



ICAO

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY



LEGAL MILESTONES IN AIR TRANSPORT FACILITATION OVER 75 YEARS

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Presentation Overview

01 What is Facilitation?

02 Legal framework: What rules apply? how are they administered?

03 How did they evolve; What is coming?



What is Facilitation?



Stakeholders - Who does FAL?



● Civil aviation		● Immigration (incl. border police)		● Customs
● Health	● Quarantine	● Travel document/visa issuance		● Foreign Affairs
● Interior Ministry	● Tourism	● Law enforcement	● Refugees	● Aviation Security
● Disabilities	● Post	● Agriculture	● Security	● Taxation, Finance
● Veterinary, sanitation	● Disaster Relief	● Aircraft accidents	● Narcotics control	● Search and Rescue/Fire Services

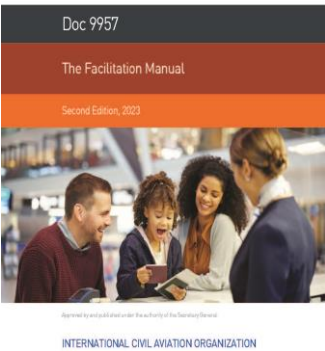
Legal Framework for Facilitation

ICAO FAL Provisions and documentation tools



ICAO Guidance

Doc 9957 (Facilitation Manual),
 Doc 10042 (National Facilitation
 Committees) Doc 9973
 (Assistance to Accident Victims),
 Doc 10171 (Human trafficking)



Assembly Resolutions

A41-11 (post-pandemic recovery and resilience); **A41-14** accident assistance) **A41-16** (human trafficking); **A41-17** (FAL, traveller identification, passenger data exchange)



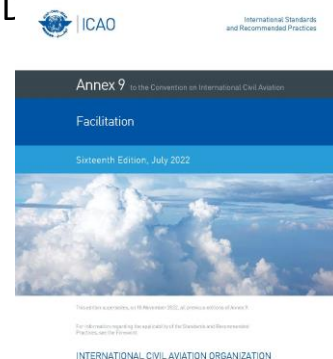
Chicago Convention

Including 10 Articles on aspects of Facilitation



Annex 9 - Facilitation

442 SARPs in 16th Edition, MRTT specifications in Doc 9303



Evolution of Annex 9

Key Milestones 1949-2024



01

25 March 1949
1st Edition of
Annex 9 adopted

02

**15 October
1982 –
Amendment 13**

National
Facilitation
programmes and
Committees

03

**24 November
2005 – 12th
Edition**

Machine Readable
Travel Documents
(MRTDs).

