

COMMISSION IMPLEMENTING REGULATION (EU) 2021/255**of 18 February 2021****amending Implementing Regulation (EU) 2015/1998 laying down 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) The COVID-19 pandemic continues to impact international and European civil aviation to the extent that the performance of on-site visits for the designation and re-designations of air carriers and cargo operators in third countries pursuant to point 6.8 of the Annex to Commission Implementing Regulation (EU) 2015/1998 ⁽²⁾ remains severely impeded for objective reasons, which are beyond the control of those carriers or cargo operators.
- (2) It is therefore necessary to extend the applicability of the alternative and expedite process for the EU aviation security validations of the Union-bound supply chain operators affected by the COVID-19 pandemic, beyond the date established in point 6.8.1.7 of the Annex to Implementing Regulation (EU) 2015/1998.
- (3) The Union has promoted, in the context of the International Civil Aviation Organisation (ICAO) and the World Customs Organisation (WCO), the development of an international policy concept of Pre-Loading Advance Cargo Information (PLACI), used to describe a specific 7 + 1 data set ⁽³⁾ as defined in the WCO SAFE Framework of Standards (SAFE FoS). Consignments' data, provided to regulators by freight forwarders, air carriers, postal operators, integrators, regulated agents, or other entities as soon as possible prior to loading of cargo on an aircraft at the last point of departure, allow the implementation of an additional security layer, consisting in the performance by the entry customs of a threat and risk analysis before departure.
- (4) Therefore, before loading goods onto an aircraft departing from a third country, for the purposes of civil aviation security a first risk analysis on goods to be brought into the customs territory of the Union by air should be carried out as soon as possible upon receipt of the minimum dataset of the entry summary declaration referred to in Article 106(2) and (2a) of Commission Delegated Regulation (EU) 2015/2446 ⁽⁴⁾. The requirement of carrying out a first risk analysis should apply from 15 March 2021.
- (5) Article 186 of Commission Implementing Regulation (EU) 2015/2447 ⁽⁵⁾ establishes the risk analysis and control process implemented by the customs office of first entry, and Article 182 of that Regulation establishes the Import Control System (ICS2), designed by the Commission and the Member States in mutual agreement, as the EU

⁽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).

⁽³⁾ Name of the consignor, address of the consignor, name of the consignee, address of the consignee, number of packages, total gross weight, description of cargo, and House or Master Air Waybill.

⁽⁴⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

harmonised trader interface for submissions, requests for amendments, requests for invalidations, processing and storage of the particulars of entry summary declarations and for the exchange of related information with the customs authorities.

- (6) Since the results of the Pre-Loading Advance Cargo Information risk analysis can require, from 15 March 2021, specific mitigating aviation security measures to be applied by operators engaged in the Union-bound supply chain during their operations in a third country, it is necessary to urgently integrate the implementing rules for civil aviation security accordingly.
- (7) The ability of airports in the Union to complete the process of installation of standard 3 explosive detection systems (EDS) equipment is severely impacted by the current COVID-19 pandemic. The Commission and the Member States remain highly committed to complete the implementation of newest technology for the screening of hold baggage. A new road map has been elaborated to allow additional flexibility to adapt to the current situation, in accordance with a prioritisation mechanism based on categories of airports, as well as to provide visibility for the introduction of higher standards for detection performance.
- (8) Experience gained with the implementation of Commission Implementing Regulation (EU) 2015/1998 has shown the need for some amendments to the implementing modalities of certain common basic standards. The implementing modalities of certain of those standards need to be adjusted in order to clarify, harmonise, simplify and strengthen certain specific aviation security measures, to improve legal clarity, standardize the common interpretation of the legislation and further ensure the best implementation of the common basic standards in aviation security.
- (9) Implementing Regulation (EU) 2015/1998 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in 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.

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*.

However, points (1) and (22) of the Annex shall apply from 15 March 2021, point (2) of the Annex shall apply from 1 March 2022, and point (14) shall apply from 1 July 2021.

