

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **B**
STRUCTURAL AND COHESION POLICIES

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**THE EU REGULATORY
FRAMEWORK APPLICABLE TO
CIVIL AVIATION SECURITY**

NOTE





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POLICY DEPARTMENT B: STRUCTURAL AND COHESION POLICIES

TRANSPORT AND TOURISM

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APPLICABLE TO
CIVIL AVIATION SECURITY**

NOTE

This document was requested by the European Parliament's Committee on Transport and Tourism.

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Abstract

This is the update of the June 2011 comprehensive digest of the EU legislation on aviation security. It reminds notably of the current obligations on the parties involved, the monitoring process or the international aspects. The note also sheds light on the regime which applies to liquids on board, to the cargo from third countries or to the financing of security measures which all give rise to recurrent significant debate.

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FOREWORD

This is the update of the digest of June 2011. Since then twelve regulations have entered into force - not to mention eight Commission decisions which are not published because they contain sensitive security information.

Actually, from March 2008 to April 2013 twenty four (published) regulations and twelve (not published) Commission decisions have been adopted to regulate civil aviation security. They all complement and amend each others. Thus, the Annex to Regulation 185/2010 has been amended fourteen times.

It is obvious that these rules must be regularly updated to address evolving risks and threats as well as technological changes. It is also obvious that the resulting regulatory framework is of a high complexity.

1. BASIC PRINCIPLES

Aviation security aims for the prevention of acts of unlawful interference, mainly by keeping threat items such as arms and explosives away from aircraft. It had been high on the agenda for decades when it turned into a major cause for concern following the terrorist attacks of September 2001. Since then, regulatory framework in this field has expanded considerably worldwide, either nationally or by means of international cooperation/agreements, or through the International Civil Aviation Organisation¹ (ICAO) and Annex 17 to the Chicago Convention and the related Universal Security Audit Programme² (USAP).

As for the European Union (EU), since 2001 it has developed an appropriate policy which is regularly updated to address evolving risks and threats as well as technological changes, and which is based on binding common standards and the following basic principles:

- Each Member State is responsible for the security of flights departing from its territory ("*Host State responsibility*" as set down by the ICAO).
- All passengers, staff, baggage shall be screened before boarding an aircraft. Cargo, mail and in-flight supplies shall also be screened before being loaded, unless they have been subjected to appropriate security controls.
- Member States retain the right to apply more stringent security measures if they consider it to be necessary.

2. KEY PROVISIONS OF THE CURRENT REGULATORY FRAMEWORK

2.1 Adoption process:

- The common rules and basic standards on aviation security, as well as mechanisms for monitoring compliance are adopted by the Parliament and the Council³.

- The general measures aiming at supplementing the common basic standards, by specifying the methods/processes/criteria to be implemented, are adopted by the Commission through the comitology procedure (*regulatory procedure with scrutiny*)⁴. For instance, the introduction of "body scanners" as an additional method of screening passengers falls into this category of measures⁵.

- The detailed measures needed for the implementation of the common basic standards and of the general measures supplementing them are adopted by the Commission through the

¹ The International Civil Aviation Organisation (ICAO) is the specialized agency of the United Nations established by the Convention on International Civil Aviation (also known as Chicago Convention) signed on 7 December 1944 and to which 191 States are currently contracting. The ICAO notably lays down "standards and recommended practices" to be enforced by the Contracting States but there is no binding mechanism to guarantee their full and proper application.

² Annex 17 to the Chicago Convention lays down standards and recommended practices for the protection of the security of international air transport. The Universal Security Audit Programme (USAP) was launched in 2002 to monitor ICAO Contracting States' compliance with these standards.

³ This is Regulation 300/2008, which entered into force on 29.4.2008 and applies in full since 29.4.2010.

⁴ These are Commission regulations 272/2009 (as amended), 1254/2009, and 18/2010.

