

## **IBAC Technical Report Summary**

**Subject: Aviation Security**

**Meeting: EU/US Security Cooperation Group, Brussels, 19 October 2005**

**IBAC File: Security**

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### **Summary:**

The annual meeting of the EU / US Security Cooperation Group was held in Brussels on October 19, 2005. The business aviation community was represented by Don Spruston and Pedro Vicente Azua. The industry consultation meeting was held in conjunction with the ongoing closed sessions between the two regulatory bodies. In addition to IBAC and EBAA, representatives of IATA and European airline associations and cargo handling associations were invited to attend.

The following issues were discussed:

1. Advanced Passenger Information System (APIS)
2. Baggage Re-Screening
3. Cargo Handling
4. NPRM on Cargo Handling
5. No Fly List
6. Prohibited Items List
7. Emergency Measures Legislation
8. Mutual Recognition

Details of each of the discussions are provided in the attached report.

### **Implication for Business Aviation:**

Business aviation will have to be diligent in following up on developments for APIS. Given the appeal of the business aviation community for common standards there is a need to continue to encourage commonality on ICAO security standards.

### **Decisions Required:**

No immediate decisions are required, although an ongoing watch on upcoming NPRMs in the US and changes to EC 2320 are critical.

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**Summary of Meeting**  
**5th Meeting of the EU & US Security Cooperation Group**  
**Industry Consultation session**  
**Brussels, 19 October 2005**

## **Opening**

The European Union and United States Transport Security Cooperation Group is a meeting of EC and US officials, the objective being the coordinating of security provisions between the two regulatory regimes. The meeting held in Brussels on October 19 was the fifth meeting and the third at which an industry consultation meeting was held. IBAC was one of approximately five aviation associations invited, the others included IATA, ACI, ATA, AEA and the air cargo and freight forwarding associations. This year, for the first time, Marine and Land Transport industries were invited, although the aviation issues were predominant.

Two pre-meetings for the industry stakeholders were held in advance of the formal session. The first was an industry only meeting and the second being a meeting with officials of the EC Security Division. The industry meetings were predominantly aimed at developing the industries European position. Unlike the meeting last year in Washington, the industry at this meeting was predominantly from Europe. The industry meeting agreed on a list of subjects to be raised.

The formal coordination meeting was co-chaired by Mme Marieta Jager, Director of Security in DGTREN and David Tiedge, Director International in the US TSA. Mr Eckard Seebom led the aviation part of the discussion for the EC. In her opening remarks, Mme Jager pointed out the purpose of the meeting and the importance of ensuring security was proportional to the threat. There was also emphasis given to eliminating duplication. The EU and US officials did not provide a briefing on the issues that would be discussed at the closed meeting of officials. After opening remarks, the industry was asked to pose questions.

## **Issues**

The following issues were discussed in response to industry questions.

1. Advanced Passenger Information System (APIS)

The industry advised that given the Oct 4 date for the rule to be in effect, there was need for a phased approach with an effective interactive system. The US delegate reported that the goal was not to levy penalties but was to improve security. A draft NPRM had been developed regarding the APIS-60 requirements (ie 60 mins prior information). A number of options were discussed but it was concluded that the NPRM would take some time before it was resolved. There was considerable discussion regarding the equipment

requirements. (In a side discussion, the TSA legal staff advised that they were aware of the business aviation concerns regarding the potential of a process that would require submissions to be made from portal airports.)

2. Baggage Re-Screening

The industry expressed concerns with the extensive re-screening requirements for baggage destined for secondary locations in the US. The industry proposed a Work Group to address the issue and the EU and US officials agreed. There was a considerable amount of discussion about the differences in baggage screening standards between the US and Europe. The most significant outstanding issue is that US legislation requires screening of baggage to be completed by a US official.

3. Cargo Handling

US and EU officials briefed on the problem relating to lack of standards. Research is ongoing on technological solutions and when adequately developed common standards would be briefed to the industry.

4. NPRM on Cargo Handling.

Cargo handling associations requested further information on the status of the US NPRM on cargo handling. The US advised that the rule is about one year behind schedule as more than 300 responses were received and the rule was admittedly very complex.

5. No Fly List

The air carrier industries advised of the difficulty when passengers have a visa to enter the US only to find that on arrival at the airport the carrier must tell pax that they are on the No-Fly list. The US advised that there were approx 30K people on the No Fly List and another 50K on the Selectee List (secondary search required). It is difficult to have visa's cancelled as there are many other implications. There was also concern from the industry regarding the duplication associated with crew visa requirements. There was considerable discussion regarding the over-fly restrictions. The US advised that this is a very problematic legal issue as it was found that the US has very little regulatory authority re over flying aircraft. Resolution of the issue was not imminent.

6. Prohibited Items List

The industry expressed concern with the lack of standardization on prohibited items lists, and that the situation is getting worse rather than

better. The US delegation announced that the TSA Administrator would shortly be making an announcement that would lead to a considerable change in approach.

7. Emergency Measures Legislation

The industry expressed concern about the continuation of emergency legislation that was enacted following 9/11. The US delegation advised that this legislation would soon be regularized.

8. Mutual Recognition

The freight shippers associations expressed a need for improved mutual recognition of each others screening. Officials advised that a Work Group was working towards harmonization of standards. Mr Eckard Seebohm mentioned that the idea from now on will be for the US and EU administrations to focus more on working on regulation compatibility.

The remainder of the meeting was dedicated to maritime and land transport issues.