ICAO Regional FAL Seminar
Bangkok, Thailand
23-26 March 2015

The ICAO Facilitation Programme

24 March 2015

FAL PROGRAMME: OVERVIEW

1. FAL Programme: Mandate

   ►Chicago Convention

   ►Resolutions of the ICAO Assembly

   ►Decisions of the Council/ATC

2. Annex 9: SARPs & Guidance Material

3. Annex-amendment process

4. Differences with Amendments

5. The Facilitation Panel

1. MANDATE: A. CHICAGO CONV.

● 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

Art. 10: Aircraft to land at designated *customs* airport for customs & other examination

Art. 13: Passengers, crew, cargo: compliance with laws on *entry, clearance, immigration, passports, customs, quarantine*

Art. 14: State to take measures to prevent the *spread of disease*

Art. 22: Each Contracting State agrees to adopt all practicable measures . . .

- to facilitate & expedite navigation by aircraft . . . & to prevent unnecessary delays to aircraft, crews, passengers and cargo

  → especially in the administration of the laws relating to *immigration, quarantine, customs & clearance.*

→ "Facilitation of formalities"

Art. 23: State to establish C & I procedures in accordance with practices recommended (by ICAO)   [►**Art. 37**]

Art. 29: Documents carried in aircraft: . . .

     (d) journey log book [Gen Dec acceptable];

     (f) passenger manifest;

     (g) cargo manifest

Art. 37 (Adoption of SARPs)

Art. 38 [Compliance]; Art. 90 [Amendment]

Article 37

(Adoption of International Standards and Procedures)

1.Each State undertakes to collaborate in securing. . . uniformity . . . regulations, standards . . . 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 . . .

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		

Summary

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

Question: "What is facilitation"?

Facilitation is the **efficient** management of **border control processes** to expedite clearance (of aircraft, passengers/crew, baggage, cargo) and prevent unnecessary delays.

✓Immigration, Customs, Health, Quarantine

1.   FAL PROGRAMME MANDATE

A. Chicago Convention

B. Resolutions of the ICAO Assembly

A38-16

Consolidated statement of continuing policies and practices related to facilitation

Section I: Development and implementation of facilitation provisions

- States: increase efforts to implement Annex 9 SARPs
- States: give due regard to Doc 9984 (PWD Manual)
- Council: ensure Annex 9 is current
- Council: ensure Doc 9303 remains up to date

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

● 5 elements of traveller identification & border management*

● States: implement a robust identification management system

● States: ensure non-MRP expiration date falls before 24/11/2015 *

● all States urged to join ICAO PKD *

● States to provide input to Interpol's Stolen & Lost Travel Document Database

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

● States: establish national facilitation committees*

       – work together to solve problems

● Participation in electronic data interchange systems

● Use by States of EDI: passenger data requirements conform to international standards

● Handling & clearance of air cargo; security of the international supply chain

● <u>A36-21</u>: Preventing the introduction of invasive alien species

● <u>A35-12</u>: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international air travel

● [<u>A37-13</u>: Prevention of spread of communicable disease through air travel] [►CAPSCA]

● <u>A37-14</u>: Non-chemical disinsection of the aircraft cabin and flight deck for international flights

● <u>A38-15</u>: Consolidated statement: ICAO policies related to aviation security

►Appendix C (Implementation of technical security measures): States called upon to use of API to reduce the risk to passengers

● <u>A38 Declaration on Aviation Security</u>

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

1.   ~~FAL Programme: Mandate~~

2.   Annex 9: SARPs & Guidance Material

   ►Annex 9: A Brief History

   ►SARPs: Meaning

   ►Annex 9: An Overview

   ►Guidance Material

3.   Annex-amendment process

4.   Differences with Amendments

5.   The Facilitation Panel

2. ANNEX 9: BRIEF HISTORY

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, 1ˢᵗ Ed.: 25 March 1949**

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

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

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

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

FALP/7 (2012)   →Amendment 24

FALP/8 (24-27 November 2014) ► Amendment 25

2. 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 (l) . . , 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 (l) . . ., and to which Contracting States will **endeavour to conform** in accordance with the Convention.

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

ANNEX 9

A. Annex 9: Brief History

B. SARPs: Meaning

C. Annex 9: An Overview

D. Guidance Material

2. ANNEX 9: OVERVIEW

1. Material comprising the Annex proper:

► SARPs

►Appendices

►Definitions

2. Other material

[Foreword; Action by States; Notes]

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: 13th Ed. up to & including Amendment 24]

CH 1. DEFINITIONS AND GENERAL PRINCIPLES

1. <u>Definitions</u>: Meanings of terms used in the Annex

► e.g., Admission, Commencement of journey, Deportee, Improperly documented person, Inadmissible person, Person with disabilities, Travel document, etc.

