



**WORKING PAPER**

**ASSEMBLY — 41ST SESSION**

**EXECUTIVE COMMITTEE**

**Agenda Item 13: Facilitation Programmes**

**DEVELOPMENTS PERTAINING TO ANNEX 9 — FACILITATION**

(Presented by the Council of ICAO)

**EXECUTIVE SUMMARY**

Annex 9 — *Facilitation* is based on 10 articles of the Chicago Convention which require Member States to comply with laws governing the inspection of aircraft, cargo and passengers by authorities concerned with customs, immigration, agriculture and public health in order to minimize operational delays. As the means of carrying out this mandate, the ICAO Facilitation Programme builds on Standards and Recommended Practices (SARPs) as maintained in Annex 9 — *Facilitation*, designed to help States achieve maximum efficiency in their border clearance operations. The 40th Session of the Assembly (2019) agreed that the Annex 9-related Facilitation (FAL) Programme's priorities during the 2020-2022 triennium would be to address non-compliance with Annex 9 SARPs, engage with advances in technologies and prepare responses to emerging issues in the field of facilitation. Accordingly, this paper reports on developments in Annex 9 since the 40th Session of the Assembly, and proposes priorities for Annex 9 and expected outcomes for the next triennium 2023-2025 (Appendix refers).

**Action:** The Assembly is invited to:

- a) acknowledge the work accomplished by ICAO in paragraph 2;
- b) endorse the Organization's work programme on Annex 9 — *Facilitation* and priorities for the 2023-2025 triennium as presented in paragraph 3 and detailed in the Appendix to this paper;
- c) consider the information contained in this paper for the update of Assembly Resolution A40-16, *Consolidated statement of continuing ICAO policies related to facilitation*; and
- d) encourage States to support the work programme on Annex 9 for 2023-2025 with extra-budgetary contributions.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective — <i>Security and Facilitation</i> .
<i>Financial implications:</i>	The ICAO activities referred to in this paper are expected to be undertaken within the resources available in the 2023 – 2025 Regular Budget and/or from extra-budgetary contributions as guided by the ICAO Business Plan 2023-2025.
<i>References:</i>	Annex 9 – <i>Facilitation</i> (15th edition, October 2017) Doc 10140, <i>Assembly Resolutions in Force (as of 4 October 2019)</i> Doc 10042, <i>Model National Air Transport Facilitation Programme</i> Doc 9957, <i>Facilitation Manual (First Edition 2011)</i> Doc 10160, <i>High-Level Conference on COVID-19 (Montréal, 12 to 22 October 2021) Report</i> Report of the Twelfth Meeting of the Facilitation Panel (13 to 22 July 2021) A41-WP/18, <i>Consolidated statement of continuing ICAO policies related to facilitation</i> A41-WP/20, <i>Outcome of the Facilitation Stream of the High-level Conference on COVID-19</i> A41-WP/21, <i>Assistance to aircraft accident victims and their families</i> ICAO Business Plan 2023–2025

## 1. BACKGROUND

1.1 ICAO Strategic Objective, *Security and Facilitation* reflects the need for ICAO's leadership in aviation security and the facilitation of air transport and related border security matters. The Facilitation (FAL) Programme addresses primarily the varied, but inter-related, interests of Member States, aircraft and airport operators, and passengers in a coordinated manner, while working towards achieving more efficient and orderly air transport.

1.2 The 40th Session of the ICAO Assembly endorsed the Annex 9-related priorities for the 2020-2022 triennium under two categories - "working better with what we have", the Programme's priorities undertake a consolidation of its work, examine issues relating to non-compliance with the Annex 9 — *Facilitation* SARPs; and the development of strategies to assist States in implementing the provisions of Annex 9. The second category, "planning for the future", involves engagement with advances in technologies pertaining to the work of the FAL Programme, including the preparation of responses to new and emerging facilitation-related issues.

