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## **ASSEMBLY — 41ST SESSION**

### **REPORT OF THE EXECUTIVE COMMITTEE ON AGENDA ITEM 13**

(Presented by the Chairperson of the Executive Committee)

The attached report on Agenda Item 13 has been approved by the Executive Committee. Resolutions 13/1, 13/2, 13/3 and 13/4 are recommended for adoption by the Plenary.

*Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.*

(25 pages)

**Agenda Item 13: Facilitation Programmes**

13.1 At its sixth meeting, the Executive Committee considered the subject of Facilitation Programmes based on the Council report on progress made in implementing the ICAO Traveller Identification Programme (ICAO TRIP) Strategy (WP/10), major activities relating to the ICAO Public Key Directory (PKD) (WP/9), recent developments in Annex 9 — *Facilitation* (WP/19), outcomes of the Symposium on Assistance to Aircraft Accident Victims and their Families (1-3 December 2021) (WP/21), as well as the Consolidated statement of continuing ICAO policies related to facilitation (WP/18). The Committee also considered the Council's proposal for updating the following Resolutions: *Consolidated statement of continuing ICAO policies related to facilitation* (superseding Assembly Resolution A40-16), *Assistance to victims of aircraft aviation accidents and their families* (superseding Assembly Resolution A39-27); and a new Assembly Resolution *Accessibility in aviation*. In addition, 35 papers were submitted by States and observers: WPs/142, 81, 315, 176, 345, 143, 76 Revision No.1, 77 Revision No.1, 182, 313, 145, 312, 204 Revision No.1, 146, 358, 257, 390, 397 Revision No.1, 259, 194, 73 Revision No.1, 82, 339, 272, 88, 98, 359, 185, 79 Revision No.1, 340, 54, 412, 318, 420, and 144. The following information papers were also presented under this agenda item: WPs/494, 533, 141, 527, 544, 461.

***ICAO Traveller Identification Programme (TRIP) Strategy and ICAO Public Key Directory (PKD)***

13.2 WP/10, presented by the Council, highlights the mandate and current priorities of the ICAO Traveller Identification Programme (TRIP) Strategy, and reports on developments in the Programme since the last Assembly. It concludes by proposing priorities for the ICAO TRIP Strategy and outlines the expected outcomes of its work during the next triennium. The Committee endorsed the proposed priorities for the ICAO TRIP Strategy and expected outcomes for the 2023-2025 triennium, as presented in Appendix A of WP/10. The activities referred to in this working paper will be undertaken subject to the resources available in the 2023–2025 Regular Programme Budget and/or from extra-budgetary contributions.

13.3 WP/9, presented by the Council, discusses the increasing relevance of the ICAO Public Key Directory (PKD) in the context of growing use of electronic documents in aviation and travel, outlines developments in the PKD programme since the 40th Session of the Assembly and proposes priorities for the 2022–2025 triennium. The Committee took note of the outlined developments and endorsed the priorities proposed in section 5 of WP/9. The Committee invites States to join and actively use the PKD.

13.4 WP/142, presented by Japan, outlines a new boarding procedure using face recognition technology, which will not only improve passenger convenience, but will also increase productivity and enable non-face-to-face and contactless travel. The Committee agreed on the need to discuss further the relevance of the development of standards on biometrics by ICAO.

13.5 WP/81, presented by the International Air Transport Association (IATA) and Airports Council International (ACI), highlights the trend towards contactless processes in travel that has increased during the COVID-19 pandemic. Noting the facilitation benefits associated with pre-travel verification processes, the Committee stressed that the relationship with security processes should be taken into account. The actions requested of ICAO in the Executive Summary were approved by the Committee.

13.6 The Committee noted information paper WP/494 Revision No.1 presented by China.

***Annex 9 — Facilitation***

13.7 The Council, in WP/19, reports on developments in Annex 9 — *Facilitation* since the last Assembly and presents the current priorities of the FAL Programme's work on Annex 9. It concludes by proposing work priorities for Annex 9 in Appendix A of the paper, and expected outcomes for the next triennium (2023-2025). The Committee endorsed the proposed priorities for the FAL Programme related to Annex 9 – *Facilitation* and expected outcomes for the 2023-2025 triennium, as set out in the Appendix of WP/19. The Committee noted the resource implications and requests the Council to ensure sustainable funding mechanisms and resources are available to support the priorities and outcomes presented in the Appendix to the paper.

13.8 Bangladesh, in WP/315, highlights the importance of establishing a unified policy for a validity period of travel documents to cope with tomorrow's challenges in the facilitation of passengers' movements. The Committee agreed that on the matter of the validity period for travel documents, this remains the decision of each State in accordance with their national laws and policies.

13.9 Bangladesh, in WP/176 reports on the difficulty of effective interagency collaboration and coordination in a public health-related crisis. Following discussions, the Committee supported the actions presented in the Executive Summary of the paper.

13.10 Chile, supported by 16 Latin American Civil Aviation Commission (LACAC) Member States, in WP/345, presents that a major pandemic-derived change for the industry was the incorporation of health processes into airport terminals that were not designed for such processes. The Committee noted the increase in the number of forms and the quantity of data requested by States relating to the COVID-19 health status of passengers during the pandemic. On the matter of access to information, the Committee noted the importance of sharing of travel information and entry requirements to facilitate the movement of passengers, and emphasized the need for strict adherence to States' laws regarding data protection and privacy.

13.11 China, in WP/143 presents the importance of the protection of personal data of international air passengers and points out that different laws and regulations on personal data in various States affect the orderly flow and protection and increase operators' costs. Following discussions, the Committee noted that Annex 9 — *Facilitation* contains Standards and Recommended Practices (SARPs) on Advance Passenger Information (API) and Passenger Name Record (PNR) data that provide a baseline for data protection. The Committee encouraged States to enhance their efforts to implement the provisions relating to API and PNR contained in Annex 9 — *Facilitation*. The Committee also noted that data protection regimes had impacts on aviation but that the ICAO mandate might not cover all the issues. Therefore, the Committee was of the view that the issue should be considered further according to the conclusions of WP/73 outlined in paragraph 13.26 below.

13.12 Czechia, on behalf of the European Union (EU) and its Member States, the other Member States of the European Civil Aviation Conference (ECAC), Singapore, Bolivia (Plurinational Republic of), Costa Rica, Uruguay, Venezuela (Bolivarian Republic of) and the European Organisation for the Safety of Air Navigation (EUROCONTROL), in WP/76 Revision No.1, co-sponsored by the International Coordinating Council of Aerospace Industries Associations (ICCAIA), summarizes lessons learned, formalizing the role of the Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA). Following discussions, the Committee supported the development of an outbreak framework and associated toolkit. The Committee requests the Council to ensure sustainable funding mechanisms and resources are available to support CAPSCA, and the Facilitation programmes.

