



## **FACILITATION PANEL (FALP)**

### **SEVENTH MEETING**

**Montréal, 22-26 October 2012**

#### **Agenda Item 1: Recent facilitation developments in ICAO**

#### **FACILITATION ISSUES IDENTIFIED DURING UNIVERSAL SECURITY AUDIT PROGRAMME ACTIVITIES**

(Presented by the Secretariat)

#### **SUMMARY**

This paper provides a summary of Universal Security Audit Programme (USAP) audit results relating to the implementation by ICAO Member States of security-related provisions contained in Annex 9 – *Facilitation*.

#### **Action by the Panel:**

The FAL Panel is invited to consider:

- a) with reference to the Appendix, whether the level of performance by States in implementing the security-related provisions of Annex 9 represents a matter of concern; and
- b) what appropriate follow-up action should be taken by the FAL Panel and by ICAO.

### **1. INTRODUCTION**

1.1 The ICAO Universal Security Audit Programme (USAP) was launched in November 2002 and provides for the conduct of regular, mandatory, systematic and harmonized audits of the aviation security and oversight system in each ICAO Member State. The objective of the Programme is to promote global aviation security by identifying any deficiencies in each State's aviation security and oversight system, and providing recommendations for their resolution. The Aviation Security Audit (ASA) Section of ICAO's Aviation Security Branch is responsible for the management and administration of the USAP.

1.2 Following the completion of a first cycle of USAP audits in 2007, a second cycle of audits was launched in January 2008 and is on course to be completed by the end of 2013. This current cycle of audits focuses, wherever possible, on States' aviation security oversight capabilities and covers the Standards contained in Annex 17 – *Security*, as well as relevant security-related provisions of Annex 9 – *Facilitation*.

1.3 In order to determine the security oversight capability of ICAO Member States, the second cycle USAP audits measure the level of lack of effective implementation (LEI) of the critical elements of each State's aviation security oversight system. Each State receives an overall LEI score, where the lower the score, the better the State's aviation security oversight system. With more than 150 second cycle audits conducted to date, the overall global LEI stands at just over 32 per cent.

1.4 The purpose of this paper is to provide the Facilitation Panel with information on the level of performance of ICAO Member States in implementing the security-related provisions of Annex 9. The paper then proposes actions for the Panel's consideration.

## 2. DISCUSSION

2.1 During USAP second-cycle audits, auditors use a set of Protocol Questions (PQs) to gather information on the effective implementation by States of the critical elements of an aviation security oversight system through interviews with State and industry representatives, and the review of relevant evidence. Each PQ is associated to a Standard or Recommended Practice in either Annex 9 or Annex 17. Of the approximately 300 PQs used, 21 are associated with the security-related provisions of Annex 9. These PQs relate to 12 Standards and 3 Recommended Practices. Details regarding these PQs and their implementation by audited States can be found in the Appendix.

2.2 At the conclusion of each second-cycle audit, States commit to resolving identified deficiencies, including deficiencies associated with the security-related provisions of Annex 9, by providing ICAO with a Corrective Action Plan (CAP). Each CAP is carefully reviewed by the ASA section before being accepted.

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**APPENDIX**

The following table presents information relating to the implementation by ICAO Member States of the security-related provisions of Annex 9. This information is presented in descending order, with Protocol Questions with the highest per cent of not satisfactory responses at the top. It is based on a sample of 148 second-cycle audit results.

<b>Subject of Protocol Question</b>	<b>Associated SARP</b>	<b>% States not satisfactory</b>	<b>Comments</b>
876 – Establishment of a national air transport facilitation programme	8.17	77.03	Many States do not have Facilitation (FAL) programmes, or their FAL programmes have not been approved. Improved ICAO guidance material may help address this observation.
879 – Policy for close coordination between civil aviation security and facilitation programmes	RP 8.20	54.73	The most effective means of implementing this Recommended Practice (RP) involves the establishment of a National Facilitation Committee that includes representatives from the National Civil Aviation Security Committee. Many States have not established National Facilitation Committees.
894 – Issuance of identity documents or visas accepted for travel purposes in machine-readable form	RP 3.11	49.32	This result should be treated with caution, as some States have questions regarding what constitutes an identity document or visa accepted for travel purposes and why such documents should be in machine-readable form. Further clarification would be useful.
889 – Incorporation of biometric data in its machine-readable passports using data storage technologies	RP 3.9	48.65	Although the requirement for data storage technologies in passports is not mandatory, many States have been moving towards the implementation of this RP.
558 – Policy to assist aircraft operators in the evaluation of travel documents presented by passengers	3.31	44.59	The lack of this type of policy in many States represents one of the most serious deficiencies related to facilitation, particularly in States where immigration services are also not providing this type of assistance to aircraft operators.
906 – Establishment of guidance or procedures for the seizure of fraudulent, falsified or counterfeit travel documents	3.46	44.59	While many States carry out this requirement in practice, there is a generalized lack of guidance material or procedures in this respect.
555 – Policy requiring a minimum 24-hour notice to aircraft operators regarding the removal of a deportee	5.19	43.92	While many States carry out this requirement in practice, there is often a lack of a policy in this respect.
885 – Policy to regularly update security features in new versions of travel documents	3.7	43.92	Nearly half of all audited States have not established such a policy in writing.

