



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A United Nations Specialized Agency

Introduction to Annex 9: ICAO SARPs on Traveller Identification and Border Controls

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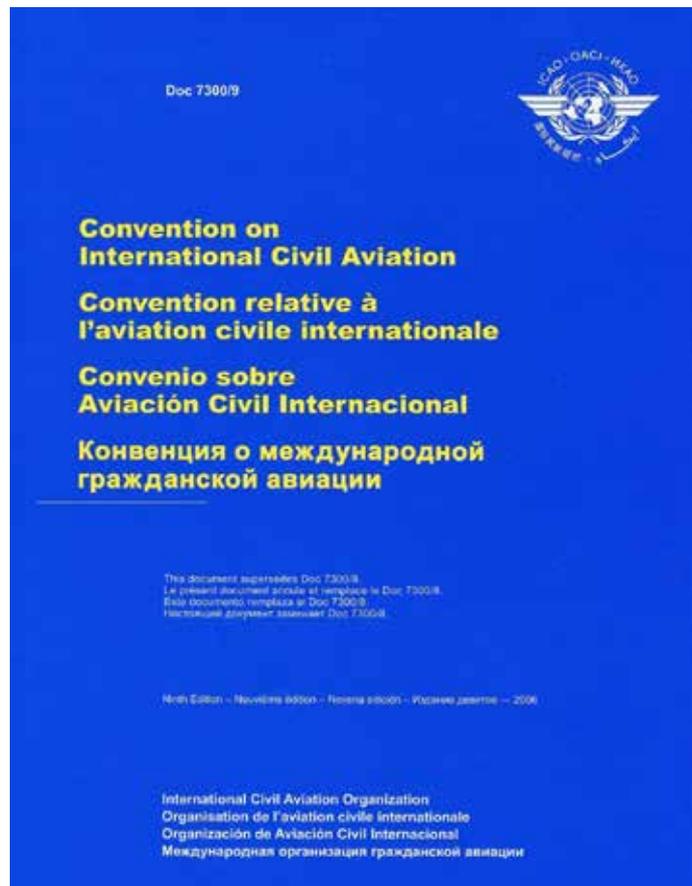
Regional Seminar on MRTDs and Traveller Identification Management
Madrid, Spain, 25 to 27 June 2014

Overview



1. The Chicago Convention and Annexes
2. ICAO SARPs
3. Annex 9 – Facilitation: Overview
4. Compliance and notifying differences
5. National Facilitation Programme
6. Resources

Convention on International Civil Aviation (the Chicago Convention)



Available for free at

http://www.icao.int/publications/Documents/7300_cons.pdf

In 6 Official Languages



The Chicago Convention 1944

The main international legal instrument regarding civil aviation and ICAO's mandate

Aims to promote the safe and orderly development of international civil aviation throughout the world

Regulates aviation safety, security, efficiency, air navigation matters, aviation environmental protection, etc.

- Ø Signed on 7 December 1944 by 52 States
- Ø In force from 5 March 1947 (26th ratification received)
- Ø ICAO came into being on 4 April 1947

