

AIR CARGO SECURITY FOR PASSENGER COMMERCIAL AIRCRAFT

OTS TRANSPORTATION SECURITY REGULATION NO. 013-2010, February 17, 2011

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Pursuant to Executive Order 277 as amended by Executive Order 311 designating the Office for Transportation Security (OTS) as the single authority in transportation security, mandated to ensure the implementation of Annex 17 to the convention on International Civil Aviation and the National Civil Aviation Security Program (NCASP), a Transportation Security Regulation (TSR) providing measures for Air Cargo Security Operations is hereto established and sustained.

Rule I

General Provisions

Section 1. Title – This shall be known as the “Air Cargo Security for Passenger Commercial Aircraft.”

Section 2. Basis – To implement Section 10 of the NCASP in relation to Annex 17 of the ICAO.

Section 3. Definition of Terms

3.1 Air Cargo/Cargo – includes normal freight, consolidation, transshipments, unaccompanied courier items, postal mail, diplomatic mail, and unaccompanied baggage shipped as freight on a passenger commercial aircraft.

Cargo – also includes any object or property for carriage other than mail, stores and accompanied or mishandled baggage. For purposes of diplomatic cargo, subject to condition set forth in the Vienna Convention and other relevant international laws.

3.2 Cargo Area – all ground space and facilities provided for cargo handling. It includes the apron, cargo buildings, warehouses, parking areas and roads connected therewith.

3.3 Cargo Building/Warehouses – building through which cargo passes between air and ground transport and where processing facilities are located, or where cargo is stored pending transfer to air or ground transport.

3.4 Cargo Operator – persons or entity involved in accepting, handling, storing, loading and unloading air cargo, or one who provides, manages, promotes and/or service any and all ground handling requirements of passenger commercial and cargo operating aircraft.

3.5 Off Airport Processing Facilities – a passenger or cargo transport link terminal at an urban population center at which processing facilities are provided.

3.6 Screening – the application of technical or other means intended to identify and/or detect weapons, explosives or other dangerous devices which may be used to commit acts of unlawful interference.

3.7 Security – a combination of measures as well as human and material resources intended to safeguard civil aviation against acts of unlawful interference.

3.8 Security Control – a means by which the introduction of weapons, explosives or other dangerous devices, articles and substances which may be used to commit acts of unlawful interference be prevented.

3.9 Security Equipment – devices of a specialized nature for use in the detection of prohibited items for the prevention acts of unlawful interference with civil aviation and its facilities.

3.10 Regulated Agent – means shipper, agent, freight forwarder or any similar entity that conducts business with an airline operator and provides security controls required and approved by OTS with respect to cargo, courier and express parcels or mail.

3.11 Regulated Cargo – air cargo from a “regulated agent” or unregulated cargo subsequently subjected to security controls.

3.12 Unregulated Cargo – air cargo not yet subjected to appropriate security controls.

3.13 Mail – Dispatch of correspondence and other items tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union (UPU).

3.14 Airport Authority/Management – airports with original charter, owned and operated by Civil Aviation Authority of the Philippines (CAAP) and privately owned regulated by the government.

Rule II

Responsibility, Acceptance Procedure and Screening

Section 4. Responsibility

4.1 Office for Transportation Security

4.1.1 accept applications for certification as regulated agent, and request for survey and inspection

4.1.2 ensure that the following requirements are submitted by the shipper prior approval:

4.1.2.1 Certificate of Good Standing from the Airline Operators’ Council and the PNP-AVSEGROUP;

4.1.2.2 Regulated agent’s Security Plan duly certified by aircraft operators and airport authority/management

4.1.3 conduct survey and inspect for determination of competency, taking into consideration the following:

4.1.3.1 system of operation;

4.1.3.2 experience in cargo security;

4.1.3.3 security equipment and facilities;

4.1.3.4 organization and staffing requirements, capability to maintain security within its premises;

4.1.3.5 quality assurance and security management systems;

4.1.3.6 security of buildings, premises, transport facilities and vehicles used in processing or moving air cargoes;

4.1.3.7 security measures and the procedures adopted for cargo.

4.1.3.8 and such considerations which the OTS may deem necessary

4.1.4 approve shipper's application as regulated agent after all the requirements herein provided are met.

4.1.5 certify shipper as regulated agent; certification shall be valid for a period of two (2) years.

4.1.6 provide other requirements as OTS may deem necessary.