04

**23 February
2018 – 15th
Edition**

Advance passenger
information,
MRTDs,
Automated
Boarder Control
(ABC) Systems



05

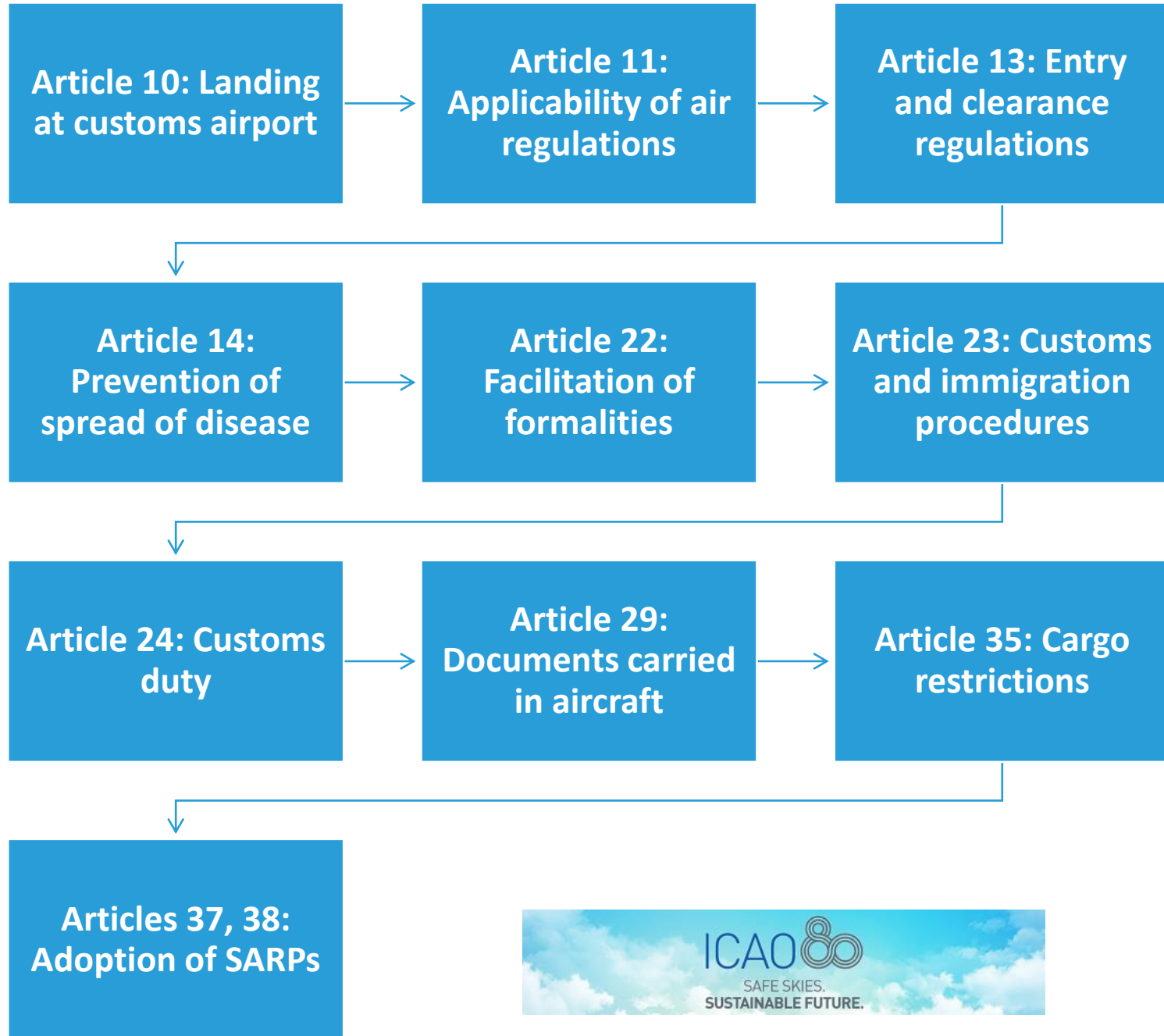
**18 November
2022 – 16th
Edition**

Public health,
accident victims,
trafficking. PNR,
PKD provisions
applicable from
2021.