## 2. DEVELOPMENTS IN THE PRIORITIES ENDORSED FOR 2020-2022

2.1 Amendment 27 to Annex 9 — *Facilitation* became applicable on 21 February 2020. The amendment included new and revised provisions related to crew identity cards, the transport of minors by air, trafficking in persons, and passenger data exchange systems.

2.2 The Eleventh Meeting of the Facilitation Panel (FALP/11) convened from 13-16 January 2020 considered new and revised Standards and Recommended Practices on Passenger Name Record (PNR) data developed by the ICAO Passenger Name Record Task Force (PNR-TF) established in 2019 to answer the United Nations Security Council (UNSC) resolution 2396 (2017). The FALP/11 recommended that the new and revised SARPs be included in Amendment 28 to Annex 9, which was adopted by the ICAO Council on 23 June 2020. The amendment became effective on 30 October 2020 and applicable on 28 February 2021.

2.3 The COVID-19 global pandemic had a significant impact on international civil aviation. Throughout the pandemic, notably during the early phase, the Facilitation Section was very active in efforts to minimize the pandemic's impact on the civil aviation sector, the travelling public, and to stimulate the restart, recovery and resilience of the sector, including through providing significant contributions to the ICAO Council Aviation Recovery Task Force (CART) and its Take-off Guidance Document. In this context, the Secretariat promptly reprioritized the allocation of resources to take into consideration the emerging requirements of the response to the pandemic and the importance of global connectivity for air travel, trade and tourism. The reprioritization resulted in the adjustment of some Annex 9-related activities to facilitate the response to the pandemic due to associated restrictions imposed by States, such as closing of borders.

2.4 To assist Member States in implementing Annex 9 health-related provisions, ICAO inter alia, convened weekly technical meetings with relevant international organizations, industry and other stakeholders, to facilitate coordination, harmonization of implementation efforts, identify challenges experienced by States, and to effectively provide guidance to aviation authorities, airlines, and airports on appropriate measures aimed to protect the health of the travelling public and reduce the risk of transmission. In response to insufficient coordination between public health and aviation authorities and

other Facilitation stakeholders in responding to the pandemic, ICAO developed a Facilitation Implementation Package (iPack) on *Strengthening National Air Transport Facilitation Committees for the Restart and the Resilience of Civil Aviation*. This aims to assist Member States establish and operate a resilient and robust National Facilitation Committee that provides the necessary framework for effective coordination and collaboration. The iPack, supplemented by a series of webinars, was deployed fifteen times in 2021 and has assisted States to build capacity and implement Annex 9 Standards 8.17 and 8.19.

2.5 The complex and diverse nature of air transport facilitation contributed to some stakeholders at the national and international levels not receiving relevant training that often results in difficulties in coordinating and implementing facilitation measures. To address this need, assist States build capacity, and enhance implementation of Annex 9 provisions, ICAO developed three training courses entitled Annex 9 — *Facilitation*, ICAO Traveller Identification Programme (TRIP) Strategy, and Assistance to Aircraft Accident Victims and their Families, for delivery in both virtual and classroom formats.

2.6 A Public Health COVID-19 Self Declaration Form for use by States to collect information regarding health status from passengers arriving at their ports of entry has been developed in close consultations with health experts from the World Health Organization (WHO) and Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) experts, to facilitate global harmonization. The Form with a standardized set of data, supplements the information provided through the existing Public Health Passenger Locator Form in Appendix 13 to Annex 9, and address the information required in the context of the COVID-19.

2.7 To enhance the Annex 9 health-related regulatory framework to address future public health emergencies and mitigate the spread of communicable disease by air transport, ICAO established an ad-hoc Task Force on Health Issues Outbreaks in Aviation (TF-HIOA). The Task Force's mandate include inter alia, the review of all the health-related Annex 9 SARPs and the development of proposals for new and/or revised Annex 9 provisions, and associated guidance material. The Task Force presented proposals for new and revised health-related SARPs to the Twelfth Meeting of the Facilitation Panel (FALP/12), while it continues its mandate to, inter alia, develop associated guidance material and streamline the placement of all new and revised health-related SARPs, and the placement of existing SARPs in a new Chapter 10 on Health-related Provisions to Annex 9 — *Facilitation*.

