International Civil Aviation Organization

FACILITATION PANEL

EIGHTH MEETING

Montréal, 24 to 27 November 2014

REPORT

LETTER OF TRANSMITTAL
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To: The Chairperson, Air Transport Committee

From: The Chairperson, Facilitation Panel

I have the honour to submit herewith the Report of the Eighth Meeting of the Facilitation Panel, held at ICAO Headquarters in Montréal, from 24 to 27 November 2014.

Chairperson
Facilitation Panel

Montréal, 27 November 2014

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REPORT OF THE EIGHTH MEETING OF THE FACILITATION PANEL

Montréal, 24 to 27 November 2014

INTRODUCTION

General

1.   The Eighth Meeting of the Facilitation Panel (FALP/8) was held at ICAO Headquarters in Montréal from 24 to 27 November 2014.

Terms of reference

2.   The FAL Panel will:

a) consider input from FAL area meetings, facilitation contacts, and the Secretariat to formulate recommendations for new and amended Standards and Recommended Practices (SARPs) or guidance material, taking into account recent developments in applicable technology, contemporary challenges, and future needs for improvement of the efficiency and effectiveness of border inspection and other control processes in airports;

b) contribute information that could be used by the Secretariat in developing management tools (e.g. a manual) and other guidance material to assist States with the implementation of Annex 9;

c) develop proposals for consideration at FAL Division sessions; and

d) perform other tasks as assigned by the Air Transport Committee.

Agenda

3.   The Agenda for the meeting was determined by the Air Transport Committee and comprised the following items (presented in FALP/8-WP/1):

Agenda item 1:   Recent facilitation developments in ICAO

The Panel will be advised of facilitation-related developments in ICAO since its seventh meeting, including the results of the 38th Session of the ICAO Assembly (24 September to 4 October 2013), the Twenty-fifth Meeting of the Aviation Security Panel (17 to 21 March 2014) and the Symposium on Innovation in Aviation Security (21 to 23 October 2014). As required, the Panel will review the policy priorities in facilitation, based on the outcome of these developments, with a view to aligning its work programme accordingly. Other relevant developments will also be considered.

Desired outcome: Recommendations for Facilitation Panel work programme priorities for consideration by the Air Transport Committee (ATC).

Agenda item 2:   Amendments to Annex 9

The Panel will be invited to consider proposals for new/revised Standards and Recommended Practices (SARPs) for Amendment 25 to Annex 9 on subjects including assistance to aircraft accident victims and their families, Automated Border Controls (ABCs), Machine Readable Travel Documents (MRTDs),

cargo facilitation, persons with disabilities and INTERPOL's Stolen and Lost Travel Documents (SLTD) database.

Desired outcome: Proposals for Amendments to Annex 9.

Agenda item 3:   Report of the Working Group on Guidance Material

The Panel will be updated on the work currently being undertaken by its Working Group on Guidance Material (WGGM) which has been tasked with undertaking in-depth reviews of Doc 9957, *The Facilitation Manual* and Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, and developing a model National Facilitation Programme for subsequent inclusion in the FAL Manual, including guidance material on the use of the model.

Desired outcome: Proposals for new and amended guidance material.

Agenda item 4:   Other matters

The Panel will be invited to consider other matters concerning the ICAO Facilitation Programme, including possible revisions to Doc 9944, *Guidelines on Passenger Name Record (PNR) Data* and Annex 9 audits.

Desired outcome: Recommendations on actions to further enhance the facilitation of air transport.

Attendance

4.   The total number of participants was as follows:

          57 Panel members, alternates and advisers from 21 Member States;
          39 observers and advisers from 18 Member States; and
          15 observers and advisers from 12 international organizations.

5.   A complete list of participants is provided in **Appendix A**.

Opening of the meeting

6.   The Chairperson of the Air Transport Committee, Mr. Mohamed Sayeh Eltayf, opened the meeting. The Deputy Director of Aviation Security and Facilitation, Mr. J. Marriott, welcomed the participants to Montréal and introduced the members of the Secretariat.

Officers and Secretariat

7.   The Panel elected Mr. Samuel Lucas, Panel Member from Australia, as Chairperson of the Meeting and Mr. Norberto Luongo, Panel Member from Argentina, as Vice-Chairperson.

8.   Mr. J. Thaker, Facilitation Officer, Facilitation (FAL) Section, acted as Secretary of the meeting, supported by Mr. M. Siciliano, Chief, FAL Section.

Languages and documentation

9.   Interpretation services were provided in Arabic, Chinese, English, French, Russian and Spanish by the Language and Publications Branch, coordinated by Dr. F. Liu, Director, Bureau of Administration and Services.

10.   A list of documentation for the meeting is provided in **Appendix B**.

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Agenda Item 1:   **Recent facilitation developments in ICAO**

1.1   **DOCUMENTATION**

In IP/2, the Secretariat reproduced Resolution A38-16, adopted by the ICAO Assembly during its 38th Session (29 September to 4 October 2013). Specifically, the Resolution covers the development and implementation of facilitation provisions, international cooperation in protecting the security and integrity of travel documents, and national and international action and cooperation on facilitation matters.

In IP/3, the Secretariat reproduced a chart setting out the priorities for the FAL Programme and expected outcomes for the 2014-2016 triennium, as endorsed by the 38th Assembly.

1.2   **DISCUSSION**

1.2.1   The Secretary made a presentation on facilitation-related developments in ICAO since the Seventh Meeting of the Facilitation Panel (FALP/7), held from 22 to 26 October 2012.

1.2.2   The Chief, Facilitation Section, made a presentation on the ICAO Traveller Identification Programme (ICAO TRIP) Strategy.

1.2.3   The Panel was invited to review the FAL Programme's policy priorities, as set out in IP/3, and provide comments, if any. The Panel did not identify any changes to the priorities reflected in IP/3.

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Agenda Item 2:   **Amendments to Annex 9**

2.1   **DOCUMENTATION**

WP/2, as requested by the 38th Assembly, set out a proposal for the incorporation of a new provision into Annex 9 recommending that States establish legislation, regulations and/or policies to provide assistance to aviation accident victims and their families.

WP/3, as requested by the 38th Assembly, set out proposals for the incorporation of new provisions into Annex 9 on Automated Immigration Clearance Systems.

In WP/5, the Observer from the United Nations High Commissioner for Refugees (UNHCR) proposed that a new Standard be included in Annex 9 requiring that Convention Travel Documents be issued in accordance with ICAO Doc 9303. The Observer from the UNHCR made a presentation on the history of the Convention Travel Documents and the rationale for the inclusion of a new Standard in Annex 9.

In WP/6, Canada, on behalf of the ICAO Technical Advisory Group on Machine Readable Travel Documents (TAG/MRTD), proposed, inter alia, that a new Recommended Practice to encourage Contracting States to participate more actively in the ICAO Public Key Directory, as well as a Standard requiring States to upload accurate information on lost, stolen and revoked travel documents to the INTERPOL Stolen and Lost Travel Documents (SLTD) database, be incorporated into Annex 9. Canada made a presentation on the proposals set forth in WP/6.

In WP/7, the Secretariat proposed a new Recommended Practice calling on States to query passports of international travellers against the INTERPOL SLTD database be inserted into Annex 9. To assist the Panel's consideration, the Observer from INTERPOL made a presentation on the organization's Stolen and Lost Travel Documents database.

In WP/8, the Czech Republic, on behalf of ECAC, proposed amendments to Standards 3.33 and 5.14 of Annex 9 in order to ensure consistency in terminology in the two Standards, and also proposed the inclusion of a definition for the term "necessary precautions."

In WP/10, Revised, the Observer from the Netherlands presented several proposals to amend the cargo-related provisions of Annex 9, in order to update them so that they reflect new developments in the Customs area that have contributed to the facilitation of logistics processes, specifically in relation to Customs procedures and practices.

WP/13, which was to be presented by Observers from FIATA, GEA, IATA and TIACA was withdrawn following changes made by the Netherlands to WP/10, Revised, that obviated the need for the proposals made in WP/13.

2.2   **DISCUSSION AND RECOMMENDATIONS**

2.2.1   The Panel agreed to the proposal presented in WP/2 related to assistance to victims of aviation accidents and their families, as amended by the inclusion of the words "assistance to" after the words "support of".

2.2.2   As requested by the Assembly and the Council, the Panel considered the proposals made in WP/3. However, the Panel agreed that these duplicated existing definitions, were unnecessarily restrictive, and could limit not only the processes, scope, and benefits of automated border control practices already established in several States, but also restrict use of future technologies. As a result, the proposals were not adopted.

