



Focus on ACC3 requirements

Answers to the most frequently asked questions
on EU regulations for inbound air cargo and mail

VERSION 1.1

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INTRODUCTION

In October 2010, two improvised explosive devices (homemade bombs) were transported as air cargo consignments and were intercepted at airports in the Middle-East and Europe before they could do any harm. These incidents demonstrated the importance of aviation security measures in respect of cargo and mail and triggered the implementation of higher levels of security in respect of EU bound cargo and mail, aimed to ensure the continuation of the air cargo and mail flow to the EU.

The 2010 incidents led to follow-up action to globally strengthen ICAO Standards. Notwithstanding this, in short-medium terms the European Union and its Member States felt the necessity to secure incoming flights into the European Union through a more immediate and practical action and have developed rules for strengthening of air cargo and mail security.

This document provides answers to the most frequently asked questions about the rules that apply as of 1 July 2014. Those rules are laid down in Regulation (EC) [No 185/2010](#) as amended by Regulations (EU) [No 859/2011](#), [No 1082/2012](#), [No 654/2013](#) and [No 1116/2013](#). This document follows the structure of these Regulations and provides guidance as how DG MOVE understands the provisions contained therein.

Summary of the rules

The ACC3 ('Air cargo and mail carrier operating into the Union from a Third Country Airport') programme has been in place since 1 February 2012 and requires air carriers that wish to carry cargo or mail into the EU to request the ACC3 status through a designation act by an EU Member State. The designation is based on a secure supply chain in which the air carriers transporting air cargo or mail into the EU are the final link. All ACC3 designations are listed in an EU database.

After a transitional period ending on 1 July 2014 the secure supply chain of the ACC3 will have to be verified through EU aviation security validation.

The ACC3 has to ensure physical screening of air cargo or mail or the existence of a properly functioning secure supply chain. The ACC3 can directly accept cargo or mail as secure from cargo handling entities at non-EU airports. As of 1 July 2014, however, such entities must either hold a valid EU aviation security report themselves proving that they are capable of ensuring the security of air cargo or mail, or be covered by the EU aviation security validation to which the ACC3 had been subjected. Once an entity has successfully been validated by an EU aviation security validator it becomes a Third Country Regulated Agent (RA3) or a Third Country Known Consignor (KC3), depending on the nature of its business. While according to ICAO definitions Known Consignors are shipping cargo on their own account, Regulated Agents are all other entities which are involved in air cargo operations (freight forwarders, logistic providers, air cargo screening facilities, etc.).

EU aviation security validators are individuals specifically skilled and background-checked to be able to act on behalf of EU Member States when verifying ACC3 operations or the appropriateness of security measures applied by air cargo handling entities at non-EU airports.

Scope of the rules

The rules for EU-bound air cargo and mail apply to all air carriers that fly cargo or mail from a non-EU airport to the EU. This includes both EU and non-EU air carriers. Also, the rules apply to all types of aircraft, including passenger aircraft on which cargo or mail is carried, all-cargo

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aircraft and all-mail aircraft, and both scheduled and charter flights. The rules do not apply to foreign states.

The EU aviation security validation is carried out in respect of the operations conducted by the air carrier and the entities participating in the supply chain from which the air carrier receives cargo and mail. It does not have the purpose to inspect, to audit or to evaluate the level of aviation security of the State or the airport and their compliance with ICAO Standards.

Air carriers and other entities that wish to complete an EU aviation security validation are required to provide the EU aviation security validator with all necessary access and information to complete their validation. An EU aviation security validator does not need to have access to state sensitive or intelligence information.

If an air carrier does not comply with the EU requirements, it will not be designated as ACC3 by the appropriate authority of an EU Member State and will subsequently not be allowed to fly cargo and mail into the EU from a non-EU airport.

CHAPTER 6.8.1 - DESIGNATION OF AIR CARRIERS

This chapter lays down how air carriers can request an ACC3 designation.

Air carriers carrying cargo or mail into the EU need to contact the aviation security authority of the EU Member State responsible for its designation. This authority will be responsible for all ACC3 designations of the air carrier, no matter of its origin anywhere in the world or final destination within the EU.

- EU air carriers should contact the appropriate authority of the Member State that issued their Air Operator's Certificate (AOC).
- Non-EU carriers can locate the responsible appropriate authority by making use of the Annex to Regulation (EC) No 748/2009, as currently amended by Regulation (EU) No 815/2013, in which air carriers are assigned to one specific Member State. Non-EU carriers which are not included in this list are advised to contact the appropriate authority of the Member State where they have their major base of operations, but they may also make arrangements with another EU Member State.

EU law requires that by 1 July 2014, ACC3s ensure that their ACC3 designation is renewed (or in the future granted) on the basis of an EU aviation security validation of their cargo and mail operations at the relevant non-EU airport(s) carried out by an EU aviation security validator (see page 7 for more information).

The designation of an air carrier as ACC3 based on an EU aviation security validation is valid for a maximum period of 5 years, and is recognized in all EU Member States.

