



# RECOGNITION OF EQUIVALENCE

## The issue and position

Global passenger traffic is expected to reach 7.8 billion in 2036<sup>1</sup>. Security checkpoint at airports will need to accommodate this increased demand for passenger and hold baggage screening. Beyond the on-going projects to improve the efficiency of security checkpoints, IATA also encourages States to exempt from re-screening passengers and/or their hold baggage which have already been screened to an equivalent level during their journey and which have remained within a security sterile environment. This approach provides an equivalent security outcome as 100% of the passengers and their hold baggage are subject to appropriate security screening measures. Further it reduces the congestion of security checkpoints at transfer airports.

ICAO Annex 17 standards (4.4.3 and 4.5.4 in particular), provide States with the possibility to exempt “transfer passengers” and hold baggage from screening under the condition that a formal Recognition of Equivalence (RoE) with the State of origin has been established. When the appropriate regulatory and operational frameworks are established and the focus is placed on the equivalence of security outcome, IATA believes that the establishment of a RoE process benefits the full value chain.

In the context of aviation security, Recognition of Equivalence (RoE) is defined as the acceptance and formal approval by a State that security measures carried out in another State are at least equivalent to its own security measures. This recognition process may involve only one, two or more countries.

In order to avoid the unnecessary duplication of security controls and to increase the global sustainability of the aviation security system implementation - and where consistent with their risk assessment - States may consider recognizing other States’ aviation security systems as being equivalent. It might be a full recognition or a partial one with restrictions on targeted airports or specific areas/activities (passengers, hold baggage, aircraft security search/check, cargo). A major operational benefit for the industry of the recognition is the lifting of passengers and/or hold baggage transfer screening at intermediate airports which fast tracks the passenger transfer process (provided necessary airport’s infrastructure). This can also contribute to reinforcing the competitiveness of hub airports and their home-based carriers.

## Background information

As illustrated in the figure, the process leading to RoE should be distinguished from the result of the process, i.e. the recognition itself. The verification process should include all States involved, while the eventual decision to recognize the equivalence may be by one State only (unilateral recognition) or reciprocal (bilateral /multi-lateral recognition). The RoE process should be done at State level.

The RoE is an iterative process so the equivalence of security regimes between States shall be regularly reassessed, meaning that security measures and their implementation would normally evolve over time.



### Process: Verification of Equivalence

The verification process is aimed at ascertaining whether the security measures in a State achieve security outcomes that are at least equivalent to those of another State. The figure below illustrates what the RoE arrangement between State X (or Airport A) and State Y (or Airport B) may bring.

Collaboration between all States involved in the process is key to facilitate the exchange of required information, even when the goal is unilateral recognition by State Y of State X’s security measures. This collaboration on information exchange should be formalized through, for example, an exchange of letters between State X and State Y or a memorandum of cooperation / understanding.

<sup>1</sup> [IATA 2036 passenger traffic forecasts](#)



The verification process is premised on the States involved complying, at a minimum, with Annex 17 Standards. The review should include an assessment by State Y of all relevant elements from documents provided by State X such as:

- ICAO USAP audit reports;
- NCASP and ASPs, and other relevant operator security programs (e.g. AOSPs, Cargo Security programs/ directives);
- The nature and extent of the oversight conducted by the appropriate authority;
- Exchange of information on threat and risk environment as well as on recognition arrangements with other States;
- Information on airport security systems (regulations, practices and procedures of security controls, security equipment used, operational use of security equipment, security staff recruitment, background checks, training and certification procedures, performance monitoring measures at the selected airport, tools, measures and procedures for maintaining security, etc.);
- Information on security controls collected through national quality control activities (i.e. audits, surveys, inspections and tests, including the frequency, findings and other pertinent details of the quality control activities carried out by State X, as well as the entities engaged in those activities).

Where State X has recognition arrangements in place with other States, State Y should take these arrangements into consideration when determining whether to recognize the equivalence of State X's security system. This could be achieved through an examination of the verification processes used by State X.

State Z and any other States accepting traffic from State Y should be notified of the existence of arrangement in place in State Y, and subsequently of any relevant changes thereto.

In addition to a review of documents, verification should also consist of on-site assessments of the security system implementation and of the infrastructure in place. The on-site assessments should examine all relevant factors surrounding airport and airline operations. They may take different forms (technical evaluations, inspections, audits, survey, visit at a sample of airports in the countries concerned, attendance to audits/inspections run by the national authority etc.).

