# 57th CONFERENCE OF DIRECTORS GENERAL OF CIVIL AVIATION ASIA AND PACIFIC REGIONS

*Incheon, Republic of Korea*
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AGENDA ITEM 5: AVIATION SECURITY AND FACILITATION

# DEVELOPMENTS IN THE FACILITATION PROGRAMMES

Presented by ICAO Secretariat

**SUMMARY**

Air Transport Facilitation involves the efficient management of border control processes to expedite clearance of aircraft, passengers/crew, baggage and cargo, contributing to the prevention of unnecessary delays and maintenance of the efficiency of air transport operations. This working paper highlights recent developments in the ICAO Facilitation programme across all three main components of the programme: Annex 9 - *Facilitation*, the ICAO TRIP Strategy and the ICAO Public Key Directory (PKD) - relevant to the Asia Pacific (APAC) region and outlines proposed next steps. It highlights the recent Amendment 29 to Annex 9, new initiatives under the ICAO TRIP Strategy to support aviation's response to the COVID-19 pandemic, new initiatives associated with the ICAO PKD that increase value for State participants, the outcome of the Facilitation Stream of the High-Level Conference on COVID-19 (HLCC-2021), and the first ICAO Symposium on Assistance to Aircraft Accident Victims and their Families.

# DEVELOPMENTS IN THE FACILITATION PROGRAMMES

## 1. INTRODUCTION

1.1 Since the convening of the 56th Meeting of the DGCA held in Nepal in October 2019, the three components of the Facilitation Programme — Annex 9 — *Facilitation*, the Traveller Identification Programme (TRIP) Strategy and the ICAO Public Key Directory (PKD) — have advanced significantly, highlighting ICAO's leadership in setting the standards leading to more efficient and secure border management.

## 2. ANNEX 9 —RECENT DEVELOPMENTS IN FACILITATION

2.1 ICAO convened the Twelfth Meeting of the Facilitation Panel (FALP/12) from 13 to 22 July 2021, which recommended, inter alia, new and revised health-related Standards and Recommended Practices developed by ICAO's ad-hoc Task Force on Health Issues Outbreaks in Aviation (TF-HIOA) for inclusion under Amendment 29 to Annex 9. Documents pertaining to FALP/12 are available on the ICAO Public website[1].

2.2 On 18 March 2022, the ICAO Council adopted Amendment 29 to Annex 9. This amendment includes new and revised provisions on public health emergencies, travel security and health-proofs documents, relief and repatriation flights, air transport facilitation of persons with disabilities, assistance to aircraft accident victims and their families and human trafficking. Amendment 29 will become effective on 18 July 2022 and applicable as of 18 November 2022.

2.3 During FALP/12, the Panel established a dedicated Working Group on Annex 9 (WGA9). The WGA9 comprises experts from Member States, relevant international organizations and industry, supported by the ICAO Secretariat. The mandate of the WGA9 includes, inter alia, ensuring that the measures contained in Annex 9 are commensurate with the current and foreseeable global aviation facilitation environment for civil aviation. ICAO's Air Transport Committee (ATC) approved the Terms of Reference of the WGA9 in September 2021.

2.4 During the FALP/12, the Panel also approved a Comprehensive Strategy for Combating Human Trafficking in the Aviation Sector (Doc 10171), developed by the Panel's Working Group on Human Trafficking. The aim of the Comprehensive Strategy is to equip States, Civil Aviation Authorities and organizations, aircraft operators, and airports with guidance and recommendations to inform on the 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 the Comprehensive Strategy.

2.5 To assist Member States in their efforts to improve coordination between public health and aviation authorities and other Facilitation stakeholders, including 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. The iPack aims to assist Member States establish and operate a resilient and robust National Facilitation Committee which provides the necessary framework for effective coordination and collaboration. Additionally, ICAO developed two training courses entitled Annex 9 — *Facilitation*, and Assistance to Aircraft Accident Victims and their Families, for delivery both in virtual and classroom formats to assist Member States implement the provisions of Annex 9.

