



| ICAO

SECURITY AND FACILITATION

The Implementation Steps of Advance Passenger (API) System



1. Why your State should establish an API system?



United Nations Security Council Resolutions 2178, 2309 and 2396



ICAO's new Standard 9.5 (included in Amendment 26 to Annex 9 of the Chicago Convention and adopted on 23 October 2017)

As a Contracting State to the Chicago Convention, observance of International Civil Aviation Organization (ICAO) standards is mandatory.

API Benefits

API data can provide different benefits to border management and aviation security:

- It helps to improve border control and to combat irregular immigration more effectively.
- It facilitates Integrated Border Management through the use of a Single Window facility.
- It allows for the reduction of the workload of border management officers through the use of technology and automated means.
- It improves citizens' perception of security and contributes to a faster processing of bona fide travellers.
- It can complement existing data vetting processes, such as checking the passports of individuals travelling internationally against watch lists and databases (e.g. International Criminal Police Organization (INTERPOL) Stolen and Lost Travel Documents database).
- An interactive API system (iAPI):
 - Enhances aviation security.
 - Allows for real-time document validation against databases and allows national authorities to make board/no-board decisions in real time.
 - Reduces carriers' exposure to penalties for undocumented passengers or passengers whose official travel documents are not valid.

2. Initial Steps for a State to implement an API System

- 2.1 Determine which agencies will make use of API data, such as **Border Police, Customs, Intelligence, INTERPOL National Central Bureau (NCB)**.
- 2.2 Establish a **National Air Transport Facilitation Committee** to ensure coordination with all actors involved.
- 2.3 Set a **strong legal basis** for requesting API, defining data elements and allowing for inter-agency and international police cooperation. An API system cannot be introduced without a proper legal framework in place.
- 2.4 Determine precise **costs and budget** for the implementation of an API system.
- 2.5 Create a **Passenger Data Single Window** (an inter-agency targeting bureau) to facilitate data sharing, Institute systematic checking of API data against both national and international watch lists, such as Interpol databases.
- 2.6 Decide how API data **will be transmitted** to the government's IT system - will connectivity to airline systems be developed internally by the government or by an IT service provider (depending on budget constraints and States IT capability)?

3. Complying with Global Standards

3.1 Annex 9 to the Chicago Convention – Facilitation

- Standards on API are 9.5, 9.6, 9.8, 9.9, 9.11 and 9.13.
- Amendment 26 to Annex 9 became effective on 23 October 2017, making the establishment of API systems a legal obligation. This provision has been applicable for Contracting States from **23 February 2018**.

3.2 ICAO/International Air Transport Association (IATA) /World Customs Organization (WCO) Guidelines on API

- The Guidelines are referenced by the ICAO standards and provide guidance to States seeking to implement and adhere to the standards on API systems.
- They address important issues, such as the list of data elements that border control authorities may require in respect of an inbound or outbound flight.
- Message Implementation Guide provides the passenger list (PAXLST) message structure and indicates which data elements are mandatory and which are conditional.

3.3 Message Structure and Technical Specifications

- Using the standard message structure of United Nations rules for Electronic Data Interchange For Administration, Commerce and Transport (UN/EDIFACT), PAXLST will hasten implementation and decrease costs significantly.
- Industry can and does support such programmes.

4. Setting a National Legal Framework

4.1 The data elements required for API transmission and processing.

4.2 The transmission timing of API data by airlines.

4.3 The purposes for data use and transfer.

4.4 The purpose of data retention and the maximum period for data retention that is sufficient to achieve the legal objectives set out.

4.5 Adequate redress mechanisms for passengers that have been unjustly affected by a decision taken by national authorities on the basis of the processing of API data.

Protection of Personal Data

Collection, storage and processing of passenger data can have implications on human rights, including **the right to privacy and the protection of personal data**.

Article 17 of **the International Covenant on Civil and Political Rights** says that “no one shall be subjected to arbitrary or unlawful interference with his privacy”. Therefore, each State has to ensure that API data is:

- obtained and processed fairly and lawfully.
 - stored for legitimate purposes and not used in a way incompatible with those purposes.
 - adequate, relevant and not excessive in relation to the purposes for which they are stored.
 - accurate and, where necessary, kept up to date.
 - preserved in a form which permits identification of the data subjects for only as long as required for the purposes for which data is stored.
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5. Include Stakeholders Early

The best API implementation programmes are developed by States that involve stakeholders early in the process. Communication between government authorities and stakeholders, particularly airlines, leads to better initial structural decisions and to a better final system design.

Why is it important to engage with airlines?

To comply with a State's API data requirements, airlines have to go through a complicated process (e.g. configuring systems, testing connectivity, training staff).

By engaging early with them, your State will **be able to know what can and cannot be accomplished** with airlines' existing systems.

For example, in terms of timing, **it is easier for airlines to comply with API systems that are in alignment with international standards (3 - 6 months) than with those who are not (24 - 36 months).**

How to engage with stakeholders?

Inform about the intention of setting up an API system

- Public authorities should notify all stakeholders of their intention to implement an API system.
- With regards to airlines, this information should not only be provided through airport-based Airline Operating Committees (AOCs), but also via direct communications with the airlines' headquarters and with IATA.
- With regards to information technology (IT) service providers, companies could be invited to submit a request for information (RFI) to propose how their solutions could help the API project and would give an idea of cost and scope to assist with budgeting.

