

Statutory Document No. 2024/0120



*Airports and Civil Aviation Act 1987*

## **CIVIL AVIATION (AVIATION SECURITY) (APPLICATION) ORDER 2024<sup>1</sup>**

*Approved by Tynwald: 19 June 2024*

*Coming into operation in accordance with article 2*

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The Department for Enterprise makes the following Order under sections 11A and 11I of the Airports and Civil Aviation Act 1987.

### **1 Title**

This Order is the Civil Aviation (Aviation Security) (Application) Order 2024.

### **2 Commencement**

If approved by Tynwald, this Order comes into operation on the day immediately after the day on which it was approved.<sup>1</sup>

### **3 Interpretation**

(1) In this Order and the legislation applied by it —

“**direction**” means a direction by the Department under section 12, 13, 13A or 14 of the Aviation Security Act 1982<sup>2</sup> as applied to the Island.<sup>3</sup>

“**domestic airport**” means an airport specified as such in a direction issued by the Department.

(2) A word or expression in this Order, unless otherwise defined in this Order, has the same meaning as that given in the Civil Aviation (Miscellaneous Provisions) Order 2020<sup>4</sup>.

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<sup>1</sup> By section 11(4) of the Airports and Civil Aviation Act 1987, an order made under section 11 of that Act shall not come into operation until it is approved by Tynwald.

<sup>2</sup> 1982 c.36.

<sup>3</sup> SD 2018/0279.

<sup>4</sup> SD 2020/0134.

#### **4 Application of EU Legislation to the Island**

The following instruments shall apply to the Island as part of the law of the Island, subject to the exceptions, adaptations and modifications incorporated into the text of those instruments, as set out in Schedules 1 to 3 –

- (a) Commission Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 of the European Parliament and of the Council;
- (b) Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annexes to Regulation (EC) No 300/2008 of the European Parliament and of the Council;
- (c) Commission Regulation (EU) No 18/2010 of 8 January 2010 amending Commission Regulation (EC) No 300/2008 of the European Parliament and of the Council as far as specifications for national quality control programmes in the field of civil aviation security are concerned;
- (d) Commission Regulation (EU) No 297/2010 of 9 April 2010 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security;
- (e) Commission Regulation (EU) No 720/2011 of 22 July 2011 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security;
- (f) Commission Regulation (EU) No 1141/2011 of 10 November 2011 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security as regards to the use of security scanners at EU airports; and
- (g) Commission Regulation (EU) No 245/2013 of 19 March 2013 amending Regulation (EC) No 272/2009 as regards the screening of liquids, aerosols and gels at EU airports.

#### **5 Revocation**

The Civil Aviation (Aviation Security) (Application) Order 2017<sup>5</sup> is revoked.

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<sup>5</sup> SD 2017/0230.

**MADE 10 APRIL 2024**



**SCHEDULE 1**

[Article 4]

This Schedule sets out the text of the Commission Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Commission Regulation (EC) No 2320/2002 of the European Parliament and of the Council, as amended by Commission Regulation (EU) No 18/2010 of 8 January 2010 as applied by this Order with such exceptions, adaptations and modifications made where necessary, which appear in bold italic type.

**COMMISSION REGULATION (EC) NO 300/2008***Article 1***Objectives**

- (1) This Regulation establishes [*omitted*] rules to protect civil aviation against acts of unlawful interference that jeopardise the security of civil aviation.  
It also provides the basis for *an* interpretation of Annex 17 to the Chicago Convention on International Civil Aviation.
- (2) The means of achieving the objectives set out in paragraph 1 shall be:
  - (a) the setting of common rules and [*omitted*] basic standards on aviation security;
  - (b) mechanisms for monitoring compliance.

*Article 2***Scope**

- (1) This Regulation shall apply to the following:
  - (a) all airports or parts of airports located in the *Isle of Man* that are not exclusively used for military purposes;
  - (b) all operators, including air carriers, providing services at airports referred to in point (a);
  - (c) all entities applying aviation security standards that operate from premises located inside or outside airport premises and provide goods and/or services to or through airports referred to in point (a).
- (2) *Omitted.*

*Article 3***Definitions**

For the purposes of this Regulation:

- (1) 'civil aviation' means any air operation carried out by civil aircraft, excluding operations carried out by State aircraft referred to in Article 3 of the Chicago Convention on International Civil Aviation;
- (2) 'aviation security' means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise the security of civil aviation;
- (3) 'operator' means a person, organisation or enterprise engaged, or offering to engage, in an air transport operation;
- (4) 'air carrier' means an air transport undertaking holding a valid operating licence or equivalent;
- (5) *omitted*;
- (6) 'entity' means a person, organisation or enterprise, other than an operator;
- (7) 'prohibited articles' means weapons, explosives or other dangerous devices, articles or substances that may be used to commit an act of unlawful interference that jeopardises the security of civil aviation;
- (8) 'screening' means the application of technical or other means which are intended to identify and/or detect prohibited articles;
- (9) 'security control' means the application of means by which the introduction of prohibited articles may be prevented;
- (10) 'access control' means the application of means by which the entry of unauthorised persons or unauthorised vehicles, or both, may be prevented;
- (11) 'airside' means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is restricted;
- (12) 'landside' means those parts of an airport, adjacent terrain and buildings or portions thereof that are not airside;
- (13) 'security restricted area' means that area of airside where, in addition to access being restricted, other aviation security standards are applied;
- (14) 'demarcated area' means an area that is separated by means of access control either from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an airport;
- (15) 'background check' means a recorded check of a person's identity, including any criminal history, as part of the assessment of an individual's suitability for unescorted access to security restricted areas;
- (16) 'transfer passengers, baggage, cargo or mail' means passengers, baggage, cargo or mail departing on an aircraft other than that on which they arrived;
- (17) 'transit passengers, baggage, cargo or mail' means passengers, baggage, cargo or mail departing on the same aircraft as that on which they arrived;