2.2.3   In considering WP/5, the Panel agreed that the proposal to include a Standard on "Convention Travel Documents (CTDs)" should be adopted, but the text should be amended to specifically place the resulting obligation on States. The Panel also agreed that a "Note" be appended to the Standard to provide an explanation of the meaning of "Convention Travel Documents" by referencing the relevant international conventions relating to refugees and stateless persons. In responding to a query related to interactions of the proposed Standard with Recommended Practice 3.11, the Panel considered that this Recommended Practice was general in nature, and that it applied to those documents used for travel purposes but not addressed specifically and separately in the Annex, such as machine readable passports (addressed in Standard 3.10), or the newly proposed provision on CTDs.

2.2.4   After some discussion on the distinction between obligations to input data into the INTERPOL SLTD database and obligations to query the SLTD database, the Panel adopted the proposals contained in WP/6 on travel document related provisions of Annex 9.

2.2.5   In its consideration of WP/7, the Panel supported the adoption of the proposed Recommended Practice on the INTERPOL SLTD database. In doing so, the Panel expanded the scope of the provision to include all travel documents, not just passports. Additionally, the Panel inserted language to indicate that the database should be queried "as far as practicable," in order to accommodate those situations where such controls are normally not carried out.

2.2.6   With regard to WP/8, the Panel supported the inclusion of a new definition on "necessary precautions" in Annex 9, and accompanying amendments to Standard 3.3 and 5.14, intended to protect aircraft operators from excessive liability and responsibility by clarifying that aircraft operators, their employees, and their agents, are not expected to be experts in travel document examination and authentication. However, it agreed that specific examples regarding irregularities in travel documents would be more appropriately placed in the FAL Manual, wherein detailed explanations could also be given. A similar decision was made with regard to the proposed text on travel document examination in paragraph 5.14. In this regard, the Panel agreed that a "Note" should be appended to Standard 5.14 to draw attention to the (planned) explanations in the FAL Manual, which would illustrate acceptable measures of compliance. Following a re-drafting of the proposed definition and the text of paragraph 5.14, the Panel adopted the text found in the Appendix. The proposed amendment to Standard 3.33 was adopted as proposed.

2.2.7   WP/10, Revised, presenting proposed amendments to air cargo facilitation provisions to align with provisions of the WCO SAFE Framework was broadly supported, with revised text proposed by the United States and supported by the Panel, made to the text proposed in the Revised WP/10 as follows: a) in paragraph 4.11.1, the word "advance," would be retained and not deleted from the proposed text; b) in paragraph 4.30, the word "including" would be replaced with the words "which may include"; and, in paragraph 4.30.1, the clause "but not limited to" would be inserted at the end of the opening line, and a "Note" would be appended to provide details on the term "authorized person."

2.2.8   The text as agreed by the Panel is reproduced in the **Appendix** to the Report on Agenda Item 2.

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APPENDIX

1.   *Amend* **Annex 9, Chapter 8, by inserting a new Recommended Practice, as follows**: [**WP/2 refers]**

> 8.45   **Recommended Practice**.⸺ *Contracting States should establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families*.

> *Note*.⸺*Attention is drawn to Doc 9998,* ICAO Policy on Assistance to Aircraft Accident Victims and their Families *and Doc 9973,* Manual on Assistance to Aircraft Accident Victims and their Families.

2.   *Amend* Annex 9, **Chapter 3**, by inserting a new Standard, as follows: [**WP/5** refers]

> 3.X1   Contracting States shall ensure that travel documents for refugees and stateless persons ("Convention Travel Documents") are machine readable, in accordance with the specifications of Doc 9303.

> *Note*.⸺*"Convention Travel Documents" are provided for in the 1951 Convention Relating to the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons (cf. respective Article 28 of both Conventions).*

3.   *Amend* **Annex 9, Chapter 3, as follows: [WP/6 refers]**

> 3.5 Contracting States shall ensure that no ~~No~~ documents other than those provided for in this Chapter shall be required of visitors by Contracting States for the entry into and departure from their territories ~~of visitors~~.

> 3.9.1 **Recommended Practice.**⸺ *Contracting States ~~(a)~~ issuing or intending to issue eMRTDs ~~ePassports; and/or (b) implementing at border controls automated checks on ePassports~~ should join the ICAO Public Key Directory (PKD)~~.~~ and upload their information to the PKD.*

> 3.9.2 **Recommended Practice.**⸺ *Contracting States implementing checks on eMRTDs at border controls should join the ICAO Public Key Directory (PKD) and use the information available from the PKD to validate eMRTDs at border controls.*

> 3.14.1 **Recommended Practice.**⸺ *If any fee is charged for the issue, ~~or~~ renewal or replacement_of a ~~passport~~ travel document, the amount of such fee should not exceed the cost of the operation.*

> 3.X2 Contracting States shall promptly report accurate information about stolen, lost, and revoked travel documents, issued by their State, to INTERPOL for inclusion in the SLTD database.

4.   *Amend* **Annex 9, Chapter 3, as follows: [WP/7 refers]**

3.X3 **Recommended Practice**.⎯ *Each Contracting State should, as far as practicable, query at entry and departure border control points the travel documents of individuals travelling internationally against the* INTERPOL *Stolen and Lost Travel Documents (SLTD) database.*

5.   *Amend* **Annex 9, Chapters 1, 3 and 5, as follows: [WP/8 refers]**

   Chapter 1:

Necessary precautions: Verifications carried out by adequately trained staff members of the aircraft operator or the company operating on behalf of the aircraft operator, at the point of embarkation, in order to ensure that every person holds a valid travel document and, where applicable, the visa or residence permit required to enter the receiving State. These verifications are designed to ensure that any obvious irregularity (e.g. obvious document alteration) is detected.

   Chapter 3:

3.33   Aircraft operators shall take necessary precautions at the point of embarkation to ensure that ~~passengers~~ persons are in possession of the documents prescribed by the States of transit and destination for control purposes as described in this chapter.

   Chapter 5:

5.14   Contracting States shall not fine aircraft operators in the event that arriving and in-transit persons are found to be improperly documented where aircraft operators can demonstrate that they have taken ~~adequate~~ necessary precautions to ensure that these persons had complied with the documentary requirements for entry into the receiving State.

Note.⎯Attention is drawn to the relevant text in Doc 9957, The Facilitation Manual, *wherein explanations may be found on irregularities in, and the examination and authentication of, travel documents.*

6.   *Amend* **Annex 9, Chapters 1 and 4 as follows: [WP/10 refers]**

   Chapter 1:

Authorised Economic Operator. AEO is a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with WCO or equivalent supply chain security standards. AEOs may include manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, distributors and freight forwarders.

Single Window. A facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements. If information is electronic then individual data elements should only be submitted once.

Chapter 4:

4.9.1 **Recommended Practice**.– *Contracting States should consider the introduction of programmes for Authorised Economic Operators that enhance security, thus creating an environment for facilitative Customs control measures.*

Note:−Facilitative Customs control measures may include a reduced level of physical inspections and examinations, the submission of a limited set of data elements, a notification of an intended inspection before the arrival of the goods and other facilitative measures. The control measures should be based on the required information provided in advance to Customs and by using risk assessment procedures.

4.9.2 **Recommended Practice**.– *Contracting States should encourage the establishment of agreements / arrangements for the mutual recognition of their respective Authorised Economic Operator or equivalent programs with other countries.*

4.11.1 **Recommended Practice**.– *Contracting States should consider, for facilitation purposes, where feasible, the use of the available advance cargo information in subsequent import, export and/or transit customs procedures for the release / clearance of the goods.*

4.17.1 **Recommended Practice**.– *Contracting States should consider the introduction of arrangements to enable all parties involved in air cargo operations to submit all the information required by public authorities, in connection with arrival, stay and departure of an aircraft and air cargo, to a single entry point (Single Window).*

4.17.2 **Recommended Practice**.– *Contracting States should encourage all participants in the transport, handling and clearance of air cargo to simplify relevant procedures and documents and to cooperate or participate directly in the development of electronic air cargo community systems using internationally agreed standards with a view to enhance the exchange of information relating to such traffic and assuring interoperability between the systems of all participants.*

C. Release and clearance of export and import cargo.

4.30 **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.~~

Contracting States should establish special procedures, which provide for the expedited release of goods on arrival or departure for authorized persons. These authorized persons should meet specified criteria, which may include an appropriate record of compliance with official requirements and a satisfactory system for managing their commercial records.

