Position Paper

European Business Aviation Association

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EBAA position brief on Aviation Security

I- Business Aviation is secure by nature

Business Aviation, unlike scheduled business models, is not predicated on a system of mass transportation which is dependent on a high seat-load factor to guarantee a sustainable margin; it is an on-demand transportation means, offering gains in time, privacy protection, travel flexibility, and better connectivity[1] to regions. As such, it is only affordable to a limited number of passengers. There are currently only around 3.5 million Business Aviation passengers annually in Europe (compared to 800m passengers on scheduled airlines), comprising, business leaders and their executive teams, government officials and owners.

Around 2/3 of the 700,000 Business Aviation movements in Europe are operated commercially (for remuneration), meaning around 450,000 movements. The rest are operated non-commercially, mostly by corporations, with flights done in support of businesses – flying staff and/or clients through subsidiaries where needed. Only 3 to 4% of the remaining 250,000 flights per year are by individuals who fly for private reasons (including leisure flights).

Many aircraft operate both commercially and non-commercially according to whether the aircraft is being used by its owner or being let out to charter. This reality was not fully captured by the ICAO definitions of air transport, which is why the International Business Aviation Council (IBAC) proposed its own definition, which reads as follows: "That sector of aviation which concerns the operation or use of aircraft by companies for the carriage of passengers or goods as an aid to the conduct of their business, flown for purposes generally considered not for public hire and piloted by individuals having, at the minimum, a valid commercial pilot license with an instrument rating."

There are several segments that collectively make up business aviation:

- Sub-division 1 – Commercial: The commercial operation or use of aircraft by companies for the carriage of passenger or goods as an aid to the conduct of their business and the

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[1] 96% of city pairs served by business aviation have no daily scheduled direct connections: BusAv operators go to many more airports than the airlines.

availability of the aircraft for whole aircraft charter, flown by a professional pilot(s) employed to fly the aircraft.

- Sub-division 2 – Corporate: The non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot(s) employed to fly the aircraft.
- Sub-division 3 – Owner Operated: The non-commercial operation or use of aircraft by an individual for the carriage of passengers or goods as an aid to the conduct of his/her business.
- Sub-division 4 – Fractional Ownership: The operation or use of aircraft operated by an entity for a group of owners who jointly hold minimum shares of aircraft. Fractional Ownership operations are normally non-commercial; however, the operation of the aircraft may be undertaken as a commercial operation in accordance with the AOC held by the entity.

With some rare exceptions, Business Aviation mostly operates privately arranged small aircraft, below 45.5 tonnes Maximum Take-Off Weight (MTOW) and with a maximum of 19 seats under charter, ownership or fractional ownership rather than through the sale of individual tickets. Business Aviation offers and/or sells flights, not seats. The accessibility of the aircraft to the general public is therefore very limited and this is a fundamental difference with an airline.

Additionally, a crucial determinant of security risk in aviation is the size of the aircraft. The vehicle's size influences its capability to cause damage on the ground; and also influences the attraction for hijacking (i.e. generally, the bigger the vehicle, the greater the damage and the greater the attraction). If we consider a hypothetical terrorist attack by way of business aircraft; indeed the damage and psychological impact on the general public would be limited compared to, say, an airline, due to the fact that the vehicle is generally smaller and the number of passengers fewer.

Because of its very specific *modus operandi*, the vast majority of Business Aviation passengers are frequent flyers, known personally to the operators. This, along with the previously mentioned features, makes Business Aviation a small but distinct industry within the transport sector value chain and one which is naturally secure. The traffic evolution after the 9/11 attack in the U.S. clearly shows that Business Aviation is perceived as such: while the scheduled airlines' traffic severely decreased, Business Aviation operations significantly increased in the immediate aftermath.

II- Inappropriate security screening for Business Aviation

One of the key reasons passengers choose Business Aviation is for the security it provides. Forcing security methods developed for different circumstances, business models, and types of passengers is not only costly; it is also ineffective and completely counterproductive. Member States recognised this back in 2009.

The current one-size-fits-all type of security screening is inappropriate for Business Aviation. It is a disruptive and time-consuming procedure, especially when security staff are not trained (or only poorly so) for the specific type of operations related to Business Aviation. The lack of communication skills and outright misunderstanding of the Business Aviation model is an all too regular occurrence that results in a poor level of customer service and no added security value.

