

Second day of the Twenty-Third Meeting
MC(23) Journal No. 2, Agenda item 7

DECISION No. 6/16
ENHANCING THE USE OF ADVANCE PASSENGER INFORMATION

We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe,

Reiterating the need to combat terrorism, which constitutes one of the most serious threats to international peace and security, in accordance with the Charter of the United Nations and international law, including applicable international human rights law, international refugee law and international humanitarian law,

Recalling the obligation in UN Security Council resolution 2178 (2014) to prevent the movement of terrorists or terrorist groups, in accordance with applicable international law, by, *inter alia*, effective border controls, and to intensify and accelerate the exchange of operational information, in accordance with domestic and international law regarding actions or movements of terrorists and terrorist networks, including foreign terrorist fighters, especially with their States of residence or nationality, through bilateral or multilateral mechanisms,

Reiterating the Ministerial Declaration on the OSCE Role in Countering the Phenomenon of Foreign Terrorist Fighters in the Context of the Implementation of UN Security Council resolutions 2170 (2014) and 2178 (2014) (MC.DOC/5/14), which commits OSCE participating States to prevent the movement of foreign terrorist fighters through effective border controls and controls on the issuance of identity papers and travel documents, to exchange information in this regard, and to implement Ministerial Council Decisions No. 7/03, No. 4/04, No. 6/06 and No. 11/09 on travel document security while fully respecting the obligations under international law, in particular international human rights law and international refugee law, including to ensure that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts,

Declaring our intention to detect and prevent the movement of foreign terrorist fighters in full compliance with UN Security Council resolutions 2178 (2014) and 2309 (2016), which call upon all States to “require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999), 1989 (2011), 2253 (2015)” and resolution 2178 (2014), which further “calls upon Member States to report any such departure from their territories, or such

attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations.”

Stressing that UN Security Council resolution 2178 (2014) also “calls upon Member States to improve international, regional, and subregional co-operation, if appropriate through bilateral agreements, to prevent the travel of foreign terrorist fighters from and through their territories, including through increased sharing of information for the purpose of identifying foreign terrorist fighters”,

Taking note of the Memorandum of Understanding between IATA and the OSCE Secretariat signed in Geneva on 14 October 2016 to intensify co-operation and support international efforts for enhancing aviation security and preventing the travel of foreign terrorist fighters,

Decide that OSCE participating States commit to:

1. Establish national advance passenger information (API) systems in accordance with the provisions contained in ICAO’s Annex 9 to the Convention on International Civil Aviation (the Chicago Convention) and aligned with the WCO/IATA/ICAO Guidelines on Advance Passenger Information (API), including those on privacy and data protection, in order to effectively collect passenger and/or crew data from airlines operating in their territories;
2. Consider establishing at the national level an interactive system to exchange API data (iAPI) in order to prevent the movement of foreign terrorist fighters in line with UN Security Council resolutions 2178 (2014) and 2309 (2016);
3. Adhere to ICAO Document 9082 “ICAO’s Policies on Charges for Airports and Air Navigation Services” in the context of establishing an API system, recognizing that States are responsible for ensuring the implementation of adequate security measures at airports;
4. Collaborate with all relevant national stakeholders in the implementation of national-level API systems, and consider establishing one authority to receive, on behalf of all other authorities, all forms of passenger data through one single window data entry point;
5. Increase the added value of API data by seeking to establish automated cross-checking of this data against relevant national, regional and international watch lists, in particular Interpol databases and UN Sanctions Lists;
6. Provide assistance to support other requesting participating States in establishing an API system;

We task the OSCE executive structures, within their respective mandates and available resources, with:

7. Supporting global efforts in raising awareness of the requirements of UN Security Council resolutions 2178 (2014) and 2309 (2016) on advance passenger information and by determining the technical assistance needs of requesting participating States, as well as identifying potential donor assistance for capacity-building;

8. Supporting requesting participating States in the establishment of API systems, in co-operation with relevant international and regional organizations.

MC.DEC/6/16
9 December 2016
Attachment

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**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Holy See:

“Mr. Chairperson,

The Holy See wishes to recall that its participation in the OSCE has always been, and continues to be, in accordance with its possibilities, its special character and the nature of its mission. Therefore, the Holy See, while joining the consensus on the Ministerial Council decision on enhancing the use of advance passenger information, in conformity with its special nature and particular mission, wishes to make the following interpretative statement, under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

The Holy See, not being a Member State, but a Permanent Observer State at the United Nations (see UN General Assembly resolution A/58/314), is not legally bound to comply with the Security Council resolutions. It does, however, voluntarily observe those decisions concerning the fight against terrorism.

Since there are no airports or airlines operating in the State of the Vatican City, the Holy See deems that this decision is not applicable to its specific circumstances.

We request that this interpretative statement be attached to the decision and annexed to the journal of the meeting under this item.

Thank you, Mr. Chairperson.”