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Subject: Air cargo security - Letter from Vice President Kallas, Commissioner Šemeta and
Commissioner Malmström

Delegations will find attached, for information and as a follow-up to the TTE (Transport) Council on 12 December 2011, a joint letter from Vice President Kallas, Commissioner Šemeta and Commissioner Malmström on air cargo security.

SIIM KALLAS
VICE-PRESIDENT OF THE EUROPEAN COMMISSION

ALGIRDAS ŠEMETA
MEMBER OF THE COMMISSION

CECILIA MALMSTRÖM
MEMBER OF THE COMMISSION

Brussels, 13. 12. 2011
MR/hm Ares D (2011) 1348774

Dear colleagues,

By letter of 7 June 2011, we informed you of the rapid progress in implementing the action plan on strengthening air cargo security, which was a direct response to the October 2010 incident involving explosive devices concealed in air cargo consignments from Yemen.


We are pleased to inform you of the further progress that has taken place since June 2011 in close cooperation with Member States, industry and at the level of international organisations. While the annex describes the details let us highlight the key points:

- 1) In our previous letter, we informed you of the pending agreement on new rulemaking to strengthen air cargo security, by which we would secure cargo entering the EU from third countries on the basis of risk-based security controls. In the meantime, the Commission adopted these new measures on 25 August 2011. They will apply as from 1 February 2012.
- 2) Work on a methodology for a common EU aviation security risk assessment has been completed. Through collaborative work of all Commission departments concerned, as well as other agencies both at EU and Member States level, we established a common methodology that allows us to identify threats and risks, on the basis of which appropriate countermeasures can be taken.
- 3) Work on the development of innovative detection methods for screening cargo is being launched by means of existing and planned EU research tools and programmes. The Commission will continue an active dialogue with both industry and internationally to ensure harmonisation of activities in the field of detection standards, research activities and sharing of best practices.
- 4) The Commission and Member States have formally requested an amendment of the timelines for advance air cargo information in the World Customs Organization's (WCO) SAFE Framework of Standards to secure and facilitate global trade. The current advance cargo information timelines in the EU customs legislation are based on the SAFE Framework. The WCO Policy Commission has adopted a Resolution on air cargo emphasising the pre-loading principle in its December 2011 session.
- 5) We are greatly involved in work of the International Civil Aviation Organization (ICAO) to establish improved standards for air cargo and mail security, including standards for high risk cargo and mail. It is expected results will be achieved in 2012. The Commission has also engaged with the Universal Postal Union (UPU) to discuss possible changes to UPU laws. The EU cannot afford exemptions applying to small consignments and postal traffic. The Commission and Member States must act to amend Universal Postal Union (UPU) laws in 2012.

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We firmly believe these achievements will contribute to enhance the level of security, both inside and outside of the European Union, while at the same time travel and trade is facilitated to the highest extent possible. As the next months will be a crucial phase for the implementation of the new air cargo regulations, we rely on Member States' efforts to achieve a successful result. We are grateful for your strong support in this field.

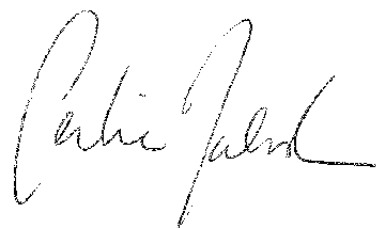
Yours sincerely,



Siim Kallas



Algirdas Šemeta



Cecilia Malmström

Information Note from the Commission

Strengthening air cargo security

In the aftermath of the Yemen incident the Council (Transport and Home Affairs configurations) endorsed the High Level Working Group report and action plan on *Strengthening Air Cargo Security* (2 December 2010). The action plan concluded that security of inbound cargo must be strengthened on the basis of a coordinated approach at EU and international level. The Council has been informed on the progress of the implementation by the progress report of 7 June 2011. The underlying document provides for an update over the period since June 2011 during which close cooperation between European Institutions, Member States, industry and at the level of international organisations such as ICAO, WCO and UPU took place.

