit “Union”;
- (b) in point (b) for “ACC3” substitute “GIBRALTAR-ACC3”.

109. In point 6.8.6.2.2–

- (a) for “ACC3” substitute “GIBRALTAR-ACC3”;
- (b) for “authorities” substitute “authority”;
- (c) for “themselves” substitute “itself”;
- (d) for “ACC3s” substitute “GIBRALTAR-ACC3s”;
- (e) for “their” substitute “its”.

110. In Attachment 6-A–

- (a) in the first paragraph omit “common”;
- (b) omit “Union” in each place it occurs.

111. In Attachment 6-B–

- (a) under “Consignor’s responsibilities”, in the second paragraph, in point (c), omit “EU”;
- (b) in the third paragraph, omit “EU”;
- (c) omit the fourth paragraph;
- (d) in the seventh paragraph, omit “AEO certificate number and the date of the last examination of this site by customs authorities, if applicable”;
- (e) in point (c) in the second paragraph under “Consignor’s responsibilities” omit “EU”.

112. In Attachment 6-C–

- (a) in Part 1, omit section 1.4;
- (b) in Part 9, under “Declaration of Commitments”, omit “Union”.

**Revocation of Attachments 6-C2 to 6-C4.**

113. Omit Attachments 6-C2 to 6-C4.

**Revocation of Attachment 6-D.**

114. Omit Attachment 6-D.

**Amendment of Attachment 6-E.**

115. Attachment 6-E is amended in accordance with regulations 116 and 117.

116. In the second paragraph omit “/account consignor”.

117. In points (a) and (c) of the seventh indent, for “, known consignor or account consignor” substitute “or known consignor”.

**Revocation of Attachments 6-F and 6-G.**

118. Omit Attachments 6-F and 6-G.

**Revocation of Attachments 6-H1 to 6H3.**

119. Omit Attachments 6-H1 to 6-H3.

**Revocation of Attachments 6-I and 6-J.**

120. Omit Attachments 6-I and 6-J.

**Amendment of Chapter 7 (air carrier mail and air carrier materials).**

121. In Chapter 7 of the Annex omit point 7.1.3.

**Amendment of Chapter 8 (in-flight supplies).**

122.(1) Chapter 8 of the Annex is amended as follows.

(2) Omit points 8.1.1.3 and 8.1.2.2.

(3) In point 8.1.3.2–

(a) in point (a), omit “of the Member State in which its site is located”;

(b) in point (b), omit “EU”;

(c) in points (c) and (d), omit “Union”.

(4) Omit point 8.1.3.5.

(5) In point 8.1.4.4, omit “EU”.

(6) Omit points 8.1.5.3, 8.2 and 8.3.3.

(7) In Attachment 8-A and Attachment 8-B, for “Union”, in each place it occurs, substitute “Gibraltar”.

**Amendment of Chapter 9 (airport supplies).**

123.(1) Chapter 9 of the Annex is amended as follows.

(2) Omit point 9.1.2.2.

(3) In point 9.1.3.4, omit “EU”.

(4) Omit points 9.2 and 9.3.3.

**Amendment of Chapter 11 (staff recruitment and training).**

124.(1) Chapter 11 of the Annex is amended as follows.

(2) In points 11.1.3 and 11.1.4 omit, “Union and”.

(3) In point 11.2.5, in point (b) omit “, Union”.

(4) In point 11.5.3 for “the Member State” substitute “Gibraltar”.

- (5) Omit point 11.5.5.
- (6) In points 11.6 and 11.6.1 omit “EU”.
- (7) In point 11.6.2–
  - (a) omit “EU” in each places it occurs;
  - (b) omit point (d).
- (8) In point 11.6.3 omit “EU”.
- (9) In point 11.6.3.1–
  - (a) for “Member States” substitute “The appropriate authority”;
  - (b) omit “EU”.
- (10) Omit 11.6.3.2.
- (11) In point 11.6.3.3 and 11.6.3.6 omit “EU”.
- (12) Omit 11.6.3.4.
- (13) In point 11.6.3.5–
  - (a) in the first paragraph and in point (b), omit “EU”;
  - (b) in point (d)(1) omit “Union and”.
- (14) Omit 11.6.3.7.
- (15) In point 11.6.3.8 and 11.6.4, omit “EU”.
- (16) In point 11.6.4.1–
  - (a) omit “EU” in the first and second place it occurs;
  - (b) for “listed in the Union database on supply chain security” substitute “recorded by the appropriate authority”;
  - (c) omit the sentence beginning “For the period”.
- (17) Omit point 11.6.4.2.
- (18) In point 11.6.4.3–
  - (a) for “a Member State” substitute “the appropriate authority”;

(b) omit “EU”;

(c) for the words from “the Union” to “its concern” substitute “its record”.

(19) In point 11.6.4.4–

(a) omit “EU”;

(b) omit the final sentence.

(20) Omit point 11.6.4.5.

(21) In point 11.6.5 omit “EU”.

(22) In point 11.6.5.1–

(a) for “The validation report” substitute “A validation report, where required,”;

(b) omit “EU”, in each place it occurs.

(23) In points 11.6.5.2 and 11.6.5.5, omit “EU”.

(24) Omit points 11.7 and 11.7.1.

(25) In Attachment 11-A, omit “EU” in each place it occurs.

**Amendment of Chapter 12 (security equipment).**

125.(1) Chapter 12 of the Annex is amended as follows.

(2) In point 12.0.1, omit the second subparagraph.

(3) In point 12.1.2.1, omit the second sentence.

(4) Omit points 12.3, 12.4.2.4, 12.4.3 and 12.5.2.5.

(5) In point 12.6.1, in the second subparagraph omit the second sentence.

(6) In point 12.7.2.1 omit the second sentence.

(7) Omit points 12.7.2.2 and 12.7.3.

(8) In point 12.8.1 for “A Member State” substitute “The Minister with responsibility for Civil Aviation”.

(9) Omit points 12.8.2 to 12.8.7.

(10) In point 12.9.1.3 omit “set in Attachment 12-D of Commission Implementing Decision C(2015) 8005”.

(11) In point 12.9.1.7 omit “in accordance with the Attachment 12-E and 12-F of Commission Implementing Decision C(2015) 8005”.

(12) Omit point 12.9.2.1.

(13) In point 12.9.3.7 omit “in accordance with the requirements laid down in point 12.9.3 of Commission Implementing Decision C(2015) 8005”.

(14) Omit point 12.9.3.12.

(15) In point 12.9.3.14 omit “to ensure that it meets the performance set in Attachment 12-D of Commission Implementing Decision C(2015) 8005”.

(16) In point 12.9.4.1(a) omit “laid down in the Attachment 12-D of Commission Implementing Decision C(2015) 8005”.

(17) Omit point 12.9.4.4.

(18) In point 12.9.5.1 omit “set out in the Attachment 12-G of Commission Implementing Decision C(2015) 8005”.

(19) Omit points 12.9.6 and 12.10.

(20) In point 12.11.1, omit the last subparagraph.

(21) Omit point 12.11.2.

(22) In point 12.12.2.1, omit the second sentence.

(23) Omit points 12.12.3 and 12.12.3.1

(24) Omit points 12.13.2, 12.13.2.1 and 12.14.1.3.

(25) Omit Attachments 12-A to 12-M.

#### **Revocation of Commission Regulation (EU) No 72/2010.**

126. Commission Regulation (EU) No 72/2010 of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security is revoked.

#### **Revocation of Commission Implementing Regulation (EU) 2019/103.**

127. Commission Implementing Regulation (EU) 2019/103 of 23 January 2019 amending Implementing Regulation (EU) 2015/1998 as regards clarification, harmonisation and simplification as well as strengthening of certain specific aviation security measures is revoked.

**Revocation of Commission Decision C(2015) 8005.**

128. Commission Implementing Decision C(2015) 8005 of 16 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security is revoked.

PART 4

Amendment of the Annexes to the EEA Agreement

**Amendment of Annex 13 to the EEA Agreement.**

129. Omit paragraphs 66h, 66hc and 66hf of Annex 13 to the EEA Agreement so far as that Annex forms part of domestic law by virtue of section 6(2)(b) of the European Union (Withdrawal) Act 2019.



**SCHEDULE 1**

**REGULATION (EC) No 300/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 11 March 2008**

**on rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee <sup>1</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>2</sup>, in the light of the joint text approved by the Conciliation Committee on 16 January 2008.

Whereas:

- (1) In order to protect persons and goods within the European Union, acts of unlawful interference with civil aircraft that jeopardise the security of civil aviation should be prevented by establishing common rules for safeguarding civil aviation. This objective should be achieved by setting common rules and common basic standards on aviation security as well as mechanisms for monitoring compliance.
- (2) It is desirable, in the interests of civil aviation security generally, to provide the basis for a common interpretation of Annex 17 to the Chicago Convention on International Civil Aviation of 7 December 1944.
- (3) Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security <sup>3</sup> was adopted as a result of the events of 11 September 2001 in the United States. A common approach is needed in the field of civil aviation security and consideration

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<sup>1</sup> OJ C 185, 8.8.2006, p. 17.

<sup>2</sup> (2) Opinion of the European Parliament of 15 June 2006 (OJ C 300 E, 9.12.2006, p. 463), Council Common Position of 11 December 2006 (OJ C 70 E, 27.3.2007, p. 21) and Position of the European Parliament of 25 April 2007 (not yet published in the Official Journal), Legislative Resolution of the European Parliament of 11 March 2008 (not yet published in the Official Journal) and Council Decision of 4 March 2008.

<sup>3</sup> OJ L 355, 30.12.2002, p. 1. Regulation as amended by Regulation (EC) No 849/2004 (OJ L 158, 30.4.2004, p. 1, corrected by OJ L 229, 29.6.2004, p. 3).

should be given to the most effective means of offering assistance following terrorist acts that have a major impact in the transport field.

- (4) The content of Regulation (EC) No 2320/2002 should be revised in the light of the experience gained, and the Regulation itself should be repealed and replaced by this Regulation seeking the simplification, harmonisation and clarification of the existing rules and the improvement of the levels of security.
- (5) Given the need for more flexibility in adopting security measures and procedures in order to meet evolving risk assessments and to allow new technologies to be introduced, this Regulation should lay down the basic principles of what has to be done in order to safeguard civil aviation against acts of unlawful interference without going into the technical and procedural details of how they are to be implemented.
- (6) This Regulation should apply to airports serving civil aviation located in the territory of a Member State, to operators providing services at such airports and to entities providing goods and/or services to or through such airports.
- (7) Without prejudice to the Convention on offences and certain other acts committed on board aircraft, Tokyo, 1963, the Convention for the suppression of unlawful seizure of aircraft, The Hague, 1970, and the Convention for the suppression of unlawful acts against the safety of civil aviation, Montreal, 1971, this Regulation should also cover security measures that apply on board an aircraft, or during a flight, of Community air carriers.
- (8) Each Member State retains the competence to decide whether to deploy in-flight security officers on aircraft registered in that Member State and on flights of air carriers licensed by it as well as to ensure, in accordance with paragraph 4.7.7 of Annex 17 to the Chicago Convention on International Civil Aviation and under the terms of that Convention, that such officers are government personnel who are specially selected and trained, taking into account the required security and safety aspects on board an aircraft.
- (9) The various types of civil aviation do not necessarily present the same level of threat. In setting common basic standards on aviation security, the size of the aircraft, the nature of the operation and/or the frequency of operations at airports should be taken into account with a view to permitting the grant of derogations.
- (10) Member States should also be allowed, on the basis of a risk assessment, to apply more stringent measures than those laid down in this Regulation.
- (11) Third countries may require the application of measures that differ from those laid down in this Regulation in respect of flights from an airport in a Member State to, or over, that third country. However, without prejudice to any bilateral agreements to which the Community is a party, it should be possible for the Commission to examine the measures required by the third country.

- (12) Even though, within a single Member State, there may be two or more bodies involved in aviation security, each Member State should designate a single authority responsible for the coordination and monitoring of the implementation of security standards.
- (13) In order to define responsibilities for the implementation of the common basic standards on aviation security and to describe what measures are required by operators and other entities for this purpose, each Member State should draw up a national civil aviation security programme. Furthermore, each airport operator, air carrier and entity implementing aviation security standards should draw up, apply and maintain a security programme in order to comply both with this Regulation and with whichever national civil aviation security programme is applicable.
- (14) In order to monitor compliance with this Regulation and with the national civil aviation security programme, each Member State should draw up and ensure the implementation of a national programme to check the level and quality of civil aviation security.
- (15) In order to monitor the application by Member States of this Regulation, and also to make recommendations to improve aviation security, the Commission should conduct inspections, including unannounced inspections.
- (16) As a general rule, the Commission should publish measures that have a direct impact on passengers. Implementing acts setting out common measures and procedures for the implementation of the common basic standards on aviation security which contain sensitive security information, together with Commission inspection reports and the answers of the appropriate authorities should be regarded as EU classified information within the meaning of Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal rules of procedure<sup>4</sup>. Those items should not be published and should be made available only to those operators and entities with a legitimate interest.
- (17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>5</sup>.
- (18) In particular, the Commission should be empowered to adopt general measures amending non-essential elements of the common basic standards by supplementing them, set criteria allowing Member States both to derogate from the common basic standards and to adopt alternative security measures, and adopt specifications for national quality control programmes. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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<sup>4</sup> OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/548/EC, Euratom (OJ L 215, 5.8.2006, p. 38).

<sup>5</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11)



- (19) When, on imperative grounds of urgency, the normal time-limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to apply the urgency procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adoption of common rules for safeguarding civil aviation.
- (20) The goal of ‘one-stop security’ for all flights within the European Union should be advanced.
- (21) Furthermore, it should not be necessary to rescreen passengers or their baggage arriving on flights from third countries that have aviation security standards equivalent to those laid down by this Regulation. Therefore, without prejudice to the right of each Member State to apply more stringent measures, or to the respective competences of the Community and Member States, decisions of the Commission, and, where necessary, agreements between the Community and third countries, which recognise that the security standards applied in the third country are equivalent to the common standards, should be encouraged since these further one-stop security.
- (22) This Regulation is without prejudice to the application of rules on aviation safety, including those relating to the transport of dangerous goods.
- (23) Penalties should be provided for infringements of the provisions of this Regulation. Those penalties, which may be of a civil or administrative nature, should be effective, proportionate and dissuasive.
- (24) The Ministerial Statement on Gibraltar Airport, agreed in Cordoba on 18 September 2006 during the first Ministerial meeting of the Forum of Dialogue on Gibraltar, will replace the Joint Declaration on Gibraltar Airport made in London on 2 December 1987, and full compliance with it will be deemed to constitute compliance with the 1987 Declaration.
- (25) Since the objectives of this Regulation, namely to safeguard civil aviation against acts of unlawful interference and to provide a basis for a common interpretation of Annex 17 to the Chicago Convention on International Civil Aviation, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

*Article 1*  
Objectives

1. This Regulation establishes rules to protect civil aviation against acts of unlawful interference that jeopardise the security of civil aviation.

It also provides the basis for an interpretation of Annex 17 to the Chicago Convention on International Civil Aviation.

2. The means of achieving the objectives set out in paragraph 1 shall be:

- (a) the setting of common rules and basic standards on aviation security;
- (b) mechanisms for monitoring compliance.

*Article 2*  
Scope

1. This Regulation shall apply to the following:

- (a) all airports or parts of airports located in Gibraltar that are not exclusively used for military purposes;
- (b) all operators, including air carriers, providing services at airports referred to in point (a);
- (c) all entities applying aviation security standards that operate from premises located inside or outside airport premises and provide goods and/or services to or through airports referred to in point (a).

2. Omitted.

*Article 3*  
Definitions

For the purposes of this Regulation:

- 1. 'civil aviation' means any air operation carried out by civil aircraft, excluding operations carried out by State aircraft referred to in Article 3 of the Chicago Convention on International Civil Aviation;
- 2. 'aviation security' means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise the security of civil aviation;
- 3. 'operator' means a person, organisation or enterprise engaged, or offering to engage, in an air transport operation;
- 4. 'air carrier' means an air transport undertaking holding a valid operating licence or equivalent;

5. 'Community air carrier' means an air carrier holding a valid operating licence granted by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers 'entity' means a person, organisation or enterprise, other than an operator;
6. 'entity' means a person, organisation or enterprise, other than an operator;
7. 'prohibited articles' means weapons, explosives or other dangerous devices, articles or substances that may be used to commit an act of unlawful interference that jeopardises the security of civil aviation;
8. 'screening' means the application of technical or other means which are intended to identify and/or detect prohibited articles;
9. 'security control' means the application of means by which the introduction of prohibited articles may be prevented;
10. 'access control' means the application of means by which the entry of unauthorised persons or unauthorised vehicles, or both, may be prevented;
11. 'airside' means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is restricted;
12. 'landside' means those parts of an airport, adjacent terrain and buildings or portions thereof that are not airside;
13. 'security restricted area' means that area of airside where, in addition to access being restricted, other aviation security standards are applied;
14. 'demarcated area' means an area that is separated by means of access control either from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an airport;
15. 'background check' means a recorded check of a person's identity, including any criminal history, as part of the assessment of an individual's suitability for unescorted access to security restricted areas;
16. 'transfer passengers, baggage, cargo or mail' means passengers, baggage, cargo or mail departing on an aircraft other than that on which they arrived;
17. 'transit passengers, baggage, cargo or mail' means passengers, baggage, cargo or mail departing on the same aircraft as that on which they arrived;
18. 'potentially disruptive passenger' means a passenger who is either a deportee, a person deemed to be inadmissible for immigration reasons or a person in lawful custody;
19. 'cabin baggage' means baggage intended for carriage in the cabin of an aircraft;
20. 'hold baggage' means baggage intended for carriage in the hold of an aircraft;

21. 'accompanied hold baggage' means baggage, carried in the hold of an aircraft, which has been checked in for a flight by a passenger travelling on that same flight;
22. 'air carrier mail' means mail whose origin and destination are both an air carrier;
23. 'air carrier materials' means materials either whose origin and destination are both an air carrier or that are used by an air carrier;
24. 'mail' means dispatches of correspondence and other items, other than air carrier mail, tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union;
25. 'cargo' means any property intended for carriage on an aircraft, other than baggage, mail, air carrier mail, air carrier materials and in-flight supplies;
26. 'regulated agent' means an air carrier, agent, freight forwarder or any other entity who ensures security controls in respect of cargo or mail;
27. 'known consignor' means a consignor who originates cargo or mail for its own account and whose procedures meet security rules and standards sufficient to allow carriage of cargo or mail on any aircraft;
28. Omitted.
29. 'aircraft security check' means an inspection of those parts of the interior of the aircraft to which passengers may have had access, together with an inspection of the hold of the aircraft in order to detect prohibited articles and unlawful interferences with the aircraft;
30. 'aircraft security search' means an inspection of the interior and accessible exterior of the aircraft in order to detect prohibited articles and unlawful interferences that jeopardise the security of the aircraft;
31. 'in-flight security officer' means a person who is employed by a state to travel on an aircraft of an air carrier licensed by it with the purpose of protecting that aircraft and its occupants against acts of unlawful interference that jeopardise the security of the flight;
32. 'UK air carrier' means an air carrier holding a valid operating licence granted by the entity which grants operating licences to United Kingdom registered air carriers.

*Article 4*  
Basic standards

1. The basic standards for safeguarding civil aviation against acts of unlawful interference that jeopardise the security of civil aviation shall be as laid down in the Annex.

Additional basic standards not foreseen at the entry into force of this Regulation may be added to the Annex by regulations made by the Minister with responsibility for Civil Aviation.



2. General measures, designed to amend non-essential elements of the basic standards referred to in paragraph 1 by supplementing them, may be prescribed by regulations made by the Minister with responsibility for Civil Aviation.

These general measures shall concern:

- (a) methods of screening allowed;
- (b) categories of articles that may be prohibited;
- (c) as regards access control, grounds for granting access to airside and security restricted areas;
- (d) methods allowed for the examination of vehicles, aircraft security checks and aircraft security searches;
- (e) criteria for recognising the equivalence of security standards of third countries;
- (f) conditions under which cargo and mail shall be screened or subjected to other security controls, as well as the process for the approval or designation of regulated agents, known consignors and account consignors;
- (g) conditions under which air carrier mail and air carrier materials shall be screened or subjected to other security controls;
- (h) conditions under which in-flight supplies and airport supplies shall be screened or subjected to other security controls, as well as the process for the approval or designation of regulated suppliers and known suppliers;
- (i) criteria for defining critical parts of security restricted areas;
- (j) criteria for staff recruitment and methods of training;
- (k) conditions under which special security procedures or exemptions from security controls may be applied; and
- (l) any general measures designed to amend non-essential elements of the basic standards referred to in paragraph 1 by supplementing them not foreseen at the date of entry into force of this Regulation.

3. Detailed measures for the implementation of the basic standards referred to in paragraph 1 and the general measures referred to in paragraph 2 may be prescribed in regulations made by the Minister with responsibility for Civil Aviation.

These shall include:

- (a) requirements and procedures for screening;
- (b) a list of prohibited articles;
- (c) requirements and procedures for access control;
- (d) requirements and procedures for the examination of vehicles, aircraft security checks and aircraft security searches;
- (e) decisions to recognise the equivalence of security standards applied in a another country;
- (f) as regards cargo and mail, procedures for the approval or designation of, and the obligations to be fulfilled by, regulated agents, known consignors and account consignors;
- (g) requirements and procedures for security controls of air carrier mail and air carrier materials;
- (h) as regards in-flight supplies and airport supplies, procedures for the approval or designation of, and the obligations to be fulfilled by, regulated suppliers and known suppliers;
- (i) definition of critical parts of security restricted areas;
- (j) staff recruitment and training requirements;
- (k) special security procedures or exemptions from security controls;
- (l) technical specifications and procedures for approval and use of security equipment;  
and
- (m) requirements and procedures concerning potentially disruptive passengers.

4. The Minister with responsibility for Civil Aviation may make regulations to set criteria to permit derogation from the basic standards referred to in paragraph 1 and to adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment. Such alternative measures shall be justified by reasons relating to the size of the aircraft, or by reasons relating to the nature, scale or frequency of operations or of other relevant activities.

5. The appropriate authority shall ensure the application in Gibraltar of the basic standards referred to in paragraph 1. Where the appropriate authority has reason to believe that the level of aviation security has been compromised through a security breach, it shall ensure that appropriate and prompt action is taken to rectify that breach and ensure the continuing security of civil aviation.



*Article 5*  
Security costs

The Minister with responsibility for Civil Aviation may determine in which circumstances, and the extent to which, the costs of security measures taken under this Regulation to protect civil aviation against acts of unlawful interference should be borne by the State, the airport entities, air carriers, other responsible agencies, or users. If appropriate, the Minister with responsibility for Civil Aviation may contribute with users to the costs of more stringent security measures taken under this Regulation. As far as may be practicable, any charges or transfers of security costs shall be directly related to the costs of providing the security services concerned and shall be designed to recover no more than the relevant costs involved.

*Article 6*  
More stringent measures

1. The Minister with responsibility for Civil Aviation may apply more stringent measures than the basic standards referred to in Article 4. In doing so, the Minister with responsibility for Civil Aviation shall act on the basis of a risk assessment. Those measures shall be relevant, objective, non-discriminatory and proportional to the risk that is being addressed.

2. *Omitted.*

3. *Omitted.*

*Article 7*

*Omitted.*

*Article 8*

*Omitted.*

*Article 9*

Appropriate authority

The Minister with responsibility for Civil Aviation is designated as the authority (hereinafter referred to as the appropriate authority) to be responsible for the coordination and monitoring of the implementation of the basic standards referred to in Article 4.

*Article 10*

National civil aviation security programme

1. The appropriate authority shall draw up, apply and maintain a national civil aviation security programme.

That programme shall define responsibilities for the implementation of the basic standards referred to in Article 4 and shall describe the measures required by operators and entities for this purpose.

2. The appropriate authority shall make available in writing on a 'need to know' basis the appropriate parts of its national civil aviation security programme to operators and entities which it deems to have a legitimate interest.

*Article 11*

National quality control programme

1. The appropriate authority shall draw up, apply and maintain a national quality control programme.

That programme shall enable the appropriate authority to check the quality of civil aviation security in order to monitor compliance both with this Regulation and with its national civil aviation security programme.

2. The specifications for the national quality control programme may be prescribed by regulations made by the Minister with responsibility for Civil Aviation. The programme shall allow for the swift detection and correction of deficiencies. It shall also provide that all airports, operators and entities responsible for the implementation of aviation security standards that are located in Gibraltar shall be regularly monitored directly by, or under the supervision of, the appropriate authority.

*Article 12*

Airport security programme

1. Every airport operator shall draw up, apply and maintain an airport security programme.

That programme shall describe the methods and procedures that are to be followed by the airport operator in order to comply both with this Regulation and with the national civil aviation security programme.

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the airport operator.

2. The airport security programme shall be submitted to the appropriate authority, which may take further action if appropriate.

*Article 13*

Air carrier security programme

1. Every air carrier shall draw up, apply and maintain an air carrier security programme.

That programme shall describe the methods and procedures that are to be followed by the air carrier in order to comply both with this Regulation and with the national civil aviation security programme of the country from which it provides services.

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the air carrier.

2. Upon request, the air carrier security programme shall be submitted to the appropriate authority, which may take further action if appropriate.

3. Where a Community air carrier or a UK air carrier security programme has been validated by the entity granting the operating licence, the air carrier should be recognised as having fulfilled the requirements of paragraph 1. This is without prejudice to the Minister with responsibility for Civil Aviation's right to request from any air carrier details of its implementation of:

- (a) the security measures applied by the Minister with responsibility for Civil Aviation's under Article 6; and/or
- (b) local procedures that are applicable at the airports served.

#### *Article 14*

#### Entity security programme

1. Every entity required under the national civil aviation security programme referred to in Article 10 to apply aviation security standards shall draw up, apply and maintain a security programme.

That programme shall describe the methods and procedures which are to be followed by the entity in order to comply with the national civil aviation security programme.

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the entity itself.

2. Upon request, the security programme of the entity applying aviation security standards shall be submitted to the appropriate authority, which may take further action if appropriate.

#### *Article 15*

#### Inspections

1. The appropriate authority, shall conduct inspections, including inspections of airports, operators and entities applying aviation security standards, in order to monitor the application of this Regulation and, as appropriate, to make recommendations to improve aviation security.

The procedures for conducting inspections may be prescribed by regulations made by the Minister with responsibility for Civil Aviation.

2. Inspections of airports, operators and entities applying aviation security standards shall be unannounced.

3. *Omitted.*

<i>Omitted.</i>	<i>Article 16</i>
<i>Omitted.</i>	<i>Article 17</i>
<i>Omitted.</i>	<i>Article 18</i>
<i>Omitted.</i>	<i>Article 19</i>
<i>Omitted.</i>	<i>Article 20</i>
<i>Omitted.</i>	<i>Article 21</i>
<i>Omitted.</i>	<i>Article 22</i>
<i>Omitted.</i>	<i>Article 23</i>

**Repeal**

Regulation (EC) No 2320/2002 is hereby repealed.

*Article 24*

**Entry into force**

1. This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.
2. It shall apply as from the date specified in the implementing rules adopted in accordance with the procedures referred to in Article 4(2) and (3), but not later than 24 months after the entry into force of this Regulation.
3. By way of exception to paragraph 2, Articles 4(2), 4(3), 4(4), 8, 11(2), 15(1) second subparagraph, 17, 19 and 22 shall apply from the date of entry into force of this Regulation.

ANNEX I

BASIC STANDARDS FOR SAFEGUARDING CIVIL AVIATION AGAINST ACTS OF  
UNLAWFUL INTERFERENCE (ARTICLE 4)

1. AIRPORT SECURITY

1.1 Airport planning requirements

1. When designing and constructing new airport facilities or altering existing airport facilities, requirements for the implementation of the basic standards set out in this Annex and its implementing acts shall be fully taken into account.
2. At airports the following areas shall be established:
  - (a) landside;
  - (b) airside;
  - (c) security restricted areas; and
  - (d) critical parts of security restricted areas.

1.2 Access control

1. Access to airside shall be restricted in order to prevent unauthorised persons and vehicles from entering these areas.
2. Access to security restricted areas shall be controlled in order to ensure that no unauthorised persons and vehicles enter these areas.
3. Persons and vehicles may be granted access to airside and security restricted areas only if they fulfil the required security conditions.
4. Persons, including flight crew members, shall have successfully completed a background check before either a crew identification card or an airport identification card authorising unescorted access to security restricted areas is issued to them.

