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EX/136
27/9/13

ASSEMBLY — 38TH SESSION

DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 16

The attached report on Agenda Item 16 is submitted for consideration by the Executive Committee.

Agenda Item 16: Facilitation and Machine Readable Travel Documents

16.1 At its fifth meeting, the Executive Committee considered developments in the areas of Facilitation (FAL), Machine Readable Travel Documents (MRTDs) and the Public Key Directory (PKD) on the basis of reports by the Council presented in WPs/3, 4, 11 and 23. In addition, nine papers were submitted by States and Observers: WPs/94, 105, 161, 180, 246, 254, 267, 269 and 322.

16.2 The Council, in WP/3, described developments in the FAL Programme since the last Assembly and proposed priorities for the programme and expected outcomes for the 2014-2016 triennium.

16.3 In WP/4, the Council presented a report on developments pertaining to the MRTD Programme and the ICAO PKD since the last Assembly.

16.4 The Council, in WP/11, presented the ICAO Traveller Identification Programme (ICAO TRIP) Strategy and invited the Assembly to endorse the proposed ICAO TRIP Strategy and recommend the participation of States in the PKD.

16.5 In WP/267, the Republic of Korea invited the Assembly to request the Council to consider the inclusion, in Annex 9 — *Facilitation*, of new Standards and Recommended Practices (SARPs) for Automated Immigration Clearance Systems.

16.6 The United Arab Emirates, in WP/254, invited the Assembly to request the Council to consider amending Doc 9944, *Guidelines on Passenger Name Record (PNR) Data*, along the lines suggested in paragraph 2.4 of the paper.

16.7 The United States, in WP/161, proposed steps to develop and adopt enhanced biometrics and international travel standards, in order to facilitate greater interoperability of national trusted traveller programmes.

16.8 The 54 Members of the African Civil Aviation Commission (AFCAC), presented WP/105, in support of and as a comment on WP/4 that concerned progress made under the MRTD Programme and the PKD.

16.9 The International Air Transport Association (IATA), in WP/94, Revision No. 1, addressed non-compliance by States with the international Standards adopted for the transmission of Advance Passenger Information (API) and PNR passenger data that affects both States and airlines. Possible reasons for non-compliance of relevant Annex 9 SARPs were also addressed in the paper.

16.10 The World Tourism Organization (UNWTO), in WP/246, contended that existing visa requirements and visa processing procedures restrict the growth of the aviation and tourism sectors, and consequently economic development and employment. The paper presented various areas in which the facilitation of such requirements and processes may positively impact the above-mentioned sectors.

16.11 In information paper WP/322, Chile reported on activities undertaken in relation to ICAO's MRTD Programme, particularly its participation in appropriate ICAO meetings and its implementation of the relevant provisions of Doc 9303 and of Annex 9 — *Facilitation*.

16.12 China, in information paper WP/180, described the progress that the State has made since the 37th Assembly in further advancing facilitation and implementing electronic passports, in accordance with the relevant SARPs of Annex 9 and the technical specifications of Doc 9303, *Machine Readable Travel Documents*.

16.13 In information paper WP/269, the Republic of Korea described its Automated Immigration Clearance Service based on facial recognition that was developed to enhance facilitation of air transport services and aviation security.

16.14 The Committee endorsed the proposed priorities for the FAL Programme and expected outcomes for the 2014-2016 triennium, as set out in paragraph 3.12 of WP/3.

16.15 The Committee made note of the developments pertaining to the MRTD Programme and the PKD, as presented in WP/4.

16.16 The Committee endorsed the proposed ICAO TRIP Strategy and recommended the participation of States in the PKD, as proposed in WP/11. The Committee also requested that the concerns raised by small States regarding the PKD participation fees be considered.

16.17 The Committee agreed that the Council should be requested to consider including new SARPs in Annex 9 relating to Automated Immigration Clearance Systems, as set out in paragraph 4 of WP/267.

16.18 The Committee agreed that the Council should be requested to consider the proposals, set out in paragraph 2.4 of WP/254, for updating Doc 9944.

16.19 The Committee, in noting the relevance of trusted traveller programmes described in WP/161, to improve facilitation and security, agreed that the Council should examine ways and means by which ICAO could support the development of such programmes, and the interoperability and harmonization thereof.

16.20 With regard to matters relating to new provisions for Annex 9 on automated immigration clearance systems, the revision of Doc 9944 and SARPs for trusted traveller programmes, the Committee agreed that these matters should be referred to the FAL Panel for consideration.

