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Subject: Aviation Security against Terrorist Threats
- Conclusions of the conference of 31 October 2012, Nicosia, Cyprus

Introduction

Under the Cyprus Presidency of the Council of the European Union, a conference on “Aviation security against terrorist threats” was held on 31 October 2012 in Nicosia.

This Conference, which was jointly organised by the Presidency and the Commission, brought together more than eighty security and law enforcement officials and experts from European member states and institutions as well as from the United States, including the Cyprus Counter Terrorism Coordinator, Dr. S. Himonas, the Chief of the Cyprus Police, Mr. M. Papageorgiou, the European Union’s Counter Terrorism Coordinator (EU CTC) Mr. G. de Kerchove and the European Commission’s Head of Representation to Cyprus, Mr. G. Markopouliotis.

The Conference's primary objective was to establish a common, "state of the art" perspective, shared by the European security, intelligence and law enforcement communities, on the progress achieved, on the current challenges and on the way forward to further improve the understanding, the prevention and the reduction of the terrorist threat against aviation security. Moreover, it aimed to promote the contribution that threat assessment specialists, but also numerous others, such as those specialised in explosives and in detection, can make to broader aviation security endeavours involving the aviation and aviation security communities. Participants consider that the terrorist threat against aviation remains significant - in Europe and beyond - notwithstanding the sustained and effective endeavours of public authorities and private operators.

The attack carried out on 18 July 2012 on a bus parked outside the Burgas airport in Bulgaria, which took the lives of six innocent people and wounded more than thirty others, was recalled as the most recent evidence of terrorists' persistent focus on aviation in Europe and throughout the world. The fact that this attack took place *outside* the Burgas airport, as has been increasingly the case elsewhere, was thought to confirm the fact that terrorists are finding it more and more difficult to breach or circumvent the measures in place to protect passengers in airports and in aircraft. It was also assessed that if the Burgas bomb had exploded onboard rather than in a bus, the number of victims could have been much higher. This incident confirmed the importance of protecting soft targets by aviation security, among other measures. Participants warmly welcomed the adoption by the Council on 26 October of its Conclusions on "the protection of soft targets from terrorist activities".

Dr. S. Himonas, Cyprus Counter Terrorism Coordinator, underlined that more measures should be taken in order to prevent and reduce the terrorist threat against aviation security. He welcomed and expressed his appreciation for the efforts made to expand the methodology to other areas of the aviation regime. He concluded by saying that the aim of the Presidency was to present Council Conclusions on aviation security against terrorist threats at the December JHA Council.

The next speaker was the Chief of Police, who mentioned that there was a need to work together collectively to improve the flow of information between the public and private sectors. He was in favour of an exchange of views and best practices with the private sector and with the competent national authorities in the Member States on how to protect soft targets. At the same time he pointed out that the terrorist threat against aviation remains significant and the Presidency is working to strengthen European security by bringing together law enforcement experts from MS.

The Head of the European Commission's Representation to Cyprus recalled that in late 2010, at the same time as the Council and the Commission were finalising the Internal Security Strategy (ISS), a major terrorist plot to bring down planes by means of explosives concealed in air cargo had been revealed and that the ensuing report by a high level group proposed that measures should be taken on the basis of novel risk assessment methodologies to be established.

This would lead – in accordance with the ISS – to policies which could rapidly adapt to evolving circumstances, including changing terrorist capabilities and intents. Mr. Markopouliotis considered that Europe needed to move towards more proactive threat and risk mitigation, changing from a reactive stance towards a proactive one, i.e. *"moving ahead of the threat"*.

The EU CTC recalled the 2010 High Level report on air cargo security. This report had brought the transport and the security community closer together and the cooperation had reached a new level. Through this report the EU had reacted to the new threats against aviation security and laid the ground for risk assessment, closer integration of different data (customs, JHA and transport) and for PPP. He welcomed the initiative by the Commission and Member States to establish a risk assessment mechanism, but emphasized the need to do more on land transport security and on soft target protection (for example, in terms of airport infrastructure outside the secure zone). He also highlighted the need to do more for the information exchange with the industry (formalise the exchange and provide a trusted environment for exchanging sensitive information). To counter the threat we would also have to further increase the cooperation with third countries such as the US. In this sense he welcomed the agreed mutual recognition between the EU and the US on air cargo.

