



Notice to Regulated Agents 4/2020

Major Deficiencies Observed in Recent Inspections on RAs regarding Counterfeit Documents and Non-RAs / Suspended RAs / De-registered RAs Found Performing RA's Functions

This notice serves to share with all Regulated Agents (RAs) about some major deficiencies observed by the Civil Aviation Department (CAD) in recent inspections on RAs, including presenting counterfeit x-ray screening receipts or other shipping documents, and their possible consequences. RAs are also reminded about their responsibility of checking the validity of shipping documents and the status of their partnering RAs when performing documentation check during cargo acceptance, and the application of accepted Secure Transportation means to screened cargo.

Counterfeit X-ray Screening Receipts

Background

2. It has been a requirement under the Regulated Agent Regime (RAR) that an RA would need to maintain screening records, i.e. screening receipts issued by Regulated Air Cargo Screening Facilities (RACSFs) and/or reception checklists issued by Cargo Terminal Operators (CTOs), together with the corresponding Master / House Airway Bills, for at least 3 years for the inspection by the CAD. The CAD has been conducting inspections all along to validate the x-ray screening figures submitted by individual RAs by checking the screening records and other relevant shipping documents.

Recent Case on Counterfeit X-ray Screening Receipts

3. The CAD identified in a recent inspection that an RA had provided suspected counterfeit RACSF x-ray screening receipts as proof of screening. Checking with the corresponding RACSF further confirmed that such screening receipts were not issued by them. Such act of counterfeiting x-ray screening receipts was regarded as tendering unscreened cargo as screened cargo, which is a major deficiency under the RAR.

4. Other counterfeit documents such as the Known Consignor Declaration of Compliance

(KCDoC) were also observed by the CAD in some recent inspections on RAs. The KCDoC and other shipping documents shall be duly completed by the parties concerned. An RA shall clarify and follow up with relevant parties if any irregularities in these documents are observed. Revisions of documents shall only be made by parties who signed and completed the documents.

5. We would like to stress that misleading the CAD and other parties along the air cargo supply chain by **presenting counterfeit documents, such as proof of screening** (i.e. x-ray screening receipts issued by RASCFs and reception checklists issued by CTOs) **or other shipping documents, is a major deficiency under the RAR. Such RAs may be subjected to suspension or de-registration by the CAD and their requests on re-registration will not normally be considered. Any suspected cases will also be referred to Hong Kong Police Force for their investigation.**

RAs' Responsibility of Checking the Accuracy and Completeness of Screening Receipts and Other Shipping Documents

6. It is the responsibility of an RA to **check the accuracy and completeness of screening receipts and other shipping documents** with their best endeavor when these documents were made available to them. Only consignments accompanied with valid screening receipts and Master / House Airway Bill should be counted as screened cargo in the monthly security screening report submitted to the CAD. RAs should clarify and follow up with relevant parties (i.e. RASCFs, CTOs and their partnering RAs) should they identify any irregularities in these documents. RAs are strongly reminded to ensure the **accuracy and completeness of records maintained for the CAD's inspection**, or else the RAs would be regarded as failing to maintain the required documentation under the RAR, which may lead to the major deficiency of tendering unknown cargo as known cargo and be subject to suspension or de-registration by the CAD.

Non-RAs / Suspended RAs / De-registered RAs Found Performing RA's Functions

Background

7. It is clearly stipulated in the *Regulated Agent Security Programme*, the *Handling Procedures of RAR* and relevant Notices to RAs that only valid RAs are able to exercise their rights as RAs including but not limited to, consigning their cargo as known cargo by annotating security status (SPX) and RA code on their shipping documents, involving in inter-RA handling activities and tendering cargo direct to RASCFs for security screening. **Cargo handled by non-RAs, suspended RAs or de-registered RAs shall be regarded as unknown cargo in all circumstances.**

Recent Cases of Non-RAs / Suspended RAs / De-registered RAs in Performing RA's Functions

8. In recent inspections, the CAD noted that some non-RAs and RAs whose status has been suspended or de-registered by the CAD were found performing RA's functions, e.g. tendering cargoes by claiming the consignment as known cargo or involving in inter-RA activities. These

actions are serious breaches to the RAR. **On that account, application for registration as RAs, resumption or re-registration requests from these entities will not normally be considered by the CAD. For suspected cases of non-RAs performing RA's functions, they will be referred to Hong Kong Police Force for their investigation.**

RA's Responsibility for Checking the Status of Partnering RA

9. Once an RA has received a notification from the CAD on its suspension or de-registration, **it is required to notify its receiving RAs** in accordance with its *Regulated Agent Aviation Security Declaration for Inter-Regulated Agent Handling* signed to these RAs.

10. Nevertheless, it is also the responsibility of an RA **to verify the status of their partnering RAs** when involving in inter-RA handling activities. *Part II Section 5 of the Regulated Agent Security Programme* stipulates that an RA would need to perform documentation check during cargo acceptance and the status of the tendering RA shall be checked against the CAD's register. *Part A Section 4 of the Handling Procedures of RAR* further stipulates the responsible parties of checking the RA status under different scenarios.

11. **Tendering a consignment received from an entity without valid RA status** would be regarded as tendering unknown cargo as known cargo, which is a major deficiency under the RAR. **RAs committed such deficiency may be suspended or de-registered by the CAD.**

Application of Accepted Secure Transportation (ST) Means to Screened Cargo

12. As a reminder, cargo screened at RACSFs shall be protected from unlawful interference using one of the ST means accepted by the CAD until it is accepted by CTOs. **For any cargo screened by RACSFs without applying ST means and tendered to CTOs as known cargo without the need to go through security screening** (e.g. declared as the 30% of known cargo which does not need to go through security screening under Transition Phase 3), yet reported to the CAD by RAs as known cargo screened by x-ray, is regarded as a major deficiency of tendering unknown cargo as known cargo. **Failure to comply with the requirements may lead to suspension or de-registration of the company's RA status by the CAD.**

Enquiries

13. For enquiries, please contact the CAD at 2910 6880, 2910 8695, 2910 8696 and 2910 8697 during office hours (09:00 – 12:00; 14:00 – 17:00) daily, except Saturday, Sunday and public holidays.

29 December 2020

Aviation Security Section
Airport Standards Division
Civil Aviation Department