



CAR FAL

FACILITATION REGULATIONS

FOREWORD

CONTENTS

REVISION RECORD

LIST of EFFECTIVE PAGES



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FOREWORD

1. The Civil Aviation Authority of San Marino, known in these regulations as the “Authority” has implemented CAR FAL (Civil Aviation Regulations – Facilitation).
2. The structure and substance of these regulations is based on Annex 9 to the Convention on International Civil Aviation.
3. The term “public authorities” involves one or more appropriate San Marino authorities tasked with responsibilities under these regulations. (Refer to definition).
4. Unless otherwise stated, applicable CAR FAL definitions and abbreviations are used throughout this document. Refer also to CAR DEF for additional definitions and abbreviations.
5. The editing practices used in this document are as follows:
 - (a) ‘Shall’ or ‘Will’ or ‘Must’ is used to indicate a mandatory requirement.
 - (b) ‘Should’ is used to indicate a recommendation.
 - (c) ‘May’ is used to indicate discretion by the Authority, the industry or the applicant, as appropriate.

Note: The use of the male gender implies the female gender and vice versa.

6. Paragraphs and sub-paragraphs with new, amended and corrected text will be enclosed within brackets until a subsequent “amendment” is issued.



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CHAPTER 1

DEFINITIONS AND GENERAL PRINCIPLES

1.1 Definitions

Refer to CAR DEF for all general definitions. When the following terms are used specifically in CAR FAL, they have the following meanings;

Accompanying person. An adult who is travelling with a minor. This person will not necessarily be the parent or legal guardian of the minor.

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

Advance Passenger Information (API) System. An electronic communications system whereby required data elements are collected and transmitted to border control agencies prior to flight departure or arrival and made available on the primary line at the airport of entry.

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, organisation 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. A commercial air transport enterprise offering or operating a scheduled international air service.

Authorised agent. A person who represents an aircraft operator and who is authorised 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 authorised to handle cargo on the aircraft.

Authorised Economic Operator. AEO is a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with WCO or equivalent supply chain security standards. AEOs may include manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, distributors and freight forwarders.

Automated Border Control (ABC). An automated system which authenticates the electronic machine readable travel document or token, establishes that the passenger is the rightful holder of the document or token, queries border control records, then determines eligibility for border crossing according to pre-defined rules.

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.

Civil aviation inspector. A civil aviation inspector is an individual, designated by a Contracting State, who is charged with the inspection of the safety, security or related aspects of air transport operations as directed by the appropriate authority.

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 arrangement. A special arrangement approved by the public authorities concerned by which traffic that is pausing briefly in its passage through San Marino 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.

Disinfection. The procedure whereby health measures are taken to control or kill infectious agents on a human or animal body, in or on affected parts of aircraft, baggage, cargo, goods or containers, as required, by direct exposure to chemical or physical agents.

Disinsection. The procedure whereby health measures are taken to control or kill insects present in aircraft, baggage, cargo, containers, goods and mail.

Electronic Travel Systems (ETS). The automated process for the lodgement, acceptance and verification of a passenger's authorisation to travel to a State, in lieu of the standard counterfoil paper visa.

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.

Escort. An individual authorised by a Contracting State or an aircraft operator to accompany inadmissible persons or deportees being removed from that Contracting State.

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 San Marino where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the customs territory.

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

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

ICAO Public Key Directory (ICAO PKD). The central database serving as the repository of Document Signer Certificates (CDS) (containing Document Signer Public Keys), CSCA Master List (MLCSCA), Country Signing CA Link Certificates (ICCSCA) 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.

Imposter. A person who impersonates the rightful holder of a genuine travel document.

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.

Interactive API (iAPI) system. An electronic system that transmits, during check-in, API data elements collected by the aircraft operator to public authorities who, within existing business processing times for passenger check-in, return to the operator a response message for each passenger and/or crew member.

International airport. Any airport designated by the Authority 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).



Minor. A person who has not attained the age of majority as determined under the law applicable to the person.

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.

Necessary precautions. Verifications carried out by adequately trained staff members of the aircraft operator or the company operating on behalf of the aircraft operator, at the point of embarkation, in order to ensure that every person holds a valid travel document and, where applicable, the visa or residence permit required to enter the State of transit and/or receiving State. These verifications are designed to ensure that irregularities (e.g. obvious document alteration) are detected.

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

Passenger Data Single Window. A facility that allows parties involved in passenger transport by air to lodge standardized passenger information (i.e. API, iAPI and/or PNR) through a single data entry point to fulfil all regulatory requirements relating to the entry and/or exit of passengers that may be imposed by public authorities.

Note: The Passenger Data Single Window facility to support API/iAPI transmissions does not necessarily need to be the same facility used to support PNR data exchange.

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 applicable agencies or officials of San Marino responsible for the application and enforcement of the particular laws and regulations of San Marino which relate to any aspect of these regulations. The use of the term "public authorities" throughout this regulation applies, where appropriate, to;

- (a) The Department of Immigration for all matters pertaining to immigration;
- (b) The Customs Department for all matters pertaining to customs;
- (c) The Gendarmeria for law and order, aviation security (other than that contracted by airport operators) and narcotic control;
- (d) The Department of Public Health for public health matters;
- (e) San Marino Passport Office for all matters pertaining to passports, visas and travel documents;
- (f) San Marino Postal Service for mail clearance matters; or
- (g) The airport operator, approved by the Authority, for all matters pertaining to an airport operation.

Note: The division of responsibility of each authority shall be determined by their own legal powers and procedures.



Public health emergency of international concern. An extraordinary event which is determined, as provided in the International Health Regulations (2005) of the World Health Organisation; (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.

Single Window. A facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements. If information is electronic then individual data elements should only be submitted once.

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 organisation, 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.

Unaccompanied minor. A minor travelling alone or travelling only in the company of another minor.

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 San Marino other than that in which that person normally resides; remains there 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.

1.2 General principles

1.2.1 These regulations shall apply to all categories of aircraft operation except where a particular provision refers specifically to only one type of operation.

1.2.2 The public authorities shall take necessary measures to ensure that;

- (a) the time required for the accomplishment of border controls 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) 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 Civil Aviation Act and CAR SEC, are attained.

1.2.3 The public authorities shall use risk management in the application of border control procedures for the release/clearance of goods.

1.2.4 The public authorities shall develop effective information technology to increase the efficiency and effectiveness of their procedures at airports.



- 1.2.5 The provisions of these regulations shall not preclude the application of national legislation with regard to aviation security measures or other necessary controls.
- 1.2.6 The Authority and aircraft operators should exchange information as to the appropriate point(s) of contact(s) to whom border control and customs queries should be directed.



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CHAPTER 2

ENTRY AND DEPARTURE OF AIRCRAFT

2.1 General

- 2.1.1 The public authorities shall adopt appropriate measures for the clearance of aircraft arriving from or departing to another Contracting State and shall implement them in such a manner as to prevent unnecessary delays.
- 2.1.2 In developing procedures aimed at the efficient clearance of entering or departing aircraft, the public authorities shall take into account the application of aviation security and narcotics control measures, where appropriate.
- 2.1.3 The public authorities should enter into Memoranda of Understanding with the airlines providing international services to San Marino and with the operators of its international airports, setting out guidelines for their mutual cooperation in countering the threat posed by international trafficking in narcotics and psychotropic substances. Such Memoranda of Understanding should be patterned after the applicable models developed by the World Customs Organisation for this purpose. In addition, Contracting States are encouraged to conclude Memoranda of Understanding amongst themselves.
- 2.1.4 The Authority shall not prevent an aircraft from calling at any international airport for public health reasons unless such action is taken in accordance with the International Health Regulations (2005) of the World Health Organisation.
- 2.1.5 In cases where, in exceptional circumstances, air transport service suspensions on public health grounds are under consideration, the public authorities should first consult with the World Health Organisation and the health authority of the State of occurrence of the disease before taking any decision as to the suspension of air transport services.
- 2.1.6 If, in response to a specific public health risk or a public health emergency of international concern, the public authorities are considering introduction of health measures in addition to those recommended by WHO, they shall do so in accordance with the *International Health Regulations* (2005), including but not limited to Article 43, which states, in part, that when determining whether to implement the additional health measures States Parties shall base their determinations upon;
- (a) scientific principles;
 - (b) available scientific evidence of a risk to human health, or where such evidence is insufficient, the available information including from WHO and other relevant intergovernmental organisations and international bodies; and
 - (c) any available specific guidance or advice from WHO.

Note 1; Paragraph 2.1.5 applies only to those situations where there is an official IHR (2005) Temporary Recommendation (i.e. in the context of a declared public health emergency of international concern), or a Standing Recommendation in effect. These requirements in Article 43 can also apply to other contexts involving additional measures applied to international traffic (including aircraft), such as IHR Articles 23 2), 27 1) and 28.



Note 2; Article 43 of the IHR (2005) also requires that a State that implements additional measures thereunder that significantly interfere with international traffic is required to provide to WHO the public health and scientific rationale for such measures.

2.1.7 Any State impacted by a measure or suspension taken under paragraph 2.1.4, should, where appropriate, request the public authorities to consult with it. The purpose of such consultations would be to clarify the scientific information and public health rationale underlying the measure and to find a mutually acceptable solution.

2.2 Documents — requirements and use

2.2.1 The public authorities shall not require any documents, other than those provided for in this Chapter, for the entry and departure of aircraft.

2.2.2 The public authorities shall not require a visa nor shall any visa or other fee be collected in connection with the use of any documentation required for the entry or departure of aircraft.

2.2.3 Documents for entry and departure of aircraft should be accepted if furnished in Arabic, Chinese, English, French, Russian or Spanish. Public authorities may require an oral or written translation into its own language.

2.2.4 Subject to the technological capabilities of the public authorities, documents for the entry and departure of aircraft shall be accepted when presented;

- (a) in electronic form, transmitted to an information system of the public authorities;
- (b) in paper form, produced or transmitted electronically; or
- (c) in paper form, completed manually following the formats depicted in Annex 9.

2.2.5 When a particular document is transmitted by or on behalf of the aircraft operator and received by the public authorities in electronic form, the public authorities shall not require the presentation of the same document in paper form.

2.2.6 The public authorities requiring a General Declaration shall limit its information requirements to the elements indicated in Appendix 1. The information shall be accepted in either electronic or paper form.

2.2.7 When the public authorities require the General Declaration only for the purposes of attestation, it shall adopt measures by which that attestation requirement may be satisfied by a statement added, either manually or by use of a rubber stamp containing the required text, to one page of the Cargo Manifest. Such attestation shall be signed by the authorised agent or the pilot-in-command.

2.2.8 The public authorities shall not normally require the presentation of a Passenger Manifest. On those occasions when a Passenger Manifest is required, the information requirements shall be limited to the elements indicated in Appendix 2. The information shall be accepted in either electronic or paper form.

2.2.9 When the public authorities require the presentation of the Cargo Manifest in paper form, it shall accept either;

- (a) the form shown in Appendix 3, completed according to the instructions; or



- (b) the form shown in Appendix 3, partially completed, with a copy of each air waybill representing the cargo on board the aircraft.
- 2.2.10 The public authorities shall not require the presentation of a written declaration of stores remaining on board the aircraft.
- 2.2.11 In respect of stores laden on or unladen from the aircraft, the information required in the Stores List shall not exceed;
- (a) the information indicated in the heading of the format of the Cargo Manifest;
 - (b) the number of units of each commodity; and
 - (c) the nature of each commodity.
- 2.2.12 The public authorities shall not require the presentation of a list of accompanied baggage or mishandled baggage laden on or unladen from the aircraft.
- 2.2.13 The public authorities shall not require the presentation of a written declaration of the mail other than the form(s) prescribed in the Acts in force of the Universal Postal Union.
- 2.2.14 The public authorities shall not require the aircraft operator to deliver to the public authorities more than three copies of any of the above-mentioned documents at the time of entry or departure of the aircraft.
- 2.2.15 If the aircraft is not embarking/disembarking passengers or lading/unlading cargo, stores or mail, the relevant document(s) shall not be required, provided an appropriate notation is included in the General Declaration.
- 2.3 Correction of documents**
- 2.3.1 In the event that errors are found in any of the above-mentioned documents, the public authorities concerned shall accord the aircraft operator or authorised agent an opportunity to correct such errors or shall alternatively perform such corrections themselves.
- 2.3.2 The aircraft operator or his authorised agent shall not be subjected to penalties if he satisfies the public authorities concerned that any error which was found in such documents was inadvertent and made without fraudulent intent or gross negligence. When considered necessary to discourage a repetition of such errors, a penalty shall be no greater than is necessary for this purpose.
- 2.4 Disinsection of aircraft**
- 2.4.1 The public authorities shall limit any routine requirement for the disinsection of aircraft cabins and flight decks with an aerosol while passengers and crews are on board, to same-aircraft operations originating in, or operating via, territories that they consider to pose a threat to their public health, agriculture or environment.
- 2.4.2 The public authority, if it requires disinsection of aircraft, shall periodically review its requirements and modify them, as appropriate, in the light of all available evidence relating to the transmission of insects to their respective territories via aircraft.



