

FACILITATION PANEL (FALP)

(Third Meeting, Montreal, 12 to 16 February 2001)

Agenda Item 3: General revision of Annex 9 – Chapters 2 and 3

REVISION OF ANNEX 9 STANDARDS AND RECOMMENDED PRACTICES (SARPS) — CHAPTER 2 – PARAGRAPHS 2.35 THROUGH 2.47

(Presented by the Secretary)

PROPOSED TEXT CHAPTER 2. ENTRY AND DEPARTURE OF AIRCRAFT

F. Arrangements concerning international general aviation and other non-scheduled flights

I. General

2.35 Contracting States shall publish their regulations concerning the advance notices and applications for **special permission for operations** referred to in 2.36 and 2.41, and communicate them to ICAO: **via their respective Aeronautical Information Service publications (AIPs).**

~~2.38, 2.43~~ **2.36** Contracting States requiring advance notice of the intended landing of aircraft in their territory **and/or applications for special permission for operations** shall designate a single agency through which such ~~notices may be routed.~~ **to receive and coordinate the government's response to such notices or requests.**

~~2.39, 2.44~~ **2.37** Contracting States ~~requiring advance notice as referred to in 2.36 and 2.38~~ shall indicate **in their respective AIPs** the mail address and, where available, the AFTN address, the telex number or cable address, fax number, electronic mail address, **web page** and telephone number of the **agency** designated ~~agency.~~ **as in 2.36.**

~~2.37 last sentence~~

2.38 ~~....Responsibility for notification to authorized inspection officials, in the case of both arrivals and departures of registered aircraft of other Contracting States, shall rest with the appropriate authority of the State concerned.~~ **In each Contracting State notification to the interested border inspection agencies, e.g. customs, immigration or quarantine, of intended arrivals, departures or transit operations shall be the responsibility of the agency designated as in 2.36.**

~~II~~ *Special permission for operations*

~~2.41 part 2.39~~ In the case of aircraft engaged in the carriage of passengers, cargo or mail for remuneration or hire on other than scheduled international air services, if a Contracting State requires its special permission for the operation of taking on or discharging passengers, cargo or mail, it **Contracting States** shall not require that such special permission **for operations** be applied for through diplomatic channels. ~~and shall.~~

~~2.41 part 2.40~~ **Contracting States which require operators to apply for special permission for operations shall:**

- a) establish procedures whereby such application will be dealt with promptly;
- b) make such permission effective for a specific length of time or number of flights wherever possible; and
- c) impose no fees, dues or charges for the issue of such permission.

~~2.42~~ **2.41 Recommended Practice.**— *In the case of aircraft engaged in the carriage of passengers, cargo or mail for remuneration or hire, Contracting States should not require more than the following details in the applications referred to in 2.41 for special permission for operations:*

- a) name of operator;
- b) type of aircraft and registration marks;
- c) date and time of arrival at, and departure from, the airport concerned;
- d) place or places of embarkation or disembarkation abroad, as the case may be, of passengers and/or freight;
- e) purpose of flight and number of passengers and/or nature and amount of freight; and
- f) name, address and business of charterer, if any.

Note.— *It is the intent of this provision that applications in advance for special permission should be acted upon expeditiously on the basis of the above standard information. As an example to illustrate the intent of this provision, a State which requires applications in advance could provide that whenever applications contain all of the above standard information they need not reach the appropriate agency more than two full business days in advance of the intended landing of the aircraft in the territory of that State.*

~~2.40~~ **2.42** In the case of aircraft either in transit non-stop or stopping for non-traffic purposes, ~~Any~~ Contracting State which, for reasons of safety of flight, requires special permission **for an intended operation** in respect of flights referred to in 2.36 above, shall not require any other information than that contained in a flight plan when application for such permission is made. ~~Such application shall not be required to be filed more than three working days in advance of the intended arrival of the aircraft in the territory of said Contracting State, or the intended non-stop transit flight across the territory of said State.~~

~~2.37~~ **Note**

Note.— *Specifications for flight plans are set forth in Annex 2 — Rules of the Air.*

2.43 Contracting States shall accept applications for special permission for operations if submitted at least three business days in advance of an intended operation.

~~H~~III. Advance notification of arrival

~~2.36~~2.44 In the case of aircraft registered in other Contracting States, which are not engaged in scheduled international air services and which are making flights either in transit non-stop across the territory of a Contracting State or stopping in the territory of a Contracting State for non-traffic purposes, such the Contracting State concerned shall not require more advance notice of such flights-operations than is necessary to meet the requirements of air traffic control and of the public authorities concerned-interest border inspection agencies.

Note.— This provision is not intended to prevent the application of appropriate narcotics control measures.

~~2.37~~2.45 Contracting States shall accept from the appropriate authority of any other Contracting State the information contained in a flight plan as adequate advance notification of the arrival of in-coming aircraft referred to in 2.36 above, provided that such information is received at least two hours in advance of arrival and that the landing occurs at a previously designated international airport. Responsibility for notification to authorized inspection officials, in the case of both arrivals and departures of registered aircraft of other Contracting States, shall rest with the appropriate authority of the State concerned.

Note.— Specifications for flight plans are set forth in Annex 2 — Rules of the Air.

IV. Clearance and sojourn of aircraft

~~2.45~~2.46 **Recommended Practice.—** At airports ~~W~~where there are international general aviation operations at an international airport, Contracting States should arrange for an adequate level of border inspection and clearance service for those services operations

~~2.46~~2.47 **Recommended Practice.—** At airports where international general aviation operations are infrequent, In cases where the number of border-crossing general aviation flights so warrant, Contracting States should make arrangements whereby authorize one governmental agency is authorized to undertake, on behalf of all border inspection agencies, other government departments concerned, clearance of smaller aircraft and their loads at airports used only by occasional international flights.

Note.— Some Contracting States have already authorized local police or other authorities at or near certain of their airfields to carry out all clearance aspects, thus enabling the State concerned to permit many of the smaller aircraft, coming directly from abroad, to land and depart from airports where normal clearance facilities do not exist, provided that no dutiable articles are unladen upon arrival or intended to be laden on departure.

~~2.47~~2.48 An aircraft which is not engaged in scheduled international air services and which is making a flight to or through any designated international airport of a Contracting State and is admitted temporarily free of duty in accordance with Article 24 of the Convention shall be allowed to remain within that State, for a period to be established by that State, without security for customs duty on the aircraft being required.