



## **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 (API) Regimes**

(Presented by IATA)

#### **SUMMARY**

The number of Contracting States that have either enacted or plan to enact Advance Passenger Information regimes has increased dramatically since the process was last reviewed during the 12<sup>th</sup> Facilitation Division in Cairo (2004). While processes to be observed when implementing such programs have been internationally agreed since 1993, and supported by reference in Annex 9, Standard 3.47.1 – many programs announced during the last two years have not been aligned with existing globally agreed best practices.

This paper contains recommendations to strengthen provisions within Annex 9 in an effort to enhance alignment of existing and emerging passenger data exchange regimes

Action by the FALP is in paragraph 0.

#### **1. INTRODUCTION**

1.1 Advance Passenger Information (API) was first introduced in 1990 by the United States as a voluntary measure to facilitate the movement of persons travelling over international borders. As this was a new concept in international civil aviation, no standards, recommended practices or technical frameworks existed to guide the initiative's development. From data element requirements to communication protocols – all elements of the experimental program were developed as the US program explored and ultimately defined. This was not a significant issue at the time – since participation was voluntary and the process was new for everybody.

1.2 However, with the introduction of a new and interactive approach to API by the Australian government in 1995 and development of other national passenger data exchange programs during that same period, the need to focus on a single, globally agreed methodology became apparent.

1.3 Accordingly, the World Customs Organization, supported by IATA, began work to develop a standard methodology to support advance submission of passenger data – including creation of

a new message format in accordance with UN/EDIFACT construction rules – that was intended to establish a common approach to API systems, worldwide. The results of that work (the WCO/IATA Guidelines for Advance Passenger Information, and the associated UN/EDIFACT Passenger Manifest (Paxlst) Message Implementation Guide) were published in 1993 following adoption by WCO's Council in June 1993.

1.4 Recognizing the value that global harmonization of API system would bring to international civil aviation, ICAO adopted provisions for inclusion in Annex 9, Chapter 3 that directly referred to the WCO/IATA Guidelines and called upon all Contracting States seeking to implement an API regime to observe that document's recommendations. Unfortunately, the earlier provision was removed during the 3<sup>rd</sup> ICAO Facilitation Panel's deliberations and replaced with the language currently found in Standard 3.47.1 – which now refers only to data being required in conformance with specifications for UN/EDIFACT PAXLST messages.

1.5 Today, more than 40 Contracting States have either implemented API or are in the process of implementing programs for which legislation has been adopted. In many instances, programs have been introduced that fail to take into consideration the existing international best practices as agreed by WCO, ICAO and IATA. The patchwork of various approaches to passenger data exchange requirements and the growing lack of standardisation threatens the ability of transport operators to comply with national legislation, and has led to the unnecessary expenditure of hundreds of millions of dollars as these operators seek to modify systems to respond to non-harmonised API program requirements.

## 2. DISCUSSION

2.1 One of the most common issues being faced by the air transport industry with respect to newly introduced API regimes is that of non-standard data element set requirements. In many instances, States are requiring carriers to provide passenger data elements that are not envisaged within Sections 8.1.4 and 8.1.5 of the WCO/ICAO/IATA Guidelines, and are therefore not defined or present within the UN/EDIFACT Paxlst message format. Incorporation of these non-standard elements then requires a unilateral modification of that UN/EDIFACT message structure and system enhancement by all individual carriers – coming at the expense of both financial investment and the allocation of scarce IT resources.

2.2 The WCO/ICAO/IATA Guidelines sought, and continue to seek, to avoid such processes through the adoption of a maximum set of data elements that any State **might** seek to incorporate into its national data exchange program. This position is further strengthened by Annex 9 Standard 3.47.1, which was adopted during the 12<sup>th</sup> ICAO Facilitation Division in 2004.

2.3 Continued introduction of non-standard data elements within the UN/EDIFACT Paxlst message structure threatens the interoperability of common API message exchange between transport operators and various governments who have adopted programs that comply with the UN/EDIFACT Paxlst message construction guidelines, and must be avoided at all costs.

