



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 July 2012

12431/12

LIMITE

**AVIATION 110
RELEX 658**

"I" ITEM NOTE

from: General Secretariat
to: COREPER

No. prev. doc.: 12192/12 AVIATION 109 RELEX 637

Subject: Preparation of the ICAO High Level Conference on Aviation Security (Montreal, 12-14 September 2012)
- European Union coordination of a common position

1. In preparation for the ICAO High Level Conference on Aviation Security in Montréal on 12-14 September 2012, the Commission services presented to the Working Party on Aviation a set of six European working papers to be submitted to the above-mentioned conference.
2. The draft working papers have been drafted in consultation with Member States representatives participating in the EU Regulatory Committee for Civil Aviation Security, Directors General of Civil Aviation and the European Civil Aviation Conference (ECAC). The working papers are expected to reflect the intentions already expressed in the document outlining the 'Objectives for outcome of ICAO High Level Conference on Aviation Security' (Annex I) which had been previously endorsed by the European Directors General of Civil Aviation.

3. The Aviation Working Party examined the six draft working papers on 9 July 2012. Following a suggestion of the FR delegation, in the first working paper (Agenda item 1) the words "as swiftly as possible before the next Session of the Assembly" were added to the last line of the paper. Having agreed on this addition, the delegations then indicated that they can, in principle, accept the text of the working papers.

4. In the light of the above, COREPER is invited to approve the text of the six working papers set out in the annexes to this document and to endorse the recommended EU position, so that they can be sent to ICAO in good time to allow for the necessary preparation of the conference in September.



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WORKING PAPER**ICAO HIGH LEVEL CONFERENCE ON AVIATION SECURITY****Montréal, 12 to 14 September 2012****Agenda Item 1: Combating the Insider Threat****AVIATION SECURITY**

(Presented by the European Union and its Member States¹ and by the other Member States² of the European Civil Aviation Conference)

SUMMARY

This Working Paper on Aviation Security considers pertinent issues to agenda item 1: Combating the Insider Threat. This item was considered by the Aviation Security Panel at its last meeting in March 2012 which has facilitated and advised upon the way forward. Action by the HLCAS is in paragraph 2.

1. INTRODUCTION

- 1.1 Addressing insider vulnerabilities is necessary. The specific knowledge of, and authorised access to critical infrastructure and systems by, people other than passengers that are working in civil aviation can present particular vulnerabilities in civil aviation security; sometimes referred to as 'insider threat'. People other than passengers may either be directly involved in an act of unlawful interference or facilitate it by providing sensitive information or access, knowingly or otherwise by force, free will or corruption.

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, and Ukraine.

1.2 All people other than passengers should be subject to screening and security controls with the objective of detecting prohibited items (such as weapons and explosives, as listed in the ICAO Aviation Security Manual; Doc 8973/8 RESTRICTED), prior to entering the security restricted areas of airports. This principle should be established as an international baseline security requirement for effectively mitigating risks potentially presented by insiders due to their respective roles in civil aviation, and reflected in an ICAO Standard, related guidance material, and the interpretative material used for audits under the Universal Security Audit Programme (USAP).

2. ACTION BY THE CONFERENCE

2.1 The Conference is invited to:

- a) acknowledge that the roles of people other than passengers that are working in civil aviation can present particular vulnerabilities that should be addressed;
- b) endorse the Standard put forward by the AVSEC Panel at its 23rd meeting (March 2012) and endorsed by the Committee on Unlawful Interference (May 2012);
- c) invite the Council to adopt the Standard through an amendment to Annex 17 (Security) to the Chicago Convention, **as swiftly as possible before the next Session of the Assembly.**



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WORKING PAPER

ICAO HIGH LEVEL CONFERENCE ON AVIATION SECURITY

Montréal, 12 to 14 September 2012

Agenda Item 2: Enhancing Air Cargo Security

AVIATION SECURITY

(Presented by the European Union and its Member States¹ and by the other Member States² of the European Civil Aviation Conference)

SUMMARY

This Working Paper on Aviation Security considers pertinent issues to agenda item 2: Enhancing Air Cargo Security. This item was considered by the Aviation Security Panel at its last meeting in March 2012 which has facilitated and advised upon the way forward.

Action by the HLCAS is in paragraph 2.

1. INTRODUCTION

- 1.1 Improvements to the global aviation security system by enhancing air cargo and mail security are required. Additional security measures have been implemented by some ICAO Member States in the aftermath of the attempts, in 2010, to sabotage aircraft by concealing improvised explosive devices in consignments shipped as air cargo out of Yemen.

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

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Europe has enhanced the security of air cargo and mail by requiring security controls on inbound cargo and mail being flown into its territory in addition to the previously implemented robust supply chain system for outbound cargo and mail.

