



FAL/12-WP/118

22/4/04

## **FACILITATION (FAL) DIVISION – TWELFTH SESSION**

**Cairo, Egypt, 22 March to 1 April 2004**

### **REPORT**

## Site and Duration of the Session

1. The Twelfth Session of the Facilitation Division of the International Civil Aviation Organization was held in Cairo, the Arab Republic of Egypt from 22 March to 1 April 2004 at the invitation of the Government of Egypt. The opening welcoming ceremony was held in the Cheops Auditorium of the Cairo International Conference Centre and was addressed by General Ahmed Shafique, the Honourable Minister of Civil Aviation of Egypt, Dr. Assad Kotaite, President of the Council of ICAO and His Excellency Dr. Atef Obeid, Prime Minister of Egypt. (Opening addresses are attached as **Appendix 1**).

## Officers of the Division

2. Air Vice-Marshal M. El Bagoury (Egypt) was elected Chairman of the Division for the Twelfth Session; Mrs. M. Munyagi (Tanzania) was elected First Vice-Chairman; and Mr. M. Awan (Pakistan) was elected Second Vice Chairman.

3. The Division established two committees, the Chairmen of which were:

Committee 1: Mr. Simon T.C. Li (China)  
Committee 2: Mr. A. Auer (Switzerland)

and the Vice-Chairmen of which were:

Committee 1: Mr. A. Aziz Alangari (Saudi Arabia)  
Committee 2: Mr. G. Hanna (Australia)

## Secretariat

4. Overall direction of the Secretariat of the Division was undertaken by Ms. Mary McMunn, Chief, Facilitation Section of ICAO who also served as Secretary of the Division. The Secretaries of the Committees were:

Committee 1: Dr. R.I.R. Abeyratne, Acting Coordinator/Air Transport Programmes, Air Transport Bureau (ATB)

Committee 2: Mr. J. Thaker, Technical Officer/Facilitation, ATB

5. Mrs. H. Biernacki, Aviation Security Officer, ATB, Mr. M.E.B. Zarroug, Regional Officer, Air Transport, Cairo and Mrs. M. Boulos, Economist, Economic Policy Section, ATB acted as Assistant Secretaries.

6. Administrative services were provided under the supervision of Mr. M. Blanch, Chief, Conference and Office Services Section; Mr. J. Daoust, Chief, Printing Services; Mr. Y. Beliaev, Chief Language Services/Russian Translator/Revisor; Mr. P. Butler, Translator/Revisor; Mrs. R. Ezrati, Chief Interpreter; Mrs. D. Rahmani, Document Control and Remote Translation Coordinator; Mrs. L. Dery-Crawford, Office Automation Coordinator; Ms. D. Provencher, Office Automation Coordinator; Mrs. R. Zagoritis, Supervisor, Registration; Mr. N. Amaya, Supervisor Distribution and Mr. A. Trad, Administrative Officer in the MID Regional Office.

7. In addition to the above, Secretariat Services were provided by Mrs. J. Nounou, Miss K. Denman, Mrs. S. Joseph, Miss H. Manentis, Mrs. N. Souto and Mrs. W. Kiley-Valiquet.

### **Agenda and Rules of Procedure**

8. The Agenda, presented by the Air Transport Committee, was adopted without comment as follows:

1. Developments since the Eleventh Session of the Division
2. Facilitation and security of travel documents and border control formalities
  - 2.1 Machine readable travel documents (MRTDs)
  - 2.2 Biometrics
  - 2.3 Crew identity documentation
  - 2.4 Advance passenger information (API)
  - 2.5 Implementation of aviation security
3. Implementing modernized provisions for facilitation and security in air cargo service operations
  - 3.1 Facilitation of cargo clearance
  - 3.2 Security
4. Controlling travel document fraud and illegal migration
5. Modernizing airport facilities and service delivery systems
  - 5.1 Revision of Annex 9, Chapter 6
  - 5.2 National, regional and airport FAL programmes
6. International Health Regulations (IHRs)
7. Other facilitation matters
  - 7.1 Assistance to accident victims

9. The annotated Agenda (FAL/12-WP/1) is reproduced as **Appendix 2**. The theme for the meeting was “*Managing Security Challenges to Facilitate Air Transport Operations*”.

10. The rules of procedure were the *Standing Rules of Procedure for Meetings in the Air Transport Field* (Doc 8683-AT/721) and *Directives of the Council concerning the Conduct of ICAO Meetings* (Doc 7986-C/915).

### **Attendance**

11. The Division was attended by 474 representatives from 87 Contracting States of ICAO and 19 Observer Delegations.

12. The following Contracting States of ICAO were represented at the Division.

Algeria	Austria	Brazil
Argentina	Bahrain	Burundi
Australia	Belgium	Cameroon

Canada	Indonesia	Republic of Moldova
Central African Republic	Iran	Romania
Chile	Iraq	Russian Federation
China	Ireland	Saint Lucia
Côte d'Ivoire	Italy	Saudi Arabia
Cuba	Japan	Singapore
Czech Republic	Kenya	South Africa
Democratic Republic of the Congo	Kuwait	Spain
Egypt	Lebanon	Sri Lanka
Ethiopia	Libyan Arab Jamahiriya	Sweden
Fiji	Lithuania	Switzerland
Finland	Malawi	Syrian Arab Republic
France	Malaysia	Thailand
Gabon	Mauritius	Togo
Germany	Mexico	Tonga
Ghana	Morocco	Tunisia
Greece	Namibia	Turkey
Hungary	Netherlands, Kingdom of the	Uganda
Iceland	New Zealand	Ukraine
India	Nigeria	United Arab Emirates
	Norway	United Kingdom
	Oman	United Republic of Tanzania
	Pakistan	United States
	Panama	Uruguay
	Paraguay	Uzbekistan
	Philippines	Venezuela
	Poland	Yemen
	Portugal	Zambia
	Qatar	
	Republic of Korea	

13. Palestine attended as an Observer.

14. The following Organizations attended as Observers:

ACI	–	Airports Council International
AFCAC	–	African Civil Aviation Commission
EC	–	European Community
ECAC	–	European Civil Aviation Conference
IAOPA	–	International Council of Aircraft Owner and Pilot Associations
IATA	–	International Air Transport Association
IBAC	–	International Business Aviation Council
IFALPA	–	International Federation of Air Line Pilots' Associations
IMO	–	International Maritime Organization
ITF	–	International Transport Workers' Federation
LACAC	–	Latin American Civil Aviation Commission
SITA	–	Société internationale de télécommunications aéronautiques
TIACA	–	International Air Cargo Association
UNHCR	–	UN High Commissioner for Refugees
WHO	–	World Health Organization
WCO	–	World Customs Organization
WTO	–	World Tourism Organization

15. The list of participants is presented in **Appendix 3**.

**Documentation**

16. The list of working papers considered by the Division is presented in **Appendix 4**.

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**APPENDIX 1****SPEECH FOR THE OPENING WELCOMING CEREMONY  
OF THE TWELFTH SESSION OF THE FACILITATION DIVISION BY  
THE HONOURABLE MINISTER OF CIVIL AVIATION OF EGYPT**

Doctor Atef Ebeid, Prime Minister of Egypt  
Doctor Assad Kotaite, President of ICAO  
Ladies and Gentlemen, distinguished delegates,

It is my pleasure to welcome you as dear guests of the land of Egypt wishing you a pleasant stay and a successful meeting; I wish to seize this opportunity to welcome Doctor Assad Kotaite and to express our deep appreciation for his effective and continuing contribution to international civil aviation.

Being aware of the importance of convening the 12th Session of the Facilitation Division in Egypt, the Civil Aviation Authority in the Arab Republic of Egypt has exerted all efforts for more than a year of preparation and organization to insure the success of this important meeting. Your meeting is being held during a crucial phase for the air transport industry worldwide. The last three years have witnessed considerable negative consequences for air transport operations in the wake of the events of the 11th of September 2001, the most important consequences of which have been the tougher security measures that have been introduced. The importance of your meeting and the recommendations and conclusions you will be producing, are also highlighted by the emergency security challenges, and the successive events that required the adoption of such measures, as well as the adoption of new strategies to facilitate air transport and achieve the economic and essential operation of air transport.

The challenges which confronted Egyptian civil aviation, as civil aviation worldwide, have been the effective engine and catalyst to embark on the application of an ambitious national plan for a crucial and decisive development covering all locations and activities. We hope that you will have the time to witness the various aspects of our plan in this direction.

I sincerely thank Dr. Assad Kotaite and his distinguished Council for selecting Cairo to be the venue of your important meeting promising that the Egyptian capital, which was among the founders of our international organization who signed its convention sixty years ago, will be an effective element and constant supporter of ICAO and a strong advocate of its regulations.

My appreciation and gratitude to Dr. Atef Ebeid for agreeing that Egypt should be a host of the conference, and for convening it under his auspices.

Once again, it is my honour to welcome you in Egypt, wishing your conference all success, hoping that your conclusions will contribute to the achievement of economic growth of civil aviation worldwide.

I wish you all a happy stay in Egypt surrounded by the depth and warmth of Egyptians' feelings towards you.

Thank you.

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**OPENING ADDRESS BY THE PRESIDENT OF THE COUNCIL OF THE  
INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO), DR. ASSAD KOTAITE,  
TO THE TWELFTH SESSION OF THE FACILITATION DIVISION (FAL/12)**

On behalf of the Council and the Secretary General, I would like to extend to all of you a warm welcome to this Twelfth Session of the Facilitation Division and to express to His Excellency the Minister of Civil Aviation of Egypt, Air Marshal Ahmed Mohamed Shafik, and through him to the Government of the Arab Republic of Egypt, my deep appreciation and thanks for hosting this Facilitation Division and in particular for their kind hospitality. The excellent facilities and services they have provided will certainly contribute greatly to the success of our deliberations. It is truly a privilege to find ourselves here in one of the most historical and stimulating cities in the world.

Since the last Divisional meeting in 1995, the world of aviation has changed dramatically. Global air transport is just now coming out of the worst turbulence in its history, brought about by the combined effects of the tragic events of 11 September 2001, a sharp slowdown in the global economy, and, more recently, the Severe Acute Respiratory Syndrome (SARS) outbreak in the Asia and Pacific Regions, which disrupted air transport in this part of the world. The world economy is now starting to recover. Trade and industrial production are improving across major regions, and the Asia and Pacific Regions specifically have regained some of their economic strength. Air traffic volumes have continued to grow despite some recent temporary setbacks and we can expect annual growth of some 4 per cent in 2004 and a gradual return to traditional growth patterns in 2005 and beyond.

Sustained recovery in air transport depends on economic performance and the absence of further acts of illegal interference upon civil aviation. On this second point, we recognize that national security challenges have become exceedingly more complex. In addition to the traditional threats of smuggling, illegal immigration document fraud and aircraft hijacking, we must learn to manage new and emerging threats posed by international terrorism, such as using aircraft as weapons of mass destruction or trying to bring them down with man-portable air defence systems (MANPADS).

On many occasions, I have mentioned that consideration should be given to the concept of establishing a universal regime of control for MANPADS, inspired by the one we succeeded in establishing for plastic explosives in 1991. I also have emphasized that ICAO and the United Nations should cooperate closely on establishing such a regime. As Member States are urgently seeking ways to make their borders stronger and civil aviation safer, building consensus to achieve global harmonization and interoperability is more critical than ever. Although it may seem attractive in the short term, I believe that States should resist the temptation to introduce new security requirements unilaterally, without fully recognizing their impact on systems in other States. An effective global security net can only be built on a global basis, link by link, ensuring that even the weakest of those links is strong enough to deter terrorists.

That is where the Facilitation Division can play a strategic role of uniting the world aviation community in singleness of purpose. As participants in the Division, you represent a wide array of disciplines – civil aviation policy, customs, immigration, passports, quarantine, public health, to name only a few. All of you are concerned about or work with control measures, and the objective of these controls is security of some type; security of your nation's borders; security of your revenue stream; security of your airport buildings and your aircraft; and of course, security of the people and goods that are carried in the air transport system. These are vital aspects of our global society. At the same time, we all share in a common business objective, to deliver the air transport product safely and on time. We therefore are obliged to do everything we can to improve both the efficiency and the effectiveness of the control measures we design and implement. Your mission over the next few days is to develop, agree on, and recommend standards for such measures and procedures, so that we may achieve ever greater interoperability on a global scale.

The recommendations you are called on to make are of two types. A-type recommendations, for amendments to standards and recommended practices in Annex 9, will go through the customary ICAO

process for updating Annexes to become part of the next edition of Annex 9. B-type recommendations, for actions other than amendments to the Annex, will go through a shorter process for adoption by the Council. The composite set of A- and B-type recommendations will become the basis for ICAO policy and for the direction of the facilitation programme for the next decade.

You have a challenging task ahead. In the present climate of intensified security controls, sustaining a viable air transport product calls for new approaches to border control and aviation security. Without a doubt the world has become more dangerous, but congestion, lengthy processing times, long lines, confusion and disorder are counterproductive in the quest for optimum security. The world is looking to ICAO for direction and solutions, and this session will help to refine that direction and specify those solutions.

Discussions undoubtedly will focus on technology and the Internet. These remarkable tools have already changed considerably the way we work in the field of facilitation. The question for States is no longer whether to adopt information technology in their inspection operations, but rather how, and at what speed it can be integrated. High-quality, machine readable travel documents (MRTDs) enhanced with biometric identification have become essential to security, to anti-terrorism, as well as to facilitation worldwide.

The magnitude of the challenge also is daunting. In 2003, the world's airlines carried more than 1.6 billion passengers and approximately 30 million tonnes of freight on their scheduled services. How can we develop a "smart system" to facilitate the flow of traffic at airports, "smart security control", and "smart screening", while avoiding procedures that some people may find degrading? Can we find an appropriate balance between privacy and security? How can we best share approaches and information about and with each other? The fact that we are asking ourselves these questions is a reflexion of the growing intricacies and scope of civil aviation. We can no longer confine our thinking to existing structures and working methods. The time has come to forge new relationships with governments, industry, academia, and other representatives of civil society, in order to raise aviation safety and security to even higher levels.

For 60 years, under the leadership of ICAO, the Member States of the Organization and other members of the world aviation community have worked together diligently to create a safe and secure global air transport system and to ensure that movements across international boundaries take place as efficiently as possible. Your collective responsibility in this Division is to continue this work and to establish new standards and far-sighted policies that will facilitate the flow of traffic at airports, limit or avoid disruptions to passengers, and deal effectively with any and all new threats to the safety and security of international civil aviation.

