



Consultation

Application of European Union Civil Aviation Security Measures to the Isle of Man

Views are sought on the proposed application of European Union civil aviation security measures to the Isle of Man

Consultation Period: 2 June 2017 to 17 July 2017

Issued by:

The Isle of Man Civil Aviation Administration

Department of Economic Development

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Executive Summary

The purpose of this paper is to consult on the proposed application of specified European Union (EU) civil aviation security measures to the Isle of Man with appropriate modification, which would replace and update EU legislation previously applied to the Island.

The Isle of Man is recognised by the EU as applying security standards equivalent to the EU common basic standards. Additionally, flights to and from the Island are afforded domestic status by the UK. Therefore, it is necessary to apply the most recent EU measures in order to maintain this status.

The consultation is considered to be of direct relevance to:

- Isle of Man Airport and their contracted agents;
- air carriers operating to and from the Isle of Man;
- agents, freight forwarder, or any other entity who ensures security controls in respect of cargo or mail;
- consigners who originate cargo or mail for their own accord for carriage on aircraft;
- providers of airport and in-flight supplies, goods and services;
- Police authorities and any other entities responsible for the escort of potentially disruptive passengers.

It is expected that the Order will come into effect before the end of 2017.

If you would like to make any comments on the proposals please submit these (preferably by email) to Colin Gill (Deputy Director Civil Aviation) by close of play 17 July 2017.

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Introduction

The Isle of Man is recognised by the European Union (EU) as applying security standards equivalent to the EU common basic standards. Additionally, flights to and from the Island are afforded domestic status by the UK. These arrangements have the following benefits:

- ensures appropriate measures to maintain public safety;
- contributes to fulfilment of the Island's international obligations under the Chicago Convention on Civil Aviation.
- maintains the Island's reputation as a responsible jurisdiction;

At present the following EU regulation is applied to the Island¹:

- Regulation (EC) No. 300/2008 - however, not all aspects of the regulation were applied and the regulation has since been subject to amendment by the EU. Additionally there has been an EU regulation made which further supplements the content of Regulation (EC) No.300/2008.
- Commission Regulation (EU) No 185/2010 as amended by Commission Regulation (EU) No 357/2010 – however, this has subsequently repealed in EU law and replaced by Commission Implementing Regulation (EU) 2015/1998.

In support of maintaining the Island's EU recognition and UK domestic status, the applicable legislation in the Isle of Man must reflect that in place in the EU and UK. Therefore, it is proposed that the application of the above EU legislation to the Island is repealed and the following EU regulations are applied by order to the Isle of Man with appropriate modification where necessary:

- [Regulation \(EC\) No 300/2008](#) as amended by [Commission Regulation \(EU\) No 18/2010](#), and incorporating the content of [Commission Regulation \(EU\) 1254/2009](#).
- [Commission Regulation \(EC\) 272/2009](#) as amended by:
 - [Commission Regulation \(EU\) No 297/2010](#);
 - [Commission Regulation \(EU\) No 720/2011](#);
 - [Commission Regulation \(EU\) No 1141/2011](#);
 - [Commission Regulation \(EU\) No 245/2013](#).
- [Commission Implementing Regulation \(EU\) 2015/1998](#) as amended by:
 - [Commission Implementing Regulation \(EU\) 2015/2426](#);
 - [Commission Implementing Regulation \(EU\) 2017/815](#).

As is the case for the currently applied EU regulations, the application of the regulations place direct requirements on the following entities:

- The Department of Economic Development, as the 'appropriate authority' responsible for the coordination and monitoring of the implementation of the Island's civil aviation security programme.
- The Department of Infrastructure, as the operator of Isle of Man Airport.
- All operators, including air carriers, providing services at Isle of Man Airport.

¹ Civil Aviation (Application) Order 2013 (SD 0232/13)

- “Regulated agents” i.e. air carriers, agents, freight forwarders or any other entity who ensures security controls in respect of cargo or mail
- “Known consignors” i.e. 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 consignors” i.e. 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;
- All entities applying aviation security standards that operate from premises located inside or outside Isle of Man Airport premises and provide goods and/or services to or through Isle of Man Airport.
- Police authorities and any other entities responsible for the escort of potentially disruptive passengers.

