

Aviation Security Panel (AVSECP)

Fourteenth Meeting

Montreal, September 3 to 6, 2002

Agenda Item 4:

Security Provisions for Corporate Aviation

(Presented by the International Business Aviation Council)

Summary

Annex 17 does not differentiate between air transport on the one hand and general aviation and aerial work operations on the other. The High Level Ministerial Conference on Aviation Security recognized this problem and recommended that Annex 17 be amended to reflect the differences.

AVSECP/13 requested that the general aviation community complete Security Threat Assessments and make specific recommendations to change Annex 17. Pursuant to this request, IBAC completed a Corporate Aviation Security Threat Assessment, which then provided the basis for recommendations to change Annex 17 to differentiate between security for commercial air transport and general aviation operations. This Working Paper also makes recommendations for security provisions specific to general aviation aircraft with MTOW greater than 5,700 kgs.

Action by the AVSECP is in paragraph 6.

1. Purpose

1.1 This Working Paper (WP) presents proposals to amend Annex 17 (Security), to clarify specific security provisions and to add provisions to the SARPs applicable to Corporate Aviation. The recommendations are made pursuant to the High Level Ministerial Conference on Aviation Security, which

concluded that Annex 17 should be amended to address security in general aviation.

2. Related Working Papers

2.1 Related Papers for consideration of AVSECP/14 are:

- a) Security Measures for General Aviation and Aerial Work – IAOPA AVSECP/14-WP/16
- b) Security Programme Zone – IBAC, AVSECP/14-WP/15

Also related to this Paper is AVSEC-Conf/02-IP/9, presented to the High Level Ministerial Conference on Aviation Security.

3. Background

3.1 Annex 17 (Security) contains no specific reference to general aviation. Nor does the Annex have any 'applicability' provisions with respect to type of operations or size of aircraft. The result is that all provisions pertaining to an 'operator' apply to both private and commercial operations, and the smallest single engine recreational aircraft.

3.2 It is clear that such broad applicability was not intended when Annex 17 was developed (see IBAC Paper AVSEC-Conf/02-IP/9 presented to the Ministerial Conference), as there is considerable evidence in both Annex 17 and Annex 6 (Operation of Aircraft) that the intent was to apply 'operator' provisions to 'commercial operators'.

3.3 States will have considerable difficulty in the strict implementation of the SARPs as presently published due to this very broad applicability. Furthermore, it is likely that the audit programme scheduled to start in 2003 will be compromised by the confusion deriving from the lack of clarity regarding applicability.

3.4 Following the tragic events of September 2001, ICAO convened a number of meetings, the purpose being to enhance the protection of international civil aviation from future acts of unlawful interference. The ICAO Assembly, in particular, directed a number of urgent activities, including the convening of the Aviation Security Panel and the constitution of a High Level Ministerial Meeting.

3.5 Papers were presented at these meetings relevant to the problems associated with Annex 17 in respect to general aviation. Both the International Business Aviation Council (IBAC) and the International Aircraft Owners and Pilots Association (IAOPA) presented papers that pointed out the discrepancies and made recommendations to amend Annex 17 to ensure more realistic and effective security measures.

3.6 In response to the interventions of IBAC and IAOPA, the High Level Ministerial Conference concluded that:

“3.1 (g) since General Aviation operations are very different from commercial air transport operations, they warrant separate measures within ICAO SARPS and/or guidance material;”

3.7 Following the Ministerial Conference, IBAC presented a Working Paper (AVSECP/13 –WP/12) to AVSECP/13, recommending specific changes to Annex 17, and also proposing further changes to be made following a thorough Security Threat Analysis of the general aviation sector. AVSECP/13 decided to refer the proposed changes to the subsequent meeting (AVSECP/14). Following AVSECP/13, two Security Threat Assessments were completed for the following general aviation sub-sectors:

- a) Corporate Aviation (completed by IBAC); and
- b) General Aviation & Aerial Work (completed by IAOPA).

The Security Threat Analysis for Corporate Aviation provides support for the recommendations to amend Annex 17 in this WP.

4. Security Threat Analysis for Corporate Aviation

4.1 A Security Threat Analysis was completed for corporate aviation using accepted Risk Assessment methodologies. An Expert Panel, representing a broad range of backgrounds and expertise as follows, conducted the analysis:

- a) Corporate flight departments;
- b) Corporate security;
- c) Airport security;
- d) Police agencies;
- e) Government security policymakers;
- f) Fixed Base Operators; and
- g) Aircraft Manufacturer security.

4.2 The report of the Expert Panel was submitted to challenge exercises using different groups of people, from different international environs.

