

**MEMORANDUM OF UNDERSTANDING IN RESPECT OF AVIATION
SECURITY**

BETWEEN:

THE SECRETARY OF STATE FOR TRANSPORT

AND

THE CIVIL AVIATION AUTHORITY

1. INTRODUCTION

This Memorandum of Understanding (“MoU”) in respect of aviation security sets out the broad division of responsibilities between the Secretary of State for Transport (the “SoS”) and the Civil Aviation Authority (the “CAA”) (together “the Participants”) in respect of the regulation of aviation security, following the transfer to the CAA of certain aviation security functions with effect from 1 April 2014. It should be read in conjunction with the overarching SoS/CAA Framework Document that sets out the broader relationship between the SoS and the CAA. A detailed delineation of the respective aviation security roles of each of the Participants is set out in the Statement of Responsibilities (“SoR”), a copy of which is attached as an Annex to this MoU.

This MoU and the associated SoR were both reviewed, updated in the first half of 2016, with updated versions coming into force on 1 September 2016.

2. AIM

The aim of this MoU is to ensure the continued effective discharge of the UK’s aviation security regulatory regime (including aviation security requirements set out in Regulation (EC) 300/2008¹ (and its implementing Acts) and in directions given by the Secretary of State under Part 2 of the Aviation Security Act 1982 (the “ASA 82”)) by describing the respective roles of the Participants in relation to aviation security.

3. PRINCIPLES

The underlying principles of this MoU are:

- The SoS remains the UK’s “Appropriate Authority” responsible for the coordination and monitoring of the implementation of security

¹ Regulation (EC) 300/2008 of the European Parliament and of the Council of 11 March 2008 on common basic standards in the field of aviation security (“Regulation (EC) 300/2008”).

standards for the purposes of Article 9 of Regulation (EC) 300/2008. As such the SoS continues to be accountable to Parliament and within Government for aviation security matters, and responsible for discharging the UK's Appropriate Authority obligations to the International Civil Aviation Organisation (ICAO) and to the European Union;

- The SoS remains responsible for aviation security policy (including threat assessment and international relations) and for the making of aviation security directions under Part 2 of the ASA 82;
- The CAA provides expert aviation security related advice and assistance to the SoS and other persons as required;
- The CAA is responsible for appointing "authorised persons"² to carry out inspections and/or audits and enforcement of industry compliance with EU and UK aviation security requirements;
- The CAA and SoS will collaborate closely and exchange information (subject to security levels) to ensure effective joint working.

This MOU is intended to be consistent with, and further the legal functions of, each Participant and the Participants recognise that the terms of this MOU should be construed subject to, and consistently with, those functions.

4. GENERAL RESPONSIBILITIES

(a) The SoS

The SoS's main responsibilities are:

- overall UK policy and strategy on aviation security,
- ensuring the development and implementation of the UK's National Aviation Security Programme (NASP)³,
- ensuring the development and implementation of the UK's National Aviation Security Quality Control Programme (NASQCP)⁴,
- the intelligence-based assessments of risk to aviation which underpin the NASP and NASQCP, notably in light of threat reporting,
- representing the UK in international fora, deciding, promoting and defending the UK position in international negotiations and being responsible as the Appropriate Authority for the discharge of the UK's international aviation security obligations,

² Both the SoS and the CAA have the power to appoint authorised persons but, in practice, it is usually the CAA that exercises this power.

³ This programme defines responsibilities for the implementation of the common basic standards for safeguarding civil aviation against acts of unlawful interference, as set out in Regulation (EC) No. 300/2008, and its implementing Acts. The UK NASP comprises EU Regulations, the UK's Single Consolidated Direction and answers to aviation security related questions frequently asked by industry.

⁴ The NASQCP, in accordance with article 11 of Regulation (EC) No. 300/2008, enables the UK to check the quality of its civil aviation security in order to monitor compliance with Regulation (EC) No. 300/2008 (and its implementing Acts) and with its NASP.

- relations with foreign States, including the provision of assistance,
- engagement with other Government Departments and agencies having an interest in aviation security matters,
- the formulation of UK legislation on aviation security matters, including making directions under Part 2 of the ASA 82,
- commissioning and playing an active part in research relating to aviation security,
- incident management – the overall management of significant aviation security incidents⁵.

(b) The CAA

The CAA's main responsibilities are;

- keeping under review all aviation security directions made by the SoS under Part 2 of the ASA 1982 for the time being in force and, where appropriate, the making of recommendations to the SoS about amendments to those directions, or the drafting of new directions,
- appointing authorised persons to, in accordance with the NASQCP, inspect, audit and test industry's compliance, and where necessary carry out appropriate enforcement action; and serve as the industry's point of contact for these activities,
- providing expert aviation security advice and assistance to the SoS,
- providing expert aviation security advice and assistance to the aviation industry, as required,
- making arrangements for the carrying out of national security vetting of those individuals who carry on, or wish to carry on an activity that, by virtue of an aviation security direction, can only be carried out by a person who has been subject to national security vetting,
- support the SoS in the management of significant aviation security incidents.

5. GOVERNANCE

Governance: forums

- A senior representative of the CAA's Aviation Security Directorate will attend each meeting of the **Department for Transport (DfT) National Security Board**. The Board will, amongst other things, monitor and review the management by DfT/CAA of the main aviation security risks as issues are escalated to it.
- The Director of Aviation Security, CAA and the Head of DfT's Aviation Security Division will jointly chair an **Aviation Security Management**

⁵ Incidents which may have an impact on aviation security or where immediate security advice, or a decision on a variation from normal security practice to meet the immediate circumstances, may be needed.

Board (“ASMB”), to meet monthly or at such frequency as agreed by the ASMB. Its agenda will include, as appropriate:

- A review of:
 - the CAA’s progress against its aviation security targets,
 - industry’s compliance performance, on a quarterly basis,
 - AMSB’s current shared risk register,
 - current policy/regulation/compliance monitoring activities and issues,
 - the Security Management Systems (“SeMS”) work-stream,
 - research priorities and projects,
 - the draft CAA Aviation Security Annual Report and associated Business Plan for the following year,
 - activities funded or planned to be funded under section 16 of the Civil Aviation Act 1982 (the “CAA 82”).
- the continuing currency and coherence of the NASP.
- Preparation and agreement of a new draft NASQCP, or amendments to the existing one, for submission to the Chair of the DfT National Security Board for her approval,
- Any issues around implementation and/or interpretation of this MoU and/or SoR.
- In its engagement with SeMS issues, the ASMB will serve as the Management Board for the SeMS work-stream. As and when useful, the ASMB may hold separate meetings in that specific capacity, focussed solely on SeMS.
- **CAA Directorate Managers and/or deputies will, as appropriate, attend weekly security co-ordination meetings at DfT, as well as formal engagement meetings with industry.**

Governance: formal reporting

- The CAA will produce an **annual report** to the Secretary of State in respect of the aviation security activities it carries out, which should include:

For the year being reported upon;

- notable achievements
- a summary of activities and events, including details of regulatory changes and their impacts (including summaries of (i) directions and changes to directions given by the SoS, and (ii) the associated Impact Assessments),
- key risks and their management
- budget and staffing headlines
- any agreed changes in governance
- CAA performance (including via KPIs) against its aviation security targets,
- industry compliance with regulation, with any significant trends identified.

- a review of the NASQCP against Regulation EU No. 18/2010⁶ requirements,
- activities funded or planned to be funded under section 16 of the CAA 82, and

For the current year just beginning:

- priorities for activity
- an assessment of any new risks and how they will be managed
- budget and staffing headlines

For the years following, broadly:

- resourcing plans for meeting activity demand in subsequent years
 - longer term targets
- The annual report will be compiled in respect of each financial year, and submitted to the Secretary of State before the end of June each year.
 - The CAA will also prepare a draft **UK Annual Security Compliance Report** on the template provided by the Commission, and submit the draft to DfT for approval by the end of February each year.

6. COMMUNICATIONS AND PUBLIC STATEMENTS

DfT and CAA will establish and maintain close collaboration with regard to public pronouncements on aviation security matters.

DfT will be responsible for supporting Ministers in responding to all Parliamentary Questions and Ministerial correspondence relating to aviation or cross-modal security issues, requesting advice as necessary from the CAA.

Replies to Non-Ministerial correspondence will be given by either DfT or CAA in accordance with the division of responsibilities set out in the SoR. Each Participant will provide advice to the other, as requested, to assist in the preparation of such responses.

In the event of an incident, DfT and CAA will co-operate in establishing arrangements for handling media interest, ensuring consistency in their public messaging. In keeping with the principles established in this MOU, DfT will lead in responding to media enquiries, via the DfT Press Office (co-ordinating messages with CAA), and lead on policy related communications with industry (e.g. the reasons for any new measures).

⁶ Commission Regulation (EU) No 18/2010 of 8 January 2010 amending 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.

The CAA will lead on regulation/compliance-related communications with industry (e.g. assessment of impacts, advice and guidance, details of new measures).

7. COST RECOVERY

As a general principle, the CAA will recover the costs it incurs in carrying out its aviation security functions through its charges on industry. However, in certain circumstances, some of these costs may, by prior arrangement, be met by DfT on an agreed basis. Examples of such circumstances are set out in the SoR⁷ attached as an Annex to this MoU.

8. OTHER MATTERS

Testing

The CAA will be responsible for identifying, organising and conducting overt and covert tests of entities subject to aviation security regulation. The CAA may call for volunteers from DfT and DfT agencies to carry out covert tests within the UK. DfT and its agencies will release volunteer members of their staff for covert tests, subject to work commitments. The CAA will pay the travel and subsistence expenses of such staff at the DfT or agency rate(s) prevailing at the time; DfT and DfT Agencies will bear the cost of staff time.

Threat and other Sensitive Information

DfT will provide appropriate access to threat and other sensitive information to named individuals in the CAA who hold appropriate levels of security clearance.

Research and Development

DfT will provide opportunities for the CAA to comment on, and advance proposals in respect of, DfT's aviation security research and development programme.

Information Management

DfT will provide the CAA with reasonable access to its archive records, whether stored electronically or in hard copy.

National Security Vetting

DfT will provide CAA with access to previous aviation-related NSV cases along with advice and guidance on the application of suitable standards for NSV decision-making.

⁷ See the Statement of Responsibilities section entitled "Cost Recovery".

9. INFORMATION DISCLOSURE

The Participants acknowledge that they may each be subject to information disclosure regimes and/or other obligations to disclose information from time to time. Where this occurs, the Participants will assist and co-operate with one another to enable each other to comply with the relevant information disclosure requirements.

10. REVIEW

This MoU and the arrangements jointly decided under it and recorded in the SoR will be kept under review by the Participants.

11. ENTRY INTO EFFECT, AMENDMENT AND TERMINATION

This MoU came into effect on 1st April 2014 in its original form. It was reviewed and updated in the first half of 2016 and this updated version came into force on 1 September 2016.

This MoU may be amended at any time, in writing, by mutual consent of the Participants.

This MoU may be terminated at any time with the mutual consent of the Participants or by either Participant by giving one month's written notice to the other Participant of their intention to terminate.

The Participants acknowledge that this MOU merely constitutes a statement of the mutual intentions of the Participants without any intention to effect legal relations between them. Further, that its terms are entirely voluntary and do not create any binding commitments or obligations on either of them or in favour of any third parties.

Signed by authority of the Secretary of
State:

Dan Micklethwaite
Director of Aviation,
Department for Transport

Date: August 2016

Signed by

Andrew Haines
Chief Executive
Civil Aviation Authority

For and on behalf of the Civil Aviation Authority

Date August 2016

ANNEX

Statement of responsibilities

Between

The Department for Transport

and

The Civil Aviation Authority

in respect of certain aviation security functions.

This document has been produced by the Department for Transport (DfT) and the Civil Aviation Authority (CAA) to set out the division of responsibilities between the Secretary of State and the CAA in respect of certain aviation security functions, following the transfer of regulatory and compliance monitoring activity from the DfT to the CAA on 1 April 2014. It is not intended

that this document should be taken as describing all of the aviation security functions undertaken by the two organisations; and it should be noted that the processes described are subject to periodic review. The most recent review was concluded in May 2016.

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1. Introduction and legislative background

1.1 The Civil Aviation Act 2012 (the “CAA 2012”) amended Part 2 of the Aviation Security Act 1982 (the “ASA 1982”) by conferring certain aviation security functions on the Civil Aviation Authority (CAA). The provisions of the CAA 2012 relating to the aviation security transfer scheme came into force on 11 March 2014. The remaining aviation security provisions of the CAA 2012 came into force on 1 April 2014, at which time the Department for Transport’s (DfT) aviation security Regulation and Compliance teams transferred to the CAA.

1.2 As before the transfer, the Regulation team continues to develop detailed regulatory requirements and guidance to support UK aviation security policy, while the Compliance team undertakes the monitoring and enforcement of industry’s compliance with EU and UK aviation security requirements. The Secretary of State remains responsible for aviation security policy and some specific areas including threat assessment, international relations and the making of aviation security directions under Part 2 of the ASA 1982 (“aviation security directions”).

1.3 Set out below is a summary of the division of responsibilities between the Secretary of State and the CAA. That is followed by a more detailed breakdown of the division of responsibilities as applied to those aviation security processes involving interaction between the Regulation/Compliance teams (which transferred to the CAA) and the Policy/Research, Analysis and Development (RAD)/Threats Office teams (which remain within DfT).