4.2 PNP AVSEGROUP:

4.2.1 supervise and monitor the implementation of security control in the acceptance, handling and loading of cargo, mail and hold baggage at the staging areas of the cargo warehouse facility, ramp areas and airport terminal baggage make- up/ramp areas in all airports.

4.2.2 receive and demand undertakings from airline operators stating that all cargo, consignment, mails, parcels had passed appropriate security control and procedure prior loading onto the aircraft.

4.2.3 receive and demand a copy of the Undertaking from the shipper, a copy of which had been submitted to the airline operator.

4.2.4 supply appropriate number of properly trained and uniformed AVSEGROUP personnel to monitor and supervise the security of cargo consignment, mails and parcels, from the time of its receipt until loading unto the aircraft.

4.2.5 supervise and control security screening at all airport cargo areas.

4.3 Airline Operator:

4.3.1 implement, through its properly recruited and trained airline staff, security controls on all cargo, courier materials and express parcels upon acceptance, and during handling and loading.

4.3.2 ensure that security controls are confirmed and accounted by the regulated agent prior acceptance of the cargo.

4.3.3 require shippers to submit an undertaking that cargoes do not contain prohibited item and had passed thru the required security controls prior to acceptance.

4.3.4 submit to the PNP-AVSEGROUP an Undertaking that the cargo does not contain prohibited items and had passed thru security controls upon acceptance, during handling and until loading onto the aircrafts. The Undertaking of the airline operator certifies that the latter is confident in the integrity of the security declarations made by the regulated agent.

4.3.5 support and cooperate with cargo operator in the development of an in-line cargo screening system that could cater 100% efficient screening of cargo, courier material, express parcels and mails.

4.3.6 ensure that personnel directly involve in the implementation of the security controls had undergone proper and appropriate training in securing cargoes.

4.3.7 ensure that personnel involved in accepting, handling and loading cargoes had undergone proper and appropriate training in basic cargo security.

4.3.8 develop an Aircraft Operator Security Program (AOSP) to be implemented upon approval by OTS.

4.3.9 AOSP and the implementation thereof and cargo areas shall be subjected to OTS audit, inspection and testing.

4.4 Cargo operator:

4.4.1 ensure that cargoes, courier materials, express parcels and mail do not contain prohibited items when accepted, handled and loaded into the aircraft.

4.4.2 formulate and develop a cargo security plan in accordance with the Airport Security Program (ASP) to be submitted to OTS for review and approval.

4.4.3 assist and cooperate with the PNP-AVSEGROUP, Airport Authority, and OTS on matters pertaining to cargo security.

4.4.4 require the regulated agent to submit an undertaking that their cargoes does not contain prohibited items and had passed thru the required security controls prior to acceptance.

4.4.5 Cargo Operator Security Plan and the implementation thereof shall be subjected to OTS audit and inspection.

4.4.6 develop and in-line cargo screening system, in accordance with the airline screening system, in coordination with the airline operators, cargo forwarders, regulated agents, airport authority/management.

4.5 Airport Authority/Airport Management:

4.5.1 provide enough area for the security of cargo terminal buildings and infrastructure, including perimeter security and airside security.

4.5.2 ensure that security controls and measures are properly and appropriately implemented on all cargoes from acceptance, during handling and loading into the aircraft.

4.5.3 supply appropriate number of security personnel with proper training in cargo security.

4.5.4 regulate the issuance of access passes to authorized personnel/vehicle with legitimate and official business within the security restricted area of the cargo area.

4.5.5 ensure that the Airline Operator Security Program and Cargo Operator Security Plan are implemented and in accordance with the Airport Security Program/

4.5.6 ensure that access controls for cargo is properly and appropriately enforced and implemented.

4.5.7 ensure that regular meetings are called to discuss matters pertaining cargo security.

4.5.8 provide OTS, thru its internal quality assurance, a quarterly report on cargo security; indicating therein the strength and weaknesses of the security controls and measures enforced and implemented.

4.6 Regulated Agent/Postal Authority:

4.6.1

develop and maintain a Security Plan to be submitted to OTS for review and approval; copy furnished the airport authority/management, airline operators, and other agencies concerned.

4.6.2

appoint a Security Officer who shall:

4.6.2.1

ensure that the security plan is updated and implemented accordingly.

4.6.2.2

represent the regulated agent in all security meetings called for the purpose.

4.6.2.3

solidarily liable with third persons for the loss and damage caused by the latter's negligent act.

4.6.2.4

the signature of the designated Security Officer in the Oath of Undertaking shall bind the Regulated Agent.

4.6.2.5

develop and implement a cargo security training plan in accordance with the National Security Training Program.

4.6.2.6

support and cooperate with cargo operator for the development of in-line cargo screening system.

4.6.2.7

certify that all consignment of cargoes, courier materials, express parcels and mails had been subjected to the required security controls and measures.

4.6.3

Security Plan and the implementation thereof shall be subjected to OTS and airport authority/management audit and inspection. Further, to submit their premises to OTS survey and inspection to determine whether security procedures and measures are being observed during the acceptance, handling and loading of the cargoes prior acceptance of the cargo operator.

4.6.4

execute and submit an undertaking to the aircraft operator, copy furnished the PNP-AVSEGROUP, ensuring that all cargoes, consignments, mails and parcels does not contain prohibited items and had passed thru the required security controls.

Section 5. Procedures in Accepting, Handling and Loading of Air Cargo

5.1 The Regulated Agent shall give prior notice to the Airline Operator and/or Cargo Operator of the cargo delivery to be made; identify the employees delivering the cargo and the plate number of the vehicle used to transport the same.

5.2 The Cargo Operator shall validate the information stated in the Notice prior acceptance of the cargo from the regulated agent.

5.3 The Regulated Agent, through its designated security officer, shall also execute an oath of undertaking in the form of a security declaration to be submitted to the cargo operator.

5.4 Mandatory verification on the authenticity and due execution of the Security Declaration shall be made by the Cargo Operator prior acceptance of the cargo.

5.5 The vehicle used to transport said cargo, the driver and aides for the purpose shall undergo the normal screening as part of the access control in cargo warehouses/facilities at the airport.

5.6 After the validation and verification of above Notice, and the receipt of the Oath of Undertaking and Cargo Manifest (Consolidation Manifest/Airline Cargo Manifest), the Cargo Operators shall conduct visual inspection of the cargo for possible signs of tampering, exposed wires, leaks, content inconsistencies, other suspicious condition, explosives, incendiaries, or weapons.

5.7 The Cargo Operator shall declare the cargo either clear or unclear for acceptance after visual inspection. If the Cargo is declared unclear due to signs of tampering, exposed wires, leaks, content inconsistencies, other suspicious condition, explosives, incendiaries, or weapons, the cargo operator shall notify the airline operator and PNP-AVSEGROUP of such declaration. The PNP-AVSEGROUP shall validate and declare cargo clear for carriage.

5.8 The Cargo Operator upon acceptance of the cargo from the Regulated Agent shall conduct at least one (1) security screening procedure listed in Section 8 of this rule. And observe the standard security control for cargo during the handling and prior loading into the aircraft.

5.9 The Cargo Operator shall exercise appropriate security control in the handling of cargoes to prevent access by unauthorized person.

5.10. Only authorized personnel responsible for the handling of cargoes and mails are allowed within the warehouse/facility storage rooms or staging areas.

5.11 The Airport Security Personnel shall implement access control in the storage or staging areas for cargoes and mails.

5.12 All cargoes and mails, except documented and sealed diplomatic pouches as provided by international protocol, shall undergo security screening, preferably x-ray screening, prior to storage or transfer to the staging areas of the warehouses/facilities.

5.13 Upon acceptance and during loading by the Airline Operator of the cargo from the Cargo Operator, the former shall execute an Oath of Undertaking that the cargo do not contain any prohibited item and had passed thru the appropriate security control and procedures. The Oath shall be submitted to the PNP-AVSEGROUP.

5.14 All cargoes and mails loaded into the aircraft shall be recorded.

5.15 Cargoes and mails from non-regulated agents shall be treated as unregulated cargo. Prior acceptance by cargo operator of the same, it shall undergo access control, screening procedure and appropriate security control.

5.16 Unregulated cargoes and mails shall be subjected to two (2) security screening procedures enumerated under Section 7 of this rule, preferably x-ray machine screening, when applicable.

Section 6. Procedures in Accepting, Handling and Loading of Special Categories of Cargo

6.1 Valuable cargo shall be accorded with special care and protection by the Cargo Operator and Airline Operator upon acceptance until loading unto the aircraft. Additional charges may be imposed in providing said service.

