



WORKING PAPER

AVSEC/FAL/RG/5 — WP/04
20/05/15

**FIFTH MEETING OF THE AVIATION SECURITY AND FACILITATION REGIONAL
GROUP (AVSEC/FAL/RG/5)**

ICAO SAM Regional Office, Lima, Peru, 3 to 5 June 2015

- Agenda Item 3: Global and Regional Developments**
**3.1 ICAO 38th Assembly results related to Aviation Security and
Facilitation**
3.1.2 Annex 9, FAL Panel, Facilitation Manual

PROPOSED AMENDMENT 25 TO ANNEX 9

(Presented by the Secretariat)

EXECUTIVE SUMMARY	
This working paper presents outstanding issues presented during the Eighth Meeting of the Facilitation Panel, held at ICAO Headquarters in Montréal, November 2014, and resulting proposed amendments to Annex 9, and the request of comments sent by the ICAO Secretary General on this regard by EC6/3-2015/05 dated 6 February 2015.	
Action:	Action is presented in Section 3.
<i>Strategic Objectives:</i>	<ul style="list-style-type: none">• Security & Facilitation
<i>References:</i>	<ul style="list-style-type: none">• Electronic Circular EC6/3-2015/05 dated 6 February 2015, sent by the ICAO Secretary General on proposed Amendment 25 to Annex 9.• EMX0159 dated 17 February 2015 sent to NAM/CAR States as reminder for comments on proposed Amendment 25 to Annex 9.• ICAO SAM Regional Office messages issued on 11 February 2015 sent to SAM States as reminder for comments on proposed Amendment 25 to Annex 9.• Report of the Eighth Meeting of the Facilitation Panel, held at ICAO Headquarters in Montréal, from 24 to 27 November 2014.

1. Introduction

1.1 The Eighth Meeting of the Facilitation Panel, held at ICAO Headquarters in Montréal, from 24 to 27 November 2014, was attended by 57 Panel members, alternates and advisers from 21 Member States; 39 observers and advisers from 18 Member States; and 15 observers and advisers from 12 International Organizations. The following NAM/CAR and SAM States: Argentina, Brazil, Canada, United States, and Uruguay participated as members of that panel. Also Colombia, Mexico, Nicaragua and Venezuela were represented by their delegates appointed at ICAO Headquarters as observers.

1.2 As per the Terms of reference the FAL Panel:

- a) considers inputs from FAL Area Meetings, Facilitation contacts, and the Secretariat to formulate recommendations for new and amended SARPs or guidance material, taking into account recent developments in applicable technology, contemporary challenges, and future needs for improvement of the efficiency and effectiveness of border inspection and other control processes in airports;
- b) contributes with information that could be used by the Secretariat in developing management tools (e.g. a manual) and other guidance material to assist States with implementation of Annex 9;
- c) develops proposals for consideration at FAL Division sessions; and
- d) performs other tasks as assigned by the Committee.

1.3 The Agenda of the Panel considered recent facilitation developments in ICAO, amendments to Annex 9, and the Report of the Working Group on Guidance Material. Regarding the amendments to Annex 9, the following outstanding topics were discussed:

- a) assistance to aircraft accident victims and their families;
- b) Machine Readable Travel Documents (MRTDs);
- c) cargo facilitation; and
- d) INTERPOL's Stolen and Lost Travel Documents (SLTD) database.

1.4 The documentation for the Panel's meeting can be found at web site <http://www.icao.int/Meetings/FALP/Pages/FALP8-2014.aspx>. In this regard, it was agreed that the views of States and relevant international organizations would be requested, and by an Electronic Circular EC6/3-2015/05 dated 6 February 2015, the ICAO Secretary General sent a proposed Amendment 25 to Annex 9, and requested comments from the States to reach ICAO Headquarters by 31 March 2015.

