FACILITATION PANEL (FALP)

SEVENTH MEETING

Montréal, 22 to 26 October 2012

Agenda Item 4: Developments on Advance Passenger Information (API) and Passenger Name Record (PNR) data

ADOPTION BY THE WORLD CUSTOMS ORGANIZATION OF A RECOMMENDATION CONCERNING THE USE OF ADVANCE PASSENGER INFORMATION (API) AND PASSENGER NAME RECORD (PNR)

(Presented by the World Customs Organization (WCO))

1.   **INTRODUCTION**

1.1   In order to cope with the growth in passenger traffic, Customs administrations have implemented various measures to facilitate the movement of passengers while maintaining control. A number of Customs authorities have successfully used Advance Passenger Information (API) and Passenger Name Record (PNR) to target passengers suspected to be involved in the illicit trafficking of drugs and other contraband, and in the smuggling of terrorist related materials.

1.2   On an initiative from Japan, and recognizing the close collaboration with IATA and ICAO in order to facilitate the use of API/PNR, the meeting of the WCO Council on 28-30 June 2012 adopted a Recommendation on the use of API/PNR by Customs administrations.

2.   **ACTION**

2.1   The text of the WCO Council Recommendation on the use of API/PNR by Customs administrations is attached. The Facilitation Panel is asked to note the contents.

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APPENDIX

**RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL[1]
CONCERNING THE USE OF ADVANCE PASSENGER INFORMATION (API)
AND PASSENGER NAME RECORD (PNR)
FOR EFFICIENT AND EFFECTIVE CUSTOMS CONTROL
(June 2012)**

THE CUSTOMS CO-OPERATION COUNCIL,

NOTING the continued and growing threat posed by serious transnational crime, inter alia illicit trafficking in drugs and other contraband, which are of serious concern to social well-being and safety and to the prosperity of nations around the world,

NOTING the continuing growth in the volume of cross-border travel movements and the challenges this creates for the facilitation of legitimate travellers,

HAVING REGARD to provisions of the revised Kyoto Convention[2], specifically Chapter 6 of the General Annex on Customs Control and Chapter 1 of the Specific Annex J on Travellers,

RECOGNIZING that Customs administrations have the prime responsibility for controlling cross-border movements of goods, means of transport and people, and thus they are best placed to prevent, detect and suppress illicit trafficking in drugs and other contraband at the border before they disperse into the territories,

NOTING the incidents of close linkages between serious transnational crime and terrorism, and the need to mitigate perceived risks posed by travellers,

RECOGNIZING that the proper balance between the needs of Customs enforcement and the facilitation of legitimate travel can best be achieved if Customs enforcement is intelligence-based, and that the use of API and/or PNR for risk assessment would greatly assist Customs administrations in developing and exploiting the best possible intelligence for the control of travellers,

DESIRING to harmonize the interface arrangements between Customs administrations and business, particularly as regards the electronic transmission of API and/or PNR data in line with internationally standardized data elements and messaging formats,

BELIEVING that effective border control against serious transnational crime, inter alia illicit trafficking in drugs and other contraband, can be greatly assisted by co-operation between Customs administrations and other competent border control agencies at the national and international levels, and that exchange of information can significantly aid risk assessment and targeting and, as a consequence, improve the facilitation of legitimate travel,

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[1] Customs Co-operation Council is the official name of the World Customs Organization (WCO)
[2] International Convention on Simplification and Harmonization of Customs Procedures (as amended)

RECOMMENDS that Members of the Council and Customs or Economic Unions should:

1. ensure that prevention, detection and suppression of serious transnational crime, inter alia illicit trafficking in drugs and other contraband, be promoted and remain as one of the priorities of the Customs authority's enforcement strategy and programmes;

2. seek the fullest co-operation of airlines and the other international passenger transport businesses to assist the Customs in fulfilling its mission;

3. utilize advance information, namely API and/or PNR, for the risk assessment of travellers and:

- establish legal authority to acquire access to, or require to transfer, use and store API and/or PNR data along with the conditions thereof and scope of data required to this end, and put in place mechanisms for the protection of the pertinent data,

- adhere to the technical standards, formats and procedures set out in the internationally recognized guidelines, and

- to the extent possible, take part in the work for devising or updating international technical standards, formats and procedures as well as best practices in the application thereof;

4. promote co-operation with, and extend support to other Customs administrations, within the national legal framework, including the exchange of intelligence and experience in the use of API and/or PNR with a view to further efficient and effective identification of potentially high-risk travellers.

REQUESTS Members of the Council and Customs or Economic Unions which accept this Recommendation to notify the Secretary General of the Council of the date from which they will apply the Recommendation and of the conditions of its application.

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