

**FACILITATION PANEL (FALP)**

(Third Meeting, Montreal, 12 to 16 February 2001)

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

**ADDENDUM**

**REVISION OF ANNEX 9 STANDARDS AND  
RECOMMENDED PRACTICES (SARPS) —  
CHAPTER 4. ENTRY AND DEPARTURE OF CARGO AND  
OTHER ARTICLES**

(Presented by the Secretary)

**1. SECRETARIAT COMMENTS**

**1.1 General**

1.1.1 FALP/3-WP/3 contains a revised text of Chapter 4 of Annex 9 – *Facilitation* to the Chicago Convention. The revised text must be read in conjunction with the proposed revised version of Chapter 1 (Definitions and General Principles) circulated by the Secretariat.

1.1.2 The revised Chapter 4 constitutes stage two of an envisaged three-stage presentation with fundamental aims in Chapter 1, more detailed provisions in Chapter 4 and technical advice/comments in the Manual. The proposed Manual makes it possible to keep the SARPs themselves shorter and simpler.

1.1.3 In preparing the texts the Secretariat has taken into account in particular the following:

- a) the comments and suggestions made by the Facilitation Cargo Working Group (CWG) in January 1999 and additional comments received from Australia, France, the United Kingdom (which also commented on behalf of the WCO) and IATA;
- b) the text of the revised Kyoto Convention; and
- c) the recommendations of the Cargo Drafting Group (CDG) in November 2000.

1.1.4 The main purpose of aligning Annex 9 SARPs with the wording of the revised Kyoto Convention where appropriate texts exist is, in addition to the advantage of having available a form of wording already agreed by many countries, the need to avoid contradictory texts applying to the same situation. As it

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can be expected that many States will be Contracting Parties to both the Chicago Convention and the Kyoto Convention it is obviously important to avoid differing requirements in one and the same situation.

**1.2 Detail**

1.2.1 The revised draft Chapter 4 consists of three new definitions and the following distinct sections:

- General Principles relating to Chapter 4
- Information required by the public authorities
- Clearance of export cargo
- Release and clearance of import cargo
- Aircraft parts, equipment, stores, etc.
- Containers, pallets and other unit load devices
- Mail documents and procedures

1.2.2 Some thought was given to dealing with imports before exports, given that procedures for the former are more detailed and hence the scope for facilitation measures may be greater. In practice, however, the order of the two sections is not of primary importance and the following two sections relate to importation as the main feature so that to precede them by the section on import makes good sense.

1.2.3 The three new **definitions** relate to “declarant”, “risk assessment” and “temporary admission”. The inclusion of each facilitates drafting of the SARPs and accompanying comments in the Manual. All but that for “risk assessment” are taken from the revised Kyoto Convention and provide useful alignment of the texts in the Customs area. “Risk assessment” was not defined for the purposes of the Kyoto Convention, where the subject is dealt with in considerable detail, but it is felt that a definition for the purposes of Chapter 4 is useful, given that the term may be used with a somewhat different meaning in other Chapters of Annex 9.

1.2.4 The section relating to “**Information required by the public authorities**” contains ten Standards and one Recommended Practice. It provides mainly for limits on the data to be required by the authorities, the various forms in which the data may be provided, measures to promote electronic submission and processing of data and the waiver of consular fees and formalities.

1.2.5 In this section the Secretariat has continued to refer to the cargo manifest which has become standard terminology in air traffic, although in the revised Kyoto Convention the term used is the cargo declaration. A decision needs to be taken on the approach to be followed for Annex 9 and there are obviously arguments for either term. A solution might be to continue to use cargo manifest but to note in the Manual that the Kyoto Convention calls it the cargo declaration.

1.2.6 The second section “**Clearance of export cargo**” contains five SARPs covering mainly simplified arrangements for the examination of export cargo and matters relating to the requirement which still exists in some circumstances to prove that the goods have arrived abroad.

1.2.7                   “**Clearance of import cargo**” is for obvious reasons the largest group of provisions and comprises seven Standards and three Recommended Practices. In particular this section builds on the provisions proposed for Chapter 1 by setting out the use of risk assessment for control purposes and a range of simplified procedures for the release and clearance of goods, with a Recommended Practice (4.27) that all concerned should cooperate to try to meet a normal release target of three hours. Detailed explanations about the various simplified procedures can then be inserted in the Manual.

1.2.8                   The section concludes with a series of provisions requiring the fair and appropriate treatment of goods and the persons concerned when, for valid reasons, the importation of goods (cargo or stores) does not run according to plan.

1.2.9                   The section relating to “**Aircraft parts, equipment and stores, etc.**”, begins with three provisions for stores dealing with relief from import duties and taxes, waiver of ancillary documents and the issue of stores when an aircraft is to land at two or more airports in a Contracting State.

1.2.10                  The second group of provisions deals with ground equipment, security equipment, etc., recommending the granting of relief from import duties and taxes and simplified clearance/release arrangements and allowing the loan of such equipment between operators (of other Contracting States).

1.2.11                  Recommended Practice 4.41 deals with operators' documents as defined in Chapter 1 of the Annex.

1.2.12                  The next section, “**Containers, pallets and other unit load devices**”, contains six Standards and two Recommended Practices. It is drafted on the basis of the new definition of “temporary admission” and provides for relief from import duties and taxes in respect of the devices themselves and component parts for their repair. In addition, the section allows for loan of the devices between operators, removal from the limits of the international airport and for simplified documentation and export controls.

1.2.13                  The final section “Mail documents and procedures” contains the existing Standard on this matter.

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