2. <u>General Principles</u>:

► Apply throughout the Annex (e.g. 1.1: SARPs shall apply to all categories of aircraft operation unless specifically mentioned; 1.4: Use of IT)

► Apply specifically to cargo (e.g. 1.3: Use of risk management for release/clearance of goods).

CH 2.   ENTRY AND DEPARTURE OF AIRCRAFT

A. General

▶e.g. Prevention of entry of aircraft: public health reasons

B. Documents: Requirements & Use

▶e.g. Acceptance of electronic documents; Gen Dec, Pax & Cargo Manifests

C. Correction of documents

D. Disinsection of aircraft

▶Use chemical/non-chemical methods and insecticides: WHO

E. Disinfection of aircraft

F. Arrangements: General aviation & other non-scheduled flights

▶Prior authorization & Advance notification → AIPs

CH 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

● Travel documents (Passports, Visas, etc.), their Security & Inspection

→ Machine Readable Travel Documents (MRTDs)

→ Standards 3.10, 3.10.1*

● Inspection of travel documents

● Departure procedures from a State

● Entry procedures into a State; responsibilities of State & aircraft operators

→ API &PNR*

CH 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

● Transit procedures (Direct transit areas, Direct transit (airside) visas)

● Baggage separated from its owner

● Crew Member Certificates (Doc 9303, Part 3)

● Civil Aviation Inspectors

● Emergency assistance/entry visas in cases of *force majeure*

CH 6. INTERNATIONAL AIRPORTS — FACILITIES AND SERVICES FOR TRAFFIC

● Provisions of Annex 9 to be implemented in the event an airport becomes privatized.

● Customs, immigration, quarantine and health border clearance services, as required, are provided at international airports.

● Doc 9636: airport signage

● Facilities to be provided to permit embarkation and disembarkation

● Facilities required for aircraft parking & servicing

● Control channels for clearance of outbound/inbound passengers

● Storage, cargo & mail facilities; Unruly passengers; Passenger amenities . . . Etc.

CH 7. LANDING ELSEWHERE THAN AT INTERNATIONAL AIRPORTS

Assistance to an aircraft that has landed elsewhere than at one of a State's international airports: Control formalities kept to a minimum.

→ Short stop-over   → No resumption of flight

CH 8. OTHER FACILITATION PROVISIONS

● Facilitation of search, rescue, accident investigation and salvage

● Implementation of international health regulations

● Communicable disease outbreak national aviation plan *

● Establishment of national facilitation programmes *

● Facilitation of the transport of PWDs *

● Assistance to aircraft accident victims and their families

2. ANNEX 9: OVERVIEW

APPENDICES

1.   General Declaration

11.   Model airport FAL programme *

12.   Model national FAL programme *

13.   Public health passenger locator card

GENERAL DECLARATION
(Outward/Inward)

● Operator; Flight no.; Places of departure & arrival

● Name of crew; No. of passengers (on each stage of flight)

● <u>Declaration of Health</u> & Details of disinsecting or sanitary treatment

ANNEX 9

A. Annex 9: Brief History

B. SARPs: Meaning

C. Annex 9: An Overview

D. Guidance Material

ANNEX 9: GUIDANCE MATERIAL

1. The FAL Manual (Doc 9957)

2. Guidelines on PNR (Doc 9944) *

3. PWD Manual (Doc 9984) *

4. API & PNRGOV Guidelines *

5. International Signs to Provide Guidance to Persons at Airports and Marine Terminals (Doc 9636)
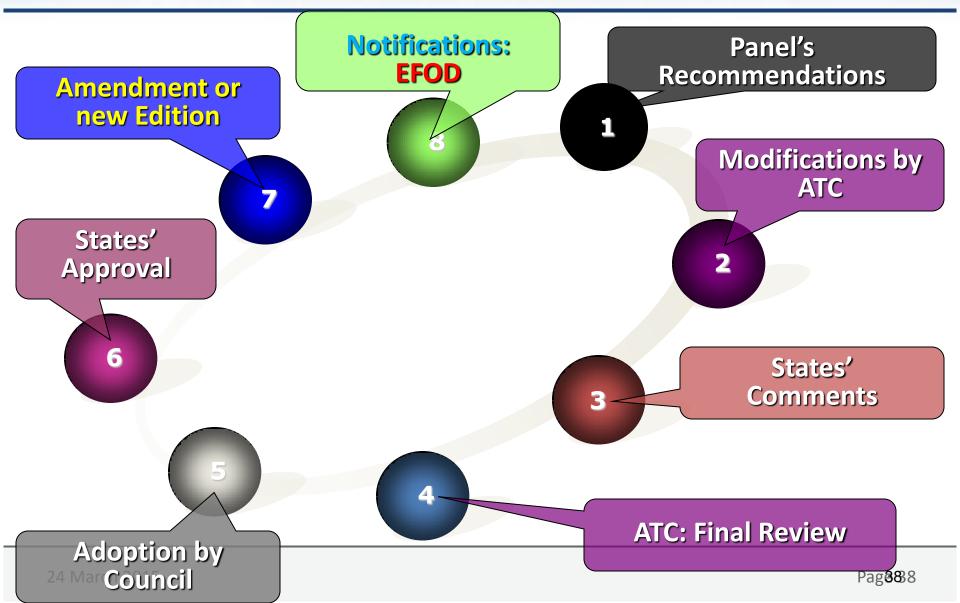
6. (FAL elements): AVSEC Manual (Doc 8973)