4.30.1 **Recommended Practice**. – *Special procedures for authorised persons may include, but not be limited to:*
a) *release of the goods for import or export on the provision of the minimum information necessary to identify the goods and permit the subsequent completion of the final goods declaration;*
b) *clearance of the import or export goods at the authorised person's premises or at an another place authorised by Customs;*
c) *lodgement of a goods declaration for import or export, based on the entry into the records of the authorised person;*
d) *lodgement of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person.*

Note:— With regard to the term "authorised persons", attention is drawn to Transitional Standard 3.32 of WCO's International Convention on the Simplification and Harmonization of Customs procedures as revised in 1999, which entered into force in 2006 ("the revised Kyoto Convention").

under **D. Release and clearance of import cargo,** in recommended practice 4.31:

"4.27 to 4.30" is replaced by "*4.27 to 4.30.1"*

~~D. Release and clearance of import cargo~~

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Agenda Item 3:   **Report on the Working Group on Guidance Materials**

3.1   **DOCUMENTATION**

In WP/9, Singapore, as Rapporteur of the Panel's Working Group on Guidance Materials (WGGM), presented an update on the work currently being undertaken by Working Group, that had been tasked, by the FALP/7 meeting, with undertaking in-depth reviews of Doc 9957, *The Facilitation Manual* and Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, and developing a model National Facilitation Programme, including guidance material on the use of the model.

WP/9, Appendix, contained a draft *Model National Air Transport Facilitation Programme*.

The Alternate Panel Member from the Czech Republic made a presentation regarding the Czech Republic's National Facilitation Committee.

3.2   **DISCUSSION AND RECOMMENDATIONS**

3.2.1   In considering WP/9, Appendix, the Panel endorsed the draft Model Air Transport Facilitation Programme, following the addition of text relating to the examination of persons for entry into, or departure from, States. The Secretariat noted that the Model would be published as a new Manual, separate from the FAL Manual, in order to expedite its publication.

3.2.2   In considering the progress made in reviewing both The Facilitation Manual (Doc 9957) and International Signs to Provide Guidance to Persons at Airports and Marine Terminals (Doc 9636), the Panel noted that work was in progress, and that final draft versions of both documents will be submitted to the Ninth Meeting of the FAL Panel.

3.2.3   The text on the *Model National Air Transport Facilitation Programme*, as agreed by the Panel, is reproduced in the Appendix to the Report on Agenda Item 3.

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APPENDIX

27 November 2014

[DRAFT]

MODEL NATIONAL
AIR TRANSPORT FACILITATION
PROGRAMME

[insert date of issue]

Record of Amendments

This document will be subject to amendment from time to time. Such amendments are to be controlled through the Record of Amendments included in this document. The coordinating body for amendments is the [insert relevant body].

Amendment No.	Effective Date	Date Entered	Entered by

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Foreword

The model National Air Transport Facilitation Programme (NATFP) contains guidance on how States may comply with Standards 8.17, 8.18 and 8.19 of Annex 9 to the Convention on International Civil Aviation, Facilitation. In this regard, explanatory notes are appended to relevant portions of the model NATFP as guidance. It is important to note that the model NATFP is not the only means of compliance. Other methods of meeting Standards 8.17, 8.18 and 8.19 in Annex 9 may be equally appropriate. Modification to the elements and content proposed in this model NATFP may be necessary to meet the varied legal and administrative structures within individual States.

The NATFP should define the roles, functions and responsibilities of all entities involved in air transport facilitation activities. A good practice could be also to include the security-related standards of Annex 9 in the NATFP.

Introduction

Explanatory note: A template for the introduction of the NATFP is provided below. States may wish to develop their own introduction section of their NATFP. States should ensure that the NATFP is signed by the person/entity responsible for implementing the programme.

Facilitation

Facilitation may be defined as a combination of measures and human and material resources intended to improve and optimize aircraft, crew, passenger, cargo and mail and stores flows through airports while ensuring compliance with relevant international and national legislation.

Purpose of the National FAL Committee and the NATFP

The establishment of the National Air Transport Facilitation Committee (hereafter the National FAL Committee) and of the NATFP is an ICAO Standard, see Standard 8.19 and 8.17 respectively in Annex 9 (Thirteenth edition, July 2011) to the Convention on International Civil Aviation.

The objective of both the Committee and the NATFP is to maintain a safe, secure civil aviation environment in which services are delivered in a reliable and efficient manner.

The purpose of the NATFP is to provide a framework to guide the improvement and optimization of aircraft, crew, passenger and cargo flows through airports and to improve customer service, while maintaining appropriate security requirements. The Committee provides a forum for consultation and information sharing about facilitation matters amongst Government stakeholders, Government representatives of other air transport related communities and the private sector.

While committed to facilitating efficient clearance for arriving and departing aircraft, [NAME STATE] shall maintain high-quality security, effective law enforcement and proficient customer service.

Activities aimed at accomplishing these and related tasks are described in the NATFP.

Benefits of a NATFP

The NATFP aims to address and harmonise the interests of all entities involved in facilitation, e.g., Public Authorities, aircraft operators, commercial air transport users and airports etc. to promote the growth of a safe, reliable and viable air transport industry. The benefits it hopes to achieve are:

a) to maintain or increase the quality of aircraft, crew, passenger and cargo flow;
b) to maintain or increase the level of passenger service and the cost-effectiveness and efficiency of processes and procedures;
c) to facilitate, accommodate and encourage the growth of air transport; and
d) to contribute to a positive experience meeting the needs of the travelling public.

The NATFP of [NAME STATE] is implemented through the activities of the National FAL Committee. [NAME ENTITY] is the authority designated by [NAME STATE] within its administration to be responsible for the development, implementation and maintenance of the NATFP and for the establishment of a National FAL Committee.

The National FAL Committee is chaired by [NAME ENTITY].

Signature and version number

This document is regularly updated, for example when national or international regulations (e.g., ICAO Annex 9 Standards and Recommended Practices) make this necessary. The coordinating body for amendments is [NAME ENTITY]. Amendments will be recognisable in version numbers.

Signed on:

Director General or other title
Civil Aviation Authority/Ministry/Department

Explanatory note — Status and publication of the NATFP - Depending in part on the legal status of the NATFP (e.g., law, decree, ministerial decision, administrative arrangements), the State concerned may decide to make it public or to limit its circulation, for example only to entities concerned. However, attention is drawn to the probable benefits of ensuring a large circulation of the NATFP as this would foster its implementation.

Definitions

Explanatory note – States may wish to define key terms to establish their meaning, for the purpose of the NATFP.

Objectives of the National Air Transport Facilitation Programme (NATFP)

Explanatory note – States should clearly define the objectives of their NATFP.

The objectives of the NATFP are to coordinate between relevant Ministries, agencies and industry to:

- Ensure the implementation of the Standards and Recommended Practices (SARPs) contained in Annex 9 to the Convention on International Civil Aviation, Facilitation;
- Enhance processes and procedures to facilitate the movement of aircraft, crews, passengers, cargo, mail and stores by removing unnecessary obstacles and delays, in addition to enhancing efficiency, productivity and service quality of civilian air transport services; and
- Proactively support the development of innovative strategies to address facilitation issues in the air transport industry and civil aviation environment.

Explanatory note — This does not mean that the NATFP provides for, or that the National FAL Committee is responsible for, the implementation of regulations. Neither does it imply a change in the responsibilities of the participating Ministries or Agencies and in their designated areas of competence. The purpose of the NATFP *is primarily to organize the distribution of information and the coordination of the abovementioned tasks.*

Legislation

Explanatory note – States may wish to list the various international conventions; regional and national legislation and regulation, where applicable, which provides the basis for implementation of the NATFP.

The NATFP is based on International, [*regional, if applicable*] and National laws, regulations and recommendations. The establishment of the NATFP and the National FAL Committee is required by, and based on Standards 8.17, 8.18 and 8.19 of Annex 9 to the Convention on International Civil Aviation, Facilitation, and is implemented in application of [*insert reference to National Legislation, regulation or decision as appropriate].*

The following legislation, at the international, [*regional, if applicable*] and national levels are taken into account by the NATFP.

