



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
D(2015)

Opinion

Title **DG HOME - Impact Assessment on the establishment of an EU wide certification system for aviation screening equipment (draft version of 3 June 2015)***

(A) Context

This initiative aims to address the current fragmentation of national certification and approval processes which necessitate aviation security equipment producers to seek certification of their equipment in each Member State where they wish to commercialise it. This impedes the competitiveness of European manufacturers of aviation security screening equipment. The initiative aims at removing this fragmentation in order to ensure the proper functioning of the EU internal market for this kind of equipment and to avoid unnecessary costs related to multiple certifications.

(B) Overall opinion: POSITIVE

The Board recommends that the IA report be improved, with special attention to the following aspects:

- 1) The report should show conclusive evidence that fragmentation in the EU certification market is the main reason for the loss of competitiveness or otherwise focus the problem definition more narrowly on its internal market dimension;**
- 2) The report should justify the choice of an EU approach of certification rather than for a more global approach with international partners and explain how international cooperation would be pursued under the identified policy options;**
- 3) The report should present a more robust assessment of impacts that distinguishes between options, and provides more quantitative evidence and clear references to stakeholders' views.**

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

(C) Main recommendations for improvements

1) More concretely defined problem description: The report should describe the experience with the mutual recognition provision in place for liquid explosives, explain why it is not a suitable instrument for other screening equipment and give the underlying reasons why Member States so far preferred to retain their own certification procedures (despite existing cooperation through ECAC). The report should distinguish between issues related to standards (setting out significant differences between EU and US standards if any) and those purely related to certification. The report should better substantiate the cost implications of the EU market fragmentation, setting out key assumptions and underlying calculations in the annexes. In doing so, the report should provide evidence that the drivers identified are indeed the root causes of the problem and clearly distinguish the drivers from their consequences. In particular, the report should show conclusive evidence that fragmentation in the EU certification market is the main reason for the loss of competitiveness or otherwise focus the problem definition more narrowly on the internal market dimension. Finally, the report should indicate how different groups of stakeholders are affected by the problems concerned.

2) Clarify the content of considered options and better justify discarded ones: The report should explain why certain options, such as seeking a global standard, harmonisation with the US system or a closer cooperation within ECAC, cannot be envisaged. The implications of some standards being "classified" should be clarified. Furthermore, if a recommendation is not a genuine option for consideration (given that the problem definition refers to "*the absence of a common legally binding procedure*" p.9) it should be removed from the analysis. In addition, the report should describe how the ECAC system fits into the regulatory framework of each option considered, in particular how the cooperation within ECAC between EU and non-EU members would continue.

3) More robust and nuanced assessment of impacts of the different options: The assessment of impacts should be strengthened by distinguishing more clearly the different impacts of the options, substantiating the quantified impact on businesses' costs, and clarifying – despite the limited response to the public consultation – whether the views of all relevant stakeholder groups have been taken into account.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

Some sections are unnecessarily long and should be streamlined by giving more focus to the above-mentioned issues. The impact analysis section copies and pastes the content of the assessment of one option into others, which should be avoided.

(E) RSB scrutiny process

Reference number	2015/HOME/140
External expertise used	No
Date of RSB meeting	1 July 2015