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FACILITATION PANEL (FALP)

SEVENTH MEETING

Montréal, 22 to 26 October 2012

Agenda Item 6: Other matters

DEVELOPMENT OF A MODEL FAL PROGRAMME

(Presented by Singapore)

SUMMARY

Under ICAO Annex 9 Standard 8.17, Contracting States to the Convention on International Civil Aviation (Chicago, 1944) are required to establish a National Air Transport Facilitation Programme (FAL Programme) based on the facilitation requirements of Annex 9. Apart from the ICAO and CASP-AP guidance materials on the establishment of a FAL programme, there is currently no standard template or detailed model of a FAL Programme which States can follow and use in their setup of an effective FAL Programme. In this regard, Singapore would like to share the useful learning points that it had encountered in the development of its FAL programme and seek the FAL Panel's consideration for a model FAL Programme to be developed.

Action by the FAL Panel:

The FAL panel is invited to consider the development of a model FAL Programme.

1. INTRODUCTION

1.1 Under ICAO Annex 9 Standard 8.17, Contracting States to the Convention on International Civil Aviation (Chicago, 1944) are required to establish a National Air Transport Facilitation Programme (FAL Programme) based on the facilitation requirements of Annex 9. The objective of this programme as stated under Standard 8.18 is to adopt all practicable measures to facilitate the movement of aircraft, crews, passengers, cargo, mail and stores by removing unnecessary obstacles and delays. To this end, States are also required under Standard 8.19 to establish a National Air Transport

Facilitation Committee (NATFC) and Facilitation Committees as required for the purpose of coordinating facilitation activities between departments, agencies and other organisations of the State concerned with or responsible for the various aspects of international civil aviation as well as with airport and aircraft operators. The establishment of a FAL Programme is also one of the security-related Annex 9 provisions, which States are audited by ICAO under the Universal Security Audit Programme.

2. DISCUSSION

2.1 Although ICAO currently provides guidance materials such as Appendix 12 to Annex 9 which relates to the setting up of a FAL Programme, these materials are mainly instructional and reference tools that are designed to increase the users' knowledge of FAL issues and enhance the level of compliance with the Annex 9 Standard and Recommended Practices (SARPs). The model FAL programme developed by CASP-AP provided some broad guidance on the content of a FAL programme but not in detail. Apart from these documents, there is currently no readily available model FAL programme that States could follow in their development of a FAL programme as required under ICAO Annex 9.

2.2 In the absence of detailed guidance materials for the setup of a FAL Programme, it is difficult for States to decide what details to include in the programme and whether their FAL programmes are adequate and accurately set up to reap the full benefits of such a programme. Singapore had recently established its FAL programme and would like to share some useful learning points. Through our sharing, we hope that the FAL Panel can consider these learning points and accept our proposal for the development of a Model FAL Programme, which would help States develop an effective FAL Programme. Based on our experience, we identified the following broad areas / factors that were considered key in the development of a effective FAL Programme:

- a) **Objective and Mission:** Defining the objective and mission of the FAL programme is important to ensure that there is clarity in what the State is trying to achieve with the programme. There is a need to align the objective and mission with those found in the ICAO guidance materials such as the ICAO Annex 9 Manual and related CASP-AP FAL Programme so as to ensure effective implementation of the Annex 9 SARPs.
- b) **Legislation:** Apart from stating the legislations used in the implementation of the Annex 9 SARPs in the FAL programme, there is a need to also consider whether establishment of new or subsidiary legislation would be necessary especially in areas where the Committee or relevant enforcement agencies or Authorities lack jurisdiction. One way to assess this is to list the SARPs with the corresponding legislation that provides the relevant enforcement powers. For those SARPs without clear jurisdiction, States may then need to consider establishing new or subsidiary legislations to address them. Ultimately, the Committee or the relevant agencies should be empowered under the State's legislation to carry out the Annex 9 SARPs.
- c) **Roles and Responsibilities:** The roles and responsibilities of the agencies that are involved in the implementation of the Annex 9 SARPs should be stated in the FAL Programme. This would ensure accountability and clarity in the role of the respective agencies. There should be a specific section dedicated to the implementation of the security-related Annex 9 SARPs and agencies that are responsible for these SARPS should be listed in the said section. This would ensure accountability and allow for

better coordination and implementation of these security-related SARPs. The idea is to identify the agencies responsible for the respective Annex 9 SARPs and ensure effective implementation of these SARPs.

- d) **Terms of Reference of NATFC and various FAL Committees:** Standard 8.19 obliges States to establish the NATFC to coordinate broad, policy issues at the national level. The various Facilitation Committees are also required to be set up to harmonize day-to-day issues and resolve problems that might arise at the local level. The terms of reference of the NATFC and various Facilitation Committees including composition, reporting structure and objectives should therefore be stated in the FAL Programme.
- e) **Coordination among NATFC, NCASC and various FAL Committees:** The manner in which the respective Committees such as NCASC, NATFC and various Facilitation Committees communicate and coordinate issues relating to both security and facilitation should be clearly documented in the FAL Programme. This would ensure the establishment of effective communication channels and working relationship among the various Committees to allow for prompt resolution of issues that would impact both security and facilitation. In addition, there should also be readily available platforms for the various Facilitation Committees to feedback and update facilitation-related issues regularly to the NATFC.
- f) **Promotion and Awareness:** The implementation of the FAL Programme, as set out in Annex 9 and other related documents, involves not only civil aviation departments and aviation entities but also a variety of other government departments such as customs, immigration etc whose primary interests lie in fields other than aviation. Therefore, any progress in facilitation hinges on the coordination of diverse interests and the cooperation on the part of the various departments concerned. In this regard, there is a need to establish a framework to facilitate the implementation of the FAL programme, promote facilitation and formalise working arrangements among the various agencies and Facilitation Committees to enhance coordination and prompt resolution of facilitation issues.
- g) **Guiding Principles:** The issue of whether policy statements and positions guiding the respective facilitation topics should be included in the FAL Programme should also be considered. If there are available SOPs established for the respective SARPs, States may simply draw reference to these SOPs instead of documenting the full details in the FAL Programme.

3. ACTION BY THE FAL PANEL

3.1 The FAL Panel is invited to:

- a) Note the content of this paper; and
- b) Support the establishment of a working group to develop guidance materials on the content of a model FAL Programme.

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