



Regulatory developments in the field of aviation security & customs

Impact on postal operators

Joost Vantomme, Chair European Affairs Committee

CERP plenary, 24 May 2012, Belgrade



Agenda

- 1. The context : aviation security & customs**
- 2. The stakeholders & ongoing projects**
- 3. The European approach towards regulation**
- 4. Conclusions**

1. Context

Customs & security

- ❑ “YEMEN-Incident” – discovery of parcel bombs being sent from Yemen to synagogues in the US in Oct. 2010
- ❑ Regulatory response at USA side : TSA requirements Nov 2010 heavily impacting posts and its customers
- ❑ Regulatory initiatives at EC side : EC regulation with strong operational impact on third (non-EU 27) countries -> need for dialogue ex-ante
- ❑ Link with customs : traditional info to and role of customs was for fiscal purposes. Move to new roles such as detection counterfeit/piracy and exchange platform for security advanced notice for possible pre-departure instructions such as do not load
- ❑ Assessment needed of the balance between free flow of goods and

Our Postal Specifics

- ❑ **USO in the postal directive : availability & quality requirements**
- ❑ **Postal supply chain :**
 - not a “one-to-one” collect -> distribution chain
 - Post is mass medium & sorting processes
 - Presence of lots of unknown senders
 - No institutionalized e-exchange of docs with customs authorities
- ❑ **UPU : simplified customs under UPU flagship (CN 22/CN 23)**
- ❑ **UPU : freedom of transit. Issue in case of different regulatory rules in sending/transiting/receiving country**
- ❑ **EU customs : UPU flows exempted for electronic advanced notice**



2. Stakeholders & ongoing projects

Aviation security & customs : int'l stakeholders

ICAO

- UN agency -> Chicago convention -> annex 17 screening requirements
- Avsec Panel & World Cargo Security Group
- Standards, recommended practises
- Audits via Universal Security Audit programme
- European Union observer status

WCO

- UN agency
- SAFE framework of standards
- Simplification and harmonisation of customs procedures, trade supply chain security, enhancement of customs enforcement, anti-counterfeiting and piracy procedures, capacity building programmes, ...
- Technical expert group on aviation security and customs (links with UPU and ICAO)
- Cooperation WCO/ICAO on global air cargo security
- Resolution Dec 2011 of the WCO Policy Commission on air cargo security

UPU

- UN agency
- Dedicated Inter-Committee Security Group
- Multi-stakeholder approach and negotiation for global postal security standard
- Proposal postal security standards approved POC -> art. 9 covention (Doha)
- Ongoing -> Doha: Interim group on customs electronic pre-alert

Aviation security & customs: int'l stakeholders

EUROPEAN UNION

- Council of ministers : 2010 air cargo security plan & High level Working Group -> strenghtening air cargo security
- EU Commission : DG MOVE & DG TAXUD. Associated DG HOME
- Single Sky internal market & Union customs market
- Regulatory rules via Regulations in comitology/delegated acts & confidential Commission decisions. Impact on third countries

USA

- TSA (Transportation and Safety Agency), created in the wake of 9/11
- Embedded in DHS (departement of Homeland Security)
- Responsibility for airport security + screening commercial airline passangers/bagage
- Regulation via security directives & emergency directives
- Examples : Nov 2011 piece level screening -> adapted March 2011
- ACAS : Air Cargo Advanced Screening pilot programme

Other continents/States

- Nation sovereignty & subsidiarity
- No harmonized approach : e.g. customs pre-alert for China

Aviation security & customs: int'l stakeholders

IATA

- Air carriers
- Programmes and practises : harmonization of procedures
- Two layered approach : physical screening & advanced notice
- Close collaboration with WCO : IATA's implementation of the SAFE Framework of Standards

PostEurop

- Dedicated Working groups on aviation security & on customs
- Dedicated Strategic Security Task Force
- Dialogue & structural involvement with the EC
- Aviation security : EC SAGAS expert group
- Customs : EC Trade contact group + EU postal expert group under Customs 2013 programme

...

3. EU approach towards regulation

Aviation security

Basic Regulation 300/2008

- Common one-stop security approach within EU
- *Ratione personae* regulated: airports, operators, air carriers, other entities
- *Ratione materiae* regulated : intra EU flights & outbound from EU
- Differentiation mail from cargo
- Concept of regulated agent, known consignor, screening methods, ...
- Principle : *“All cargo and mail shall be subjected to security controls prior to being loaded on an aircraft. An air carrier shall not accept cargo or mail for carriage on an aircraft unless it has applied such controls itself or their application has been confirmed and accounted for by a regulated agent, a known consignor or an account consignor”*
- Details via supplementing & implementing regulations. exemptions via restricted Commission Decision(s).

