



INTERNATIONAL CIVIL AVIATION ORGANIZATION

FACILITATION PANEL

THIRD MEETING

Montreal, 12 to 16 February 2001

REPORT

FACILITATION PANEL

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FINAL REPORT

The attached document constitutes the final report of the meeting and replaces the draft reports.

LETTER OF TRANSMITTAL

To: The Chairman, Air Transport Committee

From: The Chairman, Facilitation Panel

I have the honour to submit herewith the Report of the Third Meeting of the Facilitation Panel, held at ICAO Headquarters in Montreal, from 12 to 16 February 2001.

Nigel Mouat
Chairman,
Facilitation Panel

Montreal, 16 February 2001

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REPORT OF THE THIRD MEETING OF THE FACILITATION PANEL**Montreal, 12 to 16 February 2001****INTRODUCTION****General**

1. The third meeting of the ICAO Facilitation Panel (FALP/3) was held at the Headquarters of the Organization in Montreal from 12 to 16 February 2001.

Terms of reference

2. The FAL Panel will:
 - a) consider input from FAL Area Meetings, Facilitation contacts, and the Secretariat to formulate recommendations for new and amended SARPs or guidance material, as directed;
 - b) contribute information that could be used by the Secretariat in developing management tools (e.g. a manual) and other guidance material to assist States with implementation of Annex 9;
 - c) develop proposals for consideration at FAL Division sessions; and
 - d) perform other tasks as assigned by the Committee.

Agenda

3. The Agenda for the Meeting was determined by the Air Transport Committee and comprised the following items (presented in FALP/3-WP/1):

Agenda Item 1. Action following the second meeting of the Facilitation Panel (FALP/2)

The Panel was invited to review the action taken by ICAO on the Panel's recommendations for new or revised SARPs and undertake any follow-up actions which may be necessary (e.g. preparing guidance material to help States to implement the "one person per passport" policy).

Agenda Item 2: Cargo facilitation – Chapters 1 and 4 of Annex 9

The Panel was invited to review the revised drafts of Chapters 1 and 4 of Annex 9, prepared by the Secretariat in cooperation with the Panel's Cargo Drafting Group, and finalize the text for subsequent consideration by the Air Transport Committee.

Agenda Item 3: General revision of Annex 9 – Chapters 2 and 3

The Panel was invited to examine the recommendations of the Secretary and Panel members for revisions of the structure and content of Chapters 2 and 3 of Annex 9, in furtherance of the work on the comprehensive revision of Annex 9.

Agenda Item 4: Other matters

The Panel had intended to consider other matters concerning the ICAO Facilitation Programme as required and feasible. Because of the lack of time remaining after completing its work in agenda items 1-3, the Panel could not discuss WPs/8, 10, 13, 15 and 20. The issues raised in these papers were designated as items for future work.

Attendance

4. The total number of participants was 103 as follows:
 - 82 Panel members, alternates and advisers from 22 Contracting States;
 - 13 observers from 9 Contracting States; and
 - 8 observers from 5 international organizations.

A complete list of participants appears in **Appendix A**.

Opening of the meeting

5. The Chairman of the Air Transport Committee, Dr. Jonathan Aleck, opened the meeting. The Director of the Air Transport Bureau, Mr. M. Elamiri introduced the members of the Secretariat.

Officers and Secretariat

6. The Panel elected Mr. Nigel Mouat, Panel Member from New Zealand as Chairman of the Meeting and Mr. Chris N.T. Quaye, Panel Member from Ghana as Vice-Chairman.
7. Ms. Mary K. McMunn, Chief, Facilitation Section, was Secretary of the Meeting. Mr. Jitendra Thaker, Technical Officer/Facilitation and Mr. Young-Yoon Chung, Junior Professional Officer acted as assistant secretaries.

Languages and documentation

8. Translation and interpretation services were provided in English, French, Russian and Spanish by the Language and Publications Branch under the direction of Mr. Y.N. Beliaev. A list of documentation prepared or made available for the meeting appears at the end, in **Appendix B**.

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Agenda Item 1: Action following the second meeting of the Facilitation Panel (FALP/2)

- 1.1 The Secretary provided an oral report of action taken since the previous meeting, as summarized in IP/4.
- 1.2 Substantial work had been completed and working papers prepared on three general topics:
- a) *Revision of Annex 9, Chapter 4.* The work of the Secretariat had been completed with the assistance of the cargo drafting group, and the resulting proposals were to be discussed under Agenda item 2.
 - b) *Disinsection of aircraft.* Survey work in cooperation with the World Health Organization had been completed. The Secretariat had drafted a new proposal for amendment of the relevant section of Annex 9. The proposal was to be discussed in the context of the general revision of Annex 9, Chapter 2, under Agenda item 3.
 - c) *Revision of Standards and Recommended Practices concerning documentation for international travel and clearance procedures for arriving and departing passengers.* This subject having been discussed at FALP/2, the Secretariat had drafted new proposals on the basis of the comments received during that meeting. The proposals were to be discussed in the context of the general revision of Annex 9, Chapter 3, under Agenda item 3.
- 1.3 Development of guidance material on the handling of inadmissible persons and deportations, and new immigration-related issues raised since the completion of Amendment 17 to Annex 9, were still pending. The Secretary recommended that the Panel take up these matters after finishing its work on the general revision of Chapters 2, 3 and 4. The intent was to develop a full agenda on the border control of persons, for a future meeting of the Panel.

Agenda Item 2: Cargo facilitation – Chapters 1 and 4 of Annex 9

- 2.1 The Panel reconvened its Cargo Working Group under the chairmanship of Mr. Mike Parsons, who also represented the Secretariat, to consider WP/2 (Revision No. 2), WP/3 (Revised), WP/7, WP/16 and IP/3 (Secretariat), and WP/14 (Australia).
- 2.2 The Panel agreed, after a brief discussion, that it was important to align the provisions of Annex 9 with those of the World Customs Organization's revised Kyoto Convention, in order to avoid setting up conflicting international standards on the same subject-matter. However, as several provisions of the Chicago Convention, particularly Articles 22, 23 and 37, mandated the creation of the Standards and Recommended Practices (SARPs) of Annex 9, the Panel also agreed that one of the basic objectives of the Annex, that of facilitating customs' clearance from the point of view of international air transport, was essential, and that the mere reference, in the Annex, to the Kyoto Convention would be legally untenable for ICAO's Contracting States. SARPs concerning the Customs treatment of air cargo would therefore be presented as applications of the principles elaborated in the Kyoto Convention.
- 2.3 The Panel took note of WP/7, which gave a précis of the work of the Cargo Drafting Group (CDG), which had met in Montreal from 6 to 10 November 2000.
- 2.4 WP/2 (Revision No. 2), presented by the Secretariat, set out the proposals of the CDG with regard to Chapter 1 of Annex 9.
- 2.4.1 During the course of its discussions on Section A (Definitions), the Panel agreed that:
- a) the word "all", found in the definition of "Authorized agent", should be deleted; *[Secretary's note.— Also see paragraph 2.5.1, sub-paragraph e)]*
 - b) the meaning and scope of the term "Cargo declarant", based on Australia's recommended definition, should be explained in detail in the FAL Manual;
 - c) the definition on "disinsecting" should be revised to read as follows:

"Disinsecting ~~on~~. The operation in which measures are taken to ~~control or kill the insects~~ **control or kill the** ~~vectors of human disease~~ present in aircraft and in containers—(International Health Regulations (1969), Third Annotated Edition (1983), Part I, Article 1).";
 - d) the suggestion by Argentina to shorten the definition of "Lading", by deleting the remainder of the sentence after the word "flight" in the first line, and that of "Unlading", by deleting the remainder of the sentence after the word "landing" in the first line, should be presented for States' consideration, following the FALP/3 meeting;

- e) the word “administrations”, in the definition of “Mail”, should be replaced by the more contemporary term “services”;
- f) the following note should be added in the French text, after the definition of “Stores”, in order to clarify the use of the terms, in the French language:

“Note.— Cette définition correspond aux ‘produits d’avitaillement’ au sens de la Convention de Kyoto révisée. Annexe J, Chapitre IV.”;

- g) the definition of “Unit load device”, and all references to this term in Chapter 4, should be deleted from the text, because: i) of the potential of translation problems into other languages; and ii) a well-established definition already exists in the lexicon of the International Air Transport Association (IATA). In addition, the relevant heading, in Chapter 4, should be changed to read “Containers and pallets,” and the FAL Manual should explain the practical use of these items, including “unit load devices”; and
- h) additional definitions concerned with aviation security and dangerous goods should not be included in Annex 9 as these topics are adequately covered in ICAO Annexes 17 and 18, respectively.

2.4.2 During the course of its discussions on Section B (General Principles), the Panel agreed that:

- a) the first sentence of paragraph 1.2 should be replaced with the following text:

“Contracting States shall take necessary measures to ensure that:”

and commas should be placed after the words “security” and “law”, in the fourth (indented) sentence, in order to clarify that the word “optimal” did not refer to the term “compliance with the law”;

- b) in paragraph 1.3, the word “assessment” should be replaced with the word “management” and that the phrase “customs’ control of persons and the procedures” replaced with the phrase “border control procedures.” The term “risk management” should be described in the FAL Manual; and

- c) the second sentence of paragraph 1.4 should be deleted and replaced with the following Kyoto Convention-aligned text, which would form a new paragraph 1.5:

“Contracting States shall develop procedures for the pre-arrival lodgement of data so as to enable expeditious release/clearance.”,

with the Manual to explain the meaning and difference between the release and clearance processes.

2.5 WP/3 (Revised), presented by the Secretariat, set out the proposals of the CDG with regard to Chapter 4 of Annex 9.

2.5.1 During the course of its discussions on the proposed text for Chapter 4, the Panel agreed that:

- a) in the second definition “Risk Assessment” in paragraph 4.1 of WP/3 (Revised), the word “assessment” should be replaced by the word “analysis”, to align the term with the provisions of the Kyoto Convention;
- b) the three definitions found in paragraph 4.1 of WP/3 (Revised) should be placed in Chapter 1;
- c) the text of paragraph 4.11 should be replaced with the following text, in order to encourage Contracting States to employ electronic interchanges to the greatest extent possible:

“Subject to the technological capabilities of the Contracting States, documents for the importation or exportation of goods, including the cargo manifest and/or air waybills, shall be accepted when presented in electronic form transmitted to an information system of the public authorities”;

- d) in paragraph 4.12, the phrase “for the clearance of the goods” should be inserted between the words “required” and “shall”, and the phrase “the owner, the importer or exporter or another person acting as” should be deleted. The Manual would explain the responsibilities of the parties involved in the production and presentation of the documents with regard to the shipment of air cargo;
- e) with regard to paragraph 4.12, and other paragraphs that made mention of the term “authorized agent”, the Panel agreed that, in order to cover all situations that may arise with regard to the production and presentation of documents for the shipment of air cargo, the definition of “authorized agent”, found in Chapter 1 of the Annex, should be expanded by the addition of the following text at the end of the definition:

“and includes, where national law permits, a third party authorized to handle cargo on the aircraft”;

- f) paragraph 4.13 should be deleted and replaced with the existing text, found in paragraph 4.41, of Annex 9;
- g) paragraph 4.16 should be made a Recommended Practice;
- h) paragraph 4.18 should be deleted and replaced with the following text, as a Recommended Practice:

“Recommended Practice.— *Contracting States should, to the greatest extent possible, remove any requirement to manually produce supporting documents and establish procedures whereby they can be produced by electronic means”;*

- i) in paragraph 4.21, the words “clearance at” should be replaced by the words “release for”;
- j) paragraph 4.23 should be deleted and replaced by the following text of the Kyoto Convention:

“Contracting States shall not require evidence of the arrival of exported goods as a matter of course.”;

The operational aspect of this provision should be detailed in the FAL Manual;

- k) the application of paragraph 4.24 should be explained in the FAL Manual;
- l) the phrase, “subject to national prohibitions and restrictions,” should be inserted at the end of paragraph 4.25;
- m) the last indented paragraph of paragraph 4.27 should be explained in the FAL Manual;
- n) the clause, “if no contravention of the laws and regulations in force is involved” should be inserted at the end of paragraph 4.34;
- o) the following new definition for “commissary supplies” should be added to the Annex, to explain the nature of this term, particularly in relation to provisions such as paragraphs 4.37 and 4.38:

“Commissary supplies. Items, either disposable or intended for multiple use, that are used by the operator for provision of services during flights. Such items include glassware, dishware, cutlery, paper products, blankets, pillows and other similar items.”;

- p) the FAL Manual should clarify the intent of paragraph 4.38;
- q) the FAL Manual should explain what is meant by “simplified documentary procedures,” particularly in relation to provisions such as paragraphs 4.40 and 4.41;
- r) all references to “unit load device(s)” found in the penultimate section of Chapter 4, containing paragraphs 4.44 through 4.52, including the title, should be deleted, and reference made only to “containers and pallets,” and the paragraphs amended, as appropriate; and
- s) the provisos contained in paragraphs 4.44 and 4.50 should be amended such that they read as follows:

“... provided they are to be used on an outbound international service or otherwise re-exported.”