New rulemaking on air cargo security

On 25 August 2011, the Commission has adopted legislation to reinforce security of cargo entering the EU from third countries, focusing on measures for mitigating the risk where it appears greatest:

- Air carriers will be required to ensure that cargo either has been screened for explosives or inflammables or comes from a trusted source before they are allowed to fly into the EU from third countries; the carriers and trusted sources in third countries will be subject to independent validation as of 2014;
- In third countries with high security standards, cargo will be exempted from these additional measures whilst in third countries with high risk enhanced screening for cargo will be required by means of a combination of two or more screening measures. These exemptions and additional requirements will continuously be reviewed based on an EU risk assessment;
- All cargo independent of its origin within or outside the EU that is being transferred from all-cargo on to passenger flights at EU airports must be screened to higher, passenger flight standards prior to loading on to the passenger aircraft.

The measures have been developed in close cooperation with Member States and industry experts meeting in the context of the Aviation Security Regulatory Committee and its Working Group on air cargo. Member States have endorsed the legal proposal of the Commission by vote on 8 June 2011. The new rules for the protection of inbound cargo enter into force on 1 February 2012.

The EU and the Member States are undertaking diplomatic efforts to explain the new rules to carriers and third country partners.

Screening Methods and technologies

Through the new cargo legislation from August 2011 the Commission has strengthened screening standards and is working actively to identify best practices for screening solutions. The Commission is also sponsoring a number of research initiatives, and cooperates closely with Member States and industry on work on development of innovative detection solutions using the existing EU funding programmes.

An active dialogue with airline and cargo industry is established and Member States and the Commission participated in a number of technical and policy fora in order to address the detection issues applying to air cargo and mail.

Furthermore, the Commission has also reached out to individual countries and international organisations with regard to cooperation on detection standards in order to support the sharing of best practices and research data. This work should achieve harmonised international standards which would allow where possible to eliminate duplications in screening processes.

EU risk assessment

In cooperation with Member States' interior and aviation affairs experts, SITCEN and the Counter Terrorism Coordinator, the Commission established a general framework and procedure for common EU aviation security risk assessments in November 2011. Key elements for the risk assessment methodology include available threat and vulnerability information, and current risk mitigation measures. Compliance with international standards for aviation security and in particular relevant ICAO (International Civil Aviation Organisation) requirements is instrumental in this regard. The methodology has been successfully tested during the autumn and contributed to the latest amendments of the EU air cargo requirements. The regular risk assessment reviews will help to identify any needs for legislative changes at EU level or possible changes of international standards and recommended practices in order to strengthen aviation security measures in respect of any EU destined flights departing from foreign airports.

EU Coordination and exchange of information

The Commission is continuing its collaboration with stakeholders - express cargo and airline operators, security providers and equipment manufacturers. These entities play an important role in

the security chain and can provide important feedback and risk information to EU authorities, especially concerning foreign airports from which they operate into the EU. EU led coordination and exchange of threat and risk relevant information among all relevant parties at local, national, EU or international level is a crucial contribution to combating terrorism.

Enhancing global standards

The Commission and several Member States are involved in the International Civil Aviation Organisation's (ICAO) working group on air cargo security, which will propose amendments to the international requirements laid down in the Chicago Convention. Its recommendations are expected before March 2012 and will include proposals for high risk cargo.

Advance information system

The Commission and Member States have formally requested an amendment of the timelines for advance air cargo information in the World Customs Organization's (WCO) SAFE Framework of Standards to secure and facilitate global trade. The current advance cargo information timelines in the EU customs legislation are based on the SAFE Framework. Although some members were not yet ready to commit to specific timelines in the November 2011 SAFE Working Group meeting, they agreed that advance air cargo information should be provided as soon as possible, prior to loading, and in time for adequate risk assessment and mitigation to take place. WCO Policy Commission has adopted a resolution to that effect in its December 2011 session.

The US is conducting an Air Cargo Advance Screening (ACAS) Pilot Programme to determine the best suitable timelines and data elements for advance air cargo information and the Commission takes account of this pilot programme. In ongoing discussions with industry stakeholders and with the US authorities, it has been suggested to test advance cargo schemes prior to legislative action in the EU context, also with a view of avoiding duplication of efforts.

The Commission has also engaged with the Universal Postal Union (UPU) to discuss possible changes to UPU customs and security rules and regulations in order to improve the security of postal consignments. From a security perspective it is paramount to change the UPU laws in September 2012 to eliminate all exemptions which are security sensitive.
