

Briefing Document

A Blueprint for APEC Economies to Develop and Implement Effective Aviation Security Quality Controls

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by the G8 at the Gleneagles Summit in June 2005]

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Introduction

This briefing paper offers further information regarding the U.S. proposal for APEC economies to develop and implement effective aviation security quality controls. The best practice guidance in this document is prepared under the aegis of the APEC Counter-Terrorism Task Force. This proposal was originally developed by the U.K. for presentation to the G8 and has been modified for use by APEC.

APEC has already made great strides in strengthening aviation security measures and has followed up on the commitments of Leaders and Ministers. Some of these strides include mitigating the threat of MANPADS to civil aviation, implementing 100 percent hold baggage screening at airports, supporting ICAO mandatory aviation security audits, accelerating implementation of standards for reinforced flight deck doors on passenger aircraft, and developing alert systems to protect air travelers.

The recommendation to develop and implement effective civil aviation security quality controls in APEC economies is another key step in mitigating the terrorist threat to civil aviation. This document considers the role of this key function, and offers a blueprint/best practice guidance for the development and operation of an effective compliance and enforcement program.

The Case for Quality Controls

Terrorist networks remain focused on committing large-scale attacks, and on inflicting mass casualties and major political, economic and psychological damage. The nature of international civil aviation – a 24/7 network of travel and trade activity, crisscrossing the globe and linking people, economies and lives – offers the terrorists targets which match these ambitions very well. Those responsible for aviation security can be sure that terrorists are actively familiarizing themselves with the protective arrangements for international civil aviation, and seeking to develop means of circumventing them.

The threat is not confined to only a few economies, airports or airlines. The network character of international civil aviation presents its own vulnerabilities. Networks may be entered at any point, and permit access to all points. Any weakness in one economy's civil aviation security arrangements may provide the unwitting means for an attack against another economy or economies. In many parts of the world, international borders are only minutes away in flying time. This reality places a shared obligation on all economies to set, monitor and enforce high standards of aviation security and to keep their programs under constant review, making adjustments as necessary to ensure the requirements remain current and effective in the face of the continually changing security environment.

Effective quality control arrangements are fundamental to achieving aviation security. Ultimately, the management of the risk is accomplished by what is delivered operationally. There is little value in having in place robust civil aviation security legislation unless it is implemented effectively. Experience has shown that there must be in place a means of ensuring that the legislation is being complied with, and that any shortfalls in delivering the necessary standard of security on the ground are corrected. Only in this way will the required standards be established and maintained. An effective

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national quality control process will promote good implementation by helping to identify and promulgate best practice.

It is therefore important that all economies establish an effective civil aviation security compliance, inspection and enforcement program. This document provides practical guidance on how this can be achieved and aims to bring greater consistency of approach across economies' programs.

International Quality Control Requirements

APEC economies who are members of the International Civil Aviation Organization are required under the terms of Annex 17 to the Chicago Convention to implement legislation to regulate aviation security, and to design, establish and sustain quality control measures. Amendment 11 of Annex 17, currently under discussion in ICAO, provides further definitions of these obligations. The guidance offered in this document is fully consistent with these international standards and recommendations.

APEC economies who are not members of ICAO will find that the best practices/guidelines in this document will serve them well in ensuring quality control of international standards while ensuring their aviation nodes are secure and contribute to strengthening overall aviation security in APEC economies.

Key Components of Effective Quality Controls

There is no such thing as a single, off-the-shelf quality control program, suitable for adoption in all APEC economies. Factors such as the physical size of the country, the number of airports, the threat level, the resources available for regulatory oversight, and the structure of the regulatory authority will all have an impact on the precise shape of an economy's quality control arrangements.

There are, however, a number of fundamentals which must be present for any program to be effective.

Legislation

A regulator can only conduct and manage a quality control process properly where appropriate legislation is in place to allow it to do so. The regulator must have legal powers which enable those carrying out the quality control to have access to all of the relevant areas of civil aviation operations, to obtain all of the documentation and information they require to conduct their assessments, and to ensure that any deficiencies they identify are corrected. The persons carrying out the quality control need not necessarily be directly employed by the regulator, provided that appropriate safeguards are in place to avoid any conflicts of interests.