Aviation security

August 2011 : new regulatory package via Regulation 589/2011 & implementing Decision

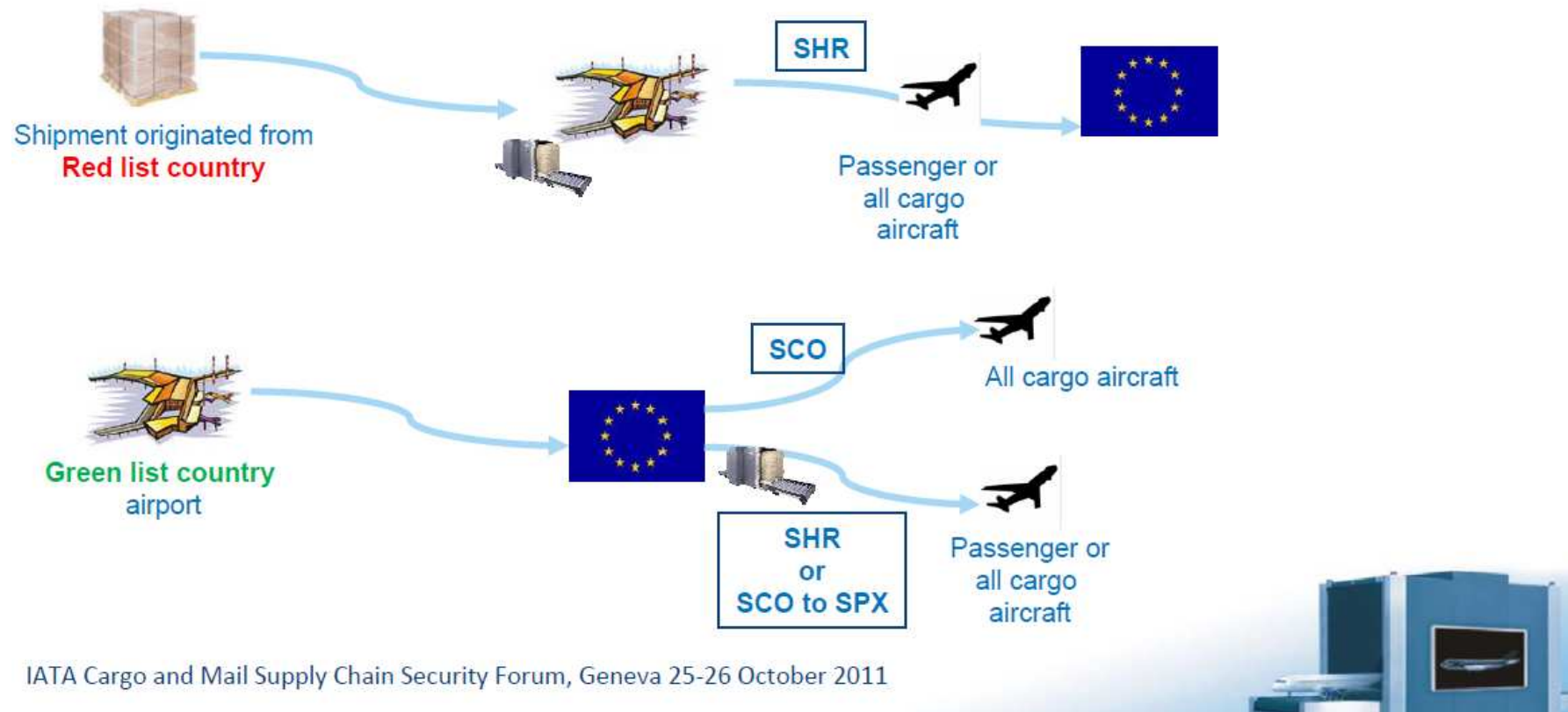
- Common one-stop security approach within EU
- Principle of “High Risk Cargo and Mail” : strengthened screening
- New strict rules on inbound traffic to EU from third countries (ACC3 designation)
- Two stage approach for third countries: ICAO screening standards until July 2014 -> thereafter EU standards to be applied by third countries + independant validators from the EU

Example of EU Inbound supply chain



IATA Cargo and Mail Supply Chain Security Forum, Geneva 25-26 October 2011

Example of new EU inbound requirements



Customs

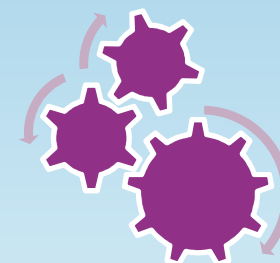
- ❑ Community Customs Code : directive of 1992 (numerous updates) & Implementing Provisions via Commission regulation 1993 (numerous updates)
- ❑ “Security amendment” : Commission regulation 648/2005 (Annex 30 A details) : as of 1 Jan 2011 pre-arrival & pre-departure information via entry/exit summary declarations in ICS/ECS. *Letters, postcards, printed matter + goods moved under the rules of the UPU excluded*
- ❑ Signal to review existing Customs derogation procedures
- ❑ Dialogue PostEurop DG TAXUD ongoing + interim group started at UPU

4. Conclusions



Dialogue welcomed and appreciated

- ❑ Aviation security: postal operators and their customers directly affected and indirectly via approach adopted by airlines
- ❑ Customs : postal operations not built in context of (electronic) advanced notice. Need for dialogue towards future approach and agreed timeline
- ❑ Assessment needed of balance between free flow of goods and data & security
- ❑ And... worldwide approach/standards needed





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