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**ADDRESS BY HIS EXCELLENCY DR. ATEF EBEID  
THE PRIME MINISTER OF EGYPT  
AT THE OPENING CEREMONY OF  
THE 12TH SESSION OF THE FACILITATION DIVISION**

Distinguished Guests of Egypt,  
Dear brothers and sisters attending this gracious gathering,

I welcome you on the land of Egypt, the land of peace, stability and safety.

I welcome you in the name of the government and people of Egypt which founded the most ancient civilization and knew the earliest means of mass transport and secured passage on its territory for people, goods and facilitated contacts over thousands of years.

We receive and welcome you most warmly as friends who appreciate your mission for the progress of mankind and establishing bridges of understanding among peoples. We receive and welcome you most warmly under the umbrella of ICAO, one of the long-established organizations the efforts of which we endorse and support for the achievement of constructive cooperation among its bodies that operate in the field of air transport.

In my name and on behalf of the Government of Egypt, I address our thanks to ICAO and to all of you for selecting Egypt as venue for convening your Meeting this year. Such selection is a manifestation of your appreciation of Egypt's role, at present and in the future, in the promotion of our common endeavour and in our planning for addressing the ever increasing and ever growing challenges of the future.

The first and foremost of such challenges is to achieve a continuous modernization in effective systems for combating terrorism.

Terrorism is the principal enemy of the aviation industry with all its components: aircraft, air navigation systems and airports. It is the most dangerous enemy of economic and social development, not only in the developing world but also in the developed world. The testimony of this is quite clear: one incident occurring in any part of the planet will necessarily have an impact on the volume of global demand for air transport, tourism and the complementary systems for a long period of time.

We all know that confronting this challenge is not an easy task. It indeed requires continuous efforts to develop screening technologies and tools, constant training of all flight crews and airport personnel, enhancement of the power of observation and vigilance, as well as strict adherence to working as part of a team.

Addressing this challenge on a global basis, however, has created a new challenge, i.e. to find an appropriate mechanism for cooperation between the entities in charge of ensuring passenger safety and security in flight and from the point of departure to destination, that is from the point of taking the decision to travel by air until arrival at the place of stay at the country of destination.

The responsibility here is shared between several bodies that operate in different locations. It inevitably requires that they should be in constant contact. If globalization has become a slogan for trade liberalization, it is all the more necessary to insure the safe conduct of global aviation.

The second challenge that we all face resides in the ever increasing capital investment in aircraft; aircraft and part prices and routine maintenance costs are all rising in an unprecedented and unstoppable manner. This has occurred as an inevitable result of the successive technological developments as have been imposed by the environment of competition which is witnessing new techniques for insuring safety and comfort of passengers and fuel saving measures. This challenge necessitates that we should conduct, through your Organization, a continuous dialogue with the major aircraft manufactures and financing institutions in the hope of reaching a formula that strikes a balance between growing demand and the burdens arising there from.

The third challenge that we all face is that the aviation sector must undertake a crucial role in the development of many activities that either complement or rely on aviation. The world scene has witnessed considerable creativity and innovations in the types, management systems and marketing approaches of such activities. We look forward to your Organization in order to familiarize us with the new developments in this field and provide us with information on the institutions that are involved with implementation and management.

The fourth challenge which is imposed upon us by the security and technology developments is the ability to create and train the necessary human resources that are capable of absorbing and interacting with the innovations, evaluate their own performance and be accountable for their actions in order to avoid incidence or recurrence of errors.

Personnel training institutions are costly undertakings and their costs are increasing from day to day. Therefore, we need to consult on the appropriate methods to join in partnerships to establish such institutions with the purpose of offering services to many of the participating parties which should be committed, a priori, to cost sharing.

Brothers and sisters attending this gracious gathering,

We in Egypt recognize the importance of participating with the rest of the world in addressing these challenges, out of our conviction that the air transport sector represents one of the most promising and effective sectors that contribute to development in Egypt.

We have ambitious goals. One of these emanates from the propitious geographical position of Egypt close to Europe, its temperate weather, wonderful clean beaches and the friendliness of its people as manifested in their natural hospitality and pleasurable service.

We hope to make of Egypt a second residence for retirees from our partners in Europe so that they may come and reside in our tourist villages for long periods each year. We are confident of our ability to offer the services at favourable rates in relation to their income and at standards that exceed their expectations.

An ambition that is no less important is to turn many of the Egyptian airports into hubs for redistribution of passengers and cargo and for refueling and catering.

We are planning to build several modern cargo villages to be affiliated with a number of international airports (Cairo, Alexandria, Luxor, Aswan and others).

We are planning to build an aeronautical sciences community that includes a number of institutes, training schools and workshops as well as research organizations. This will be incorporated with "the smart village" including various communications and information companies.

We are planning and are implementing many extensions in our major airports to cope with the current and expected increase in passenger and cargo traffic.

In all phases of these projects, we need to benefit from the experience of those who preceded us. We continue to invest in feasibility studies, emphasizing distinct design and effective implementation, using joint management or foreign management approaches to achieve the best return on invested capital.

Brothers and sisters attending this gracious gathering,

I welcome you once again and look forward to benefiting from your recommendations. We wish your Meeting great success and we wish you a happy stay.

God bless.

Thank you.

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**Agenda Item 1: Developments since the Eleventh Session of the Division****1:1 Introduction to ICAO and overview of the Facilitation Programme**

1:1.1 Following a presentation by the Secretariat of the structure of ICAO, the relationship of the FAL Programme *vis-à-vis* with other sections within the Air Transport Bureau and the work programme of the Facilitation Section, the Division considered, and took note of, WP/19, presented by the Secretariat. The paper described the work of the Facilitation Panel since its establishment in 1996, following the Eleventh Session of the Division (FAL/11). The paper highlighted the work accomplished by the Panel, which has primarily resulted in the adoption of Amendments 17 and 18 of Annex 9.

1:1.2 The Division also took note of the work accomplished by the Technical Advisory Group on Machine Readable Travel Documents (TAG/MRTD) in the years following FAL/11, presented in WP/20. The Secretariat described the main achievements of the TAG/MRTD, including the harmonization of the various Parts of Doc 9303, the revision of Doc 9303 to assimilate new technologies into the specifications, specifically those relating to document security, its work on the deployment of biometric technologies into MRTDs and technologies related to this matter and the setting up of a dedicated web site on the MRTD Programme which contains, amongst other things, downloadable technical reports on the ICAO biometric blueprint.

1:1.3 Responding to a query on the availability of the language versions of the above-mentioned technical reports, the Secretariat pointed out that these mapped out the direction that the TAG/MRTD was looking into with regard to technologies to be used for future specifications, and that these reports were subject to frequent changes. Nevertheless, she assured the Division that, subject to availability of resources, translated summary versions of the technical reports would be made available.

1:1.4 In presenting WP/9, the Secretariat indicated that the idea behind the attached questionnaire was to supplement the information available to ICAO on the issuance, by States, of Machine Readable Passports and other MRTDs. The Division urged States attending the meeting to complete the questionnaire.

1:1.5 The Division considered WP/21 presented by the Secretariat which identified those provisions of Annex 9 which relate most directly to security of the civil aviation system and which correlate to the individual provisions of Annex 17. These provisions address the following subjects: facilitation and security; industry-government cooperation; controls on aircraft, baggage, people, people in transit, persons travelling under administrative proceeding, goods (air cargo), air cargo consignments in transit; secure storage of baggage; customs controls on people; security of flights carrying persons under administrative proceedings; crew identification; and clearance of security equipment. Other provisions in Annex 9 which contribute substantially to security although they do not correlate directly to provisions of Annex 17 relate to information management and document security.

1:2 The Division accordingly adopted the following recommendation:

**Recommendation B/1 —**

It is recommended that member States in setting up, conducting and evaluating the effectiveness of their aviation security programmes, take into account the relevant objectives, Standards and Recommended Practices of Annex 9.

1:3 The Division considered WP/82 presented by the East African Community States (Kenya, Tanzania and Uganda) which stressed an urgent need for concerted international effort to address the “Travel Advisory” issue because an increasing number of States issue unilateral travel warnings and advisories which impact negatively on tourist recipient States. The paper suggested that a recommendation embodying procedures for the adoption of travel advisories and warnings should be adopted, incorporating principles of international cooperation, acts of good faith, accuracy, legitimacy and consistency, jurisdiction, purpose or specificity, non-discrimination and review mechanism.

1:4 The Division supported the establishment of a non-discriminatory mechanism that would monitor the travel advisory. In addition, a proposal was made to develop common criteria which could be included as a guidance material in the Facilitation manual.

1:5 In WP/24, the World Tourism Organization identified a number of continuing concerns relating to Travel Advisories. That organization is taking a broad view of the issue of Travel Advisories, in view of their critical and substantive impact on developing countries in particular.

1:6 In examining the recommendation proposed for adoption, some Delegations expressed concerns with a requirement to consult States identified in Travel Advisories, before issuing or significantly amending the advisory while others felt that prior consultations were crucial. With regard to expiry dates on Travel Advisories, the Division felt that there may be a need to differentiate between advisories on health issues and those on security.

1:7 While recognizing the right and duty of sovereign States to protect their own citizens, the Division adopted the following recommendation:

**Recommendation B/2 —**

Contracting States, when issuing or significantly amending any Travel Advisory which cautions against travel to specified countries or regions thereof, should:

- a) when time permits, inform other States, including both those issuing and those identified in Travel Advisories, with a view to mitigating the impact of the Advisory and ensuring to the extent possible consistency in the criteria for issuing the Advisory and consistency in the form and content of the Advisory;
- b) ensure that the Travel Advisory is specific in terms of both geography and nature of threat, and is expressed in terms which are objective, clear and transparent; and
- c) place an expiry date only regarding health issues on the Travel Advisory and/or ensure that a mechanism is in place for continuous review of the Travel Advisory prior to that date.

1:8 The Division considered WP/25 presented by WTO which highlighted the importance of symbiosis between aviation and tourism, particularly in the facilitation field. The Division endorsed the concept

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of extended commonality and interoperability of security and facilitation measures between aviation and tourism and the need for enhanced cooperation on security and facilitation matters between aviation and tourism.

1:9           The Division also had at its disposal IP/30 submitted by the United States on the Introduction of the U.S. visitor and immigrant status indicator technology (U.S. VISIT) programme, and IP/1 submitted by ECAC on developments in facilitation within the European Civil Aviation Conference.

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## Agenda Item 2: Facilitation and security of travel documents and border control formalities

2:1 In WP/3, the Secretariat indicated that the fraudulent use of travel documents may be considered an abuse of international civil aviation because it is contrary to the provisions of the Chicago Convention. It noted that raising the level of confidence in the security of travel documents and inspection procedures has become an important objective of the ICAO FAL Programme. In order to address this issue, the Secretariat proposed major changes to the structure of Chapter 3 of Annex 9 on the basis of strategies that may be adopted by member States.

2:2 WP/76 presented by India noted that the use of multiple travel documents was a major concern to the safety of international travel.

2:3 The Division, after some discussion, and making minor adjustments to the text presented in the Appendix to WP/3, adopted the following Recommendation:

### Recommendation A/1 —

Amend Chapter 3 as follows:

#### A. General

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3.3(3:7) Contracting States that use ~~bar codes~~ **Integrated Circuit (IC) chips** or other optional machine readable technologies for the representation of personal data, **including biometric data**, in ~~passports~~ **their travel documents** shall make provision whereby the encoded data may be revealed to the holder of the document upon request.

3.4 (3:11 ~~Note 1~~) **Contracting States shall not extend the validity of their machine readable travel documents.**

*Note 1.— Specifications for machine readable ~~passports~~ **travel documents** (Doc 9303, ~~Part I, Series~~) do not permit alteration of the ~~data in the machine readable zone, including the~~ **expiration date and other data in the machine readable zone**. ~~Therefore it is not practicable to extend the validity of a machine readable passport.~~*

*Note 2. — States whose national legislation or regulations currently allow for the extension of the period of validity shall undertake to amend the appropriate text in a reasonable period.*

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#### C. Security of travel documents

3.7 Contracting States 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.

3.8 Contracting States shall establish controls on the lawful creation and issuance of travel documents in order to safeguard against the theft of their stocks and the misappropriation of newly issued travel documents.

3.9 (See Recommendation A/2).

## **✗ D. Travel documents**

3.10 Contracting States shall begin issuing only Machine Readable Passports in accordance with the specifications of Doc 9303, Part 1, no later than 1 April 2010.

3.11 (3.5) **Recommended Practice.**— *When issuing passports, visas or other identity documents or visas accepted for travel purposes, Contracting States should issue these in machine readable form, as specified in Doc 9303 (series), Machine Readable Travel Documents.*

3.12 (3.6) When issuing passports that are not machine readable, Contracting States shall ensure that the personal identification and document issuance data and the format of the data page conform to the specifications for the “visual zone” set forth in Doc 9303, Part 1, *Machine Readable Passports*. The “machine readable zone” area shall be filled with words such as “this passport is not machine readable” or other data to preclude fraudulent insertion of machine readable characters.

3.13 (3.8) **Recommended Practice.**— Contracting States ~~should~~ **shall** establish publicly accessible facilities for the receipt of passport applications and/or for the issuance of passports.

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3.16 (3.11) **Recommended Practice.**— *When issuing or reissuing passports for tourism or business travel, Contracting States should normally provide that such 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.— Specifications for machine readable passports (Doc 9303, Part 1) do not permit alteration of the data in the machine readable zone, including the expiration date. Therefore it is not practicable to extend the validity of a machine readable passport.*

*Note 2.— 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.*

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## **I. Inspection of travel documents**

3.54.1 **Recommended Practice.**— *The appropriate public authorities of Contracting States, either singly or jointly, should enter into cooperative arrangements such as memoranda of understanding (MOUs) with the operators providing international services to and from those States, setting out guidelines for their mutual support and cooperation in countering the abuses associated with travel document fraud. Such arrangements should assign mutual responsibilities to the public authorities and to the operators, in the ascertainment of the validity and authenticity of the travel documents of embarking passengers, and in the necessary steps to prevent the loss or destruction of documents by passengers en route to their destinations.*



3.31 Contracting States and operators providing international services to and from those States shall collaborate in order to achieve the goal of eliminating the abuses associated with travel document fraud.

