



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A United Nations Specialized Agency

ICAO Regional FAL Seminar Nairobi, Kenya 18-21 February 2014

**Introduction to the ICAO Facilitation
Programme**

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CONTACT DETAILS



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INTRODUCTION: FAL PROGRAMME



1. **FAL Programme: Mandate**
 - ▶ Chicago Convention
 - ▶ Resolutions of the ICAO Assembly
 - ▶ Decisions of the Council
 - ▶ Decisions of the Air Transport Committee
2. Annex 9: SARPs & Guidance Material
3. Annex-amendment process
4. Differences with Amendments



1. MANDATE: A. CHICAGO CONV.

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



1. MANDATE: A. CHICAGO CONV.

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

1. MANDATE: A. CHICAGO CONV.



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

Art. 11: *Aircraft* to comply with laws on *entry/departure & within* a State

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*



1. MANDATE: A. CHICAGO CONV.

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”

1. MANDATE: A. CHICAGO CONV.



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

Art. 24: (a) Aircraft admitted free of duty
(b) Fuel, oils, spare parts, regular equipment and stores exempted from customs duty, etc.

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

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



1. MANDATE: A. CHICAGO CONV.

Art. 35: Cargo restrictions:

- (a) No munitions/implements of war;
- (b) Other restrictions for public order or safety

Art. 37 (Adoption of SARPs)

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

1. MANDATE: A. CHICAGO CONV.



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 . . .

LIST OF ANNEXES



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



1. MANDATE: A. CHICAGO CONV.

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>

1. MANDATE: A. CHICAGO CONV.



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

C. Decisions of the Council

D. Decisions of the Air Transport Committee

1. MANDATE: B. ASSEMBLY RES.

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

1. MANDATE: B. ASSEMBLY RES.



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

1. MANDATE: B. ASSEMBLY RES.



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

1. MANDATE: B. ASSEMBLY RES.

- 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



1. MANDATE: B. ASSEMBLY RES.

- 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



A. Chicago Convention

B. Resolutions of the ICAO Assembly

C. Decisions of the Council

D. Decisions of the Air Transport Committee

1. MANDATE: C. COUNCIL DECISIONS



- FAL Division: B-type Recommendations
 - A-type: Annex 9 amendment proposals
 - B-type: Action by States/ICAO
- Meetings in the Air Transport Field
 - Approval of FAL Panel, Seminars, etc.
- Other decisions
 - 2009: Influenza A (H1N1) virus outbreak: review of Annex [▶ FALP/6; Amd. 22]
 - Recommendations of the HLCAS (2012) (API and PNR)*



1. MANDATE: D. ATC DECISIONS

- Work programme
- Decisions on meetings, including agenda
- Review of Annex 9 amendment proposals or WPs for Assembly
- Direct consideration of Annex 9 proposals
- Recommendations to Council for action

INTRODUCTION: FAL PROGRAMME



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

2. ANNEX 9: A. 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

2. ANNEX 9: A. BRIEF HISTORY

FAL/1 (1946) & FAL/2 (1948)

→ **Annex 9, 1st Ed.: 25 March 1949**

FAL/3 to FAL/11 (1995)

→ **Annex 9, 2nd Ed. to 10th Ed.**

FAL Panels 1 – 3

→ **Annex 9, 11th Ed. (2002)**

[FALP/4] & FAL/12 (2004)

→ **Annex 9, 12th Ed. (2005)**

FAL Panels 5 and 6

→ **Annex 9, 13th Ed. (2011)**

FAL Panel 7 (22-26 October 2012) ► **Amendment 24**

2. ANNEX 9: B. 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.

2. ANNEX 9: B. SARPs MEANING

– 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 (l) . . . , and to which Contracting States will endeavour to conform in accordance with the Convention.

2. ANNEX 9: B. SARPs MEANING



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



2. ANNEX 9

A. Annex 9: Brief History

B. SARPs: Meaning

C. Annex 9: An Overview

D. Guidance Material

2. ANNEX 9: C. OVERVIEW

1. Material comprising the Annex proper:

- ▶ SARPs
- ▶ Appendices
- ▶ Definitions

2. Other material

[Foreword; Action by States; Notes]

2. ANNEX 9: C. OVERVIEW

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 *

[65 Definitions, 225 Standards, 128 RPs, 44 Notes → Amd.23
(Applicable Feb 2013)]

2. ANNEX 9: OVERVIEW



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).

