



PART 108

CAA Consolidation

Air Operator Security Program

DESCRIPTION

Part 108 describes the security requirements for air operators performing regular air transport passenger services with aircraft certificated for 10 or more passenger seats from and within Mongolia.

This Part requires such operators, as part of the certification under Part 119 (holders of an airline air operator certificate) and Part 129 (holders of a foreign air operator certificate), to prepare and adopt an air operator security program covering the specific security requirements set out in the rule.

The security requirements for international air operations are consistent with ICAO standards and recommended practices.

This document is the current consolidated version of Part 108 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Road and Transport. Copies of the official rule and amendments as signed by Minister may be obtained from the Civil Aviation Authority or may be downloaded from the official web site at: www.mcaa.gov.mn

Bulletin

ICAO 29th Assembly Resolution A29-3 of year 1992 urges States to promote global harmonization of national rules.

In order to implement this Resolution, Mongolian Civil Aviation Regulation has been developed based on “Memorandum for Technical Cooperation” between CAA of Mongolia and New Zealand, signed on 6th of May, 1999.

Amendment history	Effective Date
Original issue	12 March 2003
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Note: This Part 108 re-issue has been released in Mongolian and English languages, based on NZCAR Part 108 Amend.11 of 24 Sep 2015 .

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Subpart A - General

108.1. Applicability

This Part prescribes rules governing the air operator security program required by Part 119 and Part 129.

108.3. Definitions and abbreviations

Definitions and abbreviations relating to this Part are contained in CAR interpretation summary.

Subpart B - Air Operator Security Program Requirements

108.51. Air operator security program

Each air operator security program shall contain-

- (1) where any work relating to compliance with this Part is intended to be contracted out to any other organisation, the contractual provisions by which the applicant for an air operator certificate or a foreign air operator certificate ensures that any such contractor or other agent complies with the requirements of the applicant's air operator security program; and
- (2) details of the person responsible for training personnel in accordance with the procedures required by 108.59; and
- (3) details of the procedures required by-
 - (i) 108.53 regarding domestic security requirements; and
 - (ii) 108.55 regarding international security requirements; and
 - (iii) 108.57 regarding the clearance of aircraft flights; and
 - (iv) 108.59 regarding the training of personnel; and
 - (v) 108.61 regarding incident notification and reporting.

108.53. Security requirements - domestic

(a) An air operator security program for a domestic regular air transport passenger service must have security procedures for flights within Mongolia to safeguard passengers, crew member, ground personnel, aircraft, and facilities, against an act of unlawful interference.

(b) The security procedures required in paragraph (a) must set out the means by which-

- (1) the requirements of rule 91.9 are complied with in relation to the carriage of firearms on board an aircraft; and
- (2) danger to the air operator's passengers, crew member, and ground personnel is minimised if a hijacking, bomb threat, or any other threat of unlawful interference occurs; and
- (3) access to the air operator's unattended aircraft is controlled at all times to prevent unlawful interference with the aircraft; and
- (4) access to a security area or security enhanced area of a security designated aerodrome and to an operational area at any other aerodrome within Mongolia that is through the air operator's facilities or through any other access used by the air operator for passengers, personnel, baggage, cargo, freight or aircraft supplies is controlled; and
- (5) appropriate security controls are applied to baggage, cargo, courier, and mail, aircraft supplies, stores, and air operator's supplies intended for carriage on the air operator's aircraft; and
- (6) the safe conduct of a flight is achieved and the pilot-in-command notified, if 1 or more persons on board the aircraft are required to travel on the aircraft because they are in lawful custody, or are subject to other judicial or administrative proceedings, whether or not they are required to be escorted; and
- (7) the air operator and the pilot-in-command are to assess the risk and decide whether a passenger's baggage that is on board an aircraft is to be carried on the flight if the passenger has failed to board the aircraft; and
- (8) before boarding an air operator's aircraft, every passenger, crew member, and the carry-on baggage of the passengers and crew members is screened in accordance with rule 108.63 if the Minister or the Director requires screening in order to prevent a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being taken onto the air operator's aircraft; and
- (9) before being loaded onto an air operator's aircraft, all baggage that is not carry-on baggage is screened in accordance with rule 108.63 if the Minister or the Director requires screening in order to prevent a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being loaded onto the air operator's aircraft; and
- (10) temporary security measures will be implemented to upgrade the security of the air operator's services if the Director finds or suspects an increased level of security risk to a person on an aircraft, or to an aircraft or an aerodrome and requires the additional security measures for a domestic operations; and

- (11) an unauthorised person is prevented from entering the flight crew compartment of the air operator's aircraft during flight.
- (c) The procedures required by paragraph (b)(6) must include procedures for ensuring that in relation to the carriage of a person in lawful custody on a regular air transport passenger service-
- (1) the person is escorted; and
 - (2) the escort confirms that the person is not carrying any item that may be used as a weapon; and
 - (3) the escort is equipped with adequate devices for restraining the person; and
 - (4) the pilot-in-command and senior flight attendant are notified of the location of, and the security arrangements for, the person; and
 - (5) alcoholic beverages are not served to the person and the person's escort; and
 - (6) metal utensils are not provided for the person's use; and
 - (7) the person is not seated in a seat or seat row next to an emergency exit; and
 - (8) the person is seated appropriately to ensure safe conduct of the flight is achieved; and
 - (9) not more than 1 person in custody is carried on an aircraft with a certificated passenger seating capacity of 29 seats or less and no more than 1 additional person in custody is carried for each additional 25 seats of certificated passenger seating capacity.

