

PART VII

AVIATION SECURITY

REGULATIONS

FOREWORD

CONTENTS- General

CONTENTS-Detail

1 September 2007

CAR PART VII

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FOREWORD

1. These Regulations have been made in pursuance of the United Arab Emirates obligation as a signatory to the International Civil Aviation Organization's (ICAO) Standards and Recommended Practices (SARP) at Annex 17 to the Chicago Convention; the Tokyo, Hague and Montreal Conventions and the Protocol signed at Montreal.
2. The UAE General Civil Aviation Authority is known in these regulations as the "Competent Authority for aviation security" and the Department of Civil Aviation or the Department of Transportation of the concerned Emirates is known as the "Airport Authority".
3. Definitions and abbreviations of terms used in CAR Part VII are contained in the National Civil Aviation Security Programme. However, definitions and abbreviations of terms used in CAR Part VII that are specific to a Chapter may be given in the Chapter concerned.

Note: The National Civil Aviation Security Programme is promulgated on a separate CD, which is classified Restricted and provided, upon application, to only those with a need to know.

4. The International Standards contained in ICAO Annex 17, Eighth Edition, have been ratified by United Arab Emirates and are promulgated in these regulations without exception.

CONTENTS

FORWARD i

TABLE OF CONTENTS ii

CHAPTER 1 - DEFINITIONS

1.1 Definitions..... 1-1

CHAPTER 2 - GENERAL PRINCIPLES

2.1 Objectives..... 2-1
2.2 Applicability..... 2-1
2.3 Security and Facilitation 2-1
2.4 International Cooperation 2-2
2.5 Equipment, Research and Development 2-2

CHAPTER 3 - ORGANISATION

3.1 National Organisation and Appropriate authority..... 3-1
3.2 Airport Operations 3-2
3.3 Aircraft Operators 3-2
3.4 Quality Control 3-3

CHAPTER 4 – PREVENTATIVE SECURITY MEASURES

4.1 Objective 4-1
4.2 Measures relating to access control 4-1
4.3 Measures relating to aircraft 4-2
4.4 Measures relating to passengers and their cabin baggage..... 4-2
4.5 Measures relating to hold baggage..... 4-3
4.6 Measures relating to cargo, mail and other goods 4-3
4.7 Measures relating to special categories of passengers 4-4

CAR PART VII

CHAPTER 5 – MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE

5.1	Prevention	5-1
5.2	Response	5-1
5.3	Exchange of information and reporting	5-2

CHAPTER 6 – REGULATED AGENT AND TENANT SECURITY

6.1	Definitions.....	6-1
6.2	Requirements	6-1

CHAPTER 7 – OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT

7.1	Definitions.....	7-1
7.2	Applicability.....	7-1
7.3	Jurisdiction.....	7-2
7.4	Acts and Offences	7-2

CHAPTER 8 – POWERS OF THE AIRCRAFT COMMANDER

8.1	Applicability.....	8-1
8.2	Power of Commander	8-1
8.3	Powers of Crew Members and Passengers	8-1
8.4	Measures of Restraint.....	8-1
8.5	Disembarkation	8-2
8.6	Delivery to Competent Authorities	8-2
8.7	Accountability	8-2

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CHAPTER 1

1. DEFINITIONS

“Appropriate Authority for Aviation Security” means the General Civil Aviation Authority which is designated by the United Arab Emirates within in its administration to be responsible for the development, implementation and maintenance of the national civil aviation security program.

Note: *in the UAE the Appropriate Authority for aviation security is known as the Competent Authority.*

“Airport Authority” means the Department of Civil Aviation/ Transportation appointed by the concerned Emirates to be responsible for the implementation and maintenance of airport security program.

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

Aircraft Security Search – A thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devises articles or substances.

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.

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

Commercial Air Transport Operation – An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

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.

General Aviation Operation – An aircraft operation other than a commercial air transport operation or an aerial work operation.

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.

“International” means beyond the territory of the United Arab Emirates.

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 program.

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 Inspection – An examination of the implementation of relevant national civil aviation security program requirements by an airline, airport, or other entity involved in security.

Security Restricted Area – Those areas of the 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 recommended of corrective actions.

Security Test – A covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act.

**CHAPTER 2
GENERAL PRINCIPLES**

2. GENERAL

2.1 Objectives

- 2.1.1 The Appropriate Authority responsible for Aviation Security for the United Arab Emirates is the General Civil Aviation Authority which is known as the Competent Authority hereafter.
- 2.1.2 The Competent Authority 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.
- 2.1.3 The Competent Authority shall be responsible for the development and implementation of regulations, practices and procedures to safeguard civil aviation against acts of unlawful interference taking into account the safety, regularity and efficiency of flights.
- 2.1.4 The Competent Authority shall ensure that regulations, practices and procedures; protect the safety of passengers, crews, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation; and are capable of responding rapidly to meet any increased security threat.
- 2.1.5 The Competent Authority objectives are prescribed in detail in the National Civil Aviation Security Program (NCASP).
- 2.1.6 The Competent Authority shall ensure the appropriate protection of aviation security information.

2.2 Applicability

- 2.2.1 The Competent Authority shall ensure ICAO Annex 17 Standards and Recommended Practices (SARP) are applied to international civil aviation operations.
- 2.2.2 The Competent Authority shall ensure that measures designed to safeguard against acts of unlawful interference are applied to domestic operations to the extent practicable.

2.3 Security and Facilitation

- 2.5.2 The Competent 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 Competent 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 States shall give consideration to alternative measures of the other State that are equivalent to those requested.
- 2.4.2 The Competent Authority shall cooperate with other States in the development and exchange of information concerning national civil aviation security programs, training programs and quality control programs, as necessary.
- 2.4.3 The Competent Authority shall establish and implement procedures to share with other Contracting States threat information that applies to the aviation security interests of those States.
- 2.4.4 The Competent 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 Competent Authority should consider sharing the results of audits carried out by ICAO and corrective actions taken if requested by another State.
- 2.4.6 The Competent Authority should include in each of its bilateral agreements on air transport a clause related to aviation security.
- 2.4.7 The Competent Authority should consider sharing appropriate parts of its National Civil Aviation Security Program with other States on request.
- 2.4.8 The Competent Authority should notify ICAO on those occasions where it has shared information.

2.5 Equipment, research and development

- 2.5.1 The Competent Authority should cooperate with other Contracting States in promoting research and development of new equipment, processes and procedures which will better achieve civil aviation security objectives.
 - 2.5.2.1 The Competent Authority should ensure that the development of new security equipment takes into consideration Human Factors principles.

CHAPTER 3

ORGANISATION

3.1 National organisation and Appropriate Authority

- 3.1.1 The Competent Authority shall be responsible for the establishment, development, maintenance and amendment of United Arab Emirates Aviation Security Regulations and the National Civil Aviation Security Program (NCASP) to safeguard civil aviation operations against acts of unlawful interference. The NCASP shall prescribe the security measures to be applied in the United Arab Emirates by Government Agencies, National Airports, airport users and Aircraft Operators conducting services at the UAE.
- 3.1.2 The United Arab Emirates has designated and specified to ICAO the Competent Authority for Aviation Security within its administration to be the Safety and Security Department of the General Civil Aviation Authority.
- 3.1.3 The Competent 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 program accordingly, based on national risk assessment.
- 3.1.4 The Competent Authority shall define and allocate tasks and coordinate activities between the departments, agencies and other organisations of the United Arab Emirates, airport and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Program.
- 3.1.5 The Competent Authority has established a National Civil Aviation Security and Facilitation Committee for the purpose of coordinating security activities between the entities having responsibility for implementing the various aspects of the National Civil Aviation Security Program.
- 3.1.6 The Competent Authority shall ensure the development and implementation of a national training program for personnel of all entities involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Program. This training program shall be designed to ensure the effectiveness of the National Civil Aviation Security Program. Trainer and training programs should meet the standards defined by the Competent Authority.
- 3.1.7 United Arab Emirates shall ensure that the Competent Authority arranges for the supporting resources and facilities required by aviation security services to be available at each airport serving civil aviation.
- 3.1.8 The United Arab Emirate's National Civil Aviation Security Program shall be handled as a controlled document (Restricted). Appropriate parts of the document along with relevant information or guidelines will be made available to enable concerned entities to meet the requirements of the National Civil Aviation Security Program.

CAR PART VII

3.2 Airport Operations

- 3.2.1 The Airport Authority, at each of the UAE Airports serving civil aviation shall establish, implement and maintain a written Airport Security Program appropriate to meet the requirements of the national civil aviation security program.
- 3.2.2 The Competent Authority shall be responsible for the assessment and approval of Airport Security Programs.
- 3.2.3 The Competent Authority shall ensure that the Airport Authority at each State airport serving civil aviation is responsible for coordination the implementation of security controls.
- 3.2.4 The Competent Authority shall ensure the establishment of an airport security committee at each airport serving civil aviation to assist the Airport Authority in its role of coordinating the implementation of security controls and procedures as specified in the airport security program.
- 3.2.5 The Airport Manager/Director shall chair the Airport Security Committee.
- 3.2.6 The Competent Authority 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 program, are integrated into the design and construction of new, and alterations to existing, facilities.

3.3 Aircraft Operators

- 3.3.1 The Competent Authority shall ensure that commercial air transport operators providing service from the UAE establish and maintain a written operator security program that meets the requirements of the national civil aviation program.
- 3.3.2 The Competent Authority should ensure that entities conducting general aviation and corporation aviation operations using aircraft with a maximum take-off mass greater than 5700kg, establish, implement and maintain a written operator security program approved by the Competent Authority.
- 3.3.3 The Competent Authority should ensure that entities conducting aerial work operations establish implement and maintain a written operator security program approved by the Competent Authority. The program shall contain features specific to the type of operations conducted.
- 3.3.4 The Competent Authority shall assess and approve aircraft operator security programs prior to the commencement of operations at the United Arab Emirates airports.
- 3.3.5 The Competent Authority shall ensure that scheduled and random inspections of air carrier operations are conducted.

CAR PART VII

3.3.6 The Competent Authority should require aircraft operators to notify of code-sharing and other collaborative arrangements; and the nature of these arrangements with other named operators.

3.4 Quality Control

3.4.1 The Competent Authority shall ensure that persons implementing security control are subject to background checks and selection procedures.

3.4.2 The Competent Authority shall ensure that persons implementing security controls possess all competencies required to perform their duties and are appropriately trained according to the requirements of the national civil aviation security program and that appropriate records are maintained up to date. Relevant standards of performance shall be established and initial and periodic assessments shall be introduced to maintain those standards.

3.4.3 The Competent Authority shall ensure that persons carrying out screening operations are certified according to the requirements of the national civil aviation security program to ensure that performance standards are consistently and reliably achieved.

3.4.4 The Competent Authority shall develop, implement and maintain a national quality control program to determine compliance with and validate the effectiveness of its national civil aviation security program.

3.4.5 The Competent Authority shall ensure the implementation of security measures is regularly subjected to verification of compliance with the national civil aviation security program. The priorities and frequency of monitoring shall be determined on the basis of national risk assessment.

3.4.6 The Competent Authority shall conduct regular audits, tests, surveys and inspections to verify compliance with the national civil aviation security program and to provide for rapid and effective rectification of deficiencies.

3.4.7 The Competent Authority shall ensure that the management, setting of priorities and organisation of the national civil aviation security quality control programs shall be undertaken independently from the entities and persons responsible for the implementation of the measures taken under the national civil aviation security program, and

- Ensure that 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 program.
- Ensure that 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.
- Supplement the national civil aviation security quality control program by establishing a confidential reporting system for analysing security information provided by sources such as passengers, crew, ground personnel, etc.

CAR PART VII

- Establish a process to record and analyse the results of the national civil aviation security quality control program, to contribute to the effective development and implementation of the national civil aviation security program, including identifying the causes and patterns of non-compliance and verifying that corrective actions have been implemented and sustained.

3.4.8 The Competent Authority shall re-evaluate security controls and procedures in regard to an act of unlawful interference in a timely fashion; and take action to remedy weaknesses so as to prevent recurrence. The actions shall be shared with ICAO.

CHAPTER 4

PREVENTATIVE SECURITY MEASURES

4.1 Objective

4.1.1 The Competent Authority 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.

4.2 Measures relating to access control

4.2.1 The Airport Authority shall ensure that access to airside at airports serving civil aviation is controlled in order to prevent unauthorised entry.

4.2.2 The Airport Authority shall ensure that security restricted areas are established at each designated airport serving civil aviation, based on national risk assessment.

4.2.3 The Airport Authority shall ensure that identification systems are established in respect of persons and vehicles in order to prevent unauthorised access to airside and security restricted areas.

4.2.4 The Airport Authority shall ensure that identity is verified at designated checkpoints before access is allowed to airside and security restricted areas.

4.2.5 The Airport Authority shall ensure that background checks are conducted on persons, other than passengers, prior to granting them unescorted access to airside and security restricted areas.

4.2.6 The Airport Authority shall ensure that background checks are revalidated as per State Security Department requirements.