16.21 The Committee agreed to the proposals, presented in WP/105, that the Council should convene high-level engagements between States responsible for issuing travel documents and Civil Aviation Authorities to ensure awareness of the responsibilities associated with the 24 November 2015 Machine Readable Passports (MRPs) deadline. In noting the planned development of an ICAO model roadmap to assist States in ePassport implementation initiatives, the Committee agreed that ICAO should give this high priority, and specifically should conduct regional seminars/workshops in order to educate States on the benefits of participating in the PKD.

16.22 With regard to WP/94, Revision No. 1, the Committee agreed that States should be requested to raise awareness amongst immigration and border control authorities of ICAO SARPs and guidance material dealing with passenger data. However, the Committee did not support a proposal to expand the Universal Security Audit Programme to all API and PNR-related SARPs of Annex 9.

16.23 The Committee agreed that Member States should be urged to continue the process of visa facilitation, as suggested in WP/246. It also agreed that ICAO and the UNWTO should jointly address the subject of visa facilitation at a strategic level, but within the framework of resources available to the FAL Panel.

16.24 Completing its work on this agenda item, the Committee considered the proposed *Consolidated statement of continuing ICAO policies and practices related to facilitation* as presented in WP/23, which contained a draft resolution for adoption by the Assembly (Resolution 16/xx).

16.25 The Committee noted that matters pertaining to facilitation have appeared, to date, in the *Consolidated statement of continuing ICAO policies in the air transport field*. However, taking into account the new Strategic Objectives approved by the Council, the Committee agreed that matters pertaining to facilitation should be presented as a stand-alone draft Resolution, as proposed. It also noted that the proposed Consolidated statement reflects recent developments, as well as the future focus of ICAO's work in the field. The latter includes planned activities for the FAL Programme during the next triennium, as well as key elements of the ICAO TRIP Strategy that relate to identification management and the security and integrity of travel documents.

16.26 Having reviewed the draft resolution, and having included an additional paragraph (11) in Appendix C, the Committee agreed to recommend to the Plenary to adopt the following resolution.

Resolution 16/xx: Consolidated statement of continuing policies and practices related to facilitation

Whereas Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Contracting States under Articles 22, 23 and 24 of the Convention and standardizing procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35;

Whereas implementation of the Standards and Recommended Practices in Annex 9 is essential to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail and manage challenges in border controls and airport processes so as to maintain the efficiency of air transport operations; and

Whereas it is essential that Member States continue to pursue the objective of maximizing efficiency and security in such clearance operations;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies related to facilitation, as these policies exist at the close of the 38th Session of the Assembly:

Appendix A — Development and implementation of facilitation provisions

Appendix B — National and international action in ensuring the security and integrity of traveller identification and border controls

Appendix C — National and international action and cooperation on facilitation matters

2. *Requests* the Council to keep the consolidated statement related to facilitation under review and advise the Assembly as appropriate when changes are needed to the statement; and

3. *Declares* that this resolution supersedes Resolution A37-20 (Appendix D – Facilitation).

APPENDIX A **Development and implementation of facilitation provisions**

Whereas the Convention on the Rights of Persons with Disabilities and its Optional Protocol, that had been adopted in December 2006 by the United Nations General Assembly, entered into force on 3 May 2008;

Whereas the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems that expedite the movement of international passengers and crew members through clearance control at airports while enhancing immigration compliance programmes; and

Whereas the development of a set of standard signs to facilitate the efficient use of airport terminals by travellers and other users has proved effective and beneficial;

The Assembly:

1. *Urges* Member States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;

2. *Urges* Member States to give due regard to Doc 9984, *Manual on Access to Air Transport by Persons with Disabilities*, in their implementation of the relevant provisions of Annex 9;

3. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Member States with respect to administration of border controls, cargo and passengers; advances in technologies related to such administration; cargo facilitation; the handling of and responses to health-related and other disruptive events to aviation; and unaccompanied minors;

4. *Requests* the Council to ensure that relevant guidance material is current and responsive to the requirements of Member States;

5. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation*, and Annex 17 — *Security*, are compatible with and complementary to each other; and

6. *Requests* the Council to update Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to ensure that it is current and responsive to the requirements of Member States.

APPENDIX B
**National and international action in ensuring the security
and integrity of traveller identification and border controls**

Whereas States recognize the relevance of traveller identification and border control management to aviation security and facilitation;

Whereas States recognize that the ability to uniquely identify individuals requires a holistic and coordinated approach, which links the following five interdependent elements of traveller identification and border control management into a coherent framework:

- a) Foundational documents, tools and processes required to ensure authentic evidence of identity;
- b) The design and manufacture of standardized Machine Readable Travel Documents (MRTDs), including e-Passports, that comply with ICAO specifications;
- c) Processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to combat theft, tampering and loss;
- d) Inspection systems and tools for the efficient and secure reading and verification of MRTDs at borders, including use of the ICAO PKD; and
- e) Interoperable applications that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations.

