

COMMISSION IMPLEMENTING REGULATION (EU) 2023/566**of 10 March 2023****amending Implementing Regulation (EU) 2015/1998 as regards certain detailed measures for the implementation of the common basic standards on aviation security****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Experience gained with the implementation of Commission Implementing Regulation (EU) 2015/1998 ⁽²⁾ has shown the need for minor amendments to the implementing modalities of certain common basic standards on aviation security.
- (2) Certain detailed aviation security measures should be clarified, harmonised or simplified in order to improve legal clarity, standardise the common interpretation of the relevant provisions and further ensure the best implementation of the common basic standards on aviation security. Furthermore, certain amendments have become necessary in accordance with the evolution of the threat and risk picture as well as recent developments in terms of technology. Those amendments concern automated prohibited items detection (APIID) software, explosive detection systems (EDS) for cabin baggage, explosive trace detection (ETD) equipment, security scanners as well as explosive vapour detection (EVD) equipment.
- (3) Experience gained with the implementation of Implementing Regulation (EU) 2015/1998 has shown the need for some amendments to the implementing modalities of certain common basic standards in the areas of certification of instructors delivering training, to remove obsolete references in Attachment 6-E, and clarifications with regards the implementation of referral actions under the Pre-Loading Advance Cargo Information (PLACI) in the Annex to that Regulation. The related provisions in the Annex need to be adjusted in order to improve legal clarity, standardise the common interpretation of the legislation and further ensure the best implementation of the common basic standards in aviation security.
- (4) Implementing Regulation (EU) 2015/1998 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19 of Regulation (EC) No 300/2008,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2015/1998 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 97, 9.4.2008, p. 72.

⁽²⁾ Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 299, 14.11.2015, p. 1).

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 April 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex to Implementing Regulation (EU) 2015/1998 is amended as follows:

(1) points 1.3.1.4 and 1.3.1.5 are replaced by the following:

‘1.3.1.4. Items carried by persons other than passengers shall be screened by one of the following means:

- (a) hand search;
- (b) x-ray equipment;
- (c) explosive detection systems (EDS) equipment;
- (d) automated prohibited items detection (APID) software in combination with point (c);
- (e) explosive detection dogs;
- (f) explosive trace detection (ETD) equipment.

Where the screener cannot determine whether or not the items carried contains any prohibited articles, it shall be rejected or rescreened to the screener’s satisfaction.

1.3.1.5. Points 4.1.2.4 to 4.1.2.7 and 4.1.2.11 to 4.1.2.12 shall apply to the screening of items carried by persons other than passengers.’;

(2) point 4.1.1.1 is replaced by the following:

‘4.1.1.1. Before screening, outer wear shall be taken off and shall be screened as cabin baggage, unless the concept of operations of equipment allows for outer wear to be kept on. The screener may request the passenger to undertake further divesting as appropriate.’;

(3) point 4.1.2.3 is replaced by the following:

‘4.1.2.3. Cabin baggage shall be screened by at least one of the following methods:

- (a) a hand search;
- (b) x-ray equipment;
- (c) explosive detection systems (EDS) equipment;
- (d) automated prohibited items detection (APID) software in combination with point (c);
- (e) explosive detection dogs in combination with point (a);
- (f) ETD equipment.

Where the screener cannot determine whether or not the cabin baggage contains any prohibited articles, it shall be rejected or rescreened to the screener’s satisfaction.’;

(4) points 4.1.2.5 and 4.1.2.6 are replaced by the following:

‘4.1.2.5. Where x-ray equipment is used, each image shall be viewed by the screener.

Where EDS equipment is used, each image shall be viewed by the screener or analysed by automated prohibited items detection (APID) software.

4.1.2.6. Where APID software is used, all alarms as referred to in point 12.13.1.1 shall be resolved to the satisfaction of the screener so as to reasonably ensure that no prohibited articles are carried into the SRA or on board an aircraft.

Where EDS equipment is used, all alarms as referred to in point 12.4.1.3 shall be resolved by screening the baggage again using an additional screening method.

