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

3.1 Under this agenda item, the Panel first considered WP/12 and WP/4, presented by the Secretary.

3.1.1 The Panel took note of the information contained in WP/12.

3.2 During the course of its discussions on WP/4, the Panel agreed that:

- a) in paragraph 2.1, the clause “regulations which are especially” should be deleted, and the word “measures” should be inserted between the words “appropriate” and “for;”
- b) in order to assist national civil aviation authorities, the model Memoranda of Understanding of the WCO mentioned in paragraph 2.3 should be reproduced in the FAL Manual;
- c) the sub-paragraphs of paragraph 2.8 should be re-ordered such that sub-paragraph “c)” become sub-paragraph “a)” and vice-versa;
- d) paragraph 2.10 should be re-drafted, so that its text be aligned with that of paragraph 2.12, as follows:

“Contracting States shall not normally require the presentation of a General Declaration. On those occasions when a General Declaration is required, the information requirements shall be limited to the elements indicated in Appendix 1. The information shall be accepted in either paper or electronic form.”;
- e) paragraph 2.11 should be deleted, and replaced by the following text:

“When a Contracting State requires the General Declaration only for the purposes of attestation, it shall adopt measures by which that attestation requirement may also be satisfied by a statement added, either manually or by use of a rubber stamp containing the required text, to one page of the Cargo Manifest. Such attestation shall be signed by the authorized agent or the pilot-in-command.”;
- f) paragraph 2.13 should be deleted as being superfluous in view of paragraph 2.14;
- g) in paragraph 2.23, the term “agricultural industry” should be deleted and replaced by the word “agriculture”;

- h) the following note should be appended to paragraph 2.25:

“Note.— This provision does not preclude the trial and testing of other methods for ultimate approval by the World Health Organization”;

- i) the following text of paragraph 2.27 should be deleted:

“To ease concern and reduce public opposition to the procedure,”

- j) in paragraph 2.28, the clause “as provided for in Appendix 1” should be inserted after the term “General Declaration”, and the word “or” deleted;

- k) (old) paragraph 2.28 should be deleted, but its underlying message should be set out in the FAL Manual; and

- l) paragraph 2.33 should be retained, but the word “food” replaced with the word “environment”, the clause “is not inflammable and” should be deleted and the following new sentence added to the end of the paragraph:

“Inflammable chemical compounds or solutions likely to damage aircraft structure, by corrosion or other effects, shall not be employed.”

3.2.1 The Panel agreed to all other recommendations contained in WP/4.

3.3 The Panel next considered WP/9, presented by the Secretary.

3.3.1 During the course of its discussions on this paper, the Panel agreed that:

- a) paragraph 2.35 should be revised to read:

“Contracting States shall publish their ~~regulations~~ **requirements** concerning the advance notices and applications for **prior authorization of general aviation and other non-scheduled flights** ~~permission referred to in 2.36 and 2.41, and communicate them to ICAO via their respective Aeronautical Information Publications (AIPs)~~”;

- b) in paragraph 2.36, the phrase “and/or applications for special permission for operations” should be deleted and replaced with the phrase “or prior authorization”;

- c) in the French text of paragraph 2.37, the word “fax” should be replaced with “télécopie”;

- d) in paragraph 2.39, the word “normally” should be inserted between the words “not” and “require” and the phrase “special permission for operations” should be deleted and replaced with the term “prior authorization”;

- e) in paragraph 2.40, the phrase “special permission for operations” should be deleted and replaced with the phrase “prior authorization”;

- f) in paragraph 2.41, a colon should be inserted after the word “applications”, in the last line of the main paragraph, and the rest of that line deleted;
- g) a new paragraph 2.41.1 should be inserted, as follows:

“Recommended Practice.— *Contracting States should publish, in their respective AIPs, the minimum amount of time required in advance of the flights referred to in paragraph 2.41, for processing applications for prior authorizations.”;*

- h) in paragraph 2.42, the phrase “for an intended operation” should be deleted; and
- i) paragraph 2.43 should be deleted and replaced with the following:

“Contracting States which require prior authorization for flights referred to in Standard 2.42 shall not require applications to be filed more than three working days in advance”;

3.3.2

The Panel agreed to all other recommendations contained in WP/9.

PROPOSED TEXT
CHAPTER 2. ENTRY AND DEPARTURE OF AIRCRAFT

A. General

2.1 Contracting States shall adopt ~~regulations which are especially~~ appropriate measures for the clearance of aircraft arriving from or departing to another Contracting State, and shall implement them in such a manner as to prevent unnecessary delays.

