



Embassy of the  
Federal Republic of Germany  
Washington

## Note Verbale No. 25 / 2005

The Embassy of the Federal Republic of Germany presents its compliments to the United States Department of State and has the honor to communicate the following:

On January 19, 2003, Regulation (EC) No 2320/2002 establishing common rules in the field of aviation security came into force within the European Union. This Regulation contains an Annex laying down common aviation security standards. These standards are legally binding and directly applicable at all Community airports.

Community Standard 4.1 of the Annex requires that each member state ensure that all departing passengers are screened to prevent prohibited articles from being brought into security restricted areas of airports and on board aircraft. Departing passengers include both originating and transfer passengers. However, for reasons of simplification and as an exception to the rule, the screening of transfer passengers is not obligatory if such passengers have been previously screened according to Community standards. The same principle applies for cabin and hold baggage.

As Community law is applicable within the territories of the EU, transfer passengers arriving on intra-EU flights are deemed to fulfill Community standards. Transfer passengers may therefore be exempted from re-screening. However, as Community law does not apply outside the EU, in principle, all transfer passengers arriving from outside the EU have to be re-screened unless previously screened according to the standard detailed in the Annex of Reg. 2320/2002.

In this context, the Government of the Federal Republic of Germany would like to know from the Transportation Security Administration, Department of Homeland Security, if passengers departing from U.S. airports to Germany are screened according to the following standard:

1. Passengers shall be screened by the following methods:

(a) searched by hand or

(b) screened by walk-through metal detection equipment. Where walk-through-metal-detection equipment is used, there shall also be a continuous random hand search of screened passengers. Such hand searches shall be carried out on all passengers who trigger the alarm of the equipment. A continuous random hand search shall also be carried out on those passengers who do not trigger the alarm.

Also, if:

(i) the alarm is activated, the person shall be required to be screened again with walk-through metal detection equipment or

(ii) searched by hand, where the support of a hand-held metal detector may be employed.

2. Where walk-through metal detection equipment is used, it shall be calibrated to such a level as to reasonably ensure that small metallic items are detected.

The Embassy of the Federal Republic of Germany avails itself of this opportunity to renew to the United States Department of State the assurances of its highest consideration.

Washington, February 15, 2005

cc:

- U.S. Department of State  
German Desk  
EUR/AGS, Room 4228  
Washington, D.C.

- Mr. John Byerly, Dep. Of State EB/TRA (via Fax)  
- Mr. David Tiedge, TSA International Affairs (via Fax)

