COUNCIL — 164TH SESSION

Subject No. 52: Unlawful interference with international civil aviation and its facilities
Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

REVIEW OF THE REPORT OF THE
TWELFTH AVIATION SECURITY PANEL MEETING
AND ADOPTION OF AMENDMENT 10 TO ANNEX 17

(Presented by the Secretary General)

SUMMARY

This paper contains the results of the deliberations of the Aviation Security (AVSEC) Panel during its twelfth meeting and presents a consolidated proposal for the adoption of Amendment 10 to Annex 17 stemming from the recommendations of the tenth, eleventh and twelfth meetings of the Aviation Security Panel. The material to be adopted/approved is presented in the appendices as follows:

Appendix A — Amendment to Annex 17
Appendix B — Resolution of Adoption
Appendix C — Amendment to the Foreword to Annex 17

Action by the Council: See paragraph 3.1.

REFERENCES

*C-WP/11721 Restricted
C-WP/11686 Restricted
*C-WP/11639 Restricted
*C-DEC 164/1
*C-DEC 163/5

*Principal references

Annex 17 (sixth edition)

1. BACKGROUND

1.1 The Council, during the first meeting of its 164th Session, approved the convening of the Twelfth Meeting of the Aviation Security Panel together with the proposed agenda (C-DEC 164/1).

1.2 The Twelfth Meeting of the AVSEC Panel was held in Montreal from 5 to 9 November 2001. The meeting was attended by thirty-three members/advisers from Member States, twenty observers from
States and international organizations and twenty-eight other observers. The Panel considered all items of the agenda as approved by the Council.

2. CONSIDERATION OF THE AGENDA ITEMS

2.1 Agenda Item 1: Developments in the aviation security since AVSECP/11

2.1.1 The Panel considered this agenda item on the basis of three specific reports. These reports addressed the following issues: decisions of the 33rd Session of the Assembly in the light of terrorist attacks; factual information on each of the four coordinated attacks committed in the United States and the aviation security measures taken, as well as the acts and offences of concern to the international aviation community and not covered by existing air law instruments.

2.1.2 In concluding consideration of this agenda item, the Panel noted the information provided in these reports.

2.2 Review of Annex 17 in the light of recent events

2.2.1 Pursuant to the decision of the 33rd Session of the Assembly, the Panel considered specific proposals for inclusion in Amendment 10 to Annex 17. In order to facilitate the Panel’s work, two working groups were established, namely a working group on in-flight security measures and a working group on security measures on the ground. The Panel was informed of the comments made by States in relation to Amendment 10 which are being reflected in C-WP/11721.

2.2.2 Based on the work of the working groups, the Panel considered Amendment 10 to Annex 17 and unanimously agreed to make changes to this amendment in order to address the following issues:

(a) applicability of Annex 17 to domestic operations;
(b) international cooperation relating to threat information;
(c) certification of screeners;
(d) access control relating to air crew and airport personnel;
(e) in-flight security personnel and protection of the cockpit;
(f) joint response to acts of unlawful interference; and
(g) definitions of aircraft security check and security restricted area.

With reference to the protection of the cockpit, the Panel noted that this issue will be referred to the Air Navigation Commission for its consideration, with a view to introducing a Standard in Annex 6.

2.2.3 The Panel also identified the following issues which need to be further considered and, if appropriate, be included in future amendments to Annex 17:

(a) determination of applicability of some measures with respect to the type and scope of aviation activity;
b) incorporation of specific, appropriate measures for general aviation and aerial work activities;

c) new or emerging threats;

d) threats relevant to all cargo operations;

e) requirements dealing with the screening of staff;

f) time-frames for implementation of new measures, in order to carry proper impact assessments of any new measure; and

g) further clarification of Standards and Recommended Practices (SARPs) in the context of future international security audits and assessments.

2.2.4 In order to assist the Panel in development of Amendment 11, a working group was established for the preparation of this amendment for the Panel’s consideration at the next meeting. Such a working method was used successfully by the Panel for the development of Amendment 10.