13.13 In WP/77 Revision No.1, Czechia, on behalf of the European Union (EU) and its Member States, the other Member States of the European Civil Aviation Conference (ECAC), Singapore, Brazil, Chile, Costa Rica, Uruguay, Venezuela (Bolivarian Republic of) and the European Organisation for the Safety of Air Navigation (EUROCONTROL), emphasizes that it is important that ICAO take the necessary measures to ensure that the legal and practical framework is in place as soon as possible, and proposes that the Facilitation Panel (FALP) meet on a more regular basis. Following discussions, the Committee agreed with the high-level principles proposed in the paper, and that they were already covered to a certain extent under the Council's WPs/18 and 20.

13.14 India, on behalf of Aruba (Kingdom of the Netherlands), Ethiopia, Kazakhstan and the Arab Civil Aviation Organization (ACAO), the World Bank Group (WBG) and Interstate Aviation Committee (IAC), in WP/182, co-sponsored by Belize, Russian Federation, Airports Council International (ACI), International Coordinating Council of Aerospace Industries Associations (ICCAIA), the International Air Cargo Association (TIACA) and the Universal Postal Union (UPU), provides an overview of the global supply chain and logistics network, and proposes the formation of an "Air Cargo Multidisciplinary Digitalization Task Force" to develop common digitization solutions. Following discussions, the Committee agreed that different systems should be explored including the PKD. It also agreed that the establishment of any task force or work on this matter by ICAO should be referred to the Facilitation Panel and relevant Technical Advisory Groups for further discussions and should include relevant experts from States and industry.

13.15 Panama, supported by Argentina, Paraguay, Uruguay and Venezuela (Bolivarian Republic of), in WP/313, requests the Facilitation Panel to review and strengthen the use of Crew Member Certificate (CMC) and to update Annex 9 Standards and Recommended Practices, and Doc 9957, *Facilitation Manual*. The Committee noted the importance of relevant guidance material to assist States in implementing the provisions of Annex 9 and urges the Council to ensure that relevant guidance material is available to States. On the matter of CMCs, the Committee noted that Annex 9 contains provisions that are conditional and applicable only to those States that issue CMCs.

13.16 Qatar, in WP/145, presents its response for relief and recovery from the impact of the ongoing COVID-19 pandemic and calls for the establishment of FAL and CAPSCA working groups supported by Member States to support vulnerable Member States. Following discussions, the Committee noted the role and scope of CAPSCA and the Facilitation Panel and encourages the Council to consider the feasibility of including these activities into the existing CAPSCA and FAL Panel working group activities, taking into account available resources.

13.17 Qatar, in WP/312, highlights the broad range of multidisciplinary topics in Annex 9 — *Facilitation* and interrelation with other Annexes, thereby recognizing the need to lend greater attention and importance to facilitation, notably, during the pandemic. The paper also highlights the need to assist Member States in implementing Annex 9 provisions, raise awareness of the importance of interagency coordination, establish National Air Transport Facilitation Programmes (NATFPs) and National Air Transport Facilitation Committees (NATFCs) and create a State facilitation oversight mechanism. The Committee supported the actions proposed in the Executive Summary of the paper and urges the Council to ensure that adequate resources are available.

13.18 Saudi Arabia, in WP/204 Revision No.1, co-sponsored by Brazil and the Russian Federation, proposes "Harmonizing Air Travel" to support the recovery of the air transport sector from the impacts of COVID-19 and establish a universally recognised and harmonised health requirement framework. Following discussions, the Committee agreed to request the Council to prioritize the development of such

a framework taking into account resource requirements and availability. The Committee encourages the Council to continue its leadership role in this area in collaboration with States and international organizations, including the World Health Organization (WHO) and the World Tourism Organization (UNWTO).

13.19 Singapore in WP/146, co-sponsored by Bhutan, Cook Islands, the European Union (EU) and its Member States, the other Member States of the European Civil Aviation Conference (ECAC), the European Organisation for the Safety of Air Navigation (EUROCONTROL), Federated States of Micronesia, Fiji, Malaysia, New Zealand, Palau, Papua New Guinea, Republic of Korea, Samoa, Thailand and the International Air Transport Association (IATA), highlights the need to plan, coordinate and implement policies and measures to facilitate smooth airport operations and passenger movements as global air travel recovers from the COVID-19 pandemic. The Committee noted ICAO's leading role in the recovery of international civil aviation from the pandemic, and supports the development of a robust crisis management framework. On the matter of public health entry requirements, the Committee urges States to review the entry requirements and procedures to enhance air transport facilitation.

13.20 South Africa, in WP/358, reports that the international travel bans observed during the COVID-19 pandemic highlighted a need for reforming global health law to reflect evolving public health knowledge. The paper also emphasized the need to base decisions on scientific principles and WHO guidance, as well as for increased alignment between ICAO and the WHO, with each party working within its mandate. Following discussions, the Committee supported the actions presented and urges the Council to ensure that relevant guidance material is available to assist States and request the Facilitation Panel to consider the appropriateness of elevating Annex 9 Recommended Practice 2.4.1 to a Standard. The Committee also urges States to ensure that decisions taken during pandemic including travel bans are scientifically based and implemented in accordance with the WHO requirements and provisions of Annex 9 — *Facilitation*.

13.21 The United States, in WP/257, co-sponsored by the African Civil Aviation Commission (AFCAC) and its Member States, the European Union and its Member States, the other Member States of the European Civil Aviation Conference (ECAC), and the European Organisation for the Safety of Air Navigation (EUROCONTROL), calls for universal acknowledgment of aircrew as essential workers and requests the ICAO Facilitation Panel, in coordination with the Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) and the Air Transport Regulation Panel (ATRP), to develop a Standard and associated guidance for crew treatment. The Committee noted the essential role of aircrew during the pandemic and urges the Council to refer discussions on developing a Standard and associated guidance on treatment of aircrew to relevant ICAO Panels and working groups. The Committee also urges States to implement fair crew treatment practices consistent with international guidance.

13.22 Venezuela (Bolivarian Republic of) supported by Chile, Costa Rica, Dominican Republic, Ecuador, Panama, Paraguay, Peru and Uruguay, in WP/390, reports that Annex 9 — *Facilitation* does not include a definition of the term “facilitation”. The Committee requests the Council, through the Facilitation Panel, to discuss further a definition of the term “facilitation”.

