



**FACILITATION REGIONAL IMPLEMENTATION SEMINAR**  
**Lima, 16 – 19 October 2018**

**ANNEX 9:**  
**MANDATE, DESCRIPTION & LATEST DEVELOPMENTS:**  
*MANDATE*

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| ICAO

SECURITY & FACILITATION

## OVERVIEW

### Part I: FAL Programme: Mandate

- Chicago Convention
- Assembly
- Council

### Part II: Facilitation Panel & Annex 9 Amendment Process



## PART I: FAL PROGRAMME MANDATE

### **A. CHICAGO CONVENTION (1944)**

- Convention on International Civil Aviation
- Conference, Chicago, 1944
- International treaty: 192 Member States (latest: Tuvalu, 18 Nov 2017)

#### **Article 44 (Objectives)**

The aims and objectives of the Organization are . . . to foster the planning and development of international air transport so as to: . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport.



## MANDATE — FACILITATION PROGRAMME

**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

**[→ FOCUS ON BORDER CONTROLS AT INTERNATIONAL AIRPORTS]**



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

Art. 13 (Entry and clearance regulations): Laws & regulations of a State as to the *admission into or departure from* its territory of passengers, crew, cargo . . . such as regulations relating to *entry, clearance, immigration, passports, customs and quarantine* . . . complied with by or on behalf of pax, crew, cargo upon *entrance into or departure from, or while within* the territory of that State.

Art. 14: State to take measures to prevent the *spread by means of air navigation of communicable diseases* . . . (cholera, yellow fever, plague, etc.)



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 customs & immigration procedures in accordance with practices recommended (by ICAO) [▶ **Art. 37**]



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

(d) journey log book [A/Res: Gen Dec acceptable];

(f) passenger manifest; (g) cargo manifest

Article 37: (Adoption of International Standards and Procedures)

Each State undertakes to collaborate in securing. . . uniformity . . . regulations, standards . . . facilitate & improve air navigation.

ICAO required to adopt SARPs . . .

– (j) Customs & immigration procedures . . .

& such other matters concerned with the . . . regularity & efficiency of air navigation . . .

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



## 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



## B. RESOLUTIONS OF THE ICAO ASSEMBLY

### A39-20

#### Consolidated statement of continuing ICAO policies related to facilitation

#### Appendix A: 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 and addresses the contemporary requirements of States



## Appendix B. National and international action in ensuring the security and integrity of traveller identification & border controls

- 5 elements of traveller identification & border management
- States: implement a robust identification management system to safeguard the security & integrity of the travel document issuance process
- States: ensure that non-machine readable passports are withdrawn from circulation
- States: ensure that MRCTDs are machine readable
- States urged to join ICAO PKD
- States to provide input to Interpol's Stolen & Lost Travel Document Database



## Appendix C: National and international action and cooperation on facilitation matters

- States: establish national facilitation committees
- States: call upon aircraft and airport operators to participate in electronic data interchange systems: cargo traffic
- States: facilitate assistance to aircraft accident victims and their families
- Handling & clearance of air cargo; security of the international supply chain



## Appendix D: Passenger Data Exchange Systems

- States: call upon aircraft operators to provide advance passenger information
- States: to ensure that the passenger data requirements conform to international standards adopted by relevant United Nations agencies
- States: to assist and share best practices with other Member States in the establishment of passenger data exchange systems



- A35-12 (2004): “**Protection of the health** of passengers and crews and prevention of the spread of **communicable disease** through international air travel”
  - Increase in worldwide transmission of communicable diseases by means of air transport
  - Council requested to review existing SARPs & develop new SARPs
  - States urged to implement SARPs
- A36-21 (2007): “Preventing the introduction of invasive alien species”
  - International civil transportation represents a potential pathway for the introduction of **invasive alien species**
  - States urged to support one another’s efforts to reduce the risk of introducing potentially IAS to areas outside their natural range