Questions and answers

1. Are all air carriers required to obtain an ACC3 designation?

All air carriers that carry cargo or mail to the EU from a non-EU airport are required to obtain an ACC3 designation. This includes both EU and non-EU carriers. It is irrelevant whether the cargo or mail is carried on a passenger aircraft or on an all-cargo or all-mail aircraft. Also, air carriers that carry out charter flights are required to obtain an ACC3 designation for operations at a given departure airport before carrying cargo or mail into the EU.

The ACC3 requirements are waived for cargo and mail operations from origins with robust aviation security measures and with an established low risk, as identified through an EU Risk Assessment. These origins are laid down in Attachment 6-F to Regulation (EU) No 185/2010. For security reasons, this attachment is not made public and only made accessible by Member States authorities based on a 'need-to-know'.

2. Are there other exemptions possible? For instance where last minute aircraft replacements are needed for aviation safety reasons (technical failure or other). If the only alternative is to replace it by an aircraft from an airline that does not have that specific ACC3 status, would this contingency flight be exempt?

The regulations allow for a very limited number of exemptions, which are, for security reasons, not made public. Air carriers may be informed of these exemptions by the appropriate authority of the EU Member State responsible for its designation as ACC3. In a case of unforeseen ad-hoc flights it is recommended that the airline immediately contacts the appropriate aviation security authority of the destination EU Member State and shares all necessary information.

The situation described above based on technical failure or safety concerns does not lead to an exemption because of a likely occurrence under normal operations. Contingency planning is the responsibility of the air carrier and its partners.

3. In respect of which operations should ACC3 designation take place?

ACC3 designation is in principle required for all operations from non-EU airports which serve as last point of departure to the EU. However, operations from a limited number of origins are exempted from the application of the ACC3 regulations. For security reasons, these origins are not made public. They will be communicated to air carriers by EU Member States on a need-to-know basis.

Operations from airports that do not serve as last point of departure to the EU may also be validated and designated as ACC3, but there is no legal requirement to have this done.

4. Is it possible for an air carrier to obtain multiple ACC3 designations?

Yes. An air carrier needs to obtain the ACC3 designation for the operations at every non-EU airport from which it directly flies cargo and mail to the EU.

5. Is an ACC3 designation required for a planned or unplanned stop where cargo remains on board?

If the cargo remains on board, no additional cargo is loaded, and the cargo hold is protected from unlawful interference, an ACC3 designation for operations from this specific location is not required.

6. On which element is designation based; flight numbers, aircraft registrations, other?

It is the air carrier, being the company, which needs to be designated as ACC3 for a specific last point of departure.

In the case of wet/dry lease, the responsible entity is the air carrier that orders the flight and leases the material from another air carrier.

In case of several air carriers sharing a flight code, the air carrier responsible for the carriage of the cargo or mail to the EU is required to have an ACC3 designation.

7. Does an air carrier need to apply for ACC3 designation in every EU Member State it flies to?

No, an air carrier only needs to apply for the designation with the appropriate authority of one EU Member State. Once the status is granted, this is recognized by all EU Member States. Point 6.8.1.1 regulates with which appropriate authority an air carrier should request ACC3 designation.

8. If an air carrier has already obtained an ACC3 status before 1 July 2014 without an EU aviation security validation being carried out, is this validation still valid for 5 years?

No. Every ACC3 designation granted before 1 July 2014 that is not based on an EU aviation security validation ends on 30 June 2014 (see Union database on supply chain security). Therefore, every current ACC3 is required to have available a positive EU aviation security validation report by 30 June 2014 at the latest, if it wants to retain its status and thus continue carrying cargo and mail into the EU.

CHAPTER 6.8.2 – EU AVIATION SECURITY VALIDATION FOR ACC3

This chapter lays down specific requirements and options in relation to the EU aviation security validation process for air carriers that want to obtain ACC3 designation.

EU law requires that by 1 July 2014 air carriers ensure that an EU aviation security validation of its cargo and mail operations at the relevant non-EU airport(s) has been carried out by an approved EU aviation security validator listed in the Commission's public website.

An EU aviation security validation is a standardized, documented, impartial and objective process for obtaining and evaluating evidence to determine the level of compliance with security objectives of the validated entity. An EU aviation security validation of air carriers consists of an examination of the air carrier's security programme and of a verification of the implementation of aviation security measures on-site. Requirements for EU aviation security validators are covered by chapter 11 of Regulation (EU) 185/2010 (see page 16).

The EU regulations provide air carriers with two options for ACC3 designation. Thus, the system provides flexibility to the entities involved to choose the option that suits best their business operations.

In option 1, an on-site verification at a non-EU airport is necessary before ACC3 designation can be granted for the operations at that specific location.

