

## FACILITATION PANEL (FALP)

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

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

#### REVISION OF ANNEX 9 STANDARDS AND RECOMMENDED PRACTICES (SARPS) — CHAPTER 2 – PARAGRAPHS 2.1 THROUGH 2.34

(Presented by the Secretary)

#### PROPOSED TEXT CHAPTER 2. ENTRY AND DEPARTURE OF AIRCRAFT

##### A. General

2.1 Contracting States shall adopt regulations which are especially appropriate 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 State 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 paper form, completed manually following the formats depicted in this Annex;
- b) in paper form, produced or transmitted electronically; or
- c) in electronic form, transmitted to an information system of the public authorities.

~~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** The General Declaration shall consist of the information elements captioned in the format depicted in Appendix 1. When presented in paper form it shall be accepted if completed according to the instructions provided in the same Appendix.

~~2.5.2~~**2.11** When a Contracting State has eliminated the Passenger Manifest and no longer requires the General Declaration **only** (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. **This can be accomplished** on one page ~~only~~ of the Cargo Manifest. ~~where~~ **the attestation on the Cargo Manifest can** ~~may~~ be provided by means of a rubber stamp.

~~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 paper or electronic form.**

~~2.9~~**2.13** The Cargo Manifest shall consist of the information elements indicated in Appendix 3.

~~2.9 Note~~ ~~2.14~~ 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~~ ~~2.15~~ 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 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~~ ~~2.17~~ 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~~ ~~2.18~~ 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~~

2.19 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~~

2.20 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~~ 2.21 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~~ 2.22 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 of aircraft**

~~2.24~~ 2.23 **Recommended Practice.**—Contracting States ~~should~~ shall limit any routine requirement for the disinsecting 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 or environment.

2.24 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 insect vectors to their respective territories via aircraft.

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

~~2.32~~ 2.26 Contracting States shall ensure that their procedures for disinsecting ~~or any other remedial measure~~ are not injurious to the health of passengers and crew and cause the minimum of discomfort to them.

~~2.28.1~~ 2.27 **Recommended Practice.**—To ease concern and reduce public opposition to the procedure, Contracting States shall provide appropriate information, upon request, in plain language, to air crew and passengers, explaining the pertinent national regulation, on the reasons for the requirement and the safety of properly performed aircraft disinsection.

~~2.26-2.28~~ **Recommended Practice.**— When disinsecting 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 or, in the case of residual disinsecting, the Certificate of Residual Disinsection set forth in Appendix 4.

~~2.27-2.29~~ When disinsecting as a public health measure has been properly performed pursuant to 2.25, passengers and crew on arrival shall, ~~except in special circumstances,~~ normally 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~~ Contracting States shall ensure that any insecticide or any other substance used to meet the requirements of public health, agriculture or food conservation is not inflammable and does not have a deleterious effect on the structure of the aircraft or its operating equipment.

#### **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.