- (18) ‘potentially disruptive passenger’ means a passenger who is either a deportee, a person deemed to be inadmissible for immigration reasons or a person in lawful custody;
- (19) ‘cabin baggage’ means baggage intended for carriage in the cabin of an aircraft;
- (20) ‘hold baggage’ means baggage intended for carriage in the hold of an aircraft;
- (21) ‘accompanied hold baggage’ means baggage, carried in the hold of an aircraft, which has been checked in for a flight by a passenger travelling on that same flight;
- (22) ‘air carrier mail’ means mail whose origin and destination are both an air carrier;
- (23) ‘air carrier materials’ means materials either whose origin and destination are both an air carrier or that are used by an air carrier;
- (24) ‘mail’ means dispatches of correspondence and other items, other than air carrier mail, tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union;
- (25) ‘cargo’ means any property intended for carriage on an aircraft, other than baggage, mail, air carrier mail, air carrier materials and in-flight supplies;
- (26) ‘regulated agent’ means an air carrier, agent, freight forwarder or any other entity who ensures security controls in respect of cargo or mail;
- (27) ‘known consignor’ means a consignor who originates cargo or mail for its own account and whose procedures meet [*omitted*] security rules and standards sufficient to allow carriage of cargo or mail on any aircraft;
- (28) *omitted*;
- (29) ‘aircraft security check’ means an inspection of those parts of the interior of the aircraft to which passengers may have had access, together with an inspection of the hold of the aircraft in order to detect prohibited articles and unlawful interferences with the aircraft;
- (30) ‘aircraft security search’ means an inspection of the interior and accessible exterior of the aircraft in order to detect prohibited articles and unlawful interferences that jeopardise the security of the aircraft;
- (31) ‘in-flight security officer’ means a person who is employed by a state to travel on an aircraft of an air carrier licensed by it with the purpose of protecting that aircraft and its occupants against acts of unlawful interference that jeopardise the security of the flight.

*Article 4*

**Basic standards**

- (1) The [*omitted*] basic standards for safeguarding civil aviation against acts of unlawful interference that jeopardise the security of civil aviation shall be as laid down in *Annex I*.

*Omitted*

- (2) *Omitted.*
- (3) *Omitted.*
- (4) *Omitted.*
- (5) *The Department* shall ensure the application in the *Isle of Man* of the [*omitted*] basic standards referred to in paragraph 1. Where *the Department* has reason to believe that the level of aviation security has been compromised through a security breach, it shall ensure that appropriate and prompt action is taken to rectify that breach and ensure the continuing security of civil aviation.

*Article 5*

**Security costs**

*Omitted.*

*Article 6*

**More stringent measures**

- (1) *The Department* may apply more stringent measures than the [*omitted*] basic standards referred to in Article 4. In doing so, *the Department* shall act on the basis of a risk assessment [*omitted*]. Those measures shall be relevant, objective, non-discriminatory and proportional to the risk that is being addressed.
- (2) *Omitted.*
- (3) *Omitted.*

*Article 7*

**Security measures required by third countries**

*Omitted.*

*Article 8*

**Cooperation with the International Civil Aviation Organisation**

*Omitted.*

*Article 9*



## Appropriate Authority

*The Department is designated* as the authority [omitted] to be responsible for the coordination and monitoring of the implementation of the [omitted] basic standards referred to in Article 4.

### Article 10

## National civil aviation security programme

- (1) *The Department* shall draw up, apply and maintain a national civil aviation security programme.

That programme shall define responsibilities for the implementation of the [omitted] basic standards referred to in Article 4 and shall describe the measures required by operators and entities for this purpose.

- (2) *The Department* shall make available in writing on a ‘need to know’ basis the appropriate parts of its national civil aviation security programme to operators and entities which it deems to have a legitimate interest.

### Article 11

## National quality control programme

- (1) *The Department* shall draw up, apply and maintain a national civil quality control programme.

That programme shall enable the *Department* to check the quality of civil aviation security in order to monitor compliance both with this Regulation and with its national civil aviation security programme.

- (2) *Omitted.*

The programme shall allow for the swift detection and correction of deficiencies. It shall also provide that all airports, operators and entities responsible for the implementation of aviation security standards that are located in the *Isle of Man* shall be regularly monitored directly by, or under the supervision of, the *Department*.

### Article 12

## Airport security programme

- (1) Every airport operator shall draw up, apply and maintain an airport security programme.

That programme shall describe the methods and procedures which are to be followed by the airport operator in order to comply both with this Regulation and with the national civil aviation security programme [omitted].

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the airport operator.

- (2) The airport security programme shall be submitted to the *Department*, which may take further action if appropriate.

*Article 13*

### **Air carrier security programme**

- (1) Every air carrier shall draw up, apply and maintain an air carrier security programme.

That programme shall describe the methods and procedures which are to be followed by the air carrier in order to comply both with this Regulation and with the national civil aviation security programme [*omitted*].

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the air carrier.