108.55. Security requirements - international

- (a) An air operator security program for an international regular air transport passenger service must have security procedures for flights within or from Mongolia for safeguarding passengers, crew member, ground personnel, aircraft, and facilities, against an act of unlawful interference.
- (b) The security procedures required by paragraph (a) must set out the means by which-
- (1) the requirements of rule 91.9 are complied with in relation to the carriage of firearms on board an aircraft; and
 - (2) danger to the air operator's passengers, crew member, and ground personnel is minimised in the event of a hijacking, bomb threat, or any other threat of unlawful interference; and
 - (3) access to the air operator's unattended aircraft is controlled at all times to prevent unlawful interference with the aircraft; and

- (4) access to a security area or security enhanced area of a security designated aerodrome and to an operational area at any other aerodrome within Mongolia that is through the air operator's facilities or through any other access used by the air operator for passengers, personnel, baggage, cargo, freight, or aircraft supplies is controlled; and
- (5) temporary security measures are implemented to upgrade the security of the air operator's services within and from Mongolia if the Director finds or suspects an increased level of security risk to a person on an aircraft, or to an aircraft or an aerodrome and requires additional security measures; and
- (6) subject to paragraph (c), appropriate security controls are applied to baggage, cargo, courier parcels and mail intended for carriage on the air operator's aircraft; and
- (7) the safe conduct of a flight is achieved and the pilot-in-command notified, if 1 or more persons on board are required to travel on that aircraft because they are in lawful custody, or subject to other judicial or administrative proceedings, whether or not they are required to be escorted; and
- (8) a transit or transfer passenger and the passenger's carry-on baggage is controlled to prevent an unauthorised article being taken on board the air operator's aircraft by the passenger; and
- (9) carry on items left in the cabin by a passenger disembarking from a transit flight are removed from the aircraft or otherwise dealt with in an appropriate manner before the flight departs unless-
 - (i) the passenger screening process of the flight's originating State is acceptable to the Director; or
 - (ii) the flight is making an unscheduled stop; and
- (10) appropriate security controls are applied to cargo, baggage, mail, aircraft supplies, stores, and air operator's supplies which are moved within an aerodrome for carriage on the air operator's aircraft; and
- (11) every consignment of a package that is not cargo or mail but is intended for carriage on an air operator's aircraft, (whether unaccompanied or using commercial courier services) is screened; and
- (12) before boarding an air operator's aircraft, every passenger, crew member, and the carry-on baggage of the passengers and crew members is screened in accordance with rule 108.63 in order to prevent a weapon, explosive, or other dangerous article or substance that may be used to commit an act of unlawful interference being taken onto the air operator's aircraft; and

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- (13) baggage from a passenger who is not on the aircraft is prevented from being carried unless the baggage is authorised as required by paragraph (17); and
 - (14) pre-flight checks of originating aircraft are undertaken, including procedures for discovering any suspicious object or anomaly that can conceal a weapon, explosive, or any other dangerous article or substance that may be used to commit an act of unlawful interference; and
 - (15) security control is provided for baggage from the point where it is checked in until it is placed on board the air operator's aircraft, if the baggage is for carriage on a passenger flight and has originated from a place other than an airport check-in counter; and
 - (16) except as provided for in paragraph (h), before being loaded onto an air operator's aircraft, every item of baggage that is not carry-on baggage is screened in accordance with rule 108.63 in order to prevent a weapon, explosive, or other dangerous article or substance that may be used to commit an act of unlawful interference being loaded onto the air operator's aircraft; and
 - (17) only baggage that is authorised by the air operator is carried; and
 - (18) an unauthorised person is prevented from entering the flight crew compartment of the air operator's aircraft during flight.
- (c) An air operator must not allow cargo or mail to be loaded onto an aircraft carrying passengers unless-
- (1) the cargo or mail is received from a regulated air cargo agent and the consignment of cargo or mail is-
 - (i) accompanied by a declaration of security issued by the regulated air cargo agent; and
 - (ii) checked by the air operator to ensure that the consignment has not been tampered with; or
 - (2) if the air operator accepts the cargo or mail from a person who is not a regulated air cargo agent, the cargo or mail is subjected to appropriate security controls, in accordance with paragraph (d); or
 - (3) despite paragraphs (1) and (2), if the cargo or mail is subject to a direction to screen made by the Minister or the Director, the cargo or mail has been screened in accordance with the direction and has been maintained in a secure state.
- (d) If the air operator is to accept cargo or mail from a person who is not a regulated air cargo agent, the air operator must establish appropriate facilities and procedures that are equivalent to those required under the following rules for ensuring that the security controls required in paragraph (c)(2) meet the requirements of Part 109:
- (1) rule 109.53 (Facility requirements);
 - (2) rule 109.55 (Cargo and mail security control procedures);

