

**61ST CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGION**

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**AGENDA ITEM 5: AVIATION SECURITY AND
FACILITATION**

**REVIEW OF THE SCOPE OF ANNEX 9 — FACILITATION
UNDER THE ICAO USOAP CMA ONLINE FRAMEWORK (OLF)**

(Presented by Bangladesh)

SUMMARY

Since 2005, ICAO Annex 9—(Facilitation) was kept out of audit scope of ICAO Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) activities as per the Assembly Resolution A35-6 mandate, with a view that Annex 9 does not deal with direct safety oversight responsibilities typically undertaken by Civil Aviation Authorities/Administrations.

Annex 9 — (Facilitation) is currently included in the USOAP CMA Online framework (OLF). The inclusion of Annex 9 in the USOAP CMA OLF, has added a considerable reporting and compliance burden on the States and thus risking distorting State's safety compliance indicators. In this paper, Bangladesh proposes that ICAO may review and address this issue.

REVIEW OF THE SCOPE OF ANNEX 9 — FACILITATION UNDER THE ICAO USOAP CMA ONLINE FRAMEWORK (OLF)

1. INTRODUCTION

1.1 The Universal Safety Oversight Audit Programme – Continuous Monitoring Approach (USOAP CMA) currently encompasses oversight of all ICAO Annexes to the Chicago Convention on International Civil Aviation (Doc 7300), with the exception of Annex 17 — Aviation Security and the relevant security-related Standards of Annex 9 — Facilitation, which is governed under a separate audit mechanism – the Universal Security Audit Programme – Continuous Monitoring Approach (USAP CMA).

1.2 The USOAP CMA Online Framework (OLF) is the central platform through which ICAO Member States maintain State Aviation Activity Questionnaires (SAAQ), Compliance Checklists (CC), Electronic Filing of Differences (EFOD) and Corrective Action Plans. These elements result into a State's Effective Implementation (EI) score which is considered the principal indicator of a State's safety oversight capability.

1.3 When the USOAP transitioned to a Comprehensive Systems Approach in 2004-2005, Annex 9 - Facilitation and Annex 17 - Security was excluded from its audit scope since neither is a safety oversight instrument. Annex 9 encompasses security relevant standards that are instead assessed under the Universal Security Audit Programme Continuous Monitoring Approach (USAP-CMA).

1.4 Unlike the technical domains of Annexes addressed by the USOAP CMA—which include personnel licensing, aircraft operations, airworthiness of aircraft, aircraft accident investigation, air navigation services, aerodromes and ground aids and safety management; —Annex 9 does not deal with direct safety oversight responsibilities typically undertaken by Civil Aviation Authorities. Its administrative nature and cross-agency implementation introduce challenges in aligning it within the scope of the USOAP CMA, which focuses on the State's capability to provide safety oversight.

1.5 It may be mentioned here that Annex 9 is not under the purview of the scope of the USOAP CMA activities. Currently, Annex 9 remain hosted on the OLF in the CC/EFOD part along with safety related ICAO Annexes, adding a considerable reporting and compliance burden on the States and thus risking distorting State's safety compliance indicators.

2. DISCUSSION

2.1 Pursuant to assembly resolution A37-5, the USOAP CMA OLF website was developed. The objectives of the ICAO USOAP Continuous Monitoring Approach (CMA) audits are to assess a State's ability to provide effective safety oversight of civil aviation, ensure compliance with ICAO Standards and Recommended Practices (SARPs), and identify areas needing improvement to strengthen global aviation safety.

2.2 The website relates two distinct obligations, (a) the USOAP CMA audit that assesses effective implementation of safety oversight and (b) filing of differences under Article 38 of the Chicago Convention. However, many Annex 9 provisions fall under the authority of agencies outside the CAA including immigration, customs, public health and border control. CAAs worldwide, struggle to keep Annex 9 entries current rendering many Annex 9 entries to be outdated or incomplete.

2.3 As the OLF compliance indicators are presented in totality, an incomplete Annex 9 entry lowers a State's overall CC/EFOD performance even though Annex 9 has no direct bearing on the State's EI score or safety oversight capability. As such, incomplete Annex 9 entries do present a misleading picture to ICAO and international stakeholders.

2.4 This concern has regional implications. The Group of Experts for a Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) Structured Review (GEUSR) has already recommended that ICAO exclude from USOAP CMA Protocol Questions any references to Annex 9, Annex 16 or Annex 17 reflecting growing consensus that non-safety Annexes should not influence the OLF's safety performance indicators.

2.5 To ease the complications, Bangladesh proposes three complementary options for ICAO's consideration:

- a) **Relocation:** migrate the Annex 9 differences filing function to a dedicated facilitation or security tool aligned with the USAP-CMA system where Annex 9 content is already assessed;
- b) **Separation:** retain Annex 9 CC/EFOD on the OLF but keep it separated visually and statistically from the safety Annexes so that it does not become a factor in the total effective implementation compliance indicators; and
- c) **Clarify and streamline:** issue updated guidance confirming that Annex 9 CC/EFOD is a distinct Article 38 obligation that is independent of USOAP CMA and enable multi-agency update mechanisms so relevant national authorities can update entries directly.

3. ACTION BY THE CONFERENCE

3.1 The Conference is invited to:

- a) note the contents of this paper;
- b) recognize that Annex 9 - Facilitation though excluded from the scope of the USOAP CMA audit since the adoption of Assembly Resolution A35-6 and that its security relevant provisions are separately audited under USAP-CMA;
- c) support a request to ICAO to review the existing and continued inclusion of Annex 9 within the Compliance Checklist/EFOD architecture of the USOAP CMA Online Framework (OLF) and relocate or clearly separate Annex 9 from the platform's safety related compliance indicators;
- d) encourage ICAO to consider streamlined, multi-agency update mechanisms for Annex 9 CC/EFOD entries; and
- e) request ICAO to report back to a future DGCA Conference on the outcome of this review.

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