

DEVELOPMENT OF NATIONAL FAL PROGRAMME

CHAPTER 7 AGENCIES RESPONSIBLE FOR IMPLEMENTATION OF THE SECURITY-RELATED PROVISIONS OF ANNEX 9

GROUP 3 STATE (G3-STATE)

PRESENTATION OUTLINE

- Purpose
- Scope
- Establishment of National FAL Program
- Chicago Conventions / Implementing Tasks
- Reference and Guidance Materials
- **Chapter 7 of National FAL Program - Agencies Responsible for Implementation of the Security-related provisions of Annex 9**
 - Entry And Departure Of Aircraft
 - Entry And Departure Of Persons And Their Baggage
 - Identification And Entry Of Crew And Other Aircraft Operators' Personnel
 - Entry And Departure Of Cargo And Other Articles
 - Rules of Procedure - National Air Transport Facilitation Committee

PURPOSE OF A NATIONAL FAL PROGRAMME

- ▶ To implement the Chicago Convention mandate that Contracting States provide for and facilitate the border-crossing formalities that must be accomplished with respect to aircraft engaged in international operations and their passengers, crews and cargo.

SCOPE OF A NATIONAL FAL PROGRAMME

- ▶ The applicable articles of the Chicago Convention
- ▶ The tasks involved in implementing each one
- ▶ Activities aimed at accomplishing these and related tasks in G3 STATE

ESTABLISHMENT OF A NATIONAL FAL PROGRAMME

- ▶ The Director General of Civil Aviation (DGCA) of G3 State is responsible for the establishment of National FAL Programme
- ▶ DG3CAA should initiate the process to obtain such a mandate through the national political system.
- ▶ The authority for the G3 National FAL Programme and the membership of the National FAL Committee is established through legislation, regulation, or executive action from the DG3CAA, in order to ensure the participation of the various agencies and industry groups involved and to make provision for continuity.

CHICAGO CONVENTION/IMPLEMENTING TASKS

Chicago Convention mandate	Implementing tasks
<p>Article 10 - Landing at customs airport ... every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. ...</p>	<ul style="list-style-type: none">➤ Establish customs airports and open new ones as appropriate.➤ Develop procedures by which operators of scheduled and non-scheduled services may request permission to land or depart from customs airports.➤ Arrange for border inspection services at customs airports.

CHICAGO CONVENTION/IMPLEMENTING TASKS

Chicago Convention mandate	Implementing tasks
<p>Article 13 – Entry and clearance regulations The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.</p>	<ul style="list-style-type: none">➤ Support the interested border control agencies in the establishment and maintenance of effective inspection systems at airports, and in their efforts to rationalize their respective procedures.➤ Develop programmes for control of security problems such as document fraud, illegal migration and smuggling.➤ Coordinate preparations for clearing large numbers of international visitors for special events, e.g. international athletics competitions

CHICAGO CONVENTION/IMPLEMENTING TASKS

Chicago Convention mandate	Implementing tasks
<p>Article 14 – Prevention of spread of disease Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, ...</p>	<ul style="list-style-type: none">➤ Establish, review and amend as necessary the national policies regarding prevention of the spread of contagious diseases by air, for example, aircraft disinfection, disinfection, public health-related quarantine programmes, and screening measures to be applied in a health emergency.

CHICAGO CONVENTION/IMPLEMENTING TASKS

Chicago Convention mandate	Implementing tasks
<p>Article 22 – Facilitation of formalities Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.</p>	<ul style="list-style-type: none">➤ Establish, review and amend as necessary the national regulations which implement the State’s customs, immigration and quarantine laws pertaining to international movements by air.

CHICAGO CONVENTION/IMPLEMENTING TASKS

Chicago Convention mandate	Implementing tasks
<p>Article 23 – Customs and immigration procedures</p> <p>Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. ...</p>	<ul style="list-style-type: none">➤ Establish and amend as appropriate, customs and immigration procedures carried out at airports, to harmonize them with the Standards and Recommended Practices set forth in Annex 9.➤ Support and advocate the national issuance of travel documents in accordance with ICAO specifications in Doc 9303 – Machine Readable Travel Documents.

