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Civil Aviation Security in the State of Utopia and Critical Element 8 of a States' Aviation Security Oversight System, the Resolution of Security Concerns

The State of Utopia is located in the Asia Pacific Region. Utopia has 5 international airports and 10 domestic airports. 3 of the 5 international airports are operated by a private consortium the "Airports of Utopia" (AoU), while 1 airport is operated by the privately owned Utopia Airlines and the final international airport owned and operated by the Civil Aviation Authority (CAA) of Utopia.

The CAA is the regulator for civil aviation and civil aviation security throughout the State as well as the operator of one international airport.

The CAA has established and implements a National Quality Control Programme (NQCP) and conducts inspections and audits on all international airports but not on domestic airports. The CAA has three Inspectors for this purpose as well as conducting Quality Control and approval obligations for three national Aircraft Operators and limited quality control but not approval of ASPs for all airport operators. Inspections and audits are not conducted for international foreign aircraft operators.

During a recent audit of one of the AoU international airports it was observed that the airport security programme allowed for the mixing of unscreened arrival passengers and screened departure passengers. This was confirmed through observations by the inspectors conducting the audit. In addition, at the audited airport it was noted that hold baggage screening is conducted at the entrance to the terminal building and the hold baggage returned to the passengers' control to take to the check-in counters. A full audit report was sent to the Airports of Utopia Headquarters and airport management, and a Corrective Action Plan (CAP) was compiled and submitted to the CAA stating that a new terminal is currently under design and would be constructed and completed in ten years' time which would resolve the issue of the hold baggage screening by creating a multi-level hold baggage screening system behind the check-in counters. However, the AoU CAP did not address the finding of the report relating to the mixing of unscreened arrival and screened departure passengers and when a phone call was made to seek an explanation the AoU management informed the CAA that they disagree with the finding and do not believe that such mixing is non-compliant with the National Civil Aviation security Programme (NCASP) and International requirements included in ICAO Annex 17-*Security*. As such, the AoU management informed the CAA that they have no intention of amending current practices procedures and security measures in this regard.

However, the NCASP has a clear policy stating that all arrival passengers must be separated from originating departure passengers at all times and that if mixing does occur then the originating departure passengers together with their personal items and cabin baggage must be rescreened prior to being allowed to board an aircraft. This requirement is not reflected in the ASP and the ASP has not been reviewed and approved by the CAA.

The CAA also conducted a number of inspections of the security operations at the CAA operated international airport which found a large number of deficiencies and made numerous recommendations. However, although an audit report was written this was never sent to the CAA airport management as it was considered to be an internal matter.

The CAA has conducted audits and inspections of flight operations and airport operations for Utopia Airlines. During the last audit a full report was submitted to the aircraft operator with a number of findings and recommendations. Utopian airlines submitted a Corrective Action Plan but this was never followed up by the CAA due to limits on available staff.

The primary aviation security law in Utopia is the CAA Act which dates back to 1981 and has not been amended or updated since. The CAA Act contains provisions for the removal of an aircraft operators certificate to operate (AOC) as well as similar certificate to operate an international or domestic airport. The CAA Act does not include any other provisions for sanctions, penalties or administrative processes to ensure compliance with national legislation and the NCASP. In practice, the CAA has never escalated an issue of non-compliance to the level of threatening to revoke an AOC or airport operators' certificate. On one occasion, several years ago the CAA legal department attempted to impose a financial penalty on AoU and Utopian Airlines for repeated incidents of non-compliance with national aviation security requirements. However, this process was challenged by AoU and Utopian Airlines in court and the CAA withdrew the penalties on the direction of the Minister for Transport who is the designated appropriate authority for aviation and aviation security, with his/her authority delegated to the Director General CAA through the provisions of the CAA Act.