

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

3.7.1 (continued)

- g) the first sentence of paragraph 3.38 should be revised as follows:

*“Where appropriate, Contracting States should introduce a system of ~~Advance Passenger Information (API)~~ **advance passenger information** which involves the capture of **certain** passport **or visa** details prior to departure, ~~and the transmission of the details by electronic means to the~~ **their public** authorities ~~in the destination country~~, **and the analysis of such data for risk assessment purposes prior to arrival in order to expedite clearance. When specifying the identifying information on passengers to be transmitted, Contracting States should only require information that is found in the machine readable zones of passports and visas that comply with the specifications contained in Doc 9303 (series), Machine Readable Travel Documents. All information required should conform to the UN/EDIFACT PAXLIST message formats.**”*

The Manual should provide specific guidance on message formats and other relevant advance passenger information guidelines developed by States or international organizations such as IATA;

- h) paragraph 3.15 should be retained, but the text revised to read:

*“Except in special circumstances, Contracting States shall make arrangements whereby the identity documents of visitors need to be inspected only once at times of entry and departure.”*

The Note should be deleted from the Annex, as recommended in WP/6, but reproduced in the FAL Manual;

- i) in paragraph 3.40, the term “baggage clearance”, and the word “Clearance”, in the Note, should be deleted, to align the text with the Kyoto Convention. The Manual should contain up-to-date information on this matter, which could also be obtained, by those interested, from the WCO Web Site, whose URL is:

<http://www.wcoomd.org/>;

- j) in paragraph 3.41, the term “exceptional circumstances” should be retained and the term “cases of emergency” deleted and the clause “does not possess” retained and the clause “has not been able to obtain” deleted;

- k) in paragraph 3.47, the phrase “Where appropriate facilities permit,” should be added to the beginning of the sentence;

- l) paragraph 3.49 should be revised to read as follows:

“Contracting States shall establish measures whereby in-transit passengers who are unexpectedly delayed overnight due to a flight cancellation or delay may be allowed to leave the airport for the purpose of taking accommodations.”;

- m) in paragraph 3.50, the phrase “intended destination” should be deleted and replaced with the word “owner” and the word “customs” deleted and replaced with “import”;
- n) in paragraph 3.51, the term “narcotics control” should be deleted and replaced with the phrase “other necessary controls”, to align this provision with paragraph 1.6 in the General Principles Section of Chapter 1;
- o) in paragraph 3.52, the words “final destination” should be deleted and replaced with the word “owners”;
- p) in paragraph 3.53, the phrase “in the State of its destination” should be deleted; and
- q) in paragraph 3.54, commas should be inserted after the clause “cleared by customs” and the phrase “on such baggage” and the word “customs”, appearing after the words “liability for” should be deleted and replaced with the word “import”.

3.7.2 Some Panel members expressed the need for assurance that the Panel was taking all members’ different views into account when arriving at its conclusions with regard to the re-drafting of individual SARPs. The Chairman clarified that conclusions were reached by consensus, rather than voting, and that the occasional request for a “show of hands” to gauge agreement was employed in an effort to save time, as was the assumption of agreement by default. Members were also reminded that all Contracting States would have an opportunity to comment on the Panel’s recommendation during the review stage of the “Article 90” amendment process.

3.7.3 The Panel agreed to all the other recommendations contained in WP/6.

3.8 The Panel agreed with the Secretariat that paragraph 3.47.1, found in WP/6, Addendum, should be deleted.

3.9 Because of the lack of time, the Panel could not discuss WPs/8 and 15. However, the Panel encouraged all interested persons to submit to the Secretariat written comments on these papers.

-----

**PROPOSED TEXT FOR SECOND PART OF CHAPTER 3**

**ENTRY AND DEPARTURE OF PERSONS  
AND THEIR BAGGAGE**

~~3.14.2~~ **3.38 Recommended Practice.**— *Where appropriate, Contracting States should introduce a system of Advance Passenger Information (API) advance passenger information which involves the capture of certain passport or visa details prior to departure, and the transmission of the details by electronic means to the public authorities in the destination country, and the analysis of such data for risk assessment purposes by the public authorities prior to arrival in order to expedite clearance. , and in doing so should follow the joint World Customs Organization (WCO)/International Air Transport Association (IATA) Guideline on Advance Passenger Information, except that the data elements to be transmitted as set forth in the Guideline should also include the nationality of the passport holder expressed in the form of the Alpha-3 Codes specified in Doc 9303. To avoid extra minimize handling time during check-in, the use of document reading devices should be used to capture the information in machine readable travel documents should be encouraged. When specifying the identifying information on passengers to be transmitted, Contracting States should only require information that is found in the machine readable zones of passports and visas that comply with the specifications contained in Doc 9303 (series), Machine Readable Travel Documents. All information required should conform to the UN/EDIFACT PAXLIST message formats.*

