

Doc 9957



# The Facilitation Manual

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Approved by the Secretary General  
and published under his authority

First Edition — 2011

International Civil Aviation Organization



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# FOREWORD

## What is Facilitation?

### *Facilitation in International Civil Aviation*

Facilitation, in the context of civil aviation, refers to a wide range of issues and activities, as well as the development of Standards, in connection with the clearance of aircraft, people and goods through the formalities required at international borders. The phrase “facilitation of formalities” appears as a subtitle for Article 22 of the *Convention on International Civil Aviation* (Doc 7300). Article 22 obliges States 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.” Specifically, facilitation is the continuous improvement of control processes and service procedures. It requires a high degree of cooperation among the different sectors of the community (airline operators, service providers, airport authorities, and inspection agencies), each of which has a responsibility to contribute to such improvements.

## Purpose of this manual

States establish rules aimed at enforcing national laws dealing with cross-border movement of persons and goods, through which particular control procedures and practices are adopted for adequately equipping border-control authorities. Transport, in general, and specifically air transport, is subject to a series of restrictions which could negatively affect not only air navigation activities, but also inbound/outbound traffic flows and the performance and development of other dependent economic activities, such as international trade, tourism and services. Border controls that initially were outlined to protect national interests can become restrictions that slow down a State’s development due to the economic impact added transportation and storage costs incur, as well as costs induced by inefficient processing activities.

Since national laws and regulations are assigned to, and applied by, specific public authorities and may differ depending on each State’s internal organization, this manual has been designed to meet a variety of users’ needs. Users will find guidance material related to the Standards and Recommended Practices of Annex 9 — *Facilitation*, grouped by specific facilitation subjects (i.e. aircraft, passengers, baggage, and goods) and “functions” performed in international airports.

This manual is designed to support the following objectives: increase the level of knowledge of facilitation issues and concepts; improve the results of facilitation programmes in States; and increase conformance with Annex 9.

This manual serves as both an instructional and a reference tool. As an instructional tool, it contains the information and actual elements needed for preparing and delivering training sessions. As a reference tool, it should be used by trainers and trainees during and after the completion of a training session.

### *Who are the users?*

Users of this manual and related training and implementation programmes are members of facilitation coordinating bodies of Contracting States at the national and airport levels, as well as persons involved in international air transport

activities. These coordinating bodies include control authorities, who are concerned primarily with legal and regulatory compliance; customers (air carrier operators and air cargo shippers), who are concerned with increasing productivity by minimizing the cost of operational delays and administrative procedures; and airport authorities, who are interested in improving facilitation conditions by reducing congestion in passenger terminals and cargo sheds.

### **General structure of the manual**

*Note.— Information found in this first edition of The Facilitation Manual is based on the Standards and Recommended Practices (SARPs) of Annex 9, twelfth edition, up to and including Amendment 21 (2009).*

The information presented in this manual generally supplements or explains in greater depth the information contained in Annex 9. The provisions of this manual are identified by the Chapter in Annex 9 with which this supplementary information is associated.

Where a particular Standard or Recommended Practice is being explained in this manual, the paragraph number in Annex 9 is referred to in brackets in the following format: (Standard 2.12) or (Recommended Practice 4.37).

Throughout this manual, the use of the male gender should be understood to include male and female persons.

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## GLOSSARY

When the following terms are used in the Standards and Recommended Practices on Facilitation, they have the following meanings:

**Admission.** The permission granted to a person to enter a State by the public authorities of that State in accordance with its national laws.

**Aircraft equipment.** Articles, including first-aid and survival equipment and commissary supplies, but not spare parts or stores, for use on board an aircraft during flight.

**Aircraft operator.** A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

**Aircraft operators' documents.** Air waybills/consignment notes, passenger tickets and boarding passes, bank and agent settlement plan documents, excess baggage tickets, miscellaneous charges orders (M.C.O.), damage and irregularity reports, baggage and cargo labels, timetables, and weight and balance documents, for use by aircraft operators.

**Airline.** As provided in Article 96 of the Convention, any air transport enterprise offering or operating a scheduled international air service.

**Authorized agent.** A person who represents an aircraft operator and who is authorized by or on behalf of such operator to act on formalities connected with the entry and clearance of the operator's aircraft, crew, passengers, cargo, mail, baggage or stores and includes, where national law permits, a third party authorized to handle cargo on the aircraft.

**Aviation safety inspector.** For the purposes of Annex 9, an aviation safety inspector is an individual, designated by a Contracting State, who is charged with the inspection of the safety-related aspects of air transport operations as directed by the appropriate authority.

*Note.— Examples of safety inspectors include airworthiness or flight operations and any other safety related aspects of air transport operations.*

**Baggage.** Personal property of passengers or crew carried on an aircraft by agreement with the operator.

**Border integrity.** The enforcement, by a State, of its laws and/or regulations concerning the movement of goods and/or persons across its borders.

**Cargo.** Any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.

**Clearance of goods.** The accomplishment of the customs formalities necessary to allow goods to enter home use, to be exported or to be placed under another customs procedure.

**Commencement of journey.** The point at which the person began his journey, without taking into account any airport at which he stopped in direct transit, either on a through-flight or a connecting flight, if he did not leave the direct transit area of the airport in question.

**Commissary supplies.** Items, either disposable or intended for multiple use, that are used by the aircraft operator for provision of services during flights, in particular for catering, and for the comfort of passengers.

**Crew member.** A person assigned by an operator to duty on an aircraft during a flight duty period.

**Declarant.** Any person who makes a goods declaration or in whose name such a declaration is made.

**Deportation order.** A written order, issued by the competent authorities of a State and served upon a deportee, directing him to leave that State.

**Deportee.** A person who had legally been admitted to a State by its authorities or who had entered a State illegally, and who at some later time is formally ordered by the competent authorities to leave that State.

**Direct transit area.** A special area established in an international airport, approved by the public authorities concerned and under their direct supervision or control, where passengers can stay during transit or transfer without applying for entry to the State.

**Direct transit arrangements.** Special arrangements approved by the public authorities concerned by which traffic which is pausing briefly in its passage through the Contracting State may remain under their direct control.

**Disembarkation.** The leaving of an aircraft after a landing, except by crew or passengers continuing on the next stage of the same through-flight.

**Disinsection.** The operation in which measures are taken to control or kill insects present in aircraft and in containers.

**Embarkation.** The boarding of an aircraft for the purpose of commencing a flight, except by such crew or passengers as have embarked on a previous stage of the same through-flight.

**eMRTD.** An MRTD (passport, visa or card) that has a contactless integrated circuit embedded in it and the capability of being used for biometric identification of the MRTD holder in accordance with the standards specified in the relevant Part of Doc 9303 — *Machine Readable Travel Documents*.

**Flight crew member.** A licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period.

**Free zone.** A part of the territory of a Contracting State where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the customs territory.

**General aviation operation.** An aircraft operation other than a commercial air transport operation or an aerial work operation.

**Ground equipment.** Articles of a specialized nature for use in the maintenance, repair and servicing of an aircraft on the ground, including testing equipment and cargo- and passenger-handling equipment.

**ICAO Public Key Directory (ICAO PKD).** The central database serving as the repository of Document Signer Certificates (CDS) (containing Document Signer Public Keys), CSCA Master List (ML<sub>CSCA</sub>), Country Signing CA Link Certificates (IC<sub>CSCA</sub>) and Certificate Revocation Lists issued by Participants, together with a system for their distribution worldwide, maintained by ICAO on behalf of Participants in order to facilitate the validation of data in eMRTDs.

**Immigration control.** Measures adopted by States to control the entry into, transit through and departure from their territories of persons travelling by air.

**Import duties and taxes.** Customs duties and all other duties, taxes or charges, which are collected on or in connection with the importation of goods. Not included are any charges which are limited in amount to the approximate cost of services rendered or collected by the customs on behalf of another national authority.

**Improperly documented person.** A person who travels, or attempts to travel: (a) with an expired travel document or an invalid visa; (b) with a counterfeit, forged or altered travel document or visa; (c) with someone else's travel document or visa; (d) without a travel document; or (e) without a visa, if required.

**Inadmissible person.** A person who is or will be refused admission to a State by its authorities.

**Infected area.** (for human health purposes) Defined as geographical areas where human and/or animal vector-borne diseases are actively transmitted, as reported by local or national public health authorities or by the World Health Organization.

*Note.— A list of infected areas notified by health administrations is published in the World Health Organization's Weekly Epidemiological Record.*

**International airport.** Any airport designated by the Contracting State in whose territory it is situated as an airport of entry and departure for international air traffic, where the formalities incident to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out.

**Lading.** The placing of cargo, mail, baggage or stores on board an aircraft to be carried on a flight.

**Mail.** Dispatches of correspondence and other items tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union (UPU).

**Mishandled baggage.** Baggage involuntarily, or inadvertently, separated from passengers or crew.

**Narcotics control.** Measures to control the illicit movement of narcotics and psychotropic substances by air.

**Passenger amenities.** Facilities provided for passengers which are not essential for passenger processing.

**Person with disabilities.** Any person whose mobility is reduced due to a physical incapacity (sensory or locomotor), an intellectual deficiency, age, illness or any other cause of disability when using transport and whose situation needs special attention and the adaptation to the person's needs of the services made available to all passengers.

**Pilot-in-command.** The pilot responsible for the operation and safety of the aircraft during flight time.

**Public authorities.** The agencies or officials of a Contracting State responsible for the application and enforcement of the particular laws and regulations of that State which relate to any aspect of these Standards and Recommended Practices.

**Public health emergency of international concern.** An extraordinary event which is determined, as provided in the *International Health Regulations (2005)* of the World Health Organization: (i) to constitute a public health risk to other States through the international spread of disease and (ii) to potentially require a coordinated international response.

**Public health risk.** A likelihood of an event that may affect adversely the health of human populations, with an emphasis on one which may spread internationally or may present a serious and direct danger.

**Release of goods.** The action by the customs authorities to permit goods undergoing clearance to be placed at the disposal of the persons concerned.

**Relief flights.** Flights operated for humanitarian purposes which carry relief personnel and relief supplies such as food, clothing, shelter, medical and other items during or after an emergency and/or disaster and/or are used to evacuate persons from a place where their life or health is threatened by such emergency and/or disaster to a safe haven in the same State or another State willing to receive such persons.

**Removal of a person.** Action by the public authorities of a State, in accordance with its laws, to direct a person to leave that State.

**Removal order.** A written order served by a State on the operator on whose flight an inadmissible person travelled into that State, directing the operator to remove that person from its territory.

**Risk assessment.** An assessment by a departing State of a deportee's suitability for escorted or unescorted removal via commercial air services. The assessment should take into account all pertinent factors, including medical, mental and physical fitness for carriage on a commercial flight, willingness or unwillingness to travel, behavioural patterns and any history of violence.

**Risk management.** The systematic application of management procedures and practices which provide border inspection agencies with the necessary information to address movements or consignments which represent a risk.

**Security equipment.** Devices of a specialized nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities.

**Spare parts.** Articles, including engines and propellers, of a repair or replacement nature for incorporation in an aircraft.

**State of Registry.** The State on whose register the aircraft is entered.

**Stores (Supplies).** a) Stores (supplies) for consumption; and b) Stores (supplies) to be taken away.

**Stores (Supplies) for consumption.** Goods, whether or not sold, intended for consumption by the passengers and the crew on board aircraft, and goods necessary for the operation and maintenance of aircraft, including fuel and lubricants.

**Stores (Supplies) to be taken away.** Goods for sale to the passengers and the crew of aircraft with a view to being landed.

**Temporary admission.** The customs procedure under which certain goods can be brought into a customs territory conditionally relieved totally or partially from payment of import duties and taxes; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

**Through-flight.** A particular operation of aircraft, identified by the operator by the use throughout of the same symbol, from point of origin via any intermediate points to point of destination.

**Travel document.** A passport or other official document of identity issued by a State or organization, which may be used by the rightful holder for international travel.

**Unaccompanied baggage.** Baggage that is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs.

**Unclaimed baggage.** Baggage that arrives at an airport and is not picked up or claimed by a passenger.

**Unidentified baggage.** Baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger.

**Unlading.** The removal of cargo, mail, baggage or stores from an aircraft after a landing.

**Visitor.** Any person who disembarks and enters the territory of a Contracting State other than that in which that person normally resides; remains there lawfully as prescribed by that Contracting State for legitimate non-immigrant purposes, such as touring, recreation, sports, health, family reasons, religious pilgrimages, or business; and does not take up any gainful occupation during his stay in the territory visited.

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## LIST OF ACRONYMS

**AIP.** Aeronautical Information Publication  
**API.** Advance passenger information  
**APP.** Advance passenger processing  
**ATC.** Air Transport Committee  
**ASTP.** Aviation Security Training Package  
**AVSEC.** Aviation Security  
**CMC.** Crew Member Certificate  
**EDI.** Electronic data interchange  
**EMS.** Express Mail Service  
**FAL.** Facilitation  
**IATA.** International Air Transport Association  
**ISO.** International Organization for Standardization  
**MoU.** Memorandum of Understanding  
**MRP.** Machine readable passport  
**MRTD.** Machine readable travel document  
**MRV.** Machine readable visa  
**PKD.** Public key directory  
**PKI.** Public key infrastructure  
**PNR.** Passenger name record  
**SARPs.** Standards and Recommended Practices  
**TAG.** Technical Advisory Group  
**UPU.** Universal Postal Union  
**WCO.** World Customs Organization  
**WHO.** World Health Organization





# Chapter 1

## INTRODUCTION

### 1.1 GENERAL PRINCIPLES

#### The SARPs of Annex 9, Chapter 1, section B: General Principles

1.1.1 The Standards and Recommended Practices (SARPs) in Annex 9 apply to all categories of aircraft operation, except where a particular provision refers specifically to only one type of operation.

1.1.2 Contracting States shall take necessary measures to ensure that:

- a) the time required for the accomplishment of border control procedures 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) the 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.

1.1.3 Contracting States shall use risk management in the application of border control procedures for the release/clearance of goods. This provision applies exclusively to the procedures of Chapter 4.

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

1.1.5 Contracting States shall develop procedures for the pre-arrival lodgement of data so as to enable expeditious release/clearance. This provision applies exclusively to the procedures of Chapter 4.

1.1.6 The provisions of Annex 9 shall not preclude the application of national legislation with regard to aviation security measures or other necessary controls.

### 1.2 WHAT IS ANNEX 9 — FACILITATION

1.2.1 Annex 9 to the *Convention on International Civil Aviation* embodies the Standards and Recommended Practices (SARPs) pertaining to facilitation of border control formalities. It provides a frame of reference for planners and managers of international airport operations, including government inspection agencies, airport authorities and airline operators. It describes the responsibilities of both industry and government agencies and the specifications for information requirements. In addition, Annex 9 specifies procedures for carrying out clearance operations, with the twin objectives of effective compliance with national laws and the productivity of operators, airport staff and government inspection agencies involved.

1.2.2 Annex 9 SARPs have been developed and agreed to by consensus among ICAO Contracting States. Over the years, this material has been periodically updated during meetings of the Facilitation Division, a worldwide conference to which all Contracting States are invited. Since 1997, a Facilitation Panel has carried out this work between Division sessions. The recommendations of the Division and the Panel for amendments to Annex 9 are reviewed by Contracting States and eventually, upon the recommendation of the Air Transport Committee, submitted to the Council of ICAO for adoption.

### 1.3 ICAO'S FACILITATION MANDATE: THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, 1944

1.3.1 Several Articles of the *Convention on International Civil Aviation* (also referred to as the "Chicago Convention") are the basis of the development of ICAO's Facilitation (FAL) Programme, in general, and Annex 9, in particular.

1.3.2 The Annex describes the obligations of Contracting States under Articles 22, 23 and 24 of the Chicago Convention and the standardized procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35. Some of these Articles describe the obligations of customers and business entities in the aviation community, while others denote the obligations of Contracting States. Set forth below are the substance of these provisions:

#### *Obligations of aviation community members*

**Article 10.** "... 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 ...."

This text recognizes the responsibility of aircraft to land and submit to examination where and when required.

**Article 13.** "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."

**Article 29.** "Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

...

- f) If it carries passengers, a list of their names and places of embarkation and destination;
- g) If it carries cargo, a manifest and detailed declarations of the cargo."

#### **Article 35**

"a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State.

b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph a): ..."

This text recognizes the right of Contracting States to require licences for prohibited or restricted articles other than those enumerated in subparagraph a).

*Obligations of Contracting States*

**Article 14.** Contracting States agree to take effective measures to prevent the spread by means of air navigation of communicable diseases and to keep in close consultation with the agencies concerned with international regulations, e.g. the World Health Organization.

**Article 22.** Contracting States agree to adopt all practicable measures to expedite navigation by aircraft and prevent unnecessary delays, especially those due to administration, customs, immigration, clearance and quarantine formalities.

**Article 23.** Contracting States agree to develop effective customs and immigration procedures.

**Article 24.** Contracting States agree to provide duty exemptions under certain conditions, for aircraft, parts, supplies and equipment.

**Article 37.** Obligates Contracting States to "... collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization ... in which such uniformity will facilitate and improve air navigation."

In effect, this Article authorizes the concept of Annexes to the Convention, including one to contain standards and recommended practices for customs and immigration procedures. This document is Annex 9 — *Facilitation*.

**Article 38.** Obligates Contracting States to notify ICAO of differences between their national practices and the Standards in the Annexes. ICAO publishes these differences and distributes them to Contracting States as Supplements to the Annexes.

Additional mandates for the ICAO FAL Programme are contained in Assembly Resolutions. Some of these Resolutions can include policy statements relating to the following:

1. Development of facilitation provisions, including Annex 9 — *Facilitation; Machine Readable Travel Documents* (Doc 9303); and *International Signs to Provide Guidance to Persons at Airports and Marine Terminals* (Doc 9636);
2. Implementation of Annex 9 Standards and Recommended Practices, and notification to ICAO of differences with national policies and practices; and
3. International cooperation in protecting the security and integrity of passports, including efforts to prevent passport fraud.

## 1.4 ICAO FAL PROGRAMME OBJECTIVES AND ACTIVITIES

1.4.1 The ICAO FAL Programme was created in order to assist Contracting States in implementing Annex 9 SARPs and keeping them up to date, and in carrying out the mandates of Annex 9.

1.4.2 The FAL Programme is aimed at providing the necessary tools for Contracting States to set realistic goals and objectives in their national facilitation programmes and at providing guidance to assist States in taking the necessary steps to achieve these goals and objectives.

### Groups interested in facilitation

1.4.3 In the civil aviation community, facilitation is of interest to four major groups (Contracting States, operators, airports, and customers); their priorities differ, yet overlap.

- The priorities of **States** are full compliance with their laws and regulations and protection of their borders from terrorism and transnational crime.
- The priority of the **operators** is maximizing productivity by minimizing the costs of operational delays and administrative procedures.
- The priority of the **airports** is to reduce congestion in the passenger terminals and in the cargo sheds.
- The priority of the **customers** (passengers and cargo shippers) is quality service, which means being able to proceed through airports with minimal delay and difficulty.

### ICAO's challenge

1.4.4 ICAO's challenge in addressing these priorities is to develop SARPs and guidance material that address the needs of all four groups.

### External challenges — activities that jeopardize the FAL Programme

1.4.5 States must contend with the external challenges of unlawful interference, such as illegal migration, illicit narcotics trafficking, travel document fraud, contagious diseases, all of which can negate initiatives to facilitate inspection if they are not kept under control. These problems have become global threats and are everyday realities. They cannot be considered as exceptional circumstances, which sometimes require facilitative measures to be set aside. Instead, these problems must be taken into account so that the FAL Programme can provide the necessary control, while meeting ICAO's facilitation objectives.

### Strategic activities integral to the FAL Programme global benefits

1.4.6 The core of the FAL Programme is the **improvement** of procedures for border control and clearance, so that they are not only more efficient but also more effective in ensuring compliance. This set of Programme elements is the most visible to the travelling and shipping public and at the same time requires the most remedial action. These elements include the rationalization of traffic flows through airports and technology-assisted border control systems.

### Containment of security problems

1.4.7 The containment of security problems, such as trafficking in narcotics or other contraband, illegal migration and travel document fraud, are priority elements of the FAL Programme. The existence of these problems at unacceptable levels is often frequently cited as a reason not to adopt measures that would improve efficiency in border controls. Cooperation between industry and government, as well as cooperative arrangements among States, have been and will continue to be promoted by ICAO through Annex 9 provisions covering the repatriation of inadmissible persons, fraudulent documentation, security procedures, and supply chain security.

## Standardization of information and global interoperability

1.4.8 Standardization of information is essential to global interoperability of systems, consequently, ICAO places a high priority on conformance with specifications for certain documents. Top priority is assigned to standardization of documents which are used in inter-State transactions, in particular, passports, other official travel documents, General Declarations and manifests. Other forms which are used for procedures within a State, such as embarkation/disembarkation cards and customs declarations, have some impact on customer satisfaction and are addressed in Annex 9, although this standardization is not critical to seamless traffic flows.

## 1.5 DEVELOPMENT, ADOPTION AND IMPLEMENTATION OF ANNEX 9 STANDARDS AND RECOMMENDED PRACTICES

### Background

1.5.1 **Uniformity.** Article 37 — *Adoption of international standards and procedures*, of the Chicago Convention requires all Contracting States to collaborate in securing the highest practicable degree of uniformity in regulations and standards, in order to facilitate and improve international air navigation.

1.5.2 **ICAO's role.** Article 37 authorizes ICAO to adopt and amend international Standards and Recommended Practices and procedures in order to assist States in securing this uniformity.

1.5.3 **Annexes.** ICAO has adopted 18 Annexes to the *Convention on International Civil Aviation*. These Annexes contain Standards and Recommended Practices (SARPs) on a wide variety of topics. Annex 9 contains SARPs specifically on the facilitation of international air transport.

1.5.4 **Annex 9.** Standards and Recommended Practices on facilitation were first adopted by the ICAO Council in March 1949. The First Edition of Annex 9 contained 89 SARPs. The number of SARPs has grown to over 340, through a series of amendments to the Annex.

### Annex 9 amendment process

1.5.5 **Proposals.** The amendment process for Annex 9 usually begins in FAL Divisional meetings, and more recently, in FAL Panel meetings. These bodies propose changes to the Annex, which could be the addition of new SARPs or amendments to existing SARPs.

1.5.6 **Role of the Air Transport Committee (ATC).** The ATC reviews the proposals, which are then sent to States for comments. The Secretariat collates States' responses and presents them to the Air Transport Committee. The Committee analyses the responses of States and prepares a draft of the proposed changes. The draft is submitted to the ICAO Council.

1.5.7 **Role of Council.** The Council discusses the draft text and, if agreed upon, formally adopts the recommended changes as an "Amendment" to the Annex.

1.5.8 **State letter.** ICAO disseminates a State letter to Contracting States, inviting them to take action on the adopted Amendment. A State letter regarding the adoption of amendments generally consists of four parts:

1. The letter itself, which informs States of the Amendment, briefly describes the salient points of the Amendment, and provides deadlines for responses by States.

2. Attachment A, Note on the Notification of Differences.
3. Attachment B, which States are to use if they wish to notify ICAO of any disapprovals. States usually have 90 days (3 months) from the date of adoption of the Amendment to notify disapproval of the Amendment (or any part thereof).
4. Attachment C, which States are to use if they wish to notify ICAO of their compliance with, or differences from, Annex 9 (up to and including the latest Amendment). States usually have about 180 days (6 months) from the date of adoption of the Amendment to notify ICAO of compliance or differences.

**Procedures to be followed by States  
notifying disapproval of the amendment**

1.5.9 **Explanation.** States have the right to vote against an Amendment (or any part thereof) that they do not agree with, by registering their disapproval. If a majority of States disapproves the adopted Amendment (or part thereof), ICAO is obliged to “withdraw” the provision.

1.5.10 **Action required. Only statements of disapproval need to be registered.** If a State does not reply to the State letter indicating disapproval, ICAO assumes that State does not disapprove of the Amendment.

1.5.11 At the end of the prescribed period, the Amendment becomes “effective”, unless it (or any part thereof) has been withdrawn. For all practical purposes, “effective” is understood to mean that the Amendment is officially “enacted”. It can no longer be withdrawn or modified by ICAO without recourse to the amendment process.

1.5.12 With regard to registration of disapprovals:

- a) statements of disapproval registered after the Amendment becomes effective do not affect the status of the Amendment; and
- b) a registration of disapproval does **not** constitute a notification of differences. A separate statement is necessary if any differences do exist. This means that, if a State registers a disapproval, it should not assume that ICAO would automatically regard this as a difference. The State has to expressly notify ICAO that a difference exists. One reason for this is that disapprovals and differences are governed by different provisions of the Chicago Convention.

**Notification of compliance and/or differences**

1.5.13 **Explanation.** Approximately four months after the Amendment has become effective, it becomes “applicable”. This is understood to mean that it comes into force. Ideally, by the time the Amendment becomes applicable, States would have made the appropriate changes to their national regulations to bring them in line with the Amendment. However, this rarely occurs within the timeframe.

1.5.14 Hence, Attachment C of the State letter seeks to determine the intention of States (whether they have made the changes or not, or what they plan to do). Attachment C sets out the procedure for States to follow in order to provide ICAO with this information.

1.5.15 Attachment C also seeks to determine the implementation status of the Annex *vis-à-vis* a State, at a fixed period in time. States are therefore requested to provide a date on which compliance and/or differences notified would exist. This makes it easier to maintain up-to-date records of a State’s implementation of the SARPs.

*Action required for notifying compliance*

1.5.16 A State should complete only paragraph 1 of Attachment C if it intends to fully comply with the Annex (as amended) and make the necessary changes to its national regulations and practices along the lines of the Amendment.

*Action required for notifying differences*

1.5.17 A State should complete only paragraph 2 of Attachment C if it does not intend to bring its national laws and practices in line with the Amendment, or parts thereof.

1.5.18 **Explanation.** In this case, differences will exist between the Amendment and the national regulations and practices of the State. The reports of differences ensure that governmental and other agencies, including operators, concerned with international civil aviation in all countries are made aware of all national regulations and practices in so far as they differ from those prescribed in the ICAO Standards.

*Obligation to notify*

1.5.19 States are not under an obligation to implement SARPs as soon as they become applicable. They can do this at any time. States may also depart from SARPs at any time. However, they are obliged to inform ICAO of subsequent compliance and/or differences, to enable ICAO to disseminate this information to all Contracting States.

1.5.20 It is important to note that international Standards in Annexes have a conditional binding force to the extent that a State has not notified any differences thereto under Article 38 of the Chicago Convention.

*Notifying expected compliance*

1.5.21 Paragraph 3 of Attachment C requires a State to notify ICAO of the date(s) on which it could be expected to comply with the Amendment in question.

1.5.22 **Explanation.** It is important for ICAO to know not only what differences exist on a fixed date, but also what action a State intends to take in the future. This procedure is intended to help ICAO plan ahead. To give one example: a large proportion of States may indicate their intention not to comply with a particular SARP. ICAO would therefore revisit the SARP at a future date, examine why States oppose it, and perhaps amend or delete it, as appropriate. This procedure allows ICAO to remove obsolete/infeasible provisions, and also to maintain uniformity in international regulations.

*Supplements*

1.5.23 ICAO disseminates the information received on compliance and/or differences, by means of a Supplement to the Annex. The document notifies all States of the differences that exist between one or more features of an Annex and the corresponding national practices of the States reporting.

*Two-step implementation*

1.5.24 Generally, implementation is accomplished in two steps. The first comprises the administrative process necessary to bring the Standards and Recommended Practices into force nationally. The second step consists of the practical arrangements, such as the provision of facilities, personnel and equipment.

*General revision of Annex 9*

1.5.25 In order to improve implementation of SARPs, the FAL Panel continuously revises the Annex with the aim of simplifying the language of the SARPs and clarifying their intent.

**1.6 FACILITATION (FAL) AND AVIATION SECURITY (AVSEC) IN ICAO****Coordination between facilitation and aviation security**

1.6.1 ICAO recommends that there be close coordination between national programmes for facilitation and aviation security. Facilitation control procedures actually enhance security, in that a controlled environment allows for a discriminating approach to law enforcement, and for low-risk traffic to be expedited.

**Facilitation and aviation security — joint targeting**

1.6.2 A strategy common to facilitation and aviation security is “targeting”, which is the use of “behavioural pattern” techniques and intelligence databases to select people or cargo shipments for intensive examination, instead of attempting to examine everyone and everything. In both cargo and passenger processes, this enables the authorities to apply their resources more judiciously and efficiently to inspection operations. The result is that low-risk traffic is expedited and authorities are more successful in detecting security violations.

**Traffic management**

1.6.3 Traffic patterns in the airport are arranged in order to reduce congestion and prevent the intersection of flow lines. By providing multiple inspection channels for passengers and applying different levels of inspection to different types of cargo shipments, facilitation strategies are enhanced and aviation security problems are more easily detected.

**Automated systems**

1.6.4 Electronically submitted cargo manifests and advance passenger information are systems that transmit information about cargo and/or passengers to the authorities before arrival. Cargo and passengers are processed faster using this system because the initial analysis is accomplished ahead of time. Also, law enforcement is enhanced because the authorities have more time to evaluate the data and assess the risks before deciding on the level of control.

**Suppression of illegal traffic**

1.6.5 The control of trafficking in narcotics or other contraband, illegal migration, and travel document fraud are high priority concerns because their existence can jeopardize the advancement of facilitation if allowed to expand, uncontrolled, to unacceptable levels. These problems are also of high priority concern to the aviation security professionals because such illegal activities may be vehicles for unlawful interference. Industry and government cooperate in addressing these problems for the benefit of both programmes.



### **Mutual support for the operation**

1.6.6 Both facilitation (FAL) and aviation security (AVSEC) are interactive programmes that involve day-to-day ground operations; airport service managers therefore consider FAL and AVSEC requirements in tandem when addressing operational problems.

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## Chapter 2

# ENTRY AND DEPARTURE OF AIRCRAFT

### 2.1 INTRODUCTION

#### The SARPs of Annex 9, Chapter 2, section A: General

2.1.1 Article 22 of the Chicago Convention, titled *Facilitation of formalities*, obligates Contracting States 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.”

2.1.2 Chapter 2 of Annex 9 addresses those areas in which special regulations or other measures may be required in order to facilitate the control procedures applicable to the entry and departure of aircraft. These are distinct from those which may be applicable to vehicles on land, sea and rail due to the unique properties of civil aircraft, the relative speed of air transport, the installation of permanent border clearance services and administrative support facilities, and the organization and scheduling of aircraft operations into and out of airports.

2.1.3 Special regulations and measures include the forms used for aircraft entry/clearance, arrangements for “landing rights” (permission to land), systems for advance notification of flight arrivals and departures, and arrangements for clearing whole aircraft loads of passengers and cargo.

2.1.4 Aircraft operations involve many types of controls, for example, safety controls on air traffic and aircraft maintenance, revenue controls at the ticket counter and gate, security controls such as screening people, baggage and cargo, and border controls of customs, immigration, quarantine and public health. All of these controls are essential to the aviation business, but at the same time, the business objective is aircraft arrivals and departures that are on schedule.

#### How to achieve facilitation objectives for aircraft

2.1.5 States should adopt appropriate measures for the clearance of aircraft arriving from or departing to another Contracting State and shall implement these measures in order to prevent unnecessary delays. (Standard 2.1)

2.1.6 The procedures aimed at the efficient clearance of entering or departing aircraft must take into account the application of aviation security and narcotics control measures, where appropriate. (Standard 2.2)

2.1.7 In accordance with Article 22 of the Chicago Convention, States must adopt border control regulations appropriate to their air transport environment and apply these regulations in order to prevent unnecessary delays, based on the principles described in Part 1 of this manual (1.1 General principles).

### Use of information technology

2.1.8 States shall develop effective information technology to increase the effectiveness of airport procedures. For example, information technology applications are used in the exchange of information related to passengers and cargo, between aircraft operators and the public authorities. (Standard 1.4)

2.1.9 In developing procedures aimed at the efficient clearance of entering or departing aircraft, States need to take into account aviation security and narcotics control measures, where appropriate. Such measures are necessary — not exceptions. They have to be an integral part of the procedures for processing aircraft on arrival and departure. (Standard 2.2)

### Global interoperability

2.1.10 Adherence by all States to the same requirements is essential for global interoperability.

2.1.11 Global interoperability, in the facilitation context, is the capability of inspection systems, whether manual or automated, in States throughout the world, to exchange data, process data received from systems in other States, and utilize such data in inspection operations in their respective States.

2.1.12 Moreover, when States follow the same procedures and demand the same requirements for international aircraft documents, this encourages other State authorities to accept these documents as valid.

### Memorandum of Understanding (MoU) for cooperation against international drug trafficking

2.1.13 States should enter into Memoranda of Understanding (MoU) with airlines providing international services to that State and with 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. (Recommended Practice 2.3)

2.1.14 Such Memoranda of Understanding should be patterned after the models developed by the World Customs Organization. In addition, Contracting States are encouraged to negotiate Memoranda of Understanding among themselves.

2.1.15 For some samples of these MoUs, please visit the website of the World Customs Organization ([www.wcoomd.org](http://www.wcoomd.org)).

## 2.2 DOCUMENTS REQUIRED FOR AIRCRAFT CLEARANCE

### The SARPs of Annex 9, Chapter 2, section B: Documents — requirements and use

2.2.1 Article 29 of the Chicago Convention, titled *Documents carried in aircraft*, provides that:

“Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

...  
d) Its journey log book;

...

- f) If it carries passengers, a list of their names and places of embarkation and destination;
- g) If it carries cargo, a manifest and detailed declarations of the cargo.”

2.2.2 Standard forms to be used for the identification and clearance of civil aircraft and their loads were designed by a working group formed immediately after the Chicago Convention was signed in December 1944. Standardization and simplicity of the forms and the procedures were considered to be essential. The forms are intended to be prepared before the aircraft departs its origin and completed before arrival at its destination, so that the time necessary for examination and clearance may be minimized.