3.32 (3.54.2) **Recommended Practice.**— *Contracting States should ~~consider making make~~ arrangements such as memoranda of understanding (MOUs) with other Contracting States ~~with the intention of permitting to permit~~ the positioning of “liaison officers” at airports ~~or to establish other forms of international cooperation~~ in order to assist operators to establish the validity and authenticity of the ~~passports and visas~~ **travel documents** of embarking ~~passengers~~ **persons**.*

3.33 (3.53) Operators shall take **adequate** precautions at the point of embarkation to ensure that passengers are in possession of the documents prescribed by the States of transit and destination for control purposes as described in Chapter 3, Section B.

~~3.54 — Contracting States and operators shall cooperate, where practicable, in establishing the validity and authenticity of passports and visas that are presented by embarking passengers.~~

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## **I. K. Entry procedures **and responsibilities****

3.39 (3.31) **Recommended Practice.**— *Contracting States, in cooperation with operators and airport authorities, should establish as a goal the clearance within forty-five (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.*

3.40 (3.33) **Recommended Practice.**— In order to expedite inspections, Contracting States, in cooperation with airport management, ~~should~~ **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 its installation.

3.41 (3.32) Except in special circumstances, Contracting States shall not require that ~~passports, official travel documents or other identity documents~~ be collected from passengers or crew before they arrive at the passport control points.

3.42 (3.52) The public authorities concerned shall expeditiously accept passengers and crew for examination as to their admissibility into the State.

3.42 **Note.** — (3.52.1Note) ~~The term “accepted for examination” is commonly understood to refer to the first appearance of the passenger before a control officer after disembarkation, to seek entry into the country concerned, at which time the control officer examines the documentation presented by the passenger and normally makes a determination as to his admissibility or not. Such examination does not encompass the documentary sighting at the aircraft immediately upon disembarkation, which may be carried out by public authorities for profiling purposes. 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.~~

**3.43** (3.52.1) The 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 such examination. The responsibility of the operator shall include the custody of passengers and crew between the aircraft and the terminal building and within the terminal building transit area, it being understood that the Contracting State may, if it so wishes, relieve the operator from all, or part of this responsibility, **as provided in paragraph 3.42.**

**3.44** (3.52.2, first part) **Recommended Practice.**— *After such acceptance, ~~whether conditional or unconditional,~~ the public authorities concerned should be responsible for the custody and care of passengers and crew **members** until they are ~~legally~~ admitted ~~for entry~~ or found ~~to be inadmissible.~~ and transferred back to the custody of the operator for transport away from the territory of the State.*

**3.45** (3.65) The ~~obligation~~ **responsibility** of an operator **for custody and care of passengers and crew members** ~~to transport any person away from the territory of a Contracting State~~ shall terminate from the moment such persons ~~has~~ **have** been ~~legally~~ admitted ~~for entry~~ into that State.

**3.46** (3.56) ~~Each Contracting State shall ensure that the public authorities seize fraudulent, falsified or counterfeit travel documents.~~ **The public authorities of each Contracting State 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 ~~as soon as practicable or to the resident Diplomatic Mission of that State.~~

2:4 Under item 2, the following IPs were made available for information: IP/9 (Secretariat) on facilitation and security, IP/19, submitted by the Republic of Korea on technological infrastructure for progressed immigration services (TIPIS), IP/23 on Singapore's efforts in facilitating people and cargo clearance and IP/36 Revision 2 on the progress of implementation for visa on arrival in Indonesia.

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**Agenda Item 2: Facilitation and security of travel documents and border control formalities**

**2.1: Machine readable travel documents (MRTDs)**

2.1:1 The following Working Papers were presented under this agenda item: WPs/3, 10 and 14 (Secretariat), WP/50 (AFCAC) and WP/76 (India).

2.1:2 Presentations were made by Malaysia on its electronic passport and by IATA on its Simplifying Passenger Travel (SPT) project.

2.1:3 The Secretariat presented WP/10, on the validity of Machine Readable Travel Documents (MRTDs). As the technical specifications of Machine Readable Passports (MRPs) do not permit the alteration of data in the machine readable zone, it is not technically practicable to manually renew MRPs. The paper proposed the adoption of a new standard in Chapter 3 of Annex 9 enjoining States from trying to attempt to extend the validity of their machine readable travel documents. The proposal included the Note currently under the Standard, indicating that the technical specifications for MRPs (ICAO Doc 9303, Part 1) do not permit alteration of data in the machine readable zone (MRZ) of MRPs.

2.1:4 The proposal was agreed to by the Division, with one amendment, which deleted reference to the manual extension of MRPs. However, a number of States indicated that their national legislation that currently allow for the extension of the period of validity of some kinds of machine readable travel documents, and that they needed time to amend their laws, the Division agreed that a second note to this effect be inserted below the Standard.

2.1:5 The Division therefore adopted the following Recommendation:

**Recommendation A/1 (cont'd) —**

Add a new Standard and Note to Chapter 3 of Annex 9 as follows:

**3.4 (3.11 Note 1) Contracting States shall not extend the validity of their machine readable travel documents.**

*Note 1.— Specifications for machine readable ~~passports~~ travel documents (Doc 9303, ~~Part 1~~ Series) do not permit alteration of the data in the machine readable zone, including the ~~expiration date and other data in the machine readable zone~~. Therefore it is not practicable to extend the validity of a machine readable passport.*

*Note 2. — States whose national legislation or regulation currently allow for the extension of the period of validity shall undertake to amend in a reasonable period the appropriate text of legislation.*

2.1:6 In WP/14, the Secretariat, pointed out that the MRP specifications, found in ICAO Doc 9303, Part 1, are a global standard, that MRPs offer a high degree of document security, that MRPs are globally interoperable and that they offer added protection against identity theft to holders. Close to 90 States now issue MRPs, and this number is increasing as most States regard MRPs as a necessary tool in facilitating passenger

clearance and improving security. The paper therefore proposed the adoption of a Standard requiring States to start issuing MRPs no later than 1 April 2006.

2.1:7 WP/50 presented by the African Civil Aviation Commission (AFCAC) on behalf of the 53 African States supported the ICAO proposal that the Machine Readable Passport issuance be made a standard. However the African States had strong reservations with respect to their ability to comply by 1 April 2006 and suggested 1 April 2014 as a more reasonable date to better adjust to this new standard. It also requested ICAO and States having the means to implement the standard to provide the necessary assistance to States in need.

2.1:8 With some Delegations supporting the proposal set out in WP/14, and others the proposal of WP/50, some other Delegations proposed a compromise date of 1 April 2010, which was accepted by a majority of the Division.

2.1:9 The Division therefore adopted the following Recommendation, with a small amendment to the text proposed in WP/14:

**Recommendation A/1 (cont'd) —**

Add a new Standard to Chapter 3 of Annex 9 as follows:

3.10 Contracting States shall begin issuing only Machine Readable Passports in accordance with the specifications of Doc 9303, Part 1, no later than 1 April 2010.

2.1:10 The Division also agreed to adopt the following B-type recommendation, to complement Standard 3.10:

**Recommendation B/3 —**

IT IS RECOMMENDED THAT:

ICAO should identify ways and means of providing technical assistance to those States which may require such assistance with a view to enabling them to commence issuing Machine Readable Passports within the time frame specified in new Standard 3.10.

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**Agenda Item 2: Facilitation and security of travel documents and border control formalities**  
**2.2: Biometrics**

2.2:1 In WP/4 the Secretariat presented a summary of the work undertaken in ICAO since 1997, through the Technical Advisory Group on Machine Readable Travel Documents (TAG/MRTD), to develop specifications for incorporating biometrics in machine readable travel documents, and the progress of this work which has culminated in a four- part recommendation, adopted by the Air Transport Committee of the Council in May 2003 and now known as the “ICAO Blueprint”. The paper proposed a new Recommended Practice and three new Standards based on the Blueprint, for consideration by the Division.

2.2:2 To elaborate on the information in the Secretariat paper the Chairman of the New Technologies Working Group of the TAG/MRTD presented an overview of the technical reports which had been produced to provide States with preliminary guidance on selection of interoperable biometrics, storage of data in a contactless integrated circuit (chip) and securing of that data by means of a modified public key infrastructure (PKI).

2.2:3 IATA presented an overview of the objectives and progress to date of the “Simplifying Passenger Travel” (SPT) project as outlined in WP/87.

2.2:4 In WP/66 the United States outlined its own legislative and technical developments related to biometrics in travel documents. Member States were encouraged to participate in the work of the TAG/MRTD and to seek regional or international assistance with any operational or logistic problems they might have with their machine readable passport systems. With respect to the legislative requirement that States in the Visa Waiver Program begin issuing biometric-enabled passports by October 2004, the delegation announced that it is now likely that this deadline will be postponed, perhaps as long as two years.

2.2:5 In WP/63 the United States summarized the results of research into the effects of ageing on the performance of facial recognition systems.

2.2:6 In WP/83 the Airports Council International (ACI) expressed its support for the work of ICAO, the proposed new SARPs on adoption of biometrics, and the ICAO Blueprint, and announced the establishment of a biometrics task force in ACI to consider the application of biometrics for identity confirmation and access control in restricted/prohibited areas in airports. ACI also recommended that member States be urged to introduce automated travel document and biometrics reading systems in international airports.

2.2:7 In considering the Secretariat’s proposals, the Division expressed appreciation for the work accomplished on the new biometric specifications and called upon ICAO to translate the technical reports and web site material so that all countries might be able to apply the new measures. Some doubts and concerns were expressed about the fact that the technologies involved are evolving, about the limited number of technology providers and the status of patents, about the compatibility ratings of the different biometrics (face, finger(s) and iris(es)) and about the lack of specific data on the costs of implementing the new specifications. The need of developing States for technical assistance to establish and maintain new systems was also recognized. On the other hand many delegations expressed support for new measures to increase security and to protect the integrity of passports. It was pointed out that, in evaluating the costs of such measures, the present costs emanating from document fraud and associated problems should be considered.

2.2:8 Overall, the Division recognized the importance of interoperability, though the consensus seemed to be that to adopt Standards in Annex 9 related to specific biometrics and technologies would be premature. A Recommended Practice would be acceptable.

2.2:9 After a lengthy debate the Division adopted the following recommendation, which amplifies the Recommended Practice 3.9 proposed by the Secretariat with informative statements about the selection of certain biometrics and their storage in a contactless integrated circuit.

**Recommendation A/2 —**

**Adopt** the following new Recommended Practice:

**3.9 Recommended Practice.!** *Contracting States should incorporate biometric data in their machine readable passports, visas and other official travel documents, using one or more optional data storage technologies to supplement the machine readable zone, as specified in Doc 9303, Machine Readable Travel Documents. The required data stored on the integrated circuit chip is the same as that printed on the data page, that is, the data contained in the machine-readable zone plus the digitized photographic image. Fingerprint image(s) and/or iris image(s) are optional biometrics for Contracting States wishing to supplement the facial image with another biometric in the passport. Contracting States incorporating biometric data in their Machine Readable Passports are to store the data in a contactless integrated circuit chip complying with ISO/IEC 14443 and programmed according to the Logical Data Structure as specified by ICAO.*

2.2:10 The Division also noted IP/18 submitted by Republic of Korea on the introduction of Korea Biometrics Association (KBA), IP/24 by France on the implementation of biometric techniques on French airports as well as IP/2 by ECAC on Biometrics.

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**Agenda Item 2: Facilitation and security of travel documents and border control formalities**

**2.3: Crew identity documentation**

2.3:1 In WP/23, the Secretariat noted that it is a logistical challenge for an operator to obtain visas for all its crew members and the crew member certificate is intended to identify the crew member as being exempted from visa requirements for temporary entry. At the present time, there appears to be virtually no standardization in the issuance of crew member certificates. The Division reviewed the issues related to issuance of crew member certificates and their acceptance as identification documents for temporary entry into foreign States and recommended amendments to the relevant SARPs in Chapter 3, Section M and N.

2.3:2 In WP/39, Canada described Canada's initiative to develop the Restricted Area Identification Card (RAIC) which will be a significant enhancement to the security measures in place at Canadian airports. The Division noted the content of the paper and agreed that ICAO include it as appropriate in ICAO guidance material.

2.3:3 In WP/76, India suggested that States should not be encouraged to permit the use of other identity documents than passports and Crew Member Certificates (CMCs) for the security of international air travel. It was also suggested that CMCs be issued by the Contracting States only. The Division adopted the proposed revision with respect to paragraphs 3.73 and 3.73.1.

2.3:4 In WP/51, IATA called for the standardization of crew member identity documents for international travel. It proposed that where States issue CMCs, these should be in the form of Machine Readable cards in accordance with the specifications in Doc 9303 and that States should keep ICAO informed of the issuance and acceptance of such machine readable CMCs. The Division considered this recommendation within the content of discussion of WP/23 by the Secretariat.

2.3:5 The Division considered WP/44 presented by IAOPA which addressed the inclusion of a Standard of 15 minutes total time period in aggregate for completion of required formalities inclusive of aviation security measures for crew. Although the Division felt that 15 minutes seemed unrealistic, the objective was acceptable and it therefore recommended its inclusion as guidance material in the appropriate manual.

2.3:6 In WP/58, ITF supported the standardization of the procedures for the issuance of CMCs and their acceptance as identification documents, however it indicated that this must be achieved by means that respect the protection of individual data and rights to privacy. The Division adopted the measures proposed by ITF to be used as ICAO guidance material and within Annex 9 to protect data relating to CMCs. It also decided to include as a Recommended practice in Chapter 3 measures related to the storing of crew member's identity and procedures for reviewing the validity of the data.

2.3:7 The Division also noted Ips/16 and 31 submitted by the United States on transportation security administration and transportation worker identification credential and US requirements for crew members arriving in or transiting the United States, as well as IP/11 by IBAC on the IBAC aircrew identification card. It also noted Handout No. 1 presented by Turkey on the crew member certificate.

2.3:8 Accordingly, the Division adopted the following recommendation:

**Recommendation A/3 —**

Amend Chapter 3, Section M and N as follows:

**M. Identification and entry of crew and other operators' personnel**

~~3.72 Contracting States shall ensure that when inspection of crew members and their baggage is required on arrival or departure, such inspection shall be carried out as expeditiously as possible.~~

3.72 Contracting States shall establish measures, in cooperation with operators and airport authorities, to expedite the inspection of crew members and their baggage, as required at departure and upon arrival.