Capable quality control staff

An effective quality control program can only be carried out by properly trained professionals, whose abilities and expertise are respected by industry and who are fully equipped to deal with all of the issues and practical problems which will arise. Members of the quality control team should have a thorough knowledge of the legal framework

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within which they are working, and of the details of the economy's aviation security requirements. They should also have an understanding of the threat as it applies to the aviation interests they are examining, and be familiar with the aviation business and its practical operations.

Independence

It is important that the management, setting of priorities and organization of the national civil aviation security quality control program be undertaken independently from the entities and persons responsible for implementing the measures. The work of the staff involved in verifying compliance must be transparent, and their judgments seen to be fair, unbiased and not influenced by irrelevant or improper factors.

Quality control staff must work strictly within their legal powers, adhere to the economy's rules and policies, and not show favor or disfavor to any person or organization. Where, for example, the implementation of the security measures and the compliance verification are carried out by the same government body, the separation of these two functions should be formalized within the official structure of the government body itself.

Prioritized approach

The quality control program should provide for the examination of all aspects of the national civil aviation program, including the policies which frame the program itself. While all airports and all air carriers operating in the economy should be examined on a regular basis, the tasking of the compliance assessors should be prioritized and the work schedule should be organized using a risk management approach, taking into account factors such as the relative size of the airport, the frequency and scale of air carrier operations, the likelihood of an interest being subject to unlawful interference, and the previous compliance history of the airport, air carrier, etc., in question.

Variety of techniques to monitor compliance

A good quality control program will cover all aspects of the security of the operations at airports, including air carriers, cargo, general aviation, mail and catering, and will deploy a variety of methods to do this. A mixture of inspections, in-depth audits, surveys and covert testing will produce the most complete picture.

Standardized and organized approach

The organization and methodology of inspections, audits, surveys and tests should conform to a standardized approach, involving tasking, planning, preparation, the inspection itself, the completion of a report, and, if necessary, any correction action. Appropriate and formal guidance and training should be provided to personnel carrying out all of these activities to ensure that rules are interpreted consistently and that verification activities are carried out in a well-organized, fair and uniform manner.

Systematic and standardized recording of results

In order to make most effective use of the information gathered, results should be recorded in a uniform manner. This facilitates analysis and comparison, and the identification of trends and patterns. It also allows for the efficient prioritization of future monitoring activity. Automated systems which assist in efficient data storage, search and trend analysis are useful where large amounts of data are recorded. Such systems should be secured in a manner consistent with the economy's requirements.

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Appropriate measures to correct deficiencies

Where quality control activity identifies deficiencies within security procedures, processes need to be in place to provide for their swift correction. An effective quality control program will include processes for ensuring that such correction is also maintained in the future, so that the same deficiency does not recur. Actions required to correct deficiencies should be proportionate to the risk which has been identified and should be applied with consistency.

A simple guide to establishing and running a good quality control program which encompasses the fundamental components described above is set out in the Appendix.

Additional benefits of an effective quality control program

The primary aim of a national quality control program must be to verify compliance with the economy's national civil aviation security program, and to ensure that any deficiencies are corrected promptly, through enforcement action if necessary. However a well managed program will also deliver additional important benefits.

Motivates security staff

Quality control activity helps ensure that staff remain focused, conscious of the importance of the work they do, how their own activity forms part of the overall security program, and the serious consequences of failures on their part.

Contributes to the policy making process

Feedback from quality control activity helps steer the redesign of measures to make them more effective/more auditable, and assists in the identification and development of additional or alternative measures.

Builds constructive and effective relationships between the regulator and the aviation industry

A well conducted, professionally run quality control program can assist in the establishment and maintenance of an understanding between the regulator and the industry. It can help the industry understand that both are engaged in the common mission of securing civil aviation against the risk of terrorist or other attack.

Provides an opportunity for exchanging information with the industry, including examples of good and bad practices

Effective communication with the industry by staff involved in the quality control process can further the working partnership and help the regulator and the industry identify what works well (and what doesn't).

Challenges in ensuring quality control

Establishing and maintaining an effective civil aviation security quality control program can give rise to challenges and difficulties. Some of the more common are described below, along with some approaches which may be adopted to address them.

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Resourcing

To develop, implement and maintain an effective national quality control program, adequate resources are required. However, where the budget allocated to quality control is limited, it is still possible to operate an effective program of compliance verification by using the available resources economically. In these circumstances, it is vitally important that a risk-based approach is used when drawing up the program of work, and that staff are deployed in a cost effective manner.

