



ICAO | UNITING AVIATION

**Eighth Meeting of the Facilitation  
Panel (FALP/8)  
24-28 November 2014**

**Agenda Item 1:**

**Recent Facilitation  
Developments in ICAO**

**24 November 2014**



# OVERVIEW

1. Introduction: FAL Programme
  - A. Mandate of FAL Programme
  - B. Annex 9: Brief Introduction
  - C. Annex 9: Amendment Process
  - D. Post-Amendment Procedures
  
2. Recent FAL Developments (post-FALP/7)



## 1. Introduction: FAL Programme

### **A. MANDATE: (a) CHICAGO CONVENTION**

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



**Article 10:** Landing at customs airport

**Article 11:** Applicability of air regulations

**Article 13:** Entry and clearance regulations

**Article 14:** Prevention of spread of disease

**Article 22:** Facilitation of formalities

**Article 23:** Customs and immigration procedures

**Article 24:** Customs duty

**Article 29:** Documents carried in aircraft

**Article 35:** Cargo restrictions

**Article 37:** Adoption of international standards and procedures



## Article 37

(Adoption of International Standards and Procedures)

1. Each State undertakes to collaborate in securing . . . uniformity . . . in regulations, standards . . . in all matters in which such uniformity will facilitate & improve air navigation.

2. ICAO required to adopt SARPs . . .

– (j) Customs & immigration procedures . . .

& such other matters concerned with the . . . regularity & efficiency of air navigation . . .



Obligations of States: Articles 11, 14, 22, 23, 24, 35, 37, 38

Obligations of Users: Articles 10, 11, 13, 29, 35

Obligation of ICAO: [Adopt] & Amend Annex

<http://www.icao.int/publications/Pages/doc7300.aspx>



## **A. MANDATE: (b) ASSEMBLY RESOLUTIONS**

### **A38-16**

**Consolidated statement of continuing policies and practices related to facilitation**

**Section I: Development and implementation of facilitation provisions**

**Section II: Security and integrity of traveller identification & border controls**

**Section III: National and international action and cooperation on facilitation matters**

**[FALP/8-IP/2]**



- **A38-15**: Consolidated statement: ICAO policies related to aviation security
  - ▶ **Appendix C** (Implementation of technical security measures): States called upon to use API to reduce the risk to passengers
- **A38 Declaration on Aviation Security**

States . . . promote the use of cooperation mechanisms . . . for early detection and dissemination of information on security threats . . . through the use of API and PNR as an aid to security





## **B. ANNEX 9**

Annex 9 developed:

- elaborate States' obligations under Articles 22, 23, 24
- standardize procedures for meeting legal requirements under Articles 10, 13, 14, 29, 35



**FAL/1 (1946) & FAL/2 (1948) → Annex 9, 1<sup>st</sup> Ed.: 25 March 1949**

**FAL/3 to FAL/11 (1995) → Annex 9, 2<sup>nd</sup> Ed. to 10<sup>th</sup> Ed.**

**FAL Panels 1 – 3 → Annex 9, 11<sup>th</sup> Ed. (2002)**

**[FALP/4] & FAL/12 (2004) → Annex 9, 12<sup>th</sup> Ed. (2005)**

**FAL Panels 5 and 6 → Annex 9, 13<sup>th</sup> Ed. (2011)**

**FALP/7 (2012) ► Amendment 24**

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**FALP/8 (22-24 November 2014) ► Amendment 25**



## ANNEX 9: “SARPs” MEANING

### – Standard

Any specification, the uniform observance of which has been recognized as practicable and as necessary to facilitate and improve some aspect of international air navigation, which has been adopted by the Council pursuant to Article 54 (I) . . . , and in respect of which non-compliance must be notified by Contracting States . . . in accordance with Article 38.



## – Recommended Practice

Any specification, the observance of which has been recognized as generally practicable and as highly desirable to facilitate and improve some aspect of international air navigation, which has been adopted by the Council pursuant to Article 54 (I) . . . , and to which Contracting States will endeavour to conform in accordance with the Convention.