3.73 Contracting States shall provide facilities which will enable ~~crew members of their airlines~~ operators based in their territories to ~~obtain~~ apply for and receive Crew Member Certificates (CMCs) for their crew personnel without delay, and without charge. ~~crew members' certificates valid for the crew member's term of employment.~~

*Note.— The CMC was developed as a card for use for identification purposes by both flight deck and cabin crew and cabin attendants, leaving the crew licences to serve their primary purpose of attesting to the professional qualifications of the flight crew.*

3.73.1 **Recommended Practice.—***Contracting States should issue the certificates referred to in 3.73, 3.74 and 3.75 should be in the form of machine readable cards issued in accordance with the specifications in Doc 9303, Part 3 — Size 1 and Size 2 Machine Readable Official Travel Documents. Where this is not possible, the certificates should be issued in the format shown in Appendix 7,*

3.73.2 **Recommended Practice.—***Contracting States 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.*

3.74 **Recommended Practice.—***To the extent that operators issue crew identity cards, Contracting States should require the production of such identity documents in the format shown in Appendix 7 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.*

3.74.1 **Recommended Practice.—***Contracting States 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 unauthorized 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.*

3.75 Adequate controls shall be placed on the issuance of CMCs and other official crew identity documents to prevent fraud, for example, a background check and certification of employment



status of an applicant prior to issuance, controls on blank card stock, and accountability requirements for issuing personnel.

~~3.74 — In the case of airline flight crew and cabin attendants who retain their crew member certificates in their possession when embarking and disembarking, remain at the airport where the aircraft has stopped or within the confines of cities adjacent thereto, and depart on the same aircraft or their next regularly scheduled flight, each Contracting State shall accept such crew member certificates for temporary admission to the State and shall not require a passport or visa.~~

~~————— Note 1.— It is the intent of this provision that a crew member certificate shall be recognized as a satisfactory identity document even if the holder is not a national of the State of Registry of the aircraft on which he serves. It is not desired to discourage Contracting States from issuing such crew member certificates to resident alien crew members if they are willing to do so.~~

~~————— Note 2.— The implementation of 3.74 permits rapid and efficient disposition of personnel by airlines. The full benefit cannot be derived from these provisions while some States withhold acceptance of them.~~

~~3.74.1 — Each Contracting State shall extend privileges of temporary admission similar to those provided under 3.74 to flight crew and cabin attendants of an aircraft operated for remuneration or hire but not engaged in scheduled international air services, subject to the requirement that such flight crew and cabin attendants must depart on the aircraft on its first flight out of the territory of the State.~~

~~3.75 — When it is necessary for an airline crew member, in the exercise of his duties, to travel to another State as a passenger by any means of transportation in order to join an aircraft, each State shall accept from that crew member, in lieu of a passport and visa for temporary admission and for the necessary freedom of movement within its territory to join such aircraft, a crew member certificate as specified in 3.73.1 and 3.74 together, where required, with a document from the crew member's employer certifying the purpose of the journey.~~

~~3.75.1 — **Recommended Practice.**— Each Contracting State should extend privileges of temporary admission similar to those provided under 3.75 and on the same conditions, to a crew member of an aircraft operated for remuneration or hire but not engaged in scheduled international air services.~~

3.76 Contracting States shall waive the visa requirement for arriving crew members presenting CMCs, when arriving in a duty status on an international flight and seeking temporary entry for the period allowed by the receiving State before joining their next assigned flight in a duty status.

3.76.1 **Recommended Practice.**— *Contracting States should waive the visa requirement for arriving crew members presenting CMCs, when arriving on another operator or another mode of transport as passengers and seeking temporary entry for the period allowed by the receiving State before joining their assigned flight in a duty status.*

~~3.76 — **Recommended Practice.**— Contracting States should make arrangements to expedite the admission, for residence in their territories, of ground and flight personnel of foreign airlines operating to or through such territories, to the extent that such personnel are necessary to perform supervisory and technical duties directly connected with the operation of the international air services being performed by such airlines.~~

3.77 Contracting States shall ~~make arrangements to ensure~~ **establish measures to provide for the temporary** entry without delay into their territories on a temporary basis, of technical personnel of foreign ~~airlines 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. ~~In the event of States requiring~~ **Should a State require** a guarantee of, ~~for instance, the such persons'~~ subsistence in, and/or return from, such State, this shall be negotiated without delaying ~~the their~~ immediate admission ~~of such personnel~~.

#### N. Civil aviation flight operations and cabin safety ~~personnel~~ **inspectors**

3.78 **Recommended Practice.**— *Contracting States should ~~ensure~~ **provide** that flight operations and cabin safety inspectors of another Contracting State, when engaged on inspections duties, ~~are be~~ treated in the same manner as crew members **when proceeding through departure or arrival formalities**, ~~as specified in 3.72.~~*

3.79 **Recommended Practice.**— *Contracting States should provide their flight operations and cabin safety inspectors with ~~a certificate containing the material~~ **an identity document in the format** set forth in Appendix 8 ~~and valid for the inspector's term of employment.~~*

3.80 **Recommended Practice.**— *Flight operations inspectors and cabin safety inspectors should carry the ~~certificate~~ **identity document** specified in 3.79, a copy of the flight inspector's itinerary ~~which has been approved~~ **issued** by the State that employs the inspector, and a valid passport.*

3.81 **Recommended Practice.**— *Contracting States should extend the privileges of temporary admission, as described in ~~3.74~~ **3.76 for crew members**, to flight operations and cabin safety inspectors of another Contracting State, ~~who are engaged on their inspection duties and presenting the documents listed in 3.80,~~ provided that the departure ~~on of~~ the next flight inspection ~~of on~~ the inspector's itinerary is after not more than a normal period of rest.*

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**Agenda Item 2: Facilitation and security of travel documents and border control formalities**  
**2.4: Advance passenger information (API)**

2.4:1 At the outset, the Division recognized that there is a clear distinction between API and Passenger Name Record (PNR) access, and they should be considered separately. Accordingly, deliberations began with consideration of API.

2.4:2 In WP/15 the Secretariat noted that API systems, in the several States where they have been introduced, have been quite successful both as a measure to facilitate clearance of passengers and as a tool for enhancing the effectiveness of border inspection systems. The paper examined the related facilitation issues and sought to encourage Contracting States to review and update ICAO policy and doctrine. An Amendment to the current Recommended Practice 3.34 was proposed.

2.4:3 The Division considered the content of WP/16 where the Secretariat noted that profiling for risk assessment purposes was an issue related to minority rights and must not be ignored. The paper also examined the need to establish a diligent and energetic State instrumentality for the purpose of monitoring and ensuring that airport profiling does not discriminate and that a balanced system of compliance examination is in place.

2.4:4 In WP/38 Canada described Canada's experience in implementing its API program with the objective to identify high-risk travellers before they arrive at the border. The Division noted the information on Canada's API program and recommended to include it in ICAO guidance material as appropriate.

2.4:5 In WP/53 Saudi Arabia noted that security and operational advantages can be achieved by maintaining an API system to be implemented by both operators and airport government authorities. The paper suggested that ICAO develop guidelines to States on important controls and steps for maintaining an API system which the Division covered in its discussions under WP/15. With respect to including a reference to API system in bilateral air services agreements, the Division felt that it was up to the individual States to negotiate this matter bilaterally.

2.4:6 In WP/27 ECAC called for enhanced international cooperation in API systems and a multilateral approach to passenger processing supported by API. ECAC invited the Division to request ICAO to take the lead in developing international standards and recommended practices for API.

2.4:7 In WP/68 SITA called for international cooperation to ensure effective use of technology and recommended a community hub approach to enable interfaces among different systems.

2.4:8 In WP/81 New Zealand presented its advance passenger screening (APS) system which enables risks to be managed prior to the departure of passengers from their overseas origins, and encouraged other States considering API systems to also consider developing an APS.

2.4:9 In WP/60 IATA presented additional information concerning developments in API systems and provided a statement of principles developed by the IATA/Control Authorities Working Group. A B-type recommendation was proposed to recommend further work by ICAO in collaboration with the WCO and IATA on API program standards and recommended practices. This recommendation was similar to that proposed in the Secretariat paper (WP/15). The Division agreed to include as appropriate, the Appendix to WP/60 on the IATA/CAWG statement of principles for API systems as guidance material. Further, it was agreed that when implementing API systems, each State have an industry-government consultative process that takes into account the costs, and ensure that the fact of implementing an API system is notified to ICAO.

2.4:10 In its deliberations the Division considered that the requirements of several States, for passenger identification details to be supplied by the operators, usually exceeded the data elements represented in the machine readable zone of the passport. However, the majority view was that States requiring additional data should seek ways to obtain these from official sources such as visa data bases. In the end the Division adopted the Secretariat's proposed text, as presented below.

**Recommendation A/4 —**

**Amend** the Recommended Practice 3.34 and **insert** a new Standard 3.34.1 to read as follows:

**3.34 Recommended Practice.**— *Where appropriate, Contracting States should introduce a system of advance passenger information which involves the capture of certain passport or visa details prior to departure, the transmission of the details by electronic means to their public authorities, and the analysis of such data for risk management purposes prior to arrival in order to expedite clearance. To minimize handling time during check-in, document reading devices should be used to capture the information in machine readable travel documents. ~~When specifying the identifying information on passengers to be transmitted, Contracting States should only require information that is found in the machine readable zones of passports and visas that comply with the specifications contained in Doc 9303 (series), Machine Readable Travel Documents. All information required should conform to specifications for UN/EDIFACT PAXLST message formats.~~*

**3.34.1** When specifying the identifying information on passengers to be transmitted, Contracting States shall require only data elements that are available in machine readable form in travel documents conforming to the specifications contained in Doc 9303 (series), *Machine Readable Travel Documents*. All information required shall conform to specifications for UN/EDIFACT PAXLST messages.

2.4:11 The Division also considered and agreed generally with a proposal that operators not be subjected to penalties in connection with their API transmissions, and adopted the following recommendation:

**Recommendation A/5 —**

**Adopt** the following new Recommended Practice:

**3.34.2 Recommended Practice.** — *Contracting States should refrain from imposing fines and penalties on operators for any errors which may have been made in the transmission of data to the public authorities in accordance with API systems.*

2.4:12 In WP/78 India had proposed that States requiring a passenger manifest should replace it with an API system, and proposed a new Standard to replace paragraph 2.12 in Annex 9. The Division agreed that

States adopting API systems should no longer require the passenger manifest in paper form, and in the spirit of the proposal by India, decided to recommend a new Standard that could appropriately be included in Chapter 3.

**Recommendation A/6 —**

**Adopt** the following new Standard:

3.34.3 Contracting States requiring that passenger data be transmitted electronically through an Advance Passenger Information system shall not also require a passenger manifest in paper form.

2.4:13 Finally, the Division urged ICAO to develop guidance material for API systems and agreed to adopt the following B-type recommendation.

**Recommendation B/4 —**

It is recommended that:

Contracting States planning new or enhanced API systems are urged to harmonize their data requirements and procedures within the framework of standard data sets established jointly by ICAO, the World Customs Organization (WCO) and the International Air Transport Association (IATA) in the interests of global interoperability.

2.4:14 The issue of Passenger Name Record (PNR) access by States, as a means of obtaining information to supplement that received through an API system, was considered by the Division separately from Advance Passenger Information. In this regard, WP/22 presented by Switzerland, WP/74 presented by IATA, and WP/75 presented by the European Union, expressed concerns about the unilateral approaches of the several States now requiring PNR access and urged that a harmonized set of principles and procedures be developed under the auspices of ICAO. The development of an internationally agreed framework under the auspices of ICAO should also take into account the guidance in the Appendix to WP/75 as presented by the European Union and its member States.

2.4:15 Concerns were expressed by several delegations that PNR access by States might not be an appropriate matter for ICAO to address, in view of the privacy issues inherent in such a procedure and in the handling of the data obtained thereby. They wished it to be made clear, that most countries do not request PNR access now and do not intend to head in that direction. However, since most States and their operators are actually confronted with the PNR access requirement by a small but increasing number of States, a pragmatic approach would be to place the process into an internationally agreed framework and to have ICAO take charge of it. Such a framework should include requirements that each State have an industry-government consultative process, that there be a procedure for notifying ICAO when a State institutes a PNR access requirement, and that costs to the industry be taken into account.

2.4:16 Accordingly, the Division adopted the recommendation of Switzerland, modified by a suggestion by Nigeria, to adopt a new Standard, as follows:

**Recommendation A/7 —**

**Adopt** the following new Standard in Chapter 3:

3.-- -- Contracting States shall not request access to Passenger Name Records (PNR) to supplement data received through API systems, until guidelines have been developed by ICAO. Contracting States requesting PNR access shall conform their data requirements and their handling of such data to guidelines when developed by ICAO.

2.4:17 In addition the following B-type recommendation was adopted:

**Recommendation B/5 —**

It is recommended that ICAO develop guidance material for those States that may require access to Passenger Name Record (PNR) data to supplement identification data received through an API system, including guidelines for distribution, use and storage of data and a composite list of data elements which may be transferred between the operator and the receiving State.

2.4:18 The Division felt that more work was required on PNR data transfers and suggested that ICAO should consider referring these matters to a study group who would report to the FAL Panel and the Council on its findings and recommendations.

2.4:19 The Division noted IP/32 submitted by the United States on its API system.

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**Agenda Item 2: Facilitation and security of travel documents and border control formalities**  
**2.5: Implementation of aviation security**

2.5:1 The following working papers were presented under this agenda item: WP/43 (Secretariat), WP/ 36 (Pakistan), WP/79 (India), WP/ 41 (IATA), WP/55 (IFALPA) and WP/86 (ACI).

2.5:2 In WP/43, the Secretariat gave examples of areas that could be improved to provide a more efficient and less onerous passenger and carry-on baggage security screening process, and so improve passenger flows and the passenger experience at airports. These included provision of well-trained staff, installation of sufficient security equipment, availability of sufficient space, proper queue management, dealing with problem passengers and the introduction of separate security channels for the elderly and passengers with disabilities and those with children.

2.5:3 During the discussion on this paper, some delegations expressed concern with the request to States, in paragraph 3.1, to implement two-tier security screening for passengers, with both low-level and high-level screening being applied at airports. The Secretariat pointed out that this being part of a recommendation which was agreed to by the Council, the concerns expressed by these delegations will be forwarded to the AVSEC Panel for review.