International Regulations [examples listed below]

- Chicago Convention on Civil Aviation in particular Articles 10, 13, 14, 22, 23, 37 and 38

- Annex 9 to the Chicago Convention – Facilitation (13th edition, July 2011)

- Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention)

- International Convention on the simplification and harmonization of Customs procedures (Kyoto Convention)

- SAFE Framework of measures

- World Health Organisation - International Health Regulations (IHR)

  [insert other international instruments, as relevant]

Regional Legislation and Recommendations [if applicable]
[*list relevant legislation, per sector or subjects addressed. Alternatively, the legislation can be provided as an Annex that can be periodically updated as needed*]:

- …
- …
- …

National Legislation

[*list relevant national legislation, per sector or subjects addressed*]:

- …
- …
- …

The NATFP is given legal force by virtue of [Mention National Legislation, regulation or decision] ; **OR** Legal force is held by individual members of the NATFP.
[*Depending on the actual arrangements of the State, either of the two suggested sentences, or a different formulation may be used.*]

The National FAL Committee and its terms of reference are established by [provide reference of national legislation, regulation, or decision]. If appropriate

Organisation and Management of the National Air Transport Facilitation Programme

Explanatory note – This section addresses Annex 9 Standard 8.19 on establishing a National Air Transport Facilitation Committee, and Airport Facilitation Committees, or similar coordinating bodies, for the purpose of coordinating facilitation activities. It addresses the responsibilities of the National Air Transport Facilitation Committee and how it can interact with Airport Facilitation Committees.

National Air Transport Facilitation Committee

The National FAL Committee is established to implement and manage the provisions of the NATFP in [*NAME STATE (or STATES in case of National FAL Committee common to several States)*].

Note — There are security bodies /committees which may address tasks also dealt within the NATFP. As the aim is to prevent duplication, regular coordination should take place the National FAL Committee and counterparts in the Security Committees, and through members participating in both groups. The security committees concerned should either form part of the National FAL Committee or be updated on the work of the National FAL Committee, which in turn may refer issues of common interest to Security Committees for further consideration.

Terms of Reference

The National FAL Committee meets [*frequency to be determined*], or as often as the Chairperson may determine to be necessary.
The responsibilities of the National FAL Committee are to:

1. Ensure coordination between relevant Ministries, agencies and industry to remove unnecessary obstacles and delays and improve efficiency and service levels of civilian air transport services;

2. Develop and implement the provisions of the NATFP in accordance with the provisions of Annex 9 to the International Convention on Civil Aviation, Facilitation;

3. Consider recommendations to enhance facilitation of civil air transport made by relevant entities;

Explanatory note – Recommendations to enhance facilitation of civil air transport may be made to the National FAL Committee by entities which need not be members of the Committee.

4. Encourage the development of best practices in all areas of facilitation of civil air transport (e.g. immigration, customs, handling of persons with disabilities);

5.   Discuss proposed changes to regulations concerning facilitation of civil air transport (e.g. amendments to ICAO Annex 9);

6.   Inform departments, competent agencies and other organisations concerned of significant relevant facilitation developments in the field of civil aviation (e.g. outcome of ICAO Facilitation Panel) and seek their consideration of and make recommendations to them regarding issues related to the NATFP; and

7.   Coordinate with the National Civil Aviation Security Committee (NCASC) on security related elements of facilitation matters.

Note —as a good practice the Chairperson of the National FAL Committee could be a member of the National Civil Aviation Security Committee, coordinate closely with the Chairperson of the National Civil Aviation Security Committee or the National Civil Aviation Security Committee representative/member could be a regular member of the National FAL Committee.

There are various groups and forums which address several aspects of facilitation. Examples (not limited) are: Airport User Committee (Airport or Aircraft Operators Committee), Airport Facilitation Committee, Airport Security Committee etc. There should be interaction or information dissemination between these committees and members of the National FAL Committee.

Membership

The National FAL Committee is composed of government officials representing the main interests involved in the various domains of facilitation, representatives of the aviation industry and other representatives[1], permanent or temporary, that can assist the work of the Committee. Alternates may be designated by their respective organisations. Such persons should be given sufficient authority to speak on behalf of their organisations and to initiate necessary action in support of the National FAL Committee's work. Experts may be invited by the Chairperson of the National FAL Committee to advise or contribute on specific subjects. To ensure the most effective communication between the government and the civil aviation industry (including foreign airlines), representation by the industry on the National FAL Committee is to be encouraged.

The following Government Departments or Agencies may be members of the National FAL Committee: [*choose/add relevant members; alternatively States may wish to list the designated members in an Annex*]

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[1] "Other representatives" refer to other entities which may play an advisory role including governmental agencies or non-governmental organisations which promote international tourism and trade.

- Designated Authority Responsible for the NATFP
- Appropriate Authority for Security;
- Customs Authority;
- Immigration Authority/Issuing Authority;
- Health Authority;
- Agriculture Authority;

The following organisations may also be members of the National FAL Committee, represented either at an individual level or through a trade organisation:

- Airline operators;
- Ground handlers;
- Forwarders and express carriers; and
- Airport operators;

The National FAL Committee has detailed work procedures **(Attachment 1)**.

Tasks and Work Programme
Explanatory note – States may wish to exercise flexibility on the work programme and tasks of the National FAL Committee to adapt to the changing civil aviation environment. Therefore, States may wish not to include the work programme within the NATFP. Alternatively, States may wish to refer to the work programme in a separate document. Nonetheless, an example of a work programme is included here to serve as guidance for States.

The National FAL Committee shall:
- Regularly review the level of civil aviation facilitation at international airports in the country;

- Consider and recommend solutions to civil aviation facilitation issues;

- Stay informed about the operations of the Airport Facilitation Committees to ensure that practices and/or procedures employed at the airports are in accordance with applicable legislation and ICAO SARPs;

- Consider proposed changes in international legislation or in the recommended practices issued by international fora and to give input to formulate the national policy position;

- Review ICAO Annex 9 provisions and their implementation by way of practices and procedures at the national level, in order to establish compliance and/or file differences with ICAO Annex 9 SARPs by the designated authority [Note: Please refer to Page x of Annex 9 on the actions taken by Contracting States in relation to

Notification of Differences, Promulgation of Information, and Use of the text of the Annex in national regulations];

▪ Systematically review the differences filed in ICAO as regards ICAO Annex 9 as well as any legislation or regulations mandating the practices or procedures giving rise to such differences with a view to working to eliminate them, either by proposing changes in the practices and procedures concerned; or where necessary, by proposing changes in the relevant legislation or regulations;

▪ Identify and share information from each participating entity on developments in their respective work field which may affect facilitation;

▪ Ensure Airport Facilitation Committees meet regularly to monitor and evaluate progress.

The National FAL Committee lays down its priorities and work agenda in a [*frequency to be determined*] work programme. The National FAL Committee defines and implements its work programme on a regular basis.

The National FAL Committee may organise its work in dedicated subgroup meetings, for efficiency and effectiveness purposes. Results of subgroups are reported to the National FAL Committee.

Airport Facilitation Committees [or insert name of similar set-ups]
Explanatory note – Airport Facilitation Committees, or similar set-ups, should be established to implement the National Air Transport Facilitation Programme at the airport level.

Airport Facilitation Committee(s) should be established at each civil airport for the purpose of coordinating civil aviation facilitation matters at the airport-level.

Terms of Reference of the Airport Facilitation Committee (AFC) are:

a) to implement the National Air Transport Facilitation Programme at the airport level;

b) to examine problems arising in connection with the clearance of aircraft, passengers, baggage, cargo, mail and stores and where possible provide and effect solutions to the problems which may arise at the airport concerned; and

c) to make recommendations as appropriate to the National FAL Committee or Ministry/agency/entity concerned, for the implementation of proposals which cannot be effected by the Airport Facilitation Committee.

The Airport Facilitation Committees (chaired by the Airport Operator) shall be composed of representatives of the major stakeholders in civil air transport facilitation at airports which may include but not limited to: civil aviation authority, immigration, customs, airlines, security agencies, postal and telecommunication services, ground handling agencies. The Airport Facilitation Committees shall meet at a frequency to be determined.

The Airport Facilitation Committees shall provide updates of airport facilitation matters to the National FAL Committee and/or designate a representative to serve as a member of the National FAL Committee and may raise civil air transport facilitation issues, which cannot be resolved at operational level to the National FAL Committee.

The respective organisations who are members of the National FAL Committee shall also provide updates of the facilitation matters, that they are responsible for at the meetings of the National FAL Committee and raise any civil air transport facilitation issues faced by their organisation(s) in the implementation of the NATFP.

Coordination of the National Air Transport Facilitation Programme (NATFP)

Explanatory note – This section provides an example of how the implementation of the NATFP can be coordinated.

For matters affecting both facilitation and aviation security, the NATFC shall co-ordinate and communicate with the the National Civil Aviation Security Committee (NCASC) and vice versa to ensure prompt resolution of issues.

