



FAL/12-WP/115  
31/3/04

**FACILITATION (FAL) DIVISION — TWELFTH SESSION**

**Cairo, Egypt, 22 March to 2 April 2004**

**REPORT OF COMMITTEE 2 TO THE PLENARY  
ON AGENDA ITEM 2.4**

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**Agenda Item 2: Facilitation and security of travel documents and border control formalities**  
**2.4: Advance passenger information (API)**

2.4.1 At the outset, the Division recognized that there is a clear distinction between API and Passenger Name Record (PNR) access, and they should be considered separately. Accordingly, deliberations began with consideration of API.

2.4.2 In WP/15 the Secretariat noted that API systems, in the several States where they have been introduced, have been quite successful both as a measure to facilitate clearance of passengers and as a tool for enhancing the effectiveness of border inspection systems. The paper examined the related facilitation issues and sought to encourage Contracting States to review and update ICAO policy and doctrine. An Amendment to the current Recommended Practice 3.34 was proposed.

2.4.3 The Division considered the content of WP/16 where the Secretariat noted that profiling for risk assessment purposes was an issue related to minority rights and must not be ignored. The paper also examined the need to establish a diligent and energetic State instrumentality for the purpose of monitoring and ensuring that airport profiling does not discriminate and that a balanced system of compliance examination is in place.

2.4.4 In WP/38 Canada described Canada's experience in implementing its API program with the objective to identify high-risk travellers before they arrive at the border. The Division noted the information on Canada's API program and recommended to include it in ICAO guidance material as appropriate.

2.4.5 In WP/53 Saudi Arabia noted that security and operational advantages can be achieved by maintaining an API system to be implemented by both operators and airport government authorities. The paper suggested that ICAO develop guidelines to States on important controls and steps for maintaining an API system which the Division covered in its discussions under WP/15. With respect to including a reference to API system in bilateral air services agreements, the Division felt that it was up to the individual States to negotiate this matter bilaterally.

2.4.6 In WP/27 ECAC called for enhanced international cooperation in API systems and a multilateral approach to passenger processing supported by API. ECAC invited the Division to request ICAO to take the lead in developing international standards and recommended practices for API.

2.4.7 In WP/68 SITA called for international cooperation to ensure effective use of technology and recommended a community hub approach to enable interfaces among different systems.

2.4.8 In WP/81 New Zealand presented its advance passenger screening (APS) system which enables risks to be managed prior to the departure of passengers from their overseas origins, and encouraged other States considering API systems to also consider developing an APS.

2.4.9 In WP/60 IATA presented additional information concerning developments in API systems and provided a statement of principles developed by the IATA/Control Authorities Working Group. A B-type recommendation was proposed to recommend further work by ICAO in collaboration with the WCO and IATA on API program standards and recommended practices. This recommendation was similar to that proposed in the Secretariat paper (WP/15). The Division agreed to include as appropriate, the Appendix to WP/60 on the IATA/CAWG statement of principles for API systems as guidance material. Further, it was agreed that when implementing API systems, each State have an industry-government consultative process that takes into account the costs, and ensure that the fact of implementing an API system is notified to ICAO.

2.4.10 In its deliberations the Division considered that the requirements of several States, for passenger identification details to be supplied by the operators, usually exceeded the data elements represented in the machine readable zone of the passport. However, the majority view was that States requiring additional data should seek ways to obtain these from official sources such as visa data bases. In the end the Division adopted the Secretariat's proposed text, as presented below.