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

Done at Brussels, 18 February 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex is amended as follows:

- (1) the following point 6.0.4 is added:

'6.0.4 For the purposes of this Annex, "Pre-Loading Advance Cargo Information" or "PLACI" means the process of first risk analysis for aviation security purposes of goods to be brought into the customs territory of the Union * by air.

* As Iceland is not part of the customs territory of the Union, for the purposes of point 6.8.7 of this Annex, Iceland is considered a third country.;

- (2) the following points 6.1.4, 6.1.5 and 6.1.6 are added:

'6.1.4 Access into the security restricted areas of cargo and mail may only be granted after having established to which of the following categories the entity transporting the consignment from landside belongs:

- (a) a regulated agent;
- (b) a known consignor;
- (c) a haulier appointed in accordance with point 6.6.1.1(c), transporting consignments to which security controls have been previously applied;
- (d) neither of the entities referred to in points (a), (b) and (c).

6.1.5 Where point 6.1.4(c) applies, a copy of the signed declaration as contained in Attachment 6-E shall be made available to the regulated agent, air carrier or airport operator granting access into the security restricted areas, unless either of the following applies:

- (a) the haulier is itself a regulated agent;
- (b) the transport is performed on behalf of the receiving regulated agent or air carrier in the security restricted areas.

The presentation by the haulier of a copy of the signed declaration in Attachment 6-E may be replaced by an equivalent mechanism of prior notification to the access point, ensured either by the off-airport known consignor or regulated agent on whose behalf the transport is performed, or by the receiving regulated agent or air carrier in the security restricted areas.

6.1.6 Cargo or mail consignments to which security controls have not been previously applied may be allowed into the security restricted areas, provided they are subject to the implementation of one of the following options:

- (a) screened before entry, in accordance with point 6.2, and under the responsibility of the receiving regulated agent or air carrier;
- (b) escorted to the premises of the regulated agent or of the air carrier located in the security restricted areas, under their responsibility.

Upon delivery, such consignments shall be kept protected from unauthorised interference, until they are subjected to screening.

The personnel escorting such consignments or protecting them from unauthorised interference, shall have been recruited in accordance with point 11.1.1, and trained in accordance with at least point 11.2.3.9.;

- (3) in point 6.3.1.2, point (b) is replaced by the following:

'(b) the appropriate authority or an EU aviation security validator acting on its behalf shall examine the security programme before carrying out an on-site verification of the sites specified in order to assess compliance of the applicant with the requirements of Regulation (EC) No 300/2008 and the implementing acts adopted on its basis.

Except for the screening requirements laid down in point 6.2, an examination of the site of the applicant by the relevant customs authority in accordance with Article 29 of Commission Implementing Regulation (EU) 2015/2447 * shall be considered as an on-site verification where it is carried out not earlier than 3 years before the date on which the applicant seeks approval as a regulated agent. The AEO authorisation and the relevant assessment of the customs authorities shall be made available by the applicant for further inspection.

* Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).;

- (4) in point 6.3.1.4, the third paragraph is replaced by the following:

'Except for the screening requirements laid down in point 6.2, an examination of the site of the regulated agent by the relevant customs authority carried out in accordance with Article 29 of Implementing Regulation (EU) 2015/2447 shall be considered as an on-site verification.;

- (5) point 6.3.1.5 is replaced by the following:

'6.3.1.5 Where the appropriate authority is no longer satisfied that the regulated agent complies with the requirements of Regulation (EC) No 300/2008, it shall withdraw the status of regulated agent for the specified site or sites.

Immediately after withdrawal, and in all cases within 24 hours of withdrawal, the appropriate authority shall ensure that the former regulated agent's change of status is indicated in the "Union database on supply chain security". Where the regulated agent is no longer a holder of an AEO authorisation referred to in (b) of Article 38(2) of Regulation (EU) No 952/2013 of the European Parliament and of the Council * and in Article 33 of Implementing Regulation (EU) 2015/2447 or where its AEO authorisation is suspended due to non-compliance with point (e) of Article 39 of Regulation (EU) No 952/2013 and Article 28 of Implementing Regulation (EU) 2015/2447, the appropriate authority shall take appropriate action to ensure compliance of the regulated agent with the requirements of Regulation (EC) No 300/2008.