2.2.3 *General Declaration.* The format of the General Declaration is shown in Annex 9, Appendix 1, which is reproduced at the end of this chapter. This form is used to identify an aircraft and its operator to the public authorities upon its arrival from, or prior to its departure to, a foreign destination. It is also used to provide the flight itinerary, a list of the names and nationalities of the crew, the number of passengers, and (in the case of an arrival) details of any health problems that may have occurred on board during the flight. The General Declaration serves a useful purpose as part of the aircraft operator’s records and is often used to substantiate aircraft operator assertions in petitioning for relief from administrative penalties. Moreover, the General Declaration is mentioned in *Annex 6 to the Convention on International Civil Aviation, Part I*, as a document acceptable in lieu of the journey log book<sup>1</sup>. (Standards 2.10 and 2.11)

2.2.4 *Passenger Manifest.* The format of the Passenger Manifest is shown in Annex 9, Appendix 2, which is reproduced at the end of this chapter. This form is used to provide a list of passengers embarking on or disembarking from an aircraft engaged in international air navigation. In addition to identifying details of the aircraft owner/operator and flight information, passenger identification data are required but limited to the names and origins/destinations of each passenger, as stipulated in Article 29 of the Chicago Convention. For this reason, the document is of limited use for risk assessment purposes. In most cases, the form provides the authorities with a means of accounting for every passenger, which is of minimum value in a modern airport since disembarking passengers are physically controlled between the aircraft and the inspection point, and they identify themselves by presenting their own passports or identity documents. Hence, Annex 9 stipulates against requiring, as a matter of course, the presentation of the Passenger Manifest to the control authorities. (Standard 2.12)

2.2.5 Occasionally, there is a need for a passenger list, for example, in the event of an emergency or flight diversion; however, most operators now have automated systems from which passenger name lists can be readily printed out should the need arise, obviating the need to prepare the traditional form. The existence of modern computer systems for reservations, ticketing and check-in can also obviate the need for a passenger list to be carried on the aircraft, particularly in the case of scheduled flights by an aircraft operator that has installations at both ends.

2.2.6 Passenger Manifests submitted in Advance Passenger Information (API) or Advance Passenger Processing (APP) systems are not covered in Standard 2.12. These manifests are considerably more detailed than the paper form, and are analysed by the public authorities for risk assessment purposes in advance of the flight. Thus, they enable faster clearance at the destination. Moreover, these manifests are submitted only in electronic form in a data interchange system. In the event an API or APP system is put into place, any prior requirement for the paper manifest form is redundant and must be eliminated.<sup>2</sup> (API/APP systems are addressed in more detail in Part 3 of this manual.)

2.2.7 *Cargo Manifest.* The format of the Cargo Manifest is shown in Annex 9, Appendix 3, which is reproduced at the end of this chapter. This form is used to provide a list of cargo shipments laden on departing aircraft or to be unladen

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1. Annex 6, Part 1, Chapter 4, 4.5.5. “The pilot-in-command shall be responsible for the journey log book or the General Declaration containing the information listed in 11.4.1.

*Note.— By virtue of Resolution A10-36 of the Tenth Session of the Assembly (Caracas, June-July 1956) “the General Declaration, [described in Annex 9] when prepared so as to contain all the information required by Article 34 [of the Convention on International Civil Aviation] with respect to the journey log book, may be considered by Contracting States to be an acceptable form of journey log book.”*

2. Standard 3.47.7 states that “Contracting States requiring that passenger data be transmitted electronically through an Advance Passenger Information system shall not also require a Passenger Manifest in paper form”.

from arriving aircraft, as required by Article 29. In addition to identifying details of the aircraft owner/operator and flight information, information identifying each shipment — air waybill number, packages, and nature of the goods — is required. Further details about each shipment are provided in the individual air waybills, which in some States, are also required to be presented as part of the Cargo Manifest. In rare cases, the State may require only the air waybills, with a Cargo Manifest partially completed. (Standard 2.13)

2.2.8 The format for the Cargo Manifest in paper form does not necessarily apply to the electronic submission of manifests in an Advance Cargo Information system. The latter are usually more detailed, and provide the public authorities with the opportunity to perform risk analyses of the cargo shipments listed therein. Thus, the electronic submission of the Cargo Manifests are not covered in Standard 2.13, but in the event they are transmitted by an operator to the authorities, any requirement for presentation of the paper form is redundant and should be eliminated. Standard 4.11 requires that States accept Cargo Manifests and air waybills in electronic form when properly transmitted to an information system of the public authorities. (Electronic Cargo Manifests are addressed in more detail in Part 4 of this manual.)

#### Standardization issues

2.2.9 *Interoperability.* Standardized forms for the reporting and clearance of arriving and departing aircraft are essential to global interoperability of civil air navigation operations. Standard formats for the forms described above are specified so that the aircraft operator uses the same forms for reporting arrival at its destination and requesting departure clearance at its origin.

2.2.10 *Worldwide recognition.* A globally standard form facilitates inspection and the clearance process because it is recognizable by the public authorities worldwide. The information required, in the format required, can be readily found, and errors or discrepancies are more easily detected. For these reasons, it is essential that a State not deviate from the standard information requirements of each form. Should any data requirements be imposed in addition to those in the standard format, the State imposing them must publicize them in its Aeronautical Information Publications (AIPs) so that operators in all other States may prepare their documents appropriately.

#### Other forms

2.2.11 *Stores List.* Annex 9 does not specify a standard form to provide a manifest of bonded stores<sup>3</sup> on board an arriving or departing aircraft. The Chicago Convention, in Article 24 (a), requires that stores retained on board an arriving foreign aircraft and departing on the same aircraft be exempt from duties and taxes. Annex 9 requires that States not present a written declaration for such stores (Standard 2.14). In the case of stores that are unladen from an arriving aircraft or laden onto a departing aircraft (regardless of the nationality of the aircraft), the format of the written declaration is not specified, but Annex 9 stipulates that the data requirements be minimal and comparable to those elements provided in a Cargo Manifest. (Standard 2.15)

2.2.12 *Mail forms.* Standard forms for the identification and clearance of international mail are prescribed by the Universal Postal Union (UPU), not ICAO (Standard 2.17). Therefore, these forms and the procedures for using them are not addressed in Annex 9 except by references to the UPU.

2.2.13 *Number of copies.* Since modern methods of printing and high-speed copying are usually available, the number of copies required by the authorities at the time of aircraft entry or departure clearance is no longer an issue of international concern. However, in the interests of efficiency and saving paper, Annex 9 continues to stipulate that three copies of each required form be the maximum number requested (Standard 2.18). It is understood that for subsequent inspection operations, in particular the clearance of inbound air cargo, additional copies of the General Declaration and

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3. Bonded stores include those items which are normally taxable or dutiable, but which are exempt when used on board international flights or stored for such use.

manifest may be needed to satisfy the various inspection agencies, e.g. customs, quarantine, health environment, food and drugs; however, production of these copies may be done after the clearance of the aircraft — there is no need to delay the aircraft operation or its clearance while additional copies are being made.

2.2.14 *Aircraft documents submitted electronically.* The information comprising any or all of the aircraft documents mentioned above may be submitted electronically, provided both the aircraft operator and the State concerned have the necessary electronic data interchange capability (Standard 2.8). In such a case, if the operator provides a document electronically, Annex 9 requires that the State refrain from requiring the same document in paper form (Standard 2.9). It is understood that when an electronic data interchange system is first established, a period of testing is usually necessary before the paper document(s) may be dispensed with. However, it is also understood that the State should promptly eliminate the paper requirement as soon as the authorities and the aircraft operators feel confident that the electronic system is stable and reliable.

## 2.3 DISINSECTION OF AIRCRAFT

### The SARPs of Annex 9, Chapter 2, section D: Disinsection of aircraft

2.3.1 The increased speed of aircraft and the consequent reduction in transit time, coupled with the development of international traffic, have brought about a heightened risk of conveying insect vectors from one country to another, even from one continent to another.

2.3.2 States are concerned about the conveyance by aircraft, ships, trains, road vehicles and cargo containers of new insect vectors or pest species to their territories, due to the potentially disastrous effects on their national agriculture. In an attempt to prevent the introduction of new pest species which pose a threat to human, animal and plant health, or to the environment, States may take protective action in their national import programmes. Aircraft disinsection is one such measure.

2.3.3 Over the years, there have been concerns about disinsecting procedures following incidents in which passengers and crews have reported allergic reactions, which they attributed to the aerosol spraying of aircraft. The Eleventh Session of the Facilitation Division (FAL/11) considered two different positions on disinsection of aircraft:

- a) States concerned about the possible effect disinsection has on passengers and crews; and
- b) States which continue requesting disinsection to protect public health, the environment, animals and plants.

2.3.4 In 1984, the World Health Organization (WHO) recognized that the conventional methods of disinsection had, in some cases, apparently caused allergic and other unfavourable reactions in passengers, or at least might have acted as triggers for allergic reactions by some well-known allergens and/or haptens. In order to overcome these difficulties, a new disinsecting method based on a residual spray of long effectiveness, permethrin, was developed in New Zealand and approved by WHO. This residual method of disinsecting decreases the risk of adverse effects in persons susceptible to components of insecticidal aerosols.

2.3.5 The FAL Division noted that although the existing methods, procedures and substances used in aircraft disinsection had been thoroughly studied and found safe by WHO, in some countries routine spraying had been discontinued because of concern for the health of passengers and crews and the belief that aircraft spraying has not played a significant role in disease control.

2.3.6 It is essential to meet the requirements for the protection of public health, the environment and agriculture, and at the same time care for the comfort and well-being of passengers and crew.

### 2.3.7 *Disinsection practices*

Aircraft disinsection can be performed in several ways:

- a) by residual treatment;
- b) by space spraying with or without passengers present; and
- c) by combinations of both.

Disinsection methods presently used by airlines may be done by spraying before or during the flight using aerosols and residual treatment.

#### Types of disinsection procedures

2.3.8 *“Blocks away” disinsection.* This procedure takes place after passengers have boarded, and the doors have been closed, and prior to take-off. The aircraft is treated by crew members walking through the cabins discharging approved single shot aerosols at the prescribed dosage. Cargo holds and the flight deck are sprayed prior to departure and the flight deck prior to boarding by the crew.

2.3.9 *Pre-flight and top-of-descent spraying.* This procedure is similar to “blocks away” except that the aircraft cabin is sprayed on the ground prior to passengers’ boarding, using an aerosol containing a residual insecticide. The timing of this spray allows lockers to be open and causes minimum inconvenience to passengers. Pre-flight spraying is followed by a further in-flight spray carried out at “top-of-descent” as the aircraft starts its descent to the arrival airport.

2.3.10 *Residual treatment.* Using this procedure, the internal surfaces, excluding food preparation areas, of the aircraft are regularly sprayed with a residual insecticide to ensure that if an insect gains access to the aircraft and lands on a surface it will receive an effective dose of insecticide. The residual disinsection treatment provides the most assurance against adverse health reactions, remains efficacious for eight weeks, does not require passengers or crew to be exposed to aerosol sprays, and also requires less work by aircraft cabin crew. Nevertheless, it is recognized that not all airlines would employ this method for reasons associated with airline operations and, to a lesser degree, cost considerations. It is for this reason that airlines should be given several options for achieving effective disinsection.

2.3.11 ICAO Standards do not require any State to conduct cabin spraying on an aircraft while passengers are present, nor to perform any other kind of disinsecting. Contracting States requiring disinsection are to comply with the recommendations of the World Health Organization (WHO). (Standard 2.24)

2.3.12 When disinsection has been performed in accordance with procedures recommended by the World Health Organization, the Contracting State concerned shall accept a pertinent certification on the General Declaration as provided for in Annex 9, Appendix 1 (reproduced at the end of this chapter) or, in the case of residual disinsection, the Certificate of Residual Disinsection set forth in Annex 9, Appendix 4 (also reproduced at the end of this chapter).

## **2.4 ADVANCE NOTICE OF ARRIVAL AND REQUESTS FOR PRIOR AUTHORIZATION OF INTERNATIONAL GENERAL AVIATION AND OTHER NON-SCHEDULED FLIGHTS**

### **The SARPs of Annex 9, Chapter 2, section F: Arrangements concerning international general aviation and other non-scheduled flights**

2.4.1 Article 10 of the Chicago Convention, titled *Landing at customs airport*, provides that:



“Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, 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 ...”

2.4.2 The purpose of requiring advance notice and prior authorization of international flights is to enable government agencies to provide competent border inspection and air traffic control human resources, as well as adequate system support for inspection and clearance of aircraft and their loads.

2.4.3 Prior authorization and advance notice should not be confused with the authority of a flag carrier to operate flights over certain routes to certain foreign destinations. This latter type of authority is obtained by a national government through negotiations for a bilateral or multilateral agreement or an “open skies” arrangement, and it permits the aircraft operator, in principle, to operate one or more flight frequencies.

2.4.4 Specific authorization to arrive at or depart from a particular airport is given by one of the authorities responsible for border security — usually customs in the State concerned. In order to obtain such authorization, the operator must satisfy the border control authorities’ requirements for identification, information about the size and nature of its passenger and/or cargo load, and an adequate security or bond to protect the revenue of the government concerned. This authorization is known as “landing rights”.

2.4.5 For regularly scheduled flights, landing rights are communicated by the public authorities of the State concerned to those entities operating into its territory. These national procedures are therefore not addressed in Annex 9. (Further information may be found in Doc 9587, *Policy and Guidance Material on the Economic Regulation of International Air Transport*.)

2.4.6 For other than regularly scheduled flights operated by entities that may not have installations or regularly scheduled operations, advance notice and prior authorization procedures are addressed in Annex 9 in the interests of interoperability and facilitation of entry/departure formalities. States are required to publish their requirements concerning lead time for advance notices, applications for prior authorization of such flights and other relevant information in their respective Aeronautical Information Publications (AIPs).

2.4.7 Standards and Recommended Practices detailing procedures for advance notice, and requests for prior authorization concerning international general aviation and other non-scheduled flights, are included in Annex 9, Chapter 2, Section F.

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## APPENDIX 1 TO CHAPTER 2. GENERAL DECLARATION

**GENERAL DECLARATION**  
(Outward/Inward)

Operator .....

Marks of Nationality and Registration..... Flight No. .... Date .....

Departure from ..... Arrival at .....

(Place) (Place)

---

**FLIGHT ROUTING**  
(“Place” Column always to list origin, every en-route stop and destination)

PLACE	NAMES OF CREW*	NUMBER OF PASSENGERS ON THIS STAGE**
		<i>Departure Place:</i> Embarking ..... Through on same flight .....
		<i>Arrival Place:</i> Disembarking ..... Through on same flight .....

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<p><i>Declaration of Health</i>                      Name and seat number or function of persons on board with illnesses other than airsickness or the effects of accidents, who may be suffering from a communicable disease (a fever — temperature 38°C/100°F or greater — associated with one or more of the following signs or symptoms, e.g. appearing obviously unwell; persistent coughing; impaired breathing; persistent diarrhoea; persistent vomiting; skin rash; bruising or bleeding without previous injury; or confusion of recent onset, increases the likelihood that the person is suffering a communicable disease) as well as such cases of illness disembarked during a previous stop.....</p> <p>.....</p> <p>Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight. If no disinsecting has been carried out during the flight, give details of most recent disinsecting .....</p> <p>.....</p> <p>Signed, if required, with time and date _____  <span style="margin-left: 150px;">Crew member concerned</span></p>	<p>For official use only</p>
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I declare that all statements and particulars contained in this General Declaration, and in any supplementary forms required to be presented with this General Declaration, are complete, exact and true to the best of my knowledge and that all through passengers will continue/have continued on the flight.

SIGNATURE \_\_\_\_\_  
Authorized Agent or Pilot-in-command

297 mm (or 11 3/4 inches)

Size of document to be 210 mm × 297 mm (or 8 1/4 × 11 3/4 inches).

\* To be completed when required by the State.

\*\* Not to be completed when passenger manifests are presented and to be completed only when required by the State.

←----- 210 mm (or 8 1/4 inches) -----→













**APPENDIX 4 TO CHAPTER 2. CERTIFICATE OF  
RESIDUAL DISINSECTION**

GOVERNMENT OF .....

**CERTIFICATE OF RESIDUAL DISINSECTION**

Interior surfaces, including cargo space, of this aircraft ..... were treated with permethrin on .....  
(aircraft registration) (date)

in accordance with the World Health Organization recommendations (WHO Weekly Epidemiological Record No. 7, 1985, p. 47; No. 12, 1985, p. 90; No. 45, 1985, pp. 345-346; and No. 44, 1987, pp. 335-336) and any amendments thereto.

The treatment must be renewed if cleaning or other operations remove a significant amount of the permethrin residue, and in any case within 8 weeks of the above date.

Expiry date: .....

Signed: .....

Designation: .....

Date: .....



## Chapter 3

# ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

### 3.1 INTRODUCTION

#### The SARPs of Annex 9, Chapter 3, section A: General

##### Facilitating formalities

3.1.1 In order to achieve the objective of expediting the clearance of persons and their baggage, States should adopt border control regulations appropriate to their air transport environment, apply them in such a manner as to prevent unnecessary delays based on the principles described below, and implement them using the techniques and technologies described in 3.1.2 and 3.1.3. (Standard 3.1)

3.1.2 States should consider, when applying border control procedures, that operating conditions by air mode are not the same as operating conditions by other modes of travel.

3.1.3 Therefore, border regulations, policies and other measures should take into account such factors as:

1. Passengers arrive in groups (planeloads) but are cleared as individuals. Inbound passengers have their own applications for admissions and declarations for customs and quarantine purposes. Outbound passengers also pass through control points to board flights as individuals. This contrasts with travellers crossing borders by train or automobiles, who must wait until everyone in the vehicle has been cleared before they can proceed.
2. Documents unique to the air mode are submitted by the operator (e.g. Passenger Manifest, General Declaration).
3. Arrangements for attendance by inspection personnel are made in advance to coincide with flight arrivals and departures so that passengers may be presented for inspection immediately.
4. Air tickets can be supported by passengers' statements of their travel plans, when this factor affects eligibility to enter without a visa.
5. The operator carries a certain amount of identification data on each passenger in its system, and with that, may assist in facilitating formalities. The operator also controls the boarding of passengers on its flights and therefore can be bonded to check travel documents and perform organizing functions.

##### Security and facilitation

3.1.4 Conversely, in developing procedures aimed at the efficient application of border controls on passengers and crew, States need to take into account the application of aviation security, border integrity, narcotics control and immigration control measures, where appropriate. (Standard 3.2)

3.1.5 Such measures have to be an integral part of the procedures for processing passengers on arrival and departure; failure to take these measures into account during the initial planning stages of the procedures can result in complete failure of the process.

*Passport encoded information shall be revealed to the holder*

3.1.6 When a State decides to use bar codes or integrated circuit chips for the recording of personal data in passports, it should be revealed to the holder of the document upon request. (Standard 3.3)

3.1.7 Machine readable data encoded in bar codes or integrated circuit chips cannot be read by the human eye, however the passport holder has a right to know the type of personal data which have been encoded; this provision gives the holder permission to verify this data for accuracy.

3.1.8 To reveal the data contained in the machine readable zone of a passport, refer to Doc 9303, Part 1. (See Figure 1.)

#### Validity extension of machine readable passports

3.1.9 The specifications and technology used for issuing machine readable passports do not allow alteration of the data contained in the machine readable zone, including the expiration date. This is because during the manufacturing process of passports, the machine readable zone is inserted as an integral part of the passport data page, protecting such a part against alterations and making it impossible to extend the validity of a machine readable passport.

3.1.10 This means that any “external” renewal on a machine readable passport (i.e. by stamping a renewal) will create a mismatch between the information in the machine readable zone and the renewal stamp or page. This may cause confusion during the control process, thereby defeating the purpose of this type of document. Insertion of a new machine readable page would not be compatible with modern production processes. In fact, it may be more difficult than issuing a new document. In order to renew a machine readable passport, it must be replaced. (Standard 3.4)

## 3.2 VALID PASSPORTS AND VALID VISAS

### The SARPs of Annex 9, Chapter 3, section B: Documents required for travel

3.2.1 Annex 9 stipulates that States shall require from visitors only those documents listed in Chapter 3 of Annex 9 for entry into and departure from their territories. These documents are defined and described in this chapter. (Standard 3.5)

3.2.2 Worldwide accepted travel documents are national passports and destination country visas. These documents are considered sufficient for persons entering another State as visitors; no other identity document is required when a valid passport and visa are presented. (Standard 3.6)

3.2.3 However, this does not preclude States from receiving other official documents instead of passports and/or visas, such as personal identification presented within a territory covered by a special regional agreement (i.e. the Schengen Treaty); or accepting other identity documents in special circumstances (i.e. refugees); or denoting a special category of person (i.e. seafarers). (Standard 3.6, Note)



3.2.4 Below is a brief description of the documents mentioned above; details on the procedures for issuance, contents, validity and control of each document can be found in Chapter 3 of Annex 9.

*Note.— Annex 9 mentions exit visas and income tax clearance certificates, which are described below. Such documents are not recognized as travel requirements by Annex 9, thus no standard formats are recommended for their issuance.*

3.2.5 Passports, letters of transit and similar documents have been used for centuries to allow individuals to travel safely in foreign lands, but the adoption of the passport by all nations is a development of the 19th and 20th centuries. Except for brief periods during wartime, passports were not generally required for travel abroad and few States required passports. Governments have since learned that an official document or certificate identifying a traveller as a citizen or national, with a right to protection while abroad and a right to return to the country of his/her citizenship, is a necessity.

3.2.6 ICAO has been involved in standardizing passports since 1968 when the international civil aviation community expressed interest in developing recommendations on machine readable passports in the form of a book or card, aimed at accelerating the clearance of passengers through border controls.

3.2.7 The passport is required for both departure from and re-entry to States. Passports are periodically upgraded to incorporate new technologies designed to thwart counterfeiters and forgers. The most recent passport includes additional state-of-the-art innovations, including security thread embedded in the paper and special inks. Advanced printing technology is also used to provide additional deterrents to fraud. In general terms, the passport is the most known, used and standardized international travel document, which is issued by the competent authorities of the State of nationality and identifies the holder to other States' authorities.

### 3.3 SECURITY OF TRAVEL DOCUMENTS

#### The SARPs of Annex 9, Chapter 3, section C: Security of travel documents

3.3.1 Raising the level of confidence in the security of travel documents and inspection procedures has become an important objective of the ICAO FAL Programme. Strategies that may be adopted by Contracting States in this regard include promoting the use of new security techniques and systems to verify the authenticity of such documents and confirm the identity of the holders, supporting initiatives to improve inspection procedures for better security and efficiency, and supporting measures established by public authorities to deter illegal migration, with respect to both originating traffic and transit traffic.

3.3.2 Annex 9 contains, therefore, general principles on the security and integrity of travel documents, and on the document issuance processes. Standard 3.7 requires States to regularly update security features in new versions of their travel documents and Standard 3.8 mandates the establishment of controls on creation and issuance of travel documents. (Standards 3.7 and 3.8)

3.3.3 Doc 9303, Part 1, Volume 1 contains detailed information on security standards for machine readable travel documents and on the prevention of fraud associated with the issuance process.

#### ePassports and other biometrically-enabled machine readable travel documents (MRTDs)

3.3.4 Recommended Practice 3.9 promotes the use of biometric data in machine readable travel documents. The increased use of biometric-enhanced travel documents enable expedited passage of travellers through airport

controls, heightened aviation security and added protection against identity theft. Pursuant to this mandate, technical specifications for the deployment of biometric information in MRPs (i.e. “ePassports”) can be found in Doc 9303, Part 1, Volume 2. Biometric specifications for “eMRTDs” are found in Doc 9303, Part 3, Volume 2.

#### ICAO Public Key Directory (PKD)

3.3.5 An essential element in the introduction of ePassports and other such travel documents is the implementation of a global system for ePassport validation achieved via the exchange of Public Key Infrastructure (PKI) certificates. Such validation will allow border control authorities to confirm that the document held by the traveller: a) was issued by a bona fide authority; b) has not subsequently been altered; and c) is not a copy (cloned document). In addition, if the document has been reported lost or has been cancelled, the validation check can confirm whether the document remains in the hands of the person to whom it was issued.

3.3.6 ePassport validation is therefore an essential element to capitalize on the investment made by States in developing ePassports. Because the benefits of ePassport validation are collective, cumulative and universal, the broadest possible implementation of a scheme for ePassport validation is desirable.

3.3.7 Consequently, Recommended Practice 3.9.1 urges all Contracting States (a) issuing or intending to issue ePassports, and/or (b) implementing at border controls automated checks on ePassports to join the ICAO Public Key Directory (PKD) that has been set up to provide ePassport-issuing States a global validation system for such documents. (Recommended Practice 3.9.1) (More information on the ICAO PKD can be found on the ICAO MRTD website.)

#### Security and facilitation

3.3.8 Security is not viewed as an exception to facilitation provisions. Facilitation provisions are not intended to eliminate or reduce security measures but rather to enhance them.

3.3.9 Types of security:

1. document security;
2. border security (immigration, customs, quarantine, health);
3. revenue security;
4. physical security;
5. aviation security; and
6. national security (this element includes all of the above).

3.3.10 Increasing efficiency and security are not mutually exclusive objectives. In this regard, the provisions of Annex 9 are not intended to preclude the application of national legislation with regard to aviation security measures or other necessary controls. (Standard 1.6)

### 3.4 TRAVEL DOCUMENTS AND THE “ONE PASSPORT, ONE PERSON” POLICY

#### The SARPs of Annex 9, Chapter 3, section D: Travel documents

##### The machine readable passport

3.4.1 As of 1 April 2010, States are committed to issuing only Machine Readable Passports (MRPs). MRP specifications, found in Doc 9303, *Machine Readable Travel Documents*, Part 1 — *Machine Readable Passports*, are a

global standard. MRPs offer a high degree of document security. They are globally interoperable. They offer added protection against identity theft to holders. Over 175 States now issue MRPs as they see the MRP as a necessary tool in facilitating passenger clearance and improving security. Therefore, Standard 3.10, requires all Contracting States to begin issuing only MRPs, in accordance with the specifications of Doc 9303, Part 1, no later than 1 April 2010. (Standard 3.10)

3.4.2 However, it should be noted that this provision does not prohibit States from issuing non-machine readable passports or temporary travel documents of limited validity in cases of emergency (e.g. when a holder loses his passport and requires a travel document to return home).

3.4.3 In order to accommodate those States that have been issuing ten-year passports, Annex 9 also contains a “sunset” provision requiring all non-machine readable passports to expire before 24 November 2015 (Standard 3.10.1). Because a large proportion of States are now issuing MRPs, it is likely that holders of passports that are non-machine readable will find it increasingly difficult to travel internationally after 2015. For example, greater visa-free travel is now available in some parts of the world for MRP holders. An MRP holder is assured of quicker clearance at border control points because of the use of passport readers and the increasing familiarity of MRPs by border control officers. Further, as non-MRPs are more susceptible to document fraud, such passports will come under closer scrutiny and their holders increasingly subject to secondary examinations, thereby greatly delaying their entry into their destination State.

#### Contents of a passport

##### *Specifications for non machine readable passports*

3.4.4 Some States may not have begun to issue machine readable passports. For these States, Standard 3.12 requires that personal identification information, document issuance data and the format of the data page conform to the corresponding specifications published in Part 1 of Doc 9303. The provision also requires that the machine readable zone area is filled with words such as “this passport is not machine readable” or other data to preclude fraudulent insertion of machine readable characters. (Standard 3.12)

3.4.5 These requirements apply to all passports regardless of whether they are issued in machine readable format. In certain circumstances, passports are issued that are not machine readable, for example, overseas consular posts may not be equipped to issue machine readable passports to a citizen applying for a passport in an emergency. (Standard 3.10, Note)

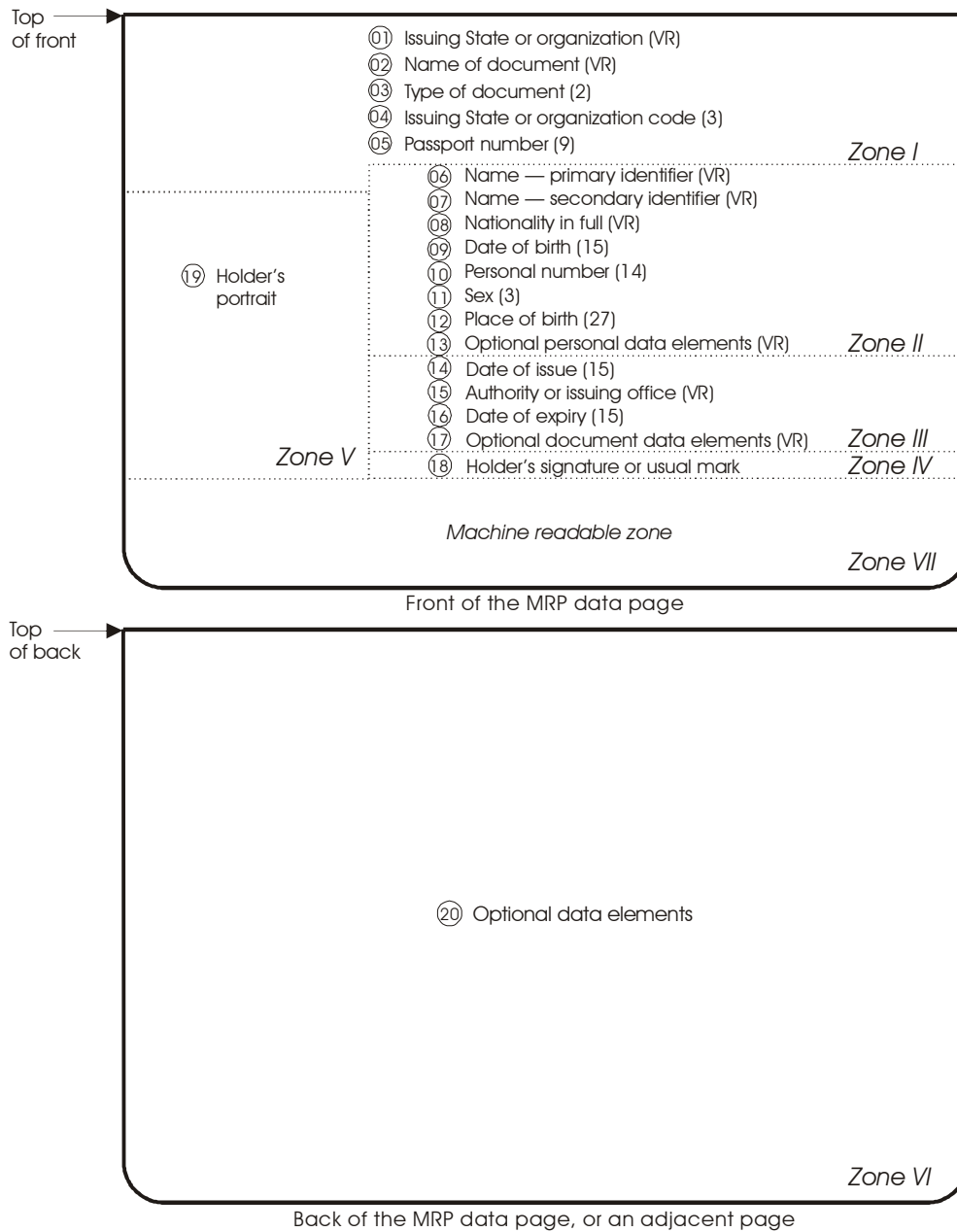
##### *Specifications for machine readable passports*

3.4.6 In the interest of interoperability, which ensures broad acceptance of the passports issued by any State, all passports should be issued in conformity with the specifications published in Doc 9303, Part 1. This document is continuously updated to provide States with technical information on the content and security features of passports, whether or not they are machine readable.

3.4.7 Holder identification data and document data are separated into the following zones (see Figure 2):

- Document type and issuing State or organization
- Personal identity information — names, date of birth, nationality (plus optional details) Information about the document — issuing authority, dates of issuance and expiry (plus optional details)
- The holder’s signature (mandatory)
- An identification feature such as a portrait (mandatory)





Notes:

1. (VR) =variable number of characters.
2. ( ) =maximum or fixed number of characters (see 8.6 -- Date Element directory)
3. ○ =field number.

Not to scale

**Figure 2. Machine readable passport data page**

- Any optional information which the State may wish to add for its own purposes
- A mandatory machine readable zone

#### *Validity of passports*

3.4.8 The lengthy process and cost of obtaining identity documents, or the need for frequent renewal of such documents, tends to discourage travel, particularly travel by air on relatively short notice. Moreover, travellers who possess several visas that expire after the passport expiration date suffer an added inconvenience because they then need to carry two passports when they travel: the expired passport with the unexpired visas and the new passport.

#### *Period of passport validity*

3.4.9 To overcome this problem, Annex 9 recommends that passports be issued to regular business or tourism passengers for a period of at least five years, for an unlimited number of journeys, and for travel to all States and territories. (Recommended Practice 3.16)

#### *Special purposes — passports excepted*

3.4.10 This does not preclude States from issuing passports valid for less than five years for special purposes, for example, States may issue diplomatic passports and other temporary passports which are issued under special circumstances and valid only for the period for which they are needed (short-term service passports, passports issued overseas to replace lost passports, emergency situations, etc.) (Recommended Practice 3.16, Note 2).

#### *Maximum validity period suggested in Annex 9*

3.4.11 Due to the normal wear and tear sustained by a passport in its lifetime, Annex 9 recommends a validity period of not more than ten years. After a number of years, documents are worn down by use, making it difficult to read the machine readable zone or the data in other zones, which compromises the integrity of the document or its pages, making it partially unusable. (Recommended Practice 3.16, Note 1)

#### *Expiration date*

3.4.12 The expiration date of passports helps authorities determine the number of passports in circulation and how many will need to be replaced using improved security and technology features as well as up-to-date personal identification details.

#### *Updating the physical appearance of the holder*

3.4.13 Another reason for not extending the period of passport validity for more than ten years is the changing appearance of the passport holder over time, such as skin wrinkles and the shape of the face may change due to age, aesthetic surgery and significant weight changes. The control authorities may have difficulty confirming the holder's identity if the passport was issued more than ten years previously.

