



FACILITATION (FAL) DIVISION — TWELFTH SESSION

Cairo, Egypt, 22 March to 2 April 2004

- Agenda Item 3: Implementing modernized provisions for facilitation and security in air cargo service operations**
3.2: Security

ENTRY AND DEPARTURE OF AIRCRAFT – ANNEX 9, STANDARD 2.38

(Presented by the United States)

1. BACKGROUND

1.1 Annex 9, Chapter 2, Standard 2.38 states an aircraft either in transit non-stop or stopping for non-traffic purposes, any Contracting State that, for reasons of safety of flight, requires prior authorization shall not require any other information than that contained in a flight plan when application for prior authorization is made.

1.2 Annex 9, Chapter 2, Standard 2.41 states the Contracting States shall accept the information contained in a flight plan as adequate advance notification of arrival, provided that such information is received at least two hours in advance of arrival and that the landing occurs at a previously designated international airport.

2. UNITED STATES ACTIVITY RELATED TO AIR SECURITY

2.1 Based on issues surrounding national security to the United States, legislative mandates were created to require advanced electronic cargo information on all modes of transportation, coming into and departing the United States. These legislative mandates to aid national security require that all conveyances transmit a complete and detailed list of all cargo onboard the conveyance to U.S. Customs and Border Protection at the first port of arrival or last port of departure. This includes cargo that is not destined for a final destination in the United States. The guideline is that if it touches the United States then it is required to provide complete and detailed list of data elements.

2.2 Continuing security concerns regarding the use of aircraft as terrorist weapons mandate the necessity of an advanced manifest in all aircraft whether transiting, refueling or discharging passengers and/or cargo within the U.S.

2.3 Significant adjustments have been implemented and will continue to be adjusted to air cargo security procedures to ensure public safety.

3. ACTION BY THE DIVISION

3.1 The Division is invited to amend Chapter 2, Section F, Standard 2.38 of Annex 9 to allow the requirement of documents in addition to flight plan information as required by the Contracting State.

“2.38 In the case of aircraft either in transit non-stop or stopping for non-traffic purposes, Contracting States that, for reasons of safety or security of flight, require prior authorization may request more information than that contained in a flight plan when application for prior authorization is made.”

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