Chicago Convention Provisions

FAL Provisions



Annex 9 SARPs

FAL Provisions



ICAO

International Standards
and Recommended Practices

Annex 9 to the Convention on International Civil Aviation

Facilitation

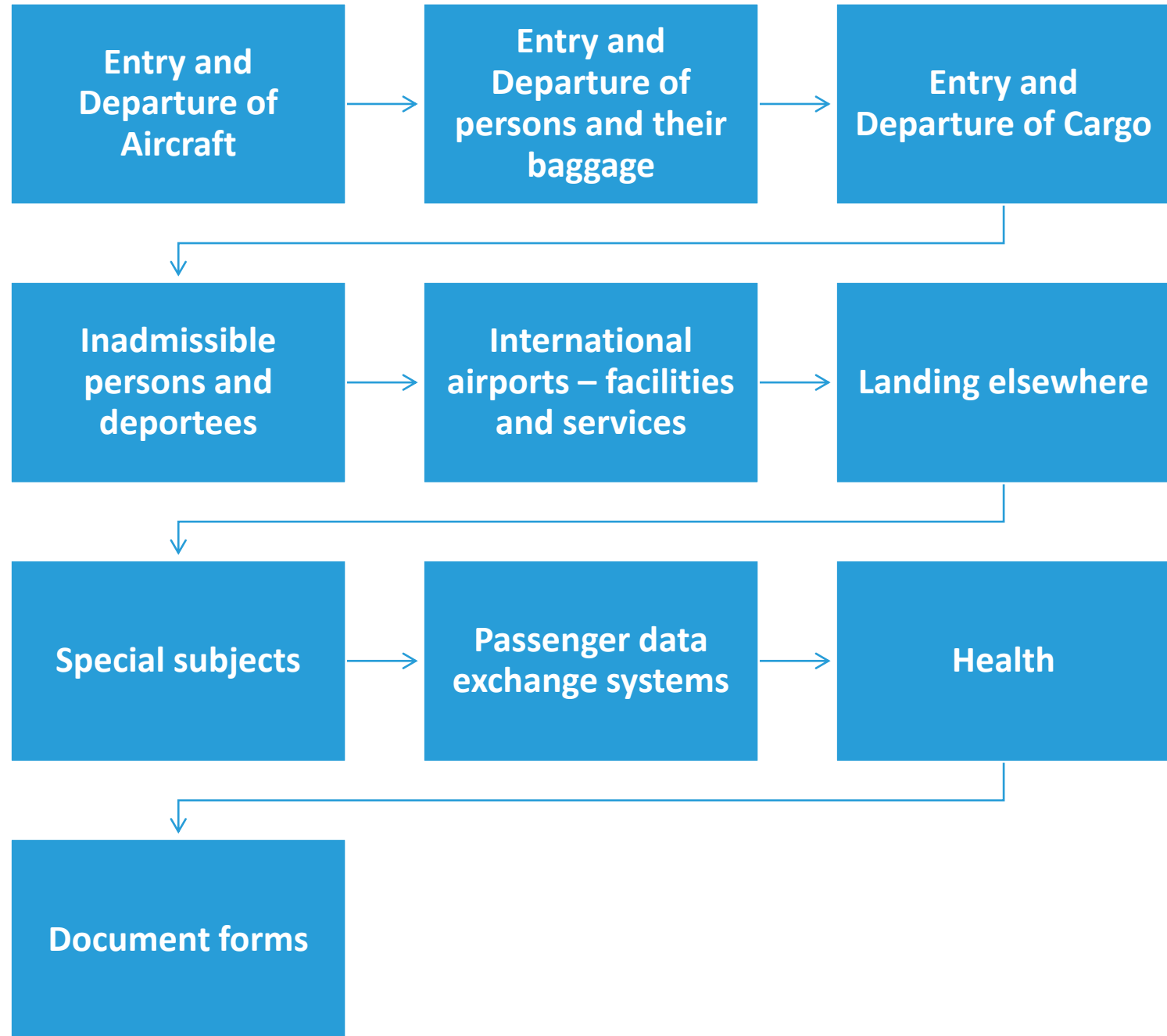
Sixteenth Edition, July 2022



This edition supersedes, on 16 November 2022, all previous editions of Annex 9.

For information regarding the applicability of the Standards and Recommended Practices, see the Foreword.

INTERNATIONAL CIVIL AVIATION ORGANIZATION



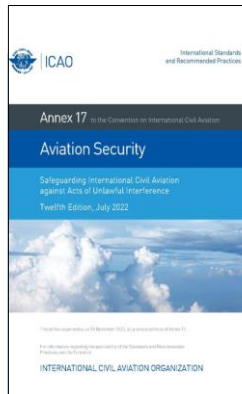
SARPs in Facilitation

INTERNATIONAL STANDARD - “any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which contracting States will conform in accordance with the Convention;..”

RECOMMENDED PRACTICE - “any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which contracting States will endeavour to conform in accordance with the Convention”

INTERNATIONAL STANDARD - “Any specification, the uniform observance of which has been recognized as practicable and as necessary to facilitate and improve some aspect of international air navigation, which has been adopted by the Council pursuant to Article 54 (I) of the Convention, and in respect of which non-compliance must be notified by Contracting States to the Council in accordance with Article 38”.

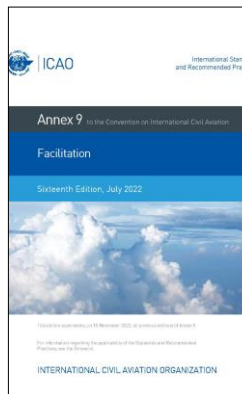
RECOMMENDED PRACTICE - “Any specification, the observance of which has been recognized as generally practicable and as highly desirable to facilitate and improve some aspect of international air navigation, which has been adopted by the Council pursuant to Article 54 (I) of the Convention, and to which Contracting States will endeavour to conform in accordance with the Convention.”



