



ICAO SECURITY & FACILITATION

FACILITATION REGIONAL IMPLEMENTATION SEMINAR

Cairo, 12 – 15 March 2018

IMPLEMENTATION OF ANNEX 9:

ELECTRONIC FILING OF DIFFERENCES (EFOD) & COMPLIANCE

STATES' RESPONSIBILITIES UNDER ARTICLE 38 & RESPONSES TO STATE LETTERS

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OVERVIEW

States' Responsibilities under Article 38

→ Assembly Resolutions

Review of Responses to State letters

→ Examination of responses to recent SLs



State Letter on Adoption of an Amendment

Cover + Amendment +

- ▶ Attachment A (Note on notification of differences)
- ▶ Attachment B (Form on notification of disapprovals) [Art. 90 (a)]
- ▶ **Attachment C (Form on notification of compliance or differences)**

Reminder to States ▶ **Art. 38**

▶ International Standards have a conditional binding force to the extent that a State has not notified any differences under **Article 38**



Article 38

Article 38: *Departures from international standards and procedures*

. . . In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations . . shall give notice to the Council within sixty days of the adoption of the amendment to the international standard . . .

→ **Compliance with Annex 9; i.e. Implementation of SARPs**



[. . .] In case of amendments to international standards, any State which does not amend its own regulations shall notify the Council . . .

- low % of notification of compliance or differences with Amendments
 - less than 50 responses to Amendment SLs
 - higher rate for SLs focused on specific Standards

- CONSEQUENCE: Status of implementation of most Annex 9 SARPs not known for many States



SL Responses: Assembly Resolutions

- A39-20: Facilitation Policies:

The Assembly urges Contracting States to:

- increase their efforts to implement Annex 9 SARPs
- through national facilitation committees: call upon all interested

government departments to the need for:

- making the national regulations and practices conform to the provisions of Annex 9



- A39-21 (2016): Low response rate by Member States to ICAO State letters; SG to introduce new communication tools to improve communications and interaction with Member States; SG to introduce follow-up procedures at ROs.
 - A39-27 (2016): Assistance to victims of aviation accidents and their families
 - Member States to inform ICAO, through the CC in EFOD, of the level of implementation of the provisions in Annex 9 associated with family assistance plans
- + Other Resolutions that urge implementation of SARPs



- A39-22 (2016): [**Preambular Clauses**]:
 - Member States obliged to give immediate notification under Article 38;
 - Making differences available to all important to promote safety, regularity and efficiency in international civil aviation;
 - Member States experience difficulty in keeping pace with frequent amendments to Annexes . . .
- [**Operative Clauses**]:
 - Member States to abide by obligations under Art. 38;
 - Member States to use EFOD when notifying differences



REVIEW OF RESPONSES

State Letter EC 6/3-12/70, 31 December 2012

→ Implementation of Standard 3.10.1 of Annex 9 (expiry of non-MRPs)

State Letter EC 6/3 – 15/90, 21 December 2015

→ Completion of online compliance checklist for Annex 9 → → →

State Letter EC 6/3-16/93, 10 November 2016

→ Proposed amendment [26] to Annex 9

State Letter EC 6/3 – 17/92, 24 July 2017

→ Annex 9: Provisions on the SLTD database of INTERPOL

REGION	RESPONSES: EC6/3-12/70 <u>(9 November 2017)</u>	Q1: YES [Non-MRPs expired before 24/11/2015]	Q2: NO [Non-MRPs not expired before deadline]	REMARKS Number in circulation / date of expiry
APAC	26/38 (last response received:5/9/2017) (+1 by Note Verbale)	19	7 (+ 1 by Note Verbale)	217/2016 (Japan); 1.5m/2020 (Nepal); Lao PDR; 680/2018 60,000/2017 (Timor Leste); 259,727/2016 (India); 2,500,000/24NOV2017 (Afghanistan); 1,500/2018July(Sri Lanka) —/— (Note Verbale) (Bangladesh)
ESAF	22/24 (13/6/2016)	21	1	5000/30NOV2015 (Mozambique)
EURNAT	52/56 (9/11/2017) (+ 1 non-ICAO State)	51 (+1 non-ICAO State)	1	20,000/30JUN2016 (Czech Rep.)
MID	13/15 (15/11/2015)	11	2	600,000/31DEC2016 (Libya); 44,300/early 2017 (Lebanon)
NACC	14/21 (20/6/2017)	12	2	—/2017 (Barbados); -/31Dec2015 (Guatemala)
SAM	13/13 (4/6/2017)	12	1	5435/March 2016 (Bolivia)
WACAF	24/24 (18/11/2016)	21	3	10,000 (in 7 years; 2022) (Sao Tome & Principe); 984500/2020 (Rep. of the Congo); —/31DEC2015 (Guinea Bissau)
TOTALS	164/191 (+ 1 by Note Verbale) (+ 1 non-ICAO State)	147 (+ 1 non-ICAO State)	17 (+ 1 by Note Verbale)	[17] [+ 1 by Note Verbale]



State Letter EC 6/3-16/93, 10 November 2016

→ Proposed amendment [26] to Annex 9

→ Total responses: 111/191 Member States [+2 SARs]

→ 15 out of 15 MID States responded

Agreement without comments



State Letter EC 6/3 – 17/92, 24 July 2017

→ **Annex 9: Provisions on the SLTD database of INTERPOL**

→ Total responses: 64/191 Member States (25/10/2017)

→ **6 out of 15 MID States have responded**

3.10: Report stolen, lost, revoked TDs for inclusion in database

→ 6 “yes”

RP 3.10.1: Query at borders TDs against SLTD

→ 4 “yes”



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THANK YOU!

QUESTIONS?
