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EXECUTIVE COMMITTEE

Agenda Item 19: Facilitation and the ICAO Traveller Identification Programme (ICAO TRIP) Strategy

DEVELOPMENTS PERTAINING TO ANNEX 9 — *FACILITATION*

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

The 38th Session of the ICAO Assembly (2013) agreed that the Facilitation (FAL) Programme's priorities during the 2014 – 2016 triennium would be, inter alia, to examine issues relating to non-compliance with the Standards and Recommended Practices (SARPs) of Annex 9 — *Facilitation*, and to continuously be engaged with advances in technologies and the preparation of responses to new and emerging facilitation-related issues. Accordingly, this paper reports on developments in Annex 9 since the last Assembly and also presents the current priorities of the FAL Programme's work on Annex 9. It concludes by proposing work priorities for Annex 9, and expected outcomes, for the next triennium.

Action: The Assembly is invited to endorse the proposed priorities for the FAL Programme and expected outcomes for the 2017-2019 triennium, as set out in paragraph 3.3.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C — <i>Security and Facilitation</i> .
<i>Financial implications:</i>	The activities referred to in this paper will be undertaken within the resources available in the 2017-2019 Regular Programme Budget and/or from extra-budgetary contributions.
<i>References:</i>	Annex 9 — <i>Facilitation</i> (14th edition, October 2015) Doc 10022, Assembly Resolutions in Force (as of 4 October 2013)

1. BACKGROUND

1.1 The thirty-eighth Session of the Assembly (2013) agreed that the Facilitation (FAL) Programme's priorities during the 2014 – 2016 triennium would fall under two categories. In “working better with what we have,” the Programme's priorities would be to undertake a consolidation of its work, examine issues relating to non-compliance with the Standards and Recommended Practices (SARPs) of Annex 9 — *Facilitation*, and forge closer links with other bodies relevant to facilitation. The second category, “planning for the future,” would involve a continuous engagement with advances in technologies pertaining to the work of the FAL Programme, including in the preparation of responses to new and emerging facilitation-related issues.

2. DEVELOPMENTS AND CURRENT PRIORITIES

2.1 With regard to “working better with what we have,” initial research on non-compliance with SARPs has been completed, but more work is required in order to develop strategies to assist with State compliance. As a first step, in order to determine the extent of the level of Annex 9 compliance, State letter EC 6/3-15/90 dated 21 December 2015 was disseminated to remind Member States of the online Compliance Checklist (CC) in ICAO's Electronic Filing of Differences (EFOD) System which allows for the recording of information on compliance with the Standards of Annex 9. The EFOD system was developed to address the need for a more efficient means of reporting and researching differences to SARPs. The Secretariat will assess the responses and report to the Council during the 209th session, in order to enable the Council to consider the extent of the level of Annex 9 compliance and to determine if further action should be taken in this regard. Stronger links and cooperation have been developed between the Facilitation (FAL) Panel and other bodies such as the Technical Advisory Group on the ICAO Traveller Identification Programme (previously the Technical Advisory Group on Machine Readable Travel Documents) and the Aviation Security Panel. Coordination has been substantially enhanced with other non-ICAO bodies working on similar facilitation issues (e.g. passenger data exchange).

2.2 During 2015, in the light of Standard 3.10.1 of Annex 9 (13th Edition, 2011) that required Contracting States to ensure the expiration of non-machine readable passports by 24 November 2015, the Secretariat undertook an intensive communications campaign to remind States of the “deadline,” and to respond to a 2012 State letter on the matter. By 31 December 2015, formal responses to the letter indicated that 140 Member States had complied with the deadline, with a further 16 States indicating that non-machine readable passports would only expire after the 24 November 2015 deadline.

2.3 With regard to “planning for the future,” developments since the last Assembly include the adoption by the Council, in November 2013, of Amendment 24 to Annex 9. The Amendment, that became applicable in July 2014, addressed issues such as the facilitation of the transport of persons with disabilities, the issuance and inspection of travel documents, the utilization of Advance Passenger Information (API) and Passenger Name Record (PNR) data systems, and procedures relating to the removal of inadmissible persons and deportees. In June 2015, the Council adopted Amendment 25 to Annex 9. The Amendment, that became applicable in February 2016, and resulted in the publication of a new (14th) Edition of Annex 9, related to, inter alia, issues such as assistance to aircraft accident victims and their families, Machine Readable Travel Documents (MRTDs), cargo facilitation (new provisions developed in cooperation with the World Customs Organization (WCO) and the industry) and INTERPOL's Stolen and Lost Travel Documents (SLTD) database.