- (2) Upon request, the air carrier security programme shall be submitted to the *Department*, which may take further action if appropriate.
- (3) Where *an* air carrier security programme has been validated by the *entity* granting an operating licence, the air carrier should be recognised [*omitted*] as having fulfilled the requirements of paragraph 1. This is without prejudice to *the Department's* right to request from any air carrier details of its implementation of:
  - (a) the security measures applied by *the Department* under Article 6; and/or
  - (b) local procedures that are applicable at the airports served.

*Article 14*

### **Entity security programme**

- (1) Every entity required under the national civil aviation security programme referred to in Article 10 to apply aviation security standards shall draw up, apply and maintain a security programme.

That programme shall describe the methods and procedures which are to be followed by the entity in order to comply with the national civil aviation security programme [*omitted*].

The programme shall include internal quality control provisions describing how compliance with these methods and procedures is to be monitored by the entity itself.

- (2) Upon request, the security programme of the entity applying aviation security standards shall be submitted to the *Department*, which may take further action if appropriate.

*Article 15*

### **Inspections**

*Omitted.*

*Article 16*

### **Annual Report**

*Omitted.*

*Article 17*

### **Stakeholders Advisory Group**

*Omitted.*

*Article 18*

### **Dissemination of information**

*Omitted.*

*Article 19*

### **Committee procedure**

*Omitted.*

*Article 20*

### **Agreements between the Community and third countries**

*Omitted.*

*Article 21*

### **Penalties**

*Omitted.*

*Article 22*

### **Commission report on financing**

*Omitted.*

*Article 23*

**Repeal**

*Omitted.*

*Article 24*

**Entry into force**

*Omitted.*

**ANNEX I****BASIC STANDARDS FOR SAFEGUARDING CIVIL AVIATION AGAINST  
ACTS OF UNLAWFUL INTERFERENCE**

(Article 4)

**1 AIRPORT SECURITY****1.1 Airport planning requirements**

- (1) When designing and constructing new airport facilities or altering existing airport facilities, requirements for the implementation of the [*omitted*] basic standards set out in this Annex and its implementing acts shall be fully taken into account.
- (2) At airports the following areas shall be established:
  - (a) landside;
  - (b) airside;
  - (c) security restricted areas; and
  - (d) critical parts of security restricted areas.

**1.2 Access Control**

- (1) Access to airside shall be restricted in order to prevent unauthorised persons and vehicles from entering these areas.
- (2) Access to security restricted areas shall be controlled in order to ensure that no unauthorised persons and vehicles enter these areas.
- (3) Persons and vehicles may be granted access to airside and security restricted areas only if they fulfil the required security conditions.
- (4) Persons, including flight crew members, shall have successfully completed a background check before either a crew identification card or an airport identification card authorising unescorted access to security restricted areas is issued to them.

**1.3 Screening of persons other than passengers and items carried**

- (1) Persons other than passengers, together with items carried, shall be screened on a continuous random basis upon entering security restricted

areas in order to prevent prohibited articles from being introduced into these areas.

- (2) All persons other than passengers, together with items carried, shall be screened upon entering critical parts of security restricted areas in order to prevent prohibited articles from being introduced into these parts.

#### 1.4 Examination of vehicles

Vehicles entering a security restricted area shall be examined in order to prevent prohibited articles from being introduced into these areas.

#### 1.5 Surveillance, patrols and other physical controls

There shall be surveillance, patrols and other physical controls at airports and, where appropriate, in adjacent areas with public access, in order to identify suspicious behaviour of persons, to identify vulnerabilities which could be exploited to carry out an act of unlawful interference and to deter persons from committing such acts.

## 2 DEMARCATED AREAS OF AIRPORTS

Aircraft parked in demarcated areas of airports to which alternative measures referred to in Article 4(4) apply, shall be separated from aircraft to which the [omitted] basic standards apply in full, in order to ensure that security standards applied to aircraft, passengers, baggage, cargo and mail of the latter are not compromised.

## 3 AIRCRAFT SECURITY

- (1) Before departure, an aircraft shall be subjected to an aircraft security check or aircraft security search in order to ensure that no prohibited articles are present on board. An aircraft in transit may be subjected to other appropriate measures.
- (2) Every aircraft shall be protected from unauthorised interference.

## 4 PASSENGERS AND CABIN BAGGAGE

### 4.1 Screening of passengers and cabin baggage

- (1) All originating, transfer and transit passengers and their cabin baggage shall be screened in order to prevent prohibited articles from being introduced into security restricted areas and on board an aircraft.
- (2) Transfer passengers and their cabin baggage may be exempted from screening, if:
  - (a) *they arrive from a domestic airport; or*
  - (b) *they arrive from any other airport designated by the Department.*
- (3) Transit passengers and their cabin baggage may be exempted from screening, if:

- (a) They remain on board the aircraft; or
- (b) they do not mix with screened departing passengers other than those who board the same aircraft; or
- (c) they arrive from a *domestic airport*; or
- (d) they arrive from *any other airport designated by the Department*.

#### 4.2 Protection of passengers and cabin baggage

- (1) Passengers and their cabin baggage shall be protected from unauthorised interference from the point at which they are screened until departure of the aircraft on which they are carried.
- (2) Screened departing passengers shall not mix with arriving passengers, unless:
  - (a) *they arrive from a domestic airport*; or
  - (b) *they arrive from any other airport designated by the Department*.

#### 4.3 Potentially disruptive passengers

Before departure potentially disruptive passengers shall be subjected to appropriate security measures.