1.4 This document was originally produced at the time of the transfer of functions. It was subject to a review in the first half of 2016 and has been reissued in updated form.

2. General Responsibilities

2.1 The Secretary of State remains the UK's Appropriate Authority responsible for aviation security matters under international law (the Convention on International Civil Aviation (the "Chicago Convention")), Regulation (EC) 300/2008 and as designated under regulation 2 of the Aviation Security Regulations 2010 (SI 2010/902). The Secretary of State continues to be accountable to Parliament and within Government, for aviation security matters and responsible for discharging the UK's Appropriate Authority obligations to ICAO and to the European Union.

The Secretary of State (in practice the DfT), remains responsible for:

- overall policy and strategy on aviation security;
- ensuring the development and implementation of the UK's National Aviation Security Programme (NASP);
- ensuring the development and implementation of the UK's National Aviation Security Quality Control Programme (NASQCP);
- intelligence-based assessments of risk to aviation which underpin the NASP and NASQCP, notably in light of threat reporting;
- representing the UK in international fora, deciding, promoting and defending the UK position in international negotiations and being responsible as the Appropriate Authority for the discharge of the UK's international aviation security obligations;
- relations with foreign states, including the provision of assistance;
- engagement with other Government Departments and agencies having an interest in aviation security matters;
- the formulation of UK legislation on aviation security matters, including making directions under Part 2 of the ASA 1982;
- commissioning and playing an active part in research relating to aviation security;
- Incident management – the overall management of significant aviation security incidents⁸.

2.2 The CAA has certain aviation security functions, including:

- Regulation - the CAA reviews all aviation security directions currently in force and makes recommendations to the Secretary of State about those directions and about the giving of further directions. Under this function the CAA, for example, prepares draft directions for the Secretary of State to consider and prepares guidance on directions

⁸ Incidents which may have an impact on aviation security or where immediate security advice, or a decision on a variation from normal security practice to meet the immediate circumstances, may be needed. Such incidents range from demonstrations, diplomatic conferences through to actual terrorist incidents.

(new section 14A of the ASA 1982, as inserted by section 78(2) of the CAA 2012).

- Compliance and enforcement - the CAA appoints authorised persons (i.e. auditors) to carry out observations, inspections, audits and tests and, if necessary, takes enforcement action (*section 24A(1) of the ASA 1982*).
- Advice and assistance to the Secretary of State - the CAA provides such advice and assistance to the Secretary of State as he may require in connection with matters relevant to the purposes of Part 2 of the ASA 1982 (which is, essentially, the protection of civil aviation against acts of violence). This includes, for example, assisting with the delivery of, and changes to, the UK's NASP and NASQCP and providing expert advice and assistance to support the Secretary of State in international negotiations (e.g. ICAO and EU) (*new section 21H of the ASA 1982*).
- Advice and assistance to other persons - the CAA provides advice and assistance to those persons listed in subsection (3) of new section 21I of the ASA 1982 (for example, managers of UK aerodromes and operators of aircraft registered or operating in the UK) as the CAA considers appropriate having regard to the purposes to which Part 2 of the ASA 1982 applies (*new section 21I of the ASA 1982*).
- Vetting - the CAA makes arrangements for carrying out the national security vetting of individuals who carry on, or wish to carry on, an activity that by virtue of an aviation security direction, can only be carried out by a person who has been subject to national security vetting (*new section 16A of the ASA 1982*).

3. Processes (Regulation)

3.1 Intelligence and Incident Reports

Appropriately security cleared CAA officials on a role specific, need-to-know basis, will be required to read threat intelligence and analysis provided to the DfT primarily from the Joint Terrorism Analysis Centre (JTAC). This allows staff to keep up to date with incidents thus maintaining motivation and contextual knowledge. Reading reports also, when appropriate, triggers consideration of changes to current security requirements via risk assessments.

- a) Urgent Intelligence and Incident Reports (see also Chapter 10 – Emergency/Incident Response)

Key principles

DfT responsibilities

- On a 24/7 basis, provide JTAC (and other intelligence agencies as appropriate) with transport information relevant to their threat analysis and commission reports and assessments from them as required;
- Receive, store and disseminate classified information according to HMG rules;
- Notify CAA staff with security clearance appropriate to the material in question, of the existence of relevant urgent intelligence, analysis and incident reports and ensure they have access to the classified material received;
- Update the Risk Audit Matrix, commissioning appropriate regulatory and compliance material from the CAA;
- Facilitate requests by the CAA for additional specific intelligence and incident information to support its work.

CAA responsibilities

- On a 24/7 basis, be in a position to attend DfT offices to review urgent intelligence, analysis and incident reports, when notified of such by DfT;
- Receive and store classified information according to HMG rules;
- Contribute to the DfT's Risk Audit Matrix and utilise the outputs to inform its work;
- Provide advice to DfT on possible responses to, and the potential impacts of, intelligence and analysis;
- Request any additional, specific, intelligence and incident information required to support its work, through DfT.

b) Non-Urgent Intelligence and Incident Reports.

Key principles

DfT responsibilities

- Provide JTAC (and other intelligence agencies as appropriate) with transport information relevant to their threat analysis and commission reports and assessments from them as required;
- Receive, store and disseminate classified information according to HMG rules;
- Update the Risk Audit Matrix commissioning appropriate regulatory and compliance material from the CAA;
- Accommodate, where possible, ad hoc requests from members of CAA Aviation Security Directorate (ASD) to access appropriate level of Threats/Intelligence information (including the provision of DfT building access passes for the CAA's ASD Director, the Heads of the Compliance, Regulation and Strategy and Planning teams and their respective branch heads);
- Facilitate requests by the CAA for additional specific intelligence and incident information to support its work.

CAA responsibilities

- The CAA's ASD Director and/or the Heads of the CAA's ASD Compliance, Regulation and Strategy and Planning teams or their substitutes (with DV security clearance) to attend weekly Transport Security Senior Managers meetings, acquaint themselves with the latest threat information and analysis provided by the Threats Office and disseminate such information as appropriate, reflecting appropriate security clearances, within CAA ASD teams;
- Attend DfT offices to review non-urgent intelligence and incident reports;
- Receive and store classified information in accordance with HMG rules;
- Contribute to the DfT's Risk Audit Matrix and utilise the outputs to inform its work;
- Provide advice to DfT on the possible responses to, and the potential impacts of, intelligence and analysis;
- Request any additional, specific, intelligence or incident information required to support its work, through DfT.

3.2 Assist DfT Shape EU Legislation

The CAA will work closely with DfT to ensure appropriate contributions to EU threat and risk assessment work, a shared understanding of proposed changes to EU Regulation and the potential impact on the UK aviation industry, and shape the negotiating position to be taken at EU meetings. Also

discussion (including with Compliance colleagues) of potential changes the CAA would like to see in EU Regulations arising from UK experience.

Key principles

DfT responsibilities

- Principal UK point of contact with the EU for aviation security matters, including threat and risk assessment;
- Advise Ministers on new proposals and obtain any necessary Ministerial clearance of negotiating position on EU regulatory proposals;
- Inform the UK Parliamentary Scrutiny Committees of relevant EU legislative proposals and other important EU documents and obtain scrutiny clearance where necessary;
- Establish, in advance of each EU Regulatory Committee and Stakeholders' Advisors Group on Aviation Security (SAGAS) meeting, a pre-meet of appropriate stakeholders, including the CAA, to agree UK position on agenda items;
- Consider CAA proposals for potential changes to existing EU legislation in view of UK experience of implementation;
- Lead UK delegation to EU Regulatory Committee and SAGAS meetings, seeking support as necessary from the CAA (attendance and funding subject to agreement on a case by case basis);
- UK lead at EU Working Groups on aviation security matters (but see following bullet);
- In appropriate cases, request CAA support at EU Working Groups on aviation security matters, either as UK lead (where permitted) or as delegation's regulatory or compliance expert;
- Include the CAA on post-meeting reports of discussions held at the EU Regulatory Committee and SAGAS meetings, as well as other EU Working Groups as necessary;
- Consider and liaise with the EU regarding trials for new equipment or procedures, submitting correspondence to the Commission including assessments and progress reports.

CAA responsibilities

- Propose to DfT potential changes to existing EU legislation in light of UK experience of implementation;
- Provide advice to DfT on EU Regulatory proposals, liaising as necessary with subject matter experts from within CAA, DfT and/or industry;
- Provide expert support to DfT at meetings of EU Regulatory Committee and SAGAS meetings, and EU Working Groups on aviation security matters, when requested (subject to agreement on a case by case basis);

- If requested by DfT, lead UK delegation at appropriate meetings of EU or ECAC Working Groups on aviation security matters (where permitted), following agreed UK negotiating brief (subject to agreement on a case by case basis);
- Where requested, assist DfT with preparation of correspondence to the Commission regarding trials for new equipment or procedures including assessments and progress reports.

3.3 Communicate EU Legislation

A process for ensuring UK industry and the CAA's Compliance team receive formal notification of changes in EU legislation (including classified parts of Regulations that are not available on the EU website) so that processes can be adjusted accordingly. Notification is normally on a case-by-case basis (currently using encrypted email) but may also be via new versions of the Single Consolidated Direction (SCD) (dependent on timings).

Key principles

DfT responsibilities

- Email a copy of new or amended EU legislation to the CAA's ASD Regulation team;
- For OFFICIAL - SENSITIVE legislation, email a scanned hard copy to the CAA's ASD Regulation team;
- In the case of EU (CONFIDENTIAL), notify CAA's ASD Regulation team of receipt and make available to view hard copy in DfT offices;
- Brief DfT staff (as appropriate), on changes to EU aviation security legislation;
- Maintain an electronic repository of extant EU legislation.

CAA responsibilities

- Ensure that CAA ASD staff are briefed as appropriate;
- Distribute copies of EU legislation (including OFFICIAL - SENSITIVE) to industry stakeholders by encrypted email or equivalent system;
- Consider need to update existing training syllabuses. [For process, see section 3.10 - "Update Training Syllabus"].

3.4 Administer requests from airports to derogate from EU Common Basic Standards in accordance with Chapter 2 of Annex 3 to the Single Consolidated Direction (SCD)

The process for airports to apply for their airport, or a demarcated area of their airport, to be permitted to derogate from the common basic standards and adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment at that airport or demarcated area of that airport where traffic is limited to one or more of the categories set out in Chapter 2 of Annex 3 to the SCD.

Key principles

DfT responsibilities

- Agree with CAA the criteria to be applied in respect of an application for a derogation;
- Consider CAA recommendations in respect of individual airport requests that a derogation should be applied where traffic is limited to one or more of the categories of aircraft or flights set out in Chapter 2 of Annex 3 to the SCD;
- Where appropriate, sign letter permitting the request and forward to CAA for issue to applicant;
- Where not appropriate, inform CAA of decision not to grant derogation, together with reason(s);
- Maintain a record of requests received, together with outcomes, and if requested provide an annual report to Ministers on any derogations made.

CAA responsibilities

- Agree with DfT the criteria to be applied in respect of applications for derogations;
- Provide a point of contact for airport requests;
- Carry out a local risk assessment of the application and the proposed alternative security measures;
- Submit a recommendation to DfT, together with a draft permission letter for signature by the Secretary of State (in practice a DfT official with the appropriate designated authority);
- Notify the applicant of DfT's decision with, in appropriate cases, the signed letter from DfT.

3.5 Administer Category 1 and 8 Variation Requests

The process for airports or air operators to request a variation of the categories of traffic permitted to be the subject of a derogation from the common basic standards of aviation security in the UK at a particular airport or airports. Categories 1 and 8 of Commission Regulation (EU) 1254/2009 ("Regulation 1254") have either not been adopted, or only adopted in part, in the UK. The extent of the UK's application of Regulation 1254 is set out in Chapter 2 of Annex 3 to the SCD. Any variation to the UK's current position in respect of categories 1 or 8 would require a direction under Part 2 of the ASA 1982.

Key principles

DfT responsibilities

- Agree with the CAA the criteria to be applied in considering variations to the UK's application of categories 1 and 8 of Regulation 1254 at a particular airport or airports;
- Consider CAA recommendations in respect of a request or requests to vary the application of categories 1 and 8, at a particular UK airport or airports, as set out in Chapter 2 of Annex 3 to the SCD;
- Notify the CAA of DfT's decision, and in the case of a refusal, the reason;
- Where appropriate, carry out second and third lawyer checks of draft aviation security variation direction;
- Sign aviation security variation direction and forward original to CAA for service on the applicant, retaining a copy on file;
- Notify Ministers, other Government Departments, the EU, ICAO and/or other States, as necessary, of the aviation security variation direction;
- Maintain a record of variation requests received, together with outcomes, and if requested, provide annual report to Ministers on directions made to vary the application of categories 1 and 8 at UK airports, as set out in Chapter 2 of the SCD.

CAA responsibilities

- Agree with DfT the criteria to be applied in considering variations to the UK's application of categories 1 and 8 of Regulation 1254 at a particular airport or airports;
- Point of contact for airport requests to vary the application of categories 1 and 8 of Regulation 1254 at a particular UK airport or airports;
- Carry out a local risk assessment of the application and proposed alternative security measures;
- Submit a recommendation to DfT and, where applicable, prepare a draft aviation security variation direction for Secretary of State's signature (in practice a DfT official with the appropriate designated authority);
- Following DfT's third lawyer check of draft direction, review the final text against instructions to ensure that it achieves the intended outcome;
- Notify applicant of DfT's decision whether to grant variation and, in appropriate cases, enclosing the signed variation direction.