2.5:4 Some delegations felt that there was a need for a facilitation audit of airports, and that facilitation measures should be included in ICAO's safety and security audit programmes.

2.5:5 After some discussion, the Division took note of the following recommendation of the ICAO Council:

States are encouraged to consider appropriate measures to **reduce the number of passengers queuing within terminal buildings**, since they represent a potential target for perpetrators. **Implementation of biometrics** for immigration, **random checks** and **two-tier security screening for passengers** should be studied with a view to reducing the burden of systematic, low-quality security controls applied to passengers while improving the quality and efficacy of high-level security screening only on selected passengers.

2.5:6 In WP/55, IFALPA reviewed steps taken by ICAO, including the development of model legislation, to deal with unruly passengers. IFALPA felt that a combination of legal and preventive measures, encompassing legal, security and facilitation areas, were necessary in order to implement an effective and consistent strategy on the matter internationally. The paper proposed the addition of two new provisions in Annex 9, and the adoption of a B-type recommendation.

2.5:7 There was broad support for the recommendations in the paper. Some delegations emphasized the importance of training of personnel in their relationships with passengers. The Division agreed that aspects of this matter would be included in the planned Facilitation Manual.

2.5:8 After some discussion, the Division agreed to adopt the following recommendations:

**Recommendation No. A/8 —**

**Add** new Recommended Practices to Chapter 6 as follows:

**6.--- Recommended Practice.**— *Contracting States should take the necessary steps to increase passenger awareness of the unacceptability and consequences of unruly or disruptive behaviour in aviation facilities and on board aircraft.*

**6.--- Recommended Practice.**— *Contracting States should require that training in noting, anticipating, and handling of irate or unruly passenger behaviour, recognition of potentially escalating situations, crisis containment and related issues should be provided to those ground staff at airports who are in passenger contact positions.*

**Recommendation No. B/6 —**

It is recommended that:

Contracting States should support a zero-tolerance policy regarding unruly passenger behaviour, by enactment of related legislation and by enforcement thereof, taking into account the Model National Legislation developed by ICAO.

2.5:9           The Division considered WP/36, in which Pakistan suggested that States, in order to reduce congestion at departure control points whilst implementing aviation security, address areas such as guidance to passengers on security procedures, the use of modern equipment, continuous traffic flow, secure transportation of baggage, configuration of the terminal building and handling of unruly passengers.

2.5:10           Some States expressed concerns with the suggestion that airlines be responsible for prosecuting unruly passengers. The Division supported the paper, and agreed that it should be forwarded to the AVSEC Panel, and a combined FAL/AVSEC Panel meeting, for consideration.

2.5:11           In WP/79, India analysed the implementation of aviation security standards at airports with the aim of reducing congestion at departure control points and in the interests of improving security by streamlining traffic flows.

2.5:12           During the discussion on this paper, concerns were expressed on some elements of the paper, particularly those relating to carriage of dangerous goods and a suggestion that passengers be allowed to carry only one cabin bag. The Division supported the paper and agreed that it should be forwarded to the AVSEC Panel, and a combined FAL/AVSEC Panel meeting, for consideration.

2.5:13           In WP/41, IATA made suggestions as how States could best implement ICAO's recommendation on 100 per cent hold baggage screening, in order to optimize the security screening of passengers and their baggage accounting for the limitations placed on such operations. Though some delegations disagreed with some elements of the paper, the Division agreed that States would find it useful, in relation to their 100 per cent hold baggage screening systems.



2.5:14 The Division considered WP/86, presented by ACI which stated that facilitation and security controls should be complementary elements, to ensure a steady flow of passengers through airport controls processes, in order to avoid the risk of international air transport being severely impeded, or unable to operate at a level which satisfies its need for profitability.

2.5:15 Many delegations expressed disagreement with ACI's suggestion that governments should accept the burden of additional costs for new measures, to avoid overly burdening the air transport industry with costs. However, the Division agreed that Governments should be mindful of the burden to the industry when establishing new measures.

2.5:16 The Division was thus able to agree that security measures should be harmonized internationally and designed so as to minimize their negative impact on facilitation, using appropriate technologies to provide that international travel is more secure and easier for passengers.

2.5:17 Under this agenda item 2.5, the following papers were made available for information: IP/4, submitted by the Philippines, IP/14, by Indonesia, IP/20, by Saudi Arabia and IP/38, by France.

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**Agenda Item 3: Implementing modernized provisions for facilitation and security in air cargo service operations**

**3.1: Facilitation of cargo clearance**

3.1:1 The Division considered WP/13 presented by the Secretariat which, in the light of contemporary concerns about security and the continuing need to facilitate international trade, proposed the following list of issues as a starting point for continuing work on air cargo strategy in ICAO:

- a) the need for SARPs recommending the use of advance cargo information systems to enable processing of cargo data before its arrival;
- b) the need to harmonize the aviation security concept of the “regulated agent” with the facilitation concept of the “authorized person”;
- c) principles of inspection systems integrity to strengthen border security;
- d) transparency and fairness in the levying of charges for inspection service;
- e) acceptance of the air waybill number as a sufficient “unique consignment reference”; and
- f) extension of security-related SARPs for air cargo to air-road transit movements.

3.1:2 The Division expressed general support to the list of issues proposed in WP/13 as listed in paragraph 3.1.1 of the report. However with regard to the framework of the supply unique consignment reference (UCR), the Division observed that reference should not only be the air waybill number, as there are other references which should be taken into account. In relation to the UCR, the Division was informed that the WCO has done some work on this subject and there are some provisions included in the guidance material. The Division agreed to recommend that ICAO undertake appropriate action to develop air cargo strategy along the lines indicated in paragraph 3.1.1 of the report in cooperation with other concerned bodies in order to avoid duplication of efforts.

3.1:3 The Division considered WP/80 presented by SITA which contained a proposal for a community hub approach to advance cargo information (ACI), as the fragmented nature of the cargo industry resulted in there being no single source of information to satisfy the requirements of government agencies. As the international supply chain touches all parts of the world and its security is truly a global problem requiring a global solution, the paper recommends that the collective focus must be on ensuring that concerted action is taken in a coordinated and unified way.

3.1:4 The Division also considered WP/42 of IATA which reports on States’ actions to improve their ability to manage risk associated with inbound and outbound cargo movements through development and implementation of electronically submitted Advance Cargo Information (ACI) requirements. In the absence of globally agreed standards and without best practice materials to provide guidance, there is a risk that such developments will result in unilateral non-compatible system designs. In this regard, the paper describes current ACI developments and the challenges involved in ensuring harmonization and global interoperability of these and future systems.

3.1:5 The Division supported a proposal by SITA in WP/80 and another by IATA in WP/42. It was stressed that development of ACI systems should be based on internationally accepted standards. With reference to the recommendations proposed by IATA, the Division agreed that development of ACI should not

go beyond internationally recognized principles. Accordingly, the Division adopted the following recommendations:

**Recommendation B/7 —**

It is recommended that:

ICAO should, in cooperation with other interested bodies and in the interest of ensuring global interoperability, immediately undertake to establish internationally-agreed principles under which Advance Cargo Information (ACI) systems should be developed.

**Recommendation B/8 —**

It is recommended that:

States seeking to develop Advance Cargo Information (ACI) systems, should, to the greatest practicable extent and in the interest of ensuring harmonization and interoperability, align their system design and requirements to internationally-agreed principles relating to such systems.

3.1:6 The Division also noted IP/15 submitted by Indonesia on the Strategic initiatives in the area of trade facilitation in Indonesia.

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**Agenda Item 3:     Implementing modernized provisions for facilitation and security in air cargo service operations**

**3.2:     Security**

3.2:1           The Division considered WP/62 presented by the United States which proposed an amendment to Standard 2.38 of Annex 9 to allow for transit flights the requirement of documents in addition to flight plan information as required by the Contracting States. This proposal is based on legislative mandates created to require advanced electronic cargo information on all modes of transportation, coming into and departing the United States, due to issues surrounding national security.

3.2:2           The proposal did not receive any support and the Division concluded that Standard 2.38 should remain unchanged.

3.2:3           The Division considered WP/8 presented by the Secretariat which contained a review of the concept of risk assessment as a tool to be used by the public authorities in deciding on the degree of examination of consignments, and proposed an enhancement of the concept to improve operating conditions for all entities in the international supply chain. As the first steps in a long term project to systematically integrate facilitation of formalities into national border management programmes, the paper proposed the establishment of new concepts, for example: the authorised air cargo carrier, air cargo agent, airport, cargo ground handler; international security standards by which the above entities may be “certified”; unique consignment identification based on uniquely numbered airway bills; customs multilateral recognition of commercial operators meeting certain agreed security standards; and risk-assessment at the authorised commercial operator level, as an alternative to consignment-by-consignment treatment.

3.2:4           The Division agreed in principle with the proposed first steps in a long-term project to systematically integrate facilitation of formalities into national border management programme, observing however, that multilateral solutions should be developed. In this regard the Division requested ICAO to study the subject in close cooperation with other relevant organizations and report to the next meeting of the Facilitation Division. It was further suggested that since some of the issues have already been addressed by the Aviation Security Panel, there was merit in holding joint meetings of Aviation Security and Facilitation Panels in order to develop security standards. Accordingly, the Division adopted the following recommendation:

**Recommendation B/9 —**

It is recommended that:

ICAO should undertake a cooperative effort between Aviation Security and Facilitation Panels and other relevant organizations to develop security standards by which air cargo operators, agents, airports and ground handlers may be certified as authorized entities in the international supply chain, to ensure the highest level of security while preventing unnecessary delays in the movement of goods across international boundaries.

3.2:5           The Secretariat presented WP/12 which described the development of the concept of a secure international supply chain and the challenges involved in implementing it. WP 12 introduced the new concept of the “authorized supply chain” as a solution to the challenge of facilitating and growing world trade while simultaneously intensifying security measures in the transport of international cargo.

3.2:6 The Division expressed its general support for the concept and recommended the implementation of the authorized supply chain solution. It was agreed that ICAO should coordinate its work on this subject with other relevant organizations. It was further suggested that the security issues involved should be considered by the Aviation Security Panel. Accordingly, the Division adopted the following recommendation:

**Recommendation B/10 —**

It is recommended that ICAO work proactively to support, and promote the implementation of authorized supply chain arrangements.

**Recommendation B/11 —**

It is recommended that, whilst being mindful of cost implications for developing States, ICAO review and update the SARPs in Annex 9 in order to take into account the security and facilitation aspects of specifications for the authorized supply chain in harmony with measures taken in other fields of transport.

3.2:7 In WP/48, the Secretariat elaborated on cargo security, in particular the “regulated agent” concept, including its definition, designation, approval and obligations as specified by the appropriate authority for security. The paper stressed that the objective of the ICAO cargo regime is to ensure that all items of cargo being transported on passenger flights are subjected to appropriate security controls such as screening before being loaded on to an aircraft. However, this process may be facilitated and the workload reduced, particularly at locations where high volumes of cargo are received, by the operator’s delegating the screening function to regulated agents.

3.2:8 The Division noted the similarity of the “regulated agent” concept to the “authorised trader” concept for Customs control and agreed that both should be taken into account when developing/amending the Standards and recommended Practices of Annex 9.

3.2:9 In WP/37, Pakistan highlighted that there is a need to examine/screen each parcel/item containing perishable and dry cargo before sealing to load on aircraft. The paper contended that various measures are enforced and these include either screening of cargo or undergoing a cooling period from 24 to 48 hours and suggested security measures in order to ensure safe movement of cargo and to further streamline the process.

3.2:10 The Division agreed that this working paper addresses security issues and therefore should be considered by the Aviation Security Panel. A concern was expressed that demand for a new aviation security technology could pose undue financial burden on developing States. In this regard, reference was made to the existing programmes for assistance to States.

3.2:11 The Division considered WP/52 presented by the Kingdom of Saudi Arabia which highlighted the advantages and gains that can be achieved by adopting the “regulated agent” concept. The paper urged ICAO Contracting States to give security of air cargo enough importance and attention and to implement the “regulated agent” concept.

3.2:12 The Division agreed that this working paper was complementary to WPs/8 and 48 presented by the Secretariat and recommended that a study group be established to examine how the concepts of a “regulated agent” and “authorized trader” could be harmonized and any deficiencies might be overcome.

3.2:13 In WP/28, ECAC presented proposals on risk management, considered as an instrument providing trade facilitation in the cross border movement of cargo. Bearing in mind the increased security requirements, risk management plays a vital role in both security and facilitation and can be recognized as an important technique for modern and efficient controls by border control agencies. To reach a well-considered balance with regard to the implementation of risk management techniques in both areas of security and facilitation, the paper stressed that it was necessary to include a reference to security in Annex 9.

3.2:14 The Division agreed with the proposal put forward by ECAC and recommended that appropriate steps be taken to explicitly link the application of risk management in Annex 9 not only to facilitation, but also to the developments in relation to recent security measures in the cross-border movement of cargo and seek cooperation with the relevant security bodies within ICAO in order to create synergy where possible. The Division recommended that due consideration be given to the development of guidance material on risk management for inclusion on the Facilitation Manual, mindful that inclusion of specific information could be used by those wishing to circumvent the system.

3.2:15 The Division considered WP/30 presented by TIACA which outlined some air cargo contributions to development; identified current security requirements that could hamper these contributions; and suggested institutional and strategic responses to support corrective facilitation. The paper suggested that ICAO should take leadership in establishing a modern security regime for air cargo that takes into account the economic impact on developing States while meeting challenges posed by contemporary threats to civil aviation.

3.2:16 The Division supported in principle a risk management approach to air cargo, as outlined in the working paper, and agreed that work be undertaken by ICAO toward the establishment of a modern security regime for air cargo in consultation with the Aviation Security Panel. The Facilitation Division will follow closely the developments in this regard.

3.2:17 In WP/34, IATA underlined that the secure and efficient movement of air cargo is critical to the proper functions of the modern economy and to facilitate the movement of air cargo it is critical that security and supply chain security measures be harmonized on a global basis. The paper provided an outline of various issues which IATA believed must be taken into account during the development and implementation of air cargo security measures and supply chain security initiatives.