Subject of Protocol Question	Associated SARP	% States not satisfactory	Comments
903 – Requirement to ensure seized fraudulent, falsified or counterfeit travel documents are removed from circulation and returned to the State of issuance	3.46	43.92	While many States seize documents in accordance with an established requirement, this PQ is often found to be not satisfactory due to States not having a mechanism in place to return these documents to the State of issuance.
882 – Policy for granting prompt release or clearance of security equipment imported or exported by an aircraft operator of another State	4.43	37.16	In practice, States not having established such a policy in writing implement simplified procedures for the clearance of security equipment on a case-by-case basis or apply the same procedures as for other goods.
561 – Ensure aircraft operators to take necessary precautions at the point of embarkation to ensure passengers are in possession of documents prescribed by States of transit and destination	3.33	33.78	Although the audits revealed that aircraft operators normally take necessary precautions at the point of embarkation to ensure passengers are in possession of documents prescribed by States of transit and destination, not all States provide oversight to ensure the conduct of these activities.
556 – Ensure that procedures for the transport of potentially disruptive passengers are adequately implemented, including notification of the aircraft operator and Pilot-in-Command (PIC)	5.19	32.43	Where a policy on the transport of potentially disruptive passengers exists, the majority of States ensure that the procedures requiring notification to the aircraft operator and the PIC are carried out.
559 – Requirement for aircraft operators to take necessary precautions at the point of embarkation to ensure passengers are in possession of documents prescribed by States of transit and destination	3.33	31.08	Although the audits revealed that aircraft operators normally take necessary precautions at the point of embarkation to ensure passengers are in possession of documents prescribed by States of transit and destination, not all States have established such a policy in writing.
707 – Policy for the role of modern screening or examination techniques for the physical examination of goods to be exported	4.7	27.70	Although many States have a policy in this regard, some do not implement it in practice. Compliance with this requirement is mostly satisfactory due to many States screening cargo using x-ray equipment.
708 – Ensure the use of modern screening equipment or examination techniques for the physical examination of goods to be exported.	4.7	25.68	Most States conduct oversight activities to ensure the implementation of policies on the use of modern screening equipment of examination techniques, where they exist.
900 – Requirement for the seizure of fraudulent, falsified or counterfeit travel documents	3.46	24.32	While many States carry out this requirement in practice, they general lack a written requirement established by the relevant entities in this respect.
888 – Controls on the creation and issuance of travel documents to safeguard against theft of stocks and misappropriation of newly issued documents	3.8	23.65	While many States have security controls in place to prevent the theft of stocks and the misappropriation of newly issued documents, some States have not developed written procedures.

Subject of Protocol Question	Associated SARP	% States not satisfactory	Comments
891 – Issuance of machine-readable passports only	3.10	18.24	Some of the States found to not satisfactorily comply with this PQ issued machine-readable passports, but still issue non machine-readable temporary passports from their diplomatic missions abroad.
564 – Adherence to internationally recognized standards for the transmission of Advance Passenger Information (API), when an API system has been introduced	3.47	16.89	Approximately half of audited States do not use API systems, and for those States this PQ is not applicable.
897 – Adequate controls placed on the issuance of Crew Member Certificates (CMCs)	3.67	11.49	More than half of audited States do not issue CMCs, and for those States this PQ is not applicable.
565 - Ensure that an API system is adequately implemented, when an API system has been introduced	3.47	9.46	Approximately half of audited States do not use API systems, and for those States this PQ is not applicable.

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