- 1.2 The air cargo and mail industry is highly integrated across borders, and as such requires harmonised security rules across borders, even more so than passenger traffic. In turn, harmonisation can help achieve equivalency of respective security regimes and thus pave the way for achieving mutual recognition between ICAO Member States.
- 1.3 Now, ICAO needs to act swiftly in this domain to mitigate the threat to air cargo and to avoid contradictory or incompatible approaches by signalling to ICAO Member States the way forward in this domain. That way forward should include adopting expediently robust international Standards for air cargo security.
- 1.4 Enhancements to existing cargo and mail requirements should be based on supply chain security or physical security controls. ICAO's Working Group on Air Cargo Security has brought forward key elements, such as the definition of “high risk cargo”, enhanced security controls for “high risk cargo”, and the strengthening of measures for cargo on board all-cargo aircraft. These elements should form the new international baseline for the establishment of Standards for air cargo and mail security.
- 1.5 In parallel to the adoption of enhanced SARPs for cargo and mail, ICAO should urge Member States to ensure effective implementation of cargo and mail security measures.
- 1.6 Finally, to enhance air cargo and mail security and to strengthen the aviation security globally and in a collaborative manner, closer cooperation and harmonisation with other supply chain security authorities (for example WCO, UPU) are needed. The new ICAO standards should therefore inter alia, where possible, harmonise the respective requirements for Authorized Economic Operators, regulated agents and known consignors in order to promote synergies between the instruments and the security programmes of those authorities, to avoid duplication, and to reduce costs for the industry. Ongoing discussions and pilots conducted by customs authorities with industry on advance electronic cargo information for security purposes should be followed closely and pilots' outcomes considered in cooperation between the different organisations.

2. ACTION BY THE CONFERENCE

2.1 The Conference is invited to:

- a) endorse the key requirements for enhancing air cargo and mail security advanced by ICAO's Working Group on Air Cargo Security;
- b) underline the urgency of bringing new Standards for enhancing air cargo and mail security into effect by inviting the Council to adopt such Standards as soon as possible through an amendment to Annex 17 (Security) to the Chicago Convention.



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WORKING PAPER**ICAO HIGH LEVEL CONFERENCE ON AVIATION SECURITY**

Montréal, 12 to 14 September 2012

Agenda Item 3: Ensuring the Sustainability of Aviation Security Measures – Equivalence**AVIATION SECURITY**

(Presented by the European Union and its Member States¹ and by the other Member States² of the European Civil Aviation Conference)

SUMMARY

This Working Paper on Aviation Security considers pertinent issues to agenda item 3: Ensuring the Sustainability of Aviation Security Measures – Equivalence. This item was considered by the Aviation Security Panel at its last meeting in March 2012 which has facilitated and advised upon the way forward.
Action by the HLCAS is in paragraph 2.

1. INTRODUCTION

- 1.1 Sustainability of aviation security measures can have different meanings. Europe understands sustainable aviation security measures to be those that are efficient, risk-based, and cost-effective and that avoid undermining passenger convenience and duplication of security controls.

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

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Facilitation and cost

- 1.2 A balance is required between, on the one hand, applying security measures to mitigate identified threats, and on the other hand, the essential task of facilitating operations, passengers' experience and trade. Security should not accumulate layer upon layer of controls and associated costs, but should rather ensure the sustainability of the system from the perspectives of cost, efficiency, and acceptability by passengers and air transport operators, which should be a central consideration when designing security processes.
- 1.3 Furthermore, it should be noted that for the most part, terrorist attacks and plots over the last decade have set their sights on overcoming security measures implemented at passenger security checkpoints. Security measures put in place to address those threats have sometimes had negative impacts on passenger facilitation and as such the expedience of air travel for passengers. To achieve sustainability in this regard, such negative impacts need to be addressed by the re-thinking of the passenger security process that simultaneously accomplishes security objectives and delivers travel convenience.

One Stop Security

- 1.4 Another means of achieving sustainability is at transfer points where security controls are known to have been performed effectively at the point of origin. In such a scenario, the concept of 'One Stop Security' should be advanced, where ICAO Member States, by virtue of recognising the equivalency of each other's aviation security regimes, can allow incoming passengers, baggage and cargo to transfer onto a connecting flight without being subjected, once again, to the same security controls as at the point of origin. The conclusion of such 'One Stop Security' arrangements remains an issue to be addressed Member State to Member State.

1.5 Presently, Annex 17 only explicitly allows such arrangements to be concluded in respect of certain security controls. In those cases, such arrangements must be supported by the Member State in question establishing a validation process and continuously implementing procedures, in collaboration with the other State to ensure that the application of security controls at the point of origin is accompanied by subsequent protection measures against unauthorised interference up until the aircraft departs from the transfer point. This principle should be clarified as being potentially applicable to all security controls related to the onward carriage of passengers, baggage, cargo and mail.