⁵ Body scanners have been introduced by Commission Regulation 1141/2011 which amends Reg. 272/2009. They are currently deployed at some airports in the United Kingdom and the Netherlands.

comitology procedure (*regulatory procedure*)⁶. Minimum performance standards of "body scanners", for example, pertain to this category. It is worth noting that the implementing rules "which contain sensitive security information"⁷ are not published.

2.2 Scope:

- The common rules on aviation security apply to all EU airports open to civil aviation, to all operators providing services at these airports, including air carriers⁸, and to all other operators "applying aviation security standards" which provide goods or services to or through such airports⁹.
- The common rules cover all aspects of the air transport chain which can affect the security of the aircraft and/or the infrastructure: airport, aircraft, passengers, baggage, cargo, airport and in-flight supplies, security staff and equipment.

2.3 Obligations on Member States:

Each Member State shall:

- Designate a single authority which is responsible for coordinating, monitoring and enforcing the implementation of aviation security law.
- Draw up and implement a "national civil aviation security programme" which sets the roles and obligations of all operators concerned with the implementation of security law.
- Set up and implement a "national quality control programme" to determine the level of compliance from the operators with security law and to provide measures to correct deficiencies. Such programme shall notably fix the specifications as to security audits and inspections, including their frequency¹⁰.
- Impose penalties in case of infringements, through the above authority responsible for aviation security.
- Cooperate by any means with and provide assistance to the Commission when it conducts inspections to monitor compliance with EU rules on aviation security. They shall notably ensure that the notification of an inspection is kept confidential and make "qualified auditors" available to participate in Commission inspections¹¹.

⁶ These are Commission regulations 72/2010 and 185/2010 (as amended).

⁷ Reg. 300/2008, Whereas 16. These detailed measures take the form of Commission decisions. Since 2010 the Commission has adopted 12 such decisions.

⁸ It is important to note that pursuant to the rules applicable to cargo from third countries (i.e. Regulation 185/2010 as amended by, successively, regulations 859/2011 and 1082/2012) the air carriers concerned are subject to "on-site verifications" at foreign airports where EU-bound cargo is loaded/transferred. Third countries entities shall also be subject to such "on-site verifications" to be recognised as "EU aviation security validated" regulated agents or known consignors (Cf. footnotes 19, 56 and 57).

⁹ Pursuant to Point 1.0.3. of the Annex to Reg. 185/2010 the measures affecting the protection of airside areas can be "adjusted" at airport with very low volume of traffic.

¹⁰ The common specifications for the "national quality control programme" are set by Reg. 18/2010. Airports over 10 million passengers a year shall be subject to a "comprehensive" security audit at least every 4 years. In addition, at airports over 2 million passengers a year the security measures relating to airport, aircraft, passengers, baggage and freight shall be inspected at least every 12 months. Other airports and entities shall be inspected at a frequency set through risk assessments.

¹¹ National "qualified auditors" shall participate in inspections in other Member States than where they are employed. The related expenses are met by the Commission.

In addition, Member States may:

- Derogate from the common standards to adopt alternative measures providing an "adequate"¹² level of aviation security. Such derogations are to be based on a risk assessment and they are subject to very restrictive criteria relating to aircraft/operation involved¹³.

- Test security methods using new technologies which are not provided for by EU law¹⁴. The Commission shall make sure that such evaluations do not affect the overall level of security and do not go on after 30 months. For instance, it is on this basis that some Member States had decided to test "body scanners" before they were authorized at the end of 2011.

- Apply more stringent measures than the common standards, on the basis of a risk assessment and in accordance with EU law¹⁵. It is worth noting that the deployment of in-flight security officers is specifically left to the sole decision of the Member States, under no condition¹⁶.

2.4 Obligations on the operators concerned:

- All airports, air carriers, and other operators "applying aviation security standards" shall draw up and implement a "security programme" in order to comply with EU law and the national civil aviation security programme of the Member State in which they operate¹⁷.

- Airport security programmes shall be submitted to the national authority responsible for aviation security. The security programmes of air carriers or other operators concerned shall be submitted to this authority upon request.

- When an air carrier's security programme has been validated by the Member State which also granted the operating licence¹⁸ to that carrier, the latter is deemed compliant with the requirements for security programmes throughout the Union.