Securing effective internal quality control by service providers

The persons implementing the security controls need to be appropriately trained and possess all the competencies required to perform their duties. Such training provides an important component in ensuring quality delivery. Organizations should also be encouraged to implement effective internal quality control processes to supplement and support the economy's processes.

Designing and delivering adequate training for inspectors

Economies lacking in experience in designing and delivering adequate training for quality control staff should seek assistance on this aspect of the quality control process from other economies which already have a well established training program in place, or from professional training consultants. In addition, APEC economies which are members of ICAO may wish to take part in the Aviation Security Training Program run by ICAO. This comprises a series of Aviation Security Training Packages including a new course entitled "National Auditors – Inspectors" coordinated by the AVSEC Section. Information on this course and other ICAO Aviation Security Training Packages, including one on quality control, can be found at www.icao.int/avsec.

Ensuring that rectification takes place, where the service provider is a government law enforcement agency (e.g., police)

If enforcement difficulties are to be avoided, it is crucial that the authority of the regulator to define requirements and the authority of the quality control staff to carry out their tasks of inspection and enforcement are clearly and formally established and accepted. It is also important that staff involved in implementing security requirements fully understand the role and powers of the regulator. These principles are no less important where the provider of security is a government law enforcement body. In order to minimize conflict and confrontation, the regulator should seek to establish constructive working relationships with appropriate personnel within the relevant government agency and work actively with the government agency to advise on and assist with compliance. Where rectification work is necessary this should be explained clearly and simply and confirmed in writing on request, explaining what is required and over what timescale, making sure that legal requirements are clearly distinguished from best practice advice.

Maintaining the necessary separation between audit and delivery, especially where the latter is undertaken within the same organization

Ideally the separation of compliance oversight and implementation should be incorporated in the formal structure of the organization itself. Staff involved in compliance verification should receive training and guidance material on the importance of maintaining objectivity and quality control management, and should have separate reporting lines to senior officials.

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Human factor challenges

Most security functions still rely significantly on human resources. Security tasks are often difficult and repetitious, and humans are fallible. Assessors need to be able to recognize the difference between one-off lapses of concentration from the more deep-rooted problems, which may be endemic either to the individual or the system; this includes training needs, instructional support facilities and supervision.

Technology factors for testing the performance of equipment (the need to have specific instructions on what must be checked and how)

Increasingly new technologies are being introduced to support the mainstream security functions. It is important that new technologies and procedures are validated through frequent and stringent examination.

Conducting effective covert tests

Covert tests need to be properly managed in accordance with a clear protocol, if they are not to pose potential problems and perhaps reflect an inaccurate picture of the performance of the measure. Unless closely managed they can lead to public order or health and safety issues for the industry or general public. For example, test items may go astray and may cause needless alarm, evacuation etc. Guidance on the conduct of covert tests can be found in section F of the Appendix of this paper.

Collecting information and recording findings in a way which assists effective analysis and establishes an acceptable basis of evidence in a dispute or prosecution

Clear and accurate notes taken during inspections are an essential component of the record keeping process. Computerized systems can facilitate the recording and analysis of the information gathered. If permissible within an economy, quality control staff may wish to use cameras, videotape recorders or audiotape recorders to provide evidence to support their written observations.

Inspection staff comporment, behavior, integrity, professionalism, competence

In order to ensure staff conduct their activities in a professional manner, a code of practice incorporating the principles of professional behavior should be produced and issued to quality control staff on appointment. The regulator should take measures to ensure that compliance with those principles is a condition of continued employment. Guidance on the standards of behavior required of quality control staff is set out in section I of the Appendix of this paper.

Summary

In sum, an effective quality control program should include the following common elements:

- Provide a clear legislative basis, consistent with international standards;
- Implement legal requirements and maintain required standards;
- Validate the effectiveness of the civil aviation security program itself;
- Identify any deficiencies in standards and procedures; ensure they are corrected promptly;
- Be reliable, consistent, independent and transparent; and
- Serve to strengthen aviation security standards.

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Appendix: A guide to developing and implementing an effective civil aviation security quality control program

Introduction

The aim of this appendix is to provide best practice guidance on the practicalities of establishing and sustaining an effective national civil aviation security quality control program. It is hoped that the following material will be useful to economies wishing to set up a quality control program or to improve upon a program which is already in place.

