

FACILITATION PANEL (FALP)

(Third Meeting, Montreal, 12 to 16 February 2001)

Agenda Item 2: Cargo facilitation – Chapters 1 and 4 of Annex 9

REVISION OF ANNEX 9 STANDARDS AND RECOMMENDED PRACTICES (SARPS) — CHAPTER 4. ENTRY AND DEPARTURE OF CARGO AND OTHER ARTICLES

(Presented by the Secretary)

PROPOSED TEXT

CHAPTER 4. ENTRY AND DEPARTURE OF CARGO AND OTHER ARTICLES

DEFINITIONS

4.1 When the following terms are used in the Standards and Recommended Practices of this chapter, they have the following meanings.

“**Declarant.** Any person who makes a goods declaration or in whose name such a declaration is made.”

“**Risk assessment.** A system of analysis by which the public authorities determine which goods, including means of transport, should be examined and the extent of the examination.”

“**Temporary admission.** The Customs procedure under which certain goods can be brought into a Customs territory conditionally relieved totally or partially from payment of import duties and taxes; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.”

GENERAL PRINCIPLES RELATING TO CHAPTER 4

4.2 In order to facilitate and expedite the release and clearance of goods carried by air, Contracting States shall adopt regulations and procedures appropriate to the air transport environment, and shall apply them in such a manner as to prevent unnecessary delays.

4.3 When introducing or amending regulations and procedures for the release and clearance of goods carried by air, Contracting States shall consult with operators and other parties concerned, with the aim of accomplishing the actions set forth in Standard 4.2.

4.4 Where the nature of a consignment could attract the attention of different public authorities, e.g. the Customs, veterinary or sanitary controllers, Contracting States shall endeavor to delegate authority for release/clearance to Customs or one of the other agencies or, where that is not feasible, take all necessary steps to ensure that clearance is coordinated and, if possible, carried out simultaneously and with a minimum of delay.

4.5 Contracting States shall not normally require the physical examination of cargo to be imported or exported, and shall use risk assessment to determine which goods shall be examined and the extent of that examination.

4.6 Where practicable, in order to improve efficiency, modern screening or examination techniques shall be used to facilitate the physical examination of goods to be imported or exported.

INFORMATION REQUIRED BY THE PUBLIC AUTHORITIES

4.7 Contracting States shall limit their data requirements to only those particulars, which are deemed necessary by the public authorities to release or clear imported goods or goods intended for exportation.

4.8 Contracting States shall provide for the collection of statistical data at such times and under such arrangements so that the release of imported goods or those intended for exportation is not delayed thereby.

4.9 Documents for the importation or exportation of goods shall be accepted when presented:

- subject to the technological capabilities of the Contracting States, in electronic form transmitted to an information system of the public authorities;
- in paper form, produced or transmitted electronically; or
- in paper form, completed manually.

4.10 The production and presentation of the cargo manifest and the air waybill(s) shall be the responsibility of the operator or his authorized agent. The production and presentation of the other documents required shall be the responsibility of the owner, the importer or exporter or another person acting as the declarant.

4.11 The operator or his authorized agent shall be responsible for the completeness, accuracy and timely submission of the data provided in the cargo manifest and the air waybill(s). They shall not be responsible, however, for inaccuracies in the data provided by third parties if they had no reason to believe that the information so provided was incorrect.

4.12 When documents for the importation or exportation of goods are presented in paper form, the format shall be based on the UN layout key, as regards the goods declaration, and on the format of Appendix 3 to Annex 9, as regards the cargo manifest. When such documents are submitted in electronic form, the format shall be based on international standards for the exchange of electronic information.

4.13 To facilitate electronic data interchange, Contracting States shall encourage all parties concerned, whether public or private, to implement compatible systems and to use the appropriate internationally accepted standards and protocols.

4.14 Electronic information systems for the release and clearance of goods shall cover their transfer between air and other modes of transport.

4.15 Contracting States, which require supporting documents such as licenses and certificates for the importation or exportation of certain goods, shall publish their requirements and establish convenient procedures for requesting the issue or renewal of such documents.

