



*Brussels, 16.1.2017
C(2017) 122 final*

*Mr Călin POPESCU-TĂRICEANU
President of the Senat
Calea 13 Septembrie nr. 1-3,
sector 5
RO – 050711 BUCHAREST*

Dear President,

The Commission would like to thank the Senat for its Opinion on the proposal for a Regulation establishing a Union certification system for aviation security screening equipment {COM(2016) 491 final}.

The proposal follows up on the Commission Communication on security industrial policy¹ adopted on 26 July 2012 which sets out a number of actions to enhance the competitiveness of the EU security industry. The actions in the Communication focused on reducing the fragmentation of the internal market, closing the gap between research and market and improving the societal acceptance of security technologies.

The European Agenda on Security² adopted by the Commission in April 2015 also emphasised the need for a competitive EU security industry that can contribute to the EU's autonomy in meeting its security needs. In addition, it encouraged the development of innovative security solutions, for example through standards and common certificates.

In the field of aviation security screening equipment, the functioning of the internal market is currently hampered by the lack of a legally binding EU-wide conformity assessment scheme to ensure that the required standards are met, even though the technical specifications and performance requirements for equipment used at EU airports are established at the EU level. Therefore, equipment certified in one Member State can be put on the market in that Member State only.

The proposal aims at establishing a unique EU certification system based on EU type-approval and issuance of a certificate of conformity by manufacturers, which would be valid in all the Member States, based on the principle of mutual recognition.

¹ COM(2012) 417 final.

² COM(2015) 185 final.

The Commission welcomes the Senat's broad support for the aims of the proposal but notes the Senat's doubts relating to the administrative/organizational and financial impacts it may have on some Member States that do not have a national approval authority which is in charge of the EU type-approval procedure.

In this respect, the Commission would like to underline that the Member States which do not have an approval authority and do not wish to establish one would simply have to appoint an existing approval authority in another Member State without additional obligations or costs.

The Commission has also taken due note of the doubts expressed by the Senat with regard to the designation of notified technical services and the continuation of the use of already certified equipment, and provides a number of clarifications in this respect in the attached annex.

The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Julian King
Member of the Commission*

ANNEX

The Commission has carefully considered each of the issues raised by the Senat in its Opinion and is pleased to offer the following clarifications.

As regards point 2, b) of the Opinion:

Article 21 of the proposal entrusts at least one national approval authority to notify to the Commission each technical service that complies with the requirements of the Article 22. The assessment of the compliance of the technical services with the above-mentioned requirements is carried out by a national accreditation body to avoid any possible conflict of interest between the technical service and the national approval authority.

Issue considered necessary and mandatory by the Senat:

The obligation imposed on a national approval authority by Article 30 of the proposal refers to aviation security screening equipment that has not been certified yet.

In the case of equipment that was certified or approved by a Member State in accordance with national rules and/or installed in airports, it can continue being used without being certified according to the proposed scheme.

Issues strongly recommended by the Senat:

- a) The national approval authorities can only make use of technical services which have been notified to the Commission for the performance or the supervision of the tests referred to in Article 8 of the proposal.*

The technical services can be notified to the Commission when they comply with the requirements of Article 22.

National approval authorities do not need to designate the technical services that they intend to use for the purpose of this proposal. They can simply choose among the ones that have already been notified for the specific category of activities that they are needed for.

- b) The proposal deals with the certification of compliance of aviation security screening equipment with the existing performance requirements established at EU level. The proposal does not cover safety requirements which are already included in other existing standards.*