



**CIVIL AVIATION SAFETY AUTHORITY OF PNG**

**PNG**

**Civil Aviation Rules**

**Part 109**

**Regulated Air Cargo Agent - Certifications**

Effective 1 January 2011

## Schedule

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## **Subpart A — General**

### **109.1 Purpose**

(a) This Part prescribes rules governing the certification and operation of an organisation providing the services of a regulated air cargo agent for cargo or mail that is required to be accompanied by a declaration of security for carriage by air on an aircraft carrying passengers.

(b) In this Part, any requirement relating to cargo or mail for carriage by air only relates to cargo or mail that is intended for carriage by air on an aircraft conducting an international regular air transport passenger service.

### **109.3 Definitions**

In this Part—

**Access controlled**, in relation to a particular area, means an area that is secured in a manner that prevents the entry of any unauthorised person.

### **109.5 Requirement for certificate**

A person must not act as a regulated air cargo agent to provide a consignment of cargo or mail to an air operator for carriage by air except under the authority of a regulated air cargo agent certificate granted in accordance with this Part, if the cargo or mail is carried on an aircraft conducting an international regular air transport passenger service.

### **109.7 Application for certificate**

An applicant for the grant of a regulated air cargo agent certificate must complete form CAA 109/01 and submit it to the Director with—

- (1) the applicant's exposition required under rule 109.71; and
- (2) if applicable, a payment of the appropriate application fee prescribed by regulations made under the Act.

### **109.9 Grant of certificate**

Subject to section 49 of the Act, an applicant is granted a regulated air cargo agent certificate if the Director is satisfied that—

- (1) the applicant meets the requirements of Subpart B; and
- (2) the applicant, and the applicant's senior person or persons required by rule 109.51 are fit and proper persons; and
- (3) granting the certificate is not contrary to the interests of aviation safety or security.

### **109.11 Privileges of certificate holder**

A regulated air cargo agent certificate authorises the holder to act as a regulated air cargo agent to issue a declaration of security for a consignment of cargo or mail that is to be carried by air on an aircraft conducting an international regular air transport passenger service.

**109.13 Duration of certificate**

- (a) A regulated air cargo agent certificate may be granted or renewed for a maximum period of 5 years.
- (b) A regulated air cargo agent certificate remains in force until it expires or is suspended or revoked.

**109.15 Renewal of certificate**

An application for the renewal of a regulated air cargo agent certificate must be submitted to the Director before the application renewal date specified in the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

**Subpart B — Certification requirements****109.51 Personnel requirements**

- (a) An applicant for the grant of a regulated air cargo agent certificate must employ, contract, or otherwise engage—
  - (1) a senior person, identified as the chief executive, who—
    - (i) has the authority within the applicant's organisation to ensure that every activity undertaken by the organisation is financed and carried out to meet applicable operational requirements; and
    - (ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and
  - (2) a senior person or persons responsible to the chief executive for ensuring that the applicant's organisation complies with its exposition; and
  - (3) sufficient personnel to implement the cargo and mail security control procedures detailed in the applicant's exposition.
- (b) An applicant for the grant of a regulated air cargo agent certificate must establish procedures for assessing and maintaining the competence of those personnel who are authorised to carry out work relating to security control for cargo or mail as specified in the applicant's exposition.

**109.53 Facility requirements**

An applicant for the grant of a regulated air cargo agent certificate must provide facilities that are appropriate for the following activities that may be applicable to the services that are to be provided by the applicant:

- (1) receiving, and applying security controls to, cargo or mail from a person who is not a known customer:
- (2) receiving a consignment of cargo or mail from a known customer and checking the consignment and associated documentation:
- (3) storing a consignment of cargo or mail that has undergone the required security controls in an access controlled area to protect the consignment from tampering:

- (4) delivering a consignment of cargo or mail from the air cargo agent's access controlled storage area to the air operator, including a means to ensure that the consignment is not tampered with.