## 5 HOLD BAGGAGE

#### 5.1 Screening of hold baggage

- (1) All hold baggage shall be screened prior to being loaded onto an aircraft in order to prevent prohibited articles from being introduced into security restricted areas and on board aircraft.
- (2) [*omitted*] Hold baggage may be exempted from screening if:
  - (a) it arrives from a *domestic airport*; or
  - (b) it arrives from *any other airport designated by the Department*.

- (3) Transit hold baggage may be exempted from screening if it remains on board the aircraft.

#### 5.2 Protection of hold baggage

Hold baggage to be carried on an aircraft shall be protected from unauthorised interference from the point at which it is screened or accepted into the care of the air carrier, whichever is earlier, until the departure of the aircraft on which it is to be carried.

#### 5.3 Baggage reconciliation

- (1) Each item of hold baggage shall be identified as accompanied or unaccompanied.
- (2) Unaccompanied hold baggage shall not be transported, unless that baggage has been either separated due to factors beyond the passenger's control or subjected to appropriate security controls.

## 6 CARGO AND MAIL

### 6.1 Security controls for cargo and mail

- (1) All cargo and mail shall be subjected to security controls prior to being loaded on an aircraft. An air carrier shall not accept cargo or mail for carriage on an aircraft unless it has applied such controls itself or their application has been confirmed and accounted for by a regulated agent *or* known consignor [*omitted*].
- (2) *Omitted.*
- (3) *Omitted.*

### 6.2 Protection of cargo and mail

- (1) Cargo and mail to be carried on an aircraft shall be protected from unauthorised interference from the point at which security controls are applied until the departure of the aircraft on which it is to be carried.
- (2) Cargo and mail that are not adequately protected from unauthorised interference after security controls have been applied shall be screened.

## 7 AIR CARRIER MAIL AND AIR CARRIER MATERIALS

Air carrier mail and air carrier materials shall be subjected to security controls and thereafter protected until loaded onto the aircraft in order to prevent prohibited articles from being introduced on board an aircraft.

## 8 IN-FLIGHT SUPPLIES

In-flight supplies, including catering, intended for carriage or use on board an aircraft shall be subjected to security controls and thereafter protected until loaded onto the aircraft in order to prevent prohibited articles from being introduced on board an aircraft.

## 9 AIRPORT SUPPLIES

Supplies intended to be sold or used in security restricted areas of airports, including supplies for duty-free shops and restaurants, shall be subjected to security controls in order to prevent prohibited articles from being introduced into these areas.

## 10 IN-FLIGHT SECURITY MEASURES

- (1) Without prejudice to the applicable aviation safety rules:
  - (a) unauthorised persons shall be prevented from entering the flight crew compartment during a flight;
  - (b) potentially disruptive passengers shall be subjected to appropriate security measures during a flight.

- (2) Appropriate security measures such as training of flight crew and cabin staff shall be taken to prevent acts of unlawful interference during a flight.
- (3) Weapons, with the exception of those carried in the hold, shall not be carried on board an aircraft, unless the required security conditions in accordance with national laws have been fulfilled and authorisation has been given by the states involved.
- (4) Paragraph 3 shall also apply to in-flight security officers if they carry weapons.

## 11 STAFF RECRUITMENT AND TRAINING

- (1) Persons implementing, or responsible for implementing, screening, access control or other security controls shall be recruited, trained and, where appropriate, certified so as to ensure that they are suitable for employment and competent to undertake the duties to which they are assigned.
- (2) Persons other than passengers requiring access to security restricted areas shall receive security training, before either an airport identification card or crew identification card is issued.
- (3) Training as mentioned in paragraphs 1 and 2 shall be conducted on initial and recurrent basis.
- (4) Instructors engaged in the training of the persons mentioned in paragraphs 1 and 2 shall have the necessary qualifications.

## 12 SECURITY EQUIPMENT

Equipment used for screening, access control and other security controls shall comply with the defined specifications and be capable of performing the security controls concerned.

### ANNEX II

#### **SPECIFICATIONS FOR THE NATIONAL QUALITY CONTROL PROGRAMME TO BE IMPLEMENTED BY *THE DEPARTMENT* IN THE FIELD OF CIVIL AVIATION SECURITY**

### 1 DEFINITIONS

1.1 For the purposes of this Annex, the following definitions shall apply:

- (1) 'annual traffic volume' means the total number of passengers arriving, departing and in transit (counted once);
- (2) *omitted*;
- (3) 'auditor' means any person conducting national compliance monitoring activities on behalf of the *Department*;



- (4) ‘certification’ means a formal evaluation and confirmation by or on behalf of the *Department* that a person possesses the necessary competencies to perform the functions of an auditor to an acceptable level as defined by the *Department*;
- (5) ‘compliance monitoring activities’ means any procedure or process used for assessing the implementation of this Regulation and the national aviation security programme;
- (6) ‘deficiency’ means a failure to comply with an aviation security requirement;
- (7) ‘inspection’ means an examination of the implementation of security measures and procedures in order to determine whether they are being carried out effectively and to the required standard and to identify any deficiencies;
- (8) ‘interview’ means an oral check by an auditor to establish whether specific security measures or procedures are implemented;
- (9) ‘observation’ means a visual check by an auditor that a security measure or procedure is implemented;
- (10) ‘representative sample’ means a selection made from amongst possible options for monitoring which is sufficient in number and range to provide a basis for general conclusions on implementing standards;
- (11) ‘security audit’ means an in-depth examination of security measures and procedures in order to determine if they are being fully implemented on a continual basis;
- (12) ‘test’ means a trial of aviation security measures, where the *Department* simulates intent to commit an act of unlawful interference for the purpose of examining the effectiveness of the implementation of existing security measures;
- (13) ‘verification’ means an action taken by an auditor to establish whether a specific security measure is actually in place;
- (14) ‘vulnerability’ means any weakness in the implemented measures and procedures which could be exploited to carry out an act of unlawful interference.

