Appendix III: INSTRUMENTS OF THE WCO AND ICAO ON API

1. WCO instruments

(1) The Revised Kyoto Convention, Specific Annex J1

8. Recommended Practice

The Customs, in co-operation with other agencies and the trade, should seek to use internationally standardized advance passenger information, where available, in order to facilitate the Customs control of travellers and the clearance of goods carried by them.

(2) Recommendations

**RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL
CONCERNING ADHERENCE TO STANDARDS IN
RELATION TO DATA REQUIREMENTS FOR ADVANCE
PASSENGER INFORMATION (API)**
(6 July 1993)

THE CUSTOMS CO-OPERATION COUNCIL,

NOTING the compliance risk posed by airline passengers especially with regard to drug trafficking and international terrorism,

NOTING the use of Electronic Data Interchange (EDI) by both carriers and Customs authorities and the potential benefits that use of this technology can bring,

RECOGNISING that the electronic transmission of passenger-related data can result in the more rapid clearance of passengers and can have important control benefits for Customs authorities,

HAVING REGARD to Annex J.1. of the Kyoto Convention which requires, inter alia, computer applications implemented by Customs authorities to use internationally accepted standards,

DESIRING specifically to simplify and harmonise interface arrangements between (air) carriers and Customs authorities particularly as regards the use of standard data elements, codes and message syntax,

RECOMMENDS that Members of the Council and members of the United Nations Organisation or its specialised agencies, and Customs or Economic Unions, should adhere to the standards set out in the Joint CCC/IATA Guideline on Advance Passenger Information, and any future updated or revised versions of these standards, for the electronic exchange of passenger data,

REQUESTS Members of the Council and members of the United Nations Organisation or its specialised agencies, 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. The Secretary General will transmit this information to the Customs administrations of all Members of the Council. He will also transmit it to the Customs administrations of the members of the United Nations Organisation or its specialised agencies and to Customs or Economic Unions which have accepted this Recommendation.

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

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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).

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,

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.

2. ICAO instruments

The Chicago Convention, Annex 9—*Facilitation* (12th Edition, 2005, up to and including Amendment 21 (2009))

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.*

3.47.1 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 (series), *Machine Readable Travel Documents.* All information required shall conform to specifications for UN/EDIFACT PAXLST messages found in the WCO/IATA/ ICAO API Guidelines.

3.47.2 When seeking to implement a national Advance Passenger Information (API) programme, Contracting States that 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 PAXLST message are included in the national programme's requirement or follow the WCO's Data Maintenance Request (DMR) process for any deviation from the standard.

3.47.3 **Recommended Practice.—** *When implementing a new Advance Passenger Information (API) programme, Contracting States that are unable to accept passenger data transmitted in accordance with the UN/EDIFACT PAXLST specifications using the industry standard transmission method as described in 3.47.1 should consult users on the operational and cost impact incurred in modifying the UN/EDIFACT PAXLST message and its contents to the required alternate format.*

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

3.47.5 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.

3.47.6 **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.*

3.47.7 Contracting States requiring that passenger data be transmitted electronically through an Advance Passenger Information system shall not also require a passenger manifest in paper form.