



ICAO

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY

RECONNECTING **THE** WORLD

ICAO Annex 9 – Facilitation

Mandate, Description & Latest Developments

- ❑ ICAO Organization and Structure
- ❑ ICAO's Facilitation Mandate
- ❑ Annex 9 SARPs: Development, Adoption and Implementation
- ❑ Annex 9 Overview
- ❑ ICAO Traveller Identification Programme (TRIP) strategy and ICAO Public Key Directory (PKD)

ICAO Organization and Structure

- ICAO Council
- ICAO Assembly
- ICAO Secretariat
 - Facilitation Section



ICAO Organization and Structure

Established by the “Chicago Convention” in 1944

UN specialized agency

193 Member States

Standards, policies & guidance



Article 44 of Chicago Convention outlines ICAO’s general goals

- ❑ “The aims and objectives of the Organization are . . . to foster the planning and development of international air transport so as to: . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport.”

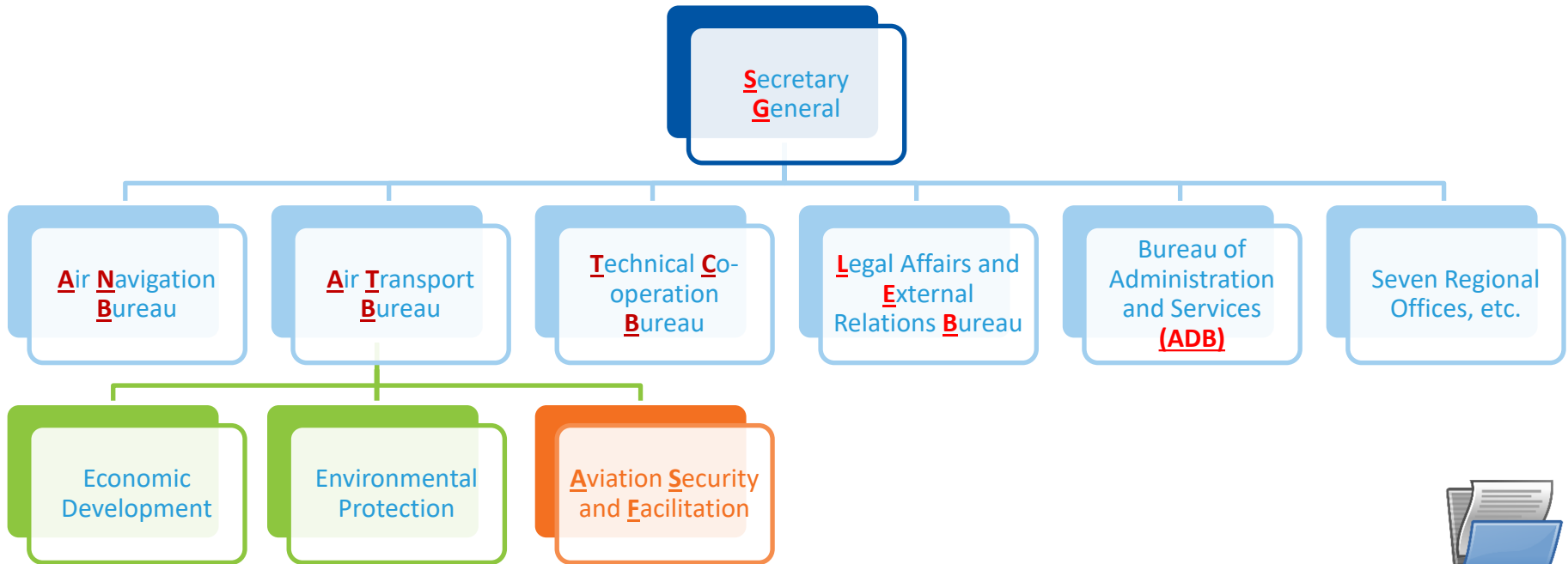
ICAO Organization and Structure

☐ ICAO Council:

- Consists of 36 Member States
- Convenes and submits annual reports to the **Assembly**
- Appoints the ICAO **Secretary General**, administers the Secretariat
- Administers the finances of ICAO
- Adopts international SARPs in Annexes to the Chicago Convention
- Appoints and defines duties of
 - **Air Transport Committee (ATC)**
 - Air Navigation Commission (ANC)
 - And five other committees

ICAO Organization and Structure

ICAO Secretariat:



ICAO Organization and Structure

ICAO Secretariat

Air Transport Bureau

Aviation Security and Facilitation

Facilitation Section

- ❑ Responsible for management of three programmes:
 - ➔ Annex 9 – Facilitation **SARPs**
 - ➔ ICAO **T**raveller **I**dentification **P**rogramme (**TRIP**) Strategy
 - ➔ ICAO **P**ublic **K**ey **D**irectory (**PKD**)

ICAO's Facilitation Mandate

→ Chicago Convention

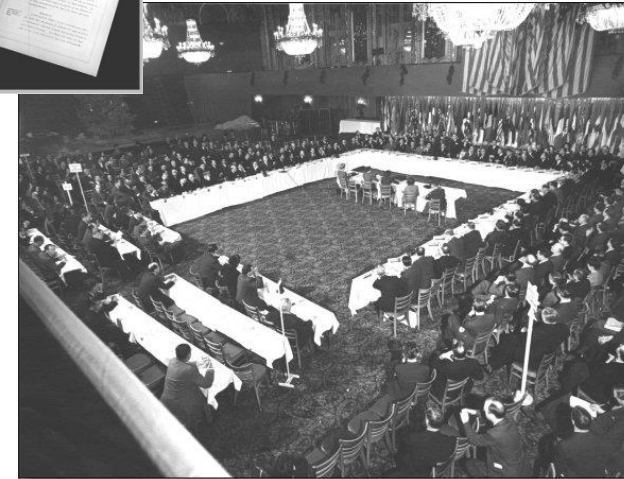
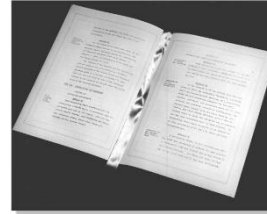
→ ICAO Assembly



