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UNITING AVIATION

# **ICAO Regional FAL Seminar**

## **Lima, Peru**

### **9-12 September 2014**

## **The ICAO Facilitation Programme**

10 September 2014



## FAL PROGRAMME: OVERVIEW

1. **FAL Programme: Mandate**
  - ▶ Chicago Convention
  - ▶ Resolutions of the ICAO Assembly
  - ▶ Decisions of the Council/ATC
2. Annex 9: SARPs & Guidance Material
3. Annex-amendment process
4. Differences with Amendments
5. The Facilitation Panel



## **1. MANDATE: A. CHICAGO CONV.**

- Convention on International Civil Aviation
- Conference, Chicago, 1944
- International treaty
- 191 Member States



**Article 10:** Landing at customs airport

**Article 11:** Applicability of air regulations

**Article 13:** Entry and clearance regulations

**Article 14:** Prevention of spread of disease

**Article 22:** Facilitation of formalities

**Article 23:** Customs and immigration procedures

**Article 24:** Customs duty

**Article 29:** Documents carried in aircraft

**Article 35:** Cargo restrictions

**Article 37:** Adoption of international standards and procedures



Art. 10: Aircraft to land at designated *customs* airport for customs & other examination

Art. 13: Passengers, crew, cargo: compliance with laws on *entry, clearance, immigration, passports, customs, quarantine*

Art. 14: State to take measures to prevent the *spread of disease*



Art. 22: Each Contracting State agrees to adopt all practicable measures . . .

- to facilitate & expedite navigation by aircraft . . . & to prevent unnecessary delays to aircraft, crews, passengers and cargo
  - especially in the administration of the laws relating to *immigration, quarantine, customs & clearance*.

→ “Facilitation of formalities”

Art. 23: State to establish C & I procedures in accordance with practices recommended (by ICAO) [▶ **Art. 37**]



## Art. 29: Documents carried in aircraft: . . .

- (d) journey log book [Gen Dec acceptable];
- (f) passenger manifest;
- (g) cargo manifest

## Art. 37 (Adoption of SARPs)



Art. 38 [Compliance]; Art. 90 [Amendment]



## Article 37

(Adoption of International Standards and Procedures)

1. Each State undertakes to collaborate in securing . . . uniformity . . . regulations, standards . . . facilitate & improve air navigation.
  
2. ICAO required to adopt SARPs . . .
  - (j) Customs & immigration procedures . . .& such other matters concerned with the . . . regularity & efficiency of air navigation . . .



<b>Annex</b>	<b>Title</b>	<b>Annex</b>	<b>Title</b>
<b>1</b>	Personnel Licensing	<b>11</b>	Air Traffic Services
<b>2</b>	Rules of the Air	<b>12</b>	Search and Rescue
<b>3</b>	Meteorological Service for International Air Navigation	<b>13</b>	Aircraft Accident and Incident Investigations
<b>4</b>	Aeronautical Charts	<b>14</b>	Aerodromes
<b>5</b>	Units of Measurement to be Used in Air and Ground Operations	<b>15</b>	Aeronautical Information Services
<b>6</b>	Operation of Aircraft	<b>16</b>	Environmental Protection
<b>7</b>	Aircraft Nationality and Registration Marks	<b>17</b>	Security—Safeguarding International Civil Aviation Against Acts of Unlawful Interference
<b>8</b>	Airworthiness of Aircraft	<b>18</b>	The Safe Transport of Dangerous Goods by Air
<b>9</b>	Facilitation	<b>19</b>	Safety Management
<b>10</b>	Aeronautical Telecommunications		



## Summary

Obligations of States: Articles 11, 14, 22, 23, 24, 35, 37, 38

Obligations of Users: Articles 10, 11, 13, 29, 35

Obligation of ICAO: [Adopt] & Amend Annex

<http://www.icao.int/publications/Pages/doc7300.aspx>



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## Question: “What is facilitation”?

Facilitation is the **efficient** management of **border control processes** to expedite clearance (of aircraft, passengers/crew, baggage, cargo) and prevent unnecessary delays.