Creation of a National Air Transport Facilitation Committee (NATFC)

- National authorities should consider the creation of a NATFC that will include all the agencies and Ministries interested in having access to passenger data, as well as national and foreign airlines flying into and out of the State. Thus, a list of all stakeholders should be formulated and amended, as necessary, as the programme develops.
- The NATFC should be informed of plans and progress towards establishing an API programme, and can provide assistance in the development of the detailed technical specifications that meet the State's needs while fitting with airlines' capabilities.

Preparation of a Client Implementation Guide (CIG)

- Once the program is agreed, authorities need to develop a CIG. This is a manual that provides airlines with the necessary legal, technical and operational information required to comply with their obligations on API data.
- Among other issues, the CIG should cover all applicable legislation, the mandatory standards for data transmission, the timeline for compliance, and all technical information related to data transmission and format, as well as the single window.

Distribute the CIG among airline stakeholders

- The CIG should be issued at least 3 to 6 months prior to the passenger data transmission requirement's entry into force to allow airlines to program their systems, test connectivity and train staff.
- And remember... the clock only starts ticking when the technical specifications are released and airlines are able to start programming!

Development of a systems commissioning

- Communication with airline stakeholders
- Must be present even after the establishment of an API system. For this purpose, national authorities could use the existing Board of Airline Representatives (a partnership of airlines operating in an airport or region).
- The Passenger Information Unit (PIU)/single window will need to develop a systems commissioning process to ensure that airlines' systems are designed, installed and tested according to the requirements established by the national authorities. Certification testing determines whether connectivity is successfully established, while confidence testing aims at verifying and measuring that messages meet the construction and the content requirements.

Be flexible in applying the sanctioning scheme for non-compliance

- Not all airlines might be able to comply with API requirements by a certain deadline.
- ICAO does not recommend sanctions to be imposed if an airline is cooperating or in case of system failure (a recommended practice according to ICAO's Annex 9).
- It is advisable to have open communication and flexibility at the beginning, as well as developing a selective enforcement of requirements to encourage compliance. One of the possibilities in this regard is to carry out the implementation of your system in phases/routes for specific airlines. Implementation would then be expanded as capacity is confirmed. Another possibility is to issue warnings in case of non-compliance that can result in financial penalties if airlines do not amend the situation before a specific deadline determined by the authorities. Sanctions should always be the last resort.

6. External Cooperation



Law
Enforcement



Enhance information sharing with other States bilaterally.
Make full use of INTERPOL databases at every States' disposal.

Cooperation with the **United Nations** and **INTERPOL** regarding watch lists and databases, but also in terms of updates regarding new intelligence or targets.

The **ICAO, IATA, United Nations Counter-Terrorism Centre (UN CCT)** and **Organization for Security and Co-operation in Europe (OSCE)** are always available to provide technical and policy support.



Airlines



It is recommended to sign a **Memoranda of Understanding (MoU)** with airlines to agree upon basic principles of cooperation, as well as message timing and protocols for system outages.

7. Budget Constraints and International Commitments

Because the establishment of an API system is expensive, identifying potential budget constraints and opportunities is important.

Funding from donor States or organizations may be available to help offset developmental costs.

Airlines should not fund the development of API systems. States shall seek, to the greatest extent possible, to limit the operational and administrative burdens on aircraft operators (ICAO Standard 9.11).

While donor funding is important, the analysis of the budget constraints and opportunities should take into account the issue of sustainability. This not only refers to the cost of maintenance of the API system after its implementation, but also to what will happen once donor support is over.

Funding for API implementation

Three main alternatives for funding:

1. Partner with the World Customs Organization (WCO) for launching a Global Travel Assessment System (GTAS). GTAS is a real-time passenger screening system that allows customs administrations to use API and PNR data for risk assessment purposes. It is available free of charge after completing a GTAS Intake Questionnaire. For more information, please contact: WCOSecurityProgramme@wcoomd.org or Jatinder.Randhawa@wcoomd.org.
2. Develop an Automated Targeting System - Global (ATS-G) Programme. This cost-free software supports API and PNR data receipt and processing, and is available after signing an MoU on data exchange with the US Customs and Border Protection. For more information, please contact: david.dodson@cpb.dhs.gov.
3. Use available funds from European Union (EU) Instrument for Pre-Accession Assistance (IPA II) 2014-2020. Strengthening the material and human capacity to detect and prevent irregular migration and improving the surveillance and detection capacity of the border police regarding all forms of cross-border crime are some of the EU priorities. If linked to any of these priority areas, each State could consider requesting EU funds under the framework of the IPA II for developing an API system.

8. Flexibility

Cooperation with other national agencies, with foreign States, with industries and international organizations should be maintained as much as practicable during the preparation and implementation phases.

Authorities should also remain flexible, particularly engaging with airlines. Certain technical aspects may reveal problems preventing full compliance by carriers, in which case they should not be penalized as issues are being resolved. It is recommended that the government response varies based on the carrier effort.

It is important to have in mind that, despite all efforts, all may not go according to plan. Limited availability of IT resources, different levels of IT maturity across the industry or non-realistic implementation time frames may hinder the process. In this context, it is necessary to have a fallback plan prepared.

This roadmap should not be read in a linear way. Most of the steps needed to implement an API system complement each other and, therefore, some actions can (and should) be taken at the same time.



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