



ICAO

Recognition of Equivalence of Security Measures One-Stop Security



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Model Memorandum of Understanding (MoU) for the mutual recognition of aviation security measures for one-stop security or other arrangements between (...) and (...)

REFERENCE DOCUMENTS

The guidance material found in this document is designed to assist stakeholders in recognizing the equivalence of security measures between States and, consequently, establishing relevant arrangements such as one-stop security agreements. This guidance can also be found in the ICAO *Aviation Security Manual* (Doc 8973 — Restricted) (Thirteenth Edition, 2022), Section 11.10.

To further assist Member States, readers can find below references to Annex 17 — *Aviation Security* Standards and protocol questions (PQs) developed under the ICAO Universal Security Audit Programme — Continuous Monitoring Approach (USAP-CMA).

Annex 17 to the Convention on International Civil Aviation — *Aviation Security* (Twelfth Edition, July 2022)

Standards 4.4.3 and 4.5.5, and Recommended Practice 2.4.9, as found in Amendment 18 to Annex 17 to the Convention on International Civil Aviation (the Chicago Convention), provide for the secure transfer of passengers, their cabin baggage and hold baggage, as well as for entering into collaborative arrangements. Both Standards and the Recommended Practice are presented on the right.

4.4.3 Each Contracting State shall ensure that transfer passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft, unless it has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such passengers and their cabin baggage have been screened to an appropriate level at the point of origin and subsequently protected from unauthorized interference from the point of screening at the originating airport to the departing aircraft at the transfer airport.

4.5.5 Each Contracting State shall ensure that transfer hold baggage is screened prior to being loaded onto an aircraft engaged in commercial air transport operations, unless it has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorized interference from the originating airport to the departing aircraft at the transfer airport.

2.4.9 Recommendation.— Each Contracting State should consider entering into collaborative arrangements in order to increase the sustainability of the aviation security system by avoiding unnecessary duplication of security controls. The arrangement should be based on verification of equivalence of the security outcome ensured by the application of effective security controls at origin.

UNIVERSAL SECURITY AUDIT PROGRAMME — CONTINUOUS MONITORING APPROACH (USAP-CMA) PROTOCOL QUESTIONS (PQs)

The following USAP-CMA PQs were developed to standardize the conduct of activities under the ICAO USAP-CMA and assist Member States in preparation for USAP-CMA audits and in monitoring their own aviation security oversight system, as it pertains to the implementation of one stop security measures.

Standard 4.4.3

1. If the State relies on screening performed at any points of origin in a foreign State, has the State established a validation process, and does it continuously implement procedures, in collaboration with the other Contracting State, where appropriate, to ensure that such passengers and their cabin baggage have been screened to an appropriate level at the point of origin and, subsequently, protected from unauthorized interference, from the point of screening at the originating airport, to the departing aircraft at the transfer airport?
2. Verify whether the State has formally recognized that passenger and cabin baggage screening standards at the originating airport in the foreign State are at least equivalent, in terms of the security outcome, to its own security measures, based on ongoing verification/assessment of the following:
 - a) **national-level programmes/regulations**, the Airport Security Programme (ASP) and other airport-level procedures and practices that support aviation security controls at the originating airport in the foreign State;
 - b) **performance monitoring measures conducted by the appropriate authority** of the foreign State at the originating airport, including the scope, frequency and results of quality control activities;
 - c) **threat and risk environment in the foreign State** and recognition arrangements in place in the foreign State with other States, if any;
 - d) **security equipment deployed at the originating airport** in the foreign State, including procedures for operation, calibration, maintenance and performance testing; and
 - e) recruitment, background checks, training and certification of security staff deployed at the originating airport in the foreign State.
3. Verify whether the State conducts regular on-site assessments of applicable security procedures at the originating airport in the foreign State, as a means to validate the recognition arrangement on an ongoing basis. Identify the frequency of on-site assessments and the entity responsible for such assessments.
4. Verify whether transfer passengers and their cabin baggage covered by the recognition arrangement are protected from unauthorized interference, from the arriving aircraft to the departing aircraft at the transfer airport in the State.

UNIVERSAL SECURITY AUDIT PROGRAMME — CONTINUOUS MONITORING APPROACH (USAP-CMA) PROTOCOL QUESTIONS (PQs)

Standard 4.5.5

1. If the State relies on screening performed at any points of origin in a foreign State, has the State established a validation process, and does it continuously implement procedures, in collaboration with the other Contracting State, where appropriate, to ensure that such hold baggage has been screened to an appropriate level at the point of origin and, subsequently, protected from unauthorized interference, from the point of screening at the originating airport, to the departing aircraft at the transfer airport?
2. Verify whether the State has formally recognized that hold baggage screening standards at the originating airport in the foreign State are at least equivalent, in terms of the security outcome, to its own security measures, based on ongoing verification/assessment of the following:
 - a) **national-level programmes/regulations**, the Airport Security Programme (ASP) and other airport-level procedures and practices that support aviation security controls at the originating airport in the foreign State;
 - b) **performance monitoring measures conducted by the appropriate authority** of the foreign State at the originating airport, including the scope, frequency and results of quality control activities;
 - c) **threat and risk environment in the foreign State** and recognition arrangements in place in the foreign State with other States, if any;
 - d) **security equipment deployed at the originating airport** in the foreign State, including procedures for operation, calibration, maintenance and performance testing; and
 - e) recruitment, background checks, training and certification of security staff deployed at the originating airport in the foreign State.
3. Verify whether the State conducts regular on-site assessments of applicable security procedures at the originating airport in the foreign State, as a means to validate the recognition arrangement on an ongoing basis. Identify the frequency of on-site assessments and the entity responsible for such assessments.
4. Verify whether transfer hold baggage covered by the recognition arrangement is protected from unauthorized interference, from the arriving aircraft to the departing aircraft at the transfer airport in the State.



GENERAL

In order to avoid the unnecessary duplication of security controls and increase the global sustainability of the aviation security system and, where consistent with their assessment of risk, States may consider recognizing other States' aviation security systems where determined to be equivalent.

In the context of aviation security, recognition of equivalence is defined as the acceptance and formal approval by a State that security measures carried out in another State are at least equivalent, in terms of the security outcome, to its own security measures. Such approval may be in respect of one, multiple or all security measures.

LIABILITY AND ACCOUNTABILITY

States keep full legal accountability for flights departing from their territory and shall consider whether their national legal framework allows for such arrangements.

States shall consider their legal liabilities with respect to their international obligations and under their domestic law.

CONFIDENTIALITY

Any information exchanged and shared between the States under the recognition process and arrangement shall be protected accordingly. Information shall be handled and protected in accordance with mutually agreed conditions. Information shall not be shared with any other third party without the explicit consent of the States involved.

States shall ensure that access to sensitive information will be granted only to those individuals whose official duties require such access and who, where needed, have been granted the requisite security clearances.

INITIAL IDENTIFICATION PROCESS

The responsibility to identify, verify, validate and recognize the equivalence of security measures must rest with the States concerned, who may consider recommendations from airports and aircraft operators when identifying potential candidates. States may use compliance data and related information, such as the result of their oversight activities performed at foreign airports, to better inform the State's risk assessment when identifying appropriate candidates for potential one-stop security arrangements.

When States are exploring the possibility of initiating a recognition of equivalence arrangement, their bilateral relationships with other States will play a critical role in the selection of a suitable route(s) and airport(s). The aviation industry may also have a valuable role to play in the identification of potential candidate airports and/or States that could qualify for the establishment of recognition of equivalence arrangements, due to their knowledge of operational data and information related to the application of security measures across the globe.

Many airport operators maintain relations with foreign airports, particularly those with similar sizes and business models. This includes collaboration on security, sharing of best practices, the conduct of visits, and the provision of assistance. Similarly, aircraft operators have a good understanding of the security arrangements in place at the overseas airports at which they operate, and possess operational data and information that may be valuable to States. All of this information may be useful to States that are looking for candidates to enter into one-stop security arrangements.



Facilitated by their networks and capacity-building initiatives with other airports (e.g. Airport Excellence programmes, commonly referred to as APEX), airport operators may have the ability to deploy subject matter experts who are appropriately trained to assess the security measures that are implemented at foreign airports, and subsequently share their evaluation with the relevant appropriate authorities. Aircraft operators, through their network of hubs and feeder airports, may also provide States with relevant information gathered as part of their audit programmes and evaluations of foreign operations.

Should States agree to make use of industry information or expertise to that end, consideration should be given to establishing a written agreement or memorandum of understanding to ensure that confidentiality of information is maintained. As noted previously, States may use the information and expertise supplied by industry stakeholders to inform their decision-making on potential one-stop security arrangements, but this information and expertise do not supplant the State's responsibility to verify and validate such information, and their operational implementation, to determine the equivalence of security measures.

RECOGNITION OF EQUIVALENCE PROCESS

PRINCIPLES

As described below and shown in Figure 1, the process leading to recognition of equivalence should be distinguished from the result of the process, i.e. the recognition itself. The verification process shall include all States involved, while the eventual decision to recognize the equivalence may be by one State only (unilateral recognition) or reciprocal (bilateral/multilateral recognition). The recognition of equivalence process shall be at the State level.

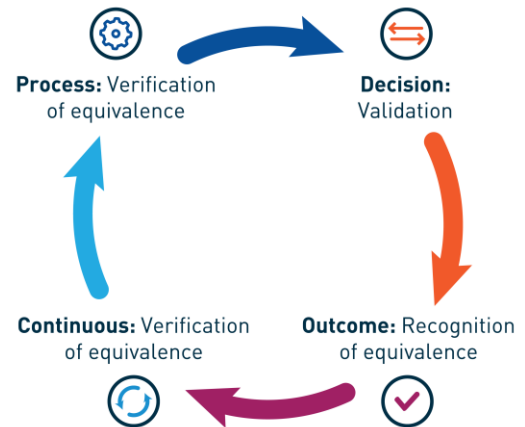


Figure 1. Recognition of equivalence process

PROCESS: VERIFICATION OF EQUIVALENCE

The verification process is aimed at ascertaining whether the security measures in a State achieve security outcomes that are at least equivalent to those of another State. Figure 2 illustrates what a recognition of equivalence arrangement between State X (or Airport A) and State Y (or Airport B) may be.

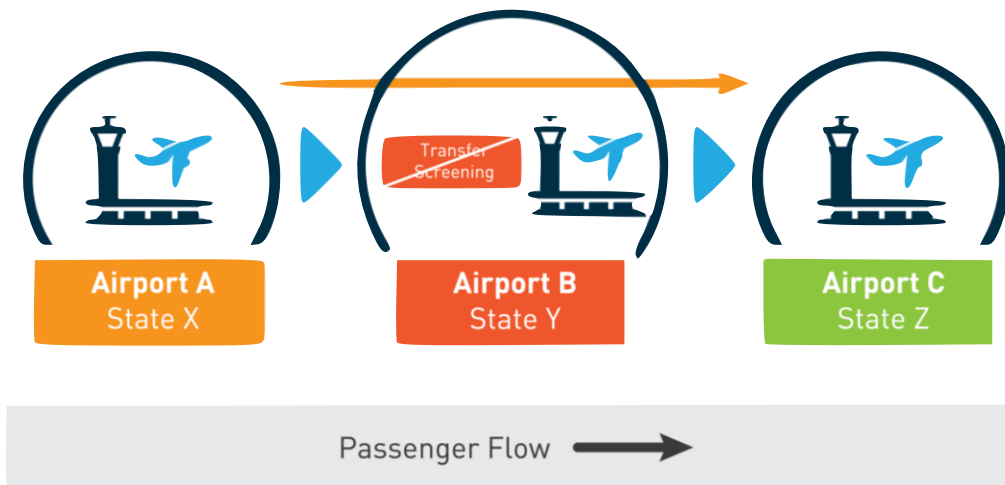


Figure 2. Recognition of equivalence arrangement

Note.— Unless indicated otherwise, all references to State X (or Airport A), State Y (or Airport B) and State Z (or Airport C) are based on the nomenclature illustrated in Figure 2. The illustration nomenclature, including the colour coding, is consistently reproduced in Figures 2, 3 and 4. References to State W (or Airport D) are based on Figure 4.

Collaboration between all States involved in the process is key, even when the goal is unilateral recognition by State Y of State X's security measures, without reciprocity. This collaboration shall be formalized through, for example, an exchange of letters between State X and State Y.

The verification process is premised upon the States involved complying, at a minimum, with Annex 17 Standards. The process shall be documented and shall include a review of appropriate documentation and an on-site assessment by State Y of applicable security procedures implemented by State X.

The review should include an assessment by State Y of relevant elements from documents provided by State X such as:



- a) ICAO USAP audit reports;
- b) National civil aviation security programme (NCASP), national quality control programme (NQCP) and ASPs, and other relevant operator security programmes (e.g. aircraft operator security programmes or AOSPs);
- c) the nature and extent of the oversight conducted by the appropriate authority;
- d) exchange of information on the threat and risk environment;
- e) exchange of information on recognition arrangements with other States;
- f) regulations, practices and procedures that support all aviation security controls;
- g) security equipment deployed at airports, operational use of security equipment and procedures for equipment calibration and maintenance, where applicable;
- h) security staff recruitment, background checks, training and certification procedures;
- i) performance monitoring measures at the selected airport;
- j) tools, measures and procedures for maintaining security; and
- k) information on security controls collected through national quality control activities (i.e. audits, surveys, inspections and tests), where available. The information collected should include the frequency, findings and other pertinent details of the quality control activities carried out by State X, as well as the entities engaged in those activities.

Where State X has recognition arrangements in place with other States, State Y shall take these arrangements into consideration when determining whether to recognize the equivalence of State X's security system. This could be achieved through an examination of the verification processes used by State X.

Similarly, State Z and any other States accepting traffic from State Y should be notified of the existence of arrangements in place in State Y, as well as any relevant changes made to those arrangements.

In addition to a review of documents, verification shall also consist of on-site assessments of the security system. The on-site assessments shall examine all relevant factors surrounding airport and airline operations.

Both the document review and on-site assessment may target specific areas that State Y wishes to recognize. For example, State Y may wish to limit its scope of recognition to specific airports or to individual components in State X, such as hold baggage screening.



DECISION: VALIDATION

Based on the verification process, State Y shall formally determine whether security measures at State X provide an equivalent security outcome to its own security system. State Y shall reach a decision to validate, or not to validate, the equivalence of security measures and shall document this decision.

OUTCOME: RECOGNITION OF EQUIVALENCE

The decision to recognize equivalence can be multilateral, bilateral or unilateral (see Figure 3):

- a) *Multilateral recognition of equivalence.* More than two States may choose to enter into a recognition of equivalence arrangement on a multilateral basis, whereby the recognition of equivalence of security measures is mutual between all States. A formal arrangement, such as a Memorandum of Understanding (MoU), exchange of letters or Recognition Agreement should outline all requirements and responsibilities inherent in the implementation of the recognition arrangement. Alternatively, States may consider using Air Services Agreements as a vehicle to enter into a multilateral arrangement.
- b) *Bilateral* (State X recognizes State Y, and State Y recognizes State X). Two States may choose to enter into a recognition of equivalence arrangement on a bilateral basis, whereby the recognition of equivalence of security measures is mutual between both States. A formal arrangement, such as an MoU, exchange of letters or Recognition Agreement should outline all requirements
- c) *Unilateral recognition of equivalence* (e.g. State Y recognizes State X, but State X does not recognize State Y). When the local operational environment or national legal restrictions are not conducive to the implementation of a formal arrangement, one State may enter into a recognition of equivalence arrangement with another State on a unilateral basis (State Y unilaterally recognizes the equivalence of security measures of State X, which in turn need not reciprocate the recognition of measures). Although State X is not required to recognize equivalence of aviation security measures in State Y under a formal unilateral arrangement, oversight responsibilities and arrangements, as well as information-sharing provisions should be clearly defined and assigned to both States.