13.23 Venezuela (Bolivarian Republic of), in WP/397 Revision No. 2, reports on the State oversight programme that oversees the performance of national air operators. Following discussions, the Committee requests Member States to establish and implement appropriate and effective State oversight mechanisms to monitor implementation of, and compliance with the provisions contained in the ICAO Annexes to the *Convention on International Civil Aviation*.

13.24 The African Civil Aviation Commission (AFCAC) on behalf of 54 African States, in WP/259, reports on the need to establish a National Facilitation oversight system, establish a department responsible for Facilitation under the purview of Civil Aviation Authorities (CAAs), and training for Facilitation oversight inspectors, to enhance States' compliance with Annex 9 — *Facilitation*. The Committee, noted the diversity and scope of Annex 9 — *Facilitation*, and urges the Council through relevant ICAO Panels and working groups, to further discuss a facilitation oversight mechanism and relevant guidance as well as training material to assist States in implementing Annex 9 provisions. The Committee also urges States to enhance their efforts to implement the provisions of Annex 9.

13.25 The African Civil Aviation Commission (AFCAC) on behalf of 54 African States, in WP/194, highlights the evolution of Annex 9 — *Facilitation* Standards and Recommended Practices and the need to update the Facilitation Manual (Doc 9957) to ensure their effective implementation. The Committee noted that Doc 9957 is currently being updated and urges the Council to ensure the updated Manual is available in the next triennium, to assist States in implementing the provisions of Annex 9 — *Facilitation*. The Committee also urges States to support the Facilitation Panel's working group by nominating its experts.

13.26 The International Air Transport Association (IATA), in WP/73 Revision No.1, reports on the interaction of international carriage by air with data protection laws and the absence of an agreed, consistent data protection framework for civil aviation taking into account the special characteristics of international civil aviation. The COVID-19 pandemic intensified the difficulties caused by the conflicts between the various data protection laws. Many delegates agreed that complex conflict of laws and legal compliance issues are broader than the provisions of Annex 9 — *Facilitation* and would need to be addressed. Following discussions, the Committee agreed that the actions presented in the Executive Summary of the paper should be considered and assessed by the relevant ICAO Panels and working groups.

13.27 The International Coordination Council of Aerospace Industries Associations (ICCAIA), Airports Council International (ACI) and International Federation of Air Line Pilot Associations (IFALPA), in WP/82, co-sponsored by Brazil, propose the need for a global crisis response framework for air travel facilitation during a major health threat. The Committee noted the ongoing work within ICAO in this regard, the need for extra-budgetary resources and urges the Council to collaborate with States and relevant international organizations to develop a global crisis response framework to facilitate efficient air transport during a public health emergency of international concern.

13.28 The Committee noted information papers: WP/533 presented by Brazil, WP/141 presented by Pakistan, and WP/527 presented by Saudi Arabia.

#### ***Assistance to Aircraft Accident Victims and their Families***

13.29 The Council, in WP/21 Revision No.1, reports that Assembly Resolution A39-27 on *Assistance to victims of aviation accidents and their families* calls upon States to reaffirm their commitment to support victims of civil aviation accidents and their family members, including through establishing legislation, regulations and/or policies to support victims and their families. Assembly Resolution A40-16 urges Member States to implement the related Annex 9 provisions intended to facilitate assistance to aircraft accident victims and their families. The Committee approved the priorities for the 2023-2025 triennium as presented in paragraph 3 of the paper, and encouraged States, industry and other stakeholders to increase their efforts in implementing the Symposium's recommendations addressed to them. The Committee also agreed to recommend for adoption by the Plenary Resolution 13/1 to supersede Assembly Resolution A39-27.

**Resolution 13/1: Assistance to victims of aviation accidents and their families**

*Having considered* that, even though international air transport is the safest means of transportation, the total elimination of serious accidents cannot be guaranteed;

*Whereas* the actions of the State of Occurrence should address the most critical needs of persons affected by a civil aviation accident and recalling the inclusion, in 2005, of provisions in Annex 9 to enable expeditious entry into the State in which an accident occurs for family members of victims of aircraft accidents;

*Whereas* the policy of the International Civil Aviation Organization (ICAO) should be to ensure that the mental, physical, and spiritual well-being of victims involved in civil aviation accidents and their families are considered and accommodated by ICAO and its Member States;

*Whereas* it is essential that ICAO and its Member States recognize the importance of timely notification of family members of victims involved in civil aviation accidents; the prompt recovery and accurate identification of victims; the return of the victims' personal effects; and the dissemination of accurate information to family members;

*Recognizing* the role of Governments of nationals, who are victims of civil aviation accidents, in notifying and assisting families of the victims;

*Recalling* the provision of Article 28 of the Montréal Convention of 1999 as well as Resolution No. 2 adopted by the Montréal Conference, which called for the provision of advance payments, without delay, to aircraft accident victims, and their families and acknowledging that lack of universal ratification of the Montréal Convention hinders improved and standardized compensation regimes;

*Recalling* the adoption of Amendment 29 to ICAO Annex 9 — *Facilitation* which has elevated Recommended Practice 8.46 to Standard 8.47, thus obliging States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families;

*Acknowledging* the approval by the Council of the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in March 2013 and the issuance of the *Manual on Assistance to Aircraft Accident Victims and their Families* (Doc 9973) in December 2013;

*Acknowledging* that a review of the Electronic Filing of Differences (EFOD) system compliance checklist (CC) has indicated a low implementation rate of Annex 9 Standards and Recommended Practices (SARPs);

*Whereas* it is essential that support be provided to family members of victims of civil aviation accidents, wherever the accident may occur, and any lessons learned from support providers, including effective procedures and policies, be promptly disseminated to other Member States and ICAO to improve States' family support operations;

*Considering* that harmonization of the regulations for dealing with the needs of victims of civil aviation accidents and their families is also a humanitarian duty and a permissive function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention;

*Considering* that States should provide a homogeneous solution for treatment of victims of civil aviation accidents and their families;

*Recognizing* that the air carrier involved in a civil aviation accident is often best situated to assist families in the immediate aftermath of the accident;

*Recognizing* the importance of the Council's decision to officially designate 20 February as the International Day for Commemorating Air Crash Victims and their Families in remembering the victims and expressing solidarity with their families, as well as continuing to enhance aviation safety and prevent such tragedies from happening in the future;

*Acknowledging* the outcomes of the ICAO Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021), including the 30 recommendations encapsulated in the Symposium report;

*Recalling* the useful initiatives of the Air Crash Victims' Families' Federation International (ACVFFI) in assisting family members of victims;