2.2.5 In addition, the Panel expressed the need to further define the following requirements contained in the SARPs to limit room for interpretation and thus facilitate harmonized implementation of the SARPs. Such clarification could be provided in the Security Manual in relation to the following issues:

a) definition of new threats;

b) definition and guidelines for prohibited articles including substances that should be detected;

c) requirements and guidelines for background checks;

d) requirements and guidelines for selection, training, qualification, certification and motivation of personnel taking part in security controls, especially screeners; and

e) definition of uniform acceptable methods of implementation of the SARPs in order to limit room for interpretation.

2.2.6 In concluding consideration of this agenda item, the Panel:

a) unanimously approved the revised draft Amendment 10 to Annex 17 as presented in the Appendix to this working paper;

b) recommended that issues identified in paragraph 2.2.3 of this working paper be developed by the working group for the Panel’s consideration at its next meeting, with a view to their inclusion in Amendment 11 to Annex 17; and

c) the Security Manual be amended in order to include a clarification with respect to issues identified in paragraph 2.2.5 of this working paper.

2.2.7 Mindful of the decisions of the 33rd Session of the Assembly in the light of the terrorist attacks committed in the United States on 11 September 2001, it is recommended that the applicability date
2.3 The security strategic objectives

2.3.1 The Panel considered development and implementation of a mandatory programme to verify and improve conformity with international standards; the enhancement of back-up arrangement for centralized operational international meteorological facilities and services; the protection of air navigation facilities, systems, end-to-end functions and procedures; the need to review of Annex 14 to ensure that aerodrome safety and security aspects go hand in hand in order to prevent unlawful interference to safe and secure civil aviation operations; and proposal to study the new threats by a group of experts with a view to developing additional provisions for inclusion in Annex 17. Other aspects were discussed such as the promotion, understanding and cooperation of passengers and the need for securing adequate financial measures for implementation of security.

2.3.2 The Panel reviewed each of the Security Strategic Objectives as contained in AVSECP/11 Report and in the light of the discussions during the meeting and inclusion of Standards 2.1.3 and 4.4.8 in Amendment 10 to Annex 17, agreed to amend the following objectives:

<table>
<thead>
<tr>
<th>Security Strategic Objective</th>
<th>Amended Objective</th>
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</thead>
<tbody>
<tr>
<td>Security Strategic Objective No. 1 – Screening of hold baggage;</td>
<td>Screening of hold baggage;</td>
</tr>
<tr>
<td>Security Strategic Objective No. 6 – Applicability of Annex 17 to all operations;</td>
<td>Applicability of Annex 17 to all operations;</td>
</tr>
<tr>
<td>Security Strategic Objective No. 9 – Audit system; and</td>
<td>Audit system; and</td>
</tr>
<tr>
<td>Security Strategic Objective No. 10 – New and emerging forms of threat.</td>
<td>New and emerging forms of threat.</td>
</tr>
</tbody>
</table>

2.3.3 As regards Security Strategic Objective No. 9 – Audit system, the Panel unanimously supported the establishment of an ICAO Universal Security Oversight Audit Programme for States, in addition to airports’ assessment on a sampling basis. The Panel felt that this programme should be mandatory, under the umbrella of ICAO, based upon the SARPs contained in Annex 17. In this context the Panel highlighted the urgent need for updating the Security Manual and developing an appropriate audit handbook, training and certification tools gaining from the experience of the Universal Safety Oversight Audit Programme and making maximum use of existing regional AVSEC expertise and network developed under the AVSEC Mechanism. The Panel stressed the necessity to obtain sustainable funding for this long-term programme. In order to prepare for such a programme, the Panel decided to establish a working group on the AVSEC Audit Programme which would develop more detailed proposals to be discussed at the next Panel meeting.

2.3.4 With reference to Security Strategic Objective No. 10 – New and emerging forms of threat, the Panel, pursuant to Resolution A33-1, proposed new wording for this objective in order to examine, on an on-going basis, new and emerging threats to civil aviation, including misuse of civil aircraft as weapons of destruction. With this in mind, it was agreed to establish a working group on threat which will study new and emerging forms of threat in order to assist the Panel to develop preventive measures to counter these threats.

2.3.5 In concluding consideration of this agenda item, the Panel:

a) revised the list of Security Strategic Objectives as presented in Appendix to the Report on Agenda Item 3;
b) recommended that the working group develops detailed proposals regarding audit programme for further discussion at the next meeting; and 

c) recommended that the working group study new and emerging forms of threat.