3.2:18 The Division examined the concepts outlined by IATA and agreed that these be taken into account in work toward global harmonization of air cargo security and supply chain security programmes. With reference to standardized protocol for inspection of shipments especially as related to hand search, a question was raised regarding the liability and government responsibility for inspection or screening of shipments. It was observed that the implementation of these concepts should not place an undue burden on small intermediate shippers, particularly in developing States.

3.2:19 The Division noted IPs/22 and 33 submitted by the United States on implementing modernized provisions for facilitation and security in air cargo, and on the new United States requirements for advance electronic cargo information, as well as IP/26 submitted by India on security measures for air cargo clearance and IP/37 submitted by ITF on global approach to ACI flow.

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**Agenda Item 4: Controlling travel document fraud and illegal migration**

4:1 The Division considered WP/6 presented by the Secretariat which recommended adoption of new and amended definitions to be inserted into Chapter 1 of Annex 9.

4:2 The Division, in examining the proposed definitions as presented in the Appendix to the working paper, made some adjustments and agreed to adopt the following definitions for inclusion in Chapter 1:

**CHAPTER 1. DEFINITIONS AND GENERAL PRINCIPLES****Recommendation A/9 —**

**Amend** Chapter 1 as follows:

**A. DEFINITIONS**

When the following terms are used in the Standards and Recommended Practices on Facilitation, they have the following meanings:

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

(...)

**Border integrity.** The enforcement, by a State, of its laws and/or regulations concerning the movement of goods and/or persons across its borders.

(...)

**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.

(...)

**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, where passengers can stay during transit or transfer without being submitted to border control measures.

(...)



**Immigration control.** Measures adopted by States to control the entry into, transit through and departure from their territories of persons travelling by air.

(. . .)

**Improperly documented person.** A person who travels, or attempts to travel with: (a) an expired travel document or an invalid visa; (b) a counterfeit, forged or altered travel document or visa; (c) someone else's travel document or visa; or (d) no travel document or visa, if required.

**Inadmissible person.** A person who is or will be refused admission to a State by its authorities.

(. . .)

**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 traveled into that State, directing the operator to remove that person from its territory.

**Risk assessment.** An assessment by a deporting 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 to travel, behavioural patterns and any history of violence.

(. . .)

**Travel document.** A passport or other official document of identity issued by a State or organization, which may be used by the rightful holder for international travel.

(. . .)

4:3 During the discussion on the definition for "Direct transit area," some delegations expressed concern over the fact that some States charge to issue transit visas. With reference to the definition on "Improperly documented person," the Division agreed that detailed information on this matter should be included in the planned FAL Manual.

4:4 The Division then considered WP/5, presented by the Secretariat, which contained proposals for SARPs for inclusion in a new Chapter 5 of Annex 9. These were also developed by the "Passenger-Processing Drafting Group" established by the FAL Panel, in conjunction with the proposals for Chapter 1 of Annex 9. The goal of the drafting group was to address problems identified in accounts received by the Secretariat and in differences filed by various States to Chapter 3 SARPs. The paper also contained additional recommendations with regard to deportees, for which there is, at present, very little guidance in Annex 9.

4:5 The Division discussed the proposals for Chapter 5, contained in the Appendix to WP/5, at length, taking up each paragraph, in turn. At the same time, at the appropriate juncture, the Division also considered WP/77 presented by India and WP/49 presented by AFCAC (described below, in paragraphs 4:7 and 4:12).

4:6 Paragraphs 5.1 and 5.2, as well as paragraphs 5.3 to 5.8, inclusive, were adopted with some debate. A new paragraph 5.2 *bis* was inserted as a result of the proposal in WP/49, with the addition of a Note to elucidate on “dignity of persons.”

4:7 With reference to a proposal to elevate Recommended Practice 5.9 to a Standard and a proposal in WP/77 regarding the cost element of custody and care of inadmissible persons, there was an extensive exchange. In the light of the views expressed and in light of existing Standard 3.60, it was agreed, by a majority of the Division, to adopt the proposal with some amendments. The second proposal made in WP/77 with regard to the physical custody of inadmissible persons is already covered by the words “official detention” in paragraph 15.5 in the attachment to WP/5.

4:8 Paragraphs 5.10 to 5.13 were readily adopted, as proposed. With regard to paragraph 5.14.1, the Division agreed to retain this as a Recommended Practice, although a significant number of delegations would have wished to see this upgraded to a Standard.

4:9 With reference to Recommended Practice 5.15, it was proposed that, for the purpose of consistency with Standard 5.9, this provision should be elevated to a Standard. Since a large majority of delegations supported this proposal, the Division agreed to do so, and also place it after Standard 5.9.

4:10 When reviewing proposed Standard 5.17, some delegations indicated that this provision was contrary to their legislation. A compromise text was therefore proposed and adopted by the Division, with the agreement that guidance material on this subject would be inserted in the FAL Manual. With reference to proposed Standard 5.22, one delegation advised that if the Standard were adopted, it would notify a difference.

4:11 In conclusion, the Division adopted the following recommendation, after making appropriate amendments to the proposed text in the Appendix to WP/5:

#### **Recommendation A/10 —**

**Insert** a new Chapter 5 in Annex 9 as follows:

### **CHAPTER 5. INADMISSIBLE PERSONS AND DEPORTEES**

#### **A. General**

5.1 In order to minimize disruptions to the orderly operations of international civil aviation, Contracting States shall cooperate with one another to promptly resolve any differences arising in the course of implementing the provisions of this Chapter.

5.2 Contracting States shall facilitate the transit of persons being removed from another State pursuant to the provisions of this Chapter, and extend necessary cooperation to the operator(s) and escort(s) carrying out such removal.

5.2 bis During the period when an inadmissible passenger or a person to be deported is under their custody, the state Officers 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.*

#### B. Inadmissible persons

**5.3** ~~3.58 (first part)~~ **Contracting States** The public authorities shall without delay ~~inform~~ **notify** the operator, **in writing**, when a person is found inadmissible, **pursuant to 3.44.** ~~and consult the operator regarding the possibilities for removal.~~

*Note 1.— A person found inadmissible shall be transferred back into the custody of the operator who transported that person directly to the final destination or, where appropriate, into the custody of one of the operators who carried the person to one of the transit destinations.*

*Note 2.— Nothing in this provision or in Note 1 is to be construed so as to allow the return of a person seeking asylum in the territory of a Contracting State, 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.*

**5.4** ~~3.58 (second part)~~ **Recommended Practice.—** *The Contracting States, through their public authorities shall without delay inform the operator when a person is found inadmissible and should consult the operator regarding the possibilities on the time-frame for removal of the person found inadmissible, in order to allow the 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 1.— A person found inadmissible shall be transferred back into the custody of the operator who transported that person directly to the final destination or, where appropriate, into the custody of one of the operators who carried the person to one of the transit destinations.*

*Note 2.— Nothing in this provision or in Note 1 is to be construed so as to allow the return of a person seeking asylum in the territory of a Contracting State, 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.*

**5.5** **Contracting States shall ensure that a removal order is issued to the operator in respect of a person found inadmissible. The removal order shall include, if known, the name, age, gender and citizenship of the person in question.**

~~3.59 — In place of a seized document, a covering letter shall be issued by the removing State and attached to it will be a photocopy of the seized travel documents (if available) as well as any important information such as the removal order. The covering letter and its attachments shall be handed over to the operator responsible for the removal of the inadmissible person. It will serve to give information to the authorities at the transit and/or the original point of embarkation. In the event the person found inadmissible has lost or destroyed his travel documents, a similar letter shall be issued.~~

*Note.— Suggested formats for letters applicable to the removal of improperly documented passengers are set forth in Appendix 9.*

**5.6** **Contracting States 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 (a) in order to give information to the authorities of the transit and/or the commencement of journey. The covering letter, the removal order and any relevant information shall be handed over to the 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.

5.7 Contracting States ordering the removal of an inadmissible person whose travel documents have been seized pursuant to 3.46 shall deliver a covering letter in the format set forth in Appendix 9 (b) in order to give information to the authorities of the 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 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.

5.8 3.60.1 ~~Contracting States, that~~ When the public authorities have reason to believe that an inadmissible person who has been declared inadmissible might offer resistance to his removal, they shall so inform the operator concerned as far in advance as possible of scheduled departure in sufficient time so that the operator can take precautions to ensure the security of the flight.

*Note.— To this end, security should be provided by government officials, wherever appropriate under national regulations, or by the operator who should use his own security personnel or, at his expense, hire personnel whom he considers to be competent.*

5.9 3.52.2 (second part) **Recommended Practice.**— After such acceptance, whether conditional or unconditional, the public authorities concerned should be responsible for the custody and care of passengers and crew until they are legally admitted for entry. or The operator shall be held responsible for the cost of custody and care of an improperly documented person from the moment that person is found to be inadmissible and transferred back returned to the custody of the operator for transport away from the territory of removal from the State.

5.9 bis 3.57— **Recommended Practice.**— In the event that the precautions referred to in 3.53 3.33 have been taken but the passenger person is nevertheless not admitted due to document problems beyond the expertise of the operator or for reasons other than improper documents, the operator should shall not be held directly responsible for any costs related to official detention of the passenger person.

5.10 3.62 When a person is found inadmissible and is returned to the operator for transport away from the territory of the State, the operator shall not be precluded from recovering from such person any transportation costs arising from his inadmissibility involved in his removal.

5.11 3.60 Each Contracting State shall ensure that a person found inadmissible is transferred back into the custody of the The operator, who shall be responsible for prompt removal remove the inadmissible person to:

- a) the point where the person he commenced his journey; or
- b) to any place where the person he is admissible.

5.12 3.63 A Contracting States shall accept for examination a person removed from a State being returned from his point of disembarkation after having been where he was found inadmissible, if this person previously stayed in commenced his journey from their its territory, before embarkation, other than in direct transit. A Contracting States shall not return such a person to the country where he was earlier found to be inadmissible.

*Note.—This provision is not intended to prevent public authorities from further examining a returned inadmissible person to determine his eventual acceptability in the State or make arrangements for his transfer, removal or deportation to a State of which he is a national or where he is otherwise acceptable.*

**5.13 3.63.1** In following the procedure in 3.63, where a person who has been found to be inadmissible has lost or destroyed his travel document, Contracting States shall accept instead a document attesting to the circumstances of embarkation and arrival issued by the public authorities of the Contracting State where the person was found to be inadmissible **the covering letter and other papers delivered pursuant to 5.6 or 5.7 as sufficient documentation to carry out the examination of the person referred to in the letter.**

**3.64** ——— Where the procedure in 3.59 has been followed, Contracting States shall accept the covering letter referred to and shall not require the production of the fraudulent, falsified or counterfeit travel document concerned.

**5.14 3.55** Contracting States shall not fine operators in the event that arriving and in-transit passengers **persons** are found to be improperly documented where operators can demonstrate that they have taken adequate precautions to ensure that **these passengers persons** had complied with the documentary requirements for entry into the receiving State.

**5.14.1 3.55.1 Recommended Practice.**— *When operators have co-operated 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 improperly documented inadmissible persons, Contracting States should mitigate the fines and penalties that might otherwise be applicable should such persons be carried to their territory.*

**5.16** Contracting States 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 if the Contracting State had reason to believe that there might be an irregularly high number of inadmissible persons on a specific flight.*

**3.59.1** ——— **Recommended Practice.**— *Each Contracting State should, where practicable, ensure that the public authorities issuing a removal order give notice to the public authorities of the countries of transit and, where advisable, final destination of the trip planned.*

*Note.—This notice should contain the following information:*

- a) ——— identity of the person;*
- b) ——— reason for transport;*
- c) ——— escort(s), if any; and*
- d) ——— risk assessment by the competent authorities.*

**3.61** ——— When a passenger is found inadmissible and is transferred back pursuant to 3.60, the public authorities ordering the removal shall deliver the travel documents of the inadmissible person (including the letters applicable to the return of improperly documented passengers) to the operator or, in the case of escorted persons, to the escort/guard, who shall be responsible for delivering them to the public authorities of the State of destination.

### C. Deportees

5.17 A Contracting State deporting a person from its territory shall serve him a deportation order. Contracting States shall indicate to the deportee the name of the destination State.

5.18 Contracting States removing deportees from their territories shall assume all obligations, responsibilities and costs associated with the removal.

~~3.66 Each Contracting State shall ensure that the operators concerned are informed when persons are obliged to travel because they have been formally ordered by the public authorities to be removed from that State. The public authorities shall inform the operators in sufficient time so that the operators can take precautions to ensure the security of the flight.~~

~~Note.—The following information is to be provided, subject to national privacy legislation, to the operators by the public authorities:~~

~~— name of person to be identified as deportee;~~

~~— reason for deportation;~~

~~— names of escorts/guards;~~

~~— willingness or unwillingness to travel; and~~

~~— any other information that would allow the operators to assess the risk of endangering the security of the flight.~~

~~In order to ensure appropriate coordination of facilitation and security specifications, attention is drawn to the applicable provisions of Annex 17, Chapter 4.~~

5.19 Contracting States, when making arrangements with an 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 the Contracting State allows for it;
- b) the deportee's willingness to travel;
- c) a risk assessment by the State and/or any other pertinent information that would help the operator assess the risk to the security of the flight; and
- d) the names and nationalities of any escorts.

~~Note.— In order to ensure coordination of facilitation and security standards, attention is drawn to the applicable provisions of Annex 17, Chapter 4.~~

5.20 Contracting States, in making arrangements for the removal of a deportee to a destination State, shall use direct non-stop flights whenever practicable.

5.21 A Contracting State, 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 operator.

5.22 A Contracting State shall admit into its territory its nationals who have been deported from another State.

5.23 A Contracting State shall give special consideration to the admission of a person, deported from another State, who holds evidence of valid and authorized residence within its territory.

5.24 Contracting States, 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) remains with the deportee to his final destination, unless suitable alternative arrangements are agreed, in advance of arrival, by the authorities and the operator involved at the transit location.

~~3.67 Each Contracting State shall ensure that the public authorities ordering the deportation inform the public authorities of transit and, if advisable, those of destination countries of the planned transport.~~

#### D. Procurement of a replacement travel document

5.25 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.

*Note. - In order to clarify application of this Standard, attention is drawn to Standard 5.13.*

~~5.26 3.68~~ A Contracting State 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.

~~5.27 3.69~~ A Contracting State shall not make the signing by the person concerned of an application for a travel document a prerequisite for the issuance of that document.