4.16 **Recommended Practice.**— *Contracting States should permit supporting documents to be submitted by electronic means.*

4.17 Contracting States shall not require consular formalities or consular charges or fees in connection with documents required for the release or clearance of goods.

CLEARANCE OF EXPORT CARGO

4.18 Contracting States, which require documents for export clearance, shall normally limit their requirement to a simple export declaration.

4.19 Contracting States shall provide for clearance at export to be performed up to the time of departure of an aircraft.

4.20 Contracting States shall allow goods to be exported, to be presented for clearance at any Customs office designated for that purpose. Transfer from that office to the airport from which the goods are to be exported shall be carried out under the procedures laid down in the laws and regulations of the Contracting State concerned. Such procedures shall be as simple as possible.

4.21 When goods have been exported from a Contracting State, evidence of their arrival abroad shall only be required by that State in particular circumstances. In such cases, the public authorities concerned shall accept, as evidence of arrival, a statement to that effect certified by the Customs in the State of destination.

4.22 **Recommended Practice.**— *When the public authorities of a Contracting State require goods to be examined, but those goods have already been loaded on a departing aircraft, the operator, or where appropriate the operator's authorized agent, should normally be permitted to provide security to the Customs for the return of the goods rather than delay the departure of the aircraft.*

RELEASE AND CLEARANCE OF IMPORT CARGO

4.23 Contracting States shall make arrangements whereby animals, perishable goods and goods which the public authorities accept are required urgently, are released or cleared immediately upon arrival.

4.24 Consignments declared as personal effects and transported as unaccompanied baggage shall be cleared under simplified arrangements.

4.25 Contracting States shall provide for the release or clearance of goods under simplified customs procedures provided that:

- the goods are valued at less than a maximum value below which no import duties and taxes will be collected; or
- the goods attract import duties and taxes that fall below the amount that the State has established as the minimum for collection; or
- the goods are valued at less than specified value limits below which goods may be released or cleared immediately on the basis of a simple declaration and payment of, or the giving of security to the Customs for any applicable import duties and taxes; or
- the goods are imported by an authorized person and are goods of a specified type.

4.26 **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 on arrival.*

4.27 **Recommended Practice.**— *Goods not afforded the simplified or special procedures referred to in provisions 4.23 to 4.27 above 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, which do not need any examination, within 3 hours of their arrival and the submission of the correct documentation. Public authorities, and operators and importers or their authorized agents, should coordinate their respective functions to ensure that this goal is met.*

4.28 **Recommended Practice.**— *Contracting States should process requests for the release of part consignments when all information has been submitted and other requirements for such part consignments have been met.*

4.29 Contracting States shall allow goods, which have been unladen from an aircraft at an international airport to be transferred to any designated Customs office in the State concerned for clearance. The Customs procedures covering such transfer shall be as simple as possible.

4.30 When, because of error, emergency or inaccessibility upon arrival, goods are not unladen at their intended destination, a Contracting State shall not impose penalties, fines or other similar charges provided:

- a) the operator or his authorized agent notifies the Customs of this fact, within any time limit laid down;
- b) a valid reason, acceptable to the Customs, is given for the failure to unload the goods; and
- c) the cargo manifest is duly amended.

4.31 When, because of error or handling problems, goods are unladen at an international airport without being listed on the cargo manifest, a Contracting State shall not impose penalties, fines or other similar charges provided:

- a) the operator or his authorized agent notifies the Customs authorities of this fact, within any time limit laid down;
- b) a valid reason, acceptable to the Customs, is given for the non-reporting of the goods;
- c) the manifest is duly amended; and
- d) the goods are placed under the appropriate Customs arrangements.

Where applicable the Contracting State shall, subject to compliance with its requirements, facilitate the forwarding of the goods to their correct destination.

4.33 A Contracting State shall absolve the operator, or where appropriate his authorized agent, from liability to import duties and taxes when the goods are placed in the custody of the public authorities or, with the latter's agreement, transferred into the possession of a third party who has furnished adequate security to the Customs.

