
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 Annex basic objectives, 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.

2.3 The Panel took note of WP/7, which gave a précis of the work of the Cargo Drafting Group (CDG), which 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;
- 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 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 "lading" in the first line, should be presented for States' consideration, following the FALP/3 meeting;
- d) the word "administrations", in the definition of "Mail", should be replaced by the more contemporary term "services";
- e) the following note should be added 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 sein de la Convention de Kyoto révisée. Annexe J, Chapitre IV.";

- f) 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 existed 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 would explain the use of these items, including “unit load devices”, in practice; and

- g) additional definitions concerned with aviation security and dangerous goods should not be included in Annex 9 as these topics were 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 the first sentence of paragraph 1.2 should be replaced with the following text:

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

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

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