- 2.4.3 When disinsection is required the public authorities shall authorise or accept only those methods, whether chemical or non-chemical, and/or insecticides, which are recommended by the World Health Organisation and are considered efficacious by the public authorities.
- 2.4.4 The public authorities shall ensure that their procedures for disinsection are not injurious to the health of passengers and crew and cause the minimum of discomfort to them.
- 2.4.5 The public authorities shall, upon request, provide to aircraft operators appropriate information, in plain language, for air crew and passengers, explaining the pertinent national regulation, the reasons for the requirement, and the safety of properly performed aircraft disinsection.
- 2.4.6 When disinsection has been performed in accordance with procedures recommended by the World Health Organisation, the public authorities shall accept a pertinent certification on the General Declaration as provided for in Appendix 1 or, in the case of residual disinsection, the Certificate of Residual disinsection set forth in Appendix 4 to ICAO Annex 9.
- 2.4.7 When disinsection has been properly performed pursuant to paragraph 2.4.3 and a certificate as indicated in paragraph 2.4.6 is presented or made available to the public authorities in the country of arrival, the authorities shall normally accept that certificate and permit passengers and crew to disembark immediately from the aircraft.
- 2.4.8 The public authorities shall ensure that any insecticide or any other substance used for disinsection does not have a deleterious effect on the structure of the aircraft or its operating equipment. Flammable chemical compounds or solutions likely to damage aircraft structure, such as by corrosion, shall not be employed.

2.5 Disinsection of aircraft

- 2.5.1 The public authorities shall determine the conditions under which aircraft are disinfected. When aircraft disinsection is required, the following provisions shall apply;
- (a) the application shall be limited solely to the container or to the compartment of the aircraft in which the traffic was carried;
 - (b) the disinsection shall be undertaken by procedures that are in accordance with the aircraft manufacturer and any advice from WHO;
 - (c) the contaminated areas shall be disinfected with compounds possessing suitable germicidal properties appropriate to the suspected infectious agent;
 - (d) the disinsection shall be carried out expeditiously by cleaners wearing suitable personal protective equipment; and
 - (e) flammable chemical compounds, solutions or their residues likely to damage aircraft structure, or its systems, such as by corrosion, or chemicals likely to damage the health of passengers or crew, shall not be employed.

Note: When aircraft disinsection is required for animal health reasons, only those methods and disinfectants recommended by the International Office of Epizootics should be used.

- 2.5.2 The public authorities shall ensure that where there is contamination of surfaces or equipment of the aircraft by any bodily fluids including excreta, the contaminated areas and used equipment or tools shall be disinfected.



2.6 Arrangements concerning international general aviation and other non-scheduled flights

- 2.6.1 The Authority shall arrange to publish in the Italian Aeronautical Information Publications (AIPs) the requirements concerning advance notices and applications for prior authorisation of general aviation and other non-scheduled flights.
- 2.6.2 The Authority if requiring advance notice of the intended landing of aircraft in San Marino, or applications for prior authorisation, shall designate a single agency to receive and coordinate the government's response to such notices or applications.
- 2.6.3 The Authority shall ensure the entry in the AIP indicates the mail address and, where available, the AFTN address, the telex number or cable address, fax number, electronic mail address, web page and telephone number of the agency designated as in paragraph 2.6.2.
- 2.6.4 In notification to the interested border inspection agencies, e.g. customs, immigration or quarantine, of intended arrivals, departures or transit operations shall be the responsibility of the agency designated by the Authority.
- 2.6.5 The Authority shall not require that prior authorisation or notification be applied for through diplomatic channels unless the flight is diplomatic in nature.
- 2.6.6 The Authority if requiring aircraft operators to apply for prior authorisation shall;
- (a) establish procedures whereby such application will be dealt with promptly;
 - (b) make such permission effective for a specific length of time or number of flights wherever possible; and
 - (c) impose no fees, dues or charges for the issue of such permission.
- 2.6.7 In the case of aircraft engaged in the carriage of passengers, cargo or mail for remuneration or hire, the Authority should not require more than the following details in applications for prior authorisation;
- (a) name of operator;
 - (b) type of aircraft and registration marks;
 - (c) date and time of arrival at, and departure from, the airport concerned;
 - (d) place or places of embarkation or disembarkation abroad, as the case may be, of passengers and/or freight;
 - (e) purpose of flight and number of passengers and/or nature and amount of freight; and
 - (f) name, address and business of charterer, if any.
- 2.6.8 The Authority should publish in the AIP the minimum amount of time required in advance of the flight for processing the applications for prior authorisations referred to in paragraph 2.6.7.
- 2.6.9 In the case of aircraft either in transit non-stop or stopping for non-traffic purposes, if the Authority that, for reasons of safety of flight, requires prior authorisation shall not require any other information than that contained in a flight plan when application for prior authorisation is made.



- 2.6.10 The Authority when requiring prior authorisation for flights referred to in paragraph 2.6.9 shall not require applications to be filed more than three working days in advance.
- 2.6.11 In the case of aircraft either in transit non-stop or stopping for non-traffic purposes, the Authority shall not require more advance notice of such operations than is required by the air traffic control services and by interested border inspection agencies.
- 2.6.12 The Authority shall accept the information contained in a flight plan as adequate advance notification of arrival, provided that such information is received at least two hours in advance of arrival and that the landing occurs at a previously designated international airport.
- 2.6.13 At international airports where there are international general aviation operations, the public authorities should arrange for an adequate level of border inspection and clearance services for those operations. The public authorities, in cooperation with aircraft operators and airport operators, should establish as a goal a total time period of 60 minutes in aggregate for the completion of all required departure/arrival formalities inclusive of aviation security measures for an aircraft requiring not more than normal processing, calculated from the time of the crew member's presenting the aircraft at the first processing point at the airport.
- Note: "Required departure/arrival formalities" to be completed during the 60 minutes should include aviation security measures and, where applicable, the collection of airport charges and other levies, and border control measures.*
- 2.6.14 At international airports where international general aviation operations are infrequent, the public authorities should authorise one governmental agency to undertake, on behalf of all border inspection agencies, clearance of aircraft and their loads.
- 2.6.15 An aircraft that is not engaged in scheduled international air services and which is making a flight to or through any designated international airport of San Marino and is admitted temporarily free of duty in accordance with Article 24 of the Convention shall be allowed to remain within San Marino, for a period to be established by the public authorities, without security for customs duty on the aircraft being required.



CHAPTER 3

ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE

3.1 General

- 3.1.1 In order to facilitate and expedite the clearance of persons entering or departing by air, the public authorities shall adopt border control regulations appropriate to the air transport environment and shall apply them in such a manner as to prevent unnecessary delays.
- 3.1.2 In developing procedures aimed at the efficient application of border controls on passengers and crew, the public authorities shall take into account the application of aviation security, border integrity, narcotics control and immigration control measures, where appropriate.
- 3.1.3 The public authorities when using integrated circuit (IC) chips or other optional machine readable technologies for the representation of personal data, including biometric data, in their travel documents shall make provision whereby the encoded data may be revealed to the holder of the document upon request.
- 3.1.4 The public authorities shall not extend the validity of their machine readable travel documents.

Note: Specifications for machine readable travel documents (Doc 9303) do not permit alteration of the expiration date and other data in the machine readable zone.

3.2 Documents required for travel

- 3.2.1 The public authorities shall ensure that no documents other than those provided for in this chapter shall be required by visitors for the entry into and departure from their territories.
- 3.2.2 The public authorities shall not require visitors travelling by air, rightfully holding valid passports recognised by the receiving State and holding valid visas, where appropriate, to present any other document of identity.

Note: It is not the intent of the above provision to discourage public authorities from accepting other official documents of identity for travel purposes, such as national identity cards, seafarers' identity documents, alien resident cards and provisional alternative travel identity documents.

3.3 Security of travel documents

- 3.3.1 The public authorities shall regularly update security features in new versions of their travel documents, to guard against their misuse and to facilitate detection of cases where such documents have been unlawfully altered, replicated or issued.
- 3.3.2 The public authorities shall establish controls to safeguard against the theft of their blank travel documents and the misappropriation of newly issued travel documents.
- 3.3.3 The public authorities shall establish appropriate controls over the entire travel document application, adjudication and issuance processes to ensure a high level of integrity and security.
- 3.3.4 The public authorities should incorporate biometric data in their machine readable travel documents in a contactless integrated circuit chip, as specified in ICAO Doc 9303, Machine Readable Travel Documents.



Note: Doc 9303 does not support the incorporation of biometric data in visas.

- 3.3.5 [The public authorities issuing or intending to issue eMRTDs should join the ICAO Public Key Directory (PKD)].
- 3.3.6 The public authorities, when implementing checks on eMRTDs at border controls, should join the ICAO Public Key Directory (PKD) and use the information available from the PKD to validate eMRTDs at border controls.
- 3.3.7 [The public authorities that participate in the ICAO PKD shall upload the public key data necessary for authentication of all electronic passports that they issue to the PKD.]
- 3.3.8 The public authorities shall promptly report accurate information about stolen, lost, and revoked travel documents, issued by their State, to INTERPOL for inclusion in the Stolen and Lost Travel Documents (SLTD) database.
- 3.3.9 The public authorities should, as far as practicable, query, at entry and departure border control points, the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database.

3.4 Travel documents

- 3.4.1 All passports issued by the public authorities shall be machine readable in accordance with the specifications of ICAO Doc 9303, Part 4.

Note: This provision does not intend to preclude the issuance of non-machine readable passports or temporary travel documents of limited validity in cases of emergency.

- 3.4.2 For passports issued after 24 November 2005 and which are not machine readable, the public authorities shall ensure the expiration date falls before 24 November 2015.
- 3.4.3 The public authorities shall ensure that travel documents for refugees and stateless persons (“Convention Travel Documents”) are machine readable, in accordance with the specifications of Doc 9303.
- 3.4.4 When issuing identity documents or visas accepted for travel purposes, the public authorities should issue these in machine readable form, as specified in ICAO Doc 9303.
- 3.4.5 The public authorities should establish publicly accessible facilities for the receipt of travel document applications and/or for the issuance of travel documents.
- 3.4.6 The public authorities shall establish transparent application procedures for the issuance, renewal or replacement of travel documents and shall make information describing their requirements available to prospective applicants upon request.
- 3.4.7 If any fee is charged for the issue, renewal or replacement of a travel document, the amount of such fee should not exceed the cost of the operation.
- 3.4.8 The public authorities shall issue a separate passport to each person, regardless of age.
- 3.4.9 The public authorities should normally provide that passports be valid for a period of at least five years, for an unlimited number of journeys and for travel to all States and territories.



Note 1: In consideration of the limited durability of documents and the changing appearance of the passport holder over time, a validity period of not more than ten years is recommended.

Note 2: Emergency, diplomatic, official and other special purpose passports could have a shorter validity period.

Note 3: In consideration of the fast-changing appearance of children, a validity period of not more than five years is recommended in the case of children's passports.

3.5 Exit visas

- 3.5.1 The public authorities shall not require exit visas from their own nationals wishing to tour abroad nor from visitors at the end of their stay.
- 3.5.2 The public authorities should not require exit visas from their resident aliens wishing to tour abroad.

3.6 Entry/re-entry visas

- 3.6.1 The public authorities should waive or abolish, for a maximum number of States, the requirement for an entry visa for nationals seeking entry as visitors.
- 3.6.2 The public authorities shall not require visas for re-entry from their own nationals.
- 3.6.3 The public authorities should not require visas for re-entry from their resident aliens who hold lawful permanent residence permits.
- 3.6.4 The public authorities shall establish simple and transparent application procedures for the issuance of entry visas for prospective visitors and shall ensure that applications for such visas are acted upon as quickly as possible after receipt.
- 3.6.5 Visa issuance procedures should not normally require the applicant to make a personal appearance at the issuing office.
- 3.6.6 When issuing entry visas to prospective visitors, the public authorities shall normally provide that such visas be valid for use within a period of at least six months from the date of issue regardless of the number of entries and with the understanding that the duration of each stay may be limited.
- 3.6.7 When issuing visas that are not machine readable, the public authorities should ensure that the personal and issuance data in such documents conform to the specifications for the visual zone of the machine readable visa, as set forth in ICAO Doc 9303, Part 7.

3.7 Embarkation/Disembarkation Cards

- 3.7.1 The Authority should not require either from visitors travelling by air, or from aircraft operators on their behalf, identification information in writing supplementary to that presented in their identity documents. Where the collection of identity information is required, the Authority should develop systems for the electronic capture of this information from machine readable travel documents or other sources.



- 3.7.2 The public authorities, if requiring a written record of personal data from visitors arriving or departing by air shall limit its information requirements to those set forth in ICAO Annex 9 Appendix 5 to ICAO Annex 9 — Embarkation/Disembarkation Card.
- 3.7.3 The public authorities, when requiring Embarkation/Disembarkation Cards, shall accept their completion by visitors and shall not require them to be completed or checked by the aircraft operator.
- 3.7.4 The public authorities that require the presentation of Embarkation/Disembarkation Cards shall provide them to airline operators or their travel agents, without charge, for distribution to departing passengers prior to embarkation or to arriving passengers during the flight.

3.8 International certificates of vaccination or prophylaxis

- 3.8.1 In cases where proof of vaccination or prophylaxis is required by national authorities under the *International Health Regulations* (2005), the public authorities shall accept the International Certificate of Vaccination or Prophylaxis prescribed by the World Health Organisation in the IHR (2005).