Chicago Convention mandate

Article 37 – Adoption of international standards and procedures Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

...

(j) Customs and immigration procedures

Implementing tasks

- Participate in ICAO development of Annex 9.
- Review national procedures periodically in order to ensure harmonization with the provisions of Annex 9.

CHICAGO CONVENTION/IMPLEMENTING TASKS

Chicago Convention mandate

Article 38 – Departures from international standards and procedures Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established in the international standard. ...

Implementing tasks

- Periodically review conformity by all relevant agencies with the provisions of Annex 9 and notify ICAO of differences between national practices and the relevant Standards.

REFERENCE AND GUIDANCE MATERIALS

- ▶ Chicago Convention mandates, Articles 10,13,14,22 23,37 and 38
- ▶ Annex 9 to the Convention on International Civil Aviation - Facilitation, Fifteenth Edition, October 2017
- ▶ ICAO specifications in Doc 9303
- ▶ ICAO specifications in Doc 10042 Model National Air Transport Facilitation Programme
- ▶ Handout - Annex 9 Agencies/Other Entities whose functions or Responsibilities are to implement or Comply with SARPs -15th Edition of Annex 9 (October 2017)
- ▶ Annex 17

CHAPTER 7 OF NATIONAL FAL PROGRAMME

ENTRY AND DEPARTURE OF AIRCRAFT

- ▶ In developing procedures aimed at the efficient clearance of entering or departing aircraft ([CAA / Customs & Immigration](#)) shall take into account the application of aviation security and narcotics control measures, where appropriate.
- ▶ The above public authorities of G3 States should enter into Memoranda of Understanding with the airlines providing international services to G3 State and with the operators of its international airports, setting out guidelines for their mutual cooperation in countering the threat posed by international trafficking in narcotics and psychotropic substances.
- ▶ Such Memoranda of Understanding should be patterned after the applicable models developed by the World Customs Organization for this purpose. In addition, G3 States is to conclude Memoranda of Understanding with other States. - Annex 9, Standard 2.2.

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

- ▶ In developing procedures aimed at the efficient application of border controls on passengers and crew, [CAA, Customs, Immigration, Health & Quarantine](#) shall take into account the application of aviation security, border integrity, narcotics control and immigration control measures, where appropriate.
- ▶ In developing procedures aimed at the efficient application of border controls on passengers and crew, G3 State shall take into account the application of aviation security, border integrity, narcotics control and immigration control measures, where appropriate.
- ▶ [TDIA](#) shall not extend the validity of their machine readable travel documents.
Annex 9, 3.4 -
- ▶ Note.— Specifications for machine readable travel documents (Doc 9303) do not permit alteration of the expiration date and other data in the machine readable zone - Annex 9, 3.4

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE II

- ▶ **TDIA** regularly updates security features in travel documents. This helps deter fraudulent use of travel documents, including the detection of cases where such documents have been unlawfully altered or replicated.
- ▶ **TDIA** 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. - Annex 9, Standard 3.7.
- ▶ **TDIA** shall establish controls in 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 (3.8) and (3.8.1) shall establish appropriate controls over the entire travel document application, adjudication and issuance processes to ensure a high level of integrity and security.
- ▶ **TDIA** shall establish controls to safeguard against the theft of their blank travel documents and the misappropriation of newly issued travel documents - Annex 9, Standard 3.8.

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE III

- ▶ **TDIA** should incorporate biometric data in their machine readable passports using one or more optional data storage technologies to supplement the machine readable zone, as specified in Doc 9303 – Machine Readable Travel Documents.
- ▶ **TDIA** should incorporate biometric data in their machine readable travel documents in a contactless integrated circuit chip, as specified in Doc 9303, Machine Readable Travel Documents. - Annex 9, Recommended Practice 3.9.