Procedures for issuance, renewal or  
replacement of passports

3.4.14 The general public expects the issuance and renewal of passports by the appropriate authorities to be efficient. Authorities are required to develop and update procedures and provide facilities which meet such expectations, as well as keep informed of technological developments adopted or under implementation to cope with international needs.

3.4.15 With regard to the application procedures for issuance, renewal and replacement of a passport, Standard 3.14 requires States to make these procedures transparent to the applicant. (Standard 3.14)

*Facilities — establishment of publicly accessible facilities*

3.4.16 Facilities for processing applications for the issuance of passports should be easily accessible to the general public (Recommended Practice 3.13). Consideration should be given to locating such facilities in smaller, outlying communities in addition to principal cities.

*Applicable fees*

3.4.17 Considering that the issuance or renewal of passports is a governmental service which should be efficient and economical, any fee charged for this service should not exceed the cost of the operation. (Recommended Practice 3.14.1)

Machine readable visa (MRV) and the work of the  
Technical Advisory Group On Machine Readable Travel Documents (TAG/MRTD)

*Background*

3.4.18 In 1991, the Technical Advisory Group on Machine Readable Passports (TAG/MRP) was renamed the Technical Advisory Group on Machine Readable Travel Documents (TAG/MRTD) and expanded its terms of reference to include the development of specifications for machine readable visas. After extensive assessment of visas and other entry clearance documents from all regions of the world, and in cooperation with the International Organization for Standardization (ISO), the various data elements of a visa were determined and the specifications were published as guidance for States.

3.4.19 The specifications for machine readable visas, which are published in Part 2 of Doc 9303, enable a State to clear travellers to its territory by optical character reading devices, whether they hold a national passport as citizens or residents of that State, or hold foreign passports with machine readable visas issued by the State of entry.

3.4.20 Certain Annex 9 provisions recommend abolishing visas completely; unfortunately, States have been alternating periods of liberal and restrictive practices in the requirements for visas. Only a few countries have successfully experimented issuing machine readable visas designed in accordance with the specifications of Doc 9303.

*Definition of machine readable visa*

3.4.21 A machine readable visa (MRV) is an entry clearance or visa, suitable for machine reading in conformity with the specifications set forth in Doc 9303, Part 2. The MRV is a label that can be securely affixed to a visa page of a passport or other travel document. If, however, the visa page itself can be made to conform to the specifications

contained in Doc 9303, the MRV may be produced directly on the page itself. No more than one MRV shall appear on a single visa page and it must be legible both visually and by optical character recognition methods as prescribed in Doc 9303, and must remain so throughout the period of validity of the visa (i.e. marks, staples and stamps shall not be applied to the machine readable zone).

#### *Machine Readable Visa Type A*

3.4.22 The Machine Readable Visa Type A (MRV-A) are those visas which follow the specifications and dimensions described in Doc 9303, and which are suitable for use by States who wish to ensure there is sufficient space available to accommodate their data requirements and who do not need to maintain a clear area on the passport visa page adjacent to the visa (see Figure 3).

#### *Machine Readable Visa Type B*

3.4.23 The Machine Readable Visa Type B (MRV-B) are those visas which follow the specifications described in Doc 9303, and which conform to the dimensions defined for ID-2 type card (ISO 7810). These visas are suitable for use by States who wish to maintain a clear area on the passport visa page adjacent to the visa, e.g. so as not to obstruct the number printed or perforated on the pages of a passport book and/or to allow a seal to be placed on the visa and the passport page on which it is affixed (see Figure 4).

#### *Specifications for machine readable visas*

3.4.24 The format and content of the visa formats are described in detail in Doc 9303, Part 2. In order to ensure the interoperability of all travel documents, Annex 9, provision 3.11, recommends that States issue their visas in conformance with technical specifications contained in Doc 9303 (Recommended Practice 3.11).

One passport, one person

#### Background

##### *The family passport*

3.4.25 Around forty years ago, with the ushering in of the jet-age, ICAO introduced a Recommended Practice that allowed the inclusion of children under sixteen years of age in a parent's passport for the purpose of enhancing facilitation. At that time, experts believed that including several people in one passport would assist authorities in expediting clearance of passengers at control points, and States were encouraged to accept "family passports".

##### *Inconvenience and confusion with allowing more than one person in a passport*

3.4.26 With the huge increase in the numbers of air travellers over the years, this practice became inconvenient for the traveller and confusing for inspecting authorities. Moreover, from data gathered in a survey of existing State practices regarding this procedure, it became clear that standardization (of details of minors included in family passports) would not readily be achieved among States.



*Introduction of Machine Readable Passports*

3.4.27 State practice has proved that the Machine Readable Passport (MRP) is a better tool for efficiently managing control processes and expediting the clearance of passengers, while maintaining the highest level of security. A basic principle supporting this tool is that the data page of an MRP refers only to one person.

3.4.28 With the aim of developing recommendations to States concerning the standardization of the procedure for including dependants in the passport of a primary holder, for subsequent inclusion in Annex 9, in 1998 ICAO carried out a survey which ascertained that: the national laws of many States provided for the inclusion of minor children in the passport of a primary holder; there were no uniform State practices nor a universal agreement on the definition of "minor child"; the required identifying data of a minor child included on a parent's passport were not uniform; and the usefulness of standardizing procedures for including children in the passport of a primary holder was questionable. Further discussions considered the results of a United Kingdom study "UK Agenda for Children" regarding the abduction of children, which recommends issuing individual passports with a photograph of the minor-holder and discontinuing "family passports".

*Family passport eliminated*

3.4.29 Consequently, ICAO eliminated the "family passports" Recommended Practice from Annex 9, and substituted it with a new Standard, which is the concept of "one passport, one person". (Standard 3.15)

3.4.30 This Standard has formally been adopted by ICAO. The concept "one passport, one person" also serves to support a Standard requiring the issuance of MRPs as specified in Doc 9303. (Standard 3.10)

*Benefits for implementing the concept of "one passport, one person" in relation to the MRP**Compatible with MRP technology*

3.4.31 The implementation of this concept is compatible with machine readable passport technology and has a direct, positive effect on worldwide security, control and clearance of passengers at exit and entry points. It facilitates identification of persons and enhances the inspection process by considerably reducing manual data entry. It also standardizes the use and exchange of information, supports universal system integrity that leads to achieving global interoperability, and reduces counterfeiting and other document abuses.

*Travel independence of holder*

3.4.32 Another advantage of the "one passport, one person" concept is that it removes the risk of a person travelling overseas without identification; such could be the case if the holder has to continue a trip without the other person(s) named in the passport. For example, a child whose parent has to continue a trip without the child, will leave behind an undocumented child. A similar scenario may occur when a spouse is included on the other spouse's passport.

*Cost savings*

3.4.33 The cost of problems stemming from imprecise identification of persons in "family passports" can be far greater than the cost of issuing individual passports. In the context of international security, integrity of information and implementation of efficient management of control processes, the question should be, "Can we afford not to issue individual passports?"

*Saving cost of fraud*

3.4.34 Families accustomed to previous State practice may initially object to the requirement of paying for separate passports for each family member, but it should be pointed out that having separate passports will, in the long run, be much more cost-efficient and convenient for each member.

*Note.*— *A child's passport may need to be issued with a shorter validity period to ensure more frequent updating as the child's appearance changes.*

*Supporting the cost of a child's passport*

3.4.35 Some States have mitigated the cost to families by introducing a lower fee structure for a child's passport.

## Benefits in relation with children's rights issues

3.4.36 The benefits for implementing the concept "one passport, one person" in the light of international law and the rights of children are as follows:

*May prevent child abductions*

3.4.37 With regard to a child being included on a parent's passport, there is potential, during custody disputes, that this practice would make it easier for one of the parents to abduct the child and gain unauthorized entry into a different territory. The "one passport, one person" concept could prevent this scenario.

3.4.38 It has also been asserted that, at times, photographs of children are not attached securely to passports. This deficiency allows for possible switching of portraits in aid of child trafficking. A separate machine readable passport permits easier confirmation of the child's identity.

*Combat illicit transfer of children*

3.4.39 In 1998, the ICAO Assembly adopted Resolution A32-18, "International co-operation in protecting the security and integrity of passports". The Assembly noted that high-level cooperation among States is required in order to strengthen resistance to passport fraud, including "... the misuse of authentic passports by rightful holders in furtherance of the commission of an offence...". The abduction of children is clearly one such offence. Under Article 11 of the 1989 Convention on the Rights of the Child, States are obliged to take measures to combat the illicit transfer of children abroad.

*Child's right to a nationality*

3.4.40 It has been long recognized in national and international law that the passport is a travel document issued by the competent authority showing the bearer's origin, identity and nationality. Article 15 of the 1948 Universal Declaration of Human Rights states that "Everyone has the right to a nationality". A child who does not possess his/her own travel document might be deprived of this right. Moreover, Article 7 of the 1989 Convention on the Rights of the Child declares that a child shall have the right from birth to acquire a nationality. Under Article 8 of the Convention on the Rights of the Child, States undertake to respect the right of the child to preserve his or her identity and nationality. Over 190 States are parties to this Convention.

*Child's right to an identity*

3.4.41 "The State of the World's Children 1996", 50th Anniversary Edition of the United Nations Children's Fund (UNICEF) report, commenting on the Convention on the Rights of the Child states: "The key underlying advance is the recognition of the child as a complete individual. The Convention establishes that the child has an identity distinct from those of parents or nurturers and that the [international] community has a duty to protect that identity and to enable the child to express it in matters such as guardianship or custody." The "one passport, one person" concept would ensure that these principles of international law are respected and practiced.

### 3.5 ENTRY, EXIT AND RE-ENTRY VISAS

#### The SARPs of Annex 9, Chapter 3, section D: Entry/re-entry visas and section E: Exit visas

3.5.1 A visa is a document issued by national embassies and consulates permitting a duly identified person to enter into the national territory of the State issuing the visa. A visa does not guarantee entry. That remains the right of border control officers at the point of entry. Since the purpose of the visa is to have individual control of foreigners visiting a country and also to limit their number of visits and their length of stay, visas may have different restrictions and characteristics. The requirement of visas to foreign visitors usually depends on diverse factors related to the sort of concerns the receiving country may have about the visit of nationals from other specific countries.

#### Validity of visas

*Limited duration of stays*

3.5.2 Some visas are valid for a certain period which is usually the length of the visitor's authorized stay. For example, a visa for a student or diplomat which is valid for three years allows the person to remain in the country for that period. In other cases, a visa may be valid for a longer time than an authorized stay, for example, an ordinary tourist visa may be valid for multiple entries during four years, but the length of stay authorized each time may be limited to three months. (Standard 3.24)

*Visa valid for at least six months*

3.5.3 A visa shall be valid for use within a period of at least six months from the date of issuance regardless of the number of entries. (Standard 3.24)

3.5.4 This type of visa is granted by the State at its embassy or consulate, and stamped or attached to the person's passport. It should not be confused with the entry permit granted by the State to the person at the entry point.

*Length of entry permit*

3.5.5 The length of the entry permit granted at the entry point is subject to the validity and expiration date of the visa initially granted, and with the understanding that the duration of each stay may be limited. (Standard 3.24)

**Example:** A State issues a tourist visa valid for six months on 5 January 2003. The person visits the State on 17 January 2003. The State grants a permit to stay in the country for a maximum of two months. ***This***



**permit is valid only for this visit and it cannot be used again.** The person decides to leave after 15 days, then visits the State again on 23 April 2003 using the visa initially granted. At the entry point, the State grants this person a permit to stay in the country for one month only, because the visa expires on 5 July 2003.

#### Procedures for issuing visas

##### *Transparency*

3.5.6 When developing and implementing procedures for issuing visas, States should establish simple and transparent application procedures. (Standard 3.22)

##### *Response time*

3.5.7 The procedures adopted must ensure States and users that, once the application forms for entry visas are properly filled, such an application will be processed as quickly as possible. (Standard 3.22)

##### *No personal appearance needed*

3.5.8 Some States do not have embassies or consular offices worldwide, and so Annex 9, Recommended Practice 3.23, advises that these States provide facilities to process applications at remote locations. In these cases, the visa issuance procedure should not require the applicant to make a personal appearance (Recommended Practice 3.23), but would require additional measures at the border control point of entry, similar to the measures used to authorize the issuing of a visa at the entry point when a traveller arrives. These measures are aimed at verifying the personal background of the applicant and the control procedure that should be applied at arrival.

3.5.9 This provision may be applied when personal appearance by the traveller to the issuing office is very difficult because of personal impediments or emergency circumstances.

#### Non requirement of visa

3.5.10 The difference in the level of threat perceived by a receiving country from another country makes this requirement applicable to only some visitors. Some States grant visa exemptions to certain nationalities for political or practical reasons and may decide to do so on the basis of reciprocity. The most common political reason is the free-movement right granted to nationals of member States of regional/subregional integration pacts.

3.5.11 Some States set this requirement as a general practice without actually assessing the threat posed by individual countries. This practice should be reviewed with the aim of waiving or abolishing the entry visa requirement for visitors from a maximum number of States possible that, in response, may also abolish such a requirement.

##### *No re-entry visa for national and permanent residents*

3.5.12 Some States, because of particular needs of migration/immigration control, require an exit and/or re-entry visa for their nationals or resident aliens. This document is not commonly issued or requested and represents an additional burden limiting individual freedom and economically hindering international trade and travel. Standards 3.17 and 3.20 oblige States to eliminate these requirements and, in order to abolish every possible discrimination, as requested by the United Nations Charter of Human Rights, the provisions of 3.18 and 3.21 also recommend eliminating

the exit and/or re-entry visa requirements for resident aliens who hold lawful permanent resident permits. (Standards 3.17 and 3.20 and Recommended Practice 3.21)

#### Specifications for non machine readable visas

3.5.13 In cases where visas are not machine readable, Annex 9, Recommended Practice 3.25, advises that States ensure that personal and issuance data as well as the format of such documents' visual zone conform to the specifications set in Doc 9303, Part 2. This recommendation is aimed at keeping the visa format uniform regardless of whether it is machine readable. (Recommended Practice 3.25)

#### Waive entry requirement

3.5.14 To promote tourism and business travel, the State should consider waiving or abolishing an entry visa for nationals of a maximum number of States. (Recommended Practice 3.19)

3.5.15 When a State waives or abolishes the entry visa requirement, it means that when the visitor arrives at a control entry point, the State will review the permit for entering and determine the length of stay. The State officer will review each case and apply the State regulations and procedures for granting such entry permits.

*Note.— Some States do not require an entry visa for nationals of certain States which are considered to be of low risk. After applying risk management principles (i.e. frequent business travellers), such States usually will not require a visa if the person does not intend to remain in its territory for more than 90 days.*

3.5.16 Some States grant visa exemptions to certain nationals for international political reasons and/or on the basis of reciprocity.

### 3.6 EMBARKATION AND DISEMBARKATION CARDS

#### The SARPs of Annex 9, Chapter 3, section G: Embarkation/Disembarkation Cards

3.6.1 The embarkation and disembarkation cards are forms that may be required by the States of origin and/or destination of the traveller. These cards, which should be provided free of charge to airlines and travel agencies by the interested State (Standard 3.29), contain the traveller's information for immigration and customs control, provide statistical information, and also provide the issuing State with a written record of each traveller's entry and/or departure. In these cases, States should limit its information requirements to those set in the standard embarkation/disembarkation card provided in Appendix 5 of Annex 9, and accept these cards as completed by the traveller instead of requiring the airline to complete or check them. (Standards 3.27, 3.28 and 3.29)

3.6.2 Many States request arriving travellers to complete not only the disembarkation card but also a customs declaration form, which is used to ascertain if a person is importing limited quantities of goods and/or cash currency which are subject to taxation or to special clearance procedures. Since this type of form is not considered by Annex 9, the content should not duplicate personal information provided through other forms or documents. When personal information is requested by different authorities, a database is used to capture identification data from MRTDs or other sources, allowing the authorities to share this information (see Figure 5). (Recommended Practice 3.26)

**INTERNATIONAL  
EMBARKATION/DISEMBARKATION CARD**

(Please print in block letters\*)

1. Name: .....  
*Primary name* *Secondary name(s)*

2. Date of birth: .....  
*Year* *Month* *Day*

3. Nationality: .....

4. Travel document: .....  
*Issuing State* *Document type* *Number*

5. Arriving passengers:  
port of embarkation  
or .....  
Departing passengers:  
port of disembarkation

6. (Other data, requested at the option of the State)

a).....

b).....

c).....

\*Applies to languages using the Latin alphabet.

**Figure 5. Embarkation/Disembarkation Card**

### 3.7 CERTIFICATES OF VACCINATION

#### The SARPs of Annex 9, Chapter 3, section H: Certificates of vaccination

##### Definition of the Certificate of Vaccination

3.7.1 Under the International Health Regulations adopted by the World Health Organization, a country may, under certain conditions, require an International Certificate of Vaccination against certain diseases from international travellers. International Certificates of Vaccination are official documents provided to record vaccinations for presentation to health officials.

3.7.2 More information on procedures for issuance, contents, validity and control of this document can be found on the World Health Organization website at [www.who.int](http://www.who.int).

##### Definition of vaccination

3.7.3 Vaccination is the administration of a vaccine to stimulate a protective immune response that may prevent disease in the vaccinated person if contact with the corresponding infectious agent occurs. Thus, vaccination, if successful, results in immunization. In practice, the terms “vaccination” and “immunization” are often used interchangeably.

##### Common vaccinations

3.7.4 The most common vaccinations for the international traveller are cholera and yellow fever.

##### Acceptance of the International Certificate of Vaccination

3.7.5 When States want to prevent the international spread of contagious and quarantinable diseases, they may require visitors to provide evidence of protection against such diseases. For these cases, Standard 3.30 requires the concerned authorities to accept the International Certificate of Vaccination or Revaccination prescribed by the World Health Organization (WHO). (Standard 3.30)

##### Characteristics of the International Certificate of Vaccination

3.7.6 An International Certificate of Vaccination will be valid if it contains the following characteristics:

1. Completeness of Certificate

The certificate must be complete in every detail; if incomplete or inaccurate, it is not valid.

2. Signatures

The certificate must be signed by a licensed physician or by a person designated and authorized by a physician. A signature stamp is not acceptable. When the certificate is issued to a child who is unable to write, it should be signed by a parent or guardian. For people who are illiterate, the signature should be indicated by their mark and certified by another person.

### 3. Languages

The certificate must be printed in English and French; an additional language may be used.

### 4. One International Certificate of Vaccination per person

The certificate is an individual certificate and should not be used collectively. Separate certificates should be issued for children, i.e. the information should not be incorporated in a parent's certificate.

### 5. Vaccine approved by WHO

The certificate is valid only if the vaccine used has been approved by WHO and if the vaccinating centre has been designated by the health administration for the territory in which that centre is situated.

## Why do we need Certificates of Vaccination for travelling?

3.7.7 The globalization of infectious diseases is not a new phenomenon. Increased population movements, whether through tourism or migration or as a result of disasters; growth in international trade in food and biological products; social and environmental changes linked with urbanization, deforestation and alterations in climate; and changes in methods of food processing, distribution and consumer habits have reaffirmed that infectious diseases found in one country are potentially a concern for the entire world. (See the World Health Organization website at <http://www.who.int>)

3.7.8 In addition to epidemics that occur naturally, outbreaks could also result from intentional or accidental release of biological agents. Consequently, the need for international cooperation and international health regulations in order to safeguard global health security is crucial.

## **3.8 PASSENGER DOCUMENTS AND OPERATORS — STANDARDS 3.31 AND 3.33 AND RECOMMENDED PRACTICE 3.32**

### **The SARPs of Annex 9, Chapter 3, section I: Inspection of travel documents**

3.8.1 States rely on the operators' check-in procedures to ensure that passengers are properly documented. Moreover, many destination States have adopted rules imposing fines on the operator who fails in detecting non-compliant passengers or in taking preventive measures for avoiding the destruction of travel documents during the flight by their owners.

3.8.2 Because of the economic burden of these fines as well as other expenses associated with the return of such passengers to their point of origin, operators should take precautions at the point of embarkation to ensure that passengers possess the travel documents prescribed by the States of transit and destination for control purposes (Standard 3.6). This is the operators' commitment established through Standard 3.33.

3.8.3 It is important to highlight that, although Annex 9 contains provisions which seem to commit only States' authorities, certain provisions, like those mentioned above, are aimed at clarifying these responsibilities and involve other entities linked to transport activities. These entities also have an important role in facilitation because their procedures are a part of the whole process to which passengers are subjected to when travelling internationally. However, even though the documentary check is the responsibility of the operators, it must be understood that they do not always have all the information and expertise required to succeed. Thus, Annex 9 requires public authorities to assist operators to evaluate travel documents presented by passengers. (Standard 3.31)

3.8.4 The terms of such cooperation may differ in each State and airport, depending on the resources that may be available to the operator. For example, when it is difficult or impossible for the operator to contact the embassy or consulate of the State concerned, immigration authorities at the airport could provide useful assistance and expertise when doubts exist as to the validity and authenticity of travel documents.

#### Abuses of immigration requirements by travel agents

3.8.5 Whenever a travel agent's right to sell air transportation on behalf of an airline is withdrawn by that airline for abuses in the observance of immigration requirements, the airline taking such action should inform the public authorities concerned, as well as all other airlines that may be affected by these abuses, so that they may take appropriate action.

#### Cooperation agreements to counter abuses on travel documents

3.8.6 States could also enter into cooperative arrangements (such as Memoranda of Understanding or MoUs) with the operators providing international services to and from those States, in order to fight travel document fraud. These agreements should set guidelines for their mutual support and cooperation in this area and assign particular responsibilities on the following issues:

- a) to ascertain the validity and authenticity of the travel documents of embarking passengers; and
- b) to establish the necessary steps to prevent the loss or destruction of documents by passengers en route to their destinations.

#### Positioning of liaison officers from other States

3.8.7 With the aim to contribute to the effectiveness of documentary checking procedures applied by operators, States may consider making arrangements with other States to permit positioning of "liaison officers" at airports to establish the validity and authenticity of the travel documents of embarking passengers (Recommended Practice 3.32). These arrangements could be through the use of MoUs or other forms of international cooperation.

#### No fines if operator complied with requirements

3.8.8 Recognizing the efforts made by operators, fines should not be imposed on them when arriving and/or in-transit passengers are found improperly documented and when the operator can demonstrate that all adequate precautions were taken to avoid these occurrences. For this purpose, Standard 5.14 was issued requiring States to proceed in accordance therewith.

### **3.9 CLEARANCE FORMALITIES: DEPARTURE**

#### **The SARPs of Annex 9, Chapter 3, section J: Departure procedures**

3.9.1 Authorities, operators and airport management have the opportunity to improve their public image by establishing efficient clearance times for processing travellers and their baggage.

3.9.2 To establish maximum efficiency, there must be close and practical coordination and cooperation among all entities in charge of the various formalities. Since the real time required for the whole clearance process is measurable, the comparison between the real time and the adopted target time provides an accurate measure, which can be used to detect and analyse particular problems (i.e. lack of resources, non-practical procedures, lack of coordination). Through this analysis, the search for, and choice of, appropriate solutions are supported by facts.

3.9.3 The establishment of maximum clearance times is in line with the principle contained in Standard 1.2 of Annex 9, which requires States to keep to a minimum the time required for the accomplishment of border controls in respect of persons and aircraft and for the release/clearance of goods. Annex 9 also contains provisions establishing such maximum clearance times, which were adopted based on the experiences of experts who, representing diverse disciplines and different parts of the world, assisted ICAO in developing and/or improving facilitation measures.

#### Check-in times

3.9.4 Carriers should systematically publish the last check-in time in timetables for use by the public, at least for each international flight. The last check-in time should be confirmed in writing to passengers at the time they make reservations or purchase tickets. The operators and airport administrations should endeavour to determine, for each airport, a single time for each flight category.

#### Information on delays

3.9.5 Operators should make every effort to inform their passengers of any delays in departure times, prior to check-in.

#### Goal for outbound clearance formalities

3.9.6 The goal for completion of all outbound clearance formalities for passengers and their baggage is 60 minutes (Recommended Practice 3.36). This time must be calculated in aggregate, and refers to all passengers requiring normal processing.

#### Activities for completion of outbound clearance formalities

3.9.7 The required outbound clearance formalities to be completed within the recommended 60 minutes include:

- airline check-in;
- aviation security measures;
- where applicable, the collection of airport charges and other levies; and
- outbound border control measures, e.g. passport, quarantine or customs controls. (Recommended Practice 3.36)

#### Multi-channel immigration system (Recommended Practice 3.37)

3.9.8 This method allows for the separation of the more demanding groups. For example, separating national and permanent residents from crew members and visitors. The latter may also be separated into those belonging to a State with special privileges.

3.9.9 The further benefit of sorting persons using multi-channel technology is that it will also allow processing persons faster, since the control agent will be performing repetitive research tasks for a specific group.

### 3.10 CLEARANCE FORMALITIES: ENTRY

#### The SARPs of Annex 9, Chapter 3, section K: Entry procedures and responsibilities

##### Operators information obligation

3.10.1 Airline operators, airport administrations and public services of Contracting States should maintain, and expand where possible, programmes that inform passengers, in a timely manner, of entry requirements and procedures, particularly with respect to public health and immigration requirements, customs exemptions, prohibitions and restrictions on imports, agricultural quarantine regulations and rates of duty on articles most commonly purchased abroad by tourists and other returning travellers.

##### Goal for inbound clearance formalities

3.10.2 The goal for completion of inbound clearance formalities, for passengers requiring normal inspection, should be a maximum of 45 minutes (Recommended Practice 3.39). This time should be achieved regardless of the aircraft size and the scheduled arrival time.

##### How to calculate the time goal

3.10.3 The 45-minute goal should be calculated from the time the passenger disembarks from the aircraft to the moment the passenger has been cleared from all the authorities involved in the procedure, including aviation security measures and inbound border control measures (e.g. immigration, quarantine or customs controls).

##### No collection of documents before arriving at control points — Standard 3.41

3.10.4 When outlining border control procedures, the authorities involved should consider the unpleasant effects on, and concerns of, travellers when their documents are collected before arriving at control points. Because there is a real risk of documents being lost, travellers fear becoming “undocumented” and potentially facing personal difficulties as well as time-consuming and expensive formalities for the re-issuance of their travel documents. In this case, not only passengers but also the authorities involved are affected, as resulting complaints make it difficult for the authorities to tackle such problems.

3.10.5 In this context, Standard 3.41 establishes that, excepting special circumstances, States shall not require the collection of passports, official travel documents or other identity documents from passengers or crew before they arrive at the passport control points. (Standard 3.41)

##### State to expeditiously accept persons for examination — Standard 3.42

3.10.6 There are cases where, due to lack of human resources or other reasons, an aircraft and its travellers have to wait until (border control) public authorities are ready to receive them. For this reason, both air carriers and travellers



are subjected to longer clearance times which cause congestion in certain airport areas, such as aprons and departure gates. This also hinders airline schedules and slot-allocation at the airport affected by this problem.

3.10.7 Taking into account the above as well as the cost and operative impact of such delays on air carriers, travellers and airports, Standard 3.42 requires public authorities concerned to expeditiously accept passengers and crew for examination as to their admissibility into the State. (Also see the Glossary to this manual for the definition of “admission” and Annex 9, Standard 5.16 on issues relating to admissibility.)

Operator responsible for persons  
until examination — Standard 3.43

3.10.8 Operators and border control authorities need to formalize the scope of their responsibilities regarding custody and care of international travellers. The establishment of clear and standard responsibilities helps operators avoid confusion and mistakes, and tightens the application of border controls. In this regard, Standard 3.43 stipulates that it is the responsibility of operators for the custody and care of passengers and crew until they are accepted for examination, and commits States to standardize such a responsibility by adopting this provision.

3.10.9 The term “accepted for examination” is defined in Annex 9 as “A passenger or crew member is ‘accepted for examination’ when he makes his first appearance at the arrivals control point after disembarkation, to seek entry into the country concerned, at which time the control officer makes a determination whether he should be admitted or not. This does not include the sighting of travel documents, which may be carried out immediately upon disembarkation.” (Standard 3.42 Note)

3.10.10 The responsibility of the operator, as established in Standard 3.43, includes the custody and care of passengers and crew between:

- the aircraft and the terminal building; and
- within the terminal building up to the border control points.

Seizure of fraudulent, falsified or counterfeit documents

3.10.11 In order to ensure that fraudulent, falsified or counterfeit documents are removed from circulation, so that they cannot be used and re-used for illegal migration, Standard 3.46 obliges States to seize such documents. The Standard also requires States to seize the documents of an impostor, i.e. a person travelling on someone else’s documents. These seized documents are to be returned to the State named as the issuer of the documents or to the resident Diplomatic Mission of that State.

Advance passenger information (API)

*Purpose of API*

3.10.12 Annex 9, Recommended Practice 3.47, advises that States introduce a system of advance passenger information, which allows the capture of passenger information prior to departure, as well as the transmission and analysis of such data by the public authorities concerned.

3.10.13 The availability of pre-arrival information of travellers for clearance purposes at border control points allows the application of appropriate risk management techniques, which expedite the clearance process and focus control resources on detecting and screening those travellers with higher risk levels. The primary value of the API is the

improvement in security and passenger clearance procedures in terms of efficiency and effectivity. Statistically, most travellers do not pose any threat to law enforcement, thus “innocent” traffic should be subject to minimum control.

3.10.14 API is a facilitation measure, but it is also acknowledged as a security measure since possible problem cases may be identified in advance of arrival, thereby enhancing law enforcement and security. This could be a strong motivation for a government to spend the resources necessary to improve inspection processes. It should be noted, however, that success of an API programme is measured by the increase in operational efficiency and the reduction in airport congestion.

#### *Description of API*

3.10.15 An API system involves the following steps:

- 1) capturing certain passport or visa information prior to departure of the persons and complementing it with particular flight data;
- 2) transmitting the above information by electronic means to the respective public authorities; and
- 3) processing such data for profiling, analysing (risk assessment) and determining the control process to be applied when the traveller arrives.

#### Use of document reading devices

3.10.16 An important tool for minimizing check-in and entry-clearance times is the document reading device. There are two main benefits of such reading devices: the quick reading of the travel document information and the accuracy of data.

#### Use of standard specifications in Doc 9303

3.10.17 Uniformity yields benefits, and standardization is the way to achieve it. Border control authorities may obtain full benefits from uniformity when the data required for transmission (travellers’ identifying information) are limited to the information contained in the machine readable zone, as specified in Doc 9303, Part 1, Volume 1, Section IV, Appendix 6. A uniform request of data reduces the cost associated with it and facilitates the development and use of API systems. (Standard 3.47.1)

#### Message format PAXLST

3.10.18 Every communication requires three basic elements: emitter, receiver and transmission media, to be compatible. If the signal emitted is not recognized by the receiver, or if the transmission media used by the emitter and receiver are different, the communication is not possible. This principle also applies to API systems. The data transmitted by the information source must follow a predefined format which is also recognized by the destination handler.

3.10.19 In order to solve interoperability problems, the United Nations developed specifications for electronic data interchange (UN/EDIFACT). PAXLST was developed as the standard format for messages containing passenger information. This format is essential for global interoperability and the prospective interconnection of API systems among participating States.

## Advance passenger information (API) — basic information

*Introduction*

3.10.20 The API system was conceived by the customs services of certain States that identified the need to address the increased risk posed by airline passengers in recent years, especially in regard to drug trafficking and other threats to national security. In some locations, this need to enhance controls, combined with the growth of air passenger traffic, placed a severe strain on the resources of customs and immigration, resulting in unacceptable delays in the processing of arriving passengers at airports. A system in which identification data on passengers could be sent to the authorities while the aircraft was in flight, to be processed against computer databases before the passengers arrived, was envisioned as a means of better compliance and faster clearance of low-risk passengers.

*Background*

3.10.21 Article 29 of the Chicago Convention requires every aircraft engaged in international navigation to carry certain documents, including, for passengers, “a list of their names and places of embarkation and destination”. Annex 9 specifies, in Standard 2.12, that presentation of the Passenger Manifest document shall not normally be required, and notes that if the information is required, it should be limited to the data elements included in the prescribed format, i.e. names, places of embarkation and disembarkation, and flight details.

3.10.22 It should be noted that the adoption of Standard 2.12 contemplated the Passenger Manifest as a paper document, which is typed or written and delivered by hand. Nevertheless, the concept of a limit to the amount of information which is essential for meeting the basic objectives of safety, efficiency and regulatory compliance, is applicable to modern electronic data interchange systems, such as API systems. It is widely recognized that in any system involving the exchange of information (automated or not), it is the collection of data which is the major expense; therefore increases in data collection should result in benefits that exceed additional costs. This principle was a central issue during the debate over the API system at the Tenth Session of the Facilitation Division (FAL/10) and the eventual adoption by FAL/11 of API systems as a Recommended Practice. (Recommended Practice 3.47)

3.10.23 Some airlines in the United States agreed to test an API system, which is briefly described in the following paragraphs:

3.10.24 Data on each passenger (as contained in the machine readable zone of the passport) are captured by the airline during the check-in process overseas, formatted by the airline’s reservation/control system and transmitted to the centralized customs system, where it is checked against inter-agency databases and “lookout” lists. The results of these checks are then downloaded to the airport of arrival, where they are distributed to both immigration and customs. Accomplishment of this part of the process prior to arrival of the flight substantially reduces or eliminates time-consuming data entry and computer processing requirements during the examination of each passenger.

3.10.25 As airlines and control authorities enhance the API system, passenger clearance times for transoceanic flights (which, prior to use of API, frequently involved delays in excess of two hours) have been reduced to averages well below the ICAO recommended goal of 45 minutes. In addition to this improvement in productivity, the control authorities have realized an enhancement of their enforcement efforts, due to the fact that receipt of information in advance allows them more time to process the information on the passengers and make better decisions regarding their inspection targets and the appropriate level of control.

