

**SENATE OF THE REPUBLIC**  
**17TH PARLIAMENTARY TERM**

**DOC. XVIII**  
**No 170**

**RESOLUTION OF THE 8th STANDING COMMITTEE**

**(Public works, communications)**  
*(Rapporteur CARDINALI)*  
*adopted on 26 October 2016*

ON THE

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF  
THE COUNCIL ESTABLISHING A UNION CERTIFICATION SYSTEM FOR  
AVIATION SECURITY SCREENING EQUIPMENT (COM(2016) 491 final)**

*pursuant to Article 144(1) and (6) of the Rules of Procedure*

**Sent to the President's Office on 3 November 2016**

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The Committee,

having examined, pursuant to Article 144(1) and (6) of the Rules of Procedure, the Proposal for a Regulation of the European Parliament and of the Council establishing a Union certification system for aviation security screening equipment (COM(2016) 491 final), which was submitted for our reasoned opinion as regards subsidiarity,

whereas:

the purpose of the proposal is to establish a common Union certification system for aviation security screening equipment, i.e. the equipment used in airports to check persons, cabin baggage, hold baggage, supplies and air cargo (e.g. metal detectors, security scanners and explosives detection systems);

the Explanatory Memorandum accompanying the proposal points out that there is no legally binding EU-wide conformity assessment scheme for the standards currently in force. Consequently, the equipment certified in one Member State can be put on the market only in that Member State, while every other Member State has the choice of recognising this certification or requiring that the equipment be tested again to verify whether it meets requirements, or may even prohibit its use on its territory.

the methods identified so far to remedy this fragmentation, by means of a common evaluation procedure (CEP) drawn up at the European Civil Aviation Conference that sets out the tests to be applied to screening equipment for the aviation sector, have not always been effective, since this procedure is not binding;

whereas:

the proposal does not introduce specific manufacturing techniques or performance requirements for the screening equipment, but lays down rules on the procedures for their approval at European level, with the aim of contributing to the proper functioning of the internal market and increasing the global competitiveness of EU industry in a sector of strategic importance for the EU economy (global annual turnover of 14 billion euros, of which 4.2 billion is generated in the EU alone), while at the same time making an important contribution to policies for combating threats to aviation security;

with a single certification system, it will suffice for the aviation security screening equipment to be approved in only one Member State, as the certificate issued would be immediately valid in all the Member States of the EU;

the performance requirements for aviation security screening equipment and the areas, articles and persons to be screened are already laid down in Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008, as amended, and its implementing acts;

having regard to the comments made by the 14th Committee;

noting that the legal basis has been correctly identified as Article 114 of the Treaty on the Functioning of the European Union (TFEU), regarding the establishment and functioning of the European Market.

hereby, pursuant to Protocol No 2 to the Treaty on the Functioning of the

European Union, regarding application of the principles of subsidiarity and proportionality, adopts:

a favourable opinion as to compliance with the principle of subsidiarity, since action at European Union level is both necessary and brings added value as compared to action by the Member States alone. Its objective, namely to establish a common EU approval system for aviation security screening equipment, which will allow mutual recognition of certificates of conformity between Member States, cannot be achieved by Member States acting individually;

a favourable opinion as to compliance with the principle of proportionality, since the proposal is consistent with the objectives it seeks to pursue, namely to guarantee the proper functioning of the internal market and the establishment of a common approval system for aviation security screening equipment.

The Committee also notes that Article 17 of the proposal in question nevertheless provides for procedures to ensure that where the market surveillance authority of a Member State suspects that an item of equipment constitutes a risk to the health or safety of persons or to other aspects of public interest protection, it can require the manufacturer to take all appropriate corrective measures or to withdraw it from the market within a reasonable period commensurate with the nature of the risk; the market surveillance authority must inform the relevant notified body accordingly.

**OPINION OF THE 14th STANDING COMMITTEE**

(EUROPEAN UNION POLICIES)

*(Rapporteur: URAS)*

12 October 2016

The Committee, having examined the proposal,

whereas the proposal provides for the establishment of a common Union certification system for aviation security screening equipment for screening persons, cabin baggage, hold baggage, supplies, air cargo and mail (e.g. using metal detectors, security scanners and explosive detection systems), in accordance with the performance requirements set out in Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008, as amended, and its implementing acts;

whereas screening equipment in the aviation security sector represents a considerable market, with an annual global turnover of 14 billion euro, 4.2 billion of which in the EU alone, and that airports and air transport hubs are also among the sectors with the highest global growth potential;

noting that, with a single certification system, it will suffice for the aviation security screening equipment to be approved in only one Member State, as the certificate issued would be immediately valid in all the Member States of the EU, thereby increasing the overall efficiency of the EU aviation security screening market and reducing the administrative burden on manufacturers, which will also help improve the global competitiveness of the EU industry, particularly vis-à-vis its US competitors;

recalling the Commission Communication on *Security Industrial Policy - Action Plan for an innovative and competitive Security Industry* (COM(2012) 417), which states that ‘subject to a thorough impact assessment analysis and consultation of stakeholders, the Commission would propose two legislative proposals: one to establish an EU-wide harmonised certification system for airport screening (detection) equipment and one to establish an EU harmonised certification system for alarm systems. The objective is to achieve mutual recognition of certification systems.’

whereas the performance requirements for aviation security screening equipment, and the areas, articles and persons to be screened, are laid down in Regulation (EC) No 300/2008, as amended, and its implementing acts, in particular Implementing Regulation (EU) No 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security, which replaced Commission Regulation (EU) No 185/2010 of 4 March 2010;

having regard to the unfavourable reasoned opinion adopted by the French *Assemblée nationale* on 27 September 2016,

comments favourably on the proposal, within its area of responsibility, with the following comments:

the legal basis has been correctly identified as Article 114(2) of the Treaty on the Functioning of the European Union, which provides that the ordinary legislative procedure is to be used for the adoption of measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market;

the proposal complies with the principle of subsidiarity, since its objective, namely to establish a common EU approval system for aviation security screening equipment, which will allow mutual recognition of certificates of conformity between Member States, cannot be achieved by Member States acting individually;

it also complies with the principle of proportionality, since its provisions do not go beyond what is necessary to achieve its objective. Article 17 of the proposal also provides for the appropriate procedures for the market surveillance authority of a Member State, where it suspects that an item of equipment constitutes a risk to the health or safety of persons or to other aspects of public interest protection, to require the manufacturer to take all appropriate corrective measures or to withdraw it from the market within a reasonable period commensurate with the nature of the risk, as well as requiring the authority to inform the relevant notified body accordingly.

Moreover, Article 6 of Regulation (EC) No 300/2008 on common rules in the field of civil aviation security provides that Member States may apply more stringent measures than the common basic standards, acting on the basis of a risk assessment and in compliance with Community law and informing the Commission, which must transmit the information to the other Member States.