4.3 Conclusions of the Corporate Aviation Security Threat Analysis are as follows.

5.1 Security threats to corporate aviation will be best mitigated by interdependent security programmes operated by, inter alia, corporations, corporate aviation flight departments, airports, FBOs, cargo shippers, maintenance, aircraft servicing, and manufacturing facilities. Such programmes must seek to develop a security culture within each organization or company, and within the corporate aviation industry as a whole. The programmes should build on the inherent security procedures and practices associated with the business and

personal nature of corporate aviation, and should contain as a minimum:

- 5.1.1 Regularly updated security-risk profiles that identify the areas of highest vulnerability and greatest security risks of each company or organization;*
 - 5.1.2 Procedures that address the risks described in 5.1.1, and training to enable consistent proficiency;*
 - 5.1.3 ‘Awareness’ sessions on security for persons from all strata in the organization;*
 - 5.1.4 Processes to report observations of potential security deficiencies that can be subsequently addressed, and tracked;*
 - 5.1.5 Mechanisms for the regular sharing of security-related information amongst local stakeholders, on whom security is dependent.*
- 5.2 Security measures for corporate aviation – measures that include preventative activities and response plans – must be multi-layered, and coordinated with such other agencies as Air Traffic Control, local airport authorities, and security and law enforcement agencies.*
- 5.3 Annex 17 should be amended so as to make the security SARPs more appropriate to the security risks associated with corporate aviation. The following principles should guide the development of the amendment:*
- 5.3.1 An applicability clause should be included that would differentiate between commercial air transport and corporate aviation.*
 - 5.3.2 The concept of a “Security Program Zone” applicable to corporate aviation operations could be introduced to complement the “Security Restricted Area” employed in commercial air transport operations.*
 - 5.3.3 Corporate aircraft operations should be required to implement a security programme when involved in specified type of operations or exposed to a specified level of security risk.*
 - 5.3.4 Such security programs should recognize the operator’s responsibility for security and the responsibility of the PIC for the application of security procedures.*
 - 5.3.5 Security procedures should include provisions for pre-qualified passengers.*

5.4 It was recognized that corporate aviation security procedures must ensure that no unscreened passengers are introduced into a Security Restricted Area.

5. Conclusions

5.1 Annex 17 should be amended to:

- Improve the effectiveness of the SARPs by removing the lack of clarity.
- Add specific provisions applicable to general aviation and aerial work.
- A new general aviation Chapter should contain sub-sections applicable to the diverse general aviation and aerial work sub-sectors,
 - Corporate aviation,
 - Small general aviation aircraft, and
 - Aerial work.
- Annex 6 Part II should be amended to place responsibility for security of the aircraft, before and during flight, with the Pilot-in-Command.

6. Recommendations

6.1 The following recommendations are presented to AVSECP/14:

a) Annex 17, Paragraph 3.3.1

Add “commercial” before operators, as follows:

3.3.1 Each Contracting State shall require **commercial** 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.

b) Annex 17, Paragraph 4.3.1

Add “on commercial flights” as follows:

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

c) Annex 17, Paragraph 4.4.8

Add “a commercial” before aircraft as follows:

4.4.8 From 1 January 2006, each contracting State shall establish measure to ensure that originating hold baggage intended to be carried in

an aircraft engaged in international commercial air transport operations is screened prior to being loaded into the aircraft.

A similar change is recommended for Paragraph 4.4.9.

d) Annex 17 additions

i) Add new Chapter 6, called “General Aviation and Aerial Work”.

ii) Divide the Chapter into sections as follows,

6.1 General

6.2 Corporate Aviation

6.3 Small General Aviation Aircraft

6.4 Aerial Work

iii) Incorporate in Paragraph 6.1, text as follows:

6.1.1 General

Recommendation: Contracting States should ensure that general aviation and aerial work security is provided in accordance with risks identified through a security threat assessment in respective Contracting States and airports. Security in the general aviation sector should recognize the different level of threat compared to large aircraft in publicly available air transport.

Contracting States shall establish procedures to ensure that no unscreened passengers are introduced into a Security Restricted Area.

iv) Incorporate in Paragraph 6.2 text as follows, for Corporate Aviation.

6.2.1 Each Contracting State shall require operators of general aviation aircraft with MTOW greater than 5,700kgs to implement a security programme and advise the State authority of its implementation.

6.2.2 Each Contracting State shall require the security programme in Paragraph 6.2.1 to include provisions for passengers who are not pre-qualified to be subject to a security check by the Pilot in Command.

6.2.3 Each Contracting State shall require that the security programme in paragraph 6.2.1 include provisions for baggage of passengers not pre-qualified to be subject to a security check by the Pilot in Command.

6.2.4 Each Contracting State shall require operators of private aircraft with MTOW greater than 5,700kgs to complete background checks on pilots.

e) Incorporate text as provided by IAOPA for small general aviation aircraft and aerial work (paragraphs 6.3 and 6.4).

- f) Incorporate definitions into Annex 17 as follows:

Corporate Aviation

The non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot(s) employed to fly the aircraft.

Pre-Qualified Passenger

A Corporate Aviation passenger who is an owner, company employee, board member or client who frequently uses the company aircraft for business travel and has a security clearance issued by the company.

- g) Recommend to the Air Navigation Bureau that Annex 6, Part II, be amended to add a provision for the Pilot in Command to be responsible for the security of an aircraft before and during flight.