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The ACAA has been authorized by the Government of Afghanistan as the governing body for aviation security. The ACAA will comply with the Standards and Recommended Practices of ICAO Annex 17 and relevant portions of all legislation regarding aviation and security matters as detailed in the Chicago, Tokyo, Hague and Montreal Conventions.

Approved by

Signature: _____



Director General - ACAA

30.12.2015

Date



REGULATION FOR AVIATION SECURITY DIRECTORATE

The Islamic Republic of Afghanistan

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In the Name of Allah, the Most Gracious and Merciful

REGULATION ON AVIATION SECURITY DIRECTORATE

PREAMBLE:

Within the international Aviation community, ICAO has set out in Annex 17 baseline minimum standards that must be adopted by any state wishing to participate as a fully contracting member. Annex 17 Chapter 2 outlines the objectives as:

2.1.1 Each Contracting State shall have as its primary objective 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 Each Contracting State 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 Each Contracting State 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.*

These regulations will provide the framework and supplemental legal basis by which the appropriate Afghan Aviation Security authority can be established and administered including the provision of the key elements that require a basis in law, in order to meet the baseline standards required by ICAO.

This regulation, once adopted does not supersede or override the Afghan Law on Civil Aviation Dated: 16 December 2012, it is secondary legislation that enhances the primary law in relation to Aviation Security.

CHAPTER I—GENERAL PROVISIONS

ARTICLE 1. OBJECTIVES OF THIS REGULATION

The Director General of the Civil Aviation Authority (DGCAA), by virtue of his appointment by His Excellency the President of the Islamic Republic of Afghanistan, has, in addition to his primary role within the CAA taken on the function to oversee the Afghan National Aviation Security Directorate. This involves establishing an organization, developing policy & plans, and implementing procedures to achieve the aims and objectives of aviation security within Afghanistan.

The DGCAA delegates these functions to a Director of Aviation Security who heads the Afghan Aviation Security Directorate responsible for the regulation and promotion of safe and secure civil aviation in the Islamic Republic of Afghanistan in accordance with ICAO requirements.

ARTICLE 2. APPLICATION OF PROVISIONS OF THE CHICAGO CONVENTION AND ICAO ANNEXES

For the purposes of this Regulation, the provisions of the Convention on International Civil Aviation signed at Chicago on the 7th December 1944 (“the Chicago Convention”) and the Annexes thereto together with the Standards and Recommended Practices established by the International Civil Aviation Organization (ICAO) there under and such other internationally recognized standards and practices shall be adopted and applied, as appropriate, in Afghanistan.

ARTICLE 3. DEFINITIONS

(a) Legal Definitions

Under the legal system of Afghanistan and Afghanistan Civil Aviation Law, Afghanistan Civil Aviation Authority can develop, any additional legal details/documents and definition to explain the law and assist in its understanding. Development and implementation of any other regulations, rules, orders, and guidance material are solely within the authority of the Civil Aviation Authority and some of them can be sent to the Cabinet for approval and some can be enforced directly by ACAA.

(b) Technical Definitions

The following definitions apply to these words where they are used in this regulation:

(1) Aerial Work. Any purpose (other than commercial air transport) for which an aircraft is flown if valuable consideration is given or promised in respect to the business or purpose of the flight.

(2) Aerodrome. Any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed.

(3) Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface. The term "aircraft," when used in this Law or in regulations issued under this Law, shall refer to civil aircraft only, and will not include state or public aircraft

(4) Airplane. Any kind of fixed-wing aircraft that behaves according to the definition of aircraft

(5) Fixed-wing aircraft (airplane) does not include helicopter, blimp or other non fixed wing types of aircraft

(6) Aircraft engine. Any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.

(7) Aircraft piracy. Any actual or attempted seizure or exercise of control, by force or violence, or by any other form of intimidation, with wrongful intent, of an aircraft within the jurisdiction of Afghanistan.

(8) Airman. Any person certificated to perform a service relating to an aircraft, maintenance or flight operation.

(9) Airman certificate. Any certificate issued to an airman under Afghan Civil Aviation Law.

(10) Air navigation facility. Any facility used in, available for use in, or designed for use in aid of air navigation, including airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio directional finding, or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

(11) Air Operator. Any organization which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement.

(12) Air Operator Certificate (AOC). A certificate issued by Afghanistan or competent authority of another State authorizing the holder to conduct passenger or cargo operations for remuneration, hire or valuable consideration (see definition of 'commercial air transport').

(13) Annexes to the Chicago Convention. The documents issued by the International Civil Aviation Organization (ICAO) containing the Standards and Recommended Practices applicable to civil aviation.