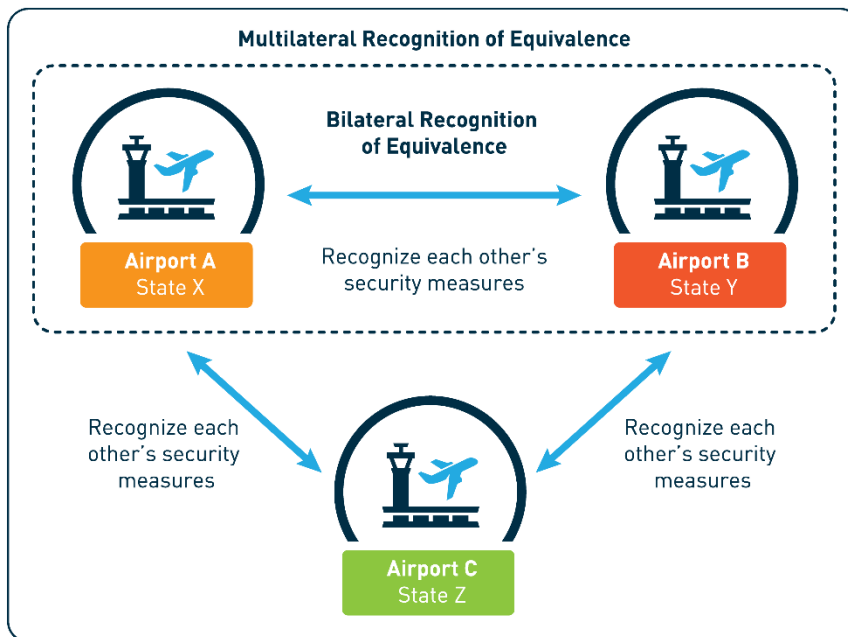


Figure 3 illustrates multilateral and bilateral recognition of equivalence. Any recognition of equivalence arrangement should be notified to affected States and industry stakeholders. A model formal arrangement for the recognition of equivalence of aviation security measures can be found in the Appendix.

Figure 3. Multilateral and bilateral recognition of equivalence of security measures

CONTINUOUS VERIFICATION

Once a recognition arrangement is in place, on-site assessments of applicable and implemented security procedures of State X shall be periodically carried out by State Y as a means to revalidate the arrangement. The frequency with which the on-site assessments take place shall be documented in the arrangement and take into account the robustness of the security oversight programme of State X.

NOTIFICATION OF CHANGES AFFECTING THE RECOGNITION OF EQUIVALENCE

Any relevant change that may affect the validity of the recognition of equivalence arrangement shall be communicated as soon as practicable between the States concerned; for example, changes to the operational environment or to the threat and risk environment.

Information exchange mechanisms between appropriate authorities, airports and airlines should be in place to facilitate and streamline changes in operational environments.

Any significant anticipated change in security programmes, regulations, procedures or national legislation, whether it emanates from changes in the threat environment or local considerations, shall be communicated as soon as practicable to the States concerned.

When an unresolved lack of compliance impacting security outcomes is observed during oversight activities carried out by State X, or when there is reasonable doubt of non-compliance by State X, this shall be communicated to State Y as soon as practicable.

On the basis of the information received, States shall re-assess whether recognition is still valid. State Y shall reserve the right to suspend or terminate a recognition of equivalence arrangement if circumstances lead State Y to believe that applicable security measures applied at State X (or Airport A) no longer achieve equivalent security outcomes.

When States have entered into a recognition of equivalence arrangement, whether on a multilateral, bilateral or unilateral basis, any new or existing recognition of equivalence arrangement shall be disclosed to all affected States. Similarly, States shall reserve the right to suspend or terminate their arrangements should they believe that the new recognition of equivalence arrangement agreed by a State with which they also have an arrangement, may or will compromise existing arrangements.

APPLICATIONS OF RECOGNITION OF EQUIVALENCE ARRANGEMENTS

Recognition of security measures between States may lead to various applications, the most widely known of which is one-stop security, whereby transfer passengers, their cabin baggage and/or hold baggage are exempted from screening at a connecting airport (Airport B) if they have been screened to an equivalent level at their airport of origin (Airport A). Aircraft operators and airports, based on their own risk assessment, may choose not to provide exemptions from security controls as a result of the arrangement.

ONE-STOP SECURITY

One-stop security allows for transfer passengers and cabin baggage, and/or hold baggage to be exempted from screening if they have been adequately screened at the point of origin.

One-stop security can be holistic (exempting passengers and cabin baggage, and hold baggage from rescreening) or itemized (e.g. exempting hold baggage only). A one-stop security arrangement may cover all transfer operations between two States, or its scope may be limited to a specific airport or terminal, a number of airports or all airports within a State.

BENEFITS AND CHALLENGES OF ONE-STOP SECURITY

One-stop security may not be appropriate for all States and all airports in a State. It is recommended that a risk/cost/benefit analysis be carried out for each airport involving all stakeholders to assess the relevance of implementing one-stop security.