3.6 Administer Category 10 Derogation Requests

Consideration of applications for the approval of flights which fall under category 10 of Commission Regulation (EU) 1254/2009 to operate from airports or demarcated areas of airports that are derogated from the common basic standards of aviation security. Chapter 2 of Annex 3 to the SCD enables an air carrier, with the approval of the Secretary of State to operate an aircraft

which is chartered for company business, fractionally owned or used for company business, or used for such other purposes as set out in relevant EU legislation, from such airports or demarcated areas of airports. The purpose is to ensure that where such flights are operating, the operator concerned is subject to appropriate alternative security measures.

Key principles

DfT responsibilities

- Agree with the CAA the criteria to be applied when considering derogation requests under category 10 of Regulation 1254/2009;
- Consider CAA risk assessment and recommendations in respect of category 10 derogation requests;
- Decide whether or not to grant the request for a derogation under category 10 of Regulation 1254/2009 and notify the CAA of DfT's decision;
- If DfT decision is not to grant the category 10 request, notify the CAA, together with the reasons for that decision;
- If the DfT decision is to grant the category 10 request, taking account of any CAA recommendations, consider the alternative security measures to be applied;
- Agree with the CAA the text of the notification letter to be sent to successful applicants setting out the terms of the category 10 permission that has been granted and the alternative security measures that must be applied.

CAA responsibilities

- Agree with DfT the criteria to be applied when considering derogation requests under category 10 of Regulation 1254/2009;
- Point of contact for industry requests for category 10 derogation requests;
- Request details of category 10 derogation sought from applicant via emailed questionnaire template. Include general information concerning UK's derogations from the common basic standards;
- Carry out a risk assessment and consider whether the application is viable against the criteria agreed with DfT;
- Submit recommendation to DfT including any suggested conditions to be applied;
- Agree with DfT the text of the notification letter to be sent to successful applicants setting out the terms of the category 10 derogation that has been granted and the alternative security measures to be applied;
- Notify applicant of decision whether or not a category 10 derogation has been granted together with, in appropriate cases, the signed approval letter;

- Receive and file a signed copy of the Declaration of Commitments from successful applicants;
- Where the applicant is seeking to renew an existing derogation for a second or third year and the operation, alternative security measures and the risk assessment remains unchanged, the CAA may renew the derogation without referral to DfT; any further renewal requests should be referred to DfT for approval as if it was a new request;
- Maintain a log of all category 10 derogation requests received, together with outcomes, and if requested, provide a copy of the log entries to DfT;
- Ensure any successful category 10 derogation is notified to Lead CAA auditor, for information.

3.7 Implementing new, or making changes to existing, domestic regulation and clarifications

This section describes the key principles in respect of the delivery of changes to UK aviation security directions. This may be necessitated for a number of reasons; by changes or amendments to EU requirements (see section 3.3), the availability of alternative technology, a change to or reassessment of the current threat/risk arising, a change in the nature of operations, a request from industry or any other change in material issues. The purpose is to ensure, as far as practicable, that UK regulation remains current, sustainable and proportionate to the threat.

Key principles

DfT responsibilities

- Seek advice from the CAA on possible options for new regulatory measures or proposals for changes to existing UK regulation to address newly identified or changed risks;
- Where appropriate, consider participating in CAA/Industry discussions on proposed changes, normally through the National Aviation Security Committee, or its Operations Sub-Committee, or through bespoke working groups;
- Final decision on whether a risk, or a change in the level of mitigation, is acceptable without further regulatory change, taking into account the advice of the CAA and other stakeholders as necessary;
- Final decision on the proportionality of the balance between the impact and benefits of a (de)regulatory proposal;
- Approve, or otherwise, draft proposals from the CAA for new or amended UK regulation;
- Brief Ministers and other Government Departments as necessary, including obtaining clearances, in respect of new or proposed changes to existing UK regulation;

- DfT legal to review, revise and amend as necessary, drafts of proposed new UK regulation (i.e. carry out second and third lawyer checks), in consultation with CAA legal counterparts;
- On completion of (DfT) third lawyer check, policy team to review new draft UK regulation against instructions to ensure that desired result is achieved;
- Notify Secretary of State of new UK regulation as necessary;
- Sign new UK regulation and changes to/consolidations of, the SCD and forward copies to CAA for dissemination to industry;
- Disseminate new/amended UK regulation within DfT as appropriate;
- Consider, and where appropriate agree, CAA recommendations for formal guidance to industry on new, or changes to existing, UK regulation;
- Notify other Government Departments, the EU, other States, ICAO, etc. (as necessary) about any new or changes to, UK regulation.

Where new procedures, measures or equipment may be required as a consequence of, or in place of new UK regulation

- Consider the need for wider consultation with industry and other stakeholders, including the need for trialling, testing or further developing new procedures measures or equipment;
- Approve proposals, if necessary, following stakeholder consultation;
- Consider and liaise with the EU regarding trials for new equipment or procedures, submitting correspondence to the Commission including assessments and progress reports.

CAA responsibilities

- Analyse new risks or proposals for changes to UK regulation against existing measures, procedures and equipment;
- Provide advice to DfT on the above;
- Provide ad hoc operational aviation security advice to DfT for other Government Departments;
- Undertake formal Risk Assessments of proposals to impose new UK regulation or to make changes to existing UK regulation;
- Analyse (de)regulatory proposals against original risk assessment created when measure first implemented;
- Advise DfT on the impact/consequences of (de)regulatory proposals, including any increased risk or decrease in existing mitigations;
- Develop options for new UK regulation, including (in appropriate circumstances) leading industry discussions on proposed changes to UK regulation, liaising with DfT and other experts as appropriate, and present conclusions to DfT;

- Where required, assist DfT with preparation of correspondence to the Commission regarding trials for new equipment or procedures including assessments and progress reports;
- If (de)regulatory proposals considered by DfT as disproportionate with regard to the impact/benefit balance, consider and advise DfT on possible modifications to proposals;
- Prepare instructions and first draft of new UK regulation, where appropriate, +and complete initial CAA lawyer check together with changes to SCD;
- On completion of (DfT) third lawyer check, review new draft UK regulation against instructions to ensure that it achieves the desired result;
- Develop written guidance on new UK regulation or changes to existing UK regulation, submitting proposed draft for agreement by DfT;
- Forward new or amended guidance to industry, copied to DfT;
- On receipt of signed new UK regulation, disseminate as appropriate within CAA ASD and circulate, with guidance, to industry via encrypted email or equivalent;
- Consider need to update existing training syllabuses; [for process, see section 3.16 - "Update Training Syllabus"].
- Maintain stakeholder contact list (see Section 12 below).

Joint CAA/DfT responsibilities

- Capture new issues, consider potential risks and agree whether further work is necessary;
- Following CAA's analysis of risk, agree whether existing measures adequately mitigate that risk and the level of any residual risk;
- Following CAA analysis of existing procedures and equipment, agree whether such procedures and equipment can be modified to mitigate the residual risk to an acceptable degree;
- Where applicable, agree draft instructions to CAA legal to prepare new UK regulation;
- If wider consultation on proposed new UK regulation is necessary, agree which stakeholder groups should be consulted and whether the CAA or DfT should lead the consultation process;
- If further trials, tests or development of procedures or equipment is necessary, agree which organisation should lead - CAA or DfT;
- Develop implementation plans for new procedures or equipment.

3.8 Information Notices

Section 11 of the ASA 1982 enables the CAA, in addition to the Secretary of State, to serve a notice in writing to a directed person to require information be provided in connection with the exercise of its functions conferred by or

under Part 2 of the ASA 1982. This part of the document describes the key principles in respect of such notices.

Key principles

DfT responsibilities

- To consult CAA before serving an information notice, or revoking or varying a notice;
- To provide CAA with a copy of the final information notice or variation or revocation;
- To keep a record of all information notices issued by the DfT and make available to the CAA on request;
- Where applicable, inform the CAA of any change of circumstances notified to DfT by the person upon whom the information notice was served, such that the information previously supplied by that person was rendered inaccurate;
- To notify CAA where a person has failed to provide, or has knowingly or recklessly made a false statement in respect of information requested in an information notice served by the Secretary of State and agree with the CAA whether or not a prosecution should be commenced as a result.

CAA responsibilities

- To consult DfT before serving an information notice, or revoking or varying a notice;
- To provide DfT with a copy of the final information notice or variation or revocation.
- To keep a record of all information notices issued by the CAA and make available to DfT on request;
- Where applicable, inform DfT of any change of circumstances notified to the CAA by the person upon whom the information notice was served, such that the information previously supplied by that person was rendered inaccurate;
- To notify DfT where a person has failed to provide, or has knowingly or recklessly made a false statement in respect of, information requested in an information notice served by the CAA, and agree with DfT whether or not a prosecution should be commenced as a result.

3.9 Alleviation from More Stringent Measures and Clarifications

Under section 17 of the ASA 1982 (General or urgent directions under sections 12 and 14) if it appears to the Secretary of State that an exception from a direction is required as a matter of urgency in a particular case, the Secretary of State (in practice a DfT official with the appropriate designated authority) can authorise a person to disregard the requirements of a direction (referred to in practice as "alleviations") from UK More Stringent Measures. The purpose is to remove, temporarily and for a specified period, UK More

Stringent Measures and Clarifications only, where the risk is not materially increased by doing so and to help industry deal with emergency and unexpected situations (such as baggage system breakdowns, adverse weather, etc.).

Key principles

DfT responsibilities

- Provide 24 hour on-call contact to consider CAA recommendations for alleviations (see also section 11 below);
- Consider CAA recommendation in respect of alleviation request, notify CAA verbally of decision and confirm by email;
- Prepare an annual report to the Secretary of State on the alleviations authorised over the preceding 12 months. (To be prepared in April each year).

CAA responsibilities

- Industry point of contact for receiving alleviation requests, including 24 hour on-call cover (see also section 11 below);
- Assess alleviation request and recommend to DfT whether or not the alleviation should be granted;
- Notify the applicant verbally of DfT's decision, including the terms of any alleviation. Follow this up with an email containing the same information and copy to DfT.

3.10 Updating the Single Consolidated Direction.

A regular process whereby individual changes made to UK regulation through More Stringent Measures and Clarifications, and amendments to EU regulation or Decisions [also see Section 3.7 above] are consolidated into a single document. This is a complex and lengthy process as any change requires a cross-check with every other part of the Single Consolidated Direction (SCD) where there may be consequential effects. The purpose is to ensure consistency and clarity for everyone affected by the regulatory regime in as concise a way as possible.

Key principles

DfT responsibilities

- Secretary of State will continue to make the SCD;
- Carry out second and third lawyer checks of draft amended/consolidated SCD;
- Send a signed copy of the SCD to CAA;
- Notify Ministers, other Government Departments, the EU, ICAO and/or other States (as necessary) of any changes to, or consolidation of, the SCD.

CAA responsibilities

- Review the SCD against changing threat levels and ensure that it remains current, sustainable and proportionate to the threat;
- Make recommendations to DfT about the SCD currently in force and when and where it may need to be amended;
- Where an update is required, prepare the first draft of a new, consolidated direction;
- Following DfT's third lawyer check, review the final text against instructions to ensure that it achieves the intended result;
- Prepare any new or amended guidance to accompany the consolidated SCD;
- Arrange for a copy of the signed consolidated SCD to be disseminated as appropriate within CAA ASD, industry and other stakeholders and for the NASP to be updated;
- Consider need to update existing training syllabuses; [for process, see section 3.16].
- Maintain stakeholder contact list (see Section 12 below).

3.11 Disseminate Updated National Aviation Security Programme

The UK's National Aviation Security Programme (NASP) currently comprises EU Regulation, the UK SCD and Q&A briefing, and associated guidance on Contingency Planning, Threat Assessment and Incident Reporting.

Key principles

DfT responsibilities

- As the Appropriate Authority, the Secretary of State will remain responsible for the NASP;
- Agree (with CAA), and sign a joint DfT/CAA covering letter to accompany distribution of new/updated NASP to industry;
- Ensure that the CAA has been notified of any changes to EU Regulations or other legislative amendments [see also sections 3.3 and 3.7].
- Ownership of the guidance to industry on Contingency Planning, Threat Assessment and Incident Reporting, including preparation of updated guidance for inclusion in the NASP. DfT will provide up to date copies of this guidance to the CAA each time the NASP is reissued.

CAA responsibilities

- Draft, agree (with DfT) and sign a joint DfT/CAA covering letter to accompany distribution of new/updated NASP to industry;
- Disseminate updated NASP to industry, copied to DfT and within CAA's ASD as appropriate.

3.12 Administer Designation as Air Cargo or Mail Carrier operating into the Union from a Third Country Airport (ACC3)

This section describes the handling of applications from air carriers for which the UK has responsibility, operating from certain third countries and carrying cargo or mail to or via the EU, for designation as ACC3. The process includes a validation of the carrier's security protocols at the last point of departure (LPD), in the majority of cases on-site, supplemented by a declaration that minimum prescribed cargo security controls are being applied at the LPD before entry into the EU. The process also includes updating the EU database of approved ACC3 air carriers and following-up any issues relating to ACC3 designation, including working with International and EU team colleagues in respect of any ACC3 operations where there is concern about the actual level of security being applied to cargo. The purpose is to consider whether air carriers for which the UK has responsibility under the ACC3 programme may be formally designated as compliant with the requirements of that programme, such that they may operate from LPDs into the EU, thus delivering improved security to the EU in mitigating the threat from the potential concealment of an improvised explosive device (IED) in cargo from a third country location.