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



1. Definitions and General Principles
  2. Entry and departure of aircraft
  3. Entry and departure of persons and their baggage
  4. Entry and departure of cargo and other articles
  5. Inadmissible persons and deportees
  6. International airports – facilities and services for traffic
  7. Landing elsewhere than at international airports
  8. Other facilitation provisions
- [69 Definitions, 230 Standards, 136 RPs, 48 Notes → Applicable July 2014: 13<sup>th</sup> Ed. up to & including Amendment 24 ]



## C. ANNEX 9: AMENDMENT PROCESS

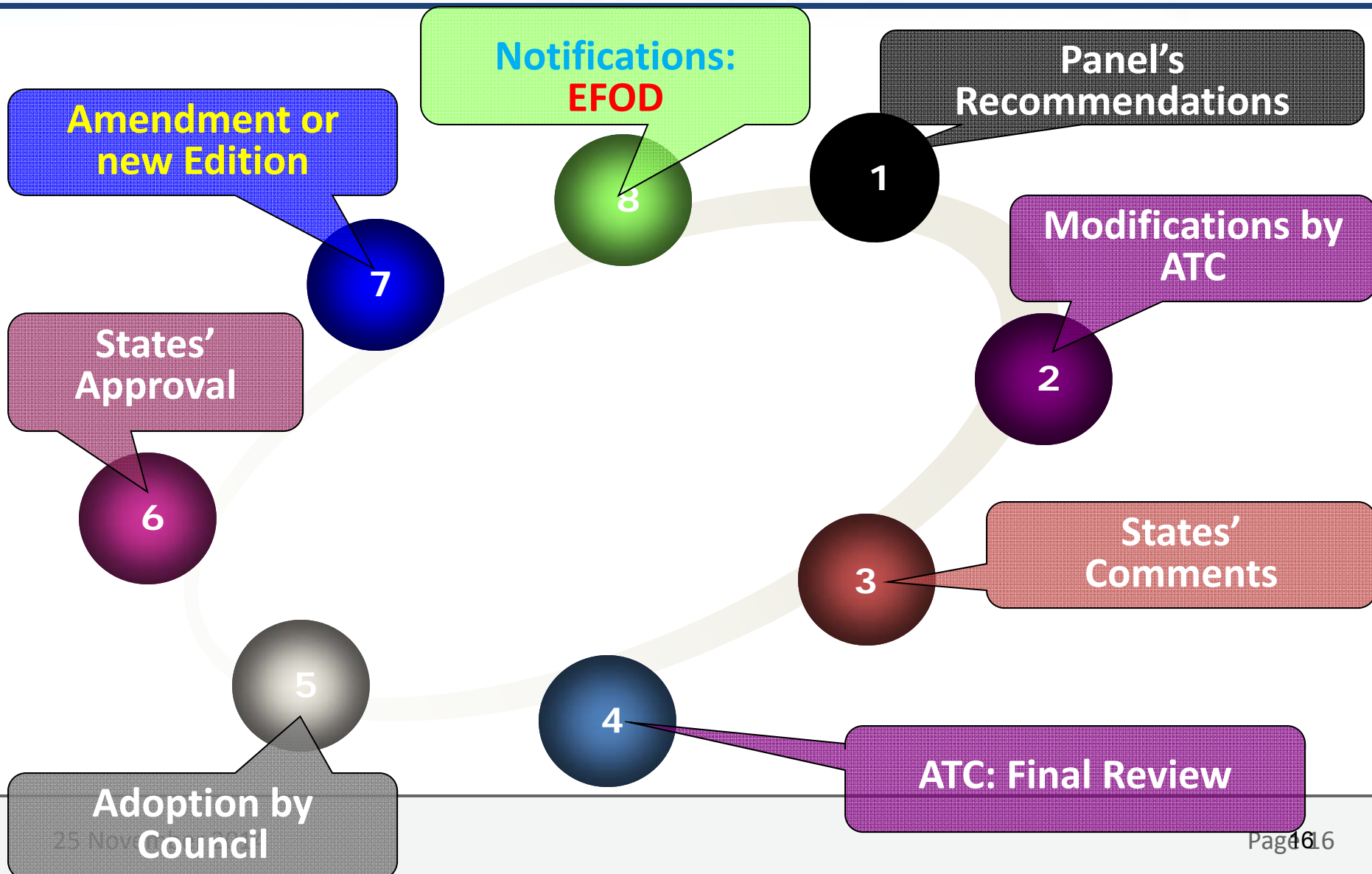
Art. 37: ICAO required to adopt and **amend, from time-to-time**, SARPs . . . (j) Customs & immigration procedures . . .