- ✓ Immigration, Customs, Health, Quarantine



# 1. FAL PROGRAMME MANDATE

A. Chicago Convention

**B. Resolutions of the ICAO Assembly**



## A38-16

### Consolidated statement of continuing policies and practices related to facilitation

#### Section I: Development and implementation of facilitation provisions

- States: increase efforts to implement Annex 9 SARPs
- States: give due regard to Doc 9984 (PWD Manual)
- Council: ensure Annex 9 is current
- Council: ensure Doc 9303 remains up to date



## Section II: Security and integrity of traveller identification & border controls

- 5 elements of traveller identification & border management\*
- States: implement a robust identification management system
- States: ensure non-MRP expiration date falls before 24/11/2015 \*
- all States urged to join ICAO PKD \*
- States to provide input to Interpol's Stolen & Lost Travel Document Database



## Section III: National and international action and cooperation on facilitation matters

- States: establish national facilitation committees\*
  - work together to solve problems
- Participation in electronic data interchange systems
- Use by States of EDI: passenger data requirements conform to international standards
- Handling & clearance of air cargo; security of the international supply chain



- A36-21: Preventing the introduction of invasive alien species
- A35-12: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international air travel
- A37-13: Prevention of spread of communicable disease through air travel] [▶ CAPSCA]
- A37-14: Non-chemical disinsection of the aircraft cabin and flight deck for international flights



- A38-15: Consolidated statement: ICAO policies related to aviation security

- ▶ **Appendix C** (Implementation of technical security measures): States called upon to use of API to reduce the risk to passengers

- A38 Declaration on Aviation Security

States . . . promote the use of cooperation mechanisms . . . for early detection and dissemination of information on security threats . . . through the use of API and PNR as an aid to security



1. ~~FAL Programme: Mandate~~
2. **Annex 9: SARPs & Guidance Material**
  - ▶ Annex 9: A Brief History
  - ▶ SARPs: Meaning
  - ▶ Annex 9: An Overview
  - ▶ Guidance Material
3. Annex-amendment process
4. Differences with Amendments
5. The Facilitation Panel



## 2. ANNEX 9: BRIEF HISTORY

Annex 9 developed:

- elaborate States' obligations under Articles 22, 23, 24
- standardize procedures for meeting legal requirements under Articles 10, 13, 14, 29, 35



FAL/1 (1946) & FAL/2 (1948) → Annex 9, 1<sup>st</sup> Ed.: 25 March  
1949

FAL/3 to FAL/11 (1995) → Annex 9, 2<sup>nd</sup> Ed. to 10<sup>th</sup> Ed.

FAL Panels 1 – 3 → Annex 9, 11<sup>th</sup> Ed. (2002)

[FALP/4] & FAL/12 (2004) → Annex 9, 12<sup>th</sup> Ed. (2005)

FAL Panels 5 and 6 → Annex 9, 13<sup>th</sup> Ed. (2011)

FALP/7 (2012) ► Amendment 24

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FALP/8 (22-24 November 2014) ► **Amendment 25**



## 2. ANNEX 9: SARPs MEANING

### – Standard

Any specification, the uniform observance of which has been recognized as practicable and as necessary to facilitate and improve some aspect of international air navigation, which has been adopted by the Council pursuant to Article 54 (I) . . . , and in respect of which non-compliance must be notified by Contracting States . . . in accordance with Article 38.



## – Recommended Practice

Any specification, the observance of which has been recognized as generally practicable and as highly desirable to facilitate and improve some aspect of international air navigation, which has been adopted by the Council pursuant to Article 54 (I) . . . , and to which Contracting States will endeavour to conform in accordance with the Convention.