2.8 The Twelfth Meeting of the Facilitation Panel (FALP/12) held virtually from 13-22 July 2021, considered the TF-HIOA proposals for new and revised health-related SARPs, and other topics such as air transport facilitation of persons with disabilities, assistance to aircraft accident victims and their families, and trafficking in persons (<https://www.icao.int/Meetings/FALP/Pages/FALP12-2021.aspx>). The FALP recommended to the Air Transport Committee (ATC) that the new and revised SARPs be included in Amendment 29 to Annex 9, including the establishment of a new Chapter 10 on health-related provisions to streamline the placement of all new and revised health-related SARPs, and the placement of existing SARPs. On 9 March 2022, the ICAO Council adopted Amendment 29 to Annex 9 that became effective on 18 July 2022, and will become applicable on 18 November 2022. This amendment includes new and/or revised provisions on public health emergencies, security of travel and health-proofs documents, relief and repatriation flights, air transport facilitation of persons with disabilities, assistance to aircraft accident victims and their families, and trafficking in persons.

2.9 Another key recommendation of FALP/12, approved by the ATC in September 2021 is the establishment of a dedicated Working Group on Annex 9 (WGA9), composed of experts from Member States, relevant international organizations and industry, supported by the ICAO Secretariat. The

mandate of the WGA9 is, inter alia, to ensure that the measures contained in Annex 9 are commensurate with the current and foreseeable global aviation facilitation environment for civil aviation.

2.10 The ICAO Working Group on Human Trafficking developed a *Comprehensive Strategy for Combating Human Trafficking in the Aviation Sector*, to equip States, civil aviation authorities and organizations, aircraft operators, and airports with guidance and recommendations to inform their development of comprehensive counter-trafficking strategies in line with ICAO Assembly Resolution A40-16, *Consolidated statement of continuing ICAO policies related to facilitation*. In September 2021, the ATC approved FALP/12's recommendation of the Comprehensive Strategy.

2.11 From 1 to 3 December 2021, ICAO convened the first Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021) (A41-WP/21, *Assistance to aircraft accident victims and their families* refers). As adopted in Amendment 29 to Annex 9, a new RP addresses to aircraft and airport operators on the development of plans to provide timely assistance to aircraft accident victims and their families. Notably, RP 8.46 was elevated from a Recommended Practice to a Standard enhancing Annex 9 regulatory framework on Assistance to Aircraft Accident Victims and their families.

2.12 The High-level Conference on COVID-19 (HLCC 2021), held virtually from 12 to 22 October 2021, discussed five agenda items under the Facilitation Stream that resulted in 79 recommendations that were endorsed by the Ministerial Plenary (Doc 10160, *High-Level Conference on COVID-19 (Montréal, 12-22 October 2021) Report* refers). The 79 recommendations and required financial and human resources are presented under a separate Assembly Working Paper (A41-WP/20, *Outcome of the Facilitation Stream of the High-level Conference on COVID-19*).

### 3. PRIORITIES AND OUTCOMES FOR THE 2023 – 2025 TRIENNIUM

3.1 The FAL Programme's work on Annex 9 for the next triennium addresses five core areas – streamlining of Annex 9 SARPs, monitoring States' level of implementation of Annex 9 SARPs, assistance to Member States, responses to new and emerging issues including public health emergencies, and innovation in technologies impacting existing SARPs. It also takes into account the continuation of work commenced during this triennium to assist Member States implement Annex 9 —*Facilitation SARPs* pursuant to the Organization's *No Country Left Behind* (NCLB) initiative.

