



**INTERNATIONAL CIVIL AVIATION ORGANIZATION**

*A United Nations Specialized Agency*

# **ICAO Regional FAL Workshop**

## **Mexico City, Mexico**

### **14-17 May 2013**

**Annex 9 – Facilitation:  
Compliance Issues**

14 May 2013

# 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



# 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 16:** [Right of State to ] Search aircraft

**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 Annex 9 SARPs not known for many States**

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# 3. ASSEMBLY RESOLUTIONS



[+Art. 38] → A37-20: Appendix D: Facilitation

The Assembly urges Contracting States to:

- increasing 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)
- 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
- ..... Etc.

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# 6. NON-COMPLIANCE: SOLUTIONS



- Seminars, Symposia
- Individual Missions
- Audits
- State Letters/Electronic Bulletins
- Regional Offices: Outreach Activities
- Guidance Material
- 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?
- EFOD \*

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## 7. NEXT STEPS

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- FALP/7 (October 2012): Lack of compliance: USAP & other sources
- Draft work plan: 2014-2016
- A38/WP-3: FAL Programme priorities

## 7. NEXT STEPS

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

→ **Input welcome!**

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**—END—**