



## **FACILITATION PANEL (FALP)**

### **SEVENTH MEETING**

**Montréal, 22 to 26 October 2012**

#### **Agenda Item 6: Other matters**

#### **ICAO FACILITATION MANUAL (DOC 9957)**

(Presented by the European Civil Aviation Conference (ECAC))

#### **SUMMARY**

The ICAO Facilitation Manual (Doc 9957) was published in 2011 to provide guidance material related to the Standards and Recommended Practices (SARPs) of Annex 9 – Facilitation, grouped by specific facilitation subjects (i.e. aircraft, passengers, baggage and goods) and ‘functions’ performed in international airports.

Whilst ICAO has since sought comments and amendments on the first edition, the volume of those identified as necessary by ECAC alone is significant and it therefore seems appropriate to review the contents of Doc 9957, to ensure that the content is fully consistent with Annex 9 SARPs and is relevant, to identify and address those Annex 9 SARPs that have been omitted from the Facilitation Manual, and to consider whether there is merit in including best practice and guidelines produced by bodies such as IATA/CAWG and ECAC within the Facilitation Manual.

#### **Action by the FAL Panel:**

The FAL Panel is invited to consider the proposals described in Paragraph 3 of this paper and agree to review Doc 9957.

### **1. INTRODUCTION**

ICAO Doc 9957 – The Facilitation Manual, published in 2011, was designed to meet a variety of users’ needs: to increase the level of knowledge of facilitation issues and concepts, to improve the results of facilitation programmes in Member States, and to increase the level of compliance with Annex 9 Standards and Recommended Practices (SARPs).

## 2. DISCUSSION

2.1 In 1997 the FAL Panel supported the concept of a Facilitation Manual and recommended that it be pursued by the Secretariat. The first edition was published in 2011: disappointingly, members (and observers) of the FAL Panel had no opportunity to consider the document in its entirety, prior to publication.

2.2 ICAO has subsequently solicited comments and amendments on this first edition of the Facilitation Manual, with a view to its updating. Given that the long period between the conceiving of the need for the Manual and its publication, providing comments and suggesting amendments has proved to be time-consuming for Member States and may lead to a divergence in approach when comparing Annex 9 and the Facilitation Manual.

2.3 While recognizing the importance of having such a Manual, ECAC believes that the current edition would now benefit from a thorough and careful review. Although the Manual does refer in some instances to supplementary guidance documents, a number of these have since been superseded, and not all of the electronic links to material function any longer. When this is coupled with the fact that some documents are not accessible without charge, it makes the task of understanding the SARPs much less easy than could and should be the case.

2.4 The Facilitation Manual would benefit from a series of improvements, in the following areas:

- a) There is no consistency in numbering between Annex 9 and the Facilitation Manual. This makes it difficult to locate the corresponding article in the Manual, makes cross-referencing time consuming, and makes the Manual user un-friendly. Whilst the first edition of the Manual is based on the twelfth edition of Annex 9, the current lack of alignment between ICAO Annex 9 SARPS and the Facilitation Manual prevents ICAO Member States knowing which areas of the Facilitation Manual will be subject to further amendment following amendment to Annex 9.
- b) At times the material is too detailed and goes beyond the purpose of the Manual. Some of the history of how SARPs have developed could be either omitted or presented only as background information. The tone of the document should be more neutral. An example of this can be found within the Foreword under 'Purpose of this manual'.
- c) There is no consistency in the document when introducing or describing a new topic. Sometimes the background is added at the beginning of a chapter, sometimes at the beginning of a section, and sometimes in the relevant paragraph. This also leads to much needless duplication. An example of this can be viewed at Chapter 5 of the Facilitation Manual, which begins with Standard 5.9 and 5.9.1, references Standard 3.45 and Standard 5.18, before coming back to Standard 5.1. Within the same Chapter Standards 5.17 and Standard 5.18 are duplicated.
- d) All SARPS shall be covered in the Facilitation Manual, but are not, and all should be given consistent treatment as regards the related explanatory material. The effectiveness of the Manual is otherwise weakened.
- e) At times the Facilitation Manual makes unsubstantiated claims associated with activities undertaken by Member States. Such subjectivity is inappropriate in the Manual. Examples of this can be observed in Paragraphs 4.5.4 and 5.3.1. It is suggested that these references are rewritten to create a more balanced approach.

- f) At times the Facilitation Manual does not refer to existing material such as IATA/CAWG guidelines and code of conduct for immigration liaison officers and the inadmissible passenger guidelines as recommended by the 12th FAL Division (2004); and
- g) The interpretation of some SARPS exceeds the original purpose and the stated text in Annex 9. There should be more consistency between the Annex 9 text, a note to the Annex and the interpretation given in the Manual. An example of this includes Paragraph 3.4.20 of the Facilitation Manual, which incorrectly identifies that some Annex 9 provisions support the complete abolition of visas. Further examples will be provided by ECAC in due course.
- h) There is some concern that the language used to "clarify" the SARPs may in fact lead to more diverse interpretation, and that it appears to go beyond the intent of the SARP, i.e. in several Paragraphs of the ICAO Facilitation Manual, such as Paragraphs 3.8.7 and 3.13.16, a clear distinction is made between passengers and crew - whereas Annex 9 itself provides no such distinction.
- i) Text has been written variously in English (United Kingdom), English (United States) and English (Australia). As there are differences, not only in how words are spelt, between these forms of English, the Manual would benefit from further proofing to ensure it is written in a consistent manner. Further details of these differences will be provided by ECAC in due course.
- j) The definition and terminology utilised in the Facilitation Manual is inconsistent throughout the document. An example of this is in the use of 'inspection agencies', 'public authorities', 'control authorities', 'compliance authorities', 'regulatory authorities' etc.
- k) This is further compounded when comparing the Facilitation Manual to Annex 9. Thus Recommended Practice 2.3 refers to 'appropriate public authorities of Contracting states', but the same reference in the Manual (under 2.1.13) simply refers to 'States'. A clear and consistent glossary and use of wording is required throughout the Manual.
- l) Annex 9 Appendices are peppered throughout the various Chapters. For ease of reference it is suggested, like in Annex 9, that they are collated at the back of the Manual.

2.5 ECAC believes that it would be beneficial to form a working group to review the Facilitation Manual in depth. If this is agreed by the ICAO Facilitation Panel, it may be possible to present a revised Facilitation Manual at the next meeting of the Panel.

### **3. ACTION BY THE FAL PANEL**

3.1 The FAL Panel is invited to:

- a) Note the content of this paper;
- b) Agree to the establishment of a working group, which would conduct an in-depth review of the Facilitation Manual in 2012/2013;

- c) As recommended by the 12th FAL Division (2004), consider whether existing material such as IATA/CAWG guidelines and code of conduct for immigration liaison officers and the inadmissible passenger guidelines should be taken into account; and
- d) ask the ICAO Secretariat to indicate how ICAO monitors adherence to Annex 9 SARPS, and whether any generic information is available that may direct Member States to those SARPS that have proven problematic to comply with, i.e. for linguistic reasons, so they may be explored further.

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