The Chicago Convention: Annexes 1 to 18



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

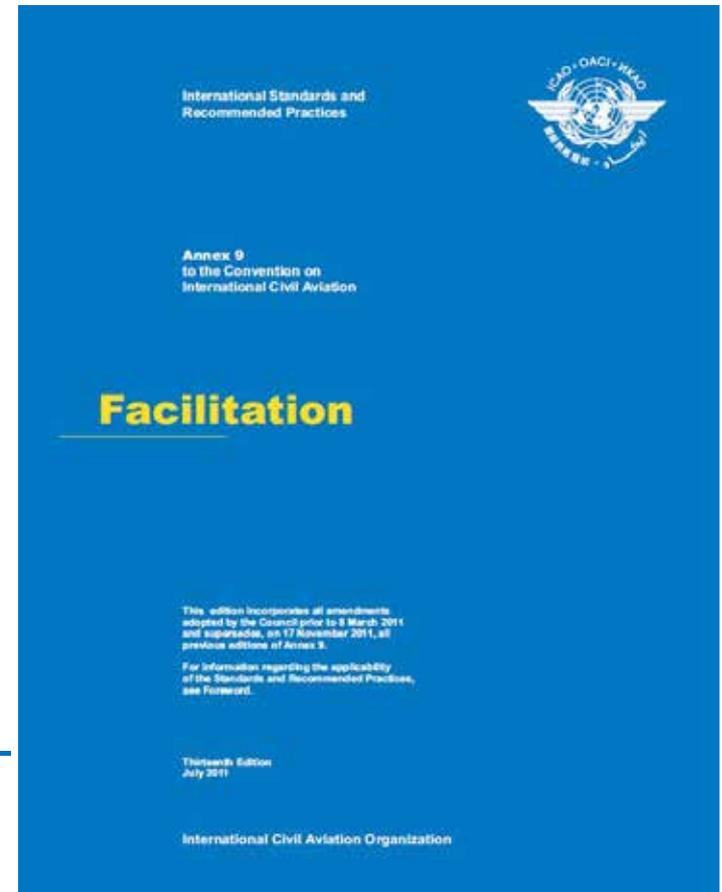
[Details in Annexes Booklet at http://www.icao.int/Documents/annexes_booklet.pdf](http://www.icao.int/Documents/annexes_booklet.pdf)

Chicago Convention

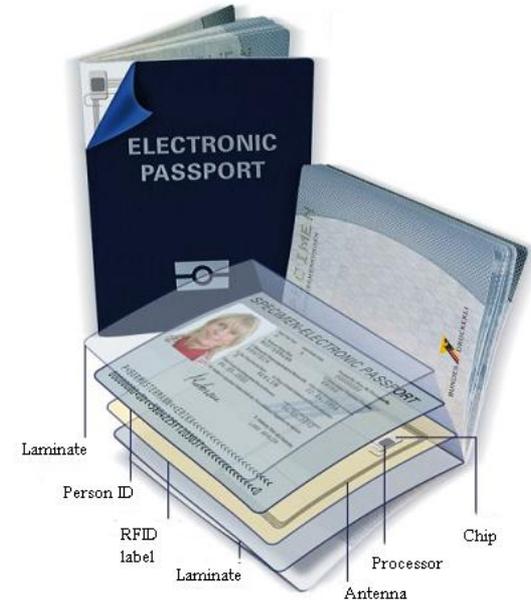


ANNEX 9 – Facilitation

- Integrates functions of agencies related to border controls – travel documents, immigration, customs, quarantine, law enforcement, transport operators, etc.
- Requires inter-agency (and cross-border) cooperation to implement Annex 9 obligations



Annex 9 - Facilitation



Annex 9 – 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, law enforcement, etc
- Addresses integrated border management, incl. balance between border security and facilitation
- Historically, original emphasis on facilitation
- Contains SARPs: **Standards** and **Recommended Practices**

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.**

SARPs MEANING



STANDARD	RECOMMENDED PRACTICE
SPECIFICATION	SPECIFICATION
UNIFORM OBSERVANCE	OBSERVANCE
PRACTICABLE & NECESSARY	GENERALLY PRACTICABLE & HIGHLY DESIRABLE
FACILITATE & IMPROVE . . .	FACILITATE & IMPROVE . . .
ADOPTED BY COUNCIL: ART. 54 (I)	ADOPTED BY COUNCIL: ART. 54 (I)
IN TEXT: X.XX Contracting States shall ...	IN TEXT: X.XX Recommended Practice. - Contracting States should ...
NON-COMPLIANCE MUST BE NOTIFIED IN ACCORDANCE WITH ART. 38 ('filing a difference')	CONTRACTING STATES WILL ENDEAVOUR TO CONFORM

ANNEX 9: OVERVIEW



Ch. 1. Definitions and General Principles

Ch. 2. Entry and departure of aircraft

Ch. 3. Entry and departure of persons and their baggage

Ch. 4. Entry and departure of cargo and other articles

Ch. 5. Inadmissible persons and deportees

Ch. 6. International airports – facilities and services for traffic

Ch. 7. Landing elsewhere than at international airports

Ch. 8. Other facilitation provisions

Appendix 1-13

→ Our overview - focus on SARPs relevant to the TRIP Strategy!