The following co-ordination framework shall be adopted in the implementation of the NATFP:

National FAL Committee* ⟷ NCASC*

Other government agencies or entities involved in civil air transport facilitation

Airport Facilitation Committees (AFC)
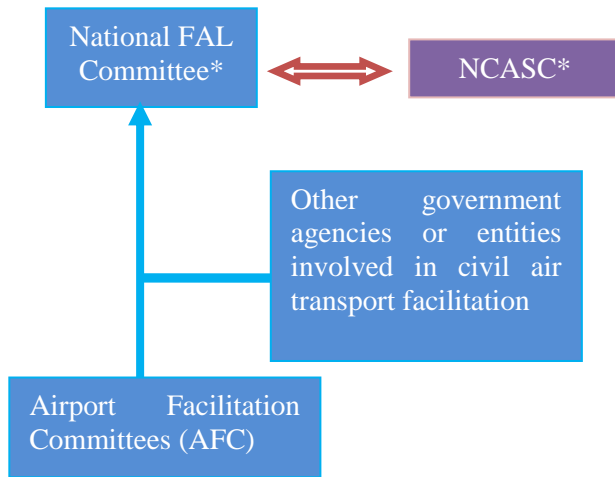
*Certain members of the FAL Committee should also be members of the Security Committee.

Roles, Functions and Responsibilities of Agencies involved in Air Transport Facilitation

This section describes the allocation of responsibilities for the implementation of facilitation matters. It sets out the tasks relating to facilitation issues allocated, within their area of competence, to national authorities or agencies.

Explanatory note – The organisation of State services at the national level is a matter for the State concerned. Consequently, a State may decide to allocate responsibilities in facilitation matters in accordance with the organisation of its services.

Explanatory note - This section is not meant as a mandatory allocation of responsibilities for States to adopt, or a prescriptive guideline. States may take another approach to how the tasks are managed and the approach can be reflected in the section accordingly.

Explanatory note –States may wish to include facilitation-related roles/functions of agencies/organisations under the NATFP. These roles/functions may include:

(i)   Participation / Co-ordination with the National FAL Committee;

(ii)   Communication of National FAL Committee and ICAO-related material;

(iii)   Implementation of Annex 9 SARPs;

(iv)   Timely communication of planned differences to the National FAL Committee;

(v)   Ensuring that every effort is made to ensure compliance with Annex 9 and avoid filing differences with Annex 9 SARPs;

(vi)   Communication and co-ordination as required with representatives to ICAO.

Designated Authority Responsible for the NATFP **[Insert exact name of authority]**

[*Insert name of authority e.g. CAA, MOT*] is the designated authority and is the overall co-coordinator of the NATFP. The Chairperson of the National FAL Committee is responsible for convening both the regular and ad hoc meetings of the National FAL Committee, and for ensuring that policies and/or regulations proposed by the National FAL Committee are considered in national legislation by the authority concerned. The designated authority coordinates with all responsible Ministries, who keep full responsibility for their specific areas of competence.

The Facilitation responsibilities of the Designated Authority are therefore:

a)   To work with the Chairperson/ representative of the National Civil Aviation Security Programme (NCASP) to achieve and maintain consistency between the NATFP and NCASP;

b)   To provide Secretariat support to the National FAL Committee;

c)   To periodically review full compliance with the SARPs within Annex 9 to the Chicago
     Convention and if necessary file differences and notify ICAO;

d)   To ensure operations are carried out in such a manner as to accomplish effective
     compliance with the laws of States and productivity for the operators, airports and
     government (inspection) agencies involved.

e)   To undertake any other matters related to air transport facilitation as directed by the
     National FAL Committee Chairperson.

Appropriate Authority for Security [Insert exact name of authority]

Specific responsibilities in the area of civil air transport facilitation to be considered are:

a)   To establish and ensure the implementation of a National Civil Aviation Security
     Programme to safeguard civil aviation against acts of unlawful interference;

b)   To define and allocate tasks and coordinate activities between the departments, agencies
     and other organizations of the State, airport and aircraft operators, air traffic service
     providers and other entities concerned with, or responsible for, the implementation of
     various aspects of the National Civil Aviation Security Programme;

c)   To arrange for the supporting resources and facilities required by the aviation security
     services to be available at each airport serving civil aviation.

d)   coordinate and work closely with other government agencies, aircraft and airport
     operators in the application of aviation security measures in such a manner as to
     minimise unnecessary delays and inconvenience to the movement of passengers,
     baggage, cargo and aircraft;

e)   arrange for security controls and procedures to have minimal interference with or delay
     to the activities of civil aviation, whenever possible, provided the effectiveness of these
     security controls and procedures is not compromised;

f)   ensure the use of efficient screening and examination techniques in examination of
     travellers and their baggage, cargo and aircraft whenever possible to facilitate aircraft
     departure;

g)   allow the adoption of procedures, facilities and initiatives to facilitate movement of
     travellers, baggage, cargo and aircraft so long as all necessary security measures and
     other control requirements are met;

h)   Co-ordinate with the Immigration Authority/Issuing Authority for Travel
        Documents/Passports/Visas to ensure the technologies incorporated into the travel
        document enhance the facilitation and security of the traveller.

i)   To advise the Chairperson of the NATFC on security processes or implications for
        consideration as and when required;

j)   To participate in the National FAL Committee meetings.

Customs Authority [Insert exact name of authority]

Specific responsibilities in the area of facilitation to be considered are:

a)   Surveillance of arriving/departing travellers, cargo and mail in order to ensure adherence
        to national legislation;

b)   In pursuance of Annex 9 SARPs, the Customs Authority should provide for the provision of
        electronic submission of information required for arrival and departure of cargo;

c)   Introducing simplified procedures for release of goods to exit or enter the country;

d)   Seizure of all prohibited goods and detention of restricted goods (pending provision of
        relevant certificates where applicable);

e)   Participation in the National FAL Committee and - if required - in other Facilitation related
        meetings; and

f)   Provision of sufficient services without charge to operators during established working
        hours.

**Immigration Authority/Issuing Authority for Travel Documents/Passports/Visas [Insert exact
name of authority]**

Specific responsibilities in the area of facilitation to be considered are:

a)   Issuance of travel documents and ensuring that machine readable travel documents
        strictly adhere to the ICAO specifications in ICAO Doc. 9303 in order to ensure readability
        world-wide in machine readers of different manufactures;

b)   Detection and non-issuance of travel documents to improperly identified or documented
        persons as they may pose a threat to civil aviation and the State.

c)   Coordinate with security authorities, where applicable, to ensure the technologies incorporated into the travel documents will enhance the facilitation and security of the traveller.

d)   Checking the validity and acceptability of travel documents at border control points;

e)   Examination of persons for entry into, and departure from, the State;

f)   [*where embarkation/disembarkation cards are required*] Ensuring that the embarkation/disembarkation card conforms to the Standards of the ICAO format set out in Annex 9 to the Chicago Convention;

g)   Detection and prevention of travel by improperly documented person as they may pose a threat to civil aviation and the State;

h)   Should international or national legislation permit, develop and adopt an active information sharing policy with relevant stakeholders and regional States to protect national borders against negative consequences of illegal immigration;

i)   Assist aircraft operators in the evaluation of travel documents;

j)   Inform the operators of the requirements by the Authority regarding the entry / transit and departure of travellers;

k)   In case of aviation accidents, accept without delay the entry, on a temporary basis, of the experts required for search, rescue, accident investigation and repair or salvage of aircraft in conformity with Annexes 12 and 13 to the Chicago Convention, without having to produce any other travel document, when necessary, other than a passport;

l)   Where a visa is required for investigation experts on a mission related to an accident, it should, when necessary and exceptionally, issue such a visa on arrival or facilitate the expert/s on arrival;

m)   Ensure that the provisions of ICAO Annex 9 are applied with regard to inadmissible persons and deportees;

n)   Participate in the National FAL Committee and - if required - in other facilitation related meetings; and

o)   Provide sufficient services to operators without charge during established working hours.

Health Authority [Insert exact name of authority]

According to Article 14 of the Chicago Convention effective measures are taken to prevent the spread of communicable diseases by air. In relation to facilitation, the Health Authority [*Insert exact name of authority*] is responsible for, but not limited to:

a)   Collaborating actively with the World Health Organisation (WHO) and other Countries to ensure that the International Health Regulations (IHR) are effectively implemented;

b)   Detecting events involving disease or death above expected levels for the particular time in all areas of the State;

c)   Reporting all available and essential information immediately to the appropriate level of health care response;

d)   Implementing preliminary control measures (against the spread of the disease) immediately;

e)   Responding promptly and effectively to public health risks and public health emergencies of international concern;

f)   Ensuring disinsection, disinfection and decontamination of aircraft is done in accordance with the recommendation of WHO and in compliance with IHRs;

g)   Providing adequate facilities for vaccination, quarantine (where necessary) and issuing the necessary certificates;

h)   In collaboration with airport and aircraft operators, ensuring that food preparation, storage, service of food, and water supplies and other items intended for consumption at the airport or aboard aircraft are hygienic and meet the standards set by WHO and the Food and Agriculture Organisation ;

i)   Notifying WHO immediately and in accordance with IHR requirements all essential information related to any health risk of an international nature;

j)   Ensuring accessibility to appropriate medical service including diagnostic facilities so as to allow the prompt assessment and care of ill travellers and airport workers;

k)   Establishing and maintaining a public health emergency contingency plan in order to ensure a prompt response to a public health emergency of international concern;

l)   Ensuring provision of appropriate space, separate from other passengers, to interview suspect or affected persons;

m)   Assessing the health condition, and if necessary, organising quarantine of suspect travellers;

n)   Participating in the National FAL Committee meetings.