**Recommendation A/XX —**

**Amend** the Recommended Practice 3.34 and **insert** a new Standard to read as follows:

*3.34 Recommended Practice.— Where appropriate, Contracting States should introduce a system of advance passenger information which involves the capture of certain passport or visa details prior to departure, the transmission of the details by electronic means to their public authorities, and the analysis of such data for risk management purposes prior to arrival in order to expedite clearance. To minimize handling time during check-in, document reading devices should be used to capture the information in machine readable travel documents. ~~When specifying the identifying information on passengers to be transmitted, Contracting States should only require information that is found in the machine readable zones of passports and visas that comply with the specifications contained in Doc 9303 (series), Machine Readable Travel Documents. All information required should conform to specifications for UN/EDIFACT PAXLST message formats.~~*

*3.34.1 When specifying the identifying information on passengers to be transmitted, Contracting States shall require only data elements that are available in machine readable form in travel documents conforming to the specifications contained in Doc 9303 (series), Machine Readable Travel Documents. All information required shall conform to specifications for UN/EDIFACT PAXLST messages.*

2.4.11 The Division also considered and agreed generally with a proposal that operators not be subjected to penalties in connection with their API transmissions, and adopted the following recommendation:

**Recommendation A/XX**

**Adopt** the following new Recommended Practice and Standard.

*3.34.2 Recommended Practice. — Contracting States should refrain from imposing fines and penalties on operators for any errors which may have been made in the transmission of data to the public authorities in accordance with API systems.*

2.4.12 In WP/78 India had proposed that States requiring a passenger manifest should replace it with an API system, and proposed a new Standard to replace paragraph 2.12 in Annex 9. The Division agreed that States adopting API systems should no longer require the passenger manifest in paper form, and in the spirit of the proposal by India, decided to recommend a new Standard that could appropriately be included in Chapter 3.

**Recommendation A-XX**

**Adopt** the following new Standard.

3.34.3 Contracting States requiring that passenger data be transmitted electronically through an Advance Passenger Information system shall not also require a passenger manifest in paper form.

2.4.13 Finally, the Division urged ICAO to develop guidance material for API systems and agreed to adopt the following B-type recommendation.

**Recommendation B/XX —**

It is recommended that.

Contracting States planning new or enhanced API systems are urged to harmonize their data requirements and procedures within the framework of standard data sets established jointly by ICAO, WCO and IATA, in the interests of global interoperability.

2.4.14 The issue of Passenger Name Record (PNR) access by States, as a means of obtaining information to supplement that received through an API system, was considered by the Division separately from Advance Passenger Information. In this regard, WP/22 presented by Switzerland, WP/74 presented by IATA, and WP/75 presented by the European Union, expressed concerns about the unilateral approaches of the several States now requiring PNR access and urged that a harmonized set of principles and procedures be developed under the auspices of ICAO. The development of an internationally agreed framework under the auspices of ICAO should also take into account the guidance in the Appendix to WP/75 as presented by the European Union and its member States.

2.4.15 Concerns were expressed by several delegations that PNR access by States might not be an appropriate matter for ICAO to address, in view of the privacy issues inherent in such a procedure and in the handling of the data obtained thereby. They wished it to be made clear, that most countries do not request PNR access now and do not intend to head in that direction. However, since most States and their operators are actually confronted with the requirement, a pragmatic approach would be to place the process into an internationally agreed framework and to have ICAO take charge of it. Such a framework should include requirements that each State have an industry-government consultative process, that there be a procedure for notifying ICAO when a State institutes a PNR access requirement, and that costs to the industry be taken into account.

2.4.16 Accordingly, the Division adopted the recommendation of Switzerland, modified by a suggestion by Nigeria, to adopt a new Standard, as follows.

**Recommendation A/XX —**

**Adopt** the following new Standard in Chapter 3.

3.-- -- Contracting States shall not request access to Passenger Name Records (PNR) to supplement data received through API systems, until guidelines have been developed by ICAO. Contracting States requesting PNR access shall conform their data requirements and their handling of such data to guidelines when developed by ICAO.

2.4.17 In addition the following B-type recommendation was adopted.

**Recommendation B/ —**

It is recommended that ICAO develop guidance material for those States that may require access to Passenger Name Record (PNR) data to supplement identification data received through an API system, including guidelines for

distribution, use and storage of data and a composite list of data elements which may be transferred between the operator and the receiving State.

2.4.18           The Division felt that more work was required on PNR data transfers and suggested that ICAO should consider referring these matters to a study group who would report to the FAL Panel and the Council on its findings and recommendations.

2.4.19           The Division noted IP/32 submitted by the United States on its API system.

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