BENEFITS may include:	CHALLENGES to be taken into consideration by State Y:
increased cooperation between States;	airport infrastructure modifications to protect passengers in the transfer area from unauthorized interference, or to handle the separate flow of hold baggage;
increased aviation security sustainability, which may enable a reallocation of resources;	increased resources required for the appropriate authority to establish and maintain the arrangements, including the need for on-site assessments;
a more straightforward transfer process for passengers with shorter connections, fewer missed connections and fewer missing bags ("rush bags") at destination;	monitoring changes in the global threat and risk environment, and being prepared to take appropriate action in response to these changes, such as re-establishing transfer screening temporarily or permanently; and
operational and efficiency gains for airports and airlines, including fewer delays; and	identifying any liability issues that may prevent the conclusion of an arrangement.
increased passenger satisfaction by providing a more seamless travel experience.	

INFRASTRUCTURE CONSIDERATIONS WITH ONE-STOP SECURITY

One-stop security arrangements shall address matters related to infrastructure and the subsequent protection of transfer passengers and their cabin baggage from unauthorized interference. The principal premise of one-stop security arrangements is that passengers, and their personal belongings, concerned by the arrangement shall not mix with passengers who have not been subjected to equivalent screening.

States should also consider the impact of one-stop security on Customs and other border protection agencies.

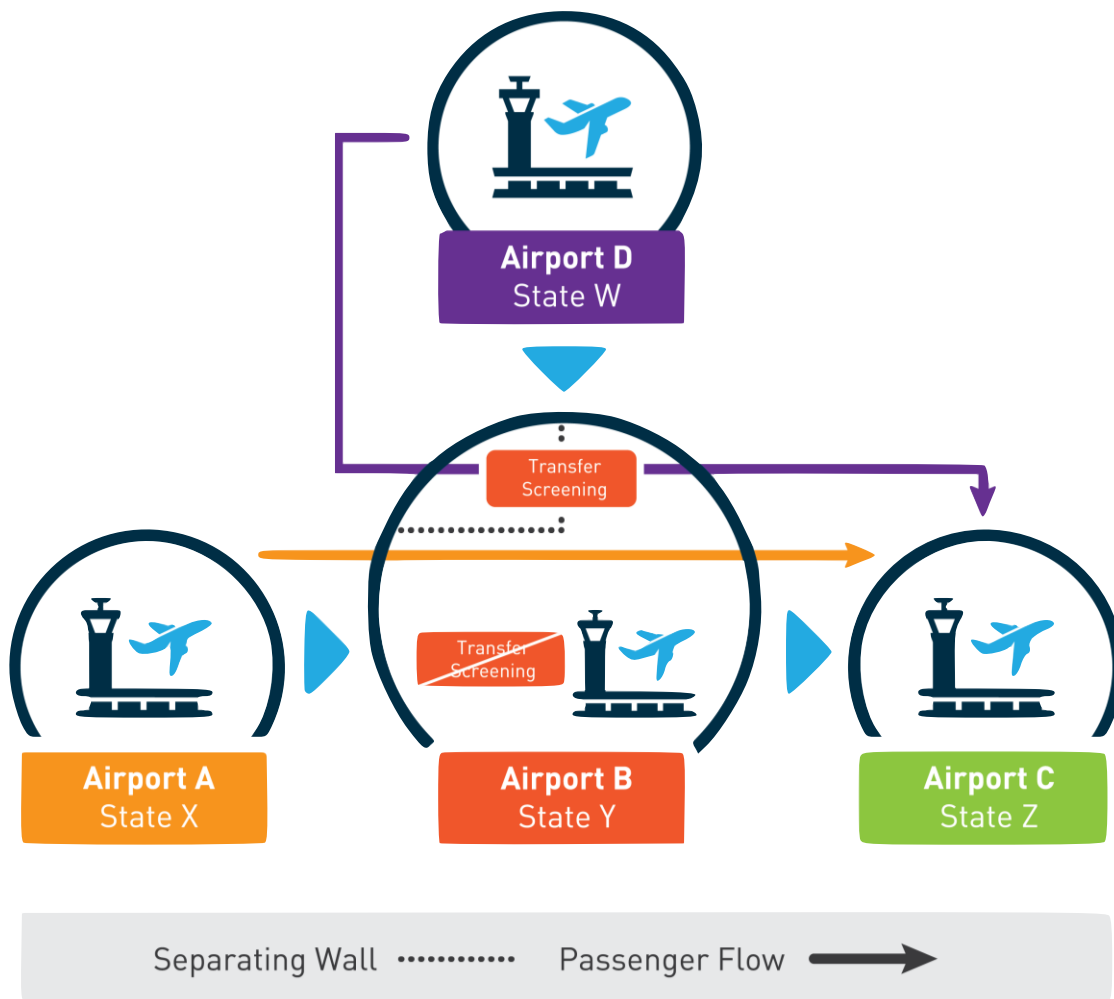


Figure 4. Separation of passengers for one-stop security

At transfer airports, where a one-stop security arrangement is in place, connecting passengers not covered by the arrangement shall be screened before being allowed to mix with passengers covered by the arrangement. Passengers arriving from Airport A shall be protected from passengers arriving from Airport D until those passengers have been screened. This scenario is described in Figure 4, where State X and State Y have a one-stop security arrangement between Airports A and B, but no arrangement is in place with State W in Airport D. Passengers arriving from Airport D shall not mix with transferring passengers arriving from Airport A until they have been subjected to screening in Airport B. Physical, or alternatively, procedural barriers shall be put in place to segregate passengers. In the case of a procedural segregation, a search is to be conducted of the arriving area before allowing persons under a one-stop security arrangement to use the same area.