ANNEX 9: OVERVIEW



CH 1. DEFINITIONS AND GENERAL PRINCIPLES

1.2 Contracting 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;
- c) exchange of relevant information between Contracting States, operators and airports is fostered and promoted to the greatest extent possible; and
- d) optimal levels of security, and compliance with the law, are attained.

1.4 Contracting States shall develop effective information technology to increase the efficiency and effectiveness of their procedures at airports.

ANNEX 9: OVERVIEW



CH 2. ENTRY AND DEPARTURE OF AIRCRAFT

- Public health risks
- Public health emergency of international concern
- Documents for the entry and departure of aircraft: Passenger Manifest, Cargo Manifest, paper/electronic form
- Disinsection of aircraft
- Disinfection of aircraft
- International general aviation and other non-scheduled flights

ANNEX 9: OVERVIEW



CH 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

- Travel documents (Passports, Visas, etc.), their Security & Inspection
 - Machine Readable Travel Documents (MRTDs)
- 3.7 Contracting States shall regularly update security features in new versions of their travel documents, to guard against their misuse and to facilitate detection of cases where such documents have been unlawfully altered, replicated or issued.
- 3.8 Contracting States shall establish controls on the creation and issuance of travel documents in order to safeguard against the theft of their stocks and the misappropriation of newly issued travel documents.
- 3.9 **Recommended Practice.**— → re: the use of *biometric data in MRTDs*
- 3.9.1 **Recommended Practice.**— *Contracting States (a) issuing or intending to issue ePassports; and/or (b) implementing at border controls automated checks on ePassports should join the ICAO Public Key Directory (PKD).*

ANNEX 9: OVERVIEW



- CH 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE (Cont'd)
- 3.10 Contracting States shall begin issuing only Machine Readable Passports in accordance with the specifications of Doc 9303, Part 1, no later than 1 April 2010.
-
- *Note.—This provision does not intend to preclude the issuance of non-machine readable passports or temporary travel documents of limited validity in cases of emergency.*
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- 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.

ANNEX 9: OVERVIEW



CH 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE (Cntd)

Also –

- Departure procedures from a State
- Entry procedures into a State; responsibilities of State & aircraft operators, incl.:
 - API - Advance Passenger Information – generated to during the check in --flight “open” for check-in (48hrs)
 - PNR - Passenger Name Record – generated during the booking or buying an air ticket – by Pax or agent months/weeks before flight
- Transit procedures
- Baggage separated from its owner
- Crew Member Certificates (CMCs)
- Civil Aviation Inspectors
- Emergency assistance/entry visas in cases of *force majeure*

ANNEX 9: OVERVIEW



CH 4. ENTRY AND DEPARTURE OF CARGO AND OTHER ARTICLES

→ Export cargo, import cargo, release and clearance of, etc

CH 5. INADMISSIBLE PERSONS AND DEPORTEES

→ Handling inadmissible persons and deportees,

→ Procurement of a replacement travel doc

CH 6. INTERNATIONAL AIRPORTS — FACILITIES AND SERVICES FOR TRAFFIC

6.1.3 Each Contracting State shall ensure that **efficient** customs, immigration, quarantine and health border clearance services, as required, are provided at international airports.

→ Airport Traffic Flow Arrangements (inbound, outbound, transit traffic)

→ Facilities required for public health, etc.

