

## **Courtesy translation**

### **Luftfahrt-Bundesamt**

#### **Publication of the**

#### **General decree of the Luftfahrt-Bundesamt determining the conduct of an aircraft security search according to point 3.1.1.3 of Implementing Regulation (EU) 2015/1998**

dated 30 June 2021

The Luftfahrt-Bundesamt issues the following

#### **I.**

##### **General decree**

1. In the Federal Republic of Germany, the conduct of an aircraft security search in terms of point 3.1.1.3 of Implementing Regulation (EU) 2015/1998 may only commence after landing and after opening the access doors and only in cabin areas that can no longer be entered or passed through by passengers during disembarking the aircraft.
2. At any time, this General decree can be complemented by ancillary provisions.

#### **II.**

##### **Grounds**

Pursuant to § 9 para 1 sentence 1 no 4 of the Luftsicherheitsgesetz (Aviation Security Act), an air carrier is obliged, for the protection against attacks on aviation security, to secure its aircraft on an aerodrome in such a way that neither unauthorized persons can have access to it nor prohibited articles can be taken to it. Common basic standards for the Member States of the European Union to protect civil aviation against unlawful interference that jeopardize the security of civil aviation are laid down in the Annex of Regulation (EC) No 300/2008. Detailed measures for the implementation of common basic standards are specified in the Implementing Regulation (EU) 2015/1998.

Point 3.1.1.3 of Implementing Regulation (EU) 2015/1998 stipulates that an aircraft arriving into a critical part from a third country not listed in Attachment 3-B shall be subjected to an aircraft security search any time after passenger disembarkation from the area to be searched and/or the unloading of the hold.

It was defined that, within the scope of an extensive interpretation of the regulation, the aircraft security search is commenced in some areas already during the final approach.

Since the process of passenger disembarkation often leads to a confusing situation inside the aircraft, it cannot be totally excluded that, when passing through certain areas having already been searched, prohibited articles are placed by passengers. This can lead to an aviation threat to aviation security.

A manipulation of areas already searched by isolating or supervising these areas is not as reliable as a search commencing later on.

However, commencing an aircraft security search after landing and opening the doors in cabin areas that can no longer be entered or passed through by passengers during disembarking, reduces this potential hazard thus ensuring an increased security level in civil aviation.

The risk of placing prohibited articles in areas already searched during the flight was compared to an aircraft security search at a later date and taking into account non-existing additional cost for air carriers; in the final analysis, this was assessed to be not tolerable.

The protection against acts of sabotage is an essential element of hazard prevention in the field of international aviation.

Article 6 para 1 of Regulation (EC) No 300/2008 enables Member States to apply stricter measures than the common basic standards mentioned in Article 4.

With the present General decree, we make use of this possibility according to the aforementioned risk assessment to increase the protection against acts of sabotage.

The conduct of the aircraft security search after landing of the aircraft and the possibility of the search of areas that are no longer be entered during disembarking is the most appropriate measure compared to the possibility of commencing the search during the flight and the possibility of commencing the search after the passengers have completely disembarked. The time of search after landing lowers the risk of an attack. The protective good of aviation security, in particular life, health and the property of passengers, air carrier staff and third parties is of greater importance than moderate efficiency improvements of air carriers.

The application of the more stringent measure is not discriminatory since the provisions of the General decree apply to all air carriers operating at airports in the Federal Republic of Germany.

### III.

#### Effective date

This General decree shall be considered notified from the day following its publication.

### IV.

#### Instruction on the right to appeal

Within one month after notification, appeals to this General decree may be filed with the Luftfahrt-Bundesamt, Hermann-Blenk-Straße 26, 38108 Braunschweig.

Braunschweig, 30 June 2021

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For the Luftfahrt-Bundesamt

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