## 2 POWERS OF THE APPROPRIATE AUTHORITY

- 2.1 *Omitted.*
- 2.2 The *Department* shall perform compliance monitoring activities and have the powers necessary to require any identified deficiency to be rectified within set timeframes.
- 2.3 A graduated and proportionate approach shall be established regarding deficiency correction activities and enforcement measures. This approach

shall consist of progressive steps to be followed until correction is achieved, including:

- (a) advice and recommendations;
- (b) formal warning;
- (c) enforcement notice;
- (d) administrative sanctions and legal proceedings.

The *Department* may omit one or more of these steps, especially where the deficiency is serious or recurring.

### 3 OBJECTIVES AND CONTENT OF THE NATIONAL QUALITY CONTROL PROGRAMME

- 3.1 The objectives of the national quality control programme are to verify that aviation security measures are effectively and properly implemented and to determine the level of compliance with the provisions of this Regulation and the national civil aviation security programme, by means of compliance monitoring activities.
- 3.2 The national quality control programme shall include the following elements:
- (a) organisational structure, responsibilities and resources;
  - (b) job descriptions of, and qualifications required for auditors;
  - (c) compliance monitoring activities, including scope of security audits, inspections, tests and, following an actual or potential breach of security, investigations, frequencies for security audits and inspections and also classification of compliance;
  - (d) surveys, where there is cause to reassess security needs;
  - (e) deficiency correction activities providing details concerning deficiency reporting, follow-up and correction in order to ensure compliance with aviation security requirements;
  - (f) enforcement measures and, where appropriate, penalties, as specified in *point 2.3* of this Annex;
  - (g) reporting of compliance monitoring activities carried out including, where appropriate, information exchange between national bodies on compliance levels;
  - (h) monitoring process of the airport, operator and entity internal quality control measures;
  - (i) a process to record and analyse the results of the national quality control programme to identify trends and steer future policy development.

## **4 COMPLIANCE MONITORING**

- 4.1 All airports, operators and other entities with aviation security responsibilities shall be regularly monitored to ensure the swift detection and correction of failures.
- 4.2 Monitoring shall be undertaken in accordance with the national quality control programme, taking into consideration the threat level, type and nature of the operations, standard of implementation, results of internal quality control of airports, operators and entities and other factors and assessments which will affect the frequency of monitoring.
- 4.3 Monitoring shall include the implementation and effectiveness of the internal quality control measures of airports, operators and other entities.
- 4.4 Monitoring at each individual airport shall be made up of a suitable mixture of compliance monitoring activities and provide a comprehensive overview of the implementation of security measures in the field.
- 4.5 The management, setting of priorities and organisation of the quality control programme shall be undertaken independently from the operational implementation of the measures taken under the national civil aviation security programme.
- 4.6 Compliance monitoring activities shall include security audits, inspections and tests.

## **5 METHODOLOGY**

- 5.1 The methodology for conducting monitoring activities shall conform to a standardised approach, which includes tasking, planning, preparation, on-site activity, the classification of findings, the completion of the report and the correction process.
- 5.2 Compliance monitoring activities shall be based on the systematic gathering of information by means of observations, interviews, examination of documents and verifications.
- 5.3 Compliance monitoring shall include both announced and unannounced activities.

## **6 SECURITY AUDITS**

- 6.1 A security audit shall cover:
  - (a) all security measures at an airport; or
  - (b) all security measures implemented by an individual airport, terminal of an airport, operator or entity; or
  - (c) a particular part of the National Civil Aviation Security Programme.

- 6.2 The methodology for conducting a security audit shall take into consideration the following elements:
- (a) announcement of the security audit and communication of a pre-audit questionnaire, if appropriate;
  - (b) preparation phase including examination of the completed pre-audit questionnaire and other relevant documentation;
  - (c) entry briefing with airport/operator/entity representatives prior to beginning the monitoring activity on-site;
  - (d) on-site activity;
  - (e) debriefing and reporting;
  - (f) where deficiencies are identified, the correction process and the associated monitoring of that process.
- 6.3 In order to confirm that security measures are implemented, the conduct of a security audit shall be based on a systematic gathering of information by one or more of the following techniques:
- (a) examination of documents;
  - (b) observations;
  - (c) interviews;
  - (d) verifications.
- 6.4 Airports with an annual traffic volume of more than 10 million passengers shall be subject to a security audit covering all aviation security standards at least every 4 years. The examination shall include a representative sample of information.