The regulated agent shall inform the appropriate authority of any changes related to its AEO authorisation referred to in point (b) of Article 38(2) of Regulation (EU) No 952/2013 and in Article 33 of Regulation (EU) 2015/2447.

* Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).;

- (6) point 6.3.1.8 is replaced by the following:

'6.3.1.8 The appropriate authority shall make available to the customs authority any information related to the status of a regulated agent which could be relevant to the holding an AEO authorisation referred to in point (b) of Article 38(2) of Regulation (EU) No 952/2013 and in Article 33 of Implementing Regulation (EU) 2015/2447. That information shall include the information related to new approvals of regulated agents, withdrawal of the regulated agent status, revalidation and inspections, verification schedules and outcomes of those assessments.

The modalities for that exchange of information shall be established between the appropriate authority and the national customs authorities.;

- (7) in point 6.3.2.6, point (g) is replaced by the following:

'(g) the unique identifier received from the appropriate authority, of any regulated agent who has accepted the security status given to a consignment by another regulated agent, including during transfer operations.;

- (8) the following paragraph is added in point 6.3.2.6:

‘Transfer cargo or mail for which the air carrier, or the regulated agent operating on its behalf, is unable to confirm in the accompanying documentation the information required by this point, or by point 6.3.2.7 as applicable, shall be subject to screening before being loaded on board an aircraft for the subsequent flight.’;

- (9) in point 6.4.1.2, point (c) is replaced by the following:

‘(c) an examination of the site of the applicant by the relevant customs authority in accordance with Article 29 of Implementing Regulation (EU) 2015/2447 shall be considered as an on-site verification where it is carried out not earlier than 3 years before the date on which the applicant seeks approval as a known consignor. In those cases, the applicant shall complete the information required in Part One of the “Validation checklist for known consignors” as contained in Attachment 6-C and send it to the appropriate authority jointly with the declaration of commitments which shall be signed by the applicant’s legal representative or by the person responsible for security at the site.

The AEO authorisation and the relevant assessment of the customs authorities shall be made available by the applicant for further inspection.

The signed declaration shall be retained by the appropriate authority concerned or retained by the EU aviation security validator and made available on request to the appropriate authority concerned.’;

- (10) in point 6.4.1.4, the third paragraph is replaced by the following:

‘An examination of the site of the known consignor by the relevant customs authority in accordance with Article 29 of Implementing Regulation (EU) 2015/2447 shall be considered as an on-site verification.’;

- (11) point 6.4.1.5 is replaced by the following:

‘6.4.1.5 Where the appropriate authority is no longer satisfied that the known consignor complies with the requirements of Regulation (EC) No 300/2008, it shall withdraw the status of known consignor for the specified site(s).

Immediately after withdrawal, and in all cases within 24 hours of withdrawal, the appropriate authority shall ensure that the known consignor’s change of status is indicated in the “Union database on supply chain security”.

Where the known consignor is no longer a holder of an AEO authorisation referred to in point (b) of Article 38(2) of Regulation (EU) No 952/2013 and in Article 33 of Implementing Regulation (EU) 2015/2447 or where its AEO authorisation is suspended due to non-compliance with point (e) of Article 39 of Regulation (EU) No 952/2013 and Article 28 of Implementing Regulation (EU) 2015/2447, the appropriate authority shall take appropriate action to ensure compliance of the known consignor with the requirements of Regulation (EC) No 300/2008.

The known consignor shall inform the appropriate authority of any changes related to its AEO authorisation referred to in point (b) of Article 38(2) of Regulation (EU) No 952/2013 and in Article 33 of Implementing Regulation (EU) 2015/2447.’;

- (12) point 6.4.1.7 is replaced by the following:

‘6.4.1.7 The appropriate authority shall make available to the customs authority any information related to the status of a known consignor which could be relevant to the holding an AEO authorisation referred to in point (b) of Article 38(2) of Regulation (EU) No 952/2013 and in Article 33 of Implementing Regulation (EU) 2015/2447. That information shall include the information related to new approvals of known consignors, withdrawal of the known consignor status, revalidation and inspections, verification schedules and outcomes of those assessments.