Art. 54 (*Mandatory functions of Council*) The Council shall:

(l) Adopt SARPs . . . (Annexes) . . . notify States of action taken

(m) Consider recommendations for amendments

Art. 90: 2/3rds vote; effective 3 months after submission to States unless majority disapprove







## Making an ICAO Standard

[www.icao.int/safety/AirNavigation/Pages/standard.aspx](http://www.icao.int/safety/AirNavigation/Pages/standard.aspx)

(ANB Annexes)



## D. POST-AMENDMENT PROCEDURES

State Letter on **Adoption** of an Amendment

- ▶ Attachment A (Explanatory Note on notification of differences)
- ▶ Attachment B (Form on notification of disapprovals) [Art. 90 (a)]
- ▶ Attachment C (Form on notification of compliance or differences)

→ Supplement [now, EFOD]



## **Article 38:** *Departures from international standards and procedures*

. . . In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations . . shall give notice to the Council within sixty days of the adoption of the amendment to the international standard . . .



## RESOURCES

[www.icao.int/Documents/annexes\\_booklet.pdf](http://www.icao.int/Documents/annexes_booklet.pdf)

[brief overview of 18 Annexes]

[www.icao.int/publications/Pages/doc-series.aspx](http://www.icao.int/publications/Pages/doc-series.aspx)

[selected documents, including the Convention]

[www.icao.int/safety/AirNavigation/Pages/standard.aspx](http://www.icao.int/safety/AirNavigation/Pages/standard.aspx)

[making an ICAO Standard]



## 2. Recent FAL Developments

### 1. Results of FALP/7 (22-26 October 2012)

- Item 3 → Doc 9984, *Manual on Access to Air Transport by Persons with Disabilities* (published in 2013)
- Item 4 → a) ICAO to send out State Letter on API and PNR: **EC6/3-14/63**, 15 August 2014 [**FALP/8 Reference Document**]
  - b) ICAO to conduct API, PNR training & seminars [**>**]



- Item 5 → Amendments to Annex 9:  
20 November 2013 Amendment 24  
Adopted, **EC6/3-13/84**, 17 December 2013
  
- Item 6 → a) WGGM  
b) FALP: future direction [**>A38**]



## 2. Other Developments

- a) EC6/3-12/70, 31 December 2012  
→ **Implementation of Standard 3.10.1**

For **passports** issued after 24 November 2005 and which are not machine readable, Contracting States shall ensure the **expiration date** falls before 24 November 2015



## QUESTIONNAIRE

NAME OF STATE: \_\_\_\_\_

**Please circle the appropriate response.**

1. All *non-machine readable passports* have expired, or are due to expire, before 24 November 2015 ..... **Yes/No**

If the answer is “**Yes**”, please skip to Question 3.

2. If the answer to Question 1 is “**No**”, please respond to the following questions:

- 2.1 The number of non-machine readable passports in circulation beyond 24 November 2015 will be approximately .....
- 2.2 All non-machine readable passports are due to expire by (date) .....





