



STATUTORY INSTRUMENTS.

S.I. No. 632 of 2019



EUROPEAN COMMUNITIES (CIVIL AVIATION SECURITY)
(AMENDMENT) REGULATIONS 2019

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I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Civil Aviation Security) (Amendment) Regulations 2019.

(2) These Regulations shall come into operation on 1 January 2020.

2. The European Communities (Civil Aviation Security) Regulations 2003 (S.I. No. 226 of 2003) are amended -

(a) in Regulation 2(1) -

(i) by the substitution of the following definition for the definition of “Council Regulation”:

“ ‘Council Regulation’ means Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008¹ as amended by Commission Regulation (EU) No 18/2010 of 8 January 2010², ”,

(ii) by the insertion of the following definitions:

“ ‘business’ means a natural or legal person (including a company, partnership or natural person trading as a sole trader) who supplies, sells or purchases goods or services in the ordinary course of a business;

‘haulier’ means a business that is approved by the Authority for the purposes of protection and transportation of secure air cargo and mail consignments on behalf of a regulated agent or a known consignor;

‘Implementing Regulation’ means Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 as amended by Commission Implementing Regulation (EU) 2015/2426 of 18 December 2015³, Commission Implementing Regulation (EU) 2017/815 of

¹ OJ L97, 9.4.2008, p. 72

² OJ L 7, 12.1.2010, p. 3

³ OJ L 334, 22.12.2015, p. 5

12 May 2017⁴, Commission Implementing Regulation (EU) 2017/837 of 17 May 2017⁵, Commission Implementing Regulation (EU) 2018/55 of 9 January 2018⁶, Commission Implementing Regulation (EU) 2019/103 of 23 January 2019⁷, Commission Implementing Regulation 2019/413 of 14 March 2019⁸, Commission Implementing Regulation (EU) 2019/1583 of 25 September 2019⁹;

‘national civil aviation security programme’ means the restricted programme drawn up by the State pursuant to Article 10 of the Council Regulation;

‘Supplementing Regulation’ means Commission Regulation (EC) No 272/2009 of 2 April 2009¹⁰, as amended by Commission Regulation (EU) No 297/2010 of 9 April 2010¹¹, Commission Regulation (EU) No 720/2011 of 22 July 2011¹², Commission Regulation (EU) No 1141/2011 of 10 November 2011¹³ and Commission Regulation (EU) No 245/2013 of 19 March 2013¹⁴;

‘Type A screener’ means a business that is a regulated agent that undertakes screening of cargo and mail as provided for in paragraphs 6.1 and 6.2 of the Implementing Regulation or a business that is retained and trained by a regulated agent to undertake such screening and is approved for that purpose by the Authority;

‘Type B screener’ means a business that is-

- (a) a regulated agent that undertakes screening of cargo and mail as provided for in paragraph 6.1 of the Implementing Regulation, or
- (b) a business that is retained and trained by a regulated agent to undertake the screening referred to in paragraph (a) and is approved for that purpose by the Authority;”;

⁴ OJ L 122, 13.5.2017, p. 1

⁵ OJ L 125, 18.5.2017, p. 3

⁶ OJ L 10, 13.1.2018, p. 5

⁷ OJ L 21, 24.1.2019, p. 13

⁸ OJ L 73, 15.3.2019, p. 98

⁹ OJ L 246, 26.9.2019, p. 15

¹⁰ OJ L 91, 3.4.2009, p. 7

¹¹ OJ L 90, 10.4.2010, p. 1

¹² OJ L 193, 23.7.2011, p. 19

¹³ OJ L 293, 11.11.2011, p. 22

¹⁴ OJ L 77, 20.3.2013, p. 5

- (b) by the substitution of the following for Regulation 2(2):

“(2) A word or expression which is used in these Regulations has, unless the contrary intention is shown, the same meaning in these Regulations as it has in the Council Regulation or the Supplementing Regulation.”,

and

- (c) by the insertion after Regulation 3 of the following Regulations:

“3A. There shall be charged by the Authority, for the purposes of recovering its staff costs, including payroll, pension, travel and subsistence, training, utilities and administration incurred in performing its functions under these Regulations, the EU Regulation, the Implementing Regulation and the Supplementing Regulation, the fees set out in Regulations 3B to 3D.

3B. A fee of €0.05 per passenger departing from an airport specified in the following table shall be payable by the operator of the airport to the Authority:

Name of Airport
Cork Airport
Donegal Airport
Dublin Airport
Ireland West Airport Knock
Kerry Airport
Shannon Airport

3C. A fee of €100 per annum shall be payable by the operator of an airport which has received a derogation from the State under Article 1 of Commission Regulation (EU) No 1254/2009 of 18 December 2009¹⁵.

3D. The fee specified in column 3 of the following table opposite the mention of the entity specified in column 2 shall be payable per annum by the entity.

Reference No. (1)	Entity (2)	Fee payable (3)
1	Type A Screener	€3,500
2	Type B Screener	€1,500
3	Known Consignor	€400
4	Regulated Supplier of in-flight supplies	€400

¹⁵ OJ L 338, 19.12.2009, p. 17

5	Known Supplier of in-flight supplies	€600
6	Known Supplier of airport supplies	€400
7	Haulier	€400

3E. A fee of €1,200 per day, for the purpose of recovering its staff costs including payroll, pension, travel and subsistence, training, utilities and administration incurred in performing its functions under these Regulations, the Council Regulation, the Implementing Regulation and the Supplementing Regulation may, at the Authority's discretion, be charged by it and be payable in the circumstances provided for in Regulations 3F and 3G by a person who, having failed to comply with a direction under Regulation 9, may be subject to further enforcement measures or monitoring of deficiency correction activities under the graduated and proportionate approach provided for in Paragraph 2 of Annex II to the Council Regulation.

3F. The fee referred to in Regulation 3E shall be payable for each day or part of a day that the Authority performs the functions referred to in Regulation 3E in relation to a matter or matters which is or are the subject of a direction after the date on which -

- (a) the direction comes into effect, or
- (b) the Minister or the Authority makes a determination confirming the direction, or confirming the direction subject to one or more modifications, as the case may be,

whichever is the later.

3G. The fee referred to in Regulation 3E shall cease to be payable on the institution of legal proceedings by the Authority in relation to non-compliance with the direction concerned.”.



GIVEN under my Official Seal,
11 December, 2019.

SHANE ROSS,
Minister for Transport, Tourism
and Sport.

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