2.2 In developing procedures aimed at the efficient clearance of entering or departing aircraft, Contracting States shall take into account the application of aviation security or narcotics control measures, where appropriate.

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

~~2.2.1~~2.3 **Recommended Practice.**— *The appropriate control authorities of each Contracting State should enter into Memoranda of Understanding with the airlines providing international services to that State and with the operators of its international airports, setting out guidelines for their mutual cooperation in countering the threat posed by international trafficking in narcotics and psychotropic substances. Such Memoranda of Understanding should be patterned after the applicable models developed by the World Customs Organization for this purpose. In addition, Contracting States are encouraged to conclude Memoranda of Understanding amongst themselves.*

2.4 **Recommended Practice.**— *In accordance with the International Health Regulations of the World Health Organization, Contracting States should not interrupt air transport services for health reasons. In cases where, in exceptional circumstances, such service suspensions are under consideration, Contracting States should first consult with the World Health Organization and the health authorities of the State of occurrence of the disease before taking any decision as to the suspension of air transport services.*

B. Documents – requirements and use

~~2.3, Note~~2.5 No documents, other than those provided in this Chapter, shall be required by the public authorities from operators for the entry and departure of aircraft **in a Contracting State**.

~~2.21~~2.6 No visa shall be required, nor shall any visa or other fee be collected, in connection with the use of any documentation required for the entry or departure of aircraft.

~~2.19~~2.7 **Recommended practice.**— *Documents for entry and departure of aircraft should be accepted if furnished in Arabic, English, French, Russian or Spanish. Any Contracting State may require an oral or written translation into its own language.*

~~2.9, 2.9.1, 2.9.2, 2.20~~

2.8 Subject to the technological capabilities of the Contracting State, documents for the entry and departure of aircraft shall be accepted when presented:

- a) in electronic form, transmitted to an information system of the public authorities.;

- b) in paper form, produced or transmitted electronically; or
- c) in paper form, completed manually following the formats depicted in this Annex.

~~2.5, 2.8, 2.3.1~~

2.9 When a particular document is transmitted by or on behalf of the operator and received by the public authorities in electronic form, the Contracting State shall not require the presentation of the same document in paper form.

~~2.5.1, 2.5.3, 2.5.4, 2.6, 2.7.1, Note~~

2.10 ~~The General Declaration shall consist of the information elements captioned in the format depicted in Appendix 1. When presented in paper form it shall be accepted if completed according to the instructions provided in the same Appendix. Contracting States shall not normally require the presentation of a General Declaration. On those occasions when a General Declaration is required, the information requirements shall be limited to the elements indicated in Appendix 1. The information shall be accepted in either paper or electronic form.~~

~~2.5.2-2.11~~ When a Contracting State has eliminated the Passenger Manifest and no longer requires the General Declaration ~~only~~ (except for purposes of attestation), it shall accept, at the option of the operator, either a General Declaration or an appropriate attestation, signed by the authorized agent or pilot-in-command. ~~This can be accomplished on one page only of the Cargo Manifest, where the attestation on the Cargo Manifest can may be provided by means of a rubber stamp. When a Contracting State requires the General Declaration only for the purposes of attestation, it shall adopt measures by which that attestation requirement may also be satisfied by a statement added, either manually or by use of a rubber stamp containing the required text, to one page of the Cargo Manifest. Such attestation shall be signed by the authorized agent or the pilot-in-command.~~

~~2.7 and Note~~

2.12 Contracting States shall not normally require the presentation of a Passenger Manifest, ~~but when this type of information is required it may also be provided in an alternative and acceptable manner. On those occasions when a passenger manifest is required, the information requirements shall be limited to the elements indicated in Appendix 2. The information shall be accepted in either paper or electronic form.~~

~~2.9-2.13~~ ~~The Cargo Manifest shall consist of the information elements indicated in Appendix 3.~~

~~2.9 Note-2.14~~

2.13 When a Contracting State requires the presentation of the cargo manifest in paper form, it shall accept either:

- a) the form shown in Appendix 3, completed according to the instructions; or
- b) the form shown in Appendix 3, partially completed, with a copy of each air waybill representing the cargo on board the aircraft.

