

Doc 9957



The Facilitation Manual

Approved by the Secretary General
and published under his authority

First Edition — 2011

International Civil Aviation Organization
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Published in separate English, Arabic, Chinese, French, Russian
and Spanish editions by the
INTERNATIONAL CIVIL AVIATION ORGANIZATION
999 University Street, Montréal, Quebec, Canada H3C 5H7

For ordering information and for a complete listing of sales agents
and booksellers, please go to the ICAO website at www.icao.int

Doc 9957, *The Facilitation Manual*

Order Number: 9957

ISBN 978-92-9231-762-1

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AMENDMENTS

Amendments are announced in the supplements to the *Catalogue of ICAO Publications*; the Catalogue and its supplements are available on the ICAO website at www.icao.int. The space below is provided to keep a record of such amendments.

RECORD OF AMENDMENTS AND CORRIGENDA

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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.

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 (C_{DS}) (containing Document Signer Public Keys), CSCA Master List (ML_{CSCA}), Country Signing CA Link Certificates (IC_{CSCA}) 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.

11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-243

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. Obliges 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. Obliges 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.



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).

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 book¹. (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.² (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

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 stores³ 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

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.

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
Declaration of Health 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..... 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 Signed, if required, with time and date _____ Crew member concerned		For official use only
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		

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 2 TO CHAPTER 2. PASSENGER MANIFEST

[illegible]

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

* To be completed only when required by the State.

210 mm (or 8 1/4 inches)

APPENDIX 3 TO CHAPTER 2. CARGO MANIFEST

297 mm (or 11 3/4 inches)

* 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:

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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)