2.6 ICAO convened the High-level Conference on COVID-19 (HLCC 2021) from 12 to 22 October 2021. The Conference discussed 5 agenda items under the Facilitation Stream, covering a wide range of subjects resulting in 79 recommendations which were endorsed by the Ministerial Plenary of the Conference. Of the 79 recommendations, 17 are addressed to ICAO. Documentation pertaining to

[1] https://www.icao.int/Meetings/FALP/Pages/FALP12-2021.aspx

HLCC 2021, including the Ministerial Declaration on COVID-19, and the yellow cover report of the Conference are available online[2].

2.7 From 1 to 3 December 2021, ICAO convened the first Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021). The Symposium made 30 recommendations to States, industry stakeholders and ICAO. Notably, it recommended the elevation of Annex 9 Recommended Practice 8.46 to a Standard, subsequently adopted by ICAO Council under Amendment 29 to Annex 9. The new Standard places an obligation on Member States to establish legislation, regulations, and/or policies in support of assistance to aircraft accident victims and their families. Amendment 29 also contains a new Recommended Practice addressed to aircraft and airport operators on the development of plans to provide timely assistance to aircraft accident victims and their families. Information pertaining to the Symposium on Assistance to Aircraft Accident Victims and their Families may be found on ICAO's public website[3].

2.8 As part of the ICAO Universal Security Audit Programme–Continuous Monitoring Approach (USAP–CMA), provisions under Annex 9 which support both border management and security objectives are audited. Recent amendments to Annex 9 have focused on Advance Passenger Information (API) and Passenger Name Record (PNR) data. A number of these API and PNR Standards are audited. Appendix B presents the results for APAC States of the 18 TRIP-related Annex 9 Standards audited in the USAP–CMA prior to the adoption of Amendment 28 to Annex 9 and additionally lists the new API and PNR related Protocol Questions related to the new Standards introduced by Amendment 28 to Annex 9.[4]

## 3. DEVELOPMENTS PERTAINING TO ICAO TRAVELLER IDENTIFICATION PROGRAMME STRATEGY

3.1 The COVID-19 global pandemic has had enormous negative impacts on global aviation. The ICAO TRIP Strategy has been recognized as a key component in efforts to maintain business continuity through the crisis and to stimulate the restart of aviation and an effective and sustainable post-COVID recovery. In response, ICAO in collaboration with the International Standards Organization (ISO), actively contributed in developing a global framework with the aim of supporting States and industry to cope with the challenges resulting from the COVID-19 pandemic in the immediate, near and longer terms.

3.2 The development of ICAO specifications for travel-related health proofs — the ICAO Visible Digital Seal for non-constrained environments (VDS-NC) — leveraged existing trust models and verification systems established globally for ePassports, but applied for the use of COVID-19 health certificate. The VDS-NC specification is designed to provide a globally-interoperable framework for vaccination validation, testing and recovery certificates. The use of the VDS-NC was considered the most suitable to present reliable and secure COVID-19 health proofs at border crossings.

3.3 To assist Member States in their implementation of the ICAO TRIP Strategy, a revised ICAO TRIP implementation roadmap[5] taking into account Amendments 28 and 29 to Annex 9, was published on the ICAO public site. It incorporates new and/or revised Annex 9 Standards and Recommended Practices (SARPs) related to the ICAO TRIP Strategy with the objective to guide Member States in their efforts to implement this strategy and comply with the related Annex 9 SARPs as well as with the international specifications for MRTDs contained in Doc 9303, *Machine Readable Travel Documents*. To this effect, a course entitled ICAO Traveller Identification Programme (TRIP) Strategy course was developed. The aim is to *inter alia*, enable staff from Civil Aviation Authorities and all relevant border stakeholders to deal collectively with the provisions of Annex 9 and support the implementation of the 5 elements of the ICAO TRIP Strategy. The course builds upon the documents and guidance material pertaining to the ICAO TRIP Strategy already available on the ICAO public website[6]. As part of the support provided to States, the 8th edition of Doc 9303, composed of 13 parts, was published in all ICAO

[2] https://www.icao.int/Meetings/HLCC2021/Pages/yellow-cover-report.aspx
[3] https://www.icao.int/Security/FAL/AAAVF/Pages/default.aspx
[4] No State in the APAC region has yet been audited under Amendment 28 of Annex 9
[5] https://www.icao.int/Security/FAL/TRIP/PublishingImages/Pages/Publications/ICAO_TRIP_Implementation_Roadmap.pdf
[6] https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx

languages in 2021 and is accessible to States, industry and the public on the ICAO public website[7].