Regulation (EC) No 300/2008

Overview

[Regulation \(EC\) No 300/2008](#), amended by [Commission Regulation \(EU\) No 18/2010](#), provides common basic rules to protect civil aviation against acts of unlawful interference that jeopardise the security of civil aviation.

The regulation also provides the basis for a common interpretation of Annex 17 to the Chicago Convention, including requirements on:

- the national civil aviation security and quality control programmes;
- airport, entity and air carrier security programmes.

Regulation (EC) No 300/2008 was applied to the Isle of Man by the Civil Aviation (Application) Order 2013²; however, this was prior to the amendments made by Commission Regulation (EU) No 18/2010. Additionally, it did not apply the part of the regulation concerning air carrier security programme to the Island. Whilst all current Isle of Man air carriers are captured by the Regulation as a result of being registered in an EU Member State, it is considered sensible for this to be included.

[Commission Regulation \(EU\) No 1254/2009](#) sets the criteria for derogations from the common basic rules and to adopt alternative security measures. This amplifies content in Regulation (EC) No 300/2008; therefore, its content is being built into the Island’s application of this regulation.

The new proposed Order will perpetuate the current situation where any references within the regulation to ‘Member State’ shall be taken to include the Isle of Man.

Text as Applied to the Island

The draft text of the regulation as applied to the Isle of Man is provided at Annex A.

The following variations and omissions are proposed in the application of the regulation and its amendment to the Isle of Man:

² SD 0232/13

- Omit:
 - Article 2 paragraph 2 (application to Gibraltar).
 - Article 4 paragraph 4 (European Commission (EC) procedure for establishing alternative measures).
 - Article 8 (EC cooperation with the International Civil Aviation Organisation).
 - Article 9 (designation of appropriate authority where 2 or more bodies are responsible for the coordination and monitoring of the implementation of the common basic standards – not required in the Isle of Man).
 - Article 16 (EC annual report).
 - Article 17 (EC Stakeholders Advisory Group).
 - Article 18 (EC dissemination of information).
 - Article 20 (EC agreements with third countries).
 - Article 22 (EC reporting on financing).
 - Article 23 (Repeal of Regulation (EC) No 2320/2002).
 - Article 24 (Entry into force).
 - Annex II paragraph 1(2) (Definition of “appropriate authority” due to explicit definition of this being added in the main body).
 - Annex II paragraphs 17 and 18 and Appendix III (reporting to the EC).
- Add:
 - Within Article 1: “Appropriate authority” as meaning the Department of Economic Development.
 - Within Article 4: Article 1 of Commission Regulation (EU) No 1254/2009 (criteria for derogation from the common basic standards and adoption of alternative security measures specified in Article 4(1) of Regulation (EC) No 300/2008).
- Amend:
 - Editorial errors with regard to the referencing of ‘the Annex’ and ‘Annex I’ and ‘Annex II’.

Commission Regulation (EC) No 272/2009

Overview

[Commission Regulation \(EC\) 272/2009](#) provides for general measures to supplement the common basic standards set out in Regulation (EC) No 300/2008 and is amended by:

- [Commission Regulation \(EU\) No 297/2010](#);
- [Commission Regulation \(EU\) No 720/2011](#);
- [Commission Regulation \(EU\) No 1141/2011](#);
- [Commission Regulation \(EU\) No 245/2013](#).

The regulation includes detail on the following subjects:

- methods of screening;
- prohibited categories of articles;
- grounds for granting access to airside and security restricted areas;

- allow methods for the examination of vehicles, aircraft security checks and aircraft security searches;
- criteria for recognising the equivalence of security standards of third countries;
- conditions under which cargo and mail shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated agents, known consignors and account consignors

It is proposed that the new proposed Order will specify that where any references within the regulation to 'Member State shall be taken to include the Isle of Man.