STANDARD	RECOMMENDED PRACTICE
1. SPECIFICATION	1. SPECIFICATION
2. <b>UNIFORM</b> OBSERVANCE	2. OBSERVANCE
3. PRACTICABLE & <b>NECESSARY</b>	3. <b>GENERALLY PRACTICABLE &amp; HIGHLY DESIRABLE</b>
4. FACILITATE & IMPROVE . . .	4. FACILITATE & IMPROVE . . .
5. ADOPTED BY COUNCIL: ART. 54 (I)	5. ADOPTED BY COUNCIL: ART. 54 (I)
6. <b>NON-COMPLIANCE MUST BE NOTIFIED IN ACCORDANCE WITH ART. 38</b>	6. CONTRACTING STATES WILL <b>ENDEAVOUR</b> TO CONFORM
<b><u>▶ Std: Conditional binding force</u></b>	



## ANNEX 9

A. Annex 9: Brief History

B. SARPs: Meaning

**C. Annex 9: An Overview**

D. Guidance Material



## 2. ANNEX 9: OVERVIEW

### 1. Material comprising the Annex proper:

- ▶ SARPs
- ▶ Appendices
- ▶ Definitions

### 2. Other material

[Foreword; Action by States; Notes]



1. Definitions and General Principles
  2. Entry and departure of aircraft
  3. Entry and departure of persons and their baggage \*
  4. Entry and departure of cargo and other articles \*
  5. Inadmissible persons and deportees \*
  6. International airports – facilities and services for traffic
  7. Landing elsewhere than at international airports
  8. Other facilitation provisions \*
- [69 Definitions, 230 Standards, 136 RPs, 48 Notes → Applicable July 2014: 13<sup>th</sup> Ed. up to & including Amendment 24 ]



## CH 1. DEFINITIONS AND GENERAL PRINCIPLES

### 1. Definitions: Meanings of terms used in the Annex

▶ e.g., Admission, Commencement of journey, Deportee, Improperly documented person, Inadmissible person, Person with disabilities, Travel document, etc.

### 2. General Principles:

▶ **Apply throughout the Annex** (e.g. 1.1: SARPs shall apply to all categories of aircraft operation unless specifically mentioned; 1.4: Use of IT)

▶ **Apply specifically to cargo** (e.g. 1.3: Use of risk management for release/clearance of goods).



## CH 2. ENTRY AND DEPARTURE OF AIRCRAFT

### A. General

- ▶ e.g. Prevention of entry of aircraft: public health reasons

### B. Documents: Requirements & Use

- ▶ e.g. Acceptance of electronic documents; Gen Dec, Pax & Cargo Manifests

### C. Correction of documents

### D. Disinsection of aircraft

- ▶ Use chemical/non-chemical methods and insecticides: WHO

### E. Disinfection of aircraft

### F. Arrangements: General aviation & other non-scheduled flights

- ▶ Prior authorization & Advance notification → AIPs



## CH 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

- Travel documents (Passports, Visas, etc.), their Security & Inspection
  - Machine Readable Travel Documents (MRTDs)
  - Standards 3.10, 3.10.1\*
- Inspection of travel documents
- Departure procedures from a State
- Entry procedures into a State; responsibilities of State & aircraft operators
  - API & PNR\*



## CH 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

- Transit procedures (Direct transit areas, Direct transit (airside) visas)
- Baggage separated from its owner
- Crew Member Certificates (Doc 9303, Part 3)
- Civil Aviation Inspectors
- Emergency assistance/entry visas in cases of *force majeure*



## CH 6. INTERNATIONAL AIRPORTS — FACILITIES AND SERVICES FOR TRAFFIC

- Provisions of Annex 9 to be implemented in the event an airport becomes privatized.
- Customs, immigration, quarantine and health border clearance services, as required, are provided at international airports.
- Doc 9636: airport signage
- Facilities to be provided to permit embarkation and disembarkation
- Facilities required for aircraft parking & servicing
- Control channels for clearance of outbound/inbound passengers
- Storage, cargo & mail facilities; Unruly passengers; Passenger amenities . . . Etc.



## CH 7. LANDING ELSEWHERE THAN AT INTERNATIONAL AIRPORTS

Assistance to an aircraft that has landed elsewhere than at one of a State's international airports: Control formalities kept to a minimum.