The modalities for that exchange of information shall be established between the appropriate authority and the national customs authorities.’;

(13) point 6.5.1 is replaced by the following:

‘6.5.1 The regulated agent shall keep a database containing all the following information of any account consignor it has designated before 1 June 2017:

- (a) the company details, including the bona fide business address;
- (b) the nature of the business;
- (c) contact details, including those of the person or persons responsible for security;
- (d) VAT reference number or company registration number;
- (e) signed “Declaration of commitments – account consignor” as contained in Attachment 6-D.

Where the account consignor is a holder of an AEO authorisation referred to in point (b) of Article 38(2) of Regulation (EU) No 952/2013 and in Article 33 of Implementing Regulation (EU) 2015/2447, the AEO authorisation number shall be kept in the database referred to in the first paragraph.

The database shall be available for inspection by the appropriate authority.’;

(14) the following points 6.6.1.3, 6.6.1.4 and 6.6.1.5 are added:

‘6.6.1.3 The haulier shall ensure that staff collecting, carrying, storing and delivering air cargo and mail to which security controls have been applied undergoes at least the following:

- (a) a check of the personal integrity, consisting of the verification of the identity and of the curriculum vitae and/or provided references;
- (b) general security awareness training, in accordance with point 11.2.7.

6.6.1.4 Any of the haulier’s staff granted unsupervised access to cargo and mail while performing any of the functions referred to in point 6.6.1.3, or while implementing any of the security controls set out in this Chapter shall:

- (a) have successfully completed a background check;
- (b) undergo security training, in accordance with point 11.2.3.9.

6.6.1.5 Where a haulier uses the services of another company to perform one or more of the functions referred to in point 6.6.1.3, such other company shall fulfil the following conditions:

- (a) sign a haulier agreement with the haulier;
- (b) refrain from subcontracting further;
- (c) implement the provisions of points 6.6.1.3 and 6.6.1.4, as applicable.

The subcontracting haulier retains full responsibility for the entire transport on behalf of the agent or consignor.’;

(15) in point 6.8.1.7, the introductory wording is replaced by the following:

‘During the period from 1 April 2020 to 30 June 2021, the appropriate authority may derogate from the process established in point 6.8.2 and temporarily designate an air carrier as ACC3, in the case where an EU aviation security validation could not take place for objective reasons which are related to the pandemic crisis caused by the COVID-19 and are beyond the responsibility of the air carrier. The designation shall be subject to the following conditions:’;

(16) points 6.8.3.6 and 6.8.3.7 are replaced by the following:

‘6.8.3.6 After the security controls referred to in points 6.8.3.1 to 6.8.3.5 have been implemented, the ACC3 or the EU aviation security validated regulated agent (RA3) responsible for the application of the security controls,

shall ensure that the accompanying documentation, in the form of an air waybill, an equivalent postal documentation or in a separate declaration, provided in an electronic format or in writing, includes at least the following information:

- (a) the unique alphanumeric identifier of the ACC3;
- (b) the security status of the consignment referred to in point (d) of point 6.3.2.6 and issued by the ACC3 or by the EU aviation security validated regulated agent (RA3), as appropriate;
- (c) the unique identifier of the consignment, such as the number of the house or master air waybill, where applicable;
- (d) the content of the consignment, or indication of consolidation where applicable;
- (e) the reasons for issuing the security status, including the means or method of screening used or the grounds for exempting the consignment from screening, using the standards adopted in the ICAO Consignment Security Declaration scheme.

In the case of consolidations, the ACC3 or the EU aviation security validated regulated agent (RA3) who has performed the consolidation shall retain the information set out in points (a) to (e) of the first paragraph for each individual consignment at least until the estimated time of arrival of the consignments at the first airport in the Union or for 24 hours, whichever period is longer.

