

APPENDIX X

**INTERNATIONAL TRANSPORTATION
BY COMMERCIAL CARRIERS OF CLASSIFIED DOCUMENTS AND
EQUIPMENT OR COMPONENTS AS FREIGHT****MULTINATIONAL INDUSTRIAL SECURITY WORKING GROUP
MISWG Document Number 15****INTERNATIONAL TRANSPORTATION
BY COMMERCIAL CARRIERS
OF CLASSIFIED DOCUMENTS AND EQUIPMENT OR COMPONENTS
AS FREIGHT****INTRODUCTION**

1. This document sets forth guidelines for the international transportation by commercial carriers of classified documents and equipment or components as freight related to non-NATO multinational cooperative defense programs.

DEFINITIONS

2. In this document:

- a. **"cargo handling company"** (may include a freight forwarder or a transportation agent) means a cleared commercial company responsible for loading and unloading classified cargo from an aircraft and providing constant protection for the classified cargo while it is in the carrier carts, open cargo pits or cargo transfer areas;
- b. **"classified material"** means documents classified up to and including the level of CONFIDENTIAL and equipment or components classified up to and including the level of SECRET related to a non-NATO multinational cooperative defense program;
- c. **"classified freight"** means a consignment of classified material of such size, weight or configuration that it cannot be hand carried, transmitted by diplomatic pouch service, military courier service, or approved government postal services;
- d. **"consignor"** means a contractor, facility or other organization responsible for organizing the dispatch of classified material to the consignee;
- e. **"consignee"** means an intended recipient or organization receiving classified material from a consignor. It does not include carriers or agents;
- f. **"document"** means any recorded information regardless of its physical form or

characteristics, including, without limitation, written or printed matter, data processing cards and tapes, maps, charts, photographs, paintings, drawings, engravings, sketches, working notes and papers, carbon copies and ink ribbons, or reproduction by means or process, and sound, voice, magnetic or electronic or optical or video recordings in any form, and portable automatic data processing (ADP) equipment with resident computer storage media, and removable computer storage media;

g. “**equipment or components**” means any item of machinery or equipment or weapons either manufactured or in the process of manufacture;

h. “**escort**” means a cleared person assigned responsibility by the consignor or consignee to accompany a shipment of classified materials as freight to a predetermined destination;

i. “**freight forwarder (transportation agent)**” means any agent or facility designated to receive, process, and transship material between nations. The freight forwarder must be under contract to perform these functions to include adherence to a transportation plan approved by the NSAs/DSAs governing the transportation of classified material;

j. “**National Security Authority (NSA)/Designated Security Authority (DSA)**” means a government agency of a participating country responsible for:

(i) establishment and implementation of national policy in all matters of industrial security;

(ii) coordinating such policy with national policy in other fields of security; and

(iii) communicating this policy to industry and for providing direction and assistance in its implementation;

k. “**participating country**” means a country that has agreed to participate in a non-NATO multinational cooperative defense program;

l. “**terminal**” means the area used by the carrier (to include an office used as an interchange/transfer point) for loading, unloading, temporary storage, or transfer of a classified consignment onto or between carriers.

APPLICABILITY AND SCOPE

3. This document establishes minimum security requirements for the international transportation by commercial carriers of classified consignments as freight. The procedures and requirements specified in this document may be supplemented by additional security measures where more stringent security requirements are established by NSAs/DSAs.

4. The procedures and requirements detailed in this document will be used where it is determined

that the following approved methods for the international transmission of classified material as freight are unavailable or impractical to use:

- a. diplomatic pouch service;
 - b. military transportation;
 - c. security cleared government couriers and escorts;
 - d. approved government postal services; or
 - e. contractor employees using the hand carriage scheme described in Multinational Industrial Security Working Group Document Number 1, "Arrangements for the International Hand Carriage of Classified Documents, Equipment and/or Components."
5. The procedures specified in this document apply to documents classified no higher than CONFIDENTIAL and to equipment or components classified no higher than SECRET.

NSA/DSA RESPONSIBILITY AND ACCOUNTABILITY

6. NSAs/DSAs are responsible for implementing and ensuring adherence with the security requirements set out in this document.
7. The NSA/DSA of the consignor is responsible for ensuring the protection any classified consignment transported under the provisions of this document until such time as the consignment has been officially transferred to the receiving NSA/DSA or a representative appointed by the receiving NSA/DSA.
8. NSA/DSA responsibilities described in this document may be assigned to a designated government representative, when appropriate.

TRANSPORTATION PLAN

9. When non-NATO multinational cooperative defense programs involve the international transmission of classified material between participating countries, comprehensive transportation plans are required. The transportation plan should be initiated early in the security planning process and incorporated into the Programme/Project Security Instruction (PSI), if applicable. The format outlined in Multinational Industrial Security Working Group Document Number 10, "Transportation Plan for the Transmission of Classified Material as Freight," should be used when completing a transportation plan.
10. The consignor and consignee of a classified consignment are responsible for jointly organizing and for submitting written transportation arrangements to their respective NSA/DSA for approval. The responsible NSAs/DSAs will issue to the consignor and the consignee all official authorizations. A transportation plan approved by the appropriate NSAs/DSAs will be in place before a classified

consignment is authorized to leave the consignor's location, except in an urgent situation, when the responsible NSAs/DSAs may authorize the shipment.