2.6 The discussions that took place with regard to WP/2 and WP/3, were supplemented by WP/14, presented by Australia, which made specific suggestions on the draft texts for Chapters 1 and 4 of Annex 9 that had been presented by the Secretariat.

2.7 WP/16, presented by the Secretariat, set out recommendations concerning cargo-related SARPs of Chapter 5 of Annex 9.

2.7.1 After a brief discussion, the Panel agreed that:

- a) Standard 5.6 should be amended, as recommended, and moved to Chapter 4, but after having replaced the phrase “undergoing formalities for entry to the State” with the phrase “having to undergo clearance for home use”, the operational aspects of this provision should be detailed in the FAL Manual;
- b) Standard 5.7 should be deleted, as recommended;
- c) Standard 5.9 should be deleted, as recommended;
- d) Standard 5.10 should be deleted, and replaced with the following new Recommended Practice, to be placed in Chapter 4:

“Recommended Practice.— *With respect to cargo moving by both air and surface transport under an air waybill, Contracting States should apply the same regulations and procedures and in the same manner as they are applied to cargo moving solely by air.*”

The Panel also agreed that although there was support for the basic premise set out in this provision, there was some hesitation about not using standardized procedures for surface transport. However, the exhaustive Annex amendment process would give States enough time to reflect on the matter and inform ICAO of that concern, if any;

- e) Recommended Practice 5.11 should be deleted, as recommended, and if the term “free airport” did not appear anywhere in the Annex, its definition, in Chapter 1, should also be deleted;
- f) Recommended Practice 5.12 should be amended, as recommended, and moved to Chapter 4;
- g) Recommended Practice 5.13 should be amended, as recommended, and moved to Chapter 4; and
- h) Standard 5.14 should be deleted.

PROPOSED TEXT

CHAPTER 1. DEFINITIONS AND ~~APPLICABILITY~~ GENERAL PRINCIPLES

A. Definitions

When the following terms are used in the Standards and Recommended Practices on Facilitation, they have the following meanings:

Aircraft equipment. Articles, including first-aid and survival equipment and in-flight service items and other commissary supplies, ~~other than but not spare parts or stores and spare parts of a removable nature, for use on board an aircraft during flight, including first-aid and survival equipment.~~

Airline. As provided in Article 96 of the Convention, any air transport enterprise offering or operating a scheduled international air service.

Airline and operators' documents. Air waybills/consignment notes, passenger tickets and boarding passes, bank and agent settlement plan documents, excess baggage tickets, miscellaneous charges orders (M.C.O.), damage and irregularity reports, baggage and cargo labels, timetables, and weight and balance documents, for use by airlines and operators.

Authorized agent. A responsible person who represents an operator and who is authorized by or on behalf of such operator to act on all formalities connected with the entry and clearance of the operator's aircraft, crew, passengers, cargo, mail, baggage or stores: **and includes, where national law permits, a third party authorized to handle cargo on the aircraft.**

Baggage. Personal property of passengers or crew carried on an aircraft by agreement with the operator.

Cargo. Any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.

Clearance of goods. The accomplishment of the customs formalities necessary to allow goods to enter home use, to be exported or to be placed under another customs procedure.

Commissary supplies. Items, either disposable or intended for multiple use, that are used by the operator for provision of services during flights. Such items include glassware, dishware, cutlery, paper products, blankets, pillows and other similar items.

Crew member. A person assigned by an operator to duty on an aircraft during ~~flight time~~ **a flight duty period.**

Declarant. Any person who makes a goods declaration or in whose name such a declaration is made.

Direct transit area. A special area established in ~~connection with~~ an international airport, approved by the public authorities concerned and under their direct supervision, for accommodation of traffic which is pausing briefly in its passage through the Contracting State.

Direct transit arrangements. Special arrangements approved by the public authorities concerned by which traffic which is pausing briefly in its passage through the Contracting State may remain under their direct control.

Disembarkation. The leaving of an aircraft after a landing, except by crew or passengers continuing on the next stage of the same through-flight.

Disinsecting-on. The operation in which measures are taken to **control or kill the insects** vectors of human disease present in aircraft and in containers ~~(International Health Regulations (1969), Third Annotated Edition (1983), Part I, Article 1).~~

Embarkation. The boarding of an aircraft for the purpose of commencing a flight, except by such crew or passengers as have embarked on a previous stage of the same through-flight.

Export duties and taxes. Customs duties and all other duties, taxes or charges which are collected on or in connection with the exportation of goods. Not included are any charges which are limited in amount to the approximate cost of services rendered or collected by the customs on behalf of another national authority.

Flight crew member. A licensed crew member charged with duties essential to the operation of an aircraft during ~~flight time~~ **a flight duty period**.

Free airport. An international airport at which, ~~provided they remain within a designated area until removal by air to a point outside the territory of the State, crew, passengers, baggage, cargo, mail and stores may be disembarked or unladen, may remain and may be trans-shipped, without being subjected to any customs charges or duties and to any examination, except for aviation security or for appropriate narcotics control measures.~~ **An international airport which is designated as, or is located within, a free zone.**

Free zone. An area where merchandise, whether of domestic or foreign origin, may be admitted, deposited, stored, packed, exhibited, sold, processed or manufactured, and from which such merchandise may be removed to a point outside the territory of the State without being subjected to customs duties, internal consumer taxes or to inspection except for aviation security or for appropriate narcotics control measures. Merchandise of domestic origin admitted into a free zone may be deemed to be exported. When removed from a free zone into the territory of the State, the merchandise is subjected to customs and other required entry procedures. **A part of the territory of a Contracting State where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the customs territory.**

General aviation operation. An aircraft operation other than a commercial air transport operation or an aerial work operation.

Ground equipment. Articles of a specialized nature for use in the maintenance, repair and servicing of an aircraft on the ground, including testing equipment and cargo- and passenger-handling equipment.

Import duties and taxes. Customs duties and all other duties, taxes or charges, which are collected on or in connection with the importation of goods. Not included are any charges which are limited in amount to the approximate cost of services rendered or collected by the customs on behalf of another national authority.

Inadmissible person. A person who is or will be refused admission to a State by its authorities.

Infected area. Defined on epidemiological principles by the health administration reporting the disease in its country and need not correspond to administrative boundaries. It is that part of its territory which, because of population characteristics, density and mobility and/or vector and animal reservoir potential, could support transmission of the reported disease (~~International Health Regulations (1969), Third Annotated Edition (1983), Part I, Article 1).~~

Note.— A list of infected areas notified by health administrations is published in the World Health Organization's Weekly Epidemiological Record.

International airport. Any airport designated by the Contracting State in whose territory it is situated as an airport of entry and departure for international air traffic, where the formalities incident to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out.

Lading. The placing of cargo, mail, baggage or stores on board an aircraft to be carried on a flight, ~~except such cargo, mail, baggage or stores as have been laden on a previous stage of the same through flight.~~

Mail. Dispatches of correspondence and other ~~objects~~ **items** tendered by and intended for delivery to postal administrations **services in accordance with the rules of the Universal Postal Union (UPU).**

Mishandled baggage. Baggage involuntarily, or inadvertently, separated from passengers or crew.

Narcotics control. Measures to control the illicit movement of narcotics and psychotropic substances by air.

Operator. A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Operators' documents. (See "airline and operators' documents").

Person with disabilities. Any person whose mobility is reduced due to a physical incapacity (sensory or locomotor), an intellectual deficiency, age, illness or any other cause of disability when using transport and whose situation needs special attention and the adaptation to the person's needs of the services made available to all passengers.

Pilot-in-command. The pilot ~~responsible for the operation and safety of the aircraft during flight time~~ **designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.**

Public authorities. The agencies or officials of a Contracting State responsible for the application and enforcement of the particular laws and regulations of that State which relate to any aspect of these Standards and Recommended Practices.

Release of goods. The action by the customs to permit goods undergoing clearance to be placed at the disposal of the persons concerned.

Relief flights. Flights operated for humanitarian purposes which carry relief personnel and relief supplies such as food, clothing, shelter, medical and other items during or after an emergency and/or disaster and/or are used to evacuate persons from a place where their life or health is threatened by such emergency and/or disaster to a safe haven in the same State or another State willing to receive such persons.

Risk analysis. A system of analysis by which the public authorities determine which goods, including means of transport, should be examined and the extent of the examination.

Security equipment. Devices of a specialized nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities.

Spare parts. Articles, including engines and propellers, of a repair or replacement nature for incorporation in an aircraft, including engines and propellers.

State of Registry. The State on whose register the aircraft is entered.

~~**Stores.** Articles of a readily consumable nature for use or sale on board an aircraft during flight, including commissary supplies.~~

Stores means: a) Stores for consumption; and
b) Stores to be taken away.

Stores for consumption. Goods intended for consumption by the passengers and the crew on board aircraft, whether or not sold; and goods necessary for the operation and maintenance of aircraft including fuel and lubricants.

Stores to be taken away. Goods for sale to the passengers and the crew of aircraft with a view to being landed.

Temporary admission. The Customs procedure under which certain goods can be brought into a Customs territory conditionally relieved totally or partially from payment of import duties and taxes; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

Temporary visitor (visitor). Any person, who disembarks and enters the territory of a Contracting State other than that in which that person normally resides; remains there lawfully as prescribed by that Contracting State for legitimate non-immigrant purposes, such as touring, recreation, sports, health, family reasons, study, religious pilgrimages, or business; and does not take up any gainful occupation during his stay in the territory visited.

Through-flight. A particular operation of aircraft, identified by the operator by the use throughout of the same symbol, from point of origin via any intermediate points to point of destination.

Unaccompanied baggage. Baggage which is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs.

Unclaimed baggage. Baggage which arrives at an airport and is not picked up or claimed by a passenger.

Unidentified baggage. Baggage at an airport with or without a baggage tag which is not picked up by or identified with a passenger.

Unlading. The removal of cargo, mail, baggage or stores from an aircraft after a landing, ~~except cargo, mail, baggage or stores continuing on the next stage of the same through-flight.~~

Visitor. (See temporary visitor.)

B. ~~Applicability~~ General Principles

1.1 The provision of ~~these~~ the Standards and Recommended Practices **in this Annex shall** apply to all categories of aircraft operation except where a particular provision ~~specifically~~ refers **specifically** to **only** one type of operation ~~without mentioning other types of operations.~~

1.2 Contracting States shall take necessary measures to ensure that:

- the time required for the accomplishment of border controls in respect of persons and for the release/clearance of goods is kept to the minimum;
- any inconvenience caused by the application of administrative and control requirements is kept to the minimum;
- exchange of relevant information between Contracting States, operators and airports is fostered and promoted to the greatest extent possible; and
- optimal levels of security, and compliance with the law, are attained.

1.3 Contracting States shall use risk management in the application of border control procedures for the release/clearance of goods.

1.4 Contracting States shall develop effective information technology to increase the efficiency and effectiveness of their procedures at airports.

1.5 Contracting States shall develop procedures for the pre-arrival lodgement of data so as to enable expeditious release/clearance.

1.6 The provisions of the Annex shall not preclude the application of national legislation with regard to aviation security measures or other necessary controls.