Session 1: The assessment and management of aviation security risks

The primary aim of Session 1 was to examine and analyze the possible extension of the application of the risk assessment and management methodology, hitherto applied to air cargo and liquid explosives, to other domains within the current EU aviation security regime and the priorities and modalities of that extension.

The session built on a preparatory meeting held on 3 October 2012 in Brussels by DG Home Affairs' Strategic Analysis and Response centre and the EU Intelligence Analysis Centre (EU "INTCEN") which assessed the previous instances of application of the Risk Assessment methodology and gathered the views of eleven Member States.

The session started with a joint presentation by Mr. Gert Vercauteren, from the Belgian Coordination Unit for Threat Analysis and Mr. Phil Williams from the UK Department for Transport on the "EU threat and risk assessment methodology". The United Kingdom and Belgium provided an overview of the current EU threat and risk methodology. They covered the principles and definitions that had been agreed; how threats and vulnerabilities were addressed and scored; the results to date on in-bound cargo and liquid explosives; possible future improvements; and how this compared with analogous work in ICAO. By way of conclusion they stressed the fundamental importance of risk assessment to inform risk management and supported the future application of the methodology to other areas of the aviation security regime.

This was followed by two presentations on the management of aviation security risks, respectively by Ms. M. Strohscheider, Directorate general for Transport of the European Commission and by Mr. A. Lemessianos, Cypriot Civil Aviation Authority. These presentations underlined that the aviation security community welcomes the EU risk assessment process. It provides a stable and generally agreed basis for targeted security measures and helps to render them more effective – sustainable, viable and objective intelligence must contribute to this process.

Increasing detection capacity through a risk-based approach allows high levels of security to be maintained with limited overall resources. Moreover, a risk assessment may help identify ineffective or unnecessary security measures. Unpredictable controls and innovative technology (e.g. advanced cabin baggage screening equipment capable of detecting both liquid and solid explosives) will further assist in increasing the efficiency of aviation security.

Participants noted that the methodology had been developed with wider application in mind and highlighted the importance of its ongoing implementation in air cargo and liquid explosives.

It was however noted that in both cases the application of the methodology was reactive, in response to specific terrorist incidents. Participants considered that it was not possible to optimize risk mitigation measures without fully considering the risks posed by alternative methods of attack which, while having not been used or attempted by terrorists, could constitute viable alternatives. There was consensus on the need for the EU to move from a reactive stance towards a proactive one: to move ahead of the threat.

The EU INTCEN representative confirmed that the EU INTCEN, in keeping with their specific tasks identified in the Report on strengthening air cargo security issued by the High Level Working Group, would continue to fully support the methodology. In this regard, the release of a new assessment of the terrorist threat against civil aviation was announced for the first half of 2013.

Participants considered however that the extension of the methodology and its application to other domains of aviation security should build on the results of the implementation in respect of air cargo and liquid explosives. Likewise, they highlighted the difficulty of translating risk assessment outputs into effective and viable regulatory solutions.

There was also consensus on the view that the application of the methodology to other areas should proceed in a gradual and phased manner.

An exchange of views on the possible scope of the methodology showed consensus on the view that the methodology itself should be examined and modified as required, in particular concerning assessment of impacts, so as to be applicable to other domains of EU aviation security regime that Member States would agree upon.

Participants underlined the importance of reaching, in advance, a common, consensual and precise definition of the remit for the envisaged extension of the methodology. Likewise, the need for coherence and mutual reinforcement between EU and national threat and risk assessments and management methods and practices was highlighted.

Session 2: "Land Side Security"; soft targets in the aviation context

The purpose of the second work session was twofold. Firstly to improve the understanding of the terrorists moving from hard to soft targets and secondly to analyse how best the EU can support MS.

On the first issue, the Conference noted the specific classified threat assessment on threats against soft targets established by the EU INTCEN at the request of the Presidency.

As regards the EU's contribution to soft target security, the adoption by the Council on 25 October of its conclusions on soft targets were warmly welcomed. The conclusions emphasized the need to maintain an open and accessible society while protecting soft targets and highlighted the need for various approaches to be developed through carrying out effective vulnerability assessments. These conclusions invited MS to examine and, as appropriate, implement eight different types of measures aimed at improving security for soft targets.

As regard aviation-related soft targets, the role of Airpol – which was established by a Council decision in 2010 – was highlighted.