1.3 Screening of persons other than passengers and items carried

1. Persons other than passengers, together with items carried, shall be screened on a continuous random basis upon entering security restricted areas in order to prevent prohibited articles from being introduced into these areas.
2. All persons other than passengers, together with items carried, shall be screened upon entering critical parts of security restricted areas in order to prevent prohibited articles from being introduced into these parts.



1.4. Examination of vehicles

Vehicles entering a security restricted area shall be examined in order to prevent prohibited articles from being introduced into these areas.

1.5 Surveillance, patrols and other physical controls

There shall be surveillance, patrols and other physical controls at airports and, where appropriate, in adjacent areas with public access, in order to identify suspicious behaviour of persons, to identify vulnerabilities which could be exploited to carry out an act of unlawful interference and to deter persons from committing such acts.

2. DEMARCATED AREAS OF AIRPORTS

Aircraft parked in demarcated areas of airports to which alternative measures referred to in Article 4(4) apply, shall be separated from aircraft to which the basic standards apply in full, in order to ensure that security standards applied to aircraft, passengers, baggage, cargo and mail of the latter are not compromised.

3. AIRCRAFT SECURITY

1. Before departure, an aircraft shall be subjected to an aircraft security check or aircraft security search in order to ensure that no prohibited articles are present on board. An aircraft in transit may be subjected to other appropriate measures.
2. Every aircraft shall be protected from unauthorised interference.

4. PASSENGERS AND CABIN BAGGAGE

4.1 Screening of passengers and cabin baggage

1. All originating, transfer and transit passengers and their cabin baggage shall be screened in order to prevent prohibited articles from being introduced into security restricted areas and on board an aircraft.
2. Transfer passengers and their cabin baggage may be exempted from screening, if they arrive from any airport designated by the appropriate authority.
3. Transit passengers and their cabin baggage may be exempted from screening, if:
  - (a) they remain on board the aircraft; or
  - (b) they do not mix with screened departing passengers other than those who board the same aircraft; or
  - (c) they arrive from any airport designated by the appropriate authority.
  - (d) *Omitted.*

4.2 Protection of passengers and cabin baggage

1. Passengers and their cabin baggage shall be protected from unauthorised interference from the point at which they are screened until departure of the aircraft on which they are carried.
2. Screened departing passengers shall not mix with arriving passengers, unless the passengers arrive from any airport designated by the appropriate authority.

4.3 Potentially disruptive passengers

Before departure potentially disruptive passengers shall be subjected to appropriate security measures.

5. HOLD BAGGAGE

5.1 Screening of hold baggage

1. All hold baggage shall be screened prior to being loaded onto an aircraft in order to prevent prohibited articles from being introduced into security restricted areas and on board aircraft.
2. Hold baggage may be exempted from screening if it arrives from any airport designated by the appropriate authority.
3. Transit hold baggage may be exempted from screening if it remains on board the aircraft.

5.2 Protection of hold baggage

Hold baggage to be carried on an aircraft shall be protected from unauthorised interference from the point at which it is screened or accepted into the care of the air carrier, whichever is earlier, until the departure of the aircraft on which it is to be carried.

5.3 Baggage reconciliation

1. Each item of hold baggage shall be identified as accompanied or unaccompanied.
2. Unaccompanied hold baggage shall not be transported, unless that baggage has been either separated due to factors beyond the passenger's control or subjected to appropriate security controls.

6. CARGO AND MAIL

6.1 Security controls for cargo and mail

1. All cargo and mail shall be subjected to security controls prior to being loaded on an aircraft. An air carrier shall not accept cargo or mail for carriage on an aircraft unless it has applied such controls itself or their application has been confirmed and accounted for by a regulated agent or a known consignor.
2. Transfer cargo and transfer mail may be subjected to alternative security controls to be detailed in an implementing act.
3. Transit cargo and transit mail may be exempted from security controls if it remains on board the aircraft.

#### 6.2 Protection of cargo and mail

1. Cargo and mail to be carried on an aircraft shall be protected from unauthorised interference from the point at which security controls are applied until the departure of the aircraft on which it is to be carried.
2. Cargo and mail that are not adequately protected from unauthorised interference after security controls have been applied shall be screened.

#### 7.AIR CARRIER MAIL AND AIR CARRIER MATERIALS

Air carrier mail and air carrier materials shall be subjected to security controls and thereafter protected until loaded onto the aircraft in order to prevent prohibited articles from being introduced on board an aircraft.

#### 8.IN-FLIGHT SUPPLIES

In-flight supplies, including catering, intended for carriage or use on board an aircraft shall be subjected to security controls and thereafter protected until loaded onto the aircraft in order to prevent prohibited articles from being introduced on board an aircraft.

#### 9.AIRPORT SUPPLIES

Supplies intended to be sold or used in security restricted areas of airports, including supplies for duty-free shops and restaurants, shall be subjected to security controls in order to prevent prohibited articles from being introduced into these areas.

#### 10. IN-FLIGHT SECURITY MEASURES

1. Without prejudice to the applicable aviation safety rules:
  - (a) unauthorised persons shall be prevented from entering the flight crew compartment during a flight;
  - (b) potentially disruptive passengers shall be subjected to appropriate security measures during a flight.

2. Appropriate security measures such as training of flight crew and cabin staff shall be taken to prevent acts of unlawful interference during a flight.
3. Weapons, with the exception of those carried in the hold, shall not be carried on board an aircraft, unless the required security conditions in accordance with national laws have been fulfilled and authorisation has been given by the states involved.
4. Paragraph 3 shall also apply to in-flight security officers if they carry weapons.

#### 11. STAFF RECRUITMENT AND TRAINING

1. Persons implementing, or responsible for implementing, screening, access control or other security controls shall be recruited, trained and, where appropriate, certified so as to ensure that they are suitable for employment and competent to undertake the duties to which they are assigned.
2. Persons other than passengers requiring access to security restricted areas shall receive security training, before either an airport identification card or crew identification card is issued.
3. Training as mentioned in paragraphs 1 and 2 shall be conducted on initial and recurrent basis.
4. Instructors engaged in the training of the persons mentioned in paragraphs 1 and 2 shall have the necessary qualifications.

#### 12. SECURITY EQUIPMENT

Equipment used for screening, access control and other security controls shall comply with the defined specifications and be capable of performing the security controls concerned.

## ANNEX II

Specifications for the national quality control programme to be implemented by the appropriate authority in the field of civil aviation security

### 1. DEFINITIONS

1.1 For the purposes of this Annex, the following definitions shall apply:

- (1) 'annual traffic volume' means the total number of passengers arriving, departing and in transit (counted once);
- (2) *Omitted.*
- (3) 'auditor' means any person conducting national compliance monitoring activities on behalf of the appropriate authority;
- (4) 'certification' means a formal evaluation and confirmation by or on behalf of the appropriate authority that a person possesses the necessary competencies to perform the functions of an auditor to an acceptable level as defined by the appropriate authority;
- (5) 'compliance monitoring activities' means any procedure or process used for assessing the implementation of this Regulation and the national aviation security programme;
- (6) 'deficiency' means a failure to comply with an aviation security requirement;
- (7) 'inspection' means an examination of the implementation of security measures and procedures in order to determine whether they are being carried out effectively and to the required standard and to identify any deficiencies;
- (8) 'interview' means an oral check by an auditor to establish whether specific security measures or procedures are implemented;
- (9) 'observation' means a visual check by an auditor that a security measure or procedure is implemented;
- (10) 'representative sample' means a selection made from amongst possible options for monitoring which is sufficient in number and range to provide a basis for general conclusions on implementing standards;
- (11) 'security audit' means an in-depth examination of security measures and procedures in order to determine if they are being fully implemented on a continual basis;
- (12) 'test' means a trial of aviation security measures, where the appropriate authority simulates intent to commit an act of unlawful interference for the purpose of examining the effectiveness of the implementation of existing security measures;
- (13) 'verification' means an action taken by an auditor to establish whether a specific security measure is actually in place;

- (14) ‘vulnerability’ means any weakness in the implemented measures and procedures which could be exploited to carry out an act of unlawful interference.

## 2. POWERS OF THE APPROPRIATE AUTHORITY

### 2.1 *Omitted.*

2.2 The appropriate authority shall perform compliance monitoring activities and have the powers necessary to require any identified deficiency to be rectified within set timeframes.

2.3 A graduated and proportionate approach shall be established regarding deficiency correction activities and enforcement measures. This approach shall consist of progressive steps to be followed until correction is achieved, including:

- (a) advice and recommendations;
- (b) formal warning;
- (c) enforcement notice;
- (d) administrative sanctions and legal proceedings.

The appropriate authority may omit one or more of these steps, especially where the deficiency is serious or recurring.

## 3. OBJECTIVES AND CONTENT OF THE NATIONAL QUALITY CONTROL PROGRAMME

3.1 The objectives of the national quality control programme are to verify that aviation security measures are effectively and properly implemented and to determine the level of compliance with the provisions of this Regulation and the national civil aviation security programme, by means of compliance monitoring activities.

3.2 The national quality control programme shall include the following elements:

- (a) organisational structure, responsibilities and resources;
- (b) job descriptions of, and qualifications required for auditors;
- (c) compliance monitoring activities, including scope of security audits, inspections, tests and, following an actual or potential breach of security, investigations, frequencies for security audits and inspections and also classification of compliance;
- (d) surveys, where there is cause to reassess security needs;
- (e) deficiency correction activities providing details concerning deficiency reporting, follow-up and correction in order to ensure compliance with aviation security requirements;

- (f) enforcement measures and, where appropriate, penalties, as specified in point 2.3 of this Annex;
- (g) reporting of compliance monitoring activities carried out including, where appropriate, information exchange between national bodies on compliance levels;
- (h) monitoring process of the airport, operator and entity internal quality control measures;
- (i) a process to record and analyse the results of the national quality control programme to identify trends and steer future policy development.

#### 4. COMPLIANCE MONITORING

4.1 All airports, operators and other entities with aviation security responsibilities shall be regularly monitored to ensure the swift detection and correction of failures.

4.2 Monitoring shall be undertaken in accordance with the national quality control programme, taking into consideration the threat level, type and nature of the operations, standard of implementation, results of internal quality control of airports, operators and entities and other factors and assessments which will affect the frequency of monitoring.

4.3 Monitoring shall include the implementation and effectiveness of the internal quality control measures of airports, operators and other entities.

4.4 Monitoring at each individual airport shall be made up of a suitable mixture of compliance monitoring activities and provide a comprehensive overview of the implementation of security measures in the field.

4.5 The management, setting of priorities and organisation of the quality control programme shall be undertaken independently from the operational implementation of the measures taken under the national civil aviation security programme.

4.6 Compliance monitoring activities shall include security audits, inspections and tests.

#### 5. METHODOLOGY

5.1 The methodology for conducting monitoring activities shall conform to a standardised approach, which includes tasking, planning, preparation, on-site activity, the classification of findings, the completion of the report and the correction process.

5.2 Compliance monitoring activities shall be based on the systematic gathering of information by means of observations, interviews, examination of documents and verifications.

5.3 Compliance monitoring shall include both announced and unannounced activities.

6. SECURITY AUDITS

6.1 A security audit shall cover:

- (a) all security measures at an airport; or
- (b) all security measures implemented by an individual airport, terminal of an airport, operator or entity; or
- (c) a particular part of the National Civil Aviation Security Programme.

6.2 The methodology for conducting a security audit shall take into consideration the following elements:

- (a) announcement of the security audit and communication of a pre-audit questionnaire, if appropriate;
- (b) preparation phase including examination of the completed pre-audit questionnaire and other relevant documentation;
- (c) entry briefing with airport/operator/entity representatives prior to beginning the monitoring activity on-site;
- (d) on-site activity;
- (e) debriefing and reporting;
- (f) where deficiencies are identified, the correction process and the associated monitoring of that process.

6.3 In order to confirm that security measures are implemented, the conduct of a security audit shall be based on a systematic gathering of information by one or more of the following techniques:

- (a) examination of documents;
- (b) observations;
- (c) interviews;
- (d) verifications.

6.4 Airports with an annual traffic volume of more than 10 million passengers shall be subject to a security audit covering all aviation security standards at least every 4 years. The examination shall include a representative sample of information.



## 7. INSPECTIONS

7.1 The scope of an inspection shall cover at least one set of directly linked security measures of Annex I to this Regulation and the corresponding implementing acts monitored as a single activity or within a reasonable time frame, not normally exceeding three months. The examination shall include a representative sample of information.

7.2 A set of directly linked security measures is a set of two or more requirements as referred to in Annex I to this Regulation and the corresponding implementing acts which impact on each other so closely that achievement of the objective cannot be adequately assessed unless they are considered together. These sets shall include those listed in Appendix I to this Annex.

7.3 Inspections shall be unannounced. Where the appropriate authority considers that this is not practicable, inspections may be announced. The methodology for conducting an inspection shall take into consideration the following elements:

- (a) preparation phase;
- (b) on-site activity;
- (c) a debrief, depending on the frequency and the results of the monitoring activities;
- (d) reporting/recording;
- (e) correction process and its monitoring.

7.4 In order to confirm that security measures are effective, the conduct of the inspection shall be based on the systematic gathering of information by one or more of the following techniques:

- (a) examination of documents;
- (b) observations;
- (c) interviews;
- (d) verifications.

7.5 At airports with an annual traffic volume of more than 2 million passengers the minimum frequency for inspecting all sets of directly linked security measures set out in chapters 1 to 6 of Annex I to this Regulation shall be at least every 12 months, unless an audit has been carried out at the airport during that time. The frequency for inspecting all security measures covered by chapters 7 to 12 of Annex I shall be determined by the appropriate authority based on a risk assessment.

7.6 *Omitted.*

## 8. TESTS

8.1 Tests shall be carried out to examine the effectiveness of the implementation of at least the following security measures:

- (a) access control to security restricted areas;
- (b) aircraft protection;
- (c) screening of passengers and cabin baggage;
- (d) screening of staff and items carried;
- (e) protection of hold baggage;
- (f) screening of cargo or mail;
- (g) protection of cargo and mail.

8.2 A test protocol including the methodology shall be developed taking into consideration the legal, safety and operational requirements. The methodology shall address the following elements:

- (a) preparation phase;
- (b) on-site activity;
- (c) a debrief, depending on the frequency and the results of the monitoring activities;
- (d) reporting/recording;
- (e) correction process and the associated monitoring.

## 9. SURVEYS

9.1 Surveys shall be carried out whenever the appropriate authority recognises a need to re-evaluate operations in order to identify and address any vulnerabilities. Where a vulnerability is identified, the appropriate authority shall require the implementation of protective measures commensurate with the threat.

## 10. REPORTING

10.1 Compliance monitoring activities shall be reported or recorded in a standardised format which allows for an on-going analysis of trends.

10.2 The following elements shall be included:

- (a) type of activity;

- (b) airport, operator or entity monitored;
- (c) date and time of the activity;
- (d) name of the auditors conducting the activity;
- (e) scope of the activity;
- (f) findings with the corresponding provisions of the National Civil Aviation Security Programme;
- (g) classification of compliance;
- (h) recommendations for remedial actions, where appropriate;
- (i) time frame for correction, where appropriate.

10.3 Where deficiencies are identified, the appropriate authority shall report the relevant findings to the airport, operators or entities subjected to monitoring.

## 11. CLASSIFICATION OF COMPLIANCE

11.1 Compliance monitoring activities shall assess the implementation of the national civil aviation security programme using the classification system of compliance set out in Appendix II.

## 12. CORRECTION OF DEFICIENCIES

12.1 The correction of identified deficiencies shall be implemented promptly. Where the correction cannot take place promptly, compensatory measures shall be implemented.

12.2 The appropriate authority shall require airports, operators or entities subjected to compliance monitoring activities to submit for agreement an action plan addressing any deficiencies outlined in the reports together with a timeframe for implementation of the remedial actions and to provide confirmation when the correction process has been completed.

## 13. FOLLOW-UP ACTIVITIES RELATED TO THE VERIFICATION OF THE CORRECTION

13.1 Following confirmation by the airport, operator or entity subjected to monitoring that any required remedial actions have been taken, the appropriate authority shall verify the implementation of the remedial actions.

13.2 Follow-up activities shall use the most relevant monitoring method.

#### 14. AVAILABILITY OF AUDITORS

14.1 The appropriate authority shall ensure that a sufficient number of auditors are available to the appropriate authority directly or under its supervision for performing all compliance monitoring activities.

#### 15. QUALIFICATION CRITERIA FOR AUDITORS

15.1 The appropriate authority shall ensure that auditors performing functions on behalf of the appropriate authority:

- (a) are free from any contractual or pecuniary obligation to the airport, operator or entity to be monitored; and
- (b) have the appropriate competencies, which include sufficient theoretical and practical experience in the relevant field.

Auditors shall be subject to certification or equivalent approval by the appropriate authority.

15.2 The auditors shall have the following competencies:

- (a) an understanding of current applicable security measures and how they are applied to the operations being examined including:
  - an understanding of security principles,
  - an understanding of supervisory tasks,
  - an understanding of factors affecting human performance,
- (b) a working knowledge of security technologies and techniques;
- (c) a knowledge of compliance monitoring principles, procedures and techniques;
- (d) a working knowledge of the operations being examined;
- (e) an understanding of the role and powers of the auditor.

15.3 Auditors shall undergo recurrent training at a frequency sufficient to ensure that existing competencies are maintained and new competencies are acquired to take account of developments in the field of security.

#### 16. POWERS OF AUDITORS

16.1 Auditors carrying out monitoring activities shall be provided with sufficient authority to obtain the information necessary to carry out their tasks.

16.2 Auditors shall carry a proof of identity authorising compliance monitoring activities on behalf of the appropriate authority and allowing access to all areas required.

16.3 Auditors shall be entitled to:

- (a) obtain immediate access to all relevant areas including aircraft and buildings for monitoring purposes; and
- (b) require the correct implementation or repetition of the security measures.

16.4 As a consequence of the powers conferred on auditors, the appropriate authority shall act in accordance with point 2.3 in the following cases:

- (a) intentional obstruction or impediment of an auditor;
- (b) failure or refusal to supply information requested by an auditor;
- (c) when false or misleading information is supplied to an auditor with intent to deceive; and
- (d) impersonation of an auditor with intent to deceive.

17. *Omitted.*

17.1 *Omitted.*

18. *Omitted.*

18.1 *Omitted.*

18.2 *Omitted.*

18.3 *Omitted.*

*Appendix I*

Elements to be included in the set of directly linked security measures

The sets of directly linked security measures as referred to in point 7.1 of Annex II shall include the following elements of Annex I to this Regulation and the corresponding provisions in its implementing acts:

For point 1 — Airport security:

- (i) point 1.1; or
- (ii) point 1.2 (except provisions relating to identification cards and vehicle passes); or
- (iii) point 1.2 (provisions relating to identification cards); or
- (iv) point 1.2 (provisions relating to vehicle passes); or
- (v) point 1.3 and the relevant elements of point 12; or
- (vi) point 1.4; or
- (vii) point 1.5.

For point 2 — Demarcated areas of airports:

the whole point

For point 3 — Aircraft security:

- (i) point 3.1; or
- (ii) point 3.2.

For point 4 — Passengers and cabin baggage:

- (i) point 4.1 and the relevant elements of point 12; or
- (ii) point 4.2; or
- (iii) point 4.3.

For point 5 — Hold baggage:

- (i) point 5.1 and the relevant elements of point 12; or
- (ii) point 5.2; or
- (iii) point 5.3.

For point 6 — Cargo and mail:

- (i) all provisions relating to screening and security controls applied by a regulated agent, except as detailed in points (ii) to (v) below; or
- (ii) all provisions relating to security controls applied by known consignors; or
- (iii) all provisions relating to account consignors; or
- (iv) all provisions relating to the transportation of cargo and mail; or
- (v) all provisions relating to the protection of cargo and mail at airports.

For point 7 — Air carrier mail and air carrier materials:

the whole point

For point 8 — In-flight supplies:

the whole point

For point 9 — Airport supplies:

the whole point

For point 10 — In-flight security measures:

the whole point

For point 11 — Staff recruitment and training:

- (i) all provisions relating to staff recruitment at airport, air carrier or entity; or
- (ii) all provisions relating to staff training at an airport, air carrier or entity.

*Appendix II*

**Classification system of compliance**

The following classification of compliance shall apply to assess the implementation of the national civil aviation security programme.

	Security audit	Inspection	Test
Fully compliant	✓	✓	✓
Compliant, but improvement desirable	✓	✓	✓
Not compliant	✓	✓	✓
Not compliant, with serious deficiencies	✓	✓	✓
Not applicable	✓	✓	
Not confirmed	✓	✓	✓



*Appendix III*

*Omitted.*

SCHEDULE 2

**COMMISSION REGULATION (EC) No 272/2009  
of 2 April 2009**

**supplementing the 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**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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<sup>6</sup>, and in particular Article 4(2) thereof,

Whereas:

- (1) The Commission is required by Article 4(2) of Regulation (EC) No 300/2008 to adopt general measures designed to amend non-essential elements of the common basic standards on civil aviation security laid down in the Annex to that Regulation by supplementing them.
- (2) Article 4(3) of Regulation (EC) No 300/2008 further provides that the Commission must adopt detailed measures for implementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008, as supplemented by the general measures adopted by the Commission on the basis of Article 4(2).
- (3) General measures supplementing the common basic standards on civil aviation security should therefore be adopted in the field of screening, access control and other security controls as well as in the field of prohibited articles, third country recognition of equivalence, staff recruitment, training, special security procedures and exemptions from security controls.
- (4) These general measures are necessary in order to achieve a level of aviation security within the European Union that is equivalent to the standards required by Regulation (EC) No 2320/2002<sup>7</sup>, which was repealed by Regulation (EC) No 300/2008.
- (5) In accordance with Article 24 of Regulation (EC) No 300/2008, the Annex to the said Regulation shall apply as from the date to be specified in the implementing rules, but not later than 24 months after the entry into force of Regulation (EC) No 300/2008. Therefore, the application of the general measures adopted pursuant to Article 4(2) of Regulation (EC) No 300/2008 should be deferred until the adoption of implementing rules pursuant to Article 4(3), but not later than 29 April 2010.
- (6) Methods, including technologies, for detection of liquid explosives should be deployed on an EU-wide basis at airports as swiftly as possible and no later than 29 April 2010,

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<sup>6</sup> OJ L 97, 9.4.2008, p. 72.

<sup>7</sup> OJ L 355, 30.12.2002, p. 1

thus allowing passengers to carry harmless liquids without restrictions. If it is not possible to deploy methods, including technologies, for the detection of liquid explosives on an EU-wide basis in time, the Commission will propose the necessary addition to the categories of items that may be prohibited (Part B of the Annex). If the deployment of methods, including technologies, is not possible at certain airports for objective reasons, modalities to allow liquids to be carried without compromising standards of security will be specified by the Commission in implementing measures.

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security, HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation provides for general measures to supplement the basic standards set out in the Annex to Regulation (EC) No 300/2008 in order to:

- (a) allow methods of screening as laid down in part A of the Annex;
- (b) prohibit categories of articles as laid down in part B of the Annex;
- (c) provide grounds for granting access to airside and security restricted areas as laid down in part C of the Annex;
- (d) allow methods for the examination of vehicles, aircraft security checks and aircraft security searches as laid down in part D of the Annex;
- (e) *Omitted.*
- (f) set the conditions under which cargo and mail shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated agents, known consignors and account consignors as laid down in part F of the Annex;
- (g) set the conditions under which air carrier mail and air carrier materials shall be screened or subjected to other security controls as laid down in part G of the Annex;
- (h) set the conditions under which in-flight supplies and airport supplies shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated suppliers and known suppliers as laid down in part H of the Annex;
- (i) establish criteria for defining critical parts of security restricted areas as laid down in part I of the Annex;
- (j) establish criteria applicable for the recruitment of persons who will implement, or will be responsible for the implementation of, screening, access control or other security controls and instructors as well as the methods of training of those persons and persons who will be issued with an airport identification card or crew identification card as laid down in part J of the Annex; and
- (k) set the conditions under which special security procedures or exemptions from security controls may be applied as laid down in part K of the Annex.

*Article 2*

For the purposes of this Regulation, the following definitions shall apply:

1. 'airport supplies' means all items intended to be sold, used or made available in security restricted areas of airports;
2. 'in-flight supplies' means all items other than:
  - (a) cabin baggage;
  - (b) items carried by persons other than passengers; and
  - (c) air carrier mail and air carrier materials;intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew during a flight;
3. 'regulated supplier of in-flight supplies' means a supplier whose procedures meet security rules and standards sufficient to allow delivery of in-flight supplies directly to aircraft;
4. 'known supplier of in-flight supplies' means a supplier whose procedures meet security rules and standards sufficient to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft;
5. 'known supplier of airport supplies' means a supplier whose procedures meet security rules and standards sufficient to allow delivery of airport supplies to security restricted areas.

*Article 3*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply as from the date specified in the implementing rules adopted in accordance with the procedure referred to in Article 4(3) of Regulation (EC) No 300/2008, but not later than 29 April 2010.

*ANNEX*

PART A.

**Methods of screening allowed**

The implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008 may allow the use of the following methods of screening, individually or in combination, as a primary or secondary means and under defined conditions:

1. For the screening of persons:
  - (a) hand search;
  - (b) walk-through metal detection (WTMD) equipment;
  - (c) hand-held metal detection (HHMD) equipment;
  - (d) explosive detection dogs; and
  - (e) explosive trace detection (ETD) equipment;
  - (f) security scanners which do not use ionising radiation.
  
2. For the screening of cabin baggage, items carried by persons other than passengers, air carrier mail and air carrier materials except when to be loaded into the hold of an aircraft, in-flight supplies and airport supplies:
  - (a) hand search;
  - (b) visual check;
  - (c) x-ray equipment;
  - (d) explosive detection systems (EDS) equipment;
  - (e) explosive detection dogs (EDD);
  - (f) explosive trace detection (ETD) equipment; and
  - (g) liquid explosive detection systems (LEDS) equipment.
  
3. For the screening of hold baggage, cargo and mail as well as air carrier mail and air carrier materials to be loaded into the hold of an aircraft:

- (a) hand search;
- (b) visual check;
- (c) x-ray equipment;
- (d) explosive detection systems (EDS) equipment;
- (e) explosive detection dogs;
- (f) explosive trace detection (ETD) equipment;
- (g) simulation chamber; and (h) metal detection equipment.

In order to evaluate methods of screening using new technologies not foreseen at the time of adoption of this Regulation, the implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008 may allow the use of other methods on a trial basis and for a limited period of time on condition that such trials do not prejudice the overall levels of security.

#### PART B.

##### **Categories of articles that may be prohibited**

The implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008 may prohibit, under defined conditions, the introduction of any or all of the following categories of articles into security restricted areas and on board an aircraft:

- (a) *guns, firearms and other devices that discharge projectiles* – devices capable, or appearing capable, of being used to cause serious injury by discharging a projectile;
- (b) *stunning devices* – devices designed specifically to stun or immobilise;
- (c) *objects with a sharp point or sharp edge* – objects with a sharp point or sharp edge capable of being used to cause serious injury;
- (d) *workmen's tools* – tools capable of being used either to cause serious injury or to threaten the safety of aircraft;
- (e) *blunt instruments* – objects capable of being used to cause serious injury when used to hit; and
- (f) *explosives and incendiary substances and devices* – explosives and incendiary substances and devices capable, or appearing capable, of being used to cause serious injury or to pose a threat to the safety of aircraft.



PART B1

**Liquids, aerosols and gels**

Liquids, aerosols and gels shall be permitted to be taken into security restricted areas provided they are screened or exempted from screening in accordance with the requirements of implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008.

PART C.

**Access control: grounds for granting access to airside and security restricted areas**

Access to airside and security restricted areas shall be granted according to the following criteria:

1. Access to airside may only be authorised if persons and vehicles have a legitimate reason to be there.

In order to be granted access to airside a person shall carry an authorisation.

In order to be granted access to airside a vehicle shall have a vehicle pass.

2. Access to security restricted areas may only be granted if persons and vehicles have a legitimate reason to be there.

In order to be granted access to security restricted areas a person shall present an authorisation.