Both the document review and the on-site assessment may target specific areas that State Y wishes to recognize. For example, State Y may wish to limit its scope of recognition to specific airports or to individual components in State X, such as hold baggage screening or cargo transfer and/or transshipment.

During this verification process, IATA encourages States to focus on the equivalency of the security outcome of the measures in place, instead of looking for identical measures.

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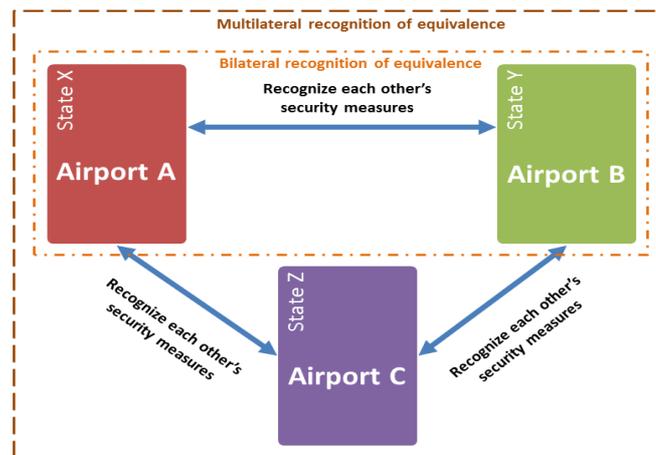
#### Decision: Validation

Based on the verification process, State Y should formally determine whether security measures at State X provide an equivalent security outcome to its own security system. State Y should reach a decision to validate, or not to validate, the equivalence of security measures and should document this decision. The validation may contain restrictions. In case recognition is to be granted, a formal arrangement (MoU, exchange of letters etc.) should outline all requirements and responsibilities inherent to the implementation of the RoE arrangement. This arrangement can also be reflected in a provision of the air transport agreement(s) in place between the parties.

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#### Outcome: Recognition of equivalence

The decision to recognize equivalence can be multilateral, bilateral or unilateral:



- **Multilateral** Recognition of Equivalence (MRoE): More than two States may choose to enter into a MRoE arrangement on a multi-lateral basis, whereby the RoE of security measures is mutual between all States. This is the case for example within EU countries;
- **Bilateral** Recognition of Equivalence (BRoE): State X recognizes State Y, and State Y recognizes State X. Two States may choose to enter into a BRoE arrangement on a bilateral basis, whereby the RoE of security measures is mutual between both States. This is the case for example of the EU-US cargo security mutual recognition;
- **Unilateral** Recognition of Equivalence (URoE): State Y recognizes State X, but State X does not recognize State Y. When the local operational environment or national legal restrictions are not conducive to the implementation of a formal arrangement, one State recognizes another State's security regime on a unilateral basis. This is the case for example of the EU recognition of the US security regime.

### Continuous verification

Once a recognition arrangement is in place, on-site assessments of applicable and implemented security procedures of State X should be periodically carried out by State Y as a mean to revalidate the arrangement. The frequency of the on-site assessments should be documented in the arrangement, and take into account the robustness of the security oversight program of State X. It is recommended that on-site re-assessments are conducted at regular intervals not exceeding two years. State should inform each other of any substantial changes of their security regulations or operational environment which could potentially affect the existing recognition of equivalence and its revalidation process.

### Liability

States should consider their legal liabilities with respect to their international obligations and under their domestic law. The ICAO Security Manual provides guidance material.

### Proposed solution

IATA encourages like-minded States to implement RoE of security systems arrangements as it would ultimately benefit their economy through a more efficient use of available resources. These arrangements could also result in significant improvements for airlines' passenger and cargo operations and enhanced customer service provided to passengers themselves. Airlines have an important role to play in this process by supporting where possible, dialogue between States to prompt such agreements.

In order to foster the necessary trust between countries' appropriate authorities who wish to develop a RoE, States should resort to objective benchmarks. Airlines are encouraged to share their IOSA and ISAGO audit reports and use them as objective measurements of the outcome for their security systems. This action should support and facilitate the recognition process.

States are encouraged to focus on assessing the equivalency of security outcome, and not to require identical measures might not necessarily address their security threats. Ultimately, the implementation of a RoE allows for a rationalization of the security screening resources (personnel and equipment) so their attention may be more efficiently focused on flights, passengers or cargo whose origin and associated threat is unknown or not recognized.