*Noting* that family members of victims of a civil aviation accident, irrespective of where the accident occurs or the national origin of the victims, express certain fundamental human needs and emotions; and

*Recognizing* that public attention will continue to focus on States' investigative actions, as well as the human interest aspects of a civil aviation accident;

*The Assembly:*

1. *Calls on* Member States to reaffirm their commitment to support victims of civil aviation accidents and their family members;
2. *Urges* Member States to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members, as mandated by ICAO Annex 9 Standard 8.47, and pursuant to Article 28 of the Montréal Convention of 28 May 1999 and Resolution No. 2 adopted by the Montréal Conference;
3. *Encourages* States that have legislation, regulations and/or policies to support civil aviation accident victims and their families to review these documents, as necessary, in consideration of the ICAO Policy in Doc 9998 and of the guidance material in Doc 9973;
4. *Urges* Member States to regularly inform ICAO, through the compliance checklist (CC) in the Electronic Filing of Differences (EFOD) system regarding their level of implementation of Annex 9 provisions associated with family assistance plans;
5. *Urges* Member States to recognize 20 February as the International Day for Commemorating Air Crash Victims and their Families and conduct national commemorations relevant to their citizens impacted by civil aviation tragedies;
6. *Urges* Member States which have not already done so, to ratify and implement the Montréal Convention of 28 May 1999 (*Convention for the Unification of Certain Rules for International Carriage by Air*);
7. *Welcomes* the recommendations of the Symposium and directs the Council to incorporate into the next triennium Business Plan those Symposium's recommendations that require further consultation with expert groups, and in particular to support capacity-building needs of Member States;

8. *Directs* the Council to actively and timely follow-up the relevant ICAO expert groups regarding those recommendations emanating from the Symposium as required;
9. *Directs* the Council, when considering the extent of the level of implementation of family assistance plans, to give further consideration to the development of Standards and Recommended Practices to support victims of civil aviation accidents and their family members; and
10. *Declares* that this resolution supersedes Resolution A39-27.

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13.30 Bolivia supported by Colombia, Ecuador, and Uruguay, in WP/339, reports on its implementation of the Protocol/Plan for Assistance to Aircraft Accident Victims and their Families that seeks to avoid duplication of efforts and responsibilities in the immediate aftermath of an aircraft accident. The Committee encourages States and industry to increase their efforts in implementing appropriate legislation, regulations policies and plans to provide assistance to aircraft accident victims and their families.

13.31 The Republic of Korea, in WP/272, reports on its legislation regarding assistance for aircraft accident victims and their families, and calls on States to be actively involved and prepare measures to increase the level of assistance to aircraft accident victims and their families. The Committee urges States and industry to increase their efforts in implementing Annex 9 — *Facilitation* provisions on assistance to aircraft accident victims and their families. The Committee noted that ICAO plans to convene a second Symposium on assistance to aircraft accident victims and their families in the next triennium, and encourages States, industry and other stakeholders to participate fully.

13.32 The Air Crash Victims' Families' Federation International (ACVFFI), in WPs/88 and 98 invites the Assembly to request ICAO to identify or establish a dedicated Section/Unit to address assistance to aircraft accident victims and their families within the Secretariat, enhance relevant provisions in Annexes 14 and 19, and for States and industry to collaborate with ACVFFI. The Committee agreed to refer proposals to amend the Annexes to the relevant ICAO Panels and working groups for further discussions, while noting that work was already ongoing in the Aerodromes Design and Operations Panel. It agreed that the proposal for the identification or establishment of a unit within ICAO be referred to the Secretary General in order to outline the precise role, structure and associated resources of any such proposed unit. The Committee did not endorse action b) in WP/98.

### ***Accessibility in aviation***

13.33 Bolivia (Plurinational State of), supported by Belize, Brazil, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua and Uruguay, in WP/359, reports on its implementation of the Protocol on Assistance to Passengers with Reduced Mobility in respect of air transport facilitation, and invites the Assembly to consider the best practices of the Bolivian State for the implementation of similar measures in other Member States. The Committee urges States and industry to implement the provisions of relevant ICAO Annexes and enhance their efforts to ensuring accessibility in air transport for persons with disabilities.

13.34 Brazil, in WP/185, reports that it is essential to provide reference to service providers in the care of travellers with disabilities, intending to deliver a predictable, pleasant, and dignified travel experience throughout the passenger journey and promote a much broader understanding of established industry processes in alignment with existing key rules and regulations. Following discussions, the

Committee noted the ongoing work by ICAO on this very important matter and agreed that the Council, through relevant ICAO Panels and working groups discusses accessibility practices taking into account lessons learned from the COVID-19 pandemic.

13.35 In WP/79 Revision No.1, Czechia on behalf of the European Union and its Member States, the other Member States of the European Civil Aviation Conference (ECAC), Canada, Singapore, Bolivia, Brazil, Costa Rica, Venezuela (Bolivarian Republic of), Airports Council International (ACI) and the International Air Transport Association (IATA), reports that there is a need to identify and eliminate obstacles and barriers that limit the access to air transport by persons with disabilities, and presents a draft new Resolution on accessibility of air transport to persons with disabilities and persons with reduced mobility, for adoption by the Assembly. Following discussions, the Committee emphasized the need to include the consideration of safety matters in the future work on accessibility and the importance of State compliance with relevant Annex 9 SARPs in this area. The Committee agreed to recommend to the Plenary for adoption Resolution 13/2 with some amendments proposed during the discussion as indicated below.

**Resolution 13/2: Accessibility in International Civil Aviation**

*Whereas* persons with disabilities and reduced mobility form a large and growing proportion of the world's population;

*Whereas* the United Nations (UN) Convention on the Rights of Persons with Disabilities and its Optional Protocol promotes, protects and ensures the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, including freedom of movement and freedom of choice;

*Recalling* the UN Disability Inclusion Strategy, which provides the foundation for sustainable and transformative progress on disability inclusion through all pillars of work of the United Nations;

*Recalling* that the UN Resolution A/RES/76/154 adopted by the General Assembly in 2021 recognized the importance of accessibility for persons with disabilities in all aspects of life and the need to identify and eliminate prejudice, discrimination, obstacles and barriers that limit the access of persons with disabilities to the physical environment, to transportation, to information and communications;

*Noting with concern* that, despite these instruments and undertakings, persons with disabilities and reduced mobility continue to face barriers in their participation as equal members of society, including barriers to their free movement;

*Acknowledging* that the aviation community needs to accommodate the demand of growing number of persons with visible and invisible disabilities, as well as persons with reduced mobility and aging populations;

