Commission proposes an EU certification system for aviation security screening equipment: Frequently asked questions

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As outlined by the Commission in the European Agenda for Security and reaffirmed when setting out how to pave the way towards a Security Union, a competitive EU security industry can contribute to the EU’s autonomy in meeting security needs. Today’s proposal aims to simplify and harmonise EU procedures for the certification of aviation security screening equipment. This initiative will help the private sector by lowering certification costs for the security industry, strengthening the competitiveness of the EU security industry and improving aviation security across Europe. The proposal will create a system of mutual recognition for security equipment, allowing equipment certified in one Member State to also be put on the market in other Member States. An EU system of mutual recognition will help overcome market fragmentation, increase sales of EU manufacturers in third countries, boost employment in the sector and increase the overall security of European society by streamlining the standards of airport screening equipment.

What is the main objective of the proposal?

The main objective of the proposal is to contribute to the proper functioning of the EU internal market and to increase the global competitiveness of the EU security industry by ensuring the free movement of civil aviation security screening equipment. The proposal will:

- Establish a legally binding EU certification system for all aviation security screening equipment. This certificate will be valid throughout the EU and will be based on the principle of mutual recognition by all Member States.
- Entrust Member States’ designated bodies with the authority to approve the compliance of aviation security screening equipment by issuing an EU type-approval certificate.
- Enable manufacturers to issue certificates of conformity to accompany each piece of equipment produced in accordance with a type and configuration covered by an EU type-approval certificate.

How will the proposal improve the certification system for aviation security screening equipment?

The Commission is proposing to establish a common EU certification system for all aviation security screening equipment. This will secure the full harmonisation of the existing certification systems and create a common procedure applicable to all Member States. This is the most effective way to guarantee the rights of manufacturers and equity in the certification process of aviation security screening equipment across all Member States. The introduction of an EU certificate will allow security equipment approved in one Member State to also be put on the market in others. Instead of having to go through 28 separate certification procedures, only one single test will be required at EU level.

What are the main weaknesses of the existing certification system?

The existing EU legislation on aviation security does not establish a legally binding EU-wide conformity assessment scheme to ensure that the required standards are met at all EU airports. Therefore, in principle, equipment certified in one EU Member State can currently be put on the market in that Member State only. The current rules provide Member States with the possibility to either recognise certifications of other Member States or require additional testing in order to verify if the equipment meets the requirements prescribed by EU legislation. Member States can also decide to prevent the use of equipment manufactured by other Member States on its territory.

What are the wider benefits of the proposal for the security of the EU citizens?

The main objective of the proposal is to contribute to the proper functioning of the EU internal market and to increase the global competitiveness of the EU industry. However, creating a more competitive security industry will contribute to enhancing the EU’s autonomy in meeting its internal
security needs, while strengthening European society's resilience to modern security threats. As outlined in the European Agenda on Security, and reiterated when setting out the way forward towards achieving an effective and genuine Security Union, this proposal is one of the components of EU legal actions aimed at ensuring that EU citizens' freedom and security are well protected.

**What are the advantages of the proposal for EU manufacturers?**

Overall, this proposal will allow European manufacturers to gain greater competitiveness in EU and international markets. More specifically, it will:

- Improve the transparency and reduce uncertainties related to the certification process.
- Introduce a single testing procedure, replacing the current system of separate national procedures.
- Decrease overall production costs and time thanks to:
  - reduced risk for delays in the testing procedure (lower number of tests performed by the accredited laboratores);
  - reduced number of repetition of tests and redesign/modification of the equipment for different countries.
- Increase their visibility and credibility in international markets. An EU level certification and conformity approval will contribute to making the equipment more attractive on third country markets than if it were certified in a single EU Member State.
- Create a level playing field with US companies: a single EU-wide certification system is likely to improve the competitive position of EU manufacturers on the EU market, vis-à-vis their non-EU competitors. Non-EU producers can now easily put their products on the market in several EU countries once they are approved by the US Transportation Security Administration. A consequence of the common EU certification system would thus be that non-EU producers would have to go through the same route of testing and certification as EU manufacturers.

**Will the proposal limit Member States' ability to introduce more stringent rules for aviation security equipment?**

This proposal does not limit the possibility for any EU Member State to apply more stringent measures for performance requirements as envisaged in the currently applicable EU aviation security legislation.

The technical specifications and performance requirements for aviation security screening equipment used at EU airports are established by already existing legislation – EU Regulation (EC) No 300/2008. This legislation is based on standards developed by the Commission, which are continuously adapted to the evolving threat scenarios and risk assessments. The certification system established by today's proposal does not aim to modify technical specifications or performance requirements. Rather, it provides the methodology to assess equipment compliance and, therefore, fosters competitiveness in the EU security industry. Performance requirements are not part of today's proposal – rules that pertain to that legislation are therefore not affected by the new Regulation.

In case of specific security threats affecting one or more Member States, Regulation 300/2008 allows Member States to apply more stringent measures concerning the performance requirements for aviation security screening equipment.

**What are the obligations for the manufacturers?**

The proposal envisages a number of basic obligations for manufacturers which are fully in compliance with the provisions of the main existing EU policies in the single market area and the free movement of goods.

In particular, the manufacturers will have to issue certificates of conformity to accompany each piece of equipment produced in accordance with a type and configuration covered by an EU type-approval certificate. By issuing the certificate of conformity, the manufacturer shall assume responsibility for the compliance of the equipment with the approved type and configuration.

Moreover, manufacturers will have to ensure that procedures are in place for conformity of production. This means that they will have to conceive and will be responsible for applying appropriate measures to take into account any changes in equipment design or characteristics and changes in the performance requirements to which a type-approval certificate has been issued. In case they consider that equipment which they have placed on the market is not in conformity with
the approved type and configuration, they shall immediately take the necessary corrective measures to bring that equipment into conformity, withdraw it or recall it, where appropriate.