This guidance is structured as follows:

- A. Legislation – powers needed by staff assessing compliance
- B. Organization of a compliance team and training of staff
- C. Means of assessing compliance
- D. Prioritizing workloads (proportionality)
- E. Conducting an inspection or audit
- F. Carrying out covert tests
- G. Carrying out surveys
- H. Recording results
- I. Conduct and behavior of compliance staff
- J. Correcting deficiencies – a phased approach

A. Legislation – authority needed by staff assessing compliance

The authority needed to carry out an effective quality control program are of two kinds.

First, the personnel involved in compliance verification need to have authority to allow access, inspection and information gathering. Authorities to carry out the following tasks should be contained within the economy's national legislation.

- Authority to inspect or detain for the purpose of inspecting any security procedure an aircraft registered or operating in the economy;
- Authority to inspect any part of any airport in the economy;
- Authority to inspect any land outside the airport used by businesses that operate on the airport or enter the restricted security area and to subject any property found within these areas to tests;
- Authority to investigate and test the effectiveness of security practices and procedures;
- Authority to require an air carrier, airport manager or occupier of land outside the airport used for business purposes connected with the airport to provide information relevant to the audit, inspection, test or survey.

Secondly, the regulator needs the authority to require any failures in the security arrangements to be corrected within set timeframes. Authorities to prosecute or fine an offending organization and/or individual, to suspend or revoke licenses or certificates of operation, or to detain an aircraft until the fault has been rectified should be available for use where correction cannot be achieved through other means.

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B. Organization of a compliance team and training of staff

The size and structure of a compliance team may vary greatly depending on the circumstances of the economy in question. However, key components required for an effective compliance team include resources adequate to the task, strong leadership, and clearly defined roles and responsibilities within the team.

Team staff may be divided across regional, e.g., specific airports, or functional, i.e., access control, verification of training, etc., responsibilities. An office-based support team is critical in efforts to analyze data, and to effectively plan and prepare visits.

Training

It is essential that personnel involved in assessing compliance have a good understanding of the national civil aviation security program, of current security technologies and techniques, and of the threat which applies to the economy and the location under examination. Staff engaged in compliance verification should be able to demonstrate a thorough knowledge of the legislation which underpins their work and the extent of their legal powers.

New staff should undergo extensive training on all of the above. An effective training program will consist of a mixture of classroom and on-site practical learning, as well as periodic recurrent training for existing staff.

Regular dialogue

It is important that compliance team members are in routine contact both with one another, and also with policymakers responsible for drawing up the regulations. Frequent discussion and feedback meetings will help ensure consistency of approach among team members and allow for the exchange of useful information.

C. Means of assessing compliance

There are a variety of methods to assess whether the correct security arrangements are being applied. In order to be able to build a clear and accurate picture of compliance, a regulator should use a combination of each of the following methods as part of its quality control program. There is value in conducting compliance monitoring without prior notice in order to gain the most accurate picture possible of how well security requirements are being implemented. However, for practical reasons it may, in some circumstances, be necessary to give the relevant personnel some prior notice, especially with respect to tests.

Inspection

An inspection is an examination of one or more aspects of the security program of an air carrier, airport or other organization responsible for implementing aviation security measures. Inspections are normally carried out over a short period of time, i.e., a number of hours or perhaps a day, including weekends, public holidays and during silent hours. In order to maximize their effectiveness, inspections should usually be conducted without giving any advance notice to the organization(s) concerned. Inspections might be thematic, where compliance with a particular function or aspect of aviation security is examined at a broad number of locations within a given period of time, in order to obtain a snapshot of compliance across the industry.

Audit

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An audit is an in-depth examination of all aspects of an airport's or air carrier's existing security program to determine if all requirements are being implemented on a continual basis and to a constant standard. This will normally be conducted over an extended period of time, i.e., several days or weeks or even a month.

Security Test

A security test is a simulated act of unlawful interference against existing security measures carried out covertly by a person with an inert explosive device or weapon concealed in their baggage or on their person.

Security Survey

A security survey is an evaluation of an airport's or air carrier's operations to determine security needs. This will include establishing whether there is a vulnerability which could be exploited to carry out an act of unlawful interference, despite the implementation of all of the security measures and procedures required by the national civil aviation program. A security survey may lead to the recommendation of compensatory protective measures commensurate with the threat.

D. Prioritizing workloads (proportionality)

There are sixteen areas that are considered to be subject to the greatest risk or known from experience to be prone to the most serious deficiencies. These should be given priority within the quality control activity, and should be assessed most often. However, the monitoring schedule should ensure that every airport, air carrier, caterer and regulated cargo agent is inspected and tested on a regular basis.