(14) AOC holder. The person to which the Air Operator Certificate (AOC) has been issued.

(15) Appliances. Instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not part or parts of aircraft, aircraft engines, or propellers.

(16) Authorized person. Any person authorized by the Director General of the Civil Aviation Authority (DGCAA) or DAASD either generally

Or in relation to a particular case or class of cases, to do something or refrain from doing something in order to carry out the provisions of this Law. References to a person authorized by the DGCAA or DAASD include references to the holder for the time being of any office designated by DGCAA.

(17) Chicago Convention. The Convention on International Civil Aviation (1944).

(18) Citizen of Afghanistan. This term refers to one of the following:

- (1) An individual who is a citizen of Afghanistan;
- (2) A partnership of which each member is a citizen of Afghanistan; or
- (3) A corporation, association, or other legal holding entity created or organized and Authorized under the laws of Afghanistan.

(19) Civil aircraft. Any aircraft other than a state or public aircraft.

(20) Civil aviation. The operation of any civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations.

(21) Commercial air transport operation. An undertaking whose business includes the carriage by air of passengers or cargo for remuneration, hire or valuable consideration that is not considered aerial work.

(22) Competent authority. In relation to Afghanistan, the Director General Civil Aviation Authority, and in relation to any other country the authority responsible under the law of that country for promoting the safety and security of civil aviation

(23) Contracting State. Any State (including Afghanistan) which is a party to the Convention on International Civil Aviation

(24) Crew Member. A person assigned to perform duties on an aircraft in flight.

(25) Dangerous goods. Articles or substances, which are capable of posing significant risks to health of persons, safety or property when transported by air.

(26) Director General. The Director General of Civil Aviation appointed under the Civil Aviation Authority Law of Afghanistan.

(27) Director Aviation Security Directorate. The Director appointed by the DGCAA under the Civil Aviation Law of Afghanistan.

(28) Foreign air operator. Any operator, not being an Afghanistan Air Operator, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of Afghanistan, whether on a scheduled or charter basis;

(29) General aviation operation. An aircraft operation of a civil aircraft for other than a commercial air transport operation or aerial work operation.

(30) ICAO. International Civil Aviation Organization.

(31) International commercial air transport. The carriage by aircraft of persons or property for

Remuneration or hire or the carriage of mail between any two or more countries.

(32) Military aircraft. The military or air force aircraft of any country and any aircraft in respect of which there is in force a certificate issued by the Director General that the aircraft is to be treated for the purposes of this Law as a military aircraft.

(33) Navigable airspace. The airspace above the minimum altitudes of flight prescribed by regulations under this Law and includes airspace needed to insure safety in the takeoff and landing of aircraft.

(34) Navigation of aircraft. A function which includes the piloting of aircraft.

(35) Operator. A person engaged in or offering to engage in an aircraft operation. Any person who causes or authorizes the operation of aircraft, whether with or without the control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of this Law.

(36) Person. Includes both an individual and a legal entity as defined in the laws of Afghanistan being in effect:

(1) Real Person: Any individual, both citizen of Afghanistan and foreign.

(2) A legal person/entity in the form of any establishment, corporation, sole proprietorship, limited liability corporation, limited partnership, limited investment, publicly or privately held corporation, association or any other for profit establishment that has been established according to legal rules in effect, and includes any trustee, assignee, or other similar representative of such entities.

(37) Pilot in Command. The member of the flight crew designated as pilot in command of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft

(38) Propeller. An inclusive term for all parts, and accessories of a propeller.

(39) Public aircraft. An aircraft used exclusively in the service of any government or of any political jurisdiction thereof, including the Government of the Islamic Republic of Afghanistan, but not including any government owned aircraft engaged in operations which meet the definition of commercial air transport operations.

(40) Records. Any and all documentation maintained by a person regarding operations subject to this Law and the Regulations of the Authority, including all documentation related to, but not limited to, log books, manuals and operational procedures.

(41) Spare parts. Any parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers, and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto.

(42) Special aircraft jurisdiction of Afghanistan. This includes:

(1) Civil aircraft of Afghanistan; and

(2) Any other aircraft within the jurisdiction of Afghanistan, while the aircraft is in flight, which is from the moment when all external doors are closed following embarkation until

the moment when one such door is opened for disembarkation or, in case of a forced landing, until the competent authorities take over the responsibility of the aircraft and the persons and property aboard.

(43) Validation. The written acceptance of an action of the civil aviation authority of another country in lieu of an action that this Law assigns to the Director General.

(44) Valuable consideration. The exchange of services, goods, equipment, or money.