Agriculture Authority **[Insert exact name of authority]**

In terms of facilitation, the Agriculture Authority [Insert exact name of authority] should ensure:

a)   Plants and animals being exported from or imported into the country meet the regulation for carriage and that they carry the necessary certification from competent agencies;

b)   Close consultations with international Agencies/Institutions regulating food, agriculture and animals are kept in order to be abreast of the latest developments and to update the Airport Facilitation Committee and other stakeholders of developments that make an impact on civil aviation;

c)   When aircraft disinfection is required for animal health reasons, only those methods and disinfectants recommended by the International Office of Epizootics are used;

d)   Declaration of extraordinary measures in case of threat of animal disease; and

e)   Participating in the National FAL Committee.

Aircraft Operators

Aircraft operators should:

a)   Efficiently handle passengers and cargo;

b)   Inform the intending passengers of the specific requirements of the countries passengers intend to visit or transit through;

c)   Take necessary precautions to ensure that passengers are in possession of the required travel documents at the time of embarkation;

d)   Assume responsibility for custody and care of disembarking passengers and crew members from the time they leave the aircraft until they are accepted for examination;

e)   Provide adequate assistance for passengers with special needs including minors, passengers with reduced mobility or disabilities;

f)   Inform airport operators and relevant government agencies, in commercial confidence, of their service, schedule and fleet plans at the airport, to enable rational planning of facilities and services in relation to the traffic anticipated; and

g)   Participate in the National FAL Committee and - if required - in other Facilitation related meetings.
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Airport Operators

The airport operators [Insert names] are expected to constantly consult with aircraft operators, control agencies and other appropriate stakeholders in order to ensure that satisfactory facilities and services are provided for rapid handling and clearance, of baggage, passengers, crew, mail and cargo.

The specific facilitation tasks of airport operators include, but are not limited to:

a)   Designing airports in such a manner to enhance airport traffic flow arrangements;

b)   Displaying internationally recommended signs to facilitate passenger's movements within airports;

c)   Provision of flight information displays (FIDs);

d)   Utilisation of specialised security equipment, where necessary, in examining passengers so as to minimise the number of travellers that have to be examined by other means;

e)   Provision of space for facilities required for implementation of public health maintenance, as well as animal and plant quarantine;

f)   Provision of space and facilities for agencies in charge of clearance control on terms not less or more favourable than those which apply to the airport operators or users requiring space and facilities on a comparable scale;

g)   Provision, maintenance and optimization of facilities and services for passengers with special needs including passengers with reduced mobility or disabilities; and

h)   Organisation of Airport Facilitation Committees and/or Airport User Committees.

i)   Participation in the National FAL Committee and - if required - in other facilitation related meetings

Ground Handling Agents

Ground Handling Agencies should:

a)   Co-operate closely with Government Agencies to ensure the smooth flow of passengers, cargo, baggage and mail through the airport facilities; and

b)   Participate in the Airport Facilitation Committee Meetings, as appropriate.

Agencies Responsible for Implementation of the Security-Related Provisions of Annex 9

Explanatory note – As a good practice, States may wish to include a section addressing the security-related Standards of Annex 9. These provisions can be found in the Attachment to Annex 17. Alternatively, States may wish to move this section to an Annex, which would allow for sign off on the specific Annex by the applicable Authority and update of responsibilities over time.

Explanatory note – The organisation of State services at the national level is a matter for the State concerned. Consequently, a State may decide to allocate responsibilities in facilitation matters in accordance with the organisation of its services.

Explanatory note - This section is not meant as a mandatory allocation of responsibilities for States to adopt, or a prescriptive guideline. States may take another approach to how the tasks are managed and the approach can be reflected in the section accordingly.

Entry and Departure of Aircraft

In developing procedures aimed at the efficient clearance of entering or departing aircraft, [insert relevant Authority(s)] shall take into account the application of aviation security and narcotics control measures, where appropriate.

Explanatory note – this addresses Annex 9 Standard 2.2.

Entry and Departure of Persons and Their Baggage

In developing procedures aimed at the efficient application of border controls on passengers and crew, [insert relevant Authority(s)] shall take into account the application of aviation security, border integrity, narcotics control and immigration control measures, where appropriate.

Explanatory note – this addresses Annex 9 Standard 3.2

[insert relevant Authority(s)] shall not extend the validity of their machine readable travel documents.

Explanatory note – this addresses Annex 9 Standard 3.4

[insert relevant Authority(s)] regularly updates security features in travel documents. This would help deter fraudulent use of travel documents including the detection of cases where such documents have been unlawfully altered or replicated.

Explanatory note – this addresses Annex 9 Standard 3.7

[insert relevant Authority(s)] shall establish controls in the creation and issuance of travel documents in order to safeguard against the theft of their stocks and the misappropriation of newly issued travel documents.

Explanatory note – this addresses Annex 9 Standard 3.8

[insert relevant Authority(s)] *should incorporate biometric data in their machine readable passports, using one or more optional data storage technologies to supplement the machine readable zone, as specified in Doc 9303,* Machine Readable Travel Documents.

Explanatory note – this addresses Annex 9 Recommended Practice 3.9

All passports issued by [insert relevant Authority(s)] shall be machine readable, in accordance with the specifications of Doc 9303, Part 1.

Explanatory note – this addresses Annex 9 Standard 3.10

[insert relevant Authority(s)] shall ensure that the expiration date of passports issued after 24 November 2005 and which are not machine readable falls before 24 November 2015.

Explanatory note – this addresses Annex 9 Standard 3.10.1

[insert relevant Authority(s)] shall assist aircraft operators in the evaluation of travel documents presented by passengers, in order to deter fraud and abuse.

Explanatory note – this addresses Annex 9 Standard 3.31

Aircraft operators shall take necessary precautions at the point of embarkation to ensure that passengers are in possession of the documents prescribed by the States of transit and destination for control purposes.

Explanatory note – this addresses Annex 9 Standard 3.33

[insert relevant Authority(s)] shall seize fraudulent, falsified or counterfeit travel documents together with documents used to impersonate the rightful owner of a document and return the document to the appropriate authorities of the State named as Issuer or to the resident Diplomatic Mission of that State. [*States which have implemented Advance Passenger Information (API) may wish to make a reference to API.*]

Explanatory note – this addresses Annex 9 Standard 3.33bis

Identification and Entry of Crew and Other Aircraft Operators' Personnel

CMCs shall be issued only after a background check has been carried out by or on behalf of [insert relevant Authority(s)]. In addition, adequate controls such as a certification of employment status of an applicant prior to issuance, controls on blank card stock, and accountability requirements for issuing personnel, shall be placed on the issuance of CMCs.

Explanatory note – this addresses Annex 9 Standard 3.67

Entry and Departure of Cargo and Other Articles

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.

Explanatory note – this addresses Annex 9 Standard 4.7

Inadmissible Persons and Deportees
If [insert relevant Authority(s)] has reason to believe that an inadmissible person might offer resistance to his removal, [insert relevant Authority(s)] shall inform the aircraft operator concerned as far in advance as possible of scheduled departure so that the aircraft operator can take precautions to ensure the security of the flight.

Explanatory note – this addresses Annex 9 Standard 5.8

The removal of deportees from including all obligations, responsibilities and costs associated with the removal shall be the responsibility of [insert relevant Authority(s)].

Explanatory note – this addresses Annex 9 Standard 5.18

[insert relevant Authority(s)], when making arrangements with an aircraft operator for the removal of a deportee, shall make available the following information as soon as possible, but in any case not later than 24 hours before the scheduled time of departure of the flight:

   a) a copy of the removal order as required under the legislation;
   b) a risk assessment by the State and/or any other pertinent information that would help the aircraft operator assess the risk to the security of the flight; and
   c) the names and nationalities of any escorts.

Note. — In order to ensure coordination of facilitation and security standards, attention is drawn to the applicable provisions of Annex 17, Chapter 4.