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE IV

- ▶ 3.9.1 Recommended Practice.— **TDIA** issuing or intending to issue eMRTDs should join the ICAO Public Key Directory (PKD) and upload their information to the PKD.
- ▶ 3.9.2 Recommended Practice.— **Immigration** implementing checks on eMRTDs at border controls should join the ICAO Public Key Directory (PKD) and use the information available from the PKD to validate eMRTDs at border controls.
- ▶ 3.10 **TDIA** and Immigration shall promptly report accurate information about stolen, lost, and revoked travel documents, issued by the G3 State, to INTERPOL for inclusion in the Stolen and Lost Travel Documents (SLTD) database.
- ▶ 3.10.1 Recommended Practice.— **Immigration** should, as far as practicable, query, at entry and departure border control points, the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database.
- ▶ Aircraft operators shall take necessary precautions at the point of embarkation to ensure that passengers are in possession of the documents prescribed by the States of transit and destination for control purposes. -Annex 9, Standard 3.33.

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE V

- ▶ All passports issued by **TDIA** and Immigration shall be machine readable in accordance with the specifications of Doc 9303, Part 1 – Machine Readable Passports. - Annex 9, Standard 3.10.
- ▶ **Immigration** shall ensure that the expiration date of passports issued after 24 November 2005 and which are not machine readable falls before 24 November 2015. Annex 9, Standard 3.10.1.
- ▶ **Immigration** shall assist aircraft operators in the evaluation of travel documents presented by passengers, in order to deter fraud and abuse.
- ▶ **3.33 Recommended Practice.**— **G3 State Immigration** should consider making arrangements with other Contracting States to permit the positioning of liaison officers at airports in order to assist aircraft operators to establish the validity and authenticity of the travel documents of embarking persons. — **Annex 9, Standard 3.33.**

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE VI

- ▶ **TDIA / Immigration** of G3 State shall seize fraudulent, falsified or counterfeit travel documents.
- ▶ **The above authorities** shall also seize the travel documents of a person impersonating the rightful holder of the travel document.
- ▶ Such documents shall be removed from circulation immediately and returned to the appropriate authorities of the State named as issuer or to the resident Diplomatic Mission of that State, except in cases where public authorities retain documents for law enforcement purposes.
- ▶ The appropriate authorities of the State named as issuer or the Diplomatic Mission of that State shall be notified of such retention by the **TDIA / Immigration** of the seizure of the travel documents in question.

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE VII

- ▶ **3.34.2 Immigration of G3** State shall not require aircraft operators to seize documents referred to in Standard 3.34.1.
- ▶ **3.34.3 Immigration of G3 State** shall not require an aircraft operator to carry a passenger from a point of departure or transit, to the intended final destination, when the travel document presented by that passenger is determined by the State to be fraudulent, falsified or counterfeit, or is held by a person other than to whom the document was legitimately issued.
- ▶ **3.34.4 Recommended Practice.**— Each Contracting State should consider the introduction of Automated Border Control (ABC) systems in order to facilitate and expedite the clearance of persons entering or departing by air.

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE VIII

- ▶ 3.34.5 Recommended Practice.— Contracting States utilizing ABC systems should, pursuant to 3.9.2 and 3.10.1, use the information available from the PKD to validate eMRTDs, perform biometric matching to establish that the passenger is the rightful holder of the document, and query INTERPOL's Stolen and Lost Travel Documents (SLTD) database, as well as other border control records, to determine eligibility for border crossing.
- ▶ 3.34.6 Recommended Practice.— Contracting States utilizing ABC systems should ensure that gates are adequately staffed while operational to ensure a smooth passenger flow and respond rapidly to safety and integrity concerns in the event of a system malfunction. - Annex 9, Standard 3.33.4 -6

IDENTIFICATION AND ENTRY OF CREW AND OTHER AIRCRAFT OPERATORS' PERSONNEL

- ▶ Crew member certificates (CMCs) shall be issued only after a background check has been carried out **by or on behalf of CAA**. In addition, adequate controls such as a certification of employment status of an applicant prior to issuance, controls on blank card stock, and accountability requirements for issuing personnel, shall be placed on the issuance of CMCs. - Annex 9, Standard 3.65.

