**THIRD MEETING OF THE AVIATION SECURITY AND FACILITATION REGIONAL GROUP
(AVSEC/FAL/RG/3)**
Lima, Peru, 17 to 21 June 2013

AVSEC/FAL/RG/3 — WP/07
03/06/13

Agenda Item 4:   Aviation Security (AVSEC)

4.1   Report on Quality Control / Oversight System Project

**MEMORANDUM OF UNDERSTANDING (MOU) FOR THE MUTUAL RECOGNITION OF
AVIATION SECURITY MEASURES BETWEEN STATES**

(Presented by Trinidad and Tobago as Project Coordinator)

SUMMARY
As requested in the Conclusion 2/6 of the Second Meeting of the Aviation Security and Facilitation Regional Group (AVSEC/FAL/RG/2) this Working Paper presents information on the Memorandum of Understanding (MoU). The Meeting is invited to review and considerate the proposed actions.

References:
- ICAO Doc 6685-C/767 *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*   - ICAO Doc 8973 8th Edition *Aviation Security Manual*   - ICAO Annex 17 – *Security* 9th Edition Safeguarding International Civil Aviation Against Acts of Unlawful Interference   - Conclusion 2/6 - *Agreement on the Functional Protocol of the Aviation Security Information Exchange System between States* ICAO/LACAC NAM/CAR/SAM Second Meeting of the Aviation Security and Facilitation Regional Group (AVSEC/FAL/RG/2) St. John's Antigua and Barbuda, 16 to 18 May 2012

Strategic Objectives	*This working paper is related to ICAO Strategic Objective B.*

1.   Introduction

1.1   Reference is made to the final report of ICAO/LACAC/NAM/CAR/SAM Second Meeting of the Aviation Security and Facilitation Regional Group (AVSEC/FAL/RG/2) held in St. John's Antigua and Barbuda, 16 to 18 May 2012. This final report makes specific reference to Agenda Item 4 Aviation Security (AVSEC) Section 4.1 "Report on the Quality Control/Oversight System Project". This report which was coordinated by the representative of Brazil and reported on by the representative of Venezuela highlighted the need for the conduct of a study into the development of AVSEC Forms and *inter alia* the determination of the frequency of quality control activities. The report also highlighted the need for further guidance material in this regard. To further define the overall QC Oversight System Project, a Project/Work Programme to address the challenges to "One Stop Security Agreements and Validation Process were undertaken.

Background

1.2   A Model Memorandum of Understanding (MoU) for the Mutual Recognition of AVSEC between States has been included as Appendix 28 of Doc 8973 so that States may adopt and adapt to suit the environment on a bi-lateral or multi-lateral basis. Key to the use and inclusion of this MoU is the AVSEC validation process. Doc 8973 8th Edition Section 11.3.15 titled "Transfer and Transit Passengers" provides guidance material for States to implement the "One Stop Security Agreement". This agreement is directly linked to an approved Validation Process acceptable by all States concerned. This is further developed in Chapter 11.7 of Doc 8973 "One Stop Security Agreement.

Legal Basis

1.3   In accordance with Article 8 of the ICAO 6685-C/767 *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*, any such agreement and arrangements shall be duly certified by the appropriate authority of the registering party and submitted to ICAO for registration. Article 1 of the aforementioned document, defines such agreements and arrangements to include the MoU pertaining to AVSEC. The registering by States of such AVSEC MoUs with ICAO provides the legal basis for the implementation and sustaining of such initiatives.

2.   Current Status (Challenges)

2.1   States face a number of challenges related to the validation processes for AVSEC measures implemented by other States with which there are bi-lateral and multi-lateral agreements and arrangements.

2.1.1   While it is within a State's sovereign right to so do, the validation of the implementation AVSEC measures by participating States may be a process that frequently engages the resources of the appropriate authority of such participating States. This may negatively affect the State's ability to provide its own oversight activities that may include audits, inspections and tests. This is particularly egregious, in cases where States may not have the resources to attract suitably trained and qualified personnel and subsequently to effectively conduct AVSEC QC activities.

2.1.2   Moreover this is compounded as AVSEC validation activities are detailed and require significant time to consider the States' legal mechanisms, implementation and compliance with AVSEC requirements.

2.1.3   States that are signatories to AVSEC related bi-lateral and multi-lateral agreements and arrangements may also have different methodologies with which AVSEC quality control/validation activities are conducted. Different methodologies may lead to an unambiguous picture regarding the implementation of AVSEC measures by the State being audited. In this regard, recommendations arising out of Quality Control activities may not accurately address the particular deficiency and may lead to improper utilization of valuable State resources. Consideration may be given to the establishment of an appropriate strategic statement within the MoU which allows participating States the opportunity to share and adopt common quality control resources to include manpower and methodology.

2.1.4   The AVSEC field has evolved in such a manner that technical and other requisite skills must be accompanied by commensurate experience in aviation security. Such a combination of academic qualifications and experience may not be readily available and if so, the numbers that may be required to satisfy constant validation *mentioned at paragraph 1.4.1 above* may also be a challenge. States are therefore encouraged to establish and implement national level objectives regarding training of personnel in AVSEC quality control activities.

2.1.5   While some States may adopt the strategic objective of linking its overall economic growth to the aviation sector, there is the qualified realization that such links require investment in technical and other non-technical areas of AVSEC. The availability of security equipment is far and wide ranging and States face the challenge of acquiring such equipment that provides value for money. The adage that *"things that are cheap are not good and things that are not good are not cheap"* becomes a reality for many States.

2.1.6   Many States that have purchased AVSEC equipment face the challenges associated with durability and effectiveness of such equipment; maintenance that includes the availability of spare parts and appropriately trained technicians; certification by an appropriately qualified local authority to name a few. This is particularly challenging where environmental issues such as heat and "unclean electricity" are dominant, that ultimately leads to frequent breakdowns and challenges to mission critical responses.

2.1.7   Consideration maybe given to the establishment of a database that provides technical information on the availability of AVSEC equipment. Criteria and protocols for the range of information fields, approvals and listing on such a database may be established under separate cover.

3.   Suggested Action

3.1   The Meeting is invited to:

          a)   Review and study the information presented in this Working Paper in order to consider its impact on the establishment of the "One Stop Security Arrangement";

          b)   Consider the proposal of establishing a database for the publishing of approved AVSEC Equipment;

          c)   Encourage the sharing and acceptance of AVSEC Quality Control resources and methodologies amongst States that are signatories to Bi-lateral and Multi-lateral Agreement and Arrangements; and

d) Consider amending the MoU to include a Statement which articulates the mutual acceptance by participating States of AVSEC QC methodologies and other resources.

— END —