2.4  
**Technical input for the international high level, ministerial conference on AVSEC**

2.4.1  
In order to facilitate consideration of this agenda item, the Panel was provided with a draft agenda for the high level, ministerial conference on aviation security developed by the Secretariat. The Panel acknowledged the importance of clear and achievable objectives for this conference, in particular, the ICAO plan of action for strengthening aviation security, the review of all work already undertaken by the AVSEC Panel during its twelfth meeting, the establishment of an ICAO Universal Security Audit Programme, all financial and human resources required, as well as a clear and strong positive message to the public to promote restoration of confidence in international air transport. The Panel also stressed that adequate time should be given to ensure the proper preparation of this conference.

2.5  
**Other business**

2.5.1  
The Panel agreed that the following work will be undertaken by the AVSEC Panel working groups established for this purpose:

a) the existing AVSECWG/Security Manual, coordinated by Jim Marriott; 

b) the new AVSECWG/Threat, chaired by Manoel Schubnell; 

c) the new AVSECWG/Audits, chairperson to be determined; and 

d) the new AVSECWG/Amendment 11, chairperson to be determined.

2.5.2  
The Panel also proposed to focus its future meetings on the following issues: 

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>AVSECP/13</td>
<td>Amendment 11 to Annex 17 in order to incorporate all auditing aspects at the national and airport levels and to determine which SARP are to be audited at each level;</td>
</tr>
<tr>
<td>AVSECP/14</td>
<td>Security Manual and related auditing documents in order to permit full implementation of the ICAO AVSEC Audit Programme; and</td>
</tr>
<tr>
<td>AVSECP/15</td>
<td>Report on the execution of the ICAO AVSEC Audit Programme and possible enhancements for its implementation.</td>
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3.  
**ACTION BY THE COUNCIL**

3.1  
The Council is invited to: 

a) note the report of the twelfth meeting of the Aviation Security Panel; 

b) adopt as Amendment 10 to Annex 17, the amendments to the Standards and Recommended Practices as contained in Appendix A to this paper during this session; 

c) approve the notes as part of the said amendment in Appendix A to this paper;
d) approve the Resolution of Adoption at Appendix B to this paper;

e) approve the amendment to the Foreword to Annex 17 at Appendix C to this paper; and

f) consider the Panel’s recommendations as contained in paragraphs 2.3.5, 2.4.1, 2.5.1 and 2.5.2 and provide guidance where appropriate;
APPENDIX B

AMENDMENT 10 TO THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES

ANNEX 17 — SECURITY — SAFEGUARDING INTERNATIONAL CIVIL AVIATION AGAINST ACTS OF UNLAWFUL INTERFERENCE

RESOLUTION OF ADOPTION

The Council

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,


2. Prescribes 15 April 2002 as the date upon which the said Amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before that date;

3. Resolves that the said Amendment or such parts thereof as have become effective shall become applicable on 1 July 2002;

4. Requests the Secretary General:

a) to notify each Contracting State immediately of the above action and immediately after 15 April 2002 of those parts of the amendment which have become effective;

b) to request each Contracting State:

1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 1 July 2002 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 1 June 2002, and thereafter to notify the Organization of any further differences that arise;

2) to notify the Organization before 1 June 2002 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended.

c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, when the notification of such differences is important for the safety of air navigation, following the procedure specified in subparagraph b) above with respect to differences from Standards.
In Table A — Amendments to Annex 17, *add* the following immediately after the information regarding Amendment 9:

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Source(s)</th>
<th>Subject(s)</th>
<th>Adopted</th>
<th>Effective</th>
<th>Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Proposals of the Aviation Security Panel (AVSECP) and Council action in pursuance of Assembly Resolution A33-1</td>
<td>This amendment includes the introduction of various definitions and new provisions in relation to the applicability of this Annex to domestic operations, international cooperation relating to threat information, appropriate authority, National Aviation Security Committee, national quality control, access control, passengers and their cabin and hold baggage, in-flight security personnel and protection of the cockpit, code-sharing/collaborative arrangements, human factors and management of response to acts of unlawful interference. A status of a number of specifications were changed to standards</td>
<td>D</td>
<td>1 July 2002</td>
<td></td>
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