



**WORKING PAPER**

**FACILITATION PANEL (FALP)**

**NINTH MEETING**

**Montréal, 4-7 April 2016**

**Agenda Item 3: Amendments to Annex 9**

**PASSENGER DATA EXCHANGE SYSTEMS**

(Presented by the Netherlands)

**SUMMARY**

This working paper proposes that three new Recommended Practices (RPs) be incorporated into Annex 9: a recommendation that States establish an Advance Passenger Information (API) system, a recommendation that States require aircraft operators to provide API data to a national authority and a recommendation that States establish an interactive API (iAPI) system. As the topic of data information exchange has taken on increasing importance as a result, inter alia, of UN Security Council Resolution 2178 (2014), and also because the number of paragraphs on the topic of data exchange in Annex 9 has increased, the paper also invites the Facilitation Panel to consider the introduction of a dedicated Chapter within Annex 9 on the subject of passenger data information systems.

**Action by the FAL Panel:**

The FAL Panel is invited to consider the proposals described in this paper and agree that Annex 9 be amended, as set out in the Appendix.

**1. INTRODUCTION**

1.1 The increasing number of passengers, the environmental and efficiency-driven innovations which result in bigger airplanes, together with the need for more efficient passenger flows at airports, make it necessary to develop more intelligent and efficient methods to check passengers and their baggage. Passenger-related information, available in the systems of the aircraft operators, are being used by border control authorities in the cross border movement of persons and goods. Security-related measures also give an impulse to the use of advance passenger information systems. Resolution 2178 (2014), adopted by the UN Security Council in September 2014, calls upon States to require aircraft operators operating in their territories to provide advance passenger information to the appropriate national authorities. API and PNR data are used to deal with the threat posed by international terrorism through checks by Border Control Agencies prior to departure, when immigration authorities can process

and facilitate the legitimate entry and exit of passengers and prevent travel by potentially inadmissible travellers. This UN resolution has seen an increase in States around the world introducing passenger information regimes.

## 2. DISCUSSION

2.1 Many States require aircraft operators to provide information on passengers who intend to travel to, from or overfly their territories. Requirements based on clear standards will enable seamless, cost-efficient and timely implementation of these passenger systems without an excessive burden placed on the aviation industry. Given the fact that advance passenger information is of a high priority and the standardisation of passenger information even more so, it would be advisable to introduce a dedicated chapter in Annex 9 that would contain all standards and recommended practices on passenger data information.

2.2 Following UN Security Council's Resolution 2178 (2014), this working paper also proposes a new Recommended Practice recommending that Contracting States require aircraft operators to provide API to a national authority. A "Note" should be inserted to provide information on the background to this proposal (i.e. Resolution 2178). However, in order that States implement this provision, another Recommended Practice specifically recommending that States set up API systems, that is missing from Annex 9, should also be inserted.

2.3 Recently, a more sophisticated form of API is being deployed as an instrument to confront potential risks posed by airline passengers, especially in regard to aviation security, immigration requirements, drug trafficking and other threats to national security. This form of API, called interactive API (iAPI), is an additional means of enhancing border security. A distinguishing feature of iAPI is that it provides for passenger-by-passenger online interchange of electronic messaging between the Carrier and the border control authority in the country of departure or destination. At the instant a passenger checks-in to a flight for boarding, passenger information flows from the Carrier's departure control system to the border control authorities, who in turn send (in real time) an electronic message response to the Carrier permitting or preventing the boarding of the passenger. iAPI is also a facilitative measure since the use of an iAPI system reduces the exposure of the aircraft operators to penalties associated with bringing inadmissible passengers into the country of destination. Though implementation of iAPI poses certain technical challenges in terms of system availability, outage management, and reliability of electronic message transmissions and maintaining data quality by systems operated by both the aircraft operator and State, Contracting states should consider introducing an interactive API system. The introduction of an interactive passenger information system will be of great benefit to the aviation industry, thus limiting costs for inadmissible persons.

## 3. RECOMMENDATIONS

3.1 The Facilitation Panel is invited to agree with the introduction of a dedicated chapter, in Annex 9, on passenger data information systems and request the Secretariat to renumber the paragraphs as appropriate.

3.2 The Facilitation Panel is invited to agree with the introduction of three new Recommended Practices, as indicated in the Appendix, with the addition of a new Note.

APPENDIX

Amend Annex 9 as follows:

Chapter 3: Entry and Departure of Persons and their Baggage

Delete paragraphs 3.48 to 3.49.2, both inclusive, from Chapter 3 and move them to a new Chapter 9.

Chapter 9: Passenger Data Exchange Systems

A. Advance Passenger Information (API)

9.1 Recommended Practice.—Each Contracting State should establish an Advance Passenger Information (API) system.

3.48 9.2 Each Contracting State that introduces an Advance Passenger Information (API) system pursuant to 9.1 shall do so under its national legislation and shall adhere to international recognized standards for the transmission of Advance Passenger Information.

[Notes omitted]

- 3.48.1 9.3
3.48.2 9.4
3.48.3 9.5
3.48.4 9.6
3.48.5 9.7
3.48.6 9.8
3.48.7 9.9

9.10 Each Contracting State should require aircraft operators operating in its territory to provide Advance Passenger Information (API) to an appropriate national authority.

Note.—The UN Security Council, in Resolution 2178 (2014), at paragraph 9, “[c]alls upon Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) (“the Committee”), and further calls upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State or residence or nationality, as appropriate and in accordance with domestic law and international obligations.”

9.11 Recommended Practice.—Each Contracting State should consider the introduction of an interactive Advance Passenger Information (iAPI) system.

- 3.48.8 9.12
3.48.9 9.13
3.48.10 9.14
3.48.11 9.15

**B. Passenger Name Record (PNR) Data**

3.49	9.16
3.49.1	9.17
3.49.2	9.18

— END —