

Statutory Document No. 2017/0230

*Airports and Civil Aviation Act 1987*

CIVIL AVIATION (AVIATION SECURITY) (APPLICATION) ORDER 2017¹

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 security¹.
- (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 concerned².

¹ O.J. L97, 9.4.2008, p72

² 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 Council³.
- (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 security⁴.
- (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 airports⁵.
- (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 airports⁶.
- (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 security⁷.
- (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 security⁸.
- (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 measures⁹.

4A Application of European legislation to the Island

With effect from 25 March 2019, the following instruments apply to the Island as part of the law of the Island, subject to the exceptions, adaptations and modifications specified in Schedule 2 –

- (a) Commission Regulation (EU) No 2019/103 of 23 January 2019 amending Regulation (EU) No 2015/1998 as regards clarification,

³ OJ L 91, 3.4.2009, p. 7–13

⁴ OJ L 90, 10.4.2010, p. 1–3

⁵ OJ L 293, 11.11.2011, p. 22–23

⁶ OJ L 77, 20.3.2013, p. 5–7

⁷ OJ L 299, 14.11.2015, p. 1–142

⁸ OJ L 334, 22.12.2015, p. 5–9

⁹ OJ L 122, 13.5.2017, p. 1–68

harmonisation and simplification as well as strengthening of certain specific aviation security measures¹⁰;

- (b) Commission Regulation (EU) No 2018/55 of 9 January 2018 amending Regulation (EU) No 2015/1998 as regards adding the Republic of Singapore to the third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security¹¹;
- (c) Commission Regulation (EU) 2016/2096 of 30 November 2016 amending Regulation (EU) No 1254/2009 as regards certain criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures¹²; and
- (d) Commission Regulation (EU) No 1254/2009 of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures¹³.²

5 Amendment of the Civil Aviation (Application) Order 2013

Omit Article 4 of the Civil Aviation (Application) Order 2013¹⁴.

MADE 3 AUGUST 2017

¹⁰ OJ L10, 24.1.2019, p13-22

¹¹ OJ L10, 13.1.2018, p5-8

¹² OJ L326, 1.12.2016, p.7-8

¹³ OJ L 338, 19.12.2009, p.17

¹⁴ 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. ²²

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

6 In Article 11 paragraph 2 substitute ²³ 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) ²² with ²³ as laid down in Annex II ²².

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: ²⁴(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; ²²

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 ²⁵ 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 66 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 66 the Annex 22 with 66 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 66 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 66 Unless otherwise stated, the 22 insert 66 appropriate 22;
- (b) in Attachment 3-B omit all after 66 Isle of Man. 22;
- (c) in Paragraph 4.0.1 after 66 Unless otherwise states, the 22 insert 66 appropriate 22;
- (d) in Attachment 4-B omit all after 66 Isle of Man. 22;
- (e) in Paragraph 5.0.1 after 66 Unless otherwise states, the 22 insert 66 appropriate 22;
- (f) in Attachment 5-A omit all after 66 Isle of Man. 22;
- (g) in Paragraph 6.0.1 for 66 The authority 22 substitute 66 The appropriate authority 22;
- (h) in Paragraph 11.0.1 for 66 The authority 22 substitute 66 The appropriate authority 22;
- (i) in Paragraph 12.0.1 for 66 The authority 22 substitute 66 The appropriate authority 22.

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 **33** United States of America **22**.
- 2 Annex paragraph (2) omit all after **33** United States of America **22**.
- 3 Annex paragraph (3) omit all after **33** United States of America **22**.
- 4 Annex paragraph (4) omit all after **33** Montenegro **22**.

SCHEDULE 2³

MODIFICATIONS TO THE LEGISLATION APPLIED BY ARTICLE 4A

[ARTICLE 4A]

PART 1

GENERAL MODIFICATIONS

1 References to a “Member State” must be construed to include 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 (EU) NO 2019/103 OF 23 JANUARY 2019 AMENDING
REGULATION (EU) NO 2015/1998 AS REGARDS CLARIFICATION,
HARMONISATION AND SIMPLIFICATION AS WELL AS
STRENGTHENING OF CERTAIN SPECIFIC AVIATION SECURITY
MEASURES**

4. In the Annex in paragraph (19) omit the words from “The Commission shall notify without delay” to the end.

PART 3

**EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION
REGULATION NO 2018/55 OF 9 JANUARY 2018 AMENDING REGULATION
(EU) NO 2015/1998 AS REGARDS ADDING THE REPUBLIC OF SINGAPORE
TO THE THIRD COUNTRIES RECOGNISED AS APPLYING SECURITY
STANDARDS EQUIVALENT TO THE COMMON BASIC STANDARDS ON
CIVIL AVIATION SECURITY**

2. Omit article 2.

3. In the Annex:

- (a) in subparagraph (1) omit the words from “The Commission shall immediately notify” to the end;
- (b) in subparagraph (2) omit the words from “The Commission shall notify without delay” to the end;
- (c) in subparagraph (3) omit the words from “The Commission shall notify without delay” to the end.

PART 4

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION REGULATION (EU) 2016/2096 OF 30 NOVEMBER 2016 AMENDING REGULATION (EU) NO 1254/2009 AS REGARDS CERTAIN CRITERIA TO ALLOW MEMBER STATES TO DEROGATE FROM THE COMMON BASIC STANDARDS ON CIVIL AVIATION SECURITY AND TO ADOPT ALTERNATIVE SECURITY MEASURES

6. Omit article 2. ~~2~~.

PART 5

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO COMMISSION REGULATION (EU) NO 1254/2009 OF 18 DECEMBER 2009 SETTING CRITERIA TO ALLOW MEMBER STATES TO DEROGATE FROM THE COMMON BASIC STANDARDS ON CIVIL AVIATION SECURITY AND TO ADOPT ALTERNATIVE SECURITY MEASURES

5. Omit article 2.

ENDNOTES

Table of Endnote References

¹ 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.

² Art 4A inserted by SD2019/0072.

³ Sch 2 inserted by SD2019/0072.