6.8.3.7 Any air carrier arriving from a third country listed in Attachment 6-F shall ensure compliance with the applicable points laid down in point 6.8.3.6 in respect of cargo and mail transported on board. The accompanying documentation regarding such consignments shall at least comply with the ICAO Consignment Security Declaration scheme or with an alternative scheme providing the required information in an equivalent manner.;

(17) point 6.8.3.9 is replaced by the following:

'6.8.3.9 Transit or transfer consignments arriving from a third country not referred to in point 6.8.3.8 the accompanying documentation of which does not comply with point 6.8.3.6, shall be treated in accordance with point 6.2 before the subsequent flight.;

(18) in point 6.8.4.11, the introductory wording is replaced by the following:

'During the period from 1 April 2020 to 30 June 2021, the appropriate authority may derogate from the process established in point 6.8.5 and temporarily designate a third country entity as RA3 or KC3, in the case where an EU aviation security validation could not take place for objective reasons which are related to the pandemic crisis caused by the COVID-19 and are beyond the responsibility of the entity. The designation shall be subject to the following conditions:;

(19) in point 6.8.4.12, point (d) is replaced by the following:

'(d) the designation is granted for a period not exceeding six months and may be subject to extension within the derogation period as set out in point 6.8.4.11.;

(20) points 6.8.5.5, 6.8.5.6 and 6.8.5.7 are deleted;

(21) in point 6.8.6.1, point 1 is replaced by the following:

'1. Where the Commission or an appropriate authority identifies or receives written information about a serious deficiency relating to the operations of an ACC3, an RA3 or a KC3, which is deemed to have a significant impact on the overall level of aviation security in the Union, it shall:

- (a) inform the air carrier or entity concerned promptly, request comments and appropriate measures in respect to the serious deficiency;
- (b) promptly inform the other Member States and the Commission.

The serious deficiency referred to in the first paragraph may be identified during either of the following activities:

- (1) during compliance monitoring activities;
- (2) during the examination of documentation including the EU aviation security validation report of other operators which are part of the supply chain of the ACC3, RA3 or KC3;
- (3) upon receipt of factual written information from other authorities and/or operators in respect of the activities of the concerned ACC3, RA3 or KC3, in form of documented evidence clearly indicating security breaches.;

(22) the following point 6.8.7 is added:

6.8.7 Pre-Loading Advance Cargo Information (PLACI)

6.8.7.1 Pursuant to Article 186 of Implementing Regulation (EU) 2015/2447, the PLACI shall be carried out before departure from a third country, upon receipt by the customs authority of the first point of entry, of the minimum dataset of the entry summary declaration referred to in Article 106(2) and (2a) of Commission Delegated Regulation (EU) 2015/2446 *.

6.8.7.2 In the course of the PLACI and where there are reasonable grounds for the customs office of first entry to suspect that a consignment entering the customs territory of the Union by air could pose a serious threat to civil aviation, that consignment shall be treated as high risk cargo or mail (HRCM) in accordance with point 6.7.

6.8.7.3 The air carrier, operator, entity or person in a third country other than those listed in Attachment 6-F and Iceland, shall, upon receipt of a notification from the customs office of first entry requiring a consignment to be treated as high risk cargo or mail (HRCM) in accordance with point 6.8.7.2:

- (a) implement in respect of the specific consignment, the security controls listed in points 6.7.3 and 6.7.4 of the Annex to Implementing Decision C(2015) 8005, in case of an ACC3 or an RA3 approved for the performance of such security controls;
- (b) ensure that an ACC3 or an RA3 approved for the performance of such security controls complies with the provisions laid down in point (a). Information to the customs office of first entry shall be provided in case the consignment is to be tendered or it has been tendered to another operator, entity or authority for the application of the security controls. Such other operator, entity or authority shall ensure the implementation of the security controls referred to in point (a) and confirm to the air carrier, operator, entity or person from which the consignment was received, both the implementation of such security controls and the results thereof;
- (c) confirm to the customs office of first entry both the implementation of the security controls referred to in point (a) and the results thereof.