(45) Approved Maintenance Organizations. Any organization that has been approved by the Authority to perform major or minor overhaul, repairs, and general maintenance of aircraft, spare parts and other related equipment.

CHAPTER II— CREATION OF THE AVIATION SECURITY DIRECTORATE

ARTICLE 4. Establishment of Body

(a) ESTABLISHMENT OF AN AVIATION SECURITY DIRECTORATE HEADED BY A DIRECTOR. By date of publication of this document, there is hereby established the Aviation Security Directorate of the Islamic Republic of Afghanistan, referred to in this regulation as the "Aviation Security Department." The Aviation Security Department shall be headed by a Director referred to in this regulation as the "Director Afghan Aviation Security Directorate (DAASD)," who shall be appointed according to the laws of the Islamic Republic of Afghanistan, and shall be responsible for all Aviation Security functions as defined in ICAO Annex 17.

(b) RESPONSIBILITY OF THE DAASD. The DAASD shall be responsible for the exercise of all powers and the discharge of all duties of the Aviation Security Department and shall have control over all personnel and activities of the Afghan Avsec Authority Aviation Security Department. In addition, the DAASD shall coordinate directly with other agencies on the subject of aviation related security matters; including but not limited to:

- The MOD
- The MOI
- The NDS
- The ANP
- The ABP

ARTICLE 5. STATEMENT OF POLICY AIMS OF THE AFGHAN AVSEC AUTHORITY

In the exercise and performance of the powers and duties assigned under this regulation, the DAASD shall consider the following, among other things, as being in the public interest—

- (1) The promotion, encouragement, and development of safety and security in civil aviation; and
- (2) The regulation of civil aviation in such manner as to best promote safety and security.

ARTICLE 6. QUALIFICATIONS OF THE DAASD

At the time of nomination, the DAASD shall have significant management or similar technical experience in a field directly related to aviation security, and shall have no monetary interest in or own any stocks or bonds of any aeronautical enterprise. Furthermore, while holding this office, the DAASD shall not engage in any other business, vocation, or employment.

ARTICLE 7. OFFICERS AND EMPLOYEES

The Aviation Security Department may elect, employ, and appoint such officers, employees, consultants, attorneys, and agents as shall be necessary to carry out the provisions of this regulation, and to define their authority and duties according to the laws and regulations of the Islamic Republic of Afghanistan. No officer, employee, or attorney of the Aviation Security

Department shall have a monetary interest in or over any stocks and bonds of any aeronautical enterprise.

CHAPTER III—ADMINISTRATION OF THE AFGHAN AVSEC AUTHORITY

ARTICLE 8. ACQUISITION OF PROPERTY

The Aviation Security Department may, where appropriate—

- (1) Accept on behalf of Afghanistan, any gift or donation of money or other property, real or personal, or of services needed for the improvement of aviation safety and security; and
- (2) Acquire by purchase, lease, or otherwise, personal and real property or interests therein.

ARTICLE 9. AUTHORISATION TO CONTRACT

The Aviation Security Department is hereby authorized, subject to applicable laws of Afghanistan, and in furtherance of the proper exercise of assigned powers and duties under this regulation, to contract or otherwise arrange for the services of private persons, and private, public, or governmental organizations.

ARTICLE 10. EXCHANGE OF INFORMATION

The Aviation Security Department, in coordination with the DGACAA and the Ministry of Foreign Affairs shall have the power to exchange with foreign governments information pertaining to civil aviation in accordance with ICAO Annex 17 Section 2.4.

ARTICLE 11. DELEGATION OF FUNCTIONS

(a) DELEGATION TO OFFICERS, EMPLOYEES, AND ADMINISTRATIVE UNITS OF AVIATION SECURITY DEPARTMENT. The DAASD may, subject to such regulations, supervision, and review as may be prescribed, authorize the performance by any officer, employee, or administrative unit under the Aviation Security Department jurisdiction, of any function under this regulation.

(b) DELEGATION IN THE CASE OF ABSENCE. In the case of absence from duty of the DAASD (for whatever reason) or on the occurrence from any cause of a vacancy in that position (whatever the reason may be) and from time to time while the absence or vacancy continues, all; or any of the powers and duties of the DAASD pertaining to the position may be exercised and performed by –

(1) Any other employee for the time being directed by the DGCAA to exercise and perform them: or

(2) Any other person for the time being appointed by the DGCAA to exercise and perform them, whether the direction has been given until the appointment has been made before the absence or vacancy occurs or while the absence or vacancy continues.

(c) DELEGATION TO PRIVATE PERSONS. The DAASD is authorized to delegate any assigned powers and duties of the DAASD or of the Aviation Security Department to any properly qualified private person, subject to such regulation, supervision, and review as may be prescribed. However, the DAASD shall ensure that such functions are not delegated in such a way that airports, air operators, aerial work of any kind or general aviation operators and maintenance facilities, in effect, regulate themselves.

CHAPTER IV—GENERAL POWERS AND DUTIES

ARTICLE 12. GENERAL

(a) **GENERAL AUTHORITY.** The DAASD shall have the power to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedures pursuant to and in accordance with the provisions of the Aviation Law of Afghanistan, as the DAASD shall deem necessary to carry out the provisions of, and the exercise and performance of the powers and duties assigned under this regulation.

(b) **ADOPTION OF RULES AND REGULATIONS.** The DAASD may, in carrying out the duties of this Article, adopt, with or without modification, a regulation or rule of another Contracting State of ICAO in whole or part. Any such adopted regulation or rule shall have full force and effect in Afghanistan whether or not that regulation or rule has ceased to be in effect within the jurisdiction of its origin until such time as it is repealed by the DAASD.

(c) **DEVELOPMENT OF AVIATION.** The Aviation Security Department is authorized to encourage and foster the development of safe and secure civil aviation in Afghanistan.

(d) **PUBLICATIONS.** The Aviation Security Department shall provide for the publication of all reports, orders, decisions, rules, and other regulations issued under this regulation in such form and manner as may be best adapted for public information and use.

(e) **EVIDENCE.** In the conduct of any public hearings or investigations authorized by this regulation, the Aviation Security Department shall have the power to take evidence and take depositions, as permitted by law. Actions of the Aviation Security Department in such cases shall be coordinated with the Attorney General and shall be governed by the procedures and relevant laws of Afghanistan.

ARTICLE 13. ORDERS

(a) **EFFECTIVENESS OF ORDERS.** Except in emergency situations, all orders, rules, and regulations of the Aviation Security Department shall take effect within such reasonable times as the DAASD may prescribe, and shall continue in force until a further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation.

(b) **EMERGENCIES.** Whenever the DAASD is of the opinion that an emergency requiring immediate action exists with respect to safety or security in civil aviation, the DAASD shall have the power with or without notice, hearing, or the making or filing of a report, to make such just and reasonable orders, rules, or regulations as may be essential in the interest of safety or security in civil aviation to meet such emergency.

(c) **SUSPENSION AND MODIFICATION OF ORDERS.** The DAASD shall have the power to suspend or modify orders upon such notice and in such manner as the DAASD shall find proper.

ARTICLE 14. PUBLIC COMPLIANCE

(a) NO CONTRAVENTION. No person may contravene any order, rule, regulation, or certificate issued by the DGCAA or the DAASD under this regulation, so long as the same shall remain in effect.

(b) DUTY TO COMPLY. Furthermore, it shall be the duty of every person (along with any agents and employees thereof in the case of entities other than individuals) subject to this regulation, to observe and comply with any order, rule, regulation, or certificate issued by the DGCAA or DAASD under this regulation, affecting such persons or entities so long as the same shall remain in effect.

ARTICLE 15. EXEMPTIONS, WAIVERS AND DEVIATIONS

(a) AUTHORITY TO GRANT. The DGACAA or DAASD may grant an exemption, deviation or waiver from the requirements of observing any rule or regulation prescribed under this law only if the Director General determines that such action would—

(1) Be in the public interest; and

(2) Result in an equivalent or higher level of safety & Security.

(b) ISSUANCE OF EXEMPTIONS, WAIVERS AND DEVIATIONS. The Director General is hereby authorized to prescribe reasonable rules and regulations for consideration of the Cabinet regarding the eligibility and standards for the issuance of exemptions, waivers and deviations.

ARTICLE 16. TRAINING SCHOOLS

(a) AUTHORITY TO OPERATE. The Aviation Security Department may conduct a school or schools for the purpose of training employees of the Aviation Security Department in those subjects necessary for the proper performance of all authorized functions. The DAASD may also authorize attendance at courses given in such schools or training facilities provided by other persons or entities.

(b) OFFSET OF TRAINING COSTS. The Aviation Security Department is hereby authorized, where appropriate, to require payment of appropriate consideration to offset the costs of training provided by such school or schools to persons who are not employees of the Aviation Security Department

ARTICLE 17. VALIDATION

The DAASD is authorized, in the discharge of certification and inspection responsibilities, to validate the actions of the appropriate civil authority of another State in lieu of taking the specific action, applicable to Air Operators, the DAASD must exercise discretion and require supporting documents. The DAASD shall ensure that, when validation is based on the actions of another civil aviation authority, there is no information available to indicate said State does not meet their obligations under the Chicago Convention regarding certification and recurrent validation of their air operators.

