Advance Passenger Information – Legal Framework

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API – ICAO Annex 9 Definition

Advance Passenger Information –
An electronic communications system whereby required data elements are collected and transmitted to border control agencies prior to flight departure or arrival and made available on the primary line at the airport of entry.

Two Types of API Systems

Batch

- Simplest form of API to implement
- All passenger details (+separate crew message) are transmitted as a single data file, or "batch"
- Data is usually transmitted upon closure of the flight boarding process, government intervention is limited to the time of arrival
- Batch API is designed originally for the control of arriving passengers by the destination or transit country
- Data quality validation is limited, and no-real time correction can be requested

Interactive

- More complex and costly form of API to implement
- All passenger details are transmitted in real-time on a per passenger basis
- Data is sent as check-in is taking place, government intervention is immediate
- Receiving State must determine if any issues are preventing the passenger from entering the destination country, leaving the origin country or boarding an aircraft
- Interactive API enhances aviation security and reduces the number of inadmissible passengers
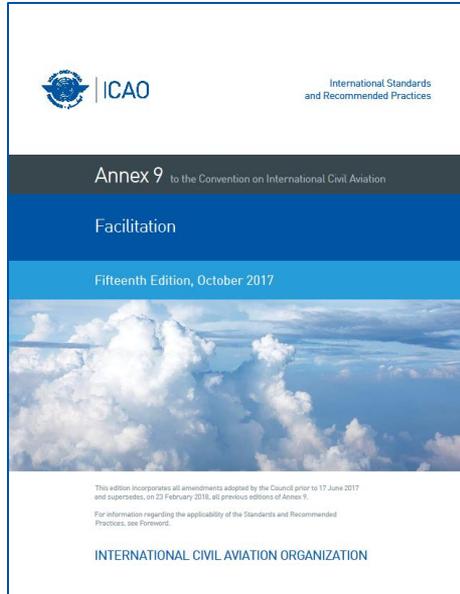
What is API used for?

- Biographical data obtained from an official travel document, considered to be "verified", helps to identify a specific person – often a person about whom you may already know or have information about

- API data identifies persons on a watch list or who have registered for a Known Traveler Program

ICAO Annex 9 – Facilitation

International Standards
and Recommended Practices

Annex 9 to the Convention on International Civil Aviation

Facilitation

Fifteenth Edition, October 2017

This edition incorporates all amendments adopted by the Council prior to 17 June 2017
and supersedes, on 23 February 2018, all previous editions of Annex 9.

For information regarding the applicability of the Standards and Recommended
Practices, see Foreword.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Implementation of the Annex 9 Standards and Recommended Pratices (SARPs) are essential:
- To facilitate the clearance of
  - ✓ aircraft
  - ✓ passengers and their baggage,
  - ✓ cargo and mail and
- To manage challenges in border controls and airport processes so as to maintain both the Security and the efficiency of air transport operations

- **Integrates function of agencies related to border control: travel documents, immigration, customs, quarantine, law enforcement, transport operators**
- **Requires inter-agency and cross-border cooperation to implement Annex 9 obligations**

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Annex 9 – Amendment 26 (applicable 23 Feb 2018)

Ch. 1. Definitions and General Principles

Ch. 2. Entry and departure of aircraft

Ch. 3. Entry and departure of persons and their baggage

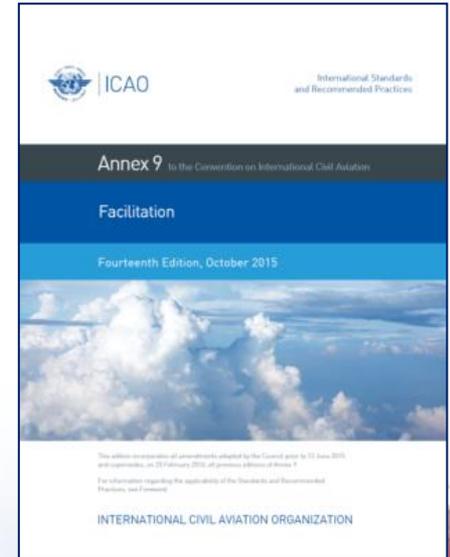Ch. 4. Entry and departure of cargo and other articles