ENTRY AND DEPARTURE OF CARGO AND OTHER ARTICLES

- ▶ In order to improve efficiency, modern screening or examination techniques shall be used by [G3 State Customs](#) to facilitate the physical examination of goods to be imported or exported where practicable. - Annex 9, Standard 4.7

INADMISSIBLE PERSONS AND DEPORTEES

- ▶ If [Immigration of G3 State](#) has reason to believe that an inadmissible person might offer resistance to his/her removal, they shall inform the aircraft operator concerned as far in advance as possible of scheduled departure so that the aircraft operator can take precautions to ensure the security of the flight. - Annex 9, Standard 5.8.
- ▶ The removal of deportees from including all obligations, responsibilities and costs associated with the removal shall be the responsibility of [Immigration](#). - Annex 9, Standard 5.18.

INADMISSIBLE PERSONS AND DEPORTEES II

- ▶ **Immigration of G3 State** when making arrangements with an aircraft operator for the removal of a deportee, shall make available the following information as soon as possible, but in any case not later than 24 hours before the scheduled time of departure of the flight:
 - ▶ a) a copy of the removal order as required under the legislation;
 - ▶ b) a risk assessment by the State and/or any other pertinent information that would help the aircraft operator assess the risk to the security of the flight; and
 - ▶ c) the names and nationalities of any escorts.

(Annex 9, Standard 5.19).

- ▶ **Note.**— In order to ensure coordination of facilitation and security Standards, attention is drawn to the applicable provisions of Annex 17, Chapter 4.

NATIONAL AIR TRANSPORT FACILITATION COMMITTEE - Rules of Procedure

- ▶ The chairperson of the National Air Transport Facilitation Committee (hereafter National FAL Committee) is the **DG of CAA**.
- ▶ **The DG of CAA** provides Secretariat services to the National FAL Committee.
- ▶ **Government ministries or agencies** and other entities involved in the implementation of the NATFP designate their respective member to the National FAL Committee.

NATIONAL AIR TRANSPORT FACILITATION COMMITTEE - Rules of Procedure II

- ▶ Members of the National FAL Committee shall participate in every meeting of the National FAL Committee. (CAA / Customs, Immigration / MFA / TDIA / Agriculture & Environment / Public Health / Security & Narcotics Control / National ID Card Authority / Tourism / Quarantine)
- ▶ A member may be replaced by an alternate, who shall have the same responsibility and exercise the same rights as the regular member. [States may wish to list members of the National FAL Committee in a separate Annex.]
- ▶ In addition to above, the active participation of airport operators (public or private) and resident AOC and other entities which may play an advisory role (Government and non Governmental agencies) which promotes international tourism and trade.

