



## **FACILITATION PANEL (FALP)**

### **FIFTH MEETING**

**Montréal, 31 March to 4 April 2008**

#### **Agenda Item 3: Other amendments to Annex 9**

### **STRENGTHENING THE VALUE OF CREW MEMBER CERTIFICATES (CMCs)**

(Presented by Switzerland)

#### **SUMMARY**

The Crew Member Certificate (CMC) was developed as a tool of immigration facilitation. Lack of mutual recognition in the international community and lack of necessary security features on the one hand and the use of different identification cards on the other hand jeopardize the original purpose of CMCs. This paper presents proposals to strengthen the value of CMCs by amending provisions of Annex 9.

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

The FAL Panel is invited to consider and agree to the amendments to Annex 9 as set out in Paragraph 3.2.

## **1. INTRODUCTION**

1.1 The Crew Member Certificate (CMC) was developed as a card which could serve as an identification document for crew members and at the same time facilitate their entry into and departure from a State. ICAO Contracting States are thus required, according to ICAO Annex 9, Standard 3.71, to waive the visa requirement for arriving crew members presenting CMC, when arriving in a duty status on an international flight. The responsibility for the establishment of facilitation measures respectively for the issuing of the CMC lies with the State.

1.2 A CMC, nevertheless, does not contain any reference to professional qualification of its holder. It has therefore clearly to be distinguished from a crew licence. Furthermore, a CMC differs also considerably from a crew identity card which is issued by the respective aircraft operator and not by the State; it has therefore, unlike the CMC, no officially recognized status.

1.3 According to Standard 3.70 of Annex 9, adequate controls such as a background check and certification of employment status of an applicant prior to issuance shall be placed on the issuance of CMCs.

## 2. PROBLEMS ENCOUNTERED

2.1 Since the last meeting of the Facilitation Panel (FALP/4), Switzerland has faced an increase of difficulties which regard the facilitation of entry of crew members.

2.1.1 Lack of mutual recognition in the international community

2.1.1.1 Crew members who arrive on duty and who possess a CMC and a valid travel document are allowed to pass through special channels at the border in order to expedite the border control inspections. However, not all Contracting States accept the CMC; in addition, they require crew members to produce a visa. Furthermore, several States issue the CMC but not in a form compliant with ICAO Doc. 9303.

2.1.1.2 If Contracting States are not willing to accept the CMC for crew members (be it due to the State's policy or due to the fact that the certificate has not been issued in the form according to the provisions of Annex 9), this certificate, contrary to the purpose of Annex 9, loses its value as a means of facilitation.

2.1.2 Lack of necessary security features

2.1.2.1 In 2007, the Facilitation Working Group of the European Civil Aviation Security Conference (ECAC) carried out a survey regarding the use of CMC. It showed that there were different approaches and that not all ECAC Member States issue CMCs; especially those States that do not issue this certificate, however, expressed the view that they could reconsider their position in case if biometric elements were to be incorporated.

2.1.2.2 Such added value is on the one hand related to requirements of immigration authorities, on the other hand also to security aspects since CMCs grant access to security restricted areas at an airport. Furthermore, the quality of CMCs could be increased by requiring that background checks be carried out in a systematic way before the issuance of a CMC; although the carrying out of background checks as a prerequisite is currently contained in the relevant standard (3.70), it is mentioned only as an example for a means of adequate control.

2.1.2.3 Switzerland believes that control authorities would have more confidence in a secure biometric document which would lead to enhanced privileges and better facilitation for aircrews. It is therefore of the opinion that the value of the use of CMC should be strengthened under the following conditions:

- a) CMCs shall be issued by governments only;
- b) Background checks shall be a prerequisite for the issuance;
- c) The issuance shall be in accordance with the ICAO provisions (machine-readable form);
- d) The inclusion of biometrics (e.g. digitalized photograph, iris or fingerprint) should be considered in a timely manner.

### 2.1.3 Use of different identification cards

2.1.3.1 Only a CMC that has been issued by the government of a State should be accepted for facilitated entry of crew members. However, in all cases where the State does not issue any CMC, crew members have to use their company identification cards. Such company identification cards are issued by the air carrier and do not necessarily fulfill any of the above mentioned requirements.

## 3. POSSIBLE ACTIONS

### 3.1 General remarks

3.1.1 Switzerland is convinced that if the conditions regarding the issuance and form of the CMC could be clarified, this certificate would gain back its intended value as a useful tool for immigration purposes and acceptance on a broader international level. Simultaneously, the conditions for the issuance and acceptance of company cards have to be harmonized. Switzerland therefore invites the Facilitation Panel to consider the suggestions that follow.

3.1.1.1 Governments shall be required to issue only machine-readable CMCs which are not meant to replace travel documents but the visa waiver for holders of a CMC when traveling on duty. They shall incorporate biometrics in a timely manner.

3.1.1.2 Aircraft operators should issue only machine-readable crew identity documents which are meant to attest the fact that the holder is a crew member but do not grant visa-free entry or replace the necessary official travel document.

3.1.2 With regard to the new generation of biometric passports, the updating (upgrading) of the CMC and other crew identity cards must not be neglected. The introduction of biometric features into the CMC as well as into crew identity documents could lead to a wider recognition and acceptance of these documents which would be a benefit for facilitation and security. Switzerland invites the Facilitation Panel to consider appropriate measures in order to strengthen the value of these documents and to achieve a wider harmonization. It has therefore elaborated some proposals to amend relevant Standards and Recommended Practices of Annex 9, as follows.

### 3.2 Proposals for amending Standards and Recommended Practices of Annex 9

3.68 ~~Recommended Practice.~~ If Contracting States ~~should~~ issue the certificates referred to in 3.67, then these shall be issued ~~only~~ in the form of machine readable cards in accordance with the specifications in Doc 9303, Part 3 – Size 1 and Size 2 Machine Readable Official Travel Documents.

3.70 ~~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.~~

3.70 CMCs and other official crew identity documents shall be issued only after a background check has been carried out by or on behalf of the relevant government office. In addition, adequate controls such as a certification of employment status of an applicant prior to issuance, controls on blank card stock, and accountability requirements for issuing personnel, shall be placed on the issuance of CMCs.

3.71 Contracting States shall ~~waive the visa requirement for arriving~~ accept the CMC, issued according to the requirements of Standard 3.68, for visa-free entrance of 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 in order to join their next assigned flight in a duty status.

3.71.1 Contracting States shall not accept CMCs presented by crew members arriving from or departing off duty.

#### 4. ACTION BY THE FALP

4.1 Switzerland invites the Facilitation Panel to consider above explanations and give favourable consideration to an amendment of the relevant Standards and Recommended Practices of Annex 9 as proposed in this Working Paper in order to reach a harmonization and a broader acceptance of the CMC as a useful tool of immigration facilitation and foster its acceptance worldwide.

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