

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) — SECOND PART OF CHAPTER 3

(Presented by the Secretary)

PROPOSED TEXT CHAPTER 3. ENTRY AND DEPARTURE REQUIREMENTS AND PROCEDURES

H. Departure procedures

~~3.35~~3.30 Contracting States shall not require **income**-tax clearance certificates from visitors.

~~3.36~~3.31 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~~3.32 **Recommended Practice.**— *Contracting States in cooperation with operators and airport authorities 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 required departure formalities for all passengers requiring not more than normal inspection on international air transport services; 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 airports) to the scheduled time of his flight departure time he is cleared by the operator to board the departing aircraft.*, 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.*

Note.— “Required departure formalities” to be completed during the recommended 60 minutes would include airline check-in, aviation security measures, boarding gate control and, where applicable, airport tax collection and exit control measures.

3.33 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 Contracting States which require the presentation for customs inspection of baggage accompanying departing persons shall conduct such inspections selectively for the purposes of narcotics control or specific controls on prohibited or restricted goods.

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~~ 3.35 **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~~ 3.36 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~~ 3.37 **Recommended Practice.**—*Contracting States should shall 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~~ 3.38 **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 details prior to departure, and the transmission of the details by electronic means to the public authorities in the destination country, and the analysis of such data for risk assessment purposes by the public authorities 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 extra-minimize 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.*

~~3.15~~ ———— Each Contracting State shall make arrangements whereby the identity document of a visitor need be inspected except in special circumstances by only 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~~**3.39** 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~~ **3.40** Contracting States shall adopt the dual-channel baggage clearance system ~~at international airports or other selective process for customs inspection based on risk assessment, 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 Co-operation Council (now the World Customs Organization).

~~3.8.4~~**3.41** **Recommended Practice.**— ~~In exceptional circumstances~~ **cases of emergency**, when a visitor, for reasons of force majeure, ~~does not possess~~ **has not been able to obtain** the required entry visa **prior to arrival**, Contracting States should authorize **provisional** entry and enable the visitor to regularize his ~~position~~ **status**.

3.42 **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.*

3.43 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~~**3.44** 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~~**3.45** **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~~**3.46** **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 is 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~~**3.47** Each Contracting State 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.~~

5.2, 5.4 3.48 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

3.49 Contracting States shall establish measures whereby in-transit passengers who are unexpectedly delayed overnight due to a flight irregularity may be considered for temporary admission to the State for the purpose of taking accommodations off the airport.

K. Disposition of baggage separated from its owner

~~3.19 3.50 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 its intended destination** and shall not hold operators liable for penalties, fines, customs 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 3.51 Each Contracting State 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~~ **narcotics control**. 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~~

~~3.52~~ Contracting States shall permit operators to ~~clear~~ **present unidentified, unclaimed and 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 final destination.**

~~3.21~~**3.53** ~~Subject to appropriate security measures, Contracting States shall facilitate~~**expedite** the clearance of unidentified, ~~and unclaimed and mishandled~~ baggage **in the State of its destination**, 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~~**3.54** ~~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 duties and taxes chargeable on such baggage when it is taken into charge by the customs authorities and is under their sole control.

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