3.4 In terms of innovative developments, the ICAO Technical Advisory Group on Traveller Identification Programme (TAG/TRIP) endorsed, inter alia, the ICAO Guiding Core Principles for the Development of Digital Travel Credentials (DTC), as well as the technical specifications of VDS-NC. The DTC specifications will enable an ICAO compliant passport to be extended to a passenger's mobile device, allowing a more seamless traveller journey with less passenger touchpoints at the airports, resulting in a healthier and safer travel experience. Development of guidance material on how States might create and use vaccine certificates for the travel context using the VDS-NC specifications is in progress, and a dedicated VDS-NC Implementation Package (iPack) is being developed. The objectives and proposed contents of the VDS-NC iPack is to support the fast roll-out implementation of the specifications of the VDS-NC for both issuance and inspection either under the existing eMRTD Public Key Infrastructure (PKI) or under any newly-established health PKI as decided by States.

## 4. EPASSPORTS AND ICAO PUBLIC KEY DIRECTORY (PKD)

4.1 An increasing number of States globally are implementing electronic passports (ePassports) which include a chip to store the data of the passport holder, encrypted and digitally signed by the issuer. These ePassports offer increased security and enhanced travel facilitation. Amongst 39 APAC States (of whom 38 issue their own passports), 24 issue ePassports (Appendix D refers).

4.2 More States are issuing other digitally-signed documents for travel, such as electronic identity cards, eVisas, Digital Travel Authorizations and digital health proofs. Four APAC States (Australia, Japan, Nauru and Tuvalu) are issuing digitally-signed COVID-19 vaccination proofs following the ICAO VDS-NC specification.

4.3 The ICAO PKD is a central broker for sharing the public key certificates necessary for electronically validating ePassports, VDS-NC barcodes and other electronic travel documents. It allows document issuers to share updated certificates in a convenient and cost-effective manner while ensuring that receiving authorities such as border control authorities have access to a trusted and up-to-date repository of international public key certificates. Fifteen APAC States and 2 additional non-State passport-issuing entities in the region are amongst the 83 current PKD participants. (Appendix D refers).

4.4 Receiving authorities typically struggle to remain up-to-date with ePassport related public key certificates issued by States that do not participate in the ICAO PKD. As a result, these ePassports cannot be electronically verified and all security and facilitation benefits of the ePassports are lost. States issuing ePassports are therefore urged to join the PKD in line with ICAO Assembly Resolution A40-16 and as per Annex 9 Recommended Practice 3.9.1.

4.5 New ICAO PKD services continue to be made available in order to increase the value for those joining. Following the introduction of the new ICAO Master List in 2020, a first ICAO Health Master List was published in January 2022 to make public key certificates a requirement for verification of health proofs (proofs of vaccination/testing) available globally.

4.6 The PKD Board approved a new PKD capacity-building initiative — the PKD "Data Quality Coach" programme in November 2020. The programme pairs PKD participants with experienced coaches who support their efforts to connect and properly use the PKD in the context of their wider eMRTD implementation activities. The Board selected Mongolia as the first recipient of the coaching program and the coaching efforts began in December 2021.

4.7 PKD participants are required to upload all public key certificates necessary to validate their ePassports to the ICAO PKD as per ICAO Annex 9 standard 3.9.2 introduced as part of Amendment 28 to Annex 9.

[7] https://www.icao.int/publications/pages/publication.aspx?docnum=9303

4.8 Information on how to participate in the ICAO PKD is available on the ICAO public website[8].

## 5. ICAO AND THE UNITED NATIONS AGENDA

5.1 ICAO has continued to actively support UNSC resolutions related to facilitation and border security, notably 2178 (2014), 2309 (2016), 2396 (2017) and 2482 (2019), which address the acute and growing threat posed by foreign terrorist fighters (FTFs).

5.2 The ICAO Secretariat continues to assist the Counter-Terrorism Executive Directorate (CTED) through participation in country on-site visits to evaluate in particular Member States' implementation of the ICAO TRIP strategy and more specifically of API and PNR systems in the fulfilment of the Annex 9 Standard and the relevant UNSC resolutions.

5.3 The ICAO Secretariat continues to collaborate with the United Nations Office for Counter-Terrorism (UNOCT) to strengthen the delivery of counter-terrorism capacity-building assistance. In that context, ICAO is one of the partners of the Countering Terrorist Travel (CT Travel) Programme initiative, together with CTED, the UN Office of Information and Communication Technology (OICT) and the UN Office on Drugs and Crime (UNODC). CT Travel is a global capacity-building initiative to support Member States and enhance their detection capacity to curb FTFs mobility by using API and PNR data, making them compliant with the requirements of the UNSC resolutions 2178 (2014), 2396 (2017) and 2482 (2019).

5.4 ICAO and UNOCT entered into a Memorandum of Agreement (MoA) on 31 August 2020 to formalize ICAO's role as a partner in the UN CT Travel Programme. The MoA facilitated ICAO's recruitment of a technical officer to bring the full range of expertise which ICAO has in the field of passenger data exchange systems to all aspects of the programme's implementation: legal, operational, industry engagement and technical.

5.5 A significant ICAO achievement was reached on 28 February 2021, where Amendment 28 to Annex 9 became applicable, with new and updated Standards and Recommended Practices (SARPs) on Passenger Name Record (PNR). These new SARPs established a global framework for the collection, use, processing and protection of PNR data in response to UNSC resolution 2396 (2017).

## 6. ICAO TRIP EVENTS

6.1 The Sixteenth Symposium and Exhibition on ICAO TRIP, with the key theme of "Game-changing Technologies Driving Seamless Border Management" was held virtually in May 2021. The Seventeenth Symposium, with the theme "Seamless and Contactless: Sharing Data to Accelerate the Recovery" will take place at ICAO HQ in Montreal from 13 to 15 September 2022.

6.2 While benefiting from these two events, the participants have and will enjoy a wide-ranging exhibition showcasing the latest industry technology and process innovations.

## 7. ACTION BY THE CONFERENCE

7.1 The Conference is invited to take note of this paper which highlights developments in all ICAO's Facilitation Programmes, on the importance of complying with the SARPs of Annex 9 — *Facilitation*, implementing the ICAO TRIP strategy and actively participating in the ICAO PKD, all of which enhances both air transport facilitation and internal and cross-border security.

7.2 The Conference is also invited to recommend that APAC States:

a) implement the provisions of Annex 9 — *Facilitation*;

[8] https://www.icao.int/Security/FAL/PKD/Pages/How-to-Participate.aspx

b) consider deployment of the iPacks and participation in the Facilitation-related courses;

c) action the HLCC 2021 FAL Stream recommendations addressed to them;

d) increase efforts in the implemention of AAAVF 2021 recommendations addressed to them;

e) ensure that Annex 9 Compliance Checklists (CC) are duly completed in the Electronic Filing Of Differences (EFOD) system;

f) establish a National Air Transport Facilitation Programme (NATFP) and associated Committees in accordance with the relevant Annex 9 Standards 8.17 and 8.19;

g) implement the ICAO TRIP Strategy roadmap in order to achieve both enhanced air transport facilitation and aviation security;

h) commit to invest in instituting robust civil registration systems to support the issuance of reliable eMRTDs;

i) support digital issuance of health proofs in line with the World Health Organization (WHO) recommendations and interoperable with the specifications in the ICAO Technical Report Visible Digital Seal for Non-Constrained Environments (VDS-NC), when possible;

j) consider participation in the Seventeenth Symposium and Exhibition on ICAO TRIP in September 2022;

k) join the ICAO PKD as an integral programme component to issue electronic travel documents; and

l) once a participant in the PKD, upload all public key certificates required for the verification of electronic travel documents, thereby ensuring international capabilities to authenticate the documents in order to facilitate passenger clearance, improve identity management, combat cross-border criminality and increase both aviation and internal security.