3.9 Inspection of travel documents

- 3.9.1 The public authorities shall assist aircraft operators in the evaluation of travel documents presented by passengers, in order to deter fraud and abuse.
- 3.9.2 The public authorities should consider making arrangements with other Contracting States to permit the positioning of liaison officers at airports in order to assist aircraft operators to establish the validity and authenticity of the travel documents of embarking persons.
- 3.9.3 Aircraft operators shall take necessary precautions at the point of embarkation to ensure that persons are in possession of the documents prescribed by the States of transit and destination for control purposes as described in this chapter.
- 3.9.4 The public authorities of San Marino shall seize fraudulent, falsified or counterfeit travel documents. The public authorities shall also seize the travel documents of a person impersonating the rightful holder of the travel document. Such documents shall be removed from circulation immediately and returned to the appropriate authorities of the State named as issuer or to the resident Diplomatic Mission of that State, except in cases where public authorities retain documents for law enforcement purposes. The appropriate authorities of the State named as issuer or the Diplomatic Mission of that State shall be notified of such retention by the public authorities that seize the travel documents in question.
- 3.9.5 The public authorities shall not require aircraft operators to seize documents referred to in paragraph 3.9.4.
- 3.9.6 The public authorities shall not require an aircraft operator to carry a passenger from a point of departure or transit, to the intended final destination, when the travel document presented by that passenger is determined by the State to be fraudulent, falsified or counterfeit, or is held by a person other than to whom the document was legitimately issued.

Note: Nothing in this provision is to be construed so as to prevent the return of inadmissible passengers whose travel document(s) are fraudulent, falsified or counterfeit or held by an imposter, and have been seized by San Marino, in accordance with paragraph 3.9.4 and who are travelling under a covering letter issued in accordance with paragraph 5.2.4.



- 3.9.7 The public authorities should consider the introduction of Automated Border Control (ABC) systems in order to facilitate and expedite the clearance of persons entering or departing by air.
- 3.9.8 The public authorities when utilising ABC systems should, pursuant to paragraphs 3.3.5 and 3.3.8, use the information available from the PKD to validate eMRTDs, perform biometric matching to establish that the passenger is the rightful holder of the document, and query INTERPOL's Stolen and Lost Travel Documents (SLTD) database, as well as other border control records, to determine eligibility for border crossing.
- 3.9.9 When utilising ABC systems, public authorities should ensure that gates are adequately staffed while operational to ensure a smooth passenger flow and respond rapidly to safety and integrity concerns in the event of a system malfunction.

3.10 Departure procedures

- 3.10.1 The public authorities shall not require income-tax clearance certificates from visitors.
- 3.10.2 The public authorities shall not hold the aircraft operator liable in the event of the non-payment of income taxes by any passenger.
- 3.10.3 Public authorities, in cooperation with aircraft operators and airport management, should establish as a goal a total time period of 60 minutes in aggregate for the completion of required departure formalities for all passengers requiring not more than normal processing, calculated from the time of the passenger's presenting himself at the first processing point at the airport (i.e. airline check-in, security control point or other required control point depending on arrangements at the individual airport).

Note: "Required departure formalities" to be completed during the recommended 60 minutes would include airline check-in, aviation security measures and, where applicable, the collection of airport charges and other levies, and outbound border control measures, e.g. passport, quarantine or customs controls.

- 3.10.4 The public authorities, when requiring inspection by the public authorities of the travel documents of departing passengers should, in cooperation with airport management, use applicable technology and adopt a multi-channel inspection system, or other means of streaming passengers, in order to expedite such inspections.
- 3.10.5 The public authorities shall not normally require the presentation, for border control inspection, of baggage of passengers departing from their territory.

3.11 Entry procedures and responsibilities

- 3.11.1 The public authorities, with the cooperation of aircraft operators and airport operators, should establish as a goal the clearance within 45 minutes of disembarkation from the aircraft of all passengers requiring not more than the normal inspection, regardless of aircraft size and scheduled arrival time.
- 3.11.2 In order to expedite inspections, the public authorities, with the cooperation of airport operators, shall use applicable technology and adopt a multi-channel immigration inspection system, or other means of streaming passengers, at international airports where the volume of passenger traffic justifies such measures.



- 3.11.3 Except in special circumstances, the public authorities shall not require that travel documents or other identity documents be collected from passengers or crew before they arrive at the passport control points.
- 3.11.4 The public authorities concerned shall expeditiously accept passengers and crew for examination as to their admissibility into San Marino.
- Note: A passenger or crew member is “accepted for examination” when he makes his first appearance at the arrivals control point after disembarkation, to seek entry into the country concerned, at which time the control officer makes a determination whether he should be admitted or not. This does not include the sighting of travel documents, which may be carried out immediately upon disembarkation.*
- 3.11.5 The aircraft operator shall be responsible for the custody and care of disembarking passengers and crew members from the time they leave the aircraft until they are accepted for examination as provided in paragraph 3.11.4.
- 3.11.6 After such acceptance, the public authorities concerned should be responsible for the custody and care of passengers and crew members until they are admitted or found inadmissible.
- 3.11.7 The responsibility of an aircraft operator for custody and care of passengers and crew members shall terminate from the moment such persons have been admitted into San Marino.
- 3.11.8 Except in special circumstances, the public authorities shall make arrangements whereby the identity documents of visitors need to be inspected only once at times of entry and departure.
- 3.11.9 The public authorities shall not require a written declaration of baggage from passengers and crew, when no dutiable or restricted goods are being carried.
- 3.11.10 The public authorities shall adopt the dual-channel system or other selective process for customs and quarantine inspection based on risk management, as appropriate to the conditions and traffic volumes at the airport concerned.
- 3.11.11 In cases in which the travel document of a visitor has expired prior to the end of the validity period of a visa, the State that has issued the visa should continue to accept the visa until its expiration date when it is presented with the visitor’s new travel document.
- 3.11.12 The public authorities when issuing visas for a limited number of entries shall indicate in an appropriate, clear and non- derogatory way, every instance the visa is used, in order that its holder, any aircraft operator or the public authorities of San Marino may determine its validity quickly and without the use of any special means.
- 3.11.13 After individual presentation by passengers and crew of their travel documents, the public officials concerned shall, except in special individual cases, hand back such documents immediately after examination.
- 3.11.14 The public authorities should make arrangements whereby a passenger and his baggage, arriving on an international flight making two or more stops at international airports within the territory of San Marino, are not required to be cleared through border control formalities at more than one airport.



3.12 Transit procedures and requirements

- 3.12.1 Where airport facilities permit, the public authorities shall make provision by means of direct transit areas or other arrangements, whereby crew, passengers and their baggage, arriving from another State and continuing their journey to a third State on the same flight or another flight from the same airport on the same day may remain temporarily within the airport of arrival without undergoing border control formalities to enter San Marino.
- 3.12.2 The public authorities shall keep to a minimum the number of States whose nationals are required to have direct transit visas when arriving on an international flight and continuing their journey to a third State on the same flight or another flight from the same airport on the same day.

3.13 Disposition of baggage separated from its owner

- 3.13.1 The public authorities shall permit aircraft operators to forward mishandled baggage to the location of its owner and shall not hold aircraft operators liable for penalties, fines, import duties and taxes, on the basis that the baggage was mishandled.
- 3.13.2 The public authorities shall permit the direct transfer of mishandled baggage between international flights at the same airport, without examination, except for reasons of aviation security or other necessary controls. In cases when direct transfer cannot be effected, the public authorities shall ensure that arrangements are made for the temporary custody of such baggage under secure supervision at an appropriate location.
- 3.13.3 The public authorities shall permit aircraft operators to present unidentified, unclaimed or mishandled baggage for clearance at an appropriate destination on behalf of its owners, and to deliver such baggage to its owners.
- 3.13.4 The public authorities shall expedite the clearance of unidentified, unclaimed or mishandled baggage, and its return to the aircraft operator for appropriate disposition. Under the conditions laid down by the public authorities, aircraft operators may be permitted to open such baggage if necessary to ascertain its owner.
- 3.13.5 The aircraft operator shall be freed from the obligation to safeguard baggage not yet cleared by the public authorities, and from liability for import duties and taxes chargeable on such baggage, when it is taken into charge by customs and is under their sole control.

3.14 Identification and entry of crew and other aircraft operators' personnel

- 3.14.1 The public authorities shall establish measures, with the cooperation of aircraft operators and airport operators, to expedite the inspection of crew members and their baggage, as required at departure and upon arrival.
- 3.14.2 The Authority shall facilitate and expedite the process under which aircraft operators based in their territories can apply for Crew Member Certificates (CMCs) for their crew members.

Note: The CMC was developed as a card for use for identification purposes by crew members, leaving the crew licences to serve their primary purpose of attesting to the professional qualifications of the flight crew members.

- 3.14.3 When the Authority issues Crew Member Certificates, then these shall be issued only in the form of machine readable cards in accordance with the specifications of ICAO Doc 9303, Part 5.



- 3.14.4 The Authority should put in place procedures which will enable any crew member issued with a Crew Member Certificate to examine and review the validity of the data held, and to provide for correction if necessary, at no cost to the crew member.
- 3.14.5 To the extent that aircraft operators issue crew identity cards, the public authorities should require the production of such identity documents in the format shown in Appendix 7 to ICAO Annex 9, i.e. in the same layout as the visual zone of the machine readable crew member certificate and having the capability to support machine assisted identity confirmation and document security verification.
- 3.14.6 The Authority should ensure that a record of each crew member's certificates and other official identity document issued, suspended or withdrawn is stored in an electronic database, secure from interference and unauthorised access. All information stored in the electronic database and crew member certificate should be restricted to details which are essential for the purpose of verifying a crew member's identity.
- 3.14.7 CMCs shall be issued only after a background check has been carried out by or on behalf of the relevant public authority. In addition, adequate controls such as a certification of employment status of an applicant prior to issuance, controls on blank card stock, and accountability requirements for issuing personnel, shall be placed on the issuance of CMCs.
- 3.14.8 The public authorities shall accept CMCs, issued according to paragraph 3.14.3, for visa-free entrance of crew members when arriving in a duty status on an international flight and seeking temporary entry for the period allowed by the receiving State.
- 3.14.9 The public authorities should waive the visa requirement for crew members when arriving in a duty status on an international flight and seeking temporary entry for the period allowed by San Marino.
- 3.14.10 The public authorities should waive the visa requirement for arriving crew members presenting CMCs, when arriving on another aircraft operator or another mode of transport and seeking temporary entry for the period allowed by San Marino in order to join their assigned flight in a duty status.
- 3.14.11 The public authorities shall establish measures to provide for the temporary entry without delay into their territories, of technical personnel of foreign aircraft operators operating to or through such territories who are urgently required for the purpose of converting to an airworthy condition any aircraft which is, for technical reasons, unable to continue its journey. Should the public authorities require a guarantee of such persons' subsistence in, and/or return from, San Marino, this shall be negotiated without delaying their admission.

3.15 Civil aviation inspectors

- 3.15.1 The public authorities should provide that civil aviation inspectors of another Contracting State, when engaged on inspection duties, be treated in the same manner as crew members when proceeding through departure or arrival formalities.
- 3.15.2 The public authorities should provide their civil aviation inspectors with an identity document, taking Appendix 8 to ICAO Annex 9 into consideration.
- 3.15.3 Civil aviation inspectors should carry the identity document specified in paragraph 3.15.2, a copy of the inspector's itinerary issued by the National Aviation Authority that employs the inspector, and a valid passport.



3.15.4 The public authorities should extend the privileges of temporary admission, as described in paragraph 3.14.8 for crew members, to civil aviation inspectors of another Contracting State, provided that they carry the documents listed in paragraph 3.15.3 (e.g. identity document, itinerary and valid passport), and depart after a normal period of rest.

3.16 Emergency assistance/entry visas in cases of *force majeure*

3.16.1 The public authorities should establish measures for authorising temporary entry for a passenger or crew member who does not possess the required entry visa prior to arrival, due to diversion or delay of a flight for reasons of force majeure.

3.16.2 The public authorities shall establish measures whereby in-transit passengers who are unexpectedly delayed due to a flight cancellation or delay may be allowed to leave the airport for the purpose of taking accommodations.

3.16.3 In emergency situations resulting from force majeure, the public authorities, aircraft operators and airport operators should give priority assistance to those passengers with medical needs, unaccompanied minors and persons with disabilities who have already commenced their journeys.

3.16.4 The public authorities should establish measures to permit the departure from, or the transit through, their territories of passengers holding valid air travel reservations even if their visas have expired due to flight delays resulting from force majeure.

3.16.5 The public authorities should establish measures to facilitate the entry of personnel required to be deployed at short notice to assist passengers whose flights have been disrupted as a result of force majeure.

3.16.6 In cases of flight delays or diversions resulting from force majeure, the public authorities should establish measures to permit the transit through their territories of passengers holding valid air travel reservations but who do not possess the required entry visas.

3.17 Minors

3.17.1 The Authority should ensure that their relevant public authorities are trained to consider the welfare of minors both accompanied and unaccompanied.

3.17.2 The Authority should ensure that aircraft operators provide adequate training to their ground and cabin staff on the handling of minors.

3.17.3 The Authority and aircraft operators should, where practicable, exchange information as to the appropriate 24-hour point(s) of contact(s) to whom issues concerning the welfare of a minor could be addressed.

3.17.4 Where data privacy and protection restrictions permit, the Authority should ensure that aircraft operators raise any concerns regarding the welfare of a minor with the relevant public authorities.

3.17.5 The Authority should consider placing an unaccompanied minor into the care of the relevant public authority at the first available opportunity if there are significant concerns regarding the welfare of the unaccompanied minor during a journey which cannot be resolved quickly.

3.17.6 The Authority shall use appropriate measures to ensure that aircraft operators do not allow minors under the age of five (5) to travel without an accompanying person.



- 3.17.7 The Authority shall use appropriate measures to ensure that aircraft operators establish a programme for the handling of unaccompanied minors travelling under their supervision.
- 3.17.8 The Authority should ensure that aircraft operators transporting unaccompanied minors in an airline programme, collect the following information on the accompanying form:
- (a) Surname and first name(s), number of the passport or identification document and the contact details (country of residence, home address, telephone number) of the minor, the person sending off the minor at the departure point and the person collecting the minor at the destination/arrival point;
 - (b) Surname and first name(s), and the contact details (country of residence, home address, telephone number) of the parent or guardian of the minor.