PROPOSED TEXT

CHAPTER 4. ENTRY AND DEPARTURE OF CARGO AND OTHER ARTICLES

GENERAL PRINCIPLES RELATING TO CHAPTER 4

- 4.1 In order to facilitate and expedite the release and clearance of goods carried by air, Contracting States shall adopt regulations and procedures appropriate to the air transport environment, and shall apply them in such a manner as to prevent unnecessary delays.
- 5.10 ~~Contracting States shall make arrangements whereby formalities for the interchange of air cargo with surface transport are applied in such a manner as to retain the speed advantage of air transport and to avoid delay.~~
- 4.2 **Recommended Practice.**— *With respect to cargo moving by both air and surface transport under an air waybill, Contracting States should apply the same regulations and procedures and in the same manner as they are applied to cargo moving solely by air.*
- 4.3 When introducing or amending regulations and procedures for the release and clearance of goods carried by air, Contracting States shall consult with operators and other parties concerned, with the aim of accomplishing the actions set forth in Standard 4.1.
- 4.4 Where the nature of a consignment could attract the attention of different public authorities, e.g. the Customs, veterinary or sanitary controllers, Contracting States shall endeavor to delegate authority for release/clearance to Customs or one of the other agencies or, where that is not feasible, take all necessary steps to ensure that clearance is coordinated and, if possible, carried out simultaneously and with a minimum of delay.
- 4.5 Contracting States shall not normally require the physical examination of cargo to be imported or exported, and shall use risk analysis to determine which goods shall be examined and the extent of that examination.
- 4.6 Where practicable, in order to improve efficiency, modern screening or examination techniques shall be used to facilitate the physical examination of goods to be imported or exported.
- 5.12
- 4.7 **Recommended Practice.**— *In connection with international airports, Contracting States should establish and either develop and operate themselves, or permit other parties to develop and operate, free zones and/or ~~warehousing facilities~~ customs warehouses and should publish detailed regulations as to the types of operations which may or may not be performed therein.*

- 4.8 In all cases where free zone facilities and/or ~~warehousing facilities~~ **customs warehouses** are not provided in connection with an international airport but have been provided elsewhere in the same general vicinity, Contracting States shall make arrangements so that air transport can utilize these facilities on the same basis as other means of transport.

INFORMATION REQUIRED BY THE PUBLIC AUTHORITIES

- 4.9 Contracting States shall limit their data requirements to only those particulars, which are deemed necessary by the public authorities to release or clear imported goods or goods intended for exportation.
- 4.10 Contracting States shall provide for the collection of statistical data at such times and under such arrangements so that the release of imported goods or those intended for exportation is not delayed thereby.
- 4.11 Subject to the technological capabilities of the Contracting State, documents for the importation or exportation of goods, including the cargo manifest and/or air waybills, shall be accepted when presented in electronic form transmitted to an information system of the public authorities.
- 4.12 The production and presentation of the cargo manifest and the air waybill(s) shall be the responsibility of the operator or his authorized agent. The production and presentation of the other documents required for the clearance of the goods shall be the responsibility of the declarant.
- 4.13 Where a Contracting State has requirements for documents such as the commercial invoice, declaration forms, import licence and the like, it shall not make it the obligation of the operator to ensure that these documentary requirements are met, nor shall the operator be held responsible, fined or penalized for inaccuracies or omissions of facts shown on such documents, unless he is, or is acting for, the importer or exporter.
- 4.14 When documents for the importation or exportation of goods are presented in paper form, the format shall be based on the UN layout key, as regards the goods declaration, and on the format of Appendix 3 to Annex 9, as regards the cargo manifest. When such documents are submitted in electronic form, the format shall be based on international standards for the exchange of electronic information.
- 4.15 To facilitate electronic data interchange, Contracting States shall encourage all parties concerned, whether public or private, to implement compatible systems and to use the appropriate internationally accepted standards and protocols.
- 4.16 **Recommended Practice.**— *Electronic information systems for the release and clearance of goods should cover their transfer between air and other modes of transport.*

- 4.17 Contracting States, which require supporting documents such as licenses and certificates for the importation or exportation of certain goods, shall publish their requirements and establish convenient procedures for requesting the issue or renewal of such documents.
- 4.18 **Recommended Practice.**— *Contracting States should, to the greatest extent possible, remove any requirement to manually produce supporting documents and should establish procedures whereby they can be produced by electronic means.*
- 4.19 Contracting States shall not require consular formalities or consular charges or fees in connection with documents required for the release or clearance of goods.

RELEASE AND CLEARANCE OF EXPORT CARGO

- 4.20 Contracting States, which require documents for export clearance, shall normally limit their requirement to a simple export declaration.
- 4.21 Contracting States shall provide for release for export to be performed up to the time of departure of an aircraft.
- 4.22 Contracting States shall allow goods to be exported, to be presented for clearance at any Customs office designated for that purpose. Transfer from that office to the airport from which the goods are to be exported shall be carried out under the procedures laid down in the laws and regulations of the Contracting State concerned. Such procedures shall be as simple as possible.
- 4.23 Contracting States shall not require evidence of the arrival of exported goods as a matter of course.
- 4.24 **Recommended Practice.**— *When the public authorities of a Contracting State require goods to be examined, but those goods have already been loaded on a departing aircraft, the operator, or where appropriate the operator's authorized agent, should normally be permitted to provide security to the Customs for the return of the goods rather than delay the departure of the aircraft.*

RELEASE AND CLEARANCE OF IMPORT CARGO

- 4.25 Contracting States shall make arrangements whereby animals, perishable goods and goods which the public authorities accept are required urgently, are released or cleared immediately upon arrival, subject to national prohibitions and restrictions.
- 4.26 Consignments declared as personal effects and transported as unaccompanied baggage shall be cleared under simplified arrangements.

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- 4.27 Contracting States shall provide for the release or clearance of goods under simplified customs procedures provided that:
- the goods are valued at less than a maximum value below which no import duties and taxes will be collected; or
 - the goods attract import duties and taxes that fall below the amount that the State has established as the minimum for collection; or
 - the goods are valued at less than specified value limits below which goods may be released or cleared immediately on the basis of a simple declaration and payment of, or the giving of security to the Customs for any applicable import duties and taxes; or
 - the goods are imported by an authorized person and are goods of a specified type.
- 4.28 **Recommended Practice.**– *For authorized importers who meet specified criteria including an appropriate record of compliance with official requirements and a satisfactory system for managing their commercial records, Contracting States should establish special procedures, based on the advance supply of information, which provide for the immediate release of goods on arrival.*
- 4.29 **Recommended Practice.**– *Goods not afforded the simplified or special procedures referred to in provisions 4.25 to 4.28 above should be released or cleared promptly on arrival, subject to compliance with Customs and other requirements. Contracting States should establish as a goal the release of all goods which do not need any examination within 3 hours of their arrival and the submission of the correct documentation. Public authorities, and operators and importers or their authorized agents, should coordinate their respective functions to ensure that this goal is met.*
- 4.30 **Recommended Practice.**– *Contracting States should process requests for the release of part consignments when all information has been submitted and other requirements for such part consignments have been met.*
- 4.31 Contracting States shall allow goods which have been unladen from an aircraft at an international airport to be transferred to any designated Customs office in the State concerned for clearance. The Customs procedures covering such transfer shall be as simple as possible.
- 4.32 When, because of error, emergency or inaccessibility upon arrival, goods are not unladen at their intended destination, Contracting States shall not impose penalties, fines or other similar charges provided:
- a) the operator or his authorized agent notifies the Customs of this fact, within any time limit laid down;
 - b) a valid reason, acceptable to the Customs, is given for the failure to unload the goods; and
 - c) the cargo manifest is duly amended.

- 4.33 When, because of error or handling problems, goods are unladen at an international airport without being listed on the cargo manifest, Contracting States shall not impose penalties, fines or other similar charges provided:
- a) the operator or his authorized agent notifies the Customs authorities of this fact, within any time limit laid down;
 - b) a valid reason, acceptable to the Customs, is given for the non-reporting of the goods;
 - c) the manifest is duly amended; and
 - d) the goods are placed under the appropriate Customs arrangements.

Where applicable the Contracting State shall, subject to compliance with its requirements, facilitate the forwarding of the goods to their correct destination.

- 4.34 If goods are consigned to a destination in a Contracting State, but have not been released for home use in that State and subsequently are required to be returned to the point of origin or to be redirected to another destination, the Contracting State shall allow the goods to be re-forwarded without requiring import, export or transit licenses if no contravention of the laws and regulations in force is involved.
- 4.35 A Contracting State shall absolve the operator, or where appropriate his authorized agent, from liability to import duties and taxes when the goods are placed in the custody of the public authorities or, with the latter's agreement, transferred into the possession of a third party who has furnished adequate security to the Customs.

AIRCRAFT PARTS, EQUIPMENT, STORES AND OTHER MATERIAL IMPORTED
OR EXPORTED BY OPERATORS IN CONNECTION WITH INTERNATIONAL SERVICES

- 4.36 Stores and in-flight service items and other commissary supplies imported into the territory of a Contracting State for use on board aircraft in international service shall be relieved from import duties and taxes, subject to compliance with the Customs regulations of the State.
- 4.37 **Recommended Practice.**— *Contracting States should not require supporting documentation (such as certificates of origin or consular or specialized invoices) in connection with the importation of stores and in-flight service items and other commissary supplies.*
- 4.38 **Recommended Practice.**— *Contracting States should permit the sale or use of in-flight service items, stores for consumption and other commissary supplies on board aircraft without payment of import duties and other taxes in the case where aircraft, engaged in international flights:*

- a) *stop at two or more international airports within the territory of a Contracting State without intermediate landing in the territory of another State; and*
- b) *do not embark any domestic passengers.*
- 4.39 **Recommended Practice.**– *Subject to compliance with its regulations and requirements, a Contracting State should allow relief from import duties and taxes in respect of ground and security equipment and their component parts, instructional material and training aids imported into its territory, by or on behalf of an operator of another Contracting State for the use by the operator, or his authorized agent, within the boundaries of an international airport or at an approved off-airport facility.*
- 4.40 Contracting States shall grant prompt release or clearance, upon completion of simplified documentary procedures by the operator or his authorized agent, of aircraft equipment and spare parts which are granted relief from import duties, taxes and other charges under Article 24 of the Chicago Convention.
- 4.41 Contracting States shall grant prompt release or clearance, upon completion of simplified documentary procedures by the operator or his authorized agent, of ground and security equipment and their replacement parts, instructional material and training aids imported or exported by an operator of another Contracting State.
- 4.42 Contracting States shall allow the loan, between operators of other Contracting States or their authorized agents, of aircraft equipment, spare parts and ground and security equipment and their replacement parts, which have been imported with conditional relief from import duties and taxes.
- 4.43 **Recommended Practice.**– *Contracting States should provide for the admission free of import duties and taxes of operators' documents as defined in Chapter 1 of this Annex, to be used in connection with international air services.*

CONTAINERS AND PALLETS

- 4.44 Subject to compliance with their regulations and requirements, Contracting States shall grant the operators of other Contracting States temporary admission of containers and pallets – whether or not owned by the operator of the aircraft on which they arrive – provided they are to be used on an outbound international service or otherwise re-exported.
- 4.45 **Recommended Practice.**– *Contracting States should require a temporary admission document for containers and pallets only when they consider it essential for the purposes of Customs control.*
- 4.46 **Recommended Practice.**– *Where proof of the re-exportation of containers and pallets is required, the Contracting State should accept the appropriate usage records of the operator or his authorized agent as evidence thereof.*

5.6

- 4.47 ~~Each Contracting States shall make arrangements to allow operators, under supervision of the public authorities concerned, to disassemble trans-shipment cargo, including shipments-unload transit cargo arriving in containers and pallets, so that they may sort and reassemble shipments for onward carriage without examination, except for reasons of aviation security or in special circumstances, and subject only to simple documentation where required~~ **having to undergo clearance for home use.**
- 4.48 Containers and pallets imported into a Contracting State under the provisions of Standard 4.44 shall be allowed to leave the boundaries of the international airport for the release or clearance of imported loads, or for export lading, under simplified documentation and control arrangements.
- 4.49 Where circumstances so require, Contracting States shall allow the storage of temporarily admitted containers and pallets at off-airport locations.
- 4.50 Contracting States shall allow the loan between operators of containers and pallets admitted under the provisions of Standard 4.44 without payment of import duties and taxes, provided they are to be used only on an outbound international service or otherwise re-exported.
- 4.51 Contracting States shall allow temporarily admitted containers and pallets to be re-exported through any designated Customs office.
- 4.52 Contracting States shall allow the temporary admission of replacement parts when they are needed for the repair of containers and pallets imported under the provisions of Standard 4.44.

