



# **CAR SEC**

# **SECURITY REGULATIONS**

**FOREWORD**

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**REVISION RECORD**

**LIST of EFFECTIVE PAGES**



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## FOREWORD

1. The Republic of San Marino Civil Aviation Authority, known in these regulations as the “Authority” has implemented CAR SEC (Civil Aviation Regulations – Security) as the technical requirements and administrative procedures applicable to aviation security.
2. The structure and substance of these regulations is based on Annex 17 to the Convention on International Civil Aviation, Security - Safeguarding International Civil Aviation Against Acts of Unlawful Interference and other related Annexes.
3. CAR SEC replaces SM CAR SEC.
3. Unless otherwise stated, applicable Annex 17 definitions and abbreviations are used throughout this document. Refer also to CAR DEF for additional definitions and abbreviations.
4. The editing practices used in this document are as follows:
  - (a) ‘Shall’ or ‘Will’ or ‘Must’ is used to indicate a mandatory requirement.
  - (b) ‘Should’ is used to indicate a recommendation.
  - (c) ‘May’ is used to indicate discretion by the Authority, the industry or the applicant, as appropriate.

*Note: The use of the male gender implies the female gender and vice versa.*
5. Paragraphs and sub-paragraphs with new, amended and corrected text will be enclosed within brackets until a subsequent “amendment” is issued.





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## CHAPTER 1

### DEFINITIONS

#### 1.1 Definitions

**Accompanied hold baggage** - Baggage which is accepted for carriage in the hold of an aircraft and which is checked in by the passenger who is on board.

**Act of unlawful interference** - These are acts or attempted acts such as to jeopardize the safety of civil aviation, including but not limited to:

- unlawful seizure of aircraft,
- destruction of an aircraft in service,
- hostage-taking on board aircraft or on aerodromes,
- forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility,
- introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes,
- use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment, and
- communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility.

**Aerial work** - An aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, and aerial advertisement.

**Aircraft in service** - A parked aircraft which is under surveillance sufficient to detect unauthorised access.

**Aircraft in flight** - An aircraft from the moment when all its external doors are closed following embarkation until the moment when such doors are opened for disembarkation.

**Aircraft not in service** - An aircraft that is either parked for a period of more than 12 hours or is not under surveillance sufficient to detect unauthorised access.

**Aircraft Operator** - The commercial operator of any one or more aircraft holding an Air Operator Certificate or a Foreign Air Operator Certificate to whom these regulations apply.

**Aircraft security check** - An inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances.

**Aircraft security search** - A thorough inspection of the interior and exterior of an aircraft for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances.



**Airport** - Any area which is open for commercial aircraft operations.

**Airport Operator** - The holder whose name appears on an airport certificate.

**Airside** - The movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled.

**Appropriate authority for aviation security** - The Authority designated by the State within its administration to be responsible for the development, implementation and maintenance of the national civil aviation security programme. The Civil Aviation Authority of San Marino is the 'Authority'.

**Background check** - A check of a person's identity and previous experience, including where legally permissible, any criminal history, as part of the assessment of an individual's suitability to implement a security control and/or for unescorted access to a security restricted area.

**Baggage** - Personal property of passengers or crew carried in the cabin or in the hold of an aircraft by agreement with the operator.

**Bomb threat** - A communicated threat, anonymous or otherwise, which suggests, or infers, whether true or false, that the safety of an aircraft in flight or on the ground, or any airport or civil aviation facility or any person may be in danger from an explosive or other item or device.

**Cargo** - Any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.

**Cargo area** - All the ground space and facilities provided for cargo handlings. It includes aprons, cargo buildings and warehouses, vehicle parks and roads associated therewith.

**Cargo building** - A building through which cargo passes between air and ground transport and in which processing facilities are located, or in which cargo is stored pending transfer to air or ground transport.

**Catering stores** - All items, other than catering supplies, associated with passenger in-flight services for example newspapers, magazines, headphones, audio and video tapes, pillow and blankets and amenity kits.

**Catering supplies** - Food, beverages, other dry stores and associated equipment used on board an aircraft.

**Certification** - A formal evaluation and confirmation by or on behalf of the Authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the Authority.

**Commercial air transport operation** - An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

**Authority** - see 'Appropriate authority for aviation security'.

**Contingency plan** - A proactive plan to include measures and procedures addressing various threat levels, risk assessments and the associated security measures to be implemented, designed to anticipate and mitigate events as well as prepare all concerned parties having roles and responsibilities in the event of an actual act of unlawful interference. A contingency plan sets forth incremental security measures that may be elevated as the threat increases. It may be a stand-alone plan or included as part of a Crisis Management Plan.





