Air & Transportation

Four regulations that security executives in this sector need to know

EU Regulation 1875/2006 – Entry Summary Declaration (ENS)
http://ec.europa.eu/ecip/help/faq/index_en.htm

Last year, the European Union passed regulations that would require electronic transmission of an Entry Summary Declaration (ENS) at least 24 hours before loading cargo on a vessel bound for an EU port or, for short-sea traffic, two hours before entry at its first EU port. The ENS must include information such as the ocean carrier's EORI number, the container number and the master and house bill of lading numbers. This information allows the customs office of first entry to perform a cargo risk assessment for all shipments, and if risk is identified it is authorized to take prohibitive action, including Do Not Load orders.

The ENS requirements came into full enforcement on July 1, 2011. Non-compliance may mean failure to clear customs, delay in cargo release, and/or imposition of penalties.

BARR Preservation Act of 2011
http://www.govtrack.us/congress/billtext.xpd?bill=s112-1477

A provision in a version of the much-debated FAA Air Transportation Modernization and Safety Improvement Act would severely limit access to the FAA's Block Aircraft Registration Request (BARR) program. This decade-old program allows owners of general aviation aircraft to opt out of public dissemination of their aircraft movements. Those who support the program claim that limiting it would violate the privacy of private aircraft owners. They are specifically concerned that releasing tracking data on corporate aircraft could endanger the safety of corporate executives, and could hurt corporate competitiveness because individuals could study flight patterns to divine whether M&A deals are underway. Those opposed state that the program inhibits transparency, and that corporations incorrectly view their access to national airspace as a right rather than a privilege. The BARR Preservation Act's sole purpose is to require the Administrator of the FAA to continue BARR.

The Implementing Recommendations of the 9/11 Commission Act of 2007
http://intelligence.senate.gov/laws/pl11053.pdf

This act implemented the recommendations of the 9/11 Commission. The Transportation Security Administration (TSA) has met its requirement to establish procedures to ensure screening of 100 percent of the cargo shipped on passenger aircraft originating in the United States. But the further requirement for 100-percent cargo screening of inbound international passenger flights has proved trickier. Because TSA has no authority over non-U.S. carriers, it has been a largely diplomatic process of forming alliances and offering guidelines to international partners. A new TSA directive issued in March now requires freight forwarders and airlines to obtain additional information from international shippers that lack established relationships with them. TSA hopes to meet the 100-percent inbound screening goal by December 2011.

TSA Guidance

The Transportation Security Administration has issued numerous guidance documents to the transportation industry since its inception. Guidance covers people-moving transit of all types, as well as cargo/freight transport. TSA also requires corporate security reviews of organizations applying for FEMA grants. Guidance is generally labeled security sensitive and is available to approved audiences only. For information, contact your TSA representative: www.tsa.gov. ▌

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