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**APPENDIX A**

**ICAO TRAVELLER IDENTIFICATION PROGRAMME (TRIP)
STRATEGY ELEMENTS AND RELATED ANNEX 9 SARPS
(TOTAL: 81 SARPS)
(AMENDMENT 28, 15TH EDITION, OCTOBER 2017)**

1. **Evidence of Identity**: "credible evidence of identity, involving the tracing, linkage and verification of identity against breeder documents to ensure the authenticity of identity."

**Related Annex 9 SARPs:** NIL **Total: 0**

***It should be noted that A39–20 provides a framework for "evidence of identity".***

2. **MRTDs**: "the design and manufacture of standardized MRTDs, including ePassports, that comply with ICAO [Doc 9303] specifications."

**Related Annex 9 SARPs:** Standards 3.4, 3.11, 3.12, 3.63;
Recommended Practices 3.9, 3.13, 3.26, 3.64 **Total: 8**

3. **Document Issuance and Control**: "processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to prevent theft, tampering and loss."

**Related Annex 9 SARPs:** Standards 3.3, 3.7, 3.8, 3.8.1, 3.11.1, 3.15, 3.16, 3.23, 3.25,3.62, 3.65, 5.26, 5.27, 5.28, 5.29, 8.44;

Recommended Practices 3.14, 3.15.1, 3.17, 3.24, 3.63.1, 3.64.1, 3.69, 8.43; **Total: 24**

4. **Inspection Systems and Tools**: "inspection systems and tools for the efficient and secure reading and verification of MRTDs, including use of the ICAO PKD."

**Related Annex 9 SARPs:** Recommended Practices 3.9.1, 3.9.2, 3.9.3, 3.27 **Total: 4**

5. **Interoperable Applications** (including API and PNR): "globally interoperable applications and protocols that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations."

**Related Annex 9 SARPs:** Standards 3.10, 9.1, 9.5, 9.6, 9.8, 9.9, 9.10, 9.13, 9.15, 9.24, 9.25, 9.26, 9.28, 9.29, 9.30, 9.31, 9.34, 9.35, 9.36, 9.37;
Recommended Practices 3.10.1, 3.34.4, 3.34.5, 3.34.6, 9.1.1, 9.2, 9.3, 9.4, 9.9, 9.12, 9.14, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.27, 9.32, 9.33, 9.36.1, 9.38, 9.39;
**Total: 45**

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# APPENDIX B
# RESULTS OF THE ELEVEN TRIP-RELATED AUDITED STANDARDS FOR THE APAC REGION
# (18 AUDITED APAC STATES AS PER 1 JUNE 2022)

| ANNEX 9 Standard | PROTOCOL QUESTION | SATISFACTORY STATUS (OUT OF THE 22) |
|---|---|---|
| **8.17** | **FAL 9.001** Has the State established a National Air Transport Facilitation Programme (NATFP) based on the facilitation requirements of the Chicago Convention and of Annex 9 thereto? | **50%** |
| **8.19** | **FAL 9.005** Has the State established an NATFC and Airport Facilitation Committees (AFCs) as required, or similar coordinating bodies, for the purpose of coordinating facilitation activities between departments, agencies and other organizations of the State concerned with or responsible for various aspects of international civil aviation, as well as with airport and aircraft operators? | **36%** |
| **3.7** | **FAL 9.010** Does the State incorporate security features in its current travel documents and plan to periodically update security features in new versions of its travel documents to guard against their misuse and to facilitate detection of cases where such documents have been unlawfully altered, replicated or issued? | **91%** |
| **3.8** | **FAL 9.015** Has the State established controls to safeguard against the theft of its blank travel documents and the misappropriation of newly issued travel documents? | **77%** |
| **3.8.1** | **FAL 9.020** Has the State established appropriate controls over the entire travel document application, adjudication and issuance processes to ensure a high level of integrity and security? | **77%** |
| **3.10** | **FAL 9.021** Has the State established a policy to promptly report accurate information about stolen, lost, and revoked travel documents, issued by the State, to INTERPOL for inclusion in the SLTD database? | **67%** |
| **3.10** | **FAL 9.023** Has the State established guidelines for reporting information about stolen, lost, and revoked travel documents, issued by the State, to INTERPOL? | **61%** |
| **3.10** | **FAL 9.024** Has the State implemented measures to ensure that accurate information about stolen, lost, and revoked travel documents, issued by the State, is promptly reported to INTERPOL for inclusion in the SLTD database? | **65%** |
| **3.11** | **FAL 9.025** Are all passports issued by the State machine readable, in accordance with the specifications of Doc 9303? | **95%** |
| **3.12** | **FAL 9.027** Are travel documents for refugees and stateless persons issued by the State (Convention Travel Documents) machine readable, in accordance with the specifications of Doc 9303 specifications? | **71% (12 N/A, 3 - UNTD)** |
| **9.5** | **FAL 9.070** Has the State established an API system? | **47%** |
| **9.6** | **FAL 9.073** Has the State ensured that the API system is supported by appropriate legal authority and is consistent with the internationally recognized standards for API? | **50%** |
| **9.8** | **FAL 9.075** Has the State ensured the functioning of the API system consistent with internationally recognized standards for API? | **27%** |

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## NEW ADDITIONAL TRIP-RELATED AUDITED STANDARDS UNDER USAP-CMA

| ANNEX 9 Standard | PROTOCOL QUESTION |
|---|---|
| **9.1** | **FAL 9.077** Has the State created a Passenger Data Single Window facility for API that allows parties involved to lodge standardized information with a common data transmission entry point to fulfil all related passenger and crew data requirements of the State? |
| **9.1** | **FAL 9.120** Has the State created a Passenger Data Single Window facility for PNR data that allows parties involved to lodge standardized information with a common data transmission entry point to fulfil all related passenger and crew data requirements of the State? |
| **9.24** | **FAL 9.080** Has the State established an appropriate legal and administrative framework for the collection, use, processing and protection of PNR data for flights to and from its territory? |
| **9.24** | **FAL 9.085** Has the State defined and implemented PNR data requirements in accordance with ICAO Doc 9944 and PNRGOV message implementation guidance materials? |
| **9.25** | **FAL 9.090** Has the State identified in its legal and administrative framework the PNR data to be used in its operations, including the purposes for which PNR data may be used? |
| **9.26** | **FAL 9.095** Has the State established in its legal and administrative framework penalties for misuse, unauthorized access, and unauthorized disclosure of PNR data? |
| **9.26** | **FAL 9.100** Has the State established in its legal and administrative framework mechanisms to prevent unauthorized access, disclosure and use of PNR data? |
| **9.28** | **FAL 9.105** Does the State ensure that the automated processing of PNR data is based on objective, precise and reliable criteria that effectively indicate the existence of a risk, without leading to unlawful differentiation? |
| **9.29** | **FAL 9.110** Has the State designated one or more office(s) or entity (ies) as responsible for the independent oversight of PNR data protection? |
| **9.31** | **FAL 9.115** Has the State established, in its legal and administrative framework mechanisms related to the retention of PNR data? |