**Corporate aviation** - The non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot employed to fly the aircraft.

**Crew member** - A person assigned by an operator to duty on an aircraft during a flight duty period.

**Dangerous Goods** - Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions.

*Note - Dangerous goods are classified in International Civil Aviation Organisation Annex 18 and CAR DG.*

**Deportee** - A person who had legally been admitted to a State by its authorities or who had entered a State illegally, and who at some later time is formally ordered by the relevant authorities to leave that State.

**Diplomatic bag/pouch** - A shipping container having diplomatic immunity from search or seizure when accompanied by the required official documentation.

**Disruptive passenger** - A passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board the aircraft.

**Emergency Plan** - A plan setting forth the procedures for coordinating the response of different aerodrome agencies or services and of those agencies in the surrounding community that could be of assistance in responding to an emergency.

**Facilitation** - The efficient management of a necessary control process, with the objective of expediting the clearance of persons or goods and preventing unnecessary operational delays.

**Freight** - See Cargo.

**General aviation** - An aircraft operation other than a commercial air transport operation or an aerial work operation.

**High-risk cargo or mail** - Cargo or mail presented by an unknown entity or showing signs of tampering shall be considered high risk if, in addition, it meets one of the following criteria:

- (a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation; or
- (b) the cargo or mail shows anomalies that give rise to suspicion; or
- (c) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft.

Regardless of whether the cargo or mail comes from a known or unknown entity, a State's specific intelligence about a consignment may render it as high risk.

**Human factors principles** - Principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance.



**Human performance** - Human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations.

**Inadmissible person** - A person who is or will be refused admission to a State by its authorities.

*Note: Such a person normally has to be transported back to their State of departure, or to any other State where the persons are admissible, by the aircraft operator on which they arrived.*

**In-flight security officer** - A person who is authorised by the government of the State of the Operator and the government of the State of Registration to be deployed on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference. This excludes persons employed to provide exclusive personal protection for one or more specific people travelling on the aircraft, such as personal bodyguards.

**Known consignor.** A consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow the carriage of cargo or mail on any aircraft.

**Landside** - The area of an airport and buildings to which both travelling passengers and the non-travelling public have unrestricted access.

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

**Pilot in command** - The pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.

**Regulated agent.** An agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo or mail.

**Screening** - The application of technical or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices, articles and substances which may be used to commit an act of unlawful interference.

**Security** - Safeguarding civil aviation against acts of unlawful interference. This objective is achieved by a combination of measures and human and material resources.

**Security audit** - An in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme.

**Security control** - A means by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented.

**Security equipment** - Devices of a specialized nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities.

**Security exercise** - A full-scale security exercise is a simulated act of unlawful interference with the objective of ensuring the adequacy of a contingency plan to cope with different types of emergencies. A partial security exercise is a simulated act of unlawful interference with the objective of ensuring the adequacy of the response to individual participating agencies and components of the contingency plan, such as the communications system.



**Security inspection** - An examination of the implementation of relevant national civil aviation security programme requirements by an aircraft operator, airport, or other entity involved in security.

**Security programme** - Written measures adopted to safeguard international civil aviation against acts of unlawful interference.

**Security restricted area** - Those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied. Such areas will normally include, inter alia, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises.

**Security survey** - An evaluation of security needs including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions.

**Security test** - A covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act.

**Stores (Supplies) –**

- for consumption. Goods, whether or not sold, intended for consumption by the passengers and the crew on board an aircraft, and goods necessary for the operation and maintenance of the aircraft, including fuel and lubricants.
- to be taken away. Goods for sale to passengers and crew of an aircraft with a view to being landed.

**Transfer cargo and mail** - Cargo and mail departing on an aircraft other than that on which it arrived.

**Transfer passengers and baggage** - Passengers and baggage making direct connections between two different flights.

**Transit passengers** - Passengers departing from an airport on the same flight as that on which they arrived.

**Unidentified baggage** - Baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger.

**Unpredictability.** The implementation of security measures in order to increase their deterrent effect and their efficiency, by applying them at irregular frequencies, different locations and/or with varying means, in accordance with a defined framework.

*Note: Further definitions may be found in CAR DEF.*



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## CHAPTER 2

### GENERAL PRINCIPLES

#### 2.1 Objectives

- 2.1.1 The primary objective of the Authority is the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation.
- 2.1.2 The Authority shall establish an organization and develop and implement regulations, practices and procedures to safeguard civil aviation against acts of unlawful interference taking into account the safety, regularity and efficiency of flights.
- 2.1.3 The Authority shall ensure that such an organization and such regulations, practices and procedures:
- (a) protect the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation; and
  - (b) are capable of responding rapidly to meet any increased security threat.
  - (c) to ensure appropriate protection of aviation security information.