In option 2, air carriers that operate several relevant cargo or mail operations and which apply an internal security quality assurance programme that is equivalent to EU aviation security validation may request on-site verifications at a representative number of airports from where they operate. This representative number shall be at least 3 airports or 5% of all airports, whichever is higher, and should include all airports located in a high risk origin. If the EU Member State responsible for the designations concludes, based on the respective EU aviation security reports, that at all these locations the required security objectives are fulfilled, the air carrier shall be designated ACC3 for all non-EU airports from which it flies cargo or mail to the EU, including the locations which have not been subjected to an on-site verification.

As a condition for the full designation of the operations at all airports from which the air carrier carries cargo or mail into the EU, the appropriate authority of the Member State responsible for the air carrier's ACC3 designations has to agree on a roadmap that ensures EU aviation security validations at additional airports for every year the designation is valid. If the validator establishes that at one of these locations the required security objectives are not met, the air carrier either has to ensure an on-site verification at all airports or an on-site verification at twice the number of airports of the original per year, depending on the seriousness of the deficiency.

The air carrier will receive a copy of the validation report, which the EU aviation security validator sends to the appropriate authority of the EU Member State responsible for the designation of the air carrier as ACC3. It is not the validator but the appropriate authority that will designate the air carrier as ACC3, subject to a positive result.

Questions and answers

9. Should the air carrier draft a security programme for every non-EU airport it flies from?

No, not necessarily. One security programme may be sufficient provided that it covers all relevant airports and the details of security measures undertaken therein.

10. Which details should the security programme contain?

The security programme should include a detailed description of the measures implemented to ensure security controls, physical screening and protection of cargo and mail handled by the air carrier. Attachment 6-G of Regulation (EU) No 185/2010, as modified by Regulation (EU) No 859/2011, lays down which elements should be covered. Moreover, the checklist for ACC3 validation provides a picture of the security relevant areas (see question 11).

11. Which elements will the EU aviation security validator cover during the on-site verification?

The validator will verify the implementation of the security objectives as laid down in checklist 6-C3 of Regulation (EU) No 185/2010, as amended by Regulation (EU) No 1082/2012. He/she needs to have access to all relevant documentation, including the air carrier's security programme and training records of staff, and be able to observe security procedures, including the acceptance procedures, screening procedures, procedures for high risk cargo and mail and protection measures.

Air carriers are expected to grant the validator full access to all relevant information and locations and liaise with business partners or government authorities, where necessary, to facilitate the on-site verification. In exceptional cases, where the validator is not permitted to access government-run screening facilities, the validator will have to assess the level of security on the basis of the air carrier's attempts to ensure proper screening (e.g. contract with or letter to screening facility operator, written confirmation, etc.) (See question 12).

Eventually it will depend on the responsible Member State's assessment if the details contained in the EU aviation security validation report are sufficient for ACC3 designation or if further action is required.

12. Screening may be carried out by government facilities of which validators may not be able to retrieve the necessary information. How can an air carrier provide information during the EU aviation security validation?

The air carrier needs to ensure that screening is performed according to EU standards. If this is done by government screening facilities, this needs to be reflected in the air carrier security programme. The air carrier is required to give information to the validator how it ensures that screening is carried out according to the requirements. If the air carrier cannot provide the necessary details to the validator, it needs to explain why and provide proof of all attempts to achieve further information, in order for the validator to properly reflect the situation in the EU aviation security validation report.

13. When is an internal security quality control programme equivalent to EU aviation security validation?

The internal security quality control programme must allow for the swift detection of deficiencies and appropriate and timely follow-up action to rectify deficiencies. The appropriate

authority needs to verify whether the internal security quality control programme meets these requirements at a sufficient level to regard it as equivalent to EU aviation security validation.

14. Under option 2, all designations shall end on the same day. What does this mean?

Under option 2, an on-site verification of a representative number of operations may lead to ACC3 designation for all operations from airports the air carrier flies cargo or mail from to the EU, even if no on-site verification took place at these locations (yet). As the ACC3 designations are based on a sample, all designations will be received on the same date and shall have the same expiry date.

To provide an example: An air carrier flies cargo and mail to the EU from 10 non-EU airports. The air carrier agrees on a roadmap with the appropriate authority and operations at 3 locations are validated before 1 July 2014. Based on this sample, the air carrier receives 10 ACC3 designations on 1 July 2014, which shall all expire on 30 June 2019. As a condition for the use of the roadmap, the operations at the remaining 7 locations will be validated at a later stage. The dates of these validations do not have consequences for the date of designation, which stays 1 July 2014.

15. An air carrier flies cargo and mail to the EU from 20 non-EU airports, including 2 high risk origins. Under option 2, at how many airports should an on-site verification take place?

EU law requires that an on-site verification must take place at, at least, 3 airports or 5% of all airports, whichever is the higher, before an ACC3 designation in respect of all 20 locations can be granted. 5% is 1 airport, so in this case, an on-site verification needs to take place at at least 3 airports.

EU law requires also that an on-site verification shall take place at all airports situated in a high risk origin. Therefore, in this case, on-site verification needs to take place at 3 airports AND at the 2 airports located in the high risk origins before ACC3 designation can be granted to the air carrier in respect of all non-EU airports it flies cargo or mail from to the EU.