CHAPTER 4

ENTRY AND DEPARTURE OF CARGO AND OTHER ARTICLES

4.1 General

- 4.1.1 In order to facilitate and expedite the release and clearance of goods carried by air, the public authorities shall adopt regulations and procedures appropriate to air cargo operations and shall apply them in such a manner as to prevent unnecessary delays.
- 4.1.2 With respect to cargo moving by both air and surface transport under an air waybill, the public authorities should apply the same regulations and procedures and in the same manner as they are applied to cargo moving solely by air.
- 4.1.3 When introducing or amending regulations and procedures for the release and clearance of goods carried by air, the public authorities shall consult with aircraft operators and other parties concerned, with the aim of accomplishing the actions set forth in paragraph 4.1.1
- 4.1.4 The public authorities shall develop procedures for the pre-arrival and pre-departure lodgement of an import and export goods declaration to enable expeditious release/clearance of the goods.
- 4.1.5 Where the nature of a consignment could attract the attention of different public authorities, e.g. the customs, veterinary or sanitary controllers, the public authorities shall endeavour to delegate authority for release/clearance to customs or one of the other agencies or, where that is not feasible, take all necessary steps to ensure that release/clearance is coordinated and, if possible, carried out simultaneously and with a minimum of delay.
- 4.1.6 The public authorities shall not normally require the physical examination of cargo to be imported or exported and shall use risk management to determine which goods shall be examined and the extent of that examination.
- 4.1.7 Where practicable, in order to improve efficiency, modern screening or examination techniques shall be used to facilitate the physical examination of goods to be imported or exported.
- 4.1.8 In connection with international airports, the public authorities should establish and either develop and operate themselves, or permit other parties to develop and operate, free zones and/or customs warehouses and should publish detailed regulations as to the types of operations which may or may not be performed therein.
- 4.1.9 In all cases where free-zone facilities and/or customs warehouses are not provided in connection with an international airport but have been provided elsewhere in the same general vicinity, the public authorities shall make arrangements so that air transport can utilise these facilities on the same basis as other means of transport.
- 4.1.10 The public authorities should consider the introduction of programmes for Authorised Economic Operators that enhance security, thus creating an environment for facilitative customs control measures.

Note: Facilitative customs control measures may include a reduced level of physical inspections and examinations, the submission of a limited set of data elements, a notification of an intended inspection before the arrival of the goods and other facilitative measures. The control measures should be based on the required information provided in advance to customs and by using risk assessment procedures.



4.1.11 The public authorities should encourage the establishment of agreements or arrangements for the mutual recognition of their respective Authorised Economic Operator or equivalent programmes with other countries.

4.2 Information required by the public authorities

4.2.1 The public authorities should provide for the electronic submission of cargo information prior to the arrival or departure of cargo.

4.2.2 The public authorities shall limit their data requirements to only those particulars which are deemed necessary by the public authorities to release or clear imported goods or goods intended for exportation.

4.2.3 The public authorities should consider, for facilitation purposes, where feasible, the use of the available advance cargo information in subsequent import, export and/or transit customs procedures for the release/clearance of the goods.

4.2.4 The public authorities shall provide for the collection of statistical data at such times and under such arrangements so that the release of imported goods or those intended for exportation is not delayed thereby.

4.2.5 Subject to the technological capabilities of the public authorities, documents for the importation or exportation of goods, including the Cargo Manifest and/or air waybills, shall be accepted when presented in electronic form transmitted to an information system of the public authorities.

4.2.6 The production and presentation of the Cargo Manifest and the air waybill(s) shall be the responsibility of the aircraft operator or his authorised agent. The production and presentation of the other documents required for the clearance of the goods shall be the responsibility of the declarant.

4.2.7 Where the public authorities has requirements for additional documents for import, export or transit formalities, such as commercial invoices, declaration forms, import licences and the like, it shall not make it the obligation of the aircraft operator to ensure that these documentary requirements are met nor shall the operator be held responsible, fined or penalized for inaccuracies or omissions of facts shown on such documents unless he is the declarant himself, is acting on his behalf or has specific legal responsibilities.

4.2.8 When documents for the importation or exportation of goods are presented in paper form, the format shall be based on the UN layout key, as regards the goods declaration, and on the format of Appendix 3, as regards the Cargo Manifest.

4.2.9 To promote trade facilitation and the application of security measures, the Authority shall, for the purpose of standardization and harmonization of electronic data interchange, encourage all parties concerned, whether public or private, to implement compatible systems and to use the appropriate internationally accepted standards and protocols.

4.2.10 The public authorities should consider the introduction of arrangements to enable all parties involved in air cargo operations to submit all the information required by public authorities, in connection with arrival, stay and departure of an aircraft and air cargo, to a single entry point (Single Window).



- 4.2.11 The public authorities should encourage all participants in the transport, handling and clearance of air cargo to simplify relevant procedures and documents and to cooperate or participate directly in the development of electronic air cargo community systems using internationally agreed standards with a view to enhancing the exchange of information relating to such traffic and assuring interoperability between the systems of all participants.
- 4.2.12 Electronic information systems for the release and clearance of goods should cover their transfer between air and other modes of transport.
- 4.2.13 The public authorities when requiring supporting documents, such as licences and certificates, for the importation or exportation of certain goods shall publish their requirements and establish convenient procedures for requesting the issue or renewal of such documents.
- 4.2.14 The public authorities should, to the greatest extent possible, remove any requirement to manually produce supporting documents and should establish procedures whereby they can be produced by electronic means.
- 4.2.15 The public authorities shall not require consular formalities or consular charges or fees in connection with documents required for the release or clearance of goods.

4.3 Release and clearance of export and import cargo

- 4.3.1 The public authorities when requiring documents for export clearance shall normally limit their requirement to a simplified export declaration.
- 4.3.2 The public authorities shall provide for export cargo to be released up to the time of departure of an aircraft.
- 4.3.3 The public authorities shall allow goods to be exported, to be presented for clearance at any customs office designated for that purpose. Transfer from that office to the airport from which the goods are to be exported shall be carried out under the procedures laid down in the laws and regulations of San Marino. Such procedures shall be as simple as possible.
- 4.3.4 The public authorities shall not require evidence of the arrival of exported goods for import, export or transit formalities as a matter of course.
- 4.3.5 When the public authorities of San Marino require goods to be examined, but those goods have already been loaded on a departing aircraft, the aircraft operator or, where appropriate, the operator's authorised agent, should normally be permitted to provide security to the customs for the return of the goods rather than delay the departure of the aircraft.
- 4.3.6 When scheduling examinations, priority shall be given to the examination of live animals and perishable goods and to other goods which the public authorities accept are urgently required.
- 4.3.7 Consignments declared as personal effects and transported as unaccompanied baggage shall be cleared under simplified arrangements.
- 4.3.8 The public authorities shall provide for the release or clearance of goods under simplified customs procedures provided that;
- (a) the goods are valued at less than a maximum value below which no import duties and taxes will be collected; or



- (b) the goods attract import duties and taxes that fall below the amount that the State has established as the minimum for collection; or
 - (c) the goods are valued at less than specified value limits below which goods may be released or cleared immediately on the basis of a simple declaration and payment of, or the giving of security to the customs for, any applicable import duties and taxes; or
 - (d) the goods are imported by an authorised person and are goods of a specified type.
- 4.3.9 The public authorities should establish special procedures, which provide for the expedited release of goods on arrival or departure for authorised persons. These authorised persons should meet specified criteria, which may include an appropriate record of compliance with official requirements and a satisfactory system for managing their commercial records. Special procedures for authorised persons may include, but not be limited to;
- (a) release of the goods for import or export on the provision of the minimum information necessary to identify the goods and permit the subsequent completion of the final goods declaration;
 - (b) clearance of the import or export goods at the authorised person's premises or at another place authorised by customs;
 - (c) lodgement of a goods declaration for import or export, based on the entry into the records of the authorised person;
 - (d) lodgement of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person.
- 4.3.10 Goods not afforded the simplified or special procedures referred to in provisions 4.27 to 4.30.1 should be released or cleared promptly on arrival, subject to compliance with customs and other requirements. The public authorities should establish as a goal the release of all goods that do not need any examination, within three hours of their arrival and the submission of the correct documentation. Public authorities, and aircraft operators and importers or their authorised agents, should coordinate their respective functions to ensure that this goal is met.
- 4.3.11 The public authorities should process requests for the release of part consignments when all information has been submitted and other requirements for such part consignments have been met.
- 4.3.12 The public authorities shall allow goods that have been unladen from an aircraft at an international airport to be transferred to any designated customs office in San Marino for clearance. The customs procedures covering such transfer shall be as simple as possible.
- 4.3.13 When, because of error, emergency or inaccessibility upon arrival, goods are not unladen at their intended destination, the public authorities shall not impose penalties, fines or other similar charges provided;
- (a) the aircraft operator or his authorised agent notifies the customs of this fact, within any time limit laid down;
 - (b) a valid reason, acceptable to the customs authorities, is given for the failure to unload the goods; and
 - (c) the Cargo Manifest is duly amended.



- 4.3.14 When, because of error or handling problems, goods are unladen at an international airport without being listed on the Cargo Manifest, the public authorities shall not impose penalties, fines or other similar charges provided;
- (a) the aircraft operator or his authorised agent notifies the customs of this fact, within any time limit laid down;
 - (b) a valid reason, acceptable to the customs, is given for the non-reporting of the goods;
 - (c) the manifest is duly amended; and
 - (d) the goods are placed under the appropriate customs arrangements.
- 4.3.15 Where applicable, the public authorities shall, subject to compliance with its requirements, facilitate the forwarding of the goods to their correct destination.
- 4.3.16 If goods are consigned to a destination in San Marino, but have not been released for home use and subsequently are required to be returned to the point of origin or to be redirected to another destination, the public authorities shall allow the goods to be re-forwarded without requiring import, export or transit licences if no contravention of the laws and regulations in force is involved.
- 4.3.17 The public authorities shall absolve the aircraft operator or, where appropriate, his authorised agent, from liability for import duties and taxes when the goods are placed in the custody of the public authorities or, with the latter's agreement, transferred into the possession of a third party who has furnished adequate security to the customs.
- 4.4 Spare parts, equipment, stores and other material imported or exported by aircraft operators in connection with international services**
- 4.4.1 Stores and commissary supplies imported into the territory of San Marino for use on board aircraft in international service shall be relieved from import duties and taxes, subject to compliance with the customs regulations.
- 4.4.2 The public authorities should not require supporting documentation (such as certificates of origin or consular or specialized invoices) in connection with the importation of stores and commissary supplies.
- 4.4.3 The public authorities should permit, on board aircraft, the sale or use of commissary supplies and stores for consumption without payment of import duties and other taxes in the case where aircraft, engaged in international flights;
- (a) stop at two or more international airports within the territory of San Marino without an intermediate landing in the territory of another State; and
 - (b) do not embark any domestic passengers.
- 4.4.4 Subject to compliance with its regulations and requirements, public authorities should allow relief from import duties and taxes in respect of ground and security equipment and their component parts, instructional material and training aids imported into San Marino, by or on behalf of an aircraft operator of another Contracting State for use by the operator or his authorised agent, within the boundaries of an international airport or at an approved off-airport facility.



- 4.4.5 The public authorities shall grant prompt release or clearance, upon completion of simplified documentary procedures by the aircraft operator or his authorised agent, of aircraft equipment and spare parts that are granted relief from import duties, taxes and other charges under Article 24 of the Chicago Convention.
- 4.4.6 The public authorities shall grant prompt release or clearance, upon completion of simplified documentary procedures by the aircraft operator or his authorised agent, of ground and security equipment and their replacement parts, instructional material and training aids imported or exported by an aircraft operator of another Contracting State.
- 4.4.7 The public authorities shall allow the loan, between aircraft operators of other Contracting States or their authorised agents, of aircraft equipment, spare parts and ground and security equipment and their replacement parts, which have been imported with conditional relief from import duties and taxes.
- 4.4.8 The public authorities should provide for the importation, free of import duties and taxes, of aircraft operators' documents as defined in Chapter 1, to be used in connection with international air services.

4.5 Containers and pallets

- 4.5.1 Subject to compliance with their regulations and requirements, the public authorities shall grant the aircraft operators of other Contracting States temporary admission of containers and pallets — whether or not owned by the aircraft operator of the aircraft on which they arrive — provided they are to be used on an outbound international service or otherwise re-exported.
- 4.5.2 The public authorities should require a temporary admission document for containers and pallets only when they consider it essential for the purposes of customs control.
- 4.5.3 Where proof of the re-exportation of containers and pallets is required, public authorities should accept the appropriate usage records of the aircraft operator or his authorised agent as evidence thereof.
- 4.5.4 The public authorities shall make arrangements to allow aircraft operators, under supervision of the public authorities concerned, to unload transit cargo arriving in containers and pallets, so that they may sort and reassemble shipments for onward carriage without having to undergo clearance for home use.
- 4.5.5 Containers and pallets imported into San Marino under the provisions of paragraph 4.5.1 shall be allowed to leave the boundaries of the international airport for the release or clearance of imported loads, or for export lading, under simplified documentation and control arrangements.
- 4.5.6 Where circumstances so require, the public authorities shall allow the storage of temporarily admitted containers and pallets at off-airport locations.
- 4.5.7 The public authorities shall allow the loan between aircraft operators of containers and pallets admitted under the provisions of paragraph 4.5.1 without payment of import duties and taxes, provided they are to be used only on an outbound international service or otherwise re-exported.
- 4.5.8 The public authorities shall allow temporarily admitted containers and pallets to be re-exported through any designated customs office.



