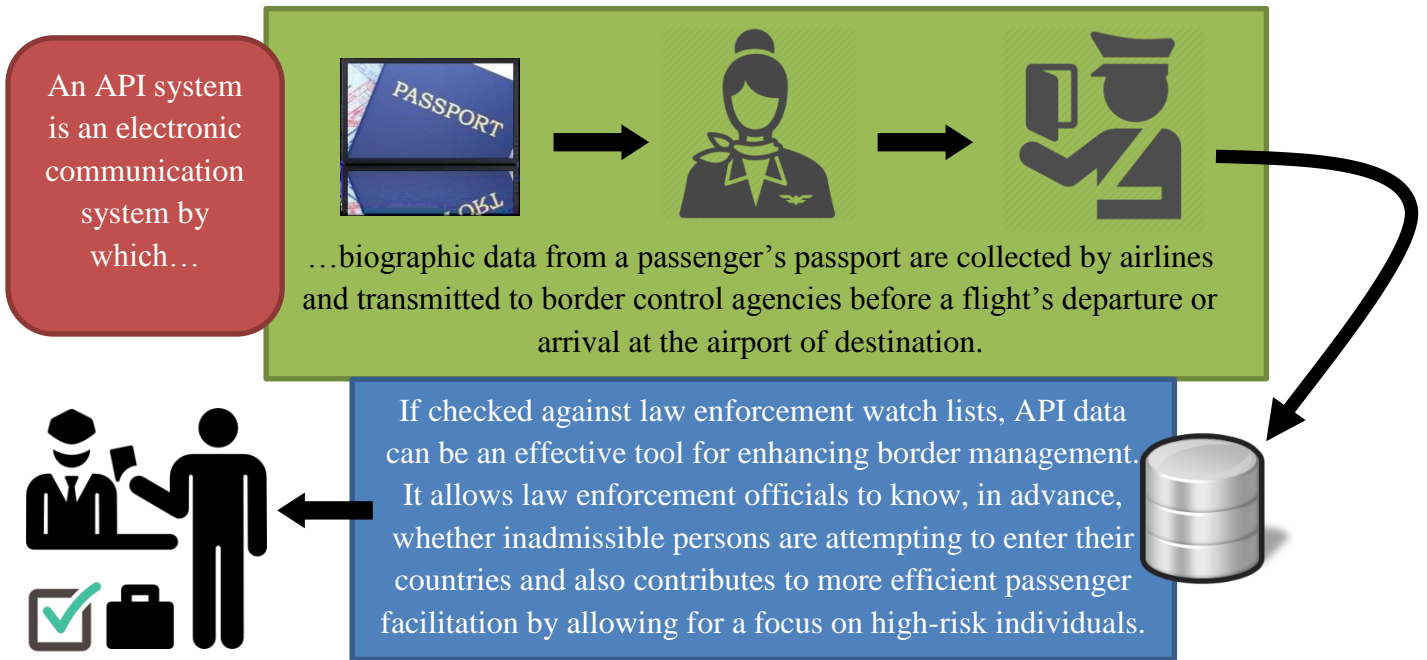# Outcome Document from the OSCE-wide Seminar on Passenger Data Exchange

Vienna, 28-29 September 2017

Venue:

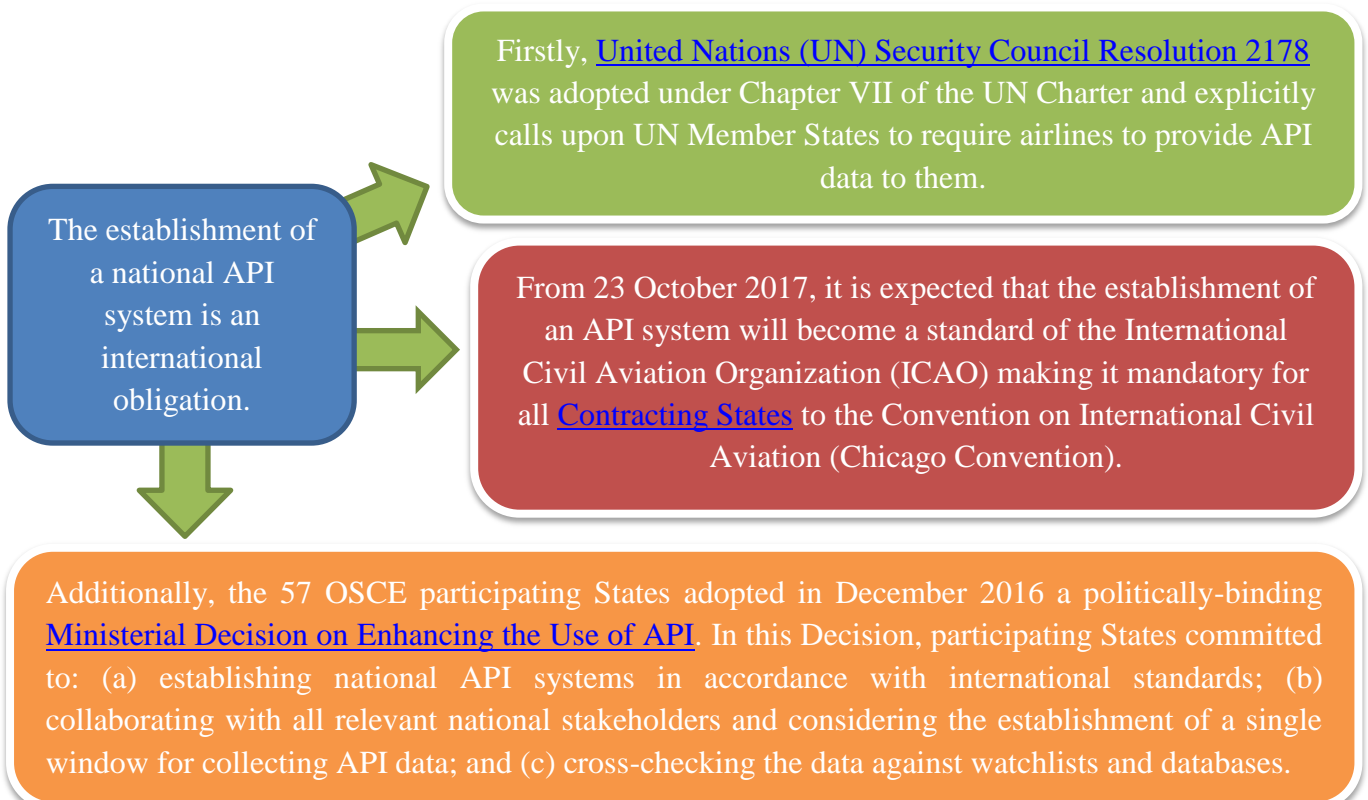Ratsaal in Hofburg, 5th floor
Hofburg Congress Centre, Heldenplatz, 1010 Vienna

OSCE Organization for Security and Co-operation in Europe

1. What is Advance Passenger Information (API)?

An API system is an electronic communication system by which…

…biographic data from a passenger's passport are collected by airlines and transmitted to border control agencies before a flight's departure or arrival at the airport of destination.

If checked against law enforcement watch lists, API data can be an effective tool for enhancing border management. It allows law enforcement officials to know, in advance, whether inadmissible persons are attempting to enter their countries and also contributes to more efficient passenger facilitation by allowing for a focus on high-risk individuals.

To learn more about the different types of passenger data exchange systems (such as interactive API and Passenger Name Record – PNR), please watch the online videos included in the International Air Transport Association's (IATA) Passenger Data Toolkit and/or read the 'Overview of the use of Advance Passenger Information (API) in the OSCE Area'.

2. Why does my participating State need to implement an API system?

The establishment of a national API system is an international obligation.

Firstly, United Nations (UN) Security Council Resolution 2178 was adopted under Chapter VII of the UN Charter and explicitly calls upon UN Member States to require airlines to provide API data to them.

From 23 October 2017, it is expected that the establishment of an API system will become a standard of the International Civil Aviation Organization (ICAO) making it mandatory for all Contracting States to the Convention on International Civil Aviation (Chicago Convention).