→ Short stop-over

→ No resumption of flight

## CH 8. OTHER FACILITATION PROVISIONS

- Facilitation of search, rescue, accident investigation and salvage
- Implementation of international health regulations
- Communicable disease outbreak national aviation plan \*
- Establishment of national facilitation programmes \*
- Facilitation of the transport of PWDs \*
- Assistance to aircraft accident victims and their families



## 2. ANNEX 9: OVERVIEW

### APPENDICES

1. General Declaration
  
11. Model airport FAL programme \*
  
12. Model national FAL programme \*
  
13. Public health passenger locator card



## GENERAL DECLARATION

### (Outward/Inward)

- Operator; Flight no.; Places of departure & arrival
- Name of crew; No. of passengers (on each stage of flight)
- Declaration of Health & Details of disinsecting or sanitary treatment



## ANNEX 9

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B. SARPs: Meaning

C. Annex 9: An Overview

**D. Guidance Material**



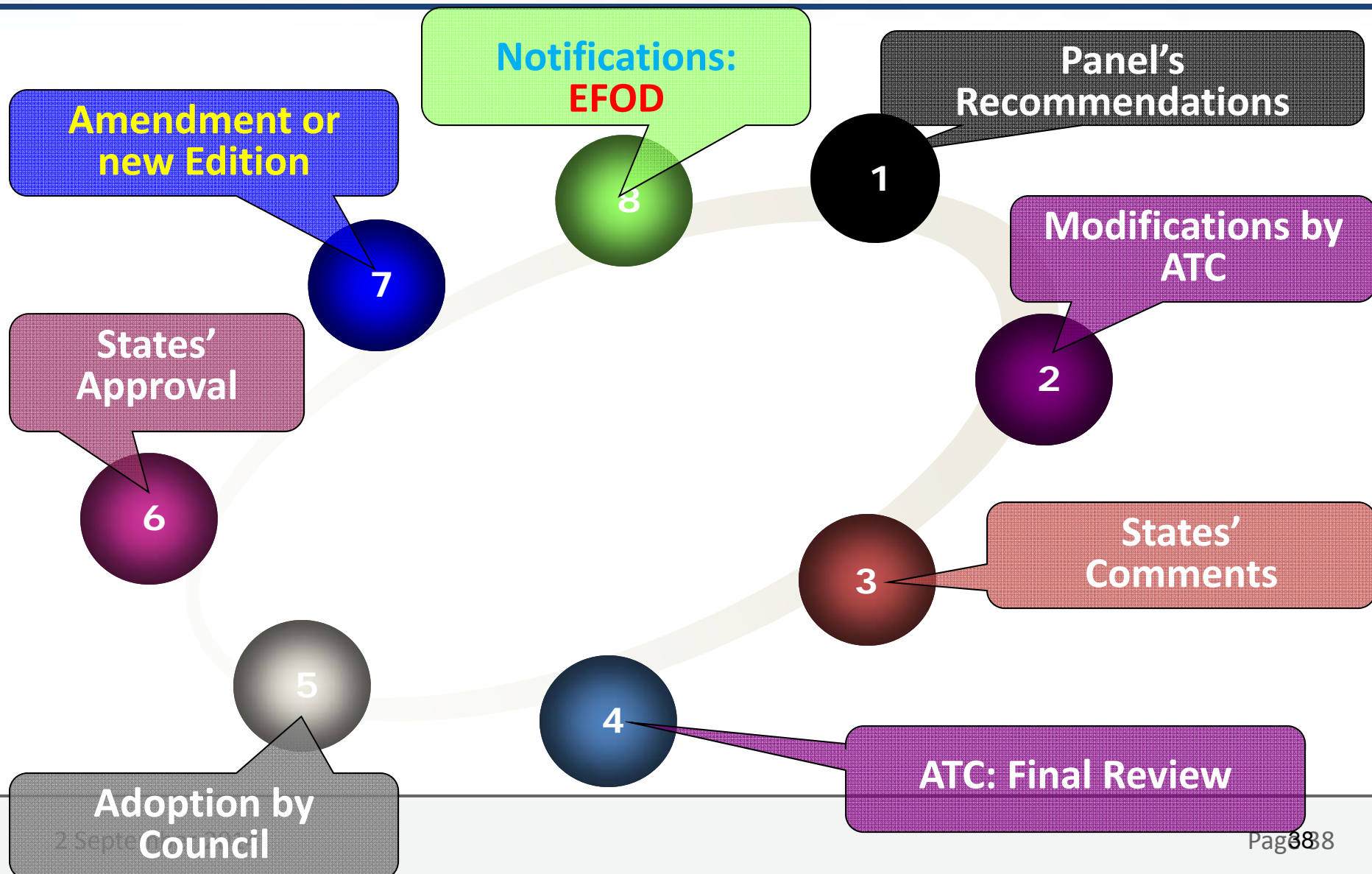
## ANNEX 9: GUIDANCE MATERIAL

1. The FAL Manual (Doc 9957)
2. Guidelines on PNR (Doc 9944) \*
3. PWD Manual (Doc 9984) \*
4. API & PNRGOV Guidelines \*
5. International Signs to Provide Guidance to Persons at Airports and Marine Terminals (Doc 9636)
6. (FAL elements): AVSEC Manual (Doc 8973)



## FAL PROGRAMME

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## ANNEX-AMENDMENT PROCESS

Art. 37: ICAO required to adopt and **amend, from time-to-time**, SARPs . . . (j) Customs & immigration procedures . . .

Art. 54 (l) (*Mandatory functions of Council*):

The Council shall: . . . Adopt SARPs . . .

Art. 90: 2/3rds vote; effective 3 months after submission to States unless majority disapprove



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# ANNEX-AMENDMENT PROCESS

## Making an ICAO Standard

[www.icao.int/safety/AirNavigation/Pages/standard.aspx](http://www.icao.int/safety/AirNavigation/Pages/standard.aspx)

(ANB Annexes)



## 4. DIFFERENCES WITH AMENDMENTS

State Letter on **Adoption** of an Amendment

- ▶ Attachment A (Note on notification of differences)
  - ▶ Attachment B (Form on notification of disapprovals) [Art. 90 (a)]
  - ▶ Attachment C (Form on notification of compliance or differences)