Text as Applied to the Island

The draft text of the regulation as applied to the Isle of Man is provided at Annex B.

The following variations and omissions are proposed in the application of the regulation and its amendments to the Isle of Man:

- Omit:
 - Article 1(e) (EC criteria for third country recognition).
 - Article 3 (Entry into force).
 - Annex Part E (EC criteria for third country recognition).
- Amend:
 - Editorial errors with regard to the referencing of 'the Annex' and 'Annex I' and 'Annex II'.

Commission Implementing Regulation (EU) 2015/1998

Overview

[Commission Implementing Regulation \(EU\) 2015/1998](#) lays down the detailed measures for the implementation of the basic standards on aviation security, covering the same subject areas as Commission Regulation (EU) No 185/2010 (which it replaced) but with the provision of amendment and additional detail and processes. Commission Implementing Regulation (EU) 2015/1998 is amended by:

- [Commission Implementing Regulation \(EU\) 2015/2426](#);
- [Commission Implementing Regulation 2017/815](#).

The application of Commission Implementing Regulation (EU) 2015/1998 and its amendments to the Island will also repeal the Island's application of Commission Regulation (EU) No 185/2010 and Commission Regulation (EU) No 357/2010.

The regulation includes detail on the following subjects:

- airport security;
- aircraft security;
- passengers and cabin baggage;
- hold baggage;

- cargo and mail;
- air carrier mail and carrier materials;
- in flight supplies;
- airport supplies;
- in flight security measures;
- staff recruitment and training;
- security equipment.

It is proposed that the new proposed Order will specify that where any references within the regulation to 'Member State shall be taken to include the Isle of Man.

Text as Applied to the Island

The draft text of the regulation as applied to the Isle of Man is provided at Annex C.

The following variations and omissions are proposed in the application to the Isle of Man of the regulation and its amendments:

- Omit:
 - Article 3 (entry into force).
 - References to the Isle of Man as a third country recognised as applying equivalent security standards within Annex Attachments 3-B; 4B; 5A.
 - Reference to EC procedure for notifying member states of concerns with regard to third countries within Annex Attachments 3-B; 4B; 5A.
- Add:
 - Within Article 1: "Competent authority" as meaning Police Officers or an entity responsible for the escort of potentially disruptive passengers.
- Amend:
 - References to "the authority" corrected to "the appropriate authority" where necessary for clarity.

Consultation Process

The Department would welcome your views on the proposals. The closing date for the receipt of comments on the proposed Bill as detailed in this consultation paper is 5.00 pm on 17 July 2017.

If you are responding on behalf of a group it would be helpful to make your position clear and to provide a summary of the people/organisations represented. To ensure that the process is open and honest, responses can only be accepted if you provide your full name with your response.

Consultation responses and any queries on the contents of this consultation should be sent (preferably by email) to:

Deputy Director of Civil Aviation
The Isle of Man Civil Aviation Administration
Department of Economic Development
St George's Court
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The Department will publish a summary of the responses within 3 months of the closing date for this consultation.

The purpose of consultation is not to be a referendum, but is an information, views and evidence gathering exercise from which to take an informed decision on the content of proposed legislation. As with any consultation exercise, the responses received do not guarantee changes will be made to the proposals.

Unless specifically requested otherwise, responses received may be published either in part or in their entirety, together with the name of the person or body submitting the response; if you do not consent to this, you must clearly request that your response be treated as confidential. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. Information provided in response to the consultation will be dealt with in accordance with the Guidance on the Code of Practice on Consultation and the Code of Practice on Access to Information. Respondents should also be aware that there may be circumstances in which the Department will be required to communicate information to third parties on request, in order to comply with obligations under the Freedom of Information Act 2015.

This paper has been developed in accordance with the Isle of Man Code of Practice on Consultations Criteria as follows:

- Consult widely throughout the process, allowing a minimum of 6 weeks for a minimum of one written consultation at least once during the development of the legislation or policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- Ensure your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your Department's effectiveness at consultation.
- Ensure your consultation follows best practice, including carrying out an Impact Assessment if appropriate.