Additionally, the 57 OSCE participating States adopted in December 2016 a politically-binding Ministerial Decision on Enhancing the Use of API. In this Decision, participating States committed to: (a) establishing national API systems in accordance with international standards; (b) collaborating with all relevant national stakeholders and considering the establishment of a single window for collecting API data; and (c) cross-checking the data against watchlists and databases.

3. How can the OSCE assist my participating State in implementing an API system?

The OSCE Transnational Threats Department (TNTD) organizes National Workshops on Establishing an API System. Since December 2016, the OSCE TNTD has organized workshops in Serbia, in Montenegro and in Kyrgyzstan.

These workshops involve all agencies working on passenger processing in a specific country, including border control authorities, customs officers and data protection experts.
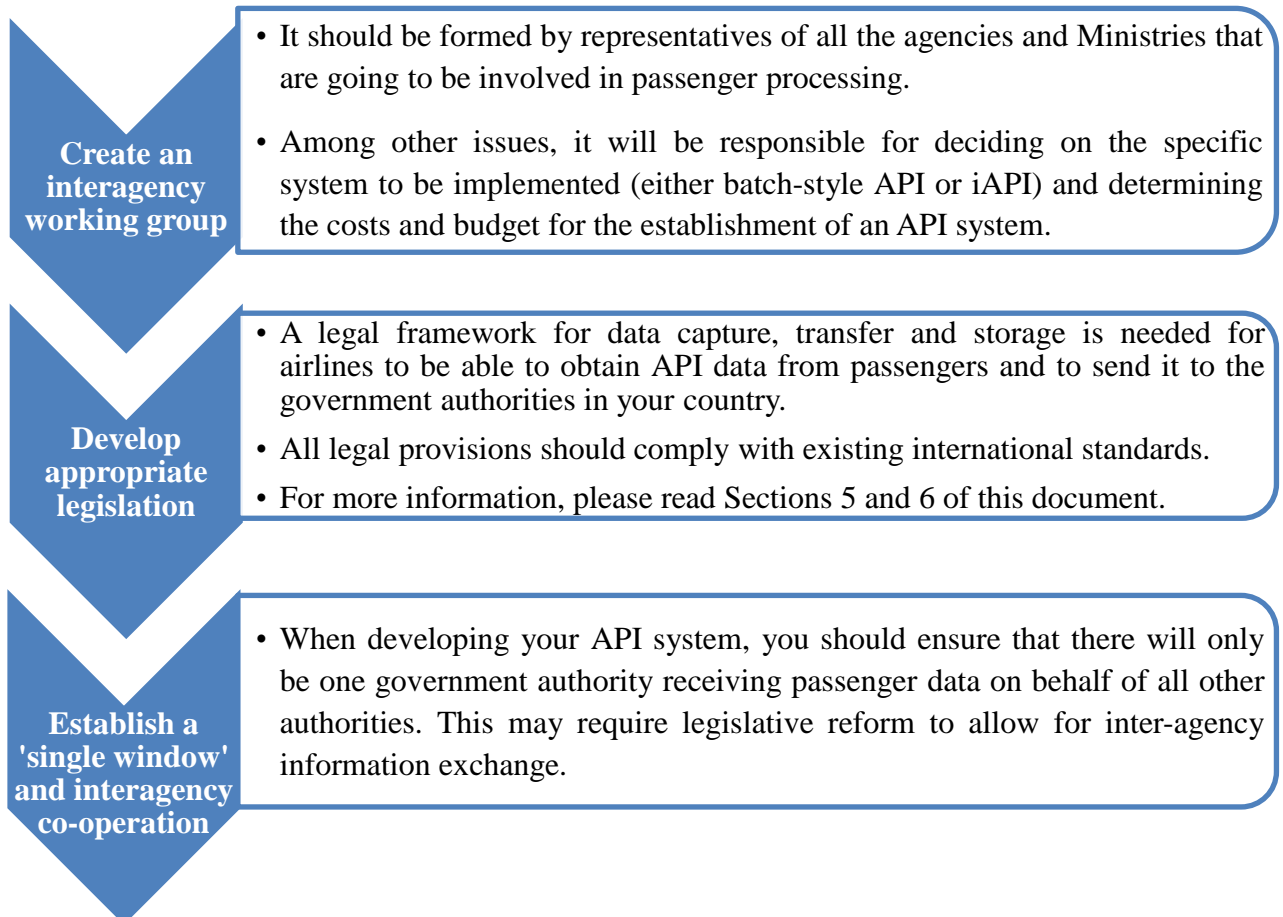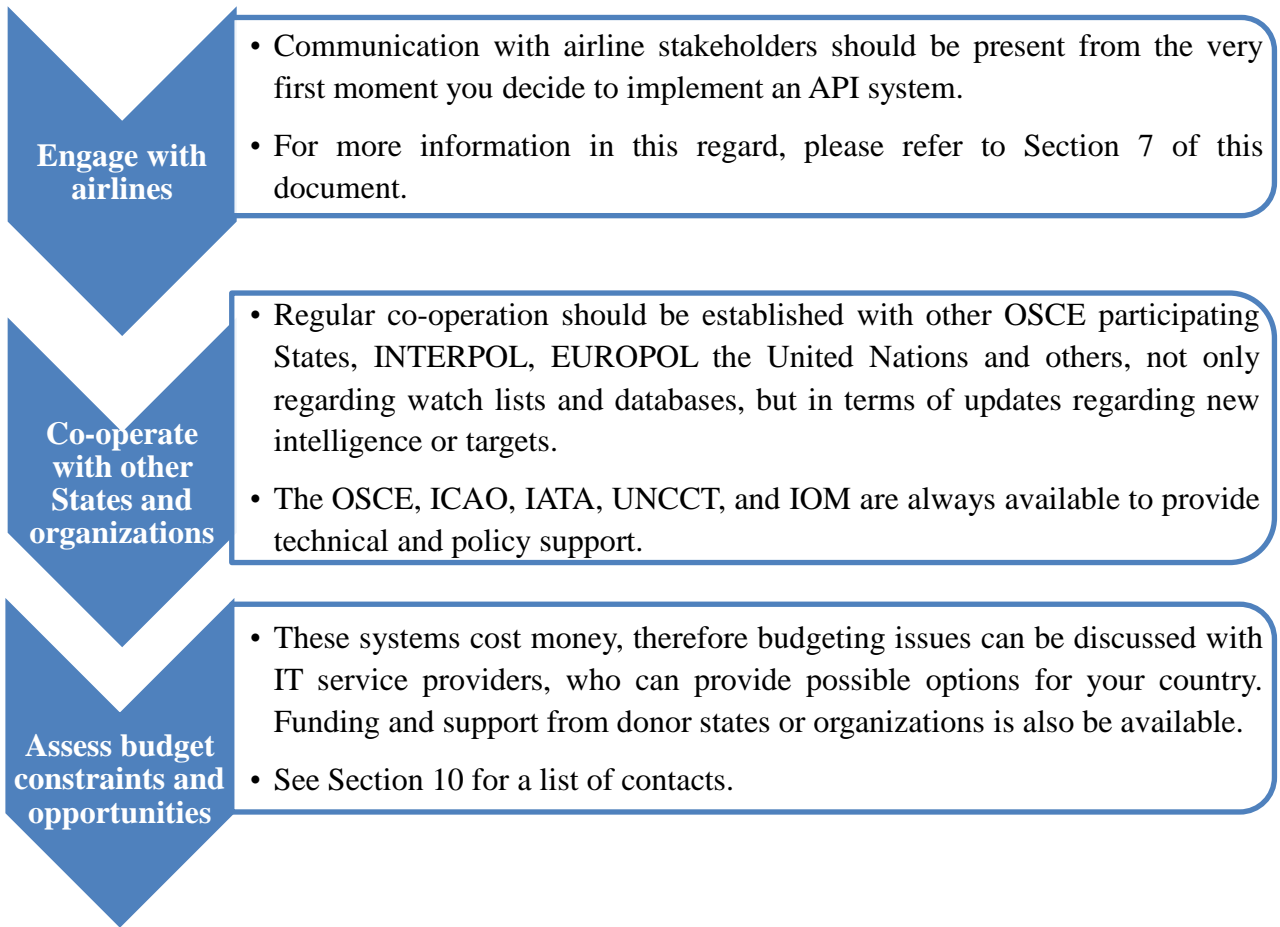
The aim is to draft a Roadmap for implementing an API system covering the relevant administrative, technological, operational and financial procedures.

The OSCE is also working to follow-up these workshops with the provision of independent legislative and technical assistance.

4. How should I implement my national API system?

There are six key steps that need to be followed to set up an API system. These are based on the IATA Passenger Data Toolkit and should be seen as a checklist:
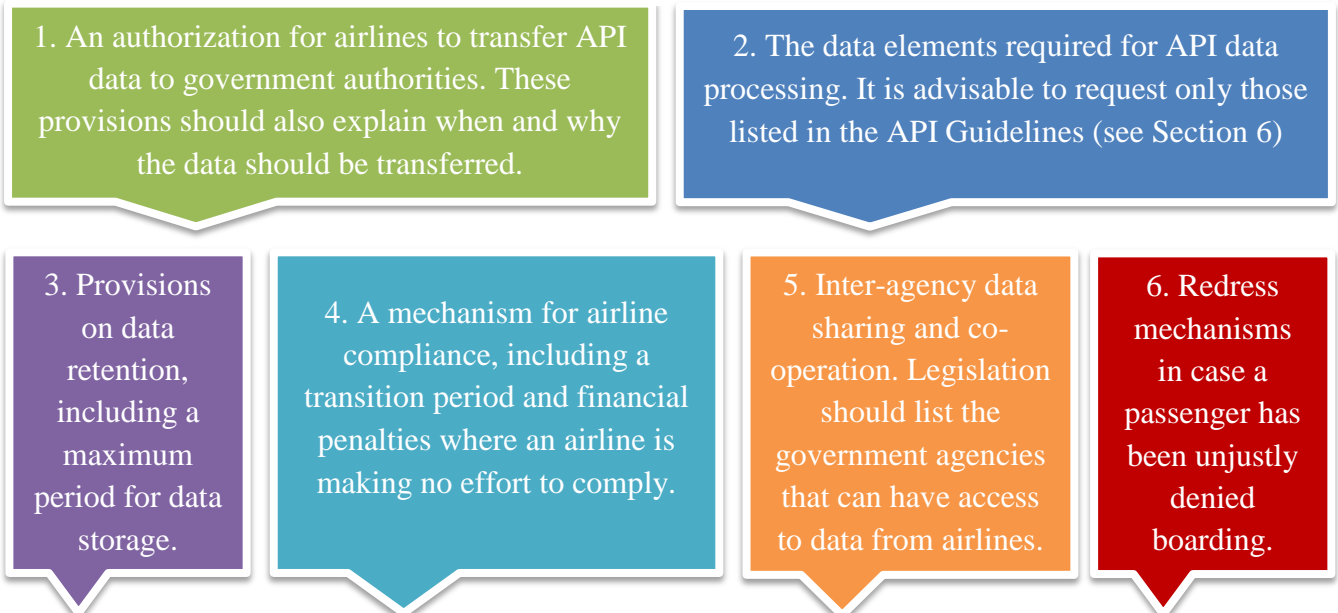
Create an interagency working group
- It should be formed by representatives of all the agencies and Ministries that are going to be involved in passenger processing.
- Among other issues, it will be responsible for deciding on the specific system to be implemented (either batch-style API or iAPI) and determining the costs and budget for the establishment of an API system.

Develop appropriate legislation
- A legal framework for data capture, transfer and storage is needed for airlines to be able to obtain API data from passengers and to send it to the government authorities in your country.
- All legal provisions should comply with existing international standards.
- For more information, please read Sections 5 and 6 of this document.

Establish a 'single window' and interagency co-operation
- When developing your API system, you should ensure that there will only be one government authority receiving passenger data on behalf of all other authorities. This may require legislative reform to allow for inter-agency information exchange.

