

Statutory Document No. 2017/0230

*Airports and Civil Aviation Act 1987*

## **CIVIL AVIATION (AVIATION SECURITY) (APPLICATION) ORDER 2017<sup>1</sup>**

*Approved by Tynwald:* 17 October 2017  
*Coming into Operation:* 1 November 2017

The Department of Economic Development makes the following Order under section 11A of the Airports and Civil Aviation Act 1987.

### **1 Title**

This Order is the Civil Aviation (Aviation Security) (Application) Order 2017.

### **2 Commencement**

If approved by Tynwald, this Order comes into operation on 1 November 2017.

### **3 Interpretation**

In this Order and the legislation applied by it “appropriate authority” means the Department of Economic Development.

### **4 Application of European legislation to the Island**

The following instruments shall apply to the Island as part of the law of the Island, subject to the exceptions, adaptations and modifications specified in Schedule 1:

- (a) Commission Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of aviation security<sup>1</sup>.
- (b) Commission Regulation (EU) 18/2010 of 8 January 2010 amending Regulation (EC) No 300/2008 of the European Parliament and of the Council as far as specifications for national quality control programmes in the field of civil aviation security are concerned<sup>2</sup>.

<sup>1</sup> O.J. L97, 9.4.2008, p72

<sup>2</sup> OJ L 7, 12.1.2010, p. 3–14

- (c) Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council<sup>3</sup>.
- (d) Commission Regulation (EU) No 297/2010 of 9 April 2010 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security<sup>4</sup>.
- (e) Commission Regulation (EU) No 1141/2011 of 10 November 2011 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security as regards the use of security scanners at EU airports<sup>5</sup>.
- (f) Commission Regulation (EU) No 245/2013 of 19 March 2013 amending Regulation (EC) No 272/2009 as regards the screening of liquids, aerosols and gels at EU airports<sup>6</sup>.
- (g) Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security<sup>7</sup>.
- (h) Commission Implementing Regulation (EU) 2015/2426 of 18 December 2015 amending Regulation (EU) 2015/1998 as regards third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security<sup>8</sup>.
- (i) Commission Implementing Regulation (EU) 2017/815 of 12 May 2017 amending Implementing Regulation (EU) 2015/1998 as regards clarification, harmonisation and simplification of certain specific aviation security measures<sup>9</sup>.

## 5 Amendment of the Civil Aviation (Application) Order 2013

Omit Article 4 of the Civil Aviation (Application) Order 2013<sup>10</sup>.

**MADE 3 AUGUST 2017**

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<sup>3</sup> OJ L 91, 3.4.2009, p. 7–13

<sup>4</sup> OJ L 90, 10.4.2010, p. 1–3

<sup>5</sup> OJ L 293, 11.11.2011, p. 22–23

<sup>6</sup> OJ L 77, 20.3.2013, p. 5–7

<sup>7</sup> OJ L 299, 14.11.2015, p. 1–142

<sup>8</sup> OJ L 334, 22.12.2015, p. 5–9

<sup>9</sup> OJ L 122, 13.5.2017, p. 1–68

<sup>10</sup> SD 232/13

## SCHEDULE 1

## MODIFICATIONS TO THE LEGISLATION APPLIED BY ARTICLE 4

## [ARTICLE 4]

## PART 1

## GENERAL MODIFICATIONS

1 References to a “Member State” shall be taken as including the Isle of Man and the Island shall be treated for this purpose as a Member State separate from the UK.

## PART 2

## EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION REGULATION (EC) NO 300/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MARCH 2008 ON COMMON RULES IN THE FIELD OF AVIATION SECURITY

1 Article 2 paragraph 2 is omitted.

2 In Article 4 paragraph 1, for **“the Annex”** substitute **“Annex I”**.

3 In Article 4 omit **“Additional common basic standards not foreseen at the entry into force of this Regulation should be added to the Annex in accordance with the procedure referred to in Article 251 of the Treaty.”**

4 In Article 4, for paragraph 4 substitute —

**“Member States may derogate from the common basic standards referred to in Article 4(1) and adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment at airports or demarcated areas of airports where traffic is limited to one or more of the following categories:**

- (a) aircraft with a maximum take-off weight of less than 15 000 kg;
- (b) helicopters;
- (c) law enforcement flights;
- (d) fire suppression flights;
- (e) flights for medical services, emergency or rescue services;
- (f) research and development flights;
- (g) flights for aerial work;

- (h) humanitarian aid flights;
- (i) flights operated by air carriers, aircraft manufacturers or maintenance companies, transporting neither passengers and baggage, nor cargo and mail;
- (j) flights with aircraft with a maximum take-off weight of less than 45 500 kg for the carriage of own staff and non fare-paying passengers or goods as an aid to the conduct of company business.