3.10.26 The recommendation of FAL/11 reflected support, in principle, for the use of API systems worldwide; however, it was also recognized that it may not be a solution in all cases and that some States may not be in a position to implement such systems. States and airport communities which are interested in establishing an API system are advised to consider the following issues:

*API as an Electronic Data Interchange (EDI) system*

3.10.27 An API system involves the electronic interchange of data (identification details from the passport and basic flight information) between the airline of origin and destination State. Recommended Practice 3.47 does not cover the manual preparation of lists, teletype messages or documents containing additional information about the passengers.

*API as a system for advance inspection*

3.10.28 The purpose of an API system is not solely to provide authorities with a complete manifest of passengers on board an aircraft, but also to provide authorities with the procedures and resources necessary for examining this data before the flight arrives, so that the inspection time for passengers after arrival may be reduced.

*Costs*

3.10.29 An EDI system requires considerable investment in computer hardware, software, and training of personnel on the parts of both the operators and the control authorities. An electronically accessible database is essential; it is the State's responsibility to establish the database. Operators and control authorities can expect to incur the costs of developing their respective computer systems and establishing communication links in order to enable the capture, transmission, receipt and processing of the requisite data. Annex 9 recommends that States should seek to minimize the number of times API data are transmitted for a specific flight (Recommended Practice 3.47.4), i.e. multiple requests for data for any one individual flight should be avoided. The reason for this is that each transmission of data incurs some cost to operators. In some cases, airport facilities may need to be modified in order to accommodate API passengers separately from other passengers.

*Impact of a new procedure*

3.10.30 Although Article 22 of the Chicago Convention requires States to facilitate international air navigation and adopt all practicable measures to prevent unnecessary delays, Article 13 requires the aviation community to comply with a State's laws and regulations "... relating to entry, clearance, immigration, passports, customs, and quarantine ...". In operational terms, a new procedure connected with the arrival or departure of a flight can be justified if it serves to improve productivity of operations and if it improves compliance with the above-mentioned laws and/or enhances aviation security. API systems can effectively resolve national security problems, unacceptably long delays in passenger processing, and the deterioration of enforcement efforts due to scarcity of personnel resources. The costs of introducing a system should be weighed against the severity of these problems in the State or airport concerned.

*Multiple causes of passenger processing delays*

3.10.31 It should be recognized that not all of the time spent between disembarkation and final clearance is attributable to the activities of the border clearance agencies. Inefficient baggage handling, unavailability of jetways and ground transport, and long walking distances from the aircraft to the inspection area are some of the factors that contribute to delays, but which cannot be solved by an API system. An analysis to determine how much of the excessive passenger clearance time is due to inspection processes is necessary in order to decide whether an API system would be appropriate.

*Multiple inspection agencies*

3.10.32 If the decision is made to institute an API system, it is essential to involve all of the inspection agencies in the planning and development stages. Customs, immigration, and agriculture authorities all have different information

needs, which must be accommodated in order to prevent the non-participation of one of the agencies, thereby negating the productivity gains for the others.

#### Industry involvement

3.10.33 Since participation in an API system involves costs to the operators, their cooperation is most effectively obtained when participation is voluntary. Operators that do not participate or who make errors should not be subject to punitive measures, although it is contemplated that passengers arriving using operators who do not participate may take longer to clear. In order to develop a harmonious, productive working relationship between operators and authorities, the new system should be promoted on the basis of its merits.

#### Total airport process

3.10.34 API systems, to be successful, require the cooperation of all parties involved in the passenger inspection process.

3.10.35 Continued development of API systems should be high on the agendas of the Airport Facilitation Committees.

3.10.36 Where appropriate, Contracting States should introduce an API system, which involves the capture of passport details prior to departure and the transmission of the details by electronic means to the authorities in the destination country. In doing so, States are required to follow the UN/EDIFACT PAXLST messages found in the joint World Customs Organization (WCO)/International Air Transport Association (IATA)/ICAO Guidelines on Advance Passenger Information (Standard 3.47.1). To avoid extra handling time during check-in, the use of document reading devices to capture the information in machine readable travel documents should be encouraged.

#### Passenger name record (PNR) data

3.10.37 In the present climate of intensified security controls, it is recognized that modern facilitation tools such as machine readable passports (MRPs) and advance passenger information (API) systems enhance overall the security of international civil aviation. In recent years, the level of interest in using API as a security measure has increased. Some States have deemed it necessary, in order to combat terrorism and to protect their borders, to go beyond the API requirements and to require additional data relating to passengers to be stored in the reservation and other such systems of aircraft operators.

3.10.38 This issue of collection, by States, of Passenger Name Record (PNR) data, first raised in ICAO at the Twelfth Session of the Facilitation Division (2004), was subsequently incorporated into Annex 9 as Recommended Practice 3.48. The provision recommends that Contracting States requiring PNR access should conform their data requirements and their handling of such data to guidelines developed by ICAO. (Recommended Practice 3.48)

3.10.39 In April 2006, ICAO published Circular 309, *Guidelines on Passenger Name Record (PNR) Data*. The purpose of the guidelines is to establish uniform measures for PNR data transfer and the subsequent handling of that data by the States concerned, based on the principles of: a) minimization of the cost to industry; b) accuracy of information; c) completeness of data; d) protection of personal data; e) timeliness; and f) efficiency and efficacy of data management/risk management. (See the *Guidelines on Passenger Name Record (PNR) Data* (Doc 9944).)

3.10.40 The guidelines also seek to assist States in designing data requirements and procedures in order to minimize technical burdens that may impair the implementation of these uniform measures. The guidelines address the issue of PNR data transfer from an operator's system to a State, and the management of this data including arrangements for storage and protection. (See the *Guidelines on Passenger Name Record (PNR) Data* (Doc 9944).)

### Travelling of organized groups

3.10.41 The practice of gathering and examining collectively travel documents of persons travelling in organized groups is discouraged as it could disturb the normal flow of other passenger traffic. However, if due to the State's particular traffic characteristics the authorities still consider such a practice useful, special control points should be devoted to the processing of groups of persons.

### Risk management of passengers

#### *Why risk management should be used*

3.10.42 In practice, customs and other authorities, whose size and resources are static or, in some cases, actually decreasing, have to deal with considerable growth in international travel and trade, while at the same time provide increased facilitation in the form of simplified documentation and procedures and the almost immediate release/clearance of persons and goods.

3.10.43 This means that they can no longer apply the traditional methods of controlling persons without incurring long clearance times, congestion, and public dissatisfaction; or of controlling goods on an individual consignment basis to ensure that the correct revenue is collected, trade policy agreements (quotas, preferences) are enforced, and that prohibited or restricted goods are detected and dealt with appropriately. To attempt to do so would place unrealistic burdens on resources of border control authorities and result in unacceptable delays in releasing/clearing persons and goods.

3.10.44 The factors involved in assessing risk for each agency are different and vary from State to State. Their importance would be based on the types of "threats" which may be perceived. Regardless of this perception, the inspection agencies should develop a rational basis for targeting persons who should be more closely examined and for expediting those who are of little or no risk. Such decisions should be based on the assessed level of "risk" or likelihood of a violation of law, or other irregularities. Risk assessment may be made with respect to individuals, groups or to an entire aircraft.

### Use of dual-channel system

3.10.45 The dual-channel or red/green system is one of the most known and used selective processes for inspection of inbound baggage by customs. After analysing the benefits of this facility (deal efficiently with an increasing number of passengers without a corresponding increase of customs staff) and concluding that it can be adopted without reducing the effectiveness of customs controls, the World Customs Organization (formerly the Customs Cooperation Council), in 1971, recommended that its Members introduce the dual-channel system.

3.10.46 In order to enforce the mentioned recommendation, ICAO adopted Annex 9, Standard 3.51, requiring States to introduce the dual-channel system or any other selective process for customs and quarantine inspection based on risk management, as appropriate to the conditions and traffic volumes at the airport concerned. Detailed information is provided in Annex 9, Appendix 6. (Standard 3.51)

### Valid visa in an expired passport

3.10.47 When the validity of a passport expires before the visa, the State that has issued the visa should continue to accept the visa until its expiration date when it is presented with the visitor's new passport. (Recommended Practice 3.53)

**Example:** A person holds a passport that is valid until 20 August 2002, but the visa granted by a State is valid until 31 December 2002. The traveller obtains a new passport for travel after 20 August and wishes to visit the visa-issuing State again before 31 December 2002. In this case, the traveller should be allowed to enter the State by presenting both the old passport containing the valid visa and the new passport in force.

3.10.48 When presented with a visa for a limited number of entries, the control officer shall indicate on a space near the visa page, in an appropriate, clear and non-derogatory way, every instance the visa is used. This space should be pre-established by States so that the holder, operator or public authorities can determine its validity quickly and without the use of any special means. It will also help prevent a person from travelling on a visa which has been “used up for travel”. (Standard 3.54)

#### Return of documents to persons after examination

3.10.49 Serious concerns have been expressed regarding the practice of temporarily withdrawing passports from passengers during clearance formalities, or in transit, because of the unpleasant and costly difficulties faced by the traveller whose passport is lost while in the possession of the public authorities. In this regard, the international community recognizes that the passport is a personal possession which should be returned to its owner immediately after examination by the public authorities.

3.10.50 Only under special individual cases may public authorities keep travel documents. Standard 3.55 requires States to adopt measures ensuring that immediately after examination all travel documents are handed back to their owner. (Standard 3.55)

#### Health examinations from infected areas — Recommended Practice 3.56

3.10.51 States usually require a medical examination of travellers at their points of entry in order to avoid the spread of contagious illnesses from other countries. Since no practical benefits are achieved from examining all arriving travellers, Recommended Practice 3.56 of Annex 9 advises limiting such examinations to only those passengers arriving from an infected area, within the incubation period of the disease concerned, according to international health regulations.

### 3.11 TRANSIT FORMALITIES

#### The SARPs of Annex 9, Chapter 3, section L: Transit procedures and requirements

3.11.1 There are States that receive inbound passenger traffic only through specific transit airports due to multiple flight connections and/or multiple international arrival/departure terminals. In these cases, the long distances between the arrival and departure terminals or the lack of transit lounges may force local authorities to require a transit visa for transit passengers. This visa, which allows passengers free movement within the airport public areas after passing all clearance formalities, has its advantages and disadvantages. It solves the problem of passengers needing to commute to their departure terminal/flight gate, but it can also overload border control authorities with an additional demand of services, which could distract control resources from high-risk targets or law enforcement challenges.

3.11.2 Since both transit traffic and authorities are affected by the requirement of a transit visa, Standard 3.58 requires that States develop procedures which eliminate the transit visa requirement, when possible, and provide facilities for transit passengers and crews, such as direct transit areas and transit escort teams managed by airline operators under the surveillance of border control authorities. This would allow the transit passengers to remain temporarily within the airport without undergoing border control formalities to enter the State of transit.

## Transit visa

### *Transit visa requirement to a minimum number of States*

3.11.3 For those cases where the transit visa requirement cannot be eliminated, Standard 3.59 of Annex 9 requires States to keep to a minimum the number of States whose nationals are required to have such a visa. (Standard 3.59)

3.11.4 Transit without a visa is allowed when the traveller fulfils the following conditions:

- is a holder of a valid passport;
- does not leave the direct transit area or “sterile zone”;
- stays less than 24 hours in the airport;
- has a valid visa or entry clearance to a third State; and
- has a valid aircraft ticket and a confirmed flight booking to a third State, from the same airport and on the same day.

## **3.12 BAGGAGE SEPARATED FROM OWNER**

### **The SARPs of Annex 9, Chapter 3, section M: Disposition of baggage separated from its owner**

3.12.1 In order not to compromise baggage handling technological developments, such as the worldwide baggage tracing system and other efforts to expedite procedures approved by many States, Standard 3.62 of Annex 9 requires States to permit the transfer of mishandled baggage between international flights at the same airport, without examination, except for reasons of aviation security or other necessary controls. (Standards 2.16 and 3.62)

#### Temporary secure supervision of mishandled baggage

3.12.2 When direct transfer of mishandled baggage cannot be effected, States should ensure the temporary secure supervision of such baggage at an appropriate location. (Standard 3.62)

## **3.13 CREW IDENTITY DOCUMENTATION**

### **The SARPs of Annex 9, Chapter 3, section N: Identification and entry of crew and other aircraft operators' personnel**

#### Crew Member Certificate and Civil Aviation Safety Inspector Certificate

3.13.1 The Crew Member Certificate is an official document that serves as evidence of employment and identification of flight crew and cabin attendants, and should not be confused with crew licences which attest to the professional qualifications of the flight crew.



3.13.2 The origin of the Annex 9 provisions related to this document was the general recognition of the great advantage that the use of air crew member licences and certificates, in lieu of passports and visas, represents to aircraft operators and that this advantage should continue to exist even in the event of an interchange of aircraft by various airline operators.

3.13.3 The implementation of the Crew Member Certificate, as described hereto, permits efficient disposition of personnel by airlines. However, the full benefit derived from the use of this document cannot be achieved while some States withhold acceptance of them.

#### Definition of crew member and flight crew member

3.13.4 Annex 9 defines crew member as a person assigned by an operator to duty on an aircraft during a flight duty period. (Annex 9, Chapter 1 — Definitions)

3.13.5 The same Annex also defines flight crew member as a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period.

#### Contents of the Crew Member Certificate (CMC)

3.13.6 For practical issuing reasons, cabin attendants and the flight crew are both considered as crew members. The general content of this document is presented in Appendix 7 of Annex 9. The detailed technical specifications for a machine readable CMC are found in Appendix 7 to Section V of Doc 9303, Part 3, Volume 1. (See Figure 6.)

#### CMC as it appears in Annex 9

##### *Crew Member Certificate in machine readable cards*

3.13.7 Considering the (possible) frequent use of a Crew Member Certificate, there is a need to produce them with secure, manageable and durable features; in this regard, Annex 9, Standard 3.68, obliges States, if they issue CMCs, to issue them as machine readable cards, conforming to the specifications published in Part 3 of Doc 9303. (Standard 3.68)

##### *Requirements for non machine readable Crew Member Certificate*

3.13.8 It is important to highlight that even though Doc 9303 includes specifications for machine readable travel documents, these specifications also apply to non machine readable documents, which may be issued "This is not a machine readable document" in the machine readable zone. This practice facilitates the standardization of CMCs worldwide. In this sense, all non machine readable Crew Member Certificates should be issued using the same layout as the corresponding machine readable document.

##### *CMC objective*

3.13.9 The objective of issuing a standardized Crew Member Certificate is to facilitate the international travel of airline crew members by exempting them from visa requirements, as well as by providing border control authorities with assurances on the authenticity of travel documents, identity and background of said crews. Standard 3.71 of Annex 9 requires States to recognize the CMC as a satisfactory identity document for temporary entry (Standard 3.71). The intent is that this should apply even if the holder is not a national of the State of Registry of the aircraft on which he/she serves.

Issuing State Competent issuing authority		<b>CREW MEMBER CERTIFICATE</b>	
Photograph of holder of Certificate	<i>Surname/Nom</i>		<i>Given name/ Prénom</i>
	<i>Sex/ Sexe</i>	<i>Nationality/ Nationalité</i>	<i>Date of Birth/ Date de Naissance</i>
	<i>Employed by/ Employeur</i>		<i>Occupation/ Profession</i>
	<i>Doc No/N° du Doc</i>		<i>Date of Expiry/ Date d'expiration</i>
	(Signature of holder)		

### Front of CMC

Issuing State	
The holder may, at all times, re-enter upon production of this certificate, within the period of validity.	
Issued at/Émis à (Place of issue)	(Signature) Issuing Authority/ Autorité d'émission
Machine Readable Zone (To be left blank when non-machine readable certificate issued)	

### Back of CMC

**Figure 6. Crew Member Certificate (CMC)**

*When a CMC should be accepted for temporary admission*

3.13.10 There are certain conditions which crew members with a CMC should meet in order to be accepted for temporary admission into a State, without requiring a visa.

3.13.11 These conditions are:

- retain the certificate in their possession when embarking or disembarking;
- remain at the airport where the aircraft has stopped or within the confines of cities adjacent thereto; and
- depart on the same aircraft or their next regularly scheduled flight (Standard 3.71 and Recommended Practice 3.71.2).

**Controls on issuance of Crew Member Certificates**

3.13.12 There is a need to ensure that appropriate *control* procedures for the issuance of a CMC are followed in order to ensure document security. States are obliged first to carry out background checks on crew members before issuing CMCs. Other document security-related controls are also prescribed relating to the issuance of CMCs. (Standard 3.70). The intent is to align CMC-issuance controls with other document security controls prescribed in Chapter 3. (Standards 3.7 and 3.8)

3.13.13 States should provide facilities that enable crew members to obtain a Crew Member Certificate valid for the crew member's term of employment (Standard 3.67). CMC issuance procedures should provide crew members and border authorities efficient service while fully supported by law enforcement.

**Inspection of crew members — Standard 3.66**

3.13.14 After the events of 11 September 2001, crew members and their baggage are, like other travellers, subject to thorough inspection by border control authorities. However, since they board the aircraft before the passengers in order to prepare for the flight and since their background is more easily accessible at any time, the authorities should inspect crew members and their baggage as expeditiously as possible. (Standard 3.66)

3.13.15 In this regard, Standard 3.66 requires States to adopt special measures or arrangements for the clearance of crew members. Since governments do not have an equal interest in each person, but have different interests in visitors, returning residents and other categories, such as airline crew members, these persons would be inspected more efficiently at assigned control points.

3.13.16 Therefore, to expedite clearance of passengers by adopting selective processes (Standard 3.51), it is advisable that States provide a separate area for the clearance of crew members.

**3.14 THE AVIATION SAFETY INSPECTOR CERTIFICATE****The SARPs of Annex 9, Chapter 3, section O: Aviation safety inspectors**

3.14.1 The Aviation Safety Inspector Certificate is a document issued to aviation safety inspectors, which facilitates the identification and duties of these persons by border authorities. The format and requirements for this certificate are similar to the machine readable Crew Member Certificate, as described in Appendix 8 of Annex 9.

3.14.2 Considering that the duties of such inspectors are carried out for the safety of nationals (travelling and on the ground) and citizens of other countries, Annex 9, Recommended Practice 3.73, advises border authorities grant inspectors engaged in inspection duties the same treatment granted to crew members. In this regard, the Aviation Safety Inspector Certificate is considered an official travel document, which in addition to facilitating the identification and duties of such inspectors, entitles the holder to receive similar privileges to those granted to other crew members.

3.14.3 For worldwide acceptance of the Aviation Safety Inspector Certificate, as well as the other travel documents established in Annex 9, standard specifications must be followed. With respect to this goal, detailed specifications for this certificate were adopted and are published in Doc 9303, Part 3 — *Size 1 and Size 2 Machine Readable Official Travel Documents*. To achieve worldwide acceptance of these certificates, national authorities are required to issue these certificates in accordance with the specifications prescribed in Appendix 8 of Annex 9 and to accept such documents as official travel documents. (Recommended Practice 3.74)

#### Certificate valid for term of employment

3.14.4 In order to avoid frequent applications for an Aviation Safety Inspector Certificate, and to alleviate the workload on the issuing authorities, such a certificate should be valid for the inspector's term of employment. (Recommended Practice 3.73)

#### Documents to be carried by safety inspectors

3.14.5 Annex 9, Recommended Practice 3.75, advises that when safety inspectors are performing their duties, they carry not only their Aviation Safety Inspector Certificate but also a personal copy of the flight inspector's itinerary (duly approved by the State that employs the inspector) and a valid passport. (See Figure 7.)

#### Privileges for temporary admission to safety inspectors

3.14.6 States should extend the privileges of temporary admission granted to crew members (as described in Standard 3.71) to safety inspectors of another State, who are engaged in their inspection duties (Recommended Practice 3.76), provided the next flight inspection is after not more than a normal period of rest.

Issuing State Competent issuing authority		<b>CIVIL AVIATION SAFETY INSPECTOR CERTIFICATE</b>	
Photograph of holder of Certificate	<i>Surname/Nom</i>	<i>Given name/Prénom</i>	
	<i>Sex/ Sexe</i>	<i>Nationality/ Nationalité</i>	<i>Date of Birth/ Date de Naissance</i>
	<i>Employed by/ Employeur</i>	<i>Occupation/ Profession</i>	
		CIVIL AVIATION SAFETY INSPECTOR	
	<i>Doc No/N° du Doc</i>	<i>Date of Expiry/ Date d'expiration</i>	
	(Signature of holder)		

### Front of Certificate

		Issuing State
The holder may, at all times, re-enter upon production of this certificate, within the period of validity.		
Issued at/Émis à (Place of issue)	(Signature) Issuing Authority/ Autorité d'émission	
Machine Readable Zone (To be left blank when non-machine readable certificate issued)		

### Back of Certificate

Figure 7. Civil Aviation Safety Inspector Certificate



## Chapter 4

# ENTRY AND DEPARTURE OF CARGO AND OTHER ARTICLES

### 4.1 INTRODUCTION

#### The SARPs of Annex 9, Chapter 4, section A: General

4.1.1 ICAO, through meetings of the Facilitation Division and the Facilitation Panel, revised and updated the provisions of Annex 9 to ensure consistency between the SARPs pertaining to customs controls and the corresponding provisions of the Kyoto Convention<sup>4</sup> of the World Customs Organization (WCO), as amended in 1999, as well as introduced modern concepts developed by the WCO, such as risk management and optimal use of automated information systems.

#### Objectives and strategies

4.1.2 The most recent cargo facilitation provisions in Annex 9 reflect the following specific objectives and strategies:

1) *Objective: Meet goal(s) for cargo release time.*

*Strategies:*

- Use risk management as a basis for selecting shipments to be examined or for selecting the level of control to be imposed on a particular shipment or class of shipments. For the definition of “risk management” as applied to the provisions of Chapter 4, please see the definition in the Glossary to this manual and the explanation provided later in this chapter.
- Submit and process manifest and entry information in advance of arrival of the aircraft.
- Replace public authority and private sector manual procedures with electronic information technology.
- Merge custom and other interested control agency controls (i.e. coordinate inspection).

2) *Objective: Achieve global interoperability of States’ and operators’ systems.*

*Strategies:*

- Standardize information requirements and formats (including machine readable data).

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4. International Convention on the Simplification and Harmonization of Customs procedures, 1973 (amended in 1999 by the WCO).

- Move toward electronic communication (i.e. no paper).
- 3) *Objective: Achieve qualitative improvements which lead to simultaneous increases in the level of customer satisfaction and the confidence of control authorities.*

*Strategies:*

- Promote the concept of premium procedures (a heightened degree of industry competence which assures high compliance standards and hence enables the authorities to afford the maximum degree of facilitation).
- Promote customs efficiency and integrity.
- Promote standardized procedures as outlined in Annex 9 and the Revised Kyoto Convention.<sup>5</sup>

General principles applicable to air cargo

*Facilitation general aims and means*

4.1.3 Standard 1.2 sets out the aims of Annex 9 while the means to obtain those aims in practice are set out in Standards 1.3 to 1.6 and the succeeding chapters of the Annex (see the Foreword to this manual).

Release/clearance with minimum delay and inconvenience

4.1.4 The terms “release” and “clearance” are both defined in Annex 9, Chapter 1. Essentially, clearance is given only when all official requirements have been met, while release means that customs put the goods at the disposal of the person concerned whether or not all the customs formalities have been completed and whether or not the goods can actually be cleared at that time.

4.1.5 Goods shipped by air are often cleared and released at virtually the same time, particularly when everything is in order and automated clearance processes are being used. In many instances, however, in order not to hold up goods unnecessarily, customs may release them and actual clearance is granted only subsequently. This happens on an agreed basis under the special procedures in Standards 4.25 and 4.27 and Recommended Practice 4.28. There are, however, various other circumstances in which customs may release goods, prior to clearance, under standard procedures, which include:

- cases where certain information is not immediately available and a provisional or incomplete goods declaration is lodged;
- cases where certain supporting documents are not immediately available;
- cases where samples have to be taken in order to determine, for example, the tariff classification of the goods; and
- cases where the filing of statistical classification data and duty payment are deferred with the consent of customs.

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5. International Convention on the Simplification and Harmonization of Customs procedures, 1973 (amended in 1999 by the WCO).



4.1.6 When releasing goods in such circumstances, customs needs to be satisfied that there is no risk of non-compliance with the law, all official requirements will be met, and formalities will be completed in due course. In addition, where import duties and taxes have not been paid, customs must be assured that security for their payment has been provided. The rapid release of goods is clearly a major facilitation indicator for importers and exporters.

#### Facilitation and control/enforcement

4.1.7 In practice, the application of sound, effective, modern procedures as specified in Annex 9, Chapter 4, regarding the treatment of goods, makes it possible to offer a wide range of useful facilitative measures without compromising security and compliance procedures. In fact, such measures usually serve to enhance the capability of the authorities to manage their control processes and enforce the laws. This depends, however, on good levels of communication and information exchange among all concerned, both nationally and internationally. (Standard 1.2 c)

#### Risk management

4.1.8 Risk management is defined in Annex 9 as “The systematic application of management procedures and practices which provide border inspection agencies with the necessary information to address movements or consignments which represent a risk.” In this context, “risk” means the potential for non-compliance with the law; while “risk management” means risk analysis, risk indicators, risk assessment and risk profiling. It also includes the acceptance of a certain level of risk in consignments in the interests of focusing resources on those goods and circumstances where risk is considered to be highest and enforcement action most likely to be needed. (Standard 1.3)

#### Why risk management should be used

4.1.9 Customs and other authorities, whose size and resources are static or actually decreasing, have to deal with the considerable growth in international trade volumes while at the same time provide simplified documentation and procedures, as well as immediate release/clearance of goods to meet business demands for on-schedule delivery. This means that they can no longer use traditional methods of controlling goods on an individual consignment basis to ensure that the correct revenue is collected, trade policy agreements (quotas, preferences) are enforced and that prohibited or restricted goods are detected and dealt with appropriately. To attempt to do so would place unrealistic burdens on customs and result in unacceptable delays in releasing/clearing goods.

4.1.10 Customs have therefore introduced a range of special procedures for importers/exporters whom they are satisfied comply with official requirements, as well as introduced controls based on risk analysis and assessment to enable them to release/clear the great majority of goods (innocent goods) without delay, so that their efforts and resources can be concentrated on those goods considered to pose a high risk.

#### A key element of modern control arrangements

4.1.11 Risk management is the overarching principle in modern customs control arrangements. Essential elements in a successful programme include: identification and analysis of the risk; selectivity, profiling and targeting; monitoring and review; and the measurement of compliance; all supported by appropriate information technology, customs/trade cooperation and mutual assistance among customs administrations.

#### Use of information technology

4.1.12 Automation of the air cargo clearance process is high on the agenda of customs services worldwide as it is the most efficient means of managing a vast amount of data which is exchanged among a number of parties, i.e.

customs, shippers, consignees, air carriers, customs brokers, and agriculture and other interested government agencies. The need to enhance controls in the face of increased risks posed by drug trafficking, violations of intellectual property rights, smuggling of endangered species and other illegal activities, combined with the growth in international trade volumes, has made it increasingly difficult for government inspection agencies to perform their enforcement duties with manual procedures alone. Moreover, studies of traditional air cargo systems without the assistance of information technology have concluded that the average “dwell-time” of an imported shipment (from its arrival to its release for delivery) is 4.5 days — a delay which to most air cargo customers is unacceptable. Automated solutions are sought by air carriers, customs brokers, and the authorities, to ensure better compliance with laws and faster clearance of low-risk cargo by managing the traffic more efficiently.

4.1.13 The use of information technology can considerably increase the efficiency and effectiveness of air cargo procedures. Ideally, all authorities and trade/transport circles should exchange information, including any international exchange of information, within the airport family. (Standard 1.4)

4.1.14 There are many facets to the use of information technology at international airports such as: documentation relating to the arrival and departure of aircraft; the goods and stores carried, unloaded and taken on board; temporary stores accounting; customs warehouse control; the electronic granting of release/clearance of goods; and electronic payment arrangements.

#### Pre-arrival lodgement of data

4.1.15 Automated cargo systems consist of two principal components: 1) a system for processing entries in an automated manner is fundamental to the States in which customs is automated; and 2) the automated manifest component, used in some States, completes the air cargo clearance process.

4.1.16 Cargo Manifest and air waybill data, which are transmitted by the air carrier, are matched in the automated customs system with entry data that has been transmitted by the importer or customs broker. These data are then reviewed by the inspector, with the aid of databases to determine whether the goods can be released or whether a further documentary check or a physical examination needs to be made. If the information from both components of the system is transmitted early enough, this decision can be made before the arrival of the flight. (Standard 1.5)

4.1.17 In some countries, release/clearance can be granted before the goods actually arrive. In other countries, the goods must be physically present before release/clearance can be granted; however, if practical arrangements are in place, traders should not suffer any delay in obtaining their goods.

#### Aviation security and other controls are not precluded (Standard 1.6)

4.1.18 The main objective of Annex 9 is, of course, facilitation of formalities; Standard 1.6 states, as a general principle applicable throughout the Annex, that the provisions of the Annex shall not preclude the application of national legislation with regard to aviation security measures or other necessary controls. (Standard 1.6)

4.1.19 Aviation security is dealt with in Annex 17. There are many other controls on imported and exported goods carried out by various national authorities relating to, for example, animal and plant health, national financial controls and the protection of endangered species.

4.1.20 Customs generally have the task of preventing the movement of prohibited goods (goods which are not allowed to be imported or exported) and controlling the movement of restricted goods (goods which may be imported or exported subject to certain conditions and which are often subject to licensing requirements). There is a wide range of prohibited and restricted goods, which vary from country to country. Some of the goods are prohibited or restricted by international agreements, others for purely national considerations. The most widely applied prohibitions and restrictions relate to goods such as narcotic drugs, arms and explosives, pornography, works of art and protected species.

### Cooperation in countering international illegal traffic

4.1.21 The enforcement strategy against narcotics trafficking, developed by the WCO, is based on Memoranda of Understanding (MoUs) with the trade and transport industries, the profiling and targeting of suspects using a central information system, regional intelligence liaison officers, and training assistance. The strategy fully recognizes the need for using the most modern and effective methods of detection available without adversely affecting the efficiency of operations.

4.1.22 Cooperation among administrations, airlines, airport operators, and government agencies is considered essential in the struggle against the trafficking of narcotics and psychotropic substances. Standard 2.3 of Annex 9 encourages States to enter into Memoranda of Understanding among themselves and with international airlines and airport operators, in order to set guidelines for their mutual cooperation, following the applicable models developed by WCO. (Standard 2.3)

### Operational considerations related to air cargo

#### *Expediting the release and clearance of goods carried by air*

4.1.23 Prompt release of consignments from customs is of particular interest to consignees, cargo agents, and operators. Annex 9, Chapter 4, encourages the simplification and standardization of the documents, procedures and requirements for: the release and clearance of import/export cargo; the reduction, to a minimum, of cargo "dwell-time" in airport terminals; transferring cargo to an authorized customs office for customs entry and clearance; releasing a part of a consignment when certain requirements have been met; and facilitating the tax free or temporary admission and use of spare parts, equipment, stores, containers, pallets, and other material imported/exported by operators in connection with international services. All these measures help to alleviate congestion and prevent unnecessary delays. (Standard 4.1)

#### *Cargo moving by air and surface transport*

4.1.24 The principles for the release and clearance of goods are similar whether by air or surface transport — they both include the lodgement of the goods declaration and supporting documents, documentary checks, examination of the goods when necessary, security for, or payment of, the import/export duties and taxes.

4.1.25 In practice, however, given that a relatively high proportion of goods carried by air is composed of small consignments which are usually urgently required (parcels transported by express carriers, postal items, etc.), there is frequent use of the special procedures referred to in provisions 4.25 to 4.28 of Annex 9, Chapter 4.

4.1.26 In the case of bi-modal shipments, the fact that they are contracted under an air waybill should indicate their treatment by the authorities as air cargo, notwithstanding delivery by surface transport to their destination.

#### *Consultations on regulations and procedures for release/clearance of goods*

4.1.27 Due to the expansion of illicit trafficking in drugs, intellectual property, endangered species, and the consequent action required by enforcement agencies, converging official controls and incorporating facilitation advantages, calls for the support of a range of business and governmental organizations. Cooperation is the key to facilitation success and many facilitation developments depend upon joint actions to be taken by the entities involved.

4.1.28 Taking into account that international trade and air transport patterns may change, it is in the general interest of authorities and the trade industry to closely cooperate in developing the most effective procedures. Customs

and other authorities need to use the most efficient procedures in order to ensure that the law is complied with while at the same time facilitate legitimate trade. Mutual understanding of objectives and concerns, together with the input of different experiences and expertise at the planning stage, are widely recognized as beneficial when introducing or amending regulations and procedures. (Standard 4.3)

#### *Clearance coordination*

4.1.29 There are many consignments that need to be checked by agencies in addition to customs, either at the document stage or by physical examination. States are not obligated to delegate the authority for clearance by other agencies to customs, but since customs are familiar with trade patterns and practices and can apply official control requirements for a minimum of delay to the passage of innocent consignments, other government agencies often delegate the authority for clearance to customs or, where not feasible, take all the necessary steps to ensure that clearance is carried out simultaneously, i.e. at one point and with a minimum of delay. Often, particularly in the case of checks on licences, certificates and other documents, other agencies involved rely on customs to act on their behalf, thus simplifying the release/clearance formalities and reducing the amount of time required. (Standard 4.4)

#### *Risk management and physical examination*

4.1.30 Physically examining all consignments causes major congestion and delays to cargo clearance; it is inefficient and an unproductive use of scarce human resources.

4.1.31 ICAO and the World Customs Organization (WCO) emphasize using risk management techniques for deciding when to carry out a physical examination of cargo, thereby avoiding all inbound/outbound consignments to be subject to a physical examination. By analysing the risk and establishing indicators of the risk, customs can make a rational decision on which goods need examining and the extent of the inspection required. In this regard, Standard 4.5 reinforces the requirement of these techniques, as stated in Standard 1.3. (Standard 4.5)

4.1.32 The purpose of the physical examination by customs is to establish exactly what the goods are, their quantity and that they are as described in the documentation. Usually, if the documentary checks are satisfactory and there is no discernable risk, goods are not inspected. If, however, examination is required, the extent of the examination varies according to the types of goods and the suspected customs offence.