Chicago Convention

☐ Convention on International Civil Aviation

- Drafted in 1944 by 54 nations, in Chicago (Doc 7300)
- Led to the creation of ICAO (4 April, 1947)
- Established core principles regulating international travel by air
- Harmonized and standardized global norms for civil aviation
- Structured, transparent and multi-stage process to develop more than 12,000 SARPs under 19 Annexes to the Chicago Convention
- Link to Chicago Convention: <http://www.icao.int/publications/Pages/doc7300.aspx>



Chicago Convention

Article 10: Landing at customs airport

“... Every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination...”

- Obligation of aviation community members
- Recognizes the responsibility of aircraft to land and submit to examination where and when required

Chicago Convention

Article 11: Applicability of air regulations

*“...the laws and regulations of a contracting State relating to the **admission to** or **departure from** its territory of aircraft engaged in international air navigation, or to the **operation** and **navigation** of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.”*

- Obligation of both Contracting States and aviation community members

Chicago Convention

Article 13: Entry and clearance regulations

*“The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to **entry, clearance, immigration, passports, customs, and quarantine** shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.”*

- ➔ Obligation of aviation community members

Chicago Convention

Article 14: Prevention of spread of disease

“Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases ... and will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft...”

- Obligation of Contracting States
- Agencies concerned with international regulations, e.g. the World Health Organization (WHO)

Chicago Convention

Article 22: Facilitation of formalities

*“Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to **facilitate** and **expedite** navigation by aircraft between the territories of contracting States, and to **prevent unnecessary delays** to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.”*

- ➔ Obligation of Contracting States

Chicago Convention

Article 23: Customs and immigration procedures

*“Each contracting State undertakes, so far as it may find practicable, to **establish customs and immigration procedures** affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.”*

- Obligation of Contracting States
- Contracting States agree to develop effective customs and immigration procedures

Chicago Convention

Article 24: Customs duty

“a) Aircraft ... shall be admitted temporarily free of duty, ... Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting State, ...shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded...”

b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty...”

- ➔ Obligation of Contracting States
- ➔ Contracting States agree to provide duty exemptions under certain conditions, for aircraft, parts, supplies and equipment

Chicago Convention

Article 29: Documents carried in aircraft

“Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

...

*f) If it carries **passengers**, a list of their names and places of embarkation and destination;*

*g) If it carries **cargo**, a manifest and detailed declarations of the cargo.”*

- Obligation of aviation community members
- Certification of registration, airworthiness, licenses, journey logbook etc.

Chicago Convention

Article 35: Cargo restrictions

“a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State.

b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph a): ...”

- Obligation of aviation community members
- Recognizes the right of Contracting States to require licences for prohibited or restricted articles other than those enumerated in subparagraph a)

Article 37: Adoption of international standards and procedures

*“Each contracting State undertakes to collaborate in securing the **highest practicable degree of uniformity** in regulations, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in services which such uniformity will facilitate and improve air navigation...”*

- Obligation of Contracting States
- Authorizes the concept of Annexes to the Convention, including **Annex 9 – Facilitation** for SARPs related to, inter alia, customs and immigration procedures

Chicago Convention



Article 38: Departure from international standards and procedures

*“Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, **shall give immediate notification** to the International Civil Aviation Organization...”*

- Obligation of Contracting States
- Obligates Contracting States to notify ICAO of differences between their national practices and the Standards in the Annexes
- ICAO publishes these differences and distributes them to Contracting States as **Supplements to the Annexes**

ICAO Assembly

- ❑ Convened by the Council, not less than once in three years
- ❑ All ICAO Member States & large number of IOs are invited
- ❑ Each Member States is entitled to one vote, decision by majority
- ❑ Establishes worldwide ICAO policy for upcoming triennium
- ❑ ICAO's complete work programme in the technical, economic, legal and technical cooperation fields is reviewed in detail
- ❑ Assembly outcomes are provided to the other bodies of ICAO and to its Member States in order to guide their continuing and future work, as prescribed in Article 49 of the Convention



41st Session of the ICAO Assembly (A41)

□ **Facilitation related topics:**

- Interoperability & mutual recognition of health proofs
- Use of Visible Digital Seals (VDS)
- Standardized ePassports that comply with ICAO Doc 9303
- Public Key Directory (PKD)
- INTERPOL Stolen and Lost Travel Documents (SLTD) database
- National and international action and cooperation on facilitation matters
- Passenger Data Exchange Systems
- Assistance to Aircraft Accident Victims & Their Families (AAAVF)
- Combatting human trafficking in the aviation sector
- Persons with disability and reduced mobility



ICAO Facilitation Programme Overview

□ Annex 9 SARPs: development, adoption and implementation

- Annex 9: A Brief History
- SARPs & ICAO Facilitation Panel (FALP)
- Annex 9: Amendment Process
- Annex 9: Implementation
- Annex 9: Compliance with ICAO SARPs

Annex 9: A Brief History

□ Annexes:

Annex	Title	Annex	Title
1	Personnel Licensing	11	Air Traffic Services
2	Rules of the Air	12	Search and Rescue
3	Meteorological Service for International Air Navigation	13	Aircraft Accident and Incident Investigations
4	Aeronautical Charts	14	Aerodromes
5	Units of Measurement to be Used in Air and Ground Operations	15	Aeronautical Information Services
6	Operation of Aircraft	16	Environmental Protection
7	Aircraft Nationality and Registration Marks	17	Security—Safeguarding International Civil Aviation Against Acts of Unlawful Interference
8	Airworthiness of Aircraft	18	The Safe Transport of Dangerous Goods by Air
9	Facilitation	19	Safety Management
10	Aeronautical Telecommunications		

Annex 9: A Brief History

FAL/1 (1946) & FAL/2 (1948)

→ **1st Edition (March 1949)**

FAL/3 (1951) to FAL/11 (1995)

→ **2nd Edition to 10th Edition**

FAL Panels 1 – 3

→ **11th Edition**

[FALP/4] & FAL/12 (2004)

→ **12th Edition**

FALP 5 and 6

→ **13th Edition**

FALP/7 (2012)

→ **Amendment 24**

FALP/8 (2014)

→ **14th Edition**

FALP/9 (2016)

→ **15th Edition**

FALP/10 (2018)

→ **Amendment 27**

FALP/11 (2020)

→ **Amendment 28**

FALP/12 (2021)

→ **16th Edition, Amendment 29 (2022)**

Annex 9: A Brief History

- ❑ First Edition in 1949: **89** SARPs
- ❑ Amendment 29 (16th Edition): **442** SARPs



Annex 9: SARPs Meaning

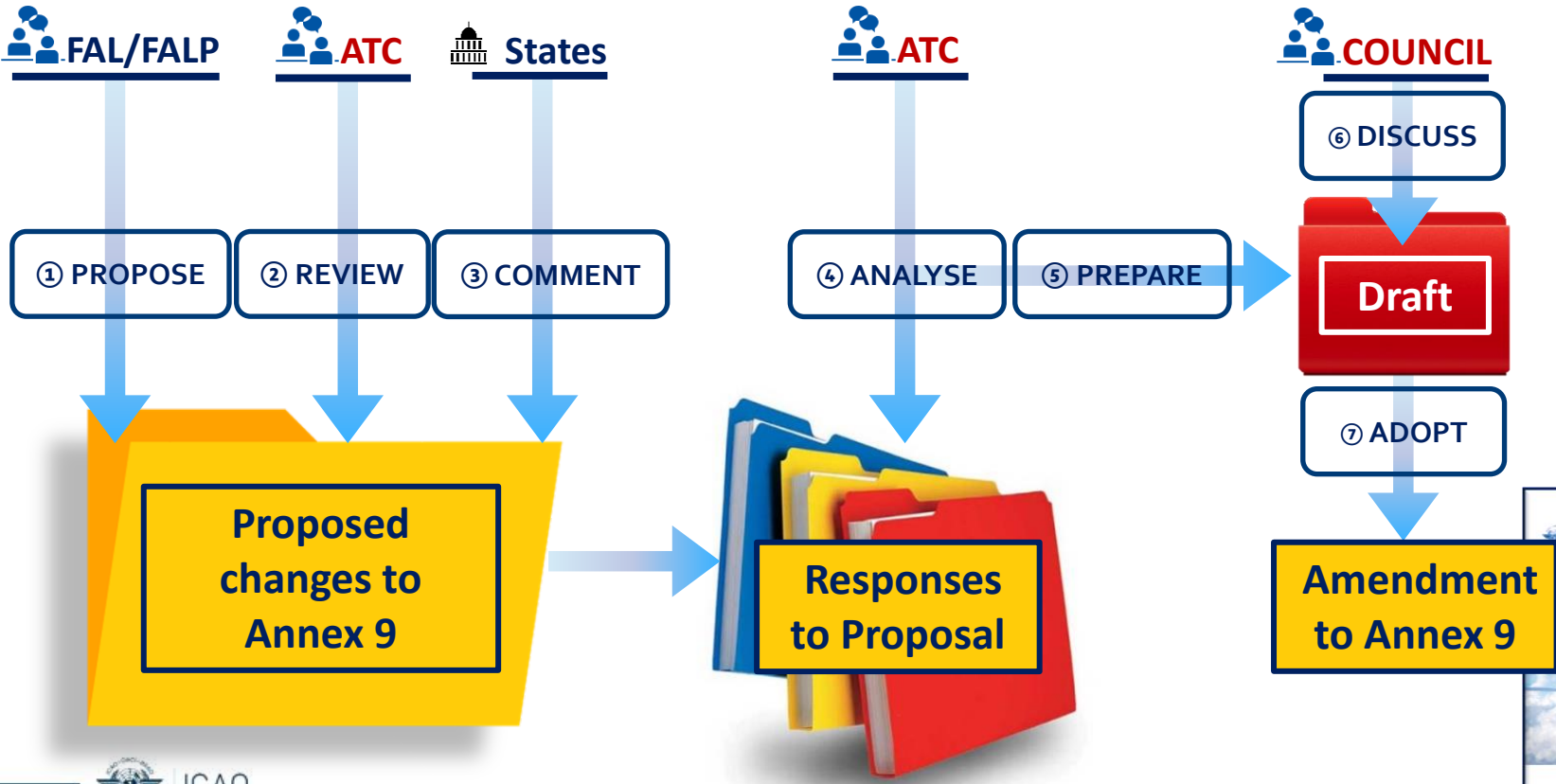
Standard: The **uniform** observance of which is **necessary** and in respect of which **non-compliance must be notified** in accordance with **Article 38**.