If the validation is valid for 5 years, for each of the next 4 years, 3 airports need to be verified. This leads to a total number of 17 airports in 5 years. The air carrier and the appropriate authority need to agree a roadmap of which airports will be covered in which order. The airports situated in high risk origins only need to be validated at the start of the validation exercise, not every year the validation is valid.

16. Continuing on the example above, in the third year the on-site verification at one airport leads to the identification of non-implementation of one or more security objectives. What are the next steps?

First, the air carrier needs to rectify the deficiencies and provide proof to the appropriate authority that measures have been implemented.

Second, depending on the seriousness of the deficiency, the appropriate authority responsible for the ACC3 designation of the air carrier requests either

- an on-site verification of all remaining operations at non-EU airports for which the ACC3 designation is granted within a set deadline. In this example, operations at 11 airports have been verified in the first 3 years. This leaves operations at 9 airports to be verified with a set deadline; or

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- an on-site verification at twice the number of operations at airports per year as originally established. This means an on-site verification at operations of 6 airports in year 4 and at the 3 remaining operations at airports in year 5.

The air carrier must be given a reasonable deadline to comply with these requirements.

17. Point 6.8.2.3 allows for a postponement of the deadline of 1 July 2014. Can I make use of this option?

The option provided in point 6.8.3.2 of Regulation (EU) No 185/2010 may only be granted by the appropriate authority and under the very strict condition that an EU aviation security validation could not take place for objective reasons beyond the responsibility of the air carrier. Basically this means that the justification for the delay lies within the responsibility of the appropriate authority or *force majeure*.

18. Air carriers are only obliged to implement screening according to point 6.8.3.2 as of 1 July 2014. Can it still be validated before that date?

Point 6.8.2.4 of Regulation (EU) No 185/2010 provides for an option in such cases. In case the screening requirements according to the second sentence of point 6.8.3.2 could not be confirmed at the time of the validation, the air carrier has to provide proof of the implementation of these requirements by 1 July 2014 at the latest. The proof shall consist of an update of the respective part of the security programme and may consist of a follow-up on-site verification, in particular if the appropriate authority so requires. This follow-up on-site verification may be done by the same validator.

CHAPTER 6.8.3 – SECURITY CONTROLS FOR CARGO AND MAIL ARRIVING FROM A THIRD COUNTRY

This chapter lays down which security controls an ACC3 needs to ensure in respect of cargo and mail it flies into the EU from a non-EU airport.

ACC3s must ensure that all cargo and mail is physically screened or comes from an EU aviation security validated secure supply chain. Securing cargo or mail may be done at the airport from which the cargo or mail is flown to the EU or at an earlier point in the supply chain. Entities in an EU aviation security validated secure supply chain may be an EU aviation security validated regulated agent (RA3), an EU aviation security validated known consignor (KC3) or an account consignor acting under the responsibility of an EU aviation security validated regulated agent (AC3) (see page 13 for more details).

The required security controls must at least meet ICAO standards. However, as of 1 July 2014, physical screening needs to be performed in accordance with EU standards.

High risk cargo and mail (HRCM) always needs to be physically screened in accordance with enhanced EU requirements for high risk cargo and mail. Cargo and mail should be treated as high risk when it has been significantly tampered with or otherwise suspect, or if it originates in high risk origins. For security reasons, these origins are not made public. They will be communicated to air carriers by EU Member States on a need-to-know basis.

The ACC3 is required to accompany the consignment with its unique alphanumeric identifier which it receives from the appropriate authority of the EU Member State upon designation. Also, the consignment needs to be accompanied with its security status, either in the form of an air waybill, equivalent postal documentation or in a separate declaration either in electronic format or in a written document. A security status should be issued by a regulated agent. However, in the absence of a regulated agent in the third country (RA3), the ACC3 may issue the security status declaration.

EU law defines 3 different security statuses:

- SPX, meaning secure for passenger, all-cargo and all-mail aircraft;
- SCO, meaning secure for all-cargo and all-mail aircraft only; and
- SHR, meaning secure for passenger, all-cargo and all-mail aircraft in accordance with high risk requirements.

Questions and answers

19. ICAO Annex 17 does not provide standards for all elements in the EU regulations. Which requirements are applicable in that case?

If there are no specific requirements in ICAO Annex 17, none apply, although the security objectives as set out in the checklist 6-C3 for ACC3, 6-C2 for RA3 and 6-C4 for KC3 still need to be met. ICAO guidance material clarifies several points in this respect.

20. Does screening in accordance with EU standards mean that the equipment used needs to be approved by the EU or EU Member States?

No, there is no obligation to use EU standardised screening technology. However, the EU aviation security validation report must state all available details on which type of equipment is being used. The screening process needs to take place with one of the means or methods mentioned in point 6.2.1 of Commission Decision 2010/774/EU to a standard sufficient to reasonably ensure the identification of prohibited articles, taking into account the nature of the consignment.