### **109.55 Cargo and mail security control procedures**

(a) An applicant for the grant of a regulated air cargo agent certificate must establish security control procedures for ensuring that—

- (1) every consignment of cargo or mail that is accepted by the regulated air cargo agent for carriage by air from a person who is not a known customer has security controls applied to it in order to prevent any weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being carried in the consignment; and
- (2) every consignment of cargo or mail that is accepted by the regulated air cargo agent for carriage by air from a known customer is—
  - (i) accompanied by a statement of content; and
  - (ii) checked to ensure that the consignment has not been tampered with; and
- (3) the statement of content required under paragraph (2) for each consignment of cargo or mail is checked to ensure that—
  - (i) the consignment of cargo or mail does not contain any weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference; and
  - (ii) the statement of content is identified as originating from the known customer; and
- (4) every consignment of cargo or mail that is accepted by the regulated air cargo agent and has had security controls applied to it under paragraphs (1), or (2) and (3) is held in an access controlled area until the consignment leaves the access controlled area for delivery to the air operator who is to carry the consignment on the air operator's aircraft; and
- (5) every consignment of cargo or mail that is delivered to an air operator for carriage on the operator's aircraft is—
  - (i) accompanied by a declaration of security that meets the requirements of Appendix A.1 and is signed by a person who is authorised in accordance with rule 109.59 to sign the declaration of security; and
  - (ii) protected from any act of tampering from the time the consignment leaves the regulated air cargo agent's access controlled area until the time that the consignment is accepted by the air operator.

(b) A person who is to implement any of the security control procedures required by paragraph (a) must be appropriately trained, and hold an appropriate authorisation issued in accordance with rule 109.59.

**109.57 Screening procedures**

- (a) An applicant for the grant of a regulated air cargo agent certificate who intends to screen cargo or mail as part of the security control procedures required under rule 109.55 must establish procedures for screening in accordance with Appendix B.
- (b) The procedures required under paragraph (a) must—
- (1) identify, and be applicable to, the particular screening method to be used; and
  - (2) detail the processes that must be followed by the person carrying out the screening; and
  - (3) require that every person must be appropriately authorised in accordance with rule 109.59 for the particular screening method; and
  - (4) include a programme and procedures for periodically testing the screening method, including the persons performing the screening; and
  - (5) for screening methods that use technical equipment, include a maintenance programme for the equipment, including if applicable, procedures to periodically test the integrity of the screening equipment; and
  - (6) include a process for assessing the significance of a screening method failure and the actions to be taken regarding the effect that the failure may have on cargo that has already been screened.

**109.59 Authorisation procedures**

- (a) An applicant for the grant of a regulated air cargo agent certificate must establish procedures for the issue of an authorisation to every person who carries out any of the following security control functions that are applicable to the applicant's proposed activities:
- (1) screening cargo or mail in accordance with the procedures required under rule 109.57:
  - (2) applying the security control procedures required under rule 109.55(a)(1) to cargo or mail that is accepted from a person who is not a known customer:
  - (3) checking a consignment of cargo or mail, and statement of content received from a known customer in accordance with the security control procedures required by rule 109.55(a)(2) and (a)(3):
  - (4) accessing a consignment of cargo or mail that is held in the applicant's access controlled area referred to in rule 109.55(a)(4):
  - (5) issuing a declaration of security that is required by rule 109.55(a)(5)(i) for each consignment of cargo or mail:
  - (6) delivering a consignment of cargo or mail that is accompanied by a declaration of security, but is not being transported in a 'tamper evident' manner to the air operator in accordance with the security control procedures required by rule 109.55(a)(5)(ii):
  - (7) implementing the known customer procedures required under rule 109.61(a) and entering details of the known customer into the known customer register required under rule 109.61(c).

- (b) An applicant for the grant of a regulated air cargo agent certificate must establish procedures for the issue of an authorisation to every person who enters an access controlled area, other than those provided for under rule 109.109(2).
- (c) The procedures required by paragraphs (a) and (b) must include the following:
- (1) an authorisation must not be issued to a person unless—
    - (i) the person has been granted a favourable security check determination by the Director; and
    - (ii) for an authorisation issued under paragraph (a), the person has been appropriately trained in accordance with the regulated air cargo agent's training programme that is required under rule 109.63; and
    - (iii) for an authorisation issued under paragraph (a), the person has been assessed as competent, in accordance with the regulated air cargo agent's training programme required under rule 109.63, to carry out the security control functions for which the authorisation is intended; and
    - (iv) for an authorisation issued under paragraph (b), the person has a knowledge of security requirements for air cargo:
  - (2) every authorisation must be in writing and must include—
    - (i) the name of the person to whom the authorisation is issued; and
    - (ii) the security control function or other function that the person is authorised to perform; and
    - (iii) the expiry date of the authorisation:
  - (3) an authorisation must not be issued for a period of more than 3 years:
  - (4) an authorisation must not be reissued to a person unless the requirements of paragraphs (1), (2) and (3) are complied with.