STANDARD → “SHALL” in provision

Recommended Practice: The observance of which is **highly desirable** and to which Contracting States will **endeavour to conform**.

RP → “SHOULD” in provision

Annex 9: Amendment Process



Annex 9: Amendment Process

- ❑ ICAO disseminates a **State letter** inviting Contracting States to take action on the adopted Amendment.

State letter:

Letter – describes the Amendment, provides deadlines for response

Attachment A – Implementation Task List, outline of Guidance Material

Attachment B – Impact assessment in relation to the Amendment

Attachment C – notify of **DISAPPROVAL** (90 days)

Attachment D – notify of **COMPLIANCE** or **DIFFERENCES** (180 days)

Attachment E – Note on the Notification of Differences

Annex 9: Amendment Process

- Procedures to be followed by States notifying **DISAPPROVAL**



- States have **90 days** (3 months) from the adoption of the Amendment to notify disapproval
- If a State does not reply to the State letter indicating disapproval, ICAO assumes State does not disapprove
- Registration of disapproval **≠** notification of difference

Annex 9: Amendment Process

- Notification of **COMPLIANCE** and/or **DIFFERENCES**



States

Attachment
D

- Paragraph 1** (notify **COMPLIANCE**): **FULLY COMPLY** → make changes to national regulations and practices
- Paragraph 2** (notify **DIFFERENCES**): **DOES NOT** intend to bring its national laws and practices in line with Amendment, or parts thereof
- Paragraph 3**: requires a State to notify of the **DATE(S)** on which it could be expected to comply



Compliance with ICAO Annex 9 SARPs

❑ Non-compliance Reasons

- ➔ Gaps in communication between ICAO and States
 - delays in delivering documentation to responsible party
 - difficulties in identifying responsible party (SL sent to CAA)
 - Health; Immigration; Quarantine; Customs; Travel document-issuing authorities; Disability agency; Law enforcement, etc.
- ➔ SARPs address non-State entities
- ➔ Insufficient resources within States
- ➔ Costs of implementation
- ➔ Difficulty in comprehending and interpreting Annex material
- ➔ Differing interpretation by individual States of SARPs
- ➔ Etc.

Compliance with ICAO Annex 9 SARPs

□ Means of Determination of Compliance:

- Notification of compliance / difference to new Amendment
 - Response to State Letter (Attachment D)
 - Electronic Filing of Differences (EFOD entries)
- Audits of Annex 9 Standards under Security and Safety audits
- Responses to SARP-specific SLs (e.g. MRP transition, SLTD, API)
- Information in Aeronautical Information Publications (AIPs) filed under Annex 15
- Unofficial information from various sources (e.g. Regional Offices, FAL Contacts)

□ Terms of Reference of the FALP

- make proposals on SARPs
- contribute to development of guidance material
- develop proposals for FAL Division meetings
- perform other tasks assigned by ATC



□ **33 Members** of FALP

- 2 NACC, 3 ESAF, 3 WACAF, 4 SAM, 8 APAC, 4 MID, 9 EUR/NAT
- States as observers
- IATA, ACI: permanent observers

→ Last Panel: FALP/12, July 2021

Which agencies does Annex 9 address?

- CAA
- Customs
- Immigration
- Travel documents issuers
- Agriculture
- Public Health
- Foreign Affairs
- Aircraft operators
- Airport operators
- Others ...

Annex 9 Overview

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. Facilitation provisions covering specific subjects
9. Passenger data exchange systems
10. Health related provisions

+ 13 Appendices

Annex 9 Overview

Chapter 1 Definitions

Some examples:

- Admission, Automated Border Control (ABC)
- Authorized Economic Operator
- Deportee, Inadmissible person
- Commencement of journey, Direct Transit Area, Improperly documented person
- Unaccompanied minor, minor, accompanying person
- Passenger Data Single Window, Single Window



Annex 9 General principles

- ❑ **Std. 1.1** SARPs in this Annex are applied to all categories of aircrafts operations except where a particular provision refers specifically to only one type of operation



Annex 9 General principles

- ❑ **Std. 1.2** States shall take necessary measures to ensure that:
 - a) The time required for the accomplishment of border controls in respect of persons and aircraft and for the release/clearance of goods is kept to the minimum
 - b) Minimum inconvenience is caused by the application of administrative and control requirements, and, in particular, that changes in these requirements are communicated in a timely manner



Annex 9 General principles

- **Std. 1.2** States shall take necessary measures to ensure that (cont.):
 - c) Timely exchange of relevant information between Contracting States, aircraft operators and airports is fostered and promoted to the greatest extent possible
 - d) Required levels of security, and compliance with the law, are attained

Annex 9 General principles

- ❑ **Std. 1.3** Contracting States shall use risk management in the application of border control procedures for the release/clearance of goods.
- ❑ **Std. 1.4** Contracting States shall develop effective information technology to increase the efficiency and effectiveness of their procedures at airports.



Annex 9 General principles

- ❑ **Std. 1.5** The provisions of this Annex shall not preclude the application of national legislation with regard to aviation security measures or other necessary controls.