4.1.33 There are generally two levels of examination, the first level is known as the “summary examination”, which involves checking the exterior of the containers and packages for mark and number verification; checking that any seals and fastenings are intact; and verifying other details against the goods declaration; often, the containers and packages are not opened. The second level is termed the “detailed examination”, which involves opening the containers and/or packages and examining the goods themselves to verify their description, quantity, value, origin, tariff classification and so forth; when necessary, samples are drawn for analysis.

#### *Use of modern screening and examination techniques*

4.1.34 A major challenge faced by border control authorities is the continual improvement of efficiency. Modern screening and examination techniques provide authorities with the appropriate tools for improving efficiency of control operations and facilitating physical examination of goods to be imported or exported. Standard 4.6 sets this as a goal for all Contracting States, but considers that such facilities should be implemented only where practicable. (Standard 4.6)

4.1.35 Goods are examined by customs to determine their description in order to assess the import duties and taxes chargeable and to be satisfied that origin, quota, etc., requirements are met, and to detect prohibited or restricted goods. Other agencies, such as Ministries of Agriculture and Forestry, examine goods for health and/or similar requirements. (Standard 4.5)

4.1.36 For customs purposes, a wide and comprehensive range of equipment is available for screening and examination purposes. (Details can be obtained from the WCO.) In particular, X-ray equipment — from the relatively small machine in a postal depot to the very large equipment designed to scan entire container loads — is widely used. In some instances, certain types of goods, such as chemicals, bulk liquids, medicaments, sterile medical research material, jewellery and works of art, require special equipment or expertise. In those cases, goods are often examined at the traders' premises or at a customs office with the necessary equipment.

4.1.37 The importer, or his/her representative, may be required to be present when goods are examined, or may be requested to provide expert assistance. In other instances, customs may obtain outside experts for advice or may take samples for laboratory analysis to determine the precise nature of the goods.

#### Free-zone facilities and/or customs warehouses (Recommended Practice 4.7 and Standard 4.8)

4.1.38 The term "free zone" is defined in Annex 9, Chapter 1, and in Annex D, Chapter 2 of the Revised Kyoto Convention. Although "free zone" is the most common term, in some countries it is known as "free ports", "free warehouses" or "foreign trade zones".

#### Purpose of the free zone

4.1.39 The main purpose of the free zone is to encourage international trade by granting exemption from import duties and taxes, as well as relief from internal duties and taxes on goods intended either for export or for use on international flights or voyages. This creates a de facto duty- and tax-free area. Logically, free zones are situated at airports, seaports, river ports and other places with similar geographic and economic advantages; they may be within the airports or at adjacent sites, and may vary considerably in size.

4.1.40 Many countries make a distinction between "commercial" free zones and "industrial" free zones. In all free zones, goods may undergo operations necessary for their preservation, as well as the usual forms of handling to improve their packaging or marketable quality or to prepare them for shipment, which include breaking bulk shipments into smaller quantities, grouping and regrouping of packages, sorting, grading, cleaning and re-packing. Additionally, in industrial free zones, goods can be processed and manufactured into other items either for export or for import into the economy at a lower rate of duty than carried by the original article. A worthwhile application for a free zone is storage of aircraft fuel, which is exempt for internal taxes when used on aircraft departing to an international destination.

4.1.41 Goods imported directly into a free zone do not normally require a formal goods declaration, but are admitted against a commercial document such as an invoice or a waybill. Customs have the right to carry out spot checks on the goods, but rely principally on documentary audits and accounting, given that the structure and general arrangements of the free zone were approved when it was set up.

#### Customs warehouses

4.1.42 Customs warehouses (Chapter 1 of Annex D of the Revised Kyoto Convention) are designated areas where imported goods may be stored without the payment of import duties and taxes. Their purpose is to facilitate trade by providing flexibility for the importer or owner. Often he does not know how the goods will finally be disposed of, and warehousing allows him the time to negotiate a sale, to arrange for the goods to be processed or manufactured or to be placed under another appropriate customs procedure. If the goods are to be sold on the home market in due course, the import duties and taxes do not have to be paid until the goods are cleared for home use. Conversely, if the goods are to be re-exported, the trader avoids having to pay the duties and taxes altogether.

4.1.43 Some countries extend this basic concept by allowing goods that have borne, or are liable to, internal taxes to be placed in the customs warehouse at which point they qualify for repayment of, or exemption from, those taxes. This provision concerns “tax-free” commissary items, including liquor, cigarettes and perfume to be sold on board to passengers or in airport “duty-free shops”.

## 4.2 INFORMATION REQUIRED BY THE PUBLIC AUTHORITIES

### The SARPs of Annex 9, Chapter 4, section B: Information required by the public authorities

Data limited to that which is really necessary

4.2.1 It is clearly in everyone’s interest that the data required in connection with the import and export of goods should be limited to that which is really necessary for authorities to clear the shipment. (Standard 4.9)

4.2.2 Customs usually requires the following particulars at importation:

- the type of customs procedure requested;
- details of the declarant, importer and consignor;
- mode of transport and details of the means of transport;
- description and tariff classification of the goods; country of origin of despatch or export; country of destination; description of packages (number, type, marks and numbers); quantity; gross and net weights;
- rates of duties and taxes, value, exchange rate, terms of delivery; and
- preferential treatment claim; details of supporting documents; place, date and signature of the declarant.

4.2.3 Usually, less information is required at export, given that in many instances it is for statistical purposes only. In many countries, because customs is the main authority dealing with imported and exported goods, they often have to obtain data on behalf of other authorities relating to, for example, statistics, exchange control and export licensing of certain commodities, as addressed in Article 35 of the Chicago Convention.

Statistical data

4.2.4 In many countries, customs are responsible for the collection and compilation of trade statistics; in some countries, however, such statistics are the responsibility of a separate authority, but the data are usually obtained from customs documents. The most common method of obtaining statistical data is by using a copy of the goods declaration as a statistical document. Traders who use simplified or special procedures often provide statistical data at agreed intervals using information technology. Release or clearance of goods should not be delayed while waiting for information that can be reported at a later date. (Standard 4.10)

## Documents accepted in electronic form

4.2.5 There are clear advantages in using information technology for lodging official documents for the purposes of international trade, although some countries do not yet have the necessary technological capability. Use of many of the simplified and special procedures provided for in Chapter 4 of Annex 9 is dependent upon information technology. (Standard 4.11)

4.2.6 At the present time, most arrangements for lodging documents electronically are essentially updated equivalents of the standard documentary procedures. Given that virtually all the data required are already in the commercial information systems needed for the business transaction itself, the most efficient arrangement for importers and exporters may be that customs rely on those systems for official purposes, subject to specific access and audit arrangements for particular control requirements. (Standard 4.11)

## Responsibility for documents (Standard 4.12, Standard 4.13)

4.2.7 Aircraft operators, or their authorized agents, are responsible for the transport documents (i.e. air waybills, Cargo Manifest and General Declarations), but not for other documents needed for the clearance of goods unless they are acting as the declarants (i.e. filing the custom entry for the shipment). (Standard 4.12)

4.2.8 Other documents required for the release/clearance of goods are the goods declaration itself and any necessary supporting documents. They include commercial invoices, licences, certificates, documentary evidence of origin, and usually contain information related to special requirements of other agencies or to trade agreements or tariff legislation.

4.2.9 Obligations, responsibilities and rights of the declarant are fundamental elements of customs procedures and international trade, hence, national legislation must stipulate who may be a declarant and the relevant conditions. Usually, a declarant is the owner of the goods, or a third party such as a carrier, a consignee, a forwarding agent or a customs broker, acting on the owner's behalf. In cases of doubt, customs may require the declarant to show that the third party has the right to "dispose of" the goods by producing the relevant commercial documentation.

## United Nations layout key (Standard 4.14)

4.2.10 In order to facilitate international trade, it is important that the layout of the goods declaration used in the different countries is standardized. The basis for such standardization is the United Nations layout key prescribing the size of the form and the minimum data to be provided. Use of this layout key has led to the development of the Single Goods Declaration by the WCO and of the Single Administrative Document used by the members of the European Community and other customs authorities.

## Electronic data interchange (EDI) (Standard 4.15)

4.2.11 Similarly, in the interest of global interoperability, the format used for electronic declarations must be harmonized and many countries use internationally accepted standards for customs messages developed by the United Nations Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT). (Standard 4.15)

4.2.12 Because cargo clearance involves interaction between private and public sector entities, an EDI system requires investment, by all parties, in computer hardware, software and manpower training. The private sector entity making such an investment should consider, as an offset, the improvement to be gained in their service products and efficiency. In the case of air cargo, a shipment arriving on an operator participating in the automated system should be cleared in less time than if it had arrived on a non-participating operator; provisional release could be available prior to arrival, if all information requirements have been met. The cost of storage and handling would thus be lower; and customer service would improve.

4.2.13 The development of an EDI system for air cargo processing should be aimed toward phasing out the exchange of paper documents, in order to avoid double costs to governments and private sector entities, as well as to provide an incentive to operators to make the necessary investments. While it is acknowledged that the retention of a paper document *per se* may be necessary due to legal requirements, elimination of the *exchange* of paper documents can substantially reduce administrative costs and reduce cargo clearance time.

#### Electronic information systems

4.2.14 There are various circumstances in which goods not yet released or cleared are transferred between air and another mode of transport, usually road vehicle. For example, goods may be removed from the airport of arrival for clearance inland. Electronic information systems need to be able to track such transfers and onward movements which are usually under national customs transit or simplified removal arrangements. (Recommended Practice 4.16)

#### Publication of documentary requirements (Standard 4.17)

4.2.15 It is essential, if the release/clearance of goods is not to be seriously delayed, that the trader is aware of official requirements regarding both documentation and procedures. Customs and other authorities need to ensure their regulations are published and available for general use. (Standard 4.17)

4.2.16 Information of a general nature can be provided in public notices, the customs tariff, official gazettes and websites, etc., and by enquiry offices, and abroad by embassies and trade missions. Specific information can be provided verbally, in writing or electronically and should include all details the authorities consider helpful to the enquirer.

4.2.17 In some countries, work is proceeding on databases to enable enquiry offices to give advice about the requirements of all the authorities regarding the importation or exportation of goods. Such "one-stop shops" with all the relevant updated data immediately available should significantly enhance trade facilitation. Websites have become a popular and relatively inexpensive tool for governments to communicate their requirements to the private sector entities concerned.

4.2.18 Documents such as licences and certificates are often required by law. It is important not only that information about these documents is available, but that the documents can be issued or renewed rapidly. Some countries now process these documents electronically and it is advantageous if customs are advised of the issue or renewal, including reference details. By using information technology, it should also be possible to notify the authorities in the other countries involved in the international transaction.

#### Electronic lodgement of supporting documents

4.2.19 If customs accept and process goods declarations lodged electronically then, if the advantages of electronic data information technology are not to be reduced, they should also accept the electronic lodgement of supporting documents. In some cases, customs may require that the original documents be kept by the operator concerned for a specified period so that they may be checked, if necessary. In other cases, the documents do not have to be lodged electronically, but details (e.g. type, number, issue reference) must be given on the goods declaration and the documents should be available for inspection for a specified period. (Recommended Practice 4.18)



### 4.3 RELEASE AND CLEARANCE OF EXPORT CARGO

#### The SARPs of Annex 9, Chapter 4, section C: Release and clearance of export cargo

##### Simplified export declaration (Standard 4.20)

4.3.1 Customs usually require only a goods declaration on exportation, but there may be cases when, for example, an export licence is also needed. Sometimes a special-purpose goods declaration is needed when, for example, goods are being exported or re-exported under a procedure providing relief from, or refund of, duties and taxes.

4.3.2 As a facilitation measure, some customs agree to waive the requirement for a standard goods declaration and instead accept a commercial document such as an invoice or transport document, provided it contains the necessary details. This may apply only to certain types of goods such as bulk materials, newspapers and magazines, or it could apply to a wider range of commodities. Customs need to make sure that information is available about which categories of goods may be covered by the simplified documentation and try to widen the scope of these categories in order to benefit as large a number of categories as possible. (Standard 4.20)

##### Release of export cargo up to departure time

4.3.3 The ability to release export cargo up to the departure time of the aircraft is a necessary facilitation measure, particularly in the case of urgent goods or where exportation might be considerably delayed if the flight were missed. Permission for release at the last moment is usually given on a case-by-case basis, but it could be granted on a more general basis to certain exporters or carriers under clearly defined circumstances. Release could also be granted against a commercial document, but customs would need to be satisfied that all the necessary formalities would be carried out subsequently and within an agreed period. Failure to meet this condition could result in the privilege being withdrawn. (Standard 4.21)

##### Where to present export goods for clearance (Standard 4.22)

4.3.4 In some countries, the goods declaration must be lodged and the goods must be presented either at the designated customs office closest to the exporter's premises or at a customs office on a major trade/transport route, such as at an international airport. In other countries, this would normally be done at the airport of departure rather than inland.

4.3.5 If goods are declared for export and then have to be transported to the airport of departure, many authorities require the movement to be carried out under national customs transit. The great majority of exports pose no particular risk and suitable documents enabling the goods to be identified at export, if necessary, are usually available showing packaging details, description and gross weight. In such cases, the formalities are very simple.

4.3.6 High-risk goods subject to high duties and taxes (such as tobacco products and alcohol) or to special control measures (such as goods covered by licences or permits or on which repayment or relief from duties is being claimed) may have to be transported in sealed containers or other secure transport units, and financial security provided to customs to cover any payment which would become due if the goods were not exported.

4.3.7 The objective of Standard 4.22 is to obligate States to facilitate the presentation of export goods at any designated customs office in order to alleviate congestion at airport customs offices.

#### No evidence of arrival of exported goods (Standard 4.23)

4.3.8 Customs do not normally require evidence that exported goods have arrived abroad, but there are circumstances in which they might, exceptionally, do so. Examples are goods subject to special control and consigned to specific destinations (e.g. arms, narcotic drugs for the production of medicines, hazardous materials) and goods that qualify for exemption from, or repayment of, duties and taxes but there is doubt that they have actually been sent abroad.

4.3.9 In the country of export, customs usually accept as evidence a statement from the consignee certified by customs in the country of destination, or a certified copy of the goods declaration covering the importation of the goods into the foreign country.

4.3.10 Within this context, Standard 4.23 provides that no evidence of the arrival of exported goods is required as a matter of course by States. This provision is also recognized by the WCO which, in the Revised Kyoto Convention, included a similar Standard in Chapter 1 of Annex C. (Standard 4.23)

#### Goods already laded when selected for examination

4.3.11 There are cases when some goods that have already been laded onto a departing aircraft are selected for examination by the public authorities, causing a delay in the departure of the aircraft. In order to prevent such delays, Recommended Practice 4.24 encourages the authorities to permit the operator, or its appropriate authorized agent, to provide security for the return of such goods.

4.3.12 Whether it is possible to use this provision depends on the circumstances and the reason why the authorities require the goods to be examined. It does not normally apply if customs suspect that prohibited or restricted goods are being exported without the necessary licence, or if it is felt that safety or security is being jeopardized. If, however, goods are selected for a routine check, or goods qualified for a financial advantage at export (such as repayment of import duties and taxes), customs could allow them to leave and take security from the person concerned if they were satisfied that there is no undue risk of non-compliance. "Security" is defined in the General Annex of the Revised Kyoto Convention as "... that which ensures to the satisfaction of the Customs that an obligation to the Customs will be fulfilled ...". (Recommended Practice 4.24)

## 4.4 RELEASE AND CLEARANCE OF IMPORT CARGO

### The SARPs of Annex 9, Chapter 4, section D: Release and clearance of import cargo

#### Goods urgently required

4.4.1 Some goods are "urgent" by their nature and need to be released or cleared as a matter of priority. Live animals and perishable goods are obvious examples; others include blood and blood plasma, donated organs, medical research materials, medicines and vaccines, newspapers and other news material. (Standard 4.25)

4.4.2 Other types of goods which may require priority release or clearance are urgently needed replacement aircraft parts (Standard 8.4), and disaster relief equipment and supplies (Standard 8.9).

#### Unaccompanied baggage containing personal effects (Standard 4.26)

4.4.3 Unaccompanied baggage containing personal effects should be cleared under simplified arrangements because, generally, such personal effects are used and are not for resale, nor do they have a substantial commercial

value. To submit this kind of cargo to normal clearance procedures only creates additional work for border control authorities and deviates their attention and resources from consignments requiring special tracking and examination. (Standard 4.26)

“Unaccompanied baggage” is defined in Chapter 1 of Annex 9 as: “Baggage that is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs.”

“Personal effects” are defined in Chapter 1 of Annex J of the Revised Kyoto Convention as: “All articles (new or used) which a traveller may reasonably require for his or her personal use during the journey, taking into account all the circumstances of the journey, but excluding any goods imported or exported for commercial purposes.”

#### Common practices

4.4.4 Most countries allow a certain amount of excised dutiable goods (tobacco products, alcohol, perfume), as well as goods of a non-commercial nature, to be imported free of import duties and taxes. If such relief is allowed for such items in unaccompanied baggage, customs may require proof that the person concerned is in fact arriving from abroad.

4.4.5 Usually, people presenting other people’s baggage for customs clearance must be able to show that they are authorized to do so and may sometimes be asked to provide written authority. However, customs usually accept an employee or agent of the carrier as “authorized”.

4.4.6 Customs do not require a goods declaration for unaccompanied baggage containing only personal effects and use risk assessment to determine whether or not any official action is necessary. To assist them, some authorities request that the owners of the baggage complete a simple declaration which is attached to, and travels with, the baggage.

#### Clearance of goods under simplified customs procedures (Standard 4.27)

4.4.7 As the cost of producing the documentation for low value shipments often exceeds the value of the cargo, there is a growing need for air cargo shippers and consignees to have more efficient clearance procedures for shipments up to a certain value or of goods of a specified type.

4.4.8 Consignments of low value, or on which the import duties and taxes are low, are considerable as electronic commerce becomes the most convenient method of shopping. The lodgement and processing of a standard goods declaration and the collection of import duties and taxes in such circumstances imposes work on customs and the importer, which is not justified by the amount of money involved.

4.4.9 Most customs therefore set and publish monetary value limits below which import duties and taxes will not be collected and below which a simplified declaration may be lodged. The limits vary nationally because of the differing economic and social situations, thus, publication of such limits is essential.

4.4.10 Simplified procedures are applied, in many countries, to specific types of goods imported by persons authorized to use particular arrangements. Examples of such goods are newspapers, journals and other reading matter, commercial documents, cut flowers, animal semen, and embryos.

4.4.11 With the aim of establishing simplified procedures as a commonly adopted practice, and to alleviate the workload on customs, WCO and ICAO have included provisions in the *WCO Guidelines for the Immediate Release of Consignments by Customs* (this document can be found on the WCO website at: <http://wcoomdpublishings.org>) and Annex 9, Standard 4.27, which require that States use simplified customs procedures to facilitate prompt clearance and release of such shipments. (Standard 4.27)

Special procedures for authorized importers (Recommended Practice 4.28)

4.4.12 By using risk management, customs are able to determine which goods and which traders (usually regular importers) pose little risk for customs control purposes. Such traders have excellent records in complying with the law, are often referred to as “authorized persons”, and are allowed to use special procedures involving little intervention by customs. Recommended Practice 4.28 fosters the adoption of special procedures which allow the immediate release of goods on arrival when the importer meets specific criteria. (Recommended Practice 4.28)

4.4.13 Special procedures include:

- release of goods against agreed minimum information (usually the description, quantity and value of the goods) or agreed references to the authorization and record details. The necessary supplementary information is supplied subsequently within an agreed period;
- clearance at a designated location, away from the customs office, which may be the trader’s own premises. This facilitates the release/clearance operation, improves the security of the goods and provides certainty of availability. The goods are usually covered by an initial simplified declaration with a supporting supplementary declaration (which together form the goods declaration) and move under national customs transit or simplified movement arrangements;
- a periodic goods declaration, which is a system under which a single goods declaration covers all goods imported during a specific period. Advantages are the rapid release of the goods, less documentation and reduced costs. Control, based on risk assessment, is usually audit-based; goods considered to pose a risk may be excluded from the arrangement;
- self-assessment of import duties and taxes using commercial records, which allows the trader to determine and pay the amounts due using commercial systems developed to control the supply, movement, storage and financial aspects of international consignments. Customs, of course, retain the right to carry out checks to ensure compliance and that the proper amounts are paid; they need to be satisfied, before authorizing the use of the procedure, that the trader’s records and systems can be relied upon; and
- lodgement of the goods declaration by entry in the records of the authorized person; in some countries, a supplementary declaration must be submitted later.

4.4.14 The entry in the records normally gives details of the shipper, the consignee, type, value, quantity, country of origin of the goods, and the date of release.

4.4.15 An example of a special procedure is set out in the WCO’s Immediate Release Guidelines. The G7 countries are conducting trials, with authorized traders, whereby data provided and checks carried out at export can be used for the purpose of release/clearance in the country of importation under conditions agreed by the customs authorities concerned.

The goal of releasing goods in three hours (Recommended Practice 4.29)

4.4.16 When extensive dwell-time slows processing and clearance of general cargo by customs, the benefits of air transport are often diminished. Limited cargo terminal capacity and inspection resources become insufficient to cope with growing demand, consequently, the quality of service is hindered, which increases costs, causes inconveniences to shippers and customers, and impedes the normal flow of international trade.

4.4.17 Lodgement of goods declarations and supporting documents electronically and in advance of the arrival of the goods can play a major part in the rapid release of goods, even under standard procedures. Many customs, as

provided for in the Revised Kyoto Convention, will proceed on the basis of an incomplete or provisional goods declaration, provided it contains the details essential for the release of goods and they are satisfied that the declarant will supply the additional information within an agreed period. Similarly, customs may also allow later submission of certain supporting documents, although this concession is not normally possible if the unavailable documents relate to matters such as health, veterinary or phyto-sanitary issues, or safety standards.

4.4.18 Recognizing widely varying conditions in States and the different types of air cargo involved, public authorities, operators and importers, or their authorized agents, should coordinate their functions to ensure the release of all goods that do not need examination and whose correct documentation has been submitted within three hours of their arrival. (Recommended Practice 4.29)

#### Release of part consignments (Recommended Practice 4.30)

4.4.19 When all information related to a part consignment has been submitted and all other requirements have been met, it is good practice for customs and consignees to release the consignment as rapidly as possible. This practice not only accelerates clearance and delivery, it contributes to significant savings in terms of storage costs and warehouse space, as well as improved trade and air cargo facilitation.

4.4.20 The consignee, or his/her authorized agent, only presents a request for the release of a part consignment when it has arrived and when the importation requirements have been met. Customs then proceeds on granting release of the consignment after ensuring appropriate security measures have been taken. Electronic processing of these operations results in adequate control of consignments and consignees by customs. The above-mentioned was taken into consideration in Recommended Practice 4.30 which encourages the adoption of these practices by States.

#### Clearance of goods in any designated customs office (Standard 4.31)

4.4.21 Apart from special cases, and/or previously set arrangements under which goods are cleared at the trader's premises, imported goods are cleared at the customs office of arrival at the airport or at another designated customs office. Designated offices may be at the borders or inland depending on traffic volumes and trade needs.

4.4.22 Customs need to take trade and transport requirements into account when determining the location of customs offices, the competence of their staff, hours of business, etc., and to be flexible in adjusting to changing trade/transport patterns.

4.4.23 The transfer of goods from the place of arrival to the customs office usually takes place under national customs transit or simplified removal documentation with security given by general bond. Using electronic information systems, some authorities allow goods declarations to be lodged at central declaration processing offices while the goods are physically distant. Electronic messages are exchanged among authorities regarding the need for possible examination of the goods, the results of any examination, payment of import duties and taxes, and authorization of release or clearance, obviating the need for goods to be moved from one place to another for release/clearance.

#### Penalties, fines and other charges for handling problems (Standard 4.32, Standard 4.33)

4.4.24 Air cargo handling problems could occur during the lading and unloading operations, which could result in penalties, fines or other charges levied on the operator. Since such problems are sometimes considered as non avoidable, Standards 4.32 and 4.33 require States to accept that some mistakes are inadvertent, thus the operator should not be subject to fines, penalties or charges. In these cases, States shall forward the goods to their correct destination as soon as local requirements have been fulfilled. (Standard 4.32) (Standard 4.33)

4.4.25 The essential points underlying these two Standards are that the person concerned notifies customs of the error rather than waiting for customs to discover it; that all steps necessary to regularize the situation are taken; and that customs be prepared to accept the validity of the explanation and are satisfied that there was no attempt to commit an offence. In some countries, a penalty may be imposed in the event of repeated failures by the person concerned as a general warning that performance must improve.

4.4.26 In those cases in which handling problems may occur because of errors in documentation, the authorities concerned should take into account Standards 2.20 and 2.21, when the imposition of fines is considered necessary.

#### Goods required to be returned to the point of origin

4.4.27 Some goods are not released for home use and are required to be returned to the point of origin or redirected to another destination. Since these goods have to be re-forwarded abroad, they do not represent a factual importation or exportation, thus customs procedures should facilitate this operation waiving some documentary requirements, such as import, export and transit licences.

4.4.28 With the above objective, Standard 4.34 commits States to facilitate the re-forwarding of these goods by eliminating the mentioned documentary requirements, if no contravention of the laws and regulations in force is involved. (Standard 4.34)

#### Liability for import taxes and duties

4.4.29 When goods are placed in the custody of public authorities, or transferred to a third party who has furnished adequate security to customs, the operator, or the authorized agent, should not be liable for the corresponding import duties and taxes. The lack of a fair regulation on this issue forces the responsibility on the air cargo operators, who could be liable if the goods are lost. Standard 4.35 sets a State obligation in this regard. (Standard 4.35)

## 4.5 SPARE PARTS, EQUIPMENT, STORES AND OTHER MATERIAL

### **The SARPs of Annex 9, Chapter 4, section E: Spare parts, equipment, stores and other material imported or exported by aircraft operators in connection with international services**

4.5.1 In order to maintain safe and reliable air transport services, it is essential that States have in place customs provisions for facilitating the clearance of aircraft parts, supplies and equipment being imported or exported, and for keeping the costs of such clearances at a minimum.

4.5.2 The importance of reducing barriers to the import and export of aircraft parts, equipment and supplies is recognized in three instruments of international consensus:

- The General Agreement on Tariffs and Trade (GATT), World Trade Organization Agreement on Trade in Civil Aircraft (1980) provides that signatory States shall allow the entry, free of duty, of aircraft and of a comprehensive list of aircraft spare parts, specifically identified by their harmonized system tariff classification numbers.
- Article 24 of the Chicago Convention provides that Contracting States shall allow the entry, free of duty, of aircraft and supplies, spare parts and equipment for aircraft of foreign airlines, subject to the State's regulations which may require customs supervision.

- Annex 9 to the Convention on International Civil Aviation elaborates further on the facilitation of logistical support, with SARPs providing for duty-free entry of supplies and other airline equipment, as follows:
- a) Stores and commissary supplies: free entry subject to customs controls (Standard 4.36); no requirement of supporting documentation (Recommended Practice 4.37); and duty-free sale on board (Recommended Practice 4.38).
  - b) Aircraft equipment and spare parts imported under Article 24 of the Chicago Convention: prompt release/clearance, using simplified documentary procedures (Standard 4.40); and the loan of aircraft equipment between operators for the support of international air transport services (Standard 4.42).
  - c) Ground and security equipment, instructional material and training aids for use within the limits of an international airport by a foreign airline: free entry (Recommended Practice 4.39); use of simplified documentary procedures for prompt release or clearance (Standard 4.41); and the loan of aircraft equipment between operators for the support of international air transport services (Standard 4.42).
  - d) Free importation of operators' documents to be used in connection with international air services (Recommended Practice 4.43).

#### Temporary admission of supplies and stores

4.5.3 Most countries exempt import duties and taxes for stores and commissary supplies carried on aircraft arriving from abroad, and intended to meet the needs of the passengers and crew, as well as the aircraft itself. The basis for this relief is that these stores and supplies usually remain on board the aircraft and are regarded as temporary admission with a minimum of formalities, even though, under Recommended Practice 4.38, stores for consumption and commissary supplies may be consumed or used while the aircraft is physically in the customs territory. (Recommended Practice 4.36)

4.5.4 A separate declaration is not usually required for stores remaining on board an aircraft arriving on an international flight, but if one is required, it would relate only to goods subject to high rates of duties and taxes or to restricted goods. The operator is required by customs to prevent any unauthorized use of the stores; only rarely do customs check and seal them.

4.5.5 There are various circumstances in which stores and commissary items are removed from arriving aircraft, the most obvious case being "stores to be taken away" which have been sold to passengers during the flight for use after the flight. Such stores may become liable to duties and taxes if passengers exceed their duty- and tax-free allowances in the country in which they land.

#### Documentary support for supplies and stores

4.5.6 Customs allow trans-shipment of stores from an arriving to a departing aircraft; they require prior notification, may require a trans-shipment document identifying the goods and will exercise general supervision. Stores may also be landed for sorting, repacking and re-filling for use on a departing flight. Such stores are kept in bonded areas at the airport, which are controlled on the same principles as customs warehouses. However, since some States require supporting documentation in connection with the importation of stores and commissariat supplies, Recommended Practice 4.37 promotes the waiving of certain documentary requirements (such as certificates of origin or consular or specialized invoices). (Recommended Practice 4.37)

4.5.7 There is also regular landing of commissary supplies to be destroyed, or for cleaning, packing, etc., and for use on a departing flight. Customs may exercise general supervision, but would normally rely on the operator's documentation and records if checks were considered necessary.

#### Sale or use of commissariat supplies and stores

4.5.8 As provided for in Recommended Practice 4.38, some countries apply the principle of Standard 4.36 to aircraft engaged in an international flight which stops at two or more international airports in the customs territory, provided domestic passengers, who are not entitled to duty- and tax-free stores, do not embark. (Standard 4.38)

#### Operator's ground equipment and other non-commercial material

4.5.9 It is normal practice for an aircraft operator or a Contracting State to import ground and security equipment and their component parts, instructional material and training aids for their use as part of the basic equipment, and/or material that the operator/State needs for carrying out its operations in the territory of another State. In this regard, ICAO has issued a specific policy that encourages Contracting States to grant "exemption of air transport enterprises of other Contracting States from property taxes, and capital levies or other similar taxes, on aircraft and other movable property associated with the operation of aircraft in international air transport" (see *ICAO's Policies on Taxation in the Field of International Air Transport* (Doc 8632), Section I, *Council Resolution on Taxation of International Air Transport*).

4.5.10 Since the intention of the above-mentioned policy and Recommended Practice 4.39 is to avoid multiple taxation of international air transport operations, subject to compliance with its regulations and requirements, each Contracting State should allow relief from import duties and taxes in respect of such goods imported into its territory, by or on behalf of the foreign operator, or the authorized agent, within the boundaries of an international airport or at an approved off-airport facility. (Recommended Practice 4.39)

#### Ground equipment covered by Recommended Practice 4.39

4.5.11 Ground equipment covered by this provision includes:

- a) repair, maintenance and servicing equipment, such as:
  - all repair and maintenance material for airframes, engines and instruments;
  - specialized aircraft repair kits;
  - starter batteries and ground power units;
  - maintenance platforms and steps;
  - test equipment for aircraft engines and aircraft instruments;
  - aircraft engine heaters and coolers; and
  - ground radio equipment;
- b) passenger-handling equipment, such as:
  - passenger-loading steps;



- specialized passenger-weighing devices; and
- specialized catering equipment;
- c) cargo-loading equipment, such as:
  - vehicles for moving or loading baggage, cargo, equipment and supplies;
  - specialized cargo-loading devices; and
  - specialized cargo-weighing devices;
- d) security equipment covered by this provision includes:
  - weapon-detecting devices;
  - explosives-detecting devices; and
  - intrusion-detecting devices.

4.5.12 The instruction material and training aids covered are items clearly identified as associated with aviation and aeronautical education and training, such as flight simulators, link-trainers, mock-ups, cut-away engines and parts, and charts showing the functioning of technical systems.

Simplified documentary and release/clearance procedures  
(Standard 4.40, Standard 4.41)

4.5.13 Considering that Recommended Practice 4.39 and Article 24 of the Chicago Convention provide for relief from import duties, taxes and other charges to certain goods imported or exported by foreign aircraft operators (aircraft equipment and its spare parts; ground and security equipment and their replacement parts; and instructional material and training aids), national authorities should develop and adopt simplified documentary requirements and procedures to ensure the prompt release and/or clearance of the imported/exported objects and guarantee appropriate control and law enforcement. (Standard 4.40) (Standard 4.41)

4.5.14 Given the particular nature and circumstances surrounding these goods, some customs require only the lodgement of a simplified declaration which may be a commercial document, provided it identifies the goods satisfactorily. A copy of that document can be used as the entry in the records of the operator or the authorized agent showing the whereabouts and use of the goods. Any subsequent controls by customs would be spot checks and audit checks as, for example, in a customs warehouse.

Loan of aircraft equipment, spare parts, ground equipment, etc.  
(Standard 4.42)

4.5.15 There are some special circumstances when aircraft operators of other States need to borrow from one another aircraft equipment, spare parts or ground and security equipment and their replacement parts, which have been imported with conditional relief from import duties and taxes. In these cases, Standard 4.42 provides that the State concerned allow such loans, but take the appropriate control measures. (Standard 4.42)

4.5.16 Operators are required to obtain approval for such loans so that customs are satisfied that the conditions for relief from import duties and taxes are met. In practice, customs may grant general authority for loans between given operators, or their authorized agents, provided that details are properly noted in the records of the persons concerned. This practice is routinely applicable to the loaning of unit load devices.

### Importation of operators' documents

4.5.17 Operators' documents used in connection with international air services are essential and, considering these documents have no commercial value, they are free of import duties and taxes. In this regard, Recommended Practice 4.43 encourages the adoption of such special treatment for operators' documents, as defined in Chapter 1 of Annex 9. (Recommended Practice 4.43)

4.5.18 The documents in question are air waybills/consignment notes, passenger tickets and boarding passes, bank and agent settlement plan documents, excess baggage tickets, miscellaneous charges orders (M.C.O.), damage and irregularity reports, baggage and cargo labels, timetables, and weight and balance documents, for use by airlines and operators. These documents are essentially for use in connection with the practical operation of providing international air services. Promotional or advertising material is not covered.