ARTICLE 18. RIGHT OF ACCESS FOR INSPECTION

(a) **THE RIGHT TO INSPECT AND TEST.** The Aviation Security Department may cause such evaluations, inspections, investigations and tests to be made, as the DAASD deems necessary for the purposes of this regulation. Any person authorized in writing and by issued credentials from the DAASD to conduct these inspections, investigations and observations may, at any reasonable time, inspect any aircraft, personnel, facilities, and records in any operations subject to this regulation and any other regulations of the Aviation Security Department. This access shall be free and uninterrupted.

(b) **THE RIGHT OF ACCESS.** The DAASD, or other nominated personnel of the Aviation Security Department, or any authorized person shall have the right of access at all reasonable times –

(1) To any airport or aerodrome for the purpose of inspecting the aerodrome, airport, or any aircraft on the aerodrome or airport or any document so relating in terms of this regulation or other regulations of the Aviation Security Department, to demand access or for the purpose of detaining the aircraft under the authority of this regulation.

(2) To any place, whether public or private, where an aircraft or aviation facility is located for the purpose of inspecting the aircraft or facility including any documents which it or any such person has power; under this regulation, to demand access or for the purpose of detaining the aircraft or inspecting said facility under the authority of this regulation.

ARTICLE 19. AUTHORITY TO PREVENT FLIGHT

(a) The Aviation Security Department is authorized to direct the operator or airman of a civil aircraft that the aircraft is not to be operated in situations where—

(1) Doubt exists in the mind of an authorized officer of the Aviation Security Department as the status of the aircraft regarding any aspect of security; or

(2) The operation of said flight would cause imminent danger to persons or property.

(b) The Aviation Security Department may take such steps as are reasonable and necessary and permitted by law to detain such aircraft or airmen.

ARTICLE 20. AUTHORITY RESPECTING THE TRANSPORTATION OF DANGEROUS GOODS BY AIR

The Aviation Security Department shall monitor and enforce compliance with the provisions of Annex 18 to the Chicago Convention and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, and is authorized to suggest and submit variations to the Afghan CAA regarding security related matters referring to the carriage of Dangerous Goods by air.

ARTICLE 21. INTERNATIONAL OBLIGATIONS

In exercising and performing powers and duties under this regulation, the DAASD and the Aviation Security Department shall act consistently with any obligation assumed by the

Government of Afghanistan under any international treaty, convention and agreement that may be in force between the Government of Afghanistan and any other contracting States.

Chapter V – AFGHAN AVIATION SECURITY (AVSEC) AUTHORITY

Article 22 General.

The Director Afghan Aviation Security Directorate is responsible to the DGACAA / Deputy DGACAA of Operation for the establishing of an organization to develop, implement and enforce the National Civil Aviation Security Programme (NCASP). The DAASD carries out these responsibilities through the Afghan Avsec Directorate of which he is the head.

Article 23 Objectives.

The Aviation Security Department is established, to:

- (a) Ensure the security of civil aviation within Afghanistan.
- (b) Ensure the security of Afghan registered civil aircraft overseas; and
- (c) Promote international measures for the security of civil aviation.

Article 24 Functions. The Aviation Security Department seeks to achieve these objectives through:

- (a) National Civil Aviation Security Program & Policy Development;
- (b) Research and Development;
- (c) Training; and
- (d) Quality monitoring and enforcement.

Article 25 National Program & Policy Development.

The NCASP contains minimum standards to ensure the security of civil aviation within Afghanistan and the security of Afghan aircraft overseas, against acts of unlawful interference in accordance with ICAO Annex 17. The Program is under continuous review and is revised as dictated, by changes in the threat or other relevant conditions. Where practicable and appropriate these revisions are undertaken in consultation with representatives of civil aviation industry within Afghanistan. Policy development will be undertaken to ensure that Afghan Avsec policy meets both; the requirements of international compliance and the needs of Afghan Civil Aviation.

Article 26 Research and Development.

Technology is an essential component of effective aviation security offering potential for achieving higher standards and more consistent performance of security functions. The Aviation Security Department's Research and Development department seeks to develop improved technology and techniques that can enhance the effectiveness of both; the NCASP and Afghan civil aviation.

Article 27 Training.

It is essential that those responsible for implementing the NCASP receive the training they need to enable them to carry out their responsibilities to the required standard. The National Aviation Security Training Program sets the standards for the training to be given to the following staff:

- (a) airport, airline and air cargo security staff, their supervisors and managers (whether directly employed or contractors) and staff engaged in the preparation of catering supplies and stores;
- (b) Senior airport, airline, catering and air cargo agent managers;
- (c) Persons undertaking specific security duties as part of wider responsibilities;
- (d) Security staff trainers;
- (e) Airline flight deck and cabin crews; and
- (f) Others working at an airport who can contribute to its security by increased awareness.

Article 28 Monitoring and Enforcement.

To ensure compliance with the NCASP by airports, airlines, air cargo agents, approved catering companies and other agencies, the Aviation Security Department carries out an extensive program of monitoring and enforcement.

Article 29 Organization.

To fulfill these functions, the Aviation Security Department is organized into several departments. The departments with a direct involvement in aviation security are:

- (a) **Regulation & Legislation** - Policy development for the domestic elements of the Afghan National Civil Aviation Security Program and implementation of international compliance requirements.
- (b) **Compliance** Inspectorate – Inspections to ensure compliance of all aspects of the NCASP and quality controls as outlined in ICAO Annex 17.
- (c) **Research & Development** – Technology maintenance and the identification and procurement of new technologies.
- (d) **Training** – Avsec training development and compliance.
- (e) **Threats** – Intelligence and threat coordination.

Article 30 Authority.

Under the provisions of the Civil Aviation Law 2012, the DAASD has appointed "authorized persons", who have powers which allow them to carry out the Aviation Security Department's monitoring and enforcement role.

Chapter VI - NATIONAL AVIATION SECURITY COMMITTEE

Article 31 The Aviation Security Department is responsible for the formation of a National Aviation Security Committee (NASC) to provide a formal link between Government and the civil aviation industry on aviation security matters. Representatives on the NASC are to be drawn from senior members in the aviation industry, (board members with a responsibility for security), senior members of the main Aviation Security Departments, and representatives from the control authorities. The NASC is chaired by either the DAASD or DGCAA.

Article 32 The NASC meets twice a year, but more often if required. Its terms of reference are:

'To provide a senior forum to bring together key aviation security stakeholders in the delivery of the Government's National Civil Aviation Security Program. The NASC will be strategic and forward thinking in its focus and will provide assurance that the NCASP is fully respondent to the current threat and is being delivered effectively.'

Article 33 Members and Associate Members of the NASC are to receive copies of the full minutes of each NASC meeting. A summary of the meeting, the NASC Report, is sent to airline operators and airport authorities to apprise them of relevant issues discussed.

Article 34 As the NASC focuses on more strategic views, detailed issues are taken in sub-committee, for those with specialist knowledge to discuss. The NASC has five sub-committees covering the key areas of the Committee's work. These are:

- (a) Policy application.
- (b) Compliance development
- (c) Technology application
- (d) Training development
- (e) Threat Analysis & risk management

Article 35 Study Groups. The Sub-Committees may establish topic-led, time limited, Study Groups on an ad hoc basis. These Groups are formed to look at specific issues in detail when the Sub-Committees identify a need.

Chapter VII – NATIONAL AVIATION SECURITY RESPONSIBILITIES

Aims and Objectives

Article 36 Aims.

The aims of this Section are to state the requirements of the National Civil Aviation Security Program (NCASP) for:

- (a) Allocating responsibilities for aviation security; and
- (b) Communicating the Programme's security measures to those responsible for their implementation.
- (c) Establishing a quality control programme.

Article 37 Objectives.

The objectives are to:

- (a) Ensure that aviation security responsibilities are clearly defined and understood; and:
- (b) The Program's security measures are known and understood by those required to implement them.

Security Responsibilities

Article 38 Airports:

An airport director/manager shall be responsible for:

- (a) Ensuring that his airport provides a secure environment for commercial civil aviation operations by implementing the requirements of this program as applicable;
- (b) Facilitating and, where necessary, coordinating the implementation of instructions issued under this regulation to aircraft operators, air cargo agents and approved caterers at his airport;
- (c) Developing a written Airport Security Program including a quality control program and contingency plans which clearly defines the responsibilities for implementing the requirements of this regulation at his airport and sets out how they shall be carried out;
- (d) Appointing an airport security manager to administer the airport security Program and quality control programs;
- (e) Engaging, either directly or under contract, sufficient personnel qualified to carry out the functions required by the Airport Security Program (ASP);
- (f) Ensuring physical changes to Security Restricted Areas (SRA's), security pass and access control systems, hold baggage security, perimeter security and ramp are formally submitted to the Compliance Department of the Afghan Avsec

Authority for approval in advance of the changes and to ensure the changes are in accordance with the National Civil Aviation Security Program.

