

**IBAC Technical Report Summary**

**Subject:** Security for Business Aviation

**Meeting:** 3<sup>rd</sup> Meeting of the EU and US Transport Security Cooperation Group

**IBAC File:** Security

**Reported by:** Don Spruston

**Summary:**

The European Union and United States Transport Security Cooperation Group is a meeting of EC and US officials, the objective being the coordinating of security provisions between the two regulatory regimes. The July 17 meeting in Washington was the third meeting of the Group, but the first to which stakeholders were invited.

The Stakeholder meeting was held immediately before the closed session of the Group. Stakeholder invitees were primarily from the airline, airport and air cargo industries. IBAC was the only GA/BA organization represented.

IBAC presented a Brief on major issues impacting business aviation, including entry restrictions, harmonization of EU and US rules for general aviation and corporate aviation with ICAO standards and the need to resolve the issue of on-demand charters.

See Report attached.

**Implication for Business Aviation:**

The TSA and EU officials appeared to concur that there are difficulties with respect to the lack of harmonization between the rules in the US and those in the EC Regulation. There also is agreement to review the entry restrictions on non-commercial aircraft from non-US registered States.

Follow up activity is required by IBAC and Member Associations on all issues.

**Decisions Required:**

There is urgent need to finalize the IBAC Position Paper on Security for On-demand Operations so that the principles can be transmitted to the EC. There is need for IBAC, NBAA and European associations to work with the TSA to recommend options for a replacement of the entry restrictions.

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**IBAC Technical Report**  
**3<sup>rd</sup> Meeting of the**  
**European Union and the United States**  
**Transport Security Cooperation Group**

**Arlington, July 17, 2003**

**Meeting Overview**

IBAC was invited to attend a meeting of stakeholders in advance of the 3<sup>rd</sup> Meeting of the European Union and the United States Transport Security Cooperation Group, held July 17, 2003 in Washington. Although unknown to the industry, this coordination meeting was in its third session, with this meeting being the first to which the industry was invited. Invitations were extended approximately five days before the meeting, hence little time was available for preparation and coordination. The meeting was discussed briefly at the POC meeting of July 11 & 12 in Calgary.

The meeting was co-chaired by David Tiedge, Director International Security Requirements, TSA, and Eckard Seebom, Head of Unit, Airport Policy-Aviation Security-Environment, EC. In attendance for part of the meeting were Mike Robinson, Assist Administrator for Aviation Operations, TSA and Michel Ayrat, Director Air Transport, EC. Don Spruston represented IBAC.

Also invited were other international organizations such as IATA and ACI. In total there were approximately 18 officials representing the TSA, FAA and EU. The industry was represented by approximately 14 representatives of the international airline, air cargo and airports organizations. IBAC was the only attendee from the GA/BA community.

**Issues Discussed**

A number of security issues of general interest and more specific to airline operations were as follows:

- general approach of TSA and EU;
- need to harmonize rules;
- explosive detection standards;
- re-screening of baggage entering US;
- security audits;
- air cargo issues and need for screening;
- NPRM on its way for air cargo screening
- hardened door requirements;
- surveillance outside cockpit door;

- MANPADS (i.e. air to ground rockets etc);
- passenger and crew screening (trusted passenger concept);
- prohibited items list;
- screening point responsibility.

### **IBAC Brief**

IBAC presented a Brief outlining the most significant business aviation issues. In particular the TSA and EU were encouraged to harmonize rules, and were encouraged to involve the stakeholders. Specific issues were:

- entry restrictions for non-US registered aircraft with its waiver requirement;
- need to harmonize general aviation/corporate aviation rules with draft ICAO standards;
- need to address rules for commercial on-demand charters, through development of 'principles' for establishing Security Restricted Areas.

A copy of the Brief is attached.

### **Response to Brief**

#### a) Entry Restrictions

A positive response was received from the TSA. Mike Robinson, Assist Administrator advised that attention will be given to find a solution.

Pam Holland, Director Aviation Initiatives in TSA was assigned to review the issue. She initially advised that the intent was to simply modify the NOTAM. However, after some discussion it was agreed that the process needed adjustment.

It seems clear that the TSA wishes to maintain some level of control or information flow. Some options were discussed and it was agreed that the TSA would continue dialogue to find a good solution. One option discussed was a form of registration to replace the 'waiver' system of approval. Our emphasis was on the need to clearly identify the issues and ensure that solutions were in fact solving problems.