#### 2.2 Applicability

- 2.2.1 The Authority shall apply the Standards and shall endeavour to apply the Recommended Practices contained in Annex 17 to international civil aviation operations.
- 2.2.2 The Authority shall ensure that measures designed to safeguard against acts of unlawful interference are applied to domestic operations to the extent practicable, based upon a security risk assessment carried out by the relevant national authorities.
- 2.2.3 The provisions of these regulations shall apply in respect of:
- (a) civil aviation operations;
  - (b) acts of unlawful interference; and
  - (c) other acts which, whether or not they are offences, may or do jeopardise the safety of the aircraft or of persons or property therein or which jeopardise good order and discipline on board.

#### 2.3 Security and facilitation

- 2.3.1 The Authority should whenever possible arrange for the security controls and procedures to cause a minimum of interference with, or delay to the activities of, civil aviation provided the effectiveness of these controls and procedures is not compromised.



## **2.4 International Cooperation**

- 2.4.1 The Authority shall ensure that requests from other Contracting States for additional security measures in respect of a specific flight(s) by operators of such other States are met, as far as may be practicable. The requesting State shall give consideration to alternative measures of the other State that are equivalent to those requested.
- 2.4.2 The Authority shall cooperate with other States in the development and exchange of information concerning national civil aviation security programmes, training programmes and quality control programmes, as necessary.
- 2.4.3 The Authority shall establish and implement procedures to share with other Contracting States threat information that applies to the aviation security interests of those States, to the extent practicable.
- 2.4.4 The Authority shall establish and implement suitable protection and handling procedures for security information shared by other Contracting States, or security information that affects the security interests of other Contracting States, in order to ensure that inappropriate use or disclosure of such information is avoided.
- 2.4.5 The Authority shall share, as appropriate, and consistent with its sovereignty, the results of the audit carried out by ICAO and the corrective actions taken by the audited State if requested by another State.
- 2.4.6 The Authority shall include in each of its bilateral agreements on air transport a clause related to aviation security, taking into account the model clause developed by ICAO.
- 2.4.7 The Authority shall make available to other Contracting States on request a written version of the appropriate parts of its national civil aviation security programme.
- 2.4.8 The Authority shall notify ICAO where it has shared information under 2.4.5.
- 2.4.9 The Authority shall consider entering into collaborative arrangements in order to increase the sustainability of the aviation security system by avoiding unnecessary duplication of security controls. The arrangement should be based on verification of equivalence of the security outcome ensured by the application of effective security controls at origin.

## **2.5 Equipment, Research and Development**

- 2.5.1 The Authority shall promote research and development of new security equipment, processes and procedures which will better achieve civil aviation security objectives and should cooperate with other Contracting States in this matter.
- 2.5.2 The Authority shall ensure that the development of new security equipment takes into consideration Human Factors principles.
- 2.5.3 The Authority shall employ security equipment, where appropriate, to the extent operationally, technically and financially practicable, to achieve civil aviation security objectives.

## **2.6 Authority**

- 2.6.1 The appropriate authority for aviation security in San Marino is the Authority, which is the Civil Aviation Authority.



## CHAPTER 3

### ORGANISATION

#### 3.1 National Organisation and Authority

3.1.1 The Authority shall establish and implement a written national civil aviation security programme to safeguard civil aviation operations against acts of unlawful interference, through regulations, practices and procedures which take into account the safety, regularity and efficiency of flights.

*Note: Under a formal agreement with ENAC, the national civil aviation security programme of the Italian Republic applies to the Republic of San Marino and compliance is required wherever stated in these regulations.*

3.1.2 The Authority shall designate and specify to ICAO an appropriate authority within its administration to be responsible for the development, implementation and maintenance of the national civil aviation security programme.

3.1.3 The Authority shall keep under constant review the level of threat to civil aviation within its territory, and establish and implement policies and procedures to adjust relevant elements of its national civil aviation security programme accordingly, based upon a security risk assessment carried out by the relevant national authorities.

3.1.4 The Authority shall require the appropriate authority to define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the State, airport and aircraft operators, air traffic service providers and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme.

3.1.5 The Authority shall establish a national aviation security committee or similar arrangements for the purpose of coordinating security activities between the departments, agencies and other organizations of the State, airport and aircraft operators, air traffic service providers and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme.

3.1.6 The Authority shall require the appropriate authority to ensure the development and implementation of a national training programme for personnel of all entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme. This training programme shall be designed to ensure the effectiveness of the national civil aviation security programme.

3.1.7 The Authority shall ensure the development and implementation of training programmes and an instructor certification system in accordance with the national civil aviation security programme.

3.1.8 The Authority shall ensure that the appropriate authority arranges for the supporting resources and facilities required by the aviation security services to be available at each airport serving civil aviation.

3.1.9 The Authority shall make available to its airport and aircraft operators and air traffic service providers operating in its territory and other entities concerned, a written version of the appropriate parts of its national civil aviation security programme and/or relevant information or guidelines enabling them to meet the requirements of the national civil aviation security programme.



3.1.10 The Authority shall ensure that personnel of all entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme and those authorised to have unescorted access to airside areas receive periodic security awareness training.