2. ANNEX 9: OVERVIEW



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**

2. ANNEX 9: C. OVERVIEW

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*

2. ANNEX 9: C. OVERVIEW

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*

2. ANNEX 9: C. OVERVIEW

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.

2. ANNEX 9: C. OVERVIEW



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: C. OVERVIEW



APPENDICES

1. General Declaration

11. Model airport FAL programme *

12. Model national FAL programme *

13. Public health passenger locator card

2. ANNEX 9: C. OVERVIEW



APPENDIX 1. GENERAL DECLARATION

297 mm (or 11 3/4 inches)	GENERAL DECLARATION (Outward/Inward)		
	Operator		
	Marks of Nationality and Registration		Flight No. Date
	Departure from..... (Place)		Arrival at (Place)
	FLIGHT ROUTING ("Place" Column always to list origin, every en-route stop and destination)		
	PLACE	NAMES OF CREW*	NUMBER OF PASSENGERS ON THIS STAGE**
			<i>Departure Place:</i> Embarking Through on same flight
			<i>Arrival Place:</i> Disembarking Through on same flight
	Declaration of Health Name and seat number or function of persons on board with illnesses other than airsickness or the effects of accidents, who may be suffering from a communicable disease (a fever — temperature 38°C/100°F or greater — associated with one or more of the following signs or symptoms, e.g. appearing obviously unwell; persistent coughing; impaired breathing; persistent diarrhoea; persistent vomiting; skin rash; bruising or bleeding without previous injury; or confusion of recent onset, increases the likelihood that the person is suffering a communicable disease) as well as such cases of illness disembarked during a previous stop Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight. If no disinsecting has been carried out during the flight, give details of most recent disinsecting..... Signed, if required, with time and date _____ <div style="text-align: right; margin-right: 50px;">Crew member concerned</div>		For official use only
	I declare that all statements and particulars contained in this General Declaration, and in any supplementary forms required to be presented with this General Declaration, are complete, exact and true to the best of my knowledge and that all through passengers will continue/have continued on the flight. <div style="text-align: right; margin-right: 50px;">SIGNATURE _____</div> <div style="text-align: right; margin-right: 50px;">Authorized Agent or Pilot-in-command</div>		

Size of document to be 210 mm × 297 mm (or 8 1/4 × 11 3/4 inches).

* To be completed when required by the State.

** Not to be completed when passenger manifests are presented and to be completed only when required by the State.

2. ANNEX 9: C. OVERVIEW



GENERAL DECLARATION
(Outward/Inward)

AGRICULTURE, CUSTOMS, IMMIGRATION, AND PUBLIC HEALTH

Owner or Operator **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

NRFA of Nationality and Registration **U.S.A.** Flight No. **APOLLO 11** Date **JULY 24, 1969**

Departure from **MOON** Arrival at **HONOLULU, HAWAII, U.S.A.**

FLIGHT ROUTING
(“Place” Column always to list origin, every en-route stop and destination)

PLACE	TOTAL NUMBER OF CREW	NUMBER OF PASSENGERS ON THIS STAGE	CARGO
CAPE KENNEDY	COMMANDER NEIL A. ARMSTRONG		
MOON	<i>Neil A. Armstrong</i>	Departure Place: Embarking NIL	MOON ROCK AND MOON DUST SAMPLES..... Cargo Manifests Attached
JULY 24, 1969 HONOLULU	COLONEL EDWIN E. ALDRIN, JR.	Through on same flight NIL	
	<i>Edwin E. Aldrin, Jr.</i>	Arrival Place: Disembarking NIL	
	<i>M. Collins</i>	Through on same flight NIL	
	LT. COLONEL MICHAEL COLLINS		

Declaration of Health
Persons on board known to be suffering from illness other than sickness or the effects of accidents, as well as those cases of illness disembarked during the flight:
NONE

Any other condition on board which may lead to the spread of disease:
TO BE DETERMINED

Details of each disinfecting or sanitary treatment (place, date, time, method) to be filled in. If no disinfecting has been carried out during the flight give