Ch. 5. Inadmissible persons and deportees

Ch. 6. International airports — facilities and services for traffic

Ch. 7. Landing elsewhere than at international airports

Ch. 8. Facilitation provisions covering specific subjects

Ch. 9. Passenger Data Exchange Systems (API, ETS, PNR data)

All ICAO 19 Annexes

- **Standards** have a conditional binding force: legally binding unless "differences" (non-compliance) filed pursuant to Article 38 of the Chicago Convention

- **Recommended Practices (RPs)** are "recommendations" to States (State should ….) they have no binding force whether differences filed or not

Legal Framework for API under ICAO Annex 9

- Batch API is a mandatory requirement
- Interactive API is a Recommended Practice

Annex 9 - Chapter 9, Passenger Data Exchange Systems

- Summary of SARPs for Advance Passenger Information (API)
  - Batch and Interactive API

Single Window

- 9.1 **Recommended Practice**.— *Contracting States requiring the exchange of <u>Advance Passenger Information (API), interactive API (iAPI)</u> and/or Passenger Name Record (PNR) data from aircraft operators should create a Passenger Data Single Window facility for each data category that allows parties involved to lodge standardized information with a common data transmission entry point for each category to fulfil all related passenger and crew data requirements for that jurisdiction.*

API Mandatory Standard

- 9.5 Each Contracting State <u>shall</u> establish an Advance Passenger Information (API) system.

API Legal Basis Standard

- 9.6 The API system of each Contracting State shall be supported by appropriate legal authority (such as, inter alia, legislation, regulation or decree) and be consistent with internationally recognized standards for API.

Note 1: Brief description of API

Note 2: Information on UN/PAXLST message of UN/EDIFACT

Note 3: Non-applicability to general aviation

Note 4: The UN/EDIFACT PAXLST msg is defined by WCO/IATA/ICAO guidelines

API Legal Basis

- 9.7   **Recommended Practice**.— *Each Contracting State developing legislation for the purpose of implementing an API system should consider developing aligned regulations that meet the needs of all involved agencies, define a common set of API data elements required for that jurisdiction in accordance with message construction standards and appoint one government agency to receive API data on behalf of all other agencies.*

API Data Content and Formatting Standard

- 9.8 When specifying the identifying information on passengers to be transmitted, Contracting States shall require only data elements that are available in machine readable form in travel documents conforming to the specifications contained in Doc 9303. All information required shall conform to specifications for UN/EDIFACT PAXLST messages found in the WCO/IATA/ICAO API Guidelines.

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P<SWESPECIMEN<<SVEN<<<<<<<<<<<<<<<<<<<<<<<<<<<<<
4512345 6<4SWE6103213M1004256196103213499<<46
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API Operational Provisions

- 9.10   **Recommended Practice**.— *Contracting States should seek to minimize the number of times API data is transmitted for a specific flight.*

- 9.11   If a Contracting State requires API data interchange, then it shall seek, to the greatest extent possible, to limit the operational and administrative burdens on aircraft operators, while enhancing passenger facilitation.

API Operational Provisions

- 9.12   **Recommended Practice**.— *Contracting States should refrain from imposing fines and penalties on aircraft operators for any errors caused by a systems failure which may have resulted in the transmission of no, or corrupted, data to the public authorities in accordance with API systems.*

- 9.13   Contracting States requiring that passenger data be transmitted electronically through an API system shall not also require a passenger manifest in paper form.

Interactive API Recommended Practice

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

Interactive API Operational, Data Content and Formatting Provision

- 9.15 **Recommended Practice**.— *Contracting States seeking to implement an iAPI system should:*

a) *seek to minimize the impact on existing aircraft operator systems and technical infrastructure by consulting aircraft operators before development and implementation of an iAPI system;*

b) *work together with aircraft operators to develop iAPI systems that integrate into the aircraft operator's departure control interfaces; and*

c) *conform to the Guidelines on Advance Passenger Information (API) adopted by WCO/ICAO/IATA when requiring iAPI.*

Interactive API Operational Provision

- 9.16   **Recommended Practice.—** *Contracting States' and aircraft operators' API systems, including iAPI, should be capable of 24/7 operation, with procedures in place to minimize disruption in the event of a system outage or failure.*

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