Explanatory note – this addresses Annex 9 Standard 5.19

ATTACHMENT 1

NATIONAL AIR TRANSPORT FACILITATION COMMITTEE

RULES OF PROCEDURE

1. The Chairperson of the National Air Transport Facilitation Committee (hereafter National FAL Committee) is the [*Position of the Official from the Designated Authority for the National FAL Programme*].

2. The [*Designated Authority for the National FAL Programme*] provides Secretariat services to the National FAL Committee.

3. Government ministries or agencies and other entities involved in the implementation of the NATFP designate their respective member to the National FAL Committee.

4. Members of the National FAL Committee shall participate in every meeting of the National FAL Committee. A member may be replaced by an alternate, who shall have the same responsibility and exercise the same rights as the regular member. [*States may wish to list Members of the National FAL Committee is a separate Annex.*]

5. Experts with specific knowledge of potentially significant interest to the Committee may be invited by the Chair to participate in one (or more) of the meetings of the National FAL Committee, or only a part thereof, on an ad hoc basis.

6. Members of the National FAL Committee as well as experts invited to meetings shall ensure the confidentiality of the specific content of meetings and decisions taken, as considered necessary by the Chair of the National FAL Committee.

7. The National FAL Committee will meet [*insert number*] times a year. The National FAL Committee may hold ad hoc meetings whenever necessary for the purpose of reviewing a facilitation situation and attempting to resolve specific operational problems. The outcomes of the ad-hoc meetings are reported to the National FAL Committee.

8. The Secretary of the National FAL Committee is responsible for:

   ▪ Making all administrative arrangements for the preparation of the meetings of the National FAL Committee in liaison with the Chairperson;

   ▪ disseminating the provisional agenda to the members of the National FAL Committee at least *[insert number]* working days in advance.

9. All papers shall be submitted to the Secretary at least *[insert number]* working days in advance of the meeting.

10. The Secretary prepares a Summary of Decisions after each meeting, to be circulated to the National FAL Committee within *[insert number]* working days after the meeting.

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Agenda Item 4: **Other Matters**

4.1 **DOCUMENTATION**

WP/4, as requested by the 38th Assembly, set out proposals for amending Doc 9944, *Guidelines on Passenger Name Record (PNR) Data*.

In WP/11, Australia noted the need to assist States implementing new passenger data systems in an effort to reduce proliferation of non-standard systems and data types, whilst also assisting aircraft operators to comply with the passenger data requirements of each State, and therefore proposed the concept of establishing an information sharing process or database managed by ICAO with the objective of working towards standardization and consistent processes for the distribution of information related to passenger data activity, and assisting with industry compliance, and the formation of a Working Group to refine the proposal for further consideration.

In WP/12, the Secretariat proposed the establishment of an Annex 9 Audit Secretariat Study Group to consider the feasibility of expanding the scope of the Universal Security Audit Programme (USAP) to encompass all of the Standards of Annex 9, as directed by the Council.

In WP/14, Singapore, noted that as technologies to automate passenger processes for self-service are steadily gaining popularity, guidance materials in this area would assist States, airports and airlines in their implementation of self-service technologies and modernise air travel, and proposed the formation of a Panel Working Group to develop guidance materials on the subject of self-service passenger processes.

IP/1, presented by the United Kingdom, on behalf of the European Civil Aviation Conference (ECAC), outlined the status of on-going discussions on the various issues addressed by ECAC's Recommendations on unaccompanied minors, and areas where further work is still needed, and to which Panel Members were invited to contribute, to further the development of the work. The Appendix to IP/1 reproduced the ECAC's Recommendations, for the Panel's information.

IP/4, presented by Canada on behalf of the IATA/Control Authorities Working Group (IATA/CAWG), sought to outline a possible universal definition of an Electronic Travel System (ETS), encompassing eVisas, electronic travel authorities, and other online programs, as part of work by the IATA/CAWG to increase the uptake of Electronic Travel Systems internationally. IP/4 invited Panel Members to assist in identifying best practices and possible SARPS to Annex 9 for consideration at a future ICAO FAL Panel.

The UNWTO delivered, by video conference, a presentation on "2014 Visa Openness Report."

4.2 **DISCUSSION AND RECOMMENDATIONS**

4.2.1 The proposals set out in WP/4 were not supported by the Panel as the Panel regarded Doc 9944 as acceptable and not requiring amendment. The Panel noted the proposals presented a non-standard approach to existing PNR systems and usage and were seen to be premature in light of on-going international discussions negotiations on the subject-matter.

4.2.2 The Panel supported the proposal in WP/11 to set up a working group to refine the proposed database or other information sharing process to improve the usage and implementation of passenger data systems. The Panel agreed on terms of reference, for the establishment on a FAL Panel

Working Group on improving information sharing on passenger data requirements, which appear in the Appendix.

4.2.3   In its consideration of WP/12, the Panel noted the Assembly-endorsed priority in the Facilitation Programme of improving compliance with Annex 9 SARPS, but raised a number of concerns about the concept of auditing all Annex 9 Standards. These concerns included: a) the financial impact of such audits on ICAO and on States; b) whether there would be any added value achieved by auditing all Annex 9 Standards; c) whether there would be benefits or difficulties in covering security and facilitation matters during the same audit process; d) practical concerns regarding the expertise and training required before auditors would be able to audit Annex 9 Standards, given the range and complicated nature of the subject matters involved; e) the practical difficulties in auditing subjects that are the responsibility of a range of government agencies; f) the lack of National Facilitation Programmes in many States, completion of which may improve compliance with Annex 9 Standards; g) the need for ICAO to devote its resources to activities that will deliver the most desirable outcome; and h) the difficulties in securing a mandate for ICAO to audit non-aviation-related entities.

4.2.3.1   Some Panel Members expressed the view that as other measures have been put in place to improve compliance with Annex 9 Standards in support of the 2014-16 priorities, e.g. the FAL Manual, the Model National Air Transport Facilitation Programme, and improved guidance material, it was perhaps premature to embark on an audit of Annex 9 Standards, given the potentially significant resource implications and the potential for these and other measures taken as part of the 2014-16 Facilitation Programme to improve compliance. Panel Members noted that since the Secretariat has been tasked by the Council to examine the feasibility of auditing all Standards of Annex 9, the Secretariat must fulfil this mandate.

4.2.3.2   There was a broad consensus in the Panel on the views expressed above. The Panel concluded that, as part of the feasibility study, the Secretariat should include these views.

4.2.4   With regard to WP/14, the Panel supported the proposal to develop guidance materials on the subject of self-service passenger processes. The Panel agreed that the existing Working Group on Guidance Materials should undertake the task, giving due regard to existing practices developed by the industry and IATA.

APPENDIX

Draft Terms of Reference – Working Group on improving information sharing on passenger data requirements.

A Working Group will be constituted to progress a proposal to improve information sharing on passenger data requirements, in the form of a database or similar information sharing mechanism.

The Working Group will be comprised of members nominated by interested States and industry groups, with the goal of approximately equal geographical representation. Australia will be rapporteur of the Working Group, and membership will be confirmed after the conclusion of the FALP/8.

The Working Group will investigate and develop, for the consideration of the Facilitation Panel, a recommended option (or options) for creating a database or similar system in order to improve information sharing on passenger data requirements, including:
-              the information needs of States and industry, and the resulting data elements for the database;
-              how the database will function, both practically and technically;
-              how States will file/lodge information with the database;
-              how the database will be accessed by States and industry;
-              options for ensuring the database remains up to date; and
-              the respective roles of stakeholders in relation to the database, including ICAO, WCO and IATA.

The Working Group will also work with the ICAO Secretariat to develop an analysis of the expected cost of establishing and maintaining the database, and the expected impact on staffing and financial resources.

The Working Group will present a report to the next meeting of the Facilitation Panel, for the Panel's consideration.