- Supplement [now, EFOD]



## **Article 38:** *Departures from international standards and procedures*

. . . . In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations . . shall give notice to the Council within sixty days of the adoption of the amendment to the international standard . . .

→ Standards: conditional binding force unless differences filed under Art. 38



## RESOURCES

[www.icao.int/Documents/annexes\\_booklet.pdf](http://www.icao.int/Documents/annexes_booklet.pdf)

[brief overview of 18 Annexes]

[www.icao.int/publications/Pages/doc-series.aspx](http://www.icao.int/publications/Pages/doc-series.aspx)

[selected documents, including the Convention]

[www.icao.int/safety/AirNavigation/Pages/standard.aspx](http://www.icao.int/safety/AirNavigation/Pages/standard.aspx)

[making an ICAO Standard]



## FAL PROGRAMME

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## FAL PANEL

1. History of the FALP
2. Current membership & TORs
3. Work accomplished
4. Future work plans



## 1. HISTORY OF THE FAL PANEL

- FAL Division 1 – 11: Amendments to Annex 9
- Divisions to 1979: 4-6 years gap; thereafter: 7-9 years
- FAL/11 (1995): time lapse not conducive to keep up with technical & other developments
- Recommendation on FALP
  - examine policy issues & develop recommendations for FAL Division or ATC/Council
- 1995: ATC establishes FAL Panel



## 2. MEMBERSHIP & TORs

- 30 Members of FAL Panel
- 2 ESAF, 3 WACAF, 7 APAC, 9 EUR/NAT, 3 MID
- **NACC: Canada, Cuba, United States**
- **SAM: Argentina, Brazil, Uruguay**
- States as Observers
- IATA, ACI: Permanent Observers



## 2. MEMBERSHIP & TORs

### Terms of Reference of the FAL Panel:

- ▶ make recommendations on SARPs
- ▶ contribute to guidance material
- ▶ develop proposals for FAL Division meetings
- ▶ perform other tasks assigned by ATC



## 3. WORK ACCOMPLISHED

FALP/2 (1999): ~~Family passports~~; “one passport, one person” or “one person per passport”

FALP/3 (2001): Cargo provisions extensively revised

FALP/5 (2008): New SARPs on API; Radioactive Material; Chapter 6

FALP/6 (2010): API; Revision of health SARPs (H1N1); Emergency assistance: *force majeure* (Icelandic volcano eruption)

FALP/7 (2012): API & PNR; Inadmissible persons & Deportees; PWDs SARPs + New Manual