Key principles

DfT responsibilities

- Represent UK at EU threat and risk groups to determine ACC3 country status drawing on CAA advice as appropriate;
- Taking account of the recommendations of the CAA, as well as information from other relevant sources such as Departmental overseas airport security assessments, to determine whether to approve or not the application for ACC3 designation, informing CAA of the decision;
- Send decision letter to the air carrier applicant;
- Participate in formal EU meetings;
- Attend, as necessary, meetings of the ACC3 Practitioners Group.

CAA responsibilities

- Provide advice to DfT, when requested, to assist in its preparation for EU threat and risk meetings to determine ACC3 country status;
- When requested by DfT, participate in formal EU meetings as subject matter experts;
- Lead and participate in ACC3 Practitioners Group (APG) meetings;
- UK recipient of independent validators' reports and other supporting documentation to determine compliance with an air carrier's security programme requirements including, in the majority of cases, on-site verifications of security controls practically undertaken at the LPD;
- Taking into account the independent validator's report and other supporting documentation, make recommendation to DfT on whether or

not to issue ACC3 designation, including conditions as may be associated with any recommended designation;

- If insufficient information is contained in the independent validator's report or wider material to make an informed recommendation, notify DfT accordingly;
- If DfT approves designation, enter the necessary details of the designated air carrier into the Union database on supply chain security;
- Allocate the unique alpha-numeric identifier generated by the Union database in accordance with the standard format to the air carrier, and include in a draft approval letter for DfT to sign;
- If not satisfied with the information provided, or with the independent validator's report, notify the applicant air carrier accordingly, together with the reasons; attempt to clarify/rectify through recourse in the first place to the independent validator, and then to the carrier; and where the issue cannot be resolved, recommend to DfT that the carrier not be designated as ACC3 with a draft letter for DfT to sign.

3.13 Aviation security vetting

Section 16A of the ASA 1982 (directions requiring national security vetting), as inserted by section 78(3) of the CAA 2012, places a duty on the CAA to make arrangements for the carrying out of national security vetting of those individuals who carry on, or wish to carry on, an activity that, by virtue of a direction under any of sections 12 to 14 of the ASA 1982, can only be carried out by an individual who has been subject to national security vetting. It also enables the Secretary of State to give directions to the CAA in connection with the vetting arrangements, which the CAA must comply with.

The vetting of individuals for any other aviation related activity will continue to be undertaken by DfT, as required.

For the vetting of UK aviation security Validators to Security Cleared (SC) level;

Key principles

DfT responsibilities

- Final decision on whether UK validator should be SC cleared, based on information provided by, or through, CAA;
- Notify CAA of decision and, if cleared, provide CAA with the DfT clearance letter;
- If refused, provide the CAA with the reason(s) for the refusal;
- Maintain a record of decisions.

CAA responsibilities

- Focal point for receipt of applications from UK aviation security validators for vetting to SC level;
- Act as the sponsor for the application and submit the application to the appropriate national vetting service;
- On receipt of processed application from the national vetting service, forward the output, together with any additional relevant information, to DfT for decision;
- Notify the applicant of DfT's decision and in appropriate cases forward the DfT clearance letter to the applicant.

3.14 Certificates of Disregard

A process for considering whether job applicants/holders with certain criminal convictions that would normally debar them from jobs applying security controls or holding a pass granting unescorted access to an airport's Security Restricted Area, may be given a Certificate of Disregard that would allow them to nonetheless be employed on those duties and/or have access to a secure aviation environment.

Key principles

DfT responsibilities

- Taking into account the recommendation of the CAA, make the final decision on whether or not to issue a Certificate of Disregard;
- Confirm the decision, together with the reason for refusal where applicable, to the CAA;
- Maintain a record of requests for Certificates of Disregard received via the CAA, together with the outcomes;
- Provide a mechanism for appeal against a DfT decision not to issue a Certificate of Disregard, notifying the CAA when an appeal has been received and the outcome of that appeal when a decision has been reached.

CAA responsibilities

- Industry point of contact for guidance, advice and the receipt of requests for Certificates of Disregard;
- Consider the request and make a recommendation to DfT on whether or not to grant a Certificate of Disregard;
- Notify the applicant of the DfT's decision with either a copy of the approval letter (by post) or, where the application has been refused, provide reasons for the refusal as given by the DfT and notify the applicant of the appeal route;

3.15 Regulation Clarification, Advice and Presentations

Business as usual activity answering queries, over the phone, in writing or in person, providing clarification on the detail of regulation and associated advice, often in respect of specific circumstances. Queries may come from a wide range of sources including DfT, other Government Departments, foreign governments, UK and foreign air carriers and the public. The Regulation and Compliance teams also regularly deliver presentations to training courses on key elements of the regime at private sector courses. The team also gives presentations to inward delegations (see section 4.8) and other public/industry events that focus on the transport security sector. The purpose of this activity is to seek fair and equitable interpretation and application of regulation and generally to widen the understanding of its drivers and improve effective delivery. This may involve the CAA's Regulation Team having informal meetings/discussions with the DfT to clarify interpretation, and the DfT may refer the question to the EU.

Key principles

DfT responsibilities

- Agree with the CAA, clarification of questions of interpretation of regulations, particularly, but not exclusively, in respect of European legislation;
- Where appropriate, refer regulatory questions to Commission for clarification and advise CAA of response;
- If CAA support required for overseas meetings/workshops, consider how best that should be delivered, either through CAA attendance or request the provision of appropriate briefing;
- Assist the CAA with requests for advice on correspondence received;
- Subject to availability and resources, consider requests to attend and present to appropriate industry security managers courses;
- Respond to correspondence [see section 7], seeking advice from CAA as appropriate, unless, in the case of Treat Official correspondence, it is agreed with the CAA that the CAA would be better placed to reply;
- Respond to requests from OGDs, seeking advice as necessary from CAA;
- Consider, and where appropriate agree, CAA recommendations for specific guidance to industry on new or amended directions or legislation.

CAA responsibilities

- Industry focal point for questions on regulatory matters, seeking advice as necessary from DfT;
- Refer requests from OGDs to DfT for response;
- Where considered necessary, or appropriate, recommend to DfT the need for written guidance on new or amended directions or legislation, submitting proposed draft guidance for agreement by DfT;

- Where such guidance is agreed, forward the same to industry;
- Update FAQ document with questions raised and responses provided;
- Provide expert support, advice and assistance to DfT on regulatory or compliance matters. The level and nature of such support to be agreed on a case by case basis;
- Where requested, in appropriate circumstances, consider providing presentation material to other parties and/or attend industry hosted meetings/workshops;
- Subject to availability and resources, consider requests to attend and present to appropriate industry security managers courses;
- Where information or assistance requested directly from overseas counterparts, liaise with compliance team/DfT as appropriate and respond directly to requestor.

3.16 Specifying Content of Industry Run Aviation Security Training Courses

The process for specifying the required content of aviation security training courses delivered by industry training providers. This section covers training syllabuses referred to in aviation security directions made by the Secretary of State under Part 2 of the ASA 1982. The syllabuses specify the content required to meet EU and domestic requirements on aviation security training.

Key principles

DfT responsibilities

- Set training policy;
- When requested, provide the CAA with policy advice/guidance, particularly, but not exclusively, in connection with EU legislation;
- Taking into account CAA advice/recommendations, where appropriate approve proposed new or revised training syllabuses submitted by the CAA;
- If not approved, refer proposals back to the CAA for revision or further amendment with reason(s) for refusal.

CAA responsibilities

- Keep under review the effectiveness of existing training syllabuses;
- Review EU legislation, MSMs and Clarifications, amended or created since the preparation of the latest version of the relevant training syllabus;
- Develop, with industry stakeholders and DfT as necessary, new or revised syllabuses for industry run aviation security training courses, to reflect changes to EU and/or UK regulations and training policy;
- Consult with industry and CAA compliance team over proposed changes to training requirements and syllabuses;

- Submit proposed new or revised course syllabuses to DfT for approval;
- Notify and distribute to industry DfT approved new or revised training course syllabuses.

3.17 Approval of CAA Run Aviation Security Instructor Training Courses

The approval of CAA run courses to train ground and aircrew instructors so that they are qualified to deliver aviation security training from relevant DfT-approved syllabuses, and the maintenance of a list of current/planned ground and aircrew instructor courses.

Key principles

DfT responsibilities

General

- When requested, provide the CAA with advice, particularly, but not exclusively, in connection with EU legislation;

Approval of Instructors' training courses

- Where appropriate, approve new or revised CAA run aviation security instructor training courses;
- Set policy on the frequency and extent of recurrent/refresher training requirements for aviation security instructors and any conditions of approval;
- If the proposed instructor training course is not approved, provide CAA with reason(s) for refusal;
- Support requests by the CAA for assistance in the preparation and delivery of aviation security instructor training courses, the level of assistance to be agreed on a case by case basis;
- Ensure that the CAA maintains a list of approved aviation security instructor training courses.

Withdrawal of Aviation Security Instructors' Course approval

- Where DfT is no longer satisfied that an approved CAA run instructor training course is resulting in instructors having the relevant competencies, withdraw approval of that course, notifying the CAA of the fact and the reasons for the decision to withdraw the approval;
- Instruct the CAA to withdraw the course from the list of approved aviation security instructor training courses.

CAA responsibilities

General

- Maintain a list of approved CAA aviation security instructor training courses.

Approval of Instructors' training courses

- Develop, with industry and stakeholders as necessary, new or revised aviation security instructor training courses and forward to DfT for approval;
- Deliver instructor training courses;
- Publish the dates of forthcoming CAA run aviation security instructor training courses on the CAA website;
- Where the DfT has removed its approval of an instructor training course update the list of approved instructor training courses and notify the relevant directed parties of this change.

3.18 Certification of Aviation Security Instructors

The certification of suitably qualified individuals to deliver aviation security training courses. This includes instructors delivering ground, aircrew, cargo, in-flight supplies, airport supplies, general security awareness and aviation security manager training courses and the RFX modules of these courses.

Key principles

DfT responsibilities

General

- Establish criteria for the certification of individuals as aviation security instructors, with advice from the CAA as necessary;

Appeals against CAA refusal to certificate aviation security instructors:

- Establish a process for managing an appeal against a decision to not certificate an application.

Suspension/removal of instructor(s) from list of certificated aviation security instructors

- If made aware of concerns that the training delivered by a certificated aviation security instructor is not resulting in the relevant competencies, notify the CAA of the concerns raised and request advice on whether the instructor should be suspended or removed from the list of certificated instructors, or no further action be taken, as appropriate;
- If the CAA has recommended suspension pending further investigation, consider whether immediate suspension is appropriate and instruct the CAA accordingly;

- Taking into account the CAA's recommendation, where DfT is no longer satisfied that the training delivered by a certificated aviation security instructor is resulting in the relevant competences, notify the CAA that the instructor must be suspended or removed (as appropriate) from the list of certificated instructors maintained by the CAA and provide details on how the person may have their suspension lifted or be re-instated to the list of certificated instructors;
- Where DfT decision is to take no further action, notify the CAA accordingly, along with the reasons for its decision.

CAA responsibilities

General

- Maintain a list of certificated aviation security instructors and the areas of work in which each has been certificated to deliver training, making this list available to DfT on request.
- Provide instructors with regular training or information on developments in the relevant fields.

Certification of aviation security instructors

- Initial point of contact for industry requests to certificate individuals as aviation security instructors;
- Review requests against the DfT criteria for certification and if insufficient information provided, request appropriate additional details as necessary;
- In routine cases, following consideration of the application, where appropriate certificate the applicant as an aviation security instructor;
- In unusual or complex cases, refer the application to DfT for decision with a recommendation.
- Inform the applicant of the decision, and if application refused, the reason(s) for refusal;
- Add the details of the newly certificated aviation security instructors to the list of certificated aviation security instructors.

Suspension/removal of instructor from list of certificated aviation security instructors.

- If made aware of concerns that the training delivered by a certificated aviation security instructor is not resulting in the relevant competencies, notify DfT and investigate the concerns raised;
- In appropriate cases, recommend to the DfT suspension of the instructor pending further investigation;
- After investigation, recommend to DfT that the instructor should be either suspended or removed from the list of certificated aviation security instructors, re-instated to that list or that no further action be taken;

- Where CAA recommends that an instructor should be suspended or removed from the list of certificated instructors, to also set out possible routes to lift any suspension imposed or reinstate the individual to the list of certificated aviation security instructors, for DfT to consider;
- Where DfT has informed the CAA of its decision that an instructor should be suspended or removed from the list of certificated aviation security instructors, on the basis of that decision the CAA will update the list accordingly and notify the instructor of the DfT's reason(s) for the action taken and the route(s) available to lift any suspension imposed or to be reinstated to the list;
- Where the DfT decision is to take no further action, notify the instructor accordingly.

3.19 Approval of the Recognition of Firearms and Explosives (RFX) Instructor Training Courses and Instructors

The approval of industry-delivered RFX Instructors' courses to train instructors so that they are qualified to deliver RFX training from DfT syllabuses.

Key principles

DfT responsibilities

General

- When requested, provide the CAA with advice, particularly, but not exclusively, in connection with EU legislation;
- Set the criteria for RFX Instructors' course content, delivery and who can attend;
- Set policy on the frequency and extent of recurrent/refresher training requirements, taking advice as necessary from the CAA.