Contingency plans should be put in place to address any change to the threat and risk environment, or any other significant change affecting the validity of one-stop security. Mechanisms should be in place at all times at State Y (or Airport B) to allow for re-screening of all passengers, cabin baggage and/or hold baggage arriving from State X (or Airport A).

One-stop security arrangements also need to take account of other one-stop arrangements. For example, transfer passengers, cabin baggage and/or hold baggage arriving at Airport B from Airport A may have already transferred through Airport A from a variety of airports. As part of the validation and the continuous verification processes, the State of Airport A shall be able to demonstrate that effective security controls that provide an equivalent security outcome have been applied to such passengers, cabin baggage and/or hold baggage either at Airport A or at the airport of origin before Airport A.

APPENDIX

MODEL MEMORANDUM OF UNDERSTANDING (MoU) FOR THE MUTUAL RECOGNITION OF AVIATION SECURITY MEASURES FOR ONE-STOP SECURITY OR OTHER ARRANGEMENTS BETWEEN (...) AND (...)

Note.— The language found in this model MoU is for consideration only. Final language may differ according to States' needs, requirements and regulations. In all cases, States' legal authorities should be consulted to determine if the State would be establishing a legally binding agreement or non-binding arrangement, in advance of developing and finalizing such MoUs.

PREAMBLE

[List the Parties/Participants concerned by this arrangement, including the respective appropriate authorities and/or airports concerned.]

Considering the importance of the provisions of Annex 17 to the Convention of International Civil Aviation, and in particular Standards *[list appropriate provisions]*, and of *[list other provisions, as appropriate]*;

Affirming the obligation of the Parties/Participants concerned with this arrangement, to each other, to protect the security of civil aviation against acts of unlawful interference;
[list other obligations, as appropriate]

The Parties/Participants have accepted the following: to establish mutually accepted standards of security controls and procedures, whereby *[States]*, may *[at a particular airport, as appropriate]* exempt from further screening, transfer passengers, cabin baggage and hold baggage *[and cargo, as appropriate]* that have arrived from *[States and/or airports]* and are proceeding to *[States and/or airports]*, and return flights on the same route.

DEFINITIONS

[This section should include words or terms used in this MoU, including its attachments, which form an integral part of this MoU.]

SCOPE

[This section should set out the parameters of the arrangement; for example, passengers and cabin baggage and/or hold baggage, and selected airports and routes which should be listed as part of the document.]

Example:

{

This MoU sets out the terms and conditions, which are further detailed in the standard operating procedure in the Attachment to this MoU, under which the Parties/Participants mutually recognize and acknowledge each other's security controls applying to passengers, cabin baggage and hold baggage *[and cargo, as appropriate]*.

The Parties'/Participants' mutual recognition and acknowledgement of security controls at *[States and/or airports]* may lead to the implementation of a one-stop security ("OSS") arrangement in respect of passengers, cabin baggage and hold baggage *[and cargo, as appropriate]* in transfer at *[States and/or airports]*.

All passengers, cabin baggage and/or hold baggage *[and cargo, as appropriate]* on routes covered under this arrangement shall be subject to full screening and security controls at *[States and/or airports]*.

}

ONE-STOP SECURITY ARRANGEMENT

[This section should outline the OSS arrangement and its inherent operational outcomes between the Parties/Participants.]

Example:

{

Subject to continuous review, *[name the appropriate authorities concerned by the OSS arrangement]* may, at *[States and/or airports]*, exempt from further screening, transfer passengers, cabin baggage and/or hold baggage *[and cargo, as appropriate]* that are travelling between *[States and/or airports]*, via *[States and/or airports]* or on a return flight(s) on the same route(s).

Screening arrangements relating to the routes covered under this MoU may be reinstated at *[States and/or airports]* where:

- a) an act of unlawful interference impacting the routes or flights concerned has occurred;
- b) transfer passengers, cabin baggage and/or hold baggage *[and cargo, as appropriate]* have not been fully screened at their point of origin; or
- c) information pertaining to a specific threat relating to the routes or flights concerned has been received.

Where screening arrangements are reinstated, the [name the appropriate authorities concerned by the OSS arrangement] shall notify the other Parties/Participants in writing as soon as practicable.

}

CONFIDENTIALITY AND NON-DISCLOSURE

[This section should address the confidentiality and protection of documents, information and other data received, shared or supplied between States, including on-site assessment reports. It should also include provisions allowing for affected States and industry stakeholders to be notified of the arrangement and the verification process used to achieve recognition.]

Example:

{

The Parties/Participants shall observe the confidentiality of all documents, information and other data received or supplied by another Party/Participant pursuant to this MoU and its Attachments, notwithstanding the termination or suspension of this MoU.

The Parties/Participants shall sign a Non-disclosure Arrangement in the form attached to this MoU (see Attachment), when exchanging confidential information pursuant to this MoU and its Attachments.

The Parties/Participants shall cause their employees, servants and/or agents to observe and be similarly bound by the confidentiality obligations provided in this MoU and its Attachments.

}

BASIS FOR MUTUAL RECOGNITION OF SECURITY MEASURES

General provisions

[This section should set forth States' legal authority to enter into this arrangement, including their obligations with regard to the aviation security provisions established by the International Civil Aviation Organization, designated Annexes to the Convention on International Civil Aviation, particularly Annex 17, and other legal instruments that are applicable to them.]

Example:

{

Consistent with their existing rights and obligations under international law, the Parties/Participants affirm their obligation to each other to protect the security of civil aviation against acts of unlawful interference.