Points (a) and (b) of the first paragraph shall not apply in case the requested security controls have been previously implemented. However, should there be specific threat information that has only become available after the implementation of the previous security controls, the air carrier, operator, entity or person may be requested to repeat the security controls by using specific means and methods, and provide confirmation as set out in point (c) of the first paragraph. The air carrier, operator, entity or person may be made aware of any element and information necessary in order to effectively meet the security objective.

6.8.7.4 Air carriers, operators, entities or persons in a third country listed in Attachment 6-F or in Iceland, that receive a notification from the customs office of first entry requiring a consignment to be treated as high risk cargo or mail (HRCM) in accordance with point 6.8.7.2, shall:

- (a) implement, in respect of the specific consignment, at least the security controls established by ICAO Annex 17 for High Risk Cargo or Mail **;
- (b) ensure that the requirements of point (a) are fulfilled by an operator, entity or authority approved by the relevant appropriate authority in the third country for the performance of such security controls. Information to the customs office of first entry shall be provided in case the consignment is to be tendered or it has been tendered to another operator, entity or authority for the application of the security controls. Such other operator, entity or authority shall ensure the implementation of the security controls referred to in point (a) and confirm to the air carrier, operator, entity or person from which the consignment was received, both the implementation of such security controls and the results thereof;
- (c) confirm to the customs office of first entry both the implementation of the security controls referred to in point (a) and the results thereof.

Points (a) and (b) of the first paragraph shall not apply in case the requested security controls have been previously implemented. However, should there be specific threat information that has only become available after the implementation of the previous security controls, the air carrier, operator, entity or person may be requested to repeat the security controls by using specific means and methods, and provide confirmation as set out in point (c) of the first paragraph. The air carrier, operator, entity or person may be made aware of any element and information necessary in order to effectively meet the security objective.

- 6.8.7.5 In the course of the PLACI and where there are reasonable grounds for the customs office of first entry to suspect that a consignment entering the customs territory of the Union by air poses a serious threat to security, leading it to issue a do not load notification, that consignment shall not be loaded on board of an aircraft, or off-loaded, as applicable.
- 6.8.7.6 The air carrier, operator, entity or person in a third country that receives a notification from the customs office of first entry requiring a consignment not to be loaded on board of an aircraft in accordance with point 6.8.7.5, shall:
- (a) ensure that the consignment in its possession is not loaded on board an aircraft, or it is immediately off-loaded in case the consignment is already on board the aircraft;
 - (b) provide confirmation that it has fulfilled the request to the customs office of first entry in the customs territory of the Union;
 - (c) cooperate with the relevant authorities of the Member State of the customs office of first entry;
 - (d) inform the appropriate authority for civil aviation security of the State where the air carrier, operator, entity or person receiving the notification is located and of the third country where the consignment is currently located, if different.
- 6.8.7.7 Should the consignment be already with another air carrier, operator or entity along the supply chain, the air carrier, operator, entity or person receiving the do not load notification laid down in point 6.8.7.5 shall immediately inform such other air carrier, operator, entity or person that it shall:
- (a) ensure compliance with the provisions of points (a), (c) and (d) of point 6.8.7.6;
 - (b) confirm the application of point (b) of point 6.8.7.6 to the air carrier, operator, entity or person that received the notification laid down in point 6.8.7.5.
- 6.8.7.8 Should the aircraft be already airborne with a consignment on board for which the customs office of first entry had notified, pursuant to point 6.8.7.5, that a consignment must not be loaded, the air carrier, operator, entity or person receiving the notification shall immediately inform:

- (a) the relevant authorities of the Member State referred to in point (c) of point 6.8.7.6 for the purpose of informing and liaising with the relevant authorities of the Member State of first overflight in the Union;
- (b) the appropriate authority for civil aviation security of the third country where the air carrier, operator, entity or person receiving the notification is located and of the third country from which the flight has departed, if different.