MAIL DOCUMENTS AND PROCEDURES

- 4.53 Contracting States shall carry out the handling, forwarding and clearance of mail and shall comply with the documentary procedures as prescribed by the Acts in force of the Universal Postal Union.

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Agenda Item 3: General revision of Annex 9 – Chapters 2 and 3

3.1 Under this agenda item, the Panel first considered WP/12 and WP/4, presented by the Secretary.

3.1.1 The Panel took note of the information contained in WP/12.

3.2 During the course of its discussions on WP/4, the Panel agreed that:

- a) in paragraph 2.1, the clause “regulations which are especially” should be deleted, and the word “measures” should be inserted between the words “appropriate” and “for;”
- b) in order to assist national civil aviation authorities, the model Memoranda of Understanding of the WCO mentioned in paragraph 2.3 should be reproduced in the FAL Manual;
- c) the sub-paragraphs of paragraph 2.8 should be re-ordered such that sub-paragraph “c)” becomes sub-paragraph “a)” and vice-versa;
- d) paragraph 2.10 should be re-drafted, to align its text with that of paragraph 2.12, as follows:

“Contracting States shall not normally require the presentation of a General Declaration. On those occasions when a General Declaration is required, the information requirements shall be limited to the elements indicated in Appendix 1. The information shall be accepted in either paper or electronic form.”;

- e) paragraph 2.11 should be deleted, and replaced by the following text:

“When a Contracting State requires the General Declaration only for the purposes of attestation, it shall adopt measures by which that attestation requirement may also be satisfied by a statement added, either manually or by use of a rubber stamp containing the required text, to one page of the Cargo Manifest. Such attestation shall be signed by the authorized agent or the pilot-in-command.”;

- f) paragraph 2.9 should be deleted as being superfluous in view of paragraph 2.13;
- g) in paragraph 2.22, the term “agricultural industry” should be deleted and replaced by the word “agriculture”;

- h) the following note should be appended to paragraph 2.24:

“Note.— This provision does not preclude the trial and testing of other methods for ultimate approval by the World Health Organization”;

- i) the following text of paragraph 2.26 should be deleted:

“To ease concern and reduce public opposition to the procedure,”

- j) in paragraph 2.27, the clause “as provided for in Appendix 1” should be inserted after the term “General Declaration”;

- k) (old) paragraph 2.28 should be deleted, but its underlying message should be set out in the FAL Manual; and

- l) paragraph 2.29 should be retained, but the words “food conservation” replaced with the words “environment protection”, the clause “is not inflammable and” should be deleted and the following new sentence added to the end of the paragraph:

“Inflammable chemical compounds or solutions likely to damage aircraft structure, by corrosion or other effects, shall not be employed.”

- 3.2.1 The Panel agreed to all other recommendations contained in WP/4.

- 3.3 The Panel next considered WP/9, presented by the Secretary.

- 3.3.1 During the course of its discussions on this paper, the Panel agreed that:

- a) paragraph 2.31 should be revised to read:

“Contracting States shall publish their ~~regulations~~ **requirements** concerning the advance notices and applications for **prior authorization of general aviation and other non-scheduled flights** ~~permission referred to in 2.36 and 2.41, and communicate them to ICAO via their respective Aeronautical Information Publications (AIPs)~~”;

- b) in paragraph 2.32, the phrase “and/or applications for special permission for operations” should be deleted and replaced with the phrase “or prior authorization”;

- c) in the French text of paragraph 2.33, the word “fax” should be replaced with “télécopie”;

- d) in paragraph 2.35, the word “normally” should be inserted between the words “not” and “require” and the phrase “special permission for operations” should be deleted and replaced with the term “prior authorization”;

- e) in paragraph 2.36, the phrase “special permission for operations” should be deleted and replaced with the phrase “prior authorization”;
- f) in paragraph 2.37, a colon should be inserted after the word “applications”, in the last line of the main paragraph, and the rest of that line deleted;
- g) a new paragraph 2.37.1 should be inserted, as follows:

“Recommended Practice.— *Contracting States should publish, in their respective AIPs, the minimum amount of time required in advance of the flights referred to in paragraph 2.37, for processing applications for prior authorizations.*”;

- h) in paragraph 2.38, the phrase “for an intended operation” should be deleted; and
- i) paragraph 2.39 should be deleted and replaced with the following:

“Contracting States which require prior authorization for flights referred to in Standard 2.38 shall not require applications to be filed more than three working days in advance”;

3.3.2 The Panel agreed to all other recommendations contained in WP/9.

3.4 The Panel next considered WP/5 and WP/5, Corrigendum, presented by the Secretary.

3.4.1 During the course of its discussions on these papers, the Panel agreed that:

- a) old paragraph 3.4 should be revised to read as follows:

“Contracting States shall not require ~~from~~ visitors travelling by air, **rightfully holding valid passports recognized by the receiving State and holding valid visas, where appropriate, to present** any other document of identity ~~than a valid passport.~~”;

- b) the Note to paragraph 3.4 should be retained, but re-drafted, as follows:

“Note. ! It is not the intent of the above provision to discourage Contracting States who wish to be more liberal from accepting other official documents of identity for travel purposes, such as national identity cards and alien resident cards.”;

- c) in paragraph 3.16, the word “have” should be retained, and all succeeding text should be deleted and replaced with the phrase “permanent resident status;”
- d) the last sentence of paragraph 3.17 should be deleted from this paragraph and be made a Recommended Practice, separately;
- e) in paragraph 3.19, the word “normally” should be inserted between the words “shall” and “provide,” the word “entry” should be deleted and replaced with the word “use” and the word “twelve” should be deleted and replaced with the word “six.” In addition, the

last sentence of the paragraph, recommended for deletion, should be placed in the FAL Manual, with an explanation of its concept provided; and

- f) old paragraph 3.8 should be deleted because of the impracticability of its implementation internationally.

3.4.2 The Panel agreed to all other recommendations contained in WP/5 and WP/5 Corrigendum.

3.5 The Panel noted the information contained in WP/21, presented by the Member from Argentina.

3.6 The Panel then considered WP/11, presented by the Secretary.

3.6.1 During its discussions on WP/11, the Panel agreed that:

- a) Appendix 5 be updated, as indicated in the Attachment to the working paper; and
- b) existing Recommended Practice 3.9, be retained and combined with the draft Recommended Practice proposed in paragraph 4, sub-paragraph c) of the working paper, with slight modifications. The revised Recommended Practice would read:

“Recommended Practice! *Contracting States should not require either from visitors travelling by air, or from operators on their behalf, identification information in writing supplementary to that presented in their identity documents. Where the collection of identity information is required, Contracting States should develop systems for the electronic capture of this information from machine readable travel documents or other sources.*”

3.7 The Panel next considered WP/6, presented by the Secretary.

3.7.1 During its discussions on this paper, the Panel agreed that:

- a) paragraph 3.28 and Note should be deleted, and replaced by the entire text suggested in WP/17, presented by Australia, but only after the clause “to the time he presents at the gate for boarding” had been deleted, and the phrase “exit control measures”, in the Note, had been replaced with the phrase “outbound border control measures”;
- b) paragraph 3.30 should be deleted and the existing text of paragraph 3.34 of Annex 9, excluding the Note to 3.34, be retained, but modified as follows:

“Contracting States shall not normally require the presentation, for border control inspection, of baggage of passengers departing from their territory, ~~except for aviation security measures or in special circumstances.~~”;

- c) paragraph 3.31 should be amended, as recommended in WP/6;
- d) paragraph 3.32 should be amended, as recommended in WP/6;
- e) old paragraph 3.14 should be deleted;
- f) paragraph 3.33 should be retained as a Recommended Practice, the word “should” be retained and words “in cooperation with airport authorities” inserted between the word “should” and “adopt”, after deleting the word “shall”;
- g) the first sentence of paragraph 3.34 should be revised as follows:

*“Where appropriate, Contracting States should introduce a system of ~~Advance Passenger Information (API)~~ **advance passenger information** which involves the capture of **certain** passport **or visa** details prior to departure, ~~and the transmission of the details by electronic means to the their public authorities in the destination country,~~ **and the analysis of such data for risk management purposes prior to arrival in order to expedite clearance. When specifying the identifying information on passengers to be transmitted, Contracting States should only require information that is found in the machine readable zones of passports and visas that comply with the specifications contained in Doc 9303 (series), Machine Readable Travel Documents. All information required should conform to the UN/EDIFACT PAXLIST message formats.**”*

The Manual should provide specific guidance on message formats and other relevant advance passenger information guidelines developed by States or international organizations such as IATA;

- h) existing paragraph 3.15 should be retained, but the text revised to read:

“Except in special circumstances, Contracting States shall make arrangements whereby the identity documents of visitors need to be inspected only once at times of entry and departure.”

The Note should be deleted from the Annex, as recommended in WP/6, but reproduced in the FAL Manual;

- i) in paragraph 3.37, the term “baggage clearance”, and the word “Clearance”, in the Note, should be deleted, to align the text with the Kyoto Convention. The Manual should contain up-to-date information on this matter, which could also be obtained, by those interested, from the WCO Web Site, whose URL is:

<http://www.wcoomd.org/>;

- j) in paragraph 3.38, the term “exceptional circumstances” should be retained and the term “cases of emergency” deleted and the clause “does not possess” retained and the clause “has not been able to obtain” deleted;

- k) in paragraph 3.44, the phrase “Where appropriate facilities permit,” should be added to the beginning of the sentence;
- l) paragraph 3.46 should be revised to read as follows:

“Contracting States shall establish measures whereby in-transit passengers who are unexpectedly delayed overnight due to a flight cancellation or delay may be allowed to leave the airport for the purpose of taking accommodations.”;
- m) in paragraph 3.47, the phrase “intended destination” should be deleted and replaced with the word “owner” and the word “customs” deleted and replaced with “import”;
- n) in paragraph 3.48, the term “narcotics control” should be deleted and replaced with the phrase “other necessary controls”, to align this provision with paragraph 1.6 in the General Principles Section of Chapter 1;
- o) in paragraph 3.49, the words “final destination” should be deleted and replaced with the word “owners”;
- p) in paragraph 3.50, the phrase “in the State of its destination” should be deleted; and
- q) in paragraph 3.51, commas should be inserted after the clause “cleared by customs” and the phrase “on such baggage” and the word “customs”, appearing after the words “liability for” should be deleted and replaced with the word “import”.

3.7.2 Some Panel members expressed the need for assurance that the Panel was taking all members’ different views into account when arriving at its conclusions with regard to the re-drafting of individual SARPs. The Chairman clarified that conclusions were reached by consensus, rather than voting, and that the occasional request for a “show of hands” to gauge agreement was employed in an effort to save time, as was the assumption of agreement by default. Members were also reminded that all Contracting States would have an opportunity to comment on the Panel’s recommendation during the review stage of the “Article 90” amendment process.

3.7.3 The Panel agreed to all the other recommendations contained in WP/6.

3.8 The Panel agreed with the Secretariat that paragraph 3.47.1, found in WP/6, Addendum, should be deleted. (This paragraph is the existing Recommended Practice 5.8.).

3.9 Because of the lack of time, the Panel could not discuss WPs/8 and 15. However, the Panel encouraged all interested persons to submit to the Secretariat written comments on these papers. The subject matter of these papers, i.e. deportation procedures and further work on SARPs related to facilitation of passengers, would be considered in the context of future work.

PROPOSED TEXT**CHAPTER 2. ENTRY AND DEPARTURE OF AIRCRAFT****A. General**

2.1 Contracting States shall adopt appropriate measures for the clearance of aircraft arriving from or departing to another Contracting State, and shall implement them in such a manner as to prevent unnecessary delays.