*Recognizing* the importance of government and industry working together to support the travel needs of persons with disabilities and reduced mobility while prioritizing safety in all circumstances;

*Affirming* that diversity and social inclusion are concepts that are essential to the sustainable growth of international civil aviation;

*Recognizing* the essential nature of air transport services and the need to provide equal access to such services for all passengers;

*Also acknowledging* that digitization and innovation are creating new opportunities as well as new challenges for persons with disabilities, with reduced mobility and aging populations;

*Reemphasizing* the relevant Standards and Recommended Practices contained in Annex 9 — *Facilitation* as well as the procedures and principles contained in Doc 9984 – *Manual on Access to Air Transport by Persons with Disabilities*;

*The Assembly:*

1. *Resolves* that dignity and non-discrimination are universal rights that apply to all persons, including persons with disabilities and persons with reduced mobility traveling by air;
2. *Requests* the Council to:
  - a) ensure that ICAO exercise continuous leadership on sustainability, including the social sustainability imperatives of inclusion and accessibility;
  - b) develop an effective strategy and work programme on accessibility for passengers with disabilities and reduced mobility in order to reach for a disability-inclusive air transport system in cooperation with all the stakeholders;
  - c) ensure that Annex 9 — *Facilitation* SARPs recognize the essential nature of accessible services for persons with disabilities and reduced mobility;
3. *Urges* Member States to prioritize the inclusion and accessibility of air transport services to persons with disabilities and reduced mobility;
4. *Encourages* all Member States to strive for uniformity in their air transport accessibility regulations, standards and procedures, to the greatest extent practicable and working closely with disability groups and other relevant stakeholders;
5. *Encourages* Member States to ensure that the transport sector coordinates its approach with the industry and civil society in order to deliver accessible end-to-end services to persons with disabilities and reduced mobility, working closely with disability groups and other relevant stakeholders; and
6. *Encourages* Member States to support ICAO activities with resources, both financial and in-kind, to ensure a successful implementation of agreed measures to support air transport of persons with disabilities and reduced mobility.

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13.36 In WP/340, the Dominican Republic, supported by Aruba (Kingdom of the Netherlands), Belize, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Uruguay and Venezuela (Bolivarian Republic of), reports on initiatives by its Civil Aviation Authority (JAC) to raise awareness, and promote good practices in terms of accessibility in air transport, including development of guidelines for the humanization of the treatment of passengers with reduced mobility. Following discussions, the Committee noted the initiatives by the Dominican Republic, and urges ICAO and States to enhance their efforts towards appropriate provisions for the transport of persons with disabilities by air.

13.37 The Committee noted information papers: WP/544 presented by Brazil and WP/461 presented by the International Partners for Aviation Development, Innovation and Sustainability (iPADIS).

***Trafficking in Persons and Trafficking in Wildlife***

13.38 Argentina, Paraguay and Uruguay, in WP/54 and supported by Belize Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Latin American Civil Aviation Commission (LACAC), Mexico, Netherlands, Nicaragua, Panama, Peru, Suriname and Venezuela (Bolivarian Republic of) in WP 412, report on the current situation in States in the South American Region as regards to human trafficking, and invite the Assembly to consider inter alia, strengthening international cooperation and inter-sector collaboration, and encourage States to incorporate issues related to human trafficking in their aviation security and facilitation culture campaigns. Following discussions, the Committee urges States to incorporate human trafficking in their aviation security and facilitation culture campaigns, promote protocols and response mechanisms for reporting cases, as well as the sharing statistics among points of contact (PoC), including seminars and workshops in ICAO Regional Offices.

13.39 The United States, in WP/318, co-sponsored by Thailand, reports that public facing aviation personnel and the travelling public can play an important role in intercepting and stopping human trafficking when equipped with the ability to recognize and report suspected instances of the crime to the proper authorities when a Comprehensive Strategy to combat human trafficking is adopted. The paper invites the Assembly to support a Resolution on the importance of a Comprehensive Strategy. Following discussions, the Committee noted that Assembly Resolutions A40-15, *Development and implementation of facilitation provisions – combatting human trafficking* and A40-16, *Consolidated statement on continuing ICAO polices related to facilitation* contain provisions on human trafficking and agreed that the operative clauses in the draft resolution in the Appendix to the paper should be addressed by amending Assembly Resolution A40-15, as necessary, rather than establishing a new resolution.

**Resolution 13/3: Development and implementation of facilitation provisions — combatting human trafficking**

*Whereas* the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in November 2000 by the United Nations General Assembly and entered into force on 28 January 2004, provides an international framework and is ratified by a majority of countries;

*Whereas* the joint ICAO and United Nations Human Rights Office of the High Commissioner Circular 352 on Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons released in May 2018 underscores the important role of international aviation in combatting human trafficking;

*Whereas* training customer-facing employees and other aviation personnel to identify and respond to suspected instances of human trafficking can help stop this crime;

*Whereas* Recommended Practice 8.49 in Annex 9 — *Facilitation* encourages Contracting states to take measures to ensure that procedures are in place to combat trafficking in persons, including clear reporting systems and relevant competent authorities' points of contact for airport and aircraft operators;

*Whereas* Recommended Practice 8.50 in Annex 9 encourages Contracting States to take measures to ensure that airport and aircraft operators' personnel in direct contact with the traveling public are provided with awareness training on trafficking in persons;

*Whereas* conducting awareness campaigns among aviation personnel and the traveling public can help to increase recognition and reporting of suspected instances of human trafficking; and

*Whereas* ICAO should foster the development of clear human trafficking guidelines for each State to implement, including model reporting protocols and a victim-centered and trauma-informed law enforcement response;

*Whereas* Doc 10171, *A Comprehensive Strategy for Combatting Human Trafficking in the Aviation Sector* approved by FALP in July 2021 and by the Air Transport Committee (ATC) in September 2021 enhances national counter-trafficking policies and procedure frameworks and equips 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 A41-XX, *Consolidated statement of continuing ICAO policies related to facilitation*;

*Whereas* adopting a Comprehensive Strategy inclusive of laws, leadership, policies, reporting protocols and response mechanisms, partnerships, training, public awareness, data collection, information-sharing including trafficking survivor-informed recommendations and perspectives, and victim and survivor support can help civil aviation authorities and organizations, aircraft operators and airports stop this crime;

The Assembly:

1. *Urges* Member States to give attention to adopting and promptly implementing Amendment 29 to Annex 9's Recommended Practices 8.49 and 8.50;
2. *Calls* on Member States to give due regard to Circular 352, Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons, in their implementation of the relevant provisions of Annex 9;
3. *Requests* that the Council ensure that relevant guidance material related to the issue of combatting human trafficking is current and responsive to the needs of Member States; and
4. *Calls* on Member States to give due regard to Doc 10171, *A Comprehensive Strategy for Combatting Human Trafficking in the Aviation Sector*, in their implementation of the relevant provisions of Annex 9.