21. Some of the relevant EU requirements are contained in non-public decisions. How do industry and validators get access?

Air carriers will be informed about the relevant EU requirements by the appropriate authority of the EU Member State responsible for their ACC3 designation. This includes non-public information that may only be distributed on a need-to-know basis. It is the responsibility of air carriers to ensure that these measures are implemented and where necessary the information is forwarded to business partners, e.g. the screening facilities.

Validators will be granted access to all non-public information, necessary to undertake a validation at the moment they are approved as an EU aviation security validator or at a later stage for new information, by the authorities responsible for their approval.

22. If cargo is delivered from a known consignor (KC3) to a regulated agent (RA3) to an ACC3, is the ACC3 required to screen the consignment?

No, provided that the secure supply chain remains intact, i.e. that cargo has been protected from unauthorised access.

23. Which status should a consolidation of SHR consignment with SPX consignments receive? And a consolidation of SCO with SPX consignments?

Consolidated shipments that consist of consignments with a different security status, should be allocated the lowest status of the consignments involved. In the first case, the consolidation should receive the status SPX, in the second case SCO. If in the second case an SPX status is needed because the consolidated consignment will be flown on a passenger aircraft, physical screening is required before the consolidated consignment is loaded on board an aircraft bound for the EU.

24. Is high risk cargo and mail (HRCM) that is delivered through a secure supply chain exempt from physical screening?

No. Every HRCM consignment needs to be subjected to physical screening according to HRCM standards. Once screened according to these standards, the respective security status declaration as well as relevant protection has been provided for, it may travel further without additional HRCM screening.

25. Should HRCM screening take place on top of standard cargo and mail screening or instead of standard cargo and mail screening?

This depends on the situation. Normally, HRCM screening takes place instead of the standard cargo and mail screening. However, if cargo has been screened to the standard screening procedures and thereafter is found to be significantly tampered with or intelligence information becomes available, it should be rescreened according to HRCM standards.

26. Consignments which appear to have been significantly tampered with are to be treated as HRCM. Is this applicable to all cargo/mail or only to cargo/mail at the start of the secure supply chain?

To all cargo and mail. Tampering may also occur further down the supply chain.

CHAPTER 6.8.4 – VALIDATION OF REGULATED AGENTS AND KNOWN CONSIGNORS

This chapter regulates how shippers, freight forwarders, ground handlers, screening facilities and other cargo handling entities in non-EU countries may be EU aviation security validated and subsequently approved as third country regulated agent (RA3) or third country known consignor (KC3). This chapter also lays down which details the ACC3 shall record for all RA3s or KC3s from which it directly accepts cargo.

Air carriers that fly cargo or mail from a non-EU airport to an EU airport must ensure that all cargo and mail carried to the EU is physically screened or comes from a secure supply chain that is validated according to the EU regulations. The EU distinguishes three entities in the secure supply chain:

- Regulated agent: An agent, freight forwarder or any other entity that handles cargo and ensures security controls in respect of cargo and mail.
- Known consignor: A consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of cargo or mail on any aircraft.
- Account consignor: A consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo or mail on all-cargo or all-mail aircraft only.

For entities to become a third country regulated agent (RA3) or third country known consignor (KC3) they need to submit their relevant air cargo and mail operations to an EU aviation security validation. The validator will assess whether the entity complies with the relevant security objectives by making an on-site verification of the premises where air cargo or mail to the EU are being handled.

A third country regulated agent may designate an entity as a third country account consignor (AC3), but only if that entity acts on behalf of the regulated agent and the regulated agent accounts for the consignor's compliance with all applicable security requirements.

Entities that want to apply for the third country regulated agent or known consignor status may do so in two ways.

Option 1: In case the entity carries out security controls on behalf of an ACC3, it may be validated as part of the ACC3's validation. In this case, the ACC3's security programme needs to set out the details of the security controls implemented on its behalf by the entity concerned. As the validation is intertwined with the ACC3's validation, the status of third country regulated agent or known consignor is only valid for the secure supply chain relations the entity has with this specific ACC3. However, an entity may be validated as third country regulated agent or known consignor as part of the validation of multiple ACC3s.

Option 2: The entity may submit the relevant cargo or mail handling activities to an EU aviation security validation itself. The EU aviation security validator will use a standardized checklist to assess whether the entity complies with the necessary security objectives. This concerns the checklists contained in Attachment 6-C2 (for regulated agents) or Attachment 6-C4 (for known consignors) of Regulation (EU) No 185/2010 as amended by Regulation (EU) No 654/2013. If the entity complies with the necessary security objectives, the validation report states that the entity is designated as an EU aviation security validated regulated agent or known consignor. This designation is valid for 5 years. The validated entity receives a copy of the validation report.

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Before the entity can become part of an ACC3's secure supply chain, it must provide the ACC3 concerned with a copy of the validation report and the ACC3 must include the details of the third country regulated agent or known consignor in its database. EU law lays down which specific details need to be included in the database. RA3s may also maintain such a database themselves.

