

PROPOSAL FOR THE AMENDMENT OF PART 108 OF THE CIVIL AVIATION REGULATIONS, 2011

A. PROPOSER

South African Civil Aviation Authority
Ikhaya Lokundiza
Byls Bridge Office Park
Doringkloof
Centurion
0157

B. PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009 (Act No.13 of 2009), to control and regulate Civil Aviation in South Africa and to oversee the functioning and development of the Civil Aviation industry, and, in particular, to control, regulate and promote Civil Aviation Safety and Security.

C. GENERAL EXPLANATORY NOTE

Words in **[bold and solid square bracket]** indicate deletions from the existing regulations. Words underlined with a solid line indicate insertions in the existing regulations.

1. PROPOSAL FOR AMENDMENT OF PART 108

1.1. It is hereby proposed to amend Part 108 of the Regulations by—

(a) the substitution for regulation 108.02.1 (1) of the following regulation:

“108.02.1 Duties of regulated agents.— (1) A person approved by the Director as a regulated agent shall—

- (a) maintain records of shipping documents regarding transportation and handling history in accordance with the requirements of Document SA-CATS 108;
- (b) ensure that, after receipt of known cargo, and whilst such cargo is under his or her

control, it is safeguarded from unlawful interference in accordance with security measures stipulated in a security manual, referred to in regulation 108.01.2;

- (c) ensure that acceptance and handling of cargo, and shipping documentation is done by trained personnel, who have received job-specific cargo security training, as specified in Part 109;
- (d) apply appropriate security controls including physical checks as well as screening in the manner prescribed in Document SA-CATS 108, for the purpose of determining whether any consignment of cargo contain any explosives, incendiary devices, or any other prohibited or harmful articles which may be used to commit acts of unlawful interference;
- (e) maintain records of screening applied to cargo;
- (f) ensure that known cargo is sealed with tamper-evident seal or packed in tamper-evident packaging and that such seal or packaging is intact;
- (g) label or mark known cargo in the manner as prescribed in Document SA-CATS 108;
- (h) check, verify, and record the identity of persons tendering cargo;
- (i) conduct background checks on all personnel recruited for accepting cargo and processing shipping documentation and storing, forwarding or handling of known cargo intended for carriage by air;
- (j) conduct criminal record checks every 24 months on all personnel employed in the adherence of all cargo and processing shipping documentation and storing, forwarding or handling or known cargo intended for carriage by air;
- (k) ensure that each consignment of known cargo, once security cleared and screened, is accompanied by a consignment security declaration;
- (l) ensure that enhanced security measures, such as dual screening methods, are

applied to high-risk cargo or mail;

- (m) when accepting consignments to which not all required security controls have previously been applied, ensure that such consignments are screened in terms of this Part;
 - (n) ensure that known cargo is kept segregated from unknown cargo; and
 - (o) ensure periodical verification that security measures outsourced to external service provider are implemented in compliance with a regulated agent's security program;
 - (p) apply random and unpredictable controls to shipments lodged as known cargo;
 - (q) ensure the use of appropriate screening methods that are capable of detecting the presence of explosives and explosive devices carried by visitors and staff on their persons or in their carried items;
 - (r) where the methods referred to in paragraph (q) are not applied continuously, shall ensure they are used in a random and unpredictable manner;
 - (s) develop, implement, and promote measures and mechanisms that contribute to establishing a security culture in their organisation; **[and]**
 - (t) submit a security culture program as prescribed in Document SA-CATS 108 for approval by the Director~~[.]~~; and
 - (u) implement protective measures at facilities used for the processing of known cargo and mail as prescribed in Document SA-CATS 108.";
- (b) the substitution for regulation 108.02.2 (1) of the following regulation:

"108.02.2 Duties of known consignor.— (1) A person approved by the Director as a known consignor shall ensure that—

- (a) a consignment of known cargo is prepared and packed in a designated area and

secured in secure premises;

- (b) personnel employed to handle cargo to be shipped by air and shipping documentation are subjected to background checks and recurrent criminal record checks every 24 months and have received job-specific security awareness training as specified in Part 109;
 - (c) consignment of known cargo is protected from unlawful interference during preparation, storage and transportation;
 - (d) records of all shipping documents are maintained in accordance with the requirements of Document SA-CATS 108;
 - (e) consignment of known cargo is sealed with tamper-evident seal or tamper-evident packaging and that such seal or packaging remain intact whilst in his or her possession;
 - (f) measures and mechanisms that contribute to establishing a security culture in their organisation are developed, implemented, and promoted; **[and]**
 - (g) a security culture program as prescribed in Document SA-CATS 108 is submitted to the Director for approval~~[.]~~; and
 - (h) implement protective measures at facilities used for the processing of known cargo and mail as prescribed in Document SA-CATS 108.";
- (c) the insertion after regulation 108.03.8 of the following regulation:

“Communal cargo areas

108.03.9 A landlord providing a communal cargo facility to a tenant at a designated airport shall apply protective measures at a cargo building and a holding area as prescribed in Document SA-CATS 108.”.

MOTIVATION

It has become necessary to provide more specific minimum technical specifications to ensure that acceptable standards are applied for the security of facilities in areas where secure cargo is processed.

Vulnerabilities were identified in the security measures and controls at cargo communal areas, and it has become necessary to provide technical specifications for such areas to ensure minimum security measures are applied.