- ❑ **RP. 1.6** *Contracting States and aircraft operators should exchange information as to the appropriate point(s) of contact(s) to whom border control, public health and customs queries should be directed.*



Annex 9 Overview

13 APPENDICES (examples)

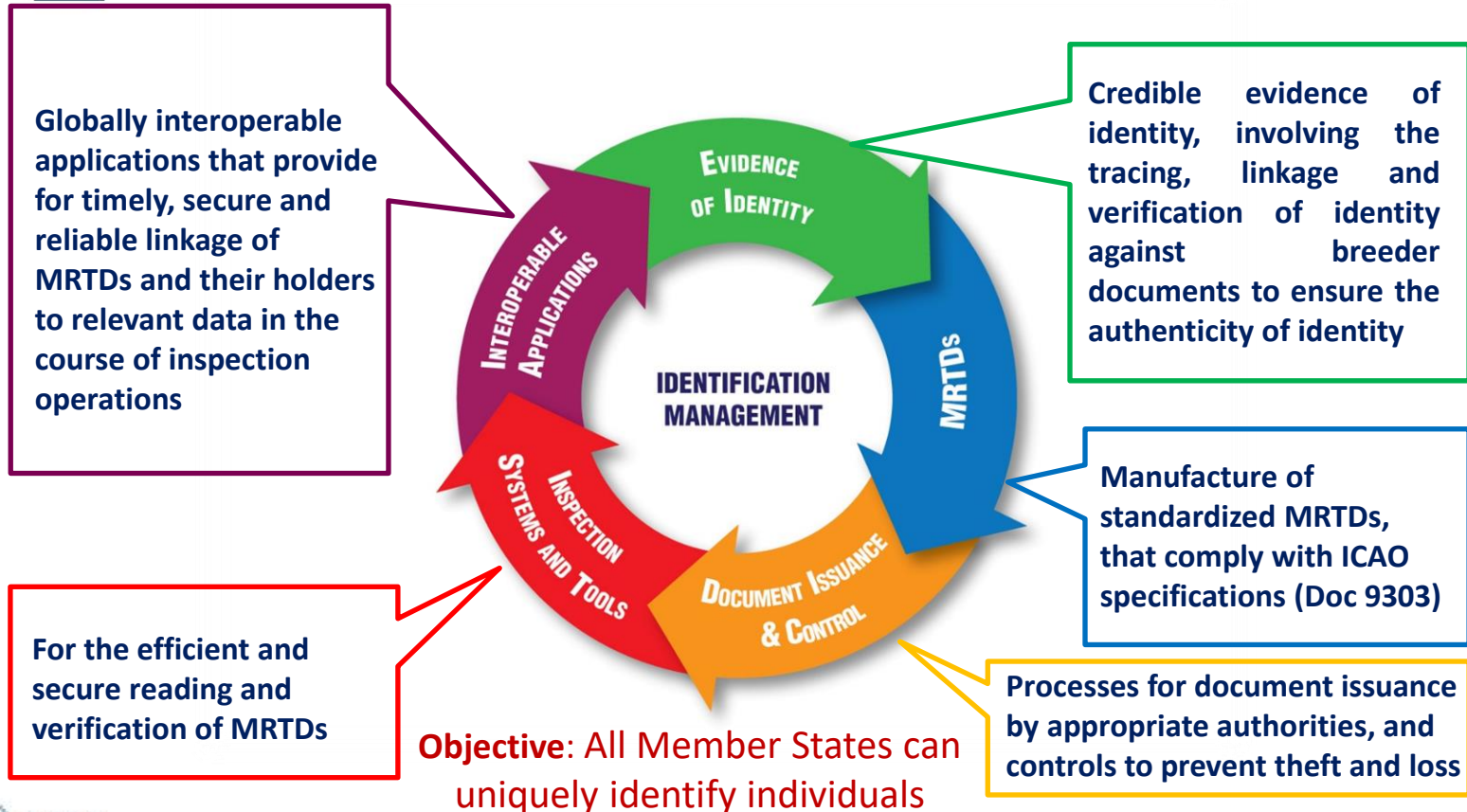
1. General Declaration
2. Passenger manifest
3. Certificate of origin
4. Certificate of residual disinsection
5. Certificate of disinsection
6. Certificate of fumigation
7. Certificate of pest control
8. Certificate of pest control
9. Suggested formats for documents relating to the return of inadmissible persons
10. Certificate of pest control
11. Model airport FAL programme
12. Model national FAL programme
13. Public Health Passenger Locator Form

