



| ICAO

SECURITY & FACILITATION

Ninth Meeting of the Facilitation Panel (FALP/9) (4-7 April 2016)

Agenda Item 1:

Recent Facilitation Developments in ICAO

4 April 2016





OVERVIEW

1. Introduction: FAL Programme

A. Mandate of FAL Programme

B. Annex 9 & FAL Panel: Brief Introduction

C. Annex 9: Amendment Process

D. Post-Amendment Procedures

2. Recent FAL Developments in ICAO (post-FALP/8)



FAL PROGRAMME

- ANNEX 9
- ICAO Traveller Identification Programme (ICAO TRIP)
- Public Key Directory (PKD)





1. Introduction: FAL Programme

A. MANDATE: (a) CHICAGO CONVENTION

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*



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 (2013)

Consolidated statement of continuing policies and practices related to facilitation

Section I: Development and implementation of facilitation provisions [Annex 9; Doc 9303]

Section II: Security and integrity of traveller identification & border controls [ICAO/TRIP; PKD]

Section III: National and international action and cooperation on facilitation matters [NATFP; Data exchange]



- A36-21: Preventing the introduction of invasive alien species
- A37-13: Prevention of spread of communicable disease through air travel [WWW.CAPSCA.ORG]
- A37-14: Non-chemical disinsection of the aircraft cabin and flight deck for international flights



1. Introduction: FAL Programme

~~A. Mandate of FAL Programme~~

B. Annex 9 & FAL Panel: Brief Introduction

C. Annex 9: Amendment Process

D. Post-Amendment Procedures

2. Recent FAL Developments (post-FALP/8)





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 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



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

FAL/3 to FAL/11 (1995)

FAL Panels 1 – 3

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

FAL Panels 5 and 6

FALP/7 (2012)

FALP/8 (2014)

FALP/9 (2016)

→ Annex 9, 1st Ed.: 25 March 1949

→ Annex 9, 2nd Ed. to 10th Ed.

→ Annex 9, 11th Ed. (2002)

→ Annex 9, 12th Ed. (2005)

→ Annex 9, 13th Ed. (2011)

▶ Amendment 24

→ Annex 9, 14th Ed. (2015)

▶ Amendment 26



TERMS OF REFERENCE: FAL PANEL

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



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 (I) . . . , 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 (I)

5. ADOPTED BY COUNCIL: ART. 54 (I)

6. **NON-COMPLIANCE MUST BE NOTIFIED IN ACCORDANCE WITH ART. 38**

6. CONTRACTING STATES WILL **ENDEAVOUR** TO CONFORM

► Std: Conditional binding force



1. Introduction: FAL Programme

~~A. Mandate of FAL Programme~~

~~B. Annex 9 & FAL Panel: Brief Introduction~~

C. Annex 9: Amendment Process

D. Post-Amendment Procedures

2. Recent FAL Developments (post-FALP/8)





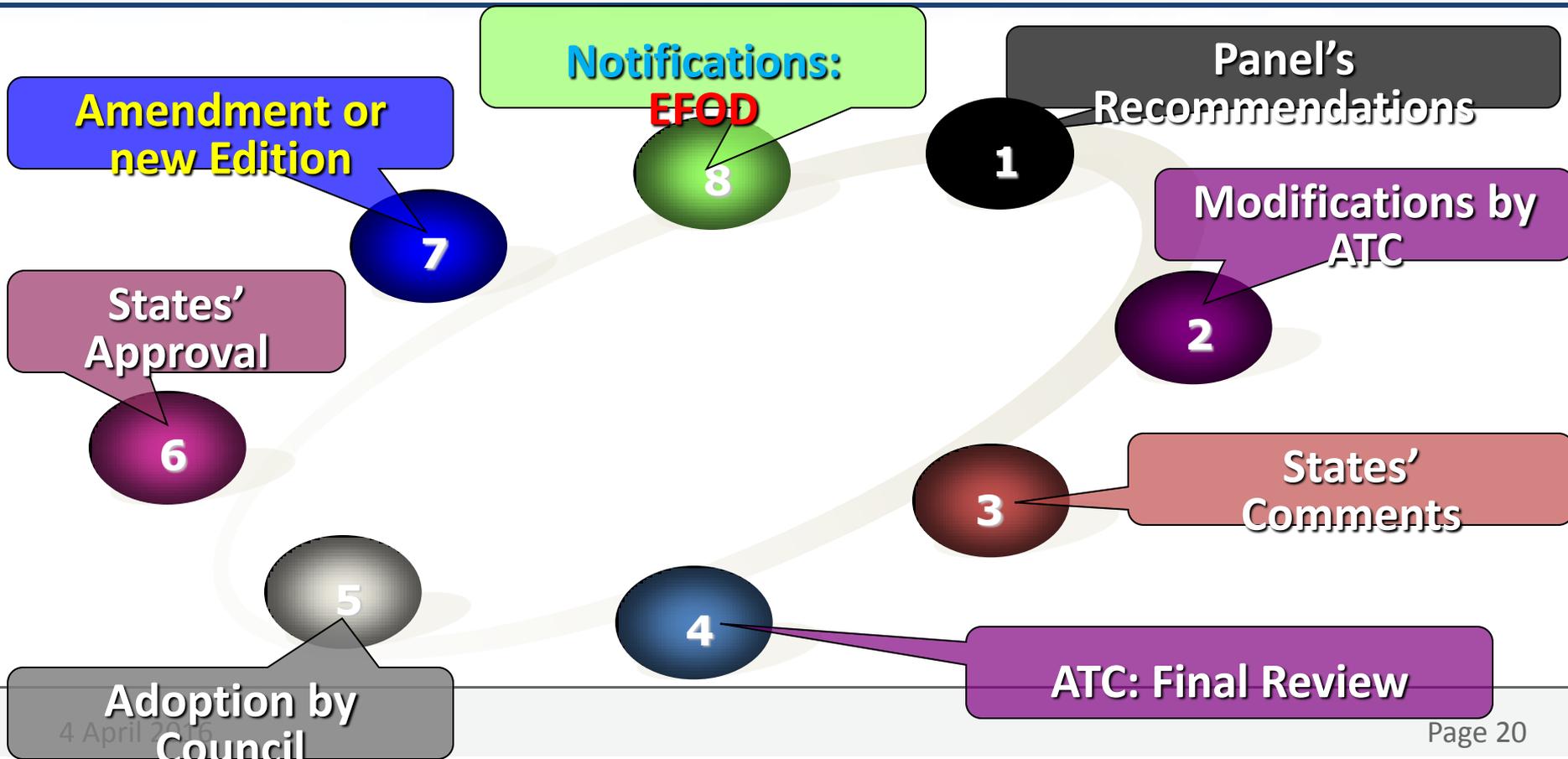
C. ANNEX 9: AMENDMENT PROCESS

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





| ICAO

SECURITY & FACILITATION

Making an ICAO Standard

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

(ANB Annexes)





1. Introduction: FAL Programme

~~A. Mandate of FAL Programme~~

~~B. Annex 9 & FAL Panel: Brief Introduction~~

~~C. Annex 9: Amendment Process~~

D. Post-Amendment Procedures

2. Recent FAL Developments (post-FALP/8)





D. POST-AMENDMENT PROCEDURES

State Letter on **Adoption** of an Amendment

- ▶ **Attachment A** — Implementation task list and outline of guidance material in relation to Amendment [X] to Annex 9
- ▶ **Attachment B** — Impact assessment form in relation to Amendment [X] to Annex 9
- ▶ **Attachment C** — Notification of disapproval of all or part of Amendment [X] to Annex 9
- ▶ **Attachment D** — Notification of compliance with or differences from Annex 9
- ▶ **Attachment E** — Note on the notification of differences to Annex 9 and form of notification

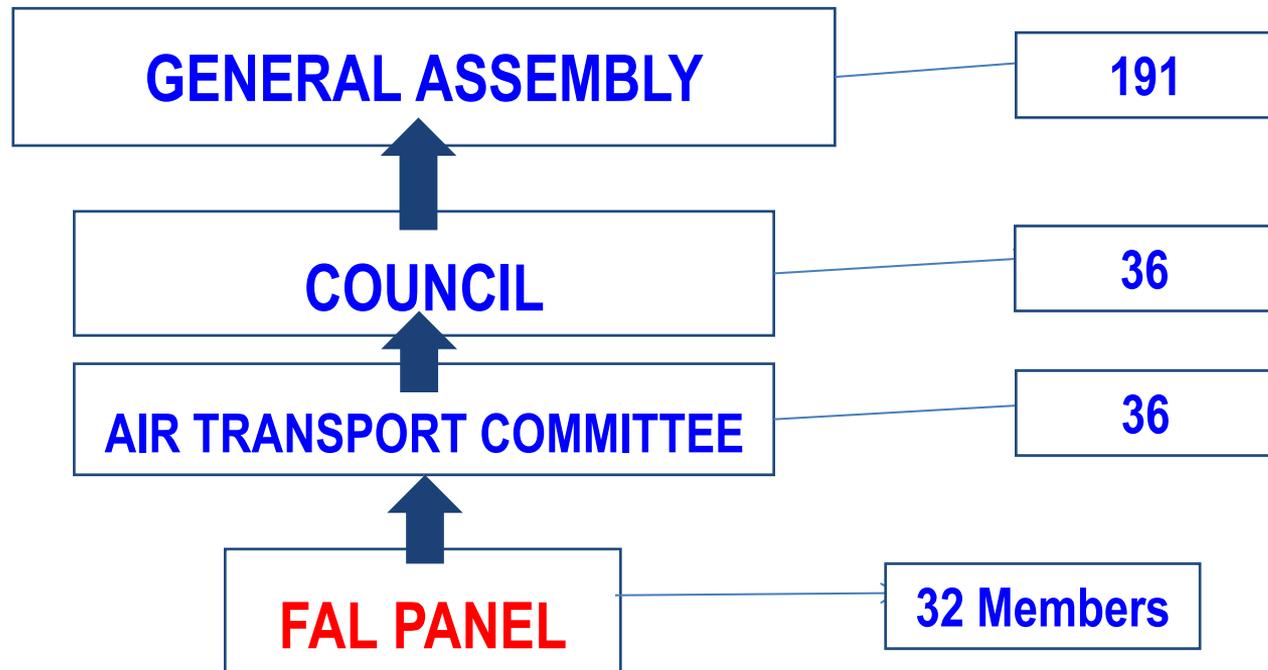
→ Supplement [now, EFOD]



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 . . .

ICAO STRUCTURE





1. Introduction: FAL Programme

~~A. Mandate of FAL Programme~~

~~B. Annex 9 & FAL Panel: Brief Introduction~~

~~C. Annex 9: Amendment Process~~

~~D. Post-Amendment Procedures~~

2. Recent FAL Developments (post-FALP/8)



2. Recent ICAO FAL Developments

1. Results of FALP/8 (24 to 27 November 2014)

Item 2 → Amendments to Annex 9 [Amd. 25]

Item 3 → WGGM: Doc 10042 published

(Model National Air Transport Facilitation Programme)



Item 4 → Other matters:

- Annex 9 audits (FALP/8, AVSECP/26, ATC/UIC, Council)
- agreed to maintain the current USAP-CMA and USOAP CMA practices on Annex 9 audits;
- Secretariat to continue to adjust the PQs to reflect any new or amended security-related or safety-related provisions of Annex 9;



- Secretariat to continue activities to promote Annex 9 implementation;
- EC 6/3 – 15/90, 21 December 2015
 - Completion of online compliance checklist for Annex 9 (information on compliance with the Annex's Standards)



Implementation Task List & Impact Assessment

→ FALP/9-IP/3

▶ **Attachment A** — Implementation task list and outline of guidance material in relation to Amendment [X] to Annex 9

▶ **Attachment B** — Impact assessment form in relation to Amendment [X] to Annex 9

→ **EC 6/3-2015/55**, 24 July 2015 (Adoption of Amendment 25)



2. Other Developments

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	RESPONSES: EC6/3-12/70 (22 Dec 2015)	Q1: YES	Q2: NO	REMARKS Q. 2.1/2.2
APAC	22 (+1)/38 (last response received: 21/11/2015) (+1 by Note Verbale)	18	5 (+ 1 by N.V.)	217/2016 (Japan) 1.5m/2020 (Nepal) 60,000/2017 (Timor Leste) 2,500,000/24/Nov/2017 (Afghanistan) —/— (n.v.): Bangladesh 259,727/2016 (India)
ESAF	21/24 (22/12/2015)	19	1	5000/30Nov2015 (Mozambique)
EURNAT	52/56 (20/11/2015) + 1 (non-ICAO State)	50 +1 (non-ICAO)	2	300,000/2017 (Latvia) 20,000/30.6.2016 (Czech Rep.)
MID	13/15 (15/11/2015)	11	2	600,000/31/12/2016 (Libya) 44,300/early 2017 (Lebanon)
NACC	12/21 (8/12/2014)	11	1	—/2017 (Barbados)
SAM	12/13 (12/11/2015)	11	1	5435/March 2016 (Bolivia)
WACAF	24/24 (26/11/2015)	20	4	1000-1500/June 2016 (Niger) 10,000 (in 7 years; 2022) (Sao Tome & Principe) 984500/2020 Rep of the Congo —/31 Dec 2015 (Guinea Bissau)
TOTALS	156/191 (+ 1 by N.V.)	140	16 (+ 1 by N.V.)	[16 + 1 N.V.]



- 2nd High Level Safety Conference (Feb 2015)
 - **Side event**: Assistance to aircraft accident victims & their families
- Regional FAL Seminar, Bangkok (23-25 March 2015)
- ICAO/WHO CAPSCA Global Symposium (April 2015)
- 11th MRTD/Biometrics Symposium (October 2015)
- ICAO World Aviation Forum (November 2015)
- AVSEC Panel/27 (14-18 March 2016).



Categories

Priorities: 2014-2016

Outcomes

A. Working better with what we have

1. Non-compliance with SARPs

- a) Determination of **reasons for non-compliance** with SARPs;
- b) Development of strategies to **assist State compliance**

2. Consolidation of work

- a) Identification of **common outcomes and themes in Annex 9**;
- b) Determination of continued **usefulness and relevance** of SARPs; and
- c) **Reorganization and simplification** of SARPs

3. Stronger links and cooperation with relevant entities

- a) ~~Establishment of **closer links** within ICAO and with non-ICAO entities~~

B. Planning for the future

1. Responses to new and emerging issues

- a) Enhancement of SARPs or guidelines on **disruptive events and cargo facilitation**, the latter in cooperation with the WCO and industry;
- b) ~~Development of SARPs and guidance on **unaccompanied minors**.~~

2. Advances in technologies

- a) ~~Inclusion of additional SARPs in Annex 9 on **ABCs**; and~~
- b) ~~Enhancement of SARPs on **API and PNR**~~



AFI SECFAL PLAN

- Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (AFI SECFAL) Plan
- 2014: Council approval → developed further in 2015
- Overall Objective: Enhance aviation security and facilitation in Africa in a sustainable manner



- 4-8 April 2016: Ministerial Meeting, Namibia
- Expected results
 - Political commitment for the successful implementation of the AFI SECFAL Plan
 - Adoption of a declaration, targets and Action Plan
 - Outcomes to be submitted to the ICAO Council and the AU Assembly for endorsement



NEXT?

- End-April 2016: ATC
 - (draft) A39 Working Paper on Annex 9
- 26 Sept – 7 Oct 2016: 39th Assembly
- Oct 2016: ATC
 - FALP/9 Report
- 10-13 September 2018: FALP/10 (room booked!)



Amendment 26 Timeline (tentative)

1. Oct 2016: Report of FALP/9 to ATC
2. Nov 2016: State letter on FALP/9's recommendations
3. Jan 2017: Final review by ATC
4. Feb/March 2017: Consideration by Council
5. March 2017: State letter on adoption
6. July 2017: Deadline for disapprovals
7. October 2017: Deadline to notify differences [EFOD]
8. November 2017: Amendment 26 applicable



FAL REGIONAL SEMINARS

- 2014 – 2015 Regional Seminars
 - <http://www.icao.int/Security/FAL/Pages/Meetings-Seminars.aspx>
- 2016/17 – 2019 **Implementation** Seminars



- New Chief, Facilitation
- New Staff Member: Annex 9
- Reception (today, 17:00, outside CR)
- Photo Session (tomorrow, Tuesday, 12:30)



ICAO

SECURITY & FACILITATION



ICAO

North American
Central American
and Caribbean
(NACC) Office
Mexico City

South American
(SAM) Office
Lima

ICAO
Headquarters
Montréal

Western and
Central African
(WACAF) Office
Dakar

European and
North Atlantic
(EUR/NAT) Office
Paris

Middle East
(MID) Office
Cairo

Eastern and
Southern African
(ESAF) Office
Nairobi

Asia and Pacific
(APAC) Sub-office
Beijing

Asia and Pacific
(APAC) Office
Bangkok



THANK YOU