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13.40 In WP/420, Venezuela (Bolivarian Republic of) supported by Argentina, Bolivia (Plurinational State of), Panama, Paraguay and Uruguay, reports that action to combat human trafficking would benefit from additional protocols based on experience in identifying and acting on anomalous situations, as applied in civil aviation security. The Committee, in considering the paper, urges States to enhance their efforts to implement the provisions of Annex 9 — *Facilitation*, and consider ICAO guidance material, and collaborate with all relevant stakeholders.

13.41 Airport Council International (ACI) and the International Air Transport Association (IATA), in WP/144, report that air transport is a frequently used method of transport for traffickers in wildlife, and propose an amendment to Assembly Resolution A40-16. Following discussions, the Committee agreed to amend Assembly Resolution A40-16 to include provisions to address trafficking in wildlife.

***Consolidated statement on continuing ICAO policies related to facilitation***

13.42 The Council, in WP/18, reports on the recent developments and the future focus of ICAO's work in the field of facilitation, Annex 9 — *Facilitation*, the ICAO Traveller Identification Programme (TRIP) Strategy and the ICAO Public Key Directory (PKD), and invited the Assembly to adopt the draft Resolution presented in the Appendix to the paper. The Committee having considered the working paper has agreed to recommend to the Plenary for adoption Resolution 13/4, which should supersede Resolution A40-16. It noted the position of one delegation regarding the unilateral ratification of the Montréal Protocol 2014.

**Resolution 13/4: Consolidated statement on continuing ICAO policies related to facilitation**

*Whereas* Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Member 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;

*Recognizing* that the restrictions and public health measures brought by the COVID-19 pandemic have had a serious impact on the aviation industry and that this impact must be taken into account by ICAO and Member States when making decisions on air transport facilitation;

*Reaffirming* the commitments made in the Ministerial Declaration of the High-level Conference on COVID-19 (HLCC 2021) among others, the need to ensure a safe, secure, and orderly flow of traffic with operational readiness of aviation, and to ensure the long-term resilience of international aviation and incorporate the lessons learned from the current and past pandemics;

*Recalling* the conclusions and recommendations of the Facilitation stream of the High-level Conference on COVID-19 (HLCC 2021) of October 2021;

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

*Whereas* United Nations Security Council resolutions stress the continuing importance of ICAO's work on border control management and security of travel documents in the fight against terrorism.

*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 41st 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

Appendix D — Passenger Data Exchange Systems

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 A40-16: Consolidated statement of continuing policies related to 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 and other border control authorities compliance programmes;

*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;

*Whereas* making air travel accessible for all passengers is a key contributor to the achievement of the UN Sustainable Development Goals (SDGs);

*Whereas* Machine Readable Travel Documents (MRTDs) strengthen the border control management process and enhance security by improving the integrity of documents which verify the identity of travellers and air crew;

*Whereas* such MRTDs also enable high-level cooperation among States to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

*Whereas* the use of MRTDs and other passenger information tools can also be employed for security purposes, by strengthening border control management processes and improving the integrity of documents, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

*Whereas* the 38th Session of the ICAO Assembly in 2013 resolved that Members States should be encouraged to use the Electronic Filing of Differences (EFOD) System that was developed to address the need for a more efficient means of reporting and researching differences to Standards and Recommended Practices and for replacing the existing paper-based mechanism;

*Mindful* of the Annex 9 — *Facilitation* components that support both border management and border security objectives which are audited under the ICAO Universal Security Audit Programme (USAP); ~~and~~

*Recognizing* the importance of Facilitation and the need for adequate human and financial resources to support the Facilitation programme's activities and to assist Member States in implementing the Standards and Recommended Practices in Annex 9 — *Facilitation*;

*Recalling* the Communique of the High-Level Conference on Aviation Security held in Montréal on 29 and 30 November 2018, and the conference's conclusions and recommendations related to border control management.

*The Assembly:*

1. *Urges* Member States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;
2. *Requests* Member States to implement, to the extent practicable, globally and regionally-harmonized, collaborative, and mutually accepted measures that take into consideration different national circumstances and policies, without creating undue economic burdens or compromising the safety and facilitation of civil aviation, to facilitate the recovery and sustainable development of international passenger travel;
3. *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;
4. *Requests* the Secretary General to develop a work programme on accessibility for passengers with disability in order to reach for a disability-inclusive air transport system;
5. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Member States as well as their appropriate obligations towards the United Nations Security Council resolutions with respect to border control management and security of travel documents, their obligations towards the World Health Organization (WHO) International Health Regulations (2005), the handling of and responses to public health emergencies in addition to Member States' requirements relating to the administration of cargo and passengers; and advances in technologies related to such administration;
6. *Requests* the Secretary General to ensure that relevant guidance material is current and responsive to the requirements of Member States;
7. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation* relating to border control management, and Annex 17 — *Security*, are compatible with and complementary to each other;
8. *Urges* Member States to give due regard to existing guidance material and best practices on wayfinding and signage, including Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to the extent it remains applicable;
9. *Urges* Member States to ensure that all relevant agencies and departments that have a role in the implementation of Annex 9 — *Facilitation*, including but not limited to, civil aviation administrations, immigration, customs, health, quarantine, travel document-issuing authorities, air traffic control, law enforcement, postal authorities, border police, and foreign affairs, collaborate and coordinate their efforts

through the national air transport facilitation committee or similar arrangements, in order that the Annex 9 Compliance Checklist is comprehensively completed in the Electronic Filing of Differences (EFOD) System;

10. *Urges* the Council to ensure that the Facilitation Programmes is treated as a matter of highest priority and appropriate resources are made available by ICAO and its Member States;

11. *Urges* all Member States to continue to financially support the Organization's facilitation activities with voluntary contributions in the form of human and financial resources beyond those budgeted for under the regular programme; and

12. *Recognizing* the leadership role of ICAO in the area of facilitation activities, requests the Council and the Secretary General to ensure the long-term sustainability of the Organization's facilitation programmes, by taking measures to incorporate the funding requirements within the Regular Programme Budget and ensure adequate human resources are available, as soon as possible and to the extent practicable.

