

REPORT

Ad-hoc call on Air Cargo Security Emergency Amendments

On 26 September, CLECAT organised an ad-hoc call for members to exchange information and views on the latest developments related to the imposition of stricter air cargo security requirements by the US Transportation Security Administration (TSA). The call was timely as it followed the 114th SAGAS meeting where the issue was addressed. This report outlines the key points raised and discussed during the call.

Background

In response to increased civil aviation threats, following a security-related air cargo incident in Germany in July, TSA (and Transport Canada) announced Emergency Amendments (EA) in respect of all air cargo destined for or transiting/transferring through the United States (and Canada), where such cargo originates from Europe and the Commonwealth of Independent States (CIS).

These stricter measures/EA's are divided into two parts:

- 1) New security layer which enhances US Air Cargo Advance Screening (ACAS) system, managed by US Customs and Border Protection (CBP), **with additional data elements**. The new ACAS data elements requirements are set to enter into force on 7 October.
- 2) **Traditional security measures designed to mitigate certain patterns observed in the incident**, such as cash payments or the combination of specific items in cargo to prevent a recurrence.

Main points raised and discussed

Outcome from 114th SAGAS meeting

COM was actively working to implement mitigating measures aimed at addressing current vulnerabilities and aligning with US security objectives under the EAs. The goal is to establish a mutual security regime between the EU and US that would make the current EAs redundant. Several classified meetings with Member States have been planned in the coming weeks. This is a priority for COM.

Reports were received from EEA as they were mostly involved with the incident through one of its members. Andreas Wilhelm/CLECAT presented a proposal for the **establishment of an International Task Force** aimed at mitigating cross-border risks, addressing security gaps, and coordinating emergency responses between countries. The Task Force would focus on several key areas, including preventing future incidents, conducting detailed risk analyses, and proposing appropriate measures in consultation with the industry. Key to the success of this initiative would be to establish trust among participants, both from authorities and stakeholders.

COM did not provide any comments or feedback on the proposal.



Lack of clear communication from TSA towards freight forwarders

US authorities have only shared the EA with air carriers, bypassing IATA and other parties in the air freight logistics chain such as forwarders.

While air carriers have informed logistics stakeholders of these changes, their interpretations of the requirements have varied. Since the EAs are classified, it is difficult to verify whether the information provided by them is accurate. Andreas Wilhelm, representing CLECAT at the EU-US security meeting in Washington in September, expressed these concerns to TSA, also questioning the reasoning behind additional data elements such as IP addresses of companies, which would not enhance security. There was some understanding from TSA but ultimately the additional data elements remained in place in the recent [Implementation Guidance on ACAS](#). CLECAT also addressed concerns with COM and TSA on the lack of communication and the operational impact this has, noting that it was essential for **future communications from TSA and CBP to be directed specifically to industry associations** beyond carriers.

Technical/formatting issues

- IATA's Cargo-IMP messaging system has not yet been adapted to include the new ACAS data elements. As a result, the US will need to submit a formal change request to IATA to introduce them. Additionally, Cargo-IMP format has character limits and does not support special characters like "+" or "@." IATA is currently working to accommodate these changes.

Established Business Relationship (EBR) Requirements

- As communicated before, when tendering cargo to air carriers, freight forwarders must draft a statement confirming that an established business relationship exists between themselves and the shippers. However, if the shipper is a certified known consignor by the EU/UK/EFTA authority, this requirement does not apply.

The following is the **definition of a business relation included in the TSA EAs**: *"A business relationship is an association between persons, including individuals and entities that it includes the establishment of an account with a physical billing address and payment or credit history documented through invoice or billing records or documents history of sales that include any contract of activities or other documents that correspond to business record"*.

With each master waybill (MAWB), freight forwarders must confirm that all associated shippers meet at least one of the following EBR criteria:

- 1) The shipper is a Known Consignor under the security program of a national authority.
- 2) The shipper has an account (more information included in the [Implementation Guidance on ACAS](#)) with the forwarder established prior to 2 September 2024, which includes at least one of the following:
 - Shipping and billing address, along with documented payment or credit history.
 - Documented sales history, including relevant contacts or activities.
 - Other documented business correspondence or records.



- 3) For shippers becoming customers after 2 September, freight forwarders must maintain records of **ALL** the following:
 - 1) Business registration certificate or license.
 - 2) Business information, including name, address, phone number, and email.
 - 3) Contact information for an authorised point of contact.
 - 4) Payment information (e.g., a corporate credit card).
 - 5) A signed contract between the shipper and the forwarder.

The last bullet point of point 3 was challenged by CLECAT who argued that in most cases, **electronic bookings and confirmations should be enough**. They proposed using the terminology of an “agreed contract” instead of a “signed contract”. TSA is currently reviewing this proposal, which could help reduce the burden on smaller and medium freight forwarders.

Members noted that air carriers were requesting the EBR also for cargo flights, when it was initially indicated that shipments without an EBR could still be transported to the US via cargo flights or charter. Although the EAs suggest that cargo flights could proceed without an EBR, **air carriers are currently requesting to have the same security standards to be applied**. The situation will have to be monitored.

Recordkeeping and compliance

Records for shippers becoming customers after 2 September must be **kept for 120 days** to comply with potential TSA inspections. **False information can result in penalties**, which would initially be imposed against air carriers but, if it is proven that freight forwarders provided inaccurate data, they too could face fines.

Specific cases to pay attention to

Regretfully, the EBR statement **SOLELY** refers to a business relationship which has been established with the shipper, which does not cover any range of business, where the business relationship has been established with the consignee or importer of records or any third party, mainly buyer’s consolidations, ex-works (EXW) transports or transports under Incoterms E+F.

In such cases, a business relationship as set forth in particular under point 3 of the EBR statement (see above) cannot be achieved, hence would prevent to establish new EXW business on or after 2 September.

Monitoring future developments and access BCP materials

Members note the importance to stay informed and monitor future developments, as already other countries have followed the US in implementing stricter air cargo security requirements affecting European freight forwarders (As of today, only Canada and Australia have imposed stricter requirements).

It was highlighted the importance to read the [Implementation Guidance on ACAS](#) and the [Enhanced ACAS filing FAQ](#)