



## **FACILITATION (FAL) DIVISION — TWELFTH SESSION**

**Cairo, Egypt, 22 March to 2 April 2004**

### **Agenda Item 3: Implementing modernized provisions for facilitation and security in air cargo service operations** **3.2: Security**

#### **CARGO SECURITY – THE “REGULATED AGENT” CONCEPT**

(Presented by the Secretariat)

##### **1. INTRODUCTION**

1.1 As the worldwide implementation of aviation security measures regarding passengers and their baggage has become more effective, so has air cargo become a more attractive option for perpetrators attempting to carry out an act of unlawful interference. To counter the threat to air cargo, specific security procedures have been developed that represent a cost effective and pragmatic approach.

1.2 The security clearance of air cargo may consist of either active procedures to detect devices that may have been already placed into air cargo, or preventive security to stop devices being placed into air cargo when it is initially packed and at all stages thereafter in its handling prior to its being loaded onto an aircraft. Active procedures could include the use of conventional X-ray equipment, explosive detection systems, explosive trace detection equipment, hand search, simulation chambers and explosive detection dogs. Preventive measures are based on the rationale that if the consignment is packed securely initially, and then kept secure thereafter, the requirement for screening or searching is reduced.

1.3 Annex 17, Standard 4.5.2 provides that: “Each Contracting State shall establish measures to ensure that cargo, courier and express parcels and mail intended for carriage on passenger flights are subjected to appropriate security controls.” and Standard 4.5.3 provides that: “Each Contracting State shall establish measures to ensure that operators do not accept consignments of cargo, courier and express parcels or mail for carriage on passenger flights unless the security of such consignments is accounted for by a regulated agent or such consignments are subjected to other security controls to meet the requirements of 4.5.2.”

##### **2. REGULATED AGENT**

2.1 Annex 17 defines a “Regulated Agent” as “an agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail.”

2.2 Regulated agents should be designated, approved or listed by the appropriate authority for security and subject to specified obligations as defined or accepted by the appropriate authority for security.

A programme of specific operating procedures defining the role and responsibilities of regulated agents should be detailed in the States' National Civil Aviation Security Programme (NASP).

## **2.3 Obligations of regulated agents**

### **2.3.1 Regulated agents should be required to:**

- a) establish and register the identity of the consignor, and establish the credentials of an agent of the consignor who delivers the consignments;
- b) ensure that the consignor delivers a full description of the contents of the consignment;
- c) ensure on the basis of random checks or screening that the contents of a consignment reflect their description on the air waybill and/or cargo manifest and do not contain any prohibited articles;
- d) ensure that the consignments be safeguarded from unauthorised interference after the reception, and that access to the cargo is controlled;
- e) designate a person responsible for the implementation, application and supervision of the required security controls;
- f) ensure that the consignments be safeguarded from unauthorised interference;
- g) ensure that the reception, processing and handling of cargo be carried out by properly recruited and trained staff;
- h) ensure that the following consignments are not carried by air unless they have been subjected to security controls;
  - unaccompanied baggage to be transported as cargo;
  - consignments from non-regulated agents;
  - consignments from unknown consignors;
  - consignments delivered by a person other than the known consignor and his authorized agent;
  - consignments for which the known consignor fails to certify that they do not contain any prohibited articles; and
- i) ensure that, for the purpose of security controls, each consignment tendered to an air carrier or another regulated agent be accompanied by documentation, either on the air waybill or on a separate declaration, providing the following information when tendered to an air carrier for transportation: name, address and details of the regulated agent, name and address of the consignor, and a statement of the security status of the consignment.

## **2.4 Inspections of regulated agents**

**2.4.1** Regulated agents should be inspected by the appropriate authority for security on a regular basis to ensure that they meet the defined security requirements. The appropriate authority should ensure that inspections of regulated agents and air carriers, when they are acting as regulated agents, are conducted and that random checks of cargo, courier and express parcels emanating from regulated agents are carried out as detailed in the NASP.

## **2.5 Random checks**

2.5.1 In addition, both the aircraft operator and the regulated agent should subject consignments of known cargo to random checks to establish that contents are as stated on the accompanying documentation. The proportion of known cargo subjected to such examination should vary with the perceived level of threat. If there are any discrepancies the consignment must be treated as unknown cargo and screened or searched accordingly.

## **2.6 Transshipment cargo**

2.6.1 Cargo and mail arriving by air from outside the transit State, for onward carriage by air, need not be screened or searched provided they are protected against authorized interference at the transit point. However, transshipment cargo arriving from outside the transit State by road, rail or sea for onward carriage by air that has not been subjected to security controls at the point of departure or en route, should normally be treated as “unknown cargo” and screened or searched accordingly.

## **3. CONCLUSION**

3.1 The objective of the ICAO cargo regime is to ensure that all items of cargo being transported by air on passengers flights are subjected to appropriate security controls such as screening before being loaded on to an aircraft. The ultimate responsibility to ensure that the appropriate security measures have been carried out remains with the aircraft operator. However, this process may be facilitated and the workload reduced, particularly at locations where high volumes of cargo are received, by the operator’s delegating the screening function to regulated agents. At the same time the use of regulated agents improves the process by ensuring that air cargo is properly protected from interference and properly accounted for at every stage of its journey.

3.2 If screening is part of the appropriate security controls for cargo, with or without the regulated agent concept, provisions contained in Annex 17 relating to quality control, namely Standards 3.4.1, 3.4.2, 3.4.3, and 3.4.5 should be implemented.

## **4. ACTION BY THE DIVISION**

4.1 The Division is invited to note the similarity of the “regulated agent” concept to the “authorized trader” concept for Customs control (FAL/12-WP/8), and recommend that both be taken into account when developing/amending the Standards and Recommended Practices contained in Annex 9.

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