Approval of RFX Instructors' courses

- Where appropriate, approve new or revised RFX Instructors' training courses;
- Provide detailed technical advice on the content on the RFX Instructors' course booklet for trainees;
- If the proposed new or revised RFX Instructor's course is not approved, provide the CAA with the reason(s) for refusal;
- Ensure that the CAA maintains a list of approved RFX Instructors' training courses.

Withdrawal of RFX Instructors' course approval

- If made aware of concerns that an approved RFX Instructors' course is not resulting in instructors having the relevant competencies, notify the CAA of the concerns raised and request advice on whether the course approval should be withdrawn or no further action be taken, as appropriate;

- Taking into account the CAA's recommendation, where DfT is no longer satisfied that the training delivered by an approved provider of a RFX Instructors' course is resulting in the relevant competencies, withdraw approval of the RFX Instructor's course and notify the CAA accordingly;
- Where DfT decision is to take no further action, notify CAA accordingly, along with the reasons for its decision.

CAA responsibilities

General

- Provide advice to DfT on proposed changes to the criteria for RFX Instructors' course content and delivery;
- Provide advice to the DfT on the recommended frequency and extent of recurrent/refresher training;
- Maintain oversight of RFX Instructor course providers;
- Maintain a list of approved RFX Instructor training courses and make the list available to the DfT on request.

Approval of RFX Instructors' courses

- Provide assistance to industry to develop new or revised RFX Instructors' courses to meet current DfT criteria;
- Submit new or revised industry RFX Instructor courses to DfT with recommendations as to approval;
- Where a course is approved, notify applicant of decision along with any conditions of approval;
- Where approval of a course is refused, communicate DfT's decision and reasons to the applicant;
- Notify industry of approved new RFX Instructors' course providers.

Withdrawal of RFX Instructors' course approval

- If made aware of concerns that an approved RFX Instructors' course is not resulting in instructors having the relevant competencies, notify DfT, investigate the concerns raised and provide a recommendation to DfT as to appropriate further action;
- After investigation, recommend to the DfT that either the DfT approval of the RFX Instructors' course be withdrawn or no further action be taken;
- Where DfT has decided to withdraw its approval of an RFX Instructors' course, notify the course provider of the withdrawal and reasons and remove it from the list of approved RFX instructor's courses, notifying the DfT when this is done;
- Where the DfT decision is to take no further action, notify the training course provider accordingly.

3.20 National X-ray Competency Test (NXCT)

This section covers the development of the UK NXCT by the DfT and the certification of NXCT test managers who manage the delivery of the test in the industry.

Key principles

DfT responsibilities

- To let and manage the contract(s) for NXCT development and maintenance in consultation with CAA;
- When a new or updated NXCT is ready for issue, provide CAA with sufficient copies to issue to NXCT test managers along with a surplus to cover expected future demand;
- Maintain the criteria for the certification of an individual as a NXCT test manager, taking into account CAA advice and providing updated criteria to the CAA as appropriate;

Appeals against CAA refusal to certificate NXCT Test Managers:

- Establish a process for managing an appeal against a decision to not certificate an application.

Suspension/removal of instructor(s) from list of NXCT test manager

- If made aware of concerns that a certificated NXCT test manager may not be meeting the DfT criteria for certification, notify the CAA of the concerns raised and request advice on whether the NXCT test manager's certificate should be suspended or removed or that no further action be taken;
- Taking into account the CAA's recommendation, where the DfT is no longer satisfied that a certificated NXCT test manager is meeting the DfT criteria for a certificated NXCT test manager, DfT shall instruct the CAA to either suspend or remove (as appropriate) the individual from the list of certificated NXCT test managers;
- Where the DfT decision is to take no further action, notify the CAA accordingly, along with the reason(s) for its decision.

CAA responsibilities

- Maintain a list of certified NXCT Managers for each NXCT, making this list available to DfT on request;
- Provide input, as requested by DfT, to the development of new or updated NXCTs;
- Issue new or updated DfT NXCTs to certificated NXCT test managers;
- Provide DfT with advice about possible changes needed to the criteria for certification as a NXCT test manager;
- Industry point of contact for requests for certification as a NXCT test manager, providing DfT criteria upon request;

- Review industry applications for certification as a NXCT test manager and provide advice to applicant where further information is required;
- In routine cases, following consideration of the application, where appropriate, certificate the applicant as a NXCT test manager;
- In unusual or complex cases, refer the application to DfT for decision with a recommendation;
- Inform the applicant of decision, and if application refused, the reason(s) for refusal;
- Add the details of the newly certified NXCT Managers to the CAA list.

Suspension/removal of instructor(s) from list of NXCT test manager

- If made aware of concerns that a certificated NXCT test manager may not be complying with the NXCT test manager criteria, notify the DfT of the concerns raised and investigate;
- In appropriate cases, recommend to the DfT suspension of the instructor pending further investigation;
- After investigation, recommend to DfT that the instructor should be either suspended or removed from the list of certificated NXCT test manager, reinstated to that list or that no further action be taken;
- Where CAA recommends that an instructor should be suspended or removed from the list of NXCT test manager, to also set out possible routes to lift any suspension imposed or reinstate the individual to the list of NXCT test manager, for DfT to consider;
- Where DfT has informed the CAA of its decision that an instructor should be suspended or removed from the list of NXCT test manager, on the basis of that decision the CAA will update the list accordingly and notify the instructor of the DfT's reason(s) for the action taken and the route(s) available to lift any suspension imposed or to be reinstated to the list;
- Where the DfT decision is to take no further action, notify the instructor accordingly.

3.21 Manage EU Appropriate Authority Inspections

Once notified of the EU's intention to carry out an inspection of the Appropriate Authority (AA) preparations for the inspection have to be made, including: gathering data likely to be required; discussion with the EU concerning the locations of visits, as required; preparing staff who may be interviewed; clarifying any legal issues, in particular with areas where the UK thinks or knows the EU will find a deficiency and preparing defensive lines, etc. After the inspection, prepare response to the Commission's inspection report within given timescales and subsequently discuss/negotiate on outstanding issues until the EU close the file.

Key principles

DfT responsibilities

- UK primary point of contact with EU over AA inspections;
- Inform the CAA, which will co-ordinate EU AA inspection visits, of the EU's proposal for inspection as soon as possible after notification received;
- Appoint a lead official within the DfT Aviation Security Division for coordinating DfT's role in the AA inspection;
- Liaise with, and support as necessary, CAA inspection project team's preparations for inspection and arrange review meetings during the preparation and response phases;
- Review responses to pre-inspection questionnaire and, if necessary, discuss possible amendments with the CAA before submitting questionnaire to EU inspection team;
- Where amendments cannot be agreed, refer to Aviation Security Division manager for resolution with CAA Head of Aviation Security ;
- Following receipt of the inspection report from the EU inspection team, liaise with the CAA over actions to take in respect of any serious deficiencies notified or issues raised in the inspection report;
- Seek legal advice as necessary;
- Submit the UK's written answer to the Commission's inspection report and confirm the rectification of any deficiencies identified during the inspection to the Commission.

CAA responsibilities

- Once notified of the EU's intention to undertake inspection, set up CAA inspection project team, liaising as necessary with DfT over preparations for inspection;
- Appoint a lead official with the CAA Aviation Security team to coordinate the work of the CAA inspection project team.
- Complete pre-inspection questionnaire and return to DfT for onward submission to the EU Appropriate Authority Inspection team;
- Develop lines to take, identify current aviation security risks and mitigations, and gather any documents the EU Inspection Team may request, seeking assistance from DfT as necessary;
- Clear lines to take with EU Inspection team, with DfT;
- Take steps to mitigate risks before inspection, including consideration of covert testing and taking legal advice as necessary;
- Provide initial briefing to EU Inspection Team, DfT to also be invited to briefing;
- Support/facilitate EU inspection;

- Draft the UK's written answer to the Commission's inspection report and any associated follow up action plan and submit in draft to the DfT for onward submission to EU AA Inspection Team;
- Complete actions noted on follow up action plan.

3.22 Impact Assessments on Aviation Security Regulatory Changes

(Subject to confirmation by DfT Better Regulation Unit)

The Government's latest Better Regulation Policy agenda states that for every £1 of Regulatory burden imposed on Industry, £3 of existing regulatory burden must be removed, measured across each Government department. The CAA subject matter experts work with DfT economists and the DfT's Better Regulation Unit to generate Impact Assessments for each qualifying Aviation Security regulatory change. Despite a previous specially negotiated arrangement for aviation security regulation Impact Assessments and efforts to facilitate Regulatory Policy Committee review (including members of the RPC undergoing CTC clearance), in September 2014 for practical reasons, RPC Secretariat and DfT Better Regulation Unit concluded that the review of aviation security Impact Assessments would be better processed internally by DfT economists. *[This arrangement is subject to reconfirmation by DfT following approach to BRE/RPC]*

Aviation security Impact Assessments are classified documents and therefore cannot be published. This has disqualified the assessed impact on industry from changes to aviation security regulation being counted towards the DfT's Business Impact Target.

CAA aviation security subject matter experts, on behalf of DfT, produce draft Impact Assessments on regulatory changes retrospectively. These Impact Assessments are based on evidence collected from industry contacts. DfT economists are used to help develop these Impact Assessments to ensure that the appropriate impacts are fully considered and calculated appropriately. Once drafted Impact Assessments are then sent to Aviation Security Policy for approval and submission to the DfT's Better Regulation Unit, who will then oversee the DfT internal review process. The cost impact as assessed is not counted towards the DfT Business Impact Test.

Key principles

DfT responsibilities

- Policy lead to liaise with Departmental economists and Better Regulation Unit to quality assure and approve each impact assessment of the burden and benefits associated with the introduction, amendment or removal of aviation security directions or other instruments.

CAA responsibilities

- Produce a draft IA for each new, amended or removed regulatory proposal and forward to DfT policy lead, providing as much relevant data as

possible in the initial IA to ensure that the IA fully reflects all relevant impacts;

- Work with DfT policy and economists to develop IA;
- Submit final version of IA to DfT policy lead for quality assurance and approval.

Living Document

4. Processes (Policy)

4.1 Representing the UK at ICAO Aviation Security Panel

The UK is a Contracting State of the International Civil Aviation Organisation (ICAO), a specialised UN Agency which governs the safety and security of international aviation through Standards and Recommended Practices (SARPs). ICAO's security standards are laid down in Annex 17 to the Convention on International Civil Aviation (Annex 17) which ICAO reviews on a regular basis. ICAO's Aviation Security Panel is a Group of aviation security experts from 27 States which develop ICAO policy and provide advice on responses to emerging threats in order to prevent acts of unlawful interference. The UK is one of the 27 States which provides a Panel Member expert. In addition to this, the UK works through ICAO to raise global aviation security standards and reduce the threat to UK passengers, aircraft and civil aviation facilities. The UK's influence in ICAO provides the ability to drive through vital improvements in aviation security.

Key principles

DfT responsibilities

- UK contact point for ICAO meeting papers;
- Co-ordinate UK responses and finalise negotiating positions, seeking advice as necessary from CAA subject matter experts;
- Prepare briefing for attendees of the ICAO Aviation Security Panel;
- Attend EU coordinating meetings relating to ICAO, and meetings of the ICAO Aviation Security Panel;
- Prepare meeting notes and circulate to CAA as appropriate;
- Co-ordinate completion of actions arising from ICAO Aviation Security Panel by CAA or DfT teams as appropriate;
- Keep under periodic review the consistency of the UK's aviation security regime with changes to Annex 17 SARPs and guidance, seeking advice as necessary from the CAA.

CAA responsibilities

- Provide advice, on request, to DfT for meetings of ICAO Aviation Security Panel;
- If requested by DfT, support UK lead at EU co-ordinating meetings relating to ICAO, and meetings of the ICAO Aviation Security Panel, through briefing or attendance, as agreed on a case by case basis;
- Complete Regulation and/or Compliance actions arising out of ICAO Aviation Security Panel meetings and report outcomes to DfT;
- When requested, provide advice to DfT on the consistency of the UK's aviation security regime with changes to Annex 17 SARPs and guidance.

4.2 Representing UK at ICAO Working Groups and Sub Groups

ICAO's Aviation Security Panel conducts its day to day business through a number of subject specific Working Groups, both ongoing and ad-hoc. Working Groups currently in existence include the Working Group on Threat and Risk, Working Group on Amendments to Annex 17, Working Group on Air Cargo Security, Working Group on Guidance Material, Working Group on Training, Working Group on Technology and the Technical Advisory Group on Next Generation Screening. There are also Sub-Groups which may be set up to support the Working Groups.

Key principles

DfT responsibilities

- UK contact point for ICAO communications regarding Working Groups (WGs);
- UK lead at ICAO Working Groups and Sub-Groups, unless agreed that CAA subject matter expert more appropriate;
- If WG lead, agree UK position prior to meeting, consulting with CAA as appropriate;
- If WG lead, attend WG, and draft meeting note, circulating to CAA subject matter expert as appropriate. Seek support (briefing or attendance) in appropriate cases from CAA subject matter expert;
- If WG lead, co-ordinate the completion of actions by appropriate Subject Matter Expert (SME) as necessary (CAA or other SME).

CAA responsibilities

- If requested by DfT, lead for the UK at ICAO Working Groups, the level and extent of commitment to be agreed on a case by case basis;
- If not UK WG lead, provide expert support to DfT for WG meetings, the extent of such support to be agreed on a case by case basis;
- If UK WG lead, agree UK position with DfT prior to WG meeting;
- If UK WG lead, attend WG, draft meeting note and circulate to DfT;
- If UK WG lead, co-ordinate completion of actions by appropriate national subject matter expert as necessary and report outcomes to DfT.