6.8.7.9 Following the notification received from the customs office of first entry that has issued a notification as laid down in point 6.8.7.5, the appropriate authority of the same Member State shall, as applicable, implement or ensure the implementation thereof, or cooperate in any subsequent actions, including the coordination with the authorities of the third country of departure and where applicable in the country or countries of transit and/or transfer, the relevant security contingency protocols in accordance with the Member State's national civil aviation security programme and the international standards and recommended practices regulating crisis management and response to acts of unlawful interference.

6.8.7.10 The air carrier, operator, entity or person in a third country that receives a notification issued by the customs authority of a third country implementing a Pre-Loading Advance Cargo Information scheme in adherence to the principles set out by the World Customs Organisation's SAFE Framework of Standards, shall ensure the implementation of the requirements laid down in points 6.8.7.3 and 6.8.7.4 and in points 6.8.7.6, 6.8.7.7, 6.8.7.8.

This point applies only in respect of consignments of cargo or mail fulfilling any of the criteria below:

- (a) they are carried for transit or transfer at a Union airport before reaching the final destination at an airport based in the third country of the notifying customs authority;
- (b) they are carried for transit or transfer at a Union airport before having another transit or transfer at an airport based in the third country of the notifying customs authority.

For the purposes of the requirements set out in points 6.8.7.6(c) and 6.8.7.8(a), the air carrier, operator, entity or person receiving the notification in a third country, shall immediately inform the relevant authorities of the Member State of first landing in the Union.

Should the aircraft be already airborne, the information shall be provided to the relevant authorities of the Member State of first overflight in the Union that shall ensure the implementation of the actions referred to in point 6.8.7.9, in coordination with the relevant authorities of the Member State of first landing in the Union.

The relevant authorities of both the Member State of first overflight in the Union and of the Member State of first landing in the Union shall inform the respective customs authority.

* Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

** Air carriers, operators and entities in Iceland shall apply points 6.7.3 and 6.7.4 of the Annex to Implementing Decision C(2015) 8005.;

(23) the following sentence is added in point 11.6.3.6:

'The appropriate authority shall provide the validators it approves with the relevant parts of the non-public legislation and national programmes referring to the operations and areas to validate.';

(24) point 11.6.3.8 is replaced by the following:

‘11.6.3.8 The appropriate authority acting as validator may only perform validations in respect of air carriers, operators and entities that are placed under its responsibility or under the responsibility of the appropriate authority of another Member State, where it has been explicitly requested or appointed to do so by that authority.’;

(25) the following point 11.6.3.11 is added:

‘11.6.3.11 The approval of an EU aviation security validator shall be valid for a maximum period of five years.’;

(26) point 11.6.4.1 is replaced by the following:

‘11.6.4.1 An EU aviation security validator:

- (a) shall not be considered to be approved until its details are listed in the “Union database on supply chain security”;
- (b) shall be provided with proof of its status by or on behalf of the appropriate authority;
- (c) may not perform EU aviation security validations if it holds the status of aviation security validator under an equivalent scheme in place in a third country or an international organisation, unless point 11.6.4.5 applies.

EU aviation security validators listed in the “Union database on supply chain security” on account of the appropriate authority, may only perform validations of airlines, operators or entities under the responsibility of that appropriate authority.’;

(27) point 11.6.5.6 is replaced by the following:

‘11.6.5.6 By default the report shall be in English and delivered to the appropriate authority along with the validated entity, within not more than one month after the on-site verification.

The appropriate authority shall assess the validation report within not more than six weeks after its reception.

Where the report concerns an airline, operator or entity undergoing validation for the purposes of an existing designation that expires after the periods referred to in the paragraphs above, the appropriate authority may set a longer period to complete the assessment.

In such case, and unless further information and additional documentary evidence is necessary to successfully conclude the assessment, the appropriate authority shall ensure that the process is completed before the expiry of the validity of status.