ICAO Facilitation Programme Overview

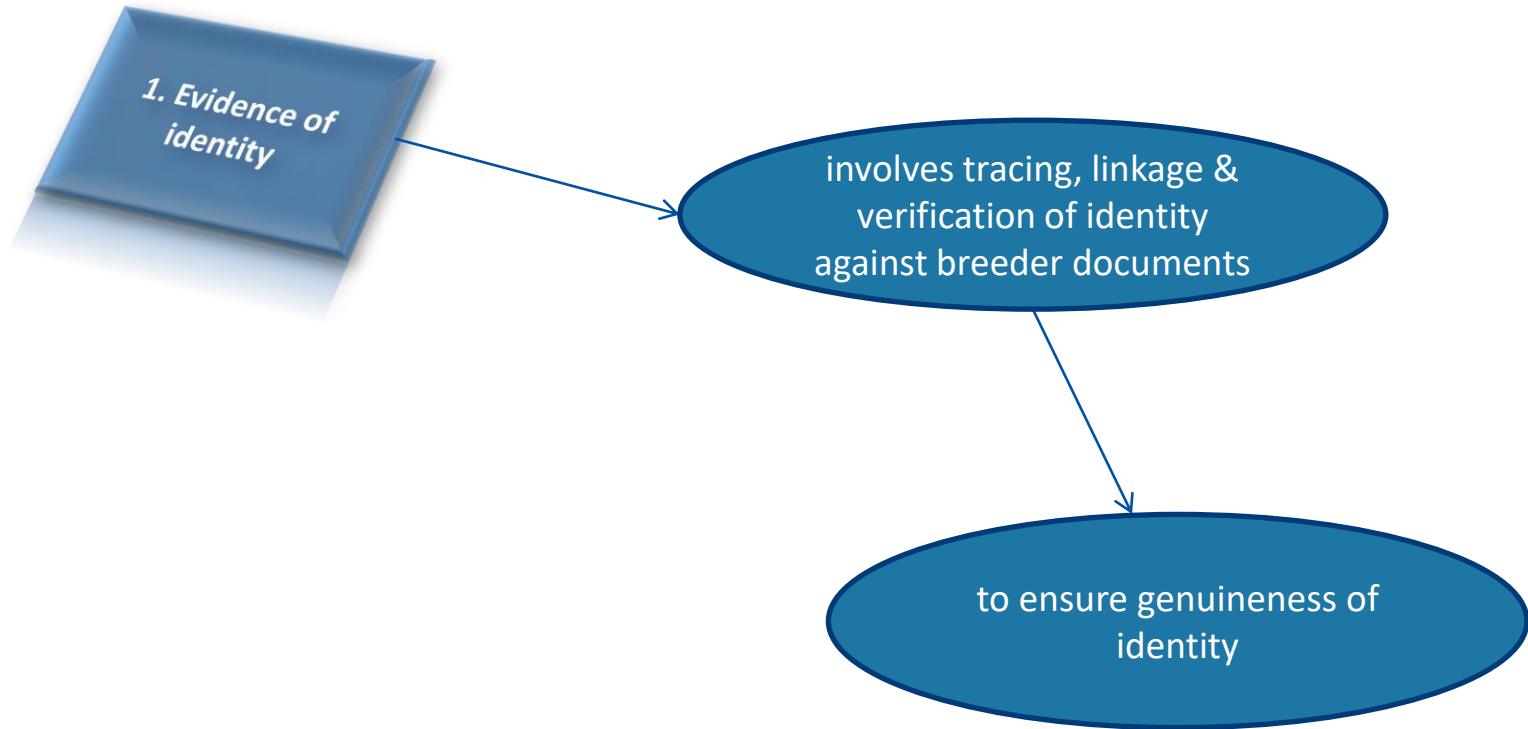
PPT 1.45

- ❑ ICAO Traveller Identification Programme (TRIP) Strategy
- ❑ ICAO Public Key Directory (PKD)

