

IBAC Technical Report Summary

Subject: ICAO Aviation Security Panel (AVSECP)

Meeting: AVSEC Panel Meeting No 12 , November 5-9, 2001

IBAC File: ICAO Panels

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Summary:

The 12th meeting of the Aviation Security Panel was an extraordinary session called pursuant to a resolution of the 33rd ICAO Assembly which addressed security issues resulting from the tragedy of Sept 11.

The AVSEC Panel considered four main issues: new emerging issues as a result of Sept 11; amendments to Annex 17 (Security); amendments to the Security Strategic Objectives; and Ministerial Meeting on Aviation Security.

Most significant to IBAC was the proposal to amend Annex 17. A problem has emerged in that Annex 17 on Security does not have applicability provisions and as a result applies to all sectors of the aviation community and to all types of aviation operations. This has not previously been a significant problem as there were few provisions that required States to impose rules on operators. However, new amendments proposed to Annex 17 increase the provisions with respect to operators (which includes all general aviation operations) and that these provisions also be applicable to domestic operations.

IBAC recommended that ICAO study issues relative to general aviation and aerial work security.

Implication for Business Aviation:

The proposed amendment to Annex 17 could have significant implications for business aircraft operations: The provisions would require that business aviation operator:

1. establish a security program;
2. screen all passengers and baggage prior to boarding aircraft;
3. screen all baggage that is put into a hold of an aircraft.

The definition of screening allows for a hand search but this must be done by certified screening personnel.

<p>Decisions Required:</p> <p>IBAC has written to the President of the ICAO Council to request that the Council consider the applicability of the provisions of Annex 17 when addressing Amendments to Annex 17.</p>

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IBAC Technical Report

Aviation Security Panel 12th Meeting

Montreal, Canada

November 5-9, 2001

General

IBAC requested formal status at the ICAO Aviation Security Panel following the tragic events of September 11, 2001. The formal request was made to the President of the Council on September 24. Given that it takes some time for the Council to consider such requests, IBAC requested and was granted participation at AVSECP 12, held at ICAO headquarters November 5-9, 2001.

IBAC was represented by D. Spruston and P. Ingleton. Given that approval of IBAC attendance was received immediately prior to the meeting, no Working Papers were submitted.

The ICAO Security Panel has 17 Members (States) represented and Observers from 5 States and International Organizations. It is significant that to date the only industry organization representatives were from the International Air Transport Association, Airports Council International and International Federation of Airline Pilots Association.

IBAC is the first and only group that has represented the interests of any general aviation body.

This report provides a summary of the four Agenda Items as follows:

1. Developments in Aviation Security Since AVSECP/11
2. Review of Annex 17 in the light of recent events
3. The Security Strategic Objectives.
4. Technical input for the international high level, ministerial conference on AVSEC

Agenda Item 1 – Developments in Aviation Security since AVSECP/11

The meeting reviewed some general reports and the direction from the Council with respect to emerging security issues. No issues of impact to IBAC were considered.

Agenda Item 2- Review of Annex 17 in the light of recent events

The meeting considered the proposed amendment to Annex 17 developed by AVSEC Panel 11 as well as a number of Working Papers that contained recommendations to further amend Annex 17. A number of items were added to Amendment 10 to Annex 17.

The meeting agreed to add provisions in Amendment 10 with respect to:

1. application to domestic operations
2. international cooperation on threat information
3. certification of screeners
4. access control of aircrew and airport personnel
5. in-flight security personnel (air marshalls)
6. joint response to unlawful interference
7. definitions of aircraft security check and security restricted area.

The meeting considered a number of issues that require resolution. The most important for IBAC is the need to consider applicability of Annex 17. At the present time Annex 17 has no applicability clause. As a result it applies to all aviation operations including business aviation. It is IBAC's contention that it was never intended that specific

requirements impacting operators were intended for general aviation. However, given the security expertise rather than aviation technical or operational expertise on the AVSEC Panel, there has been a lack of understanding of the issue.

Given that Amendment 10 to Annex 17 includes a number of provisions that would require States to establish regulations impacting general aviation, such as requiring that all passengers and baggage be screened, there is a significant potential impact on small aircraft operations. An attachment has been included to this report that expands on the potential problem.

IBAC took the position that the existing provisions in Annex 17 and in Amendment 10, with respect to operators, should not apply to general aviation. Nevertheless, it was agreed that there were other security issues in consideration of general aviation, aerial work and small commercial operations that ICAO must address on an urgent basis. IBAC proposed that a thorough Risk Assessment Analysis be conducted to determine threats and potential consequences related to these sectors.

In addition, the meeting provided guidance for a number of additions to be made to the updating of the Security Manual.

Agenda Item 3 - The Security Strategic Objectives.

The meeting updated Security Strategic Objectives developed by the last AVSEC Panel. The Objectives are all straight forward except for No 6 which states – Applicability of Annex 17 to all Operations. The Panel extended applicability to all operations pursuant to this Strategic Objective. The implications of this are the same as the problem identified in Agenda Item 2 – namely that Annex 17 and Amendment 10 impose unrealistic provisions for general aviation.

Agenda Item 4 - Technical input for the international high level, ministerial conference on AVSEC

The high level Ministerial meeting will be held some time early in the 2002 year. The meeting reviewed potential agenda items and issues to be addressed by the Ministerial Meeting. There were no implications for IBAC.

Attachment to

Technical Report AVSECP 12

Implications of Some Provisions of Annex 17, Amendment 10

The following is an example of the applicability issue with respect to Annex 17 in consideration of general aviation, aerial work and small commercial air transport operations.

1. Given that Annex 17 has no applicability provisions, it applies to all aviation.
2. Most provisions in the past applied to general preventative and organizational issues and were therefore applicable more to regulatory structure rather than providing for specific operator requirements. The ‘operator’ requirements that existed were not applied to general aviation even though theoretically they should have been, particularly in the light of the definition of ‘Operator’ contained in the Security Manual (Chapter 1, Definitions).
3. The following are examples of provisions in Annex 17, Amendment 10, that would apply to all aviation, including general aviation, aerial work and small commercial air transport operations (typically using FAR 23 aircraft).

“3.3.1 Each Contracting State shall require operators providing service from that State to establish and implement a written operator security programme appropriate to meet the requirements of the national civil aviation security programme of that State.”

“4.3.1 Each Contracting State shall establish measures to ensure that originating passengers and their cabin baggage are screened prior to boarding an aircraft engaged in international civil aviation operations.”

“4.4.8 From 1 January 2006, each Contracting State shall establish measures to ensure that originating hold baggage intended to be carried in the hold of an aircraft engaged in international civil aviation operations is screened prior to being loaded into the aircraft.”

4. Given that many small private aircraft cross the border between immediately adjoining States (such as between the US and Mexico, between Latin American States, between European States, etc, etc), these provisions would apply to the smallest of private aircraft.
5. It is highly unlikely that regulatory agencies could cope with the requirement to establish regulations and to respond to these Standards ARP as applied to small private aircraft and even to small commercial aircraft such as a Beech Baron, Navajho or King Air. If there is to be adherence to these requirements, it would result in States diverting regulatory attention from high risk areas to low risk areas.

6. It is likely that States, if they understood the implications of Amendment 10 as it now stands would not be supportive.