- As a general rule, all individual or legal entity the compliance of which with the applicable requirements has been validated by the Member State in which it operates (through an "EU Aviation Security Validation" as provided for in Point 11.6 of the Annex to Regulation 185/2010¹⁹) shall be recognised by all Member States.

¹² Reg. 300/2008, Art. 4(4).

¹³ These criteria are set by Reg. 1254/2009. Derogations can only apply when traffic is limited to helicopters, or to aircraft with a maximum take-off weight below 15 000 kg, or below 45 000 kg when flying with no fare-paying passenger and for the conduct of the owner's business, or to aircraft flying for specific purposes (law enforcement, fire fighting, research,...).

¹⁴ Part A of the Annex to Reg. 272/2009, and Point 12.8. of the Annex to Reg. 185/2010.

¹⁵ Article 6 of Reg. 300/2008. The Commission shall be informed unless the measures concerned are limited to a specific flight or date.

¹⁶ Reg. 300/2008, Whereas 8.

¹⁷ It is important to note that entities located in third countries shall comply with relevant EU rules in order to become an "EU aviation security validated" regulated agent or known consignor (Cf. footnotes 19, 56 and 57) (Point 6.8.4. of the Annex to Regulation 185/2010).

¹⁸ In the meaning of Article 2 of Regulation (EC) No 1008/2008 (OJ L 293, 31.10.2008).

¹⁹ The "EU aviation security validation" demonstrates the compliance of an individual or legal entity with relevant requirements of EU legislation on civil aviation security. It always includes an on-site verification. The "EU Aviation Security Validation" is performed by a national authority responsible for aviation security or "a validator approved as EU aviation security validator" by such an authority for a maximum period of five years. The approval is withdrawn by this authority if the validator no longer meets the appropriate requirements.

2.5 Monitoring by the European Commission:

- To monitor the implementation of EU law the Commission shall carry out unannounced inspections²⁰ of airports and operators concerned, in cooperation with the national authorities responsible for aviation security. These authorities shall also be inspected as well²¹. In this context Commission's inspectors can also simulate acts of unlawful interference to test the effectiveness of security measures²².
- A classified inspection report is sent within 6 weeks by the Commission to the national authority concerned which shall provide actions and deadlines to remedy any deficiency (if need be) within 3 months. The Commission may conduct a follow-up inspection to monitor rectification of deficiencies²³. It is worth noting that the competent authorities of all Member States are informed immediately by the Commission of any serious deficiency²⁴.
- The Commission shall regularly inform the Member States of the results of the inspections²⁵. In addition, it shall present an annual report on the implementation of common aviation security rules to the European Parliament, the Council and the Member States.

2.6 Cooperation with third countries:

- **Agreements between the Union and third countries:** Article 20 of Regulation 300/2008 states that provisions for the recognition of security standards could be "envisaged" in air services agreements concluded by the EU with third countries in accordance with Article 218 of the treaty on the functioning of the European Union (TFEU). So far this Article 20 has not been implemented.
- **Equivalence of standards:** To facilitate air transport and contribute to the (objective of) "one-stop-security" the Commission can recognize the equivalence of aviation security standards of third countries.²⁶ Such recognition is formalised through an amendment to Regulation (EU) No 185/2010. Thus, Commission Regulation (EU) No 983/2010 amends Regulation 185/2010 to stipulate that US security standards concerning aircraft, passengers, and cabin and hold baggage are equivalent to those applied in the EU²⁷. In

²⁰ The national authority concerned shall nevertheless be notified beforehand.

²¹ Reg. 72/2010, Art. 4.

²² Since 2004 the Commission carries out about 30 inspections per year.

²³ Reg. 72/2010, Art. 13.

²⁴ Reg. 72/2010, Art. 15.