#### **109.61 Procedures and register for a known customer**

- (a) An applicant for the grant of a regulated air cargo agent certificate who intends to accept cargo or mail for carriage by air from a known customer must establish procedures for ensuring that—
- (1) the known customer has a knowledge of security matters that relate to the carriage of the known customer's cargo or mail by air; and
  - (2) the known customer has appropriate systems and procedures in place for ensuring that—
    - (i) only the intended items of cargo or mail are contained in the customer's consignment of cargo or mail that is forwarded to the applicant's organisation for carriage by air; and
    - (ii) every consignment of cargo or mail that is forwarded to the applicant's organisation is accompanied by a statement of content that can be identified as originating from the known customer; and

- (iii) every consignment of cargo or mail that is forwarded to the applicant's organisation is protected in a manner that enables the applicant's organisation to readily identify whether the consignment has been tampered with; and
  - (iv) the cargo or mail is not tampered with when sent by the known customer to the applicant's organisation.
- (b) The procedures required under paragraph (a) must include the means for the applicant's organisation to ensure that the requirements under paragraph (a) continue to be met.
- (c) An applicant for the grant of a regulated air cargo agent certificate who intends to accept consignments of cargo or mail for carriage by air from a known customer in accordance with the procedures required by paragraph (a) must establish a register of known customers and record for each known customer:
- (1) the customer's current name (and/or business name if appropriate):
  - (2) the current name and details of the principal contact person:
  - (3) the customer's current address, and applicable facsimile, email and telephone numbers.

### **109.63 Training of personnel**

- (a) An applicant for the grant of a regulated air cargo agent certificate must establish a training programme for ensuring that—
- (1) every person who has access to a consignment of cargo or mail that has been accepted by the applicant's organisation for carriage by air has the appropriate training in the security control procedures for the storage and transportation of the consignments; and
  - (2) every person who carries out a security control function in relation to cargo or mail that is accepted by the applicant's organisation for carriage by air is appropriately trained and assessed as competent to carry out the security control function.
- (b) The training programme required under paragraph (a) must contain—
- (1) applicable segments for —
    - (i) initial training; and
    - (ii) recurrent training; and
    - (iii) competency assessment; and
  - (2) syllabi for each applicable security control function and segment of training.
- (c) The training programme required by paragraph (a) must ensure that every person who is required to be trained undertakes the recurrent training segment of the training programme at an interval of not more than 3 years.
- (d) The training programme for a person who carries out a security control function that includes screening must include the standards prescribed in Appendix C.

**109.65 Cargo security incident**

An applicant for the grant of a regulated air cargo agent certificate must establish procedures—

- (1) for notifying, investigating and reporting, any cargo security incident that is associated with the applicant's activities, in accordance with Part 12, and
- (2) for implementing corrective actions to eliminate the cause of a cargo security incident and prevent its recurrence.

**109.67 Records**

(a) An applicant for the grant of a regulated air cargo agent certificate must establish procedures for identifying, collecting, indexing, storing, maintaining, and disposing of the records that are necessary to provide an accurate record for—

- (1) every consignment of cargo or mail that is delivered under the authority of a declaration of security to an air operator for carriage by air, including a copy of the declaration; and
- (2) every person who is required under rule 109.63 to be trained, including details of each segment of training that is undertaken; and
- (3) every person who is issued with a written authorisation under rule 109.59, including details of the person's training and competency assessment, authorisation, and the security check determination required under rule 109.59(c)(1)(i); and
- (4) every known customer who is entered in the register required by rule 109.61(c), including details of continued compliance as required by rule 109.61(b); and
- (5) every investigation relating to a cargo security incident investigation carried out under rule 109.65; and
- (6) every management review that is carried out under rule 109.69.

