

**RESOLUTIONS ADOPTED AT THE 41TH SESSION OF THE ASSEMBLY
PROVISIONAL EDITION**

A41-17: Consolidated statement of 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/crew and their baggage, cargo and mail, as well as 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 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 the 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 the 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 offences 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 travelling 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 ICAO Standards and 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 with 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;

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, interactive API (iAPI) systems 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.