



FACILITATION PANEL (FALP)

FIFTH MEETING

Montréal, 31 March to 4 April 2008

Agenda Item 3: Other amendments to Annex 9

Proposed Application and Implementation of APIS and eAPIS¹ to international general aviation operations.

(presented by the International Business Aviation Council)

SUMMARY

Initiatives by several States to apply API &/or eAPI to international general aviation raises the specter of a lack of harmonization of requirements and procedures. It is recommended that the FALP address this, as a matter of priority, with a view to developing appropriate Annex 9 provisions and guidance material and, possibly instigating a review of the UN/EDIFACT PAXLST messages.

Action by the FAL Panel:

The Panel is invited to consider and agree to the proposals indicated in paragraph 4.1.

1. BACKGROUND

1.1 Provisions relating to the Entry and Departure of Aircraft and Entry and Departure of Passengers and their Baggage are contained in Chapters 2 and 3, respectively, of Annex 9.

1.2 Arrangements concerning international general aviation and other non-scheduled flights in particular are the subject of Chapter 2 F.

1.3 Paragraph 3.47.1 pertains to specifying the information on passengers to be transmitted and limits the data elements to those available in machine readable form in travel documents conforming to the specifications in Doc 9303. It further specifies that all information required shall conform to the specifications for UN/EDIFACT PAXLST messages.

¹ eAPIS, (Electronic Advanced Passenger Information System) an application available through the internet.

2. BUSINESS

2.1 Several States have recently made known their intentions, including in one case a proposal (on the basis of a Notice of Proposed Rule Making [NPRM] currently in comment phase), to apply APIS or eAPIS for all arriving and departing international general aviation operations. While these announced intentions and/or proposals have in common the same declared purpose, namely the enhancement of respective national aviation security programmes, they involve matters relevant to Annex 9 rather than Annex 17. On the other hand, there are some who contend that such measures are within the purview of the State national security programme i.e. are within the purview of Annex 17.

2.2 Irrespective, these intentions/proposals can be seen as evolving on unilateral bases and will erode the relevance of the provisions of Annex 9, thus foreshadowing the advent of other than internationally harmonized procedures. Further, it remains as yet unclear whether the States involved will either propose amendments to Annex 9 or will file differences to current provisions.

2.3 Matters warranting FALP consideration include:

- a) the recognition that APIS was conceived for airline industry application and the supporting technical standards (UN/EDIFACT PAXLST messages) were developed exclusively for application in this context²;
- b) the data elements proposed/contemplated by several States for general aviation arrivals and departures are emerging as incongruent and also extend significantly beyond those catered to in UN/EDIFACT PAXLST e.g. also pertain to elements traditionally included in the General Declaration and beyond;
- c) proposals are being made for the inclusion of data elements that are not machine-readable;
- d) there is a need for clarity with respect to the entity responsibility for the transmission of data;
- e) proposals are emerging to also require the provision of so-called “Other Passenger Information (OPI) - **where collected**”, this may extend to and encompass credit card information, automobile registration etc etc...i.e. typically information unrelated for border access for aircraft and passengers (such open ended requirements for divulging personal &/or corporate data will likely serve to deter service providers from collecting and storing such customer data out of concern for the ability to protect the privacy rights of the customer);
- f) the presumed communications means to support electronic transmission of APIS data i.e. the internet will not assuredly and consistently be available at the aerodrome of departure³; and
- g) business aviation operators are typically reliant on third party service providers for international trip handling. These service providers are now being confronted with the

² A trend has emerged for individual States to add unique additional data elements in derogation of international standardization.

³ The ability of the business aircraft community to always be able to comply with the “e”-APIS capability does not exist. Many of these operations come from points that may not even have phone capability, let alone computers. In time this may change, but it does not exist today.

development of customized software and, in some cases, dedicated hardware to cater to emergent eAPIS requirements. With the significant costs and time involved there is a pressing need to avoid the development of procedures, systems and services that are responsive to the unique requirements of individual States.

3. **CONCLUSION**

3.1 Potential exists for the derogation of Annex 9 provisions and the prospect of non-uniform and inconsistent requirements and procedures among those States who are intent on introducing eAPIS for all International General Aviation traffic.

4. **ACTION BY THE FAL PANEL**

4.1 The FAL Panel is invited to:

- a) consider the developments outlined above;
- b) recognize the potential for the derogation of Annex 9 provisions and the prospect of non-uniform eAPIS requirements and procedures among those States who are intent on introducing such measures for international general aviation; and
- c) establish a Working Group to further consider these matters and, as a matter of priority, develop proposals for the amendment of Annex 9 and related guidance material.

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