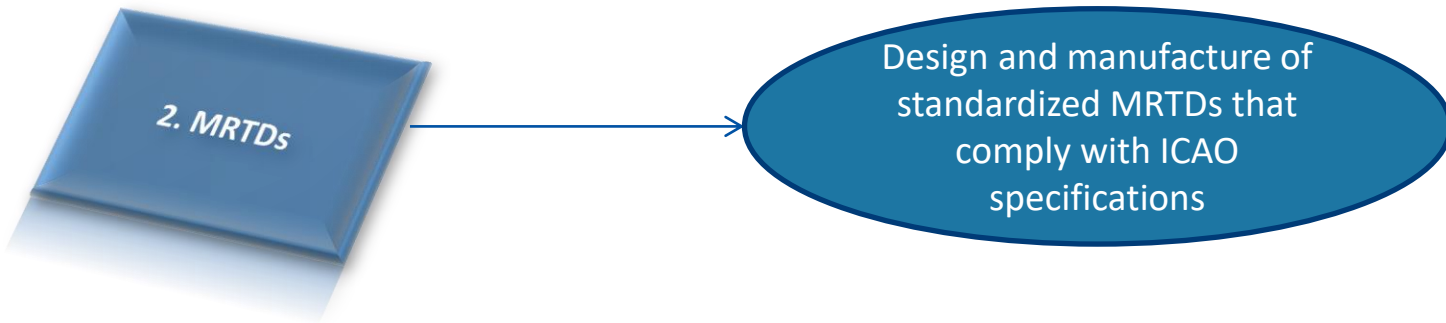
ICAO TRIP Strategy – 5 pillars



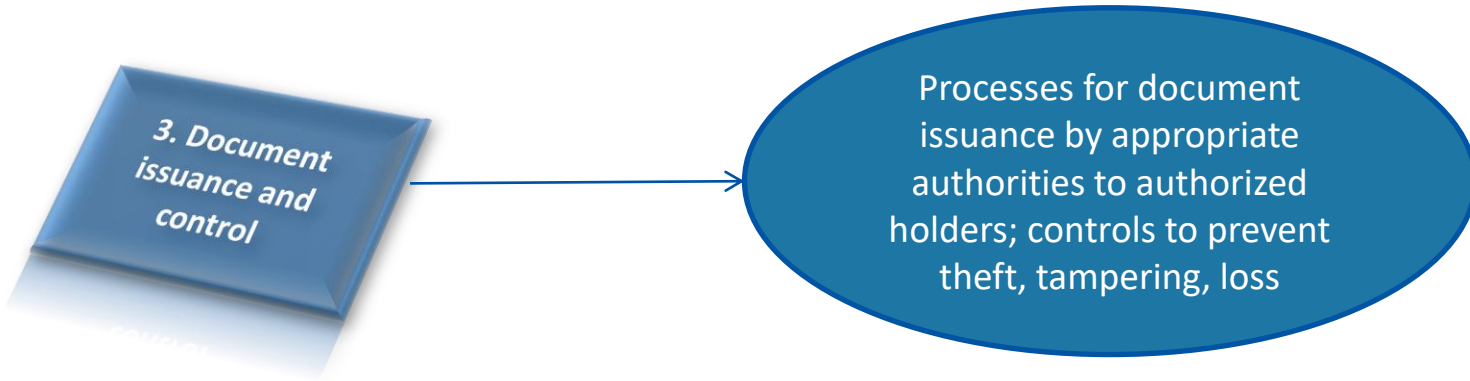
ICAO TRIP Strategy



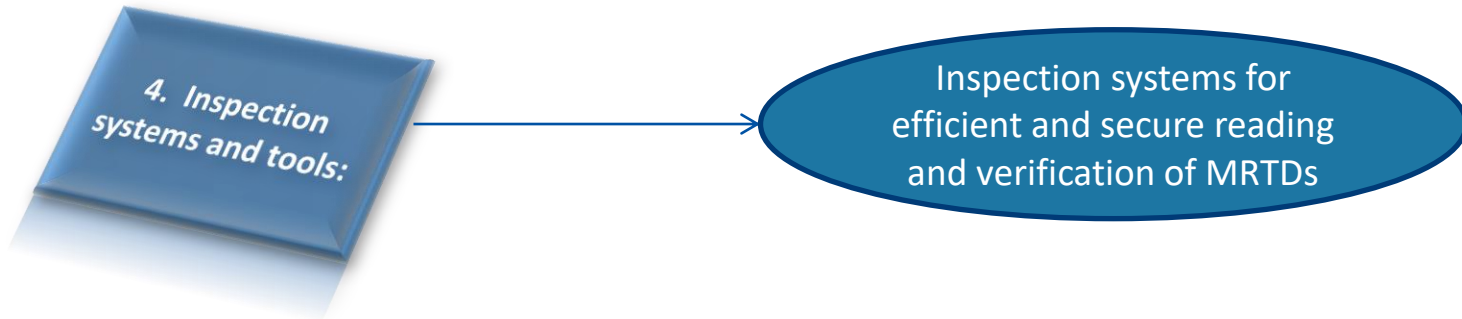
ICAO TRIP Strategy



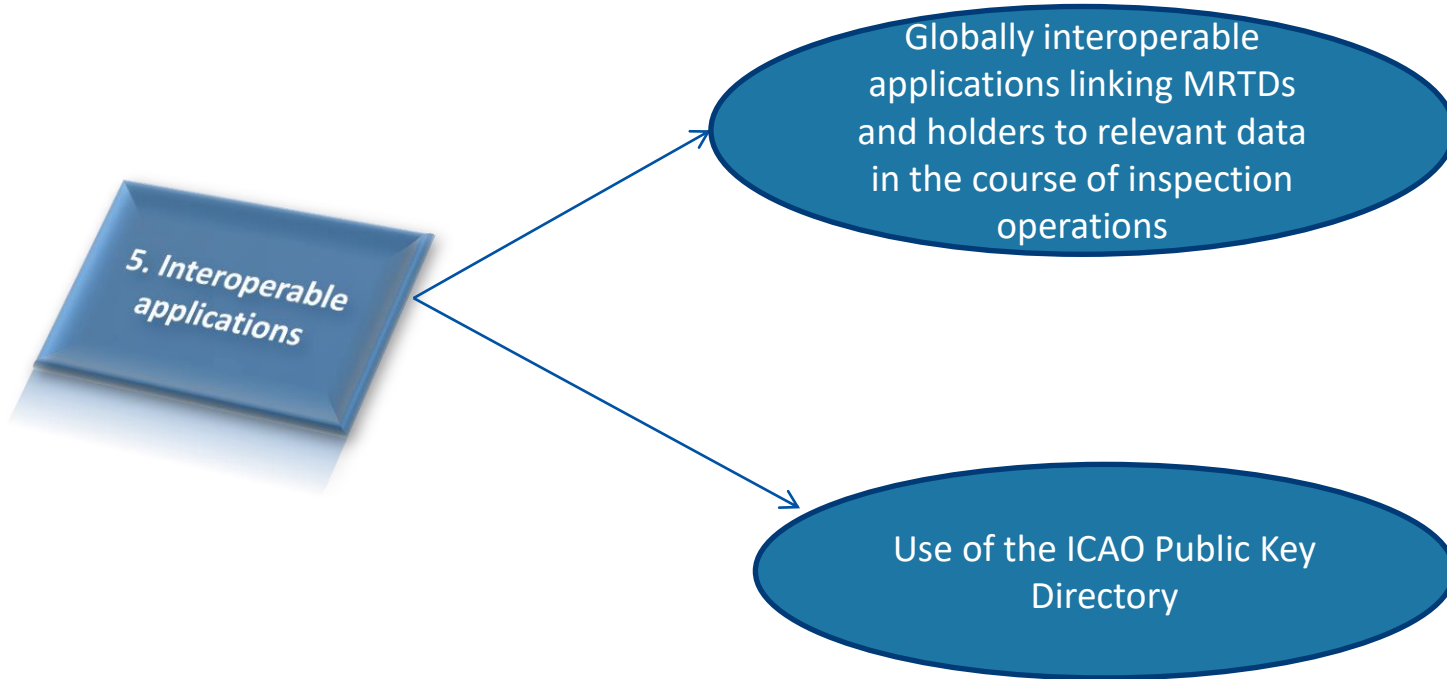
ICAO TRIP Strategy



ICAO TRIP Strategy



ICAO TRIP Strategy



ICAO Facilitation Programme Overview

❑ ICAO Public Key Directory (PKD)

- ➔ Central repository for exchanging the information required to authenticate ePassports and other eMRTDs
- ➔ By playing the role of central broker for this information, the ICAO PKD ensures that information adheres to the technical standards required to achieve and maintain interoperability
- ➔ ICAO PKD ensures that information can be exchanged reliably, in a timely manner and on an open-ended, indefinite basis