→ Facilities for clearance controls; Unruly passengers ; Passenger amenities

ANNEX 9: C. OVERVIEW



CH 7. LANDING ELSEWHERE THAN AT INTERNATIONAL AIRPORTS

→ 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 and related provisions
- 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

DIFFERENCES WITH AMENDMENTS



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

NATFP - HISTORICAL BACKGROUND



(1948): National FAL Committees (NFCs)

- ▶ Promote implementation of Annex 9
- ▶ Eliminate differences
- ▶ Solve day-to-day problems
- Other objectives:
 - ▶ Encourage cooperation between ministries
 - ▶ Review old (pre-aviation) & inconsistent laws
 - ▶ Use of modern technologies

1982: Amendment 13

- ▶ National Facilitation Programmes
- ▶ Formation of NFCs and Airport FAL Committees
- Initially, a Recommended Practice (Chapter 8)
- 1990: Standard mandating establishment

▶ Means of coordinating activities between departments or agencies of the State concerned with or responsible for various aspects of facilitation of national civil aviation ◀

NATFP SARPs – Annex 9

- ▶ **Standard 8.17:** Each State to establish a NATFP → FAL requirements of Conv. & Annex 9
- ▶ **Standard 8.18:** Objective of NATFP
- ▶ **RP 8.18.1:** Use guidance of Appendix 12
- ▶ **Standard 8.19:** . . . NATF Committee . . . or similar coordinating bodies . . . [coordinate] FAL activities . . . various aspects of international civil aviation . . .
- ▶ **RP8.20:** Coordination between FAL & AVSEC Programmes
- ▶ **RP8.21:** Guidance material in Appendices 11 & 12 for NATF & Airport Committees

NATFP: GUIDANCE MATERIAL



Appendix 12: Model National FAL Programme

- ▶ Purpose
- ▶ Scope
- ▶ Organization & management
 - CAA or Ministry of Transport
 - Participation of other agencies essential

Customs, Immigration, Quarantine, Health, Foreign Affairs, Security, Tourism, Agriculture, Passport/Visa/ID Card Issuing Authority, Airport Operators, Aircraft Operators, etc

- ▶ National FAL Committee (Chair – top management official at CAA, members – heads of agencies)

GUIDANCE MATERIAL: NATFP



Appendix 12: Model National FAL Programme

► Chicago Mandate ↔ Implementing Tasks

→ Art. 10:—Establish customs airports; Procedures for scheduled and non-scheduled service operations; Border inspection services at customs airports.

→ Art. 13:—Support agencies in establishing & maintaining inspection systems at airports; Develop programmes for control of security problems; Coordinate preparations for special events.

→ Art. 14:—Establish national policies regarding prevention of the spread of contagious diseases by air.

Appendix 12: Model National FAL Programme

► Chicago Mandate ↔ Implementing Tasks

→Art. 22:—Establish & review national regulations for implementing C, I & Q laws relating to international civil aviation.

→Art. 23:—Establish C & I procedures carried out at airports; harmonize them with Annex 9 SARPs; Support issuance of passports, etc. per Doc 9303.

→Art. 37:—Participate in development of Annex 9; Review national procedures periodically to ensure harmonization Annex 9.

→Art. 38:—Periodically review conformity by all relevant agencies with Annex 9 and notify ICAO of differences.

Appendix 11: Model Airport FAL Programme

- ▶ Purpose: to pursue the objectives of Annex 9 at the **operational** level, to facilitate border clearance formalities at the **airport**
- ▶ Scope: all Annex 9 provisions re: border clearance processes at the airport + planning and management (detailed table with SARPs)
 - ▶ Airport FAL Committee: day-to-day problem-solving and implementation of Annex 9
 - ▶ Members: Airport Manager and senior officers of participating agencies: imm, customs, quarantine, etc

Where to get Annex 9?

- **Printed Annex 9 copy**
- **The Facilitation Manual (Doc 9957)**
- can be ordered from ICAO Online Store at <http://store1.icao.int/index.php/publications/annexes/9-facilitation.html>
- Priced on a cost recovery basis
- Annex - 6 official languages
- Beware of outdated versions on unofficial websites!

THANK YOU!

Questions? Comments?

<http://www.icao.int/Security/mrtd/Pages/default.aspx>

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