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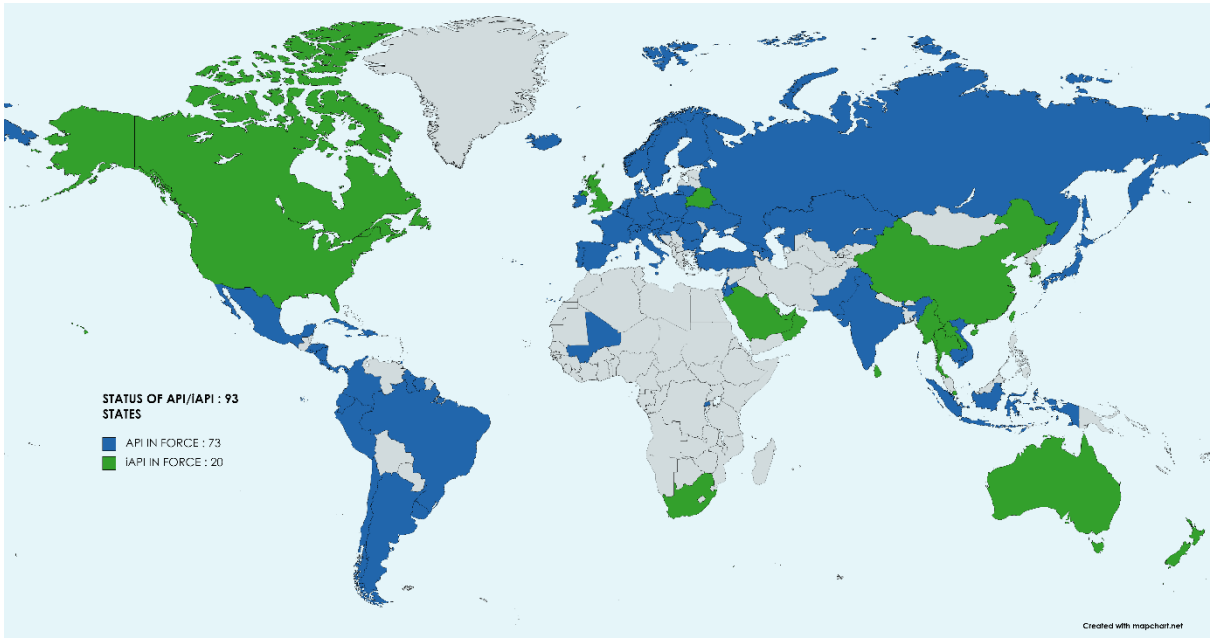
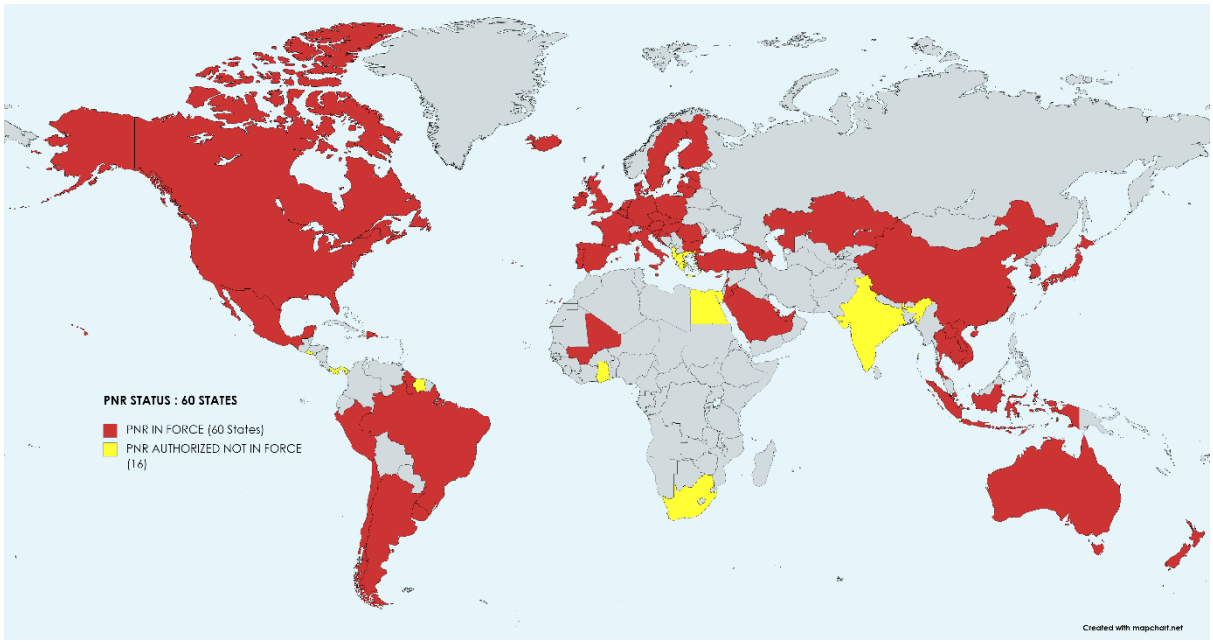
# APPENDIX C