Note: The common regulatory framework on aviation security also aims at enabling the implementation of the "one-stop security" concept so that transfer passengers and their baggage arriving from a Member State, or from a third country with a recognized equivalent level of security, are not re-screened at the airport of transfer. The legislation contains no specific provision about "the one-stop security" which is referred to as "a goal" (Reg. 300/21008, Whereas 20). In fact, "the one-stop security" ensues from the proper and comprehensive implementation of the common standards and the resulting mutual trust. It is therefore applied by the vast majority of the Member States, and has been extended to Switzerland, Norway and Iceland, and to flights from the US since April 2011. An agreement with Canada is currently under negotiation and could be concluded in 2013. Of course this concept does not match "more stringent measures" that can be applied by Member States.

²⁵ Through the Committee instituted in accordance with Decision 1999/468/EC.

²⁶ In accordance with Part E of the Annex to Reg. 272/2009.

²⁷ There is no other such agreement with a third country. Reg. 185/2010 was nevertheless also amended by Reg. 358/2010 to alleviate the regime applicable to the liquids loaded at the airports of some third countries.

addition, since June 2012 the US and the EU accept the equivalence of each other's air cargo security regimes, whether the cargo carried on all-cargo or on passenger flights²⁸.

- **Specific requests by third countries:** When a third country requests that flights from a Member State to or over its territory are the subject of measures differing from the common standards, it is up to the Commission to assess these measures and, if need be, to "draw up an appropriate response to the third country concerned" through the comitology procedure (*regulatory procedure*)²⁹.

2.7 Cooperation with the ICAO:

To avoid duplicating monitoring of Member States' compliance with Annex 17 to the Chicago Convention³⁰, the EU has concluded a Memorandum of Cooperation with ICAO in September 2008³¹. Under this agreement the latter only assesses, in each Member State, Annex 17 standards which are not covered by EU law - while the standards covered by the common rules are evaluated through an ICAO audit of the European Commission.

This cooperation has been widened through the Memorandum of Cooperation of March 2012 and its Annex on aviation security of March 2013.

3. PROVISIONS GIVING RISE TO SIGNIFICANT DEBATE

3.1 Liquids, aerosols and gels:

- Restrictions on carrying liquids, aerosols and gels (commonly referred to as LAGs) in hand luggage were introduced in 2006³² following the terrorist attempts at London-Heathrow concerning seven aircraft bound to the US. It was agreed then that the measures would be temporary, and reviewed regularly until technology allows liquid explosives to be detected through screening.

- Under the current regime³³ all LAGs in hand baggage shall be screened, with the exception of the following exemptions: (i) their volume is less than 100 ml and they fit into a 1 litre plastic bag; or (ii) they are to be used during the trip for medical or dietary requirements; or (iii) they have been obtained within the preceding 24 hours at certain secured areas of an EU airport or on-board an aircraft of an EU carrier and they are packed in a "security tamper-evident bag" (STEB) as recommended by ICAO³⁴. By virtue of Regulation 358/2010 (as amended), the LAGs sealed in STEB obtained at US or Canadian

²⁸ This is formalised through a Commission decision in accordance with Attachment 6F, Point 6-Fii, of the Annex to Reg. 185/2010.

²⁹ Unless the request is limited to a given flight or, if appropriate, the Member State concerned decides to implement the measures required on the basis of its right to apply more stringent measures.

³⁰ By means of the USAP.

³¹ In accordance with Article 8 of Reg. 300/2008.

³² Commission Regulation (EC) No 1546/2006 of 4 October 2006 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security (OJ L 286, 17.10.2006).

³³ Mainly set by Commission regulations 272/2009 (as amended by Regulation 245/2013) and 185/2010 (as amended by regulations 357/2010, 358/2010, 983/2010, 173/2012 and 246/2013).

³⁴ A "security tamper-evident bag" (STEB) is a transparent plastic bag that conforms to the recommended security control guidelines of the ICAO. In-flight and airport supplies of LAGs and STEBs are subject to additional security provisions in accordance with Commission Regulation 357/2010.

airports, or at some airports in Croatia, Malaysia or Singapore are also exempted from screening³⁵.

