

EUROPEAN ECONOMIC AREA
STANDING COMMITTEE
OF THE EFTA STATES

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Brussels

**EEA EFTA COMMENTS ON THE PROPOSED REGULATION OF THE
EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING
COMMON RULES IN THE FIELD OF CIVIL AVIATION SECURITY**

EXECUTIVE SUMMARY

The EEA EFTA States welcome the Community initiative for establishing common rules in the field of civil aviation security and they can generally support the envisaged measures, including the provision on alternative security measures under specific conditions.

However, the actual drafting of the mentioned provisions on alternative security measures is not adequate from the point of view of the EFTA States. A number of small, regional airports would fall outside the scope of this provision. This could have the effect of rendering the operation of many regional air services and regional airports unviable in the EEA EFTA States. Hence, the EEA EFTA States suggest an amendment to Article 4.3. Alternatively, the EEA EFTA States will have to consider specific derogations from the Regulation.

COMMENTS

The EEA EFTA States welcome the Community initiative for establishing common rules in the field of civil aviation security as an important contribution to ensuring that an adequate and harmonious level of security is put in place in this field, for the benefit of the travelling public and society at large.¹

The EEA EFTA States can generally support the specificities of the envisaged measures, as set out in the body of the proposed Regulation and in the technical annex, including the clause providing for the adoption of alternative security measures where the specific measures set out in the technical annex would prove disproportionate or where they can not be implemented for objective practical reasons. In fact, the EEA EFTA States fully support the approach of providing for some flexibility where the concrete circumstances clearly speak against implementing the standard measures because they would only imply unreasonable costs and practical problems without appreciably improving the level of protection.

¹ COM (2001) 575 final, 10.10.2001

However, the actual drafting of this clause (Article 4.3), as it is set out in the Common Position agreed in the Council on 7 December 2001, is a matter of serious concern on the part of the EEA EFTA States. The way we read this provision, any airport that does not meet at least one of the criteria set out in Art. 4.3.a-c must implement the full set of standard measures set out in the technical annex. The problem is related to 3 small, regional airports in Iceland, as well as Reykjavik airport, and **24** small, regional airports in Norway where the local circumstances (volume and characteristics of traffic / air services, size and location of airport, etc) would, in our view, warrant the application of the flexibility clause. Most of these airports serve only local traffic within and to/from remote areas of these countries, and the risk of passengers coming from these local airports into hub airports without proper security checks is negligible. Nevertheless, these airports, for various reasons, do not meet any of the criteria specified in Art. 4.3.a-c. A preliminary assessment of the costs involved indicates that they would be prohibitive, without adding appreciably to the level of protection in real terms. The imposition of such requirements (and, hence, costs) on the airports in question, and by implication on the operators of the local air services and passengers travelling to/from these airports, would render the continued operation of the air services and possibly the airports themselves unviable. Hence, the consequences would be quite negative from a regional policy and cohesion point of view.

Under the circumstances, the EEA EFTA States urge the EU side to reconsider the scope of the flexibility provision in Article 4.3. Failing that, the EEA EFTA States will have to consider specific derogations relating to the airports in question when the Regulation is submitted for incorporation into the EEA Agreement. A proposal for an alternative text of Article 4.3, that would meet our concerns, is indicated below.

Article 4.3. : "The appropriate authority of a Member State may, on the basis of a local risk assessment, and where the application of the security measures specified in the Annex to this Regulation may be disproportionate, or where they can not be implemented for objective practical reasons, adopt national security measures to provide an adequate level of protection, at airports:

- (a) with a yearly average of 2 commercial flights per day; or
- (b) with only general aviation flights; or
- (c) with commercial activity limited to aircraft with less than 10 tonnes of Maximum Take Off Weight (MTOW) or less than **50 seats**,

taking into account the particularities of such small airports.

The Member State concerned shall inform the Commission of these measures."

More precise information on the local airports in question is set out in the Annexes.