(b) The records required under paragraph (a) must be—

- (1) accurate, legible and of a permanent nature; and
- (2) in the interest of aviation security—
  - (i) for records required by paragraphs (a)(2) and (3), retained for a maximum period of 2 years from the date that the affected person ceases to work for or be associated with the regulated air cargo agent; and
  - (ii) for a statement of content or declaration of security, retained for at least 31 days unless required by the Director for a longer period for the purposes of a security incident investigation.

**109.69 Safety and Quality Management**

An applicant for the grant of a regulated air cargo agent certificate must establish an integrated safety and quality management system meeting the following requirements of Part 100:

- (1) rule 100.53 in respect of a security policy; and

- (2) rule 100.55 in respect of security objectives; and
- (3) rule 100.59 in respect of hazards to security; and
- (4) rule 100.61 in respect of risks to security; and
- (5) Subpart C.

### **109.71 Organisation exposition**

(a) An applicant for the grant of a regulated air cargo agent certificate must submit to the Director for acceptance, an exposition containing—

- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that—
  - (i) the exposition defines the organisation and demonstrates its means and methods for ensuring ongoing compliance with this Part; and
  - (ii) the exposition, and every associated manual, and operating, and security control procedure, must be complied with by the organisation's personnel at all times; and
- (2) the titles and names of the senior person or persons referred to in rule 109.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons referred to in paragraph (2), including matters for which they have responsibility to deal directly with the Director on behalf of the organisation; and
- (4) an organisation chart showing lines of responsibility of the senior persons referred to in paragraph (2) and covering each location referred to in paragraph (6); and
- (5) a summary of the organisation's staffing structure at each location referred to in paragraph (6); and
- (6) a summary of the scope of activities at each location where the organisation's personnel are based for carrying out security control functions relating to cargo and mail; and
- (7) a summary of the facilities provided at each location referred to in paragraph (6) that meets the requirements of rule 109.53; and
- (8) the detailed procedures required under rule 109.69 regarding safety and quality management; and
- (9) the detailed procedures, or an outline of the procedures including information that identifies the documentation that contains the detailed procedures, that are required under—
  - (i) rule 109.51(b) regarding the competence of personnel; and
  - (ii) rule 109.55(a)(1) regarding the acceptance and application of security controls to cargo or mail received from a person who is not a known customer; and (iii) rule 109.55(a)(2) and (3) regarding the acceptance of consignments of cargo or mail from a known customer; and

- (iii) rule 109.55(a)(4) regarding the holding of a consignment of cargo or mail in an access controlled area; and
  - (iv) rule 109.55(a)(5)(i) regarding the provision of a declaration of security for a consignment of cargo or mail that is delivered to an air operator; and
  - (v) rule 109.55(a)(5)(ii) regarding the protection of a consignment of cargo or mail from an act of tampering during the delivery of the consignment to the air operator; and
  - (vi) rule 109.57 regarding the screening of cargo or mail; and
  - (vii) rule 109.59 regarding the issue of an authorisation to personnel; and
  - (viii) rule 109.61 regarding the requirements for a known customer; and
  - (ix) rule 109.63 regarding the training programme; and
  - (x) rule 109.65(1) regarding the notification, investigation and reporting of a cargo security incident; and
  - (xi) rule 109.65(2) regarding the implementation of a corrective action to eliminate the cause of a cargo security incident and prevent its recurrence; and
  - (xii) rule 109.67 regarding the identification, collection, indexing, storage, maintenance and disposal of records; and
- (10) details of procedures for—
- (i) controlling, amending, and distributing the exposition; and
  - (ii) ensuring that the exposition meets the applicable requirements of this Part; and
  - (iii) ensuring that the Director is provided with a copy of every amendment to the exposition as soon as practical after the amendment is incorporated into the exposition.

(b) The exposition must remain acceptable to the Director.