If the entity has failed to comply with the security objectives, the entity is not authorized to operate cargo or mail for carriage into the EU and the consignments it originates or handles need to be screened (by an ACC3 or RA3) before being loaded. In this case, the entity will not receive a copy of the validation report but a copy of the completed checklist stating the deficiencies.

Questions and answers

27. What is the purpose of the database the ACC3 needs to maintain?

The ACC3 is required to maintain a database with the details of all regulated agents and known consignors it directly accepts cargo or mail from. With this database, the air carrier can verify whether the consignments it receives come from an entity in the secure supply chain or not. If not, the ACC3 is required to ensure physical screening of the consignments concerned.

28. If a regulated agent (RA3) carries out all tasks for the air carrier, is the air carrier required to have an ACC3 designation and to subject that site to an on-site verification?

The air carrier is always required to have an ACC3 designation if it flies cargo or mail from a non-EU airport directly to the EU. In the case where a third party carries out all tasks for the air carrier, including the loading of consignments into the hold, and this third party is approved as an RA3, an on-site verification of the ACC3's operations at that airport would not be needed. It is therefore sufficient for the EU aviation security validator to validate the security programme of the air carrier, which must contain details of all operations carried out by the RA3. Also, the air carrier must ensure that the appropriate authority receives the relevant RA3 report.

CHAPTER 6.8.5 – NON-COMPLIANCE AND DISCONTINUATION OF ACC3 DESIGNATION

This chapter regulates the cases where an ACC3 status may be withdrawn and how this should be done.

A serious deficiency that is deemed to have a significant impact on the overall level of security in the European Union may be reason to withdraw the ACC3 status of an air carrier. Because of the impact this decision will have on the operations of an air carrier, an escalation process is provided.

First, the air carrier needs to be informed promptly of the deficiency by the appropriate authority of an EU Member State and be given a reasonable time to rectify the serious deficiency. Where rectification cannot be achieved, the European Commission may decide that the air carrier can no longer be recognized as ACC3, either for a specific or for all routes from which it flies cargo or mail from a non-EU country to the EU.

The air carrier may only be reinstated as ACC3 when an EU aviation security validation has confirmed that the serious deficiency has been rectified.

An air carrier may also request the appropriate authority of an EU Member State to have its ACC3 status withdrawn, for instance if the air carrier does no longer have relevant cargo or mail operations to the EU.

CHAPTER 11.6 – EU AVIATION SECURITY VALIDATION

This chapter lays down requirements for EU aviation security validations and EU aviation security validators.

EU aviation security validations may only be carried out by legal entities or individuals who have been approved as an EU aviation security validator by the appropriate authority of an EU Member State. Appropriate authorities may also provide staff for validations themselves and have them undertaken in their name.

Every individual performing EU aviation security validations needs to have appropriate competence and background and needs to comply with the following:

- Have been successfully subjected to a background check;
- Perform validations impartially and objectively, understand the meaning of independence and apply methods to avoid situations of conflict of interest;
- Have sufficient theoretical knowledge of and practical experience in the field of quality control as well as respective skills and personal attributes to collect, record and assess findings based on a checklist;
- Provide proof of appropriate competence based on training and/or a minimum work experience in the fields of
 - general aviation security principles of the EU and ICAO;
 - air cargo and mail security related principles and how they are applied to operations; and
 - security technologies and techniques relevant for the validation process; and
- Undergo refresher training.

A validator will only be considered as approved when her/his details are listed in the Union database on supply chain security. Approved EU aviation security validators are recognized in all EU Member States and may conduct validations of every air carrier and cargo handling entity seeking approval or designation according to the EU regime for air cargo and mail from non-EU countries. The approval as EU aviation security validator expires after a maximum period of 5 years.

An EU aviation security validator is required to be independent from the validated industry. As proof of this, he/she has to sign an independence declaration and attach it to the validation report.

Questions and answers

29. How can an EU aviation security validator prove it is approved by an EU Member State?

All approved EU aviation security validators are listed in the [Union database on supply chain security](#). Individual Member States may provide approved validators with proof of their approval, e.g. an approval letter.

30. Is industry free to engage with the EU aviation security validator of their liking?

Yes. Every approved EU aviation security validator included in the Union database on supply chain security may be contracted by air carriers and other entities that wish to become an RA3 or KC3.

31. Are EU Member States required to accept validation reports from all EU aviation security validators, even if that Member State did not approve the validator itself?

Yes. Once an EU Member State has approved an EU aviation security validator and entered her/his details in the Union database on supply chain security, this validator and the work he/she delivers shall be recognised by all EU Member States.

32. By default, the report shall be in English. Is it allowed to write in another language?

Upon agreement with the validated industry and, where relevant, the appropriate authority of the Member State responsible for the designation of an air carrier as ACC3, the report may be written in another language than English. However, to allow for dissemination of the report to other entities (e.g. RA3 report to ACC3) it is advisable to have an English version always available as well.

33. If a validator carries out the validation for multiple air carriers serving one airport, is it sufficient to write one report relating to the operations at that airport?