For security screening to be effective it must be tailored to the risk and aircraft configuration. There is no cockpit door in BusAv aircraft and there cannot be, not least because the flight crew is also tasked

with cabin duties in the absence of a flight attendant and must interact with customers in a way that doesn't allow for rigid separation. Similarly, passengers often have access to their luggage and to sharp objects such as cutlery and safety axes, because often there cannot be a separate cabin for luggage – there simply isn't enough room – and because access to the axe may be needed for escape in the event of an accident.

Standard screening is even more questionable when it comes to aircraft owners who are usually treated the same way as standard passengers, even though they are boarding their own aircraft. Of course, all people are equal before the law; however, a risk-based approach, now being widely applied in safety regulation, requires that an appropriate level of security be applied according to the level of danger a passenger can represent. In the case of Business Aviation passengers, this level is close to zero.

Forcing an inappropriate, labour intensive and costly procedure on business aviation a direct impact on the quality of the services offered by the Fixed-Base Operators[2] and on the 700 000 yearly business aviation flights in Europe, about 7.1 % of the traffic (2012). They are regularly faced with negative feedback related to such security screening, which negatively influences overall customer satisfaction yet adds no value to Security. And in business aviation, unlike for airlines, a single customer's opinion counts. It can be a determining factor in a company's profitability.

In sum, the currently imposed, nugatory Security measures should be adapted better to fit Business Aviation operations, its needs and the screening equipment available.

III-   Measures to facilitate Business Aviation passenger screening

Promoting legal derogation to basic aviation security standards

Common basic standards on civil security are defined by EC regulation 300/2008. In 2009 the Commission adopted Regulation No. 1254/2009 to allow Member States to derogate from those standards and to adopt alternative security measures, in particular in the following categories:
- aircraft with an MTOW of less than 15 tonnes;
- flights for medical services, humanitarian aid, research and development;
- flights operated by air carriers, aircraft manufacturers or maintenance companies, transporting neither passengers or baggage, nor cargo or mail; and
- flights with aircraft with a maximum take-off weight of less than 45.5 tonnes for the carriage of own staff and non-fare-paying passengers or goods as an aid to the conduct of company business.

The implementation of this regulation has remained marginal to say the least across Europe, especially for the last category mentioned above, also known as corporate flights.

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[2] A Fixed-Base Operator (FBO) is a commercial business granted the right by an airport to operate on the airport and provide aeronautical services such as fueling and aircraft maintenance.

Alternative measures

Countries outside the EU-zone, confronted by similar threats to their security, already adopted alternative measures some time ago. These measures include a lighter passenger screening such as no longer having to remove items such as shoes, coats, belts or portable computers from cabin baggage, as in the U.S. for instance for Business Aviation. Current legislation[3] there has different requirements based on the weight of the aircraft (MTOW below and over 5.7 tonnes, and over 45.5 tonnes). These are excellent examples of risk-based measures, which recognise that not every aircraft poses the same threat to security.

In terms of security, EBAA is very supportive of the implementation of new technologies enabling facilitated passenger screening. One such example is the ongoing Dutch programme called SURE! which includes trials of new machines allowing to screen laptops and liquids in bags; although it recognises that these are longer-term measures.

IV-   Conclusion

The sustainability of the European Business Aviation model as explained above relies on an appropriate high level of security, combined with a high-quality of service.
Therefore, the EBAA urges authorities at European level to:
* Recognise the Business Aviation operations' lower risk profile;
* Implement in the best possible way the measures they have identified in Reg. 1254/2009
* Make best use of existing tools to expand alternative measures and best practices, in particular, on the basis of what is being done outside Europe with some degree of success;
* Apply European rules uniformly at national level.

EBAA and national Business Aviation associations are committed to engaging with the Member States to define the best approach to implement these points.

About EBAA:
The European Business Aviation Association (EBAA) was founded in 1977 to defend the interests of business aviation. Today, more than 800 business aviation companies (direct members or members of associate organisations) rely on the EBAA to protect their business interests. It is the only voice to represent business aviation among the European institutions. For more information, visit www.ebaa.org.

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[3] See Part 1544 – Aircraft Operator Security and Commercial operators