

ASSEMBLY — 35TH SESSION

ECONOMIC COMMISSION

Agenda Item 29: Facilitation

REPORT BY THE COUNCIL ON THE OUTCOME OF THE TWELFTH SESSION OF THE FACILITATION DIVISION

SUMMARY

This paper highlights the results of the Twelfth Session of the Facilitation Division, held in Cairo, Egypt, from 22 March to 1 April 2004. The Division agreed on recommendations for amendments to Annex 9 affecting some 75 SARPs, and numerous other recommendations for action by Contracting States and the Council.

Action by the Assembly is in paragraph 5.

REFERENCES

Doc 9838, *Report of the Twelfth Session of the Facilitation Division*

1. INTRODUCTION

1.1 The Twelfth Session of the Facilitation Division was held at the Cairo International Conference Centre, Cairo, Egypt, from 22 March to 1 April 2004 and was attended by 474 participants from 87 Contracting States and 19 observer delegations. In addition to those involved with aviation, such as civil aviation administrations, airports, airlines and general aviation, participants represented government departments dealing with customs, immigration, aviation security, public health, animal and plant quarantine and passports and visas. The theme for the meeting was “*Managing Security Challenges to Facilitate Air Transport Operations*”.

1.2 Following past practice, the Division’s Recommendations fall into two categories:

- a) A-type Recommendations, which propose to amend existing Standards and Recommended Practices (SARPs) and/or appendices in Annex 9 — *Facilitation* or establish new ones. Some seventy-five SARPs and two Appendices are affected by the A-type Recommendations of this Division; and

- b) B-type Recommendations, which propose other actions, by Contracting States or by the Council, within the purview of the Facilitation Programme. Sixteen B-type Recommendations were agreed by this Division.

1.3 This paper briefly summarizes both the A-type and the B-type Recommendations and describes how they will be processed.

2. **RECOMMENDATIONS FOR AMENDMENTS TO SARPS (A-TYPE RECOMMENDATIONS)**

2.1 The A-type Recommendations are aimed at smoother passage of travellers through border controls, heightened aviation security, controls on travel document fraud and illegal migration, and added protection against identity theft, including:

- a) a Standard that all Contracting States begin issuing only machine readable passports (MRPs) no later than 1 April 2010;
- b) a recommended practice for the incorporation of biometric data in machine readable passports, visas and other official travel documents;
- c) a Standard that States conform their Advance Passenger Information (API) systems with guidelines developed by the World Customs Organization in collaboration with ICAO and the International Air Transport Association (IATA);
- d) a Standard that States align their Passenger Name Records (PNR) data requirements and their handling of such data with ICAO guidelines, to be developed in the near future and that they refrain from requesting access to PNRs pending such guidelines;
- e) updated SARPs, in a separate Chapter, addressing operational and security issues associated with persons found inadmissible by States and persons being deported from States;
- f) revised appendices outlining airport and national facilitation programmes, in response to the many requests from States for more detailed guidance material on this subject; and
- g) new SARPs providing for the facilitation of entry/departure requirements for aircraft accident victims and their families.

2.2 The Council has yet to take action on the Division' s A-type Recommendations. In May the Air Transport Committee completed its preliminary review of all the proposed amendments to Annex 9 and directed that these be sent to Contracting States for their comments. The Committee was especially interested that its observations on two of the recommendations, in particular, be conveyed to all Contracting States.

2.3 The first relates to the issuance of machine readable passports by the year 2010 (paragraph 2.1 (a) above). Some members proposed that the new Standard should be revised to set a much earlier date (either 2006 or 2008) in order to reflect the commitment of ICAO to aviation security and to demonstrate its leadership in the field of facilitation. This could be considered achievable in view of the fact that over 100 member States in all Regions already issue MRPs. On the other hand, some other members expressed the view that the Division's recommendation was already a compromise and should be respected, considering the difficulties that developing States may have in meeting the April 2010 deadline.

2.4 Concern was also expressed that long validity periods of some States' passports might mean that universal possession of MRPs would be realized as late as ten years after the date provided in the Standard, and that eventually persons not holding MRPs might find it more difficult to obtain visas and to travel to many other States. An additional provision to shorten the validity of non-machine readable passports was suggested, in order to address the problem posed by long validity. For example a provision could establish a date after which non-machine readable passports would no longer be valid for travel, or a deadline by which all persons holding non-MRPs would have to replace them with new MRPs before travelling.

2.5 With respect to the issue of PNR access (paragraph 2.1 (d) above), a question was raised as to whether it was logical that a standard seek to preclude an action while awaiting guidelines that did not yet exist — particularly in view of the fact that several States were already requesting PNR access with the support and/or agreement of numerous others. In the view of these States, PNR access is essential to antiterrorism efforts as well as facilitation of inspection, and several have adopted national legislation requiring it. However, the Committee agreed that guidelines should be developed by a Secretariat study group with a goal to complete the work early in 2005.

2.6 In the State letter accompanying the A-type Recommendations, Member States were invited to comment on these proposed provisions in light of the Committee's observations. The Committee expects to consider all of the Division's A-type recommendations again in January 2005, taking into account the comments from States, and will subsequently refer them to the Council with recommendations concerning adoption. The recommended amendments to Annex 9, if adopted, will become applicable in November 2005.

3. RECOMMENDATIONS REQUIRING FOLLOW-UP ACTION BY COUNCIL AND CONTRACTING STATES (B-TYPE RECOMMENDATIONS)

3.1 The Division also agreed on several recommendations concerning follow-up action to be undertaken by ICAO. For example, the meeting recommended that:

- a) ICAO identify ways and means of providing technical assistance to those States requiring such assistance to enable them to comply with the requirement to issue MRPs by 2010;
- b) the Organization develop guidelines for government access to Passenger Name Record (PNR) data, including distribution, use and storage of such data;

- c) ICAO, with the assistance of relevant international organizations, develop security standards for certification of air cargo operators, agents, airports and ground handlers as “authorized entities” in the international supply chain, and seek to harmonize this work with the “regulated agent” concept;
- d) guidance material related to handling inadmissible persons and deportees be developed with the aid of an expert group; and
- e) ICAO, working with Contracting States and relevant international organizations, develop further guidance material on disinsection and examine alternatives to chemical disinsection methods.

3.2 Following a review by the Air Transport Committee, the Council approved and adopted these recommendations in June 2004.

4. **FINANCIAL IMPACT OF THE PROPOSED ACTION¹**

4.1 The follow-up action to be undertaken by ICAO, listed in paragraph 3.1, can be partially accomplished with the resources proposed under Programme 3.8, Facilitation, of the draft Programme Budget 2005-2007. However, those activities related to promotion and technical assistance to States will probably require adjustments to the Programme Budget.

5. **ACTION BY THE ASSEMBLY**

5.1 The Assembly is invited to:

- a) note this report;
- b) note that the A-type Recommendations, with the observations of the Air Transport Committee, have been sent out to Contracting States under State letter SD 6/4-04/57, with a request for comments to be submitted by 31 October 2004; and
- c) note that the B-type Recommendations were adopted by the Council in June 2004.

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¹ This information is presented only to indicate the estimated financial impact of the proposed action. The funds allocated to this proposed action will depend upon the final form of the Programme Budget of the Organization for 2005-2006-2007 approved by the Assembly.