

**Courtesy translation**

**Luftfahrt-Bundesamt**

**Publication of the  
General decree on the revocation of the general decree determining the conduct of an  
aircraft security search according to point 3.1.1.3 of Implementing Regulation (EU)  
2015/1998**

**dated 08 December 2022**

The Luftfahrt-Bundesamt issues the following

General decree

1. The general decree 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 (ref.: S5-50601-01/21; source: BAnz AT 03.08.2021 B8) is revoked according to § 49 para 1 Administrative Procedures Act (VwVfG).
2. This General decree shall be considered notified from the day following its publication.

I.

Reasons

Pursuant to § 49 para.1 VwVfG a lawful non-favorable administrative act can in part or fully be revoked with future effect, even after it has become incontestable.

With the amendment of point 3.1.1.3 of the Annex to the Implementing Regulation (EU) 2015/1998 by the Implementing Regulation (EU) 2022/1174 the requirement of a ruling by general decree has become obsolete.

The revocation is effected because the new version of point 3.1.1.3 of the Annex to the Implementing Regulation (EU) 2015/1998 includes the cases that have previously been regulated by general decree

The regulation that was revised for clarification is continuously interpreted in the way that the aircraft security search may commence only upon reaching the parking position of the aircraft and exclusively in areas of the aircraft in which no passengers are present and to which no passengers will be allowed access at a later point in time. Areas of the aircraft that have been subjected to a search must not be entered or passed through by passengers after the search or, should this be the case, must be searched again.

The valid general decree is lawful and to be regarded as non-favorable administrative act so that the revocation is in compliance with § 49 para 1 VwVfG. The revocation takes future effect and is imposed in exercising due discretion. It particularly adheres to the principle of proportionality, as holding on to the general decree after the amendment of point 3.1.1.3 of the Annex to the Implementing Regulation (EU) 2015/1998 by the Implementing Regulation (EU) 2022/ 1174 is no longer required.

II.

Effective date

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

III.

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, 08 December 2022

File reference: S5-50601-01/22

For the Luftfahrt-Bundesamt

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