REGION	TOTAL RESPONSES <u>(17 Nov 2014)</u>	Q1: YES	Q2: NO	REMARKS Q. 2.1/2.2
APAC	17/38	14	3	217/2016 1.5m/2020 -/2017
ESAF	7/24	7	–	–
EURNAT	33/56	32	1	300,000/2017
MID	9/15	9	–	–
NACC	10/21	9	1	-/2017
SAM	5/13	4	1	2 million
WACAF	5/24	5	–	–
<b>TOTALS</b>	<b>86/191</b>	<b>80</b>	<b>6</b>	



- b) 38th Assembly (2013)
  - FAL Programme: 2014-2016
    - FALP/8-IP/3
  - ICAO TRIP
  - Consolidated Statement on Facilitation
    - FALP/8-IP/2
  - FALP/8-WPs/2, 3, 4
  - A38-15 and A38 Declaration on AVSEC



<b>Categories</b>	<b>Priorities: 2014-2016</b>	<b>Outcomes</b>
<b>A. Working better with what we have</b>	<b>1. Non-compliance with SARPs</b>	a) Determination of <b>reasons for non-compliance</b> with SARPs; and b) Development of strategies to <b>assist State compliance</b>
	<b>2. Consolidation of work</b>	a) Identification of <b>common outcomes and themes in Annex 9</b> ; b) Determination of continued <b>usefulness and relevance</b> of SARPs; and c) <b>Reorganization and simplification</b> of SARPs
	<b>3. Stronger links and cooperation with relevant entities</b>	a) Establishment of <b>closer links</b> within ICAO and with non-ICAO entities
<b>B. Planning for the future</b>	<b>1. Responses to new and emerging issues</b>	a) Enhancement of SARPs or guidelines on <b>disruptive events and cargo facilitation</b> , the latter in cooperation with the WCO and industry; b) Development of SARPs and guidance on <b>unaccompanied minors</b> .
	<b>2. Advances in technologies</b>	a) Inclusion of additional SARPs in Annex 9 on <b>ABCs</b> ; and b) Enhancement of SARPs on <b>API and PNR</b>



- c) Aviation Security Panel (March, 2014)
  - 8 March: MH370
  - Travel document and border security relating to the prevention of acts of unlawful interference
  - Travel document security issues (per news media reports): a concern
  - Proactive approach involving close coordination between the AVSEC and FAL Panels



- d) Symposium on Innovation in Aviation Security (October, 2014)
  - explore how technology, tools and equipment can help States and industry meet both existing and future aviation security challenges
  - [www.icao.int/Meetings/SIAS/Pages/default.aspx](http://www.icao.int/Meetings/SIAS/Pages/default.aspx)



- e) Regional FAL Seminars
  - May 2013: Mexico City
  - February 2014: Nairobi
  - February 2014: Cairo
  - September 2014: Lima
  - October 2014: Paris
  - 9-12 March 2015: Bangkok

[www.icao.int/Security/FAL/Pages/Meetings-Seminars.aspx](http://www.icao.int/Security/FAL/Pages/Meetings-Seminars.aspx)



- API/PNR Day
- Inadmissible Persons & Deportees
- ICAO TRIP
- ICAO PKD
- NATFP
- Annex 9 “security-related SARPs” audits
- Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA)
- Annex 9 Compliance
- Persons with Disabilities
- Cargo facilitation



- f) API/PNR Contact Committee Meetings

- October 2013

- Interactive API (iAPI) Guidelines

- PNRGOV message implementation guide

[www.icao.int/Security/FAL/Pages/Publications.aspx](http://www.icao.int/Security/FAL/Pages/Publications.aspx)

- October 2014

- FALP/8-WP/4





- FAL Section
- Reception
- Photo Session



## FALP/9

- **14-18 March 2016** (planned)
- ATC (April 2016)
  - FALP/9 Report
  - (draft) A39 Working Paper
- 39<sup>th</sup> Assembly: September/October 2016



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**THANK YOU!**

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