## **Subpart C — Operational requirements**

### **109.101 Continued compliance**

The holder of a regulated air cargo agent certificate must—

- (1) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under this Part; and
- (2) comply with every procedure referred to in the certificate holder's exposition; and
- (3) hold at least one complete and current copy of the certificate holder's exposition at each location where a senior person is based; and
- (4) make each applicable part of the certificate holder's exposition available to personnel who require those parts to carry out their duties; and

- (5) maintain the register of known customers with current information for each of the certificate holder's known customers; and
- (6) subject to rule 109.103, suspend or remove the name of a known customer from the certificate holder's register of known customers if so requested in writing by the Director; and
- (7) notify the Director in writing of any change of address for service, telephone number, or facsimile number within 28 days of the change; and
- (8) ensure that a person does not perform a security control function under the authority of the holder's certificate unless the person holds an appropriate authorisation issued in accordance with the procedures required under rule 109.59.

### **109.103 Suspend or remove name of known customer from register**

(a) Subject to paragraph (c), the Director may request in writing that the holder of a regulated air cargo agent certificate suspend or remove the name of a known customer from the certificate holder's register of known customers, if the Director is satisfied that—

- (1) the known customer has failed to comply with—
  - (i) a requirement relating to the cargo and security control procedures required by rule 109.55(a)(2), or (3); or
  - (ii) a requirement relating to the procedures and register for known customers required by rule 109.61; and
- (2) it is in the interest of aviation security to suspend or remove the name of the known customer.

(b) The suspension or removal of the name of a known customer from the certificate holder's register of known customers may be for a period specified by the Director or until the Director is satisfied that every requirement that the customer failed to comply with is met.

(c) Subject to paragraph (d), before requesting the suspension or removal of a known customer's name under paragraph (a), the Director must, if the Director proposes to take into account any information that is or may be prejudicial to the known customer, disclose the information to the known customer, and allow the known customer to refute or comment on it, within 30 days of disclosing the information.

(d) The Director is not required to disclose information—

- (1) which may endanger the safety of any person;
- (2) which is not in the interest of aviation security, if disclosed.

### **109.105 Changes to certificate holder's organisation**

(a) Subject to paragraph (b), the holder of a regulated air cargo agent certificate must—

- (1) ensure that its exposition is amended as required, to remain a current description of the certificate holder's organisation, and air cargo security services; and

- (2) ensure that any amendment made to its exposition meets the applicable requirements of this Part; and
- (3) comply with the exposition amendment procedure contained in its exposition; and
- (4) provide the Director with a copy of each amendment to its exposition, as soon as practicable after the amendment is incorporated into the exposition; and
- (5) make such amendments to its exposition as the Director may consider necessary in the interests of aviation security.

(b) If the holder of a regulated air cargo agent certificate changes, or proposes to change, any of the following, the certificate holder must notify the Director prior to the change or as soon as practicable if prior notification is not possible, and the change must be accepted by the Director, including applicable fit and proper person criteria under section 50 of the Act, before being incorporated into the certificate holder's exposition:

- (1) the person identified as the chief executive:
- (2) the title or name of any senior person specified in the exposition as required by rule 109.71(a)(2):
- (3) the cargo and mail security procedures required by rule 109.55:
- (4) the screening procedures required by rule 109.57:
- (5) the authorisation procedures required by rule 109.59:
- (6) the procedures for a known customer required by rule 109.61:
- (7) the safety and quality management procedures required by rule 109.69.

(c) The Director may impose conditions under which the holder of the regulated air cargo agent certificate may operate during or following any of the changes specified in paragraph (b).

(d) The holder of an air cargo agent certificate must comply with any condition imposed by the Director under paragraph (c).

(e) If any of the changes under paragraph (b) requires an amendment to the air cargo agent certificate, the certificate holder must forward the certificate to the Director as soon as practicable for endorsement of the changes.

### **109.107 Persons to issue declaration of security**

A person must not issue a declaration of security to an air operator for a consignment of cargo or mail to which this Part applies unless—

- (1) the person holds a valid written authorisation from the holder of a regulated air cargo agent certificate to issue the declaration; and
- (2) the person issues the declaration of security—
  - (i) under the authority of the regulated air cargo agent certificate; and

- (ii) in accordance with the certificate holder's procedures for issuing the declaration; and
- (3) the consignment of cargo or mail has been subjected to the security control procedures detailed in the certificate holder's exposition.