- (3) rule 109.57 (Screening procedures);
- (4) rule 109.59 (Authorisation procedures);
- (5) rule 109.61 (Procedures and register for a known customer);
- (6) rule 109.63 (Training of personnel);
- (7) rule 109.65 (Cargo security incidents);
- (8) rule 109.67 (Records).

(e) Details of the facilities and procedures required by paragraph (d) must be included in the air operator's security program required by Part 119 or Part 129.

(f) The procedures required by paragraph (b)(7) must include procedures for ensuring that in relation to the carriage of a person in lawful custody on a regular air transport passenger service-

- (1) the person is escorted; and
- (2) the escort confirms that the person is not carrying any item that may be used as a weapon; and
- (3) the escort is equipped with adequate devices for restraining the person; and
- (4) the pilot-in-command and senior flight attendant are notified of the location of, and the security arrangements for, the person; and
- (5) alcoholic beverages are not served to the person and the person's escort; and
- (6) metal utensils are not provided for the person's use; and
- (7) the person is not seated in a seat or seat row next to an emergency exit; and
- (8) the person is seated appropriately to ensure safe conduct of the flight is achieved; and
- (9) not more than 1 person in custody is carried on an aircraft with a certificated passenger seating capacity of 29 seats or less and no more than 1 additional person in custody is carried for each additional 25 seats of certificated passenger seating capacity.

(g) If a domestic air operator undertakes passenger or baggage check-in on behalf of an international air operator or for trans-shipment onto an international regular air transport passenger service, the international air operator must ensure that the domestic air operator complies with the international air operator's security program.

(h) Paragraph (b)(16) does not apply to international transfer and transit baggage unless the Minister or the Director requires such baggage to be screened.

(i) The requirements of paragraph (c)(1) and (2) do not apply to

- (1) diplomatic mail that is carried in a diplomatic bag that is externally marked to identify its character and is accompanied by signed documentation from an official of the dispatching diplomatic agency; or
- (2) international transfer and transit cargo or mail.

108.57. Security clearance of flights

Each air operator security program shall have a procedure to ensure that the security program applicable to the flight is complied with before an aircraft is permitted to depart on an air transport operation from any Mongolian aerodrome.

108.58. Travel by passengers subject to judicial or administrative procedures (19.359)

- (a) Where a Mongolian, or a foreign government agency requires a person who is subject to judicial or administrative procedures to travel on an aircraft performing an air operation, whether or not that person is to travel under escort, it shall inform the operator of the circumstances of the proposed travel.
- (b) If the operator agrees to allow such travel to proceed it shall-
 - (1) impose any conditions that it considers are necessary for the safety of the flight and that are authorised by the security program approved under Part 119 or Part 129; and
 - (2) notify the pilot-in-command.
- (c) The agency concerned shall comply with all such conditions.

108.59. Training of personnel

- (a) An air operator security program must have procedures for ensuring that-
 - (1) personnel responsible for carrying out security procedures detailed in the security program are sufficiently trained to competently perform their tasks; and
 - (2) all other personnel employed in the maintenance and servicing of the aircraft have a basic awareness of air operator and aviation security; and
 - (3) training is conducted in a structured and coordinated manner by a person authorised by the air operator; and
 - (4) every person who is required to be trained undertakes the recurrent training segment of the training program at an interval of not more than 3 years.
- (b) The procedures required by paragraph (a) must contain-
 - (1) applicable segments for initial training and recurrent training; and
 - (2) knowledge testing or competency assessment as appropriate for the training conducted; and

- (3) syllabi for each applicable security control function.

108.60. Records

(a) An air operator security program must have procedures for identifying, collecting, indexing, storing, maintaining, and disposing of the records that are necessary to provide an accurate record for every person who is required to be trained under rule 108.59, including details of-

- (1) each segment of training that is undertaken; and
- (2) knowledge testing or competency assessment as appropriate for the training conducted.

108.61. Incident notification

Each air operator security program shall have a procedure for notifying, and where applicable reporting, any security incident involving the air operator's aircraft to the Director in accordance with Part 12.

108.63. Screening

The screening of passengers, crew members, and baggage as required by rules 108.53 and 108.55 must be conducted-

- (1) in the case of aircraft operating from or within Mongolia, by the holder of an aviation security service certificate issued in accordance with Part 140; and
- (2) in the case of Mongolian registered aircraft operating from aerodromes outside Mongolia, by an organisation authorised by the appropriate authority of the state of departure to conduct screening.

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