## **3.2 Airport Operations**

3.2.1 Airport operators serving civil aviation to establish, implement and maintain a written airport security programme appropriate to meet the requirements of the national civil aviation security programme.

3.2.2 Airport operators shall be responsible for coordinating the implementation of security controls.

3.2.3 Airport operators shall ensure that an airport security committee at each airport serving civil aviation is established to assist the authority mentioned under 3.2.2 in its role of coordinating the implementation of security controls and procedures as specified in the airport security programme.

3.2.4 Airport operators shall ensure that airport design requirements, including architectural and infrastructure-related requirements necessary for the implementation of the security measures in the national civil aviation security programme, are integrated into the design and construction of new facilities and alterations to existing facilities at airports.

3.2.5 Airport Operators shall notify the Authority in writing about any impending changes, modifications to be made on and off airport including any airport design that has direct or indirect impact on security.

3.2.6 Classified aviation security information shall be protected by entities concerned with or responsible for aviation security.

## **3.3 Aircraft Operators**

3.3.1 Commercial air transport operators providing service from San Marino shall establish, implement and maintain a written operator security programme that meets the requirements of the national civil aviation security programme of that State.

3.3.2 General aviation operators, including corporate aviation operations, using aircraft with a maximum take-off mass greater than 5 700 kg, should establish, implement and maintain a written operator security programme that meets the requirements of the national civil aviation security programme.

3.3.3 Aerial work operators using aircraft with a maximum take-off mass greater than 5 700 kg, should establish, implement and maintain a written operator security programme that meets the requirements of the national civil aviation security programme. The programme shall contain operations features specific to the type of operations conducted.

3.3.4 The Authority shall take into account the ICAO model as a basis for operators' or entities' security programmes under 3.3.1, 3.3.2 and 3.3.3.

3.3.5 The Authority shall require operators providing service from San Marino and participating in code-sharing or other collaborative arrangements with other operators to notify the appropriate authority of the nature of these arrangements, including the identity of the other operators.

3.3.6 Classified aviation security information shall be protected by entities concerned with or responsible for aviation security.





### 3.4 Quality Control

- 3.4.1 The Authority shall ensure that persons implementing security controls are subject to background checks and selection procedures.
- 3.4.2 The Authority shall ensure that persons implementing security controls possess competencies required to perform their duties and are appropriately trained according to the requirements of the National Civil Aviation Security Programme and that appropriate records are maintained up to date. Initial and periodic assessments shall be introduced to maintain established standards of performance.
- 3.4.3 The Authority shall ensure that the persons carrying out screening operations are certified according to the requirements of the national civil aviation security programme to ensure that performance standards are consistently and reliably achieved.
- 3.4.4 The Authority shall require the appropriate authority to develop, implement and maintain a national civil aviation security quality control programme to determine compliance with and validate the effectiveness of its national civil aviation security programme.
- 3.4.5 The Authority shall ensure that the implementation of security measures is regularly subjected to verification of compliance with the national civil aviation security programme. The priorities and frequency of monitoring shall be determined on the basis of risk assessment carried out by the relevant authorities.
- 3.4.6 The Authority shall arrange for security audits, tests, surveys and inspections to be conducted on a regular basis, to verify compliance with the national civil aviation security programme and to provide for the rapid and effective rectification of any deficiencies.
- 3.4.7 The Authority shall ensure that the management, setting of priorities and organization of the national civil aviation security quality control programme shall be undertaken independently from the entities and persons responsible for the implementation of the measures taken under the national civil aviation security programme. Each Contracting State shall also:
- (a) ensure that the personnel carrying out security audits, tests, surveys and inspections are trained to appropriate standards for these tasks in accordance with the national civil aviation security programme;
  - (b) ensure that the personnel carrying out security audits, tests, surveys and inspections are afforded the necessary authority to obtain information to carry out these tasks and to enforce corrective actions;
  - (c) supplement the national civil aviation security quality control programme by establishing a confidential reporting system for analysing security information provided by sources such as passengers, crew and ground personnel; and
  - (d) establish a process to record and analyse the results of the national civil aviation security quality control programme, to contribute to the effective development and implementation of the national civil aviation security programme, including identifying the causes and patterns of non-compliance and verifying that corrective actions have been implemented and sustained.



- 3.4.8 The Authority concerned with an act of unlawful interference shall require its appropriate authority to re-evaluate security controls and procedures and in a timely fashion take action necessary to remedy weaknesses so as to prevent recurrence. These actions shall be shared with ICAO.
- 3.4.9 The Authority shall ensure that each entity responsible for the implementation of relevant elements of the national civil aviation security programme periodically verifies that the implementation of security measures outsourced to external service providers is in compliance with the entity's security programme.

### **3.5 Air Traffic Service Providers**

- 3.5.1 Air Traffic Service providers in San Marino shall establish and implement security provisions that meet the requirements of the National Civil Aviation Security Programme.