4.5.9 The public authorities shall allow the temporary admission of replacement parts when they are needed for the repair of containers and pallets imported under the provisions of paragraph 4.5.1.

4.6 Mail documents and procedures

4.6.1 The public authorities shall carry out the handling, forwarding and clearance of mail and shall comply with the documentary procedures as prescribed by the Acts in force of the Universal Postal Union.

4.7 Radioactive material

4.7.1 The public authorities shall facilitate the prompt release of radioactive material being imported by air, particularly material used in medical applications, provided that applicable laws and regulations governing the importation of such material are complied with.

Note: The advance notification, either in paper form or electronically, of the transport of radioactive materials would likely facilitate the entry of such material at the State of destination.

4.7.2 The public authorities should avoid imposing customs or other entry/exit regulations or restrictions supplementary to the provisions of Doc 9284, Technical Instructions for the Safe Transport of Dangerous Goods by Air.

4.7.3 Where the public authorities adopts customs or other entry/exit regulations or restrictions that differ from those specified in CAR DG or Doc 9284, Technical Instructions for the Safe Transport of Dangerous Goods by Air, it shall notify ICAO promptly of such variations for publication in the Technical Instructions.



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CHAPTER 5

INADMISSIBLE PERSONS AND DEPORTEES

5.1 General

- 5.1.1 In order to minimize disruptions to the orderly operations of international civil aviation, the public authorities shall cooperate with one another to promptly resolve any differences arising in the course of implementing the provisions of this Chapter.
- 5.1.2 The public authorities shall facilitate the transit of persons being removed from another State pursuant to the provisions of this Chapter, and extend necessary cooperation to the aircraft operator(s) and escort(s) carrying out such removal.
- 5.1.3 During the period when an inadmissible passenger or a person to be deported is under their custody, the public authorities concerned shall preserve the dignity of such persons and take no action likely to infringe such dignity.

Note: These persons should be treated in accordance with the relevant international provisions, including the UN International Covenant on Civil and Political Rights.

5.2 Inadmissible persons

- 5.2.1 The public authorities shall without delay notify the aircraft operator, confirming this as soon as possible in writing, when a person is found inadmissible, pursuant to 3.45.

Note: Written notification can be either in paper form or in electronic form, such as email.

- 5.2.2 The public authorities shall consult the aircraft operator on the time frame for removal of the person found inadmissible, in order to allow the aircraft operator a reasonable amount of time during which to effect the person's removal via its own services or to make alternative removal arrangements.

Note: Nothing in this provision is to be construed so as to allow the return of a person seeking asylum in the territory of San Marino, to a country where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group or political opinion.

- 5.2.3 The public authorities shall ensure that a removal order is issued to the aircraft operator in respect of a person found inadmissible. The removal order shall include information regarding the inbound (arriving) flight carrying such person and, if known, the name, age, gender and citizenship of the person in question.
- 5.2.4 The public authorities when ordering the removal of an inadmissible person who has lost or destroyed his travel documents shall deliver a covering letter in the format set forth in Appendix 9 (1) to ICAO Annex 9 in order to give information to the authorities of the State(s) of transit and/or the commencement of journey. The covering letter, the removal order and any relevant information shall be handed over to the aircraft operator or, in the case of escorted persons, the escort, who shall be responsible for delivering them to the public authorities at the State of destination.



- 5.2.5 The public authorities when ordering the removal of an inadmissible person whose travel documents have been seized shall deliver a covering letter in the format set forth in Appendix 9 (2) to ICAO Annex 9 in order to give information to the authorities of the State(s) of transit and/or the commencement of journey. The covering letter together with a photocopy of the seized travel documents and the removal order shall be handed over to the aircraft operator or, in the case of escorted persons, the escort, who shall be responsible for delivering them to the public authorities at the State of destination.
- 5.2.6 Where the public authorities has reason to believe that an inadmissible person might offer resistance to his removal it shall inform the aircraft operator concerned as far in advance as possible of scheduled departure so that the aircraft operator can take precautions to ensure the security of the flight.
- 5.2.7 The aircraft operator shall be responsible for the cost of custody and care of an improperly documented person from the moment that person is found inadmissible and returned to the aircraft operator for removal from San Marino.
- 5.2.8 San Marino shall be responsible for the cost of custody and care of all other categories of inadmissible persons, including persons not admitted due to document problems beyond the expertise of the aircraft operator or for reasons other than improper documents, from the moment these persons are found inadmissible until they are returned to the aircraft operator for removal from San Marino.
- 5.2.9 When a person is found inadmissible and is returned to the aircraft operator for transport away from the territory of San Marino, the aircraft operator shall not be precluded from recovering from such person any transportation costs involved in his removal.
- 5.2.10 The aircraft operator shall remove the inadmissible person to;
- (a) the point where he commenced his journey; or
 - (b) to any place where he is admissible.
- 5.2.11 Where appropriate, the public authorities should consult with the aircraft operator regarding the most practicable place to which the inadmissible person is to be removed.
- 5.2.12 Where the removal of an inadmissible person relates to an unaccompanied minor, the public authorities shall take appropriate measures to ensure that suitable arrangements are in place for the minor at point of departure, transit and point of destination, taking into particular consideration his best interests.
- 5.2.13 The public authorities shall accept for examination a person removed from a State where he was found inadmissible, if this person commenced his journey from its territory. The Authority shall not return such a person to the country where he was earlier found inadmissible.
- 5.2.14 The public authorities shall accept the covering letter and other papers delivered pursuant to 5.2.4 or 5.2.5 as sufficient documentation to carry out the examination of the person referred to in the letter.
- 5.2.15 The public authorities shall not fine aircraft operators in the event that arriving and in-transit persons are found to be improperly documented where aircraft operators can demonstrate that they have taken necessary precautions to ensure that these persons had complied with the documentary requirements for entry into the receiving State.



- 5.2.16 When aircraft operators have cooperated with the public authorities to the satisfaction of those authorities, for example pursuant to memoranda of understanding reached between the parties concerned, in measures designed to prevent the transportation of inadmissible persons, the public authorities should mitigate the fines and penalties that might otherwise be applicable should such persons be carried to their territory
- 5.2.17 The public authorities shall not prevent the departure of an operator's aircraft pending a determination of admissibility of any of its arriving passengers.

Note: An exception to this provision could be made in the case of infrequent flights or if the public authorities had reason to believe that there might be an irregularly high number of inadmissible persons on a specific flight.

5.3 Deportees

- 5.3.1 The public authorities, when deporting a person from San Marino, shall serve him a deportation order. The public authorities shall indicate to the deportee the name of the destination State.
- 5.3.2 The public authorities when removing deportees from San Marino shall assume all obligations, responsibilities and costs associated with the removal.
- 5.3.3 The public authorities and aircraft operators should, where practicable, exchange information as to the appropriate 24-hour point(s) of contact(s) to whom deportee inquiries should be directed.
- 5.3.4 Where the removal of a deportee relates to an unaccompanied minor, the public authorities shall take appropriate measures to ensure that suitable arrangements are in place for the minor at point of departure, transit and point of destination, taking into particular consideration his best interests.
- 5.3.5 The public authorities, when making arrangements with an aircraft operator for the removal of a deportee, shall make available the following information as soon as possible, but in any case not later than 24 hours before the scheduled time of departure of the flight;
- (a) a copy of the deportation order, if legislation of San Marino allows for it;
 - (b) a risk assessment by the public authorities and/or any other pertinent information that would help the aircraft operator assess the risk to the security of the flight; and
 - (c) the names and nationalities of any escorts.
- 5.3.6 The aircraft operator and/or the pilot-in-command shall have the option to refuse to transport a deportee on a specific flight when reasonable concerns relating to the safety and security of the flight in question exist.
- 5.3.7 The public authorities, when making arrangements for the removal of a deportee, shall take into consideration the aircraft operator's policy concerning the number of such persons that may be transported on a given flight.

Note: Public authorities are to consult with the aircraft operator regarding the most practicable flight or alternate method of transportation.

- 5.3.8 The public authorities, in making arrangements for the removal of a deportee to a destination State, shall use direct non-stop flights whenever practicable.



- 5.3.9 The public authorities, when presenting a deportee for removal, shall ensure that all official travel documentation required by any transit and/or destination State is provided to the aircraft operator.
- 5.3.10 The public authorities shall admit into its territory its nationals who have been deported from another State.
- 5.3.11 The public authorities shall give special consideration to the admission of a person, deported from another State, who holds evidence of valid and authorised residence within its territory.
- 5.3.12 The public authorities, when determining that a deportee must be escorted and the itinerary involves a transit stop in an intermediate State, shall ensure that the escort(s) remain(s) with the deportee to his final destination, unless suitable alternative arrangements are agreed, in advance of arrival, by the authorities and the aircraft operator involved at the transit location.

5.4 Procurement of a replacement travel document

- 5.4.1 When a replacement travel document must be obtained in order to facilitate removal and acceptance of an inadmissible person at his destination, the State ordering the removal shall provide as much assistance as practicable in obtaining that document.
- 5.4.2 The public authorities shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals.
- 5.4.3 The public authorities shall not make the signing by the person concerned of an application for a travel document a prerequisite for the issuance of that document.
- 5.4.4 When the public authorities has determined that a person for whom a travel document has been requested is one of its nationals but cannot issue a passport within 30 days of the request, the public authorities shall issue an emergency travel document that attests to the nationality of the person concerned and that is valid for readmission to that State.
- 5.4.5 The public authorities shall not refuse to issue a travel document to or otherwise thwart the return of one of its nationals by rendering that person stateless.



CHAPTER 6

INTERNATIONAL AIRPORTS — FACILITIES AND SERVICES FOR TRAFFIC

6.1 General

- 6.1.1 The public authorities shall ensure that the provisions of CAR FAL continue to be implemented in the event an airport becomes privatized.
- 6.1.2 The public authorities should, in consultation with airport operators, ensure that the design, development and maintenance of facilities at international airports provide efficient and effective flow arrangements.
- 6.1.3 The public authorities shall ensure that airport and aircraft operators provide for the expeditious processing of passengers, crew, baggage, cargo and mail.
- 6.1.4 The public authorities shall ensure that efficient customs, immigration, quarantine and health border clearance services, as required, are provided at international airports.
- 6.1.5 The public authorities, in consultation with airport operators, shall ensure that facilities and services provided at international airports are, where possible, flexible and capable of expansion to meet traffic growth, an increase in security requirements arising from increased threat, or other changes to support border integrity measures.
- 6.1.6 The public authorities shall require that, in the planning of new facilities or major modifications to existing facilities, including cargo facilities, at international airports, the entity or entities responsible for such planning consult with public authorities, aircraft operators and appropriate bodies representing airport users, at the earliest stages of planning, as required.
- 6.1.7 Aircraft operators should inform airport operators and relevant government agencies, in commercial confidence, of their service, schedule and fleet plans at the airport, to enable rational planning of facilities and services in relation to the traffic anticipated.
- 6.1.8 The public authorities should ensure that where a passenger service charge, airport tax or other similar fee is levied at an international airport, direct collection from passengers is avoided wherever possible.
- 6.1.9 The public authorities should, subject to relevant regulations and within the limitations established by the airport operator due to constraints caused by limited space or capacity, permit aircraft operators to choose how, and by whom, their ground handling operations should be carried out.

6.2 Airport traffic flow arrangements

- 6.2.1 The public authorities shall ensure that airport operators provide adequate facilities to permit embarkation and disembarkation of passengers without delay.
- 6.2.2 Airport operators, aircraft operators and public authorities should exchange, in a timely manner, all relevant operational information, in order to provide for a smooth and expeditious passenger flow and efficient resource allocation.
- 6.2.3 The public authorities, airport and aircraft operators, where appropriate and after consultation, should implement automated facilities for passenger and baggage processing.



- 6.2.4 The public authorities should utilise existing guidance material on wayfinding and signage, including Doc 9636, International Signs to Provide Guidance to Persons at Airports and Marine Terminals, published jointly by ICAO and the International Maritime Organisation, to the extent it remains applicable.
- 6.2.5 The public authorities, in consultation with airport and aircraft operators, should notify travellers, via signage, leaflets, video, audio, Internet websites or other media, of the penalties for breaching regulations with regard to entry and departure and attempting to import or export any banned or restricted item.
- 6.2.6 The public authorities should ensure that airport operators or terminal building operators install mechanical people-moving devices, when walking distances and the traffic volume within and across terminal buildings so warrant.
- 6.2.7 The public authorities should ensure that an airport or aircraft operator, as appropriate, installs flight information systems capable of providing accurate, adequate and up-to-the-minute information on departures, arrivals, cancellations, delays, and terminal/gate allocations.
- 6.2.8 The public authorities should encourage the airport operators or the service provider, as appropriate, to provide car parking facilities for long- and short-term usage by passengers, visitors, crew and staff at international airports.
- 6.2.9 The public authorities should ensure that convenient parking and servicing facilities for aircraft are available, in order to expedite clearance and operations on the apron and to reduce aircraft ground stop time.
- 6.2.10 The public authorities should ensure that adequate transportation is provided, by the appropriate service provider, between airport terminal buildings during the hours of airport operation.
- 6.2.11 The public authorities should allow airport and aircraft operators to provide off-airport check-in facilities, so long as all necessary security measures and other control requirements are met.
- 6.2.12 The public authorities should ensure that security and/or border control personnel use efficient screening and examination techniques in examinations of passengers and their baggage, in order to facilitate aircraft departure.
- Note: Privacy for the passenger should be assured during any physical searches required. Private rooms are preferable; however portable screens may be used. Physical searches should be conducted by an officer of the same sex as the passenger.*
- 6.2.13 Crew-member check-in and operations facilities should be readily accessible and within close proximity of each other.
- 6.2.14 Airport operators and public authorities should provide efficient services for general aviation operators or their agent(s) concerning their operational and administrative requirements.
- 6.2.15 The public authorities shall make arrangements for sufficient number of control channels so that clearance, if required, of outbound passengers and crew may be obtained with the least possible delay. Additional channels shall be available, if possible, to which complicated cases may be directed without delaying the main flow of passengers.