1.5 Additionally, both ICAO NACC and SAM Regional Offices sent a reminder to their States in February 2015 on this regard. Unfortunately, very few States from the NAM/CAR and SAM Regions answer timely to this request, and many more did not answer at all. Copy of this proposed amendment can be found in the **Appendix** to this working paper.

1.6 Finally, it is important to inform the Meeting that a model of a National Air Transport Facilitation Programme (NATFP) was developed by the Facilitation (FAL) Panel's Working Group on Guidance Material, and that the English, French and Russian versions of Doc. 10042 have been published. The Spanish version and other remaining languages will be available by the second semester of 2015.

2. Conclusion

2.1 The proposed Amendment 25 to Annex 9, if adopted by the Council, will become effective in October 2015, and become applicable in February 2016, therefore, all AVSEC/FAL/RG member States are encouraged to take provisions and update their regulations with the new ICAO FAL provisions. Also, those States that are in process of developing their NATFP, take advantage of Doc 10042 in order to ensure considering all FAL issues within their regulations.

3. Suggested action

3.1 States are invited to use Doc 10042 *Model of a National Air Transport Facilitation Programme (NATFP)* when establishing their FAL regulations, and also consider the proposed issues of Amendment 25 to Annex 9 to insert them within their regulations accordingly.



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Tel.: +1 514-954-8219 ext. 6156

Ref.: EC 6/3-2015/05

6 February 2015

Subject: Proposed amendment to Annex 9

Action required: Comments to reach Montréal by
31 March 2015

Sir/Madam,

I have the honour to inform you that the Air Transport Committee, at the first meeting of its 204th Session on 21 January 2015, considered proposals for Amendment 25 to Annex 9 to the Convention on International Civil Aviation — *Facilitation*. These proposals arise from the review of Annex 9 conducted by the Facilitation (FAL) Panel during its eighth meeting held in Montréal from 24 to 27 November 2014 related to, inter alia, issues such as assistance to aircraft accident victims and their families, Machine Readable Travel Documents (MRTDs), cargo facilitation and INTERPOL's Stolen and Lost Travel Documents (SLTD) database. The documentation for the Panel's meeting can be found at <http://www.icao.int/Meetings/FALP/Pages/FALP8-2014.aspx>. In this regard, it was agreed that the views of States and relevant international organizations would be solicited. Attachment A presents the proposed Amendment 25.

The subsequent work of the Air Transport Committee would be greatly facilitated by specific statements regarding the acceptability of the proposals. Please note that comments received by the Committee are normally classified as "agreement with or without comments", "disagreement with or without comments", or "no indication of position", as indicated on the response form in Attachment B. If the expressions "no objections" or "no comments" are used, they will be taken to mean "agreement without comment" and "no indication of position", respectively.

I wish to request that comments on the proposed amendment be dispatched to reach me not later than 31 March 2015. Comments received after that date may not be considered by the Committee. Should you anticipate a delay in your reply, please advise in advance of the due date.

Accept, Sir/Madam, the assurances of my highest consideration.



Raymond Benjamin
Secretary General

Enclosures:

- A — Proposed Amendment 25 to Annex 9
- B — Response form

ATTACHMENT A to EC 6/3-2015/05

PROPOSED AMENDMENT 25 TO ANNEX 9 — *FACILITATION*

NOTES ON THE PRESENTATION OF THE PROPOSED AMENDMENT

The text of the Amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading. The following illustrates the various amending methods:

~~text to be deleted is shown with a line through it~~
followed by the new text which is highlighted with grey shading

new text to replace existing text

new text to be inserted is highlighted with grey shading

new text to be inserted

~~text to be deleted is shown with a line through it~~

existing text to be deleted

TEXT OF THE PROPOSED AMENDMENT 25 TO THE

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

FACILITATION

ANNEX 9

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

Amend Annex 9, Chapter 1 as follows:

Chapter 1. Definitions and General Principles

A. Definitions

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Authorised Economic Operator. AEO is a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with WCO or equivalent supply chain security standards. AEOs may include manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, distributors and freight forwarders.