Within three months from the date of reception of the report, the validator shall be provided with a written feedback regarding the quality of the report, and where applicable, any recommendations and remarks that the appropriate authority may deem necessary. Where applicable, a copy of such feedback shall be transmitted to the appropriate authority that has approved the validator.

For the purposes of the designation of other airlines, operators or entities as provided for in this Regulation, an appropriate authority may request and shall obtain, within 15 days, from the appropriate authority that has drafted a validation report in its national language or has required the validator performing the validation to do so, a copy of the full validation report in the English language.’;

(28) point 12.0.2.1 is replaced by the following:

‘12.0.2.1 Subject to the provisions of 12.0.5, the following security equipment 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.’;

(29) point 12.0.2.3 is replaced by the following:

‘12.0.2.3 The “EU Stamp” marking shall be granted to security equipment tested by test centres which implement quality control measures in accordance with the Common Evaluation Process of the European Civil Aviation Conference under the responsibility of the appropriate authority.’;

(30) point 12.0.5.3 is replaced by the following:

‘12.0.5.3 Security equipment approved at national level on the basis of point 12.0.5.1 or 12.0.5.2 shall not automatically receive the “EU Stamp” marking.’;

(31) the following point 12.3.1 is added:

‘12.3.1 All equipment installed from 1 January 2023 at the latest, to be used for the screening of cargo and mail, as well as air carrier mail and air carrier materials subject to security controls in accordance with Chapter 6, shall be multi-view.

The appropriate authority, for objective reasons, may allow the use of single-view X-ray equipment installed before 1 January 2023 until the following dates:

- (a) single-view X-ray equipment installed before 1 January 2016, until 31 December 2025 at the latest;
- (b) single-view X-ray equipment installed from 1 January 2016, for a maximum period of 10 years from the date of its installation or at the latest until 31 December 2027, whichever is the earlier.

The appropriate authority shall inform the Commission where it applies the provisions of the second paragraph.’;

(32) point 12.4.2 is replaced by the following:

‘12.4.2 **Standards for EDS**

12.4.2.1 All EDS equipment shall fulfil the following requirements:

- (a) equipment installed before 1 September 2014 must at least meet standard 2;
- (b) equipment installed from 1 September 2014 to 31 August 2022 must at least meet standard 3;
- (c) equipment installed from 1 September 2022 to 31 August 2026 must at least meet standard 3.1;
- (d) equipment installed from 1 September 2026 must at least meet standard 3.2.

12.4.2.2 Standard 2 shall expire on 1 September 2021.

12.4.2.3 For the purposes of allowing an extension of the use of standard 2 EDS, there shall be four categories of airports:

- (a) category I – airport with more than 25 million passengers in 2019;
- (b) category II – airport with scheduled services to at least one of the third countries listed in Attachment 5-A of this Regulation, with the exception of the United Kingdom of Great Britain and Northern Ireland;
- (c) category III – airport with the highest volume of traffic in 2019 in each Member State where they are not already listed under category I or II;
- (d) category IV – other airport.

12.4.2.4 The appropriate authority may allow the use of standard 2 EDS as of 1 September 2021, in accordance with the following table, until:

	Standard 2 EDS equipment installed before 1 January 2011	Standard 2 EDS equipment installed between 1 January 2011 and 1 September 2014
Airports in Category I	1 March 2022	1 March 2023
Airports in Category II or Category III	1 September 2022	1 September 2023
Airports in Category IV	1 March 2023	1 March 2024

12.4.2.5 The appropriate authority shall inform the Commission when it allows the use of standard 2 EDS to continue as of 1 September 2021.

12.4.2.6 All EDS equipment designed to screen cabin baggage shall meet at least standard C1.

12.4.2.7 All EDS equipment designed to screen cabin baggage containing portable computers and other large electrical items shall meet at least standard C2.

12.4.2.8 All EDS equipment designed to screen cabin baggage containing portable computers and other large electrical items and LAGS shall meet at least standard C3.

12.4.2.9 All EDS equipment that meets standard C3 shall be considered as equivalent to LEDS equipment that meets standard 2 for the screening of LAGS.:
