

APPENDIX 12. MODEL NATIONAL FAL PROGRAMME

1. PURPOSE OF A NATIONAL FAL PROGRAMME

The purpose of a National FAL Programme is to implement the Chicago Convention mandate that Contracting States provide for and facilitate the border-crossing formalities that must be accomplished with respect to aircraft engaged in international operations and their passengers, crews and cargo.

2. SCOPE OF A NATIONAL FAL PROGRAMME

The applicable articles of the Chicago Convention and the tasks involved in implementing each one are presented in the table below. Activities aimed at accomplishing these and related tasks in a State constitute the National FAL Programme.¹

3. ORGANIZATION AND MANAGEMENT

3.1 The primary responsibility for the National FAL Programme rests with the Civil Aviation Authority (CAA) and/or the Ministry of Transport. However, success of the programme requires the active participation of other ministries or agencies, such as:

Customs	Immigration
Foreign Affairs	Travel document/visa issuing authorities
Agriculture/environment	Public Health
Security and narcotics control	Identification card issuing authorities
Tourism	Quarantine

3.2 In addition, the active participation of airport operators (public or private) and resident international aircraft operators or their representative organizations is essential.

3.3 Other entities which may play an advisory role include the governmental agencies or non-governmental organizations which promote international tourism and trade.

3.4 The recommended vehicle for carrying out the National FAL Programme is the **National FAL Committee**, which is composed of the heads of the government agencies involved and the chief executive officers of the national organizations representing the aircraft operators and airport operators. The chairman should be a top-management official in the CAA or an appropriate authority. In order to sustain a close link between the national FAL committee and the national aviation security committee, appropriate members from the national aviation security committee may also be members of the national FAL committee and vice versa.

1. A group of smaller States with similar needs and goals may decide to establish a subregional FAL programme in the interest of achieving economies of scale.

3.5 For the purpose of carrying out the work of the committee, the members may designate one or more middle-management persons in their respective organizations to represent them in meetings at the staff level (working groups). These officials should be given sufficient authority to speak on behalf of their respective organizations and to initiate necessary action in support of the committee’s work. The chairman should designate a middle-management official in his department or agency to chair and convene the staff-level meetings.

3.6 The decision to convene meetings of the National FAL Committee or the members’ designated representatives, and the frequency and venue of such meetings, are matters of the chairman’s discretion. Working arrangements for accomplishment of the various implementing tasks would depend on the nature of the task and the issue at hand.

4. ESTABLISHMENT OF A NATIONAL FAL PROGRAMME

It is advisable that the authority for a National FAL Programme and the membership of the National FAL Committee be established through legislation, regulation, or executive action from an authorized person, in order to ensure the participation of the various agencies and industry groups involved and to make provision for continuity. The Director General of Civil Aviation (DGCA) or appropriate authority should initiate the process to obtain such a mandate through the national political system.

<i>Chicago Convention mandate</i>	<i>Implementing tasks</i>
<p>Article 10 – Landing at customs airport ... every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. ...</p>	<ul style="list-style-type: none"> — Establish customs airports and open new ones as appropriate. — Develop procedures by which operators of scheduled and non-scheduled services may request permission to land or depart from customs airports. — Arrange for border inspection services at customs airports.
<p>Article 13 – Entry and clearance regulations The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.</p>	<ul style="list-style-type: none"> — Support the interested border control agencies in the establishment and maintenance of effective inspection systems at airports, and in their efforts to rationalize their respective procedures. — Develop programmes for control of security problems such as document fraud, illegal migration and smuggling. — Coordinate preparations for clearing large numbers of international visitors for special events, e.g. international athletics competitions.
<p>Article 14 – Prevention of spread of disease Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, ...</p>	<ul style="list-style-type: none"> — Establish, review and amend as necessary the national policies regarding prevention of the spread of contagious diseases by air, for example, aircraft disinsection, disinfection, public health-related quarantine programmes, and screening measures to be applied in a health emergency.

<p>Article 22 – Facilitation of formalities Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.</p>	<ul style="list-style-type: none"> — Establish, review and amend as necessary the national regulations which implement the State’s customs, immigration and quarantine laws pertaining to international movements by air.
<p>Article 23 – Customs and immigration procedures Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. ...</p>	<ul style="list-style-type: none"> — Establish and amend as appropriate, customs and immigration procedures carried out at airports, to harmonize them with the Standards and Recommended Practices set forth in Annex 9. — Support and advocate the national issuance of travel documents in accordance with ICAO specifications in Doc 9303 – <i>Machine Readable Travel Documents</i>.
<p>Article 37 – Adoption of international standards and procedures Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation. ... (j) Customs and immigration procedures ...</p>	<ul style="list-style-type: none"> — Participate in ICAO development of Annex 9. — Review national procedures periodically in order to ensure harmonization with the provisions of Annex 9.
<p>Article 38 – Departures from international standards and procedures Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established in the international standard. ...</p>	<ul style="list-style-type: none"> — Periodically review conformity by all relevant agencies with the provisions of Annex 9 and notify ICAO of differences between national practices and the relevant Standards.