## STATUS OF API AND PNR IMPLEMENTATION BY STATES (AS OF JUNE 2022)

### API




### PNR

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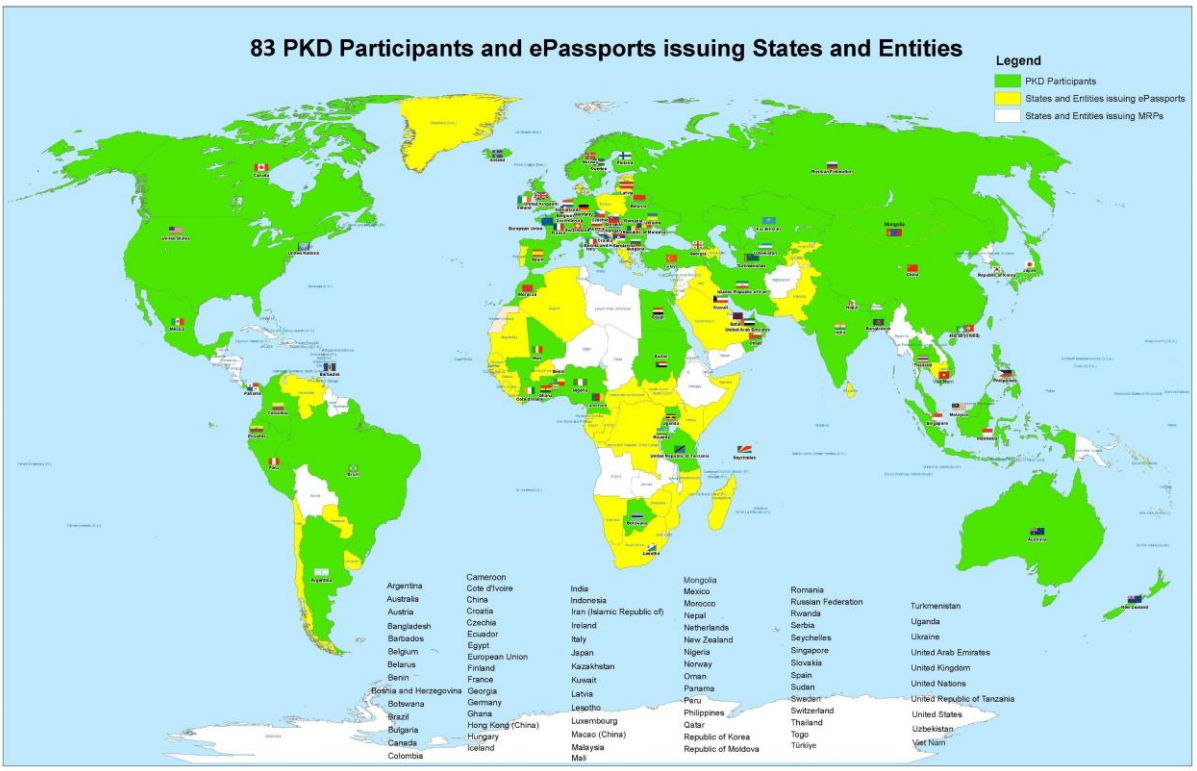
**APPENDIX D**

**ISSUANCE OF EPASSPORTS AND PARTICIPATION IN THE ICAO PKD**




| **Region** | **Member States** |
|---|---|
| **Asia and Pacific Office (APAC)** | **Australia**, **Bangladesh**, Brunei, Cambodia, **China**, Democratic People's Republic of Korea, **India**, **Indonesia**, **Japan**, Lao People's Democratic Republic, **Malaysia**, Maldives, **Mongolia**, **Nepal**, **New Zealand**, Pakistan, **Philippines**, **Republic of Korea**, **Singapore**, Solomon Islands, Sri Lanka, **Thailand**, Timor-Leste, **Viet Nam**. |
| **Total** | **24 out of 39 APAC States** |

**— END —**