11. The NSA/DSA of the consignor will notify and provide the NSA/DSA of any non-participating country to be crossed with appropriate details of the transportation, including any cancellation thereof, and with sufficient advance notice to enable the non-participating NSA/DSA to implement any required security arrangements.

12. A single transportation plan may cover several consignments of similar material provided the itinerary, the method of transmission and packaging remains the same and the classification of transmitted documents is no higher than CONFIDENTIAL and the classification of transmitted equipment or components is no higher than SECRET and the classified material is related to the same program or project. The format outlined in Annex 1 to Multinational Industrial Security Working Group Document 10, "Notice of Classified Consignment," will be used in this circumstance for each transmission.

CUSTOMS

13. The NSA/DSA of the consignor and consignee will ensure that customs authorities are notified of all impending shipments of classified consignments. The NSA/DSA will request customs authorities to give maximum credibility to the customs document accompanying the consignment.

SHIPPING DOCUMENTS

14. The NSA/DSA of the consignor and consignee will ensure that all documentation, such as manifests, bills of lading, and receipts, concerned with the international transportation of classified consignments which accompany, but are not packed with the classified material, includes the documents necessary to track the consignment through all phases of transportation to include the time and date of arrival, condition of the shipment (breakage, damage, etc.) and the name of the person and position in the organization receiving the consignment.

15. These documents will be prepared by the consignor concerned. Care will be exercised not to reveal any classified information in these documents. Quantities may be indicated. The consignee will acknowledge receipt of the consignment by signature on the shipping documents.

PACKAGING

16. NSAs/DSAs are responsible for ensuring that all classified consignments are packaged by the consignor in accordance with national rules and regulations. In no circumstances should the fact that the material is classified be apparent to any casual observer.

SECURITY MEASURES APPLICABLE TO ALL FORM OF TRANSPORT

17. NSAs/DSAs will ensure that the following principles are enforced when examining proposals

for the international transportation of classified material:

- a. security is assured at all stages during the transportation and under all circumstances. The possibility of delays, accidents or breakdowns must be taken into consideration. Provision must be made for reporting delays to the consignor and the consignee;
- b. the degree of protection accorded to a consignment will relate to the most highly classified part of it;
- c. a facility security clearance is obtained for companies providing courier or cargo handling services. As a minimum, personnel directly supervising the handling of the classified consignment will have a personnel security clearance to at least the classification level of the consignment;
- d. containers bear no visible indication of their contents;
- e. the journey is completed as quickly as circumstances permit; and
- f. advance notification of each consignment is made by the consignor and confirmed by the consignee through their respective NSA/DSA at least three working days in advance of the shipment. The shipment will not occur until the terms of the notification are accepted.

TRANSMISSION OF CLASSIFIED FREIGHT

18. NSAs/DSAs will ensure that the following minimum security requirements are met where it is necessary to transmit consignments of classified material as freight:

- a. a transportation plan based on the format described in Multinational Industrial Security Working Group Document Number 10, "Transportation Plan for the Transportation of Classified Material as Freight," is approved in advance of any international transportation of classified material;
- b. when a transportation plan involves more than one international shipment of classified consignment, procedures will be developed which identify each shipment and provide details of the shipment to the recipient, to transportation personnel and personnel who will be involved in ensuring the security of the shipment, as described below.
- c. the security officer of the consignor uses the format outlined in Annex 1 to Multinational Industrial Security Working Group Document 10, "Notice of Classified Consignment," to notify the security officer of the consignee and the NSAs/DSAs concerned of recurring transmissions under the same transportation plan.

COMMERCIAL CARRIERS

19. A commercial carrier will meet the following minimum criteria for handling international

shipments of classified material:

- a. where deemed necessary and according to national security regulations, hold a facility security clearance at the appropriate level issued by the applicable NSA/DSA;
- b. be authorized by laws and regulations in the country in which it is incorporated to provide international transportation services; and
- c. be obligated to adhere to established national and international safety, security and emergency standards.

