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Q&A : 10 August Uncovered Bomb Plot and Its Impact on Air Transport



On 10 August, a major terrorist plot to blow up aircraft flying from the UK to locations across the US was uncovered. According to security experts, the terrorists had been planning to use liquid explosives taken on board in hand luggage. Both the UK and the US governments raised their threat level to the highest for commercial flights between their two countries. Across the world, airport operators and airlines had to bring in extremely stringent, emergency security measures, causing severe disruptions in air transport operations over the first days following the 10 August alert.

The AEA has received numerous enquiries relating to these security measures and their consequences. This Q&A was drafted as a consequence of these enquiries.

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✉ How do European airlines view the recent additional security measures adopted by European and US authorities?

Harmonisation of security measures is essential to ensure safe travel by air. AEA has welcome the harmonisation of Europe's aviation security, made possible by the adoption of Regulation 2320 in 2002. However, where specific threats have been identified, as is the case today in the UK, the states concerned must be able to take specific measures to meet that threat. AEA's view is that once the new risk situation is assessed at global and European level, the competent organisations (ICAO and the European Community) will have to quickly and efficiently harmonise measures to meet this new situation. For instance, a global revision of the "prohibited items" list could be considered instead of unilateral national prohibitions.

✉ Why, then, did these new security measures sometimes differ from one country to the next?

The approach pursued by the US differs from that of their European counterparts. The US is – and has been since 9/11 – highly operationally focused. On 10 August, it issued several so-called "Emergency Amendments", which, given their urgency, required immediate implementation and were thus directed directly at all airlines operating to, from and within the USA.

This gives rise to two predicaments for Europeans. Certain measures require implementation by airports, who, in turn, need governmental instructions to take action. The EAs are, however, directed at airlines. More importantly, European airlines find themselves obliged to implement measures from their own government and also measures imposed by the US government, although at times the measures can be contradictory.

AEA has thus consistently cautioned against an extensive use of extraterritorial authority and – setting aside truly urgent measures such as the closure of air space – urged the US authorities to inform their European counterparts of the measures asking European authorities to assist in ensuring immediate implementation. Because the US government considered itself in a state of war, the security measures were seen to be an integral part of national security, an issue which does not naturally lend itself to international consultation. EAs too often became US standard measure after 9/11, even after the concrete threat had abated. The European approach has, by contrast, been traditionally consensus oriented and thus aimed at creating and developing international standards. The UK authorities thus took the responsibility of informing foreign authorities directly..

AEA feels the way forward must be to clarify the distinction between measures aimed at meeting a specific threat, measures which are limited in time can be imposed unilaterally given the urgency, and standards to deal with a general risk. The latter should be harmonized.

✎ Should governments be allowed to adopt their own measures, instead of common European ones, when a threat like that in the UK is identified?

The European airlines which are members of AEA do not deny that European States should remain free to adopt time-limited measures to counter specific threats. The situation in the UK since 10 August is a typical example of such a threat and corresponding measures clearly aimed to react to this threat. However, the European Union has successfully harmonised aviation security measures since 2002, and has set up a system which allows a regular and dynamic review of such measures. Harmonisation allows airlines to comply with one set of standards, and passengers to expect consistent treatment at European airports. This is why, in the long run, “more stringent measures” such as the ones adopted for flights to and from the UK last week will have to be re-assessed, the level of security in the EU re-examined and action taken if relevant, by all European Member States this time.

In any case, AEA has always maintained that security should be risk-based, i.e. a thorough risk assessment should be carried out to determine whether the impact of a measure is proportionate to the said risk.

✎ Are measures currently in place at European airports enough to counter terrorist threats like those uncovered by the UK authorities?

AEA is confident that the European Commission and EU Member States set up a robust aviation security system in 2002, whose foundations are laid out in (EC) Regulation 2320/2002. Detailed measures can be revised at any time by EU aviation security experts from Member States, and this includes the list of items which are prohibited for carriage in the hold and in the cabin of the aircraft. The overall EU aviation security system is undergoing a major overhaul currently with the Commission proposing to revise Regulation 2320/2002 to make it clearer and more risk-based. It is likely that EU governments will soon discuss whether the overall EU level of threat has changed, whether the current EU aviation security rules are sufficient to deal with this threat, and this makes more

demanding measures necessary for the EU as a whole.

✉ **Who is paying for the extra security measures put in place recently in the UK and other European airports?**

Unfortunately, while heightened threat situations usually lead to the deployment of extra policemen in public places and around major events, we note once again that it is the aviation industry which is asked to pay the price for increasing the security of citizens. Yet, terrorist action is aimed at governments and society, not at the air transport industry. And the protection of citizens against terrorist attacks is essentially a State responsibility.

So far, European governments could not agree on a joint financing scheme for security measures. Since 9/11, the European air transport industry has had to face billions of Euros in costs for additional security measures. Today's exceptional measures are adding severely to this burden. By contrast, the US government has traditionally been contributing to the costs borne by its air transport industry to ensure the safety and security of its passengers. This places European airlines in an unfair position, and creates a real danger of distortion of competition: between European States, between Europe and third countries and between different modes of transport.

AEA, along with major industry representative organisations, recently called on the EU to have more stringent national measures funded via national budgets. Since the recent measures are threat-based and issued nationally, rather than prescribed at EU level, we reiterate our call that the costs of security arising from the events of last week should be financed by governments via public funds.

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