The Parties/Participants affirm that they shall act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated Annexes to the Convention on International Civil Aviation, particularly Annex 17, to the extent that such provisions are applicable to the Parties/Participants.

The Parties/Participants shall require that [States, aircraft operators and/or airports] act in conformity with such aviation security provisions. Accordingly, each Party/Participant, on request, shall notify the other Parties/Participants of any difference between its regulations and practices, and the aviation security standards that would impact the airline operators of the other Parties/Participants.

}

VERIFICATION AND VALIDATION PROCESSES

[This section should reference the documents reviewed and information exchanged as part of the verification and validation process, and confirm that the States and airports involved have verified each other's implemented procedures, based on the on-site assessments of the security controls applied.]

Example:

{

The Parties/Participants acknowledge that they have exchanged all relevant regulations and written procedures so as to ensure mutual understanding of the security controls in place, in particular with respect to the screening of passengers, cabin baggage and/or hold baggage. This includes, but is not limited to, the provision of information relating to:

- a) legislation, regulations, practices and procedures that govern relevant airport security controls;
- b) relevant screening equipment used at [States and/or airports], operational use of screening equipment, and procedures for equipment calibration and maintenance, where applicable;
- c) security staff recruitment, background checks, training and certification procedures;
- d) relevant performance and quality monitoring measures at [States and/or airports];
- e) tools, measures and procedures for maintaining passenger, cabin baggage and/or hold baggage security following screening at [States and/or airports];
- f) tools, measures and procedures for maintaining passenger, cabin baggage and/or hold baggage security during transfer at [States and/or airports];
- g) findings of significant non-compliance (including the corrective action plans implemented to address these established non-compliances) that have occurred within the past two years in areas that have been established by any Party'/Participant's national or international auditing bodies as compromising the security of passengers, cabin baggage and/or hold baggage that could affect the establishment of an arrangement at [States and/or airports];

- h) relevant oversight arrangements of the appropriate authorities of each Party/Participant; and
- i) relevant information on any one-stop security or mutual recognition arrangements in place between a Party/Participant and another State.

The Parties/Participants acknowledge that they have exchanged information on relevant quality controls arising from the National Quality Control Programmes and/or all equivalent documents in place, where available. This may include, but is not limited to:

- a) the number of surveys, inspections and tests on which quality control is based;
- b) entities engaged in such surveys, inspections and tests; and
- c) details on how such surveys, inspections and tests are carried out.

The Parties/Participants acknowledge that they have exchanged information on each other's threat and risk environment, including any identified threats to *[list States, airports and/or routes/flights]*.

The Parties/Participants acknowledge that they have verified each other's implemented procedures, based on on-site evaluations and/or desktop validation exercises of the security measures and controls applied to passengers, cabin baggage and/or hold baggage *[and cargo, as appropriate]*.

The methodology and results of any on-site evaluations or desktop validations of another Party's/Participant's security measures and controls shall be shared between the validating Party/Participant and the Parties/Participants whose arrangements are being validated. Such information shall not be shared with any other third party without the explicit consent of the Parties/Participants involved.

A list of the security measures and controls in place pursuant to the exchanges of information mentioned in this section may be listed in the Attachment to this MoU.

}

CONTINUOUS REVIEW

[This section should address mechanisms for States to notify each other, other affected States and industry stakeholders of significant changes affecting the application of recognition of equivalence. It should also include provisions for ongoing on-site reassessments at regular intervals and specify a frequency for such reassessments.]

Example:

{

Pursuant to the commencement of this MoU, the Parties/Participants shall:

- a) notify each other of any significant changes to programmes, regulations and written procedures, which are relevant to the ongoing operation of this MoU;
- b) notify each other at a jointly agreed frequency of any significant changes to the quality control measures mentioned in this MoU;
- c) facilitate the mutual verification of implemented procedures, as jointly agreed, based on on-site evaluations and/or desktop validation exercises of the security controls applied to passengers, cabin baggage and/or hold baggage *[and cargo, as appropriate]*;
- d) consider, positively, requests by either one of the Parties/Participants to participate as observers in security inspections undertaken by the other Parties/Participants;
- e) obtain each other's written consent prior to permitting *[aircraft operators]* to operate flights in addition to those covered under this MoU;
- f) notify each other immediately of any significant information (in particular relating to security controls) and threat, which may have a bearing on the routes covered under this MoU;
- g) notify each other of any new arrangement, or intention thereof, with other States, such as an OSS or mutual recognition arrangement or changes to existing arrangements or agreements, which may have a bearing on the routes covered under this MoU; and
- h) notify each other immediately of any significant identified non-compliance, incidents or factors which may affect the security measures carried out on hold baggage *[and cargo, as appropriate]* carried on the routes covered under this MoU.

}

NOTIFICATION AND INVESTIGATION OF INCIDENTS

[This section should provide for the rights of States in conducting investigations when deemed necessary.]

Example:

{

In the event of an act of unlawful interference or a significant lapse in security control affecting the routes covered under this MoU, *[name the appropriate authorities concerned]*, being the State of Registry of the flights concerned, shall initiate an investigation. The other Parties/Participants may be included in, and facilitate, the investigation process.

Nothing in this Paragraph prevents a Party/Participant, other than the one initiating the investigation, from commencing its own investigation.