In order to be granted access to security restricted areas a vehicle shall display a vehicle pass.

PART D.

**Methods allowed for the examination of vehicles, aircraft security checks and aircraft security searches**

The implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008 may allow the use of the following methods for the examination of vehicles, aircraft security checks and aircraft security searches, individually or in combination, as a primary or secondary means and under defined conditions:

- (a) hand search;
- (b) visual check;
- (c) explosive detection dogs; and
- (d) explosive trace detection (ETD) equipment.



In order to evaluate methods of examination using new technologies not foreseen at the time of adoption of this Regulation, the implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008 may allow the use of other methods on a trial basis and for a limited period of time on condition that such trials do not prejudice the overall levels of security.

PART E

*Omitted.*

PART F.

**Cargo and mail**

*1.Cargo and mail: conditions under which they shall be screened or subjected to other security controls*

Cargo and mail to be loaded on an aircraft shall be screened, unless:

- (a) security controls have been applied to the consignment by a regulated agent and the consignment has been protected from unauthorised interference from the time that those security controls were applied; or
- (b) security controls have been applied to the consignment by a known consignor and the consignment has been protected from unauthorised interference from the time that those security controls were applied; or
- (c) security controls have been applied to the consignment by an account consignor, the consignment has been protected from unauthorised interference from the time that those security controls were applied, and the cargo is carried on an all-cargo aircraft or the mail on an all-mail aircraft; or
- (d) security controls have been applied to transfer cargo and transfer mail, as referred to in point 6.1.2 of the Annex to Regulation (EC) No 300/2008.

*2.Cargo and mail: the process for the approval or designation of regulated agents, known consignors and account consignors*

The following process for the approval or designation of regulated agents, known consignors and account consignors shall apply:

1. Regulated agents shall be approved by the appropriate authority.

In order to be approved as a regulated agent, the applicant shall submit documentation on aviation security standards and shall then be subject to an on-site verification to ensure that it fulfils the required standards.

2. Known consignors shall be approved by the appropriate authority.

In order to be approved as a known consignor, the applicant shall provide information on aviation security standards and shall be subject to an on-site verification to ensure that it fulfils the required standards.

As an alternative to approval, the appropriate authority may allow a known consignor to be designated by a regulated agent until a date to be established in the implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008.

3. Account consignors shall be designated by a regulated agent.

In order to be designated as an account consignor, the regulated agent shall ensure that the prospective account consignor provides information on aviation security standards and shall make a validation.

#### PART G.

##### **Air carrier mail and air carrier materials: conditions under which they shall be screened or subjected to other security controls**

Air carrier mail and air carrier materials to be loaded into the hold of an aircraft shall either be screened as hold baggage or subjected to the same security controls as for cargo and mail.

Air carrier mail and air carrier materials to be loaded into any part of an aircraft other than the hold shall be screened as cabin baggage.

#### PART H.

##### **In-flight supplies and airport supplies**

1. *In-flight supplies and airport supplies: conditions under which they shall be screened or subjected to other security controls*

1. In-flight supplies to be loaded on an aircraft shall be screened, unless:

- (a) security controls have been applied to the supplies by an air carrier that delivers these to its own aircraft and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft; or
- (b) security controls have been applied to the supplies by a regulated supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft or, where applicable, to the air carrier or another regulated supplier; or
- (c) security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the air carrier or regulated supplier.

2. Airport supplies shall be screened before being allowed into security restricted areas, unless security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until they are in the security restricted area.

2. *In-flight supplies and airport supplies: the process for the approval or designation of regulated suppliers and known suppliers*

1. Regulated suppliers of in-flight supplies shall be approved by the appropriate authority by a date to be established in the implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008.

In order to be approved as a regulated supplier of in-flight supplies, the applicant shall submit documentation on aviation security standards and shall then be subject to an on-site verification to ensure that it fulfils the required standards.

2. Known suppliers of in-flight supplies shall be designated by the operator or entity to whom it delivers.

In order to be designated as a known supplier of in-flight supplies, the operator or entity to whom it delivers shall ensure that the prospective known supplier provides information on aviation security standards and shall make a validation.

3. Known suppliers of airport supplies shall be designated by the airport operator.

In order to be designated as a known supplier of airport supplies, the airport operator shall ensure that the prospective known supplier provides information on aviation security standards and shall make a validation.

#### PART I.

##### **Criteria for defining critical parts of security restricted areas**

The definition of critical parts of security restricted areas shall ensure that there is no contamination of screened departing passengers (both originating and transfer) and their cabin baggage as well as of screened departing hold baggage (both originating and transfer).

#### PART J.

##### **Staff recruitment and methods of training**

1. *Criteria for staff recruitment*

The following criteria shall apply for the recruitment of both persons who will implement, or will be responsible for the implementation of, screening, access control or other security controls and instructors:

- (a) they shall have successfully completed a background check or pre- employment check in accordance with national rules; and
- (b) they shall have those abilities necessary to carry out the tasks to which they are assigned.

2. *Methods of training*

The implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008 may require that:

- (c) persons implementing, or responsible for implementing, screening, access control or other security controls;
- (d) instructors; and
- (e) persons who will be issued with an airport identification card or crew identification card; receive theoretical, practical and/or on-the-job training.

PART K.

**Conditions under which special security procedures or exemptions from security controls may be applied**

The implementing rules prescribed by regulations made by the Minister with responsibility for Civil Aviation in accordance with Article 4(3) of Regulation (EC) No 300/2008 may allow special security procedures or exemptions from security controls to be applied on condition that:

- (a) the procedure or exemption is established by the appropriate authority; and
- (b) there are objective reasons that justify the procedure or exemption.

SCHEDULE 3

**COMMISSION REGULATION (EU) No 1254/2009**

**of 18 December 2009**

**setting criteria to allow derogation from the basic standards on civil aviation security and to adopt alternative security measures**

(Text with EEA relevance)

*Article 1*

The appropriate authority may derogate from the basic standards referred to in Article 4(1) of Regulation (EC) No 300/2008 and adopt alternative security measures that provide an adequate level of protection on the basis of a risk assessment approved by the appropriate authority at airports or demarcated areas of airports where traffic is limited to one or more of the following categories:

1. aircraft with a maximum take-off weight of less than 15 000 kilograms;
2. helicopters;
3. state, military and law enforcement flights;
4. fire suppression flights;
5. flights for medical services, emergency or rescue services;
6. research and development flights;
7. flights for aerial work;
8. humanitarian aid flights;
9. flights operated by air carriers, aircraft manufacturers or maintenance companies, transporting neither passengers and baggage, nor cargo and mail;
10. flights with aircraft with a maximum take-off weight of less than 45 500 kilograms, owned by a company for the carriage of own staff and non-fare-paying passengers and goods as an aid to the conduct of company business;
11. flights with aircraft with a maximum take-off weight of less than 45 500 kilograms, chartered or leased in its entirety by a company from an aircraft operator with which it has a written agreement for the carriage of own staff and non-fare-paying passengers and goods as an aid to the conduct of company business;

12. flights with aircraft with a maximum take-off weight of less than 45 500 kilograms, for the carriage of the owner of the aircraft and of non-fare-paying passengers and goods.

For flights covered under points 10, 11 and 12, but with a maximum take-off weight of 45 500 kilograms or more, the appropriate authority may in exceptional cases, and based on a risk assessment for each individual case, derogate from the weight limitation laid down in these categories.

*Article 2*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply as from the date specified in the implementing rules adopted in accordance with the procedure referred to in Article 4(3) of Regulation (EC) No 300/2008, but no later than 29 April 2010.

SCHEDULE 4

**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**

(Text with EEA relevance)

*Article 1*

The detailed measures for the implementation of the basic standards for safeguarding civil aviation against acts of unlawful interference that jeopardise the security of civil aviation, referred to in Article 4(1) of Regulation (EC) No 300/2008, and the general measures supplementing those basic standards, referred to in Article 4(2) of that Regulation, are set out in the Annex.

*Article 2*

Regulation (EU) No 185/2010 is repealed. References to the repealed Regulation shall be construed as a reference to this Regulation.

*Article 3*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 February 2016.

ANNEX

**1. AIRPORT SECURITY**

**1.0 GENERAL PROVISIONS**

1.0.1 Unless otherwise stated, the authority, airport operator, air carrier or entity responsible in accordance with the national civil aviation security programme referred to in Article 10 of Regulation (EC) No 300/2008 shall ensure the implementation of the measures set out in this Chapter.

1.0.2 For the purposes of this Chapter, an aircraft, bus, baggage cart or other means of transport, or a walkway or jetway, shall be regarded as a part of an airport.

For the purposes of this Chapter, ‘secured baggage’ means screened departing hold baggage that is physically protected so as to prevent the introduction of any objects.

1.0.3 Without prejudice to the criteria for derogations as set out in Part K of the Annex to Regulation (EC) No 272/2009<sup>8</sup>, the appropriate authority may allow special security procedures or exemptions for the protection and security of airside areas at airports on days on which there is not more than one aircraft to be loaded, unloaded, boarded or disembarked at any one time either within the critical part of the security restricted area or at an airport that falls outside of the scope of point 1.1.3

1.0.4 For the purposes of this Annex ‘items carried by persons other than passengers’ refers to the belongings intended for the personal use of the person that carries them.

**1.1 AIRPORT PLANNING REQUIREMENTS**

**1.1.1 Boundaries**

1.1.1.1 Boundaries between landside, airside, security restricted areas, critical parts and, where applicable, demarcated areas shall be clearly identifiable at each airport in order to enable the appropriate security measures to be taken in each of those areas.

1.1.1.2 The boundary between landside and airside shall be a physical obstruction that is clearly visible to the general public and which denies a person unauthorised access.

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<sup>8</sup> 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).



### **1.1.2 Security restricted areas**

1.1.2.1 Security restricted areas shall include at least the following:

- (a) a part of an airport to which screened departing passengers have access; and
- (b) a part of an airport through which screened departing hold baggage may pass or in which it may be held, unless it concerns secured baggage; and
- (c) a part of an airport designated for the parking of aircraft to be boarded or loaded.

1.1.2.2 A part of an airport shall be regarded as a security restricted area at least for the period of time that the activities referred to in point 1.1.2.1 are taking place.

When a security restricted area is established, a security search of the parts that could have been contaminated shall be carried out immediately before such an area is established in order to reasonably ensure that it does not contain prohibited articles. This provision shall be considered to be met for aircraft that are subject to an aircraft security search.

1.1.2.3 Whenever unauthorised persons may have had access to security restricted areas, a security search of the parts that could have been contaminated shall be carried out as soon as possible in order to reasonably ensure that it does not contain prohibited articles. This provision shall be considered to be met for aircraft that are subject to an aircraft security search.

### **1.1.3 Critical parts of security restricted areas**

1.1.3.1 Critical parts shall be established at airports where more than 60 persons hold airport identification cards giving access to security restricted areas.

1.1.3.2 Critical parts shall include at least the following:

- (a) all parts of an airport to which screened departing passengers have access; and
- (b) all parts of an airport through which screened departing hold baggage may pass or in which it may be held, unless it concerns secured baggage.

A part of an airport shall be regarded as a critical part at least for the period of time that the activities referred to in points (a) or (b) are taking place.

1.1.3.3 When a critical part is established, a security search of the parts that could have been contaminated shall be carried out immediately before such a part is established in order to reasonably ensure that it does not contain prohibited articles. This provision shall be considered to be met for aircraft that are subject to an aircraft security search.

1.1.3.4 A security search of those critical parts that could have been contaminated shall be carried out as soon as possible in order to reasonably ensure that they do not contain prohibited articles, wherever access to critical parts has occurred by any of the following:

- (a) unscreened persons;
- (b) passengers and crew members arriving from any airport other than an airport designated by the appropriate authority;
- (c) *Omitted.*

This point shall be considered to be met for aircrafts that are subject to an aircraft security search, and it shall not apply when persons covered by point 1.3.2 and point 4.1.1.7 have had access to critical parts.

As far as point (b) is concerned, this provision shall only apply to those critical parts that are used by screened hold baggage and/or screened departing passengers not departing on the same aircraft as these passengers and crew members.

## 1.2 ACCESS CONTROL

### 1.2.1 Access to airside

1.2.1.1 Access to airside may only be authorised if persons and vehicles have a legitimate reason to be there. Guided tours of the airport escorted by authorised persons shall be considered to have a legitimate reason.

1.2.1.2 In order to be granted access to airside a person shall carry an authorisation.

1.2.1.3 In order to be granted access to airside a vehicle shall display a vehicle pass.

1.2.1.4 Persons who are airside shall, upon request, present their authorisation for control.

### 1.2.2 Access to security restricted areas

1.2.2.1 Access to security restricted areas may only be granted if persons and vehicles have a legitimate reason to be there. Guided tours of the airport escorted by authorised persons shall be considered to have a legitimate reason.

1.2.2.2 In order to be granted access to security restricted areas a person shall present one of the following authorisations:

- (a) a valid boarding card or equivalent; or
- (b) a valid crew identification card; or
- (c) a valid airport identification card; or
- (d) a valid national appropriate authority identification card; or

- (e) a valid compliance authority identification card recognised by the national appropriate authority.

Alternatively, access may also be granted after positive identification via biometric data verification.

1.2.2.3 In order to be granted access to security restricted areas a vehicle shall display a valid vehicle pass.

1.2.2.4 The boarding card or equivalent referred to in point 1.2.2.2(a) shall be checked before a person is granted access to security restricted areas in order to reasonably ensure that it is valid.

The card referred to in points 1.2.2.2(b)-(e), respectively, shall be checked before a person is granted access to security restricted areas in order to reasonably ensure that it is valid and corresponds to the holder.

Where biometric identification is used, the verification shall ensure that the person seeking access to security restricted areas holds one of the authorisations listed under point 1.2.2.2 and that this authorisation is valid and was not disabled.

1.2.2.5 In order to prevent unauthorised access to security restricted areas access points shall be controlled by:

- (a) an electronic system which limits access to one person at a time; or
- (b) authorised persons implementing access control.

The appropriate authority may define in its national aviation security programme that the limitation to one person at a time under point (a) does not apply at access points exclusively used by law enforcement officers.

1.2.2.6 The vehicle pass shall be checked before a vehicle is granted access to security restricted areas to ensure that it is valid and corresponds to the vehicle.

### **1.2.3 Requirements for Gibraltar crew identification cards and airport identification cards**

1.2.3.1 A crew identification card of a crew member employed by a Gibraltar air carrier and an airport identification card may only be issued to a person who has an operational need and has successfully completed a background check in accordance with point 1.1.3.

1.2.3.2 Crew and airport identification cards shall be issued for a period not exceeding five years.

1.2.3.3 The identification card of a person who fails a background check shall be immediately withdrawn.

1.2.3.4 The identification card shall be worn in a visible place at least whenever the holder is in security restricted areas.

A person who is not displaying his card in security restricted areas other than those areas where passengers are present shall be challenged by persons responsible for the implementation of point 1.5.1(c) and, as appropriate, be reported.

1.2.3.5 The identification card shall be returned immediately to the issuing entity:

- (a) upon request of the issuing entity; or
- (b) upon termination of employment; or
- (c) upon change of employer; or
- (d) upon change of the need to have access to areas for which an authorisation has been given; or
- (e) upon expiry of the card; or
- (f) upon withdrawal of the card.

1.2.3.6 The issuing entity shall be notified immediately of the loss, theft or failure to return an identification card.

*1.2.3.7 Omitted.*

*1.2.3.8 Omitted.*

#### **1.2.4 Supplementary requirements for Gibraltar crew identification cards**

1.2.4.1 A crew identification card of a crew member employed by a Gibraltar air carrier shall display:

- (a) the name and photograph of the holder; and
- (b) the name of the air carrier; and
- (c) the word 'crew' in English; and
- (d) the expiry date.

#### **1.2.5 Supplementary requirements for airport identification cards**

1.2.5.1 An airport identification card shall display:

- (a) the name and photograph of the holder; and
- (b) the name of the employer of the holder, unless electronically programmed; and
- (c) the name of either the issuing entity or the airport; and
- (d) the areas for which the holder is authorised to have access; and
- (e) the expiry date, unless electronically programmed.

The names and areas of access may be replaced by an equivalent identification.

1.2.5.2 In order to prevent the misuse of airport identification cards, a system shall be in place to reasonably ensure that attempted use of cards that have been lost, stolen or not returned is detected. Upon detection, appropriate action shall be taken.

### **1.2.6 Requirements for vehicle passes**

1.2.6.1 A vehicle pass may only be issued where an operational need has been established.

1.2.6.2 A vehicle pass shall be specific to the vehicle and display:

- (a) the areas for which it is authorised to have access; and
- (b) the expiry date.

1.2.6.3 An electronic vehicle pass shall, either:

- (a) be fixed to the vehicle in a manner which ensures that it is non-transferable; or
- (b) be linked to the company or individual registered vehicle user through a secure vehicle registration database.

Electronic vehicle passes need not display the areas for which the vehicle is authorised to have access nor the expiry date, provided that this information is electronically readable and checked before granting access to security restricted areas. Electronic vehicle passes shall also be electronically readable airside.

1.2.6.4 The vehicle pass shall be displayed in a visible place whenever the vehicle is airside.

1.2.6.5 The vehicle pass shall be returned immediately to the issuing entity:

- (a) upon request of the issuing entity; or
- (b) when the vehicle is no longer to be used for access to airside; or
- (c) upon expiry of the pass, unless the pass is automatically invalidated.

1.2.6.6 The issuing entity shall be notified immediately of the loss, theft or failure to return a vehicle pass.

1.2.6.7 An electronic vehicle pass shall be immediately disabled following return, expiry or notification of loss, theft or failure to return.

1.2.6.8 In order to prevent the misuse of vehicle passes, a system shall be in place to reasonably ensure that attempted use of vehicle passes that have been lost, stolen or not returned is detected. Upon detection, appropriate action shall be taken.

1.2.6.9 Vehicles that are only used airside and have no permission to drive on public roads may be exempted from application of points 1.2.6.2 to

1.2.6.8 provided that they are clearly marked externally as operational vehicles in use at that airport.

### **1.2.7 Escorted access**

1.2.7.1 Crew members, other than those holding a valid airport identification card, shall be escorted at all times when in security restricted areas other than:

- (a) areas where passengers may be present; and
- (b) areas in the immediate proximity of the aircraft on which they have arrived or will depart; and
- (c) areas designated for crews; and
- (d) distances between the terminal or access point and the aircraft on which crew members have arrived or will depart.

1.2.7.2 Exceptionally, a person may be exempted from the requirements of point 1.2.5.1 and obligations on background checks on condition that that person is escorted at all times when in security restricted areas. A person may be exempted from the requirement to be escorted if that person displays an authorisation and is a holder of a valid airport identification card.

1.2.7.3 An escort shall:

- (a) hold a valid identification card as referred to in point 1.2.2.2(c), (d) or (e); and
- (b) be authorised to escort in security restricted areas; and
- (c) have the escorted person or persons in direct line of sight at all times; and
- (d) reasonably ensure that no security breach is committed by the person or persons being escorted.

1.2.7.4A vehicle may be exempted from the requirements of point 1.2.6 on condition that it is escorted at all times when airside.

1.2.7.5 Whenever a passenger does not travel as a result of an air carriage contract resulting in the delivery of a boarding pass or equivalent, a crew member escorting this passenger may be exempted from the requirements of point 1.2.7.3(a).

### *1.2.8 Omitted*

## **1.3 SCREENING OF PERSONS OTHER THAN PASSENGERS AND ITEMS CARRIED**

### **1.3.1 Screening of persons other than passengers and items carried**

1.3.1.1 Persons other than passengers shall be screened by one of the following means:

- (a) hand search;

- (b) walk-through metal detection equipment (WTMD);
- (c) explosive detection dogs;
- (d) explosive trace detection (ETD) equipment;
- (e) security scanners which do not use ionising radiation;
- (f) explosive trace detection (ETD) equipment combined with hand held metal detection (HHMD) equipment;
- (g) shoe metal detection (SMD) equipment;
- (h) shoe explosive detection (SED) equipment.

SMD and SED equipment may only be used as a supplementary means of screening.

1.3.1.2 Points 4.1.1.3 – 4.1.1.6 and 4.1.1.10 – 4.1.1.11 shall apply to the screening of persons other than passengers.

1.3.1.3 Explosive detection dogs, ETD equipment and ETD equipment in combination with SED equipment may only be used as a supplementary means of screening of persons other than passengers or in unpredictable alternation with hand searches, hand searches in combination with SMD equipment, WTMD or security scanners.

1.3.1.4 Items carried by persons other than passengers shall be screened by one of the following means:

- (a) hand search;
- (b) x-ray equipment;
- (c) explosive detection systems (EDS) equipment;
- (d) explosive detection dogs;
- (e) explosive trace detection (ETD) equipment.

1.3.1.5 Points 4.1.2.4 – 4.1.2.7 and 4.1.2.11 shall apply to the screening of items carried by persons other than passengers.

1.3.1.6 Explosive detection dogs and ETD equipment may only be used as a supplementary means of screening of items carried by persons other than passengers or in unpredictable alternation with hand searches, x-ray equipment or EDS equipment.

1.3.1.7 Where persons other than passengers and items carried have to be screened on a continuous random basis, the frequency shall be established by the appropriate authority on the basis of a risk assessment.

1.3.1.8 Animals used for operational needs and handled by a person carrying a valid airport identification card shall be subjected to a visual check before access to security restricted areas is granted.

1.3.1.9 *Omitted.*





### **1.3.2 Exemptions and special screening procedures**

1.3.2.1 The appropriate authority may, for objective reasons, allow persons other than passengers to be exempted from screening, or to be subjected to special screening procedures, provided that they are escorted by a person authorised to escort in accordance with point 1.2.7.3.

1.3.2.2 Screened persons other than passengers who temporarily leave critical parts may be exempted from screening on their return provided that they have been under constant observation by authorised persons sufficient to reasonably ensure that they do not introduce prohibited articles into those critical parts.

1.3.2.3 *Omitted.*

## **1.4 EXAMINATION OF VEHICLES**

### **1.4.1 Vehicles entering critical parts**

1.4.1.1 All vehicles shall be examined before entering critical parts. They shall be protected from unlawful interference from after examination until entering critical parts.

1.4.1.2 The driver and any other occupants of the vehicle shall not be in the vehicle when the examination takes place. They shall be required to take their personal belongings out of the vehicle with them for screening.

1.4.1.3 There shall be defined methodologies to ensure the randomness of selection of the areas to be examined.

1.4.1.4 *Omitted.*

### **1.4.2 Vehicles entering security restricted areas other than critical parts**

1.4.2.1 The driver and any other occupants of the vehicle shall not be in the vehicle when the examination takes place. They shall be required to take their personal belongings out of the vehicle with them for screening.

1.4.2.2 There shall be defined methodologies to ensure the randomness of selection of both vehicles and the areas to be examined.

1.4.2.3 *Omitted.*

### **1.4.3 Methods of examination**

1.4.3.1 A hand search shall consist of a thorough manual check of the areas selected, including contents, in order to reasonably ensure that they do not contain prohibited articles.

1.4.3.2 The following methods may only be used as a supplementary means of examination:

- (a) explosive detection dogs; and

(b) explosive trace detection (ETD) equipment.

1.4.3.3. *Omitted.*

#### **1.4.4 Exemptions and special examination procedures**

1.4.4.1 The appropriate authority may, for objective reasons, allow vehicles to be exempted from examination, or to be subjected to special examination procedures, provided that they are escorted by a person authorised to escort in accordance with point 1.2.7.3.

1.4.4.2 *Omitted.*

### **1.5 SURVEILLANCE, PATROLS AND OTHER PHYSICAL CONTROLS**

1.5.1 Surveillance or patrols shall be undertaken in order to monitor:

- (a) the boundaries between landside, airside, security restricted areas, critical parts and, where applicable, demarcated areas; and
- (b) areas of, and in proximity of, the terminal that are accessible to the public, including parking areas and roadways; and
- (c) the display and validity of persons' identification cards in security restricted areas other than those areas where passengers are present; and
- (d) the display and validity of vehicle passes when airside; and
- (e) hold baggage, cargo and mail, in-flight supplies and air carrier mail and materials in critical parts waiting to be loaded.

1.5.2 The frequency and means of undertaking surveillance and patrols shall be based on a risk assessment and shall be approved by the appropriate authority. They shall take into account:

- (a) the size of the airport, including the number and nature of the operations; and
- (b) the layout of the airport, in particular the interrelationship between the areas established at the airport; and
- (c) the possibilities and limitations of means of undertaking surveillance, and patrols.

The parts of the risk assessment relating to the frequency and means of undertaking surveillance and patrols shall, upon request, be made available in writing for compliance monitoring purposes.

1.5.3 Surveillance and patrols shall not follow a predictable pattern. The validity of identification cards shall be checked on a random basis.

1.5.4 Measures shall be in place that both deter persons from breaching security checkpoints and, should such a breach occur, promptly enable the breach and its repercussions to be resolved and rectified.

### **1.6 PROHIBITED ARTICLES**

- 1.6.1 Persons other than passengers shall not be permitted to carry into security restricted areas the articles listed in Attachment 1-A.
- 1.6.2 An exemption to point 1.6.1 may be granted on condition that the person is authorised to carry prohibited articles into security restricted areas in order to undertake tasks that are essential for the operation of airport facilities or of aircraft, or for performing in-flight duties.
- 1.6.3 In order to allow reconciliation of the person authorised to carry one or more articles as listed in Attachment 1-A with the article carried:
- (a) the person shall have an authorisation and shall carry it. The authorisation shall either be indicated on the identification card that grants access to security restricted areas or on a separate declaration in writing. The authorisation shall indicate the article(s) that may be carried, either as a category or as a specific article. If the authorisation is indicated on the identification card, then it shall be recognisable on a need-to-know basis; or
  - (b) a system shall be in place at the security checkpoint indicating which persons are authorised to carry which article(s), either as a category or as a specific article.
- 16.4 Reconciliation shall be performed before the person is allowed to carry the article(s) concerned into security restricted areas and upon being challenged by persons performing surveillance or patrols under point (c) of point 1.5.1.
- 1.6.5 Articles as listed in Attachment 1-A may be stored in security restricted areas provided they are kept in secure conditions. Articles as listed in points (c), (d) and (e) of Attachment 4-C may be stored in security restricted areas provided they are not accessible to passengers.

## ATTACHMENT 1-A

### PERSONS OTHER THAN PASSENGERS

#### LIST OF PROHIBITED ARTICLES

- (a) *guns, firearms and other devices that discharge projectiles* — devices capable, or appearing capable, of being used to cause serious injury by discharging a projectile, including:
- firearms of all types, such as pistols, revolvers, rifles, shotguns,
  - toy guns, replicas and imitation firearms capable of being mistaken for real weapons,
  - component parts of firearms, excluding telescopic sights,
  - compressed air and CO<sub>2</sub> guns, such as pistols, pellet guns, rifles and ball bearing guns,

- signal flare pistols and starter pistols,
  - bows, cross bows and arrows,
  - harpoon guns and spear guns,
  - slingshots and catapults;
- (b) *stunning devices* — devices designed specifically to stun or immobilise, including:
- devices for shocking, such as stun guns, tasers and stun batons,
  - animal stunners and animal killers,
  - disabling and incapacitating chemicals, gases and sprays, such as mace, pepper sprays, capsicum sprays, tear gas, acid sprays and animal repellent sprays;
- (c) *explosives and incendiary substances and devices* — explosives and incendiary substances and devices capable, or appearing capable, of being used to cause serious injury or to pose a threat to the safety of aircraft, including:
- ammunition,
  - blasting caps,
  - detonators and fuses,
  - replica or imitation explosive devices,
  - mines, grenades and other explosive military stores,
  - fireworks and other pyrotechnics,
  - smoke-generating canisters and smoke-generating cartridges,
  - dynamite, gunpowder and plastic explosives.
- (d) any other article capable of being used to cause serious injury and which is not commonly used in security restricted areas, e.g. martial arts equipment, swords, sabres, etc.

## **2. DEMARCATED AREAS OF AIRPORTS**

No provisions in this Regulation.

## **3. AIRCRAFT SECURITY**

### **3.0 GENERAL PROVISIONS**

3.0.1 Unless otherwise stated, an air carrier shall ensure the implementation of the measures set out in this Chapter as regards its aircraft.