For official use only

HONOLULU AIRPORT
Honolulu, Hawaii
ENTERED

Ernest J. Thurman
Customs Inspector



2. ANNEX 9

A. Annex 9: Brief History

B. SARPs: Meaning

C. Annex 9: An Overview

D. Guidance Material

2. ANNEX 9: D. GUIDANCE MATERIAL

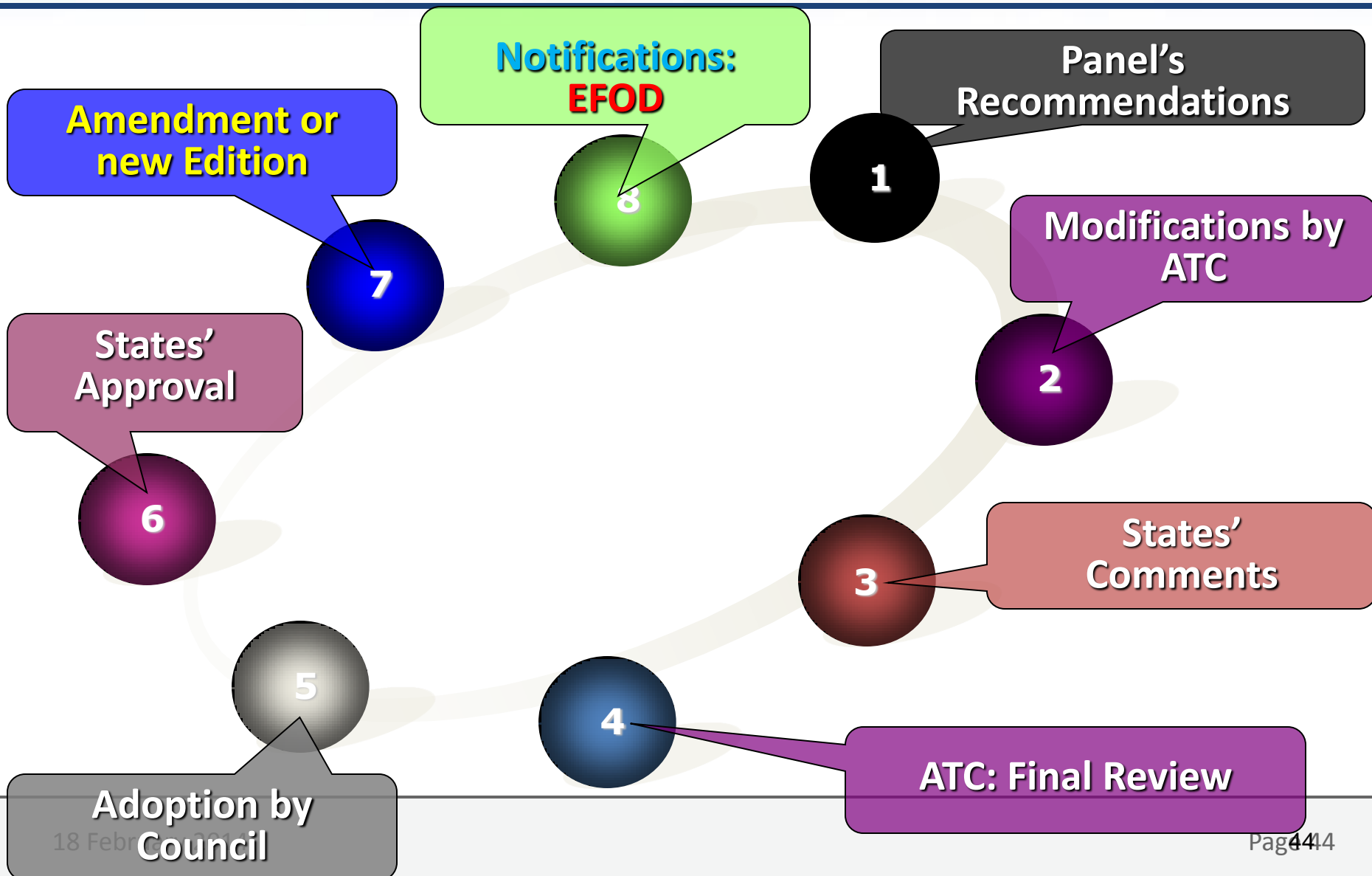


1. The FAL Manual (Doc 9957)
2. Guidelines on PNR (Doc 9944) *
3. PWD Manual (Doc 9984) *
4. API & PNRGOV Guidelines *
5. International Signs to Provide Guidance to Persons at Airports and Marine Terminals (Doc 9636)
6. (FAL elements): AVSEC Manual (Doc 8973)

INTRODUCTION: FAL PROGRAMME



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3. 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

3. ANNEX-AMENDMENT PROCESS



Making an ICAO Standard

<http://www.icao.int/safety/AirNavigation/Pages/standard.aspx>

(ANB Annexes)

INTRODUCTION: FAL PROGRAMME



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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]