2.2 In developing procedures aimed at the efficient clearance of entering or departing aircraft, Contracting States shall take into account the application of aviation security or narcotics control measures, where appropriate.

Note.— With respect to application of aviation security measures, attention is drawn to Annex 17 and to the ICAO Security Manual.

~~2.2.1~~2.3 **Recommended Practice.**— *The appropriate control authorities of each Contracting States should enter into Memoranda of Understanding with the airlines providing international services to that State and with the operators of its international airports, setting out guidelines for their mutual cooperation in countering the threat posed by international trafficking in narcotics and psychotropic substances. Such Memoranda of Understanding should be patterned after the applicable models developed by the World Customs Organization for this purpose. In addition, Contracting States are encouraged to conclude Memoranda of Understanding amongst themselves.*

2.4 **Recommended Practice.**— *In accordance with the International Health Regulations of the World Health Organization, Contracting States should not interrupt air transport services for health reasons. In cases where, in exceptional circumstances, such service suspensions are under consideration, Contracting States should first consult with the World Health Organization and the health authorities of the State of occurrence of the disease before taking any decision as to the suspension of air transport services.*

B. Documents – requirements and use

~~2.3, Note~~2.5 No documents, other than those provided for in this Chapter, shall be required by the public authorities from operators for the entry and departure of aircraft **in a Contracting State.**

~~2.21~~2.6 No visa shall be required, nor shall any visa or other fee be collected, in connection with the use of any documentation required for the entry or departure of aircraft.

~~2.19~~2.7 **Recommended practice.**— *Documents for entry and departure of aircraft should be accepted if furnished in Arabic, English, French, Russian or Spanish. Any Contracting State may require an oral or written translation into its own language.*

~~2.9, 2.9.1, 2.9.2, 2.20~~

~~2.8 Subject to the technological capabilities of the Contracting State, documents for the entry and departure of aircraft shall be accepted when presented:~~

- ~~a) in electronic form, transmitted to an information system of the public authorities.;~~
- ~~b) in paper form, produced or transmitted electronically; or~~
- ~~c) in paper form, completed manually following the formats depicted in this Annex.~~

~~2.5, 2.8, 2.3.1~~

~~2.9 When a particular document is transmitted by or on behalf of the operator and received by the public authorities in electronic form, the Contracting State shall not require the presentation of the same document in paper form.~~

~~2.5.1, 2.5.3, 2.5.4, 2.6, 2.7.1, Note~~

~~2.10 Contracting States shall not normally require the presentation of a General Declaration. On those occasions when a General Declaration is required, the information requirements shall be limited to the elements indicated in Appendix 1. The information shall be accepted in either electronic or paper form.~~

~~2.5.2.2.11 When a Contracting State has eliminated the Passenger Manifest and no longer requires the General Declaration (except for purposes of attestation), it shall accept, at the option of the operator, either a General Declaration or an appropriate attestation, signed by the authorized agent or pilot-in-command, on one page only of the Cargo Manifest. The attestation on the Cargo Manifest can be provided by means of a rubber stamp. When a Contracting State requires the General Declaration only for the purposes of attestation, it shall adopt measures by which that attestation requirement may also be satisfied by a statement added, either manually or by use of a rubber stamp containing the required text, to one page of the Cargo Manifest. Such attestation shall be signed by the authorized agent or the pilot-in-command.~~

~~2.7 and Note~~

~~2.12 Contracting States shall not normally require the presentation of a Passenger Manifest, but when this type of information is required it may also be provided in an alternative and acceptable manner. On those occasions when a passenger manifest is required, the information requirements shall be limited to the elements indicated in Appendix 2. The information shall be accepted in either electronic or paper form.~~

~~2.9 A Contracting State which continues to require the presentation of a Cargo Manifest shall, apart from the information indicated in the heading of the format of the Cargo Manifest set forth in Appendix 3, not require more than the following three items:~~

- ~~a) the air waybill number;~~
- ~~b) the number of packages related to each air waybill number; and~~
- ~~c) the nature of the goods.~~

~~The Cargo Manifest shall be accepted either when it follows the above-mentioned format, or a clear and understandable format adapted to electronic data-processing techniques.~~

~~2.9~~ Note

~~2.13~~ When a Contracting State requires the presentation of the cargo manifest in paper form, it shall accept either:

- a) the form shown in Appendix 3, completed according to the instructions; or
- b) the form shown in Appendix 3, partially completed, with a copy of each air waybill representing the cargo on board the aircraft.

~~2.11~~~~2.14~~ Contracting States shall not require the presentation of a written declaration of stores remaining on board the aircraft. ~~In respect of stores laden on or unladen from an aircraft, Contracting States which continue to require the presentation of a written declaration of such stores shall limit the information required to an absolute minimum, and simplify their clearance to the greatest possible extent.~~

~~2.16~~~~2.15~~ In respect of stores laden on or unladen from the aircraft, the information required in the Stores List shall not exceed:

- a) the information indicated in the heading of the format of the Cargo Manifest;
- b) the number of units of each commodity; and
- c) the nature of each commodity.

~~2.12~~~~2.16~~ Contracting States shall not require the presentation of a list of ~~the number of pieces~~ accompanied baggage ~~or mishandled baggage laden on or unladen from the aircraft~~. Operators carrying baggage shall, upon request from the authorities, provide them with any available information where it has not otherwise been provided for customs clearance purposes by the passenger.

~~2.10~~~~2.17~~ Contracting States shall not require the presentation of a written declaration of the mail other than the form ~~AV 7(s)~~ prescribed in the Acts in force of the Universal Postal Union. ~~Operators carrying mail shall, upon the request of the customs authorities, present to them for inspection and return a copy of the aforementioned AV 7 mail form in cases where it has not otherwise been made available for customs clearance purposes by the postal authorities.~~

~~2.13, 2.16~~

~~2.18~~ Contracting States shall not require the operator to deliver to the public authorities more than three copies of any of the above mentioned documents at the time of entry or departure of the aircraft.

~~2.14, Note, 2.17~~ Note

~~2.19~~ If the aircraft is not embarking/disembarking passengers or lading/unlading cargo, stores or mail, the relevant document(s) shall not be required, provided an appropriate notation is included in the General Declaration.

~~2.15~~ ~~When it will facilitate aircraft departure, Contracting States shall permit those operators that have provided a sufficiently conclusive statistical basis for obtaining such permission the use of standard~~

baggage weights for each piece of baggage or for the aggregate of baggage for each passenger on given services.

E. ~~Consecutive stops at two or more international airports in the same Contracting State~~

~~2.18~~ Contracting States shall not require documents or procedures for entry or departure of aircraft which are different from or in excess of those prescribed in this Chapter in the case where aircraft stop at two or more international airports within their territories without intermediate landing in the territory of another State.

~~— Note.— During the interval (which may be of some duration in the case of many private flights) between the time when all inbound procedures have been completed and outbound procedures are begun, it is assumed that Contracting States normally will allow aircraft to land at other than international airports in their territories and will require no further documentation or procedures of the nature referred to in this Chapter.~~

C. Correction of documents

~~2.22~~ 2.20 In the event that errors are found in any of the above mentioned documents, the public authorities concerned shall accord the operator or authorized agent an opportunity to correct such errors or shall alternatively perform such corrections themselves.

~~2.23~~ 2.21 The operator or authorized agent shall not be subjected to penalties if he satisfies the public authorities concerned that any error which was found in such documents was inadvertent and made without fraudulent intent or gross negligence. When considered necessary to discourage a repetition of such errors, a penalty shall be no greater than is necessary for this purpose.

~~G.D.~~ Disinsecting ~~Disinsection~~ of aircraft

~~2.24~~ 2.22 **Recommended Practice.**—Contracting States ~~should~~ shall limit any routine requirement for the ~~disinsecting~~ ~~disinsection~~ of aircraft cabins and flight decks with an aerosol while passengers and crews are on board, to same-aircraft operations originating in, or operating via, territories that they consider to pose a threat to their public health, ~~agricultural industry~~ agriculture or environment.

2.23 Contracting States which require disinsection of aircraft shall periodically review their requirements and modify them as appropriate, in the light of all available evidence relating to the transmission of insects to their respective territories via aircraft.

~~2.25~~ 2.24 When disinsection is required, a Contracting State shall authorize or accept only those methods and insecticides which are recommended by the World Health Organization.

Note.— This provision does not preclude the trial and testing of other methods for ultimate approval by the World Health Organization.

~~2.32~~^{2.25} Contracting States shall ensure that their procedures for **disinsection** ~~disinsecting or any other remedial measure~~ are not injurious to the health of passengers and crew and cause the minimum of discomfort to them.

~~2.28~~^{2.26} **Recommended Practice.**—~~To ease concern and reduce public opposition to the procedure,~~ Contracting States **shall** provide appropriate information, upon request, in plain language, to **operators for** air crew and passengers, **explaining the pertinent national regulation**, ~~on~~ the reasons for **the requirement** and the safety of properly performed aircraft disinsection.

~~2.26~~^{2.27} **Recommended Practice.**— **When disinsection has been performed in accordance with procedures recommended by the World Health Organization, the Contracting State concerned shall accept a pertinent certification on the General Declaration as provided for in Appendix 1 or, in the case of residual disinsection, the Certificate of Residual Disinsection set forth in Appendix 4.**

~~2.27~~^{2.28} When **disinsection** ~~disinsecting as a public health measure~~ has been properly performed **and a certificate** pursuant to ~~2.25~~^{2.24} **is presented or made available to the border authorities in the country of arrival, the authorities shall normally accept that certificate and permit passengers**, ~~passengers and crew on arrival shall, except in special circumstances, be allowed to disembark immediately from the aircraft.~~

~~2.28~~ **Recommended Practice.**—~~Contracting States should ensure that all personnel in charge of disinsecting receive appropriate information concerning the way in which to perform such disinsecting effectively.~~

~~2.29~~ **Recommended Practice.**—~~Disinsecting of an aircraft on a through-flight should not be required to be repeated on behalf of any insect vectors of human disease, against which the insecticide used is effective, except when live insect vectors of human disease have been found on board the aircraft, or when the aircraft is proceeding directly from an infected area of an insect-borne disease to a receptive area.~~

~~2.30~~ **Recommended Practice.**—~~When a Contracting State requires treatment of the aircraft with an insecticide in the interest of agriculture or food conservation, a single treatment should be employed that also meets the requirements of public health.~~

~~2.31~~ **Recommended Practice.**—~~When disinsecting or other remedial measures are required by a Contracting State for animal and plant quarantine purposes, such State should devise means to integrate its procedures in this field with other clearance procedures whenever this will expedite the clearance of aircraft and the loads that they carry, in so far as this does not detract from the safety of the aircraft and the effectiveness of the measures.~~

~~2.33~~^{2.29} Contracting States shall ensure that any insecticide or any other substance used to meet the requirements of public health, agriculture or food **environment** ~~conservation~~ **protection** ~~is not inflammable and does not have a deleterious effect on the structure of the aircraft or its operating equipment.~~ **Inflammable chemical compounds or solutions likely to damage aircraft structure, by corrosion or other effects, shall not be employed.**

H-E. Disinfection of aircraft

~~2.34~~**2.30** Contracting States shall define the types of animals and animal products which, when imported by air, require that the aircraft be disinfected and shall normally exempt aircraft from disinfection when such animals or animal products are carried in approved containers. When aircraft disinfection is required, the following provisions shall apply:

- a) the application shall be limited solely to the container or to the compartment of the aircraft in which the traffic was carried;
- b) the disinfection shall be carried out expeditiously; and
- c) inflammable chemical compounds or solutions likely to damage aircraft structure, by corrosion or other effects, shall not be employed.