3.0.2 *Omitted.*

3.0.3 An aircraft need not be subjected to an aircraft security check. It shall be subjected to an aircraft security search in accordance with point 3.1.

3.0.4 An air carrier shall, upon request, be notified by the airport operator whether or not its aircraft is in a critical part. When this is not clear, it shall be assumed that the aircraft is in a part other than a critical part.

3.0.5 When an area is no longer considered to be a critical part because of a change of security status then the airport shall inform those carriers that are affected.

3.0.6 *Omitted.*

3.0.7 For the purpose of this Chapter, 'aircraft service panels and hatches' means aircraft external access points and compartments that have external handles or external clip-down panels and are routinely used for providing aircraft ground handling services.

3.0.8 *Omitted.*

### 3.1 AIRCRAFT SECURITY SEARCH

#### 3.1.1 When to perform an aircraft security search

3.1.1.1 An aircraft shall at all times be subjected to an aircraft security search whenever there is reason to believe that unauthorised persons may have had access to it.

3.1.1.2 *Omitted.*

3.1.1.3 An aircraft arriving into a critical part from any airport other than an airport designated by the appropriate authority shall be subjected to an aircraft security search any time after passenger disembarkation from the area to be searched and/or the unloading of the hold.

3.1.1.4 *Omitted.*

3.1.1.5 *Omitted.*

3.1.2 *Omitted.*

#### 3.1.3 Information on the aircraft security search

The following information on the aircraft security search 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; and
- (b) origin of the previous flight.

Where an aircraft security search was performed, the information shall also include:

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

Recording of the information as above, may be held in electronic format.

### 3.2 PROTECTION OF AIRCRAFT

#### 3.2.1 Protection of aircraft — General

3.2.1.1 Regardless of where an aircraft is parked at an airport, each of its external doors shall be protected against unauthorised access by:

- (a) ensuring that persons seeking to gain unauthorised access are challenged promptly; or
- (b) having the external door closed. Where the aircraft is in a critical part, external doors that are not accessible by a person from the ground shall be considered closed if access aids have been removed and placed sufficiently far from the aircraft as to reasonably prevent access by a person; or
- (c) having electronic means which will immediately detect unauthorised access; or;
- (d) having an electronic airport identification card access system at all doors leading directly to the passenger boarding bridge, adjacent to an open aircraft door, which only allows access for persons that are trained in accordance with point 11.2.3.7. Such persons must ensure that unauthorised access is prevented, during their use of the door.

3.2.1.2 Point 3.2.1.1 shall not apply to an aircraft parked in a hangar that is locked or otherwise protected from unauthorised access.

#### 3.2.2 Additional protection of aircraft with closed external doors in a part other than a critical part

3.2.2.1 Where external doors are closed and the aircraft is in a part other than a critical part, each external door shall also:

- (a) have access aids removed; or
- (b) be sealed; or
- (c) be locked; or
- (d) be monitored.

Point (a) shall not apply for a door that is accessible from the ground by a person.

3.2.2.2 Where access aids are removed for doors that are not accessible by a person from the ground, they shall be placed sufficiently far from the aircraft as to reasonably prevent access.

3.2.2.3 Where external doors are locked, only persons with an operational need shall be able to unlock these doors.

3.2.2.4 Where external doors are monitored, the monitoring shall ensure that unauthorised access to the aircraft is immediately detected.

3.2.2.5 *Omitted.*

### **ATTACHMENT 3-A**

*Omitted.*

### **ATTACHMENT 3-B**

*Omitted.*

## **4. PASSENGERS AND CABIN BAGGAGE**

### **4.0 GENERAL PROVISIONS**

4.0.1 Unless otherwise stated, the authority, airport operator, air carrier or entity responsible in accordance with the national civil aviation security programme as referred to in Article 10 of Regulation (EC) No 300/2008 shall ensure the implementation of the measures set out in this Chapter.

4.0.2 *Omitted.*

4.0.3 Passengers and their cabin baggage arriving from a Member State where the aircraft was in transit after having arrived from a third country not listed in Attachment 4-B or from a Union airport where the relevant Member State has derogated from the common basic standards as provided for in Article 1 of Regulation (EU) No 1254/2009, shall be considered as passengers and cabin baggage arriving from a third country, unless there is a confirmation that these passengers and their cabin baggage were screened in accordance with this Chapter.

4.0.4 For the purpose of this Annex:

- (a) 'liquids, aerosols and gels' (LAGs) shall include pastes, lotions, liquid/solid mixtures and the contents of pressurised containers, such as toothpaste, hair gel, drinks, soups, syrups, perfume, shaving foam and other items with similar consistencies;
- (b) 'security tamper-evident bag' (STEB) is a bag that conforms to the recommended security control guidelines of the International Civil Aviation Organisation;
- (c) 'liquid explosive detection systems (LEDS) equipment' is a piece of equipment capable of detecting threat materials.

4.0.5 *Omitted.*

4.0.6 *Omitted.*

### **4.1 SCREENING OF PASSENGERS AND CABIN BAGGAGE**

#### **4.1.1 Screening of passengers**

4.1.1.1 Before screening, coats and jackets shall be taken off and shall be screened as cabin baggage. The screener may request the passenger to undertake further divesting as appropriate.



4.1.1.2 Passengers shall be screened by at least one of the following methods:

- (a) hand search;
- (b) walk-through metal detection equipment (WTMD);
- (c) explosive detection dogs;
- (d) explosive trace detection (ETD) equipment;
- (e) security scanners which do not use ionising radiation;
- (f) ETD equipment combined with hand held metal detection (HHMD) equipment;
- (g) shoe metal detection (SMD) equipment;
- (h) shoe explosive detection (SED) equipment.

Where the screener cannot determine whether or not the passenger is carrying prohibited articles, the passenger shall be denied access to security restricted areas or rescreened to the screener's satisfaction.

4.1.1.3 When a hand search is performed it shall be carried out so as to reasonably ensure that the person is not carrying prohibited articles.

4.1.1.4 When WTMD equipment alarms, the cause of the alarm shall be resolved.

4.1.1.5 Hand-held metal detection (HHMD) equipment may only be used as a supplementary means of screening. It shall not replace the requirements of a hand search.

4.1.1.6 Where a live animal is permitted to be carried in the cabin of an aircraft, it shall be screened either as a passenger or as cabin baggage.

4.1.1.7 The appropriate authority may create categories of passengers that, for objective reasons, shall be subject to special screening procedures or may be exempted from screening.

4.1.1.8 *Omitted.*

4.1.1.9 Explosive detection dogs, ETD equipment, SMD equipment and SED equipment may only be used as a supplementary means of screening.

4.1.1.10 When a security scanner with a human reviewer, as defined under the second paragraph of point 12.11.1, is used for screening of passengers, all of the following minimum conditions shall be complied with:

- (a) security scanners shall not store, retain, copy, print or retrieve images. However, any image generated during the screening can be kept for the time needed for the human

reviewer to analyse it and shall be deleted as soon as the passenger is cleared. Any unauthorised access and use of the image is prohibited and shall be prevented;

- (b) the human reviewer analysing the image shall be in a separate location so that he/she cannot see the screened passenger;
- (c) any technical devices capable of storing, copying or photographing or otherwise recording images shall not be allowed into the separate location where the image is analysed;
- (d) the image shall not be linked to any data concerning the screened person and his/her identity shall be kept anonymous;
- (e) a passenger may request that the image of his/her body is analysed by a human reviewer of the gender of his/her choice;
- (f) the image shall be blurred or obscured to prevent the identification of the face of the passenger.

Paragraphs (a) and (d) shall also apply to security scanners with automatic threat detection.

Passengers shall be entitled to opt out from a security scanner. In this case the passenger shall be screened by an alternative screening method including at least a hand search. When the security scanner alarms, the cause of the alarm shall be resolved.

Before being screened by a security scanner, the passenger shall be informed of the technology used, the conditions associated to its use and the possibility to opt out from a security scanner.

4.1.1.11 Explosive trace detection (ETD) equipment in combination with hand held metal detection (HHMD) equipment may only be used in cases where the screener considers a hand search of a given part of the person to be inefficient and/or undesirable.

#### **4.1.2 Screening of cabin baggage**

4.1.2.1 Before screening, portable computers and other large electrical items shall be removed from cabin baggage and shall be screened separately, unless the cabin baggage is to be screened with Explosive Detection Systems (EDS) equipment meeting standard C2 or higher.

4.1.2.2 The appropriate entity at all airports shall screen, upon entry to the security restricted area (SRA), at least LAGs obtained at an airport or on board an aircraft that are sealed in a STEB inside which is displayed satisfactory proof of purchase at airside at an airport or on board an aircraft, as well as LAGs to be used during the trip for medical purposes or a special dietary requirement, including baby food.

Before screening, LAGs shall be removed from cabin baggage and shall be screened separately from other items of cabin baggage, unless the equipment used for the screening of cabin baggage is also capable of screening multiple closed LAGs containers inside baggage.

Where LAGs have been removed from cabin baggage, the passenger shall present:

- (a) all LAGs in individual containers with a capacity not greater than 100 millilitres or equivalent in one transparent resealable plastic bag of a capacity not exceeding 1 litre, whereby the contents of the plastic bag fit comfortably and the bag is completely closed; and
- (b) all other LAGs, including STEBs containing LAGs.

Appropriate authorities, airlines and airports shall provide appropriate information to passengers in respect of the screening of LAGs at their airports.

4.1.2.3 Cabin baggage shall be screened by at least one of the following methods:

- (a) a hand search;
- (b) x-ray equipment;
- (c) explosive detection systems (EDS) equipment;
- (d) explosive detection dogs in combination with point (a);
- (e) ETD equipment.

Where the screener cannot determine whether or not the cabin baggage contains any prohibited articles, it shall be rejected or rescreened to the screener's satisfaction.

4.1.2.4 A hand search of cabin baggage shall consist of a manual check of the baggage, including its contents, as to reasonably ensure that it does not contain prohibited articles.

4.1.2.5 Where x-ray or EDS equipment is used, each image shall be viewed by the screener or analysed by auto clear software (ACS).

4.1.2.6 Where x-ray or EDS equipment is used, all alarms shall be resolved to the satisfaction of the screener so as to reasonably ensure that no prohibited articles are carried into the SRA or on board an aircraft.

4.1.2.7 Where x-ray or EDS equipment is used, any item whose density impairs the ability of the screener to analyse the contents of the cabin baggage shall be taken out of the baggage. The bag shall be screened again and the item shall be screened separately as cabin baggage.

4.1.2.8 Any bag that is found to contain a large electrical item shall be screened again with the item no longer in the bag and the electrical item screened separately, unless the cabin baggage was screened with EDS equipment meeting standard C2 or higher.

4.1.2.9 Explosive detection dogs and explosive trace detection (ETD) equipment may only be used as a supplementary means of screening.

4.1.2.10 The appropriate authority may create categories of cabin baggage that, for objective reasons, shall be subject to special screening procedures or may be exempted from screening.

4.1.2.11 Persons screening cabin baggage by x-ray or EDS equipment shall normally not spend more than 20 minutes continuously reviewing images. After each of these periods, the screener shall not review images for at least 10 minutes. This requirement shall only apply when there is an uninterrupted flow of images to be reviewed.

There shall be a supervisor responsible for screeners of cabin baggage in order to assure optimum team composition, quality of work, training, support and appraisal.

4.1.2.12 *Omitted.*

#### 4.1.3 Screening of liquids, aerosols and gels (LAGs)

4.1.3.1 LAGs carried by passengers may be exempted from screening with LEDS equipment upon entry to the SRA if the LAGs are in individual containers with a capacity not greater than 100 millilitres or equivalent in one transparent resealable plastic bag of a capacity not exceeding 1 litre, whereby the contents of the plastic bag fit comfortably and the bag is completely closed.

4.1.3.2 *Omitted.*

4.1.3.3 The appropriate authority may create categories of LAGs that, for objective reasons, shall be subjected to special screening procedures or may be exempted from screening.

4.1.3.4 *Omitted.*

4.2 *Omitted.*

#### 4.3 POTENTIALLY DISRUPTIVE PASSENGERS

4.3.1 An air carrier shall be notified in writing in advance by the competent authority of the plan to embark a potentially disruptive passenger on board its aircraft.

4.3.2 The notification shall contain the following details:

- (a) identity and gender of the person; and
- (b) reason for transportation; and
- (c) name and title of escorts, if provided; and
- (d) risk assessment by the competent authority, including reasons to escort or not; and
- (e) prior seating arrangement, if required; and

- (f) the nature of the available travel documents.

The air carrier shall make this information available to the pilot in command prior to passengers boarding the aircraft.

4.3.3 The competent authority shall ensure that persons in lawful custody are always escorted.

#### 4.4 PROHIBITED ARTICLES

4.4.1 Passengers shall not be permitted to carry into security restricted areas or on board an aircraft the articles listed in Attachment 4-C.

4.4.2 An exemption to point 4.4.1 may be granted on condition that:

- (a) the appropriate authority has given consent that the article may be carried; and
- (b) the air carrier has been informed about the passenger and the article that the passenger is carrying prior to passengers boarding the aircraft; and
- (c) the applicable safety rules are complied with.

These articles shall then be placed in secure conditions on board aircraft.

4.4.3 The air carrier shall ensure that passengers are informed of the prohibited articles listed in Attachment 4-C before check-in is completed.

#### **ATTACHMENT 4-A**

*Omitted.*

#### **ATTACHMENT 4-B**

*Omitted.*

#### **ATTACHMENT 4-C**

### **PASSENGERS AND CABIN BAGGAGE**

#### *LIST OF PROHIBITED ARTICLES*

Without prejudice to applicable safety rules, passengers are not permitted to carry the following articles into security restricted areas and on board an aircraft:

(a) *guns, firearms and other devices that discharge projectiles* — devices capable, or appearing capable, of being used to cause serious injury by discharging a projectile, including:

— firearms of all types, such as pistols, revolvers, rifles, shotguns,

- toy guns, replicas and imitation firearms capable of being mistaken for real weapons,
- component parts of firearms, excluding telescopic sights,
- compressed air and CO<sub>2</sub> guns, such as pistols, pellet guns, rifles and ball bearing guns,
- signal flare pistols and starter pistols,
- bows, cross bows and arrows,
- harpoon guns and spear guns,
- slingshots and catapults;

(b) *stunning devices* — devices designed specifically to stun or immobilise, including:

- devices for shocking, such as stun guns, tasers and stun batons,
- animal stunners and animal killers,
- disabling and incapacitating chemicals, gases and sprays, such as mace, pepper sprays, capsicum sprays, tear gas, acid sprays and animal repellent sprays;

(c) *objects with a sharp point or sharp edge* — objects with a sharp point or sharp edge capable of being used to cause serious injury, including:

- items designed for chopping, such as axes, hatchets and cleavers,
- ice axes and ice picks,
- razor blades,
- box cutters,
- knives with blades of more than 6 cm,
- scissors with blades of more than 6 cm as measured from the fulcrum,
- martial arts equipment with a sharp point or sharp edge,
- swords and sabres;

(d) *workmen's tools* — tools capable of being used either to cause serious injury or to threaten the safety of aircraft, including:

- crowbars,

- drills and drill bits, including cordless portable power drills,
- tools with a blade or a shaft of more than 6 cm capable of use as a weapon, such as screwdrivers and chisels,
- saws, including cordless portable power saws,
- blowtorches,
- bolt guns and nail guns;

(e) *blunt instruments* — objects capable of being used to cause serious injury when used to hit, including:

- baseball and softball bats,
- clubs and batons, such as billy clubs, blackjacks and night sticks,
- martial arts equipment;

(f) *explosives and incendiary substances and devices* — explosives and incendiary substances and devices capable, or appearing capable, of being used to cause serious injury or to pose a threat to the safety of aircraft, including:

- ammunition,
- blasting caps,
- detonators and fuses,
- replica or imitation explosive devices,
- mines, grenades and other explosive military stores,
- fireworks and other pyrotechnics,
- smoke-generating canisters and smoke-generating cartridges,
- dynamite, gunpowder and plastic explosives.

## **5. HOLD BAGGAGE**

### **5.0 GENERAL PROVISIONS**

5.0.1 Unless otherwise stated, the authority, airport operator, air carrier or entity responsible in accordance with the national civil aviation security programme as referred to in Article 10 of Regulation (EC) No 300/2008 shall ensure the implementation of the measures set out in this Chapter.

5.0.2 *Omitted.*

5.0.3 Hold baggage arriving from a Member State where the aircraft was in transit after having arrived from a third country not listed in Attachment 5-A or from a Union airport where the relevant Member State has derogated from the common basic standards as provided for in Article 1 of Regulation (EU) No 1254/2009 shall be considered as hold baggage arriving from a third country, unless there is a confirmation that the hold baggage was screened in accordance with this Chapter.

5.0.4 For the purpose of this Chapter, 'secured baggage' means screened departing hold baggage that is physically protected so as to prevent the introduction of any objects.

5.0.5 *Omitted.*

5.0.6 *Omitted.*

## 5.1 SCREENING OF HOLD BAGGAGE

5.1.1 The following methods, either individually or in combination, shall be used to screen hold baggage:

- (a) a hand search; or
- (b) x-ray equipment; or
- (c) explosive detection systems (EDS) equipment; or
- (d) explosive trace detection (ETD) equipment; or
- (e) explosive detection dogs.

Where the screener cannot determine whether or not the hold baggage contains any prohibited articles, it shall be rejected or rescreened to the screener's satisfaction.

5.1.2 A hand search shall consist of a thorough manual check of the baggage, including all its contents, so as to reasonably ensure that it does not contain prohibited articles.

5.1.3 Where x-ray or EDS equipment is used, any item whose density impairs the ability of the screener to analyse the contents of the baggage shall result in it being subject to another means of screening.

5.1.4 Screening by explosive trace detection (ETD) equipment shall consist of the analysis of samples taken from both the inside and the outside of the baggage and from its contents. The contents may also be subjected to a hand search.

5.1.5 The appropriate authority may create categories of hold baggage that, for objective reasons, shall be subject to special screening procedures or may be exempted from screening.

5.1.6 *Omitted.*

5.1.7 Persons screening hold baggage by x-ray or EDS equipment shall normally not spend more than 20 minutes continuously reviewing images. After each of these periods, the screener



shall not review images for at least 10 minutes. This requirement shall only apply when there is an uninterrupted flow of images to be reviewed.

There shall be a supervisor responsible for screeners of hold baggage in order to assure optimum team composition, quality of work, training, support and appraisal.

## 5.2 PROTECTION OF HOLD BAGGAGE

5.2.1 Passengers may not be allowed access to screened hold baggage, unless it is their own baggage and they are supervised to ensure that:

- (a) no prohibited articles as listed in Attachment 5-B are introduced into the hold baggage;  
or
- (b) no prohibited articles as listed in Attachment 4-C are removed from the hold baggage and introduced into the security restricted areas or on board an aircraft.

5.2.2 Hold baggage that has not been protected from unauthorised interference shall be rescreened.

5.2.3 *Omitted.*

## 5.3 BAGGAGE RECONCILIATION

### 5.3.1 Identification of hold baggage

5.3.1.1 An air carrier shall, during the boarding process, ensure that a passenger presents a valid boarding card or equivalent corresponding to the hold baggage that was checked in.

5.3.1.2 An air carrier shall ensure that there is a procedure in place to identify hold baggage of passengers who did not board or left the aircraft before departure.

5.3.1.3 If the passenger is not on board the aircraft, the hold baggage corresponding to his boarding card or equivalent shall be considered as unaccompanied.

5.3.1.4 An air carrier shall ensure that each item of unaccompanied hold baggage is clearly identifiable as authorised for transport by air.

### 5.3.2 Factors beyond the passenger's control

5.3.2.1 The reason that the baggage became unaccompanied shall be recorded before it is loaded onto an aircraft, unless the security controls as referred to in point 5.3.3 are applied.

5.3.2.2 *Omitted.*

### 5.3.3 Appropriate security controls for unaccompanied hold baggage

5.3.3.1 Unaccompanied hold baggage not covered by point 5.3.2 shall be screened by one of the methods laid down in point 5.1.1.

5.3.3.2 Hold baggage that becomes unaccompanied baggage due to factors other than those designated by the appropriate authority shall be removed from the aircraft and rescreened before loading it again.

5.3.3.3 *Omitted.*

5.4 PROHIBITED ARTICLES

5.4.1 Passengers shall not be permitted to carry in their hold baggage the articles listed in Attachment 5-B.

5.4.2 An exemption to point 5.4.1 may be granted on condition that:

- (a) the appropriate authority has national rules permitting carriage of the article; and
- (b) the applicable safety rules are complied with.

5.4.3 The air carrier shall ensure that passengers are informed of the prohibited articles listed in Attachment 5-B at any time before the check-in is completed.

**ATTACHMENT 5-A**

*Omitted.*

**ATTACHMENT 5-B**

**HOLD BAGGAGE**

*LIST OF PROHIBITED ARTICLES*

Passengers are not permitted to carry the following articles in their hold baggage:

*explosives and incendiary substances and devices* — explosives and incendiary substances and devices capable of being used to cause serious injury or to pose a threat to the safety of aircraft, including:

- ammunition,
- blasting caps,
- detonators and fuses,
- mines, grenades and other explosive military stores,
- fireworks and other pyrotechnics,
- smoke-generating canisters and smoke-generating cartridges,
- dynamite, gunpowder and plastic explosives.

## 6. CARGO AND MAIL

### 6.0 GENERAL PROVISIONS

- 6.0.1 The authority, airport operator, air carrier or entity as defined in this Chapter shall ensure the implementation of the measures set out in this Chapter.
- 6.0.2 Assembled explosive and incendiary devices that are not carried in accordance with the applicable safety rules shall be considered as prohibited articles in consignments of cargo and mail.
- 6.0.3 *Omitted.*

### 6.1 SECURITY CONTROLS — GENERAL PROVISIONS

- 6.1.1 All cargo and mail shall be screened by a regulated agent before being loaded on to an aircraft, unless:
- (a) the required security controls have been applied to the consignment by a regulated agent and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading; or
  - (b) the required security controls have been applied to the consignment by a known consignor and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading; or
  - (c) *Omitted.*
  - (d) the consignment is exempt from screening and has been protected from unauthorised interference from the time that it became identifiable air cargo or identifiable air mail and until loading.
- 6.1.2 Where there is any reason to believe that a consignment to which security controls have been applied has been tampered with or has not been protected from unauthorised interference from the time that those controls were applied, it shall be screened by a regulated agent before being loaded on to an aircraft. Consignments which appear to have been significantly tampered with or which are otherwise suspect shall be treated as high risk cargo or mail (HRCM) in accordance with point 6.7.
- 6.1.3 A person with unescorted access to identifiable air cargo or identifiable air mail to which the required security controls have been applied shall have successfully completed either a background check or a pre-employment check in accordance with point 11.1.

### 6.2 SCREENING

#### 6.2.1 Screening

##### 6.2.1.1 When screening cargo or mail:

- (a) the means or method most likely to detect prohibited articles shall be employed, taking into consideration the nature of the consignment; and

- (b) the means or method employed shall be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the consignment.

6.2.1.2 Where the screener cannot be reasonably sure that no prohibited articles are contained in the consignment, the consignment shall be rejected or be rescreened to the screener's satisfaction.

6.2.1.3 *Omitted.*

6.2.1.4 Persons screening cargo by x-ray or EDS equipment shall normally not spend more than 20 minutes continuously reviewing images. After each of these periods, the screener shall not review images for at least 10 minutes. This requirement shall only apply when there is an uninterrupted flow of images to be reviewed.

6.2.1.5 Cargo and mail shall be screened by at least one of the following methods in accordance with Attachment 6-J:

- (a) hand search;
- (b) x-ray equipment;
- (c) EDS equipment;
- (d) explosive detection dogs (EDD);
- (e) ETD equipment;
- (f) visual check;
- (g) metal detection equipment (MDE).

6.2.1.6 If agreed by the appropriate authority other appropriate security controls may be applied only where it is not possible to apply any of the other means or methods specified in point 6.2.1.5 owing to the nature of the consignment.

6.2.2 *Omitted.*

### 6.3 REGULATED AGENTS

#### 6.3.1 Approval of regulated agents

6.3.1.1 Regulated agents shall be approved by the appropriate authority.

The approval as a regulated agent shall be site specific.

Any entity that applies security controls as referred to in point 6.3.2 shall be approved as a regulated agent. This includes third party logistics providers responsible for integrated warehousing and transportation services, air carriers and handling agents.

A regulated agent may subcontract one or more of the following:

- (a) any of the security controls referred to in point 6.3.2 to another regulated agent;
- (b) any of the security controls referred to in point 6.3.2 to another entity, where the controls are carried out at the regulated agent's own site or at an airport, and are covered by the regulated agent's or airport security programme;
- (c) any of the security controls referred to in point 6.3.2 to another entity, where the controls are carried out elsewhere than at the regulated agent's own site or at an airport, and the entity has been certified or approved and listed for the provision of these services by the appropriate authority;
- (d) the protection and transportation of consignments to a haulier that meets the requirements of point 6.6.

6.3.1.2 The following procedure shall apply for the approval of regulated agents:

- (a) the applicant shall seek approval from the appropriate authority in which the sites included in the application are located.

The applicant shall submit a security programme to the appropriate authority concerned. The programme shall describe the methods and procedures which are to be followed by the agent in order to comply with the requirements of Regulation (EC) No 300/2008 and its implementing acts. The programme shall also describe how compliance with these methods and procedures is to be monitored by the agent itself. An air carrier security programme which describes the methods and procedures to be followed by the air carrier in order to comply with the requirements of Regulation (EC) No 300/2008 and its implementing acts shall be regarded as meeting the requirement for a regulated agent security programme.

The applicant shall also submit the 'Declaration of commitments — regulated agent' as contained in Attachment 6-A. This declaration shall be signed by the applicant's legal representative or by the person responsible for security.

The signed declaration shall be retained by the appropriate authority concerned;

- (b) the appropriate authority or an aviation security validator acting on its behalf shall examine the security programme and then make an on-site verification of the sites specified in order to assess whether the applicant complies with the requirements of Regulation (EC) No 300/2008 and its implementing acts.
- (c) if the appropriate authority is satisfied with the information provided under points (a) and (b), it shall ensure that the necessary details of the agent are entered into the 'database on supply chain security' not later than the next working day. When making the database entry the appropriate authority shall give each approved site a unique alphanumeric identifier in the standard format.

If the appropriate authority is not satisfied with the information provided under points (a) and (b) then the reasons shall promptly be notified to the entity seeking approval as a regulated agent;

(d) a regulated agent shall not be considered as approved until its details are listed in the 'database on supply chain security'.

6.3.1.3 A regulated agent shall designate at least one person at each site who shall be responsible for the implementation of the submitted security programme. This person shall have successfully completed a background check in accordance with point 11.1.

6.3.1.4 A regulated agent shall be re-validated at regular intervals not exceeding 5 years. This shall include an on-site verification in order to assess whether the regulated agent still complies with the requirements of Regulation (EC) No 300/2008 and its implementing acts.

An inspection at the premises of the regulated agent by the appropriate authority in accordance with its national quality control programme may be considered as an on-site verification, provided that it covers all the requirements necessary for approval.

6.3.1.5 If the appropriate authority is no longer satisfied that the regulated agent complies with the requirements of Regulation (EC) No 300/2008 and its implementing acts, it shall withdraw the status of regulated agent for the specified site(s).

Immediately after withdrawal, and in all cases within 24 hours, the appropriate authority shall ensure that the former regulated agent's change of status is indicated in the 'database on supply chain security'.

6.3.1.6 *Omitted.*

6.3.1.7 The requirements of point 6.3.1, other than 6.3.1.2(d), shall not apply when the appropriate authority itself is to be approved as a regulated agent.

6.3.1.8 *Omitted.*

### **6.3.2 Security controls to be applied by a regulated agent**

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 .

6.3.2.2 The regulated agent or air carrier shall ask the person delivering any consignments to present an identity card, passport, driving licence or other document, which includes his or her photograph and which has been issued or is recognised by the national authority. The card or document shall be used to establish the identity of the person delivering the consignments

6.3.2.3 The regulated agent shall ensure that consignments to which not all required security controls have previously been applied are:

- (a) screened in accordance with point 6.2; or
- (b) accepted for storage under the regulated agent's exclusive responsibility, not identifiable as shipment for carriage on an aircraft before selection, and selected autonomously without any intervention of the consignor or any person or entity other than those appointed and trained by the regulated agent for that purpose.