Note.— The definition is aligned with that found in the World Customs Organization’s “SAFE Framework of Standards to secure and facilitate global trade.”

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Necessary precautions: Verifications carried out by adequately trained staff members of the aircraft operator or the company operating on behalf of the aircraft operator, at the point of embarkation, in order to ensure that every person holds a valid travel document and, where applicable, the visa or residence permit required to enter the receiving State. These verifications are designed to ensure that any obvious irregularity (e.g. obvious document alteration) is detected.

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Single Window. A facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements. If information is electronic then individual data elements should only be submitted once.

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Amend Annex 9, Chapter 3 as follows:

Chapter 3. Entry and Departure of Persons and their Baggage

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B. Documents required for travel

3.5 Contracting States shall ensure that no ~~No~~ documents other than those provided for in this Chapter shall be required of visitors by Contracting States for the entry into and departure from their territories of visitors.

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C. Security of travel documents

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3.9.1 **Recommended Practice.**— *Contracting States (a) issuing or intending to issue eMRTDs ePassports; and/or (b) implementing at border controls automated checks on ePassports should join the ICAO Public Key Directory (PKD); and upload their information to the PKD.*

3.9.2 **Recommended Practice.**— *Contracting States implementing checks on eMRTDs at border controls should join the ICAO Public Key Directory (PKD) and use the information available from the PKD to validate eMRTDs at border controls.*

3.X1 Contracting States shall promptly report accurate information about stolen, lost, and revoked travel documents, issued by their State, to INTERPOL for inclusion in the Stolen and Lost Travel Documents (SLTD) database.

3.X2 **Recommended Practice.**— *Each Contracting State should, as far as practicable, query at entry and departure border control points the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database.*

D. Travel documents

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3.X3 Contracting States shall ensure that travel documents for refugees and stateless persons (“Convention Travel Documents”) are machine readable, in accordance with the specifications of Doc 9303.

Note.— “Convention Travel Documents” are provided for in the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons (cf. respective Article 28 of both Conventions).

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3.14.1 **Recommended Practice.**— *If any fee is charged for the issue, ~~or~~ renewal or replacement of a ~~passport~~ travel document, the amount of such fee should not exceed the cost of the operation.*

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I. Inspection of travel documents

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3.33 Aircraft operators shall take necessary precautions at the point of embarkation to ensure that ~~passengers~~ persons are in possession of the documents prescribed by the States of transit and destination for control purposes as described in this chapter.

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Amend Annex 9, Chapter 4 as follows:

Chapter 4. Entry and departure of cargo and other articles

A. General

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4.9.1 Recommended Practice.— *Contracting States should consider the introduction of programmes for Authorised Economic Operators that enhance security, thus creating an environment for facilitative Customs control measures.*

Note.—*Facilitative Customs control measures may include a reduced level of physical inspections and examinations, the submission of a limited set of data elements, a notification of an intended inspection before the arrival of the goods and other facilitative measures. The control measures should be based on the required information provided in advance to Customs and by using risk assessment procedures.*

4.9.2 Recommended Practice.— *Contracting States should encourage the establishment of agreements or arrangements for the mutual recognition of their respective Authorised Economic Operator or equivalent programs with other countries.*

B. Information required by the public authorities

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4.11.1 Recommended Practice.— *Contracting States should consider, for facilitation purposes, where feasible, the use of the available advance cargo information in subsequent import, export and/or transit customs procedures for the release / clearance of the goods.*

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4.17.1 Recommended Practice.— *Contracting States should consider the introduction of arrangements to enable all parties involved in air cargo operations to submit all the information required by public authorities, in connection with arrival, stay and departure of an aircraft and air cargo, to a single entry point (Single Window).*

4.17.2 Recommended Practice.— *Contracting States should encourage all participants in the transport, handling and clearance of air cargo to simplify relevant procedures and documents and to cooperate or participate directly in the development of electronic air cargo community systems using internationally agreed standards with a view to enhance the exchange of information relating to such traffic and assuring interoperability between the systems of all participants.*

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C. Release and clearance of export and import cargo.