I-F. Arrangements concerning international general aviation and other non-scheduled flights

I. General

~~2.35~~**2.31** Contracting States shall publish their ~~regulations~~**requirements** concerning the advance notices and applications for **prior authorization of general aviation and other non-scheduled flights** ~~special permission for operations referred to in 2.36 and 2.41, and communicate them to ICAO: via their respective Aeronautical Information Publications (AIPs).~~

~~2.38, 2.43~~**2.32** Contracting States requiring advance notice of the intended landing of aircraft in their territory **or applications for prior authorization** shall designate a single agency ~~through which such notices may be routed: to receive and coordinate the government's response to such notices or applications.~~

~~2.39, 2.44~~**2.33** Contracting States ~~requiring advance notice as referred to in 2.36 and 2.38~~ shall indicate **in their respective AIPs** the mail address and, where available, the AFTN address, the telex number or cable address, fax number, electronic mail address, **web page** and telephone number of the **agency** ~~designated agency: as in 2.32.~~

~~2.37 last sentence~~

2.34 ~~....Responsibility for notification to authorized inspection officials, in the case of both arrivals and departures of registered aircraft of other Contracting States, shall rest with the appropriate authority of the State concerned. In Contracting States notification to the interested border inspection agencies, e.g. customs, immigration or quarantine, of intended arrivals, departures or transit operations shall be the responsibility of the agency designated as in 2.32.~~

II. *Prior authorization*

~~2.41 part 2.35~~ In the case of aircraft engaged in the carriage of passengers, cargo or mail for remuneration or hire on other than scheduled international air services, if a Contracting State requires its special permission for the operation of taking on or discharging passengers, cargo or mail, it **Contracting States** shall not **normally** require that such special permission **prior authorization** be applied for through diplomatic channels. ~~, and shall:~~

~~2.41 part 2.36~~ **Contracting States which require operators to apply for prior authorization shall:**

- a) establish procedures whereby such application will be dealt with promptly;
- b) make such permission effective for a specific length of time or number of flights wherever possible; and
- c) impose no fees, dues or charges for the issue of such permission.

~~2.42 2.37~~ **Recommended Practice.!** *In the case of aircraft engaged in the carriage of passengers, cargo or mail for remuneration or hire, Contracting States should not require more than the following details in the applications referred to in 2.41 for prior authorization:*

- a) *name of operator;*
- b) *type of aircraft and registration marks;*
- c) *date and time of arrival at, and departure from, the airport concerned;*
- d) *place or places of embarkation or disembarkation abroad, as the case may be, of passengers and/or freight;*
- e) *purpose of flight and number of passengers and/or nature and amount of freight; and*
- f) *name, address and business of charterer, if any.*

Note.— It is the intent of this provision that applications in advance for special permission should be acted upon expeditiously on the basis of the above standard information. As an example to illustrate the intent of this provision, a State which requires applications in advance could provide that whenever applications contain all of the above standard information they need not reach the appropriate agency more than two full business days in advance of the intended landing of the aircraft in the territory of that State.

2.37.1 Recommended Practice.! *Contracting States should publish, in their respective AIPs, the minimum amount of time required in advance of the flight referred to in paragraph 2.37, for processing applications for prior authorizations.*

~~2.40~~ **2.38** In the case of aircraft either in transit non-stop or stopping for non-traffic purposes, ~~Any~~ Contracting State which, for reasons of safety of flight, requires **prior authorization** ~~special permission in respect of flights referred to in 2.36 above;~~ shall not require any other information than that contained in a flight plan when application for such ~~permission~~ **prior authorization** is made. Such application shall not be required to be filed more than three working days in advance of the intended arrival of the aircraft in the territory of said Contracting State, or the intended non-stop transit flight across the territory of said State.

2.37 Note

Note.— *Specifications for flight plans are set forth in Annex 2 — Rules of the Air.*

2.39 Contracting States which require prior authorization for flights referred to in Standard 2.38 shall not require applications to be filed more than three working days in advance.

~~H~~ III. Advance notification of arrival

~~2.36~~ **2.40** In the case of aircraft registered in other Contracting States, which are not engaged in scheduled international air services and which are making flights either in transit non-stop across the territory of a Contracting State or stopping in the territory of a Contracting State for non-traffic purposes, ~~such the~~ Contracting State **concerned** shall not require more advance notice of such ~~flights~~ **operations** than is necessary to meet the requirements of air traffic control and of the ~~public authorities concerned~~ **interested border inspection agencies**.

Note.— *This provision is not intended to prevent the application of appropriate narcotics control measures.*

~~2.37~~ **2.41** Contracting States shall accept ~~from the appropriate authority of any other Contracting State~~ the information contained in a flight plan as adequate advance notification of the arrival of ~~in-coming aircraft referred to in 2.36 above,~~ 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. ~~Responsibility for notification to authorized inspection officials, in the case of both arrivals and departures of registered aircraft of other Contracting States, shall rest with the appropriate authority of the State concerned.~~

Note.— *Specifications for flight plans are set forth in Annex 2 — Rules of the Air.*

IV. Clearance and sojourn of aircraft

~~2.45~~ **2.42** **Recommended Practice.**— *At airports ~~W~~ where there are international general aviation operations ~~at an international airport,~~ Contracting States should arrange for an adequate level of **border inspection and clearance service** for those ~~services~~ **operations**.*

~~2.46~~ **2.43** **Recommended Practice.**— *At airports where international general aviation operations are infrequent, ~~In cases where the number of border-crossing general aviation flights so warrant,~~ Contracting States should make arrangements whereby **authorize** one governmental agency is authorized to undertake, on behalf of all **border inspection agencies,** ~~other government departments concerned,~~ clearance of smaller aircraft and their loads ~~at airports used only by occasional international flights.~~*

Note.— Some Contracting States have already authorized local police or other authorities at or near certain of their airfields to carry out all clearance aspects, thus enabling the State concerned to permit many of the smaller aircraft, coming directly from abroad, to land and depart from airports where normal clearance facilities do not exist, provided that no dutiable articles are unladen upon arrival or intended to be laden on departure.

~~2.47~~**2.44** An aircraft which is not engaged in scheduled international air services and which is making a flight to or through any designated international airport of a Contracting State and is admitted temporarily free of duty in accordance with Article 24 of the Convention shall be allowed to remain within that State, for a period to be established by that State, without security for customs duty on the aircraft being required.

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PROPOSED TEXT

CHAPTER 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

A. General principles

3.1 In order to facilitate and expedite the clearance of persons entering or departing by air, Contracting States shall adopt border control regulations appropriate to the air transport environment and shall apply them in such a manner as to prevent unnecessary delays.

3.2 In developing procedures aimed at the efficient application of border controls on passengers and crew, Contracting States shall take into account the application of aviation security or narcotics control measures, where appropriate.

Note.! ~~With respect to application of aviation security measures, attention is drawn to Annex 17 and to the ICAO Security Manual.~~

B. Documents required for travel

3.3 No documents other than those provided for in this Chapter shall be required by Contracting States for the entry into and departure from their territories of visitors.

~~B. Entry requirements and procedures~~

~~I. Passenger identity documents~~

3.4 Contracting States shall not require ~~from~~ visitors travelling by air, **rightfully holding valid passports recognized by the receiving State and holding valid visas, where appropriate, to present any other document of identity than a valid passport.**

Note.! ~~It is not the intent of the above provision to discourage Contracting States, who wish to be more liberal, from accepting other official documents of identity for travel purposes, such as expired passports, national registration identity cards, seafarers' identity documents, and alien resident permits and crew member certificates in lieu of a valid passport cards.~~

3.6 ~~In cases where a visitor holds a valid passport and no visa is required of him (cf. 3.7 below), Contracting States shall not require him to obtain any other identity document from their consulates or from operators prior to the commencement of his flight.~~

~~*Note.!* It is the intention of this provision that the visitors referred to should be admitted upon arrival without having to furnish any other document except, if required, a Disembarkation Card (cf. 3.10 and 3.10.1 below) and, if required, a Certificate of Vaccination or Revaccination (cf. 3.11 below).~~

~~3.5.1, 3.8.1, 3.23.1~~

3.5 **Recommended practice.!** *When issuing passports, visas or other identity documents accepted for travel purposes, Contracting States should issue these in machine readable form, as specified in Doc 9303 (series), Machine Readable Travel Documents.*

~~3.5.10~~ **Recommended Practice.!** *Contracting States should endeavour, where practicable, to promote the use of internationally standardized formats for biometric and digitized photographic data which identify the authentic holder of the document in which these data are recorded.*

C. Passports

~~3.4.1, 3.5.2~~

3.6 When issuing passports which are not machine readable, Contracting States shall conform the personal identification and document issuance data and the format of the data page to the specifications for the “visual zone” set forth in Doc 9303, Part 1, *Machine Readable Passports*. The “machine readable zone” area shall be filled with words such as “this passport is not machine readable” or other data to preclude fraudulent insertion of machine readable characters.

3.7 Contracting States which use bar codes or other optional machine readable technologies for the representation of personal data in passports shall make provision whereby the encoded data may be revealed to the holder of the document upon request.

~~3.5.3~~ 3.8 **Recommended Practice.!** *Contracting States should establish publicly accessible facilities for the receipt of passport applications and/or for the issuance of passports.*

~~3.5, 3.5.5~~

3.9 Contracting States shall establish transparent application procedures for the issuance, renewal or replacement of passports and shall make information describing their requirements available to prospective applicants upon request.

~~3.5.6~~ 3.9.1 **Recommended Practice.!** *If any fee is charged for the issue or renewal of a passport, the amount of such fee should not exceed the cost of the operation.*

3.10 Contracting States shall issue a separate passport to each person, regardless of age.

~~3.5.4~~ 3.11 **Recommended Practice. !** *When issuing or reissuing passports for tourism or business travel, Contracting States should normally provide that such passports be valid for a period of at least five years, for an unlimited number of journeys and for travel to all States and territories.*

Note 1.! *Specifications for machine readable passports (Doc 9303, Part 1) do not permit alteration of the data in the machine readable zone, including the expiration date. Therefore it is not practicable to extend the validity of a machine readable passport.*

Note 2. ! *In consideration of the limited durability of documents and the changing appearance of the passport holder over time, a validity period of not more than ten years is recommended.*

D. Exit visas

~~3.32~~3.12 Contracting States shall not require exit visas from their own nationals or residents wishing to tour abroad nor from visitors at the end of their stay.

~~3.32~~3.13 **Recommended Practice.!** *Contracting States should not require exit visas from their resident aliens wishing to tour abroad.*

E. Entry/re-entry visas

~~3.7~~3.14 **Recommended Practice.!** *Contracting States should waive or abolish the requirement of an entry visa for nationals of a maximum number of States, seeking entry as visitors.*

~~3.8.5~~3.15 Contracting States shall not require visas for re-entry from their own nationals.

~~3.8.6~~3.16 **Recommended Practice.!** *Contracting States should not require visas for re-entry from their resident aliens who have hold lawful residence permits permanent resident status.*

~~3.8.2~~3.17 Contracting States shall simplify the documentary requirements and other formalities for the issue of entrance establish simple and transparent application procedures for the issuance of entry visas for prospective visitors, and shall ensure that applications for such visas are issued acted upon as quickly as possible after receipt of the application and shall not normally require the applicant to make a personal appearance at a consulate.

3.18 **Recommended Practice.!** *Visa issuance procedures should not normally require the applicant to make a personal appearance at the issuing office.*

~~3.8.3~~3.19 Entrance visas for visitors shall normally be made valid for ~~When issuing entry visas to prospective visitors, Contracting States shall normally provide that such visas be valid for use within a period of~~ at least twelve six months from the date of issue regardless of the number of entries into the State concerned and with the understanding that the duration of each stay may be limited. ~~However, the State concerned may require that the length of validity of the visa does not exceed the length of validity of the passport or other identity document in which such visa is inserted.~~

~~3.8~~ In cases where a Contracting State continues to require entrance visas from visitors, it shall adopt the practice of issuing such visas without charge through reciprocal or other acceptable arrangements.

~~3.8.7~~3.20 **Recommended Practice.!** *When issuing visas which are not machine readable, Contracting States should conform the personal and issuance data in such documents to the specifications for the visual zone of the machine readable visa, as set forth in Doc 9303, Part 2! Machine Readable Visas.*

Note.— Provided they adhere to the prescribed format, these entry clearances or visas can be in the form of a stick-in label or a stamp or other imprint.