What are the steps for manufacturers to certify their equipment?

A manufacturer will have to submit an application to an EU national approval authority of its choice. The application shall be submitted in only one Member State and a separate application will have to be submitted for each type and configuration of the equipment to be approved.

A manufacturer established outside the Union, who wishes to apply for an EU type-approval certificate, will have to appoint a representative established within the Union to represent it before the approval authority.

When the national approval authority has chosen a testing facility, the manufacturer will have to make available to the approval authority as many pieces of equipment as are necessary to enable the approval authority to conduct the EU type-approval procedure.

After completion of the testing phase, and successful assessment of the compliance of the performance of the equipment with the applicable legislation, the national approval authority will provide an EU type-approval certificate to the manufacturer. The latter will then have to issue a certificate of conformity to accompany each piece of equipment produced in accordance with a type and configuration covered by an EU type-approval certificate.

What are the benefits of the proposal for European airports?

The main customers of aviation security screening equipment, EU airports, will benefit from this proposal in terms of the wider choice at their disposal, when launching procurement and the lower costs of the equipment due to the higher competition between available equipment with unvaried levels of security performance.

Will the proposal impose additional obligations for Member States?

The proposal will not impose more obligations on EU Member States. Member States that do not have an approval authority and do not wish to establish one will have to simply appoint one which has been established in another Member State, without additional obligations or costs.

Established or appointed national approval authorities will be responsible for handling the application for EU-type approval certificates received from the manufacturers as well as for managing the certificate during the lifespan of the equipment. Nevertheless, should the approval authorities wish so, they could still refer to the European Civil Aviation Conference (ECAC) and its secretariat in order to manage the full testing, and possible amendment, of the existing approval certificate process on their behalf. The ultimate responsibility of type approving equipment will still remain with the national authorities as it is today.

What are the responsibilities of the national approval authorities?

The national approval authority will have competence for all aspects of the approval of equipment as well as for issuing, amending and withdrawing EU type-approval certificates. Its role is therefore key to the system introduced by the proposal and forms the basis of the mutual recognition of EU-type approval certificates among Member States.

Each EU Member State will have to establish or appoint an approval authority. Those Member States who do not have an existing approval authority and do not wish to create one can appoint the approval authority of another Member State.

Which entity will be performing the required tests and how are they accredited?

The proposal envisages that the tests will have to be undertaken by nationally accredited technical services notified to the Commission. Existing national accreditation bodies, independent from the national approval authority, will assess the compliance of the technical services with all the requirements listed in the proposal. This is a further guarantee of the independence of the accreditation process from the certification process and the approval of the equipment by the national approval authority.

It is important to note that a national approval authority can designate any technical service, not necessarily one based in its territory, provided that this has been notified to the Commission.

Will the proposal shorten the certification process?

In a Commission public consultation, 64.86% of respondents stated that the time required to market equipment is a real problem of the current certification system applied in the EU.

One of the main objectives of the proposal is therefore to reduce the time required to market
equipment by ensuring that its compliance with the applicable technical requirements is tested only once and that the resulting EU type-approval is valid throughout the whole EU. Currently, EU-manufactured equipment needs to be approved separately in each Member State before it can access the market.

Moreover, the reduction in the number of total tests performed by each notified technical service per year will also ensure a reduction in the waiting time for each manufacturer to have its equipment tested by the attributed technical service.

What is the role of the European Commission in the proposed new certification system?

The certification process is directly managed by the EU Member States via their national approval authorities which are fully in charge of all phases. This approach is in full respect of Member States’ national sovereignty and their competence on issues related to national security, as envisaged in the EU Treaties. The European Commission plays a direct role only insofar as:

- It will be a full member of the body responsible for the elaboration of the common testing methodologies.
- It will establish and chair a sectorial group of notified technical services to ensure that appropriate coordination and cooperation between them is achieved.
- With the combination of these two elements, the Commission will have the possibility to ensure that existing testing methodologies are regularly updated and new ones are elaborated to allow the full implementation of the provisions of the proposal. Moreover, the Commission will have the chance to constantly promote the Union’s interest within the body responsible for the elaboration of the Common Testing Methodologies as well as their uniform application by all the notified technical services to ensure comparability of testing results among laboratories.

How does the proposal ensure that only the best equipment is certified to be put on the market or into use in the EU?

The certification system established by this proposal is based on three main elements:

- the performance requirements already established in the existing EU aviation security legislation;
- a common testing methodology to be applied by all the technical services when assessing the compliance of the equipment with the above-mentioned legislation;
- a common accreditation mechanism based on compulsory standards as well as additional specific requirements to ensure the quality of the services performing the tests.

The combination of those three elements guarantees the robustness of the certification system outlined in the proposal and its capacity to best respond to the security needs of the EU civil aviation system.

What is the EU Security Industrial Policy?

In 2012, the Commission adopted a communication on Security Industrial Policy, which set out a number of actions to enhance the competitiveness of the EU security industry. The actions focused on reducing the fragmentation of the internal market, closing the gap between research and market and improving the societal acceptance of security technologies.

With the approval of the current proposal, almost all of the actions from the 2012 communication have now been addressed and the Commission is now considering the second phase of the EU Security Industrial Policy.

The original motivation for a security industrial policy was the size of the security sector (currently estimated at close to €200 billion and creating employment for 4.7 million people) and the poor functioning of the internal market.

Given the increase in security challenges since 2012, the Commission is considering how to adapt the security industrial policy to better meet the needs of EU security policy.
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