4.2.7 The Airport Authority shall ensure the movement of persons and vehicles to and from aircraft is supervised in security restricted areas to prevent unauthorised access to aircraft.

4.2.8 The Airport Authority shall ensure that, at a minimum, a proportion of persons, other than passengers, being granted access to security restricted areas, together with items carried, are screened. The proportion should be determined in accordance with the relevant national risk assessment.

4.2.9 The Competent Authority should ensure that identification documents issued to aircraft crew members provide a harmonised and reliable international basis for recognition and validation of documentation to permit authorised access to airside and security restricted areas.

CAR PART VII

4.3 Measures relating to aircraft

- 4.3.1 The Airport Authority 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 The Airport Authority shall ensure that measures are taken to ensure that passengers of commercial flights disembarking from an aircraft.
- 4.3.3 The Competent Authority shall require its commercial air transport operators to take measures as appropriate to ensure that during flight unauthorized persons are prevented from entering the flight crew compartment.
- 4.3.4 The Airport Authority shall ensure that an aircraft subject to 4.3.1 is protected from unauthorized interference from the time the aircraft search or check has commenced until the aircraft departs.
- 4.3.5 The Airport Authority should 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 The Airport Authority 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 The Airport Authority 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 unauthorized interference from the point of screening at the originating airport to the departing aircraft at the transfer airport.
- 4.4.3 The Airport Authority shall ensure that passengers and their cabin baggage which have been screened are protected from unauthorized 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 The Airport Authority shall establish at an airport 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.

CAR PART VII

4.5 Measures relating to hold baggage

- 4.5.1 The Airport Authority shall establish measures to ensure that originating hold baggage is screened prior to being loaded into an aircraft engaged in commercial air transport operations departing from a security restricted area.
- 4.5.2 The Airport Authority shall ensure that all hold baggage to be carried on a commercial aircraft is protected from unauthorized 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 jeopardised, the hold baggage shall be re-screened before being placed on an aircraft.
- 4.5.3 The Airport Authority shall ensure that commercial air transport operators do not transport the baggage of passengers who are not on board the aircraft unless that baggage is identified as unaccompanied and subjected to additional screening.
- 4.5.4 The Airport Authority shall ensure that transfer hold baggage is screened prior to being loaded into 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 unauthorized interference from the originating airport to the departing aircraft at the transfer airport.
- 4.5.5 The Airport Authority shall ensure that aircraft commercial air transport operators only transport 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 authorized for carriage on that flight.
- 4.5.6 The Airport Authority should establish procedures to deal with unidentified baggage in accordance with a security risk assessment carried out by the national intelligence authorities.

4.6 Measures relating to cargo, mail and other goods

- 4.6.1 The Airport Authority shall ensure that security controls are applied to cargo and mail, prior to their being loaded into an aircraft engage in passenger commercial air transport operations.
- 4.6.2 The Airport Authority shall ensure that cargo and mail to be carried on a passenger commercial aircraft is protected from unauthorised interference from the point security controls are applied until departure of the aircraft.
- 4.6.3 The Competent Authority shall establish a process for approval of regulated agents, if such agents are involved in implementing security controls.
- 4.6.4 The Airport Authority shall ensure that operators do not accept cargo or mail for carriage in passenger commercial air transport operations unless the application of

CAR PART VII

security controls is confirmed and accounted for by a regulated agent, or such consignments are subjected to security controls.

4.6.5 The Airport Authority shall ensure that catering, stores and supplies intended for carriage on passenger commercial flights are subjected to security controls and thereafter protected until loaded onto the aircraft.

4.6.6 The Competent Authority should ensure that security controls to be applied to cargo and mail for transportation on all-cargo aircraft are determined on the basis of a security risk assessment carried out by the relevant national authorities

4.7 Measures relating to special categories of passengers

4.7.1 The Competent Authority 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 The Competent Authority shall ensure that operators providing service from the UAE include in their security programs, 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 The Airport Authority 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 The Competent Authority 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 United Arab Emirates involved.

4.7.5 The Competent 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 The Airport Authority 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 Should United Arab Emirates decide to deploy In-Flight Security Officers, the Competent Authority shall ensure that they are government personnel who are especially selected and trained, taking into account the safety and security aspects on board an aircraft and deployed according to the threat assessment of the national authorities. The deployment of such officers shall be co-ordinated with concerned States and kept strictly confidential.