The Member States shall inform the Commission of such measures. <sup>22</sup>

5 Articles 8, 9, 16, 17, 18, 20, 22, 23, 24 are omitted.

6 In Article 11 paragraph 2 substitute <sup>23</sup> adopted by amending this Regulation through the addition of an annex in accordance with the regulatory procedure with scrutiny referred to in Article 19(3) <sup>22</sup> with <sup>23</sup> as laid down in Annex II <sup>22</sup>.

### PART 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION REGULATION (EU) 18/2010 OF 8 JANUARY 2010 AMENDING REGULATION (EC) NO 300/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS FAR AS SPECIFICATIONS FOR NATIONAL QUALITY CONTROL PROGRAMMES IN THE FIELD OF CIVIL AVIATION SECURITY ARE CONCERNED

In Annex II paragraph 1.1 omit: <sup>24</sup>(2) “appropriate authority” means the national authority designated by a Member State pursuant to Article 9 to be responsible for the coordination and monitoring of the implementation of its national civil aviation security programme; <sup>22</sup>

In Annex II omit paragraphs 17 and 18.

Omit Appendix III.

### PART 4

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION REGULATION (EC) NO 272/2009 OF 2 APRIL 2009 SUPPLEMENTING THE COMMON BASIC STANDARDS ON CIVIL AVIATION SECURITY LAID DOWN IN THE ANNEX TO REGULATION (EC) NO 300/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

1 In Article 1 substitute <sup>25</sup> This Regulation provides for general measures to supplement the common basic standards set out in the Annex to

Regulation (EC) No 300/2008 in order to: ~~22~~ with ~~63~~ This Regulation provides for general measures to supplement the common basic standards set out in Annex I to Regulation (EC) No 300/2008 in order to: ~~22~~.

- 2 In Article 1 omit sub paragraph (e).
- 3 Omit Article 3.
- 4 In the Annex omit Part E.

In the Annex Part F paragraph 1(d) substitute ~~63~~ the Annex ~~22~~ with ~~63~~ Annex I ~~22~~.

## PART 5

### EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION IMPLEMENTING REGULATION (EU) 2015/1998 OF 5 NOVEMBER 2015 LAYING DOWN DETAILED MEASURES FOR THE IMPLEMENTATION OF THE COMMON BASIC STANDARDS ON AVIATION SECURITY

For Article 2 substitute with ~~63~~For the purposes of this Regulation, “competent authority” means Police Officers or an entity responsible for the escort of potentially disruptive passengers. ~~22~~

Omit Article 3.

In the Annex:

- (a) in Paragraph 1.0.1 after ~~63~~Unless otherwise stated, the ~~22~~ insert ~~63~~appropriate ~~22~~;
- (b) in Attachment 3-B omit all after ~~63~~Isle of Man. ~~22~~;
- (c) in Paragraph 4.0.1 after ~~63~~Unless otherwise states, the ~~22~~ insert ~~63~~appropriate ~~22~~;
- (d) in Attachment 4-B omit all after ~~63~~Isle of Man. ~~22~~;
- (e) in Paragraph 5.0.1 after ~~63~~Unless otherwise states, the ~~22~~ insert ~~63~~appropriate ~~22~~;
- (f) in Attachment 5-A omit all after ~~63~~Isle of Man. ~~22~~;
- (g) in Paragraph 6.0.1 for ~~63~~The authority ~~22~~ substitute ~~63~~The appropriate authority ~~22~~;
- (h) in Paragraph 11.0.1 for ~~63~~The authority ~~22~~ substitute ~~63~~The appropriate authority ~~22~~;

- (i) in Paragraph 12.0.1 for ~~“The authority”~~ substitute ~~“The appropriate authority”~~.

## PART 6

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION  
IMPLEMENTING REGULATION (EU) 2015/2426 OF 18 DECEMBER 2015  
AMENDING REGULATION (EU) 2015/1998 AS REGARDS THIRD  
COUNTRIES RECOGNISED AS APPLYING SECURITY STANDARDS  
EQUIVALENT TO THE COMMON BASIC STANDARDS ON CIVIL  
AVIATION SECURITY

- 1 Annex paragraph (1) omit all after ~~“United States of America”~~.
- 2 Annex paragraph (2) omit all after ~~“United States of America”~~.
- 3 Annex paragraph (3) omit all after ~~“United States of America”~~.
- 4 Annex paragraph (4) omit all after ~~“Montenegro”~~.

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.