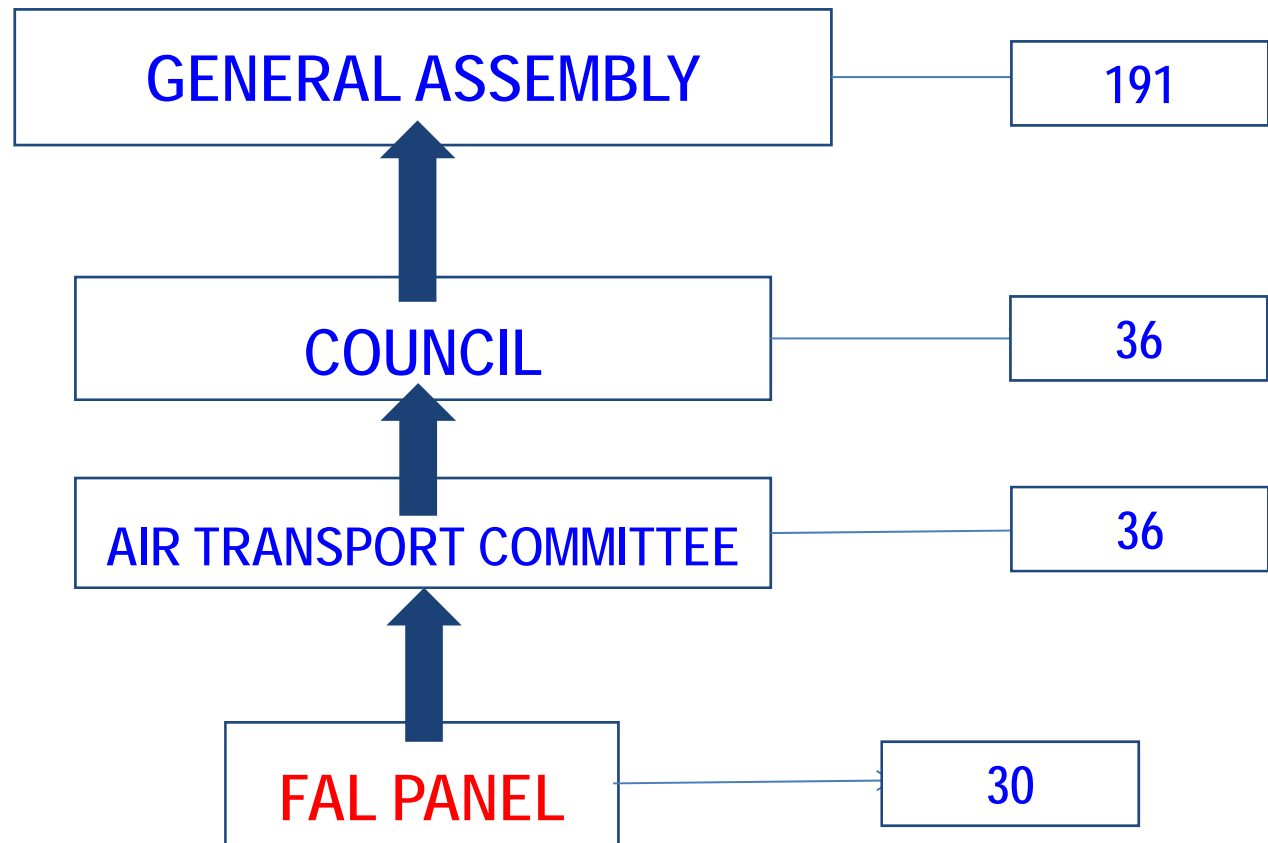
## 4. FUTURE WORK PLANS

FALP/8 (24-28 November 2014):

- Aircraft accident victims
- Automated border controls (ABCs)
- Unaccompanied minors
- Cargo facilitation
- Other proposals & a general streamlining of SARPs

[www.icao.int/Meetings/FALP/Pages/FALP8-2014.aspx](http://www.icao.int/Meetings/FALP/Pages/FALP8-2014.aspx)

# ICAO STRUCTURE



# FAL PROGRAMME



**QUESTIONS?**