The session started with a presentation by Spain of the CNCA – Analyst Department. The presentation showed that the threat was real in general terms, and specifically against land side targets. This type of attack started many decades ago. Such attacks have been conducted in different countries in Europe and elsewhere by different types of terrorist organizations. Terrorists constantly search for vulnerabilities and therefore target selection varies constantly. Spain has long experience of this type of attack and based on the resultant knowledge has established an effective policy which has made it possible to defeat ETA.

This was followed by two presentations on “EU activities – Airpol’s role”. The aim of the presentations was to present a clear view of Airpol's network and its activities. In the near future Airpol will develop a project in four phases to pool good practices on how to better protect soft targets in the EU.

As Spain pointed out, the number of terrorist attacks worldwide against aviation – both “airside” and land side” has decreased since the 70’s from about one or two per month to the current rate of one or two per year. This trend does not mean a decrease in terrorist interest – on the contrary – but rather an increase in the effectiveness of terrorism prevention by security and law enforcement authorities. This appears to be fundamental, especially as regards soft targets. While different types of measures are required, including protective ones, the key to soft target protection resides in effective detection, investigation and neutralization of terrorist plots. This in turn requires close cooperation and coordination of efforts at national and international levels and the necessary legal and technical resources.

As regards protection, the conference noted the work underway in the Airpol context, and the fact that a dedicated workshop would take place on 5 and 6 December 2012 – still under the aegis of the Cyprus Presidency. This process, which will culminate at the Airpol’s Congress in 2014 – which will be devoted to soft targets – will enable the pooling of good practices, the establishment of guidelines and the assessment at European level of different measures which can in turn be adapted to local “land side” conditions at different airports throughout the Union’s Member States.

Session 3: Public Private cooperation with regard to terrorist threats

The objective of Session 3 was to examine public-private cooperation with regard to terrorist threats.

The session started with a presentation by Bruno Foussard, chief of the Interagency Mission for Aviation Security within the French Secretariat for Defence and National Security. Colonel Foussard underlined the importance of the risk-assessment-based approach as the cornerstone of public-private partnership and then described the French perspective in terms of security actors and processes. He then concluded by mentioning the different processes in place in terms of public-private interaction regarding the terrorist threat.

This presentation stressed the importance of the Member States' actively developing a risk assessment approach in order to reinforce the European ability to move from a reactive mindset to a preventive capacity. However, although an effective, comprehensive risk assessment is critical to reach that goal, it cannot be efficient without fluid top-down and bottom-up communication, and without active cooperation within the State and between the private operators.

This was followed by two presentations which gave another public sector perspective, respectively by Mr. N. Carvalho, SIS and by Police Inspector G. Gabriel, Cypriot Directorate of Airports Security.

The first presentation provided the Portuguese assessment of the importance of intelligence in aviation security. It acknowledged the issues and tried to demonstrate the current state of intelligence for AVSEC. It also covered the approach that has been given to this correlation with a special emphasis on the Portuguese framework regarding the intelligence flow between all the aviation stakeholders, including the private sector. It emphasized the need for communication from intelligence services to the private sector, as well as from the private sector to CAA and intelligence and security services.

Although he stressed that intelligence has an important role in preventing new attacks and foreseeing new threats, Mr. Carvalho noted that the weight of major security incidents is negatively impacting the current security measures. He concluded by stating that the highest possible level of security is achievable by a proper threat assessment followed by risk management, while striking a balance between the cost and the consequences of an possible failure.

The second presentation described the different actors involved in the Cyprus airport security chain and the links between them. Mr. Gabriel explained how a threat is taken into account at the national level and translated locally to the private sector through threat management actions, everyday practice and standard operating procedures.

The last presentation proposed a private sector perspective through the eyes of “Hermes Airports Ltd.”, represented by its Security Sen. Officer, Mr. Erotokritos Protopapas. It demonstrated how risk assessment translates into concrete security measures and processes, led by the private sector.

Two main findings from these presentations are worthy of note.

First, a proper predictive capacity relies upon credible, comprehensive, and reliable intelligence collection, analysis, and evaluation at the national level. The translation of this evaluation into regulation, long term actions, and emergency measures depends on the ability of the different security actors involved to exchange information pragmatically, on a need-to-know basis. This can only be done if there are effective channels of communication, processes, and mutual understanding at the public level, at the private level, and between the public and the private sector.