CAR PART VII

- 4.7.8 Should United Arab Emirates decide to deploy In-Flight Security Officers, the Competent Authority shall develop policy and plans to ensure that the pilot-in-command is notified as to the number of armed persons and their seat location.

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CHAPTER 5

**MANAGEMENT OF RESPONSE TO ACTS
OF UNLAWFUL INTERFERENCE**

5.1 Prevention

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

5.2 Response

- 5.2.1 The Competent Authority shall take appropriate measures for the safety of passengers and crew of an aircraft, which is subjected to an act of unlawful interference, while on the ground in the United Arab Emirates until their journey can be continued.
- 5.2.2 The United Arab Emirates, when 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 all other States responsible for the 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 United Arab Emirates 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.

CAR PART VII

- 5.2.4 The United Arab Emirates shall take measures, as it may find practicable, to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. However, these measures need to recognise the grave hazard attending further flight. The UAE shall also recognise the importance of consultations, wherever practicable, between the State where that aircraft has landed and the State of the Operator of the aircraft, and notification by the State where the aircraft has landed to the States of assumed or stated destination.
- 5.2.5 When an aircraft subjected to an act of unlawful interference has landed, the United Arab Emirates shall notify by the most expeditious means the State of Registry of the aircraft and the State of the Operator of the landing and shall similarly transmit by the most expeditious means all other relevant information 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 onboard the aircraft;
 - e) the International Civil Aviation Organisation
- 5.2.6 The Competent Authority should 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 United Arab Emirates should 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, the UAE 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 Competent Authority shall provide ICAO with all pertinent information concerning the security aspects of an act of unlawful interference which has occurred in the UAE as soon as practicable after the act is resolved.
- 5.3.2 The Competent Authority should 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.

CHAPTER 6

REGULATED AGENT AND TENANT SECURITY

6.1 Definitions

“**Cargo**” means any property carried on an aircraft other than mail; stores and accompanied or mishandled baggage.

“**Catering Stores**” means all items, other than catering supplies, associated with passenger in flight services for example newspapers, magazines, headphones, audio and video tapes, pillow and blankets, amenity, kits, etc.

“**Catering Supplies**” means food, beverages, other dry stores and associated equipment used on board an aircraft.

“**Regulated Agent**” means 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 Airport Authority in respect of cargo or mail.

“**Stores**” means articles of a really consumable nature for use or sale on board an aircraft during flight, including commissary supplies.

“**Tenant**” means an organisation, other than a regulated agent or operator, which conducts its activities on the airside at an airport. A tenant includes maintenance organisations and unregulated agents.

6.2 Requirements

6.2.1 A regulated agent or tenant involved in the consignment of cargo, baggage, mail, stores, catering stores and operators’ supplies intended for carriage on an aircraft shall safeguard such items against an act of unlawful interference.

6.2.2 A regulated agent or tenant involved in the consignment of cargo, baggage, mail, stores, catering stores and operators’ supplies intended for carriage on an aircraft shall account for the consignment in writing.

6.2.3 A regulated agent or tenant involved in the consignment of cargo, baggage, mail, stores, catering and operators’ supplies intended for carriage on an aircraft shall ensure those items are subjected to appropriate security controls.

6.2.4 A tenant involved in the storage of aircraft components and spare parts intended for carriage on an aircraft shall ensure those items are subjected to appropriate security controls.

CAR PART VII

- 6.2.5 A regulated agent or tenant shall ensure that the persons implementing security controls are appropriately trained and possess all competencies required to perform their duties and that appropriate records are maintained. Relevant standards of performance shall be established and initial and periodic assessments shall be introduced to maintain those standards.
- 6.2.6 A regulated agent and tenant shall ensure the development, implementation and maintenance of a security quality control program to ensure the effectiveness of its security controls.
- 6.2.7 Each regulated agent or airport tenant whose concession or facility forms a part of the landside/airside barrier, or through which access can be gained from land side to air side, shall be responsible for control of access through its facility in compliance with the provisions and requirements included in the relevant Airport Security Program.

CHAPTER 7

OFFENCES AND CERTAIN OTHER ACTS
COMMITTED ON BOARD AIRCRAFT

7.1 Definitions

“**Act of unlawful interference**” these are acts or attempted acts such as to jeopardise the safety of civil aviation and air transport, i.e.

- unlawful seizure of aircraft in flight;
- unlawful seizure of aircraft on the ground;
- 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;
- communication of false information such as to jeopardise 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.