Mutual recognition

1.6 A further means of achieving sustainability is to advocate the reciprocal acceptance of equivalent security measures across the board, with due regard to the principle of host State responsibility, as envisaged by the Chicago Convention. In that respect, the need for any one State to require extra security measures of another State can be avoided by working together to align international requirements to the global threat environment. This approach should be reflected in Annex 17 (Security) to the Chicago Convention.

1.7 Furthermore, without prejudice to States' freedom to take measures where this is judged necessary by situations that constitute an immediate threat to civil aviation, there is a need to have a co-ordinated response to security incidents or specific threats. This means taking into account the aviation security measures implemented by any given State which may achieve the same security outcome, and thus be recognised by other States, and working through ICAO to strengthen international Standards and Recommended Practices that can address vulnerabilities in the aviation security system on a global scale. Both these approaches serve to discourage States from undertaking unilateral initiatives by making such initiatives redundant, as well as avoiding the application of duplicate or conflicting security requirements being advanced by individual States.

2. ACTION BY THE CONFERENCE

2.1 The Conference is invited to:

- a) encourage the conception of aviation security systems that deliver improved travel experience for passengers, greater facilitation of operations, and cost-effectiveness;
- b) advocate that Annex 17 (Security) to the Chicago Convention be further conceived to allow mutual recognition of ICAO Member States' aviation security regimes and thus allow for the delivery of 'One Stop Security';
- c) acknowledge the principle of host State responsibility for aviation security and to that end to work together to address threats to international civil aviation by developing Standards and Recommended Practices through ICAO.



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ICAO HIGH LEVEL CONFERENCE ON AVIATION SECURITY

Montréal, 12 to 14 September 2012

Agenda Item 4: The Evolution of the Aviation Security Audit Process

AVIATION SECURITY

(Presented by the European Union and its Member States¹ and by the other Member States² of the European Civil Aviation Conference)

SUMMARY

This Working Paper on Aviation Security considers pertinent issues to agenda item 4: The Evolution of the Aviation Security Audit Process. This item was considered by the Aviation Security Panel at its last meeting in March 2012 which has facilitated and advised upon the way forward.

Action by the HLCAS is in paragraph 2.

1. INTRODUCTION

- 1.1 The effective implementation of ICAO Standards is often a challenging task for ICAO Member States. As such, a number of tools is required to support Member States' efforts in ensuring that international rules are applied in a wide and effective manner.

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, and Ukraine.

- 1.2 ICAO's Universal Security Audit Programme (USAP) is an effective means of monitoring the implementation of ICAO Standards and requiring corrective action to be taken where necessary. However, with the future of the USAP under discussion for the forthcoming third cycle of security audits, it is important to build upon experience accrued to date. The USAP should become an even more effective tool for overseeing implementation of international Standards by designing its activities in such a way as to better target capacity building initiatives. Such a goal would mean sharing information on implementation challenges faced by ICAO Member States.
- 1.3 Furthermore, the next cycle of USAP audits, which is due to start in 2014, should be conducted in a manner that is risk-based, and reflects the oversight capability of individual States and regions. In principle, it should be characterised by a combination of: (i) security audits to be conducted on-site directly by ICAO and (ii) continuous monitoring by ICAO Member States which would report on their oversight activities to ICAO.
- 1.4 The programme of audits and continuous monitoring would be achieved by applying criteria to measure the risk in any given State with respect to, for example, oversight capabilities, compliance history (i.e. the findings from the first two cycles of the USAP security audits), the commonly understood nature of the threat, and the effectiveness of any corrective action taken following previous audits.
- 1.5 However, in advance of application, the details of these elements (e.g. the selection criteria to determine which States will be subjected to audits and those for which the continuous monitoring approach will apply) would need to be developed in consultation with ICAO Member States. Experience from ICAO's Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) should be taken into account, in particular with regard to its efficiency and effectiveness.

2. ACTION BY THE CONFERENCE

2.1 The Conference is invited to:

- a) request the Council to conceive the next cycle of the USAP in a manner that assists capacity building initiatives target their efforts;
- b) invite the Council to ensure that the next cycle of the USAP is characterised, in principle, by on-site audits on the one hand and continuous monitoring on the other hand, in order to reflect in a risk-based manner, the implementation and oversight capability of individual States and regions.



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ICAO HIGH LEVEL CONFERENCE ON AVIATION SECURITY

Montréal, 12 to 14 September 2012

Agenda Item 5: Capacity-Building and Technical Assistance

AVIATION SECURITY

(Presented by the European Union and its Member States¹ and by the other Member States² of the European Civil Aviation Conference)

SUMMARY

This Working Paper on Aviation Security considers pertinent issues to agenda item 5: Capacity-Building and Technical Assistance. This item was considered by the Aviation Security Panel at its last meeting in March 2012 which has facilitated and advised upon the way forward. Action by the HLCAS is in paragraph 2.