## 7 INSPECTIONS

- 7.1 The scope of an inspection shall cover at least one set of directly linked security measures of *Annex I* to this Regulation and the corresponding implementing acts monitored as a single activity or within a reasonable time frame, not normally exceeding three months. The examination shall include a representative sample of information.
- 7.2 A set of directly linked security measures is a set of two or more requirements as referred to in *Annex I* to this Regulation and the corresponding implementing acts which impact on each other so closely that achievement of the objective cannot be adequately assessed unless they are considered together. These sets shall include those listed in *Appendix I* to this Annex.
- 7.3 Inspections shall be unannounced. Where the *Department* considers that this is not practicable, inspections may be announced. The methodology for conducting an inspection shall take into consideration the following elements:

- (a) preparation phase;
  - (b) on-site activity;
  - (c) a debrief, depending on the frequency and the results of the monitoring activities;
  - (d) reporting/recording;
  - (e) correction process and its monitoring.
- 7.4 In order to confirm that security measures are effective, the conduct of the inspection shall be based on the systematic gathering of information by one or more of the following techniques:
- (a) examination of documents;
  - (b) observations;
  - (c) interviews;
  - (d) verifications.
- 7.5 At airports with an annual traffic volume of more than 2 million passengers the minimum frequency for inspecting all sets of directly linked security measures set out in chapters 1 to 6 of *Annex I* to this Regulation shall be at least every 12 months, unless an audit has been carried out at the airport during that time. The frequency for inspecting all security measures covered by chapters 7 to 12 of *Annex I* shall be determined by the *Department* based on a risk assessment.
- 7.6 *Omitted.*

## 8 TESTS

- 8.1 Tests shall be carried out to examine the effectiveness of the implementation of at least the following security measures:
- (a) access control to security restricted areas;
  - (b) aircraft protection;
  - (c) screening of passengers and cabin baggage;
  - (d) screening of staff and items carried;
  - (e) protection of hold baggage;
  - (f) screening of cargo or mail;
  - (g) protection of cargo and mail.
- 8.2 A test protocol including the methodology shall be developed taking into consideration the legal, safety and operational requirements. The methodology shall address the following elements:
- (a) preparation phase;
  - (b) on-site activity;

- (c) a debrief, depending on the frequency and the results of the monitoring activities;
- (d) reporting/recording;
- (e) correction process and the associated monitoring.

## 9 SURVEYS

9.1 Surveys shall be carried out whenever the *Department* recognises a need to re-evaluate operations in order to identify and address any vulnerabilities. Where a vulnerability is identified, the *Department* shall require the implementation of protective measures commensurate with the threat.

## 10 REPORTING

10.1 Compliance monitoring activities shall be reported or recorded in a standardised format which allows for an on-going analysis of trends.

10.2 The following elements shall be included:

- (a) type of activity;
- (b) airport, operator or entity monitored;
- (c) date and time of the activity;
- (d) name of the auditors conducting the activity;
- (e) scope of the activity;
- (f) findings with the corresponding provisions of the National Civil Aviation Security Programme;
- (g) classification of compliance;
- (h) recommendations for remedial actions, where appropriate;
- (i) time frame for correction, where appropriate.

10.3 Where deficiencies are identified, the *Department* shall report the relevant findings to the airport, operators or entities subjected to monitoring.

## 11 CLASSIFICATION OF COMPLIANCE

11.1 Compliance monitoring activities shall assess the implementation of the national civil aviation security programme using the [omitted] classification system of compliance set out in Appendix II.

## 12 CORRECTION OF DEFICIENCIES

12.1 The correction of identified deficiencies shall be implemented promptly. Where the correction cannot take place promptly, compensatory measures shall be implemented.

12.2 The *Department* shall require airports, operators or entities subjected to compliance monitoring activities to submit for agreement an action plan addressing any deficiencies outlined in the reports together with a timeframe for implementation of the remedial actions and to provide confirmation when the correction process has been completed.

### 13 FOLLOW-UP ACTIVITIES RELATED TO THE VERIFICATION OF THE CORRECTION

13.1 Following confirmation by the airport, operator or entity subjected to monitoring that any required remedial actions have been taken, the *Department* shall verify the implementation of the remedial actions.

13.2 Follow-up activities shall use the most relevant monitoring method.

### 14 AVAILABILITY OF AUDITORS

14.1 *The Department* shall ensure that a sufficient number of auditors are available to the *Department* directly or under its supervision for performing all compliance monitoring activities.

### 15 QUALIFICATION CRITERIA FOR AUDITORS

15.1 *The Department* shall ensure that auditors performing functions on behalf of the *Department*:

- (a) are free from any contractual or pecuniary obligation to the airport, operator or entity to be monitored; and
- (b) have the appropriate competencies, which include sufficient theoretical and practical experience in the relevant field.

Auditors shall be subject to certification or equivalent approval by the *Department*.

15.2 The auditors shall have the following competencies:

- (a) an understanding of current applicable security measures and how they are applied to the operations being examined including:
  - an understanding of security principles,
  - an understanding of supervisory tasks,
  - an understanding of factors affecting human performance,
- (b) a working knowledge of security technologies and techniques;
- (c) a knowledge of compliance monitoring principles, procedures and techniques;
- (d) a working knowledge of the operations being examined;
- (e) an understanding of the role and powers of the auditor.

- 15.3 Auditors shall undergo recurrent training at a frequency sufficient to ensure that existing competencies are maintained and new competencies are acquired to take account of developments in the field of security.

## 16 POWERS OF AUDITORS

- 16.1 Auditors carrying out monitoring activities shall be provided with sufficient authority to obtain the information necessary to carry out their tasks.
- 16.2 Auditors shall carry a proof of identity authorising compliance monitoring activities on behalf of the *Department* and allowing access to all areas required.
- 16.3 Auditors shall be entitled to:
- (a) obtain immediate access to all relevant areas including aircraft and buildings for monitoring purposes; and
  - (b) require the correct implementation or repetition of the security measures.
- 16.4 As a consequence of the powers conferred on auditors, the *Department* shall act in accordance with point 2.3 in the following cases:
- (a) intentional obstruction or impediment of an auditor;
  - (b) failure or refusal to supply information requested by an auditor;
  - (c) when false or misleading information is supplied to an auditor with intent to deceive; and
  - (d) impersonation of an auditor with intent to deceive.