Point (b) may only be applied if it is unpredictable for the consignor that the consignment is to be transported by air.

6.3.2.4 After the security controls referred to in points from 6.3.2.1 to 6.3.2.3 of this Annex have been applied, the regulated agent shall ensure the protection of cargo and mail in accordance with point 6.6.

6.3.2.5 After the security controls referred to in points 6.3.2.1 to 6.3.2.4 have been applied, the regulated agent shall ensure that any consignment tendered to an air carrier or another regulated agent is accompanied by appropriate documentation, either in the form of an air waybill or in a separate declaration and either in an electronic format or in writing.

6.3.2.6 The documentation referred to in point 6.3.2.5 shall be available for inspection by the appropriate authority at any point before the consignment is loaded on to an aircraft and afterwards for the duration of the flight or for 24 hours, whichever is the longer and shall provide all of the following information:

- (a) the unique alphanumeric identifier of the regulated agent as received from the appropriate authority;
- (b) a unique identifier of the consignment, such as the number of the (house or master) air waybill;
- (c) the content of the consignment, except for small consignments or consolidations of such consignments designated by the appropriate authority;
- (d) the security status of the consignment, stating:
  - ‘SPX’, meaning secure for passenger, all-cargo and all-mail aircraft, or
  - ‘SCO’, meaning secure for all-cargo and all-mail aircraft only, or
  - ‘SHR’, meaning secure for passenger, all-cargo and all-mail aircraft in accordance with high risk requirements;
- (e) the reason why the security status was issued, stating:
  - ‘KC’, meaning received from known consignor, or
  - *Omitted.*
  - ‘RA’, meaning selected by a regulated agent, or
  - the means or method of screening used, or
  - the grounds for exempting the consignment from screening.



- (f) the name of the person who issued the security status, or an equivalent identification, and the date and time of issue;
- (g) the unique identifier received from the appropriate authority, of any regulated agent who has accepted the security status given to a consignment by another regulated agent.

A regulated agent tendering consignments to another regulated agent or air carrier may also decide to only transmit the information required under points (a) to (e) and (g) and to retain the information required under point (f) for the duration of the flight(s) or for 24 hours, whichever is the longer.

6.3.2.7 In the case of consolidations, the requirements of points 6.3.2.5 and 6.3.2.6 shall be considered as met if:

- (a) the regulated agent performing the consolidation retains the information required under points 6.3.2.6(a) to (g) for each individual consignment for the duration of the flight(s) or for 24 hours, whichever is the longer; and
- (b) the documentation accompanying the consolidation includes the alphanumeric identifier of the regulated agent who performed the consolidation, a unique identifier of the consolidation and its security status.

Point (a) shall not be required for consolidations that are always subject to screening if the regulated agent gives the consolidation a unique identifier and indicates the security status and a single reason why this security status was issued.

6.3.2.8 When accepting consignments to which not all required security controls have previously been applied, the regulated agent may also elect not to apply the security controls as referred to in point 6.3.2, but to hand the consignments over to another regulated agent to ensure the application of these security controls.

6.3.2.9 A regulated agent shall ensure that all staff implementing security controls are recruited and trained in accordance with the requirements of Chapter 11 and all staff with access to identifiable air cargo or identifiable air mail to which the required security controls have been applied have been recruited and subject to security awareness training in accordance with the requirements of Chapter 11.

## 6.4 KNOWN CONSIGNORS

### 6.4.1 Approval of known consignors

6.4.1.1 Known consignors shall be approved by the appropriate authority.

The approval as a known consignor shall be site specific.

6.4.1.2 The following procedure shall apply for the approval of known consignors:

- (a) the applicant shall seek approval from the appropriate authority.

The applicant shall submit a security programme to the appropriate authority concerned. The programme shall describe the methods and procedures which are to be followed by the consignor in order to comply with the requirements of Regulation (EC) No 300/2008 and its implementing acts. The programme shall also describe how compliance with these methods and procedures is to be monitored by the consignor itself.

The applicant shall be provided with the 'Guidance for known consignors' as contained in Attachment 6-B and the 'Validation checklist for known consignors' as contained in Attachment 6-C;

- (b) the appropriate authority, or aviation security validator acting on its behalf, shall examine the security programme and then make an on-site verification of the sites specified in order to assess whether the applicant complies with the requirements of Regulation (EC) No 300/2008 and its implementing acts.

In order to assess whether the applicant complies with these requirements, the appropriate authority, or aviation security validator acting on its behalf, shall make use of the 'Validation checklist for known consignors' as contained in Attachment 6-C. This checklist includes a declaration of commitments which shall be signed by the applicant's legal representative or by the person responsible for security at the site.

Once the validation checklist is completed, the information contained in the checklist shall be handled as classified information.

The signed declaration shall be retained by the appropriate authority concerned or retained by the aviation security validator and made available to the appropriate authority concerned;

- (c) Omitted.
- (d) if the appropriate authority is satisfied with the information provided under points (a) and (b), it shall ensure that the necessary details of the consignor are entered into the 'database on supply chain security' not later than the next working day. When making the database entry the appropriate authority shall give each approved site a unique alphanumeric identifier in the standard format.

If the appropriate authority is not satisfied with the information provided under points (a) and (b), then the reasons shall promptly be notified to the entity seeking approval as a known consignor;

- (e) a known consignor shall not be considered as approved until its details are listed in the 'database on supply chain security'

6.4.1.3 A known consignor shall designate at least one person at each site who shall be responsible for the application and supervision of the implementation of security controls at that site. This person shall have successfully completed a background check in accordance with point 11.1

6.4.1.4 A known consignor shall be re-validated at regular intervals not exceeding 5 years. This shall include an on-site verification in order to assess whether the known consignor still complies with the requirements of Regulation (EC) No 300/2008 and its implementing acts

An inspection at the premises of the known consignor by the appropriate authority in accordance with its national quality control programme may be considered as an on-site verification, provided that it covers all areas specified in the checklist of Attachment 6-C

6.4.1.5 If the appropriate authority is no longer satisfied that the known consignor complies with the requirements of Regulation (EC) No 300/2008 and its implementing acts, it shall withdraw the status of known consignor for the specified site(s).

Immediately after withdrawal, and in all cases within 24 hours, the appropriate authority shall ensure that the consignor's change of status is indicated in the 'database on supply chain security'

6.4.1.6 *Omitted.*

6.4.1.7 *Omitted.*

#### **6.4.2 Security controls to be applied by a known consignor**

6.4.2.1 A known consignor shall ensure that:

- (a) there is a level of security on the site or at the premises sufficient to protect identifiable air cargo and identifiable air mail from unauthorised interference; and
- (b) all staff implementing security controls are recruited and trained in accordance with the requirements of Chapter 11 and all staff with access to identifiable air cargo or identifiable air mail to which the required security controls have been applied have been recruited and subject to security awareness training in accordance with the requirements of Chapter 11; and
- (c) during production, packing, storage, despatch and/or transportation, as appropriate, identifiable air cargo and identifiable air mail is protected from unauthorised interference or tampering.

When, for whatever reason, these security controls have not been applied to a consignment, or where the consignment has not been originated by the known consignor for its own account, the known consignor shall clearly identify this to the regulated agent so that point 6.3.2.3 can be applied.

6.4.2.2 The known consignor shall accept that consignments to which the appropriate security controls have not been applied are screened in accordance with point 6.2.1.

#### **6.5 ACCOUNT CONSIGNORS**

6.5.1 *Omitted.*

6.5.2 *Omitted.*

6.5.3 *Omitted.*

6.5.4 *Omitted.*

## 6.6 PROTECTION OF CARGO AND MAIL

### 6.6.1 Protection of cargo and mail during transportation

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:

- (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; and
- (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; and
- (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, known consignor or account 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), the haulier may provide evidence to the regulated agent, known consignor or account 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, known consignor or account 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.

6.6.1.2 Point 6.6.1.1(b) and (c) shall not apply during airside transportation.

### 6.6.2 Protection for cargo and mail during handling, storage, and loading onto an aircraft

6.6.2.1 Consignments of cargo and mail that are in a critical part shall be considered as protected from unauthorised interference.

6.6.2.2 Consignments of cargo and mail in a part other than a critical part of a security restricted area shall be protected from unauthorised interference until they are handed over to another regulated agent or air carrier. Consignments shall be located in the access-controlled parts

of a regulated agent's premises or, whenever located outside of such parts, shall be considered as protected from unauthorised interference if:

- (a) they are physically protected so as to prevent the introduction of a prohibited article; or
- (b) they are not left unattended and access is limited to persons involved in the protection and loading of cargo and mail onto an aircraft.

6.7 Omitted.

## 6.8 SECURITY PROCEDURES FOR CARGO AND MAIL BEING CARRIED INTO GIBRALTAR FROM OTHER COUNTRIES

### 6.8.1 Designation of air carriers

6.8.1.1 Any air carrier carrying cargo or mail from an airport in another country for transfer, transit or unloading at any airport falling within the scope of Regulation (EC) No 300/2008 shall be designated as an 'Air Cargo or Mail Carrier operating into Gibraltar from Another Country Airport' (GIBRALTAR ACC3) by the appropriate authority.

This requirement does not apply in respect of a country or territory designated by the appropriate authority.

6.8.1.2 The designation of an air carrier as GIBRALTAR ACC3 in respect of its cargo and mail operations from an airport for which GIBRALTAR ACC3 designation is required (hereafter, the 'relevant cargo operations') shall be based on:

- (a) the nomination of a person with overall responsibility on the air carrier's behalf for the implementation of cargo or mail security provisions in respect of the relevant cargo operation; and
- (b) an assessment by the appropriate authority of relevant evidence (which for the purpose of this Regulation may include a validation report) confirming the implementation of security measures.

6.8.1.3 The appropriate authority shall allocate to the designated GIBRALTAR ACC3 a unique alphanumeric identifier in the standard format identifying the air carrier and the airport in another country for which the air carrier has been designated to carry cargo or mail into Gibraltar.

6.8.1.4 The designation shall be valid from the date the appropriate authority has entered the GIBRALTAR ACC3's details into the database on supply chain security, period of five years, unless the appropriate authority determines that the designation shall cease to be valid on an earlier date or determines that the designation remains valid for a further period not exceeding three months.

6.8.1.5 An GIBRALTAR ACC3 listed on the database on supply chain security shall be recognised by the appropriate authority for all operations from an airport in another country into Gibraltar.

## **6.8.2 EU aviation security validation for ACC3**

6.8.2.1 *Omitted.*

6.8.2.2 *Omitted.*

6.8.2.3 *Omitted.*

6.8.2.4 *Omitted.*

## **6.8.3 Security controls for cargo and mail arriving from another country**

6.8.3.1 The GIBRALTAR ACC3 shall ensure that all cargo and mail carried for transfer, transit or unloading at Gibraltar airport is screened, unless:

- (a) the required security controls have been applied to the consignment by an aviation security validated regulated agent (RA3) and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading; or
- (b) the required security controls have been applied to the consignment by an aviation security validated known consignor (KC3) and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading; or
- (c) *Omitted.*
- (d) the consignment is exempted from screening in accordance with point (d) of point 6.1.1 and protected from unauthorised interference from the time that it became identifiable air cargo or identifiable air mail and until loading.

6.8.3.2 Cargo and mail carried into Gibraltar shall be screened by one of the means and methods listed in point 6.2.1 to a standard sufficient to reasonably ensure that it contains no prohibited articles.

6.8.3.3 The GIBRALTAR ACC3 shall ensure in respect of:

- (a) transfer and transit cargo or mail that screening in accordance with point 6.8.3.2 or security controls have been applied by itself or by an aviation security validated entity at the point of origin or elsewhere in the supply chain and such consignments have been protected from unauthorised interference from the time that those security controls were applied and until loading; and
- (b) high risk cargo and mail that screening in accordance with point 6.7 has been applied by itself or by an aviation security validated entity at the point of origin or elsewhere in the supply chain, that such consignments have been labelled SHR and have been protected from unauthorised interference from the time that those security controls were applied and until loading.

6.8.3.4 When tendering consignments to which it has applied the required security controls to another GIBRALTAR ACC3 or RA3, the GIBRALTAR ACC3, RA3, or KC3 shall indicate in the accompanying documentation the unique alpha-numeric identifier received from the designating appropriate authority.

6.8.3.5 When accepting any consignments, an GIBRALTAR ACC3 or RA3 shall establish whether the air carrier or the entity from which it receives the consignments is another GIBRALTAR ACC3, RA3, or KC3 by the following means of:

- (a) verifying whether or not the unique alphanumeric identifier of the entity delivering the consignments is indicated on the accompanying documentation; and
- (b) confirming that the air carrier or entity delivering the consignment is listed as active in the database on supply chain security for the specified airport or site, as appropriate.

If there is no indication on the accompanying documentation of the identifier, or if the air carrier or entity delivering the consignments is not listed as active in the database on supply chain security, it shall be deemed that no security controls have previously been applied, and the consignments shall be screened by the GIBRALTAR ACC3 or by another aviation security validated RA3 before being loaded onto the aircraft.

6.8.3.6 After the security controls referred to in points 6.8.3.1 to 6.8.3.5 have been applied, the GIBRALTAR ACC3 or the aviation security validated regulated agent (RA3) operating on its behalf shall ensure that the accompanying documentation, either in the form of an air waybill, equivalent postal documentation or in a separate declaration and either in an electronic format or in writing, indicate at least:

- (a) the unique alphanumeric identifier of the GIBRALTAR ACC3; and
- (b) the security status of the consignment as referred to in point (d) of point 6.3.2.6 and issued by an aviation security validated regulated agent (RA3); and
- (c) the unique identifier of the consignment, such as the number of the house or master air waybill, when applicable; and
- (d) the content of the consignment, or indication of consolidation where applicable; and
- (e) the reasons for issuing the security status, including the means or method of screening used or the grounds for exempting the consignment from screening, using the standards adopted in the Consignment Security Declaration scheme.

In the case of consolidations, the GIBRALTAR-ACC3 or the aviation security validated regulated agent (RA3) who has performed the consolidation retains the information required above for each individual consignment at least until the estimated time of arrival of the consignments at the first airport in the Gibraltar or for 24 hours, whichever is the longer.

6.8.3.7 Omitted.

6.8.3.8 Transit or transfer consignments arriving from a third country listed in Attachment 6-I whose accompanying documentation does not comply with point 6.8.3.6 shall be treated in accordance with Chapter 6.7 before the subsequent flight.

6.8.3.9 Transit or transfer consignments arriving from a third country not listed in Attachment 6-I whose accompanying documentation does not comply with point 6.8.3.6 shall be treated in accordance with Chapter 6.2 before the subsequent flight. Accompanying documentation of consignments arriving from a third country listed in Attachment 6-F shall at least comply with the ICAO Consignment Security Declaration scheme.

#### **6.8.4 Designation of regulated agents and known consignors**

6.8.4.1 Entities from another country being, or intending to be, part of the supply chain of an air carrier holding the status of GIBRALTAR ACC3, may be designated as either 'regulated agent for another country' (RA3) or 'known consignor from another country' (KC3).

6.8.4.2 To obtain designation, the entity shall address the request to the appropriate authority.

6.8.4.3 Before designation, the eligibility to obtain RA3 or KC3 status in accordance with point 6.8.4.1 shall be confirmed.

6.8.4.4 The designation of an entity as RA3 or KC3 in respect of its cargo and mail operations ('relevant cargo operations') shall be based on the following:

- (a) the nomination of a person with overall responsibility on the entity's behalf for the implementation of cargo or mail security provisions in respect of the relevant cargo operation; and
- (b) an assessment by the appropriate authority of relevant evidence (which for the purpose of this Regulation may include a validation report) confirming the implementation of security measures.

6.8.4.5 The appropriate authority shall allocate to the designated RA3 or KC3 a unique alphanumeric identifier in the standard format identifying the entity and the other country for which it has been designated to implement security provisions in respect of cargo or mail bound for Gibraltar.

6.8.4.6 The designation shall be valid from the date the appropriate authority has entered the entity's details into the database on supply chain security, for a maximum period of three years.

6.8.4.7 Omitted.

6.8.4.8 Designations of RA3 and KC3 issued before 1 June 2017 shall expire five years after their designation or on 31 March 2020, whichever date comes earlier.

6.8.4.9 Omitted.



### **6.8.5 Validation of regulated agents and known consignors**

6.8.5.1 *Omitted.*

6.8.5.2 *Omitted.*

6.8.5.3 *Omitted.*

6.8.5.4 *Omitted.*

6.8.5.5 *Omitted.*

6.8.5.6 *Omitted.*

6.8.5.7 *Omitted.*

### **6.8.6 Non-compliance and discontinuation of GIBRALTAR ACC3, RA3 and KC3 designation**

#### *6.8.6.1 Non-Compliance*

1.If the appropriate authority identifies a serious deficiency relating to the operations of an GIBRALTAR ACC3, an RA3 or a KC3, which is deemed to have a significant impact on the overall level of aviation security in Gibraltar, it shall:

(a) inform the air carrier or entity concerned promptly, request comments and appropriate measures rectifying the serious deficiency;

(b) *Omitted.*

2.Where the GIBRALTAR ACC3, the RA3 or the KC3 has not rectified the serious deficiency within a specific time-frame, or in case the GIBRALTAR ACC3, the RA3 or the KC3 does not react to the request set out in point (a) of point 6.8.6.1, the authority shall:

(a) deactivate the status as GIBRALTAR ACC3, RA3 or KC3 of the operator or entity in the database on supply chain security; or

(b) request the appropriate authority responsible for the designation to deactivate the status as GIBRALTAR ACC3, RA3 or KC3 of the operator or entity in the database on supply chain security.

3.An air carrier or entity whose status, respectively as an GIBRALTAR ACC3, RA3 or KC3, has been deactivated in accordance with point 6.8.6.1.2 shall not be reinstated or included in the database on supply chain security until an aviation security re-designation in accordance with 6.8.1 or 6.8.4 has taken place.

4.If an air carrier or an entity is no longer a holder of the GIBRALTAR ACC3, RA3 or KC3 status, the appropriate authority shall undertake appropriate action to satisfy itself that other GIBRALTAR ACC3s, RA3s and KC3s under its responsibility, operating in the supply chain of

the air carrier or entity that has lost the status, still comply with the requirements of Regulation (EC) No 300/2008.

*6.8.6.2 Discontinuation*

1. The appropriate authority that designated the GIBRALTAR ACC3, the RA3 or the KC3, is responsible for removing the details thereof from the ‘database on supply chain security’:

- (a) at the request of or in agreement with the air carrier or the entity; or
- (b) where the GIBRALTAR ACC3, the RA3 or the KC3 does not pursue relevant cargo operations and does not react to a request for comments or otherwise obstructs the assessment of risk to aviation.

2. If an air carrier or an entity is no longer a holder of the GIBRALTAR ACC3, RA3 or KC3 status, the appropriate authority shall undertake appropriate action to satisfy itself that other GIBRALTAR ACC3s, RA3s and KC3s under its responsibility, operating in the supply chain of the air carrier or entity that has been discontinued, still comply with the requirements of Regulation (EC) No 300/2008.

**ATTACHMENT 6-A**

**DECLARATION OF COMMITMENTS — REGULATED AGENT**

In accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council<sup>9</sup> on rules in the field of civil aviation security and its implementing acts,

I declare that,

- to the best of my knowledge, the information contained in the company's security programme is true and accurate,
- the practices and procedures set out in this security programme will be implemented and maintained at all sites covered by the programme,
- this security programme will be adjusted and adapted to comply with all future relevant changes to legislation, unless [name of company] informs [name of appropriate authority] that it no longer wishes to trade as a regulated agent,
- [name of company] will inform [name of appropriate authority] in writing of:
  - (a) minor changes to its security programme, such as company name, person responsible for security or contact details, change of person requiring access to the ‘database on supply chain security’, promptly and at least within 10 working days; and

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<sup>9</sup> 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 (OJ L 97, 9.4.2008, p. 72)

- (b) major planned changes, such as new screening procedures, major building works which might affect its compliance with relevant legislation or change of site/address, at least 15 working days prior to their commencement/the planned change,
  - in order to ensure compliance with relevant legislation, [name of company] will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors,
  - [name of company] will inform [name of appropriate authority] of any serious security breaches and of any suspicious circumstances which may be relevant to air cargo/air mail security, in particular any attempt to conceal prohibited articles in consignments,
  - [name of company] will ensure that all relevant staff receive training in accordance with Chapter 11 of the Annex to Implementing Regulation (EU) 2015/1998 and are aware of their security responsibilities under the company's security programme; and
  - [name of company] will inform [name of appropriate authority] if:
    - (a) it ceases trading;
    - (b) it no longer deals with air cargo/air mail; or
    - (c) it can no longer meet the requirements of the relevant legislation.

I shall accept full responsibility for this declaration.

Name:

Position in company:

Date:

Signature:

## ATTACHMENT 6-B

### GUIDANCE FOR KNOWN CONSIGNORS

This guidance will help you to assess your existing security arrangements against the required criteria for known consignors as described in Regulation (EC) No 300/2008 of the European Parliament and of the Council<sup>10</sup> and its implementing acts. This should enable you to ensure that you meet the requirements before arranging an official on-site validation visit.

It is important that the validator is able to talk to the right people during the validation visit (e.g. person responsible for security and person responsible for recruitment of staff). An checklist will be used to record the validator's assessments. Once the validation checklist is completed, the information contained in the checklist will be handled as classified information.

Please note that questions on the checklist are of two types: (1) those where a negative response will automatically mean that you cannot be accepted as a known consignor and (2) those which will be used to build up a general picture of your security provisions to allow the validator to reach an overall conclusion. The areas where a 'fail' will automatically be recorded are indicated by the requirements indicated in bold type below. If there is a 'fail' on the requirements indicated in bold **type**, the reasons will be given to you and advice on adjustments needed to pass.

#### Introduction

The cargo must be originated by your company on the site to be inspected. This covers manufacture on the site and pick and pack operations where the items are not identifiable as air cargo until they are selected to meet an order. (See also Note.)

You will have to **determine where a consignment of cargo/mail becomes identifiable as air cargo/air mail** and demonstrate that you have the relevant measures in place to protect it from unauthorised interference or tampering. This will include details concerning the production, packing, storage and/or despatch.

#### Organisation and responsibilities

You will be required to provide details about your organisation (name, VAT or Chamber of Commerce number or Corporate registration number if applicable,), address of the site to be validated and main address of organisation (if different from the site to be validated). The date of the previous validation visit and last unique alphanumeric identifier (if applicable) are required, as well as of the nature of the business, the approximate number of employees on site, name and title of the person responsible for air cargo/air mail security and contact details.

#### *Staff recruitment procedure*

You will be required to provide details of your recruitment procedures for all staff (permanent, temporary or agency staff, drivers) with access to identifiable air cargo/air mail. The recruitment procedure shall include a **pre-employment check or a background check** in accordance with

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<sup>10</sup> 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 (OJ L 97, 9.4.2008, p. 72)

point 11.1 of the Annex to Implementing Regulation (EU) 2015/1998. The on-site validation visit will involve an interview with the person responsible for the recruitment of staff. He/she will need to present evidence (e.g. blank forms) to substantiate the company procedures. This recruitment procedure shall apply to staff recruited after 29 April 2010.

*Staff security training procedure*

You will need to demonstrate that **all staff** (permanent, temporary or agency staff, drivers) **with access to air cargo/air mail have received the appropriate training on security awareness matters**. This training shall take place in accordance with point 11.2.7 of the Annex to Implementing Regulation (EU) 2015/1998. Individual training records should be kept on file. **In addition, you will be required to show that all relevant staff implementing security controls have received training or recurrent training in accordance with Chapter 11 of the Annex to Implementing Regulation (EU) 2015/1998.**

*Physical security*

You will be required to demonstrate how your site is protected (e.g. a physical fence or barrier) and that relevant access control procedures are in place. Where applicable, you will be required to provide details of any possible alarm- and/or CCTV system. **It is essential that access to the area where air cargo/air mail is processed or stored, is controlled.** All doors, windows and other points of access to air cargo/air mail need to be secured or subject to access control.

*Production (where applicable)*

You will need to demonstrate that access to the production area is controlled and the production process supervised. If the product can be identified as air cargo/air mail in the course of production then you will have to show **that measures are taken to protect air cargo/air mail from unauthorised interference or tampering at this stage.**

*Packing (where applicable)*

You will need to demonstrate that access to the packing area is controlled and the packing process supervised. If the product can be identified as air cargo/air mail in the course of packing then you will have to show **that measures are taken to protect air cargo/air mail from unauthorised interference or tampering at this stage.**

You will be required to provide details of your packing process and show that all finished goods are checked prior to packing.

You will need to describe the finished outer packing and demonstrate that it is robust. You also have to demonstrate how the finished outer packing is made tamper evident, for example by the use of numbered seals, security tape, special stamps or cardboard boxes fixed by a tape. You also need to show that you hold those under secure conditions when not in use and control their issue.

*Storage (where applicable)*

You will need to demonstrate that access to the storage area is controlled. If the product can be identified as air cargo/air mail while being stored then you will have to show **that measures are taken to protect air cargo/air mail from unauthorised interference or tampering at this stage.**

**Finally, you will have to demonstrate that finished and packed air cargo/air mail is checked before despatch.**

*Despatch (where applicable)*

You will need to demonstrate that access to the despatch area is controlled. If the product can be identified as air cargo/air mail in the course of despatch then you will have to show **that measures are taken to protect air cargo/air mail from unauthorised interference or tampering at this stage.**

*Transportation*

You will have to provide details concerning the method of transportation of cargo/mail to the regulated agent.

If you use your own transport, you will have to demonstrate that your drivers have been trained to the required level. If a contractor is used by your company, you will have to ensure that a) the air cargo/air mail is sealed or packed by you so as to ensure that any tampering would be evident and

b) the haulier declaration as contained in Attachment 6-E of the Annex to Implementing Regulation (EU) 2015/1998 has been signed by the haulier.

If you are responsible for the transportation of air cargo/air mail, you will have to show that the means of transport are securable, either through the use of seals, if practicable, or any other method. Where numbered seals are used, you will have to demonstrate that access to the seals is controlled and numbers are recorded; if other methods are used you will have to show how cargo/mail is made tamper evident and/or kept secure. In addition you will need to show that there are measures in place to verify the identity of the drivers of vehicles collecting your air cargo/air mail. You will also need to show that you ensure that cargo/mail is secure when it leaves the premises. You will have to demonstrate that air cargo/air mail is protected from unauthorised interference during transportation.

You will not have to provide evidence about driver training or a copy of the haulier declaration where a regulated agent has made the transport arrangements for collecting air cargo/air mail from your premises.

*Consignor's responsibilities*

**You will need to declare that you will accept unannounced inspections by the appropriate authority's inspectors for the purpose of monitoring these standards.**

**You will also need to declare to provide [name of appropriate authority] with the relevant details promptly but at least within 10 working days if:**

- (a) **the overall responsibility for security is assigned to anyone other than the person named**
- (b) **there are any other changes to premises or procedures likely to significantly impact on security**
- (c) **your company ceases trading, no longer deals with air cargo/air mail or can no longer meet the requirements of the relevant legislation.**

**Finally, you will need to declare to maintain standards of security until the subsequent on-site validation visit and/or inspection.**

You will then be required to accept full responsibility for the declaration and to sign the validation document.

*NOTES:*

#### **Explosive and incendiary devices**

Assembled explosive and incendiary devices may be carried in consignments of cargo if the requirements of all safety rules are met in full.

#### **Consignments from other sources**

A known consignor may pass consignments which it has not itself originated to a regulated agent, provided that:

- (a) they are separated from consignments which it has originated; and
- (b) the origin is clearly indicated on the consignment or on accompanying documentation.

All such consignments must be screened before they are loaded on to an aircraft.

### **ATTACHMENT 6-C**

#### **VALIDATION CHECKLIST FOR KNOWN CONSIGNORS**

##### **Completion notes:**

When completing this form please note that:

- Items marked ‘(\*)’ are required data and **MUST** be completed.
- If the answer to any question in **bold type** is **NO**, the validation **MUST** be assessed as a **FAIL**. This does not apply where the questions do not apply.
- The overall assessment can only be assessed as a **PASS** after the consignor has signed the declaration of commitments on the last page.
- The original declaration of commitments must be retained by or made available to the appropriate authority until the validation expires. A copy of the declaration should also be given to the consignor.