2.4 In 2014, a new manual, *Model National Air Transport Facilitation Programme* (Doc 10042), was published. The Manual contains guidance on how States may comply with Annex 9

Standards 8.17, 8.18 and 8.19. The FAL Panel's Working Group on Guidance Material (WGGM) is currently in the process of revising, in cooperation with the International Maritime Organization and other interested international organizations, Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*. The work on this is expected to be completed by mid-2017. The WGGM is also currently revising Doc 9957, *The Facilitation Manual*. A new edition will be published during the next triennium.

2.5 During the current triennium, FAL Regional Seminars were held in various ICAO Regional Offices: Nairobi and Cairo (in February 2014), Lima (in September 2014), Paris (in October 2014) and Bangkok (in March 2015). The Seminars focused on topics such as Advance Passenger Information (API) and Passenger Name Record (PNR) data, inadmissible persons and deportees, the establishment of national air transport facilitation programmes, access to air transport by persons with disabilities, the ICAO Traveller Identification Programme (ICAO TRIP) Strategy, the ICAO Public Key Directory (PKD), and other FAL matters relevant to the States in the respective Regions. Information on these Seminars can be found at <http://www.icao.int/Security/FAL/Pages/Meetings-Seminars.aspx>. The Secretariat is in the process of developing material, addressing Annex 9 implementation-related issues, for delivery to States at Regional Seminars during the next triennium.

2.6 The Ninth Meeting of the Facilitation Panel (FALP/9), was held from 4 to 7 April 2016. The agenda of the meeting included topics such as recent facilitation developments in ICAO, the United Nations and other international organizations, proposals for amendments to Annex 9 (including new/revised SARPs on unaccompanied minors, API, Automated Border Controls and Electronic Travel Systems), and matters relating to the implementation of Annex 9. The Appendix to this paper contains an overview of the Panel's recommendations, to be submitted for consideration by the Council during the 210th Session.

2.7 One priority in the FAL Programme that needs emphasis concerns passenger data exchange systems (i.e. API and PNR) which have been the subject of Annex 9 — *Facilitation* SARPs for many years. ICAO closely collaborates with the World Customs Organization (WCO) and the International Air Transport Association (IATA) on these matters, in developing guidance materials and in promoting the international standards adopted by relevant United Nations agencies. In 2014, ICAO disseminated State letter EC6/3-14/63 dated 15 August 2014 to remind States of the importance of international uniformity in national API and PNR requirements, and to encourage States to comply with the relevant provisions of Annex 9 and the international recognized standards for the transfer of such data. The FALP/9 meeting proposed that the API SARPs of Annex 9 be enhanced through increased global uniformity, particularly in light of UN Security Council Resolution 2178 (2014) which calls upon Member States to require airlines operating in their territories to provide advance passenger information to national authorities in order to detect the movement of "foreign terrorist fighters" ICAO is intensifying its cooperation with the UN Counter-Terrorism Centre (UNCTC) of the Counter-Terrorism Implementation Task Force (CTITF) Office on passenger data-related matters, particularly in the UNCTC's global workshops on raising awareness and building capacity on API, five of which have been scheduled for 2016.

3. PRIORITIES AND OUTCOMES: 2017 – 2019

3.1 The categories for the FAL Programme's work on Annex 9 for the next triennium should be retained in order to ensure that the work initiated can be advanced. For example, in order to assist States implement Annex 9, the FAL Programme, through the FAL Panel, continues the streamlining of the provisions of Annex 9. A consolidation of work in this area is expected to be completed during the

next triennium, to assist in providing a simplified set of enhanced performance-based SARPs for the benefit of States, and to keep existing material useful, relevant and targeted.