INTERNATIONAL TRANSPORTATION OF CLASSIFIED FREIGHT BY ROAD

20. The following minimum standards will be applied when consignments of classified material are internationally transported by commercial ground carriers:

- a. unless otherwise exempted by the NSA/DSA, a driver, co-driver and an escort will accompany all consignments of classified material that are internationally transported by commercial ground carriers;
- b. classified material will be secured in vehicles or containers by a lock or padlock of a type currently approved by the NSA/DSA concerned. Closed vans and cars that may be sealed offer maximum security. If this is not physically possible, the consignment should be encased or sheeted so as to protect the classified aspects and prevent unauthorized persons from gaining access;
- c. in cases where stops must be made, arrangements should be made in advance to use storage provided by government establishments or facilities having the necessary cleared personnel and capabilities to handle the consignment. In the event such arrangements cannot be made or an emergency situation arises due to accident or breakdown of the truck, the escort is responsible for keeping the consignment under constant protection during the period;
- d. telephonic or telex checks along the road between the person initiating the consignment and the escort concerned should be pre-arranged;
- e. when the consignment is classified SECRET, the driver or co-driver and the escort must be security cleared to the classification level of the consignment; where no separate escort is provided, both the driver and the co-driver are to be so cleared, one of whom is to be the designated escort;
- f. when the consignment is of material classified CONFIDENTIAL, the escort's duties may be undertaken by the driver or co-driver in accordance with national regulations provided both individuals are security cleared to at least the classification level of the consignment; and

g. when electronic monitoring of the truck is used in accordance with national regulations, the requirements of paragraph d. above may not be necessary.

INTERNATIONAL TRANSPORTATION OF CLASSIFIED FREIGHT BY AIR

21. Normally, the international transportation of classified material will be carried out by a commercial air carrier that has adopted and implemented the International Air Transport Association (IATA) Rules respecting airline security, including the requirement for adherence to national and international standards for the air transportation of classified material as cargo and the carrier is located in a participating country.

22. Consignments of classified material by aircraft carrying freight only may be authorized in exceptional circumstances.

23. The following minimum security requirements will apply when consignments of classified material are internationally transported by commercial air carriers:

a. every effort will be made to deliver the consignment straight to the aircraft rather than permitting it to be stored in approved storage areas. When a consignment cannot be loaded straight away, it will either be returned to approved secure storage area or remain under the control of an authorized and cleared personnel. In the latter case, a sufficient number of authorized and cleared personnel must be provided to keep the consignment under constant supervision;

b. similarly, every effort will be made for the aircraft to be met on landing and the consignment to be removed at its final destination. When this is not practical, the consignment will be kept at the airport and securely stored or a sufficient number of authorized and cleared personnel must be provided to keep the consignment under constant supervision;

c. overflight of countries presenting special security risks will be assessed by the NSAs/DSAs concerned in the light of the political environment, at the moment they receive the transportation plan drawn up by the security officer of the consignor; and

d. procedures must be in place for the immediate reporting of inflight irregularities, including any flight deviations, such as delays or diversions, so that emergency measures, including notification of the responsible NSA/DSA, can be taken to protect classified material upon arrival at the alternate airport.

24. When all of the following conditions are met and authorized under national rules and regulations, the requirements for a commercial air carrier to hold a facility security clearance or for authorized and cleared personnel to accompany the classified consignment aboard the aircraft may not apply:

- a. the consignments are transported point to point, meaning the commercial air carrier is not authorized to make intermediate stops;
- b. the direct air carrier service cannot be subcontracted;
- c. the commercial air carrier accepts responsibility for the consignment while it is in the hold of the airplane, and is cognizant of the security requirements, particularly the emergency procedures specified by the NSAs/DSAs;
- d. companies that provide cargo handling services (such as freight forwarders) have a current facility security clearance and approved safeguarding capability and agree in writing to the security requirements established by the responsible NSA/DSA;
- e. the cargo handling company and commercial air carrier are capable of providing the level of protection specified by the NSA/DSA of the consignor and consignee;
- f. the NSA/DSA of the consignor can provide to a requesting NSA/DSA written assurance that the commercial air carrier will comply with appropriate security measures designed to provide adequate protection to the classified consignment;
- g. overflights of countries presenting special security risks are not authorized without the prior written permission of the NSAs/DSAs of the consignor and consignee;
- h. written transportation arrangements approved by the participating NSAs/DSAs are in place prior to release of the consignment by the consignor to the commercial air carrier;
- i. the NSA/DSA of the consignor accepts responsibility for protecting any classified consignment transmitted under these procedures until such time as custody of the consignment is transferred to the designated government representative of the receiving NSA/DSA; and
- j. adequate physical protection is provided to the consignment as mutually agreed by the NSAs/DSAs.

ESCORTS

- 25. As a minimum, persons fulfilling the duties of escort will be security cleared to at least the classification level of the consignment.
- 26. To ensure regular tours of duty and rest, the number of escorts should be sufficient to provide adequate protection of the classified consignments. The number of persons assigned to protect a consignment will depend on the quantity and classification of the material, the method of transportation to be used and the estimated time in transit.

27. It is the responsibility of the consignor and, where applicable, the consignee to instruct escorts in their duties. In particular, the route and the security plan must be explained and details given, where appropriate, of the authorities that escorts should contact and other measures to be taken in the event of an emergency. Escorts should also be given a copy of Annex 2 to Multinational Industrial Security Working Group Document No. 1, "Notes for the Courier," , which notes are equally applicable to escorts, and be required to sign a receipt for it.