6.3 Inbound passengers, crew and baggage

- 6.3.1 The public authorities shall make arrangements for a sufficient number of control channels so that clearance of inbound passengers and crew may be obtained with the least possible delay. Additional channel(s) shall be available if possible to which complicated cases may be directed without delaying the main flow of passengers.
- 6.3.2 The public authorities should ensure that airport operators provide adequate space in the baggage claim area permitting easy identification and speedy reclaim by each passenger of his checked baggage.
- 6.3.3 The public authorities should ensure that, where appropriate, mechanized baggage delivery systems are installed at international airports to facilitate the movement of passenger baggage.
- 6.3.4 The operators responsible for international airports shall ensure that passengers can obtain assistance in the carriage of baggage to enable them to transfer baggage from baggage claim areas to points as close as possible to areas where surface transportation from the airport or between airport terminals is provided.

6.4 Transit and transfer of passengers and crew

- 6.4.1 The public authorities should, whenever possible, permit passengers to remain on board the aircraft and authorise embarkation and disembarkation during refuelling, subject to the necessary safety and security measures.
- 6.4.2 The public authorities should ensure that airport operators provide sufficient space for handling counters in direct transit areas, in accordance with traffic volumes. The space requirement and operating hours should be agreed between the airport and aircraft operators.

6.5 Miscellaneous facilities and services in passenger terminal buildings

- 6.5.1 Storage facilities should be provided for baggage left by their owners at international airports for later pick-up subject to security requirements.
- 6.5.2 The public authorities shall ensure that airport or aircraft operators, as appropriate, provide facilities where unclaimed, unidentified and mishandled baggage is kept securely until cleared, forwarded, claimed or disposed of in accordance with applicable laws and regulations. Authorised personnel of the aircraft operator or service provider shall have access to the baggage during the hours of airport operation.
- 6.5.3 The public authorities, in cooperation with airport operators, should ensure that terminal facilities are designed, managed and organised so that the non-travelling public does not interfere with the flow of inbound and outbound passengers.
- 6.5.4 Provisions should be made to locate facilities for group/tour operators in public or uncontrolled areas in the arrival and/or departure areas in order to minimize congestion in the terminal buildings.
- 6.5.5 The public authorities, in consultation with airport operators, should ensure that retail facilities, while being conveniently located, do not impede passenger flow.



6.6 Cargo and mail handling and clearance facilities

- 6.6.1 The public authorities should ensure that airport operators make appropriate provision for clearance of all-cargo aircraft.
- 6.6.2 The public authorities, in cooperation with airport operators, should ensure that cargo terminals and their landside access roads are appropriately designed and operated to provide efficient access.
- 6.6.3 The public authorities, in cooperation with airport and aircraft operators, should ensure that cargo terminals are designed to facilitate the safe, sanitary, efficient and secure processing and storage of cargo in accordance with applicable laws and regulations.
- 6.6.4 The public authorities, in cooperation with airport and aircraft operators, should provide for appropriate facilities for the safe, efficient and secure processing and storage of mail consignments, at those international airports where the volume of mail so warrants and in accordance with applicable laws and regulations.

6.7 Facilities required for implementation of public health, emergency medical relief, and animal and plant quarantine measures

- 6.7.1 The public authorities, in cooperation with airport operators, shall ensure the maintenance of public health, including human, animal and plant quarantine at international airports.
- 6.7.2 The public authorities should ensure that there are, at or near all their major international airports, facilities and services for vaccination or revaccination, and for the delivery of the corresponding certificates.
- 6.7.3 International airports should have available access to appropriate facilities for administration of public health and animal and plant quarantine measures applicable to aircraft, crew, passengers, baggage, cargo, mail and stores.
- 6.7.4 The public authorities should ensure that passengers and crew in transit can remain in premises free from any danger of infection and insect vectors of diseases and, when necessary, facilities should be provided for the transfer of passengers and crew to another terminal or airport nearby without exposure to any health hazard. Similar arrangements and facilities should also be made available in respect of animals.
- 6.7.5 The public authorities shall ensure that handling and distribution procedures for consumable products (i.e. food, drink and water supplies) on board aircraft or in the airport are in compliance with the International Health Regulations (2005) and relevant guidelines of the World Health Organisation, the Food and Agriculture Organisation and national airport regulations.
- 6.7.6 The public authorities, in cooperation with airport and aircraft operators, shall ensure that a safe, sanitary and efficient system is instituted, at international airports, for the removal and disposal of all waste, waste water and other matters dangerous to the health of persons, animals or plants, in compliance with the International Health Regulations (2005) and relevant guidelines of the World Health Organisation, the Food and Agriculture Organisation and national airport regulations.
- 6.7.7 The public authorities, in cooperation with airport operators, shall ensure that international airports maintain facilities and services for first-aid attendance on site, and that appropriate arrangements are available for expeditious referral of the occasional more serious case to prearranged competent medical attention.



Note: Consultation with the World Health Organisation on all issues concerning passenger health is advisable.

6.8 Facilities required for clearance controls and operation of control services

6.8.1 The public authorities shall provide sufficient facilities and services, without charge, during working hours established by those authorities.

Note 1: Under CAR AIS — Aeronautical Information Services, San Marino is obligated to publish the types and hours of clearance services (customs, immigration, health) at their international airports.

Note 2: In addition to services referred to above, airport operators or aircraft operators may wish to offer enhanced services to users (passengers, aircraft operators and other parties that would benefit from the proposed premium service), either on a free or a fee-paid, voluntary basis. Where a fee will be assessed, it should be limited to that necessary to recover the cost for the service provided.

6.8.2 The Authority should consider making arrangements with other States to station representatives of that State in San Marino in order to pre-examine aircraft, passengers, baggage, crew, and cargo, for customs, immigration, public health and animal and plant quarantine purposes, prior to departure when such action will facilitate clearance upon arrival in San Marino.

6.9 Unruly passengers

6.9.1 The public authorities 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.

6.9.2 The public authorities shall take measures to ensure that relevant personnel are provided training to identify and manage unruly passenger situations.

6.10 Passenger amenities

6.10.1 The public authorities should, where traffic justifies, ensure that airport operators provide suitable childcare facilities in passenger terminals, and that they are clearly indicated by signage and are easily accessible.

6.10.2 Where San Marino restricts the import or export of funds of other States public authorities should provide for the issuance to travellers of certificates showing the amounts of such funds in their possession upon entering San Marino and should permit such travellers, upon surrender of such certificates prior to leaving San Marino, to take such funds with them. Inscription on the travel document may serve the same purpose.

6.10.3 Should San Marino restrict the import of its own currency public authorities should ensure that facilities are available for passengers to deposit any excess amount at the international airport of entry and, upon departure, to reclaim the deposited amount, at the same point or at any other designated point.

6.10.4 The public authorities should ensure that an airport operator or service provider(s), as appropriate, provide(s) passengers with information on ground transportation available at the airport.



6.10.5 The public authorities shall provide, at such times as to meet the needs of the travelling public, adequate facilities at international airports for the legal exchange of funds of other States through governmental agencies or shall authorise private agencies to do so. These facilities shall be available to arriving and departing passengers.

Note: In giving effect to this provision, the use of vending machines at international airports, enabling a departing passenger to obtain foreign currency, at any time of the day or night, has proved to be of valuable assistance and should be considered as a possibility by public authorities.



CHAPTER 7

LANDING ELSEWHERE THAN AT INTERNATIONAL AIRPORTS

7.1 General

- 7.1.1 The Authority shall take steps to ensure that all possible assistance is rendered by its public authorities to an aircraft which, for reasons beyond the control of the pilot-in-command, has landed elsewhere than at one of its international airports and, to this end, shall keep control formalities and procedures, in such cases, to a minimum.
- 7.1.2 The pilot-in-command or the next senior crew member available shall cause the landing to be reported as soon as practicable to the public authorities concerned.

7.2 Short stopover

- 7.2.1 If it is apparent that the aircraft can resume its flight within a relatively short time of arrival, the following procedure shall apply:
- (a) Control measures shall be limited to those that ensure that the aircraft departs with the same load that was on board at the time of arrival. In case the load or part thereof cannot, for operational or other reasons, continue on that flight, the public authorities shall expedite clearance formalities and cooperate in speedy onward transportation for that load to its destination.
 - (b) The public authorities shall designate, if necessary, an adequate area under their general supervision where passengers and crew can move about during their stopover.
 - (c) The pilot-in-command shall not be required to apply to more than one government agency for take-off permission (other than for any necessary air traffic control clearance).

7.3 No resumption of flight

- 7.3.1 If it is apparent that the aircraft will be substantially delayed or is unable to continue its flight, the following provisions shall apply;
- (a) The pilot-in-command, while awaiting the instructions of the public authorities concerned or if he or his crew is unable to get in touch with them, shall be entitled to take such emergency measures as he deems necessary for the health and safety of passengers and crew and for avoiding or minimizing loss or destruction to the aircraft itself and its load.
 - (b) Passengers and crew shall be permitted to secure suitable accommodation pending completion of the necessary formalities if such formalities cannot be promptly carried out.
 - (c) Cargo, stores and unaccompanied baggage, if required to be removed from the aircraft for safety reasons, shall be deposited in a nearby area and remain there pending completion of the necessary formalities.
 - (d) Mail shall be disposed of as is required pursuant to the Acts in force of the Universal Postal Union.



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CHAPTER 8

FACILITATION PROVISIONS COVERING SPECIFIC SUBJECTS

8.1 Bonds and exemption from requisition or seizure

- 8.1.1 If public authorities require bonds of an aircraft operator to cover his liabilities under the customs, immigration, public health, animal and plant quarantine, or similar laws of the State, it should permit the use of a single comprehensive bond whenever possible.
- 8.1.2 The aircraft, ground equipment, security equipment, spare parts and technical supplies of an aircraft operator located in San Marino for use in the operation of an international air service serving San Marino, should be exempt from the laws of San Marino authorising the requisition or seizure of aircraft, equipment, parts or supplies for public use, without prejudice to the right of seizure for breaches of the laws of San Marino.

8.2 Facilitation of search, rescue, accident investigation and salvage

- 8.2.1 The public authorities shall make arrangements to ensure entry without delay into their territories on a temporary basis of qualified personnel required for search, rescue, accident investigation, repair or salvage in connection with a lost or damaged aircraft.
- 8.2.2 In arranging for the entry without delay of the personnel referred to in paragraph 8.2.1, when such a document is necessary, public authorities shall not require any other travel document than a passport.
- 8.2.3 In cases where the public authorities continues to require entrance visas for the personnel referred to in paragraph 8.2.1, it should, when necessary and on an exceptional basis, issue such visas on arrival or otherwise facilitate their admission when such personnel carry an order of mission from the competent authority in their State.
- 8.2.4 The Authority should ensure that public authorities are adequately informed of the provisions of ICAO Annexes 9 and 13 relating to the facilitation of aircraft accident and incident investigations. In this regard, public authorities should recognise the need for the investigators concerned to be able to arrange transport to the site of the accident or incident without delay and, if necessary, help them to this end.
- 8.2.5 The public authorities shall facilitate the temporary entry into its territory of all aircraft, tools, spare parts and equipment required in the search, rescue, accident investigation, repair or salvage of the damaged aircraft of another State. These items shall be temporarily admitted free from customs duties and other taxes or charges and the application of regulations of any nature restricting the importation of goods.

Note: It is understood that this provision does not preclude the application of public health and animal and plant quarantine measures, if required.

- 8.2.6 The public authorities shall facilitate the removal from its territory of both the damaged and any assisting aircraft, together with tools, spare parts and equipment that may have been brought in for search, rescue, accident investigation, repair or salvage purposes.



- 8.2.7 Damaged aircraft or parts thereof, and any stores or cargo contained therein, together with any aircraft, tools, spare parts or equipment brought in for temporary use in search, rescue, accident investigation, repair or salvage, which are not removed from the territory of San Marino within a length of time to be specified by San Marino, shall be subject to the requirements of the applicable laws of San Marino.
- 8.2.8 If, in connection with an aircraft accident investigation, it becomes necessary to send a part, or parts, of a damaged aircraft to another Contracting State for technical examination or testing, public authorities shall ensure that the movement of such part, or parts, is effected without delay. The public authorities concerned shall likewise facilitate the return of such part, or parts, to the State instituting the accident investigation should the latter State require them in order to complete the investigation.

8.3 Relief flights following natural and man-made disasters which seriously endanger human health or the environment, and similar emergency situations where United Nations (UN) assistance is required

- 8.3.1 The public authorities shall facilitate the entry into, departure from and transit through their territories of aircraft engaged in relief flights performed by or on behalf of international organisations recognised by the UN or by or on behalf of States themselves and shall take all possible measures to ensure their safe operation. Such relief flights are those undertaken in response to natural and man-made disasters which seriously endanger human health or the environment, as well as similar emergency situations where UN assistance is required. Such flights shall be commenced as quickly as possible after obtaining agreement with the recipient State.