## 4.6 CONTAINERS AND PALLETS

### The SARPs of Annex 9, Chapter 4, section F: Containers and pallets

#### Temporary admission

4.6.1 Containers and pallets are basic elements of the air cargo operations and part of the movable property associated with the operation of aircraft in international air transport (see Doc 8632, Section I, *Council Resolution on Taxation of International Air Transport*). In this context, containers and pallets should be exempt from importation duties and taxes, as well as any replacement parts required for their repair.

4.6.2 Since containers and pallets are continuously used by different aircraft and sent abroad to other international airports, Standard 4.44 obligates States to grant temporary admission of containers and pallets when they are to be used on an outbound international service or otherwise re-exported. This provision also prescribes that such temporary admission is subject to compliance with the regulations and requirements of the State concerned. In addition, Standard 4.52 also obligates States to grant the same temporary admission to the replacement parts needed to repair containers and pallets. (Standard 4.44) (Standard 4.52)

4.6.3 The containers and pallets referred to in Standards 4.44 to 4.52 are also often referred to as "unit load devices". These include any kind of freight or aircraft container and aircraft pallet with a net or an igloo, but do not include overpacks or containers for radioactive materials.

#### Control of temporary admitted containers and pallets

4.6.4 Given the essential role of containers and pallets in the safe international air transport of cargo, countries usually operate temporary admission arrangements which are simplified in comparison with the "standard" temporary admission system. Thus, a specific temporary admission goods declaration at importation and re-exportation is not required other than in exceptional circumstances. Customs rely on the commercial documentation and records of the operator or the authorized agent. (Recommended Practice 4.45) (Recommended Practice 4.46)

#### Handling of transit cargo

4.6.5 Another important handling operation usually carried out in many international airports is the unloading of transit cargo arriving in containers and pallets that needs to be sorted and reassembled in shipments for onward

carriage. These operations should be executed without having to undergo clearance for home use, and they should be carried out in bonded areas or in temporary stores, all under the supervision of the public authorities concerned. These goods may be placed there against a commercial manifest, or other suitable commercial document describing them, and may undergo normal operations necessary to facilitate their removal from the store and further transport. (Standard 4.47)

#### Containers and pallets leaving the airport to be laded

4.6.6 When imported goods leave the airport of arrival for release/clearance, moving under local removal arrangements if the journey is very limited or under national customs transit, details of containers and pallets can be noted on the relevant documentation and no separate document or control is needed. The operator's records will normally cover the movement, as would be the case for containers and pallets which leave the airport to be laded for export. (Standard 4.48)

#### Storing containers and pallets at off-airport locations

4.6.7 There may be occasions when, due to lack of space or to anticipated delay before re-exportation, it is necessary to store containers and pallets at off-airport locations. Given that these items are under temporary admission, customs would expect the place of storage to be conveniently close to the airport and the period of storage to be short. Provided they are satisfied with the circumstances and with the aircraft operator's records, general (as opposed to individual) approval could be given without imposing additional control requirements.

4.6.8 Taking into account the space constraints at many international airports and the high cost associated with the storage of containers and pallets on the airport premises, Standard 4.49 requires that States allow off-airport locations for the storage of containers and pallets. (Standard 4.49)

#### Loan of containers and pallets

4.6.9 For the purpose of terminating temporary admission, it does not matter whether containers and pallets are used on an outbound international flight or are re-exported empty as cargo. The latter case may occur when there is a need to make up a shortfall elsewhere, often under pooling arrangements. Customs may give general authorization to operators to loan containers and pallets, while relying on the records of the persons concerned should customs decide to check that re-exportation has indeed taken place.

4.6.10 Considering the above customs practices and the operational needs of aircraft operators, Standard 4.50 commits States to allow the loan, between operators, of containers and pallets admitted under Standard 4.44, and exempting such loans of import duties and taxes. (Standard 4.50)

#### Re-exportation of containers and pallets

4.6.11 In temporary admission cases, identification of the goods is particularly important because customs need to be satisfied that the goods are indeed being re-exported. Sometimes that is not entirely straightforward and customs may require them to be re-exported through a particular customs office for control purposes. In other cases, when specific arrangements have been made for an event (such as a major exhibition), re-exportation via the "control office" can facilitate matters and help the trader. In the case of containers and pallets, such considerations do not apply and re-export through any customs office designated for this purpose is allowed; this facilitates the trade when, for example, containers and pallets leave the airport of arrival for release/clearance of the goods elsewhere, and for transport reasons, are to be re-exported through a different airport. Standard 4.51 takes the above practices into consideration and commits States to act in accordance by standardizing such practices and facilities. (Standard 4.51)

## 4.7 MAIL PROCEDURES — UNIVERSAL POSTAL UNION (UPU)

### The SARPs of Annex 9, Chapter 4, section G: Mail documents and procedures

4.7.1 The Acts of the Universal Postal Union (UPU) contain international arrangements and prescribed documentation for the international transport and clearance of mail. Provisions relating to customs and the Post are approved by a UPU/WCO Contact Committee, which usually meets once a year. In this context, mail handling, forwarding and clearance must comply with the documentary procedures as prescribed by the Acts in force of the Universal Postal Union and Standard 4.53. (Standard 4.53)

4.7.2 Mail transported by air is usually covered by form UPU CN38, which is the delivery bill, but sometimes by form UPU CP87, which is the air parcel bill that gives the number of parcels being carried. The UPU CN38 lists the number of receptacles (bags or trays) of mail, sometimes the number of parcels and the gross weight. It may also distinguish between various categories of mail, such as letterpost, postal parcels and Express Mail Service (EMS) items. It also indicates the postal service of origin and the despatch office, the post office of destination, any airport of trans-shipment, the airport of off-loading, flight numbers, date and times, container numbers, seal numbers and mail reference. The UPU CN38 is for carrier billing and the UPU CP87 for the postal service at the destination.

4.7.3 In some instances, mail is cleared at postal/customs facilities at the destination airport, but frequently it is transferred to postal/customs offices inland. Postal items are usually cleared against accompanying forms UPU CN22 or CN23 and any necessary supporting documents. A full goods declaration is required only when the goods are subject to special controls or when their value exceeds an amount specified in national legislation.

*Note.— UPU forms can be found at: [www.usps.com/forms/intlforms.htm](http://www.usps.com/forms/intlforms.htm).*

## 4.8 RADIOACTIVE MATERIAL

### The SARPs of Annex 9, Chapter 4, section H: Radioactive material

4.8.1 Dangerous goods (such as radioactive material) are carried regularly and routinely by air. To ensure they do not put an aircraft and its occupants at risk there are comprehensive and stringent international Standards which each State, under the provisions of the Chicago Convention, is required to introduce into national legislation. This system ensures governmental control over the carriage of dangerous goods by air and gives worldwide harmonization of safety standards.

4.8.2 Annex 18 —*The Safe Transport of Dangerous Goods by Air* sets down broad principles on such carriage. These principles are amplified by detailed specifications in the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284).

4.8.3 In spite of compliance with the provisions of Annex 18 and the specifications in Doc 9284, an increasing number of instances of denials and/or delays of shipment of radioactive material, in particular, are being reported. These denials and delays occur at all stages of the transport of the material, including international border controls such as customs. Also, non-uniform restrictions additional to the internationally agreed upon specifications in Doc 9284 are also being imposed by some States on the transport and entry and/or exit of radioactive material.

4.8.4 These delays and denials cause problems for end-users. Delays and denials of shipments of radioactive material, in particular material used for medical applications, result in hardships to patients undergoing diagnosis and treatment and to others who rely on products sterilized by radiation. Most countries around the world import isotopes commonly used in medicine, for example, those used to treat cancer and to diagnose heart attacks. Hospitals and clinics

depend on these international shipments to arrive on time, particularly if an isotope has a short half-life, is patient- or application-specific and must be sent by air.

4.8.5 When a State's regulatory controls, such as customs' controls, causes delays even though all international regulations have been complied with, this creates bottlenecks that block shipments. In cases involving isotopes with short half-lives – such as iodine used to treat and detect thyroid tumours – delays render the isotopes much less effective and, if the delay is long enough, useless.

4.8.6 Therefore, in order to promote uniformity of customs' or other entry or exit regulations on the movement of radioactive material, particularly material used in medical applications, a new sub-section was incorporated in Chapter 4 of Annex 9 containing two new SARPs (Standard 4.54 and Recommended Practice 4.55) relating to the customs' and other entry/exit treatment of radioactive material transported by air and one Standard (4.56), similar to Annex 18, Standard 2.5.1, requiring States to promptly notify ICAO of any variations to Doc 9284.

4.8.7 These SARPs are aimed at complementing the work of the International Atomic Energy Agency in its task of lessening the impact of proliferating rules and regulations that inhibit the transport of radioactive material.

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## Chapter 5

# INADMISSIBLE PERSONS AND DEPORTEES

### 5.1 INTRODUCTION

5.1.1 The challenges posed to civil aviation, in the late 1970s/early 1980s, by the increasing numbers of attempts at illegal migration by air led to the adoption of new Standards and Recommended Practices (SARPs) in Annex 9 by the Tenth and Eleventh Sessions of the Facilitation Division (FAL/10, held in 1988 and FAL/11, held in 1995) and further development by the first meeting of the Facilitation Panel (FALP/1, 1997), culminating in Amendment 17 to the Annex. Categories of problems which these SARPs sought to address included preventive measures against illegal migration, immigration procedures, and the repatriation of so-called “inadmissible persons”. These SARPs were incorporated into Annex 9, Chapter 3, *Entry and departure of persons and their baggage*.

5.1.2 In order to simplify these provisions, and modernize them to address an increasingly complex problem, the SARPs contained in Chapter 3, particularly those concerned with entry procedures and responsibilities, were comprehensively revised in the years following FALP/1. Those SARPs that address practical problems relating to “problem” passengers such as inadmissible persons and deportees, persons recognized as requiring more detailed or specialized entry or departure processes at international airports, were placed in a new Chapter 5.

5.1.3 Annex 9, Chapter 5 is divided into four sections. The second and third sections contain SARPs pertaining specifically to inadmissible persons and deportees, respectively. The first and last sections contain Standards applicable to both these categories.

#### Relevant definitions

5.1.4 The following terms (defined in the Glossary) should be considered while implementing the provisions of Annex 9, Chapter 5:

- admission, commencement of journey, deportation order, deportee, improperly documented person, inadmissible person, removal of a person, removal order, risk assessment and travel document.
- there is a very important distinction between “inadmissible” persons and “deportees”. This is why SARPs relating to each category were placed in separate sections in Annex 9, Chapter 5.

5.1.5 *Inadmissible persons*

- “Inadmissible person” is defined as “A person who is or will be refused admission to a State by its authorities.” This “refusal” of admission occurs at the time the person seeks entry into the State, and at which time the control officer makes a determination that he should not be admitted.
- An inadmissible person can be a passenger or a crew member on an arriving flight.
- Inadmissible persons can be distinguished into various “types”. For example:

- a) improperly documented persons: e.g. persons who hold valid passports that have expired and/or persons without valid visas (see the Glossary);
- b) fraudulently documented persons, i.e. persons who use illegal means to circumvent or otherwise avoid detection during migration controls, e.g. by arriving with fraudulent, falsified or counterfeit documents or by arriving with genuine documents that belong to someone else;
- c) undocumented persons, i.e. persons who arrive without documents. Such persons either embark with the relevant, valid documentation and then destroy their documents during the flight or lose their documents; or
- d) other admission refusals, i.e. persons holding genuine and valid documents of their own, and who appear to the operator to meet all conditions for entry, but are nevertheless denied entry by the public authorities for reasons beyond the operator's control, e.g. lack of funds, information contained in the State's border control database or other reasons.

These categories of inadmissible persons warrant different approaches on the part of the public authorities vis-à-vis operators, as set out in Standards 5.9 and 5.9.1.

#### 5.1.6 *Deportees*

- “Deportee” is defined as “A person who had legally been admitted to a State by its authorities or who had entered a State illegally, and who at some later time is formally ordered by the competent authorities to leave that State.” (see the Glossary).
- Deportees are a category of persons distinct from persons found inadmissible at the time of entry into a State. Deportees are *not* inadmissible persons. Deportees are: a) persons who seek entry into the State, are admitted by the control authorities, and who at some later time are formally ordered to leave the State (for whatever reason); or b) persons who enter a State illegally and who at some later time are formally ordered to leave the State (for whatever reason). This would apply even to those who are admitted by control authorities at the time of entry and it is later discovered that they entered illegally (e.g. by use of fraudulent documents).

The key to understanding the difference between an inadmissible person and a deportee is this: from the moment a person is admitted to a State, the responsibility of an aircraft operator for his custody and care comes to an end (see Standard 3.45). Thereafter, if a State deports this person from its territory, it (and not the aircraft operator) is obliged to assume all obligations, responsibilities and costs associated with his removal (Standard 5.18). An aircraft operator merely serves to provide transportation for the deportee, like it would for any other “regular” passenger.

### **The SARPs of Annex 9, Chapter 5, section A: General**

5.1.7 An increasing trend discernable today is the unwillingness of control authorities of States, who are sending and receiving inadmissible persons, to cooperate and communicate with one another, thus hindering the sound and economic functioning of international civil aviation. Reports have been received of persons being shuttled back and forth between States because of disagreements about their “inadmissible” or “deportee” status. Aircraft have been detained on the ground for days, and even weeks, because of disputes between administrations on their respective responsibilities with regard to inadmissible persons. Such delays and disruptions serve no useful purpose and can only encourage illegal migration by air.

5.1.8 Thus, the general principle contained in Standard 5.1 obligates affected States to communicate and cooperate to promptly resolve their differences. The effectiveness of the provisions applicable to inadmissible persons, in particular, depends heavily on widespread acceptance of the SARPs, conformance to them and on cooperation, by



States, in their implementation. The idea is to prevent cases in which the States concerned place the burden of inadmissible persons and deportees on the airlines involved, seriously delaying the resolution of problems. (Standard 5.1)

5.1.9 Standard 5.2 provides States with a regulatory/legal basis to permit the *transit* of persons being removed from another State, and their escorts, if any. In the light of the increasing importance of escorts, this provision should facilitate the journey of escorts when accompanying an inadmissible person or deportee. (Standard 5.2)

5.1.10 Standard 5.2.1 emphasizes the respect of human rights of inadmissible persons and deportees. This Standard obligates the relevant public authorities to protect persons being removed against any infringement to their dignity, notably insults, public curiosity and any act of violence or intimidation.

## 5.2 INADMISSIBLE PERSONS

### The SARPs of Annex 9, Chapter 5, section B: Inadmissible persons

5.2.1 The first group of SARPs in this section (5.3 to 5.7) set out, in as chronological a manner as possible, the following step-by-step procedures to be followed by a State and the relevant aircraft operator, for the “removal” of an inadmissible person from that State:

- a) *Notification of inadmissibility* (Standard 5.3 and Note): Following the determination of a border control officer that a passenger or a crew member would not be admitted into a State, the relevant authority is obligated: a) to notify the aircraft operator that a person has been found inadmissible; b) to notify the operator without delay; and c) to send a written notification of the inadmissibility as soon as possible. This written notification can be either in paper form or in electronic form. The idea behind this provision is to establish immediate communications/contact between the State and the operator with regard to the inadmissibility, and so enable the operator to begin planning the removal of the inadmissible person. This also avoids the possibility of delayed and oral notifications of such cases that have traditionally caused operational difficulties for airlines.
- b) *Consultation on removal time-frame* (Recommended Practice 5.4): After the authorities have notified the aircraft operator pursuant to Standard 5.3, it is recommended that the authorities should consult the operator on the time-frame within which the inadmissible person is to be removed. The aim here is to provide the operator as much latitude as possible in order for it to effect the removal via its own services. The aircraft operator could, however, be asked to effect a removal via an alternate airline if an inadmissible person is not, or cannot be, removed within 24 hours. (Recommended Practice 5.4)
- c) *Provision of documents:*
  - i) *Removal order* (Standard 5.5): In addition to a written confirmation required under Standard 5.3, a State is also required to provide an operator a written “removal order” directing the operator to remove the inadmissible person from the State (see the Glossary and Standard 5.5). The removal order is one of the several documents to be provided to the operator by the removing State for deliverance to the destination State, and serves as written proof of the administrative action taken by the State ordering the removal. (Standard 5.5)
  - ii) *Covering letters* (Standards 5.6 and 5.7): In addition to the removal order, the State is obligated to also provide the aircraft operator “covering letters” giving details of the person being removed and the circumstances of the removal. These letters, sample formats for which are given in Annex 9, Appendix 9, are to be provided in the following two cases: a) for a person who is found

inadmissible because he is undocumented (i.e. “lost” or “destroyed” documents); or b) for a person travelling with documents that have been seized under the provisions of Standard 3.46. (Standard 5.6 and Standard 5.7). (See Annex 9, Appendix 9.)

5.2.2 Standard 3.46 obliges States to seize fraudulent, falsified or counterfeit documents or to seize the documents of an impostor, i.e. a person travelling on someone else’s documents. The reason for this is to ensure that such documents are removed from circulation, so that they cannot be used and re-used for illegal migration. These seized documents are to be returned to the State named as the issuer of the documents or to the resident Diplomatic Mission of that State.

5.2.3 In the case of the seizure of travel documents under Standard 3.46, the State removing an inadmissible person is required to provide photocopies of the seized documents to the aircraft operator for onward transmission to the destination State.

5.2.4 Note that Standards 5.6 and 5.7 are to be read in conjunction with Standard 5.13.

- a) The next group of SARPs in this section (5.8 to 5.10) is concerned with flight security, costs of the custody and care of inadmissible persons and recovery of transportation costs, as follows:
  - i) Persons declared inadmissible could offer resistance when they are removed by operators. The airlines are thus exposed to risks which potentially reduce the security of flights. Standard 5.8, therefore, requires the removing State to provide advance warning to the operator of any potential problems relating to an inadmissible person, so that the latter can take precautions to ensure the flight’s security.

One aspect of this relates to the provision of escorts or police officers. The costs of such escorts/officers sometimes become a contentious issue between the State and the operators, particularly if these escorts are provided by the removing State. Hence, this Standard hence allows the operator to make its own arrangements so that the operator has a choice of using the security provided by public authorities, its own security personnel or hiring outside personnel, as appropriate to the situation.

- ii) Standards 5.9 and 5.9.1 set out the obligations of both an aircraft operator and the removing State for the costs associated with the custody and care of an inadmissible person. These costs, that can include detention and maintenance costs, can be substantial, depending on the location and period of the custody of such persons.
- b) Standard 5.9: The responsibility of the operator for the cost associated with the custody and care of passengers and crew after they have been found inadmissible has been placed in Chapter 5 because it deals with a special situation arising from the admission and control of persons. The key element in Standard 5.9 is that the person in question is found inadmissible because he is *improperly documented* (for a definition of this term, see the Glossary). Additionally, he has to be returned to the operator for removal, so that the operator can make its own arrangements for any detention/custody until the person is physically flown out of the State. (Standard 5.9)
- c) Standard 5.9.1: The key element here is that the State is responsible for the cost of custody and care for all categories of inadmissible persons except as described in Standard 5.9: i.e. if a person is not admitted due to document problems beyond the expertise of the operator or for *any other reason other than* improper documentation, the State is responsible for the relevant cost. The State is responsible for all detention and maintenance costs until the inadmissible person is returned to the operator for removal from the State (at the time of the flight on which he is booked to fly).
- i) Standard 5.10 concerns the recovery of the transportation costs from the person found inadmissible. Generally, the return portion of the person’s ticket is used. However, if the person

does not have a return ticket, the Standard provides a legal basis for recovering the costs of transportation from the inadmissible person.

- d) The next group of SARPs in this section (5.11 to 5.13) concerns the physical removal of the inadmissible person from the removing State and his acceptance at the State to which he is carried.
  - i) Standard 5.11 obligates the aircraft operator to remove an inadmissible person to one of two possible places: a) the point where he commenced his journey; or b) to any place where he is admissible.

5.2.5 The meaning attributed to the term “commencement of journey” is very important. It is “The point at which the person began his journey, without taking into account any airport at which he stopped in direct transit, either on a through-flight or a connecting flight, if he did not leave the direct transit area of the airport in question.” (See the Glossary.)

5.2.6 For example:

- a) Mr. T flies from State A to State B. State A is the point where Mr. T commenced his journey.
- b) Mr. T flies from State A to State B. He is, however, in transit in State B. He spends sometime in the transit area waiting for his connecting flight to State C. State A is the point where Mr. T commenced his journey.
- c) Mr. T flies from State A to State B. He is in transit in State B. However, his connecting flight is not until six hours later, so he approaches a border control officer and asks the officer permission to make a quick sightseeing visit to the nearest city. The control officer permits him to enter State B. After his sightseeing trip, Mr. T returns to the airport and catches his connecting flight to State C. State B becomes the point where Mr. A commenced his journey.
- d) Mr. T flies from State A to State B. He is in transit in State B. However, his connecting flight is not until ten hours later, so he approaches a border control officer and asks the officer permission to visit a hotel (located at the airport, but beyond the control point) to rest and refresh himself. The control officer permits him to enter State B so that he could rest at the hotel. Mr. T then returns to the airport terminal and catches his connecting flight to State C. State B becomes the point where Mr. A commenced his journey.
- e) Mr. T wishes to fly from State A to State C. However, State B is along his route. He has never visited State B, which is known for its tourist attractions. Therefore, he books his flight with the following itinerary: State A to State B and State B to State C, all on the same ticket, but with a ten-day break in State B. As he requires a visa for State B, he applies for and receives a single-entry visitor’s visa. He then flies from State A to State B, and ten days later, flies to State C where he is found inadmissible. State B is the point where Mr. T commenced his journey.

5.2.7 The term “any place where is admissible” is not defined in the Annex. However, it appears to be generally interpreted as being the State of which the person is a citizen or a valid and authorized resident. For many years, the Annex required airlines to remove an inadmissible person to the point where he commenced his journey. In 1963, however, the sixth Facilitation Division amended the provision to give operators the choice between returning inadmissible persons to the point where they commenced the use of the operator’s aircraft or transporting such persons to any other place where they were admissible. The reason for this is that occasionally the inadmissible person does not have the requisite documents to enter the point where he had commenced his journey.

5.2.8 In the example e) above, therefore, instead of returning the inadmissible person to State B (where he will not be admitted because his visa has expired, and the operator would most likely be heavily fined), the operator flies Mr. T directly to State A.

- a) Although the sixth Facilitation Division inserted the second option of the removal of an inadmissible person to any place where he is admissible, it did not specifically State which entity (the State or the aircraft operator) had the right to exercise the option. This choice, recognized by the Sixth Facilitation Division (1963), had not been specified spelt out in the Annex until recently (2009). The Annex now recommends (Recommended Practice 5.11.1) that, where appropriate, Contracting States should consult with the aircraft operator regarding the most practicable place to which the inadmissible person is to be removed.

5.2.9 In our example e) above, therefore, after consultations with the removing State, the aircraft operator may remove Mr. T to State D, for example, where he is a legal resident, instead of State A.

- a) Standard 5.12, which is to be read with Standard 5.11, obligates a Contracting State to accept for examination a person removed from a State where he was found inadmissible, if this person commenced his journey from its territory. In example c) above, therefore, State B is obliged to examine the inadmissible person removed from State C. Further, Standard 5.12 prohibits State B from returning such a person to State C. This Standard is meant to seek a solution to the undesirable practice of having persons found inadmissible sent back and forth between States.
- b) Standard 5.13 obliges Contracting States to accept the “covering letters” and other papers delivered pursuant to Standard 5.6 or Standard 5.7 as sufficient documentation to carry out the examination of the person referred to in the letter.
- c) The last group of SARPs in this section (5.14 to 5.16) deals with the following topics:
- d) Standard 5.14 requires States not to fine aircraft operators for improperly documented persons where aircraft operators can demonstrate that they have taken adequate precautions to ensure that these persons had complied with the documentary requirements for entry into the receiving State. (Refer to SARPs 3.31, 3.32 and 3.33, in this regard.)
- e) The Annex encourages cooperative arrangements between aircraft operators and government authorities with regard to their respective roles in dealing with the problem of inadmissible persons. For example, agreements such as memoranda of understanding are now becoming common between the different parties. The Annex therefore recommends that if such agreements are reached with the aim of preventing the transportation of inadmissible persons, Contracting States should mitigate the fines and penalties that might otherwise be applicable should such persons be carried to their territory. (Recommended Practice 5.15)
- f) Anecdotal evidence suggests that States sometimes prevent aircraft from taking off because of pending determination of the status of arriving persons. This delays departures and causes operational difficulties to airlines. Therefore, Standard 5.16 ensures that air transport is not disrupted by incidents of the kind described in the paragraph. The Note leaves States a certain latitude in applying the Standard above in order to take into account situations in which an irregularly high number of inadmissible persons are found on a specific flight. (Standard 5.16 and Note)

### 5.3 DEPORTEES

#### The SARPs of Annex 9, Chapter 5, section C: Deportees

5.3.1 As pointed out earlier, deportees are *not* inadmissible persons. These are persons who had earlier been admitted by a State, but for a particular reason are being asked to leave. The easiest and quickest method of deporting

a person is by air transportation. As a result, it is not uncommon for government authorities to bring a person, sometimes without warning, to an airline counter and demand that the operator provides transportation to the deportee. Evidence suggests that, *inter alia*, little or no warning is given to operators regarding a potential deportee to allow an operator to make an adequate reservation on a flight, inadequate (or little), documentation provided to the operator to ensure that the deportee has the required documents to fly to another State, and no guidance provided to the operator as to the deportee's destination.

5.3.2 The SARPs of section C therefore aim at providing both States and operators uniform procedures setting out the roles, responsibilities and duties of each entity in the deportation process.

5.3.3 Therefore, even before a State raises the issue of the transport of a deportee with an operator, the State is obligated to:

- a) issue the person to be deported with a deportation order, indicating the name of the destination State. (Standard 5.17). The deportation order (defined in the Glossary) also serves as written proof of the State's administrative action; and
- b) assume all obligations, responsibilities and costs associated with the removal (Standard 5.18). It is this provision that very clearly delineates the legal status of a deportee *vis-à-vis* an inadmissible person.

5.3.4 Standard 5.19 obliges a State, when making arrangements with an aircraft operator for the removal of a deportee, to provide certain specific advance information to the operator. This Standard allows the operator sufficient time to carry out a full assessment of the risk of possible damage, danger or injury that the carriage of the deportee might bring. The advance notice will also allow the operator to ensure the appropriate allocation of seating for the deportee and a possible escort, brief crew members and take all appropriate precautions for the transport.

5.3.5 The term "risk assessment" used in this Standard is defined in the Glossary.

5.3.6 The Annex requires States to use direct non-stop flights in cases of deportation (Standard 5.20). This is to avoid any complications that may arise if the deportee is required to transit through another State(s), possibly via the services of more than one aircraft operator. Using direct, non-stop flights removes the requirement for escorts, their costs, and the need to secure transit visas for the deportee and the escorts.

5.3.7 Standard 5.21 obliges a Contracting State, when presenting a deportee for removal, to ensure that all official travel documentation required by any transit and/or destination State is provided to the aircraft operator. The reason for this is that a person being deported might not have the necessary travel documents (e.g. passport or visa). The Standard therefore ensures that the deportee is provided with the necessary travel document(s) to facilitate his travel through a transit State and entry into the destination State. In this regard, the following Standards are particularly relevant in the implementation of this Standard: Standard 5.17 (obliging a departing State to issue a deportation order), Standard 5.26 (obligation of a State to provide travel documents to a national), Standard 5.27 (non-requirement of a signature for document issuance), Standard 5.28 (issuance of emergency travel documents) and Standard 5.29 (prohibition on refusal to issue a travel document).

5.3.8 Standard 5.22 and Standard 5.23 set out the obligations of the destination States of persons being deported. The Annex mandates that a Contracting State admit into its territory its nationals who have been deported from another State (Standard 5.22). The Annex requires a State to give "special consideration" to the admission of a person, deported from another State, who holds evidence of valid and authorized residence within its territory. These provisions suggest the order of choice of destinations to which a deportee can be deported. However, it is most advisable for a departing State, through diplomatic or other channels, to have already arranged for the admission of the deportee into the destination State. (Standard 5.22, Standard 5.23)

5.3.9 Finally, Standard 5.24 provides a legal basis for security officers (escorts) to remain with a deportee from the time of deportation until arrival at the destination via a transit State. This provision ensures that an escort is not

denied entry into a transit State. It also ensures the transit State that a potentially disruptive deportee is constantly accompanied by security personnel during the duration of the stay in that State. The provision also makes allowance for an appropriate change in escorts at the transit location.

## 5.4 PROCUREMENT OF A REPLACEMENT TRAVEL DOCUMENT

### The SARPs of Annex 9, Chapter 5, section D: Procurement of a replacement travel document

5.4.1 As is quite often the case, an inadmissible person or deportee being removed from a State does not possess travel documents that ascertain his identity and that allow him to travel. The SARPs of section D aim to remedy this shortcoming.

5.4.2 Standard 5.25 deals with an extremely problematic issue normally associated with inadmissible persons. In many instances, a person arriving with no documents is handed back to the inbound carrier with an order to remove him. The carrier then is placed in the position of either: a) transporting the passenger to a place known not to accept the documentation and face legal difficulty; or b) holding the inadmissible person in detention whilst attempting to get the authorities of that person's home country to issue a replacement document. This Standard therefore obliges the State ordering the removal of an inadmissible person to work with another State to ensure that an emergency or replacement document is issued in a timely manner. If travel documents are not available, the removing State is obliged, in any case, to comply with the provisions of Standard 5.6.

5.4.3 The last four Standards of Chapter 5 (5.26 to 5.29) are based on the principle that States have not only a sovereign right to remove non-nationals but also an international obligation to readmit their nationals returned from States in which they do not have a right to remain. Usually, States cooperate with one another when requests are made for the issuance of travel documents for the removal of inadmissible persons and deportees. However, some States take weeks or longer to process applications for travel documents. Such delays frequently result in higher maintenance and detention costs, if applicable. Furthermore, delays increase the chances that such persons not under detention will be successful in ultimately eluding the authorities at the time of removal.

5.4.4 As a result, under Standard 5.26, a State is obliged, on request, to provide a travel document for a person being removed not more than thirty days after a request is made, or to satisfy the requesting State that the person being removed is not a national. If the State cannot issue a travel document within thirty days, it is obliged, under Standard 5.28, to issue an emergency travel document. Under Standard 5.27, a signature shall not be required by an issuing State for it to issue a document. Finally, Standard 5.29 prohibits a State from refusing a travel document to a national being returned to the State or rendering that person Stateless.

## 5.5 ADDITIONAL REFERENCE DOCUMENTATION

For additional information, relevant guidelines pertaining to inadmissible persons and deportees, published by the International Air Transport Association/Control Authorities Working Group (IATA/CAWG) can be found on the ICAO website at: <http://www2.icao.int/EN/AVSEC/FAL/Pages/Annex9.aspx>. These are: a) IATA/CAWG Guidelines for the Removal of Inadmissible Persons (April 2005); and b) IATA/CAWG Guidelines for the Removal of Deportees (June 2007).

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## Chapter 6

# INTERNATIONAL AIRPORTS — FACILITIES AND SERVICES FOR TRAFFIC

### 6.1 INTRODUCTION

6.1.1 Annex 9, Chapter 6 is divided into the following six parts: A. General; B. Airport traffic flow arrangements; C. Facilities required for implementation of public health, emergency medical relief, and animal and plant quarantine measures; D. Facilities required for clearance controls and operation of control services; E. Unruly passengers; and F. Passenger amenities.

#### Relevant definitions

6.1.2 The following terms (as defined in the Glossary) should be considered while implementing the provisions of Chapter 6: baggage, cargo, direct transit area, international airport, mail, mishandled baggage, passenger amenities, public authorities, unaccompanied baggage, unclaimed baggage, and unidentified baggage.

#### The SARPs of Annex 9, Chapter 6, section A: General

6.1.3 Standard 6.1, the overarching provision of Chapter 6, sets out the principle that neither the State nor the airport can avoid responsibility on account of privatization and that responsibility devolves upon the State for the continued regulation of air transport policy in its territory irrespective of the corporate or economic status of the airport. Thus, the provision requires each Contracting State to ensure that the provisions of Annex 9 continue to be implemented in the event an airport becomes privatized.

6.1.4 It is incontrovertible that the responsibility of the State is not extinguished merely because an airport is made subject to private ownership or private management control. In international air transport, the mere fact that the State has to provide airport services under Article 28 of the Chicago Convention and indeed designate airports within its territory for landing purposes as per Articles 10 and 68 imposes legal responsibility upon the State to be accountable to public international law for any liability incurred as a result of action on the part of airports within its territory. The provisions of the Chicago Convention, which is an international treaty, are binding on Contracting States to the Convention and therefore are principles of public international law.

6.1.5 Annex 9 contains guidelines on facilitation which could be used in the instance of new policies and improvements being affected in an airport undergoing privatization. The significance of these provisions in the Annex is the fact that, whatever may be the corporate or governing structure of an airport, States have been provided with established guidelines for the continued regulatory control of their airports. Conversely, a privatized airport retains the obligation to implement the provisions of Annex 9.

6.1.6 Additional information on the issue of privatization of airports can be found in ICAO Circular 284, *Privatization in the Provision of Airports and Air Navigation Services*.

6.1.7 The origins of Recommended Practice 6.1.1 and Standards 6.1.2 and 6.1.3 go back to the first edition of Annex 9 which required States to provide space and facilities for public authorities at international airports, at public expense, and without charge during regular working hours. If these services were to be charged for, they were to be provided at terms “no less favourable” to the services provided to “other modes of transport”. The emphasis was on the equality of services for air transportation, a condition repeated in almost all the earlier editions of the ICAO Annexes. This was to ensure that the “fledgling” air transportation mode was not disadvantaged, vis-à-vis maritime transportation, in particular, in order for it to grow economically and efficiently.

