



## FACILITATION PANEL (FALP)

### FIFTH MEETING

Montréal, 31 March to 4 April 2008

#### Agenda Item: 3 Other amendments to Annex 9

#### HARMONISATION OF ADVANCE PASSENGER INFORMATION REQUIREMENTS

(Presented by the United Kingdom)

##### SUMMARY

A consistent approach to the design and implementation of Advance Passenger Information schemes, aiming to minimise burdens on carriers while maintaining the integrity and effectiveness of such schemes, would be beneficial in facilitation terms.

##### Action by the FAL Panel:

Action by the FAL Panel is at Paragraph 5.1.

## 1. INTRODUCTION

1.1 An increasing number of ICAO Contracting States require airlines to provide Advance Passenger Information (API) data. The United Kingdom urges other Contracting States, when developing such requirements, to adhere to the relevant ICAO standard. Harmonisation of States' requirements will help reduce unnecessary additional costs on airlines and improve compliance with the requirements.

## 2. RECENT EXPERIENCE

2.1 States will implement API schemes in order to maintain a comprehensive record of all those who cross the border, enhance the security of citizens and visitors, facilitate legitimate travel and trade and more generally safeguard the integrity of our border controls. If designed and implemented well, they should also be able to deliver positive benefits to aviation interests: for example, they may require less intervention at the primary line, enable automation as a state authority checks passenger documents against data provided, be used to validate boarding passes on entry to the secure area of airports, enable automated immigration, or mitigate carrier liability if visas are automatically checked.

2.2 However, the United Kingdom is aware that its airlines have experienced a number of challenges in recent years in implementing API requirements. These have included:

- lack of or insufficient consultation of the industry by governments;

- unclear requirements or uncertain legal bases for the data requests;
- unrealistic timescales for implementation;
- demands for data that are not machine-readable;
- demands for unrealistically high levels of accuracy and disproportionate sanctions for failure;
- demands for data using limited collection methods or non-standard transmission methods;
- apparent lack of consideration of the impact on passengers.

### 3. CURRENT GUIDELINES

3.1 The current global guidelines on API are the WCO/IATA/ICAO ‘Guidelines on Advance Passenger Information (API)’ published in March 2003. However, these guidelines allow States to choose from a great many data items, many of which are not machine-readable. Such items considerably increase airport processing time, which increases queuing and airport congestion and is consequently a facilitation disbenefit. The UK proposes that the ICAO standard in paragraph 3.47.1 of Annex 9 is taken by Contracting States as the starting point when developing API requirements:

*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.*

3.2 The UK, nevertheless, also urges that the Guidelines are maintained as a ‘living’ document. They should include examples of best practice aimed at minimising burdens on the industry and be regularly updated.

3.3 API proposals are sometimes made at the regional level, for example, the European Community’s Directive on the obligation of carriers to communicate passenger data (Directive 2004/82). These should also be in line with the global guidelines. The EC Directive requires EU Member States to collect only certain machine-readable and service data.

### 4. POSSIBLE SOLUTIONS

4.1 To further minimise the additional burden on airlines in implementing API requirements the UK urges Contracting States to build the following points into their programmes for developing API requirements:

- *Consultation.* The aviation industry should be notified of the proposals at an early stage and given the opportunity to comment on before they are finalised. This will ensure that the industry fully understands the proposals and can advise of technical limitations and lead-in times.
- *Clarity of proposals.* By consulting early, States can work with carriers to remove any areas of doubt as to the precise nature of their requirements. A clear statement of the legal basis for the API regime will also help to remove uncertainty about the requirements.

- *Allowing sufficient time.* States' desire for expeditious implementation of enforcement mechanisms may lead to an "optimism bias" in the assessing the time needed to implement such measures. As well as taking a prudent approach to lead-in times, States should consider a phased approach to implementation. This may include beginning with the introduction of the API scheme on a small number of "pilot" routes so that the system is given a realistic test before full implementation. States should also consider informal arrangements whereby penalties are waived in the early staged of implementation unless it can be shown that the carrier concerned is not making a reasonable effort to comply with the requirements.
- *Limiting the data requirements.* States can do a great deal to limit the burden on carriers and avoid time-consuming processes by restricting information requests for API regimes to machine-readable data. States should operate a presumption against the requirement of other data (such as place of birth or destination address) and, if they conclude that the collection of such other data is necessary, consider whether this can be done by another means. For example, visa information is often not machine-readable, but if it is required, a link can be made, for example, from the passport number to the State's visa database.
- *Keeping the requirements realistic.* While States may reasonably expect a high level of data accuracy, 100% accuracy cannot be guaranteed and should not be required. Penalty regimes should be proportionate and take into account a margin of genuine error.
- *Flexible and consistent collection and transmission requirements.* States implementing API should consider permitting data to be input by passengers via the internet. States should not normally require data collected in this way to be manually checked by the airline at the airport: UK airlines have found that data entered by passengers is already well over 90% accurate. Accuracy can be improved, for example, by asking passengers to enter their passport number twice to ensure that it matches and is correct. Airlines should be allowed to develop their own data collection systems but also to accept the risk of sanctions if the data does not meet the required level of accuracy. Transmission methods should be flexible and not require use of a particular service provider (e.g. via the airline SITA network) with other transmission options including via the internet normally available. States should aim to provide a "single window" for data, with a single address per country to avoid duplication of requirements by different agencies in the same country asking for the same data.
- *Seeking out facilitation benefits.* States should have in mind the maintenance of an appropriate balance between enforcement and facilitation in devising and implementing API regimes. Timely use of the data collected may enable other processes to be made less time-consuming for passengers, for example by enabling agencies making checks on arriving passengers to take a more targeted and risk-based approach to these checks.

**5. ACTION BY THE FALP**

5.1 The Panel is invited to agree that:

- a) the ICAO standard in paragraph 3.47.1 of Annex 9 is taken by Contracting States as the main starting point when developing API requirements;
- b) Contracting States should be encouraged to incorporate, to the greatest extent possible, measures and practices that limit the administrative burden on airlines and delay to passengers;
- c) the WCO/IATA/ICAO API guidelines should be actively maintained to include examples of good practice; and
- d) the forthcoming ICAO Facilitation Manual should include examples of agreed best practice guidelines in relation to API systems.

— END —