3.2 The lessons learnt from the COVID-19 pandemic, and notably, the recommendations of the High-level Conference on COVID-19 are essential elements defining part of the priorities for the 2023-2025 triennium. The priorities include, inter alia, assistance to Member States through training, guidance material, regional implementation seminars, assistance projects to build capacity and enhance implementation of Annex 9 provisions; continuous engagement with advances in technologies and providing appropriate responses to new and emerging issues in the field of facilitation, design of appropriate auditing framework for the implementation of Annex 9 health-related SARPs; and the development of a mechanism to facilitate national facilitation oversight system. The table in the **Appendix** summarizes the proposed priorities and expected outcomes for the Facilitation Programme's work on Annex 9 — *Facilitation*, for the 2023-2025 triennium.

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## APPENDIX

### PRIORITIES AND OUTCOMES: 2023 – 2025

The table below summarizes the proposed priorities for the FAL Programme’s work on Annex 9 and expected outcomes for the 2023 – 2025 triennium:

Priorities: 2023 - 2025	Expected Outcomes
1. Streamlining Annex 9 Standards and Recommended Practices	<ul style="list-style-type: none"> <li>a. streamline Annex 9 SARPs;</li> <li>b. regroup all health-related SARPs to new Chapter 10; and</li> <li>c. develop new and revised SARPs commensurate with the current and foreseeable global aviation facilitation environment for civil aviation.</li> </ul>
2. Monitoring States’ level of implementation of Annex 9 Provisions	<ul style="list-style-type: none"> <li>a. enhance strategies to assist Member States in notifying differences and compliance with Annex 9 SARPs through the Compliance Checklist in the Electronic Filing of Differences (EFOD) system;</li> <li>b. design an appropriate auditing framework for the implementation of Annex 9 health-related SARPs.</li> </ul>
3. Assistance to Member States	<ul style="list-style-type: none"> <li>a. provide targeted State assistance projects;</li> <li>b. develop and deliver Facilitation iPacks and training courses;</li> <li>c. implement State specific FAL Regional Implementation Seminars;</li> <li>d. review and develop API and PNR guidelines;</li> <li>e. develop relevant guidance material; and</li> <li>f. develop a mechanism to facilitate national facilitation oversight systems.</li> </ul>
4. Responses to new and emerging issues, including public health emergencies	<ul style="list-style-type: none"> <li>a. develop new and revised health-related SARPs in close collaboration with the World Health Organization (WHO) and other relevant stakeholders;</li> <li>b. support the development of a unified framework to improve the effectiveness of global management of public health risk in aviation together with relevant stakeholders;</li> <li>c. monitor new developments and collaborate with relevant stakeholders to further develop the guidance material supporting the implementation of the health-related provisions of Annex 9;</li> <li>d. collaborate with relevant international organizations and industry to develop a crisis response framework for future health-related crises that draws on CART recommendations and guidance, CAPSCA guidance, industry best practices, integrated risk management approaches, States’</li> </ul>

	<p>responses and lessons learnt from COVID-19 that would enable the international aviation community to respond rapidly to a health-related crisis;</p> <p>e. establish a comprehensive work programme to facilitate mitigating the barriers that limit the ability of persons with reduced mobility and persons with disabilities to travel by air;</p> <p>f. review, update and publish the second edition of ICAO DOC 9957 – <i>Facilitation Manual</i>; and</p> <p>g. update and refine the global facilitation policy framework and associated guidance material, particularly through the coordination of expert groups in the area of facilitation.</p>
5. Innovation in technologies impacting existing SARPs	<p>a. develop a harmonized framework for interoperable long-term solutions that use digital travel documents and health-related credentials established by States, taking into account existing solutions and innovative technologies;</p> <p>b. monitor innovative developments in the Facilitation domain, facilitate sharing of knowledge regarding innovation and develop new regulatory provisions, guidance, specifications and/or tools as necessary; and</p> <p>c. explore the possible need to include SARPs in Annex 9 vis-à-vis Facilitation-related aspects of Remotely Piloted Aircraft Systems (RPAS).</p>