L.N. 25 of 2004

AIRPORTS AND CIVIL AVIATION (SECURITY) ACT (CAP. 405)

Civil Aviation Security Regulations, 2004

IN exercise of the powers conferred by article 3 of the Airports and Civil Aviation (Security) Act, the Minister of Justice and Home Affairs has made the following regulations:-

Citation.

1. The title of these regulations is the Civil Aviation Security Regulations, 2004.

Interpretation.

2. In these regulations, unless the context otherwise requires:

Cap. 405.

"the Act" means the Airports and Civil Aviation (Security) Act;

"air carrier" shall have the same meaning assigned to it in the Allocation of Slots at Airport Regulations, 2001.

"airport" means any area in Malta which is open for commercial air transport.

"airport operator", in relation to an airport means the person who was the management of that airport at the time;

"aviation security" means the combination of the measures and human and other resources intended to safeguard civil aviation against acts of unlawful interference;

"Aviation Security Committee" means the body established by article 5 of the Act;

"Chicago Convention" means the Convention of International Civil Aviation and its Annexes signed in Chicago on 7 December 1944;

"ECAC" means the European Civil Aviation Conference;

"ECAC Document 30" means the Document published by ECAC entitled ECAC Policy Statement in the Field of Civil Aviation Security 11th Edition;

"Manager Airport Security" shall have the same meaning as that assigned to it by article 2 of the Act;

"security measures" means those aviation security measures based on the current recommendations of ECAC.

Common standards.

3. (1) The common basic standards on aviation security measures to be applied in airports are based on the current recommendations of ECAC Document 30 and Annex 17 to the Chicago Convention.

Provided that in the case of airports with a yearly average operation of two commercial flights a day or having only general aviation flight operations or having a commercial activity limited to aircraft with less than 10 tonnes maximum take off weight or less than 20 seats, and where the security measures specified in ECAC Document 30 are considered disproportionate, these security measures may be reduced for reasons of practicality on the basis of a local risk assessment taking into account the particularities of such airport, whilst ensuring an adequate level of protection.

(2) The measures necessary for the implementation and the technical adaptation of these common basic standards shall be adopted with due consideration being given to the various types of operation and to the sensitivity of the measures relating to:

(a) Performance criteria and acceptance tests for equipment;

(b) Detailed documents containing sensitive information;

(c) Detailed criteria for exemption of security measures.

(3) The Aviation Security Committee may, on the basis of a local risk assessment, and where the application of the security measures may be disproportionate, or where they can not be implemented for objective practical reasons, adopt national security measures to provide an adequate level of protection.

Security programmes.

4. (1) The Aviation Security Committee shall adopt a national civil aviation security programme in order to ensure the application of the common standards referred to in regulation 3(1) and the measures adopted in accordance with regulation 3(2) by the dates specified in ECAC Document 30.

(2) The Aviation Security Committee shall ensure the development and implementation of a national civil aviation security

quality control programme so as to ensure the effectiveness of the national civil aviation security programme.

(3) The national civil aviation security quality control programme shall be based on best practices and allow for the swift detection and correction of failures.

(4) The Aviation Security Committee shall also ensure that the airport operator and air carriers providing services from Malta establish, implement and maintain airport and air carrier security programmes appropriate to meet the requirements of the national civil aviation security programme. These security programmes shall be submitted by the airport operator and air carriers for approval of and shall be monitored by the Manager Airport Security. Each security programme shall provide that an airport shall be regularly audited by the Manager Airport Security.

(5) The Aviation Security Committee shall also ensure the development and implementation of a national civil aviation security training programme.

EU Commission Inspectors.

5. A person authorised by the Commission of the European Union, in consultation with the Government of Malta, to carry out an inspection on any airport in Malta in connection with the application of aviation security matters shall be deemed to have the powers of inspection granted to an authorised officer under Article 23 of the Act.

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