

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

AIR CARGO SECURITY FOR PASSENGER COMMERCIAL AIRCRAFT

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

Rule I General Provisions

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

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

Section 3. Definition of Terms

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

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

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

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

3.4 **Cargo Operator** – persons or entity involved in accepting, handling,

storing, loading and unloading air cargo, or one who provides, manages, promotes and/or service any and all ground handling requirements of passenger commercial and cargo operating aircraft.

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

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

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

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

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

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

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

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

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

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

Rule II

Responsibility, Acceptance Procedure and Screening

Section 4. Responsibility

4.1 Office for Transportation Security

- 4.1.1 accept applications for certification as regulated agent, and request for survey and inspection
- 4.1.2 ensure that the following requirements are submitted by the shipper prior approval:
 - 4.1.2.1 Certificate of Good Standing from the Airline Operators' Council and the PNP-AVSEGROUP;
 - 4.1.2.2 Regulated agent's Security Plan duly certified by aircraft operators and airport authority/management
- 4.1.3 conduct survey and inspect for determination of competency, taking into consideration the following:
 - 4.1.3.1 system of operation;
 - 4.1.3.2 experience in cargo security;
 - 4.1.3.3 security equipment and facilities;
 - 4.1.3.4 organization and staffing requirements, capability to maintain security within its premises;
 - 4.1.3.5 quality assurance and security management systems;
 - 4.1.3.6 security of buildings, premises, transport facilities and vehicles used in processing or moving air cargoes;
 - 4.1.3.7 security measures and the procedures adopted for cargo.
 - 4.1.3.8 and such considerations which the OTS may deem necessary
- 4.1.4 approve shipper's application as regulated agent after all the requirements herein provided are met.
- 4.1.5 certify shipper as regulated agent; certification shall be valid for a period of two (2) years.
- 4.1.6 provide other requirements as OTS may deem necessary.

4.2 PNP AVSEGROUP:

- 4.2.1 supervise and monitor the implementation of security control in the acceptance, handling and

loading of cargo, mail and hold baggage at the staging areas of the cargo warehouse facility, ramp areas and airport terminal baggage make-up/ramp areas in all airports.

- 4.2.2 receive and demand undertakings from airline operators stating that all cargo, consignment, mails, parcels had passed appropriate security control and procedure prior loading onto the aircraft.
- 4.2.3 receive and demand a copy of the Undertaking from the shipper, a copy of which had been submitted to the airline operator.
- 4.2.4 supply appropriate number of properly trained and uniformed AVSEGROUP personnel to monitor and supervise the security of cargo consignment, mails and parcels, from the time of its receipt until loading unto the aircraft.
- 4.2.5 supervise and control security screening at all airport cargo areas.

4.3 Airline Operator:

- 4.3.1 implement, through its properly recruited and trained airline staff, security controls on all cargo, courier materials and express parcels upon acceptance, and during handling and loading.
- 4.3.2 ensure that security controls are confirmed and accounted by the regulated agent prior acceptance of the cargo.
- 4.3.3 require shippers to submit an undertaking that cargoes do not contain prohibited item and had passed thru the required security controls prior to acceptance.
- 4.3.4 submit to the PNP-AVSEGROUP an Undertaking that the cargo does not contain prohibited items and had passed thru security controls upon acceptance, during handling and until loading onto the aircrafts. The Undertaking of the airline operator certifies that the latter is confident in the integrity of the security declarations made by the regulated agent.

- 4.3.5 support and cooperate with cargo operator in the development of an in-line cargo screening system that could cater 100% efficient screening of cargo, courier material, express parcels and mails.
- 4.3.6 ensure that personnel directly involve in the implementation of the security controls had undergone proper and appropriate training in securing cargoes.
- 4.3.7 ensure that personnel involved in accepting, handling and loading cargoes had undergone proper and appropriate training in basic cargo security.
- 4.3.8 develop an Aircraft Operator Security Program (AOSP) to be implemented upon approval by OTS.
- 4.3.9 AOSP and the implementation thereof and cargo areas shall be subjected to OTS audit, inspection and testing.

4.4 **Cargo operator:**

- 4.4.1 ensure that cargoes, courier materials, express parcels and mail do not contain prohibited items when accepted, handled and loaded into the aircraft.
- 4.4.2 formulate and develop a cargo security plan in accordance with the Airport Security Program (ASP) to be submitted to OTS for review and approval.
- 4.4.3 assist and cooperate with the PNP-AVSEGROUP, Airport Authority, and OTS on matters pertaining to cargo security.
- 4.4.4 require the regulated agent to submit an undertaking that their cargoes does not contain prohibited items and had passed thru the required security controls prior to acceptance.
- 4.4.5 Cargo Operator Security Plan and the implementation thereof shall be subjected to OTS audit and inspection.