Upon the conclusion of an investigation, all Parties/Participants shall be advised of the investigation findings. If required, each Party/Participant shall take appropriate corrective or remedial action to rectify the cause of such act of unlawful interference or lapse in security control, consistent with applicable international legal obligations. Each Party/Participant shall also inform the other Parties/Participants of the outcome of such remedial action taken.

}

CONSULTATION

[This section should include provisions for States to consult with each other should disagreements arise under the arrangement or should amendments be required.]

Example:

{

Any dispute or differences arising out of the interpretation or implementation or application of the provisions of this MoU may be settled amicably through consultations between the Parties/Participants. Such consultations may commence within a mutually agreed time frame from the receipt of a request for consultations.

Failure to reach a satisfactory arrangement within a mutually agreed time frame from the start of consultations will constitute grounds for the Participant that requested the consultations to take action to withhold, revoke, suspend or impose appropriate conditions on the authorizations of the selected route(s).

}

SUSPENSION AND TERMINATION

Unilateral temporary suspension

[This section should refer to each State's rights to temporarily suspend the arrangement, in part or in full, due to, for example, reasonable doubt of non-compliance, non-performance by the other Party/Participant, reasons of national security, national interest, public order or public health, or pursuant to the unsuccessful conclusion of consultations.]

Example:

{

A Party/Participant may unilaterally temporarily suspend the application of this MoU, either in whole or in part, for reasons such as emergency, national security, national interest, public order or public health. Prior to suspending this MoU, the Party/Participant shall notify the other Parties/Participants in writing of the reasons for the suspension, unless the urgency of the situation does not permit such notification to be given.

The Party/Participant shall consult the other Parties/Participants before unilaterally suspending the application of this MoU, unless the urgency of the situation does not permit such consultations.

A Party/Participant suspending this MoU may lift the suspension within a reasonable time after the reason for such suspension is no longer operative. The Party/Participant may notify the Parties/Participants in writing of the lifting of its suspension of this MoU.

When justified by an emergency, or to prevent failure to act in accordance with the provisions of this MoU, the Participant that believes that the other has departed from the provisions of this Section may take appropriate interim action at any time. Participants will endeavour to notify the other Participants in this arrangement immediately if such action is taken.

}

Unilateral termination

[This section should establish the process by which a State(s) may terminate the arrangement and the date of effect of such termination.]

Example:

{

A Party/Participant may at any time terminate this MoU by giving notice in writing to the other Parties/Participants. This MoU shall terminate within a mutually agreed time frame after the date of receipt of such notice by the other Parties/Participants, unless such notice is withdrawn by the mutual consent of all Parties/Participants before the expiry of this period.

When justified by an emergency, or to prevent failure to act in accordance with the provisions of this MoU, the Participant that believes that the other has departed from the provisions of this Section may terminate this arrangement at any time. Participants will endeavour to notify the other Participants in this arrangement immediately if such action is taken.

}

AMENDMENTS

[This section should establish the process whereby States may request in writing any amendment of all or any part of the arrangement, to be mutually agreed on in written form by the States involved.]

Example:

{

This MoU and its Attachments may be amended in writing at any time by the mutual written consent of the Parties/Participants, and any amendment shall form an integral part of this MoU and its Attachments. Such amendment shall come into effect on such a date as may be determined in writing by the Parties/Participants.

}

CONTACTS

[This section should identify the points of contacts in each State for the communication of any relevant information.]

EFFECTIVE DATE

[This section should set the effective date of the arrangement.]

SIGNATURES

[This section should provide for the signatures of officials of the States concerned authorized to conclude on arrangements for the recognition of equivalence.]

ATTACHMENTS TO THE MODEL MEMORANDUM OF UNDERSTANDING (MOU)

ATTACHMENT A — LIST OF AIRPORTS, AIRCRAFT OPERATORS AND/OR ROUTES

(includes all airports and/or aircraft operators recognized by the Parties/Participants, plus selected routes, if applicable)

ATTACHMENT B — NON-DISCLOSURE AGREEMENT

The Parties/Participants shall not disclose, disseminate, or otherwise make available any of the documentation, their contents or any associated data resulting from the exchange of information between each of them to any third party or entity without their prior written consent and/or use such documentation, their contents or any associated data for any purpose outside of this MoU, except as may be required by law. In the event such disclosure or use is required by law, the Party/Participant receiving the information shall notify the Party/Participant providing the document, information or other data in writing.

In the event of a breach of confidentiality of any such documents, information and other data, whether in whole or in part, by a Party's/Participant's employees, servants and/or agents, that Party/Participant shall take appropriate action against the employees, servants and/or agents responsible for the breach in accordance with State law.

ATTACHMENT C — SECURITY MEASURES

(summary list of security measures put in place by the Parties/Participants)

- | | |
|---|--|
| <ul style="list-style-type: none">• airport security• airport planning requirements• landside, airside, security restricted areas and critical parts of security restricted areas• demarcated areas of airports• access control• screening of persons other than passengers, together with items carried• examination of vehicles• surveillance, patrols and other physical controls• aircraft security• passengers and cabin baggage• screening of passengers and cabin baggage• protection of passengers and cabin baggage• potentially disruptive passengers | <ul style="list-style-type: none">• hold baggage• screening of hold baggage• protection of hold baggage• baggage reconciliation• cargo and mail• security controls for cargo and mail• protection of cargo and mail• aircraft operator mail and materials• in-flight supplies• airport supplies• in-flight security measures• staff recruitment and training• security equipment• Very Very Important Person (VVIP) flights |
|---|--|

— END —