Where EDS equipment has been installed before 1 July 2023 and is used without APID software, all alarms as referred to in point 12.4.1.3 shall be resolved to the satisfaction of the screener so as to reasonably ensure that no prohibited articles are carried into the SRA or on board an aircraft. When the identity of an article is unclear, the alarms shall be resolved by screening the baggage again using an additional screening method.’;

- (5) point 4.1.2.12 is replaced by the following:
- ‘4.1.2.12. Where APID software is used in combination with EDS equipment meeting either of standards C1, C1+, C2 or C2+, the operator or entity using equipment shall ensure that the procedures are in accordance with the concept of operations of these standards as regards screening of large electronic items and screening of LAGs.’;
- (6) the following point 4.1.2.13 is added:
- ‘4.1.2.13. The screening of cabin baggage shall also be subject to the additional provisions laid down in Commission Implementing Decision C(2015) 8005.’;
- (7) point 6.2.1.5 is amended as follows:
- (a) point (g) is replaced by the following:
- ‘(g) metal detection equipment (MDE)’;
- (b) the following point is added:
- ‘(h) EVD equipment.’;
- (8) in point 6.3.2.6 (e), point (iv) is replaced by the following:
- ‘(iv) the means or method of screening used, as follows:
- hand search (PHS);
 - X-ray equipment (XRY);
 - EDS equipment (EDS);
 - explosive detection dogs (EDD);
 - ETD equipment (ETD);
 - visual check (VCK);
 - metal detection equipment (CMD);
 - EVD equipment (EVD);
 - any other method (AOM) in accordance with point 6.2.1.6 where the method used shall be specified; or’;
- (9) in point 6.8.7.2, the following sentence is added:
- ‘An air carrier shall not load for carriage into the Union such consignment, unless the required measures as set out in points 6.8.7.3 and 6.8.7.4, as applicable, have been implemented satisfactorily.’;
- (10) Attachment 6-E, second paragraph, is amended as follows:
- (a) the introductory wording is replaced by the following:
- ‘When collecting, carrying, storing and delivering air cargo/mail to which security controls have been applied [on behalf of *name of regulated agent/air carrier applying security controls for cargo or mail/known consignor*], I confirm that the following security procedures will be adhered to:’;
- (b) the seventh indent is amended as follows:
- (1) point (a) is replaced by the following:
- ‘(a) has a haulier agreement with the regulated agent or known consignor responsible for the transport [same name as above]; or’;
- (2) point (c) is replaced by the following:
- ‘(c) has a haulier agreement with the undersigned haulier requiring that the third party will not subcontract further and implements the security procedures contained in this declaration. The undersigned haulier retains full responsibility for the entire transport on behalf of the regulated agent or known consignor; and’;
- (11) point 8.1.2.3 is amended as follows:
- (a) point (f) is replaced by the following:
- ‘(f) explosive detection dogs in combination with point (a)’;