## 17 BEST PRACTICES

*Omitted.*

## 18 REPORTING TO THE COMMISSION

*Omitted.*

### APPENDIX I

#### ELEMENTS TO BE INCLUDED IN THE SET OF DIRECTLY LINKED SECURITY MEASURES

The sets of directly linked security measures as referred to in point 7.1 of *Annex II* shall include the following elements of *Annex I* to this Regulation and the corresponding provisions in its implementing acts:

For point 1 — Airport security:



- (i) point 1.1; or
- (ii) point 1.2 (except provisions relating to identification cards and vehicle passes); or
- (iii) point 1.2 (provisions relating to identification cards); or
- (iv) point 1.2 (provisions relating to vehicle passes); or
- (v) point 1.3 and the relevant elements of point 12; or
- (vi) point 1.4; or
- (vii) point 1.5.

For point 2 — Demarcated areas of airports:

- (i) the whole point

For point 3 — Aircraft security:

- (i) point 3.1; or
- (ii) point 3.2.

For point 4 — Passengers and cabin baggage:

- (i) point 4.1 and the relevant elements of point 12; or
- (ii) point 4.2; or
- (iii) point 4.3.

For point 5 — Hold baggage:

- (i) point 5.1 and the relevant elements of point 12; or
- (ii) point 5.2; or
- (iii) point 5.3.

For point 6 — Cargo and mail:

- (i) all provisions relating to screening and security controls applied by a regulated agent, except as detailed in points (ii) to (v) below; or
- (ii) all provisions relating to security controls applied by known consignors; or
- (iii) *omitted*;
- (iv) all provisions relating to the transportation of cargo and mail; or
- (v) all provisions relating to the protection of cargo and mail at airports.

For point 7 — Air carrier mail and air carrier materials:

- (i) the whole point

For point 8 – In-flight supplies:

- (i) the whole point

For point 9 – Airport supplies:

- (i) the whole point

For point 10 – In-flight security measures:

- (i) the whole point

For point 11 – Staff recruitment and training:

- (i) all provisions relating to staff recruitment at airport, air carrier or entity; or
- (ii) all provisions relating to staff training at an airport, air carrier or entity.

APPENDIX II

**CLASSIFICATION SYSTEM OF COMPLIANCE**

The following classification of compliance shall apply to assess the implementation of the national civil aviation security programme.

	Security audit	Inspection	Test
Fully compliant	✓	✓	✓
Compliant, but improvement desirable	✓	✓	✓
Not compliant	✓	✓	✓
Not compliant, with serious deficiencies	✓	✓	✓
Not applicable	✓	✓	
Not confirmed	✓	✓	✓

APPENDIX III

*Omitted.*



## SCHEDULE 2

## [Article 4]

This Schedule sets out the text of the Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annexes to Commission Regulation (EC) No 300/2008 of the European Parliament and of the Council, as amended by Commission Regulation (EU) No 297/2010 of 9 April 2010, Commission Regulation (EU) No 720/2011 of 22 July 2011, Commission Regulation (EU) No 1141/2011 of 10 November 2011, Commission Regulation (EU) No 245/2013 of 19 March 2013 as applied by this Order with such exceptions, adaptations and modifications made where necessary, which appear in bold italic type.

**COMMISSION REGULATION (EC) NO 272/2009**

## ARTICLE 1

1. This Regulation provides for general measures to supplement the [*omitted*] basic standards set out in *Annexes* to Regulation (EC) No 300/2008 in order to:

- (a) allow methods of screening as laid down in part A of the Annex;
- (b) prohibit categories of articles as laid down in part B of the Annex;
- (c) provide grounds for granting access to airside and security restricted areas as laid down in part C of the Annex;
- (d) allow methods for the examination of vehicles, aircraft security checks and aircraft security searches as laid down in part D of the Annex;
- (e) *omitted*;
- (f) set the conditions under which cargo and mail shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated agents *and* known consignors [*omitted*] as laid down in part F of the Annex;
- (g) set the conditions under which air carrier mail and air carrier materials shall be screened or subjected to other security controls as laid down in part G of the Annex;
- (h) set the conditions under which in-flight supplies and airport supplies shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated suppliers and known suppliers as laid down in part H of the Annex;
- (i) establish criteria for defining critical parts of security restricted areas as laid down in part I of the Annex;
- (j) establish criteria applicable for the recruitment of persons who will implement, or will be responsible for the implementation of,

screening, access control or other security controls and instructors as well as the methods of training of those persons and persons who will be issued with an airport identification card or crew identification card as laid down in part J of the Annex; and

- (k) set the conditions under which special security procedures or exemptions from security controls may be applied as laid down in part K of the Annex.

## ARTICLE 2

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘airport supplies’ means all items intended to be sold, used or made available in security restricted areas of airports;
- (2) ‘*annex*’ means *the annex to this Regulation*;
- (3) ‘in-flight supplies’ means all items other than:
- (a) cabin baggage;
  - (b) items carried by persons other than passengers; and
  - (c) air carrier mail and air carrier materials;
- intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew during a flight;
- (4) ‘regulated supplier of in-flight supplies’ means a supplier whose procedures meet [*omitted*] security rules and standards sufficient to allow delivery of in-flight supplies directly to aircraft;
- (5) ‘known supplier of in-flight supplies’ means a supplier whose procedures meet [*omitted*] security rules and standards sufficient to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft;
- (6) ‘known supplier of airport supplies’ means a supplier whose procedures meet [*omitted*] security rules and standards sufficient to allow delivery of airport supplies to security restricted areas.

