



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A United Nations Specialized Agency

ICAO Regional FAL Seminar Nairobi, Kenya 18-21 February 2014

Annex 9: Compliance Issues

18 February 2014

ANNEX 9: COMPLIANCE ISSUES OVERVIEW



1. INTRODUCTION
2. OBLIGATIONS UNDER CHICAGO CONVENTION
3. ASSEMBLY RESOLUTIONS: EXPECTATIONS
4. COMPLIANCE: DETERMINATION OF
5. NON-COMPLIANCE: REASONS
6. NON-COMPLIANCE: SOLUTIONS
7. NEXT STEPS
8. EFOD

1. INTRODUCTION

1. Compliance with Chicago Convention, i.e. Obligations under Convention
2. “Annex 9 – Facilitation: Compliance Issues”
→ Compliance with Annex 9; i.e. Implementation of SARPs



2. OBLIGATIONS UNDER CONV.

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 38: Departures from international standards & procedures

2. OBLIGATIONS UNDER CONV.



OBLIGATIONS OF STATES

Article 11: Applicability of air regulations

Article 14: Prevention of spread of disease

Article 22: Facilitation of formalities

Article 23: Customs and immigration procedures

Article 24: Customs duty

Article 35 (b): Cargo restrictions

Article 37: Adoption of international standards and procedures →

Article 38: Departures from international standards and procedures

OBLIGATIONS OF “USERS”

Article 10: Landing at customs airport

Article 11: Applicability of air regulations

Article 13: Entry and clearance regulations

Article 29: Documents carried in aircraft

Article 35 (a): Cargo restrictions

2. OBLIGATIONS UNDER CONV.



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) Reminder to States ▶ Art. 38**
- ▶ International Standards have a **conditional binding force** to the extent that a State has not notified any differences under **Article 38**

2. OBLIGATIONS UNDER CONV.



Article 38: Compliance

(Departures from international standards & procedures)

[. . .] In case of amendments to international standards, any State which does not amend its own regulations shall notify the Council . . .

→ low % of notification of compliance or differences with Amendments [less than 50 responses]

→ **CONSEQUENCE: Status of implementation of most Annex 9 SARPs not known for many States**

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3. ASSEMBLY RESOLUTIONS



[+Art. 38] → A38-16: Facilitation Policies & Practices

The Assembly urges Contracting States to:

- increase their efforts to implement Annex 9 SARPs
- through national facilitation committees: call upon all interested government departments to the need for:
 - making the national regulations and practices conform to the provisions of Annex 9

4. COMPLIANCE: DETERMINATION OF



- Response to SL on adoption of a new Amendment (compliance/differences) [EFOD*]
- USAP (“security-related”) Annex 9 Standards
- Response to SARP-specific SLs (e.g. API; 3.10.1)
- AIPs filed under Annex 15
- Unofficial information from various sources

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5. NON-COMPLIANCE: REASONS



- Insufficient communication between ICAO and States
 - loss of documentation by recipients
 - delays in delivering documentation to responsible party
 - difficulties in identifying responsible party ([SL to CAA](#))
 - ▶ Health; Immigration; Quarantine; Customs;
Travel document-issuing authorities; Disability agency; etc.
- SARPs address non-State entities
- Insufficient resources within States
- Costs of implementation

5. NON-COMPLIANCE: REASONS



- Difficulty in comprehending and interpreting Annex material
- Differing interpretation by individual States of SARPs
- Lack of understanding about role of States in consultation phase
- **Lack of notification to ICAO under Art. 38**

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6. NON-COMPLIANCE: SOLUTIONS



- Seminars, Symposia
- Individual Missions
- Audits
- State Letters/Electronic Bulletins
- Regional Offices: Outreach Activities
- Guidance Material: FAL Manual, PWD Manual, etc.
- Formal Contacts
- Revision of SARPs

6. NON-COMPLIANCE: SOLUTIONS



- Dedicated focus on specific SARP(s)
- Cooperation/Coordination with other Organizations and/or Industry
- National [Regional] Air Transport FAL Programmes
- Concentrated Focus of Available Resources
- Prioritization of Work: What are the Most Important Issues for States/Regions?
- Electronic Filing Of Differences (EFOD) → Notifications

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7. NEXT STEPS

1. A38: FAL Programme to address non-compliance issues: Top priority
2. Determine reasons for non-compliance
3. Develop strategies to assist State compliance

→ **Suggestions most welcome!**

8. EFOD: BACKGROUND



- Art. 38

- **States** obliged: notification of differences with Standards

- [→ States urged: notify differences to RPs]

- traditionally, paper-based

- **ICAO** mandated to notify States

- traditionally, paper-based

8. EFOD: BACKGROUND

- Universal Safety Oversight Audit Programme
 - [MOUs] States required to complete Compliance Checklists (CCs)
 - information on implementation of specific SARPs: all Annexes except A9 & A17
 - online system: complete CCs & view safety-related information & CCs of other States
- C-DEC (2006): online CCs to be adapted to EFOD
 - Art. 38 + USOAP purposes

8. EFOD: COMPONENTS

1. Online user interface

- States view Annex SARPs
- Indicate compliance/differences
- English only, but capture & process data in EFRS (A, C)

2. Annex manager (ICAO use)

- Manage amendments
- Update online user interface
 - latest amendments
 - monitor & analyze global level of implementation of SARPs
 - generate **electronic** Supplements

8. EFOD: COMPONENTS



Electronic Supplement

A dynamic and on-demand research tool on differences from SARPs submitted through EFOD that provides:

- ✓ A list of States who have verified differences
- ✓ Completeness of data reporting for a selected State
- ✓ Differences per Annex for a selected State
- ✓ Differences of all States per a selected provision

8. EFOD: IMPLEMENTATION

- Phased implementation for all Annexes (except A9 & A17) (2011-2013)
 - Jan 2011, CC data from 153 States were migrated into the EFOD system
 - April 2011, States requested to:
 - **Recognize EFOD** as an alternative means of filing of differences
 - **Verify and confirm** the data in EFOD which had previously been submitted through CC under USOAP.

8. EFOD: IMPLEMENTATION

- Expansion to Annex 9
 - ✓ Annex provisions uploaded in the system
 - ✓ Differences information to be uploaded by mid/late-2013
 - ✓ **States requested to use EFOD: Amd. 24 SL**
- Amd.24 SARPs uploaded after 29 March 2014
 - (Effective Date of Amd 24)
- Generation of electronic Supplements

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QUESTIONS?