PART 1

**Organisation and responsibilities**

1.1 Date of validation (*)	
dd/mm/yyyy	
1.2 Date of previous validation and Unique Identifier where applicable	
dd/mm/yyyy	
UNI	
1.3 Name of organisation to be validated (*)	
Name VAT/Chamber of Commerce number/Corporate registration number (if applicable)	
1.4 <i>Omitted.</i>	
1.5 Address of site to be validated (*)	
Number/Unit/Building	
Street	
Town	
Postcode	
Country	
1.6 Main address of organisation (if different from site to be validated, provided that it is in the same country)	
Number/Unit/Building	
Street	
Town	
Postcode	



Country	
1.7 Nature of Business(es) — types of cargo processed	
1.8 Is the applicant responsible for:	
(a) Production (b) Packing (c) Storage (d) Dispatch (e) Other, please specify	
1.9 Approximate number of employees on site	
1.10 Name and title of person responsible for air cargo/air mail security (*)	
Name	
Job title	
1.11 Contact telephone number	
Tel. no.	
1.12 E-mail address (*)	
E-mail	

PART 2

**Identifiable air cargo/air mail**

**Aim: To establish the point (or: place) where cargo/mail becomes identifiable as air cargo/air mail.**

2.1 By inspection of the production, packing, storage, selection, despatch and any other relevant areas, ascertain <u>where</u> and <u>how</u> a consignment of air cargo/air mail becomes identifiable as such.
Describe:

*NB: Detailed information should be given on the protection of identifiable air cargo/air mail from unauthorised interference or tampering in Parts 5 to 8.*

PART 3

**Staff recruitment and training**

**Aim: To ensure that all staff (permanent, temporary, agency staff, drivers) with access to identifiable air cargo/air mail have been subject to an appropriate pre-employment check and/or background check as well as trained in accordance with point 11.2.7 of the Annex to Implementing Regulation (EU) 2015/1998. In addition, to ensure that all staff implementing security controls in respect of supplies are trained in accordance with Chapter 11 of the Annex to Implementing Regulation (EU) 2015/1998.**

*Whether or not 3.1 and 3.2 are questions in **bold type** (and thus where a NO answer must be assessed as a fail) depends on the applicable national rules of the State where the site is located. However, at least one of these two questions shall be in **bold type**, whereby it should also be allowed that where a background has been carried out, then a pre-employment check is no longer required. The person responsible for implementing security controls shall always have a background check.*

<p><b>3.1 Is there a recruitment procedure for all staff with access to identifiable air cargo/air mail which includes a pre-employment check in accordance with point 11.1.4 of the Annex to Implementing Regulation (EU) 2015/1998? This applies to staff recruited after 29 April 2010.</b></p>	
YES or NO	
If YES, which type	
<p><b>3.2 Does this recruitment procedure also include a background check, including a check on criminal records, in accordance with point 11.1.3 of the Annex to Implementing Regulation (EU) 2015/1998?</b> This applies to staff recruited after 29 April 2010.</p>	
YES or NO	
If YES, which type	
<p><b>3.3 Does the appointment process for the named person responsible for the application and supervision of the implementation of security controls at the site include a requirement for a background check, including a check on criminal records in accordance with point 11.1.3 of the Annex to Implementing Regulation (EU) 2015/1998?</b></p>	
YES or NO	
If YES, describe	
<p><b>3.4 Do staff with access to identifiable air cargo/air mail receive security awareness training in accordance with point 11.2.7 of the Annex to Implementing Regulation (EU) 2015/1998 before being given access to identifiable air cargo/air mail? Do staff implementing security controls in respect of supplies receive training in accordance with Chapter 11 of the Annex to Implementing Regulation (EU) 2015/1998?</b></p>	
YES or NO	
If YES, describe	
<p><b>3.5 Do staff (as referred to above) receive refresher training in accordance with the frequency established for this training?</b></p>	
YES or NO	
<p><b>3.6 Assessment — Are the measures sufficient to ensure that all staff with access to identifiable air cargo/air mail and staff implementing security controls have been properly recruited and trained in accordance with Chapter 11 of the Annex to Implementing Regulation (EU) 2015/1998?</b></p>	
YES or NO	
If NO, specify reasons	

PART 4

**Physical security**

**Aim: To establish if there is a level of (physical) security on the site or at the premises sufficient to protect identifiable air cargo/air mail from unauthorised interference.**

4.1 Is the site protected by a physical fence or barrier?	
YES or NO	
4.2 Are all the access points to the site subject to access control?	
YES or NO	
4.3 If YES, are the access points...?	
Staffed	
Manual	
Automatic	
Electronic	
Other, specify	
4.4 Is the building of sound construction?	
YES or NO	
4.5 Does the building have an effective alarm system?	
YES or NO	
4.6 Does the building have an effective CCTV system?	
YES or NO	
4.7 If yes, are the images of the CCTV recorded?	
YES or NO	
4.8 Are all doors, windows and other points of access to identifiable air cargo/air mail secure or subject to access control?	
YES or NO	
4.9 If no, specify reasons	
4.10 <b>Assessment: Are the measures taken by the organisation sufficient to prevent unauthorised access to those parts of the site and premises where identifiable air cargo/air mail is processed or stored?</b>	

<b>YES or NO</b>	
<b>If NO, specify reasons</b>	

PART 5

**Production**

**Aim: To protect identifiable air cargo/air mail from unauthorised interference or tampering.**

Answer these questions where the product could be identified as air cargo/air mail in the course of the production process.

5.1 Is access controlled to the production area?	
YES or NO	
5.2 If YES, how?	
5.3 Is the production process supervised?	
YES or NO	
5.4 If YES, how?	
5.5 Are controls in place to prevent tampering at the stage of production?	
YES or NO	
If YES, describe	
<b>5.6 Assessment: Are measures taken by the organisation sufficient to protect identifiable air cargo/air mail from unauthorised interference or tampering during production?</b>	
<b>YES or NO</b>	
<b>If NO, specify reasons</b>	

PART 6

**Packing**

**Aim: To protect identifiable air cargo/air mail from unauthorised interference or tampering.**

Answer these questions where the product could be identified as air cargo/air mail in the course of the packing process.

6.1 Is the packing process supervised?	
YES or NO	
6.2 If YES, how?	
6.3 Please describe the finished outer packaging:	
(a) Is the finished outer packaging robust?	
YES or NO	
Describe:	
(b) Is the finished outer packaging tamper evident?	
YES or NO	
Describe:	
6.4 (a) Are numbered seals, security tape, special stamps or cardboard boxes fixed by a tape used to make air cargo/air mail tamper evident?	
YES or NO	
If YES:	
6.4 (b) Are the seals, security tape or special stamps held under secure conditions when not in use?	
YES or NO	
Describe:	
6.4 (c) Is the issue of numbered seals, security tape, and/or stamps controlled?	
YES or NO	
Describe:	

6.5 If the answer to 6.4 (a) is YES, how is this controlled?	
<b>6.6 Assessment: Are the packing procedures sufficient to protect identifiable air cargo/air mail from unauthorised interference and/or tampering?</b>	
YES or NO	
If NO, specify reasons	

## PART 7

### Storage

**Aim: To protect identifiable air cargo/air mail from unauthorised interference or tampering.**

Answer these questions where the product could be identified as air cargo/air mail in the course of the storage process.

7.1 Is the finished and packed air cargo/air mail stored securely and checked for tampering?	
YES or NO	
<b>7.2 Assessment: Are the storage procedures sufficient to protect identifiable air cargo/air mail from unauthorised interference and/or tampering?</b>	
YES or NO	
If NO, specify reasons	



PART 8

**Despatch**

**Aim: To protect identifiable air cargo/air mail from unauthorised interference or tampering.**

Answer these questions where the product could be identified as air cargo/air mail in the course of the despatch process.

8.1 Is access controlled to the despatch area?	
YES or NO	
8.2 If YES, how?	
8.3 Who has access to the despatch area?	
Employees?	
YES or NO	
Drivers?	
YES or NO	
Visitors?	
YES or NO	
Contractors?	
YES or NO	
8.4 Assessment: Is the protection sufficient to protect the air cargo/air mail from unauthorised interference or tampering in the despatch area?	
YES or NO	
If NO, specify reasons	

PART 8A

**Consignments from other sources**

Aim: to establish the procedures for dealing with unsecured consignments.

Answer these questions only if consignments for carriage by air are being accepted from other companies.

8A.1 Does the company accept consignments of cargo intended for carriage by air from any other companies?	
YES OR NO	
8A.2 If YES, how are these kept separate from the company's own cargo and how are they identified to the regulated agent/haulier?	

PART 9

**Transportation**

**Aim: To protect identifiable air cargo/air mail from unauthorised interference or tampering.**

9.1 How is the air cargo/air mail conveyed to the regulated agent?	
(a) By, or on behalf of, the regulated agent?	
YES or NO	
(b) Consignor's own transport?	
YES or NO	
(c) Contractor used by the consignor?	
YES or NO	
<b>9.2 Where a contractor is used by the consignor:</b> — is the air cargo/air mail being sealed or packed before transportation so as to ensure that any tampering would be evident? and — has the haulier declaration been signed by the haulier?	
YES or NO	
Only answer the following questions where 9.1(b) or 9.1(c) applies 9.3 Is the cargo compartment of the transport vehicle securable?	

YES or NO	
If YES, specify how...	
9.4 (a) Where the cargo compartment of the transport vehicle is securable, are numbered seals used?	
YES or NO	
(b) Where numbered seals are used, is access to the seals controlled and the numbers recorded on issue?	
YES or NO	
If YES, specify how...	
9.5 Where the cargo compartment of the transport vehicle is <u>not</u> securable, is the air cargo/air mail tamper evident?	
YES or NO	
9.6 If YES, describe tamper evidence employed.	
9.7 If NO, how is it kept secure?	
9.8 Assessment: Are the measures sufficient to protect air cargo/air mail from unauthorised interference during transportation?	
YES or NO	
If NO, specify reasons	

***DECLARATION OF COMMITMENTS***

**I declare that:**

- **I will accept unannounced inspections by the appropriate authority's inspectors for the purpose of monitoring these standards. If the inspector discovers any serious lapses in security, this could lead to the withdrawal of my status as known consignor.**
- **I will provide [name of appropriate authority] with the relevant details promptly but at least within 10 working days if:**

- **the overall responsibility for security is assigned to anyone other than the person named at point 1.10;**
- **there are any other changes to premises or procedures likely to significantly impact on security; and**
- **the company ceases trading, no longer deals with air cargo/air mail or can no longer meet the requirements of the relevant legislation.**
- **I will maintain standards of security until the subsequent on-site validation visit and/or inspection.**
- **I shall accept full responsibility for this declaration.**

Signed	
Position in company	

**Assessment (and notification)**

Pass/Fail	
<b>Where the overall assessment is a fail, list below the areas where the consignor fails to achieve the required standard of security or has a specific vulnerability. Also advice on the adjustments needed to achieve the required standard and thus to pass.</b>	
Signed	
(Name of validator)	

**ATTACHMENT 6-C2**

*Omitted.*

**ATTACHMENT 6-D**

*Omitted.*

**ATTACHMENT 6-E**

**HAULIER DECLARATION**

In accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council <sup>11</sup> and its implementing acts,

When collecting, carrying, storing and delivering air cargo/mail to which security controls have been applied [on behalf of *name of regulated agent/air carrier applying security controls for cargo or mail/known consignor*], I confirm that the following security procedures will be adhered to:

- All staff who transport this air cargo/mail will have received general security awareness training in accordance with point 11.2.7 of the Annex to Implementing Regulation (EU) 2015/1998;
- The integrity of all staff being recruited with access to this air cargo/mail will be verified. This verification shall include at least a check of the identity (if possible by photographic identity card, driving licence or passport) and a check of the curriculum vitae and/or provided references;
- Load compartments in vehicles will be sealed or locked. Curtain sided vehicles will be secured with TIR cords. The load areas of flatbed trucks will be kept under observation when air cargo is being transported;
- Immediately prior to loading, the load compartment will be searched and the integrity of this search maintained until loading is completed;
- Each driver will carry an identity card, passport, driving licence or other document, containing a photograph of the person, which has been issued or recognised by the national authorities;
- Drivers will not make unscheduled stops between collection and delivery. Where this is unavoidable, the driver will check the security of the load and the integrity of locks and/or seals on his return. If the driver discovers any evidence of interference, he will notify his supervisor and the air cargo/mail will not be delivered without notification at delivery;
- Transport will not be subcontracted to a third party, unless the third party:
  - (a) has a haulier agreement with the regulated agent or known consignor responsible for the transport [same name as above]; or

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<sup>11</sup> 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 (OJ L 97, 9.4.2008, p. 72)

- (b) is approved or certified by the appropriate authority; or
- (c) has a haulier agreement with the undersigned haulier requiring that the third party will not subcontract further and implements the security procedures contained in this declaration. The undersigned haulier retains full responsibility for the entire transport on behalf of the regulated agent, known consignor or account consignor; and
  - No other services (e.g. storage) will be sub-contracted to any other party other than a regulated agent or an entity that has been certified or approved and listed for the provision of these services by the appropriate authority.

I accept full responsibility for this declaration.

Name:

Position in company:

Name and address of the company:

Date:

Signature:

**ATTACHMENT 6-F**

*Omitted.*

**ATTACHMENT 6-G**

*Omitted.*

**ATTACHMENT 6-H1**

*Omitted.*

**7. AIR CARRIER MAIL AND AIR CARRIER MATERIALS**

**7.0 GENERAL PROVISIONS**

Unless otherwise stated or unless the implementation of security controls as referred to in Chapters 4, 5 and 6, respectively, are ensured by an authority, airport operator, entity or another air carrier, an air carrier shall ensure the implementation of the measures set out in this Chapter as regards its air carrier mail and air carrier materials.

**7.1 AIR CARRIER MAIL AND AIR CARRIER MATERIALS TO BE LOADED ONTO AN AIRCRAFT**

- 7.1.1 Before being loaded into the hold of an aircraft, air carrier mail and air carrier materials shall either be screened and protected in accordance with Chapter 5 or be subjected to security controls and protected in accordance with Chapter 6.

7.1.2 Before being loaded into any part of an aircraft other than the hold, air carrier mail and air carrier materials shall be screened and protected in accordance with the provisions on cabin baggage in Chapter 4.

7.1.3 *Omitted.*

## 7.2 AIR CARRIER MATERIALS USED FOR PASSENGER AND BAGGAGE PROCESSING

7.2.1 Air carrier materials which are used for the purposes of passenger and baggage processing and which could be used to compromise aviation security shall be protected or kept under surveillance in order to prevent unauthorised access.

Self-check-in and applicable Internet options allowed for use by passengers shall be considered as authorised access to such materials.

7.2.2 Discarded materials which could be used to facilitate unauthorised access or move baggage into the security restricted area or onto aircraft shall be destroyed or invalidated.

7.2.3 Departure control systems and check-in systems shall be managed in such a manner as to prevent unauthorised access.

Self-check-in allowed for use by passengers shall be considered as authorised access to such systems

## 8. IN-FLIGHT SUPPLIES

### 8.0 GENERAL PROVISIONS

8.0.1 Unless otherwise stated, the authority, airport operator, air carrier or entity responsible in accordance with the national civil aviation security programme as referred to in Article 10 of Regulation (EC) No 300/2008 shall ensure the implementation of the measures set out in this Chapter.

8.0.2 For the purpose of this Chapter, 'in-flight supplies' means all items intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew during a flight, other than:

- (a) cabin baggage; and
- (b) items carried by persons other than passengers; and
- (c) air carrier mail and air carrier materials.

For the purpose of this Chapter, 'regulated supplier of in-flight supplies' means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of in-flight supplies directly to aircraft.

For the purpose of this Chapter, ‘known supplier of in-flight supplies’ means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft.

8.0.3 Supplies shall be considered as in-flight supplies from the time that they are identifiable as supplies to be taken on board an aircraft for use, consumption or purchase by passengers or crew during a flight.

8.0.4 The list of prohibited articles in in-flight supplies is the same as the one set out in Attachment 1-A. Prohibited articles shall be handled in accordance with point 1.6.

## 8.1 SECURITY CONTROLS

### 8.1.1 Security controls — general provisions

8.1.1.1 In-flight supplies shall be screened before being taken into a security restricted area, unless:

- (a) the required security controls have been applied to the supplies by an air carrier that delivers these to its own aircraft and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft; or
- (b) the required security controls have been applied to the supplies by a regulated supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until arrival at the security restricted area or, where applicable, until delivery to the air carrier or another regulated supplier; or
- (c) the required security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the air carrier or regulated supplier.

8.1.1.2 Where there is any reason to believe that in-flight supplies to which security controls have been applied have been tampered with or have not been protected from unauthorised interference from the time that those controls were applied, they shall be screened before being allowed into security restricted areas.

8.1.1.3 *Omitted.*

### 8.1.2 Screening

8.1.2.1 When screening in-flight supplies, the means or method employed shall take into consideration the nature of the supplies and shall be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the supplies.

8.1.2.2 *Omitted.*



8.1.2.3 The following means or method of screening, either individually or in combination, shall be applied:

- (a) visual check;
- (b) hand search;
- (c) x-ray equipment;
- (d) EDS equipment;
- (e) ETD equipment in combination with point (a);
- (f) explosive detection dogs in combination with point (a).

Where the screener cannot determine whether or not the item contains any prohibited articles, it shall be rejected or rescreened to the screener's satisfaction.

### **8.1.3 Approval of regulated suppliers**

8.1.3.1 Regulated suppliers shall be approved by the appropriate authority.

The approval as a regulated supplier shall be site specific.

Any entity that ensures the security controls as referred to in point 8.1.5 and delivers in-flight supplies directly to aircraft shall be approved as a regulated supplier. This shall not apply to an air carrier that applies these security controls itself and delivers supplies only to its own aircraft.

8.1.3.2 The following procedure shall apply for the approval of regulated suppliers:

- (a) the entity shall seek approval from the appropriate authority in order to be granted the status of regulated supplier.

The applicant shall submit a security programme to the appropriate authority concerned. The programme shall describe the methods and procedures which are to be followed by the supplier in order to comply with the requirements of point 8.1.5. The programme shall also describe how compliance with these methods and procedures is to be monitored by the supplier itself.

The applicant shall also submit the 'Declaration of commitments — regulated supplier of in-flight supplies' as contained in Attachment 8-A. This declaration shall be signed by the legal representative or by the person responsible for security.

The signed declaration shall be retained by the appropriate authority concerned;

- (b) the appropriate authority, or an aviation security validator acting on its behalf, shall examine the security programme and then make an on-site verification of

the sites specified in order to assess whether the applicant complies with the requirements of point 8.1.5;

- (c) if the appropriate authority is satisfied with the information provided in accordance with points (a) and (b), it shall ensure that the necessary details of the regulated supplier are entered into the database on supply chain security not later than the next working day. When making the database entry the appropriate authority shall give each approved site a unique alphanumeric identifier in the standard format. If the appropriate authority is not satisfied, the reasons shall promptly be notified to the entity seeking approval as a regulated supplier;
- (d) a regulated supplier shall not be considered as approved until its details are listed in the database on supply chain security.

8.1.3.3A regulated supplier shall be re-validated at regular intervals not exceeding 5 years. This shall include an on-site verification in order to assess whether the regulated supplier still complies with the requirements of point 8.1.5.

An inspection at the premises of the regulated supplier by the appropriate authority in accordance with its national quality control programme may be considered as an on-site verification, provided that it covers all the requirements of point 8.1.5.

8.1.3.4 If the appropriate authority is no longer satisfied that the regulated supplier complies with the requirements of point 8.1.5, it shall withdraw the status of regulated supplier for the specified sites.

8.1.3.5 *Omitted.*

#### **8.1.4 Designation of known suppliers**

8.1.4.1 Any entity ('the supplier') that ensures the security controls as referred to in point 8.1.5 and delivers in-flight supplies, but not directly to aircraft, shall be designated as a known supplier by the operator or the entity to whom it delivers ('the designating entity'). This shall not apply to a regulated supplier.

8.1.4.2 In order to be designated as a known supplier, the supplier must provide the designating entity with:

- (a) the 'Declaration of commitments — known supplier of in-flight supplies' as contained in Attachment 8-B. This declaration shall be signed by the legal representative; and
- (b) the security programme covering the security controls as referred to in point 8.1.5.

8.1.4.3 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 8.1.5; and
- (b) the implementation of the security programme without deficiencies.

If the appropriate authority or the designating entity is no longer satisfied that the known supplier complies with the requirements of point 8.1.5, the designating entity shall withdraw the status of known supplier without delay.

8.1.4.4 The appropriate authority shall define in its national civil aviation security programme as referred to in Article 10 of Regulation (EC) No 300/2008 if the validations of the security programme and its implementation shall be performed by a national auditor, an aviation security validator, or a person acting on behalf of the designating entity appointed and trained for that purpose.

Validations must be recorded and if not otherwise stated in this legislation, must take place before designation and repeated every 2 years thereafter.

If the validation is not done on behalf of the designating entity any record thereof must be made available to it.

8.1.4.5 The validation of the implementation of the security programme confirming the absence of deficiencies shall consist of either:

- (a) an on-site visit of the supplier every 2 years; or
- (b) regular checks upon reception of supplies delivered by that known supplier, starting after the designation, including:
  - a verification that the person delivering supplies on behalf of the known supplier was properly trained; and
  - a verification that the supplies are properly secured; and
  - screening of the supplies in the same way as supplies coming from an unknown supplier.

These checks must be carried out in an unpredictable manner and take place at least either, once every three months or on 20 % of the known supplier's deliveries to the designating entity.

Option (b) may only be used if the appropriate authority defined in its national civil aviation security programme that the validation shall be performed by a person acting on behalf of the designating entity.

8.1.4.6 The methods applied and procedures to be followed during and after designation shall be laid down in the security programme of the designating entity.

8.1.4.7 The designating entity shall keep:

- (a) a list of all known suppliers it has designated indicating the expiry date of their designation, and
- (b) the signed declaration, a copy of the security programme, and any reports recording its implementation for each known supplier, at least until 6 months after the expiry of its designation.

Upon request, these documents shall be made available to the appropriate authority for compliance monitoring purposes.

**8.1.5 Security controls to be applied by an air carrier, a regulated supplier and a known supplier**

8.1.5.1 An air carrier, a regulated supplier and a known supplier of in-flight supplies shall:

- (a) appoint a person responsible for security in the company; and
- (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 these supplies; and
- (c) prevent unauthorised access to its premises and in-flight supplies; and
- (d) reasonably ensure that no prohibited articles are concealed in in-flight supplies; and
- (e) apply tamper-evident seals to, or physically protect, all vehicles and/or containers that transport in-flight supplies.

Point (e) shall not apply during airside transportation.

8.1.5.2 If a known supplier uses another company that is not a known supplier to the air carrier or regulated supplier for transporting supplies, the known supplier shall ensure that all security controls listed in point 8.1.5.1 are adhered to.

8.1.5.3 *Omitted.*

8.2 *Omitted.*

**8.3 ADDITIONAL SECURITY PROVISIONS FOR IN-FLIGHT SUPPLIES OF LAGS AND STEBS**

8.3.1 In-flight supplies of STEBs shall be delivered in tamper-evident packaging to an airside area or to a security restricted area.

8.3.2 After first reception on airside or in a security restricted area and until their final sale on the aircraft, LAGs and STEBs shall be protected from unauthorised interference.

8.3.3 *Omitted.*

**ATTACHMENT 8-A**

**DECLARATION OF COMMITMENTS**

*REGULATED SUPPLIER OF IN-FLIGHT SUPPLIES*

In accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council<sup>12</sup> and its implementing acts,

I declare that,

- to the best of my knowledge, the information contained in the company's security programme is true and accurate,
- the practices and procedures set out in this security programme will be implemented and maintained at all sites covered by the programme,
- this security programme will be adjusted and adapted to comply with all future relevant changes to Gibraltar legislation, unless [name of company] informs [name of appropriate authority] that it no longer wishes to deliver in-flight supplies directly to aircraft (and thus no longer wishes to trade as a regulated supplier),
- [name of company] will inform [name of appropriate authority] in writing of:
  - (a) minor changes to its security programme, such as company name, person responsible for security or contact details, promptly but at least within 10 working days; and
  - (b) major planned changes, such as new screening procedures, major building works which might affect its compliance with relevant Gibraltar legislation or change of site/address, at least 15 working days prior to their commencement/the planned change,
- in order to ensure compliance with relevant Gibraltar legislation, [name of company] will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors,
- [name of company] will inform [name of appropriate authority] of any serious security breaches and of any suspicious circumstances which may be relevant to in-flight supplies, in particular any attempt to conceal prohibited articles in supplies,
- [name of company] will ensure that all relevant staff receive training in accordance with Chapter 11 of the Annex to Implementing Regulation

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<sup>12</sup> 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 (OJ L 97, 9.4.2008, p. 72)

(EU) 2015/1998 and are aware of their security responsibilities under the company's security programme; and

— [name of company] will inform [name of appropriate authority] if:

- (a) it ceases trading;
- (b) it no longer delivers in-flight supplies directly to aircraft; or
- (c) it can no longer meet the requirements of the relevant Gibraltar legislation.

I shall accept full responsibility for this declaration.

Name:

Position in company:

Date:

Signature:

### **ATTACHMENT 8-B**

#### **DECLARATION OF COMMITMENTS**

##### *KNOWN SUPPLIER OF IN-FLIGHT SUPPLIES*

In accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council <sup>13</sup> and its implementing acts,

I declare that,

— [name of company] will

- (a) appoint a person responsible for security in the company; and
- (b) ensure that persons with access to in-flight supplies receive general security awareness training in accordance with point 11.2.7 of the Annex to Implementing Regulation (EU) 2015/1998 before being given access to these supplies. In addition, ensure that persons implementing screening of in-flight supplies receive training according to 11.2.3.3 of the Annex to Implementing Regulation (EU) 2015/1998 and persons implementing other security controls in respect of in-flight supplies receive training according to 11.2.3.10 of the Annex to Implementing Regulation (EU) 2015/1998; and
- (c) prevent unauthorised access to its premises and in-flight supplies; and

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<sup>13</sup> 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 (OJ L 97, 9.4.2008, p. 72)

- (d) reasonably ensure that no prohibited articles are concealed in in-flight supplies; and
- (e) apply tamper-evident seals to, or physically protect, all vehicles and/or containers that transport in-flight supplies (this point will not apply during airside transportation).

When using another company that is not a known supplier to the air carrier or regulated supplier for transporting supplies, [name of company] will ensure that all security controls listed above are adhered to,

- in order to ensure compliance, [name of company] will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors,
- [name of company] will inform [the air carrier or regulated supplier to whom it delivers in-flight supplies] of any serious security breaches and of any suspicious circumstances which may be relevant to in-flight supplies, in particular any attempt to conceal prohibited articles in supplies,
- [name of company] will ensure that all relevant staff receive training in accordance with Chapter 11 of the Annex to Implementing Regulation (EU) 2015/1998 and are aware of their security responsibilities, and
- [name of company] will inform [the air carrier or regulated supplier to whom it delivers in-flight supplies] if:
  - (a) it ceases trading; or
  - (b) it can no longer meet the requirements of the relevant Gibraltar legislation.

I shall accept full responsibility for this declaration.

Legal representative

Name:

Date:

Signature:



## **9. AIRPORT SUPPLIES**

### **9.0 GENERAL PROVISIONS**

- 9.0.1 Unless otherwise stated or unless the implementation of screening is ensured by an authority or entity, an airport operator shall ensure the implementation of the measures set out in this Chapter.
- 9.0.2 For the purpose of this Chapter,
- (a) ‘airport supplies’ mean all items intended to be sold, used or made available for any purpose or activity in the security restricted area of airports, other than ‘items carried by persons other than passengers’;
  - (b) ‘known supplier of airport supplies’ means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of airport supplies to security restricted areas.
- 9.0.3 Supplies shall be considered as airport supplies from the time that they are identifiable as supplies to be sold, used or made available in security restricted areas of airports.
- 9.0.4 The list of prohibited articles in airport supplies is the same as the one set out in Attachment 1-A. Prohibited articles shall be handled in accordance with point 1.6.