Engage with airlines
- Communication with airline stakeholders should be present from the very first moment you decide to implement an API system.
- For more information in this regard, please refer to Section 7 of this document.

Co-operate with other States and organizations
- Regular co-operation should be established with other OSCE participating States, INTERPOL, EUROPOL the United Nations and others, not only regarding watch lists and databases, but in terms of updates regarding new intelligence or targets.
- The OSCE, ICAO, IATA, UNCCT, and IOM are always available to provide technical and policy support.

Assess budget constraints and opportunities
- These systems cost money, therefore budgeting issues can be discussed with IT service providers, who can provide possible options for your country. Funding and support from donor states or organizations is also be available.
- See Section 10 for a list of contacts.

5. What elements should be included in my national legislation in order for an airline to lawfully transmit passenger data to the State authorities?

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Among other elements, national legislation on API should include:

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1. An authorization for airlines to transfer API data to government authorities. These provisions should also explain when and why the data should be transferred.

2. The data elements required for API data processing. It is advisable to request only those listed in the API Guidelines (see Section 6)

3. Provisions on data retention, including a maximum period for data storage.

4. A mechanism for airline compliance, including a transition period and financial penalties where an airline is making no effort to comply.

5. Inter-agency data sharing and co-operation. Legislation should list the government agencies that can have access to data from airlines.

6. Redress mechanisms in case a passenger has been unjustly denied boarding.

6. What are the international standards that States need to follow when developing national legislation?

The main international standards on API are the provisions contained in ICAO's Annex 9 to the Chicago Convention and the WCO/IATA/ICAO Guidelines on API (additional documentation is found here). Alignment with existing standards will result in lower costs, greater co-operation from airlines and service providers, as well as in faster implementation.

7. How can States collaborate with airlines to ensure compliance with API data requirements?

The best API implementation programmes are developed with the involvement of airlines early in the process, since they are the ones that capture the data and are required to transmit it to the national authorities. The following steps could improve collaboration with airlines:

Notify all airline stakeholders about the intention of setting up an API system.

Prepare a list of technical specifications 3 to 6 months in advance with all the necessary information required by airlines to transmit API data to the government authorities, such as national and international legislation, the mandatory standards for data transmission and the timeline for compliance. For example, Finland has made its technical implementation guide available online for reference purposes.

Ensure that the airlines' systems are designed and installed according to the requirements included in the list of technical specifications. One of the possibilities in this regard is to carry out the implementation of API requirements in phases/routes for specific airlines. Implementation can then be expanded as capacity is confirmed.

Establish a fair sanctioning scheme for non-compliance.

8. What best practices and lessons learnt have been identified by OSCE participating States when implementing their API systems?

With regards to **co-operation with other countries**, we learnt that some countries are sending alerts that result from a cross-checking of API data against databases to law enforcement colleagues in other participating States. They also share advance passenger information and travel history data through established networks where Memoranda of Understanding and strict handling instructions are in place.

According to some participating States, it is important to have a **test phase** to find possible gaps and malfunctions in the airlines' systems when complying with API requirements. In case the data cannot be sent using the adequate message format (UN/EDIFACT PAXLST is the required message format in accordance with ICAO standards) due to technical problems, alternative ways of delivering the data should be considered until the problem is solved.

There are other ways for **ensuring airlines' compliance with API requirements**. One participating State explained that, during the implementation of their system, they had constant communication with every airline on technical, organizational and legal issues, either through individual or group meetings. Similarly, economic penalties for non-compliance should depend on the airlines' efforts. One country issues two warnings before a fine is imposed; and when carriers are sanctioned, the amount of the fine is different depending on the violation (e.g. first offender, no data was transmitted, transmitted data was incomplete or false).

Other countries stressed the **need to develop legislation on API**, particularly on data retention and on the objectives behind data collection, before starting the API implementation process.
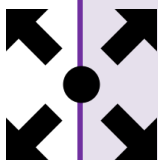
Another participating State recommended **starting small and ending big**. For example, this country started working with one airline and specific routes and then expanded to include other carriers/flights once capacity was confirmed. Now, API data is obtained from all international flights arriving to that country.