- (b) the following point (g) is added:
- ‘(g) EVD equipment applied in accordance with the relevant provisions contained in Attachment 6-J and in combination with point (a).’;
- (12) point 9.1.2.3 is amended as follows:
- (a) point (f) is replaced by the following:
- ‘(f) explosive detection dogs in combination with point (a).’;
- (b) the following point (g) is added:
- ‘(g) EVD equipment applied in accordance with the relevant provisions contained in Attachment 6-J and in combination with point (a).’;
- (13) in point 11.5.1, the second sentence is replaced by:
- ‘Certification shall at least apply to those instructors authorised to give training defined in points 11.2.3.1 to 11.2.3.5 and in points 11.2.4 (unless it concerns the training of supervisors exclusively supervising persons referred to in points 11.2.3.6 to 11.2.3.11) and 11.2.5.’;
- (14) point 12.0.2.1 is replaced by:
- ‘12.0.2.1. Subject to point 12.0.5, the following security equipment and software may be installed after 1 October 2020 only if it has been granted an ‘EU Stamp’ marking or an ‘EU Stamp pending’ marking status as referred to in point 12.0.2.5:
- (a) walk-through metal detection (WTMD) equipment;
 - (b) explosive detection systems (EDS) equipment;
 - (c) explosive trace detection (ETD) equipment;
 - (d) liquid explosive detection systems (LEDS) equipment;
 - (e) metal detection equipment (MDE);
 - (f) security scanners;
 - (g) shoe scanner equipment;
 - (h) explosive vapour detection (EVD) equipment;
 - (i) automated prohibited items detections (APID) software.’;
- (15) point 12.4.1.1 is replaced by the following:
- ‘12.4.1.1. Explosive detection systems equipment (EDS) shall be able to detect and to indicate by means of an alarm specified and higher individual quantities of explosive or chemical material contained in baggage or other consignments.’;
- (16) point 12.4.1.2 is replaced by the following:
- ‘12.4.1.2. The detection shall be independent of the shape, position or orientation of the explosive or chemical material.’;
- (17) in point 12.4.1.3, the first and the second indents are replaced by the following:
- when it detects explosive or chemical material, and
 - when it detects the presence of an item that prevents explosive or chemical material from being detected, and’;
- (18) point 12.6.1 is amended as follows:
- (a) the first sentence is replaced by the following:
- ‘ETD equipment shall be able to collect and analyse trace levels of particles from contaminated surfaces, or the contents of baggage or consignments, and indicate, by means of an alarm, the presence of explosives or chemicals.’;
- (b) the sentence following point (b) is replaced by the following:
- ‘There shall be standards for ETD set for particulate sampling. Detailed requirements for these standards are laid down in Commission Implementing Decision C(2015) 8005.’;

(19) point 12.6.2 is replaced by the following:

‘12.6.2. The standard for ETD equipment for the detection of explosives, that uses particulate sampling, shall apply to ETD equipment deployed from 1 September 2014.

The standard for ETD equipment for the detection of chemicals, that uses particulate sampling, shall apply as of 1 July 2024 to ETD equipment deployed from 1 September 2014.’;

(20) Chapters 12.13 and 12.14 are replaced by the following:

‘12.13. AUTOMATED PROHIBITED ITEMS DETECTION (APID) SOFTWARE

12.13.1. General principles

12.13.1.1. Automated Prohibited Items Detection (APID) software shall be able to detect and to indicate by means of an alarm prohibited items contained in baggage or other consignments.

12.13.2. Standards for APID software

12.13.2.1. There shall be three standards for APID software. Detailed requirements on these standards are laid down in Commission Implementing Decision C(2015) 8005.

12.14. EXPLOSIVE VAPOUR DETECTION (EVD) EQUIPMENT

12.14.1. General principles

12.14.1.1. Explosives Vapour Detection (EVD) equipment shall be able to collect samples of air and analyse the collected sample for vapour, aerosols and/or airborne particles indicating the presence of explosives and explosive related materials.

If trace levels of explosives or explosive related materials are found in the sample, the EVD equipment shall indicate an alarm.

12.14.1.2. For the purpose of screening with EVD equipment, the following requirements shall apply:

(a) EVD equipment shall only be used in an environment and for the purpose for which it has been approved, i.e. screening of:

— Passengers and persons other than passengers (EVD-PX);

— Cabin baggage (EVD-CB);

— Hold baggage (EVD-HB);

— Air cargo and mail, air carrier mail and air carrier materials, in-flight supplies and airport supplies (EVD-CS);

(b) consumables shall not be used beyond the recommendations of their manufacturer or if the performance of the consumable appears to have deteriorated through use.

12.14.2. Standards for EVD

12.14.2.1. All EVD equipment used for the screening of hold baggage, air cargo and mail, air carrier mail and air carrier materials loaded in the aircraft hold, in-flight supplies as well as airport supplies shall meet at least standard 1.

12.14.2.2. All EVD equipment used for the screening of passengers and persons other than passengers as well as cabin baggage shall meet at least standard 3.

12.14.2.3. Detailed requirements on these standards are laid down in Commission Implementing Decision C(2015) 8005.’;

(21) Attachment 12-M is replaced by the following:

‘ATTACHMENT 12-M

Detailed provisions for performance requirements for APID are laid down in Commission Implementing Decision C(2015) 8005.’