~~2.11-2.15~~

2.14 Contracting States shall not require the presentation of a written declaration of stores remaining on board the aircraft. ~~In respect of stores laden on or unladen from an aircraft, Contracting~~

~~States which continue to require the presentation of a written declaration of such stores shall limit the information required to an absolute minimum, and simplify their clearance to the greatest possible extent.~~

~~2.16-2.15~~ In respect of stores laden on or unladen from the aircraft, the information required in the Stores List shall not exceed:

- a) the information indicated in the heading of the format of the Cargo Manifest;
- b) the number of units of each commodity; and
- c) the nature of each commodity.

~~2.12-2.16~~ Contracting States shall not require the presentation of a list of the number of pieces accompanied baggage or mishandled baggage laden on or unladen from the aircraft. Operators carrying baggage shall, upon request from the authorities, provide them with any available information where it has not otherwise been provided for customs clearance purposes by the passenger.

~~2.10-2.17~~ Contracting States shall not require the presentation of a written declaration of the mail other than the form AV-7-(s) prescribed in the Acts in force of the Universal Postal Union. Operators carrying mail shall, upon the request of the customs authorities, present to them for inspection and return a copy of the aforementioned AV-7 mail form in cases where it has not otherwise been made available for customs clearance purposes by the postal authorities.

~~2.13, 2.16~~

~~2.18~~ Contracting States shall not require the operator to deliver to the public authorities more than three copies of any of the above mentioned documents at the time of entry or departure of the aircraft.

~~2.14, Note, 2.17 Note~~

~~2.19~~ If the aircraft is not embarking/disembarking passengers or lading/unlading cargo, stores or mail, the relevant document(s) shall not be required, provided an appropriate notation is included in the General Declaration.

~~2.15~~ When it will facilitate aircraft departure, Contracting States shall permit those operators that have provided a sufficiently conclusive statistical basis for obtaining such permission the use of standard baggage weights for each piece of baggage or for the aggregate of baggage for each passenger on given services.

~~**E. Consecutive stops at two or more international airports in the same Contracting State**~~

~~2.18~~ Contracting States shall not require documents or procedures for entry or departure of aircraft which are different from or in excess of those prescribed in this Chapter in the case where aircraft stop at two or more international airports within their territories without intermediate landing in the territory of another State.

~~———— Note. — During the interval (which may be of some duration in the case of many private flights) between the time when all inbound procedures have been completed and outbound procedures are begun, it is assumed that Contracting States normally will allow aircraft to land at other than international airports in their territories and will require no further documentation or procedures of the nature referred to in this Chapter.~~

C. Correction of documents

~~2.22~~ 2.20 In the event that errors are found in any of the above mentioned documents, the public authorities concerned shall accord the operator or authorized agent an opportunity to correct such errors or shall alternatively perform such corrections themselves.

~~2.23~~ 2.21 The operator or authorized agent shall not be subjected to penalties if he satisfies the public authorities concerned that any error which was found in such documents was inadvertent and made without fraudulent intent or gross negligence. When considered necessary to discourage a repetition of such errors, a penalty shall be no greater than is necessary for this purpose.

G-D. Disinsecting of aircraft

~~2.24~~ ~~2.23~~

2.22 **Recommended Practice.**— Contracting States ~~should~~ shall limit any routine requirement for the disinsecting of aircraft cabins and flight decks with an aerosol while passengers and crews are on board, to same-aircraft operations originating in, or operating via, territories that they consider to pose a threat to their public health, ~~agricultural industry~~ agriculture or environment.

~~2.24~~ 2.23 Contracting States which require disinsection of aircraft shall periodically review their requirements and modify them as appropriate, in the light of all available evidence relating to the transmission of insect vectors to their respective territories via aircraft.

~~2.25~~ 2.24 When disinsecting is required, a Contracting State shall authorize or accept only those methods and insecticides which are recommended by the World Health Organization.

Note. — This provision does not preclude the trial and testing of other methods for ultimate approval by the World Health Organization.

~~2.32~~ 2.25 Contracting States shall ensure that their procedures for disinsecting ~~or any other remedial measure~~ are not injurious to the health of passengers and crew and cause the minimum of discomfort to them.

~~2.28.1~~ ~~2.27~~

2.26 **Recommended Practice.**— To ease concern and reduce public opposition to the procedure, Contracting States shall provide appropriate information, upon request, in plain language, to air crew and passengers, explaining the pertinent national regulation, on the reasons for the requirement and the safety of properly performed aircraft disinsection.

~~2.26~~ ~~2.28~~

2.27 Recommended Practice.— When disinsecting has been performed in accordance with procedures recommended by the World Health Organization, the Contracting State concerned shall accept a pertinent certification on the General Declaration as provided for in Appendix 1 ~~or~~, in the case of residual disinsecting, the Certificate of Residual Disinsection set forth in Appendix 4.