2.4 Accordingly, the Panel is asked to consider the following recommendation for a new Standard to be added to Chapter 3:

**New 3.47.2 When seeking to implement a national Advance Passenger Information (API) program, Contracting States who are unable to comply fully with the provisions contained in 3.47.1 with respect to data element requirements, shall ensure that only those data**

**elements that have been defined for incorporation into the UN/EDIFACT Paxlist Message are included in the national program's requirement.**

2.5 In addition to non-standard data elements, recent program announcements have also incorporated provisions that would require transmission of API data in formats other than the UN/EDIFACT Paxlist message structure. Specifically, several Contracting States have developed internal processes requiring that data from transport operators be transmitted in XML format, or to be translated from UN/EDIFACT to XML by a third party paid for by the transport operator. This development falls outside the scope of both the WCO/ICAO/IATA Guidelines and existing ICAO Annex 9 provisions, and is particularly problematic for the air transport industry.

2.6 Transport operators have invested hundreds of millions of dollars in the last decade to develop IT capabilities to ensure compliance with the globally agreed standard for API programs (i.e. UN/EDIFACT messaging transmitted via existing industry communications channels). This investment has involved creating new capabilities appended to existing system architecture. While we all recognise that host-to-host communications have evolved – the air transport industry has not yet moved toward adoption of new computer language bases to support airline-to-airline data exchange. Currently, there are no agreed industry standards relating to XML formats to support passenger data exchange processes. Any alternative transmission interfaces (i.e. XML, e-Mail or other) should be considered as additional options to be pursued by those carriers who cannot provide API via the UN/EDIFACT Paxlist format, or who have or wish to begin development of alternative methods for transmission.

2.7 Where transport operators are prepared and able to provide Advance Passenger Information in the prescribed format as per globally agreed best practices, we believe that the costs for provision of that same data in other non-standard formats should not be borne by the transport operator – but by the State demanding the non-standard submission. Accordingly, the Facilitation Panel is asked to consider the following recommendation for a new Standard to be added to Chapter 3:

**New 3.47.3 Where Contracting States, when implementing an Advance Passenger Information (API) program, are unable to accept passenger data transmitted in accordance with the UN/EDIFACT Paxlist specifications using the industry standard transmission method as described in 3.47.1, the State shall bear the costs incurred in modifying the UN/EDIFACT Paxlist message and its contents to the required alternate format.**

2.8 In addition to the issues raised above, a number of API programs have recently been amended or announced that would require passenger data to be transmitted to the authorities well in advance of the time that carriers would normally be expected to be in possession of complete and verified passenger data. In some instances, the requirement would be as many as 72 hours in advance of departure. Since it is unlikely that complete manifest data would be available so far in advance, the transport operator would then be required to submit the same, or additional data, closer to departure. In some instances, this may be either 60 or 30 minutes in advance of departure followed by a final, closeout message when the aircraft has departed. In other instances, the carrier would send the data at 24 hours in advance of departure followed by a re-transmission of the same and/or additional data at flight departure.

2.9 Under existing airline business practices, it is unlikely that carriers will have more than minimal data for the majority of passengers until such time as the passenger has physically checked in for the flight (either through an airport check-in process or via on-line check-in services). The transport industry questions the value of requiring multiple transmissions – particularly when it is likely that the early transmissions will likely not have sufficient data with which to conduct even a rudimentary risk assessment. Further, in many of these instances, the State also will be review carrier-held data through the application of PNR Access requirements.

2.10 Under all current passenger data exchange regimes, the transport operator is solely responsible for the costs incurred in transmitting data to the State. Repetitious transmissions, particularly when it is anticipated that little or no actual value will accrue from the exchange, simply results in unnecessary costs to be borne by the transport operator.

2.11 Accordingly, the Facilitation Panel is urged to consider and adopt the following language for incorporation into Chapter 3:

**New 3.47.4 Contracting States shall not normally require transport operators to transmit API data for a specific flight more than one time, and should in any event normally require that the data be transmitted only after check-in, including processing of connecting passengers, for that flight can reasonably be expected to have been completed.**

### 3. ACTION BY THE FALP

3.1 The FALP is invited to:

- Consider the issues raised in this paper, particularly with respect to the impact that non-harmonised approaches to API can have on both governments and transport operators;
- Agree that the WCO/IATA/ICAO Guidelines for Advance Passenger Information and its associated UN/EDIFACT Pax1st Message Implementation Guide should serve as the agreed template for national API regimes; and,
- Consider and adopt the recommendations for modifications to Annex 9, Chapter 3 as described in Section 2 above.

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