AIRCRAFT PARTS, EQUIPMENT, STORES AND OTHER MATERIAL IMPORTED
OR EXPORTED BY OPERATORS IN CONNECTION WITH INTERNATIONAL SERVICES

4.34 Stores and in-flight service items and other commissary supplies imported into the territory of a Contracting State for use on board aircraft in international service shall be relieved from import duties and taxes, subject to compliance with the Customs regulations of the State.

4.35 **Recommended Practice.**— *Contracting States should not require supporting documentation (such as certificates of origin or consular or specialized invoices) in connection with the importation of stores and in-flight service items and other commissary supplies.*

4.36 **Recommended Practice.**— *Contracting States should permit the sale and use of in-flight service items, stores for consumption and other commissary supplies on board aircraft without payment of Customs duties and other taxes in the case where aircraft, engaged in international flights:*

- a) *stop at two or more international airports within the territory of a Contracting State without intermediate landing in the territory of another State; and*
- b) *do not embark or disembark any domestic passengers.*

4.37 **Recommended Practice.**— *Subject to compliance with its regulations and requirements, a Contracting State should allow relief from import duties and taxes in respect of ground and security equipment and their component parts, instructional material and training aids imported into its territory, by or on behalf of an operator of another Contracting State for the use by the operator, or his authorized agent, within the boundaries of an international airport or at an approved off-airport facility.*

4.38 Contracting States shall grant prompt release or clearance, upon completion of simplified documentary procedures by the operator or his authorized agent, of aircraft equipment and spare parts which are granted relief from Customs duties, taxes and other charges under Article 24 of the Chicago Convention.

4.39 Contracting States shall grant prompt release or clearance, upon completion of simplified documentary procedures by the operator or his authorized agent, of ground and security equipment and their replacement parts, instructional material and training aids imported or exported by an operator of another Contracting State.

4.40 Contracting States shall allow the loan, between operators of other Contracting States or their authorized agents, of aircraft equipment, spare parts and ground and security equipment and their replacement parts, which have been imported with conditional relief from import duties and taxes.

4.41 **Recommended Practice.**— *Contracting States should provide for the admission free of import duties and taxes of operators' documents as defined in Chapter 1 of this Annex, to be used in connection with international air services.*

CONTAINERS, PALLETS AND OTHER UNIT LOAD DEVICES

4.42 Subject to compliance with their regulations and requirements, Contracting States shall grant the operators of other Contracting States temporary admission of containers, pallets and other unit load devices – whether or not owned by the operator of the aircraft on which they arrive – provided they are to be re-exported or used on an outbound international service.

4.43 **Recommended Practice.**— *Contracting States should require a temporary admission document for unit load devices only when they consider it essential for the purposes of Customs control.*

4.44 **Recommended Practice.**— *Where proof of the re-exportation of unit load devices is required, the Contracting State should accept the appropriate usage records of the operator or his authorized agent as evidence thereof.*

4.45 Unit load devices imported into a Contracting State under the provisions of Standard 4.43 shall be allowed to leave the boundaries of the international airport for the release or clearance of imported loads, or for export lading, under simplified documentation and control arrangements.

4.46 Where circumstances so require, Contracting States shall allow the storage of temporarily admitted unit load devices at off-airport locations.

4.47 Contracting States shall allow the loan between operators of unit load devices admitted under the provisions of Standard 4.43 without payment of import duties and taxes, provided they are to be used only for international services.

4.48 Contracting States shall allow temporarily admitted unit load devices to be re-exported through any designated Customs office.

4.49 Contracting States shall allow the temporary admission of replacement parts when they are needed for the repair of unit load devices imported under the provisions of Standard 4.43.

MAIL DOCUMENTS AND PROCEDURES

4.50 Contracting States shall carry out the handling, forwarding and clearance of mail and shall comply with the documentary procedures as prescribed by the Acts in force of the Universal Postal Union.

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