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~~D.— Release and clearance of import cargo~~

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~~4.30 **Recommended Practice.** – *For authorized importers who meet specified criteria, including an appropriate record of compliance with official requirements and a satisfactory system for managing their commercial records, Contracting States should establish special procedures, based on the advance supply of information, which provide for the immediate release of goods.*~~

Contracting States should establish special procedures, which provide for the expedited release of goods on arrival or departure for authorised persons. These authorised persons should meet specified criteria, which may include an appropriate record of compliance with official requirements and a satisfactory system for managing their commercial records.

4.30.1 Recommended Practice. – *Special procedures for authorised persons may include, but not be limited to:*

- a) *release of the goods for import or export on the provision of the minimum information necessary to identify the goods and permit the subsequent completion of the final goods declaration;*
- b) *clearance of the import or export goods at the authorised person’s premises or at an another place authorised by Customs;*
- c) *lodgement of a goods declaration for import or export, based on the entry into the records of the authorised person;*
- d) *lodgement of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person.*

Note.— With regard to the term “authorised persons” (Recommended Practices 4.30 and 4.30.1 above, refer), attention is drawn to Transitional Standard 3.32 of WCO’s International Convention on the Simplification and Harmonization of Customs procedures as revised in 1999, which entered into force in 2006 (“the revised Kyoto Convention”).

4.31 Recommended Practice.— *Goods not afforded the simplified or special procedures referred to in provisions 4.27 to 4.30 ~~4.30.1~~ should be released or cleared promptly on arrival, subject to compliance with customs and other requirements. Contracting States should establish as a goal the release of all goods that do not need any examination, within three hours of their arrival and the submission of the correct documentation. Public authorities, and aircraft operators and importers or their authorized agents, should coordinate their respective functions to ensure that this goal is met.*

Amend Annex 9, Chapter 5 as follows:

Chapter 5. Inadmissible persons and deportees

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5.14 Contracting States shall not fine aircraft operators in the event that arriving and in-transit persons are found to be improperly documented where aircraft operators can demonstrate that they have taken adequate necessary precautions to ensure that these persons had complied with the documentary requirements for entry into the receiving State.

Note.—Attention is drawn to the relevant text in Doc 9957, The Facilitation Manual, wherein explanations may be found on irregularities in, and the examination and authentication of, travel documents.

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Amend Annex 9, Chapter 8 as follows:

Chapter 8. Other facilitation provisions

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I. Assistance to aircraft accident victims and their families

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8.46 Recommended Practice.— *Contracting States should establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families.*

Note.—Attention is drawn to Doc 9998, ICAO Policy on Assistance to Aircraft Accident Victims and their Families and Doc 9973, Manual on Assistance to Aircraft Accident Victims and their Families.

ATTACHMENT B to EC 6/3-2015/005

**RESPONSE FORM
TO BE COMPLETED AND RETURNED TO ICAO
TOGETHER WITH ANY COMMENTS YOU MAY HAVE
ON THE PROPOSED AMENDMENTS**

To: The Secretary General
International Civil Aviation Organization
999 University Street
Montréal, Quebec
Canada, H3C 5H7

State: _____

Please make a checkmark (✓) against one option for each amendment. If you choose the option “agreement with comments” or “disagreement with comments”, **please provide your comments on separate sheets.**

	<i>Agreement without comments</i>	<i>Agreement with comments*</i>	<i>Disagreement without comments</i>	<i>Disagreement with comments</i>	<i>No position</i>
Amendment to Annex 9 (Attachment A refers)					

* “Agreement with comments” indicates that your State or organization agrees with the intent and overall thrust of the amendment proposal; the comments themselves may include, as necessary, your reservations concerning certain parts of the proposal and/or offer an alternative proposal in this regard.

Signature: _____

Date _____

— END —