

Mr Chairman,

I thank you for your letter of 26 September 2008 listing a number of issues for clarification in conjunction with the position to be taken by the European Parliament on the draft Commission Regulation CMT (2008) 262 supplementing the common basic standards on civil aviation security standards as laid down in the Annex to regulation (EC) n° 300/2008 and submitted by the Commission under the provisions of the Comitology procedure with scrutiny.

As regards the question of liquids and, more particularly, the requested review of the continued application of Regulation (EC) 1546/2006, I should point out that the whereas clause 2 of the Regulation already requires the Commission to carry out a review every six months. So far the Commission has undertaken four reviews and has on each occasion presented the results to the Regulatory Committee on Civil Aviation Security. These reviews are supported by regular re-assessments of the threat situation as well as by analysis undertaken jointly with security equipment manufacturers and experts in explosive materials (ECAC Technical Task Force).

In short, the conclusions reached by these reviews are that explosive liquids in the hand-luggage of passengers continue to pose a risk which cannot, at this stage, be reliably detected with the screening equipment currently deployed at most European airports. However, the assessment of the results of research and development undertaken by manufacturers of screening equipment and Member states' experts for explosives also leads to the conclusion that equipment capable of detecting dangerous liquids will be available for deployment at airports in the not too distant future and, possibly, before the end of the transitional period for the adoption of all implementing acts under Regulation (EC) n) 300/2008 (April 2010).

This assessment is based on the assumption that such equipment must not necessarily be able to detect "all possible liquids" posing a security threat. Instead, it is important, , that the detection capability as well as the efficiency of such new equipment (e.g. throughput at the screening points) meets certain minimum requirements yet to be determined.

In parallel, the Commission is examining the possibility of first introducing such new equipment at transfer points of big airports in order to remove the need for confiscating duty-free liquids arriving from third country airports at a much earlier date.

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I will not fail to inform the EP Committee on Transport and Tourism directly as soon as the ongoing review of Regulation (EC) 1546/06 allows the phasing in of less burdensome control procedures on liquids.

In relation to body-scanners, I can inform you that the results of trials with this new technology for screening of passengers undertaken in some Member States have shown very encouraging results in terms of detection capabilities as well as in terms of the potential for more efficient, less burdensome screening procedures. It is the intention of the Commission to allow the use of body-scanners only as an additional option for the screening of passengers, not as an obligation. It is nevertheless correct to say that some aspects such as impact on health and, in particular, questions of passenger privacy will need to be examined more closely prior to enacting any Commission Regulation on standards for such body-scanners. In this context, I appreciate that your letter draws my attention to possible options aimed at safeguarding passenger privacy in a satisfactory manner. My services will involve fully the independent European Data Protection Supervisor when developing rules for body scanners, so as to ensure that all concerns about such machines are addressed.

Also on this aspect I will not fail to keep the EP informed about ongoing developments. A special workshop with manufacturers and experts and open to members of the European Parliament for this new and promising screening technology might be organised at a later stage to ensure transparency prior to regulatory decisions.

Finally, your letter raises the issue of the offloading of hold baggage of so-called "no-show passengers". I would like to draw your attention to the fact that any change of current EU legislative requirements - which are, based, by the way, on rules issued by the International Civil Aviation Organisation (ICAO) - will require prior adoption of the proposal currently before the EP.

During the October meeting of the Regulatory Committee the airline industry will have the opportunity of making a detailed presentation on this issue. Immediately afterwards the Commission's services will continue and complete the analysis of this matter. I am willing to support a more flexible re-definition of the off-loading requirements, on condition, however, that the security goal is not unduly compromised and that any such re-definition is compatible with the obligations of Member States and Community in international fora (ICAO).

I take this opportunity to thank you for your support to the Commission's work towards a better balance between security requirements and the necessary simplification of rules. The adoption of Regulation (EC) 300/08 has been the first steps towards achieving this goal. Adoption of the so-called PRAC Regulation will be another element for achieving goals shared by the European Parliament and the European Commission.

Yours sincerely,

Antonio Tajani