



# ICAO/LACAC Regional Facilitation Seminar/Workshop

**Santiago, Chile**

20-22 March 2012



**JITU [“G-2”]THAKER**

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**FAL/SEM, Santiago**



# **ICAO Facilitation Programme Evolution**

**20 March 2012**



# FAL Programme Evolution: **An Overview**



1. FAL Programme: Mandate

2. ICAO Structure

3. Annex 9: SARPs & Guidance Material

4. Annex Amendment Process

5. Standards & Differences

6. FAL Panel



## 1. FAL Programme: Mandate



- **A. Chicago Convention**
- **B. ICAO Assembly Resolutions**
- **C. Council Decisions**
- **D. Air Transport Committee Decisions**



## 1. FAL Mandate: **A. Chicago Convention**



- Art. 10: Aircraft to land at designated *customs* airport for customs & other examination
- Art. 11: *Aircraft* to comply with laws on *entry/departure & within* a State
- 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*



## 1. FAL Mandate: **A. Chicago Convention** (cont.)



- Art. 22: State to take measures:
  - expedite navigation by aircraft;
  - prevent unnecessary delays to aircraft, pax., crew, cargo in admn. of I, Q, C & Clearance formalities
  
- Art. 23: State to establish C & I procedures in accordance with practices recommended (by ICAO) [▶ **Art. 37**]
  
- Art. 24: (a) Aircraft admitted free of duty; Fuel, oils, spare parts, regular equipment and stores exempted from customs duty, etc.; (b) Spare parts . . . used on aircraft of another State . . .



## 1. FAL Mandate: **A. Chicago Convention** (cont.)



- Art. 29: Documents carried in aircraft: (f) passenger manifest; (g) cargo manifest [(d) journey log book [▶ **Art. 34**]: Gen Dec acceptable]
- Art. 35: Cargo restrictions: (a) Implements of war; (b) Other restrictions for public order or safety
- **Art. 37(j)**; **Art. 38**; **Art. 90**



## 1. FAL Mandate: **B. Assembly Resolutions**



- A37-20: Consolidated statement of continuing policies in the air transport field
  - Appendix A: Economic regulation of international air transport
  - Appendix B: Statistics
  - Appendix C: Forecasting, planning and economic analysis
  - Appendix D: Facilitation**
  - Appendix E: Taxation
  - Appendix F: Airports and air navigation systems
  - Appendix G: Air carrier economics
  - Appendix H: Air mail



## 1. FAL Mandate: **B. Assembly Resolutions**



### Appendix D: Facilitation

- Section I: Development and implementation of facilitation provisions
  - States: increase efforts to implement Annex 9 SARPs
  - Council: ensure Annex 9 is current
  - Council: ensure Doc 9303 remains up to date
  - Council: ensure that Doc 9636 (International Signs to Provide Guidance to Persons at Airports and Marine Terminals) is current



## 1. FAL Mandate: **B. Assembly Resolutions**



### Appendix D: Facilitation

- Section II: International cooperation in protecting the security and integrity of passports
  - States: safeguard security & integrity of “breeder documents”
  - States: safeguard security & integrity of passports
  - States: issue MRPs in accordance with Doc 9303, Part I \*
  - States: ensure non-MRP expiration date falls before 24/11/2015 \*
  - ePassport-issuing States urged to join ICAO PKD
  - Interpol’s Stolen & Lost Travel Document Database



# 1. FAL Mandate: **B. Assembly Resolutions**



## Appendix D: Facilitation

- 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



## 1. FAL Mandate: **B. Assembly Resolutions**



- A36-21: Preventing the introduction of invasive alien species
- A35-12: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international air travel [▶ **Amd. 20, 2007**]
- [A37-13: Prevention of spread of communicable disease through air travel] [▶ **CAPSCA**]
- A37-14: Non-chemical disinsection of the aircraft cabin and flight deck for international flights



## 1. FAL Mandate: **B. Assembly Resolutions**



- A37-17: Consolidated statement: ICAO policies related to safeguarding international civil aviation against acts of unlawful interference
  - ▶ Appendix C (Implementation of technical security measures): use of API to reduce the risk to passengers
- A37 Declaration on Aviation Security

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



- **A. ~~Chicago Convention~~**
- **B. ~~ICAO Assembly Resolutions~~**
- **C. Council Decisions**
- **D. Air Transport Committee Decisions**



## 1. FAL Mandate: **C. Council Decisions**



- FAL Division: B-type Recommendations
  - A-type: Annex 9 amendment proposals
  - B-type: Action by States/ICAO
  
- Meetings in the Air Transport Field
  - Approval of FAL Panel, Seminars, etc.
  
- Other decisions

e.g. 2009: Influenza A (H1N1) virus outbreak:  
review of Annex [▶ FALP/6; Amd. 22]



## 1. FAL Mandate: **D. ATC Decisions**



- ● Work programme
- ● Decisions on meetings, including agenda
- ● Review of Annex 9 amendment proposals or WPs for Assembly
- ● Direct consideration of Annex 9 proposals
- ● Recommendations to Council for action



# FAL Programme Evolution: **An Overview**



1. ~~FAL Programme: Mandate~~

2. **\* ICAO Structure \***

3. Annex 9: SARPs & Guidance Material

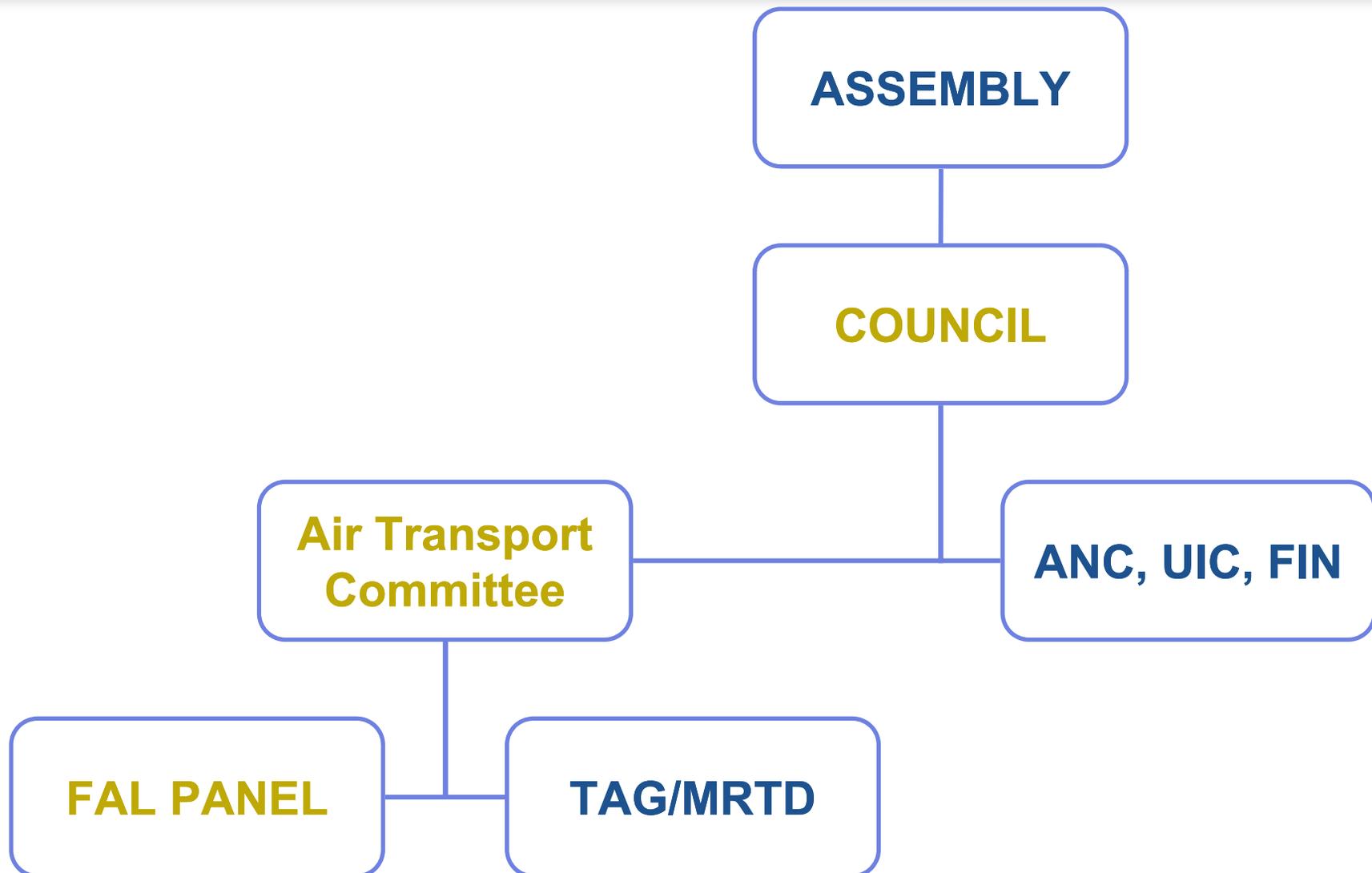
4. Annex Amendment Process

5. Standards & Differences

6. FAL Panel

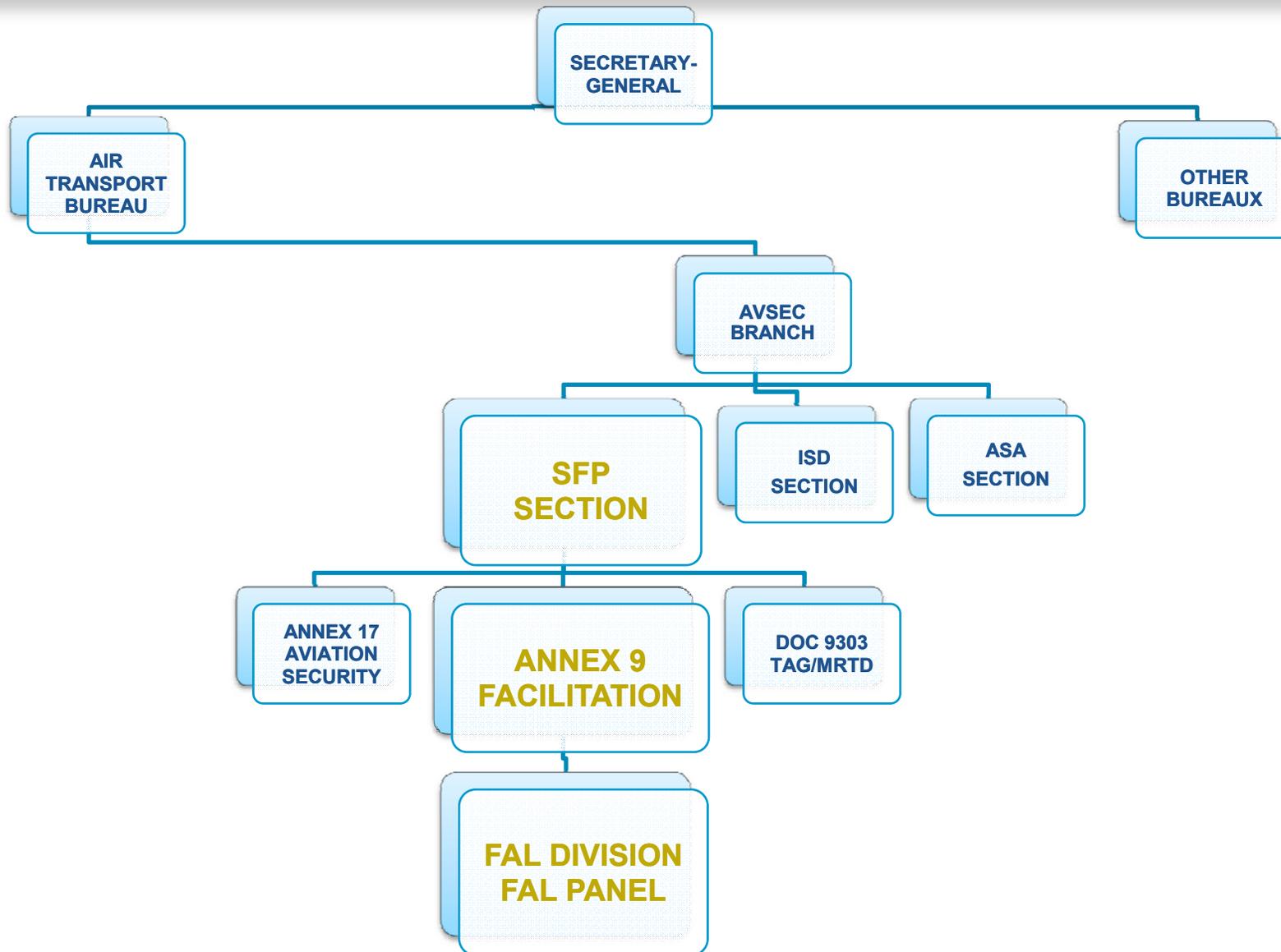


## 2. ICAO Structure





## 2. ICAO Structure (cont.)





# FAL Programme Evolution: **An Overview**



1. ~~FAL Programme: Mandate~~

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3. **\* Annex 9: SARPs & Guidance Material\***

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## 3. Annex 9: SARPs & Guidance Material



- **A. Annex 9: A Brief History**
  
- **B. Standards & Recommended Practices:  
Meaning**
  
- **C. Annex 9: An Overview**
  
- **D. Guidance Material**



### 3. Annex 9: A. (Very) Brief History



- **Facilitation SARPs: 1<sup>st</sup> Ed., 25 March 1949**
  - **FAL/1 (1946) & FAL/2 (1948)**
  
- **FAL/3 to FAL/11 (1995)**
  
- **FAL Panels 1 – 3**
  
- **FAL/12 (2004) [FALP/4]**
  
- **FAL Panels 5 and 6**
  
- **13<sup>th</sup> Ed., 18 July 2011**

### 3. Annex 9: B. SARP's Meaning



- Any specification, the [uniform] observance of which . . . is necessary [highly desirable] to facilitate air navigation . . . and
  - ▶ in respect of which non-compliance must be notified . . . in accordance with Article 38
  - ▶ to which States will endeavour to conform.



## 3. Annex 9: C. An Overview



- **1. Material comprising the Annex proper:**
  - ▶ **SARPs**
  - ▶ **Appendices**
  - ▶ **Definitions**
  
- **2. Other material**
  - **[Foreword; Action by States; Notes]**



### 3. Annex 9: C. An Overview (cont.)



- **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**



## 3. Annex 9: C. An Overview (cont.)



- **1. A. Definitions and B. General Principles**
  
- **65 Definitions**
  
- **5 Standards**
  
- **1 Note**



## 3. Annex 9: C. An Overview (cont.)



### ➤ 2. Entry and Departure of Aircraft

➤ **41 Standards**

➤ **8 Recommended Practices**

➤ **7 Notes**



- **3. Entry and Departure of Persons & their Baggage**
- **56 Standards**
- **37 Recommended Practices**
- **12 Notes**



## ➤ 4. Entry and Departure of Cargo & Other Articles

➤ **42 Standards**

➤ **16 Recommended Practices**

➤ **1 Note**



- **5. Inadmissible Persons & Deportees**
  
- **29 Standards**
  
- **3 Recommended Practices**
  
- **6 Notes**



## ➤ 6. International Airports – Facilities & Services for Traffic

➤ **16 Standards**

➤ **40 Recommended Practices**

➤ **7 Notes**



- **7. Landing Elsewhere than at International Airports**
- **11 Standards**
- **0 Recommended Practices**
- **0 Notes**



### ➤ 8. Other Facilitation Provisions

➤ **25 Standards**

➤ **24 Recommended Practices**

➤ **10 Notes**



## 3. Annex 9: C. An Overview



- **1. Material comprising the Annex proper:**
  - ▶ ~~SARPs~~
  - ▶ Appendices
  - ▶ ~~Definitions~~
  
- **2. Other material**
  - [Foreword; Action by States; **Notes**]



## 3. Annex 9: C. An Overview (cont.)



### ➤ Appendices

- **1. General Declaration**
- **2. Passenger Manifest [ . . . ]**
- **4. Certificate of Residual Disinsection [ . . . ]**
- **11. Model airport FAL programme**
- **12. Model national FAL programme**
- **13. Public health passenger locator card**



## 3. Annex 9: D. Guidance Material



- **1. The FAL Manual (Doc 9957)**
- **2. Guidelines on PNR (Doc 9944)**
- **3. API Guidelines**
- **4. PWD Manual**
- **5. International Signs to Provide Guidance to Persons at Airports and Marine Terminals (Doc 9636)**
- **6. (FAL elements): AVSEC Manual (Doc 8973)**



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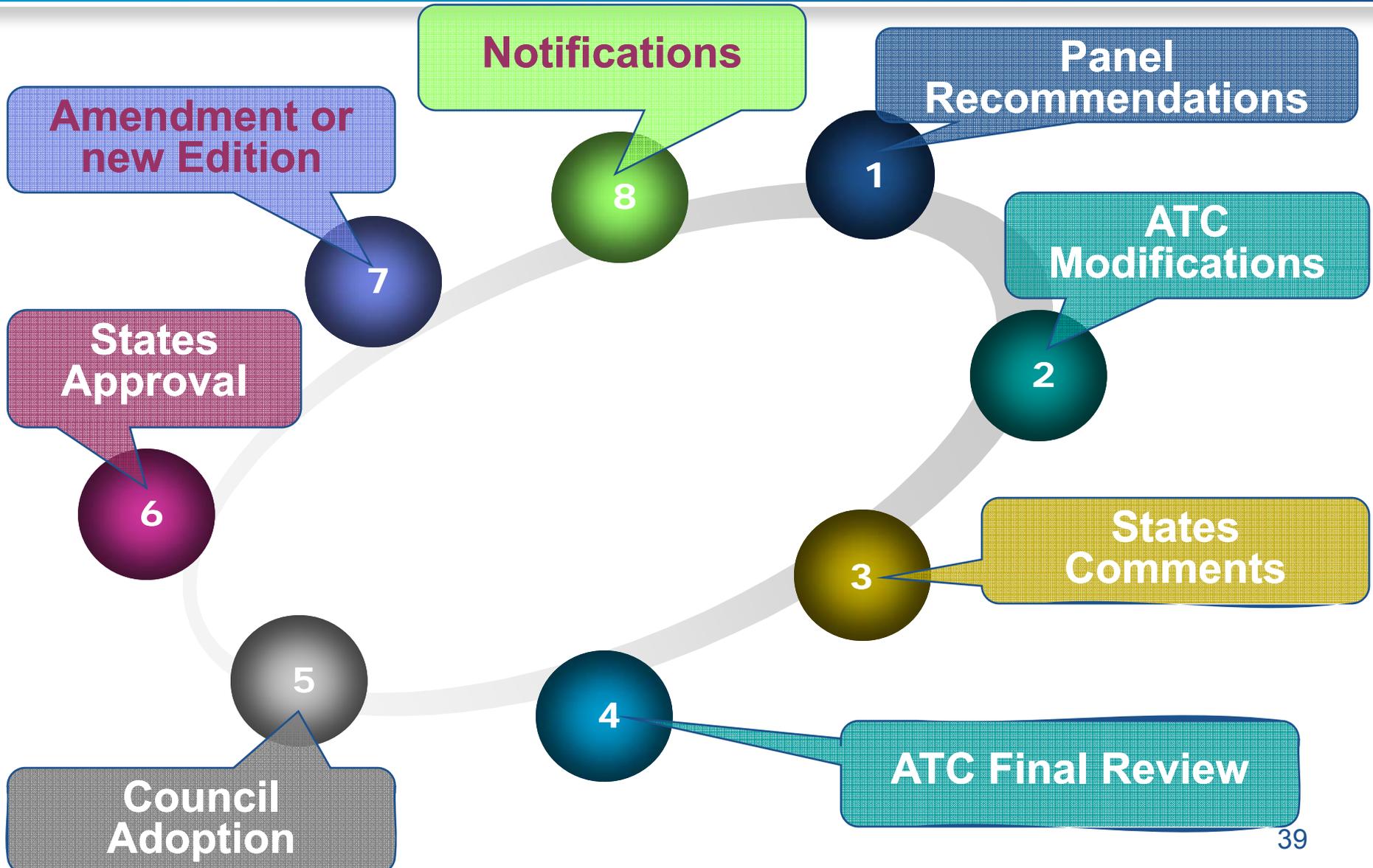
3. ~~Annex 9: SARPs & Guidance Material~~

4. **\* Annex Amendment Process \***

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## 4. Annex amendment process





## 4. Annex Amendment Process (cont.)



### Timeline: Amendment 23

- 23 Jan 2012: ATC – Amd. 23 proposal
- 17 Feb 2012: State letter on proposal [**EC6/3-12/14**]
- **19 Apr 2012**: Deadline for responses
- May 2012: ATC final review
- June 2012: Council consideration [**Art. 90**]
- July 2012: State letter on adoption
- Oct/Nov 2012: Amd. 23 becomes effective
- Feb 2013: Amendment 23 applicable



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5. **\*Standards & Differences\***

6. FAL Panel



## 5. Standards & Differences



- State Letter on Adoption of an Amendment
  - ▶ Attachment A
  - ▶ Attachment B (notification of disapprovals) [Art. 90 (a)]
  - ▶ Attachment C (notification of compliance / differences)
  
- Standards: conditional binding force; unless differences filed under Art. 38
  
- Supplement [now, EFOD]



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## 6. FAL Panel: Terms of Reference



- Terms of Reference of the FAL Panel:
  - formulate recommendations for new and amended SARPs or guidance material
  - contribute information for use in guidance material (e.g. manual)
  - develop proposals for FAL Division meetings
  - perform other tasks assigned by ATC



## 6. FAL Panel: Membership



- 27 Members of FAL Panel
- NACC Region: Canada, Cuba, United States
- SAM Region: Argentina, Brazil
- Other States can attend as Observers
- IATA, ACI: Permanent Observers



## 6. FAL Panel: Achievements



- 1. FALP/1 (17-21 Nov 1997)
  - Adoption of **Amendment 17**
    - ▶ Chapter 3 [e.g. Def. of “accepted for examination”; Liaison officers; Seizure of travel documents; inadmissible persons]
    - ▶ Guidance on PWDs (Cir 309)
  
- 2. FALP/2 (11-15 Jan 1999) & FALP/3 (12-16 Feb 2001)
  - Adoption of **Amendment 18**
    - ▶ FALP/2: ~~Family passports~~; “one passport, one person” or “one person per passport”
    - ▶ FALP/3: Chapter 4 new text; Chapter 2; Chapter 3; ~~Chapter 5~~: moved to Chapter 3.



## 6. FAL Panel: Achievements



### ➤ 3. FALP/4 (2-5 April 2002)

- ▶ Preparation for FAL/12
- ▶ Drafting group: inadmissible persons & deportees (new Chapter 5)

[**FAL/12: 22 March-1 April 2004, Cairo** (Adoption of **Amendment 19**):

- ▶ Security of travel documents
- ▶ Standard 3.10; Biometrics; API; PNR
- ▶ Chapter 5
- ▶ National & Airport FAL Programmes]



## 6. FAL Panel: Achievements



- 5. FALP/5 (31 March-4 April 2008)
  - Adoption of **Amendment 21**
    - ▶ New SARPs on API & CMCs (Ch. 3)
    - ▶ Radioactive Material (Ch. 4)
    - ▶ **New Chapter 6**
  
- 6. FALP/6 (10-14 May 2010)
  - Adoption of **Amendment 22**
    - ▶ API (Ch. 3)
    - ▶ Extensive revision of health SARPs (H1N1)
    - ▶ Emergency assistance: *force majeure*  
(Icelandic volcano eruption)



## Amendment 20



### Amendment 20

- 2004: 35<sup>th</sup> ICAO Assembly
- A35-12: *Protection of the health of passengers & crews and prevention of the spread of communicable disease through international travel*
- State letter EC 6/22-06/61 (4 July 2006)
  - ▶ New definitions from WHO's IHR 2005
  - ▶ General Declaration amended
  - ▶ Chapter 6: upgrade 2 R.Ps. to Standards
  - ▶ Chapter 8 amended (**National plans**)
  - ▶ New Appendix 13 ('PLC')



## Facilitation Definition



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