3.15 **Except in special circumstances,** Each Contracting States shall make arrangements whereby the identity documents of a visitors need to be inspected except in special circumstances by only **once** one official at times of entry and departure.

— *Note.*— *This provision is intended to ensure inspection of the identity document of a visitor by only one official on behalf of both the Immigration and Police authorities. It is not intended to discourage Health and Customs officials from examining the identity document whenever this may facilitate health and customs clearance of the visitor.*

3.16 **3.39** Contracting States shall accept an oral **not require a written** declaration of baggage from passengers and crew, **when no dutiable or restricted goods are being carried.**

~~3.17~~ Contracting States shall normally accomplish inbound passenger baggage inspection on a sampling or selective basis.

~~3.17.1~~ **3.40** Contracting States shall adopt the dual-channel baggage clearance system at international airports **or other selective process for customs inspection based on risk assessment, where the volume of passenger traffic justifies its installation, as appropriate to the conditions and traffic volumes at the airport concerned.**

*Note.*— *See Appendix 6 — Dual-Channel Clearance System as recommended by the Customs Cooperation Council (now the World Customs Organization).*

~~3.8.4~~ **3.41 Recommended Practice.**— *In exceptional circumstances ~~cases of emergency~~, when a visitor, for reasons of force majeure, does not possess ~~has not been able to obtain~~ the required entry visa ~~prior to arrival~~, Contracting States should authorize **provisional** entry and enable the visitor to regularize his ~~position~~-status.*

**3.42 Recommended Practice.**— *In cases in which the passport of a visitor has expired prior to the end of the validity period of the visa, the State which has issued the visa should continue to accept the visa until its expiration date, provided that it is accompanied by a valid passport.*

**3.43** Contracting States which issue visas for a limited number of entries shall indicate in an appropriate, clear and non-derogatory way every instance the visa is used, in order that its holder, any operators and, if such be the case, the authorities of a transit State may determine its validity quickly and without the use of any special means.

~~3.13.1~~ **3.44** After individual presentation by passengers and crew of the identity documents, **their passports or other official travel documents**, the public officials concerned shall, except in special individual cases, hand back such documents immediately after examination, rather than withholding them for purposes of obtaining additional control.

~~3.12~~ **3.45 Recommended Practice.**— *Medical examination of persons arriving by air should normally be limited to those disembarking and coming within the incubation period of the disease concerned, as stated in the International Health Regulations, from an area infected with one of the three quarantinable diseases (plague, cholera and yellow fever).*

~~3.18~~ **3.46 Recommended Practice.**— *Contracting States should make arrangements whereby a passenger and his baggage, **arriving** on an international flight making two or more stops **at customs airports** within the territory of the same State, ~~should not be~~ **is not** required to be cleared through ~~governmental~~ **border control** formalities at more than one airport of the State concerned. ~~Similarly, the State concerned should, in so far as is possible, make arrangements whereby these formalities are effected at the passenger's airport of destination on that flight, except in special circumstances determined by the authorities concerned.~~*

## **J. Transit procedures and requirements**

~~5.1~~ **3.47** Where appropriate facilities permit, ~~E~~ each Contracting State shall make provision by means of direct transit areas, ~~direct transit arrangements, or otherwise,~~ **or other arrangements**, whereby crew, passengers **and their baggage, cargo, stores and mail arriving from another State and continuing their journey to a third State on the same flight or another flight from the same airport on the same through-flight day** may remain temporarily within the State **airport** without undergoing **border control formalities to enter the State.** ~~any examination except for reasons of aviation security, narcotics control or in special circumstances.~~

~~5.1~~ *Note.*— *With respect to application of aviation security measures, attention is drawn to Annex 17 and the ICAO Security Manual.*

~~5.3~~ Each Contracting State shall make arrangements so that disembarking passengers and their baggage being transferred from one flight or operator to another at the same airport will be treated in a manner similar to that set forth in Section A above. Operators shall undertake to sort out transferring passengers and their baggage in order that such passengers and baggage may be allowed to proceed as rapidly as possible to their connecting flights.