No, each validated entity will need to receive its own validation report.

34. How are expenses and insurance costs of the EU aviation security validators covered?

Such elements should form part of the contract between the validated entity and the validator. The EU aviation security regulations do not contain requirements with regard to these issues.

35. An EU aviation security validator is required to be independent from the validated industry. How far does this requirement reach?

More details on this requirement can be found in the independence declaration, contained in Attachment 11-A to Regulation (EU) No 1082/2012 amending Regulation (EU) No 185/2010. The validator may not have, or have had in the preceding 2 years, been employed by the validated entity, may not have an economic or other direct or indirect interest in the outcome of the validation activity, the validated entity or its affiliates and may not have, or have had in the preceding 12 months, business relations with the validated entity in the field of aviation security.

Such business relations include providing training or consultancy, which means that a validator cannot be hired to provide a 'test' validation or to give aviation security training and after that to perform a real validation.

If a validator encounters a possible conflict of interest, he should refrain from conducting the validation.

Focus on ACC3 requirements

TERMINOLOGY LIST

Acronym	Meaning
AC3	Third country account consignor
ACC3	Air cargo or mail carrier operating into the Union from a third country airport (Source: Point 6.8.1.1 of the Annex to Regulation (EU) No 1082/2012)
HRCM	High risk cargo and mail (Source: Point 6.1.2 of the Annex to Regulation (EU) No 859/2011)
KC3	Third country known consignor (Source: Attachment 6-C4 of the Annex to Regulation 654/2013)
RA3	Third country regulated agent (Source: Attachment 6-C2 of the Annex to Regulation 654/2013)
SCO	Security status indicating that the consignment concerned is secure to be flown on an all-cargo or all-mail aircraft only (Source: Point 6.3.2.6 (d) of the Annex to Regulation 185/2010)
SHR	Security status indicating that the consignment concerned is secure to be flown on passenger, all-cargo and all-mail aircraft in accordance with high risk requirements (Source: Point 6.3.2.6 (d) of the Annex to Regulation 859/2011)
SPX	Security status indicating that the consignment concerned is secure to be flown on passenger, all-cargo and all-mail aircraft (Source: Point 6.3.2.6 (d) of the Annex to Regulation 185/2010)

Terminology	Explanation
Air Cargo or Mail Carrier operating into the Union from a Third Country Airport (ACC3)	An air carrier flying air cargo or mail from a non-EU country to the EU, which implements the required EU security measures and has subsequently been designated as ACC3 by the appropriate authority of an EU Member State.
Account consignor	A consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo on all-cargo aircraft or mail on all-mail aircraft. (Source: Article 3 of Regulation 300/2008)
Attachment 6-C2	Attachment to the Annex of Regulation (EU) No 654/2013 that contains the validation checklist for RA3s.
Attachment 6-C3	Attachment to the Annex of Regulation (EU) No 1082/2012 that contains the validation checklist for ACC3s.
Attachment 6-C4	Attachment to the Annex of Regulation (EU) No 654/2013 that contains the validation checklist for KC3s.

Focus on ACC3 requirements

Terminology	Explanation
Attachment 6-Fii	Attachment to the Annex of Regulation (EU) No 1082/2012 that contains a list of third countries as well as overseas countries and territories with special relations to the European Union for which ACC3 designation is not required. This list is not public.
Attachment 6-G	Attachment to the Annex of Regulation (EU) No 859/2011 that establishes the contents of the security programme of an ACC3.
Attachment 6-H	Attachment to the Annex of Regulation (EU) No 859/2011 that contains the declaration of commitments each ACC3 is required to sign before 1 July 2014.
Attachment 6-H1	Attachment to the Annex of Regulation (EU) No 1082/2012 that contains the declaration of commitments each ACC3 is required to sign when it has been EU aviation security validated.
Attachment 6-H2	Attachment to the Annex of Regulation (EU) No 654/2013 that contains the declaration of commitments each RA3 is required to sign when it has been EU aviation security validated.
Attachment 6-H3	Attachment to the Annex of Regulation (EU) No 654/2013 that contains the declaration of commitments each KC3 is required to sign when it has been EU aviation security validated.
Attachment 6-I	Attachment to the Annex of Regulation (EU) No 859/2011 that contains requirements related to high risk cargo and mail. These requirements are not public.
Attachment 11-A	Attachment to the Annex of Regulation (EU) No 1082/2012 that contains the independence declaration for EU aviation security validators.
Checklist	See 'validation checklist'
Declaration of commitments	Document that an ACC3, RA3 or KC3 is required to sign, in which it declares that it will implement appropriate aviation security measures.
Designation	1: The act of awarding an entity a certain status 2: A certain status, within this context the ACC3, RA3 or KC3 status.
Discontinuation of ACC3 designation	The removal of a designated ACC3 from the 'Union database on supply chain security' by the responsible appropriate authority, either at the request/agreement with the air carrier, or in case the ACC3 does not pursue relevant cargo/mail operations and does not react to a request for comments or otherwise obstruct the assessment of risk to aviation
EU aviation security validated known consignor	See 'third country known consignor'
EU aviation security validated regulated agent	See 'third country regulated agent'