- In actual fact, in the absence of appropriate liquid scanning equipment LAGs which are not exempted from screening are confiscated. The law therefore also aims at progressively imposing the deployment at EU airports of methods, including technologies, for detection of liquid explosives. In 2010, Regulation 297/2010³⁶ thus introduced a two-step approach according to which all EU airports had to screen all LAGs and all restrictions had to be withdrawn by 29 April 2013.

- However, in 2011 it appeared that most of the Member States were not in a position/reluctant to implement the "first step", i.e. to modify the regime on LAGs from third countries³⁷. Moreover a lot of them let it be understood that they would maintain it unchanged on the grounds of their right to apply "more stringent measures"³⁸. In addition, it is worth noting that number of third countries including EU main aviation partners continue applying restrictions on LAGs. Considering this situation the Commission "advised" to defer the relaxing measure "for a limited period" and proposed to review it together with the Member States and in consultation with the United States³⁹. It also amended Regulation 272/2009 to "clean out" the legal confusion while maintaining the ultimate goal of 2013⁴⁰.

- In the course of 2012 it appeared that appropriate detection equipments would not be available at EU airports by April 2013. Consequently, the rules were amended again⁴¹ to introduce the following progressive approach:

- From 31 January 2014, at least LAGs obtained at an airport or on-board an aircraft and sealed in a STEB, as well as LAGs to be used during the trip for medical or dietary requirements⁴² will have to be screened.
- From the same date, LAGs carried by passengers could be exempted from screening with 'liquid explosive detection systems'⁴³ (LEDS) if their volume is less than 100 ml and they are packed in plastic bag of less than 1 litre, or if they are sealed in a STEB and purchased locally airside within the preceding 3 hours⁴⁴.

³⁵ On condition that they have been purchased airside within the preceding 36 hours. The exemption is due to expire on 30 January 2014 as provided for by Reg. 246/2013.

³⁶ Regulation 297/2010 amends Reg. 272/2009. It has been successively amended by Reg. 720/2011 and Reg. 245/2013.

³⁷ Pursuant to Reg. 297/2010, by 29 April 2011 LAGs obtained at third country airport or on-board an aircraft of a third country carrier had to be permitted into security-restricted areas and on-board aircraft on condition that they were packed in STEB, that they had been purchased airside or on board within the preceding 36 hours and that they were screened (according to implementing rules which were not published). According to the Commission at least 18 Member States were not in a position to implement the relaxing measure in time.

³⁸ Even if only 2 Member States formally informed the Commission pursuant to Article 6(2) of Regulation 300/2008 of their intention to maintain the existing regime as a "more stringent measure".

³⁹ Commission's Press Release MEMO/11/262 of 29.4.2011.

⁴⁰ Commission Regulation (EU) No 720/2011 of 22 July 2011.

⁴¹ Through Commission regulations (EU) No 245/2013 and (EU) No 246/2013 of 19.3.2013.

⁴² Including baby food.

⁴³ Standards for LEDS shall be set by the Commission in accordance with Point 12.7.2. of the Annex to Reg. 185/2010.

⁴⁴ In addition, from 31.1.2014 to 31.12.2015 exemption from screening could also apply to LAGs originating from another EU airport or an aircraft of an EU carrier under the conditions referred to in Point 4.1.3.1. (c) and (d) of the Annex to Reg. 185/2010.

3.2 Security costs:

- The current legislative framework let Member States decide the way aviation security costs are covered⁴⁵.
- Following its report on financing of February 2009⁴⁶ the Commission proposed a directive on aviation security charges⁴⁷ to ensure the application of key principles such as non-discrimination between carriers or passengers and cost-relatedness. The proposal however did not decide between public financing and user-pays principle, and let to subsidiarity to arrange who pays for security.
- The proposal is still awaiting Council's first reading position. Even if Member States do not seem in a hurry to come to a decision, on the whole they should not object to it.
- Yet in May 2010 the Parliament required Member States that apply more stringent measures than the common standards to bear the ensuing additional costs⁴⁸, which does not correspond to the position taken up by the Council up to now.