### **9.1 SECURITY CONTROLS**

#### **9.1.1 Security controls — general provisions**

- 9.1.1.1 Airport supplies shall be screened before being allowed into security restricted areas, unless:
- (a) the required security controls have been applied to the supplies by an airport operator that delivers these to its own airport and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the security restricted area; or
  - (b) the required security controls have been applied to the supplies by a known supplier or regulated supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the security restricted area.
- 9.1.1.2 Airport supplies which originate in the security restricted area may be exempted from these security controls.
- 9.1.1.3 Where there is any reason to believe that airport supplies to which security controls have been applied have been tampered with or have not been protected from unauthorised interference from the time that those controls were applied, they shall be screened before being allowed into security restricted areas.

## **9.1.2 Screening**

9.1.2.1 When screening airport supplies, the means or method employed shall take into consideration the nature of the supply and shall be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the supply.

9.1.2.2 *Omitted.*

9.1.2.3 The following means or method of screening, either individually or in combination, shall be applied:

- (a) visual check;
- (b) hand search;
- (c) x-ray equipment;
- (d) EDS equipment;
- (e) ETD equipment in combination with point (a);
- (f) explosive detection dogs in combination with point (a).

Where the screener cannot determine whether or not the item contains any prohibited articles, it shall be rejected or rescreened to the screener's satisfaction.

## **9.1.3 Designation of known suppliers**

9.1.3.1 Any entity ('the supplier') that ensures the security controls as referred to in point 9.1.4 and delivers airport supplies shall be designated as a known supplier by the airport operator.

9.1.3.2 In order to be designated as a known supplier, the supplier must provide the airport operator with:

- (a) the 'Declaration of commitments — known supplier of airport supplies' as contained in Attachment 9-A. This declaration shall be signed by the legal representative; and
- (b) the security programme covering the security controls as referred to in point 9.1.4.

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.

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.

9.1.3.4 The appropriate authority shall define in its national civil aviation security programme as referred to in Article 10 of Regulation (EC) No 300/2008 if the validations of the security programme and its implementation shall be performed by a national auditor, an aviation security validator, or a person acting on behalf of the airport operator appointed and trained for that purpose.

Validations must be recorded and if not otherwise stated in this legislation, must take place before designation and repeated every 2 years thereafter.

If the validation is not done on behalf of the airport operator any record thereof must be made available to it.

9.1.3.5 The validation of the implementation of the security programme confirming the absence of deficiencies shall consist of either:

- (a) an on-site visit of the supplier every 2 years; or
- (b) regular checks upon access to the security restricted area of supplies delivered by that known supplier, starting after the designation, including:
  - a verification that the person delivering supplies on behalf of the known supplier was properly trained; and
  - a verification that the supplies are properly secured; and
  - screening of the supplies in the same way as supplies coming from an unknown supplier.

These checks must be carried out in an unpredictable manner and take place at least either once every three months or on 20 % of the known supplier's deliveries to the airport operator.

Option (b) may only be used if the appropriate authority defined in its national civil aviation security programme that the validation shall be performed by a person acting on behalf of the airport operator.

9.1.3.6 The methods applied and procedures to be followed during and after designation shall be laid down in the security programme of the airport operator.

9.1.3.7 The airport operator shall keep:

- (a) a list of all known suppliers it has designated indicating the expiry date of their designation, and
- (b) the signed declaration, a copy of the security programme, and any reports recording its implementation for each known supplier, at least until 6 months after the expiry of its designation.

Upon request, these documents shall be made available to the appropriate authority for compliance monitoring purposes.

#### **9.1.4 Security controls to be applied by a known supplier or airport operator**

9.1.4.1 A known supplier of airport supplies or airport operator delivering airport supplies to the security restricted area shall:

- (a) appoint a person responsible for security in the company; and
- (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; and
- (c) prevent unauthorised access to its premises and airport supplies; and
- (d) reasonably ensure that no prohibited articles are concealed in airport supplies; and
- (e) apply tamper-evident seals to, or physically protect, all vehicles and/or containers that transport airport supplies.

Point (e) shall not apply during airside transportation.

9.1.4.2 If a known supplier uses another company that is not a known supplier to the airport operator for transporting supplies to the airport, the known supplier shall ensure that all security controls listed in this point are adhered to.

9.2 *Omitted.*

#### **9.3 ADDITIONAL SECURITY PROVISIONS FOR SUPPLIES OF LAGS AND STEBS**

9.3.1 Supplies of STEBs shall be delivered in tamper-evident packaging to an airside area beyond the point where boarding passes are controlled or to a security restricted area.

9.3.2 After first reception on airside or in a security restricted area and until their final sale at the outlet, LAGs and STEBs shall be protected against unauthorised interference.

9.3.3 *Omitted.*

### **ATTACHMENT 9-A**

#### **DECLARATION OF COMMITMENTS**

##### ***KNOWN SUPPLIER OF AIRPORT SUPPLIES***

In accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council<sup>14</sup> and its implementing acts,

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<sup>14</sup> 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 (OJ L 97, 9.4.2008, p. 72)

I declare that,

- [name of company] will
- (a) appoint a person responsible for security in the company; and
- (b) ensure that persons with access to airport supplies receive general security awareness training in accordance with point 11.2.7 of the Annex to Implementing Regulation (EU) 2015/1998 before being given access to these supplies. In addition, ensure that persons implementing screening of airport supplies receive training according to point 11.2.3.3 of the Annex to Implementing Regulation (EU) 2015/1998 and persons implementing other security controls in respect of airport supplies receive training according to point 11.2.3.10 of the Annex to Implementing Regulation (EU) 2015/1998; and
- (c) prevent unauthorised access to its premises and airport supplies; and
- (d) reasonably ensure that no prohibited articles are concealed in airport supplies; and
- (e) apply tamper-evident seals to, or physically protect, all vehicles and/or containers that transport airport supplies (this point will not apply during airside transportation).

When using another company that is not a known supplier to the airport operator for transporting supplies, [name of company] will ensure that all security controls listed above are adhered to,

- in order to ensure compliance, [name of company] will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors,
- [name of company] will inform [the airport operator] of any serious security breaches and of any suspicious circumstances which may be relevant to airport supplies, in particular any attempt to conceal prohibited articles in supplies,
- [name of company] will ensure that all relevant staff receive training in accordance with Chapter 11 of the Annex to Implementing Regulation (EU) 2015/1998 and are aware of their security responsibilities, and
- [name of company] will inform [the airport operator] if:
  - (a) it ceases trading; or
  - (b) it can no longer meet the requirements of the relevant EU legislation.

I shall accept full responsibility for this declaration.

Legal representative

Name:

Date:

Signature:

## **10. IN-FLIGHT SECURITY MEASURES**

No provisions in this Regulation.

## **11. STAFF RECRUITMENT AND TRAINING**

### **11.0 GENERAL PROVISIONS**

- 11.0.1 The authority, airport operator, air carrier or entity deploying persons implementing, or responsible for implementing, measures for which it is responsible in accordance with the national civil aviation security programme as referred to in Article 10 of Regulation (EC) No 300/2008 shall ensure that these persons meet the standards set out in this Chapter.
- 11.0.2 For the purpose of this Chapter, ‘certification’ means a formal evaluation and confirmation by or on behalf of the appropriate authority indicating that the person has successfully completed the relevant training and that the person possesses the necessary competencies to perform assigned functions to an acceptable level.
- 11.0.3 For the purposes of this Chapter, a ‘state of residence’ shall be any country in which the person has been resident continuously for 6 months or more and a ‘gap’ in the record of education or employment shall mean any gap of more than 28 days.
- 11.0.4 For the purposes of this Chapter, ‘competency’ means being able to demonstrate suitable knowledge and skills.
- 11.0.5 Competencies acquired by persons prior to recruitment may be taken into consideration when assessing any training needs under this Chapter.
- 11.0.6 Where relevant competencies required by this Regulation that are not specific to aviation security have been acquired through training not delivered by an instructor in line with point 11.5 of this Regulation and/or through courses not specified or approved by the appropriate authority, it may be taken into consideration when assessing any training needs under this Chapter.
- 11.0.7 Where a person has received training and acquired competencies listed in point 11.2, the training need not be repeated for another function other than for the purposes of recurrent training.

## 11.1 RECRUITMENT

11.1.1 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 shall have successfully completed a background check.

11.1.2 Persons being recruited to implement, or to be responsible for the implementation of, screening, access control or other security controls elsewhere than a security restricted area shall have successfully completed a background or pre-employment check. Unless otherwise specified in this Regulation, whether a background or pre-employment check has to be completed shall be determined by the appropriate authority in accordance with applicable national rules.

Pre-employment checks shall be discontinued by 31 July 2019. Persons having completed a pre-employment check shall undergo a background check by 30 June 2020 at the latest.

11.1.3 In accordance with the applicable rules of national law, a background check shall at least:

- (a) establish the person's identity on the basis of documentary evidence; and
- (b) cover criminal records in all states of residence during at least the preceding 5 years; and
- (c) cover employment, education and any gaps during at least the preceding 5 years.

11.1.4 In accordance with the applicable rules of national law, a pre-employment check shall:

- (a) establish the person's identity on the basis of documentary evidence; and
- (b) cover employment, education and any gaps during at least the preceding 5 years; and
- (c) require the person to sign a declaration detailing any criminal history in all states of residence during at least the preceding 5 years.

11.1.5 Background or pre-employment checks shall be completed before the person undergoes any security training involving access to information which is not publicly available. Background checks shall be repeated at regular intervals not exceeding five years.

11.1.6 The recruitment process for all persons being recruited under points 11.1.1 and 11.1.2 shall include at least a written application and an interview stage designed to provide an initial assessment of abilities and aptitudes.

11.1.7 Persons being recruited to implement security controls shall have the mental and physical abilities and aptitudes required to carry out their designated tasks effectively and shall be made aware of the nature of these requirements at the outset of the recruitment process.



These abilities and aptitudes shall be assessed during the recruitment process and before completion of any probationary period.

11.1.8 Recruitment records, including results of any assessment tests, shall be kept for all persons recruited under points 11.1.1 and 11.1.2 for at least the duration of their contract.

## 11.2 TRAINING

### 11.2.1 General training obligations

11.2.1.1 Persons shall have successfully completed relevant training before being authorised to implement security controls unsupervised.

11.2.1.2 Training of persons performing tasks as listed in points 11.2.3.1 to 11.2.3.5 and point 11.2.4 shall include theoretical, practical and on- the-job training elements.

11.2.1.3 The content of courses shall be specified or approved by the appropriate authority before:

- (a) an instructor delivers any training required under Regulation (EC) No 300/2008 and its implementing acts; or
- (b) a computer based training course is used in order to meet the requirements of Regulation (EC) No 300/2008 and its implementing acts.

Computer based training may be used with or without the support of an instructor or coach.

11.2.1.4 Training records shall be kept for all persons trained for at least the duration of their contract.

### 11.2.2 Basic training

Basic training of persons performing tasks as listed in points 11.2.3.1, 11.2.3.4 and 11.2.3.5 as well as in points 11.2.4, 11.2.5 and 11.5 shall result in all of the following competencies:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (b) knowledge of the legal framework for aviation security;
- (c) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls;
- (d) knowledge of access control procedures;
- (e) knowledge of identification card systems in use;

- (f) knowledge of procedures for challenging persons and of circumstances in which persons should be challenged or reported;
- (g) knowledge of reporting procedures;
- (h) ability to identify prohibited articles;
- (i) ability to respond appropriately to security related incidents;
- (j) knowledge of how human behaviour and responses can affect security performance;
- (k) ability to communicate clearly and confidently.

### **11.2.3 Job specific training for persons implementing security controls**

11.2.3.1 Job specific training of persons implementing screening of persons, cabin baggage, items carried and hold baggage shall result in all of the following competencies:

- (a) understanding of the configuration of the screening checkpoint and the screening process;
- (b) knowledge of how prohibited articles may be concealed;
- (c) ability to respond appropriately to the detection of prohibited articles;
- (d) knowledge of the capabilities and limitations of security equipment or screening methods used;
- (e) knowledge of emergency response procedures.

In addition, where the designated tasks of the person concerned so require, training shall also result in the following competences:

- (f) interpersonal skills, in particular how to deal with cultural differences and with potentially disruptive passengers;
- (g) knowledge of hand searching techniques;
- (h) ability to carry out hand searches to a standard sufficient to reasonably ensure the detection of concealed prohibited articles;
- (i) knowledge of exemptions from screening and special security procedures;
- (j) ability to operate the security equipment used;
- (k) ability to correctly interpret images produced by security equipment; and

- (l) knowledge of protection requirements for hold baggage.

11.2.3.2 Training of persons implementing screening of cargo and mail shall result in all of the following competencies:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (b) awareness of the relevant legal requirements;
- (c) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls in the supply chain;
- (d) ability to identify prohibited articles;
- (e) ability to respond appropriately to the detection of prohibited articles;
- (f) knowledge of the capabilities and limitations of security equipment or screening methods used;
- (g) knowledge of how prohibited articles may be concealed;
- (h) knowledge of emergency response procedures;
- (i) knowledge of protection requirements for cargo and mail;

In addition, where the designated tasks of the person concerned so require, training shall also result in the following competences:

- (j) knowledge of screening requirements for cargo and mail, including exemptions and special security procedures;
- (k) knowledge of screening methods appropriate for different types of cargo and mail;
- (l) knowledge of hand searching techniques;
- (m) ability to carry out hand searches to a standard sufficient to reasonably ensure the detection of concealed prohibited articles;
- (n) ability to operate the security equipment used;
- (o) ability to correctly interpret images produced by security equipment;
- (p) knowledge of transportation requirements.

11.2.3.3 Training of persons implementing screening of air carrier mail and materials, in-flight supplies and airport supplies shall result in all of the following competencies:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (b) awareness of the relevant legal requirements;
- (c) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls in the supply chain;
- (d) ability to identify prohibited articles;
- (e) ability to respond appropriately to the detection of prohibited articles;
- (f) knowledge of how prohibited articles may be concealed;
- (g) knowledge of emergency response procedures;
- (h) knowledge of the capabilities and limitations of security equipment or screening methods used;

In addition, where the designated tasks of the person concerned so require, training shall also result in the following competences:

- (i) knowledge of hand searching techniques;
- (j) ability to carry out hand searches to a standard sufficient to reasonably ensure the detection of concealed prohibited articles;
- (k) ability to operate the security equipment used;
- (l) ability to correctly interpret images produced by security equipment;
- (m) knowledge of transportation requirements.

11.2.3.4 Specific training of persons performing vehicle examinations shall result in all of the following competencies:

- (a) knowledge of the legal requirements for vehicle examinations, including exemptions and special security procedures;
- (b) ability to respond appropriately to the detection of prohibited articles;
- (c) knowledge of how prohibited articles may be concealed;

- (d) knowledge of emergency response procedures;
- (e) knowledge of vehicle examination techniques;
- (f) ability to carry out vehicle examinations to a standard sufficient to reasonably ensure the detection of concealed prohibited articles.

11.2.3.5 Specific training of persons implementing access control at an airport as well as surveillance and patrols shall result in all of the following competencies:

- (a) knowledge of the legal requirements for access control, including exemptions and special security procedures;
- (b) knowledge of access control systems used at the airport;
- (c) knowledge of authorisations, including identification cards and vehicle passes, providing access to airside areas and ability to identify those authorisations;
- (d) knowledge of procedures for patrolling and for challenging persons and of circumstances in which persons should be challenged or reported;
- (e) ability to respond appropriately to the detection of prohibited articles;
- (f) knowledge of emergency response procedures;
- (g) interpersonal skills, in particular how to deal with cultural differences and with potentially disruptive passengers.

11.2.3.6 Training of persons implementing aircraft security searches shall result in all of the following competencies:

- (a) knowledge of the legal requirements for aircraft security searches;
- (b) knowledge of the configuration of the type(s) of aircraft on which the person is to implement aircraft security searches;
- (c) ability to identify prohibited articles;
- (d) ability to respond appropriately to the detection of prohibited articles;
- (e) knowledge of how prohibited articles may be concealed;
- (f) ability to implement aircraft security searches to a standard sufficient to reasonably ensure the detection of concealed prohibited articles.

In addition, where the person holds an airport identification card, training shall also result in all of the following competences:

- (g) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (h) knowledge of the legal framework for aviation security;
- (i) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls;
- (j) understanding of the configuration of the screening checkpoint and the screening process;
- (k) awareness of access control and relevant screening procedures;
- (l) knowledge of airport identification card used at the airport.

11.2.3.7 Training of persons implementing aircraft protection shall result in all of the following competencies:

- (a) knowledge of how to protect and prevent unauthorised access to aircraft;
- (b) knowledge of procedures for sealing aircraft, if applicable for the person to be trained;
- (c) knowledge of identification card systems used at the airport;
- (d) knowledge of procedures for challenging persons and of circumstances in which persons should be challenged or reported; and
- (e) knowledge of emergency response procedures.

In addition, where the person holds an airport identification card, training shall also result in all of the following competences:

- (f) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (g) knowledge of the legal framework for aviation security;
- (h) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls;
- (i) understanding of the configuration of the screening checkpoint and the screening process;
- (j) awareness of access control and relevant screening procedures.

11.2.3.8 Training of persons implementing baggage reconciliation shall result in all of the following competencies:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (b) awareness of the relevant legal requirements;
- (c) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls;
- (d) ability to respond appropriately to the detection of prohibited articles;
- (e) knowledge of emergency response procedures;
- (f) knowledge of passenger and baggage reconciliation requirements and techniques;
- (g) knowledge of protection requirements for air carrier materials used for passenger and baggage processing.

In addition, where the person holds an airport identification card, training shall also result in all of the following competences:

- (h) understanding of the configuration of the screening checkpoint and the screening process;
- (i) awareness of access control and relevant screening procedures;
- (j) knowledge of airport identification cards used at the airport;
- (k) knowledge of reporting procedures;
- (l) ability to respond appropriately to security related incidents.

11.2.3.9 Training of persons implementing security controls for cargo and mail other than screening shall result in all of the following competencies:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (b) awareness of the relevant legal requirements;
- (c) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls in the supply chain;
- (d) knowledge of procedures for challenging persons and of circumstances in which persons should be challenged or reported;
- (e) knowledge of reporting procedures;

- (f) ability to identify prohibited articles;
- (g) ability to respond appropriately to the detection of prohibited articles;
- (h) knowledge of how prohibited articles may be concealed;
- (i) knowledge of protection requirements for cargo and mail;
- (j) knowledge of transportation requirements, if applicable.

In addition, where the person holds an airport identification card, training shall also result in all of the following competences:

- (k) understanding of the configuration of the screening checkpoint and the screening process;
- (l) awareness of access control and relevant screening procedures;
- (m) knowledge of identification cards in use;
- (n) ability to respond appropriately to security related incidents.

11.2.3.10 Training of persons implementing security controls for air carrier mail and materials, in-flight supplies and airport supplies other than screening shall result in all of the following competencies:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (b) awareness of the relevant legal requirements;
- (c) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls;
- (d) knowledge of procedures for challenging persons and of circumstances in which persons should be challenged or reported;
- (e) knowledge of reporting procedures;
- (f) ability to identify prohibited articles;
- (g) ability to respond appropriately to the detection of prohibited articles;
- (h) knowledge of how prohibited articles may be concealed;
- (i) knowledge of protection requirements for air carrier mail and materials, in-flight supplies and airport supplies, as applicable;



- (j) knowledge of transportation requirements, if applicable.

In addition, where the person holds an airport identification card, training shall also result in all of the following competences:

- (k) understanding of the configuration of the screening checkpoint and the screening process;
- (l) awareness of access control and relevant screening procedures;
- (m) knowledge of identification cards in use;
- (n) ability to respond appropriately to security related incidents.

#### **11.2.4 Specific training for persons directly supervising persons implementing security controls (supervisors)**

Specific training of supervisors shall, in addition to the competencies of the persons to be supervised, result in all of the following competencies:

- (a) knowledge of the relevant legal requirements and how they should be met;
- (b) knowledge of supervisory tasks;
- (c) knowledge of internal quality control;
- (d) ability to respond appropriately to the detection of prohibited articles;
- (e) knowledge of emergency response procedures;
- (f) ability to provide mentoring and on-the-job training and to motivate other.

In addition, where the designated tasks of the person concerned so require, that training shall also result in all of the following competences:

- (g) knowledge of conflict management;
- (h) knowledge of the capabilities and limitations of security equipment or screening methods used.

#### **11.2.5 Specific training for persons with general responsibility at national or local level for ensuring that a security programme and its implementation meet all legal provisions (security managers)**

Specific training of security managers shall result in all of the following competencies:

- (a) knowledge of the relevant legal requirements and how they should be met;
- (b) knowledge of internal, national and international quality control;

- (c) ability to motivate others;
- (d) knowledge of the capabilities and limitations of security equipment or screening methods used.

#### **11.2.6 Training of persons other than passengers requiring unescorted access to security restricted areas**

11.2.6.1 Persons other than passengers requiring unescorted access to security restricted areas and not falling under points 11.2.3 to 11.2.5 and 11.5 shall receive security awareness training before being issued with an authorisation granting unescorted access to security restricted areas.

For objective reasons, the appropriate authority may exempt persons from this training requirement if their access is limited to areas in the terminal accessible to passengers.

11.2.6.2 Security awareness training shall result in all of the following competencies:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;
- (b) awareness of the relevant legal requirements;
- (c) knowledge of the objectives and organisation of aviation security, including the obligations and responsibilities of persons implementing security controls;
- (d) understanding of the configuration of the screening checkpoint and the screening process;
- (e) awareness of access control and relevant screening procedures;
- (f) knowledge of airport identification cards used at the airport;
- (g) knowledge of reporting procedures;
- (h) ability to respond appropriately to security related incidents.

11.2.6.3 Each person undergoing security awareness training shall be required to demonstrate understanding of all subjects referred to in point 11.2.6.2 before being issued with an authorisation granting unescorted access to security restricted areas.

#### **11.2.7 Training of persons requiring general security awareness**

General security awareness training shall result in all of the following competencies:

- (a) knowledge of previous acts of unlawful interference with civil aviation, terrorist acts and current threats;

- (b) awareness of the relevant legal requirements;
- (c) knowledge of the objectives and organisation of aviation security in their working environment, including the obligations and responsibilities of persons implementing security controls;
- (d) knowledge of reporting procedures;
- (e) ability to respond appropriately to security related incidents.

Each person undergoing general security awareness training shall be required to demonstrate understanding of all subjects referred to in this point before taking up duty.

This training shall not apply to instructors falling under point 11.5.

### 11.3 CERTIFICATION OR APPROVAL

11.3.1 Persons performing tasks as listed in points 11.2.3.1 to 1.2.3.5 shall be subject to:

- (a) an initial certification or approval process; and
- (b) for persons operating x-ray or EDS equipment, recertification at least every 3 years; and
- (c) for all other persons, recertification or reapproval at least every 5 years.

Persons performing tasks as listed in point 11.2.3.3 may be exempted from these requirements if they are only authorised to implement visual checks and/or hand searches.

11.3.2 Persons operating x-ray or EDS equipment shall, as part of the initial certification or approval process, pass a standardised image interpretation test.

11.3.3 The recertification or re-approval process for persons operating x-ray or EDS equipment shall include both the standardised image interpretation test and an evaluation of operational performance.

11.3.4 Failure to undertake or successfully complete recertification or reapproval within a reasonable timescale, not normally exceeding 3 months, shall result in the related security entitlements being with- drawn.

11.3.5 Certification or approval records shall be kept for all persons certified or approved, respectively, for at least the duration of their contract.

### 11.4 RECURRENT TRAINING

11.4.1 Persons operating x-ray or EDS equipment shall be subject to recurrent training consisting of image recognition training and testing. This shall take the form of:

- (a) classroom and/or computer based training; or

- (b) on-the-job TIP training, on condition that a TIP library of at least 6 000 images, as specified below, is employed on the x-ray or EDS equipment used and the person works with this equipment during at least one third of his working hours.

For classroom and/or computer based training, persons shall be subject to image recognition training and testing for at least 6 hours in every 6 month period, using either:

- an image library containing at least 1 000 images of at least 250 different threat articles, including images of component parts of threat articles, with each article captured in a variety of different orientations, and arranged to provide an unpredictable selection of images from the library during the training and testing; or

- the most frequently missed TIP images from the TIP library in use combined with images of recently captured threat articles relevant for the type of screening operation and covering all types of relevant threat articles if only used once for the training of a given screener over a three-year period.

For on-the-job TIP training, the TIP library shall consist of at least 6 000 images of at least 1 500 different threat articles, including images of component parts of threat articles, with each article captured in a variety of different orientations.

11.4.2 Evaluation of the performance of individual screeners shall be carried out at the end of every 6 month period. The results of this evaluation:

- (a) shall be provided to the person and recorded;
- (b) shall be used to identify weaknesses and inform future training and testing adapted to address those weaknesses; and
- (c) may be taken into consideration as part of the recertification or re-approval process.

11.4.3 Persons performing tasks as listed under point 11.2 other than those referred to in point 11.4.1 and 11.4.2 shall undergo recurrent training at a frequency sufficient to ensure that competencies are maintained and acquired in line with security developments.

Recurrent training shall be conducted:

- (a) for competencies acquired during initial basic, specific and security awareness training, at least once every 5 years or, in cases where the competencies have not been exercised for more than 6 months, before return to security duties; and
- (b) for new or extended competencies, as required to ensure that persons implementing, or responsible for implementing, security controls are promptly made aware of new threats and legal requirements by the time they have to be applied.

The requirements under (a) shall not apply to competencies acquired during specific training which are no longer required for the person's designated tasks.

11.4.4 Records of recurrent training shall be kept for all persons trained for at least the duration of their contract.

## 11.5 QUALIFICATION OF INSTRUCTORS

11.5.1 Instructors shall at least fulfil all of the following requirements:

- (a) the successful completion of a background check in accordance with points 11.1.3 and 11.1.5;

- (b) competency in instructional techniques;
- (c) knowledge of the work environment in the relevant aviation security field;
- (d) competency in the security elements to be taught.

Certification shall at least apply to those instructors authorised to give training defined in points 11.2.3.1 to 11.2.3.5 and in points 11.2.4 (unless it concerns the training of supervisors exclusively supervising persons referred to in points 11.2.3.6 to 11.2.3.10) and 11.2.5.

Instructors shall be subject to recertification at least every 5 years.

11.5.2 Instructors shall receive regular training or information on developments in the relevant fields.

11.5.3 The appropriate authority shall maintain or have access to lists of instructors operating in Gibraltar.

11.5.4 If the appropriate authority is no longer satisfied that training delivered by an instructor is resulting in persons having the relevant competencies, or where the instructor fails the background check, it shall either withdraw approval of the course or ensure that the instructor is suspended or removed from the list of instructors, as appropriate. Where such action is taken, the appropriate authority shall also specify how the instructor may apply to have the suspension lifted, be reinstated on the list of instructors or have the course approval reinstated.

*11.5.5 Omitted.*

## 11.6 AVIATION SECURITY VALIDATION

11.6.1 Aviation security validation is a standardised, documented, impartial and objective process for obtaining and evaluating evidence to determine the level of compliance of the validated entity with requirements set out in Regulation (EC) No 300/2008 and its implementing acts.

### **11.6.2 Aviation security validation**

Aviation security validation:

- (a) may be a requirement for obtaining or maintaining a legal status under Regulation (EC) No 300/2008 and its implementing acts;
- (b) may be performed by an appropriate authority or a validator approved as aviation security validator or a validator recognised as equivalent to it, in accordance with this Chapter;

- (c) shall assess security measures applied under the responsibility of the validated entity or parts thereof for which the entity seeks validation. At least, it shall consist of:
  - (1) an evaluation of security relevant documentation, including the validated entity's security programme or equivalent; and
  - (2) a verification of the implementation of aviation security measures, which shall include an on-site verification of the validated entity's relevant operations, unless otherwise stated;
- (d) *Omitted.*

### **11.6.3 Approval requirements for aviation security validators**

11.6.3.1 The appropriate authority shall approve aviation security validators based on conformity assessment capacity, which shall comprise:

- (a) independence from the validated industry, unless otherwise stated; and
- (b) appropriate personnel competence in the security area to be validated as well as methods to maintain such competence at the level referred to in 11.6.3.5; and
- (c) the functionality and appropriateness of validation processes.