### **109.109 Entry to access controlled area**

The holder of a regulated air cargo agent certificate must not permit a person to enter, and a person must not enter an access controlled area unless—

- (1) the person holds a valid written authorisation issued in accordance with the procedures required under rule 109.59(b); or
- (2) the person is accompanied by a person who holds an authorisation referred to in paragraph (1).

## **Subpart D — Transition Provisions**

### **109.151 Transition**

Transition provisions detailed in Part 20 apply to this Part.

## **Appendix A — Declaration of Security**

### **A.1 Declaration of security**

A declaration of security must relate to a particular consignment of cargo or mail and include the following information:

- (1) the identity of the regulated air cargo agent under whose certificate the declaration is issued:
- (2) the destination of the consignment:
- (3) the identity of the air operator to whom the consignment is delivered:
- (4) the date that the consignment is delivered to the air operator:
- (5) a declaration that the consignment has been subjected to the security controls specified both in Civil Aviation Rule Part 109 and in the regulated air cargo agent's exposition and these have not detected any weapon, explosive, or other dangerous goods except for those listed under paragraph (8):
- (6) the identity of the person who is authorised to issue the declaration, by name and signature:
- (7) an acknowledgement that a false declaration is an offence:
- (8) a list of any weapon, explosive or other dangerous good contained within the consignment.

## Appendix B — Screening Standards

### B.1 Screening methods

(a) Cargo or mail that is screened or is required to be screened may be screened by use of 1 or more of the following methods:

- (1) conventional x-ray equipment:
- (2) advanced technology x-ray explosives detection system (ATEDS):
- (3) explosive trace detection (ETD) systems:
- (4) explosive detection dogs:
- (5) computed tomography:
- (6) physical inspection:
- (7) any other screening technology or method acceptable to the Director.

(b) Screening equipment must be situated in an access controlled area.

### B.2 Periodic testing

(a) Every method of screening must be subject to periodic testing using a test piece to ensure the ongoing integrity of the screening process.

(b) A test piece must be—

- (1) appropriate for the particular screening method being tested; and
- (2) representative of an unauthorised article that the screening method is intended to detect; and
- (3) acceptable to the Director.

(c) If a periodic test is intended to test the proficiency of a person performing the screening, the test must be carried out—

- (1) without prior notice to the person who is performing the screening; and
- (2) by placing the test piece used for the test among other items of cargo or mail being screened; and
- (3) in a manner that gives the person being tested reasonable opportunity to detect the test piece.

## Appendix C — Training Standards

### C.1 Grading system and training

(a) The grading system of the level of competence specified in paragraph (b) is as follows:

- (1) grade 1 denotes awareness of the subject:
- (2) grade 2 denotes a basic knowledge of the subject:

- (3) grade 3 denotes the ability to apply a basic knowledge of the subject in a situation that is likely to arise in the course of the person's duties:
  - (4) grade 4 denotes the ability to apply a thorough knowledge of the subject in a situation likely to arise in the course of the person's duties:
  - (5) grade 5 denotes the ability to apply a thorough knowledge of the subject and to exercise sound judgement in situations likely to arise in the course of the person's duties.
- (b) The topics that personnel who undertake screening functions are required to be trained on are as follows:
- (1) Screening and search of cargo or mail:
    - (i) to outline the general principles governing the screening and search of cargo, to grade 4; and
    - (ii) to be familiar with and proficient in the use of the screening equipment provided by the certificate holder, to grade 5; and
    - (iii) to have practical experience with the procedures and methods for screening and search of cargo, to grade 5.
  - (2) Improvised explosive devices as they affect civil aviation to give a person who carries out screening an understanding of improvised explosive devices likely to be encountered in cargo or mail, to grade 3.
  - (3) The threat factor to update a person who carries out screening on the current terrorist and criminal trends, to grade 2.
  - (4) Historical background and statistics of acts of unlawful interference to provide personnel with knowledge of the evolution of aviation security and the extent of occurrences, to grade 1.