3.2 Planning for the future is an on-going task, as the FAL Programme, again through the FAL Panel, continuously engages with advances in technologies and prepares responses to new and emerging issues in the field of facilitation. Additional work on air cargo facilitation is pending, and is expected to be completed following coordination with the World Customs Organization (WCO) on the results of the 2013 World Trade Organization Conference in Bali, Indonesia, on the Agreement on Trade Facilitation. This will allow ICAO to align the SARPs of Annex 9 with any provisions developed by the WCO, continuing the close collaboration on cargo facilitation between the two organizations.

3.2.1 During the next triennium, a working group of the FAL Panel will examine concepts and principles for a goal-based Global Aviation Facilitation Plan (GAFP), that is envisioned to enhance facilitation worldwide by fostering collaboration among Member States, mobilizing relevant international stakeholders, and inspiring action. The working group, in ensuring compatibility, consistency, coordination and alignment with the planned Global Aviation Security Plan (GASeP), will submit its report, after coordination with the Aviation Security Panel, to the next Panel meeting for consideration, planned for the third quarter of 2018.

3.3 The table below summarizes the proposed priorities for the FAL Programme's work on Annex 9 and expected outcomes for the 2017-2019 triennium:

Categories	Priorities: 2017 - 2019	Outcomes
A. Working better with what we have	1. Non-compliance with SARPs	a) Collect and assess rate of compliance; b) Determination of reasons for non-compliance with SARPs; and c) Development of strategies to assist State compliance
	2. Consolidation of work	a) Identification of common outcomes and themes in Annex 9; b) Determination of continued usefulness and relevance of SARPs in light of changes in technology and the needs of States; and c) Reorganization and simplification of SARPs
B. Planning for the future	1. Responses to new and emerging issues	a) Enhancement of SARPs or guidelines on disruptive events and cargo facilitation, the latter in cooperation with the WCO; b) Development of guidance material on unaccompanied minors c) Development of a "Global Aviation Facilitation Plan" (GAFP)
	2. Advances in technologies	Inclusion of additional SARPs in Annex 9 on Automated Border Controls (ABCs) and Electronic Travel Systems (ETS)

APPENDIX

Summary of Recommendations of the Ninth Meeting of the FAL Panel (4 – 7 April 2016)

[Note: These recommendations are to be submitted for consideration by the Council during the 210th Session, in early 2017.]

1. The ninth meeting of the Facilitation Panel (FALP/9) was held at ICAO Headquarters, Montréal, from 4 – 7 April 2016. 113 participants from 43 States and 7 international organizations attended the meeting. The final report and other documentation of the meeting can be found on the FALP/9 website at: <http://www.icao.int/Meetings/FALP/Pages/FALP9-2016.aspx>.

2. The Panel's recommendations for amendments to Annex 9 — *Facilitation*, to be submitted to the Air Transport Committee during the 209th Session for initial review, and subsequent dissemination to Member States for comments, comprise of proposals to include:

(a) the nationality of passengers in Appendix 2, Passenger Manifest, in order to improve the accuracy and speed of information that can be provided to families of aircraft accident victims;

(b) a new Standard obliging each Contracting State to establish an Advance Passenger Information (API) system in light, inter alia, of UN Security Council Resolution 2178 (2014) and of the increasing use of API for border security and counter-terrorism;

(c) new Recommended Practices on Electronic Travel Systems (ETS), in response to increasing requirements by Governments to require passengers to apply for a travel authorization or to register online prior to boarding a flight for travel, so that ETS-related terminology is standardized and this technology is included within the Annex 9 policy and regulatory framework and guidance provided to governments planning implementation of an electronic version of visa issuance or travel authority;

(d) enhanced Passenger Name Record (PNR)-related provisions, in response to the growth in PNR programmes and in order to support adherence to content, format and transmission standards to mitigate non-compliant PNR data requests;

(e) new Standards and Recommended Practices on the transport of minors, in light of increasing international awareness on the foreign fighters phenomenon and on child trafficking, and the limited availability of international guidance on the treatment of minors travelling by air, in order to help harmonise the policies and procedures followed by Contracting States and aircraft operators on the handling and safety of minors; and

(f) augmented provisions on Automated Border Control (ABC) systems, as a result of the increasing use of such systems.

3. The Panel also agreed that a Working Group should be established to examine, during the inter-session, the concepts and principles concerning a planned Global Aviation Facilitation Plan (GAFP), with a report on its deliberations to be presented to the next meeting of the Panel.

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