## ARTICLE 3

*Omitted.*

## ANNEX

### PART A

*Omitted.*

### PART B

*Omitted.*

PART B1

*Omitted.*

PART C

**ACCESS CONTROL: GROUNDS FOR GRANTING ACCESS TO AIRSIDE  
AND SECURITY RESTRICTED AREAS**

Access to airside and security restricted areas shall be granted according to the following criteria:

- (1) Access to airside may only be authorised if persons and vehicles have a legitimate reason to be there.

In order to be granted access to airside a person shall carry an authorisation.

In order to be granted access to airside a vehicle shall have a vehicle pass.

- (2) Access to security restricted areas may only be granted if persons and vehicles have a legitimate reason to be there.

In order to be granted access to security restricted areas a person shall present an authorisation.

In order to be granted access to security restricted areas a vehicle shall display a vehicle pass.

PART D

*Omitted.*

PART E

*Omitted.*

PART F

**CARGO AND MAIL**

- (1) Cargo and mail: conditions under which they shall be screened or subjected to other security controls

Cargo and mail to be loaded on an aircraft shall be screened, unless:

- (a) security controls have been applied to the consignment by a regulated agent and the consignment has been protected from unauthorised interference from the time that those security controls were applied; or
  - (b) security controls have been applied to the consignment by a known consignor and the consignment has been protected from unauthorised interference from the time that those security controls were applied; or
  - (c) *omitted*; or
  - (d) security controls have been applied to transfer cargo and transfer mail, as referred to in point 6.1.2 of *Annex I* to Regulation (EC) No 300/2008.
- (2) Cargo and mail: the process for the approval or designation of regulated agents *and* known consignors [*omitted*].

The following process for the approval or designation of regulated agents *and* known consignors [*omitted*] shall apply:

- (a) Regulated agents shall be approved by the *Department*.

In order to be approved as a regulated agent, the applicant shall submit documentation on aviation security standards and shall then be subject to an on-site verification to ensure that it fulfils the required standards.

- (b) Known consignors shall be approved by the *Department*.

In order to be approved as a known consignor, the applicant shall provide information on aviation security standards and shall be subject to an on-site verification to ensure that it fulfils the required standards.

*Omitted.*

## PART G

### **AIR CARRIER MAIL AND AIR CARRIER MATERIALS: CONDITIONS UNDER WHICH THEY SHALL BE SCREENED OR SUBJECTED TO OTHER SECURITY CONTROLS**

Air carrier mail and air carrier materials to be loaded into the hold of an aircraft shall either be screened as hold baggage or subjected to the same security controls as for cargo and mail.

Air carrier mail and air carrier materials to be loaded into any part of an aircraft other than the hold shall be screened as cabin baggage.

## PART H

## IN-FLIGHT SUPPLIES AND AIRPORT SUPPLIES

### 1 **In-flight supplies and airport supplies: conditions under which they shall be screened or subjected to other security controls**

- (1) In-flight supplies to be loaded on an aircraft shall be screened, unless:
  - (a) security controls have been applied to the supplies by an air carrier that delivers these to its own aircraft and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft; or
  - (b) security controls have been applied to the supplies by a regulated supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft or, where applicable, to the air carrier or another regulated supplier; or
  - (c) security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the air carrier or regulated supplier.
- (2) Airport supplies shall be screened before being allowed into security restricted areas, unless security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until they are in the security restricted area.

### 2 **In-flight supplies and airport supplies: the process for the approval or designation of regulated suppliers and known suppliers**

- (1) Regulated suppliers of in-flight supplies shall be approved by *the Department*.

In order to be approved as a regulated supplier of in-flight supplies, the applicant shall submit documentation on aviation security standards and shall then be subject to an on-site verification to ensure that it fulfils the required standards.
- (2) Known suppliers of in-flight supplies shall be designated by the operator or entity to whom it delivers.

In order to be designated as a known supplier of in-flight supplies, the operator or entity to whom it delivers shall ensure that the prospective known supplier provides information on aviation security standards and shall make a validation.
- (3) Known suppliers of airport supplies shall be designated by the airport operator.

In order to be designated as a known supplier of airport supplies, the airport operator shall ensure that the prospective known supplier provides information on aviation security standards and shall make a validation.

#### PART I

### **CRITERIA FOR DEFINING CRITICAL PARTS OF SECURITY RESTRICTED AREAS**

The definition of critical parts of security restricted areas shall ensure that there is no contamination of screened departing passengers (both originating and transfer) and their cabin baggage as well as of screened departing hold baggage (both originating and transfer).

#### PART J

### **STAFF RECRUITMENT AND METHODS OF TRAINING**

(1) Criteria for staff recruitment

The following criteria shall apply for the recruitment of both persons who will implement, or will be responsible for the implementation of, screening, access control or other security controls and instructors:

- (a) they shall have successfully completed a background check or pre-employment check in accordance with national rules; and
- (b) they shall have those abilities necessary to carry out the tasks to which they are assigned.

*Omitted.*

#### PART K

*Omitted.*



## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.