4.3 Co-ordination of responses to ICAO State Letters

The UK periodically receives State Letters from ICAO. Where a response is required, this is co-ordinated by DfT, drawing on expert input, as necessary.

Key principles

DfT responsibilities

- UK contact point for receipt of ICAO State Letters;

- Draft responses to State Letters, taking advice as necessary from CAA subject matter expert(s);
- Final approval and despatch of UK responses.

CAA responsibilities

- Provide advice to DfT on issues raised in ICAO State Letters, as appropriate;
- Review content of proposed UK response to ICAO State Letter, as necessary, and comment/suggest amendments as necessary.

4.4 Dealing with Foreign State's Request for Additional Measures

In the event that another State requests additional security measures in the UK, over and above, or in addition to UK NASP measures.

Key principles

DfT responsibilities

- UK contact point for Foreign States;
- Engagement with Foreign States, as appropriate, with advice from CAA as necessary;
- Engagement with EU (seeking clarifications, etc.) in appropriate circumstances in order to co-ordinate UK position with other EU Member States;
- Seek Ministerial views as necessary;
- Final decision maker on whether Foreign State measures are acceptable/practical in UK, taking advice as necessary from the CAA;
- Final decision on whether to accept additional measures in the UK or negotiate changes with Foreign State as necessary.

CAA responsibilities

- Provide advice to DfT on request to support engagement with Foreign States/EU;
- Provide advice to DfT on likely impact of Foreign State's desired measures based on discussions with industry.

4.5 Managing Bilateral Relations with Other States

The management of the relationship between the UK and Foreign States. This can include enhancing relationships with key international partners through bilateral meetings.

Key principles

DfT responsibilities

- UK contact point for Foreign States;
- Where bilateral meetings are sought, liaise with the Foreign State and Other Government Departments as necessary, over the proposed meeting agenda;
- Prepare briefing/response to requests for advice from Foreign States, seeking contributions as necessary from the CAA;
- Lead UK side of any bi-lateral meetings, seeking support from the CAA in appropriate circumstances, unless agreed that CAA subject matter expert more appropriate to lead;
- Provide feedback and actions from bi-lateral meetings to CAA subject matter experts as necessary.

CAA responsibilities

- Where requested, provide advice to DfT to assist in the preparation of briefing/responses to Foreign State questions raised during bi-laterals or otherwise;
- If requested, subject matter expert to attend and/or lead bi-lateral meetings, as agreed on a case by case basis;
- Where leading for the UK in a bi-lateral meeting, provide feedback and actions to DfT policy lead as necessary;
- Support DfT in completing any follow up actions arising from bilateral meetings as necessary.
- Pursue bilateral relations with equivalent compliance authorities in Foreign States as appropriate to further CAA's understanding and share best practice. CAA will keep DfT informed of such exchanges.

4.6 Leading an ICAO Security Audit

ICAO periodically undertakes security audits of contracting States in order to check national oversight and implementation/compliance against Annex 17 Standards and Recommended Practices.

Key principles

DfT responsibilities

- UK contact point for ICAO notification of intention to carry out security audit;
- Inform the CAA of ICAOs proposal for an audit as soon as possible after notification received;
- Appoint a lead official within DfT Aviation Security Division for coordinating the ICAO audit;

- Co-ordinate response to pre-audit questionnaire, seeking advice as necessary from CAA;
- Liaise with ICAO where clarifications required;
- Co-ordinate visit agenda, liaising as necessary with the CAA Regulation and Compliance teams;
- In liaison with the CAA, prepare any required Corrective Action Plan and despatch to ICAO;
- Liaise with CAA over progress against Corrective Action Plan and provide progress updates to ICAO.

CAA responsibilities

- When notified of proposed ICAO audit, appoint a lead official within the CAA Aviation Security team to coordinate the work of the CAA audit project team;
- Establish a CAA audit project team to coordinate the work of the CAA in preparing for, support during and responding to, the ICAO audit;
- Provide advice to DfT in connection with the preparation of the pre-audit questionnaire;
- Provide support to DfT in preparation of ICAO visit agenda;
- Assist ICAO inspection team during audit;
- Support DfT in preparation of any necessary Corrective Action Plan;
- Agree with DfT and complete any corrective actions to be undertaken by CAA.

4.7 Engagement with other International fora

The UK participates in a number of non-ICAO aviation security fora, such as the Roma-Lyon Group, a project led group of G7 States established to co-ordinate and better align counter terrorist and counter-crime policies, and the European Civil Aviation Conference, an inter-Governmental organisation established by ICAO and the Council of Europe to promote the continued development of a safe, efficient and sustainable European air transport system.

Key principles

DfT responsibilities

- UK lead at international aviation security fora, seeking support as necessary from the CAA, as agreed on a case by case basis;
- UK contact point for proposals from international fora;
- Co-ordinate UK response to proposals received, including recommendations to accept, reject or modify proposals, seeking advice as necessary from the CAA;

- Prepare meeting notes from international fora and circulate to CAA where relevant;
- Take forward any actions arising, as necessary.

CAA responsibilities

- If requested, support DfT at international fora, either through briefing or attendance, as agreed on a case by case basis.
- Provide advice to DfT as necessary.

4.8 Co-ordinating Inward Visit Requests

Hosting visits from key international partners to promote best-practice and information sharing on the UK aviation security regime.

Key principles

DfT responsibilities

- UK contact point for requests from Foreign States for inward visits;
- Co-ordinate programme and agenda for visits, liaising with CAA as necessary;
- Host visit and co-ordinate any follow up actions as necessary.

CAA responsibilities

- Support DfT preparations for, and hosting of, inward visits as agreed on a case by case basis.
- Support DfT in completing any follow up actions as necessary.

4.9 Oversight of Third Country Transport Security Audits and Information Exchange Visit Programme to UK Airports

Requests from Third Countries to visit airlines or UK airports to assess, audit or seek further information on security measures in place.

Key principles

DfT responsibilities

- UK contact point for requests for audits, assessments or information exchange visits;
- Liaison with relevant Embassy or Appropriate Authority over agenda and programme;
- Identify and discuss with the CAA where necessary proposed visits to airports and liaise over suitable dates and arrangements;
- Facilitate visit, including the notification of airports, airlines, service companies to be affected;

- Ensure that delegations are accompanied during visits and, where particular expertise or knowledge is required, in appropriate cases request CAA attendance;
- To feedback information as relevant to CAA on the outcome of the visit.

CAA responsibilities

- To accompany delegations on notified site visits, where requested by DfT, subject to agreement on a case by case basis.⁹
- Provide information and advice to DfT to assist in the preparation of the site visit(s), agenda and programme;
- To feedback information as relevant to DfT on the outcome of the visit.

⁹ See also section 6.1 for general principles to be applied.

5. Processes (Compliance)

The CAA's compliance team will undertake monitoring and enforcement of the UK's National Aviation Security Quality Control Programme (the NASQCP) (Article 11 of Regulation (EC) 300/2008 requires every Member State to draw up, apply and maintain a NASQCP). The compliance team will prepare, maintain and implement the UK's NASQCP (such Programme to be submitted for approval by DfT in accordance with the MoU) and carry out the various compliance functions specified in Annex II to Regulation (EC) 300/2008, as amended by Commission Regulation (EU) 18/2010, and ancillary functions. The CAA functions include the provision of information to DfT to support the preparation and update of the UK risk assessment, developing, providing details of, and carrying out a programme of compliance monitoring activities including observations, inspections and audits of aviation entities, developing and carrying out a programme of covert tests of aviation entities, preparing periodic reports on the level of compliance with aviation security legislation within the UK, and undertaking stakeholder engagement on aviation security related matters.

5.1 Perform Compliance Monitoring Activities and Provide Feedback

Key principles

DfT responsibilities

- Respond to requests for advice from compliance auditors carrying out observations;
- Consider CAA proposals for changes to Demand Matrix and where appropriate agree amendments;
- Provide advice to Ministers, as appropriate, when significant aviation security deficiencies are noted during a compliance inspection of an entity.

CAA responsibilities

- Keep the Demand Matrix under review and submit proposals for amendments to DfT for approval;
- Maintain Demand Matrix and make available to DfT on request;
- Carry out compliance monitoring activities of entities based on Demand Matrix and provide feedback to the inspected entity as appropriate;
- Bring to the attention of DfT any persistent and/or significant failings by entities or sub-chapters of Regulation as part of, but not limited to, the regular reporting process to ASMB.

5.2 Issue an Enforcement Notice

Key principles

DfT responsibilities

- Taking account of any representation of the CAA, where applicable, sign the Enforcement Notice and send a copy to the CAA for service on the entity;
- Taking account of any representation of the CAA, revoke or vary the Enforcement Notice and send a signed copy of any revocation or variation to the CAA for service on the entity;
- Maintain a record of Enforcement Notices issued, revoked or varied by persons authorised in writing to do so by the Secretary of State.

CAA responsibilities

- Where the CAA consider it appropriate to serve an Enforcement Notice on an entity, recommend to the Secretary of State that such a Notice should be served, set out the reasons for that conclusion and provide a suggested draft of the Enforcement Notice required, for signature;
- Serve Enforcement Notices, including revocations and variations, on entities;
- Maintain a record of Enforcement Notices issued, revoked or varied by persons authorised to do so by the Secretary of State.

5.3 Objections to Enforcement Notices

A person who is served with an Enforcement Notice may serve on the Secretary of State a notice in writing of his objection to the Enforcement Notice.

Key principles

DfT responsibilities

- Send a copy of the objection notice to the CAA;
- Allow the person making the objection and the CAA an opportunity to make written or oral representations to the Secretary of State or a person appointed by the Secretary of State to determine the objection;
- Consider the objection, taking into account the representations received;
- Confirm, vary or revoke the Enforcement Notice as appropriate;
- Send decision notice to the person who made the objection and to the CAA.

CAA responsibilities

- Provide advice, as required, to DfT on objections to Enforcement Notices

5.4 Issue a (compliance) Direction to a particular entity/event/etc.

Key principles

DfT responsibilities

- Review the draft Direction prepared by CAA, seeking advice from legal colleagues as necessary;
- Check that the final version of the Direction addresses the issues identified by the CAA as requiring action;
- Notify the Secretary of State, as necessary, of the proposed new Direction;
- Sign the Direction (in practice a DfT policy official with the appropriate designated authority) and copy to CAA for service on entity;
- Maintain a record of Directions given.

CAA responsibilities

- Where the CAA consider it necessary for a compliance Direction to be given to an entity, recommend the same to DfT, setting out the reasons for that conclusion and provide a draft Direction for consideration.;
- Liaise as necessary with DfT over the draft Direction;
- Check that the final version of the Direction, agreed by DfT, achieves intended aim;
- Serve the Direction or any subsequent revocation or variation, on the entity.

5.5 Issue a Detention Direction

Key principles

DfT responsibilities

- Where a person, authorised in writing by the Secretary of State is minded to give a Detention Direction to an entity, notify the CAA and give reasons for that decision;
- Taking account of any representations from the CAA, review the Detention Direction prepared by the CAA and, if agreed, send a copy of the signed Direction to the CAA for service on the entity;
- Where a Detention Direction has been given by a person authorised in writing by the Secretary of State in respect of an aircraft, that authorised person may do anything which he or she considers necessary or expedient to ensure that the aircraft does not fly while the Direction is in force;
- Taking account of any representations of the CAA, cancel or vary the Detention Direction (as appropriate) and send a written copy of the cancellation or variation to the CAA for service on the entity.
- Maintain a list of Detention Directions given, varied or cancelled by persons authorised in writing by the Secretary of State.

CAA responsibilities

- Where the CAA, considers it appropriate to serve a Detention Direction on an entity, recommend to the DfT that such a Direction be given, setting out the reasons for that recommendation and provide a draft Detention Direction for signature by or on behalf of the Secretary of State;
- Where DfT has notified CAA of its intention to vary or cancel a Detention Direction, provide advice as necessary to the DfT on whether or not such a course of action would be proportionate or appropriate, together with its reasons for that recommendation;
- Serve Detention Directions, including cancellations and variations, on entities;
- Where a Detention Direction has been given by or on behalf of the Secretary of State, do anything which it considers necessary or expedient to ensure that the aircraft does not fly while the Direction is in force, liaising as necessary with DfT;
- Maintain a record of Detention Directions given, cancelled or varied by or on behalf of the Secretary of State.

5.6 Objections to a Detention Direction

The operator of an aircraft in respect of which a Detention Direction is given may object to the Direction in writing to the Secretary of State.

Key principles

DfT responsibilities

- When received, forward a copy of the objection to the CAA;
- Allow the person making the objection and the CAA an opportunity to make written or oral representations to the Secretary of State or the person appointed by the Secretary of State to determine the objection;
- Consider the objection, taking into account any representations received;
- Confirm, vary or cancel the Direction;
- Give written notice of the Secretary of State's decision to the person who made the objection and the CAA.

CAA responsibilities

- Provide advice, as required, to DfT on objections to Detention Directions.