27 November 2014.

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APPENDIX A
LIST OF PARTICIPANTS: EIGHTH FACILITATION PANEL

Panel Members, Alternates and Advisers

Dr. Norberto Ezequiel Luongo	Member	Argentina
Mr. Samuel Lucas	Member	Australia
Mr. Glenn Smith	Adviser	
Ms. Manon Lescaut	Adviser	
Ms. Arundhati Gupta	Adviser	
Ms. An De Lange	Member	Belgium
Mr. Luis Gustavo Pinheiro Loureiro Carneiro	Member	Brazil
Ms. Nancy Amélia Sanches Amikura	Adviser	
Mr. Jose Ricardo Pataro Botelho de Queiroz	Alternate Representative on the Council	
Mr. Roberto da Rosa Costa	Alternate Representative on the Council	
Ms. Wenli Bai	Member	China
Mr. Xu Wang	Adviser	
Mr. Wenjiang Liu	Adviser	
Mr. Weicheng Jin	Adviser	
Mr. Yongli Chen	Adviser	
Mr. Yancun Xie	Adviser	
Mr. Hui Zhang	Adviser	
Mr. Chunyu Ding	Alternate Representative on the Council	
Mrs. Marie Hauerová	Alternate Member	Czech Republic
Mr. Magdy Abd El-Malek Ibrahim	Member	Egypt
Mr. Samir Shafik K.A. Malak	Alternate Member	
Mr. Patrick Lansman	Member	France
Ambassador Olivier Caron	Representative on the Council	
Mr. Maxime Millefert	Alternate Representative on the Council	
Mr. Yu Ukawa	Member	Japan

Mr. Nicholas Bodo	Member	Kenya
Mr. David Machio	Adviser	
Mr. Charles Owino	Adviser	
Mrs. Anthonia Abiola Vincent	Member	Nigeria
Mrs. Mary Oluwakemi Adigun	Adviser	
Mrs. Modupe Joana Sessi	Adviser	
Mr. Luís Trindade Santos	Member	Portugal
Mrs. Maria Helena Faleiro de Almeida	Representative on the Council	
Mr. Dimitri V. Shiyan	Member	Russian Federation
Mr. Valery V. Pastukhov	Adviser	
Mr. Sami Ashi	Member	Saudi Arabia
Mr. Sherman Koh	Alternate Member	Singapore
Mr. Aiden Yeo	Adviser	
Ms. Cheri Lim	Adviser	
Ms. Rachel Zeng	Adviser	
Mr. Aik Lim	Adviser	
Ms. Marì Greyling	Member	South Africa
Mr. Urs Haldimann	Member	Switzerland
Mr. Frédéric Rocheray	Alternate Member	
Mrs. Wafa Abdulla Al Obaidli	Member	United Arab Emirates
Mr. Joseph Makasi Wasike	Adviser	
Mr. Tariq Almarzooqi	Adviser	
Mr. Robert Block	Member	United Kingdom
Mr. Mark Rodmell	Representative on the Council	
Mr. Jeremy Stokes	Adviser	
Mr. Damien Shannon	Adviser	
Ms. Esta Rosenberg	Member	United States
Ms. Katie Logisz	Adviser	
Mr. Matt Cornelius	Adviser	
Dr. Roberto Perdomo Protti	Member	Uruguay

| Mr. Fernando Luis Maurente Ferraros | Representative to ICAO |
| May. (Nav.) Roderick Islas | Adviser |

Note.— The following Panel members did not attend the meeting:

Mr. Victor M. González-Calero	Member, Cuba
Ms. Susanne Schriek	Member, Germany
Mr. Chris N. T. Quaye	Member, Ghana
Mr. Fareed Ahmed	Member, Pakistan
Mr. Moussa Ndiaye	Member, Senegal
Mr. J. Meesomboon	Member, Thailand

Note.— The following Panel members were not able to attend but were represented at the meeting:

Ms. Karen Plourde	Member, Canada
Mr. Anil Shrisvastava	Member, India
Ms. Cinzia Mariani	Member, Italy

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Observers from States

Ms. Dana Chaulk	Observer	Canada
Ms. Nicoletta Bouwman	Observer	
Mr. Kees Bradley	Observer	
Ms. Cheryl Burrell	Observer	
Ms. Maxine Hurter	Observer	
Mr. John Watts	Observer	
Mr. Alberto Muñoz Gómez	Representative to ICAO	Colombia
Mr. Prashant Sukul	Representative on the Council	India
Mr. Satyajit Dutta	Adviser	
Mr. Thamrin Abudi	Observer	Indonesia
Mr. Zakaria	Observer	
Mr. Phoe Saefulloh	Observer	
Ms. Ervina Hutagalung	Observer	
Mrs. Inne Yuliawati	Observer	
Mrs. Reny Asmiyanti	Observer	
Mr. Agoes Soebagio	Observer	
Mr. Yosef Yudharso	Observer	
Mr. Antonino Bardaro	Alternate Representative on the Council	Italy
Mr. Mohamed Sayeh Eltayf	Representative on the Council	Libya
Mr. Dionisio Mendez Mayora	Representative on the Council	Mexico
Mrs. Dulce María Valle Álvarez	Alternate Representative on the Council	
Mr. Ye Htut Aung	Observer	Myanmar
Mr. Wunna Tun	Observer	
Mr. Lim Michael	Observer	
Mr. Ram Kumar Ray	Observer	Nepal
Mr. Sudhir Kumar Shrestha		
Ms. Diantha Raadgers	Observer	Netherlands
Mr. Melle Koster	Observer	
Mrs. Janneke Nijdam	Observer	
Mr. Gary Collins	Observer	New Zealand
Mrs. Eveling Anabell Aráuz Betanco	Representative on the Council	Nicaragua
Mr. Knut Magne Skaar	Representative on the Council	Norway
Mrs. Helene Jansson Saxe	Alternate Representative on the Council	
Mr. Nasser Al-Jasassi	Observer	Oman

Mr. Angel Soret Lafraya	Observer	Spain
Ms. Annelie Sjölund	Observer	Sweden
Mr. Yildirim Kemal Yillikçi	Observer	Turkey
Mr. David Alfonzo Blanco Carrero	Representative on the Council	Venezuela
Mr. Carlos José Flores Alvarez	Observer	

Observers from International Organizations

Mr. Arturo Garcia-Alonso	Observer	Airports Council International (ACI)
Mr. Serge Yonke Nguewo	Observer	
Ms. Patricia Reverdy	Observer	European Civil Aviation Conference (ECAC)
Mr. Christopher Ross	Observer	European Union (EU)
Mr. Carlos Grau Tanner	Observer	Global Express Association (GEA)
Mr. Robert Davidson	Observer	International Air Transport Association (IATA)
Mr. Michael Comber	Observer	
Mr. Dominique Antonini	Observer	
Mr. Peter Ingleton	Observer	International Business Aviation Council (IBAC)
Mr. Frank Hofmann	Observer	International Council of Aircraft Owner and Pilot Associations (IAOPA)
Mrs. Carole Couchman	Observer	International Federation of Air Line Pilots' Associations (IFALPA)
Mr. Michael O'Connell	Observer	International Criminal Police Organization (INTERPOL)
Mr. Alexander Beck	Observer	Office of the United Nations High Commissioner for Refugees (UNHCR)
Mr. Chris Lyle	Observer	United Nations World

		Tourism Organization (UNWTO)
Mr. Georges Cantone	Observer	World Customs Organization (WCO)

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APPENDIX B
LIST OF WORKING PAPERS AND INFORMATION PAPERS

WP No.	Agenda Item	Title	Presented by
		**Working Papers**	
1	—	Agenda	Secretariat
2	2	Proposed Amendment to Annex 9: Assistance to aircraft accident victims and their families	Secretariat
3	2	Proposed Amendments to Annex 9: Automated Immigration Clearance System	Secretariat
4	4	Proposals to amend Doc 9944, Guidelines on Passenger Name Record (PNR) Data	Secretariat
5	2	New Standard for Travel Document for Refugees and Stateless Persons (Convention Travel Documents)	UNHCR
6	2	Proposed Amendments to Travel Document Related SARPs	Canada (on behalf of the TAG/MRTD)
7	2	Proposed Amendment to Annex 9: Use of INTERPOL's Stolen and Lost Travel Document Database at Border Controls	Secretariat
8	2	Proposals for Amending ICAO Annex 9 on Air Carrier Liability	European Civil Aviation Conference (ECAC)
9	3	Report of the Facilitation Panel Working Group on Guidance Materials	Singapore (on behalf of WGGM)
9 App	3	Model National Air Transport Facilitation Programme	
10	2	Facilitation of Air Cargo	The Netherlands
11	4	Improving Information Sharing on Passenger Data Requirements	Australia
12	4	Annex 9 Audits	Secretariat
13	5	Inter-Operability of Advance Cargo Information Programmes	FIATA, GEA, IATA and TIACA
14	5	Self-Service Passenger Processes: Proposal to Develop Guidance Materials	Singapore

Information Papers			
IP No.	**Agenda Item**	**Title**	**Presented by**
1	4	ECAC Recommendations on Unaccompanied Minors	ECAC
2	1	A38-16, Consolidated Statement of Continuing Policies Related to Facilitation	Secretariat
3	1	FAL Work Programme 2014-2016	Secretariat
4	4	Electronic Travel System (ETS)	Canada (on behalf of IATA/CAWG)

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