FAL PROGRAMME

1. FAL Programme: Mandate

2. Annex 9: SARPs & Guidance Material

3. Annex-amendment process

4. Differences with Amendments

5. The Facilitation Panel

Notifications: EFOD

Panel's Recommendations

Amendment or new Edition

Modifications by ATC

States' Approval

States' Comments

ATC: Final Review

Adoption by Council

8

1

7

2

6

3

5

4

ANNEX-AMENDMENT PROCESS

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

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

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

ANNEX-AMENDMENT PROCESS

Making an ICAO Standard

www.icao.int/safety/AirNavigation/Pages/standard.aspx

(ANB Annexes)

4. DIFFERENCES WITH AMENDMENTS

State Letter on **Adoption** of an Amendment

▶ Attachment A (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 . . .

→Standards: conditional binding force unless differences filed under Art. 38

RESOURCES

www.icao.int/Documents/annexes_booklet.pdf

[brief overview of 18 Annexes]

www.icao.int/publications/Pages/doc-series.aspx

[selected documents, including the Convention]

www.icao.int/safety/AirNavigation/Pages/standard.aspx

[making an ICAO Standard]

FAL PROGRAMME

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FAL PANEL

1. History of the FALP

2. Current membership & TORs

3. Work accomplished

4. Future work plans

1. HISTORY OF THE FAL PANEL

● FAL Division 1 – 11: Amendments to Annex 9

● Divisions to 1979: 4-6 years gap; thereafter: 7-9 years

● FAL/11 (1995): time lapse not conducive to keep up with technical & other developments

● Recommendation on FALP

→ examine policy issues & develop recommendations for FAL Division or ATC/Council

● 1995: ATC establishes FAL Panel

2. MEMBERSHIP & TORs

● 31 Members of FAL Panel

● 3 NACC, 2 ESAF, 3 WACAF, 3 SAM, 9 EUR/NAT, 3 MID

● 8 <u>APAC</u>: Australia, China, India, Japan, New Zealand, Pakistan, Singapore, Thailand

● States as Observers

● IATA, ACI: Permanent Observers

2. MEMBERSHIP & TORs

Terms of Reference of the FAL Panel:

► make recommendations on SARPs

► contribute to guidance material

► develop proposals for FAL Division meetings
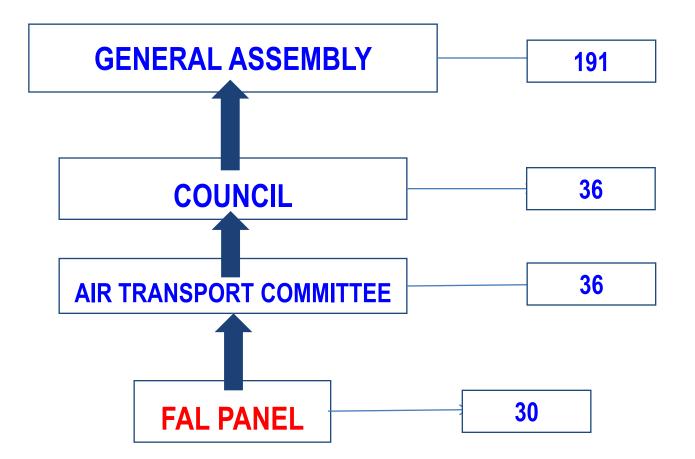
► perform other tasks assigned by ATC

3. WORK ACCOMPLISHED

FALP/2 (1999): ~~Family passports~~; "one passport, one person" or "one person per passport"

FALP/3 (2001): Cargo provisions extensively revised

FALP/5 (2008): New SARPs on API; Radioactive Material; Chapter 6

FALP/6 (2010): API; Revision of health SARPs (H1N1); Emergency assistance: *force majeure* (Icelandic volcano eruption)

FALP/7 (2012): API & PNR; Inadmissible persons & Deportees; PWDs SARPs + New Manual

FALP/8 (2014): cargo facilitation, aircraft accident victims, etc.*

ICAO STRUCTURE

GENERAL ASSEMBLY — 191

COUNCIL — 36

AIR TRANSPORT COMMITTEE — 36

FAL PANEL — 30

QUESTIONS?