~~2.27~~ **2.28** When disinsecting as a public health measure has been properly performed pursuant to 2.25, passengers and crew on arrival shall, ~~except in special circumstances,~~ normally be allowed to disembark immediately from the aircraft.

~~2.28~~ **Recommended Practice.**— *Contracting States should ensure that all personnel in charge of disinsecting receive appropriate information concerning the way in which to perform such disinsecting effectively.*

~~2.29~~ **Recommended Practice.**— *Disinsecting of an aircraft on a through-flight should not be required to be repeated on behalf of any insect vectors of human disease, against which the insecticide used is effective, except when live insect vectors of human disease have been found on board the aircraft, or when the aircraft is proceeding directly from an infected area of an insect-borne disease to a receptive area.*

~~2.30~~ **Recommended Practice.**— *When a Contracting State requires treatment of the aircraft with an insecticide in the interest of agriculture or food conservation, a single treatment should be employed that also meets the requirements of public health.*

~~2.31~~ **Recommended Practice.**— *When disinsecting or other remedial measures are required by a Contracting State for animal and plant quarantine purposes, such State should devise means to integrate its procedures in this field with other clearance procedures whenever this will expedite the clearance of aircraft and the loads that they carry, in so far as this does not detract from the safety of the aircraft and the effectiveness of the measures.*

~~2.33~~ **2.29** Contracting States shall ensure that any insecticide or any other substance used to meet the requirements of public health, agriculture or food ~~environment~~ conservation ~~is not inflammable and~~ does not have a deleterious effect on the structure of the aircraft or its operating equipment. **Inflammable chemical compounds or solutions likely to damage aircraft structure, by corrosion or other effects, shall not be employed.**

H-E. Disinfection of aircraft

~~2.34~~ **2.30** Contracting States shall define the types of animals and animal products which, when imported by air, require that the aircraft be disinfected and shall normally exempt aircraft from disinfection when such animals or animal products are carried in approved containers. When aircraft disinfection is required, the following provisions shall apply:

- a) the application shall be limited solely to the container or to the compartment of the aircraft in which the traffic was carried;

- b) the disinfection shall be carried out expeditiously; and
- c) inflammable chemical compounds or solutions likely to damage aircraft structure, by corrosion or other effects, shall not be employed.

F.F. Arrangements concerning international general aviation and other non-scheduled flights

I. General

2.35 Contracting States shall publish their ~~regulations~~ requirements concerning the advance notices and applications for ~~prior authorization of general aviation and other non-scheduled flights~~ special permission for operations referred to in 2.36 and 2.41, and communicate them to ICAO: ~~via their respective Aeronautical Information Publications (AIPs).~~

~~2.38, 2.43~~ 2.36 Contracting States requiring advance notice of the intended landing of aircraft in their territory ~~and/or applications for special permission for operations or prior authorization~~ shall designate a single agency through which such notices may be routed: ~~to receive and coordinate the government's response to such notices or requests.~~

~~2.39, 2.44~~ 2.37 Contracting States ~~requiring advance notice as referred to in 2.36 and 2.38~~ shall indicate ~~in their respective AIPs~~ the mail address and, where available, the AFTN address, the telex number or cable address, fax number, electronic mail address, ~~web page~~ and telephone number of the ~~agency~~ designated ~~agency~~: ~~as in 2.36.~~

~~2.37 last sentence~~

2.38Responsibility for notification to authorized inspection officials, in the case of both arrivals and departures of registered aircraft of other Contracting States, shall rest with the appropriate authority of the State concerned. ~~In each Contracting State notification to the interested border inspection agencies, e.g. customs, immigration or quarantine, of intended arrivals, departures or transit operations shall be the responsibility of the agency designated as in 2.36.~~

HH-II. Special permission for operations

~~2.41 part~~ 2.39 In the case of aircraft engaged in the carriage of passengers, cargo or mail for remuneration or hire on other than scheduled international air services, if a Contracting State requires its special permission for the operation of taking on or discharging passengers, cargo or mail, it ~~Contracting States~~ shall not normally require that such special permission ~~for operations~~ prior authorization be applied for through diplomatic channels. ~~and shall.~~

~~2.41 part~~ 2.40 Contracting States which require operators to apply for ~~special permission for operations~~ prior authorization shall:

- a) establish procedures whereby such application will be dealt with promptly;

- b) make such permission effective for a specific length of time or number of flights wherever possible; and
- c) impose no fees, dues or charges for the issue of such permission.