Luxembourg briefed participants about the **API-PNR Gateway, an initiative to streamline passenger data transmissions inside the European Union (EU).** In order to avoid having each individual EU Member State requesting data to airlines, the API-PNR Gateway offers a platform that works as one single collector for multiple airlines. The implementation of this system started in June and it is expected to be operative from December on. See contact details below for more information.

9. What are the next steps that the OSCE has planned in relation to API?

Before the end of the year, TNTD will conduct two National Workshops on Establishing an API System in Albania (30 October – 2 November) and the former Yugoslav Republic of Macedonia (12 – 14 December). If you believe that such activities are of interest to your participating State, please get in touch with Mr. Simon Deignan (simon.deignan@osce.org) to consider the possibility of organizing a National Workshop in your capital.

As part of the preparation for the OSCE-wide Seminar on Passenger Data Exchange, TNTD distributed a questionnaire among participating States and Partners for Co-operation to measure the level of implementation of MC Decision 6/16. TNTD is planning to transform this questionnaire into an on-going exercise by annualizing it and updating it accordingly. If your country has not yet submitted its answers to the questionnaire and/or is planning to upgrade its API system, please get in touch Mr. Adrian Carbajo (adrian.carbajoariza@osce.org).

A second OSCE-wide Seminar on Passenger Data Exchange will take place in 2018. Although the main topic of the event has not been determined yet, it will provide participants with an opportunity to discuss developments on API and PNR implementation in the OSCE area that will take place in the upcoming months.

Donor funding is still required for activities planned in 2018. Any financial support from participating States or Partners for Co-operation would be greatly appreciated.

10. Who can I contact to get further information?

IT service providers present at the Seminar

-Amadeus (Peter Butler: pbutler@amadeus.com)   -IBM (Paul McKeown: paul_mckeown@uk.ibm.com)
-Rockwell Collins (Steven O'Neill: steven.oneill@rockwellcollins.com)
-SITA (Yuri Petrakov: Yuri.Petrakov@sita.aero)
-WCC Smart Search and Match (Justus Heuzeveldt: jheuzeveldt@wcc-group.com; Roelof Troost: rtroost@wcc-group.com)

OSCE participating States offering lessons learned and support

-Finland (Petteri Partanen: petteri.partanen@raja.fi)
-Luxembourg (Stephane Levy: stephane.levy@police.etat.lu)
-The Netherlands (Willem Mudde: WSC.Mudde@mindef.nl)
-United Kingdom (Ros Anchors: Ros.Anchors@homeoffice.gsi.gov.uk; Melissa Phoo Par: Melissa.PhooPar@homeoffice.gsi.gov.uk)
-United States (David Dodson: david.dodson@cbp.dhs.gov)

Airlines

-Austrian Airlines (Heinz Kermer: heinz.kermer@austrian.com)
-Lufthansa (James-Patrick Sgueglia: james-patrick.sgueglia@dlh.de)

International organisations

-European Commission (Denise Kwantes: denise.kwantes@ec.europa.eu)
-eu-LISA (Viktoria Skoularidou: viktoria.skoularidou@eulisa.europa.eu)
-IATA (Christopher Hornek: Hornekc@iata.org; Nuria Fermoso: fermoson@iata.org)
-ICAO (Justus Nyunja: JNyunja@icao.int)
-Interpol (Bozidar Popovic: B.Popovic@interpol.int)
-IOM (Livia Styp-Rekowska: lstyprekowska@iom.int; Erik Slavenas: eslavenas@iom.int)
-OSCE (Simon Deignan: Simon.Deignan@osce.org; Adrian Carbajo: Adrian.CarbajoAriza@osce.org; Zoran Dokovic: Zoran.Dokovic@odihr.pl)
-UNCCT (Rachel Mourad: mouradr@un.org)
-WCO (Sachiko Uchida: sachiko.uchida@wcoomd.org; Terence Wall: Terence.wall@wcoomd.org)