- (g) establishing an Airport Security Committee;

Article 39 Airlines.

An aircraft operator shall be responsible for:

- (a) the security of his aircraft, the safety and security of passengers carried by his aircraft, and the safety and security of flight and cabin crew who operate his aircraft by implementing the requirements of this Program as applicable;
- (b) The development of a written Airline Operator Security Program (AOSP)
- (c) The appointment of an Airline Security Officer to administer the AOSP; and
- (d) Engaging, either directly or under contract, sufficient personnel qualified to carry out the functions he is required to implement by this Program.

Article 40 Air Cargo Agents.

An air cargo agent shall be responsible for:

- (a) Developing a written Air Cargo Security Programme (ACSP) which clearly defines responsibilities for implementing the requirements of the National Civil Aviation Security Programme and sets out how they shall be carried out within his company;
- (c) Appointing an Air Cargo Security Manager (ACSM) to administer the ACSP; and
- (d) Engaging, either directly or under contract, sufficient personnel qualified to carry out the security functions required by the ACSP.

Article 41 Catering Companies.

Any catering company shall be responsible for the security of catering supplies handled by him until placed on board an aircraft.

CHAPTER VIII – QUALITY CONTROL

Article 42 General. To fully meet the requirements of ICAO Annex 17 Chap 3, the Aviation Security Department will incorporate and maintain within the NCASP a detailed and achievable quality control program.

Article 43 Objectives. The objectives of the national quality control program are to verify that aviation security measures are effectively and properly implemented and to determine the level of compliance with the provisions of this Regulation and the national civil aviation security program, by means of compliance monitoring activities.

Article 44 The national quality control program shall include the following elements:

- (a) Organizational structure, responsibilities and resources;
- (b) Job descriptions of, and qualifications required for auditors;
- (c) Compliance monitoring activities, including:
 - (i) Scope of security audits;
 - (ii) Inspections;
 - (iii) Tests; and
 - (iiii) Following an actual or potential breach of security, investigations
 - (iv) Frequencies for security audits and inspections and also classification of compliance.
- (d) Surveys, where there is cause to reassess security needs;
- (e) deficiency correction activities providing details concerning deficiency reporting, follow-up and correction in order to ensure compliance with aviation security requirements;
- (f) Enforcement measures and, where appropriate, penalties.
- (g) reporting of compliance monitoring activities carried out including, where appropriate, information exchange between national bodies on compliance levels;
- (h) Monitoring process of the airport, operator and individual entity internal quality control measures;
- (i) A process to record and analyze the results of the national quality control program to identify trends and steer future policy development.

Article 45 Compliance monitoring.

All airports, operators and other entities with aviation security responsibilities shall be regularly monitored to ensure the swift detection and correction of failures. Monitoring shall be undertaken in accordance with the national quality control program, taking into consideration the threat level, type and nature of the operations, standard of implementation, results of internal quality control of airports, operators and entities and other factors and assessments which will affect the frequency of monitoring.

Chapter IX – COMMUNICATION of SECURITY POLICY

Article 46 - Authorized Instructions, which detail the legal minimum requirements of the NCASP, are issued to airport managers, aircraft operators, air cargo agents and aviation catering companies. *They should be held either by the person to whom they have been issued or his appointed legal representative and the fact recorded in the appropriate organization's security program. The NCASP itself, which is also issued to airport managers, aircraft operators, air cargo agents and aviation catering companies, should be held either by the person to whom it has been issued or by the person within the organization with delegated responsibility for aviation security and the fact recorded in the appropriate organization's security program.*

Article 47 Aviation Security Notices, containing guidance and advice on aviation security matters, are issued by the Aviation Security Department to airport managers, aircraft operators, air cargo agents and catering companies from time to time as appropriate. *They should be held until their content has been incorporated into the NCASP or until cancelled.*

Article 48 Minutes of NASC Meetings.

A summary of the minutes of each meeting of the National Aviation Security Committee (NASC) will be issued to airport managers and aircraft operators together with a copy of the latest threat assessment of the risk to civil aviation in order to provide:

- (a) A summary of the current assessed risk to civil aviation and what it means;
- (b) Information on subjects discussed at the NASC so that recipients can:
 - (i) Contribute to the discussion, through their NASC representative; and
 - (ii) Introduce relevant items into the agenda of Airport Security Committees or, when appropriate, communicate them direct to the Avsec Authority.