Whereas States require capacity to uniquely identify individuals and require tools and mechanisms available to establish and confirm the identity of travellers;

Whereas the ICAO Traveller Identification Programme (ICAO TRIP) Strategy provides a framework for achieving the maximum benefits of travel documents and border controls by bringing together the elements of identification management, and building on the success of the ICAO MRTDs Programme;

Whereas the passport is the main official document that denotes a person's identity and citizenship and is intended to inform the State of transit or destination that the bearer can return to the State which issued the passport;

Whereas international confidence in the integrity of the passport is essential to the functioning of the international travel system;

Whereas the security of traveller identification and border controls depends on a robust identification management system and the integrity of the travel document issuance process;

Whereas Member States of the United Nations have resolved, under the Global Counter-Terrorism Strategy adopted on 8 September 2006, to step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use;

Whereas Resolution 1373 adopted by the United Nations Security Council on 28 September 2001 decided that all States shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

Whereas enhanced and intensified cooperation among States is required in order to combat and prevent identification and travel document fraud;

Whereas the criminal focus worldwide has been increasingly shifting from travel document fraud to identification fraud;

Whereas ICAO has set up the Public Key Directory (PKD) to verify, validate and authenticate biometrically-enhanced MRPs (ePassports), thereby strengthening their security and the integrity of border controls; and

Whereas Member States request from ICAO Programmes technical assistance and capacity-building support in strengthening their traveller identification and border control programmes;

The Assembly:

1. *Urges* States, through their travel document and border control programmes, to uniquely identify individuals to maximize security and facilitation benefits, including preventing acts of unlawful interference and other threats to civil aviation;
2. *Urges* Member States to intensify their efforts in developing and implementing a robust identification management system and safeguard the security and integrity of the travel document issuance process;
3. *Requests* the Council to direct the Secretary General to implement the ICAO TRIP Strategy to assist Member States to uniquely identify individuals, and to enhance the security and integrity of their travel documents and border controls;
4. *Requests* Member States to intensify their efforts to safeguard the security and integrity of traveller identification and border controls, and to assist one another in these matters;
5. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 1;
6. *Urges* Member States to ensure that the expiration date of non-machine readable passports falls before 24 November 2015;
7. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;

8. *Requests* the Council to ensure that specifications and guidance material contained in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances, and to continue to explore technological solutions aimed at enhancing security and facilitation of border controls;
9. *Requests* the Council to continue the work on further strengthening the security and integrity of traveller identification and border controls, and developing guidance material to assist Member States to further those objectives;
10. *Urges* the Council to explore ways of intensifying assistance and capacity-building support to Member States in the traveller identification and border control areas, including a proactive leadership role for ICAO in facilitating and coordinating such assistance in the international community;
11. *Urges* all States to join the ICAO PKD; and all receiving States to verify the digital signatures associated with ePassports; and
12. *Urges* those Member States that are not already doing so to provide routine and timely submissions of lost and stolen passport data to the Interpol's Automated Search Facility/Stolen and Lost Travel Document Database.

APPENDIX C

National and international action and cooperation on facilitation matters

Whereas there is a need for continuing action by Member States to improve the effectiveness and efficiency of clearance control formalities;

Whereas the establishment and active operation of national facilitation committees is a proven means of effecting needed improvements;

Whereas cooperation on facilitation matters amongst Member States and with the various national and international parties interested in facilitation matters has brought benefits to all concerned; and

Whereas such cooperation has become vital in the light of the proliferation of non-uniform passenger data exchange systems that adversely affect the viability of the air transport industry;

The Assembly:

1. *Urges* ~~Contracting~~ Member States to establish and utilize national facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;
2. *Requests* the Council to develop relevant guidance material on the establishment of national facilitation programmes and/or committees, as appropriate, as supplementary to the provisions of Annex 9;
3. *Urges* Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;

4. *Urges* Member States to take all necessary steps, through national facilitation committees or other appropriate means, for:
 - a) regularly calling the attention of all interested departments of their governments to the need for:
 - i. making the national regulations and practices conform to the provisions and intent of Annex 9; and
 - ii. working out satisfactory solutions for day-to-day problems in the facilitation field; and
 - b) taking the initiative in any follow-up action required;
5. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation committees and to coordinate the findings of their committees on facilitation problems with those of other Member States with which they have air links;
6. *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;
7. *Urges* Member States, aircraft operators and airport operators to continue to cooperate intensively as regards:
 - a) identification and solution of facilitation problems; and
 - b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;
8. *Urges* Member States to call upon international operators and their associations to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals;
9. *Urges* Member States, in their use of electronic data interchange systems, to ensure that their passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose;
10. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed up the handling and clearance of air cargo, while ensuring the security of the international supply chain; and
11. *Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies.