



FACILITATION PANEL (FALP)

SEVENTH MEETING

Montréal, 22 to 26 October 2012

Agenda Item 5: Amendments to Annex 9

DRAFT AMENDMENTS TO ICAO ANNEX 9 ON AUTOMATED BORDER CONTROLS

(Presented by the European Civil Aviation Conference (ECAC))

SUMMARY

With the rapid increase in the number of electronic machine readable travel documents (e-MRTDs) containing biometric data, ICAO Member States have been able to quickly use the data relating to both the e-MRTD and its holder. Many States currently deploy Automated Border Control (ABC) systems which identify and facilitate the movement across their borders of “low risk” passengers who are eligible to use ABC systems. However, as there are differences between one border control point and another, so there are also differences between one ABC system and another.

The European Civil Aviation Conference (ECAC) has considered those ICAO Annex 9 Standards and Recommended Practices (SARPs) which could be interpreted as encompassing the use of ABC systems at border control points and their dependencies, but which currently either lack the required focus to drive harmonisation at international level or have the potential to conflict with the current operation of ABC systems. It is clear that there are a number of areas covering ABC that may benefit from SARPs. As a first step towards realizing those benefits, ECAC would like to propose the insertion of a definition of an ABC and a new Recommended Practice in Annex 9.

Action by the FAL Panel:

The FAL Panel is invited to consider this paper and agree that the suggested definition of an ABC and Recommended Practice should be inserted into ICAO Annex 9, as set out in the Appendix.

1. INTRODUCTION

1.1 Many ICAO Member States have deployed or are currently deploying Automated Border Control (ABC) installations. Designed to meet Border Control requirements defined in national legislation or

regulation, there are differences between each installation, in where they are located, and in how they are operated.

2. DISCUSSION

2.1 2.1 A number of documents exist that explore ABC installations. Those of most note are:

- The 2008 *ICAO Guidelines on Electronic Machine Readable Travel Documents and Passenger Facilitation*; and
- The EU Frontex's *Best Practice Guidelines on the Design, Deployment and Operation of Automated Border Crossing Systems*.

2.2 Whilst both documents contain material that may help Member States get the most out of their ABC installations, they have been less effective in driving harmonisation of ABC operations and improving the passenger experience.

2.3 ECAC has reviewed existing ICAO Annex 9 SARPs to establish whether these can be used to drive harmonization, thus recognizing ICAO leadership in reaching international harmonization. However, this review established that these SARPs either lack the required focus or have the potential to conflict with the current operation of ABC systems. The review also identified a number of areas that may benefit from the further development of ABC SARPs which would provide:

- a definition of an ABC;
- for adequate supervision of ABC gates to promote and facilitate the use of such systems by all eligible passengers, including access for persons with reduced mobility, and to respond to any system failure; and
- for international signage for an ABC (addressed by the separate ECAC working paper on international signage).

2.4 ECAC considered the following definitions that were taken from the *2008 ICAO Guidelines on Electronic Machine Readable Travel Documents and Passenger Facilitation*:

“Automated Border Control system: A fully automated system which authenticates the eMRTD, establishes that the passenger is the rightful holder of the document, queries border control records, then automatically determines eligibility for border crossing according to pre-defined rules.”

“e-MRTD Assisted Border Clearance; A system which assists the border control officer to authenticate the eMRTD via the use of a suitable document reader, establish that the passenger is the rightful holder of the document and query border control records. The officer himself determines eligibility for border crossing.”

3. PROPOSALS FOR AMENDING ICAO ANNEX 9

3.1 In recognition that ABC systems may require the passenger to present either an eMRTD or a token to retrieve an enrolment record, ECAC proposes that the following definition of an ABC be inserted in Chapter 1 – Definitions and General Principles of ICAO Annex 9:

“Automated Border Control (ABC). An automated system based on the use of an electronic machine readable travel document or token that determines eligibility for border crossing according to a set of pre-defined rules.”

3.2 With safety, security and facilitation concerns in mind, ECAC proposes that the following new Recommended Practice be inserted in Chapter 3. ENTRY AND DEPARTURE OF PERSONS AND THEIR BAGGAGE, Section J. Departure procedures, and in Section K. Entry procedures and responsibility, after 3.37 and also after 3.40:

“xx. Recommended Practice – Contracting States utilizing Automated Border Control (ABC) systems should ensure that gates are adequately staffed whilst operational to ensure a smooth passenger flow and respond rapidly to safety and integrity concerns in the event of a system malfunction.”

4. ACTION BY THE FAL PANEL

4.1 The FAL Panel is invited to:

- a) Consider the content of this paper; and
- b) Agree to insert the suggested definition of an ABC and Recommended Practice, as set out in the Appendix, into ICAO Annex 9.

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APPENDIX

Amend Annex 9 as follows:

Chapter 1. Definitions and General Principles

A. Definitions

Automated Border Control (ABC). An automated system based on the use of an electronic machine readable travel document or token that determines eligibility for border crossing according to a set of pre-defined rules.

Chapter 3. Entry and Departure of Persons and their Baggage

xx. Recommended Practice – *Contracting States utilizing Automated Border Control (ABC) systems should ensure that gates are adequately staffed whilst operational to ensure a smooth passenger flow and respond rapidly to safety and integrity concerns in the event of a system malfunction.*

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