4. DIFFERENCES WITH AMENDMENTS

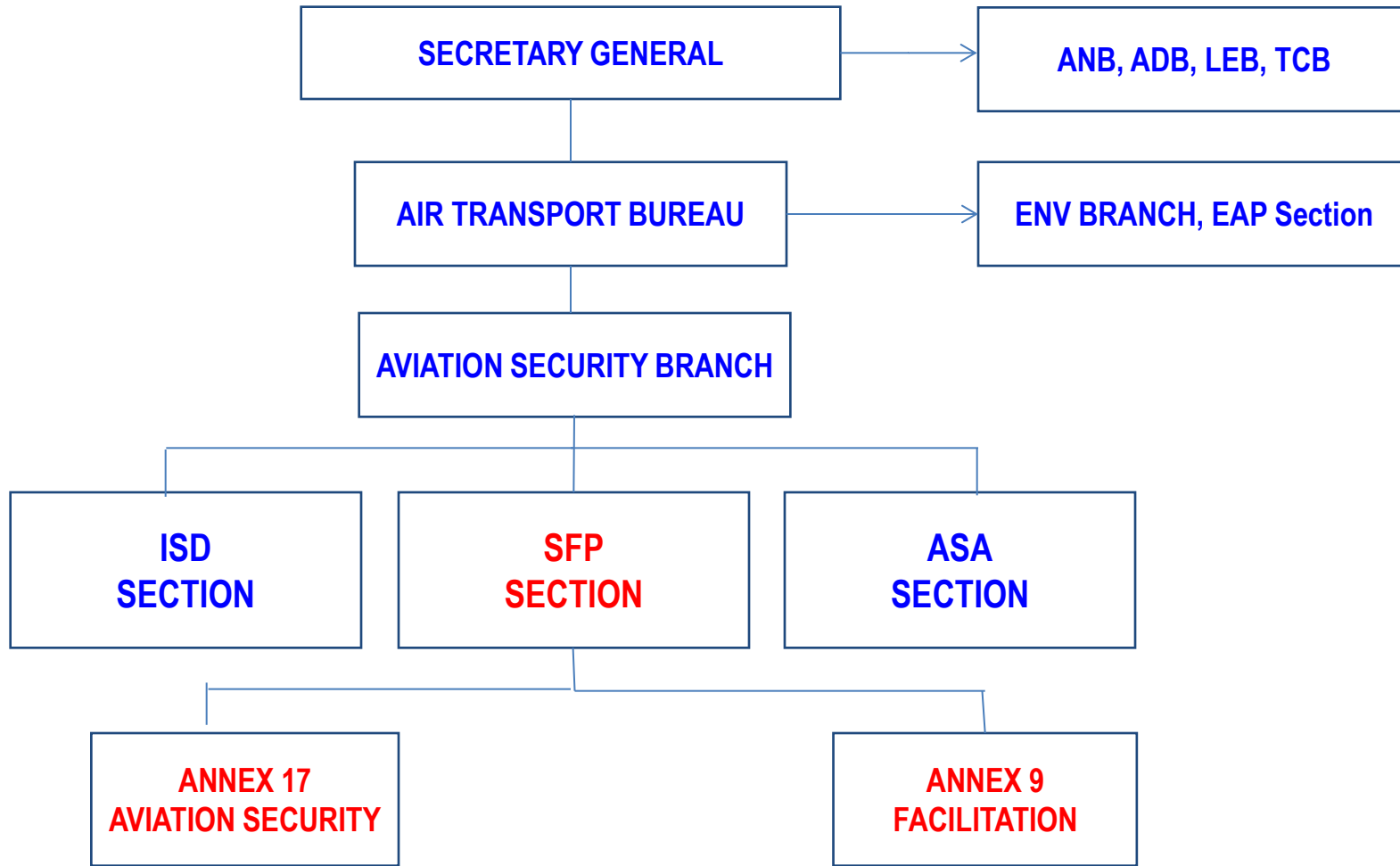


Article 38: Departures from international standards and procedures

. . . 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

ICAO STRUCTURE



RESOURCES



www.icao.int/Documents/annexes_booklet.pdf

[brief overview of 18 Annexes]

www.icao.int/publications/Pages/doc-series.aspx

[selected documents, including the Convention]

www.icao.int/safety/AirNavigation/Pages/standard.aspx

[making an ICAO Standard]

INTRODUCTION: FAL PROGRAMME



QUESTIONS?