



## FACILITATION PANEL (FALP)

### SEVENTH MEETING

Montréal, 22-26 October 2012

#### Agenda Item 6: Other matters

#### FACILITATION – FUTURE DIRECTION (2014-2019)

(Presented by the Secretary)

#### SUMMARY

This paper highlights the mandate and utility of ICAO's Facilitation (FAL) Programme, recent past and current priorities and the role the FAL Panel has played to help achieve the Programme's objectives. In June 2012, the ICAO Council approved revised Vision and Mission Statements and Strategic Objectives for 2014-2015-2016. One Strategic Objective reflects the need for ICAO's leadership in aviation security, facilitation and related border security matters. This furtherance of Facilitation as a Strategic Objective alongside Aviation Security provides an opportunity for the FAL Panel to express its views on what it sees as the priorities of and outcomes for the FAL Programme for the next triennium (2014-16), and perhaps also the one following (2017-19). A Panel Working Group could coordinate and set out the Panel's ideas on the future direction of ICAO's FAL Programme.

#### Action by the FAL Panel:

The FAL Panel is invited to establish a Working Group with Terms of Reference to provide comments and/or ideas, latest by 10 December 2012, on how the FAL Programme should engage itself, toward what outcomes, in order to address contemporary and possible future concerns and issues being faced by the international civil aviation community.

### 1. INTRODUCTION

1.1 ICAO's Facilitation (FAL) Programme is based on eleven different Articles of the *Convention on International Civil Aviation* (the Chicago Convention)<sup>1</sup> which require the civil aviation

<sup>1</sup>	Article 10	<i>Landing at customs airport</i>	Article 11	<i>Applicability of air regulations</i>
	Article 13	<i>Entry and clearance regulations</i>	Article 14	<i>Prevention of spread of disease</i>
	Article 22	<i>Facilitation of formalities</i>	Article 23	<i>Customs and immigration procedures</i>
	Article 24	<i>Customs duty</i>	Article 29	<i>Documents carried in aircraft</i>
	Article 35	<i>Cargo restrictions</i>		
	Article 37	<i>Adoption of international standards and procedures</i>		
	Article 38	<i>Departures from international standards and procedures</i>		

community to comply with laws governing inspection of aircraft, cargo and passengers by authorities such as Customs, Immigration and Public Health, and which obligate States to adopt Standards and expedite the necessary formalities in order to minimize operational delays. An additional mandate is provided by Assembly Resolutions and decisions of the Council and the Air Transport Committee.

1.2 As the means of carrying out this mandate, the FAL Programme is intended to help States achieve maximum efficiency in their border clearance operations and at the same time achieve and maintain high-quality security and law enforcement. Standards and Recommended Practices (SARPs) designed to meet these objectives are developed by ICAO and maintained in Annex 9 — *Facilitation* to the Convention.

1.3 Annex 9 thus articulates the obligations of Contracting States and standardizes procedures for meeting their legal requirements pursuant to the Convention. Its SARPs are written so as to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail and to manage challenges in border controls and airport processes, in order to maintain the effectiveness and efficiency of air transport operations. Annex 9's SARPs are complemented by guidance material (Circulars or Manuals), published with the aim of providing additional information to States to assist them in implementing the provisions of the Annex. Certain security-related provisions of Annex 9 fall within the scope of ICAO's Universal Security Audit Programme.

## 2. DISCUSSION

2.1 In the civil aviation community, Facilitation is of particular interest to four major groups (Contracting States, aircraft and airport operators, and customers), each having a somewhat different priority, although their interests do overlap. The primary interest of States is full compliance with their laws and regulations. The vital interest of aircraft operators is increasing productivity by minimizing the costs of operational delays and administrative procedures. Airports are interested in Facilitation in order to reduce congestion in the passenger terminals and in the cargo sheds. The fourth group, the customers of air transport (passengers and cargo shippers), want quality service, which means being allowed to proceed through airports with minimal delay and difficulty. ICAO's challenge in the Facilitation programme is to address all of these interests in a co-ordinated manner, while working toward the objective of a more efficient, orderly and attractive transportation product.

2.2 In addition to the demands of harmonizing objectives, the civil aviation community must contend with external challenges that include threats to security, illegal migration, travel document fraud, illicit narcotics trafficking and the spread of contagious disease. These are global threats and everyday realities. They thus need to be taken into account in the continuous development of the FAL Programme, so that the various components provide for their control while meeting the aviation community's facilitation objectives.

2.3 Consequently, the focus of Annex 9 has gradually shifted to inspection techniques based on risk management and assisted by modern technology. Responding to the needs of States, expressed primarily through Assembly Resolutions and Council Decisions, the FAL Programme has, for some years now, been pursuing new priorities: enhancing compliance and security, controlling the external challenges mentioned above in 2.2, supporting the growth of international trade and tourism, and so on.

2.4 The FAL Panel plays a critical role in the advocacy of these priorities. It helps the FAL Programme ensure that Annex 9 is current and addresses the contemporary requirements of Contracting States with respect, *inter alia*, to administration of border controls, cargo and passengers, the protection of passenger and crew health and the accessibility to air transport by persons with disabilities. Since its

inception, the Panel has reorganized and updated the SARPs applicable to the prevention of the transport by air of improperly documented persons, and to the management of the border control problems which result from such transport. It has also: simplified the SARPs pertaining to travel documents and procedures for aircraft, persons and baggage, including aircraft disinsection and disinfection; revised the SARPs applicable to the inspection and clearance of inbound and outbound air cargo and aircraft stores reflecting modern concepts of effective customs controls; enhanced SARPs relating to the health of passengers and crew; strengthened provisions relating to the exchange of passenger data (API & PNR); and revised the guidelines pertaining to PNR data transfer.

### 3. A JOINT STRATEGIC OBJECTIVE: THE WAY FORWARD FOR FACILITATION

3.1 The FAL Panel is expected to continue playing a large part in ICAO's facilitation-related services to its Contracting States, and to continue providing expertise in the development of new or revised SARPs on pressing issues such as health, border control management, travel document security and next-generation passenger processing (such as automated border controls).

3.2 This should particularly be more so, in light of the recent (June 2012) Council decision to elevate Facilitation (from the 2014-16 triennium) to the level of a (joint) Strategic Objective alongside Security. There is a new, enhanced emphasis, of the need for ICAO's leadership in aviation security, facilitation and related border integrity matters.

3.3 This furtherance of Facilitation as a Strategic Objective alongside Aviation Security provides an opportunity for the FAL Panel to express its views on what it sees as the priorities of and outcomes for the FAL Programme for the next triennium (2014-16), and perhaps also the one following (2017-19).

3.4 The Secretariat therefore invites the Panel to establish a Working Group that would seek suggestions, input or comments from the FAL Panel on issues such as, but *not limited* to, the following: a) Where does the Panel see the FAL Programme in the next triennium (2014-16) and, if possible, in the triennium following (2017-19)? b) What should the Programme's priorities be? c) What outcomes should the Programme aim for in the period 2014-2019? d) What FAL-related concerns do States now have, or are likely to face in the years ahead? e) In what manner could Panel Members assist the Secretariat in implementing and maintaining the (Strategic Objective) elevated FAL Programme?

3.5 The report of the Working Group, to be delivered **latest by 10 December 2012**, would guide the Secretariat in preparing a draft Working Paper for the 38th ICAO Assembly, to be submitted to the Air Transport Committee and the Council for consideration and approval during the first quarter of 2013.