~~5.28 3.70~~ When a Contracting State 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 State shall issue an emergency travel document that attests to the nationality of the person concerned and that is valid for readmission to that State.

~~5.29 3.71~~ A Contracting State shall not refuse to issue a travel document to or otherwise thwart the return of one of its nationals by rendering that person stateless.

4:12 The Division considered WP/49 presented by AFCAC which emphasized the respect of human rights of inadmissible persons and deportees and which proposed a new standard for inclusion in Chapter 5 taking into consideration these rights. The Division expressed strong support for this proposal and agreed to include it in Chapter 5, following Standard 5.2 as presented in the Appendix to WP/5. The Division also agreed to include a note referring to the UN International Covenant on Civil and Political Rights, in order to elucidate the new provision.

4:13 In WP/26, ECAC presented principles and time frames on which the development of an ICAO FAL Manual should be based in order to ease and improve the comprehension and implementation of Annex 9. The paper focused on issues including controlling travel document fraud, preventing irregular migration and managing risks.

4:14 The Division agreed that the availability of the FAL Manual to States is very important. As there are many ways to implement SARPs contained in Annex 9, the Manual should provide several options taking into account the practice of all States. Attention was drawn to already existing material developed by other bodies. With reference to the composition of the drafting group, the Division agreed that all regions should be represented. Accordingly, the Division adopted the following recommendation, with reference also to WPs/40 and 35 (see below):

**Recommendation B/12 —**

It is recommended that:

ICAO establish a FAL Manual Drafting Group under the aegis of the FAL Panel to develop step-by-step the FAL Manual containing the necessary guidance material making also appropriate use of existing material such as IATA/Control Authorities Working Group (CAWG) guidelines and code of conduct.

4:15 In WP/40, the United Kingdom proposed that the IATA/CAWG Code of Conduct for Immigration Liaison Officers be incorporated into the ICAO FAL Manual. In WP/35, IATA proposed that the IATA/CAWG inadmissible passenger guidelines be inserted into the Manual. The Division agreed that these documents be taken into account when developing the Manual.

4:16 In WP/59, ITF proposed means by which the facilitation objectives of ICAO can be more comprehensively reconciled with States' broader obligations to protect the rights of refugees, asylum seekers and deported persons.

4:17 The Division considered this working paper together with proposals put forward in WP/35 and adopted the following recommendation:

**Recommendation B/13 —**

It is recommended that:

ICAO and all parties are further encouraged to integrate facilitation measures and the broader obligation of States to protect the rights of refugees, asylum seekers and deported persons, so that no one is returned to a location where their lives or freedoms would be threatened. States are encouraged to work cooperatively nationally and internationally with stakeholders, including operators and employees, as well as other interested parties, including the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Labour Organisation (ILO), to develop protocols and procedures relating to standards of custody and care and matters related to the application of interception and control measures.

4:18 The Division also noted IPs/27 and 28 presented by Turkey on updated country reports on illegal migration and on trafficking in human beings.



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**Agenda Item 5: Modernizing airport facilities and service delivery systems**

**5.1: Revision of Annex 9, Chapter 6**

**5.2: National, regional and airport FAL programmes**

5:1 Under these agenda items, the following working papers were presented: WPs/7, 17 and 31 (Secretariat), WP/73 (Republic of Korea), WP/54 (IATA), WP/90 (ITF), WP/64 (United States), WP/65 (United States), WP/46 (IAOPA), WP/47 (IAOPA) and WP/84 (ACI).

5:2 IATA made a presentation on the Airbus A-380 aircraft and the following IPs were presented for information: IP/12 by the Secretariat on challenges and prospects of updating Chapter 6 of Annex 9, IP/17 by the Republic of Korea on the development and operation of Incheon International Airport, IP/33 by Egypt on the developments and upgrading of Egyptian airports, IP/10 by the Secretariat on ICAO's collaboration in FAL projects with other organizations, IP/3 by Tanzania on its regional initiative in the facilitation of air transport, IP/21 by India on implementation of the facilitation programme in India and IP/25 by France titled *"Together to Serve Customers" History and Synthesis of Airports' Total Quality Policy*.

5:3 In WP/31, the Secretariat described the security and facilitation challenges expected with the introduction of the Airbus A-380 and other new large aircraft including impact on check-in areas, passenger and baggage screening, baggage management, increased passenger risk to attacks from terrorists, an increase in the need for sterile areas, increasing challenges in embarking and disembarking larger numbers of passengers, increased pre-flight security screening and the threat posed by man-portable air defence systems.

5:3.1 After a brief discussion, the Division, in supporting the paper, recommended that the challenges posed by deployment of the new large aircraft be taken into account when developing or amending the Standards and Recommended Practices contained in Annexes 9, 14 and 17.

5:4 The Division considered and noted WP/73 on the renovation of airport facilities and service communication readiness for new large aircraft, presented by the Republic of Korea, and also WP/54 on the introduction of the airbus A380 aircraft, which was presented by IATA.

5:5 With regard to WP/90 on the operation of the Airbus 380, presented by the ITF, the Division agreed that the subject of emergency services challenges posed by the deployment of such aircraft be referred to the Council of ICAO with a request that the Council refer the matter for review to the Air Navigation Commission which could determine any ICAO responsibility in this regard.

5:6 In WP/64, the United States made a presentation on the need for updating capabilities and procedures for handling outbound passenger, crew and, in particular, checked baggage, by the increased utilization of Radio Frequency Identification (RFID) baggage tags. The paper encouraged States to pursue the transition to such use and to seek regional or international assistance with any problems associated with this move.

5:6.1 The recommendations proposed in the paper were not supported by the Division, because responsibility regarding the choice of and issue and use of baggage tags is the responsibility of airlines and because of the costs associated with the implementation of the new technology. The Division, however, made note of RFID baggage tags as a significant identification and tracking tool for the future in relation to both normal and special checked baggage.

5:7 The Division considered and noted WP/65, also presented by the United States, on issues related to airport layout for ground transportation and security considerations when new construction or major

renovation of an airport is being planned. The Division recommended that the information presented be included in appropriate sections in relevant ICAO guidance material.

5:8 The Division considered WP/46, on the means for servicing operations at parking spaces at airports, presented by IAOPA, and agreed to the following recommendation:

**Recommendation A/11 —**

**Amend** Recommended Practice 6.15, sub-paragraph c) as follows:

6.15 **Recommended Practice.**— *Adequate measures should be taken to ensure convenient parking and servicing of aircraft of all types and categories – regular, non-scheduled and general aviation aircraft – in order to expedite clearance and operations on the apron and to reduce aircraft ground stop time. It is desirable in particular:*

...

- c) *to equip the parking spaces with the necessary means for rapid, convenient and safe performance of all aircraft servicing operations, including equipment for secure tie-downs;*

...

5:9 The Division then considered WP/47, also from IAOPA, on access to parked aircraft by its crew or an authorized agent. The paper recommended an amendment to Recommended Practice 6.15, sub-paragraph h). After some discussion, the Division agreed that though it supported the proposal, the paper should be sent to the Facilitation Panel for further consideration.

5:10 The Division noted ACI's contribution, described in WP/84, to the work currently underway in ICAO on the revision of Chapter 6 of Annex 9 and that organization's support of ICAO's proposal in IP/2 to constitute a group of experts to further develop the Chapter.

5:11 In WP/17, the Secretariat described the regulatory issues related to the change of ownership and management in the provision of airport services, from Government to private hands. The Division noted the contents of the paper and made the following recommendation for a new Standard in Annex 9:

**Recommendation A/12 —**

**Adopt** a new Standard, as follows:

6.-- Contracting States shall ensure that the provisions of Annex 9 continue to be implemented in the event an airport becomes privatized.

5:12 The Division considered WP/7, presented by the Secretariat, on guidance material concerning the organization of airport facilitation programmes and national facilitation programmes. The paper proposed the adoption of two new Appendices to replace the existing Appendices 11 and 12 of Annex 9.

5:12.1 After some discussion, during which minor changes to the proposed new Appendix 11 were agreed upon, the Division adopted the following recommendation:

**Recommendation A/13 —**

**Replace** existing Appendices 11 and 12 of Annex 9 with the following:

**“APPENDIX 11**

**MODEL AIRPORT FACILITATION (FAL) PROGRAMME**

**1. PURPOSE OF AN AIRPORT FAL PROGRAMME**

1.1 The purpose of an airport FAL programme is to pursue the objectives of Annex 9 at the operational level, to facilitate the completion of border clearance formalities at the airport with respect to aircraft, crews, passengers and cargo.

**2. SCOPE OF AN AIRPORT FAL PROGRAMME**

2.1 The airport FAL programme encompasses all of the provisions of Annex 9 concerning border clearance processes at the airport, as well as the planning for and management of those processes. A representative list of tasks to be performed and the Standard(s) or Recommended Practice(s) (SARPs) applicable to each one are provided in the table below.

<b>Airport FAL programme task</b>	<b>Annex 9 (11th Edition) SARPs</b>
Establish, review and amend, as necessary, procedures for entry and clearance of flights at the airport concerned.	Standard 6.1
Review regularly all parties' performance with respect to meeting the 45-minute goal for processing inbound passengers and the 60-minute goal for processing outbound passengers. Use time studies and queue analysis to determine where adjustments should be made.	Recommended Practices 3.28 and 3.31
Establish modern systems for immigration and customs inspection, using applicable technology. Collaborate in setting up automated passenger clearance systems.	Standards 3.37 and 6.26; Recommended Practice 3.33
Make necessary changes in traffic flows and checkpoints in the airport to cope with rising traffic volumes.	Standard 6.3
Improve the quality and quantity of signage in the inspection facilities in order to reduce customer confusion.	Recommended Practices 6.9 and 6.12.1
Review staffing of inspection stations – work shifts, overtime, etc. – and seek adjustments to meet traffic demands.	Recommended Practice 6.3.1

<b>Airport FAL programme task</b>	<b>Annex 9 (11th Edition) SARPs</b>
Provide input on behalf of resident airline operators and inspection agencies to the design of new airports or new inspection facilities.	Standards 6.2 and 6.7
Monitor and improve delivery of baggage to the customs inspection area.	Standard 6.28
Bring to the attention of appropriate authorities any service problems related to currency exchange. Recommend installation of ATMs in the arrivals area.	Standards 6.63, 6.64 and 6.65
Coordinate facilitation, narcotics control, aviation security and dangerous goods handling procedures so that the objectives of all four programmes are met.	Standard 8.19
<b>Do not forget cargo!</b> Coordinate the activities and requirements of the various inspection agencies in order to assure prompt clearance and delivery of air cargo shipments. Provide adequate facilities for loading/unloading and for secure storage of cargo while awaiting customs clearance.	Standard 4.25; Recommended practices 4.28 and 4.29 and 6.38 to 6.50 incl.
Set up and maintain electronic systems for cargo manifesting, customs clearance, and delivery.	Standards 4.15 and 4.4
Customer service: Review regularly all parties' performance with respect to meeting the 3-hour goal for completion of inspection formalities and make adjustments where necessary and feasible.	Recommended practices 4.28 and 4.29
Review inspection agency staffing of cargo clearance area – work shifts, overtime, etc. – and seek adjustments to meet customer needs.	Standard 6.60.1

### 3. ORGANIZATION AND MANAGEMENT

3.1 The recommended vehicle to conduct the facilitation programme at the operational level is the Airport Facilitation Committee. Although such committees should be encouraged by the National FAL Committee and keep it informed of their problems and progress, they are not necessarily supervised by the national body. Their principal concern is day-to-day problem-solving and implementation of Annex 9.

3.2 It is recommended that the airport manager take charge of the committee and convene regular meetings. Membership should consist of the senior officers in charge of their respective inspection agencies at the airport, e.g. customs, immigration, quarantine, etc., as well as the station managers of the airlines with international operations at the airport concerned. The participation of all parties is necessary to make the airport FAL programme a success.”

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## “APPENDIX 12

### MODEL NATIONAL FAL PROGRAMME

# 1. PURPOSE OF A NATIONAL FAL PROGRAMME

1.1 The purpose of a National FAL Programme is to implement the Chicago Convention mandate that Contracting States provide for and facilitate the border-crossing formalities which must be accomplished with respect to aircraft engaged international operations and their passengers, crews and cargo.

# 2. SCOPE OF A NATIONAL FAL PROGRAMME

2.1 The applicable articles of the Chicago Convention and the tasks involved in implementing each one are presented in the table below. Activities aimed at accomplishing these and related tasks in a State constitute the National FAL Programme.<sup>1</sup>

Chicago Convention mandate	Implementing tasks
<p><b>Article 10 – Landing at customs airport</b> ... every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. ...</p>	<ul style="list-style-type: none"> <li>- Establish customs airports and open new ones as appropriate.</li> <li>- Develop procedures by which operators of scheduled and non-scheduled services may request permission to land or depart from customs airports.</li> <li>- Arrange for border inspection services at customs airports.</li> </ul>
<p><b>Article 13 – Entry and clearance regulations</b> The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.</p>	<ul style="list-style-type: none"> <li>- Support the interested border control agencies in the establishment and maintenance of effective inspection systems at airports, and in their efforts to rationalize their respective procedures.</li> <li>- Develop programmes for control of security problems such as document fraud, illegal migration and smuggling.</li> <li>- Coordinate preparations for clearing large numbers of international visitors for special events, e.g. international athletics competitions.</li> </ul>
<p><b>Article 14 – Prevention of spread of disease</b> Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate,...</p>	<ul style="list-style-type: none"> <li>- Establish, review and amend as necessary the national policies regarding prevention of the spread of contagious diseases by air, for example, aircraft disinsection, disinfection, public health-related quarantine programmes, and screening measures to be applied in a health emergency.</li> </ul>

<sup>1</sup> A group of smaller States with similar needs and goals may decide to establish a sub-regional FAL programme in the interest of achieving economies of scale.