~~5.3~~ *Note.*— *For connecting traffic at the same airport, the operator who disembarked the passenger has the obligation for his custody and care.*

~~5.8~~ ~~3.47.1~~ **Recommended Practice.**— *Each Contracting State should make provision, by means of transit arrangements or otherwise, whereby passenger traffic that passes directly through the State and, in the course of such passage, transfers from one international airport to another international airport may proceed without undergoing examination, except for aviation security measures, prevention of illegal entry or in special circumstances border control formalities to enter the State. For traffic connecting traffic to another airport, the operator who disembarked the passenger has the obligation for his custody and care, except in the case where this obligation, in conformity with the national legislation in force, falls within the competence of another authority.*

~~5.2, 5.4~~ **3.48** Contracting States shall keep to a minimum the number of States whose nationals are required to have direct transit visas when arriving on an international flight and continuing their journey to a third State on the same flight or another flight from the same airport on the same day.

~~5.2~~ *Note.*— *It is the intent of this provision, inter alia, that Contracting States shall neither a) temporarily deprive passengers of their passports nor b) require the operator to do so.*

~~5.4~~ *Note.*— *For connecting traffic at the same airport, the operator who disembarked the passenger has the obligation for his custody and care.*

5.4.1 and Note

**3.49** Contracting States shall establish measures whereby in-transit passengers who are unexpectedly delayed overnight due to a flight cancellation or delay may be allowed to leave the airport ~~irregularity may be considered for temporary admission to the State for the purpose of taking accommodations off the airport.~~

## **K. Disposition of baggage separated from its owner**

~~3.19~~ **3.50** Contracting States shall facilitate the return of mishandled baggage to passengers or crew concerned or to the operator's central tracing office ~~permit operators to forward mishandled baggage to its intended destination owner~~ and shall not hold operators liable for penalties, fines, ~~customs~~ ~~import~~ duties and taxes, on the basis that the baggage was mishandled. ~~Under the conditions laid down by the competent authorities, operators may be permitted to open such baggage to determine ownership.~~

*Note.*— *The application of this provision should be subject to the relevant customs laws and regulations. The provision of storage facilities for unclaimed, unidentified and mishandled baggage is covered in 6.37.2.*

~~5.5~~ **3.51** Each Contracting State shall ~~make arrangements for~~ permit the direct trans-shipment of mishandled baggage, ~~unaccompanied baggage, unladen cargo and stores, from one flight or operator to another~~ **between international flights** at the same airport, without examination, except for reasons of aviation security or ~~in special circumstances~~ **narcotics control other necessary controls**. In cases when direct trans-shipment cannot be effected, Contracting States shall ensure that arrangements are made for the temporary custody of such ~~goods~~ **baggage** under secure supervision at an appropriate location. Operators shall ~~undertake to process mishandled baggage, unaccompanied baggage, trans-shipment cargo and stores as rapidly as possible.~~

~~3.20 and Notes 1 & 2~~

**3.52** Contracting States shall permit operators to ~~clear~~ **present unidentified, unclaimed and mishandled baggage for clearance** at an appropriate destination on behalf of ~~passengers and crew, subject to completion of the appropriate documentation~~ **its owners, and to deliver such baggage to its final destination owners.**

~~3.21~~ **3.53** Subject to appropriate security measures, Contracting States shall ~~facilitate~~ **expedite** the clearance of unidentified, ~~and unclaimed~~ **and mishandled baggage** ~~in the State of its destination~~, and its return to the operator **for appropriate disposition**. Under the conditions laid down by the competent authorities, operators may be permitted to open such baggage ~~so as~~ **if necessary** to ascertain its owner.

~~3.58~~ **3.54** In Contracting States where the operator has the obligation to the customs authorities for safeguarding baggage until it is cleared by customs, he shall be freed from this obligation **The operator shall be freed from the obligation to safeguard baggage not yet cleared by Customs**, and from liability for ~~customs~~ **import** duties and taxes chargeable on such baggage, when it is taken into charge by the customs authorities and is under their sole control.

S E N D S