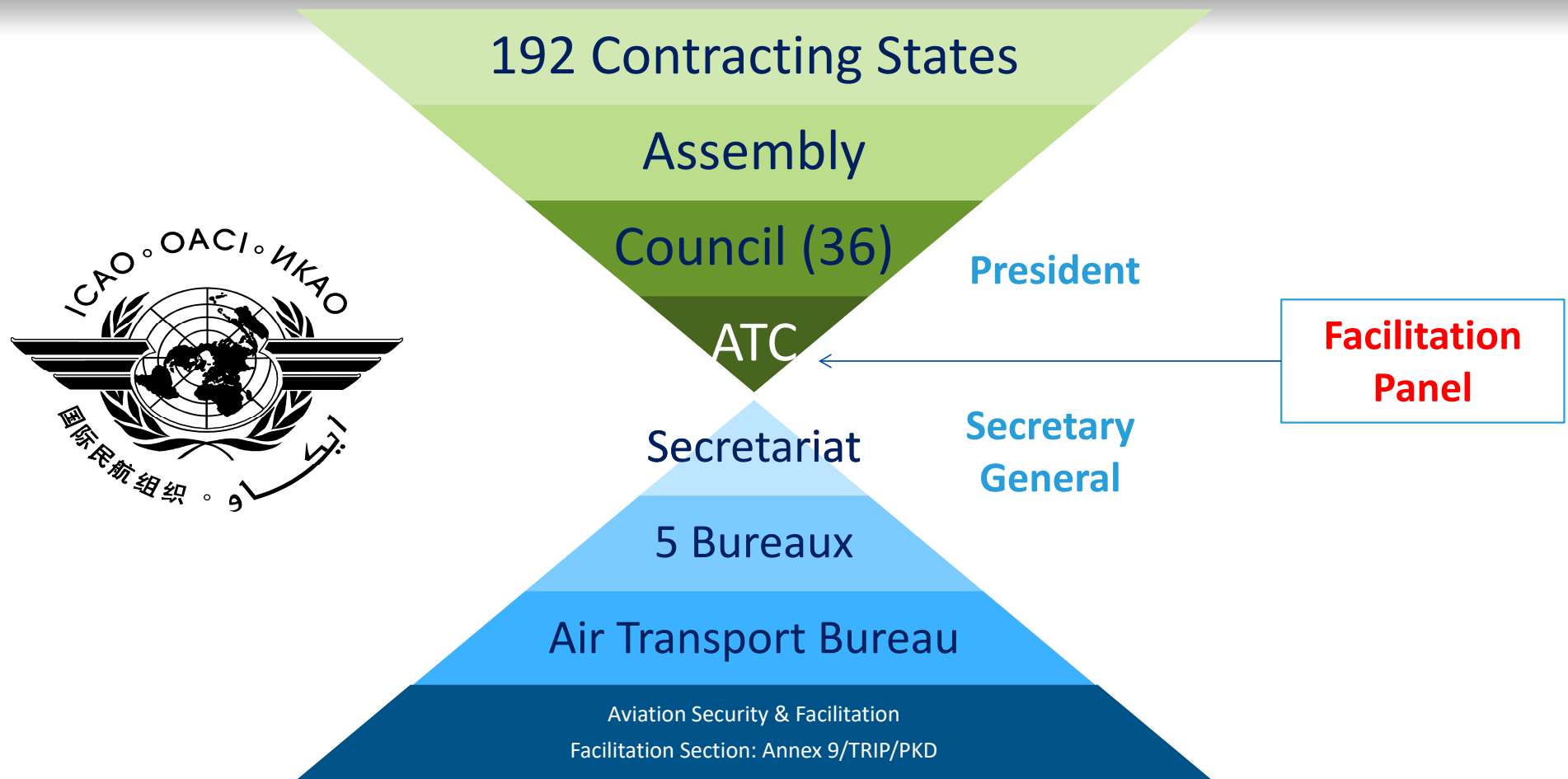


- A37-13 (2010): “Prevention of spread of **communicable disease** through air travel”
  - States urged to develop national preparedness plan & join the CAPSCA project
- A39-27 (2016): “Assistance to **victims of aviation accidents** and their families”
  - States urged to establish legislation (etc.) . . . Annex 9
  - States urged to inform ICAO, through CC in EFOD, of level of implementation of Annex 9 [RP 8.46]



- A39-18: Consolidated statement: ICAO policies related to aviation security
  - ▶ **Appendix C** (Implementation of technical security measures):
    - (Importance of MRTDs highlighted)
    - Use of MRTDs and other passenger information tools can also be employed for security purposes . . . before aircraft boarding process
    - States urged to implement security-related provisions of Annex 9
    - States called upon to use of API to strengthen aviation security & reduce the risk to passengers
- A37 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





## C. COUNCIL

Article 50: The Council shall be a permanent body responsible to the Assembly.

Article 54 (Mandatory functions of Council):

→ Appoint and define the duties of an Air Transport Committee

→ Adopt . . . **international standards and recommended practices**;

for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken.



- Council, 11 May 2009: Outbreak of the Influenza A(H1N1) (“Swine flu”)
  - Secretary General to review the provisions of Annex 9
  - FALP/6 (2010)
  - April 2011 (Amendment 22 to Annex 9)
- ATC, 1995: Established the Facilitation Panel . . . . . →→→



## PART II: FACILITATION PANEL & ANNEX 9 AMENDMENT PROCESS

### 33 Members of FAL Panel

- 3 ESAF, 3 WACAF, 8 APAC, 4 MID, 9 EUR/NAT
- 3 SAM: Argentina, Brazil, Uruguay
- 3 NACC: Canada, Cuba, United States
- States as Observers
- IATA, ACI: Permanent Observers

→ FALP/10, 10-13 September 2018, Montreal



## **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



**Amendment or new Edition**

**Notifications: EFOD**

**Panel's Recommendations**

7

8

1

**Modifications by ATC**

**States' Disapproval**

6

2

**States' Comments**

5

4

3

**ATC: Final Review**

**Adoption by Council**



THANK YOU!