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►**B** **COMMISSION REGULATION (EC) No 622/2003**

of 4 April 2003

laying down measures for the implementation of the common basic standards on aviation security

(Text with EEA relevance)

(OJ L 89, 5.4.2003, p. 9)

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COMMISSION REGULATION (EC) No 622/2003

of 4 April 2003

laying down measures for the implementation of the common basic standards on aviation security

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2320/2002 of the European Parliament and the Council of 16 December 2002 establishing common rules in the field of civil aviation security ([1]) and in particular Article 4(2) thereof,

Whereas:

(1) The Commission is required to adopt measures for the implementation of common basic standards for aviation security throughout the European Union. A Regulation is the most suitable instrument for this purpose.

(2) In accordance with Regulation (EC) No 2320/2002 and in order to prevent unlawful acts, the measures laid down in annex to this Regulation should be secret and not be published.

(3) For this purpose it is necessary to permit a distinction between airports in the light of local risk assessment. Therefore, the Commission should be informed of airports that are considered to present a smaller risk.

(4) Implementing measures should also be permitted to vary according to the type of aviation activity. The Commission should be informed when compensatory measures are applied to ensure equivalent levels of security.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

HAS ADOPTED THIS REGULATION:

Article 1

Objective

This Regulation lays down the necessary measures for the implementation and technical adaptation of common basic standards regarding aviation security to be incorporated into national civil aviation security programmes.

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

— 'National civil aviation security programme' shall mean those regulations, practices and procedures adopted by the Member States pursuant to Article 5 of Regulation (EC) No 2320/2002, to ensure civil aviation security on their territory,

— 'Appropriate Authority' shall mean the national authority designated by a Member State pursuant to Article 5(2) of Regulation (EC) No 2320/2002 to be responsible for the coordination and monitoring of the implementation of its national civil aviation security programme.

([1]) OJ L 355, 30.12.2002, p. 1.

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Article 3

Confidentiality

The measures referred to in Article 1 are set out in the Annex.

Those measures shall be secret and shall not be published. They shall be made available only to persons duly authorised by a Member State or the Commission.

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Article 3a

New Technical methods and Processes

1. Member States may allow a technical method or process for security controls that is used in place of those laid down in the Annex, provided that:

(a) it is being used for the purpose of evaluating a new way of performing the security control concerned, and

(b) it will not negatively affect the overall level of security being attained.

2. At least four months before its planned introduction the Member State concerned shall inform in writing the Commission and the other Member States of the proposed new method or process it intends to allow, enclosing an assessment indicating how it shall guarantee that the application of the new method or process will meet the requirement of point (b) of paragraph 1. The notification shall also contain detailed information on the location(s) where the method or process will be used and the intended length of the evaluation period.

3. If the Commission gives the Member State a positive reply, or if no reply is received within three months upon receipt of the written request, the Member State may then allow the introduction of the new method or process.

If the Commission is not satisfied that the proposed new method or process provides sufficient guarantees that the overall level of aviation security will be maintained in the Community then the Commission shall inform the Member State thereof within three months of receipt of the notification referred to in paragraph 2, explaining its concerns. In such a circumstance the Member State concerned shall not commence with the method or process until it has satisfied the Commission.

4. The maximum evaluation period for each technical method or process shall be 18 months. This evaluation period may be extended by the Commission by a maximum of a further 12 months on condition that the Member State provides adequate justification for the extension.

5. At intervals of no more than six months during the evaluation period, the appropriate authority in the Member State concerned shall provide the Commission with a progress report on the evaluation. The Commission shall inform the other Member States of the contents of the progress report.

6. No evaluation period may be longer than 30 months.

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Article 4

Notification

Member States shall inform the Commission in writing of all airports in respect of which they have availed themselves of the option permitted under either point (a) or point (c) of Article 4(3) of Regulation (EC) No 2320/2002.

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Article 5

Compensatory measures

Member States shall inform the Commission in writing of compensatory measures that are applied in accordance with point 4.2 of the Annex to Regulation (EC) 2320/2002.

Article 6

This Regulation shall enter into force on 19 April 2003.

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

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ANNEX

DETAILED MEASURES FOR AVIATION SECURITY

In accordance with Article 3 the Annex is secret and shall not be published in the *Official Journal of the European Union*.