3.3 Cargo and Mail from third countries:

- The October 2010 incident involving explosive devices concealed in air cargo consignments transferring in Europe from Yemen to the USA has shown that EU rules on the security of air cargo and mail⁴⁹, and the way they were implemented, had to be enhanced as regards freight from third countries.
- In November 2010 the Commission therefore proposed an "Action Plan strengthening air cargo security" which called for new rules not only in the area of transfer cargo but on the whole question of air cargo brought into the EU from third countries - which is normally only subject to the requirements in place at the point of origin under the ICAO principle of "*Host State responsibility*". Right after that, discussions started with the Member States and the industry⁵⁰ about related draft measures.
- The rules on air cargo have been reinforced from February 2012 through Regulation 859/2011 which introduced the reference to "high risk cargo and mail" (HRCM) subject to specific provisions and also specific rules for cargo from third countries. These rules were reinforced again in November 2012 by Regulation 1082/2012 and cargo from third countries is currently subject to the following regime:
 - From February 2012 any carrier importing cargo from third countries into the EU⁵¹ shall be designated as an "air cargo or mail carrier operating into the Union from a third country airport" (ACC3) by the authority responsible for aviation security of the Member State concerned⁵². The carrier's security programme shall be adapted

⁴⁵ Reg. 300/2008, Art. 5.

⁴⁶ COM(2009) 30 final of 2.2.2009. The report on financing was required by Art. 22 of Reg. 300/2008.

⁴⁷ COM(2009) 217 final of 11.5.2009.

⁴⁸ Legislative Resolution of 5 May 2010 - P7-TA (2010) 0123.

⁴⁹ Notably Section 6 of the Annex to Reg. 300/2008, Parts A and F of the Annex to Reg. 272/2009, and Section 6 of the Annex to Reg. 185/2010.

⁵⁰ Within the "Air Cargo Working Group".

⁵¹ And Iceland, Norway and Switzerland.

⁵² The Member State concerned is determined in accordance with Point 6.8.1.1. of the Annex to Reg. 185/2010. It is worth noting that the ACC3 are granted by the national competent authorities but withdrawn by the Commission in case of non-compliance (Point 6.8.5.1.2. of the same Annex).

accordingly. The ACC3 is granted for a maximum period of 5 years, per carrier and per individual third country airport.

- From 1 July 2014 an "EU aviation security validation"⁵³ shall confirm the implementation of the appropriate security measures through, notably, on site verification at the third country airport(s) concerned⁵⁴ "before ACC3 designation is granted"⁵⁵. The appropriate authority concerned can extend the above deadline to 30 June 2016, under conditions, "where an EU validation security validation could not take place for objective reasons". Third country regulated agents⁵⁶ and known consignors⁵⁷ shall also be "EU aviation security validated".
- All cargo from third country shall be screened unless appropriately controlled by a "EU aviation security validated" regulated agent or known consignor (or by an account consignor⁵⁸ if not carried on passenger aircraft). Screenings and controls shall at minimum comply with ICAO standards and, from 1 July 2014, with the appropriate EU rules.

- It is important to note that the standards applied by ten or so third countries, in addition to the US (see Paragraph 2.6), are regarded as ensuring an equivalent level of air cargo security to that established by EU rules⁵⁹. Air cargo from these countries is therefore exempted from the "ACC3" system.

- It is also worth noting that in parallel with this regulatory reinforcement customs cooperation is developing internationally with the aim to collect/exchange information and better secure air cargo. While this is clearly a trade issue, it has important implications on transport security as it enables customs authorities to focus their attention on "less trusted" shippers. Thus, in May 2012 the EU and the US signed a mutual recognition agreement on safe traders to allow these companies to benefit from faster controls and reduced administration for customs clearance on both sides of the Atlantic from July 2012. [Mid-2012, on the European side there were some 5 000 (a number which is growing every year) companies concerned, i.e. those approved as Authorized Economic Operators (AEOs) under Regulation (EC) 1875/2006. On the US side there were more than 10 000 importers, brokers and carriers involved in the U.S. Customs-Trade Partnership Against Terrorism (C-TPAT) and the U.S. Customs and Borders Protection were considering expanding the program to include exporters]. This initiative for mutual recognition of the US C-TPAT and the EU AEO is consistent with EU policy with major trade partners across the globe: Switzerland, Norway, Japan and now the US mutually recognize their safe traders' status. A similar agreement is being explored with China. It is also in line with the White House's new "Global Supply Chain Security Strategy".