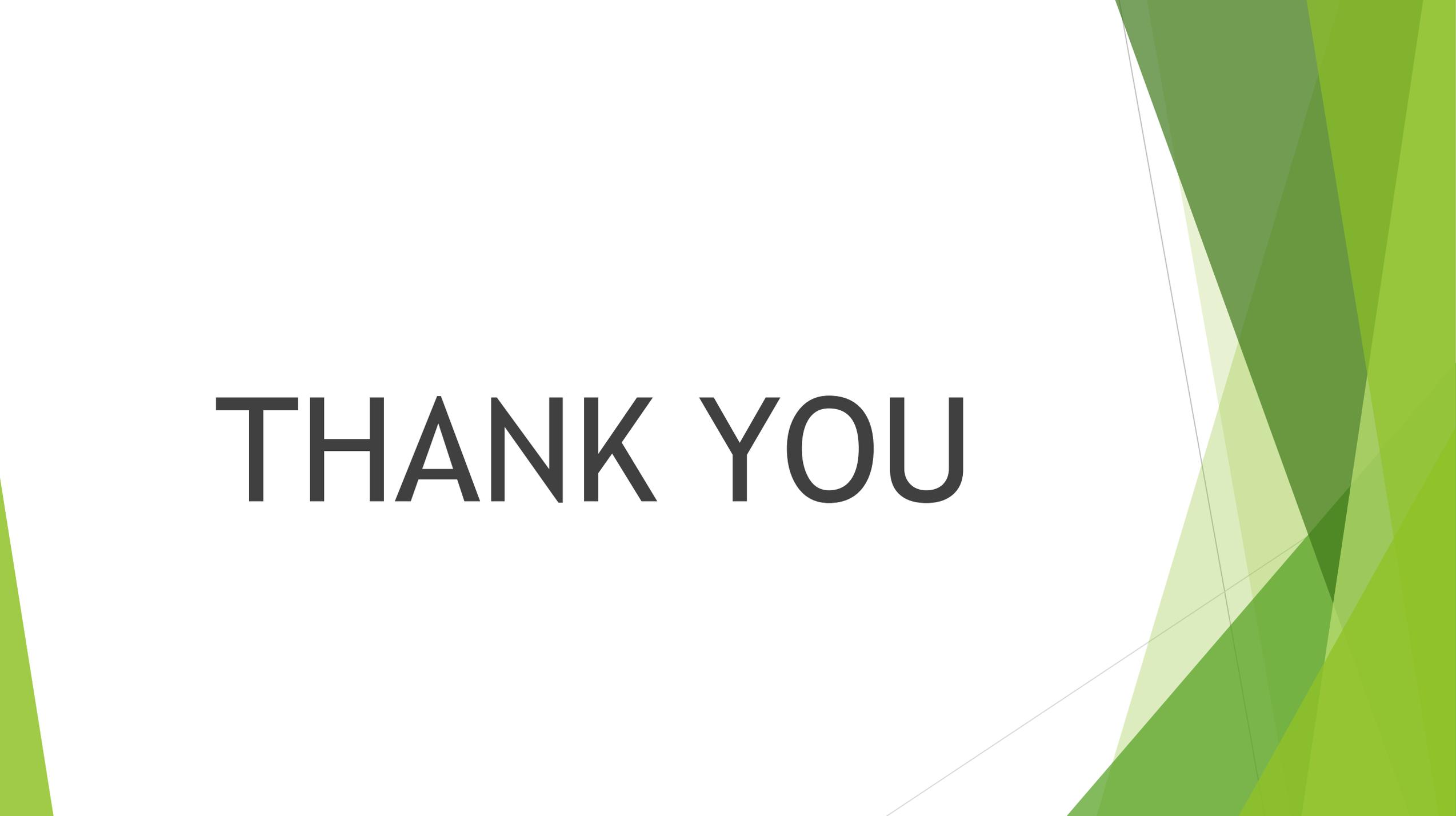
NATIONAL AIR TRANSPORT FACILITATION COMMITTEE - Rules of Procedure III

- ▶ **Experts with specific knowledge of potentially significant interest** to the National FAL Committee may be invited by the chairperson to participate in one (or more) of the meetings of the National FAL Committee, or only a part thereof, on an ad hoc basis.
- ▶ Members of the National FAL Committee as well as experts invited to meetings shall ensure the confidentiality of the specific content of meetings and decisions taken, as considered necessary by the chairperson of the National FAL Committee.
- ▶ The National FAL Committee **will meet 2 times a year**. The National FAL Committee **may hold ad hoc meetings** whenever necessary for the purpose of reviewing a facilitation situation and attempting to resolve specific operational problems. The outcomes of the ad hoc meetings are reported to the National FAL Committee

NATIONAL AIR TRANSPORT FACILITATION COMMITTEE - Rules of Procedure IV

- ▶ **The Secretary of the National FAL Committee** is responsible for:
 - ▶ making all administrative arrangements for the preparation of the meetings of the National FAL Committee in liaison with the chairperson; and
 - ▶ disseminating the provisional agenda to the members of the National FAL Committee at least 14 working days in advance.
- ▶ All papers shall be submitted to **the Secretary at least 7 working days in advance** of the meeting.
- ▶ **The Secretary prepares a Summary of Decisions** after each meeting, to be circulated to the National FAL Committee **within 14 working days** after the meeting.

THANK YOU

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