1. INTRODUCTION

- 1.1 Efforts to reinforce global security standards shall be accompanied by appropriate capacity building initiatives in order to ensure proper implementation of the relevant ICAO SARPs, presented in Annex 17 (Security) and Annex 9 (Facilitation) to the Chicago Convention.

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, and Ukraine.

- 1.2 For capacity building initiatives to be efficient, a partnership approach is crucial. That requires proper communication between the different partners as regards the assessed needs. For example, USAP security audit findings could usefully be considered in this framework.
- 1.3 ICAO has an important role to play in facilitating international coordination between regards providers and recipients of capacity building initiatives. This way, the best use of limited resources can be promoted and duplication of efforts avoided.

2. ACTION BY THE CONFERENCE

- 2.1 The Conference is invited to:
- a) request ICAO to act as facilitator to co-ordinate capacity building initiatives by assisting ICAO Member States and organisations identify their respective needs and resources;
 - b) encourage ICAO Member States to communicate relevant information on implementation of ICAO Standards to assist in defining efficient capacity building initiatives.



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WORKING PAPER**ICAO HIGH LEVEL CONFERENCE ON AVIATION SECURITY****Montréal, 12 to 14 September 2012****Agenda Item 6: Driving Technology Developments and Innovation****AVIATION SECURITY**

(Presented by the European Union and its Member States¹ and by the other Member States² of the European Civil Aviation Conference)

SUMMARY

This Working Paper on Aviation Security considers pertinent issues to agenda item 6: Driving Technology Developments and Innovation. This item was considered by the Aviation Security Panel at its last meeting in March 2012 which has facilitated and advised upon the way forward. Action by the HLCAS is in paragraph 2.

1. INTRODUCTION

- 1.1 Technology and innovation in aviation security is an indispensable weapon against terrorism. Today, operators are increasingly looking at reliable, accurate and efficient technological solutions for their detection, deterrent, and automation qualities.

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, and Ukraine.

- 1.2 With regard to liquid explosives, ICAO Member States have a responsibility to take action to address that threat, and in that respect, international obligations should be clarified, as necessary, to ensure that security controls, such as restrictions or screening, conceived by ICAO are implemented to mitigate that threat. In order to return to the situation before 2006 when the restrictions first came into effect, and thus allow passengers to travel with benign liquids but whilst being able to detect liquid explosives, a technological solution is required. With the increased availability of equipment for screening cabin baggage for liquids explosives – tested to meet standards set in various jurisdictions – and following increased operational experience with the deployment of such equipment at airports, ICAO Member States should move towards deploying such equipment.
- 1.3 There is significant added value in sharing best practices and in exchanging information on security technologies. It is important because exchanging such practices and information helps governments and operators to better address existing and future threats. Furthermore, best practices and new technologies are essential for ensuring that threats are mitigated and that passengers and cargo are facilitated in their travel.
- 1.4 ICAO can provide a platform to exchange information on the screening technologies that States have approved for use in their jurisdictions, as well as information on experience in employing screening technologies in the airport environment. Such information exchange can, in the first instance, provide assurances to ICAO Member States concerning the performance of such technologies from both the technical and operational standpoints. In the second instance, they can contribute to the deployment of technologies that can be acknowledged as equivalent in terms of their security value for addressing given threats and thus pave the way for achieving mutual recognition between States in this area, both in terms of recognising performance standards and the corresponding certification processes. Harmonisation of such standards and development of common certification processes can serve as further tools.

1.5 ICAO can also be the place for exchanging information on new and innovative aviation security measures, which may include differentiating security controls in accordance with a risk-based approach, and for exchanging information on facilitation and operational impacts. It is in this way that innovative measures can be discussed and taken forward with regard to the future of security policy; for example, when developing security controls for passengers, consideration can be given, on the one hand, to the use of technologies such as security scanners, and on the other hand, to the use of techniques such as unpredictability and behaviour detection. Technologies and techniques should be fully compatible with fundamental rights, in particular the right to privacy and protection of personal data. Furthermore, technology manufacturers and end users can be brought together to engage in designing security solutions that are suited to the operational environment and the evolving needs of the authorities and the air transport industry.

2. ACTION BY THE CONFERENCE

2.1 The Conference is invited to:

- a) encourage ICAO Member States to work towards mutual recognition of security technologies;
- b) urge ICAO Member States to address the threat from liquids explosives by implementing security controls, and where possible, to do this with technological means.
- c) encourage the work of ICAO to develop innovative techniques for passenger security and on cargo screening taking into account the various types of cargo and airport supplies.