## **APPENDIX B**

### **National and international action in ensuring the integrity of traveller identification and border controls and enhancing security**

*Whereas* Member States recognize the relevance of traveller identification and border control management to the ICAO Strategic Objective of security and facilitation;

*Whereas* Member 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 evidence of identity;
- b) The design and manufacture of standardized Machine Readable Travel Documents (MRTDs), especially ePassports, that comply with ICAO specifications defined in Doc 9303, *Machine Readable Travel Documents*;
- 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 Public Key Directory (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* Member 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 the global framework for achieving the maximum benefits of travel documents and border controls by bringing together the elements of the traveller identification management;

*Whereas* Member States of the United Nations have resolved, under resolution 70/1 adopted on 25 September 2015 to adopt a 2030 Agenda for Sustainable Development that includes a set of 17 Sustainable Development Goals (SDGs) supported by 169 targets, the target 16.9 being to provide legal identity for all, including birth registration by 2030;

*Whereas* the United Nations Security Council, in resolutions 1373 (2001), 2178 (2014) 2396 (2017), and 2482 (2019) decided that all Member 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* the veracity and validity of machine readable travel documents (MRTDs) depends on the readability and protection of these documents, physical securities contributing to them, and electronic securities guaranteeing them;

*Whereas* the limitation of the number of possible civil status for a person depends on the documentation used to establish identity, confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. breeder documentation);

*Whereas* the passport is the main official travel 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 use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide;

*Whereas* reporting promptly accurate information about stolen, lost or revoked travel documents issued by each Member State to the International Criminal Police Organization (INTERPOL) Stolen and Lost Travel Documents (SLTD) database is mandatory as per an Annex 9 — *Facilitation* Standard;

*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* high-level cooperation among Member States is required in order to strengthen resistance to passport fraud, including forgery or counterfeiting of passports, use of valid passports by impostors, use of expired or revoked passports, and the use of fraudulently obtained passports;

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

*Whereas* Convention Travel Documents (CTDs) are travel documents that States Parties to the 1951 Convention Relating to the Status of Refugees (“the 1951 Convention”) and the 1954 Convention Relating to the Status of Stateless Persons (“the 1954 Convention”) shall issue to refugees or stateless persons lawfully staying on their territory (see respective Article 28 of both Conventions), and as such are travel documents foreseen in two international treaties for persons benefitting from an internationally recognized status;

*Whereas* ICAO has set up the Public Key Directory (PKD) to assist in the authentication of electronic Machine Readable Travel Documents (eMRTDs) including ePassports, thereby strengthening their security and the integrity of border controls;

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

*Whereas* cooperation on human trafficking matters amongst Member States and with the various national, regional, international parties and other stakeholders interested in this area has brought benefits to procedures to combat trafficking in persons.

*The Assembly:*

1. *Urges* Member States, through their travel document and border control management, to uniquely identify individuals to maximize facilitation and aviation security benefits, including preventing acts of unlawful interference and other threats to civil aviation;
2. *Urges* Member States to implement rigorous processes and tools to safeguard the integrity and security of breeder documentation by notably applying evidence of identity principles such as ensuring that identity exists and is living, the applicant links to identity and is unique to the system through the provision of confidence of the applicant’s “social footprint” and check against agency record or by associating the record with one or more biometrics;
3. *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;
4. *Urges* Member States to intensify their efforts in establishing and implementing a solid verification system of the integrity of electronic Machine Readable Travel Documents, in particular by authenticating their electronic signatures and verifying their validity;
5. *Requests* the Council to direct the Secretary General to maintain and update the ICAO TRIP Strategy Implementation Roadmap to assist Member States to uniquely identify individuals, and to enhance the security and integrity of their travel documents and border controls;
6. *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;
7. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303;

8. *Reminds* Member States to ensure that non-machine readable passports are withdrawn from circulation;
9. *Urges* those Member States that have decided to issue eMRTDs to do so in accordance with the specifications of Doc 9303;
10. *Urges* Member States to ensure that when issuing travel documents for refugees and stateless persons (“Convention Travel Documents (CTDs)”), these CTDs are machine readable, in accordance with the specifications of Doc 9303;
11. *Reminds* Member States to establish controls to safeguard against the theft of blank travel documents and the misappropriation of newly issued travel documents;
12. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;
13. *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;
14. *Urges* Member States to reinforce their border control management processes as also required by the relevant United Nations Security Council resolutions, by implementing the related Annex 9 — *Facilitation Standards*.
15. *Calls* upon Member States to implement technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures, such as the joint use of Automated Border Control (ABC) gates and the ICAO PKD when authenticating eMRTDs;
16. *Requests* the Secretary General to continue to explore technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures;
17. *Requests* the Council to continue the work on further strengthening the integrity of traveller identification and border controls management and enhancing security, and developing guidance material to assist Member States to further those objectives;
18. *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;
19. *Urges* all Member States to join the ICAO PKD, upload relevant information from their own State to the PKD, and to use the information available from all States in the ICAO PKD to authenticate eMRTDs at border controls;
20. *Urges* those Member States that are not already doing so to promptly report accurate information about stolen, lost, and revoked travel documents issued by their State, to INTERPOL for inclusion in their Stolen and Lost Travel Document (SLTD) database;
21. *Calls* upon those Member States that are not already doing so to query, at entry and departure border control points, the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database;

22. *Urges* Member States to establish efficient and effective mechanisms in order to implement submissions to and queries of, the SLTD database.

23. *Urges* Member States to establish between all involved stakeholders an efficient information sharing and collaboration system in the prevention of human trafficking; and

24. *Requests* the Secretary General to continue to develop relevant guidance material on combatting trafficking in persons in order to support Member States in their implementation of the provisions of Annex 9 — *Facilitation* related to trafficking in persons.

### **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 air transport facilitation programmes and facilitation committees is a proven means of effecting needed improvements;

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

*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, and the increasing requests by border control authorities for exchange of passenger data;

*Whereas* the threat of worldwide transmission of communicable diseases by means of air transport has increased in past years; ~~and~~

*Whereas* Annex 9 provides a framework for the facilitation of assistance to aircraft accident victims and their families, notably, Standard 8.47 obliging Member States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families, and the Recommended Practice for aircraft and airport operators to develop appropriate plans to provide timely and effective assistance to aircraft accident victims and their families; and

*Whereas* cooperation on wildlife trafficking matters amongst Member States and with the various national, regional, international parties and other stakeholders interested in this area has brought benefits to procedures to combat wildlife trafficking.

*The Assembly:*

1. *Urges* Member States to establish and utilize national air transport facilitation programmes and facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;

2. *Urges* Member States to participate in regional and subregional air transport facilitation programmes of other intergovernmental aviation organizations;

3. *Urges* Member States to take all necessary steps, to ensure the development of a National Air Transport Facilitation Programme, and establishment of facilitation committees or other appropriate means, for:

- a) ensuring timely and effective implementation of Annex 9 — *Facilitation Standards and Recommended Practices*;
- b) 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;
  - ii. working out satisfactory solutions for day-to-day problems in the facilitation field;
  - iii. promoting a Facilitation culture;
  - iv. coordination amongst all relevant agencies, departments of the State, including public health authorities and relevant stakeholders through the implementation of National Air Transport Facilitation Committees (NATFCs).
- c) taking the initiative in any follow-up action required; and
- d) ensuring that the appropriate coordination is in place for the effective implementation of the ICAO TRIP Strategy.

4. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation programmes and committees and to coordinate the findings of their committees on facilitation problems with those of other Member States with which they have air links;

5. *Urges* neighbouring and bordering Member 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;

6. *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, the spread of communicable diseases and other threats to national interests;

7. *Urges* Member States to call upon aircraft and airport operators and their associations to participate in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of cargo traffic at international terminals;

8. *Urges* Member States to implement the provisions of Annex 9 to facilitate assistance to aircraft accident victims and their families, including ensuring that aircraft and airport operators develop

appropriate plans to provide timely assistance to aircraft accident victims and their families, recognizing that airport operators' plans may form part of the aerodrome emergency plans required under Annex 14;

9. *Urges* Member States and aircraft and airport 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;

10. *Requests* Member States to consider identifying and designating an appropriate authority or a relevant coordination mechanism for facilitation and ensure that sustainable funding mechanisms and corresponding human resources are available to support the implementation of facilitation provisions of Annex 9 and related activities;

11. *Requests* Member States to ratify and implement the Montréal Protocol 2014 and consider the recommendations in the ICAO *Manual on the Legal Aspects of Unruly and Disruptive Passengers* (Doc 10117);

12. *Requests* Member States to ensure provision of assistance to persons with disabilities travelling by air and especially take steps to mitigate the barriers that limit the ability of the elderly and persons with disabilities in times of abnormal processes, such as during public health-related emergencies;

13. *Urges* Member States to ensure that airport facilities are adapted to the needs of persons with disabilities, that lifting systems and appropriate devices are made fully available, that designated points for the pick-up and drop-off of persons with disabilities are made available as close as possible to main entrances and/or exits of the terminal building and that adequate accessible parking facilities are provided for people with mobility needs, including during a public health emergency;

14. *Urges* Member States to ensure that airport services are made available that meet the needs of passengers with disabilities, including services for provision of flight service related information to hearing- and visually-impaired persons;

15. *Urges* Member States to undertake dialogue and cooperation between national, regional and international, border control and security-related bodies regarding their obligations towards Annex 9 – *Facilitation* and relevant United Nations Security Council resolutions;

16. *Requests* the Secretary General to ensure ICAO continues its work on border control management and security of travel documents in the fight against terrorism, and to strengthen its cooperation and collaboration with relevant United Nations (UN) agencies, such as UN Office of Counter Terrorism (UNOCT) and UN Office on Drugs and Crime (UNODC); and

17. *Urges* Member States to establish between all involved stakeholders an efficient information sharing and collaboration system in the prevention of wildlife trafficking.

## APPENDIX D

### Passenger Data Exchange Systems

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

*Whereas* UN Security Council, in resolution 2396 (2017), in welcoming ICAO's decision to establish a standard under Annex 9 — *Facilitation*, regarding the use of Advance Passenger Information (API) systems by its Member States, and recognizing that many ICAO Member States have yet to implement this standard, has decided, in paragraph 11, that in furtherance of paragraph 9 of resolution 2178 (2014) and the ICAO standard, its Member States are, inter alia, to establish API systems and shall require airlines operating in their territories to provide API to the appropriate national authorities;

*Whereas* UN Security Council, also in resolution 2396, at paragraph 12, has decided that Member States shall develop the capability to collect, process and analyse, in furtherance of ICAO standards and recommended practices, Passenger Name Record (PNR) data and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offenses and related travel, further calls upon Member States, the UN, and other international, regional, and subregional entities to provide technical assistance, resources and capacity building to Member States in order to implement such capabilities, and, where appropriate, encourages Member States to share PNR data with relevant or concerned Member States to detect foreign terrorist fighters returning to their countries of origin or nationality, or traveling or relocating to a third country, with particular regard for all individuals designated by the Committee established pursuant to resolutions 1267 (1999), 1989 (2011), and 2253 (2015).

*Whereas* the UN Security Council, in resolution 2482 (2019), has called upon Member States to implement obligations to collect and analyse API and develop the ability to collect, process and analyse, in furtherance of International Civil Aviation Organization (ICAO) standards recommended practices, PNR data and to ensure PNR data is used by and shared with competent national authorities, with full respect for human rights and fundamental freedoms, which will help security officials make connections between individuals associated to organized crime, whether domestic or transnational, and terrorists, to stop terrorist travel and prosecute terrorism and organized crime, whether domestic or transnational, including by making use of capacity building programmes; and

*Whereas* the use of both API and PNR data as mentioned in the ICAO TRIP Strategy can also be employed for security purposes, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

*The Assembly:*

1. *Urges* Member States to call upon aircraft operators offering international air transport services to participate in electronic data interchange systems by providing advance passenger information in order to achieve maximum efficiency levels in the processing of passenger traffic at international airports;
2. *Urges* Member States, in the use of electronic passenger data exchange systems, to ensure that the passenger data requirements conform to international standards adopted by relevant international organizations and United Nations agencies for this purpose, and to ensure the security, fair processing and safeguarding of such data with full respect for human rights;
3. *Requests* Member States to implement the Passenger Data Single Window facility that allows parties involved in passenger transport by air to lodge standardized passenger information (i.e., API, iAPI and/or PNR) through a single data entry point to fulfil all regulatory requirements relating to the entry and/or exit of passengers that may be imposed by various agencies of the State;

4. *Urges* Member States to assist and share best practices, as appropriate, with other Member States in the establishment of passenger data exchange systems;
5. *Requests* Member States to consider the deployment of interactive API systems and to provide integrated pre-travel verification responses to aircraft operators related to immigration, security and public health requirements;
6. *Calls* upon Member States to support ICAO's work on the development of appropriate guidance material and implementation of Annex 9 PNR provisions; and
7. *Urges* Member States that have not already done so, to develop the capability to collect, process and analyse PNR data and to ensure that PNR data is used by and shared with their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offences and related travel.

— END —