## CHAPTER 4

### PREVENTIVE SECURITY MEASURES

#### 4.1 Objective

- 4.1.1 Airport operators shall establish measures to prevent weapons, explosives or any other dangerous devices, articles or substances, which may be used to commit an act of unlawful interference, the carriage or bearing of which is not authorised, from being introduced, by any means whatsoever, on board an aircraft engaged in civil aviation.
- 4.1.2 The Airport operator shall promote the use of random and unpredictable security measures. Unpredictability could contribute to the deterrent effect of security measures.

#### 4.2 Measures Relating to Access Control

- 4.2.1 Airport operators shall ensure that the access to airside areas at airports serving civil aviation is controlled in order to prevent unauthorised entry.
- 4.2.2 Airport operators shall ensure that security restricted areas are established at each airport serving civil aviation designated by the State based upon a security risk assessment carried out by the relevant national authorities.
- 4.2.3 Airport operators shall ensure that identification systems are established in respect of persons and vehicles in order to prevent unauthorised access to airside areas and security restricted areas. Identity shall be verified at designated checkpoints before access is allowed to airside areas and security restricted areas.
- 4.2.4 Airport operators shall ensure that background checks are conducted on persons other than passengers granted unescorted access to security restricted areas of the airport prior to granting access to security restricted areas.
- 4.2.5 Airport operators shall ensure that the movement of persons and vehicles to and from the aircraft is supervised in security restricted areas in order to prevent unauthorised access to aircraft.
- 4.2.6 Airport operators shall ensure that persons other than passengers, together with items carried, prior to entry into airport security restricted areas serving international civil aviation operations, are subject to screening and security controls.
- 4.2.7 Airport operators shall ensure that vehicles being granted access to security restricted areas, together with items contained within them, are subject to screening or other appropriate security controls in accordance with a risk assessment carried out by the relevant national authorities.
- 4.2.8 Airport operators shall ensure that identity documents issued to aircraft crew members provide a harmonized and reliable international basis for recognition and validation of documentation to permit authorised access to airside and security restricted areas by conforming to the relevant specifications set forth in Doc 9303, Machine Readable Travel Documents.
- 4.2.9 Airport operators shall ensure that checks specified in 4.2.4 be reapplied on a regular basis to all persons granted unescorted access to security restricted areas.



### **4.3 Measures Relating to Aircraft**

- 4.3.1 Aircraft operators shall ensure that aircraft security checks of originating aircraft engaged in commercial air transport movements are performed or an aircraft security search is carried out. The determination of whether it is an aircraft security check or a search that is appropriate shall be based upon a security risk assessment carried out by the relevant national authorities.
- 4.3.2 Aircraft operators shall ensure that measures are taken to ensure that any items left behind by passengers disembarking from transit flights are removed from the aircraft or otherwise dealt with appropriately before departure of an aircraft engaged in commercial flights.
- 4.3.3 Commercial air transport operators shall take measures as appropriate to ensure that during flight unauthorised persons are prevented from entering the flight crew compartment.
- 4.3.4 Aircraft operators shall ensure that an aircraft subject to 4.3.1 is protected from unauthorised interference from the time the aircraft search or check has commenced until the aircraft departs.
- 4.3.5 Aircraft operators shall ensure that security controls are established to prevent acts of unlawful interference with aircraft when they are not in security restricted areas.

### **4.4 Measures Relating to Passengers and their Cabin Baggage**

- 4.4.1 Airport operators shall establish measures to ensure that originating passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft departing from a security restricted area.
- 4.4.2 Aircraft operators shall ensure that transfer passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft, unless it has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such passengers and their cabin baggage have been screened to an appropriate level at the point of origin and subsequently protected from unauthorised interference from the point of screening at the originating airport to the departing aircraft at the transfer airport.
- 4.4.3 Airport operators shall ensure that passengers and their cabin baggage which have been screened are protected from unauthorised interference from the point of screening until they board their aircraft. If mixing or contact does take place, the passengers concerned and their cabin baggage shall be re-screened before boarding an aircraft.
- 4.4.4 Airport operators shall establish measures for transit operations to protect transit passengers' cabin baggage from unauthorised interference and protect the integrity of the security of the airport of transit.
- 4.4.5 Airport operators shall ensure that practices are established at airports and on board aircraft to assist in the identification and resolution of suspicious activity that may pose a threat to civil aviation.

### **4.5 Measures Relating to Hold Baggage**

- 4.5.1 Airport operators shall establish measures to ensure that originating hold baggage is screened prior to being loaded onto an aircraft engaged in commercial air transport operations departing from a security restricted area.



- 4.5.2 Airport operators shall ensure that all hold baggage to be carried on a commercial aircraft is protected from unauthorised interference from the point it is screened or accepted into the care of the carrier, whichever is earlier, until departure of the aircraft on which it is to be carried. If the integrity of hold baggage is jeopardized, the hold baggage shall be re-screened before being placed on board an aircraft.
- 4.5.3 Commercial air transport operators shall not transport the baggage of persons who are not on board the aircraft unless that baggage is identified as unaccompanied and subjected to appropriate screening.
- 4.5.4 Airport operators shall ensure that transfer hold baggage is screened prior to being loaded onto an aircraft engaged in commercial air transport operations, unless it has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorised interference from the originating airport to the departing aircraft at the transfer airport.
- 4.5.5 Commercial air transport operators shall transport only items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight by the air carrier. All such baggage should be recorded as meeting these criteria and authorised for carriage on that flight.
- 4.5.6 Commercial air transport operators shall establish procedures to deal with unidentified baggage in accordance with a security risk assessment carried out by the relevant national authorities.

#### **4.6 Measures Relating to Cargo, Mail, Catering and Other goods**

- 4.6.1 Airport Operators shall ensure that appropriate security controls, including screening where practicable are applied to cargo and mail, prior to their being loaded on-board an aircraft engaged in commercial air transport operations.
- 4.6.2 The Authority shall establish a supply chain security process, which includes the approval of regulated agents and/or known consignors, if such entities are involved in implementing screening or other security controls of cargo and mail.
- 4.6.3 Airport operators shall ensure that cargo and mail to be carried on-board a commercial aircraft is protected from unauthorised interference from the point of screening or other security controls are applied until departure of the aircraft.
- 4.6.4 Airport Operators shall apply enhanced security measures to high-risk cargo and mail to mitigate associated threats where;
- (a) the cargo or mail shows signs of tampering ; or
  - (b) specific intelligence about a consignment indicates that the cargo or mail poses a threat to civil aviation; or
  - (c) the cargo or mail shows anomalies that give rise to suspicion; or
  - (d) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft.



- 4.6.5 Airport Operators shall ensure that operators do not accept cargo or mail for carriage on an aircraft engaged in commercial air transport operations unless the application of screening or other security controls is confirmed and accounted for by a regulated agent, or an entity that is approved by an appropriate authority. Cargo and mail which cannot be confirmed and accounted for by a regulated agent or an entity that is approved by an appropriate authority shall be subjected to screening.
- 4.6.6 Airport Operators shall ensure that catering, stores and supplies intended for carriage on aircraft are subjected to security controls and thereafter protected until loaded onto the aircraft.
- 4.6.7 Airport Operators shall ensure that merchandise and supplies introduced into security restricted areas are subject to appropriate security controls, which may include screening.
- 4.6.8 Airport Operators shall ensure that cargo and mail that has been confirmed and accounted for shall then be issued with a security status which shall accompany, either in an electronic format or in writing, the cargo and mail throughout the secure supply chain.
- 4.6.9 Airport Operators shall ensure that transfer cargo and mail has been subjected to appropriate security controls prior to being loaded on an aircraft engaged in commercial air transport operations departing from its territory.
- 4.6.10 Airport Operators shall ensure that, where screening of cargo and mail is conducted, screening is carried out using an appropriate method or methods, taking into account the nature of the consignment.
- 4.6.11 Airport Operators shall establish appropriate mechanisms to confirm that transfer cargo and mail entering its territory has been subjected to appropriate security controls.
- 4.7 Measures Relating to Special Categories of Passengers**
- 4.7.1 Airport operators shall develop requirements for air carriers for the carriage of potentially disruptive passengers who are obliged to travel because they have been the subject of judicial or administrative proceedings.
- 4.7.2 Aircraft operators providing service from that State include in their security programmes, measures and procedures to ensure safety on board their aircraft when passengers are to be carried who are obliged to travel because they have been the subject of judicial or administrative proceedings.
- 4.7.3 Airport operators shall ensure that the aircraft operator and the pilot-in-command are informed when passengers are obliged to travel because they have been the subject of judicial or administrative proceedings, in order that appropriate security controls can be applied.
- 4.7.4 Aircraft operators shall ensure that the carriage of weapons on board aircraft, by law enforcement officers and other authorised persons, acting in the performance of their duties, requires special authorisation in accordance with the laws of the States involved.
- 4.7.5 The Authority shall consider requests by any other State to allow the travel of armed personnel, including in-flight security officers, on board aircraft of operators of the requesting State. Only after agreement by all States involved shall such travel be allowed.



- 4.7.6 Aircraft operators shall ensure that the carriage of weapons in other cases is allowed only when an authorised and duly qualified person has determined that they are not loaded, if applicable, and then only if stowed in a place inaccessible to any person during flight time.
- 4.7.7 Whenever in-flight security officers are deployed, the Authority shall ensure that they are government personnel who are specially selected and trained, taking into account the safety and security aspects on board an aircraft and deployed according to the threat assessment of the Authority. The deployment of such officers shall be coordinated with concerned States and kept strictly confidential.
- 4.7.8 The Authority shall ensure that the pilot-in-command is notified as to the number of armed persons and their seat location.

#### **4.8 Measures Relating to the Landside**

- 4.8.1 The Authority shall ensure that security measures in landside areas are established to mitigate the risk of and to prevent possible acts of unlawful interference in accordance with national and local risk assessments carried out by the relevant authorities.
- 4.8.2 The Authority shall ensure coordination of landside security measures between relevant departments, agencies, other organizations of the State, and other entities, and identify appropriate responsibilities in its national civil aviation security programme.

#### **4.9 Measures Relating to Cyber Threats**

- 4.9.1 The Authority shall, in accordance with the risk assessment carried out by its relevant national authorities, ensure that measures are developed in order to protect critical information and communications technology systems used for civil aviation purposes from interference that may jeopardize the safety of civil aviation.
- 4.9.2 The Authority shall encourage entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme to identify their critical information and communications technology systems, including threats and vulnerabilities thereto, and develop protective measures to include, inter alia, security by design, supply chain security, network separation, and remote access control, as appropriate.



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## CHAPTER 5

### MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE

#### 5.1 Prevention

- 5.1.1 The Authority in coordination with appropriate national authorities shall, when reliable information exists that an aircraft may be subjected to an act of unlawful interference, safeguard the aircraft if it is still on the ground and provide as much prior notification as possible of the arrival of such aircraft to relevant airports and air traffic services if the aircraft has already departed.
- 5.1.2 The Authority in coordination with appropriate national authorities and concerned Airport Operator shall ensure, when reliable information exists that an aircraft may be subjected to an act of unlawful interference, that that the aircraft is searched for concealed weapons, explosives or other dangerous devices, articles or substances Prior notification of the search should be provided to the Aircraft Operator concerned.
- 5.1.3 Airport Operators shall make arrangements to investigate, render safe and/or dispose of, if necessary, suspected dangerous devices or other potential hazards at airports.
- 5.1.4 The Authority in coordination with appropriate national authorities and Airport Operators shall ensure that contingency plans are developed. Airport Operators shall ensure that resources are made available to safeguard civil aviation, against acts of unlawful interference. The contingency plans shall be tested on a regular basis.
- 5.1.5 Airport Operators in coordination with appropriate national authorities shall arrange for deployment of authorised and trained personnel to assist in dealing with suspected, or actual, cases of unlawful interference with civil aviation.

#### 5.2 Response

- 5.2.1 Airport Operators in coordination with appropriate national authorities shall ensure the safety of passengers and crew of an aircraft, which is subjected to an act of unlawful interference, while on the ground, until their journey can be continued.
- 5.2.2 The Authority in coordination with the concerned Airport Operator, responsible for providing air traffic services for an aircraft which is the subject of an act of unlawful interference, shall collect all pertinent information on the flight of that aircraft and transmit that information to Air Traffic Services units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken en route and at the aircraft's known, likely or possible destination.
- 5.2.3 The Authority in coordination with the concerned Airport Operator shall provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances.
- 5.2.4 The Authority in coordination with appropriate national authorities and concerned Airport Operator shall take measures, as it may find practicable, to ensure that an aircraft subjected to an act of unlawful seizure which has landed in the territory of San Marino is detained on the ground unless its departure is necessitated by the overriding duty to protect human life.



- 5.2.5 When an aircraft subjected to an act of unlawful interference has landed in the territory of San Marino, the Authority in coordination with appropriate national authorities shall notify by the most expeditious means the State of registry of the aircraft and the State of the operator of the aircraft about the landing. Subsequently, all other relevant information, when available, shall be expeditiously transmitted to:
- (a) the two above mentioned States;
  - (b) each State whose citizens suffered fatalities or injuries;
  - (c) each State whose citizens were detained as hostages;
  - (d) each State whose citizens are known to be on board the aircraft; and
  - (e) the International Civil Aviation Organisation.
- 5.2.6 The Authority shall ensure that information received as a consequence of action taken in accordance with 5.2.2 is distributed locally to the air traffic services units concerned, the appropriate airport administrations, the operator and others concerned as soon as practicable.
- 5.2.7 The Authority shall cooperate with other States for the purpose of providing a joint response in connection with an act of unlawful interference. When taking measures in their territory to free passengers and crew members of an aircraft subjected to an act of unlawful interference, each Contracting State should use, as necessary, the experience and capability of the State of the Operator, the State of manufacture and the State of Registry of that aircraft.

### **5.3 Exchange of Information and Reporting**

- 5.3.1 The Authority shall provide International Civil Aviation Organisation with all pertinent information concerning the security aspects of an act of unlawful interference which has occurred in the territory of San Marino, as soon as practicable, after the act is resolved.
- 5.3.2 The Authority shall exchange information with other Contracting States as considered appropriate on the management of response to an act of unlawful interference, at the same time supplying such information to ICAO.
- 5.3.3 Airport Operators, Aircraft Operators, and other entities with aviation security responsibilities shall report security incidents to the Authority.



## CHAPTER 6

### OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT

#### 6.1 Jurisdiction

6.1.1 The jurisdiction of San Marino shall include any offence under paragraph 6.2 of these regulations, if the act constituting the offence took place on board:

- (a) any aircraft registered in San Marino; or any aircraft leased with or without crew, to an operator whose principal place of business is in San Marino or, if the operator does not have a principal place of business, whose permanent residence is in San Marino; or
- (b) any aircraft on or over the territory of San Marino; or
- (c) any other aircraft in flight outside San Marino, if:
  - (i) the next landing of the aircraft is in San Marino; and
  - (ii) the Pilot in command has delivered the suspected offender to the appropriate national authorities of San Marino, with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the pilot in command or the operator to any other State.

6.1.2 Appropriate national authorities may not interfere with a foreign registered aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in the following cases:

- (a) the offence has effect on the territory of San Marino; and
- (b) the offence has been committed by or against a national or permanent resident of San Marino; and
- (c) the offence is against the security of San Marino; and
- (d) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in San Marino; and
- (e) the exercise of jurisdiction is necessary to ensure the observance of any obligation of San Marino under a multilateral international agreement.

#### 6.2 Acts and Offences

6.2.1 Assault and Other Acts of Interference against a Crew Member on Board an Aircraft

Any person who commits on board an aircraft any of the following acts thereby commits an offence:

- (a) assault, intimidation or threat, whether physical or verbal, against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;



- (b) refusal to follow a lawful instruction given by the pilot in command , or on behalf of the pilot in command by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

### 6.2.2 Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board an Aircraft

Any person who commits on board an aircraft any of the following acts thereby commits an offence:

- (a) Any person who commits on board an aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- (b) Any person who commits on board an aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
  - (i) assault, intimidation or threat, whether physical or verbal, against another person;
  - (ii) intentionally causing damage to, or destruction of, property;
  - (iii) consuming alcoholic beverages or drugs resulting in intoxication.

### 6.2.3 Other Offences Committed on Board an Aircraft

Any person who commits on board an aircraft any of the following acts thereby commits an offence:

- (a) smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;
- (b) tampering with a smoke detector or any other safety-related device on board the aircraft;
- (c) operating a portable electronic device when such act is prohibited.



## CHAPTER 7

### POWERS OF PILOT IN COMMAND

#### 7.1 Powers of Pilot in Command

7.1.1 A Pilot in command may, when he/she has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act, impose upon such person reasonable measures including restraint which are necessary to:

- (a) protect the safety of the aircraft, or of persons and property therein; or
- (b) maintain good order and discipline on board; or
- (c) enable him/her to deliver such person to competent authorities or to disembark him/her.

7.1.2 The Pilot in command may require or authorise the assistance of other crew members and may request or authorise, but not require, the assistance of passengers to restrain any person whom he/she is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorisation when he/she has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

#### 7.2 Measures of Restraint

7.2.1 Measures of restraint imposed upon a person shall not be continued beyond any point at which the aircraft lands unless:

- (a) such point is in the territory of a State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in order to enable his/her delivery to competent authorities;
- (b) the aircraft makes a forced landing and Pilot in command is unable to deliver that person to competent authorities; or
- (c) that person agrees to onward carriage under restraint.

7.2.2 The Pilot in command shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint, notify the authorities of such State of the fact that a person on board is under restraint and of the reasons for such restraint.

#### 7.3 Disembarkation

7.3.1 The Pilot in command may, in so far as it is necessary disembark in the territory of a State in which the aircraft lands, any person who he/she has reasonable grounds to believe has committed, or is about to commit, on board the aircraft, an act or offence under these regulations.

7.3.2 The Pilot in command shall report to the authorities of the State in which he/she disembarks any person, the fact of, and the reasons for, such disembarkation.



#### **7.4 Delivery to State Authorities**

- 7.4.1 The Pilot in command may deliver to the authorities of the State in the territory of which the aircraft lands any person who he/she has reasonable grounds to believe has committed on board the aircraft an act, which, in his/her opinion, is a serious offence according to the penal law of the State of registration of the aircraft.
- 7.4.2 The Pilot in command shall as soon as practicable and if possible before landing in the territory of a State with a person on board whom the pilot in command intends to deliver, notify the authorities of such State of his/her intention to deliver such person and the reasons therefor.
- 7.4.3 The Pilot in command shall furnish the authorities to whom any suspected offender is delivered with evidence and information which, under the law of the State of registration of the aircraft, are lawfully in his/her possession.

#### **7.5 Accountability**

- 7.5.1 For actions taken under this Chapter, neither the Pilot in command, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment of the person against whom the actions were taken under paragraph 7.1.2.