INTERNATIONAL CIVIL AVIATION ORGANIZATION

ASSEMBLY — 35TH SESSION

ECONOMIC COMMISSION

Agenda Item 29: Facilitation

FACILITATION ISSUES

(Presented by the International Air Transport Association)

SUMMARY

This paper presents the Airline Industry's views concerning several critical decisions taken during the 12th Facilitation Division, including those related to: 1) Inadmissible Persons, 2) Advance Passenger Information, 3) Advance Cargo Information, and 4) Biometrics and Machine Readable Travel Documents. Action by the Assembly is in paragraph 3.1.

---

1. **BACKGROUND**

1.1   During the 12th ICAO Facilitation Division, participants were asked to consider a wide range of issues and to evaluate a series of recommendations and proposals. In each instance, the decisions to be taken concerning the various proposed recommendations and suggested changes to Annex 9, would have immediate and far-reaching implications for the facilitation of international air transport.

1.2   It was obvious that there were a number of deep-seated differences of opinion as to the best way forward on a range of key issues. However, in most instances, broad consensus was achieved.

1.3   In general terms, the air transport industry is well satisfied with the results emerging from the Division, particularly with respect to decisions related to automated data exchange and Inadmissible Passenger/Deportee responsibilities. We believe, however, that additional work is still required on these issues to ensure appropriate guidance is available to States.

---

[1] All language versions provided by IATA.

2.   **SPECIFIC ISSUES FOR CONSIDERATION**

2.1   **Inadmissible Persons and Deportees:** IATA fully supports the decisions reached by the Division with respect to Chapter 5 of Annex 9. The agreed text strikes a balance between national interests and equitable responsibilities for operators transporting persons found to be inadmissible at destination. While we understand that some provisions contained in this text are problematic for some States, we strongly support the idea that carriers should not be held liable in instances where they violated no national regulations. That position is now clearly enunciated in Standards 5.9 and 5.9 bis.

        IATA also endorses the Division's call upon ICAO to establish a drafting committee under the aegis of the Facilitation Panel that is tasked with developing guidance materials for inclusion in the proposed Facilitation Manual that make appropriate use of existing materials already agreed in other fora.

2.2   **Advance Passenger Information (API) and PNR Access:** IATA is pleased that the Division has agreed a new standard that seeks to limit API system data requirements to those elements that are available in machine-readable form in official travel documents. We also fully support the agreed recommendation calling upon States to harmonise their systems' requirements within the framework established by ICAO, the World Customs Organization and IATA.

        With respect to PNR access regimes, we are concerned that, while the Division agreed a new standard to be included in Chapter 3 related to a limitation on States imposing PNR access as a supplement to API systems, a number of critical issues remain unresolved. IATA fully supports the need for ICAO to assume, at the earliest possible opportunity, a leading role in the development of guidance materials and international standards to regulate this emerging practice.

2.3   **Advance Cargo Information (ACI):** As in the early days of API development, States seeking to implement advance-reporting requirements for cargo consignments are operating in a vacuum, since guiding principles and standards have yet to be developed. We fully endorse the two recommendations agreed by the Division: 1) calling upon ICAO to join with other interested parties in developing internationally-agreed principles for ACI programs, and 2) calling upon individual States align their proposed ACI systems with these internationally-agreed principles.

2.4   **Biometrics and Machine Readable Travel Documents (MRTDs):** IATA is supportive of ICAO's efforts to establish a fixed timeframe in which States must begin to issue MRTDs. Given the growing incidence of API regimes and the expanding data provision requirements that these regimes entail, it is essential to efficient airline operations that the vast bulk of passenger data can be captured by automated means in advance of or during airport check-in. Accordingly, IATA supports any initiative that will encourage States to begin issuing Document 9303-compliant MRTDs as soon as possible, and certainly in advance of the now-agreed 1 April 2010 deadline.

3.   **ACTION BY THE ASSEMBLY**

3.1   The Assembly is invited to:

        a) note the four issues discussed in this paper in light of the decisions agreed during the
             12th Facilitation Division;

b) support the Division's recommendations in response to the ICAO State Letter requesting comments therein; and

c) encourage respective national administrations to implement, as soon as practicable, the amendments to Annex 9 as finalised and eventually adopted by the Council.

— END —