Focus on ACC3 requirements

Terminology	Explanation
EU aviation security validation	A standardized, documented, impartial and objective process for obtaining and evaluating evidence to determine the level of compliance of the validated entity with requirements set out in the EU aviation security regulations. (Source: Point 11.6.1 of the Annex to Regulation 1082/2012)
EU aviation security validator	A company or individual who has been approved by the appropriate authority of an EU Member State to conduct EU aviation security validations.
High risk cargo and mail	Cargo and mail that is deemed to have a higher risk of being used for an act of unlawful interference than regular cargo and mail. Subsequently, additional security measures need to be undertaken to secure this cargo and mail.
ICAO standards	The Standards and Recommended Practices (SARPs) of the International Civil Aviation Conference (ICAO) as laid down in Annex 17 to the Chicago Convention, and its Guidance Material contained in the Aviation Security Manual (ICAO Doc 8973).
Independent validation and/or independent validator	See 'EU aviation security validation' and 'EU aviation security validator'
Identifiable air cargo / mail	Air cargo or mail of which it is known that it will be loaded on board an aircraft.
Known consignor	A consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of cargo or mail on any aircraft. (Source: Article 3 of Regulation 300/2008)
Non-compliance of ACC3 designation	A situation where any of the ACC3 requirements are not correctly implemented by the ACC3 and for which specific formal actions have to be taken should the non-compliance be considered a serious deficiency.
On-site verification	Part of an EU aviation security validation that verifies the implementation of aviation security measures at the site of the entity.
Point of origin	The location where cargo or mail comes from. This includes locations from which the cargo was transported by road, rail or water.
Prohibited articles	Articles which could be used to commit an act of unlawful interference (terrorist act) on board an aircraft, such as a bomb. (Source: Article 3 of Regulation 300/2008)
Protected from unauthorised interference	Protected to such a standard that unauthorized persons cannot interfere with the consignment concerned and that no prohibited articles could be introduced to the consignment.

Focus on ACC3 requirements

Terminology	Explanation
Regulated agent	An air carrier, agent, freight forwarder or any other entity who ensures security controls in respect of cargo and mail. (Source: Article 3 of Regulation 300/2008)
Screening	The application of technical or other means which are intended to identify and/or detect prohibited articles. (Source: Article 3 of Regulation 300/2008)
Secure supply chain	A supply chain in which all actors have been designated or approved in line with an established regulatory framework and are required to take appropriate security controls, so that the cargo or mail can subsequently be regarded as secure to fly.
Security controls	The application of means by which the introduction of prohibited articles may be prevented. (Source: Article 3 of Regulation 300/2008)
Security status	A status given to a consignment by an air carrier or regulated agent which indicates whether that consignment is secure to be flown on board of a passenger aircraft and/or on board of an all-cargo or all-mail aircraft only, according to the security controls previously applied to it.
Serious deficiency	Any situation and/or occurrence of non-compliance related to an ACC3 operation identified by the Commission and/or by an appropriate authority, which is deemed to have a significant impact on the overall level of aviation security in the Union.
Third country	Any country except for the 28 EU Member States, Iceland, Norway, Liechtenstein and Switzerland.
Third country account consignor (AC3)	An account consignor in a non-EU country that has been recognised as such by a third country regulated agent.
Third country entity	A person, organisation or enterprise in a non-EU country.
Third country known consignor (KC3)	A known consignor in a non-EU country that has been successfully subjected to an EU aviation security validation and has subsequently been designated as such.
Third country regulated agent (RA3)	A regulated agent in a non-EU country that has been successfully subjected to an EU aviation security validation and has subsequently been designated as such.
Transfer cargo or mail	Cargo or mail departing on an aircraft other than that on which it arrived. (Source: Article 3 of Regulation 300/2008)
Transit cargo or mail	Cargo or mail departing on the same aircraft as that on which it arrived. (Source: Article 3 of Regulation 300/2008)
Union database on supply chain security	The European Union database where the details of ACC3s, as well as of EU aviation security validators are entered by the designating appropriate authority for the purposes of mutual

Focus on ACC3 requirements

Terminology	Explanation
	recognition in all Member States.
Unique alphanumeric identifier	The alphanumeric code in the standard format allocated to the ACC3 in the 'Union database on supply chain security' for the purposes of identifying the air carrier and the third country airport for which the air carrier has been designated to carry cargo or mail into the Union. A specific alphanumeric code is also allocated in the database also to an EU aviation security validator.
Validation	See 'EU aviation security validation'
Validation checklist	The instrument used during an EU aviation security validation to record the information gathered in order to assess the level of security applied to EU bound air cargo and mail.
Validation report	The report delivered by an EU aviation security validator after an EU aviation security validation has been carried out.
Validator	See 'EU aviation security validator'