International Civil Aviation Organization

WORKING PAPER

FACILITATION PANEL (FALP)

SIXTH MEETING

Montréal, 10-14 May 2010

Agenda Item 6: Amendments to Annex 9

PROPOSAL TO AMEND RECOMMENDED PRACTICE 3.47
OF ANNEX 9 — *FACILITATION*

(Presented by the Secretary)

SUMMARY

The audit of aviation security-related Standards and Recommended Practices (SARPs) of Annex 9 has revealed an implementation-related issue concerning Recommended Practice 3.47. The text encourages the introduction of Advance Passenger Information (API) programmes. An increasing number of States have begun to implement national API programmes. However, many API systems vary substantially with UN-agreed international standards that impart global uniformity in the matter. This has led to tremendous difficulties for air carriers. This paper proposes an amendment to paragraph 3.47 that aims to ensure that States implement globally uniform API systems.

Action by the FAL Panel:

The Panel is invited to consider the proposal described in this paper and agree that Recommended Practice 3.47 be amended as set out in the Appendix.

1.   **INTRODUCTION**

1.1   In 2007, the 36th Session of the Assembly directed that the Council expand the aviation security audits to include relevant security-related provisions of Annex 9 — *Facilitation.* Subsequently, eleven Standards and four Recommended Practices (RPs) of Annex 9 (up to and including Amendment 20, 2007), were identified for inclusion in the audits conducted under the Universal Security Audit Programme (USAP). The Annex 9 provisions began to be audited from January 2008.

1.2   One such provision being audited is RP 3.47 that reads as follows:

3.47 **Recommended Practice.—** *Where appropriate, Contracting States should introduce a system of advance passenger information which involves the capture of certain passport or visa details prior to departure, the transmission of the details by*

electronic means to their public authorities, and the analysis of such data for risk management purposes prior to arrival in order to expedite clearance. To minimize handling time during check-in, document reading devices should be used to capture the information in machine readable travel documents.

2.   **DISCUSSION**

2.1   The Foreword to Annex 9 defines a Standard as any specification, the uniform observance of which is recognized as practicable and as "necessary" to facilitate and improve some aspect of international air navigation. A Recommended Practice, on the other hand, is any specification, the uniform observance of which is recognized as generally practicable and as highly "desirable" to facilitate and improve some aspect of international air navigation.

2.2   During the aviation-security audits, States are requested to consider implementing Recommended Practices. They are encouraged to do so, as these provisions are deemed "desirable".

2.3   In recent years, an increasing number of States have begun to implement national API programmes, perhaps as a consequence of RP 3.47. However, anecdotal evidence suggests that many of these API systems appear: a) to be established in a hurry; b) to impose data transmission requirements on air carriers with minimal (sometimes 2 or 3 weeks') notice; and/or, c) to be set up apparently without consideration of the technical, financial and operational aspects of such systems. Thus, these programmes vary substantially. Air carriers are required to comply with diverse (electronic) requirements from different States. Such lack of uniformity leads to tremendous operational and economic inefficiencies for airlines and possibly even for the States themselves.

2.4   One likely reason for this variance in States' API programmes is that RP 3.47 provides incomplete or insufficient direction on the matter. The provision, which dates back to 1995 when not even a handful of States had established API programmes, recommends that States introduce "a system of advance passenger information" and then merely goes on to describe generally what this system consists of. RP 3.47 does not specifically suggest or mandate compliance with or adherence to any standard rules or regulations, in order to ensure international uniformity. It also appears that the provision is being implemented by States in isolation, neither with reference to nor in alignment with the API-related provisions that now follow. This seems to have led to the non-uniform set of systems that currently exist worldwide.

2.5   Therefore, there is a need to ensure that present and future national API programmes are standardized and are globally uniform. Such international uniformity has become even more urgent following the 2009 Christmas Day Detroit incident that served to raise the profile and stress the growing importance of data exchange programmes such as API. All States and all airlines need to work together to ensure the enduring success of these programmes. International uniformity alone can achieve this goal.

2.6   A global standard for the transmission of API data exists in the form of the UN/EDIFACT PAXLST message. This paper thus proposes a text, in the Appendix, for the deletion of RP 3.47 and its replacement by a new Standard that would oblige all Contracting States to adhere to this internationally recognized passenger manifest messaging standard. This is to ensure that API message construction and data requirements are globally harmonized to the greatest possible extent. The paper also recommends the insertion of three explanatory Notes aimed at elucidating the technical terms used in the proposed Standard.

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APPENDIX

Amend Recommended Practice 3.47 as follows:

~~3.47~~ **Recommended Practice.—** *~~Where appropriate, Contracting States should introduce a system of advance passenger information which involves the capture of certain passport or visa details prior to departure, the transmission of the details by electronic means to their public authorities, and the analysis of such data for risk management purposes prior to arrival in order to expedite clearance. To minimize handling time during check-in, document reading devices should be used to capture the information in machine readable travel documents.~~*

3.47 Each Contracting State that introduces an Advance Passenger Information (API) programme under its national legislation shall adhere to the UN/EDIFACT PAXLST message content and formatting rules as described in the UN/EDIFACT Paxlst Message Implementation Guide appended to the WCO/IATA/ICAO Guidelines for Advance Passenger Information.

Note.1 ─ API involves the capture of a passenger's biographic data and flight details by the carrier prior to departure. This information is electronically transmitted to the Border Control Agencies in the destination country. Thus, details of arriving passengers are received in advance of the arrival of the flight.

Note.2 ─ The UN/EDIFACT PAXLST message is a standard electronic message developed specifically, as a subset of UN/EDIFACT, to handle passenger manifest (electronic) transmissions. UN/EDIFACT stands for "United Nations rules for Electronic Data Interchange For Administration, Commerce and Transport." The rules comprise a set of internationally agreed standards, directories and guidelines for the electronic interchange of structured data, and in particular that related to trade in goods and services between independent, computerized information systems. The WCO, IATA and ICAO have jointly agreed on the maximum set of API data that should be incorporated in the PAXLST message to be used for the transmission of such data by the carriers to the Border Control Agencies in the destination country.

Note.3 ─ The WCO/IATA/ICAO API Guidelines are a set of best practice guidelines that are aimed at assisting States seeking to implement their own national API programmes. The guidelines address the technical aspects of API, the operational costs and benefits, as well as the factors relevant to planning an API system. An Appendix to the Guidelines reproduces the PAXLST message.

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