6.1.8 Over the years, however, as air transportation grew from more popular, only the requirements to provide expeditious processing by operators and efficient services by border control authorities remain. These three paragraphs are rather self-explanatory and little needs to be said by way of introducing them, except to the reference to “flow arrangements.”

6.1.9 With regard to effective flow arrangements, these requirements are aimed at ensuring the improvement of terminal traffic-handling arrangements from the standpoint of customs, immigration and public health, as well as of the general comfort of the passengers. Flow arrangements refer, basically, to the smooth, rapid, uninterrupted flow of (generally passenger) traffic, regardless of whether that traffic is disembarking, embarking, or in direct transit. The idea is to ensure speedy loading and unloading of passengers, in order to reduce ground time of aircraft to a minimum and reduce congestion. Effective airport flow arrangements are of particular focus in Annex 9, Chapter 6, section B.

6.1.10 Ideal flow principles to be followed in the planning of airports are set out in detail in the *Airport Planning Manual* (Doc 9184), Part 1 — *Master Planning*, Chapter 9.

6.1.11 Standard 6.1.4 addresses capacity for expansion at airports to meet traffic growth and security-related services. The element requiring that airport facilities be capable of expansion was introduced into Annex 9, Chapter 6 during the early years of the jet age. With traffic increases soaring beyond expectation at many international airports, this aspect often was not taken sufficiently into account when airports were redesigned or newly built, resulting in congestion at airports, delays in clearance, irritation to the travelling public and costly alterations. Hence, facilities and services were required to be capable of expansion to meet traffic growth. The security element came later. An underlying theme that runs throughout Annex 9 relates to the relationship between facilitation and aviation security. ICAO’s FAL Programme seeks to ensure the rapid and efficient clearance of aircraft and their loads by standardizing and simplifying the formalities and procedures involved. The aim of the security programme is to ensure, through security controls, that aircraft are able to operate safely and free from acts of unlawful interference. Coordination is therefore necessary to ensure that the objectives of both programmes are met in the most efficient manner. Therefore, facilities and services at airports are required, under Standard 6.1.4, to be capable of expansion to meet security-related and border integrity measures.

6.1.12 Standard 6.2 requires consultation with various stakeholders when new facilities or major modifications to existing facilities are planned, so that necessary information and advice is obtained at the outset in order to achieve ideal facilities from a facilitation point of view. New procedures for the processing of passengers, baggage or cargo may be introduced as a result in changes in policies which may have widespread implications for the facilitation of such passengers, baggage and cargo, and for the physical facilities required. In such cases, cooperation between the various entities may offer the possibility of resolving facilitation problems and facility design. Failure to consult the relevant stakeholders at airports may result in insufficient space or facilities, inadequate design of flow routes and terminal layouts, and cause traffic problems.

6.1.13 Recommended Practice 6.3 is linked with Standard 6.2 with the proviso that aircraft operators provide their input during such consultation in confidence, due to the sensitive (competitive) nature of their information.

6.1.14 The rationale behind Recommended Practice 6.4, i.e. direct collection of service charges, airport taxes or similar fees from passengers, is to prevent long queues forming at airports, thereby avoiding adding to airport congestion. These charges or fees should be included in the price of the airline ticket.



6.1.15 Recommended Practice 6.5 advises seeking a balance between the rights of aircraft operators to appoint their own ground handling agents or performing the associated tasks themselves, with that of the airport operator, whose main goal is to reduce congestion and maintain safety on the apron. Aircraft operators have long taken the view that the provision of ground handling by the airport operator or by an agent appointed by the airport operator interferes with the safe, efficient and economical operation of aircraft which is essentially the concern of the airlines themselves. The liability of operators, under various private air law treaties (such as the Warsaw Convention), for costs, efficiency, confidentiality of business data, and their general competitive position at a given airport are other reasons provided by airlines in this regard. Therefore, the view of the operators has been that ground handling and other apron services which are related to the transport, handling, loading and unloading of passengers, baggage, cargo and catering supplies should be controlled by the airlines themselves.

6.1.16 Recommended Practice 6.5 therefore advises that aircraft operators should have as much freedom as possible to choose ground handling suppliers, subject to space or other physical constraints and to relevant regulations established by the State.

## 6.2 AIRPORT TRAFFIC FLOW ARRANGEMENTS

### The SARPs of Annex 9, Chapter 6, section B: Airport traffic flow arrangements

#### Section I. Common provisions

6.2.1 Standard 6.6, which requires airport operators to provide facilities to permit embarkation and disembarkation of passengers without delay, is self-explanatory. Its aim is to reduce congestion and increase efficiency in disembarkation of passengers so that they proceed from the aircraft to border control positions in the terminal building as quickly as possible.

6.2.2 Recommended Practice 6.7 deals with the requirement for sharing operational information between airport operators, aircraft operators and public authorities. Such exchange of information is vital for efficient airport traffic flows and for the smooth operation of the airport command centre.

6.2.3 Recommended Practice 6.8 relating to the provision of “self-service” (automated) kiosks/facilities at airports for passenger and baggage processing, is self-explanatory. It encourages airports to provide adequate space for enhanced passenger facilitation measures which have gained (or are gaining) popularity worldwide.

6.2.4 Recommended Practice 6.9 encourages greater use of the *International Signs to Provide Guidance to Persons at Airports and Marine Terminals* (Doc 9636), published jointly by ICAO and the International Maritime Organization. It contains a set of standard signs to facilitate the use of international airport and marine terminals by travellers and other users. The document contains graphic symbols for easy location of the more commonly used facilities and services in terminal buildings and provides guidance to airport and marine terminal operators for reducing congestion by facilitating an orderly flow of passengers to their desired locations.

6.2.5 Recommended Practice 6.9.1 was originally introduced in the 1990s, in order to warn travellers of the serious consequences of narcotics trafficking and of the penal measures to which persons convicted of narcotics law offences might be liable. This Recommended Practice has been extended to encompass other customs/security regulations that apply to the carriage of banned or restricted items, information on which could be disseminated by various means of communication, such as signage, leaflets, video, audio, Internet websites or other media.

6.2.6 Recommended Practice 6.10, relating to the installation of mechanical “people-moving devices” is self-explanatory. It recommends that such devices be installed when walking distances and the traffic volume within and across terminals buildings so warrant.

6.2.7 Both Recommended Practices 6.11 and 6.12 encourage the greater use of flight-related public information display systems in order to provide up-to-the-minute information on departures, arrivals, cancellations, delays and terminal/gate allocations and also to assist in maintaining smooth passenger flow patterns through airport terminal buildings. In order to provide uniformity in the layout of such systems, see the *Dynamic Flight-related Public Information Displays* (Doc 9249). Further information on such systems can be found in Doc 9184, Part 1, Chapter 9.

6.2.8 Recommended Practice 6.13, which advises that car parking facilities be provided for passengers, visitors, crew and staff, is self-explanatory. For an explanation of the planning principles for vehicle parking, see Doc 9184, Part 1, Chapter 11.

### Section II. Aircraft parking and servicing arrangements

6.2.9 Recommended Practice 6.14 is the only provision in Annex 9, Chapter 6 that makes specific reference to parking and serving facilities for aircraft. This topic is covered in detail in Doc 9184, Chapter 7. In order to avoid prolonged parking by aircraft at gate positions, it is essential that space be set aside on the apron, away from the terminal building, where aircraft not loading or unloading may be parked in such a way that they neither obstruct the path of other taxiing aircraft nor the flow of passengers, baggage or cargo on the apron. With regard to this Recommended Practice, it is desirable in particular:

- a) to make arrangements for the allocation of aircraft parking spaces to be as close as possible to the terminal building for rapid loading and unloading;
- b) to provide adequate parking spaces, away from the terminal building, for aircraft when either loading or unloading, so as to avoid obstruction to the flow of traffic on the apron, and make adequate arrangements for their optimum use;
- c) to equip the parking spaces with the necessary means for rapid, convenient and safe performance of all aircraft servicing operations, including equipment for secure tie-downs;
- d) to give particular importance to measures for assisting aircraft during embarkation and disembarkation operations;
- e) to provide facilities for fuelling of aircraft during hours established by the public authorities;
- f) to provide transportation between remote parking positions and the terminal building when distance and safety so require as a result of optimum use of the parking area available; and
- g) to provide, when necessary, parking space for international flights where inspection of aircraft, passengers, crew and baggage can be performed.

### Section III. Outbound passengers, crew and baggage

6.2.10 Recommended Practice 6.15, which is self-explanatory, is intended to facilitate passenger movement between terminals by providing ground transportation (e.g. shuttle bus service, train, etc.) between airport terminal buildings during the hours of airport operation.

6.2.11 Recommended Practice 6.16 makes provision for off-airport check-in facilities for passenger convenience, so long as all necessary security measures and other control requirements are met. There are certain cases when, in order to avoid congestion at border-control points, authorities should consider off-airport checking facilities. This is possible when an airport has a number of tourists being transported by charter airlines which offer all-inclusive tour packages. In these cases, the tour operator has agreed with a group of customers that lodging and ground and air

transportation arrangements have already been made. Since it is also normal practice that hotels participating in these packages do not vary, the air carriers and border control authorities involved would agree to locate checking and clearance facilities at such hotels and to transport the passengers between such hotels and the aircraft, duly escorted by a representative of such authorities. It is to be noted that off-airport check-in is different from curbside baggage check-in. For reasons of security the latter is not considered practical for international flights.

6.2.12 The objective of Recommended Practice 6.17 is that the screening and examination techniques be efficient and expeditious so that aircraft departures are not delayed. Up-to-date technology should be used to screen passengers and baggage so as not to cause undue delays. The Note that follows this Recommended Practice elaborates on passenger privacy during physical searches.

6.2.13 Recommended Practices 6.18 and 6.19 advise that crew member check-in and operations facilities should be efficient, readily accessible and within close proximity of each other. The idea behind this provision is to facilitate aircraft operators in their administrative tasks at airports. Considering that circumstances could vary from airport-to-airport, the more readily accessible various facilities and services are available, the less time airport operators and their crew need to spend on regulatory/administrative and operational tasks. Reference is made to Doc 9184, Chapter 12, 12.9 — *Aircrew Briefing and Reporting* and 12.12 — *Aviation Facilities*.

6.2.14 Both Standards 6.20 and 6.21 reflect the same obligation, the former from the point-of-view of departure control and the latter for the entry of passengers, crew and baggage. The underlying principle for both Standards is that free and continuous flow of traffic is to be maintained through control channels. Cases that require a more intense examination (e.g. inadmissible persons) should be directed to separate control channels.

#### Section IV. Inbound passengers, crew and baggage

6.2.15 Recommended Practices 6.22 (adequate space in the baggage claim area for easy identification and speedy reclaim by each passenger) and 6.23 (the provision of mechanized baggage delivery systems to facilitate the movement of passenger baggage) are self-explanatory. Doc 9184 provides detailed guidance, in Chapter 9, 9.5 — *Baggage Processing*.

6.2.16 Standard 6.24, wherein airport operators are to ensure that passengers can obtain assistance in the carriage of baggage away from baggage claim areas, refers to the adequate provision of baggage carts or porters.

#### Section V. Transit and transfer of passengers and crew

6.2.17 Recommended Practice 6.25 addresses those cases during which an aircraft makes a stop, for example, to pick up or drop off passengers. In this case, passengers continuing their journey may opt to remain on board, and this provision recommends that they should not, as a result, be obliged to disembark. However, for technical stops, such as for re-fuelling, safety considerations generally dictate that all passengers should disembark.

6.2.18 Recommended Practice 6.26, to ensure the smooth flow of passengers while transferring from one aircraft to another while remaining in the transit area, is now complemented by the recommendation that both airport and aircraft operators consult one another in order to determine the space requirements of the latter and to ensure that the most efficient use of such counters is made. Lack of space, particularly in transit areas, generally leads to shared counters among airlines, hence the need for consultation and coordination to ensure that the facilities are efficiently used.

#### Section VI. Miscellaneous facilities and services in passenger terminal buildings

6.2.19 Recommended Practice 6.27 advises the provision of “left luggage” facilities at airports for the convenience of passengers, for later retrieval. The reference to “security requirements” acknowledges that such facilities should be provided in accordance to and consistent with appropriate security practices and procedures.

6.2.20 Standard 6.28 facilitates the expeditious handling of unclaimed, unidentified and mishandled baggage (defined in the Glossary) thereby providing better customer service to passengers. These categories of baggage are generally the responsibility of aircraft operators. They may appoint a contractor (“service provider”) to provide a baggage tracing service for unidentified or unclaimed baggage. The storage of such baggage would normally be in an airport facility that would typically be rented from the airport operator or provided as part of a concession agreement. Mishandled baggage is different in that the identity of the owner and destination are known but the bag is put on the wrong flight. Typically, this baggage is retained by the airline or its handling agent pending onward transportation on the next available flight. Standard 6.28 obliges States to place these types of baggage in secure storage, thereby protecting it from pilferage and damage. Airline personnel have access to such baggage thereby allowing them to clear the baggage through customs, if necessary, and return the baggage to the owners as quickly as possible. See also section M, *Disposition of baggage separated from its owner*, of Annex 9, Chapter 3.

6.2.21 Recommended Practice 6.29 advises that adequate arrangements be made in terminals for non-travelling public so that they do not interfere with the flow of passengers.

6.2.22 Recommended Practice 6.29.1 advises that provision for special facilities (e.g. separate check-in counters, dedicated border clearance booths, etc.) be made for group or tour operators in order to minimize congestion.

6.2.23 Recommended Practice 6.30 advises that retail facilities not impede passenger flow. More details on the layout of such facilities are found in Doc 9184, Part I, Section three, Chapter 9, 9.10 — *Passenger amenities and other passenger service*.

## Section VII. Cargo and mail handling and clearance facilities

6.2.24 The principle underlying the provisions of this section of Annex 9, Chapter 6 is the same as that for passengers and baggage: effective flow arrangements and the improvement of traffic-handling arrangements from the standpoint of customs and other relevant border control agencies so as to ensure the smooth, rapid and uninterrupted flow of these items.

6.2.25 The paragraphs relating to the handling and clearance of cargo go back to the late 1950s-early 1960s when the volume of air cargo began growing steadily without a parallel improvement in the facilities and services for the clearance and handling of such cargo. It thus became essential to provide regulatory guidance on the processing of air cargo, particularly that carried by all-cargo aircraft, so that the main advantage inherent in air transport, speed, would not be lost due to avoidable delays on the ground. The passage of time rendered many of the original provisions irrelevant because of their widespread usage. However, the present edition of Annex 9 has retained three of the most fundamental recommendations relating to the handling and processing of air cargo, viz. Recommended Practices 6.31 (clearance of all-cargo aircraft), 6.32 (the design and operations of landside access roads to cargo terminals) and 6.33 (processing and storage of cargo).

6.2.26 Recommended Practice 6.34 relates to processing and storage of mail consignments (postal and courier traffic) and recommends that adequate space and facilities should be provided at international airports for the sorting and handling of such mail, where the volume of mail so warrants.

6.2.27 Doc 9184, at Chapter 10, sets out detailed guidance on the planning and siting of cargo facilities, the flow and cargo handling principles involved and the facilities (such as terminal buildings) required for such traffic.

### 6.3 PUBLIC HEALTH, EMERGENCY MEDICAL RELIEF AND QUARANTINE MEASURES

#### **The SARPs of Annex 9, Chapter 6, section C: Facilities required for implementation of public health, emergency medical relief, and animal and plant quarantine measures**

6.3.1 Standard 6.35, which obligates States to ensure the maintenance of health and quarantine services at international airports, is the overarching principle of this section of Chapter 6.

6.3.2 Recommended Practices 6.36, 6.37, 6.38 and Standard 6.39 are among the oldest provisions in Annex 9, Chapter 6, going back to the first edition of the Annex. They provide for the regulation of health and quarantine matters at international airports, something that is common and taken for granted today, but not so during the early days of post-War international civil aviation, in the mid-1940s.

6.3.3 Many States require vaccination against yellow fever, in particular. Recommended Practice 6.36 is a facilitation measure meant for passenger convenience, and it seeks to ensure that if a passenger arrives in a State without a requisite vaccination, or proof of such vaccination, he/she can then, by choice, be vaccinated at the airport and avoid being denied admission into the State for health reasons. More information on the International Certificate of Vaccination or Prophylaxis is available on the website of the World Health Organization at <http://www.who.int/ihr/travel/icvp/en/index.html>.

6.3.4 Recommended Practice 6.37 advises that easy access to facilities (e.g. appropriate space) should be available at international airports for the administration of public health and quarantine measures. However, not all international airports are in a position to provide such facilities. Due to their small amount of operations, passengers and cargo, some international airports might not have the facilities and personnel necessary for compliance with this Recommended Practice. While cargo and mail requiring public health or quarantine inspection can be routed to airports offering such facilities, a certain level of facilities for inspection of crews, passengers and baggage needs to be available or accessible at most international airports.

6.3.5 Recommended Practice 6.38 seeks to ensure that persons and animals in transit can travel without danger of being exposed to infection and carriers of disease, such as mosquitoes. The rationale for this Recommended Practice is to ensure that direct transit traffic be protected from any danger of infection and disease vectors so as to facilitate health clearance at subsequent airports.

6.3.6 Standards 6.39 and 6.40 oblige States to ensure that the regulations and guidelines of the World Health Organization (WHO) and the Food and Agriculture Organization (FAO), in addition to national airport regulations, are implemented at international airports in respect of: a) the handling and distribution procedures for consumable products (i.e. food, drink and water supplies) on board aircraft or in the airport; and b) the removal and disposal of all waste, waste water and other matters dangerous to the health of persons, animals or plants. In this respect, reference is made to WHO publication — Guide to Hygiene and Sanitation in Aviation.

6.3.7 The focus of Standard 6.41 is on the availability of facilities (e.g. adequate space) and services (e.g. a nurse or doctor) for first-aid attendance on site at international airports. While it may not be reasonable for every international airport (due to low traffic volume) to have medical assistance staff, arrangements for a first-aid facility are required to be available. The Note following this provision advises that WHO should be consulted on all issues concerning passenger health. More information on the provision of such facilities can be found in Doc 9184, Chapter 12, 12.3.

## 6.4 CLEARANCE CONTROLS AND CONTROL SERVICES

### The SARPs of Annex 9, Chapter 6, section D: Facilities required for clearance controls and operation of control services

6.4.1 Standard 6.42 sets out the obligation for States to provide sufficient services of the public authorities concerned (generally, immigration, customs, health and quarantine, and security) without charge. The working hours are to be determined by the respective authorities. Annex 15 — *Aeronautical Information Services* requires States to publish the types and hours of clearance services provided. Note 2 to this Standard introduces the concept of automated “fast-track” border clearance facilities that are gradually being introduced at airports by border control authorities, in addition to services referred to in Standard 6.42. Such “enhanced services” generally involve pre-registration by a passenger with the authorities of a State, whereby personal data (including passport information) are provided along with a biometric (e.g. face image, iris scan, fingerprint). Once an applicant is approved and enrolled in the programme (for which there normally is an annual fee), the passenger receives a card that he/she can use at automated kiosks to bypass the regular passport control points for entry clearance.

6.4.2 Recommended 6.43 relates to “pre-clearance arrangements” between States for pre-examination, for border control formalities, of air traffic flowing between these States. Pre-clearance is intended to streamline border procedures, to reduce congestion at ports of entry, and to facilitate travel between the points of departure and destination. The pre-clearance facilities that exist for air travel between Canada and the United States are a well-known example of such arrangements between States. Canada has allowed United States Federal Inspection Services to operate air passenger pre-clearance in Canada since the 1950s, for traffic beginning its journey in Canada and seeking entry into the United States.

## 6.5 UNRULY PASSENGERS

### The SARPs of Annex 9, Chapter 6, section E: Unruly passengers

6.5.1 The term “unruly passengers” refers to passengers who fail to respect the rules of conduct on board aircraft or to follow the instructions of crew members and thereby disturb the good order and discipline on board aircraft. Inadmissible persons, deportees and other persons in custody that are being removed from a State by air transport can become disruptive, either on the ground or in the air, placing themselves and others at risk, and posing a threat to the safety of the aircraft.

6.5.2 In ICAO Circular 288 — *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers*, detailed guidance is presented as well as model legislation directed specifically toward actions *on board* the aircraft that can be used by States nationally.

6.5.3 Recommended Practices 6.44 and 6.45 expand the orbit of State action against unruly passengers. They recommend a broad-based, multi-disciplinary approach to the problem, with parallel and integrated measures from the facilitation, the legal, and the security perspectives. This strategy includes broader implementation of the model national legislation, together with development by airport, civil aviation, and law enforcement authorities of a preventive strategy to deal with unruly passengers. Recommended Practice 6.44 raises awareness among passengers of how the airports, airlines, and the authorities will respond to disruptive acts in aviation facilities and on board aircraft. Notification to passengers of the unacceptability and the consequences of unruly behaviour can be accomplished, for example, by posters displayed throughout the terminal areas of an airport, and by the placement of notification cards in ticket jackets and on board aircraft.

6.5.4 Recommended Practice 6.45 provides guidance on what can be done to spot a potential problem before it happens. Ground and air staff can be trained in passenger service skills to minimize stressful interactions, in the recognition of the signs of a passenger who is a little more likely, due to either general instability or reaction to immediate stress, to explode into unsavoury behaviour, in the recognition of potentially escalating situations, and in crisis containment. More information on preventive measures against unruly passengers can be found in ICAO's Aviation Security Training Package (ASTP) No. 123P6 (Airline).

6.5.5 Information on the security-related aspects on this subject can be found in the ICAO *Security Manual*.

## 6.6 PASSENGER AMENITIES

### The SARPs of Annex 9, Chapter 6, section F: Passenger amenities

6.6.1 "Passenger amenities" are those facilities provided for passengers which are not essential for passenger processing. Doc 9184, Chapter 9, 9.10 provides guidance on the planning for passenger amenities and other services at airports.

6.6.2 Recommended Practice 6.46, on the provision of childcare facilities at international airports where the traffic justifies, is self-explanatory.

6.6.3 Recommended Practices 6.47 and 6.48 relate to currency certificates and the restriction on the import or export of funds. Some States restrict the import or export of funds in order to deter money laundering and control the export of hard currencies. When the traveller is entering a State, the authorities concerned should issue a certificate showing the amount of funds authorized to enter the country as well as the amount the owner is entitled to take out at his/her next international departure. In order to exercise the right to bring abroad such funds, the traveller will have to surrender the corresponding certificate, or present the travel document where the authorization for the funds was recorded, to the control authorities before leaving the State, as part of his/her departure formalities. (Recommended Practice 6.47)

6.6.4 For States which prohibit or limit the amount of importation of their own currency, Recommended Practice 6.48 recommends that reasonable facilities are provided for travellers to deposit and retrieve such funds at entry and exit points or any other point designated by the public authorities concerned. These facilities are aimed at facilitating the entrance and departure of travellers who declare an amount of national currency in excess of that permitted by national regulations. (Recommended Practice 6.48)

6.6.5 The focus of Recommended Practice 6.49 is on the provision of information on ground transportation, which should be made available by airport operators or service providers. Such information would include, for example, services available, ticketing information, price for such services, payment methods, location(s) of various services, etc.

6.6.6 Standard 6.50, obliging States to provide facilities for foreign currency exchange at airports, is self-explanatory. The Note to the Standard refers to the usefulness of 24-hour "automatic teller machines" (ATMs) at airports.





## Chapter 7

# LANDING ELSEWHERE THAN AT INTERNATIONAL AIRPORTS

### 7.1 INTRODUCTION

#### The SARPs of Annex 9, Chapter 7, section A: General

7.1.1 Article 10 of the Chicago Convention requires all aircraft entering "... the territory of a contracting State shall . . . 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."

7.1.2 ICAO publishes particulars of all designated customs airports, including those designated under Article 10 of the Chicago Convention, in a publication called *Aeronautical Information Services Provided by States* (Doc 7383).

7.1.3 However, flights are subject to contingencies that may prevent them from being able to comply with Article 10. The circumstances in which an aircraft on an international flight has to land at a place other than an international airport may vary considerably. The most obvious case is when an emergency situation arises, forcing the pilot-in-command to take a decision to land as soon as possible, and no designated international airport is located in the aircraft's flight path. This emergency could be technical in nature or for a health emergency concerning a passenger or crew member. Such emergency landings are also commonly being made due to a rise in cases of "disruptive" passengers.

7.1.4 Chapter 7 of Annex 9 consists of eleven Standards, two of which are of a general nature, the remaining fall into two broad categories: the first one being the case of a minor emergency that can be corrected on the ground within a relatively short time before the aircraft can proceed on its flight. The second category has to do with a substantial emergency situation where the pilot-in-command is forced to bring the aircraft down at the first opportunity and where subsequent take-off is either impossible or is expected to be connected with a lengthy delay.

#### Standards of a general nature

7.1.5 Standards 7.1 and 7.2 set out two basic obligations that govern either a minor or substantial emergency situation. One obligation is on the part of the Contracting State in whose territory the landing takes place and the other is on the part of the pilot-in-command of the aircraft concerned.

7.1.6 Standard 7.1 obliges each Contracting State to be prepared to lend all possible assistance to an aircraft which, for reasons beyond the control of the pilot-in-command, has landed in a territory away from an international airport and shall, to this end, take all necessary steps to keep control formalities and procedures to a minimum. (Standard 7.1)

7.1.7 The second general Standard imposes an obligation on the pilot-in-command or the next senior crew member, when the pilot-in-command is not available, to inform the Contracting State of such an emergency landing. (Standard 7.2)

7.1.8 The General Principles of Annex 9, Chapter 1, particularly Standard 1.6 (application of national legislation with regard to aviation security measures or other necessary controls) also apply in the situations described in Annex 9, Chapter 7.

## **7.2 STANDARDS REGULATING A SHORT STOPOVER**

### **The SARPs of Annex 9, Chapter 7, section B: Short stopover**

7.2.1 The Standards of this section are restricted to the situation where an aircraft remains on the ground for a limited time only and, under normal circumstances, departs with the same load or, in exceptional cases, with part of its load. The only matter of concern to the public authorities in the former case is to ascertain that no persons have disembarked and no goods have been unladen unauthorized and thus entered the territory illegally. A brief inspection of aircraft documents such as the General Declaration should accomplish this and no detailed inspection of the individual passengers, crew members, cargo shipments, etc. should be necessary. If part of the load needs to be sent on by surface transport because, for example, the runway length is inadequate for take-off with a full load, the public authorities will presumably wish to carry out some inspection of such part of the load. Nevertheless, this could be accomplished in such a way as to avoid any delays in the onward transportation to its destination. (Standard 7.3.1)

7.2.2 In case the layover is of a duration that passengers and crew cannot be expected to remain on board the aircraft, e.g. over an hour, and are permitted to disembark, the public authorities shall designate an area, usually near the aircraft, where the passengers and crew can move about under the general supervision of the authorities. (Standard 7.3.2)

7.2.3 Standard 7.3.3 provides that the aircraft, when it is ready to depart, shall not be unnecessarily delayed by requiring, for example, the pilot-in-command to obtain permission for take-off from a variety of government agencies, except for any necessary air traffic control clearance.

## **7.3 STANDARDS REGULATING A SITUATION WHERE THERE IS NO RESUMPTION OF FLIGHT**

### **The SARPs of Annex 9, Chapter 7, section C: No resumption of flight**

7.3.1 The Standards in section C of Chapter 7 deal with an aircraft that may be involved in a major emergency and neither it nor any of its load can continue its journey by air within a reasonable time of landing. It must be assumed, particularly in a situation of that nature, that public authorities are not always within easy reach and that considerable time might elapse before they arrive. In these circumstances, the pilot-in-command is entitled to take all emergency measures to safeguard the health and safety of the passengers and crew and to avoid or minimize the loss or destruction to the aircraft and its load. (Standard 7.4.1)

7.3.2 Upon arrival of the public authorities on the scene of landing, certain clearance formalities will no doubt be required as a result of the need for moving persons and goods. If formalities cannot promptly be carried out, passengers and crew are to be permitted to secure accommodation pending completion of such formalities (Standard 7.4.2) and if

the aircraft load is removed from the aircraft, it shall be deposited in an area near the aircraft pending completion of the necessary formalities (Standard 7.4.3).

7.3.3 Standard 7.4.4 prescribes the steps to be taken with regard to mail, whereby the requirements of the Universal Postal Union are to be complied with. See, for example, the UPU's "Letter Post Manual" (2005 edition), Article RL 196, "Steps to be taken in the event of an accident" and Article RL 197, "Steps to be taken in the event of an interrupted flight, or of diversion or mis-sending of airmails" found at :  
[www.ptt.gov.tr/uluslararasi/images/letter\\_en.pdf](http://www.ptt.gov.tr/uluslararasi/images/letter_en.pdf)

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## Chapter 8

### OTHER FACILITATION PROVISIONS

#### 8.1 INTRODUCTION

8.1.1 Those facilitation-related provisions that are not of sufficient length to warrant their being maintained in separate chapters and are not disposed of otherwise by falling under the subject-matter of any of the previous seven chapters of Annex 9, find their place in Chapter 8, and are a “miscellany” of facilitation Standards and Recommended Practices (SARPs).

8.1.2 Annex 9, Chapter 8 is made up of separate blocks of SARPs, each separate and distinct from the other, except for Parts E and F that are both related to passenger/crew health. Chapter 8 is composed of the following parts: A. Bonds and exemption from requisition or seizure; B. Facilitation of search, rescue, accident investigation and salvage; C. Relief flights following natural and man-made disasters which seriously endanger human health or the environment, and similar emergency situations where United Nations (UN) assistance is required; D. Marine pollution and safety emergency operations; E. Implementation of international health regulations and related provisions; F. Communicable disease outbreak national aviation plan; G. Establishment of national facilitation programmes; H. Facilitation of the transport of passengers requiring special assistance; and, I. Assistance to aircraft accident victims and their families.

#### Relevant definitions

8.1.3 The following terms (as defined in the Glossary) should be considered while implementing the provisions of Chapter 8: aircraft operator, ground equipment, persons with disabilities, pilot-in-command, public health emergency of international concern, public health risk, relief flights, security equipment, spare parts, temporary admission and travel document.

#### 8.2 BONDS AND EXEMPTION FROM REQUISITION OR SEIZURE

##### **The SARPs of Annex 9, Chapter 8, section A: Bonds and exemption from requisition or seizure**

With regard to Recommended Practice 8.1, a “bond” is a legal deed concerned with payments of money or the provision of financial security. These are generally in the form of a bank guarantee or a backing from a surety bond producer to ensure financial coverage against any possible legal liability that might arise from non-compliance, by the aircraft operator, of any legal or regulatory obligations of a State. As a facilitation measure, Recommended Practice 8.1 advises the use of a single bond to avoid the multiplicity of formalities that could arise by requiring several bonds to comply with the entry/exit procedures of the various public authorities.

### 8.3 SEARCH, RESCUE, ACCIDENT INVESTIGATION AND SALVAGE

#### The SARPs of Annex 9, Chapter 8, section B: Facilitation of search, rescue, accident investigation and salvage

8.3.1 The rationale of Standard 8.3 is to facilitate the entry, without delay, of the “qualified personnel” into a Contracting State for the purposes of search, rescue, accident investigation and salvage operations. The “qualified personnel” need not necessarily be nationals of the State of registry of the aircraft. Specialists in the various fields (search, rescue, accident investigation, repair, salvage) could be nationals of any State. Therefore, if such personnel are urgently needed for any of the tasks listed, their entry into the respective State should be facilitated regardless of their nationality. However, Annex 12 — *Search and Rescue* (see the provisions of Chapters 2 and 3, in particular) and Annex 13 — *Aircraft Accident and Incident Investigation* (see the provisions of Chapter 5, in particular) establish certain conditions under which such personnel can be sent into a Contracting State. The entry of such persons therefore becomes subject to these conditions.

8.3.2 Standard 8.3.1 is aimed at removing delays that can be caused in the travel of personnel mentioned in 8.3 by requiring that the only travel document necessary is a passport. In this regard, reference is made to the definition of “travel document” in Chapter 1.

8.3.3 Recommended Practice 8.3.2 advises that visas, if required, should be issued on arrival. This facilitation measure permits travel on short notice, as a matter of urgency. Normally the visa-issuance process can take days or weeks, depending on the circumstances and the location of the appropriate visa-issuance office of the State concerned. As an additional measure to facilitate the rapid travel of the personnel, the Recommended Practice also advises that such a visa, if required, be waived if the traveller possesses an official (State-issued) letter or other document attesting to the reasons for travel.

8.3.4 Recommended Practice 8.3.3 is self-explanatory and requires no elucidation.

8.3.5 Standard 8.4 requires States to facilitate and exempt from customs duties and other taxes or charges the temporary importation of aircraft, tools, spare parts and equipment required in the activities covered under this section of Annex 9, Chapter 8. The term “temporary admission” is defined in Chapter 1. Customs governing such a procedure are set out in the Revised Kyoto Convention, Specific Annex G.1, of the International Convention on the Simplification and Harmonization of Customs Procedures. In requiring States to relax the application of regulations of any nature restricting the importation of such goods, the Standard reflects the need, in emergency situations, for States to show a large measure of cooperation. In this regard, States need to recognize that the temporary importation of necessary tools, spare parts and equipment for the purposes specified in the Standard does not affect the economy of the State concerned, nor pose any security risks.

8.3.6 The Note to Standard 8.4 points out that the application of public health and animal and plant quarantine measures continues to be applicable for goods to be imported. This is to prevent the unintended transportation, from one area of the world to another, of alien (plant and animal) species that could establish themselves in their new environment and become invasive, to the detriment of local species, and to local agriculture, horticulture, forestry and other industries.

8.3.7 Just as Standard 8.4 requires Contracting States to facilitate the entry of certain items into its territory for the purposes for which they are temporarily imported, Standard 8.5 obligates States to facilitate their removal. This would allow such goods to be returned promptly to their lawful owners and also allow necessary (laboratory) tests to be carried out at other locations that possess the necessary facilities. However, if such items are not removed within a prescribed time, Standard 8.6 permits the State concerned to dispose of the items in question in accordance to its relevant national (customs, environment, etc.) laws. This provision allows the State to enforce its customs laws on temporary admission, recover any costs incurred in storing and maintaining the goods and to ensure that its environment is protected.