All communications issued by the Avsec Authority, together with the appropriate organization's security program, should be held in secure circumstances. They should be amended as necessary and made available for inspection by Compliance Inspectors.

CHAPTER X – AIRPORT SECURITY COMMITTEES

Article 49 Airport managers shall establish an Airport Security Committee (ASC) to:

- (a) Co-ordinate implementation of the requirements of the NCASP;
- (b) Provide a forum for the discussion of aviation security matters affecting the airport and its stakeholders; and
- (c) Provide a means of communication between the Aviation Security Department and the Airport Aviation Security Committee.

Article 50 Membership of an ASC may include representatives of:

- (a) Airlines operating at the airport;
- (b) Air cargo agents;

- (c) Airline handling companies;
- (d) ANP / ABP / NDS / MOI;
- (e) Customs;
- (f) Afghan Immigration Service;
- (g) Air Traffic Control;
- (h) Other companies or organizations which operate at the airport.

The airport manager should chair the ASC with the Airport Security Manager providing specialist security advice as appropriate. A representative of the Afghan Avsec Authority shall be invited to attend meetings.

Article 51 ASC Frequency.

The aerodrome manager shall, as a minimum requirement, convene a meeting of the ASC within 2 weeks following receipt of the written report from each meeting of the National Aviation Security Committee.

Article 52 The ASC should, at each meeting:

- (a) Consider security arrangements at the airport in the light of:
 - (i) Changes in any requirements of the National Civil Aviation Security program; and
 - (ii) The latest threat assessment.
- (b) Identify, address and resolve any issue affecting the security of civil aviation at the airport;
- (c) Receive reports of:
 - (i) Significant security incidents/occurrences at the airport;
 - (ii) Prohibited articles discovered at the airport;
 - (iii) Threat assessment towards the airport; and where appropriate
 - (iv) Covert test results;
- (d) Review the contingency plans of the airport based on the threat assessment.

Article 53 - Airlines and Regulated Air Cargo Agents.

Because of the nature of their businesses, aircraft operators, air cargo agents and catering companies need not establish their own security committees. However, they should ensure that their interests are represented, either individually or collectively, on the ASCs of those airports from which they operate.

Article 54 They should ensure that all those employed or contracted by them are aware of the security requirements. Furthermore, it is incumbent upon them to ensure that the security requirements they are required to implement are:

- (a) Disseminated to those within the airline, air cargo operation or catering company responsible for aviation security measures; and
- (b) Communicated to all agents of the airline operator, air cargo agency or catering company contracted to carry out any aviation security measure on their behalf.

CHAPTER XI – CONTROL AUTHORITIES

Article 55 General.

Organizations other than the Aviation Security Department have a legal function to fulfill which either contributes to or otherwise affects the security of civil aviation in Afghanistan. These authorities, hereafter referred to as "Control Authorities", and their relationship with aviation security are defined in the following paragraphs.

Article 56 Afghanistan Civil Aviation Authority.

The Afghanistan Civil Aviation Authority (ACAA) has overall legal responsibility for the regulation of safety matters affecting civil aviation in Afghanistan. Under the Civil Aviation Law of Afghanistan, CAA inspectors have a legal right of access to any aerodrome for the purpose of inspecting the aerodrome, aircraft or relevant documents for safety purposes.

Article 57 Police Authorities

- (a) Apart from carrying out the full range of police duties, Afghan National Police (ANP) and Afghan Border Police (ABP) officers established at airports make two important contributions to aviation security:
 - (i) They form the outer defensive cordon protecting all civil airports and their presence may assist in deterring acts of unlawful interference to civil aviation at these airports; and
 - (ii) They constitute an immediate organized and effective response force to any security incident or occurrence.

Article 58 National Directorate of Security (NDS)

- (a) The NDS fulfill a vital role in identifying a range of threats leveled at Afghan civil aviation. In addition to threat assessments carried out in accordance with ICAO requirements, they provide timely warnings of threats towards:
 - (i) Vital airport infrastructure.
 - (ii) Key personnel within the civil aviation environment.

Article 59 Afghan Customs

Customs Officers have various legal powers under Afghan Customs Law, authorizing them access an airport or any aircraft at that airport for the purpose of:

- (a) Ensuring that appropriate customs charges are paid upon goods entering Afghanistan from outside; and
- (b) Detecting the smuggling of prohibited and licensable goods.

Article 60 Immigration Service

Immigration Service officers have various legal powers under Afghan Immigration Law. Should an immigration officer encounter a person seeking to embark whom he considers likely to attempt to destroy, damage or endanger an aircraft, he is required immediately to report the presence of such person or persons to a police officer.

Nothing Further Below This Line.