Second, although cooperation is critical to improve security, it should not mean to giving the green light to the private sector to come up with their own solutions. The initial development of public-sector risk assessment is essential, firstly to properly disseminate an intelligence-based threat assessment, and secondly to guide private-sector investment.

Closing Session

On the basis of the panel presentations and discussions, the EU CTC, Mr. de Kerchove, highlighted four key issues:

- The first instances of the application of the Internal Security Strategy's risk management approach to aviation security were very promising. While it is not possible to determine if they have improved security as such, it is clear that the process was effective in bringing together the key aviation and security actors at national and EU level, enabling the joint elaboration of intelligence-based security measures. This process needs to move forward. Maintaining that momentum will be very important for the implementation of the ISS approach but especially for aviation security itself. What could the next step be? - *perhaps the EU should focus on the passenger* – analyzing all the security risks which relate to passengers so as to elaborate security measures which maximize aviation security while optimizing control measures, facilitating air transport and improving passenger experience. The CTC welcomed this conference as an important step to move from reaction to anticipation, i.e. moving *ahead of the threat*;

- On aviation-related soft targets, it was clear that the EU was already moving in the right direction even before the Burgas attacks. The adoption of Council Conclusions on soft targets should help to strengthen this work which is conducted mainly at national level but, in particular through AirPol, draws on Europe-wide cooperation. Valuable work will be conducted by AirPol over the coming two years, starting at a dedicated workshop in December 2012, which will lead to an even more systematic pooling of best practices and elaboration of expert advice;

- The experience shared in the third panel by Cyprus and Portugal was highlighted as demonstrating both the need and the potential for public-private cross-fertilization. Good practices exist in many Member States, such as the Centre for the Protection of National Infrastructure in the UK. However, outside a few areas such as cyber security, there remains much to be done to improve cooperation. Operators still express frustration at insufficient information on threats but also at the lack of clarity about – and guarantees for – incident reporting. The results of the third panel, which highlighted the importance of public lead risk assessment as a basis for cooperation, offered a novel, promising approach to the issue.

- Regarding international cooperation, the CTC noted that it was important for the EU to contribute to strengthening multilateral control regimes, in particular ICAO. A visible improvement of cooperation with key international partners, notably the US, was also mentioned, in particular as regards mutual recognition in the air cargo domain and close coordination on detection. These positive developments need to be encouraged, maintained and extended. The EU CTC suggested joint cooperation on the international supply chain and an increase in international cooperation (in international forums like ICAO, the standard setting organization) but also cooperation with Third States. For instance, more joint effort with the US on capacity building in the field of aviation security is needed, to provide high risk countries with a perspective on, and the means to counter, the threat emanating from their territory. He also invited the EU, Member states and the US to better combine their efforts in the field of research into detection technology and certification.

Mr. Lee Kair, Regional Director for Europe and Africa at the Transportation Security Administration of the United States, agreed with the positive assessment of the current situation and the prospects for EU/US cooperation on aviation security. The 2011/2012 period saw an unprecedented degree of cooperation exemplified by mutual recognition on air cargo. The US is now regularly supplying the Commission and the European Civil Aviation Conference with classified information up to SECRET. The two sides are now working together to bring about a consolidated approach to flights to the US: the ambitious objective is to establish one-step controls on US-bound flights. This will be complex and demanding, and in some cases physical changes to the design of terminals may be required.

There are opportunities and needs for closer cooperation in many different areas. Work underway in Europe to develop certification standards for video monitoring is welcomed by the US. That said, important challenges remain: different detection equipment specifications on either side of the Atlantic lead to delays in bringing solutions to market and higher costs.

There is a need to reconsider advanced image technology which has now addressed the previous concerns about privacy and health. Trace detection will be key in both the US and Europe in addressing the key concern of non-metallic explosives. The US therefore warmly welcomed this Conference which focused on the insight of security practitioners and the EU focus on basing solutions on risk assessments which allow better targeting of efforts to meet rapidly changing threats.

Prospects

The Presidency announced its intention, given the importance of the work underway and the wealth of the contributions and discussions at this Conference, to lead the preparation and adoption of Council Conclusions renewing political impetus and providing guidance for the further reinforcement of aviation security.