8.3.8 Standard 8.7 stresses the importance of the speedy dispatch of damaged aircraft parts, from one Contracting State to another, where the necessary technical expertise or facilities exist, for examination or testing, and its return to the former. The States concerned are obliged to facilitate such transport.

## 8.4 RELIEF FLIGHTS

### **The SARPs of Annex 9, Chapter 8, section C: Relief flights following natural and man-made disasters which seriously endanger human health or the environment, and similar emergency situations where United Nations (UN) assistance is required**

8.4.1 In 1971, the United Nations adopted Resolution No. 2816 on the subject of assistance in cases of natural disaster and other disaster situations in which it, inter alia, called upon Governments to consider measures to facilitate the receipt of aid, including over-flight and landing rights and necessary privileges and immunities for relief units. In compliance with this Resolution, Annex 9 was amended to specifically provide for the facilitation of aircraft and their loads on disaster relief flights. The important role that international civil aviation had played in getting relief supplies to disaster-stricken areas without delays was recognized. The time element was seen as an essential factor in such operations and that it was felt that the States concerned would wish to make sure that no unnecessary border formalities would hinder the flow of pertinent goods to disaster areas.

8.4.2 In subsequent years, these provisions were amended to reflect the need for relief flights caused also by man-made disasters and similar emergency situations where United Nations assistance was required, for example, relief flights operated for transporting refugees from emergency or disaster areas to safe havens in order to preserve their life and health.

8.4.3 Standards 8.8 and 8.9 reflect the obligations of States with regard to the facilitation, through their territories, of aircraft engaged in relief flights for the purposes described in the paragraphs above. Note 1 to Standard 8.8 provides definitions for “emergency” and “disaster”. It should be noted that a definition for “relief flights” is found in Chapter 1. Further guidance on the application of this Standard is provided in the references in Note 2 to Standard 8.8 of Annex 11 — *Air Traffic Services* (of special importance are provisions requiring cooperation between civilian and military authorities to avoid unfortunate incidents, see Annex 11, Standard 2.17), the *Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations* (Doc 9554) and the *Manual concerning Interception of Civil Aircraft* (Doc 9433).

8.4.4 Standard 8.9 requires that States ensure that personnel and articles arriving on relief flights are cleared without delay.

8.4.5 The Revised Kyoto Convention, at Specific Annex J, Chapter 5, sets out customs provisions for the clearance of relief consignments. The Office for the Coordination of Humanitarian Affairs (OCHA) has initiated several activities aimed at improving some key disaster response tools, one being the application of simplified customs procedures in order to speed up the delivery of international humanitarian assistance, including military, civil defence and civil protection assets. Details on this initiative can be found on the website of the OCHA at: [http://www.reliefweb.int/ocha\\_ol/programs/response/custnet/index.html](http://www.reliefweb.int/ocha_ol/programs/response/custnet/index.html)

## 8.5 MARINE POLLUTION

### The SARPs of Annex 9, Chapter 8, section D: Marine pollution and safety emergency operations

8.5.1 The two Standards of section D have an objective similar to that of the SARPs of section C: to require Contracting States to facilitate the entry, transit and departure of aircraft (Standard 8.10) and of persons, cargo, material and equipment (Standard 8.11) in certain circumstances.

8.5.2 In the context of section D, the obligations relate to aircraft, persons and goods engaged in the combatting or prevention of maritime pollution, or other operations necessary to ensure maritime safety, safety of the population or protection of the marine environment. In 1987, the International Maritime Organization (IMO) had introduced amendments to the Annex to its Facilitation Convention along these lines. The IMO considered it desirable that similar provisions be introduced into Annex 9, considering the seriousness of marine disasters and the need for emergency assistance to arrive at the earliest possible stage of the occurrence, which usually meant by air. Subsequently, these new Standards were incorporated into Chapter 8 of Annex 9.

8.5.3 Details on the protection of the marine environment, with a focus on the prevention of marine pollution, can be found on the website of the International Maritime Organization at: <http://www.imo.org/>

## 8.6 INTERNATIONAL HEALTH REGULATIONS

### The SARPs of Annex 9, Chapter 8, section E: Implementation of international health regulations and related provisions

8.6.1 The SARPs of Chapter 8, section E give practical effect primarily to Article 14 of the Chicago Convention, which reads as follows:

“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, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.”

8.6.2 The main agency “concerned with international regulations relating to sanitary measures” is the World Health Organization (WHO), which develops and maintains the *International Health Regulations (IHR)*, the latest version of which was adopted in 2005.

8.6.3 Article 14 implicitly acknowledges the fact that air transportation, while providing an effective and rapid means to enable people and goods to travel from one country to another, might also involuntarily facilitate the spread of diseases, when affected passengers travel from one part of the globe to another. The flexibility in the language of the text (“such other communicable diseases as the contracting States shall from time to time decide to designate”) allows Contracting States to make use of this provision with regard to new threats that could not be foreseen decades ago, as it has been in the case of diseases such as the Avian Influenza, Severe Acute Respiratory Syndrome (SARS) and the more recent H1N1 virus.



8.6.4 SARPs related to health measures to be taken by Contracting States have been part of Annex 9 since the first edition, requiring States to implement relevant international health regulations and related provisions. The primary theme underlying these SARPs has been — and still is — that close collaboration between Contracting States, ICAO and WHO is essential in order to prevent the spread of communicable diseases by air.

8.6.5 The relevant provisions of the IHR have been used as a basis to develop Annex 9 SARPs and other ICAO guidance material to ensure that there are no areas of conflict between the work of both organizations.

8.6.6 Standard 8.12 thereby sets the foundation of the SARPs by obliging Contracting States to comply with the pertinent provisions of the IHR. This is an international legal instrument that is binding on 194 countries, including all the Member States of WHO. The aim of the IHR is to help the international community prevent and respond to acute public health risks that have the potential to cross borders and threaten people worldwide.

8.6.7 Standard 8.13, a facilitation measure aiming at international standardization of all forms and documents used in civil aviation, requires Contracting States to ensure that vaccinators use the Model International Certificate of Vaccination or Prophylaxis in order to assure uniform acceptance.

8.6.8 Standard 8.14 seeks to ensure that passengers are made aware of the vaccination requirements of all countries and the Model International Vaccination Certificate. The provision requires all Contracting States to disseminate this information. Such information is readily available from the websites of States. In addition, the International Air Transport Association (IATA) provides information on vaccinations required by States in its monthly publication, *TIM: Travel Information Manual*.

8.6.9 Standard 8.15 and Recommended Practice 18.15.1 are recent additions to Annex 9. They were incorporated into the Annex, as a result of Assembly Resolution A35-12, *Protection of the health of passengers and crews and prevention of the spread of communicable disease through international travel*. The Assembly, in considering the fact that there had been an increase in recent years of the worldwide transmission of communicable diseases by means of air transport and the threat thereof declared that the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner. The Assembly thus requested the Council, inter alia, to review existing SARPs related to passenger and crew health and develop new SARPs, where appropriate, and, as a matter of priority, develop SARPs in order to address contingency plans to prevent the spread of communicable diseases by air transport.

8.6.10 Standard 8.15 is the most direct, practical result of Assembly Resolution A35-12. It requires the pilot-in-command of an aircraft carrying a suspected case of communicable disease to report such an event to air traffic control for onward transmission to the public health authority at the destination. A process to assist cabin crew to identify a suspected case of communicable disease is provided in Note 1 to Standard 8.15. The Note states that a communicable disease could be suspected and require further evaluation if a person has a fever (temperature 38°C/100°F or greater) that is associated with certain signs or symptoms: e.g. appearing obviously unwell; persistent coughing; impaired breathing; persistent diarrhoea; persistent vomiting; skin rash; bruising or bleeding without previous injury; or, confusion of recent onset. The Declaration of Health part of Appendix 1 to Annex 9, the aircraft General Declaration, was also amended to reflect the text in the Note. If implemented by all States, this guidance provides a simple, harmonized method to identify a case of communicable disease.

8.6.11 Note 2 to Standard 8.15 states that in a case of suspected communicable disease on board an aircraft, the pilot-in-command may need to follow the operator's protocols and procedures, in addition to health-related legal requirements of the countries of departure and/or destination. Such requirements would normally be found in the Aeronautical Information Publications (AIPs) of the States concerned.

8.6.12 To support the Standard that requires the pilot-in-command to notify a suspected case of communicable disease to air traffic control, a detailed procedure describing the process to be followed by the pilot-in-command, and by

the air traffic controller receiving the message from the pilot-in-command, was included in the *Procedures for Air Navigation Services — Air Traffic Management* (Doc 4444) (paragraph 16.6) which became applicable in 2009.

8.6.13 Annex 6 – *Operation of Aircraft* has been amended with regard to the carriage of on-board medical supplies, so that it now caters specifically to the management of cases of communicable disease.

8.6.14 Recommended Practice 8.15.1 advises that a Public Health Passenger Locator Card, to be used to trace a potentially exposed traveller, should be the sole document accepted by Contracting States to locate travellers suspected of being exposed to a communicable disease on board an aircraft. The information on the card is intended to assist public health authorities to manage a public health event by enabling them to trace such passengers. A “model” card can be found in Annex 9, Appendix 13. A Note to the Recommended Practice suggests that States make adequate stocks of the card available for use at airports and for distribution to aircraft operators.

## 8.7 COMMUNICABLE DISEASES

### The SARPs of Annex 9, Chapter 8, section F: Communicable disease outbreak national aviation plan

8.7.1 Assembly Resolution A35-12 (mentioned above in 8.1.30) also requested ICAO to develop SARPs in order to address contingency plans to prevent the spread of communicable diseases by air transport. The result of this was Standard 8.16 of Chapter 8. The provision obliges all States to establish a national aviation plan in preparation for an outbreak of a communicable disease posing a public health risk or public health emergency of international concern. Guidelines in developing a national aviation plan have been prepared in collaboration with WHO, IATA and the Airports Council International (ACI), and are available on the ICAO public website at:  
<http://www.icao.int/icao/en/med/guidelines.htm>

8.7.2 In addressing health related issues concerning aviation, WHO and ICAO cooperate closely in developing technical guidance and operational procedures. This allows both national aviation and health authorities to be better prepared to:

- a) respond to potential health risks that could spread through air transport; and
- b) protect population health and aviation interests of countries.

8.7.3 WHO determines the level of risk in providing information concerning the necessary international health measures. The national public health authorities have a key role and they will normally be in overall charge of the national response. Airport and airline operators and the national aviation authority are also important players and need to coordinate effectively with the public health authority.

8.7.4 ICAO's role is primarily one of coordination and provision of guidance and information. In order to mount an effective mitigation strategy, a timely, coordinated and proportionate response from national public health authorities and stakeholders in the aviation community is essential. ICAO strives to reduce the possibility that one State initiates stringent requirements to mitigate the perceived risk, whereas another chooses a more liberal approach, when the threat to both States is similar. A dissimilar approach is likely to cause confusion as to the actual risk the public face when travelling.

8.7.5 At the global level, coordination between WHO and ICAO continue to improve to ensure that expertise between the health and aviation sectors are adequately represented in the development of a harmonized global strategy and plan. A similar move at the national level between aviation and public health authorities will help to improve national strategy and preparedness plans against the spread of communicable diseases through air travel/transportation.

## 8.8 NATIONAL FACILITATION PROGRAMMES

### The SARPs of Annex 9, Chapter 8, section G: Establishment of national facilitation programmes

8.8.1 Standard 8.17 lays the foundation for the SARPs of section G: it obliges States to establish national air transport facilitation programmes based on the facilitation requirements of the Chicago Convention and of Annex 9. Standard 8.18 sets out the objective of a national facilitation programme. Recommended Practice 8.18.1 advises that States use the guidance material outlined in Appendix 12 to Annex 9 in setting up their programmes.

8.8.2 The SARPs on facilitation are the outcome of Article 37 of the Chicago Convention, which provides, *inter alia*, that the “International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with ... customs and immigration procedures ... and such other matters concerned with the safety, regularity and efficiency of air navigation as may from time to time appear appropriate”.

8.8.3 The policy with respect to the implementation by States of the SARPs on facilitation is strengthened by Article 22 of the Chicago Convention, which expresses the obligation accepted by each Contracting State “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”, and by Article 23, which expresses the undertaking of each Contracting State “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.”

8.8.4 A number of other articles of the Chicago Convention have special pertinence to the provisions of Annex 9 and have been taken into account in its preparation. In particular, persons responsible for the implementation of the provisions of Annex 9 should be familiar with the following Articles in addition to Articles 22 and 23:

- 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 24 — Customs duty;
- Article 29 — Documents carried in aircraft; and,
- Article 35 — Cargo restrictions.

8.8.5 In the civil aviation community, facilitation is of interest to four major groups (Contracting States, operators, airports, and customers), each having a somewhat different priority although the interests do overlap. The primary interest of States is full compliance with their laws and regulations. The vital interest of the operators is increasing productivity by minimizing the costs of operational delays and administrative procedures. Airports are interested in facilitation in order to reduce congestion in the passenger terminals and in the cargo sheds. The fourth group, the customers of air transport (passengers and cargo shippers), want quality service, which means being allowed to proceed through airports with minimal delay and difficulty. The challenge the FAL Programme undertakes is to address all of these interests in a coordinated manner, while working toward the objective of a more efficient, orderly and attractive transportation product.

8.8.6 Standard 8.19 obliges States to establish National Air Transport Facilitation Committees, to coordinate broad, policy issues at the national level. Airport Facilitation Committees are required to be set up to harmonize assorted practical, day-to-day issues and find solutions to problems that might arise at the local level. The implementation of the FAL Programme, as set out in Annex 9 and other related documents, involves not only governmental civil aviation departments but a variety of other governmental departments, e.g. customs, immigration, public health, etc., whose primary interests lie in fields other than aviation. Therefore, any progress in facilitation hinges on the coordination of

diverse interests and the cooperation on the part of the various departments concerned. Such “forum type” meetings are more efficient and economical, and have a greater prospect for success than separate “bilateral” discussions between the civil aviation department and the other departments. Although ICAO can, and does, assist Contracting States to implement various aspects of the FAL Programme, the main responsibility lies with Contracting States themselves. Within each State, the initiative rests with the civil aviation authorities to keep customs, immigration, public health and other governmental control authorities continually aware of the needs and problems of civil aviation in the facilitation field and seek their cooperation in meeting these needs and eliminating the problems.

8.8.7 An underlying theme that runs throughout Annex 9 relates to the relationship between facilitation and aviation security. ICAO’s FAL Programme seeks to ensure the rapid and efficient clearance of aircraft and their loads by standardizing and simplifying the formalities and procedures involved. The aim of the security programme is to ensure, through security controls, that aircraft are able to operate safely and free from acts of unlawful interference. Coordination is therefore necessary to ensure that the objectives of both programmes are met in the most efficient manner. Therefore, Recommended Practice 8.20 advises that both programmes should work in close coordination with each other. To achieve this end, members of the Facilitation Committee should also be members of the Security Committee.

8.8.8 Recommended Practice 8.21, which advises that States use the guidance material outlined in Annex 9, Appendices 11 and 12, is self-explanatory.

8.8.9 The continuing importance of such Facilitation Committees is continuously underlined by the ICAO Assembly which notes that the establishment and active operation of national facilitation committees is a proven means of effecting needed improvements in clearance control formalities. The Assembly has urged States to take all necessary steps to call the attention of all interested governmental departments to the need for making their national regulations and practices conform to the provisions and intent of Annex 9 and to work out satisfactory solutions for day-to-day problems in the facilitation field. (See, for example, A36-15, *Consolidated statement of continuing ICAO policies in the air transport field*, Appendix D, Section III: National and international action and cooperation on facilitation matters).

8.8.10 The Assembly also encourages Contracting States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations, coordinate the findings of their committees on facilitation problems with those of other Contracting States with which they may have air links and consult neighbouring and bordering States about common problems that they may have in the facilitation field, whenever it appears that these consultations may lead to a uniform solution of such problems.

## 8.9 PERSONS WITH DISABILITIES

### **The SARPs of Annex 9, Chapter 8, section H: Facilitation of the transport of passengers requiring special assistance**

8.9.1 ICAO’s awareness of the challenge in improving the facilitation of the transport of passengers requiring special assistance dates back to the sixth edition of Annex 9 (1969). The issue was related to transit passengers. A paragraph was inserted into the Annex recommending that the direct transfer from one aircraft to another should be authorized for passengers, particularly invalid passengers, whenever this was warranted by deadlines in making connecting flights or by other circumstances. The aim was to eliminate the need for passengers to travel lengthy and unnecessary distances in air terminals (sometimes the case during transit), an extremely burdensome imposition on elderly or invalid persons. The provision was also amended in 1990 to refer to invalid passengers as elderly and disabled passengers.

8.9.2 In 1979, in order to determine what more could be done at airports to facilitate the movement of such persons, ICAO began to gather and analyse accessibility material already developed by States, airlines and airports, with a focus on airport access rather than access to the broader air transportation system.

8.9.3 During this period, the number of elderly and disabled air passengers continued to increase, as they began to take advantage of increased opportunities for domestic and international air travel. However, there still existed many barriers that limited the ability of elderly and disabled persons to take full advantage of international air transportation services. These barriers, in addition to having an adverse humanitarian effect on many potential air travellers, had an economic effect on the air carriers in foregone revenue.

8.9.4 In addition, a great deal of international interest began to be focused on improving the opportunities for the disabled person. Much of this was due to the United Nations proclamation of 1983-1992 as the Decade of Disabled Persons.

8.9.5 In 1986, the ICAO Assembly requested the Council to complete a review of problems of elderly and disabled air travellers worldwide, and to determine what measures would be appropriate to ensure improved access to airports and air services for these travellers. The Council decided that the review would be conducted in two parts: firstly, access to airports and, secondly, access to air transport services.

8.9.6 The first part of the review resulted in several new SARPs that were incorporated into the ninth edition of Annex 9 (1979), along with supplementary guidance material that was attached to this edition. The second part of the review required a determination of the problems faced by the elderly and disabled passengers in using air services, including accessibility to the aircraft and movement, facilities and services on board the aircraft. The Council identified certain basic principles on what should prevail at each stage of the journey of an elderly or disabled person and these were subsequently endorsed by the 29th Session of the Assembly in 1992.

8.9.7 These basic principles endorsed by the 29th Assembly covered the following areas: a) Contacts with airline reservations and/or travel agents; b) Access to aircraft; c) Movement, facilities and services on board aircraft; d) Right to decide on the need for an attendant; and e) Fares, charges and related travel conditions. The Assembly also agreed that the Council would promote the application of these principles through additional provisions in Annex 9.

8.9.8 As a result, following the 11th Session of the Facilitation Division, a new section was introduced into the tenth edition of Annex 9 (1977) that included several new/amended SARPs on the facilitation of the transport of passengers requiring special assistance, including a definition of "Person with disabilities", based on the European Civil Aviation Conference's (ECAC's) definition of "Person with reduced mobility".

8.9.9 Two overarching Standards (8.27 and 8.34) are supplemented by provisions setting out broad recommendations on: a) access to airports and b) access to air services by persons with disabilities (persons with reduced mobility). The Standards oblige States to take necessary steps to ensure that: a) airport facilities and services are adapted to the needs of persons with disabilities (Standard 8.27); and b) persons with disabilities have adequate access to air services. The supplementary provisions (Recommended Practices 8.22 to 8.26; 8.28 to 8.33; 8.35 to 8.38) are self-explanatory.

8.9.10 Detailed guidance material that elaborates on the Annex 9 SARPs and assists the civil aviation community in their implementation is found in ICAO Circular 274 — *Access to Air Transport by Persons with Disabilities*.

## 8.10 AIRCRAFT ACCIDENT VICTIMS

### The SARPs of Annex 9, Chapter 8, section I: Assistance to aircraft accident victims and their families

8.10.1 Aircraft accidents give rise to a multitude of humanitarian issues, most of which are outside the scope of ICAO's work. However, development of SARPs and guidance material aimed at facilitating the international travel of persons directly connected with an accident, whether these persons are accident victims or their families, does fall within ICAO's mandate.

8.10.2 In 2001, the Secretary General published ICAO Circular 285 — *Guidance on Assistance to Aircraft Accident Victims and their Families*. The objective of Circular 285 is to provide guidance on the types of family assistance that may be provided to aircraft accident victims and their families and the avenues available for providing that assistance. Its aim is to better prepare all parties involved, to facilitate the coordination between them and to describe the scope of their involvement. The circular also furnishes guidelines for the establishment of appropriate legislation, regulations and programmes by Contracting States and their aircraft operators in order to support aircraft accident victims and their families.

8.10.3 In 2005, the Council adopted new SARPs for Annex 9 aspects regarding assistance to aircraft accident victims and their families. The principal aim of these measures was to facilitate the entry, into the State of Occurrence of the accident, of family members and the authorized representatives of the operator (or the alliance partner) whose aircraft met with an accident. These SARPs call upon States to develop and implement the most expeditious procedures practicable to facilitate the movement of such accident survivors, family members, as well as the return to the home country of the remains of those who lost their lives in the accident.

8.10.4 Family members of victims may need to travel to the accident site, a hospital or another location to meet injured survivors, attend memorial services or visit the State of Occurrence for reasons related directly to the accident. The operator's personnel would need to travel without delay to the site of the accident, in order to provide family members and survivors of the accident all possible assistance, and also to participate in the accident investigation. They will hence appreciate immediate access into, and return from, the State of Occurrence. Standards 8.39 and 8.40 address the obligations of the State of Occurrence of an aircraft accident and adjacent States with regard to such travel and entry of family members and the aircraft operator/alliance partner.

8.10.5 The focus of Recommended Practice 8.41 is to ensure that emergency travel, under Standard 8.39, can be performed only by the use of a passport. Occasionally, it is difficult to obtain passports at very short notice. Therefore, Recommended Practice 8.41 also makes allowance for the issuance of an emergency travel document issued to such persons that is meant specifically for travel to the site of an accident. This Recommended Practice also advises the issuance of any visas, if required, should be expedited.

8.10.6 Survivors are likely to have lost identity/travel documents. They will require assistance to complete their travel. Standard 8.42, therefore, obliges Contracting States to make arrangements to issue emergency travel documents, if required, to their nationals who have survived the accident.

8.10.7 Assistance from immigration and customs agencies will also be required to facilitate the repatriation of human remains. Standard 8.43, therefore, require all Contracting States to provide all necessary assistance, such as arranging transport and customs clearance, in the repatriation of human remains to their countries of origin, on request by family members of the deceased or the operator whose aircraft met with the accident.

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# ATTACHMENT 1. MODEL AIRPORT FACILITATION (FAL) PROGRAMME

## 1. PURPOSE OF AN AIRPORT FAL PROGRAMME

The purpose of an airport FAL programme is to pursue the objectives of Annex 9 at the operational level, to facilitate the completion of border clearance formalities at the airport with respect to aircraft, crews, passengers and cargo.

## 2. SCOPE OF AN AIRPORT FAL PROGRAMME

The airport FAL programme encompasses all of the provisions of Annex 9 concerning border clearance processes at the airport, as well as the planning for and management of those processes. A representative list of tasks to be performed and the Standard(s) or Recommended Practice(s) (SARPs) applicable to each one are provided in the table below.

## 3. ORGANIZATION AND MANAGEMENT

3.1 The recommended vehicle to conduct the facilitation programme at the operational level is the Airport Facilitation Committee. Although such committees should be encouraged by the National FAL Committee and keep it informed of their problems and progress, they are not necessarily supervised by the national body. Their principal concern is day-to-day problem-solving and implementation of Annex 9.

3.2 It is recommended that the airport manager take charge of the committee and convene regular meetings. Membership should consist of the senior officers in charge of their respective inspection agencies at the airport, e.g. customs, immigration, health, quarantine, etc., as well as the station managers of the aircraft operators with international operations at the airport concerned. The participation of all parties is necessary to make the airport FAL programme a success.

<i>Airport FAL programme task</i>	<i>Annex 9 (12th Edition) SARPs</i>
Establish, review and amend, as necessary, procedures for entry and clearance of flights at the airport concerned.	Recommended Practice 6.1.1; Standards 6.1.2 to 6.1.4 and 8.17
Review regularly all parties' performance with respect to meeting the 45-minute goal for processing inbound passengers and the 60-minute goal for processing outbound passengers. Use time studies and queue analysis to determine where adjustments should be made.	Recommended Practices 3.36 and 3.39
Establish modern systems for immigration and customs inspection, using applicable technology. Collaborate in setting up automated passenger clearance	Standards 3.40, 3.51, 4.6, 6.20 and 6.21

<i>Airport FAL programme task</i>	<i>Annex 9 (12th Edition) SARPs</i>
systems.	
Make necessary changes in traffic flows and checkpoints in the airport to cope with rising traffic volumes.	Recommended Practice 6.1.1
Improve the quality and quantity of signage in the inspection facilities in order to reduce customer confusion.	Recommended Practices 6.9 and 6.12
Review staffing of inspection stations – work shifts, overtime, etc. – and seek adjustments to meet traffic demands.	Recommended Practice 6.3
Provide input on behalf of resident aircraft operators and inspection agencies to the design of new airports or new inspection facilities.	Standards 6.1.4 and 6.2
Monitor and improve delivery of baggage to the customs inspection area.	Recommended Practices 6.8 and 6.22
Coordinate facilitation, narcotics control, aviation security and dangerous goods handling procedures so that the objectives of all four programmes are met.	Standard 8.19
<b>Do not forget cargo!</b> Coordinate the activities and requirements of the various inspection agencies in order to assure prompt clearance and delivery of air cargo shipments. Provide adequate facilities for loading/unloading and for secure storage of cargo while awaiting customs clearance.	Standard 4.25; Recommended Practices 4.28 and 4.29 and 6.31 to 6.34 incl.
Set up and maintain electronic systems for cargo manifesting, customs clearance, and delivery.	Standards 4.4 and 4.15
Customer service: Review regularly all parties' performance with respect to meeting the 3-hour goal for completion of inspection formalities and make adjustments where necessary and feasible.	Recommended Practices 4.28 and 4.29
Review inspection agency staffing of cargo clearance area – work shifts, overtime, etc. – and seek adjustments to meet customer needs.	Standards 6.1.3 and 6.42



## ATTACHMENT 2. MODEL NATIONAL FAL PROGRAMME

### 1. PURPOSE OF A NATIONAL FAL PROGRAMME

The purpose of a National FAL Programme is 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.

### 2. SCOPE OF A NATIONAL FAL PROGRAMME

The applicable articles of the Chicago Convention and the tasks involved in implementing each one are presented in the table below. Activities aimed at accomplishing these and related tasks in a State constitute the National FAL Programme.<sup>6</sup>

### 3. ORGANIZATION AND MANAGEMENT

3.1 The primary responsibility for the National FAL Programme rests with the Civil Aviation Authority (CAA) and/or the Ministry of Transport. However, success of the programme requires the active participation of other ministries or agencies, such as:

- Customs
- Foreign Affairs
- Agriculture/environment
- Security and narcotics control
- Tourism
- Immigration
- Passport/visa issuing authorities
- Public Health
- Identification card issuing authorities
- Quarantine

3.2 In addition, the active participation of airport operators (public or private) and resident international aircraft operators or their representative organizations is essential.

3.3 Other entities which may play an advisory role include the governmental agencies or non-governmental organizations which promote international tourism and trade.

3.4 The recommended vehicle for carrying out the National FAL Programme is the **National FAL Committee**, which is composed of the heads of the government agencies involved and the chief executive officers of the national organizations representing the aircraft operators and airport operators. The chairman should be a top-management official in the CAA or an appropriate authority. In order to sustain a close link between the national FAL committee and

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6. A group of smaller States with similar needs and goals may decide to establish a sub-regional FAL programme in the interest of achieving economies of scale.

the national aviation security committee, appropriate members from the national aviation security committee may also be members of the national FAL committee and vice-versa.

3.5 For the purpose of carrying out the work of the committee, the members may designate one or more middle-management persons in their respective organizations to represent them in meetings at the staff level (working groups). These officials should be given sufficient authority to speak on behalf of their respective organizations and to initiate necessary action in support of the committee's work. The chairman should designate a middle-management official in his department or agency to chair and convene the staff-level meetings.

3.6 The decision to convene meetings of the National FAL Committee or the members' designated representatives, and the frequency and venue of such meetings, are matters of the chairman's discretion. Working arrangements for accomplishment of the various implementing tasks would depend on the nature of the task and the issue at hand.

#### 4. ESTABLISHMENT OF A NATIONAL FAL PROGRAMME

It is advisable that the authority for a National FAL Programme and the membership of the National FAL Committee be established through legislation, regulation, or executive action from an authorized person, in order to ensure the participation of the various agencies and industry groups involved and to make provision for continuity. The Director General of Civil Aviation (DGCA) or appropriate authority should initiate the process to obtain such a mandate through the national political system.

<i>Chicago Convention mandate</i>	<i>Implementing tasks</i>
<p><b>Article 10 – Landing at customs airport</b> ... 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"> <li>— Establish customs airports and open new ones as appropriate.</li> <li>— Develop procedures by which operators of scheduled and non-scheduled services may request permission to land or depart from customs airports.</li> <li>— Arrange for border inspection services at customs airports.</li> </ul>
<p><b>Article 13 – Entry and clearance regulations</b> 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"> <li>— 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.</li> <li>— Develop programmes for control of security problems such as document fraud, illegal migration and smuggling.</li> <li>— Coordinate preparations for clearing large numbers of international visitors for special events, e.g. international athletics competitions.</li> </ul>
<p><b>Article 14 – Prevention of spread of disease</b> 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"> <li>— Establish, review and amend as necessary the national policies regarding prevention of the spread of contagious diseases by air, for example, aircraft disinsection, disinfection, public health-related quarantine programmes, and screening measures to be applied in a health emergency.</li> </ul>

<p><b>Article 22 – Facilitation of formalities</b> 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"> <li>— 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.</li> </ul>
<p><b>Article 23 – Customs and immigration procedures</b> Each contracting States 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"> <li>— 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.</li> <li>— Support and advocate the national issuance of passports and other travel documents in accordance with ICAO specifications in Doc 9303 – <i>Machine Readable Travel Documents</i>.</li> </ul>
<p><b>Article 37 – Adoption of international standards and procedures</b> 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 ...</p>	<ul style="list-style-type: none"> <li>— Participate in ICAO development of Annex 9.</li> <li>— Review national procedures periodically in order to ensure harmonization with the provisions of Annex 9.</li> </ul>
<p><b>Article 38 – Departures from international standards and procedures</b> 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. ...</p>	<ul style="list-style-type: none"> <li>— 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.</li> </ul>



# ATTACHMENT 3. PUBLIC HEALTH PASSENGER LOCATOR CARD

PUBLIC HEALTH PASSENGER LOCATOR CARD																																				
<p>Public Health Passenger Locator Card to be completed when public health authorities suspect the presence of a communicable disease. The information you provide will assist the public health authorities to manage the public health event by enabling them to trace passengers who may have been exposed to communicable disease. The information is intended to be held by the public health authorities in accordance with applicable law and to be used only for public health purposes.</p>																																				
Flight Information																																				
<p>1. Airline and Flight Number</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> </tr> <tr> <td style="font-size: 8px;">Airline</td> <td colspan="3" style="font-size: 8px;">Flight Number</td> <td colspan="2" style="font-size: 8px;">DD</td> <td colspan="2" style="font-size: 8px;">MM</td> <td colspan="2" style="font-size: 8px;">YYYY</td> </tr> </table>									Airline	Flight Number			DD		MM		YYYY		<p>2. Date of arrival</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> </tr> <tr> <td colspan="2" style="font-size: 8px;">DD</td> <td colspan="2" style="font-size: 8px;">MM</td> <td colspan="2" style="font-size: 8px;">YYYY</td> </tr> </table>							DD		MM		YYYY		<p>3. Seat Number where you actually sat on the aircraft</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> </tr> </table>				
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<p>6. Contact information for the person who will best know where you are for the next 31 days, in case of emergency or to provide critical health information to you. Please provide the name of a close personal contact or a work contact. This must NOT be you.</p> <p>a. Name</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 50%; height: 20px;"></td> <td style="border: 1px solid black; width: 50%; height: 20px;"></td> </tr> <tr> <td style="font-size: 8px;">Family Name</td> <td style="font-size: 8px;">Given Name(s)</td> </tr> </table> <p>b. Telephone Number</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 40%; height: 20px;"></td> <td style="border: 1px solid black; width: 30%; height: 20px;"></td> </tr> <tr> <td style="font-size: 8px;">Country Code</td> <td style="font-size: 8px;">Area Code</td> <td style="font-size: 8px;">Phone Number</td> <td style="font-size: 8px;">E-mail address</td> </tr> </table> <p>c. Address</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 40%; height: 20px;"></td> <td style="border: 1px solid black; width: 30%; height: 20px;"></td> <td style="border: 1px solid black; width: 30%; height: 20px;"></td> </tr> <tr> <td style="font-size: 8px;">Street Name and Number</td> <td style="font-size: 8px;">City</td> <td style="font-size: 8px;">State/Province</td> </tr> </table> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 40%; height: 20px;"></td> <td style="border: 1px solid black; width: 20%; height: 20px;"></td> <td style="border: 1px solid black; width: 40%; height: 20px;"></td> </tr> <tr> <td style="font-size: 8px;">Country</td> <td style="font-size: 8px;">ZIP/Postal Code</td> <td></td> </tr> </table>						Family Name	Given Name(s)					Country Code	Area Code	Phone Number	E-mail address				Street Name and Number	City	State/Province				Country	ZIP/Postal Code										
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<p>7. Are you traveling with anyone else? YES/NO Circle appropriate response. If so, who? (name of Individual(s) or Group)</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 50%; height: 20px;"></td> <td style="border: 1px solid black; width: 50%; height: 20px;"></td> </tr> <tr> <td style="border: 1px solid black; width: 50%; height: 20px;"></td> <td style="border: 1px solid black; width: 50%; height: 20px;"></td> </tr> </table>																																				

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