F. Embarkation/Disembarkation cards

~~3.9~~**3.21** **Recommended Practice.!** *Contracting States should not require either from visitors travelling by air, or from operators on their behalf, any **identification** information in writing supplementary to or repeating that ~~already~~ presented in their identity documents. **Where the collection of identity information is required, Contracting States should develop systems for the electronic capture of this information from machine readable travel documents or other sources.***

~~3.9~~ **Recommended Practice.!** *Contracting States should not require either from visitors travelling by air, or from operators on their behalf, any information in writing supplementary to or repeating that already presented in their identity documents.*

~~3.10~~**3.22** A Contracting State which ~~continues to require~~ **a written supplementary information report of personal data** from visitors ~~travelling arriving or departing~~ by air shall limit its **information** requirements to the items and shall follow the format ~~those~~ set forth in Appendix 5 ! Embarkation/Disembarkation Card.

~~3.10.1~~**3.23** Contracting States, when requiring Embarkation/Disembarkation Cards, shall accept their completion by visitors and shall not require them to be completed or checked by the operator. ~~Legible handwritten script shall be accepted on the cards, except where the form specifies block lettering.~~

~~3.10.2~~**3.24** Contracting States which require the presentation of Embarkation/Disembarkation Cards shall provide them to airline operators **or their agents without** at no charge, for distribution to **departing** passengers prior to embarkation or **to arriving passengers** during the flight.

G. Certificates of vaccination

~~3.11~~**3.25** In cases where evidence of protection against ~~yellow fever~~ **a quarantinable disease** is required, ~~from persons travelling by air~~, Contracting States shall accept the International Certificate of Vaccination or Revaccination ~~in the form set out~~ **prescribed** by the World Health Organization in ~~Appendix 2 of the International Health Regulations (1969).~~

~~3.37~~ **Recommended Practice.!** *The practice of entering names on passenger and crew documents should be to put the surname or surnames first. Where both paternal and maternal surnames are used, the paternal surname should be placed first. Where for married females both the husband's and the wife's paternal surnames are used, the husband's paternal surname should be placed first.*

H. Departure procedures

~~3.35~~**3.26** Contracting States shall not require **income-tax** clearance certificates from visitors.

~~3.36~~**3.27** Contracting States shall not hold the operator responsible for any payment arising from **liable in the event of** the non-payment of **income** taxes by any passenger.

~~6.16~~**3.28** **Recommended Practice.!** *Contracting States should ensure that departure formalities are completed as soon as possible and should establish as a goal, as far as is practicable, a total time period of 60 minutes for the completion of departure formalities for all passengers requiring not more than normal*

~~inspection on international air transport services, calculated from the time of the passenger's presenting himself at the first processing point at the airport (i.e. airline check-in, security control point or other required control point depending on arrangements at individual airports) to the scheduled time of his flight departure, noting that at all times security measures must be fully carried out. In cases where the actual time period required for the completion of these formalities significantly exceeds the goal, airport authorities, passenger service providers and government control authorities should consult with the air transport operators concerned, with a view to adopting the measures necessary to achieve this goal.~~

Contracting States in cooperation with operators and airport authorities should establish as a goal a total time period of 60 minutes in aggregate for the completion of required departure formalities for all passengers requiring not more than normal processing, calculated from the time of the passenger's presenting himself at the first processing point at the airport (i.e. airline check-in, security control point or other required control point depending on arrangements at the individual airport).

Note.! "Required departure formalities" to be completed during the recommended 60 minutes would include airline check-in, aviation security measures and, where applicable, airport tax collection and outbound border control measures.

3.29 Contracting States which require inspection by the public authorities of the travel documents of departing passengers shall use applicable technology and adopt a multi-channel inspection system in order to expedite such inspections.

~~3.34~~ 3.30 Contracting States shall not normally require the presentation, for border control inspection, of baggage of passengers departing from their territory, except for aviation security measures or in special circumstances.

~~Note.! This provision is not intended to prevent the application of appropriate narcotics control measures and specific customs control where required.~~

I. Entry procedures

~~6.29~~ 3.31 **Recommended Practice.!** Contracting States *in cooperation with operators and airport authorities* should establish as a goal the clearance within forty-five (45) minutes of disembarkation from the aircraft of all passengers requiring not more than the normal inspection at ~~major international airports~~, regardless of aircraft size and scheduled arrival time.

~~3.13~~ 3.32 Except in special circumstances, Contracting States shall not require that **passports, official travel documents or other** identity documents be collected from passengers or crew before they arrive at the passport control points.

~~3.14~~ In giving effect to 3.2, Contracting States shall ensure that examination by clearance control officials is performed as expeditiously as possible.

~~3.14.1~~ 3.33 **Recommended Practice.!** Contracting States ~~should~~, *in cooperation with airport authorities*, **should** adopt a multi-channel immigration inspection system at international airports where *the volume of passenger traffic justifies its installation and shall use applicable technology* ~~where this may~~ in order to expedite clearance procedures ~~inspections~~.

~~3.14.2~~ **3.34 Recommended Practice.!** *Where appropriate, Contracting States should introduce a system of Advance Passenger Information (API) **advance passenger information** which involves the capture of **certain** passport **or visa** details prior to departure, **and** the transmission of the details by electronic means to **the their** public authorities **in the destination country**, **and the analysis of such data for risk management purposes prior to arrival in order to expedite clearance.**, ~~and in doing so should follow the joint World Customs Organization (WCO)/International Air Transport Association (IATA) Guideline on Advance Passenger Information, except that the data elements to be transmitted as set forth in the Guideline should also include the nationality of the passport holder expressed in the form of the Alpha-3 Codes specified in Doc 9303. To avoid~~ **minimize** extra handling time during check-in, ~~the use of document reading devices~~ **should be used** to capture the information in machine readable travel documents ~~should be encouraged.~~ **When specifying the identifying information on passengers to be transmitted, Contracting States should only require information that is found in the machine readable zones of passports and visas that comply with the specifications contained in Doc 9303 (series), Machine Readable Travel Documents. All information required should conform to the UN/EDIFACT PAXLIST message formats.***

~~3.15~~ **3.35** *Except in special circumstances, ~~Each~~ Contracting States shall make arrangements whereby the identity documents of a visitor need to be inspected ~~except in special circumstances by only once~~ **once** one official at times of entry and departure.*

~~————— Note. — This provision is intended to ensure inspection of the identity document of a visitor by only one official on behalf of both the Immigration and Police authorities. It is not intended to discourage Health and Customs officials from examining the identity document whenever this may facilitate health and customs clearance of the visitor.~~

~~3.16~~ **3.36** *Contracting States shall ~~accept an oral~~ **not require a written** declaration of baggage from passengers and crew, **when no dutiable or restricted goods are being carried.***

~~3.17~~ *Contracting States shall normally accomplish inbound passenger baggage inspection on a sampling or selective basis.*

~~3.17.1~~ **3.37** *Contracting States shall adopt the dual-channel ~~baggage clearance~~ system at international airports **or other selective process for customs inspection based on risk management**, where the volume of passenger traffic justifies its installation, **as appropriate to the conditions and traffic volumes at the airport concerned.***

Note. — See Appendix 6 — Dual-Channel ~~Clearance~~ System as recommended by the Customs Cooperation Council (now the World Customs Organization).

~~3.8.4~~ **3.38 Recommended Practice.!** *In exceptional circumstances, when a visitor, for reasons of force majeure, does not possess the required entry visa **prior to arrival**, Contracting States should authorize **provisional** entry and enable the visitor to regularize his ~~position~~ **status.***

3.39 Recommended Practice.! *In cases in which the passport of a visitor has expired prior to the end of the validity period of the visa, the State which has issued the visa should continue to accept the visa until its expiration date, provided that it is accompanied by a valid passport.*

3.40 Contracting States which issue visas for a limited number of entries shall indicate in an appropriate, clear and non-derogatory way every instance the visa is used, in order that its holder, any operators and, if such be the case, the authorities of a transit State may determine its validity quickly and without the use of any special means.

~~3.13.1~~ 3.41 After individual presentation by passengers and crew of the identity documents, **their passports or other official travel documents**, the public officials concerned shall, except in special individual cases, hand back such documents immediately after examination, rather than withholding them for purposes of obtaining additional control.

~~3.12~~ 3.42 **Recommended Practice.!** *Medical examination of persons arriving by air should normally be limited to those disembarking and coming within the incubation period of the disease concerned, as stated in the International Health Regulations, from an area infected with one of the three quarantinable diseases (plague, cholera and yellow fever).*

~~3.18~~ 3.43 **Recommended Practice.!** *Contracting States should make arrangements whereby a passenger and his baggage, arriving on an international flight making two or more stops at customs airports within the territory of the same State, should not be are not required to be cleared through governmental border control formalities at more than one airport of the State concerned. Similarly, the State concerned should, in so far as is possible, make arrangements whereby these formalities are effected at the passenger's airport of destination on that flight, except in special circumstances determined by the authorities concerned.*

J. Transit procedures and requirements

~~5.1~~ 3.44 Where airport facilities permit, Each Contracting States shall make provision by means of direct transit areas, direct transit arrangements, or otherwise, **or other arrangements**, whereby crew, passengers and their baggage, cargo, stores and mail arriving from another State and continuing their journey to a third State on the same flight or another flight from the same airport on the same through-flight day may remain temporarily within the State airport without undergoing border control formalities to enter the State. any examination except for reasons of aviation security, narcotics control or in special circumstances.

~~5.1~~ ———— *Note. — With respect to application of aviation security measures, attention is drawn to Annex 17 and the ICAO Security Manual.*

~~5.3~~ ———— Each Contracting State shall make arrangements so that disembarking passengers and their baggage being transferred from one flight or operator to another at the same airport will be treated in a manner similar to that set forth in Section A above. Operators shall undertake to sort out transferring passengers and their baggage in order that such passengers and baggage may be allowed to proceed as rapidly as possible to their connecting flights.

~~5.3~~ ———— *Note. — For connecting traffic at the same airport, the operator who disembarked the passenger has the obligation for his custody and care.*

~~5.8~~ ———— **Recommended Practice. —** *Each Contracting State should make provision, by means of transit arrangements or otherwise, whereby traffic that passes directly through the State and, in the course of such passage, transfers from one international airport to another international airport may proceed without undergoing examination, except for aviation security measures, prevention of illegal entry or in*

~~special circumstances. For connecting traffic to another airport, the operator who disembarked the passenger has the obligation for his custody and care, except in the case where this obligation, in conformity with the national legislation in force, falls within the competence of another authority.~~

~~5.2, 5.4~~ **3.45** Contracting States shall keep to a minimum the number of States whose nationals are required to have direct transit visas when arriving on an international flight and continuing their journey to a third State on the same flight or another flight from the same airport on the same day.

~~5.2~~ ~~—————~~ *Note.*— *It is the intent of this provision, inter alia, that Contracting States shall neither a) temporarily deprive passengers of their passports nor b) require the operator to do so.*

~~5.4~~ ~~—————~~ *Note.*— *For connecting traffic at the same airport, the operator who disembarked the passenger has the obligation for his custody and care.*

~~5.4.1 and Note~~

3.46 Contracting States shall establish measures whereby in-transit passengers who are unexpectedly delayed overnight due to a flight cancellation or delay may be allowed to leave the airport for the purpose of taking accommodations.

K. Disposition of baggage separated from its owner

~~3.19~~ **3.47** Contracting States shall facilitate ~~the return of mishandled baggage to passengers or crew concerned or to the operator's central tracing office~~ **permit operators to forward mishandled baggage to the location of its owner** and shall not hold operators liable for penalties, fines, ~~customs~~ **import** duties and taxes, on the basis that the baggage was mishandled. ~~Under the conditions laid down by the competent authorities, operators may be permitted to open such baggage to determine ownership.~~

~~*Note.*— *The application of this provision should be subject to the relevant customs laws and regulations. The provision of storage facilities for unclaimed, unidentified and mishandled baggage is covered in 6.37.2.*~~

~~5.5~~ **3.48** ~~Each~~ Contracting States shall ~~make arrangements for~~ **permit** the direct trans-shipment of mishandled baggage, unaccompanied baggage, unladen cargo and stores, ~~from one flight or operator to another~~ **between international flights** at the same airport, without examination, except for reasons of aviation security or ~~in special circumstances~~ **other necessary controls**. In cases when direct trans-shipment cannot be effected, Contracting States shall ensure that arrangements are made for the temporary custody of such ~~goods~~ **baggage** under secure supervision at an appropriate location. ~~Operators shall undertake to process mishandled baggage, unaccompanied baggage, trans-shipment cargo and stores as rapidly as possible.~~

~~3.20 and Notes 1 & 2~~

3.49 Contracting States shall permit operators to ~~clear~~ **present unidentified, unclaimed or mishandled baggage for clearance** at an appropriate destination on behalf of ~~passengers and crew, subject to completion of the appropriate documentation~~ **its owners, and to deliver such baggage to its owners.**

~~3.21~~ **3.50** ~~Subject to appropriate security measures,~~ Contracting States shall ~~facilitate~~ **expedite** the clearance of unidentified, ~~and unclaimed~~ **or mishandled** baggage, and its return to the operator **for**

appropriate disposition. Under the conditions laid down by the competent authorities, operators may be permitted to open such baggage ~~so as~~ **if necessary** to ascertain its owner.