Note 1: According to its Internationally Agreed Glossary of Basic Terms Related to Disaster Management, the United Nations Department of Humanitarian Affairs considers an emergency to be “a sudden and usually unforeseen event that calls for immediate measures to minimize its adverse consequences”, and a disaster to be “a serious disruption of the functioning of society, causing widespread human, material or environmental losses which exceed the ability of the affected society to cope using only its own resources”.

Note 2: With respect to the application of measures to ensure the safe operation of relief flights, attention is drawn to Annex 11 — Air Traffic Services, the Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations (Doc 9554) and the Manual concerning Interception of Civil Aircraft (Doc 9433).

- 8.3.2 The public authorities shall ensure that personnel and articles arriving on relief flights referred to in paragraph 8.3.1 are cleared without delay.

8.4 Marine pollution and safety emergency operations

- 8.4.1 In cases of emergency, the public authorities shall facilitate the entry, transit and departure of aircraft engaged in the combatting or prevention of marine pollution, or other operations necessary to ensure maritime safety, safety of the population or protection of the marine environment.
- 8.4.2 In cases of emergency, the public authorities shall, to the greatest extent possible, facilitate the entry, transit and departure of persons, cargo, material and equipment required to deal with the marine pollution and safety operations described in paragraph 8.4.1.



8.5 Implementation of international health regulations and related provisions

- 8.5.1 The public authorities shall comply with the pertinent provisions of the *International Health Regulations* (2005) of the World Health Organisation.
- 8.5.2 The public authorities shall take all possible measures to have vaccinators use the Model International Certificate of Vaccination or Prophylaxis, in accordance with Article 36 and Annex 6 of the *International Health Regulations* (2005), in order to assure uniform acceptance.
- 8.5.3 The public authorities shall make arrangements to enable all aircraft operators and agencies concerned to make available to passengers, sufficiently in advance of departure, information concerning the vaccination requirements of the countries of destination, as well as the Model International Certificate of Vaccination or Prophylaxis conforming to Article 36 and Annex 6 of the *International Health Regulations* (2005).
- 8.5.4 The pilot-in-command of an aircraft shall ensure that a suspected communicable disease is reported promptly to air traffic control, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for the management of public health risks on arrival.

Note 1: A communicable disease could be suspected and require further evaluation if a person has a fever (temperature 38°C/100°F or greater) that is associated with certain signs or symptoms; e.g. appearing obviously unwell; persistent coughing; impaired breathing; persistent diarrhoea; persistent vomiting; skin rash; bruising or bleeding without previous injury; or, confusion of recent onset.

Note 2: In the event of a case of suspected communicable disease on board an aircraft, the pilot-in-command may need to follow his operator's protocols and procedures, in addition to health-related legal requirements of the countries of departure and/or destination. The latter would normally be found in the Aeronautical Information Publications (AIPs) of the States concerned.

- 8.5.5 When a public health threat has been identified, and when the public health authorities of San Marino require information concerning passengers' and/or crews' travel itineraries or contact information for the purposes of tracing persons who may have been exposed to a communicable disease, public authorities should accept the "Public Health Passenger Locator Form" reproduced in Appendix 13 to ICAO Annex 9 as the sole document for this purpose.

Note: It is suggested that States make available adequate stocks of the Passenger Locator Form, for use at their international airports and for distribution to aircraft operators, for completion by passengers and crew.

8.6 Communicable disease outbreak national aviation plan

- 8.6.1 The Authority shall establish a national aviation plan in preparation for an outbreak of a communicable disease posing a public health risk or public health emergency of international concern.

Note 1: Guidance in developing a national aviation plan may be found on the ICAO website on the Aviation Medicine page.

Note 2: CAR ATS, CAR AGA I/2/3 require air traffic services and aerodromes to establish contingency planning or aerodrome emergency plans, respectively, for public health emergencies of international concern.



8.7 Establishment of national facilitation programmes

- 8.7.1 The Authority shall establish a national air transport facilitation programme based on the facilitation requirements of the Convention and of Annex 9 thereto.
- 8.7.2 The Authority shall ensure that the objective of its national air transport facilitation programme shall be to adopt all practicable measures to facilitate the movement of aircraft, crews, passengers, cargo, mail and stores, by removing unnecessary obstacles and delays.
- 8.7.3 In establishing a national air transport facilitation programme, the Authority should use the guidance material outlined in Appendix 12 to ICAO Annex 9 and Doc 10042, Model National Air Transport Facilitation Programme.
- 8.7.4 The Authority shall establish a National Air Transport Facilitation Committee, and Airport Facilitation Committees as required, or similar coordinating bodies, for the purpose of coordinating facilitation activities between departments, agencies, and other organisations of San Marino concerned with, or responsible for, various aspects of international civil aviation as well as with airport and aircraft operators.
- 8.7.5 The Authority should endeavour to establish close coordination, adapted to circumstances, between civil aviation security and facilitation programmes. To this end, certain members of Facilitation Committees should also be members of Security Committees.
- 8.7.6 In establishing and operating National Air Transport and Airport Facilitation Committees, States should use the guidance material outlined in Appendices 11 and 12 to ICAO Annex 9.

8.8 Facilitation of the transport of persons with disabilities

- 8.8.1 When travelling, persons with disabilities should be provided with special assistance in order to ensure that they receive services customarily available to the general public. Assistance should be provided in a manner that respects the dignity of the individual.
- 8.8.2 The Authority should cooperate with a view to taking the necessary measures to make accessible to persons with disabilities all the elements of the chain of the person's journey, from arrival at the airport of departure to leaving the airport of destination.
- 8.8.3 The Authority should take the necessary steps with aircraft, airport and ground handling operators to establish and publish minimum uniform standards of accessibility with respect to transportation services for persons with disabilities, from arrival at the airport of departure to leaving the airport of destination.
- 8.8.4 The Authority should take the necessary steps with aircraft, airport and ground handling operators and travel agencies to ensure that persons with disabilities are given the information they need, in formats that are accessible to those with cognitive or sensory disabilities, and should take the necessary steps to ensure that airlines, airports and ground handling operators are in a position to give those passengers the assistance necessary for them, depending on their needs, to help them in their travel.
- 8.8.5 The Authority should take all necessary steps to secure the cooperation of aircraft, airport and ground handling operators in order to establish and coordinate training programmes to ensure that trained personnel are available to assist persons with disabilities.



- 8.8.6 The Authority shall take the necessary steps to ensure that airport facilities and services are adapted to the needs of persons with disabilities.
- 8.8.7 The public authorities should ensure that lifting systems or any other appropriate devices are made available in order to facilitate the movement of persons with disabilities between the aircraft and the terminal on both arrival and departure as required where telescopic passageways are not used.
- 8.8.8 Measures should be taken to ensure that the hearing- and vision-impaired are able to obtain flight service-related information in accessible formats.
- 8.8.9 Designated points for the pick-up and drop-off of persons with disabilities at a terminal building should be located as close as possible to main entrances and/or exits. To facilitate movement within the airport, access routes should be free of obstacles and be accessible.
- 8.8.10 Where access to public services is limited, every effort should be made to provide accessible and reasonably priced ground transportation services by adapting current and planned public transit systems or by providing special transport services for people with mobility needs.
- 8.8.11 Adequate parking facilities should be provided for people with mobility needs and appropriate measures taken to facilitate their movement between parking areas and the terminal buildings.
- 8.8.12 When assistance is provided to transfer persons with disabilities from one aircraft to another, it should be provided as efficiently as possible, with due regard for connecting flights.
- 8.8.13 The public authorities shall take the necessary steps to ensure that persons with disabilities have equivalent access to air services.
- 8.8.14 The Authority should introduce provisions by which aircraft coming newly into service or after major refurbishment should conform, where aircraft type, size, and configuration permit, to minimum uniform standards of accessibility with respect to equipment on board aircraft which would include movable armrests, on-board wheelchairs, accessible washrooms and suitable lighting and signs.
- 8.8.15 Disability aids required by persons with disabilities should be carried free of charge in the cabin where space, weight and safety requirements permit or should be carried free of charge and designated as priority baggage.
- 8.8.16 Service animals accompanying persons with disabilities should be carried free of charge in the cabin, on the floor at the person's seat, subject to the application of the regulations.
- 8.8.17 When the Authority restricts the transport of battery-powered devices, including mobility aids containing spillable batteries, shall notify ICAO promptly of such restrictions so that they can be included in Doc 9284, Technical Instructions for the Safe Transport of Dangerous Goods by Air and ensure that aircraft operators make such information publicly available and in accordance with CAR DG.
- 8.8.18 In principle, persons with disabilities should be permitted to travel without the requirement for a medical clearance. Aircraft operators should only be permitted to require persons with disabilities to obtain a medical clearance in cases of a medical condition where it is not clear that they are fit to travel and could compromise their safety or well-being or that of other passengers.



8.8.19 In principle, persons with disabilities should be permitted to determine whether or not they need an assistant. If the presence of an assistant is required, the Authority should encourage aircraft operators to offer discounts for the carriage of that assistant. Aircraft operators should require an assistant only when it is clear that the person with a disability is not self-reliant and this could pose a risk to safety or the well-being of such person or that of other passengers.

8.8.20 Advance notice should strongly be encouraged where assistance or lifting is required.

8.9 Assistance to aircraft accident victims and their families

8.9.1 Where San Marino is the State of Occurrence of an aircraft accident, public authorities shall make arrangements to facilitate the entry into their territory on a temporary basis of family members of victims of an aircraft accident.

8.9.2 Where San Marino is the State of Occurrence of an aircraft accident, public authorities shall also make arrangements to facilitate the entry into their territory, on a temporary basis, of authorised representatives of the operator whose aircraft has met with the accident, or of the operator's alliance partner, in order to enable them to provide assistance to survivors and their family members, the family members of the deceased victims of the accident and the relevant authorities in these States.

Note: Code-sharing and similar alliance agreements sometimes require alliance partners to act as "first responder" on behalf of an affected operator in case the alliance partner can get to the location of the accident quicker than the affected operator.

8.9.3 In arranging for the entry of the persons referred to in paragraph 8.9.1, the public authorities should not require any other travel document than a passport, or an emergency travel document issued specifically to such persons, to enable them to travel to San Marino. In cases where the public authorities require entrance visas for persons referred to in paragraphs 8.9.1 and 8.9.2 above, it should expedite the issuance of such visas.

8.9.4 The public authorities shall make arrangements to issue emergency travel documents, if required, to their nationals who have survived the accident.

8.9.5 The public authorities shall extend all necessary assistance, such as arranging transport and clearing customs, in the repatriation of human remains to their countries of origin, on request by family members of the deceased or the operator whose aircraft met with the accident.

8.9.6 The Authority should establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families.

8.10 Trafficking in Persons

8.10.1 The public authorities should take measures to ensure that procedures are in place to combat trafficking in persons, including clear reporting systems and relevant competent authorities' points of contact for airport and aircraft operators.

8.10.2 The public authorities 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.



CHAPTER 9

PASSENGER DATA EXCHANGE SYSTEMS

9.1 General

- 9.1.1 When the public authorities requires the exchange of Advance Passenger Information (API), interactive API (iAPI) and/or Passenger Name Record (PNR) data from aircraft operators shall create a Passenger Data Single Window facility for each data category or both data categories combined that allows parties involved to lodge standardized information with a common data transmission entry point to fulfil all related passenger and crew data requirements for that jurisdiction.
- 9.1.2 When the public authorities requires the exchange of passenger and crew data from aircraft operators should consider creating a Passenger Data Single Window facility for both data categories combined.
- 9.1.3 The public authorities and aircraft operators should provide the appropriate level, on a 24/7 (continuous) basis, of operational and technical support to analyse and respond to any system outage or failure in order to return to standard operations as soon as practicable.
- 9.1.4 The public authorities and aircraft operators should establish and implement appropriate notification and recovery procedures for both scheduled maintenance of information systems and non-scheduled system outages or failures.
- 9.1.5 The public authorities and aircraft operators should provide the appropriate level (where practicable, a 24/7 arrangement) of contact support.

9.2 Advance Passenger Information (API)

- 9.2.1 The public authorities shall establish an Advance Passenger Information (API) system.

Note: The UN Security Council, in Resolution 2178 (2014), at paragraph 9, “[c] calls upon Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) (“the Committee”), and further calls upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations”.

- 9.2.2 The API system of the public authorities shall be supported by appropriate legal authority (such as, inter alia, legislation, regulation or decree) and be consistent with internationally recognised standards for API.

Note 1: API involves the capture of a passenger’s or crew member’s biographic data and flight details by the aircraft operator prior to departure. This information is electronically transmitted to the border control agencies in the destination or departure country. Thus, passenger and/or crew details are received in advance of the departure or arrival of the flight.



Note 2: The UN/EDIFACT PAXLST message is a standard electronic message developed specifically, as a subset of UN/EDIFACT, to handle passenger manifest (electronic) transmissions. UN/EDIFACT stands for “United Nations rules for Electronic Data Interchange For Administration, Commerce and Transport.”

The rules comprise a set of internationally agreed standards, directories and guidelines for the electronic interchange of structured data, and in particular that related to trade in goods and services between independent, computerized information systems. The WCO, IATA and ICAO have jointly agreed on the maximum set of API data that should be incorporated in the PAXLST message to be used for the transmission of such data by aircraft operators to the border control agencies in the destination or departure country. It is to be expected that the UN/EDIFACT standard may be supplemented by modern message techniques, such as international XML standards or web-based applications.

Note 3: Under its current format structure the UN/EDIFACT PAXLST message will not accommodate general aviation usage.

Note 4: The UN/EDIFACT PAXLST message is currently defined by the internationally recognised WCO/IATA/ICAO guidelines.