6.1.1 The Cargo Operator and the Airline Operator shall formulate special security measures and procedures for acceptance, handling and loading of Valuable Cargo taking into consideration the following:

6.1.1.1 flight schedule;

6.1.1.2 appropriate security storage and preparation for loading;

6.1.1.3 use of security controlled containers and loaders;

6.1.1.4 procedures on declaration and verification of value and content of the valuable cargo;

6.1.1.5 procedure and measures to protect gathered information;

6.1.1.6 use and control of security seals;

6.1.1.7 security during unloading; and

6.1.1.8 implementation of contingency plan.

6.1.2 The rules and procedures for acceptance, handling and loading of valuable cargoes may be applied as far as practicable.

6.2 Diplomatic mails consistent with the Vienna Convention, sealed diplomatic mails shall not be screened provided it is properly identified and accompanied by a certificate signed by the duly designated official of the sending State.

6.3 Unaccompanied baggage shall be treated as unknown cargo.

6.4 Dangerous goods/hazardous materials

6.4.1 cargo shipments containing dangerous goods/hazardous materials must be declared by the shipper and properly identified as such by the Cargo Operator and Airline Operator.

6.4.2 the rules and procedures for acceptance, handling and loading of valuable cargo may be applied as far as practicable.

6.5 Live animals may be exempted from security screening but shall undergo visual inspection. Other equipment necessary for the carriage of the live animals shall be subjected to security control and procedure.

6.6 Suspicious cargo shall be treated as unknown cargo and shall be subjected to additional security screening. If declared unclear, loading into the aircraft is absolutely denied. The PNP-AVSEGROUP shall be notified accordingly to take appropriate action.

Section 7. Security Screening

7.1 The following are the security screening procedures that may be used in cargoes and mails:

7.1.1 Hand search

7.1.2 Conventional X-ray machines

7.1.3 Explosives detection system

7.1.4 Metal detection

7.1.5 Explosive trace and vapor detection

7.1.6 OTS accredited Explosive detection dog (K-9)

7.2 The following are threat activation techniques that may be used to deactivate/ neutralize an Improvised Explosive Device (IED):

7.2.1 Decompression chambers

7.2.2 Full flight simulation system

7.2.3 Security storage for at least 24 hours but not more than 47 hours

7.3 Sanction

7.3.1 Any shipper, agent, freight forwarder or any similar entity that conducts business with an airline operator applying for certification as regulated agent who misrepresent or make fraud in his application shall be a ground for disapproval or cancellation of the certificate. In addition, the above person or entity shall be perpetually disqualified/banned to transact and do business at the airport.

7.3.2 PNP-AVSEGROUP, OTS Security Screening or Airport personnel who failed to implement and enforce the security measure herein provided shall be a ground for gross neglect of duty subject to the existing Civil Service Rules or applicable NAPOLCOM Regulations.

7.3.3 Airline Operator, Cargo Operator or Regulated Agent in violation of the procedures for accepting,

handling and loading of air cargo shall be held liable for damages and injury caused to the third person. In the event of an act of unlawful interference, and the proximate and only cause is the negligent act of the airline operator or cargo operator, OTS shall cause the cancellation of the permit to operate issued by the appropriate agency concerned.

7.4 Civil Aeronautics Board (CAB), Airport Authorities/Management, PNP-AVSEGROUP and other concerned agencies shall issue appropriate issuances to effectively implement and enforce the provisions of this Regulation.

Rule III

Miscellaneous Provisions

Section 8. Construction – These rules shall be liberally construed in order to promote its civil aviation security objectives.

Section 9. Reservation – Nothing herein shall be construed as precluding OTS through the Administrator from enforcing the rules enunciated herein and in prescribing other requirements to meet the constantly evolving challenges in civil aviation security.

Section 10. Repeal – All orders, rules, regulations, and issuances, or parts thereof, which are inconsistent with this Transportation Security Regulation are hereby repealed or modified accordingly.

Section 11. Separability – If any provision or sections of this rule are declared null and void by competent authority the other provisions not affected stays and shall remain in full force and effect.

Section 12. Effectivity – This Transportation Security Regulation shall take effect immediately after fifteen (15) days from publication in a newspaper of general circulation.

Date Filed: 17 February 2011

(SGD.) USEC. CECILIO R. PENILLA

Administrator

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Approved:

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