ICAO PKD: Key to the ePassport



The e-passport



Facilitates travel



Enables automation



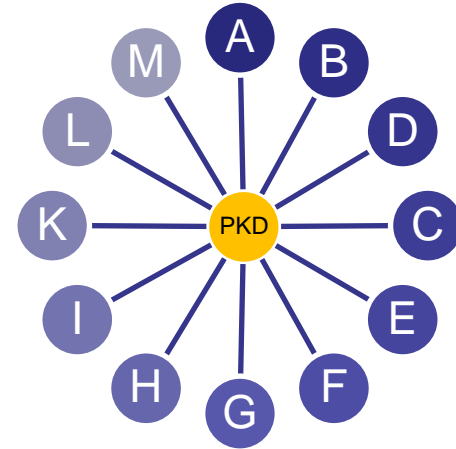
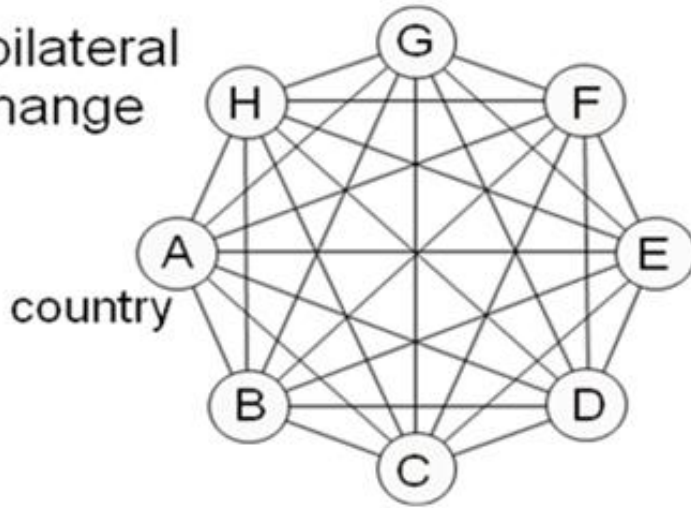
Increases security


But it can only be trusted if you verify the applied digital signature...

Which requires the appropriate public keys!

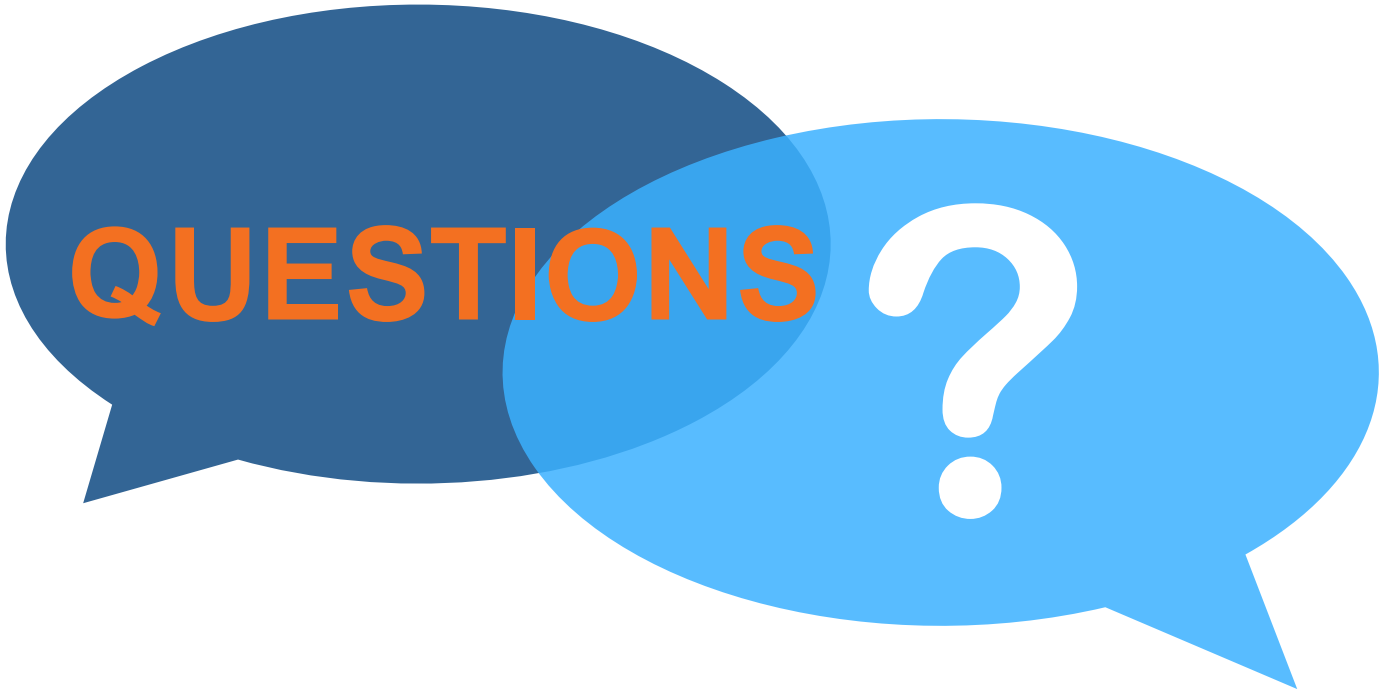
ICAO PKD: Simplifying key exchange

via bilateral
exchange



- +  = ICAO Master List
(new)
- +  = currently in the PKD
- +  = currently in the PKD







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Thank You