- 9.2.3 When the public authorities develop legislation for the purpose of implementing an API system it should consider developing aligned regulations that meet the needs of all involved agencies, define a common set of API data elements required for that jurisdiction in accordance with message construction standards and appoint one government agency to receive API data on behalf of all other agencies.
- 9.2.4 When specifying the identifying information on passengers to be transmitted, the public authorities shall require only data elements that are available in machine readable form in travel documents conforming to the specifications contained in Doc 9303. All information required shall conform to specifications for UN/EDIFACT PAXLST messages found in the WCO/IATA/ICAO API Guidelines.
- 9.2.5 Public authorities shall not penalize, or otherwise hold an aircraft operator responsible, for inconsistencies in passenger data exchanges when the aircraft operator has collected and provided accurate advance passenger information data based on a travel document presented, which is valid for the journey and the passenger presents a second travel document which is valid for the journey on arrival. []
- 9.2.6 The public authorities should seek to minimize the number of times API data is transmitted for a specific flight.
- 9.2.7 If the public authorities requires API data interchange, then it shall seek, to the greatest extent possible, to limit the operational and administrative burdens on aircraft operators, while enhancing passenger facilitation.
- 9.2.8 The public authorities should refrain from imposing fines and penalties on aircraft operators for any errors caused by a systems failure which may have resulted in the transmission of no, or corrupted, data to the public authorities in accordance with API systems.
- 9.2.9 Where the public authorities require that passenger data be transmitted electronically through an API system shall not also require a passenger manifest in paper form.



- 9.2.10 The public authorities should consider the introduction of an interactive Advance Passenger Information (iAPI) system.
- 9.2.11 The public authorities, seeking to implement an iAPI system should;
- (a) seek to minimize the impact on existing aircraft operator systems and technical infrastructure by consulting aircraft operators before development and implementation of an iAPI system;
 - (b) work together with aircraft operators to develop iAPI systems that integrate into the aircraft operator's departure control interfaces; and
 - (c) conform to the Guidelines on Advance Passenger Information (API) adopted by WCO/ICAO/IATA when requiring iAPI.
- 9.2.12 The public authorities and aircraft operators' API systems, including iAPI, should be capable of 24/7 operation, with procedures in place to minimize disruption in the event of a system outage or failure.
- [9.2.13 The public authorities shall not require aircraft operators to provide non-standard data elements as part of API, iAPI and / or PNR provisions.
- 9.2.14 The public authorities shall, when considering requiring elements that deviate from the standard, submit a request to the WCO/IATA/ICAO Contact Committee in conjunction with the WCO's Data Maintenance Request (DMR) process via a review and endorsement process for inclusion of the data element in the guidelines.]

9.3 Electronic Travel Systems (ETS)

- 9.3.1 The public authorities when seeking to establish an Electronic Travel System (ETS) should integrate the pre-travel verification system with an interactive Advance Passenger Information system.

Note: This will allow States to integrate with the airline departure control systems using data messaging standards in accordance with international guidelines in order to provide a real-time response to the airline to verify the authenticity of a passenger's authorisation during check-in.

- 9.3.2 The public authorities, when seeking to implement an ETS should;
- (a) ensure a robust electronic lodgement platform where an online application for authority to travel can be made. A State should make clear that its platform is the preferred means for applying online in order to reduce the scope of unofficial third-party vendors that may charge an additional fee for the purpose of lodging an individual's application;
 - (b) include tools built into the application to assist individuals to avoid errors when completing the application form, including clear instructions as to the applicability of which nationalities require an ETS, and not allow application processing for non-eligible passengers (e.g. nationality and/or document type);
 - (c) institute automated and continuous vetting of relevant alert lists;



- (d) provide electronic notification to the passenger to replace paper evidence of an individual's approval for travel; and
- (e) ensure that the information required from the passenger is easily understood in accordance with the national laws and regulations of San Marino.

9.3.3 The public authorities should allow for an implementation schedule that builds awareness regarding upcoming changes and develops communication strategies in multiple languages in cooperation with other governments, the travel industry, aircraft operators and organisations in order to communicate the planned implementation of an ETS.

9.3.4 The public authorities should include a period of informed compliance after the initial implementation deadline, where passengers are allowed entrance into the country but informed of the new requirements, e.g. handing out a tear sheet with new requirements.

9.3.5 When the public authorities requires an ETS it should adopt policies that ensure that passengers are informed of the ETS requirements at the time of booking and should encourage aircraft operators to extend the ETS verification check to the point where travel originates rather than to the point of uplift for the last segment before entry into the country for which the ETS mandate applies.

Note: This will depend on other aircraft operators' interline through check-in capabilities and the relationship between aircraft operators.

9.4 Passenger Name Record (PNR) Data

9.4.1 [Public authorities shall;

- (a) develop a capability to collect, use, process and protect Passenger Name Record (PNR) data for flights to and from its territory supported by appropriate legal and administrative framework (such as, inter alia, legislation, regulation or decree), and be consistent with section 9.4 of these regulations;
- (b) align its PNR data requirements and its handling of such data with the guidelines contained in ICAO Doc 9944, *Guidelines on Passenger Name Record (PNR) Data*, and in PNRGOV message implementation guidance materials published and updated by the WCO and endorsed by ICAO and IATA; and
- (c) adopt and implement the PNRGOV message for airline-to-government PNR data transferal to ensure global interoperability.

Note 1: UN Security Council, in Resolution 2396 (2017) at paragraph 12, decided that Member States shall develop the capability to collect, process and analyse, in furtherance of ICAO standards and recommended practices, passenger name record (PNR) data, and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms, for the purpose of preventing, detecting, and investigating terrorist offenses and related travel.

Note 2: The PNRGOV message is a standard electronic message endorsed jointly by WCO/ICAO/IATA. Depending on the specific aircraft operator's Reservation and Departure Control Systems, specific data elements which have been collected and stored by the aircraft operator can be efficiently transmitted via this standardized message structure.



9.5 The public authorities shall, with full respect for human rights and fundamental freedoms;

- (a) clearly identify in their legal and administrative framework the PNR data to be used in their operations;
- (b) clearly set the purposes for which PNR data may be used by the authorities which should be no wider than what is necessary in view of the aims to be achieved, including in particular border security purposes to fight terrorism and serious crime; and
- (c) limit the disclosure of PNR data to other authorities in the same State or in other Contracting States that exercise functions related to the purpose for which PNR data are processed, including in particular border security purposes, and ensure comparable protections as those afforded by the disclosing authority.

9.4.3 The public authorities shall:

- (a) prevent unauthorised access, disclosure and use of PNR data and their legal framework shall provide penalties for misuse, unauthorised access, and unauthorised disclosure;
- (b) ensure the safeguards applied to their collection, use, processing and protection of PNR data apply to all individuals without unlawful differentiation;
- (c) take measures to ensure individuals are informed about the collection , use, processing and protection of PNR data and related privacy standards employed;
- (d) take measures to ensure that aircraft operators inform their customers about the transfer of PNR data;
- (e) provide for administrative and judicial redress mechanisms to enable individuals to seek a remedy for the unlawful processing of their PNR data by public authorities; and
- (f) provide for appropriate mechanisms, established by their legal and administrative framework, for individuals to obtain access to their PNR data and to request, if necessary, corrections, deletions or notations.

9.4.4 Subject to necessary and proportionate restrictions, the public authorities should notify individuals of the processing of their PNR data and inform them about the rights and means of redress afforded to them as defined in their legal and administrative framework.

9.4.5 The public authorities shall:

- (a) base the automated processing of PNR data on objective, precise and reliable criteria that effectively indicate the existence of a risk, without leading to unlawful differentiation ; and
- (b) not make decisions that produce significant adverse actions affecting the legal interests of individuals based solely on the automated processing of PNR data.

9.4.6 The Authority shall designate one (or more) competent public authority(ies) as defined in their legal and administrative framework with the power to conduct independent oversight of the protection of PNR data and determine whether PNR data are being collected, used, processed and protected with full respect for human rights and fundamental freedoms.



9.4.7 The public authorities shall:

- (a) not require aircraft operators to collect PNR data that is not required as part of their normal business operating procedures nor to filter the data prior to transmission; and
- (b) not use PNR data revealing an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning their health, sexual life or sexual orientation other than in exceptional and immediate circumstances to protect the vital interests of the data subject or of another natural person. In circumstances where such information is transferred, the public authorities shall delete such data as soon as practicable.

9.4.8 The public authorities shall:

- (a) retain PNR data for a set period as defined in their legal and administrative framework which shall be that period necessary and proportionate for the purposes for which the PNR data is used;
- (b) de-personalise retained PNR data, which enable direct identification of the data subject, after set periods, which do not exceed what is necessary as defined in their national laws and policies, except when used in connection with an identifiable ongoing case, threat or risk related to the purposes identified in 9.4.2(b);
- (c) only re-personalise or unmask PNR data when used in connection with an identifiable case, threat or risk for the purposes identified in 9.4.2(b); and
- (d) delete or anonymise PNR data at the end of the retention period except when used in connection with an identifiable ongoing case, threat or risk purposes identified in 9.4.2(b).

Note 1: De-personalization of PNR data is the masking of information which enables direct identification of an individual, without hindering law enforcement use of PNR data, whereas PNR data anonymization is the permanent removal of identity information of a person from the PNR record.-

Note 2: This standard is not intended to restrict criminal justice proceedings in The Bahamas, such as investigation, prosecution and criminal trials, related to the purposes identified in 9.4.2(b).

9.4.9 The public authorities should retain PNR data for a maximum period of five years after the transfer of PNR data, except when required in the course of an investigation, prosecution, or court proceeding.

9.4.10 The public authorities should de-personalise PNR data within six months of and no later than two years after the transfer of PNR data.

9.4.11 The public authorities shall:

- (a) as a rule acquire PNR data using the 'push' method in order to protect the personal data that is contained in the operators' systems and that operators remain in control of their systems;
- (b) seek, to the greatest extent possible, to limit the operational and administrative burdens on aircraft operators, while enhancing passenger facilitation;



- (c) not impose fines and penalties on aircraft operators for any unavoidable errors caused by a systems failure which may have resulted in the transmission of no, or corrupted, PNR data; and
- (d) minimise the number of times the same PNR data is transmitted for a specific flight.

Note: In exceptional circumstances and when a PNR 'push' transfer method is not feasible, such as when an aircraft makes an emergency landing, alternative means of PNR data acquisition can be used by the public authorities in order to maintain operational continuity.

9.4.12 The public authorities shall:

- (a) not inhibit or prevent the transfer of PNR data by an aircraft operator or other relevant party, nor sanction, impose penalties or create unreasonable obstacles on aircraft operators or other relevant parties that transfer PNR data to another Contracting State provided that Contracting States' PNR data system is compliant with section 9.4 of these regulations; and
- (b) equally, retain the ability to introduce or maintain higher levels of protection of PNR data, in accordance with their legal and administrative framework and to enter into additional arrangements with other Contracting States in particular to: promote collective security; achieve higher levels of protection of PNR data, including on data retention; or establish more detailed provisions relating to the transfer of PNR data, provided those measures do not otherwise conflict with section 9.4 of these regulations.

Note: The term "other relevant parties" refers to entities that are transferring PNR data to Contracting States, such as tour operators and travel agencies.

9.4.13 The public authorities shall demonstrate, to any requesting Contracting State, their compliance with section 9.4 of these regulations. A demonstration of compliance with the PNR regulations, upon request, shall take place as soon as possible. The public authorities shall work through this process in good faith and in a timely manner.

Note: Demonstration of compliance can occur, among other things, based on bilateral consultations and/or the information in the ICAO online compliance checklist for Annex 9 – Facilitation contained in the Electronic Filing of Differences (EFOD) system.

9.4.14 The public authorities should allow other Contracting States compliant with the PNR Standards to receive PNR data, at least provisionally, while engaging in consultations, as necessary.

9.4.15 Where the public authorities have determined they must inhibit, prevent or otherwise obstruct the transfer of PNR data or might penalize an aircraft operator, they shall do so with transparency and with the intent of resolving the situation which caused that determination.

9.4.16 The public authorities establishing a PNR program, or making significant changes to an existing program, pursuant to these SARPs should proactively notify other Contracting States maintaining air travel between them prior to receiving data, including whether they are complying with these SARPs, to encourage or facilitate rapid consultation where appropriate.

9.4.17 While attempting to resolve PNR data transfer disputes the public authorities should not penalize aircraft operators.]



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APPENDIX 1

EXAMPLE OF 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
<p><i>Declaration of Health</i></p> <p>Name and seat number or function of persons on board with illnesses other than airsickness or the effects of accidents, who may be suffering from a communicable disease (a fever — temperature 38°C/100°F or greater — associated with one or more of the following signs or symptoms, e.g. appearing obviously unwell; persistent coughing; impaired breathing; persistent diarrhoea; persistent vomiting; skin rash; bruising or bleeding without previous injury; or confusion of recent onset, increases the likelihood that the person is suffering a communicable disease) as well as such cases of illness disembarked during a previous stop.....</p> <p>.....</p> <p>Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight. If no disinsecting has been carried out during the flight, give details of most recent disinsecting</p> <p>.....</p> <p>Signed, if required, with time and date</p> <p style="text-align: right;">Crew member concerned</p>		<p>For official use only</p>
<p>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.</p> <p style="text-align: center;">SIGNATURE</p> <p style="text-align: right;">Authorized Agent or Pilot-in-command</p>		

* To be completed when required by San Marino.

** Not to be completed when passenger manifests are presented and to be completed only when required by San Marino



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