The following sources of information will be useful in drawing up a work schedule:

- Data indicating progress thus far in complying with the requirements of the national civil aviation security program
- Information and complaints from industry staff and members of the public
- Information from survey reports
- Threat level to civil aviation, including the number of "at risk" air carriers flying from the airport in question
- Size of airport/terminal
- Number of passengers using airport/terminal
- Number of air carriers flying from that location
- Amount of cargo handled by that location
- Previous compliance record

The monitoring program should be flexible and capable of being adapted to reflect changes in the threat level, priorities and operations. The program should also allow staff to be deployed in the most cost-effective way.

E. Conducting an inspection or audit

Staff involved in compliance verification must ensure that their work is carried out professionally, effectively and reliably. The regulator should formulate specific rules for the conduct of an inspection or audit, taking into account the aspects described below. Staff involved in compliance verification should also be issued photo identification which confirms their role and the powers available to them, and allows airports, air carriers and other parties to verify their status.

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Preparation

Before arriving at the entity to be inspected, inspectors/auditors need to identify the specific objectives for their visit and obtain background information on previously identified deficiencies, areas which have not been inspected recently, and any other relevant concerns. Inspectors/auditors should identify the responsible managers for each of the entities operating at the location and do their best to familiarize themselves with the site layout.

Taking notes

Throughout the course of the inspection or audit, the inspector/auditor should use an official notebook, developed by the regulator for this purpose, to record the times and important details of their inspection/audit. Notes should be comprehensive and should run in a chronological sequence leaving no gaps in the book. Failure to do so may undermine their value as evidence in the event of prosecution or other dispute.

Making inquiries

Inspectors/auditors may wish to ask questions about security measures of any person they consider may be able to assist them in assessing the standard of security or the implementation of security procedures. Such questioning can reveal misconceptions held by staff. In doing so, the inspector/auditor should take reasonable steps not to distract people unnecessarily from their primary duties. While conducting such interviews, the inspector/auditor should make notes of the conversation. Where there is a serious issue that may lead to prosecution it may be advisable for conversations to be recorded more formally. In these circumstances economy-specific standards and guidelines for the recording of formal statements should be followed.

Use of surveillance equipment

Where permissible, inspectors/auditors may wish to use equipment, including, for example, cameras, videotape recorders and audiotape recorders, to help them carry out their duties. When the use of equipment is decided upon, a specific code of practice governing the use of such tools should be drawn up after discussion with service providers, and then included in the inspector' s/auditor' s training program.

Observation

When observing the progress of members of the public through a screening checkpoint, inspectors/auditors should be discreet, avoid eye contact and not stare at individuals. While working in the area to be inspected, inspectors/auditors must display or have available as necessary their departmental authorization passes. This will show airport and air carrier staff as well as members of the public that they are undertaking official duties.

F. Carrying out covert tests

Covert testing can tell the regulator a great deal about the true effectiveness with which security measures are being delivered. In order for this to happen, however, such tests have to be very carefully prepared and undertaken.

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In order to prevent a covert test from being mistaken for a real security situation, it is essential that they are prudently planned and carefully carried out, and that the relevant law enforcement authorities are aware that a covert test is taking place.

Tests should only be conducted under the close supervision of competent and specially trained personnel. The people managing and carrying out the tests should ensure that the tests are permissible in the economy, and that they do not at any point jeopardize the safety of people, aircraft or airport facilities. It is also important to ensure that property is not damaged during the course of a test, and that the public, persons or organizations being tested, and the police authorities and other security agencies, are not alarmed or inconvenienced by the tests.

A formal protocol should be prepared which will inform all appropriate parties involved in the civil aviation system of the status and authority of the test program, of the legal position of the persons carrying it out, and of the test items being used. Documentation and permits should be prepared and suitable educational material distributed to ensure that all the relevant airport security and police authority personnel can positively identify those persons conducting an authorized test as part of the test program.

G. Carrying out surveys

Surveys are carried out in order to provide a holistic assessment of whether the structure and the implementation of aviation security measures at a given airport or by a given air carrier meet the requirements of the national civil aviation security program and are appropriate to the assessed threat. Particular attention should be paid to any weak links which may exist between the different organizations involved, e.g., airport management, air carriers, in-flight caterers, handling agents, security companies, etc. A survey should also identify any vulnerabilities in the national civil aviation security program and identify aspects of the program which may be in need of amendment.