~~3.58~~ **3.51** In Contracting States where the operator has the obligation to the customs authorities for safeguarding baggage until it is cleared by customs, ~~he shall be freed from this obligation~~ **The operator shall be freed from the obligation to safeguard baggage not yet cleared by Customs,** and from liability for ~~customs~~ **import** duties and taxes chargeable on such baggage, when it is taken into charge by the customs authorities and is under their sole control.

Agenda Item 4: Other matters

Secretariat Note.— *The Panel did not take up this agenda item for lack of time. However, the Panel encouraged all interested persons to submit to the Secretariat written comments on WPs/10, 13, 15 and 20.*

With respect to WP/10, it was recommended that cooperative arrangements among States for implementation of Annex 9 be pursued with the assistance of the Secretariat, in regional venues such as FAL area meetings.

The proposed guidance material for model airport and national FAL programmes (WP/13) would also be taken up in regional meetings.

It was recommended that the concepts outlined in Argentina's paper, on the role of privatized airports in implementing FAL programmes (WP/20), be further developed for consideration at a future meeting of the Panel.

Panel Members, Alternates and Advisers

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Mr. Rui António Garcia Neto	Adviser	
Mr. Isaías Kwango	Adviser	
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Sr. Fernando Robledo	Adviser	
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Mr. Jim Manning	Member	Australia
Mr. Colin Hunter	Adviser	
Mr. Trevor Long	Adviser	
Mr. Philip Gregory	Adviser	
Mr. Tom Anderson	Adviser	
Mr. John Potter	Adviser	
Mr. Ross Norton	Adviser	
Mrs. Maria Stevens	Member	Belgium
Mr. Manoel Victor Schubnell de Rezende Lima	Member	Brazil
Mr. Alfredo R. Braga Malmeström	Adviser	
Mr. Tito Caetano Corrêa	Adviser	
Mr. Claude Jacques	Member	Canada
Mr. Robert Struthers	Adviser	
Ms. Nicoletta Bouwman	Adviser	
Mr. Evans Girard	Adviser	
Mr. Trong Nguyen	Adviser	
Ms. Brigitte Siwik	Adviser	
Mr. George Petsikas	Adviser	
Mr. Tony Smith	Adviser	

Ing. V.M. González Calero	Member	Cuba
Sra. Alicia Roque Gómez	Adviser	
Sr. Manuel López Bello	Adviser	
Sr. Reynaldo Robaina Dópico	Adviser	
Sra. M. Molina-Martines	Adviser	
Mr. Jaromir Štolc	Member	Czech Republic
Mrs. A. Celerynova	Adviser	
Mr. J. Slozil	Adviser	
Mr. V. Klucar	Adviser	
Mr. Abdalla Mohamed Abdel-Rahman	Member	Egypt
Mr. Abdel-Rahman M. Ali El-Shemi	Alternate	
Mr. Mohamed Nadim Riad	Adviser	
Mr. Yves Toffin	Member	France
Mrs. Emanuela Lacaze	Adviser	
Mr. A. Veillard	Adviser	
Mr. Georges Cantone	Adviser	
Mr. A. Hesse	Alternate	Germany
Mrs. U. Müller	Adviser	
Mr. Chris N.T. Quaye	Member	Ghana
Mr. James Tchokpa	Adviser	
Mr. K.O. Ansu-Gyeabourh	Adviser	
Mr. Giovanni Aniello	Member	Italy
Mr. Mario Amelio	Adviser	
Mr. Maurizio Apolloni	Adviser	
Mr. C.N. Kimemia	Member	Kenya
Mr. John P. Ole Nangurai	Adviser	
Mr. Mokaya Bosire	Adviser	
Mr. F.M. Thuraira	Adviser	
Mr. Nigel Mouat	Member	New Zealand
Mr. Allen Bruford	Adviser	
Mr. Bruce Burrows	Adviser	
Mr. Mike Alexander	Adviser	

Mr. Shahid Nazir Ahmad	Alternate	Pakistan
Mr. R. García de Paredes	Alternate	Panamá
Mr. Alexander Bayykin	Member	Russian Federation
Mr. V. Korovkin	Adviser	
Mrs. E. Mikheeva	Adviser	
Mrs. N. Bourkhanova	Adviser	
Mr. E. Vlasov	Adviser	
Mr. I. Lysenko	Adviser	
Mr. Khalid A. Al-Attas	Member	Saudi Arabia
Mr. F. Gari	Adviser	
Mr. Urs Haldimann	Member	Switzerland
Mr. Robert Eugster	Adviser	
Mr. Beat Frei	Adviser	
Ms. Cornelia Steinmann	Adviser	
Mr. Hans C. Faber	Adviser	
Mr. Alan Nafzger	Member	United Kingdom
Mr. Alan Craig	Adviser	
Mr. Simon Royals	Adviser	
Mr. David G. DeCarme	Member	United States
Mr. Dennis Benjamin	Adviser	
Mr. Michael White	Adviser	

Note.-

The following Panel Members did not attend the meeting:

Mr. R.K. Maheshwari	India
Mr. F. Cândia	Portugal
Mr. M. Sourang	Senegal
Mr. P. Sinsawasdi	Thailand

The following Panel Members were not able to attend the meeting but were represented by their alternates:

Mr. J.F. Reimann was represented by Mr. A. Hesse (Germany).

Mr. I. Ahmad Khan was represented by Mr. Shahid Nazir Ahmad (Pakistan).

Mr. R. García de Paredes represented Panamá as no new member has been nominated yet to replace Mr. Gabriel E. Duque Borbua.

Observers

Mr. T. Cherif	Observer	Algeria
Mr. T. Tekou	Observer	Cameroon
Mr. A. Becerra	Observer	Chile
Mr. Gabriel Chow Ms. Alice Chan	Observer Observer	China
Mr. E. Neonakis	Observer	Greece
Mr. G. Mahdavi	Observer	Iran, Islamic Republic of
Mr. K. Keldusild	Observer	Norway (EC)
Mrs. Feyha Enç Dr. Yildirim Saldiraner	Observer Observer	Turkey
Mr. Enrique Bonelli Mr. Luis Brito Mr. A. Renaud	Observer Observer Observer	Uruguay
Mr. Michael Schwarz	Observer	ACI
Mr. R. Heitmeyer	Observer	ACI
Mr. Albert Hendriks	Observer	EC
Mr. Robert Davidson	Observer	IATA
Mr. Robert Richardson	Observer	IATA
Mr. David Brunyee	Observer	IATA

Mr. Ian Impey

Observer

IECC

Mr. Mervyn Kemp

Observer

WCO

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FALP/3 WP	AGENDA ITEM	TITLE	PRESENTED BY
WP/1	—	Agenda.	Secretary
WP/2, Att. Revision No. 2	2	Revision of Annex 9 Standards and Recommended Practices (SARPs) — Chapter 1. Definitions and applicability.	Secretary
WP/3 Revised, Add. Revised	2	Revision of Annex 9 Standards and Recommended Practices (SARPs) — Chapter 4. Entry and departure of cargo and other articles.	Secretary
WP/4	3	Revision of Annex 9 Standards and Recommended Practices (SARPs) — Chapter 2. Entry and departure of aircraft (paragraphs 2.1 through 2.34).	Secretary
WP/5, Corr.	3	Revision of Annex 9 Standards and Recommended Practices (SARPs) — First Part of Chapter 3. Entry and departure of persons and their baggage.	Secretary
WP/6, Add.	3	Revision of Annex 9 Standards and Recommended Practices (SARPs) — Second Part of Chapter 3. Entry and departure requirements and procedures.	Secretary
WP/7	2	Report of the Cargo Drafting Group (CDG) — (Montreal, 6 to 10 November 2000).	Secretary
WP/8	3	Readmission of inadmissible persons and deportees by the State of origin, departure or transit.	U. Haldimann, Switzerland
WP/9	3	Revision of Annex 9 Standards and Recommended Practices (SARPs) — Chapter 2. Entry and departure of aircraft (paragraphs 2.35 through 2.47).	Secretary

FALP/3

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Appendix B - List of Working Papers

FALP/3 WP	AGENDA ITEM	TITLE	PRESENTED BY
WP/10	4	Cooperation in the area of international air transport - Facilitation for greater implementation of the ICAO facilitation programme.	V.M. González Calero, Cuba
WP/11, Att.	3	Revision of information requirements on the international embarkation/disembarkation card – (Annex 9, Appendix 5).	Secretary
WP/12	3	Aircraft disinsection.	Secretary
WP/13, Att.	4	Models for national facilitation (FAL) programmes and airport FAL programmes.	Secretary
WP/14	2	Proposed additions and amendments to SARPs.	J. Manning, Australia
WP/15	3, 4	Further work on Standards and Recommended Practices related to facilitation of passengers.	Secretary
WP/16	2	Amendment of SARPs related to cargo and other articles passing through the territory of a Contracting State.	Secretary
WP/17	3	Revision of Annex 9 Standards and Recommended Practices (SARPs) — Second Part of Chapter 3. Entry and departure requirements and procedures.	J. Manning, Australia
WP/18	3	Revision of Annex 9 Standards and Recommended Practices (SARPs) — Second Part of Chapter 3. Entry and departure requirements and procedures.	J. Manning, Australia
WP/19, Add.	3	Passenger facilitation — Electronic data interchange	D. Benjamin, U.S.A.
WP/20	4	Franchised/privatized airports	Argentina
WP/21, Att. (Spanish)	3	Passenger identity documentation, visas and documentation of crew members	Argentina
WP/22	1	Draft report on Agenda Item 1	Secretary

FALP/3 WP	AGENDA ITEM	TITLE	PRESENTED BY
WP/23	2	Draft report on Agenda Item 2	Secretary
WP/24	2	Draft report on Agenda Item 2 (continued)	Secretary
WP/25	2	Draft report on Agenda Item 2 (continued)	Secretary
WP/26	3	Draft report on Agenda Item 3	Secretary
WP/27	3	Draft report on Agenda Item 3 (continued)	Secretary
WP/28	2	Draft report on Agenda Item 2 (final)	Secretary

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FALP/1 IP	AGENDA ITEM	TITLE	PRESENTED BY
IP/1	3	Aircraft disinsection practices survey – Tabular summary of replies to aircraft disinsection practices survey.	Secretary
IP/2	3	Global crises – Global solutions. Managing urgent international public health events with the revised international health regulations.	WHO
IP/3	2	International organizations mentioned in the ICAO Annexes	Secretary
IP/4	1	Follow-up of tasks (FALP/2)	Secretary
IP/5, Att.	1	Provisional supplement to Annex 9 — 10th Edition, up to and including Amendment 17	Secretary
IP/6	3	Embarkation/disembarkation cards	J. Manning, Australia
IP/7	3	Advance passenger information (API) and advance passenger clearance (APC)	J. Manning, Australia

Reference Documents

- Annex 9 ! *Facilitation* (Tenth Edition)
 Annex 17 ! *Aviation Security* (Sixth Edition)
 Doc 7300 ! *Convention on International Civil Aviation*
 Doc 9482 ! *Directives for Panels of the Air Transport Committee*
 Doc 9303 ! Part 1, Fourth Edition - *Machine Readable Passports*

! END !