~~2.42~~**2.41** **Recommended Practice.**— *In the case of aircraft engaged in the carriage of passengers, cargo or mail for remuneration or hire, Contracting States should not require more than the following details in the applications referred to in 2.41 for special permission for operations:*

- a) name of operator;
- b) type of aircraft and registration marks;
- c) date and time of arrival at, and departure from, the airport concerned;
- d) place or places of embarkation or disembarkation abroad, as the case may be, of passengers and/or freight;
- e) purpose of flight and number of passengers and/or nature and amount of freight; and
- f) name, address and business of charterer, if any.

Note.— *It is the intent of this provision that applications in advance for special permission should be acted upon expeditiously on the basis of the above standard information. As an example to illustrate the intent of this provision, a State which requires applications in advance could provide that whenever applications contain all of the above standard information they need not reach the appropriate agency more than two full business days in advance of the intended landing of the aircraft in the territory of that State.*

2.41.1 Recommended Practice.— *Contracting States should publish, in their respective AIPs, the minimum amount of time required in advance of the flight referred to in paragraph 2.41, for processing applications for prior authorizations.*

~~2.40~~**2.42** *In the case of aircraft either in transit non-stop or stopping for non-traffic purposes, ~~Any~~ Contracting State which, for reasons of safety of flight, requires **prior authorization** special permission ~~for an intended operation~~ in respect of flights referred to in 2.36 above, shall not require any other information than that contained in a flight plan when application for such permission is made. ~~Such application shall not be required to be filed more than three working days in advance of the intended arrival of the aircraft in the territory of said Contracting State, or the intended non-stop transit flight across the territory of said State.~~*

~~2.37~~ **Note**

Note.— *Specifications for flight plans are set forth in Annex 2 — Rules of the Air.*

2.43 ~~Contracting States shall accept applications for special permission for operations if submitted at least three business days in advance of an intended operation.~~ Contracting States which require prior authorization for flights referred to in Standard 2.42 shall not require applications to be filed more than three working days in advance.

~~H~~**III.** *Advance notification of arrival*

~~2.36~~**2.44** In the case of aircraft registered in other Contracting States, which are not engaged in scheduled international air services and which are making flights either in transit non-stop across the territory of a Contracting State or stopping in the territory of a Contracting State for non-traffic purposes, ~~such the~~ Contracting State ~~concerned~~ shall not require more advance notice of such ~~flights operations~~ than is necessary to meet the requirements of air traffic control and of the ~~public authorities concerned~~ ~~interested border inspection agencies~~.

Note.— *This provision is not intended to prevent the application of appropriate narcotics control measures.*

~~2.37~~**2.45** Contracting States shall accept from the appropriate authority of any other Contracting State the information contained in a flight plan as adequate advance notification of the arrival of in-coming aircraft referred to in 2.36 above, provided that such information is received at least two hours in advance of arrival and that the landing occurs at a previously designated international airport. ~~Responsibility for notification to authorized inspection officials, in the case of both arrivals and departures of registered aircraft of other Contracting States, shall rest with the appropriate authority of the State concerned.~~

Note.— *Specifications for flight plans are set forth in Annex 2 — Rules of the Air.*

IV. *Clearance and sojourn of aircraft*

~~2.45~~**2.46** **Recommended Practice.**— ~~At airports where there are international general aviation operations at an international airport, Contracting States should arrange for an adequate level of border inspection and clearance service for those services operations~~

~~2.46~~**2.47** **Recommended Practice.**— ~~At airports where international general aviation operations are infrequent, in cases where the number of border-crossing general aviation flights so warrant, Contracting States should make arrangements whereby authorize one governmental agency is authorized to undertake, on behalf of all border inspection agencies, other government departments concerned, clearance of smaller aircraft and their loads at airports used only by occasional international flights.~~

Note.— *Some Contracting States have already authorized local police or other authorities at or near certain of their airfields to carry out all clearance aspects, thus enabling the State concerned to permit many of the smaller aircraft, coming directly from abroad, to land and depart from airports where normal clearance facilities do not exist, provided that no dutiable articles are unladen upon arrival or intended to be laden on departure.*

~~2.47~~**2.48** An aircraft which is not engaged in scheduled international air services and which is making a flight to or through any designated international airport of a Contracting State and is admitted temporarily free of duty in accordance with Article 24 of the Convention shall be allowed to remain within that State, for a period to be established by that State, without security for customs duty on the aircraft being required.