11.6.3.2 *Omitted.*

11.6.3.3 An aviation security validator may be any individual or a legal entity.

11.6.3.4 *Omitted.*

11.6.3.5 Every individual performing aviation security validation shall have appropriate competence and background, and shall meet all of the following requirements:

- (a) have been subject to a background check in accordance with 11.1.3 that shall be recurrent at least every five years;
- (b) perform aviation security validation impartially and objectively, shall understand the meaning of independence and apply methods to avoid situations of conflict of interest in respect of the validated entity;
- (c) have sufficient theoretical knowledge and practical experience in the field of quality control as well as respective skills and personal attributes to collect, record and assess findings based on a checklist, in particular regarding:
  - (1) compliance monitoring principles, procedures and techniques;
  - (2) factors affecting human performance and supervision;
  - (3) the role and powers of the validator, including on conflict of interest;

- (d) provide proof of appropriate competence based on training and/or a minimum work experience in respect of the following areas:
  - (1) general aviation security principles of ICAO aviation security standards;
  - (2) specific standards related to the activity validated and how they are applied to operations;
  - (3) security technologies and techniques relevant for the validation process;
- (e) undergo recurrent training at a frequency sufficient to ensure that existing competencies are maintained and new competencies are acquired to take account of developments in the field of aviation security.

11.6.3.6 The appropriate authority shall either itself provide training for aviation security validator or approve and maintain a list of appropriate security training courses.

11.6.3.7 *Omitted.*

11.6.3.8 The approval of an aviation security validator shall expire after a maximum period of five years.

#### **11.6.4 Recognition and discontinuation of aviation security validators**

11.6.4.1 An aviation security validator shall not be considered as approved until its details are recorded by the appropriate authority. Every aviation security validator shall be provided with proof of its status by or on behalf of the appropriate authority.

11.6.4.2 *Omitted.*

11.6.4.3 When the appropriate authority is no longer satisfied that an aviation security validator meets the requirements referred to in points 11.6.3.1 or 11.6.3.5, it shall withdraw the approval and remove the validator from its record.

11.6.4.4 Industry associations and entities under their responsibility operating quality assurance programmes may be approved as aviation security validators provided equivalent measures of those programmes ensure impartial and objective validation..

11.6.4.5 *Omitted.*

#### **11.6.5 Aviation security validation report ('the validation report')**

11.6.5.1 A validation report, where required, shall record the aviation security validation and contain at least:

- (a) a completed checklist signed by the aviation security validator including, where requested, comments by the validated entity in the necessary detail; and



- (b) a declaration of commitments signed by the validated entity; and
  - (c) an independence declaration in respect of the entity validated signed by the individual performing the aviation security validation.
- 11.6.5.2 The aviation security validator shall establish the level of compliance with the objectives contained in the checklist and record these findings in the appropriate part of the checklist.
- 11.6.5.3 A declaration of commitment shall state the validated entity's commitment to continue operation under the successfully validated operation standards.
- 11.6.5.4 The validated entity may declare its agreement or disagreement to the validation report's established compliance level. Such a declaration shall become an integral part of the validation report.
- 11.6.5.5 Page numbering, date of the aviation security validation and initialling by the validator and the validated entity on each page shall prove the validation report's integrity. Manual initialling on each page may be replaced by an electronic signature of the entire document.
- 11.6.5.6 By default the report shall be in English and delivered to the appropriate authority, where applicable, along with the validated entity within a maximum of one month after the on-site verification.
- 11.7 *Omitted.*
- 11.7.1 *Omitted.*

#### **ATTACHMENT 11-A**

##### **INDEPENDENCE DECLARATION— AVIATION SECURITY VALIDATOR**

- (a) I confirm that I have established the level of compliance of the validated entity in an impartial and objective way.
- (b) I confirm that I am not, and have not in the preceding two years, been employed by the validated entity.
- (c) I confirm that I have no economic or other direct or indirect interest in the outcome of the validation activity, the validated entity or its affiliates.
- (d) I confirm that I have, and have had in the preceding 12 months no business relations such as training and consultancy beyond the validation process with the validated entity in areas related to aviation security.

- (e) I confirm that the aviation security validation report is based on a thorough fact finding evaluation of relevant security documentation, consisting of:
- the validated entities' security programme or equivalent, and
  - an on- site verification of the implementation thereof.
- (f) I confirm that the aviation security validation report is based on an assessment of all security relevant areas on which the validator is required to give an opinion based on the relevant checklist.
- (g) I confirm that I have applied a methodology that allows for separate aviation security validation reports in respect of each entity validated and ensures objectivity and impartiality of the fact finding and evaluation, where several entities are being validated in a joint action.
- (h) I confirm that I accepted no financial or other benefits, other than a reasonable fee for the validation and a compensation of travel and accommodation costs.

I accept full responsibility for the aviation security validation report.

Name of the validated entity:

Name of the aviation security validator:

Date:

Signature:

## **12. SECURITY EQUIPMENT**

### **12.0 GENERAL PROVISIONS**

- 12.0.1 The authority, operator or entity using equipment for the implementation of measures for which it is responsible in accordance with the national civil aviation security programme as referred to in Article 10 of Regulation (EC) No 300/2008 shall take reasonable steps to ensure that the equipment meets the standards set out in this Chapter.
- 12.0.2 There shall be routine testing of each piece of security equipment.
- 12.0.3 Equipment manufacturers shall provide a concept of operations and equipment shall be used in accordance with it.
- 12.0.4 Where several types of security equipment are combined, each one has to comply with the defined specifications and meet the standards set out in this Chapter, both separately and combined.

12.0.5 Equipment shall be positioned, installed and maintained in compliance with the requirements of equipment manufacturers.

## 12.1 WALK-THROUGH METAL DETECTION (WTMD) EQUIPMENT

### 12.1.1 General principles

12.1.1.1 Walk-through metal detection equipment (WTMD) shall be able to detect and to indicate by means of an alarm at least specified metallic items, both individually and in combination.

12.1.1.2 The detection by WTMD shall be independent of the position and orientation of the metallic item.

12.1.1.3 WTMD shall be firmly fixed to a solid base.

12.1.1.4 WTMD shall have a visual indicator to show that the equipment is in operation.

12.1.1.5 The means for adjusting the detection settings of WTMD shall be protected and accessible only to authorised persons.

12.1.1.6 WTMD shall give both a visual alarm and an audible alarm when it detects metallic items as referred to in point 12.1.1.1. Both types of alarm shall be noticeable at a range of 2 metres.

12.1.1.7 The visual alarm shall give an indication of the strength of signal detected by the WTMD.

### 12.1.2 Standards for WTMD

12.1.2.1 There shall be two standards for WTMD..

12.1.2.2 All WTMD exclusively used for screening persons other than passengers shall meet at least standard 1.

12.1.2.3 All WTMD used for screening of passengers shall meet standard 2.

### 12.1.3 Additional requirements for WTMD

All WTMD for which a contract to install them was placed as from 5 January 2007 shall be able to:

- (a) generate an audible and/or visual signal on a percentage of persons passing through the WTMD who did not cause an alarm as referred to in point 12.1.1.1. It shall be possible to set the percentage; and
- (b) count the number of persons screened, excluding any person that passes through the WTMD in the opposite direction; and
- (c) count the number of alarms; and

- (d) calculate the number of alarms as a percentage of the number of screened persons.

#### **12.1.4 Additional requirements for WTMD used in combination with shoe metal detection (SMD) equipment**

- 12.1.4.1 All WTMD equipment used in combination with shoe metal detection (SMD) equipment shall be able to detect and indicate by means of a visual indication at least specified metallic items, both individually and in combination, and this shall correspond to the height at which this item (or items) is located on the person passing through it. This shall be irrespective of the type and number of items and their orientation.
- 12.1.4.2 All WTMD equipment used in combination with SMD equipment shall be able to detect and indicate all alarms generated by metallic items on a person in at least two zones. The first zone shall correspond to the lower legs of a person and shall be between the floor and a maximum of 35 cm above the floor. All other zones shall be above the first zone.

#### **12.2 HAND-HELD METAL DETECTION (HHMD) EQUIPMENT**

- 12.2.1 Hand-held metal detection equipment (HHMD) shall be able to detect ferrous and non-ferrous metallic items. Detection and identification of the position of the detected metal shall be indicated by means of an alarm.
- 12.2.2 The means for adjusting the sensitivity settings of HHMD shall be protected and accessible only to authorised persons.
- 12.2.3 HHMD shall give an audible alarm when it detects metallic items. The alarm shall be noticeable at a range of 1 metre.
- 12.2.4 The performance of HHMD shall not be affected by sources of interference.
- 12.2.5 HHMD shall have a visual indicator to show that the equipment is in operation.

12.3 *Omitted.*

#### **12.4 EXPLOSIVE DETECTION SYSTEMS (EDS) EQUIPMENT**

##### **12.4.1 General principles**

- 12.4.1.1 Explosive detection systems equipment (EDS) shall be able to detect and to indicate by means of an alarm specified and higher individual quantities of explosive material contained in baggage or other consignments.
- 12.4.1.2 The detection shall be independent of the shape, position or orientation of the explosive material.
- 12.4.1.3 EDS shall give an alarm in each of the following circumstances:

- when it detects explosive material, and
- when it detects the presence of an item that prevents explosive material from being detected, and
- when the contents of a bag or consignment are too dense to be analysed.

#### **12.4.2 Standards for EDS**

12.4.2.1 All EDS installed before 1 September 2014 shall at least meet standard 2.

12.4.2.2 Standard 2 shall expire on 1 September 2020.

12.4.2.3 The appropriate authority may permit standard 2 EDS installed between 1 January 2011 and 1 September 2014 to continue to be used until 1 September 2022 at the latest.

12.4.2.4 *Omitted.*

12.4.2.5 All EDS installed as from 1 September 2014 shall meet standard 3.

12.4.2.6 All EDS shall meet standard 3 as from 1 September 2020 at the latest, unless point 12.4.2.3 applies.

12.4.2.7 All EDS equipment designed to screen cabin baggage shall meet at least standard C1.

12.4.2.8 All EDS equipment designed to screen cabin baggage containing portable computers and other large electrical items shall meet at least standard C2.

12.4.2.9 All EDS equipment designed to screen cabin baggage containing portable computers and other large electrical items and LAGS shall meet at least standard C3.

12.4.3 *Omitted.*

#### **12.5 THREAT IMAGE PROJECTION (TIP)**

##### **12.5.1 General principles**

12.5.1.1 Threat image projection (TIP) shall be able to project combined threat images (CTI) or fictional threat images (FTI).

CTI are x-ray images of bags or other consignments containing threat articles.

FTI are x-ray images of threat articles which are projected into x-ray images of bags or other consignments being screened.

Threat articles shall appear within the x-ray image of bags and other consignments in an evenly distributed manner and not in a fixed position.

It shall be possible to set the percentage of CTI and FTI to be projected.

Where CTI are used:

- (a) the concept of operation must ensure that the screener cannot see the bags or other consignments that are introduced into the x-ray or EDS equipment and cannot determine that a CTI is or might be projected to him/her; and
- (b) the TIP system and library size shall reasonably ensure that a screener is not exposed to the same CTI again within 12 months.

Where CTI TIP is deployed with EDS equipment used exclusively for hold baggage screening, the requirement in point (b) shall only apply as of 1 September 2020.

12.5.1.2 TIP shall not impair the performance and normal functioning of x-ray or EDS equipment.

No indication shall be given to the screener that a CTI or FTI is about to be projected or has been projected until a message is presented in accordance with point 12.5.2.2.

12.5.1.3 The means for managing TIP shall be protected and accessible only to authorised persons.

12.5.1.4 There shall be a TIP administrator responsible for the configuration management of the TIP system.

12.5.1.5 The appropriate authority shall regularly monitor the correct implementation of the TIP systems and ensure that the systems are correctly configured, including realistic and relevant projection of CTI and FTI where in use, are in compliance with the requirements and have up-to-date image libraries.

## **12.5.2 Composition of TIP**

12.5.2.1 TIP shall comprise of at least:

- (a) a library of CTI or FTI; and
- (b) a means for presenting messages and for messages to be cleared; and
- (c) a means for recording and presenting the results of the responses of individual screeners.

12.5.2.2 TIP shall present a message to the screener in each of the following circumstances:

- (a) where the screener responded and a CTI or FTI was projected;
- (b) where the screener did not respond and a CTI or FTI was projected;
- (c) where the screener responded and no CTI or FTI was projected;
- (d) where an attempt to project a CTI or FTI failed and was visible to the screener.

The message shall be presented so that it does not obscure the image of the bag or consignment to which it refers.

The message shall remain until it has been cleared by the screener. In the case of points (a) and (b) the message shall be presented together with the CTI or FTI.

12.5.2.3 Access to equipment with TIP installed and deployed shall require that the screener uses a unique identifier.

12.5.2.4 TIP shall be able to store the results of the responses of individual screeners for a minimum of 12 months and in a format to allow the provision of reports.

12.5.2.5 *Omitted.*

## 12.6 EXPLOSIVE TRACE DETECTION (ETD) EQUIPMENT

12.6.1 ETD equipment shall be able to collect and analyse trace levels of particles or vapour from contaminated surfaces, or the contents of baggage or consignments, and indicate, by means of an alarm, the presence of explosives. For the purpose of screening, it shall meet all of the following requirements:

- (a) consumables shall not be used beyond the recommendations of the manufacturer of the consumable or if the performance of the consumable appears to have deteriorated through use;
- (b) ETD equipment shall only be used in an environment for which the equipment has been approved for use.

There shall be standards for ETD set for particulate and vapour sampling.

12.6.2 The standard for ETD equipment that uses particulate sampling shall apply to ETD equipment deployed from 1 September 2014.

12.6.3 The appropriate authority may permit ETD equipment not certified to comply with attachment 12-L that was deployed before 1 July 2014 and uses particulate sampling to continue to be used until 1 July 2020 at the latest.

## 12.7 EQUIPMENT FOR SCREENING LIQUIDS, AEROSOLS AND GELS (LAGs)



**12.7.1 General principles**

12.7.1.1 LEADS equipment shall be able to detect and to indicate by means of an alarm specified and higher individual quantities of threat materials in LAGs.

12.7.1.2 The equipment shall be used in a manner that ensures that the container is positioned and orientated so as to ensure that the detection capabilities are utilised in full.

12.7.1.3 The equipment shall give an alarm in each of the following circumstances:

- (a) when it detects threat material;
- (b) when it detects the presence of an item that prevents threat material from being detected;
- (c) when it cannot assess whether the LAG is benign or not;
- (d) when the contents of the screened bag are too dense to be analysed.

#### 12.7.2 **Standards for Liquid Explosive Detection Systems (LEDS) equipment**

12.7.2.1 There shall be three standards for LEDS equipment .

12.7.2.2. *Omitted.*

12.7.3 *Omitted.*

### 12.8 METHODS OF SCREENING USING NEW TECHNOLOGIES

12.8.1 The Minister with responsibility for Civil Aviation may allow a method of screening using new technologies other than those laid down in this Regulation, provided that:

- (a) it is being used for the purpose of evaluating a new method of screening; and
- (b) it will not negatively affect the overall level of security being attained; and
- (c) appropriate information that a trial is being conducted shall be given to those affected, including passengers.

12.8.2 *Omitted.*

12.8.3 *Omitted.*

12.8.4 *Omitted.*

12.8.5 *Omitted.*

12.8.6 *Omitted.*

12.8.7 *Omitted.*

## 12.9 EXPLOSIVE DETECTION DOGS

### 12.9.1 General Principles

- 12.9.1.1 An explosive detection dog (EDD) shall be able to detect and indicate specified and higher individual quantities of explosive material.
- 12.9.1.2 The detection shall be independent of the shape, position or orientation of the explosive materials.
- 12.9.1.3 An EDD shall give an alarm, in the form of a passive response, when it detects explosive materials.
- 12.9.1.4 An EDD and its handler can be used for screening if they both have been approved independently and in combination as a team.
- 12.9.1.5 An EDD and its handler shall be subject to initial and recurrent training to ensure that required competencies are learned and maintained and, where appropriate, new competencies are learned.
- 12.9.1.6 In order to be approved, an EDD team, consisting of an EDD and handler(s), shall have successfully passed a training course.
- 12.9.1.7 An EDD team shall be approved by or on behalf of the appropriate authority.
- 12.9.1.8 After approval by the appropriate authority, an EDD team may be used for security screening by use of free running or remote explosive scent tracing method.

### 12.9.2 Standards for EDD

- 12.9.2.1 *Omitted.*
- 12.9.2.2 An EDD team used for the screening of persons, cabin baggage, items carried by persons other than passengers, vehicles, aircraft, in-flight supplies and airport supplies, and security restricted areas of an airport shall meet detection standard 1.
- 12.9.2.3 An EDD team used for the screening of hold baggage, air carrier mail, air carrier materials, cargo and mail shall meet detection standard 2.
- 12.9.2.4 An EDD team approved to detect explosive materials using the remote explosive scent tracing method may only be used in screening of cargo, but no other areas included in standard 2.
- 12.9.2.5 An EDD used for the detection of explosive materials shall be fitted with appropriate means to allow for the unique identification of the EDD.

12.9.2.6 When performing explosive detection duties, an EDD shall always be accompanied by the handler who is approved to work with the EDD.

12.9.2.7 An EDD approved for free running method shall only have one handler. One handler may be approved for leading a maximum of two EDDs.

12.9.2.8 An EDD approved for remote explosive scent tracing method shall be led by a maximum of two handlers per EDD.

### **12.9.3 Training requirements**

#### *General training obligations*

12.9.3.1 The training of an EDD team shall include theoretical, practical and on-the-job training elements.

12.9.3.2 The content of training courses shall be specified or approved by the appropriate authority.

12.9.3.3 The training shall be conducted by or on behalf of the appropriate authority using instructors qualified according to point 11.5.

12.9.3.4 Dogs to be trained for explosive detection shall be single purpose dogs.

12.9.3.5 During training, training aids representing explosive materials shall be used.

12.9.3.6 Training shall be provided to any persons handling the training aids so as to prevent contamination.

#### *Initial training for EDD Teams*

12.9.3.7 An EDD team shall be subject to initial training.

12.9.3.8 Initial training for EDD team shall include practical training in the intended work environment.

#### *Recurrent training for EDD Teams*

12.9.3.9 An EDD and the handler shall be subject to recurrent training requirements, both individually and in combination as a team.

12.9.3.10 Recurrent training shall maintain the existing competencies as required by the initial training and those acquired in line with security developments.

12.9.3.11 Recurrent training for an EDD team shall be performed at intervals of at least every 6 weeks. The minimum duration of the re-current training shall be no less than 4 hours in any 6 week period.

12.9.3.12 *Omitted.*

*Training records for EDD Teams*

12.9.3.13 The records of both initial and recurrent training shall be kept for both the EDD and its handler for at least the duration of their contract of employment and they shall be made available to the appropriate authority upon request.

*Operational Training for EDD Teams*

12.9.3.14 When EDD is deployed in the screening duties, the EDD shall be subject to operational training.

12.9.3.15 Operational training shall be done on a continuous random basis during the deployment period, and shall measure EDD's detection performance by means of approved training aids.

**12.9.4 Approval Procedures**

12.9.4.1 The approval procedure shall ensure that all of the following competencies are measured:

- (a) ability of the EDD to meet the detection performance;
- (b) ability of the EDD to give a passive indication on the presence of explosive materials;
- (c) ability of the EDD and its handler(s) to work effectively as a team;
- (d) ability of the handler to correctly lead the EDD, interpret and respond appropriately to the EDD's reaction to the presence of an explosive material.

12.9.4.2 The approval procedure shall simulate each of the work areas in which the EDD team shall work.

12.9.4.3 The EDD team shall have successfully completed training in each area for which the approval is sought.

12.9.4.4 *Omitted.*

12.9.4.5 The validity of each approval period shall not be longer than 12 months.

**12.9.5 Quality Control**

12.9.5.1 The EDD team shall be subject to quality control measures.

12.9.6 *Omitted.*

12.10 *Omitted.*

## 12.11 SECURITY SCANNERS

### 12.11.1 General principles

A security scanner is a system for the screening of persons that is capable of detecting metallic and non-metallic objects, distinct from the human skin, carried on the body or within clothes.

A security scanner with human reviewer may consist of a detection system that creates an image of a person's body for a human reviewer to analyse and establish that no metallic and non-metallic object, distinct from the human skin, is carried on the body of the person screened. When the human reviewer identifies such an object, its location shall be communicated to the screener for further search. In this case, the human reviewer is to be considered as an integral part of the detection system.

A security scanner with automatic threat detection may consist of a detection system that automatically recognises metallic and non-metallic objects, distinct from the human skin, carried on the body of the person screened. When the system identifies such an object, its location shall be indicated on a stick figure to the screener.

For the purpose of screening passengers, a security scanner shall meet all of the following standards:

- (a) security scanners shall detect and indicate by means of an alarm at least specified metallic and non-metallic items including explosives both individually and in combination;
- (b) detection shall be independent of the position and orientation of the item;
- (c) the system shall have a visual indicator to show that the equipment is in operation;
- (d) security scanners shall be positioned so as to ensure that their performance is not affected by sources of interference;
- (e) the correct functioning of security scanners shall be tested on a daily basis;
- (f) the security scanner shall be used in accordance with the concept of operations provided by the manufacturer.

### 12.11.2 *Omitted.*

12.11.2.1 All security scanners shall meet standard 1.

Standard 1 shall expire on 1 January 2022.

12.11.2.2 Standard 2 shall apply to security scanners installed as of 1 January 2019.

12.11.2.3 Standard 2.1 shall apply to security scanners installed from 1 January 2021.



## 12.12 SHOE SCANNER EQUIPMENT

### **12.12.1 General principles**

12.12.1.1 Shoe metal detection (SMD) equipment shall be able to detect and to indicate by means of an alarm at least specified metallic items, both individually and in combination.

12.12.1.2 Shoe explosive detection (SED) equipment shall be able to detect and indicate by means of an alarm at least specified explosives items.

12.12.1.3 The detection by SMD and SED shall be independent of the position and orientation of the metallic or explosive items.

12.12.1.4 SMD and SED shall be placed on a solid base.

12.12.1.5 SMD and SED shall have a visual indicator to show that the equipment is in operation.

12.12.1.6 The means for adjusting the detection settings of SMD and SED shall be protected and accessible only to authorised persons.

12.12.1.7 SMD shall give at least a visual alarm and an audible alarm when it detects metallic items as refers to in point 12.12.1.1. Both types of alarm shall be noticeable at a range of 1 m.

12.12.1.8 SED shall give at least a visual alarm and an audible alarm when it detects explosive items as refers to in point 12.12.1.2. Both types of alarm shall be noticeable at a range of 1 m.

### **12.12.2 Standards for SMD**

12.12.2.1 There shall be two standards for SMD.

12.12.2.2 All SMD exclusively used for screening persons other than passengers shall meet at least standard 1.

12.12.2.3 All SMD used for screening of passengers shall meet standard 2.

12.12.2.4 All SMD shall be able to resolve alarms generated on a WTMD, in the area between the surface supporting the shoe and at least 35 cm above.

### **12.12.3 *Omitted.***

12.12.3.1 *Omitted.*



## 12.13 AUTO CLEAR SOFTWARE (ACS)

### 12.13.1 General principles

12.13.1.1 Auto clear software (ACS) shall be able to assess all radioscopic images produced by x-ray or EDS equipment to ascertain if they may contain threat items and should be able to directly clear simple images without threat items.

12.13.1.2 ACS shall display to a screener those images that contain possible threat items or are too complex for the software to analyse.

12.13.1.3 ACS shall not impair the performance and normal functioning of x-ray and EDS equipment.

12.13.1.4 When ACS is running, a visual indication shall be given to the screener.

12.13.1.5 When used on EDS equipment ACS shall not prevent an alarm indication.

12.13.1.6 ACS shall not clear CTI and the radioscopic images produced by x-ray or EDS equipment containing FTI projected by TIP.

12.13.1.7 The means for managing the ACS shall be protected and accessible only to authorised persons.

12.13.2 *Omitted.*

12.13.2.1 *Omitted.*

## 12.14 EXPLOSIVE VAPOUR DETECTION (EVD) EQUIPMENT

### 12.14.1 Standards for EVD

12.14.1.1 All EVD equipment used for the screening of hold baggage or cargo shall meet at least standard 1.

12.14.1.2 All EVD equipment used for the screening of persons or cabin baggage shall meet at least standard 3.

12.14.1.3 *Omitted.*

#### **ATTACHMENT 12-A**

*Omitted.*

#### **ATTACHMENT 12-B**

*Omitted.*

#### **ATTACHMENT 12-C**

*Omitted.*

#### **ATTACHMENT 12-D**

*Omitted.*

	<b>ATTACHMENT 12-E</b>
<i>Omitted.</i>	
	<b>ATTACHMENT 12-F</b>
<i>Omitted.</i>	
	<b>ATTACHMENT 12-G</b>
<i>Omitted.</i>	
	<b>ATTACHMENT 12-H</b>
<i>Omitted.</i>	
	<b>ATTACHMENT 12-I</b>
<i>Omitted.</i>	
	<b>ATTACHMENT 12-J</b>
<i>Omitted.</i>	
	<b>ATTACHMENT 12-K</b>
<i>Omitted.</i>	
	<b>ATTACHMENT 12-L</b>
<i>Omitted.</i>	
	<b>ATTACHMENT 12-M</b>
<i>Omitted.</i>	

Dated 28<sup>th</sup> February, 2019.

DR J GARCIA,  
Minister with responsibility for Civil Aviation.

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### **EXPLANATORY MEMORANDUM**

These Regulations are made in exercise of the powers in sections 11(1) and 15(1) of, and Schedule 7 to, the European Union (Withdrawal) Act 2019 (“the 2019 Act”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 11(2)(a), (b), (c), (d) and (g)) arising from the withdrawal of the United Kingdom and Gibraltar from the European Union. Moreover, section 11(5) and (6) of the 2019 Act are relevant to the provision made by these Regulations.

These Regulations make provision in respect of the Aviation Security (EU Common Rules) Act 2011 and seven EU instruments. This body of legislation forms part of the regulatory framework governing aviation security in Gibraltar

Part 2 (regulation 2) amends the Aviation Security (EU Common Rules) Act 2011 to ensure that its provisions operate effectively as part of retained EU law by addressing deficiencies falling within section 8(2)(a) of the 2018 Act.

Part 3 (regulations 3 to 128) corrects retained direct EU legislation. For this purpose, it amends four EU instruments (Regulations 300/2008, 272/2009, 1254/2009 and 2015/1998) and revokes three EU instruments (Regulations 72/2010 and 2019/103, and Decision C(2015) 8005). Amongst other things, these Regulations remove redundant references to EU entities or concepts (e.g. Member States or the Commission) and reciprocal arrangements which will cease on exit day (e.g. the Union database holding information relating to EU wide entities providing cargo security).

Regulations 3 to 40 amend the provisions in EU Regulation 300/2008 to (amongst other things) ensure the continued availability of necessary legislative powers by replacing legislative powers conferred on the Commission (e.g. in Article 4) with powers to make regulations conferred on the Minister with responsibility for Civil Aviation.

Regulations 41 to 125 amend other EU Regulations (Regulations 300/2008, 272/2009, 1254/2009 and 2015/1998). Regulation 2015/1998 prescribes the detailed requirements governing matters such as passenger and baggage screening, access to secure areas of airports and the background checks which must be carried out in respect of airport staff who work in secure areas.

Regulation 126 revokes EU Regulation 72/2010. Regulation 127 revokes EU Regulation 2019/103. This regulation amends Regulation 2015/1998 and most of its provisions apply from 1st February 2019; the remainder of its provisions will not apply until 31st December 2020. These Regulations deal with those provisions which apply from 1st February 2019 but not those provisions which do not form part of retained EU law. Regulation 2019/103 is revoked because Article 2 (applicability) would be both in force and applicable at exit day and therefore retained in domestic law, but it would be redundant (since the provisions to which it refers are not retained in domestic law).

Regulation 128 revokes Commission Decision C(2015) 8005. The contents of this Decision are not published. It prescribes requirements corresponding to the detailed requirements set out in Regulation 2015/1998 which if available in the public domain would compromise the efficacy of the security measures applied at airports etc. (e.g. the detailed specification of screening equipment).

Part 4 (regulation 129) amends Annex 13 to the EEA Agreement to remove redundant references.