“**Aircraft in Service**” means an aircraft is considered to be in service from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty four hours after any landing. The period of service shall, in any event, extend for the entire period during which the aircraft is in flight.

“**Flight**”, for the purpose of this Chapter, means from the moment when all external doors are closed following embarkation until the moment when any door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

7.2 Applicability

7.2.1 The provisions of this Chapter shall apply in respect of;

- (a) offences against penal law;
- (b) 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.

CAR PART VII

7.3 Jurisdiction

- 7.3.1 The Competent Authority shall have jurisdiction over any offence committed;
- (a) in the territory of UAE; and
 - (b) on board an aircraft registered in UAE; and
 - (c) on board any aircraft which lands in UAE with the alleged offender still on board; and
 - (d) on an aircraft leased to a lessee who has his/her principal place of business or, if the lessee has no place of business, his/her permanent residence in UAE; and
 - (e) when the alleged offender is present in UAE and he/she is not extradited to any of UAE concerned; and
 - (f) in other cases where UAE exercises its criminal jurisdiction in accordance with its laws.
- 7.3.2 The Competent Authority shall not have jurisdiction over any offence committed on a foreign registered aircraft, except in the following cases;
- (a) the offence has effect on the territory of UAE; and
 - (b) the offence has been committed by or against a national or permanent resident of the UAE; and
 - (c) the offence is against the security of UAE; and
 - (d) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in UAE; and
 - (e) the exercise of jurisdiction is necessary to ensure the observance of any obligation of UAE under a multilateral international agreement.

7.4 Acts and Offences

- 7.4.1 A person commits an act or offence against the safety of an aircraft if he/she intentionally or unlawfully commits, or attempt to commit; or is an accomplice of a person who commits or attempts to commit, any of the following acts or offences:

CAR PART VII

- (a) performs an act of unlawful interference such as to jeopardise the safety of civil aviation and air transport. In addition, any person who commits any of the following acts thereby commits an offence;
 - (1) 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;
 - (2) refusal to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander 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;
 - (3) smoking in the lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;
 - (4) tampering with a smoke detector or any other safety-related device on board the aircraft;
 - (5) operating a portable electronic device when such act is prohibited.
- (b) performs an act of violence against a person on board an aircraft if that act is likely to endanger the safety of that aircraft. In addition, any person who commits an act of physical violence against a person, or of sexual assault or child molestation thereby commits an offence;
- (c) seizes or destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight.
- (d) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight;
- (e) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (f) using any device, substance or weapon;
 - (1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or
 - (2) destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupts the services of the airport;if such an act endangers or is likely to endanger safety at that airport.

CAR PART VII

Note: The United Arab Emirates Civil Aviation Law (Federal Act No. 20/1991) provides for enforcement action against any person, or accomplice, who commits, or attempts to commit, an offence against the safety of an aircraft.

CHAPTER 8

POWERS OF THE AIRCRAFT COMMANDER

8.1 Applicability

8.1.1 The provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of State of Registration or over the high seas or other area outside the territory of any State unless the last point of take-off or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

8.2 Powers of Commander

8.2.1 An aircraft commander 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:

(a) to protect the safety of the aircraft, or of persons or property therein; or

(b) to maintain good order and discipline on board; or

(c) to enable him/her to deliver such person to competent authorities or to disembark him/her in accordance with the provisions of this Chapter.

8.2.2 The aircraft commander 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.

8.3 Powers of Crew Member or Passenger

8.3.1 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.

8.4 Measures of Restraint

8.4.1 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 non-Contracting 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;

CAR PART VII

(b) the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities;

(c) that person agrees to onward carriage under restraint.

8.4.2 The aircraft commander 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 the reasons of such restraint.

8.5 Disembarkation

8.5.1 The aircraft commander may, in so far as it is necessary to protect the safety of the aircraft, or persons or property therein or to maintain good order and discipline on board, disembark in the territory of any 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 contemplated under this Chapter.

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

8.6 Delivery to Competent Authorities

8.6.1 The aircraft commander may deliver to the competent authorities of any Contracting 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.

8.6.2 The aircraft commander shall as soon as practicable and if possible before landing in the territory of the a Contracting State with a person on board whom the aircraft commander intends to deliver, notify the authorities of such State of his/her intention to deliver such person and the reasons thereof.

8.6.3 The aircraft commander 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 possession.

8.7 Accountability

8.7.1 For actions taken under this Chapter, neither the aircraft commander, 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 undergone by the person against whom the actions were taken.