#### b) Harmonizing with Annex 17

Most attendees did not seem to be aware of the acceptance by the ICAO Aviation Security Panel regarding general and corporate aviation security standards. Material was provided to Pam Holland of the TSA who promised to pursue the issue.

c) Harmonizing Security for On-demand Operations

There seemed to be general agreement with our position that the fundamental structure of the EC and US security regulations were different and that harmonization can best be achieved through agreement on a set of common principles. The EC agreed that there was a need to address principles for establishment of SRAs and advised that a Work Group is to be set up for this purpose. I promised to provide IBAC input.

**Conclusion**

The next meeting of the Coordination Group will be held in approximately 6 months.

**Brief to the**  
**3rd Meeting of the**  
**European Union and the United States**  
**Transport Security Cooperation Group**

**Arlington, Virginia**  
**July 17, 2003**

**Purpose**

To present the issues and concerns of the International Business Aviation Council (IBAC) to the 3rd Meeting of the European Union and the United States Transport Security Cooperation Group.

**The Business Aviation Community**

IBAC represents the international interests of the eleven member national and regional associations that in turn represent the interests of over 14,000 business aviation operators worldwide, operating over 21,000 turbine aircraft. Operators in fifty-seven States are represented by IBAC Member associations. Member associations include the US National Business Aviation Association (NBAA) and five European business aviation associations including the European Business Aviation Association (EBAA).

**Overview**

The business aviation community is a responsible industry with an exemplary safety and security record. Data illustrates that the corporate aviation sector has a safety record on a par with the world's best safety records in aviation. Security has always been a hallmark characteristic of the industry as illustrated by the outstanding security record.

Following the tragedy of September 2001, the industry conducted a Security Threat Analysis within which an Expert Panel, with representation from various security and business aviation disciplines, conducted a thorough review of possible threats and then developed relevant mitigation proposals. The results were then applied to recommendations made to the ICAO Aviation Security Panel through proposals targeted at enhancing security provisions in ICAO Annex 17 security standards. These recommendations were accepted by the Security Panel and promulgation of the formal Annex 17 Amendment is pending.

The ICAO Aviation Security Panel also identified problems with the international standards applicable to small aircraft on-demand (air taxi) charters. IBAC is developing proposed solutions for these problems.

The industry also participated in the development of, and recommendations made on, other security provisions such as those made to the European Joint Aviation Authorities (JAA) proposed rules for corporate aviation. Security recommendations are made by the industry for corporate operators in JAR OPS 2 where no provisions now exist. In addition, the industry made recommendations to the US TSA in the form of a TSA access certificate test program.

The business aviation operators note that there are differences in the security rules between Europe and the US as applied to business aviation security and is encouraging harmonization of security principles with subsequent harmonization of these rules.

### **Specific Concerns**

a) 14 CFR 99.7 Entry Restrictions

The Special Security Instruction 14 CFR 99.7 issued as a NOTAM restricts operation of non-US private aircraft into the US, which includes all EU Member State non-commercial aircraft. This restriction is viewed as a discriminatory practice in violation of the ICAO Convention.

Although the rationale for such a restriction in the days following September 11, 2001 is understood, almost two years has past and yet the restrictions remain in effect. Although the restrictions are subject to waivers, this in essence amounts to a 'permit' system, which is contrary to the spirit and letter of the Chicago Convention as applied to non-commercial operations.

b) Security for General Aviation / Business Aviation

The business aviation community submitted recommendations applicable to general aviation and corporate aviation to the ICAO Aviation Security Panel. The Panel accepted these recommendations and although the changes to Annex 17 are not yet in force, it is recommended that the EU and US work towards harmonization of the rules in accordance with the draft Annex 17 amendments. In particular, the new provisions call for clear delineation of criteria for establishing security restricted areas (sterile areas) and the delegation to industry for a secondary level of security as required by the level of threat at an airport, called a security programme zone (similar to the US Airport Tenant Security Program). The proposal also requires that corporate operators establish security programs in accordance with industry standards.

c) Harmonizing Security Provisions

The business aviation community is concerned that the security rules of the EU and US are not harmonized as they apply to business aviation operations. A potential problem has been identified with EC Regulation 2320/2002 related to the application to business aviation and particularly for 'business aviation-commercial' operations (on-demand charter) and how EU Member States might interpret certain common standards. Similarly, a review of US rules indicates that the principles for rulemaking in on-demand charter (air taxi) operations is not aligned with EC requirements in that the US rules focus on the operator whereas the EC regulation focuses on the airport.

As a result of these concerns with respect to differences in security rules, and recognizing the fundamental differences in rule structures, the business aviation community is recommending that common principles for security be clearly established for general aviation, including private corporate aviation, and for small aircraft on-demand charters.

**Conclusion**

The business aviation community is prepared to assist and participate in any considerations given to ensuring development of universal common principles for security, or is fully prepared to make specific recommendations for such common principles.