5.7 Prepare and host EU Inspections of Airports or Other Entities

Key principles

DfT responsibilities

- UK contact point (“the EC Co-ordinator”) for EU notification of intended inspections (at individual airports or entities);
- Inform CAA of proposed EU inspection as soon as possible after notification received;
- Appoint a lead official within DfT Aviation Security Division for co-ordinating DfT’s role during the EU inspection;
- Liaise with, and support as necessary, CAA Inspection Project Team's preparations for the inspection, together with any follow up action plan, arranging review meetings during the preparation and response phases as appropriate;
- Review completed pre-inspection questionnaire responses and, if necessary, discuss possible amendments with CAA;
- Submit pre-inspection questionnaire to the Commission;
- Ensure that a member of the Department’s Research, Analysis and Development (RAD) team is available during the inspection to answer queries arising about European Civil Aviation Conference (ECAC)/RAD approved equipment;
- Review CAA’s proposed follow up action plan and, if necessary, discuss possible amendments with the CAA;
- Where amendments cannot be agreed, refer to the Head of DfT Aviation Security Division for resolution with CAA’s Head of Aviation Security;
- Submit to such person or persons notified by the Commission the UK response to the Commission's inspection report, which addresses any failings and recommendations, and provide a corrective action plan to remedy any identified deficiencies.

CAA responsibilities

- Once notified of EU intention to undertake inspection, set up an Inspection Project Team, including a co-ordinator during the airport or entity inspection, liaising as necessary with DfT over preparations for the inspection;
- Complete pre-inspection questionnaire and submit to DfT;
- After DfT review of pre-inspection questionnaire, discuss possible amendments, as necessary;
- Develop lines to take, identify current aviation security risks and mitigations and gather any documents the EU Inspection Team may request, seeking assistance from DfT as necessary;
- Clear lines to take with DfT;

- Take steps to mitigate risks before inspection, including consideration of covert testing;
- Provide resources during the inspection to escort the EU auditors on the ground;
- Co-ordinate programme and agenda for Inspection with EU and prepare briefing notes for participants;
- Liaise with DfT over Departmental attendance at both in and out briefings;
- Develop follow up response to Commission's inspection report, including a corrective action plan, and submit to DfT;
- Complete actions noted on the corrective action plan and report back to DfT when actions have been completed.

5.8 Approval of Regulated Agents and Regulated Suppliers of In-Flight Supplies

The CAA will be the industry point of contact for requests for Secretary of State approval as a Regulated Agent or Regulated Supplier of In-Flight Supplies. It will receive applications on behalf of the Secretary of State and process such applications from industry, but the final decision as to whether an application is approved or not will remain with the Secretary of State, guided as necessary by the CAA's recommendation.

Key principles

DfT responsibilities

- Taking into account the recommendation of the CAA, decide whether or not to approve or re-validate an entity as a Regulated Agent/Regulated Supplier (of in-flight supplies) at a specific site;
- Notify CAA of decision to approve or not, with reason(s) for refusal where applicable;
- Decide whether or not to withdraw the status of a Regulated Agent/Regulated Supplier (of in-flight supplies) from an entity in respect of a specific site or sites, taking advice as necessary from the CAA;
- Notify CAA of decision to re-validate or not and, where the decision is to withdraw the entity's status as a Regulated Agent/Regulated Supplier (of in-flight supplies) for a specific site or sites, provide CAA with the reason(s) for the withdrawal together with a delisting letter for service on the entity;
- If the Secretary of State's decision is not to withdraw approval from an entity, against the recommendation of the CAA, notify the CAA of the reasons for that decision.

CAA responsibilities

- Receive applications from industry for approval/revalidation as Regulated Agents/Regulated Suppliers (of in-flight supplies) at UK sites, including

Declarations of Commitment, the entity's security programme and any additional supporting documentation;

- Retain signed "Declarations of Commitment - Regulated Agent" (DoC - RA) and "Declarations of Commitment - Regulated Supplier of in-flight supplies" (DoC-RS);
- If insufficient information is contained in the entity's DoC-RA or DoC-RS (as appropriate), the submitted security programme or other supporting documentation, in order to enable the CAA to make an informed recommendation to DfT, or if such information that has been submitted is insufficient to support, in the view of the CAA, Secretary of State approval of the entity as Regulated Agent/Regulated Supplier (of in-flight supplies) at the specific site or sites, seek additional information from that entity;
- Make recommendation to DfT as to whether or not the entity should be approved as a Regulated Agent/Regulated Supplier (of in-flight supplies) at a specific site or sites;
- The recommendation should take into account the entity's DoC-RA or DoC - RS (as appropriate), details of the entity's submitted security programme, in the case of Regulated Agents whether or not the entity is the holder of an AEO certificate, and the outcome of an on-site verification visit carried out by the CAA in order to assess the entity's compliance with the requirements of EU aviation security legislation and the UK's More Stringent Measures at the specific site or sites to which the application relates;
- Maintain an up to date list of Regulated Agents/Regulated Suppliers (of in-flight supplies) and publish details on the CAA web site, including in appropriate cases, any changes to an entity's status.

Approval requests

- Notify entity of DfT's decision whether or not to approve that entity as a Regulated Agent or Regulated Supplier (of in-flight supplies) at a specific site or sites;
- If DfT's decision is to approve the entity as a Regulated Agent at a specific site or sites, update the European Union database on supply chain security with the entity's details not later than the next working day after being notified of DfT's decision, and provide the entity with a unique alpha-numeric identifier (UAI) for each approved site;
- If DfT's decision is not to approve the entity as a Regulated Agent or Regulated Supplier (of in-flight supplies), provide the entity with DfT's reason(s) for refusal.

Re-validation requests

- Notify entity of DfT's decision whether or not to re-validate the entity as a Regulated Agent/Regulated Supplier of in-flight services at a specific site or sites;

- If the re-validation request is refused by DfT, send the DfT delisting letter to the entity setting out the reason(s) for the refusal;
- No later than the next working day after being notified of the DfT decision, update the European Union database on supply chain security to reflect any change in an entity's Regulated Agent status resulting from the DfT decision.

Withdrawal of approval

- If the CAA is no longer satisfied that an entity is complying with the requirements of EU aviation security legislation and the UK's More Stringent Measures, notify the Secretary of State of the fact and recommend options for remedial measures including, where appropriate, the withdrawal of the entity's status as a Regulated Agent/Regulated Supplier (of in-flight supplies) in respect of the specific site or sites;
- If the Secretary of State's decision is that an entity's status as a Regulated Agent/Regulated Supplier (of in-flight supplies) should be withdrawn, send the Secretary of State's delisting letter to the entity, setting out reason(s) for the Secretary of State's decision;
- No later than the next working day after being notified of the Secretary of State's decision to withdraw the Regulated Agent status from an entity, update the European Union database on supply chain security to reflect the entity's change of status.

5.9 Approval of Known Consignors

The CAA will be the industry point of contact for requests for Secretary of State approval as a Known Consignor. It will receive applications on behalf of the Secretary of State and process such applications from industry, but the final decision as to whether an application is approved or not will remain with the Secretary of State, guided as necessary by the recommendation of the CAA.

Key principles

DfT responsibilities

- Taking into account the recommendation of the CAA, decide whether or not to approve or re-validate an entity as a Known Consignor at a specific site;
- Notify CAA of Secretary of State's decision to approve or not, with reason(s) for refusal where applicable;
- Decide whether or not to withdraw the status of Known Consignor from an entity in respect of a specific site, taking advice as necessary from CAA;
- Notify CAA of Secretary of State's decision to re-validate or not and where the decision is to withdraw the entity's status as a Known Consignor for the specific site, provide CAA with the reason(s) for the withdrawal, together with a delisting letter to the entity;

- If the Secretary of State's decision is not to withdraw approval from an entity, notify the CAA of the reasons for that decision.

CAA responsibilities

- Manage the appointment of Independent Validators to carry out on-site verification reports for entities seeking approval or re-validation as Known Consignors;
- Receive applications for approval/re-validation as a Known Consignor at a specific site or sites together with supporting Independent Validator's on-site verification reports;
- If insufficient information is contained in the entity's application, Independent Validators verification report or Validation checklist for Known Consignors to enable the CAA to be able to make an informed decision, seek further information from entity;
- Consider whether or not the entity should be approved as a Known Consignor at a specific site or sites, taking into account the Independent Validator's verification report (including the Validation checklist for Known Consignors) and whether or not the entity is a holder of an AEO certificate;
- Provide to industry, on request, EU "Guidance for known consignors";
- Maintain list of approved Known Consignors and make available to DfT on request;
- Maintain a list of approved Independent Validators based in the UK.

Approval requests

- Notify entity of the decision whether or not to approve the entity as a Known Consignor at a specific site or sites;
- If the decision is to approve the entity as a Known Consignor at a specific site or sites, update the Union database on supply chain security with the entity's details not later than the next working day after the approval decision and provide the entity with an unique alpha-numeric identifier (UAI) for each approved site;
- If the decision is not to approve the entity as a Known Consignor, notify DfT and provide the entity with the reason(s) for refusal.

Re-validation requests

- Notify entity of the decision whether or not to re-validate the entity as a Known Consignor at a specific site or sites;
- If the re-validation request is refused, send a delisting letter to the entity setting out the reason(s) for the refusal, and confirm to DfT when this has been done;
- No later than the next working day after the decision not to re-validate the entity at a specific site or sites, update the Union database on supply chain security to reflect any change in an entity's Known Consignor status resulting from the decision not to re-validate the entity.

Withdrawal of approval

- If the CAA is no longer satisfied that an entity is complying with the requirements of EU aviation security legislation and/or the UK's More Stringent Measures, notify DfT of the fact and recommend options for remedial action including, where appropriate, the withdrawal of the entity's status as Known Consignor in respect of the specific site or sites;
- If the Secretary of State's decision is to withdraw the entity's status as a Known Consignor, send the Secretary of State's delisting letter to the entity, setting out reason(s) for the Secretary of State's decision;
- No later than the next working day after the decision is made to withdraw the Known Consignor status from an entity, update the Union database on supply chain security to reflect the entity's change of status.

5.10 Compliance Reporting

Key principles

DfT responsibilities

UK Annual Security Compliance Report to the Commission

- UK contact point with EU regarding the UK annual report to the Commission on the measures taken to fulfil the UK's obligations under Regulation (EC) 300/2008 and on the aviation security situation at UK airports (the "UK annual Aviation Security Compliance Report");
- Request CAA to draft the UK annual Aviation Security Compliance Report;
- Review draft UK annual Aviation Security Compliance Report and, if necessary, discuss possible amendments with CAA;
- Final approval of UK annual Aviation Security Compliance Report;
- Submit UK annual Aviation Security Compliance Report to EU.

Ongoing compliance reporting

- Challenge/clarify, where necessary, CAA's quarterly compliance reports to the Aviation Security Management Board;
- Review CAA annual report to DfT and if necessary request further information or clarity;
- Where accepted, submit annual report to Ministers;
- Where DfT reporting requirements change, consult the CAA in advance to discuss viability and associated issues.

Reporting the European Commission Annual Aviation Security Compliance Report to Parliament

- Prepare an Explanatory Memorandum on the European Commission's annual Aviation Security Compliance Report for the Commons European Scrutiny Committee and the House of Lords EU Select Committee;

- Provide a copy of the EC report to the CAA.

CAA responsibilities

UK Annual Security Compliance Report to the Commission

- Draft the UK annual Aviation Security Compliance Report using the template provided by the Commission;
- Complete the UK annual Aviation Security Compliance Report and submit to DfT in format required by Regulation (EC) 300/2008 in accordance with timescales agreed;
- Discuss any proposed amendments to the UK annual Aviation Security Compliance Report with DfT.

Ongoing compliance reporting

- Bring to the attention of DfT any persistent, significant failings by entities or sub-chapters of Regulation (as part of, but not limited to, the regular reporting process to ASMB);
- Produce an annual report to DfT detailing level of CAA compliance activity undertaken, compliance scores for the major aviation groupings (airports, airlines, cargo and IFS) and emerging trends;
- The annual report should also indicate areas of resource pressures and actions planned/proposed in response.

Reporting the European Commission Annual Aviation Security Compliance Report to Parliament

- Provide to DfT such input as is requested, to assist in the preparation of Explanatory Memoranda for the UK's Parliamentary Scrutiny Committees on the European Commission's annual Aviation Security Compliance Report.

5.11 Compliance activity in Gibraltar and the Crown Dependencies

The Secretary of State is responsible for compliance with international aviation security standards in Gibraltar and the Crown Dependencies (Jersey, Guernsey and the Isle of Man). The CAA will undertake compliance monitoring activity at airports within these territories and report its findings to the DfT after each assessment within 10 working days. The CAA will assist, when requested, each entity's Aviation Security Regulator in assessing rectification action plans to address any identified shortcomings in the CAA's compliance report and monitor progress against those plans with agreed timings.

The CAA's costs associated with its compliance activity in Gibraltar and the Crown Dependencies will, once agreed with the relevant local Government, be paid by the DfT to the CAA after each inspection during the financial year. In turn, the DfT will recover these post inspection costs from the Governments of Gibraltar, Jersey, Guernsey and the Isle of Man.