Chicago Convention mandate	Implementing tasks
<p><b>Article 22 – Facilitation of formalities</b> Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.</p>	<ul style="list-style-type: none"> <li>- Establish, review and amend as necessary the national regulations which implement the State's customs, immigration and quarantine laws pertaining to international movements by air.</li> </ul>
<p><b>Article 23 – Customs and immigration procedures</b> Each contracting States undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. ...</p>	<ul style="list-style-type: none"> <li>- Establish and amend as appropriate, customs and immigration procedures carried out at airports, to harmonize them with the standards and recommended practices set forth in Annex 9.</li> <li>- Support and advocate the national issuance of passports and other travel documents in accordance with ICAO specifications in Doc 9303 – <i>Machine Readable Travel Documents</i>.</li> </ul>
<p><b>Article 37 – Adoption of international standards and procedures</b> Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation. ... (j) Customs and immigration procedures ...</p>	<ul style="list-style-type: none"> <li>- Participate in ICAO development of Annex 9.</li> <li>- Review national procedures periodically in order to ensure harmonization with the provisions of Annex 9.</li> </ul>

**Chicago Convention mandate**

**Implementing tasks**

<p><b>Article 38 – Departures from international standards and procedures</b> Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established in the international standard. ...</p>	<p>- Periodically review conformity by all relevant agencies with the provisions of Annex 9 and notify ICAO of differences between national practices and the relevant standards.</p>
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**3. ORGANIZATION AND MANAGEMENT**

3.1 The primary responsibility for the National FAL Programme rests with the Civil Aviation Authority (CAA) and/or the Ministry of Transport. However, success of the programme requires the active participation of other ministries or agencies, such as:

Customs	Immigration
Foreign Affairs	Passport/visa issuing authorities
Agriculture/environment	Public Health
Security and narcotics control	Identification card issuing authorities
Tourism	

3.2 In addition, the active participation of airport authorities (public or private) and resident international airlines or their representative organizations is essential.

3.3 Other entities which may play an advisory role include the governmental agencies or non-governmental organizations which promote international tourism and trade.

3.4 The recommended vehicle for carrying out the National FAL Programme is the **National FAL Committee**, which is composed of the heads of the government agencies involved and the chief executive officers of the national organizations representing the airlines and airport authorities. The chairman should be a top-management official in the CAA or an appropriate authority. In order to sustain a close link between the national FAL committee and the national aviation security committee, appropriate members from the national aviation security committee may also be members of the national FAL committee and vice-versa.

3.5 For the purpose of carrying out the work of the committee, the members may designate one or more middle-management persons in their respective organizations to represent them in meetings at the staff level (working groups). These officials should be given sufficient authority to speak on behalf of their respective organizations and to initiate necessary action in support of the committee's work. The chairman should designate a middle-management official in his department or agency to chair and convene the staff-level meetings.



3.6 The decision to convene meetings of the National FAL Committee or the members' designated representatives, and the frequency and venue of such meetings, are matters of the chairman's discretion. Working arrangements for accomplishment of the various implementing tasks would depend on the nature of the task and the issue at hand.

4. **ESTABLISHMENT OF A NATIONAL FAL  
PROGRAMME**

4.1 It is advisable that the authority for a National FAL Programme and the membership of the National FAL Committee be established through legislation, regulation, or executive action from an authorized person, in order to ensure the participation of the various agencies and industry groups involved and to make provision for continuity. The Director General of Civil Aviation (DGCA) or appropriate authority should initiate the process to obtain such a mandate through the national political system."

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**Agenda Item 6: International Health Regulations (IHRs)**

6:1 The following working papers were presented under this Agenda Item: WP/32 (Secretariat), WP/33 (Secretariat), WP/18 (Secretariat), WP/29 (Secretariat), WP/61 (United States), WP/67 (China and Singapore), WP/85 (IATA), WP/69 (ITF), WP/70 (ITF) AND WP/88 (ACI). There were also three Information Papers: IP/6 (Disinsection of aircraft, presented by the Secretariat); IP/29 (Contact tracing after a possible exposure to a disease of public health significance aboard an aircraft, presented by the United States) and IP/34 (Non-pesticidal disinsection of aircraft, presented by the United States). The World Health Organization (WHO) made a presentation on its work pertaining to public health, with particular focus on infectious diseases. The Division noted the useful work carried out by WHO in this regard.

6:1.1 In WP/32 the Secretariat outlined both in general and in specific terms recent work conducted by ICAO in developing measures to prevent the spread of contagious disease by air carriage. This included ICAO's collaborating efforts with the World Health Organization and several Contracting States. The paper outlined eight protective measures examined during its work on the evaluation of five international airports and outlined its observations. The Division was also apprised of four major activities that are currently being assessed in association with WHO, IATA and ACI and invited to agree that these activities should be carried out. Furthermore, the Division was invited to recommend that the anti-SARS protective measures and draft contingency plan to be developed be published in ICAO guidance material.

6:1.2 In the discussions that ensued some Delegations were of the view that WP/32 should be discussed together with WP/85. Accordingly, the Division considered both papers together. With regard to WP/85 the Division agreed that the Passenger Locator Card (PLC) suggested by IATA and the model format appended to the paper was a proactive initiative. However, concerns were raised by some Delegations that the PLC will involve issues pertaining to cost, privacy of the data subject, use and storage of information. The Division encouraged IATA, in cooperation with other relevant Organizations, to improve on the card, making it more simple and user friendly. Every effort should be made to have sufficient quantities of PLCs on board. Recognizing the time-sensitiveness of this issue the final work of IATA will be submitted as early as possible to the Air Transport Committee of ICAO for further consideration, approval and implementation.

6:1.3 With regard to WP/32 the Division was of the view that the activities suggested should be encouraged and continued further. However, it was made clear that the development of a standard framework for the harmonized contingency plan in para 5.1 b) should not be the responsibility of the airport operator but that of the State concerned. The Division further noted the suggestion made by one State, i.e. that the eight Recommended anti-SARS protective measures developed under the auspices of ICAO should be addressed under Part 7 of Doc. 9137 (*Airport Services Manual*). It was suggested that ICAO's work in this regard should be based on lessons learned and/or methodology for preventive measures and proactive procedures to deal with contagious diseases. However, it was agreed that these measures should be published in ICAO guidance material on facilitation.

6:1.4 In WP/61 the United States presented a conceptual view of the advantages of non-pesticidal disinsection of aircraft featuring a technique using an air curtain and invited the Division to consider the adoption of a new standard for inclusion in Annex 9. Most Delegations were of the view that consideration of this proposal should be on the basis that it should be a Recommended Practice and not a Standard. The Division considered proposed text in this regard as contained in Flimsy No. 5 which provided that Contracting States shall allow, subject to their national regulations and approval by the World Health Organization, alternative approaches to aircraft disinsection that have been shown to be at least as efficacious as those methods and treatments for chemical disinsection that have been approved by WHO. The Division was of the view that the gist of the suggested text was already adequately covered in Standard 2.24 and decided that the existing provision would suffice as amended in the following paragraph.

6:1.5 After some discussion the Division agreed to revise Standard 2.24 as follows:

**Recommendation A/14 —**

When disinsection is required a Contracting State shall authorize or accept only those methods, **whether chemical or non-chemical**, and/or insecticides, which are recommended by the World Health Organization

*Note.— This provision does not preclude the trial and testing of other methods for ultimate approval by the World Health Organization.*

6:1.6 In WP/67 China and Singapore presented the Division with work carried out to prevent the spread of SARS via air travel and drew attention to the need to provide guidance to Contracting States to deal with future outbreaks of infectious disease, including SARS. In this regard ICAO was invited to take the lead in work connected to the development of regulatory policy.

6:1.7 There was general support by the Division to these requests and the Division agreed that ICAO should take the lead in developing guidance material in close cooperation with relevant bodies such as ACI, IATA and WHO, in developing an anti-infectious disease protective measures and the guidelines for implementation of a harmonized contingency-phased response plan for airports to prevent the spread of infectious diseases via air travel. In doing so, ICAO will take into consideration both WPs/33 and 67 closely.

6:1.8 In considering WPs/69 and 70 and revisions thereto proposed in Flimsy No. 6, presented by ITF, the Division noted that both papers proposed text for B-type Recommendations. With regard to WP/70 the Division was of the view that the content was of a highly technical nature which bore no direct linkage to facilitation. It was, therefore, agreed that WP/70 would be referred to the Council of ICAO with a request that the Council refer it for consideration to the Air Navigation Commission.

6:1.9 With regard to WP/69 the Division adopted the following Recommendations:

**Recommendation B/14 —**

States are strongly encouraged to implement the Standards on aircraft disinsection contained within Annex 9, in particular to limit the requirement for disinsection to aircraft operations which pose a threat (2.22) and to review their requirements and modify them on the basis of a demonstrable need (2.23).

**Recommendation B/15 —**

ICAO is invited to assume a leadership role, working with Contracting States, the World Health Organization (WHO) and other stakeholders including the International Transport Workers' Federation (ITF) in clarifying the intent of current aircraft disinsection Standards, and develop guidance material that is specific and appropriate to commercial aircraft, to minimize exposure to pesticides in the cabin and cockpit.

**Recommendation B/16 —**

ICAO is encouraged to urgently coordinate with Contracting States and the World Health Organization (WHO) to evaluate and document assessments of the efficacy, practicability and cost-effectiveness of alternatives to the currently endorsed chemical methods of disinsection, and, where appropriate, to record the approval of such alternatives.

6:1.10 In WP/88 presented by ACI the attention of the Division was drawn to the correlation between airports and the revision of WHO International Health Regulations (IHR). The paper contended that airport operators should not be expected to implement anti-infectious disease protective measures on their own. In this regard, ACI was available to work with both WHO and ICAO to produce coordinated and agreed guidelines. The paper alluded to WP/33 of the Secretariat and invited the Division to adopt the general principles therein for a harmonized contingency plan for airports, with a phased response.

6:1.11 The Division agreed that airport operators alone should not be called upon to bear responsibility for anti-infectious disease protective measures and that public health should be viewed in the same vein as public safety and security.

6:1.12 The Division considered WP/18 presented by the Secretariat on the legal responsibility of States and airlines in preventing the spread of communicable diseases. The paper outlined action taken by ICAO in response to the outbreak of Severe Acute Respiratory Syndrome (SARS) and commented upon responsibility which devolves upon States under the Convention on International Civil Aviation and on airlines under general principles of common law.

6:1.13 The Division was of the view that this paper should be considered under the heading of due diligence of States and airlines in preventing the spread of communicable diseases rather than under legal aspects of responsibility. The Division observed that airlines should ensure that transportation is accomplished in a safe, healthy and sanitary manner for all passengers and crew members. Furthermore, the services and facilities offered by the airline should not only include clean air in the cabin, but also proper equipment, clean cabins and well-stocked lavatories, medical kits and properly trained crew to assist passengers.

6:1.14 The Division agreed to refer this subject to the Council of ICAO with a request that the Legal Committee review the legal aspects involved. The FAL Panel should consider the facilitation aspects with a view to including relevant material in the FAL Manual.

6:1.15 In WP/33 the Secretariat offered information on a harmonized contingency phase plan for airports containing guidelines intended to assist airports in the event of a possible resurgence of SARS and another outbreak of a communicable disease which is a threat to public health.

6:1.16 With regard to WP/33, the Division agreed that the model harmonized contingency phased response plan presented therein was useful and appropriate and should be developed further. It was suggested that the triggers for the implementation of such a plan could also include the notification of a suspect case of contagious, infectious disease on board an inbound aircraft.

6:1.17 It was clarified that the primary responsibility for a contingency plan rested with the public health authorities, although the airport management would play a significant coordinating role in implementing the plan.

6:1.18            It was also clarified that the application of the eight anti-SARS measures, mentioned in paras 5.2.1 b) and 5.2.2 b), would pertain only in the event of a resurgence of SARS. Measures to be taken in the event of an outbreak of another contagious disease would be determined by WHO.

6:1.19            It was agreed that the model outline should be published in ICAO guidance material. Possible inclusion in the *Airport Planning Manual* would be investigated. In the meantime a dedicated circular may be published.

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**Agenda Item 7: Other facilitation matters**

7:1 The Division considered the following Working Papers under this Agenda Item: WPs/11 and 29 (Secretariat), WP/72 (Republic of Korea) and WP/45 (IAOPA).

7:2 WP/11, presented by the Secretariat, described ICAO's work concerning assistance to aircraft accident victims and their families, and the need to develop SARPs aimed at facilitating the international travel of persons directly connected with an accident. The paper proposed the addition of a new section to Chapter 8 of the Annex containing new SARPs for Annex 9, in order to complement existing Assembly Resolutions and guidance material on the matter.

7:2.1 During the discussion, some States expressed the view that they would prefer to see the proposed Standard concerning the requirement for other travel documents besides passports as a Recommendation, to be merged with the Recommendation on the issuance of visas. The Division agreed to this amendment, and to some minor changes to the text suggested by other States.

7:2.2 The Division also agreed with the proposal made by the Republic of Korea, in its WP/72, further amended on a suggestion by some States, that a reference to adjacent States should be inserted, as appropriate, into the text of the proposed SARPs of WP/11.

7:3 The Division thus made the following recommendation:

**Recommendation A/15 —**

**Insert** the following text in Chapter 8 of Annex 9:

**“Assistance to aircraft accident victims and their families**

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

- c) **Recommended Practice.—** *In arranging for the entry of the persons referred to in (a), the State of Occurrence and adjacent States 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 these States. In cases where the State of Occurrence of the accident or an adjacent State requires entrance visas for persons referred to in paragraphs a) and b) above, it should expedite the issuance of such visas.*
- d) Contracting States shall make arrangements to issue emergency travel documents, if required, to their nationals who have survived the accident.

- e) Contracting States 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.”

7:4 The Division also agreed that the Secretariat confirm that all entities mentioned in Annexes 12 and 13 are covered in the provisions accounted for in this section of the Annex and that the FAL Manual should contain an explanation, *vis-à-vis* paragraph c) on methods used generally worldwide on emergency visa-issuing procedures. The Secretariat will comply with the above request in keeping with the relevant provisions of Chapter 8 of Annex 9.

7:5 The Division considered WP/45, presented by IAOPA, on a proposal to amend existing Recommended Practice 2.42, to accommodate an established goal, similar to existing paragraphs 3.28 and 3.31, for a total aggregate time for completion of departure/arrival formalities for general aviation.

7:5.1 The Division, with a minor amendment, agreed with the proposal set out in WP/45 and made the following recommendation:

**Recommendation A/16 —**

2.42 **Recommended Practice.**— *At international airports where there are international general aviation operations, Contracting States should arrange for an adequate level of border inspection and clearance services for those operations. Contracting States, in cooperation with operators and airport authorities 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.*

7:6 The following IPs were presented for information: IP/8 and IP/13 by the Secretariat on a guide to submitting differences to Annex 9 and the status of ICAO work on a Facilitation Manual, respectively.

— END —