Surveys should be carried out by a team of quality control staff with a designated team leader who will be responsible for oversight of the survey process.

The considerations cited with respect to the preparation and conduct of audits, particularly regarding preparation, recording of information, and making inquiries, etc., apply equally to surveys.

Surveys may also be conducted as an adjunct to other monitoring activities, e.g., audits.

H. Recording results

Quality control staff should prepare a report after each inspection, test or audit, and enter it into a formal recording system. Reports should be compiled in accordance with a template developed by the regulator for the purpose. It should summarize the main findings of the inspection, test, etc., and identify any deficiencies or failures to comply. The report should include any comments or recommendations the inspector wishes to put forward.

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A computerized system may provide the most convenient method of recording the results of inspections, covert tests and audits.

I. Conduct and behavior of compliance staff

Where covert operations are planned, it is very important that staff involved in compliance verification do not disclose the details of forthcoming inspections, audits or tests, either deliberately or inadvertently. Once the inspector has arrived at the location and made his or her presence known, a representative of the organization being inspected may accompany an inspector, where the latter considers this will facilitate and not inhibit the inspection.

When carrying out aviation security surveys, program inspections, audits, or tests, it is important that auditors, inspectors and testers should themselves:

- Observe security requirements at airports, and use normal channels of access and egress, except where doing so would inhibit them in the execution of their duty;
- Comply with airport and air carrier safety regulations;
- Not use force to gain access to any aircraft, building works or land;
- Not open external aircraft doors, touch any control surfaces or enter aircraft flight decks unless accompanied by a responsible officer of the air carrier;
- Not normally advise, correct or instruct security staff (This is the role of the relevant managers within the industry.);
- Not normally take any direct operational action, such as dealing with passengers, staff or traffic (Responsibility for doing this should remain with the relevant airport or air carrier staff. Whenever necessary, however, they will identify deficiencies to supervisors or relevant industry managers and seek correction of them.).

J. Correcting deficiencies – a phased approach

Where deficiencies in security practices and procedures are identified, the notification and correction process must be undertaken as quickly as possible.

An economy's legislation should allow an organization to be fined or prosecuted, to have its certificate or license to operate revoked, or its aircraft detained, where it fails to comply with its obligations with respect to aviation security. However this type of action should generally be reserved for cases of persistent and serious failure. A phased or stepped approach to enforcement, as outlined below, will provide a proportionate approach to correcting deficiencies in security measures, and will help to maintain an effective working relationship between the regulator and the industry. It may be necessary to omit one or more of the phases in the stepped approach where serious deficiencies have been identified.

First phase: advice and persuasion

The first step to be taken on identifying a deficiency should be to explain in a helpful and informative manner precisely how the organization is failing to meet its obligations.

Advice should be put clearly and simply, and be confirmed in writing on request. It should explain why any correction is necessary, and over what timeframe, and make sure that legal requirements are clearly distinguished from best practice advice.

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Where this initial approach has failed to achieve the desired correction action, it may be appropriate for inspectors to take a stronger line while still stopping short of formal enforcement action. In these circumstances inspectors should offer persuasive arguments outlining the organization's responsibilities for the safety and security of their passengers and highlighting the vulnerabilities which might arise through failure to take appropriate correction action.

Second phase: formal warnings

Where advice and persuasion does not prove sufficient, or where the deficiency is considered too serious to be corrected by informal action alone, a formal warning should be issued to the organization concerned.

This formal warning should be in writing, and should outline the precise area in which an organization's security arrangements are deficient. It should remind the organization in question of its obligations to rectify the identified shortcoming within a specified timeframe.

Third phase: enforcement

Following two or more formal warnings for a particular deficiency, or a series of formal warnings for a range of deficiencies, the organization in question should be issued with a formal notice requiring it to take satisfactory correction action.

Such a notice should detail the manner in which the organization has failed to comply with the legislation and the action which must be taken in order to achieve compliance. The action specified may include a number of options which would be acceptable to the regulator, as well as an appropriate timeframe. The notice may require the organization not to permit certain things to happen until the necessary remedial measures have been implemented.

Fourth phase: legal proceedings

Where an organization has failed to comply with a notice enforcing a particular course of correction, the regulator will need to have legal powers to undertake prosecution. This will require the inspectors to have had training, for example, in taking and recording evidence, as necessary under the economy's laws in order to bring a case to court.