Key principles

DfT responsibilities

- Act as the Appropriate Authority responsible to ICAO and the EU for compliance with international aviation security standards at airports in the territories of Gibraltar, Jersey, Guernsey and the Isle of Man;
- Liaise with the Governments of Gibraltar, Jersey, Guernsey and the Isle of Man on aviation security policy matters in line with agreed Memoranda of Understanding;
- Send the CAA compliance assessment reports to the Directors of Civil Aviation for Gibraltar, Jersey, Guernsey and the Isle of Man within 10 working days of receipt;
- Mediate between the CAA and the Governments of Gibraltar, Jersey, Guernsey and the Isle of Man to help resolve any disagreement over the whole or part of the costs for a CAA compliance assessment, in order to agree a final figure for the sales invoice;
- Notify the CAA accordingly following agreement of the CAA's costs for each compliance assessment;
- Pay the CAA's costs for each compliance assessment following receipt of the final invoice and recover the same from the Governments of Gibraltar, Jersey, Guernsey and the Isle of Man respectively;
- Agree the frequency of visits with the Directors of Civil Aviation of Gibraltar, Jersey, Guernsey and the Isle of Man. The frequency of visits will be based on risk assessment in consultation with CAA;
- Agree Action Plans, to address identified CAA assessment findings, with the Aviation Security Regulators of Gibraltar, Jersey, Guernsey and the Isle of Man (as appropriate) and the CAA;
- Steer the Governments of Gibraltar, Jersey, Guernsey and the Isle of Man in supporting the agreed rectification recommendations.

CAA responsibilities

- Provide reasonable advice and assistance on aviation security matters to the Governments of Gibraltar, Jersey, Guernsey and the Isle of Man on behalf of the UK Appropriate Authority;
- Undertake aviation security assessment visits to Gibraltar, Jersey, Guernsey and Isle of Man airports, at a frequency to be agreed with the DfT, to determine compliance performance against UK and international aviation security measures, notifying the Directors of Aviation Security in advance of forthcoming visits;
- Following each compliance assessment visit to the airports in each territory, prepare a report setting out findings with recommendations and submit this to the DfT within 10 working days;

- Steer the Aviation Security Regulators of Gibraltar, Jersey, Guernsey and the Isle of Man in developing an action plan to address the findings set out in the CAA assessment report;
- Monitor progress against the action plan and agreed milestones produced by the Directors of Civil Aviation in Gibraltar, Jersey, Guernsey and the Isle of Man to address any identified shortcomings;
- Following receipt of each Aviation Security Regulator's rectification action plan, jointly arrange meetings with the DfT and the relevant Government to agree ways forward;
- Following each compliance assessment or period of agreed activity such as SeMS enrolment or other aviation security advice, write a letter to the relevant Government, setting out the CAA's costs incurred and a breakdown of each element of those costs, copying the same to DfT;
- Once the costs have been agreed by all parties, invoice the DfT accordingly.

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6. COST RECOVERY

As a general principle, the CAA will recover the costs it incurs in carrying out its aviation security functions through its charges on industry. However, in certain circumstances, some of these costs may, by prior agreement, be met by DfT on a cost recovery basis using provisions of Section 16 of the Civil Aviation Act 1982. Examples of such circumstances include:

6.1 International Meetings/hosting of visits to the UK

Where DfT requires the attendance of the CAA to either support or represent the UK at international fora, and/or to host or facilitate international visits to the UK, DfT will meet the travel and subsistence expenses of CAA staff at the CAA's T&S rate(s) prevailing at the time and reimburse to CAA the cost of CAA staff time spent preparing for, attending, facilitating and where necessary following up these meetings/visits, at the previously agreed CAA charge out rates. Such CAA expenses will be invoiced to, and paid for by DfT in arrears. If the CAA has not been requested by DfT to attend or support the UK at an international meeting or host visits, but nevertheless chooses (subject to the approval of DfT where necessary), to do so, it will do so at its own expense.

6.2 ACC3 Designations

Work carried out by the CAA in processing applications from UK registered carriers for designation as an air cargo or mail carrier operating into the EU from a third country airport (ACC3), will be undertaken at the expense of the CAA. Work undertaken by the CAA to process such applications from non-UK registered (foreign) carriers for ACC3 designation will be invoiced to DfT and paid in arrears.

6.3 Managing EU Appropriate Authority Inspections

The expenses of the CAA incurred in preparing for, managing, or responding to EU inspections of the UK's Appropriate Authority for aviation security, will be invoiced to and paid by the DfT in arrears.

6.4 Managing EU Inspections of Airports

The expenses of the CAA incurred in preparing for EU Inspections of UK airports, and then facilitating them on the ground, such will be invoiced to and paid by the DfT in arrears.

6.5 Regulatory Impact Assessments

The CAA's costs incurred in preparing Impact Assessments and assisting DfT in preparing submissions to the RPC on new Regulations will be invoiced to, and paid by, DfT in arrears.

6.6 Compliance activity in respect of Gibraltar and the Crown Dependencies

The costs incurred by the CAA in undertaking and following up on compliance activity at airports in Gibraltar, Jersey, Guernsey and the Isle of Man will be invoiced to DfT and paid in arrears.

6.7 Ad-hoc support for DfT international operations overseas

The costs incurred by the CAA in meeting, on a best endeavours basis and where compatible with the proper discharge of its domestic compliance monitoring obligations, requests for assistance from the DfT in respect of its overseas observation activity will be invoiced to DfT and paid in arrears. This will include reimbursement of the cost of CAA staff time spent preparing for, attending and following up these overseas observations at the agreed CAA charge out rates, any travel and subsistence expenses of CAA staff at the CAA's T&S rate(s) prevailing at the time, and any other reasonable costs incurred, as agreed by DfT, for example mobile phone and data usage charges which would otherwise not have arisen.

6.8 Process for arranging cost recovery

At the beginning of each financial year, DfT and CAA will meet to agree the forecast activity for which cost recovery under section 16 will be sought from the DfT. This agreement will be captured in one or more letters from the DfT to the CAA, confirming the advice and assistance required under Section 16 of the Civil Aviation Act 1982 and the budget which has been set aside for such activity. These letters will also set out as necessary the specific terms under which the work shall be carried out, and the arrangements whereby the CAA will recover its costs from DfT. DfT and CAA will meet periodically through the year to monitor expenditure against forecast and at the end of the financial year the CAA will provide invoices to the Department for the expenditure incurred, enabling DfT to pay the relevant costs under the terms of Section 16.

7. Correspondence

A wide range of aviation security related correspondence will be received by DfT and the CAA, and this section sets out the underlying principles regarding responsibility for responding to that correspondence. The underlying principle behind responding to Treat Official (TO) i.e. non-Ministerial, correspondence is that this should be answered by the party (DfT or CAA) best placed to do so. In practice, this will be determined on a case by case basis.

Key principles

DfT responsibilities

- Respond to Parliamentary Questions, Ministerial and TO correspondence on cross modal security issues, with advice from CAA where requested;
- Respond to Parliamentary Questions and Ministerial correspondence on aviation security issues, with advice from CAA where requested;
- Respond to TO correspondence where related to aviation security policy issues, with advice from CAA where requested;
- When requested, provide advice to CAA in order to assist it to respond to TO correspondence on aviation security regulatory or compliance related issues.

CAA responsibilities

- Respond to TO correspondence on aviation security regulatory or compliance issues, seeking advice from DfT where necessary;
- When requested, provide advice to DfT to assist in its preparation of responses to cross modal security correspondence;
- When requested, provide advice to DfT to assist in its preparation of responses to aviation security related Parliamentary Questions, Ministerial correspondence and policy related TO correspondence.

8. Aviation Security Prosecutions

The CAA to inform DfT of any proposed action in respect of aviation security prosecutions and the outcome of any proceedings brought.

Aviation security related prosecutions in England and Wales or Northern Ireland to be instituted by the CAA. In the case of Scotland, the CAA will inform the Crown Office and Procurator Fiscal Service of an investigation and then submit evidence to a nominated Procurator Fiscal Depute who will report to the CAA whether the Procurator Fiscal will be prosecuting. DfT will, on request, provide CAA with advice relevant to the proceedings being brought.

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9. Judicial Reviews

In the event of Judicial Review proceedings being commenced against either DfT or CAA in respect of an aviation security related matter, whichever body is a party to the proceedings, either as a defendant or as an interested party, should inform the other of the fact, together with a copy of the Judicial Review claim form.

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10. Emergency/Incident response

In the event of an aviation security related incident, DfT and CAA will have certain immediate responsibilities until business as usual can be restored.

Key principles

DfT responsibilities

- Notify CAA of aviation security incident;
- Establish a regular line of communication with CAA. This will depend on circumstances but a default assumption will be a regular conference call between DfT and CAA staff to coordinate activity.
- Reassess the risk to the UK or to UK aviation interests (with advice from CAA);
- Take all decisions about responding to the risk situation (with advice from CAA);
- Prepare Ministerial briefing, with CAA advice as necessary;
- Liaise with Other Government Departments and attend COBR (CAA support DfT as required);
- Liaise with Foreign Governments, EU, ICAO, etc. (CAA support as required);
- Brief DfT Press Office, who will lead responses to media enquiries (co-ordinating messages with CAA);
- Ensure that CAA receive DfT Sitrep and/or CRIP information.
- Lead on policy communications with industry (e.g. threats and risks). DfT will coordinate any such communications with industry with the CAA.
- Provide for up to 2 CAA members of staff to be embedded in the DfT Incident Room (including providing the necessary desk and IT equipment)

CAA responsibilities

- Provide advice in support of DfT risk assessment (e.g. on mitigation options, compliance issues, etc.) and DfT briefing;
- Liaise with industry about vulnerabilities and mitigation options;
- Support, or where permitted represent, DfT in cross Government discussions and/or Ministerial briefings (subject to agreement on a case by case basis);
- Lead on regulation/compliance communications with industry (e.g. advice, guidance, detail of new measures, etc.). CAA will coordinate any such communications to industry with DfT.

11. On-call duty arrangements

In order to facilitate the 24/7 responsibilities of both organisations contained in this document, both DfT and CAA will operate an on-call duty rota.

Key principles

DfT responsibilities

- Maintain an out of hours' rota, providing a point of contact for CAA staff, and communicate the details of who is on call each week to CAA.
- Consider advice from the CAA on urgent, out of hours requests for alleviations from UK MSMs;
- Communicate decision to the CAA and follow up with a confirmatory email;
- Where decision is to refuse application, provide CAA with the reasons for the decision.

CAA responsibilities

- Maintain an out of hours rota, providing a point of contact for urgent industry requests for aviation security regulatory advice and applications for alleviations from UK MSMs;
- Provide DfT with the details, name and contact telephone number, of who is on call each week;
- Provide DfT with advice and a recommendation as to whether urgent, out of hours alleviation requests should be granted or not;
- Communicate DfT's decision to applicant, including the reasons for refusal, where applicable.

12. Obtaining and maintaining industry contact information

In order to facilitate the efficient regulation of industry and ensure that there remains at all times the ability to contact regulated entities quickly and reliably, including in emergency situations, the CAA will – with DfT support – maintain appropriate industry contact information.

[NB: subject to agreement of process between DfT and CAA]

Key principles

DfT responsibilities

- Share with CAA any information DfT receives about changes in industry personnel or their contact details.
- Co-sign the regular 'Contact Information Protocol' letter to industry requesting updated position information and contact details.

CAA responsibilities

- Prepare, co-sign and send to industry the regular Contact Information Protocol letter on a timescale to be agreed between DfT and CAA.
- Maintain accurate industry contact lists in line with the information requested as part of the Contact Information Protocol and share those lists with DfT on a regular basis as agreed between DfT and CAA.
- Conduct ongoing validation of the contact information held to check for accuracy.

13. Incident reporting (NASP)

The National Aviation Security Programme (NASP) contains guidance to industry on the requirements for reporting security incidents to the Appropriate Authority. In line with the arrangements for responding to incidents (see Section 10), this is primarily a DfT responsibility.

Key principles

DfT responsibilities

- Own the arrangements for incident reporting, including the guidance to industry circulated as part of the NASP.
- Receive (through Threats Office) incident report forms from industry and allocate to a lead official in the DfT Aviation Security team, who will record the incident and coordinate any follow up action.
- Where necessary, inform CAA Compliance and Regulation teams about incidents as they occur.
- Prepare an annual anonymised report to the NASC on the type and number of incidents reported.
- Request advice from the CAA in response to specific incidents and their potential implications for compliance and regulation as necessary.

CAA responsibilities

- Provide advice on the implications of incidents for either regulation or compliance as requested by DfT.
- Where an incident comes to light that was not reported via the established NASP procedures, follow up with the relevant entity as requested by DfT, as a matter of compliance.

14. Airspace threat and risk

The DfT is responsible for the overall process by which information on the threat and risk to aircraft flying through foreign airspace is assessed and advice provided accordingly to industry. The detailed process is set out in the document 'Airspace Warnings – Protocol for Issuing Advice to Operators' but the main elements are listed below.

Key principles

DfT responsibilities

- Commission and receive airspace threat assessments from JTAC and consider what action needs to be taken in light of those assessments.
- In conducting the risk assessment and formulating advice to industry, seek advice from CAA Avsec as necessary.
- Where the decision results in the issuing of a NOTAM, consult CAA Airspace Regulation on the preparation of the draft NOTAM and, once finalised, issue the NOTAM to CAA Airspace Regulation and NATS for onward transmission to industry.
- Where the issue requires a decision from ministers, include CAA Avsec on the copy list for that submission.
- In all cases, forward the main relevant documents (i.e. the NOTAM, letter to industry and Direction, as applicable) to CAA Avsec and CAA Airspace Regulation.
- Lead on associated communications with other relevant Government departments
- Lead on associated media and industry inquiries.

CAA responsibilities (insofar as they apply to CAA Avsec)

- Notify DfT of any potentially relevant incidents which come to CAA/AvSec's attention via the CAA's safety reporting system.
- Attend the International Airspace Threats Working Group (IATWG).
- Provide advice as part of the risk assessment process as requested by DfT.
- Act as a liaison between DfT and CAA Airspace Regulation as necessary.