Annex 17 – Aviation Security

2.3 Security and facilitation

Recommendation.— *Each Contracting State should whenever possible arrange for the security controls and procedures to cause a minimum of interference with, or delay to the activities of, civil aviation provided the effectiveness of these controls and procedures is not compromised.*



Annex 9 - Facilitation

3.2 Entry and departure of persons

In developing procedures aimed at the efficient application of border controls on passengers and crew, Contracting States shall take into account the application of aviation security, border integrity, narcotics control and immigration control measures, where appropriate.


FAL Guidance



Doc 9957

The Facilitation Manual

Second Edition, 2023



Approved by and published under the authority of the Secretary General.




Doc 9303

Machine Readable Travel Documents

Eighth Edition, 2021

Part 1: Introduction


Doc 9998
AN/499

ICAO Policy on Assistance to Aircraft Accident Victims and their Families

Approved by the Council and published by its decision

First Edition — 2013

International Civil Aviation Organization




Model National Air Transport Facilitation Programme

Doc 10171



Manual on a Comprehensive Strategy for Combating Human Trafficking in the Aviation Sector

First Edition, 2023




Approved by and published under the authority of the Secretary General.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Circular 352

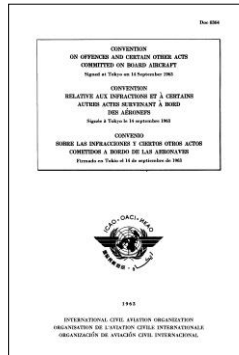
Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons



Approved by and published under the authority of the Secretary General.

Legal Framework for FAL

Facilitation in emergencies



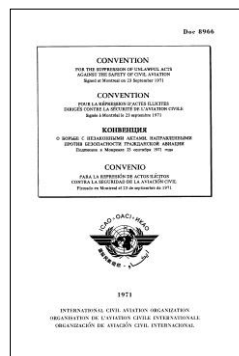
Tokyo Convention 1963 (Offences on Board) – Article 17

In taking any measures to exercise jurisdiction for offences committed on board aircraft States shall avoid any unnecessary delay of the aircraft, passengers, crew or cargo



Hague Convention 1970 (Unlawful Seizure) – Article 9(2)

The State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable...



Montreal Convention 1971 (Unlawful Acts) – Article 10

When a flight has been delayed or interrupted, the State in whose territory the aircraft or passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable...

Unruly and Disruptive Passengers

- Standard 6.45: Each Contracting State shall, to deter and prevent unruly behaviour, promote passenger awareness of the unacceptability and possible legal consequences of unruly or disruptive behaviour in aviation facilities and on board aircraft.
- Article 13 TC: Contracting State shall take delivery of any person [who has committed a serious offence on board the aircraft] whom the aircraft commander delivers ...



Specific Subjects in Facilitation

Facilitation of search, rescue, accident investigation and salvage

Relief and repatriation flights

Communicable diseases

Persons with disabilities

Assistance to aircraft accident victims and their families

Trafficking in persons

Assistance to victims of aircraft accidents and their families

The State of Occurrence of an aircraft accident and adjacent States shall make arrangements to facilitate the entry into their territory on a temporary basis of family members of victims of an aircraft accident.

Annex 9 Standard 8:42

Annex 9 Standard 8:47

Contracting States shall establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families.

Trafficking in persons

8.49 Recommended Practice.— *Contracting States should take measures to ensure that procedures in place to combat trafficking in persons are based on a Comprehensive Strategy and include clear reporting systems and relevant competent authorities' points of contact for airport and aircraft operators.*

8.50 Recommended Practice.— *Contracting States should take measures to ensure that airport and aircraft operators' personnel in direct contact with the travelling public are provided with awareness training on trafficking in persons.*



Circular 352

Guidelines for Training
Cabin Crew on Identifying and
Responding to Trafficking in Persons



Approved by and published under the authority of the Secretary General

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Doc 10171

Manual on a Comprehensive Strategy
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INTERNATIONAL CIVIL AVIATION ORGANIZATION

Risks to Facilitation



Commemorating 75 years of air transport Facilitation

Facilitation Global Summit (Riyadh) 21-22 May 2024



Facilitation Global Summit (Riyadh) 21-22 May 2024



Commemorating 75 years of Air Transport Facilitation



Thank You!