⁵³ Cf. footnote 19.

⁵⁴ Or "at a representative number of airports" in case the carrier concerned operates from several third country airports. The method of determining this "representative number" is set by Point 6.8.2.2. of the Annex to Regulation 185/2010.

⁵⁵ ACC3 granted from February 2012 without verification at third country airport will expire by 1 July 2014.

⁵⁶ "Regulated agent" means any entity that ensures security controls in respect of cargo or mail (Reg. 300/2008, Art. 3.26).

⁵⁷ "Known consignor" means a consignor that originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of cargo or mail on any aircraft (Reg. 300/2008, Art. 3.27).

⁵⁸ "Account consignor" means a consignor that originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo on all-cargo aircraft or mail on all-mail aircraft (Reg. 300/2008, Art. 3.28).

⁵⁹ This is based on experience/mutual trust/risk assessment, not on a formal mutual recognition of security standards. Up to now only US standards are accepted as equivalent to EU standards and the process of mutual recognition is ongoing with Canada and Australia.

4. OVERVIEW OF THE REGULATORY FRAMEWORK (MAY 2013)

4.1 Basic Regulation (Parliament and Council)

- 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).

4.2 Supplementing regulations (European Commission)

- 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), as amended by:
 - Commission Regulation (EU) No 297/2010 of 9 April 2010 (OJ L 90, 10.4.2010).
 - Commission Regulation (EU) No 720/2011 of 22 July 2011 (OJ L 193, 23.7.2011).
 - Commission Regulation (EU) No 1141/2011 of 10 November 2011 (OJ L 293, 11.11.2011).
 - Commission Regulation (EU) No 245/2013 of 19 March 2013 (OJ L 77, 20.3.2013).
- 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 (OJ L 338, 19.12.2009).
- Commission Regulation (EU) No 18/2010 of 8 January 2010 amending Regulation (EC) No 300/2008 of the European Parliament and of the Council as far as specifications for national quality control programmes in the field of civil aviation security are concerned (OJ L 7, 12.1.2010).

4.3 Implementing regulations (European Commission)

- Commission Regulation (EU) No 72/2010 of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security (OJ L 23, 27.1.2010).
- Commission Regulation (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 55, 5.3.2010), as amended by :
 - Commission Regulation (EU) No 357/2010 of 23 April 2010 (OJ L 105, 27.4.2010).

- Commission Regulation (EU) No 358/2010 of 23 April 2010 (OJ L 105, 27.4.2010).
- Commission Regulation (EU) No 573/2010 of 30 June 2010 (OJ L 166, 1.7.2010).
- Commission Regulation (EU) No 983/2010 of 3 November 2010 (OJ L 286, 4.11.2010).
- Commission Regulation (EU) No 334/2011 of 7 April 2011 (OJ L 94, 8.4.2011).
- Commission Regulation (EU) No 859/2011 of 25 August 2011 (OJ L 220, 26.8.2011).
- Commission Regulation (EU) No 1087/2011 of 27 October 2011 (OJ L 281, 28.10.2011).
- Commission Regulation (EU) No 1147/2011 of 11 November 2011 (OJ L 294, 12.11.2011).
- Commission Regulation (EU) No 173/2012 of 29 February 2012 (OJ L 59, 1.3.2012).
- Commission Regulation (EU) No 711/2012 of 3 August 2012 (OJ L 209, 4.8.2012).
- Commission Regulation (EU) No 1082/2012 of 9 November 2012 (OJ L 324, 22.11.2012).
- Commission Regulation (EU) No 104/2013 of 4 February 2013 (OJ L 34, 5.2.2013).
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