



PERMANENT
TECHNICAL
COMMITTEE

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Brussels, 10 October 2019.

PASSENGER FACILITATION AND CONTROL

Passenger Facilitation and Control in all modes of transport

(Item VI.b on the Agenda)

Background

1. The WCO/IATA/ICAO Advance Passenger Information (API) Passenger Name Record (PNR) Contact Committee (herein after referred at the Contact Committee) has developed a number of international instruments, guidelines, technical and non-technical standards, guiding materials and policy recommendations, as well as created a repository of good practices on the use of API/PNR data for supporting effective passenger control and facilitation processes for aviation transport. The work of the Contact Committee resulted in harmonized and efficient collection, transmission, processing and protection of API/PNR data for regulatory purposes in the highly standardized air travel environment.
2. Given the growing numbers of travelers and cross-border movement of people using other modes of transport such as land (e.g., buses, cars, trucks, trains), maritime (e.g., ferries and cruise ships) and general aviation, members of the Contact Committee, specifically WCO Members, have been raising the need for addressing passenger facilitation, controls and enforcement in different modes of transport more comprehensively. A comprehensive approach to addressing all modes of transport would enable border control agencies to address issues more effectively and in a more harmonized and integrated way. This would result in the reduction of vulnerabilities in each mode of cross-border movement by applying similar measures, as well as connecting the dots in respect of passengers using multimodal transport.

API/PNR for other modes of transport

3. The Contact Committee, at its 12th Meeting in January 2019, took note of initiatives already undertaken by some countries with regard to implementing advance passenger data in non-air modes of transport. For example, Belgium and France are exploring the transmission of advance passenger data for high-speed trains (HST). Furthermore, a pilot project on the transmission of passenger information from Eurostar, which connects Belgium and the UK, to the Passenger Information Unit (PIU) of Belgium, is currently underway. In this PIU, the Federal Police, National Security, Military Intelligence and Customs work together to check rail PNR data against the various security services' databases.
4. From the exploratory work on the use of PNR in HST by Belgium and France, it transpires that non-air transport operators have a different business model compared to aircraft operators. They use different methods, technologies, and service providers in conducting respective passenger processing. These transport operators might also use a different set of information and coding systems.
5. In addition, the Brussels Based Attachés Working Group (BBAWG) led by New Zealand undertook a study on passenger control for Cruise Ships. The Working Group has finalized its Report for further consideration by the Permanent Technical Committee (PTC), the Enforcement Committee (EC) and the Policy Commission.
6. The Report developed by the BBAWG on Cruise Ship has already pointed out that there is insufficient or inconsistent advanced passenger or crew information to enable relevant government authorities to conduct a thorough pre-arrival risk assessment of persons on board. In addition, there is no standardization of data formats, so reporting can differ from a country to another country and even from one port to another port, which is neither conducive to the industry nor to relevant government agencies. Some Customs administrations, for example, receive API and 'PNR-like' information on cruise passengers in Excel format and/or paper from cruise ship companies
7. In the air transport environment, coding systems for the identification of airports, aircraft operators and a particular voyage are well defined and governed by the IATA. For other modes of transport, it is imperative to identify corresponding international organizations with whom the WCO can collaborate in leveraging existing standards and practices, as well as establishing new standards and procedures that might be required.
8. Moreover, in terms of data capture, data collection, and data transmission, in the air environment API data is normally captured at the check-in time using Departure Control Systems (DCS) and sent to relevant government agencies at the flight close or during the check-in process. Normally, PNR data could be captured through reservation processes up to one year in advance of the planned travel. This data could then be transmitted to relevant government agencies based on the frequency of submissions required under a national law/regulation, for example from 72 hours prior to the departure to the time of the departure. As a contrast, in the rail environment the train operator may not necessarily be responsible for the ticket issuance/distribution. This practice has a potential impact on the ownership of the reservation data and the capability of the train operator to provide the required information to the border control agencies.

Way forward

9. At its 12th meeting in January 2019, the Contact Committee was invited to discuss and decide whether the implementation of API/PNR system in other modes of transport could be handled by the Contact Committee. Some delegates were of a view that the Contact Committee could leverage the experiences in establishing API/PNR related international instruments and standards for air transport and appropriately replicate/apply them in other modes of transport. However, the IATA and the ICAO could not support this proposal stating that their organizations do not have mandates to handle any work stream outside the air transport environment, dealing with scheduled commercial flights.
10. The IATA and the ICAO suggested that the WCO could address the API/PNR issues relating to other modes at other WCO platforms such as the WCO Members-Only Meeting. In this vein, the two organizations supported the arrangement of a WCO Members-Only Meeting in the margins of the API/PNR Contact Committee Meeting to enable the WCO to discuss all necessary aspects relating to the use of API/PNR data and passenger facilitation and enforcement issues that are outside the remit of the Contact Committee. Accordingly, the Terms of Reference (ToR) of the API/PNR Contact Committee have been updated and adopted.
11. The API/PNR Members-Only meeting provides an opportunity for WCO Members to continue discussion on the implementation of API/PNR for other modes of transport, by bringing together expertise, experiences, initiatives, and good practices relating to such usage of API/PNR data for targeting and facilitation, as well as by involving relevant stakeholders. However, the WCO Members-Only meeting may in itself is not the most suitable platform to undertake the related work in a sustained manner, specifically from technical, governance and decision-making perspectives.
12. One way forward could be the creation of a dedicated working group with clear mandate and scope of work to handle all the issues relating to passenger facilitation and control in other modes of transport. This group could also carry out necessary technical work with respect to the recommendations that have been put forward by the BBAWG on Cruise Ship, once their study report is considered and approved by relevant WCO working bodies. Such a working group will provide a sustained platform for WCO Members to develop necessary instruments and tools, such as guidelines and technical standards relating to passengers in various modes of transport from a facilitation perspective as well as an enforcement/control perspective. It will also enable the WCO and its Members to engage and cooperate with other relevant international organizations and stakeholders.
13. The creation of a new working group will require approval by the WCO governing bodies, namely the Policy Commission and Council. Therefore, a strong business case, a clear scope of work and potential resource implications need to be elaborated to seek necessary approvals based needs and considerations that Members may like to discuss and put forward their suggestions.
14. The envisaged working group, if needed and established, could undertake various activities such as the development of standards that suits a particular mode of transport, by examining the requirements of relevant government agencies that have already been well defined for the air mode and adapting them to a specific mode of transport. This working group could also discuss efficient methods, measures and approaches relating to data elements, messaging standards, harmonized risk management in including these of data analytics, common risk profiles and facilitation measures. It could potentially facilitate

cooperation between and among Members in the area of mutual assistance or coordination relating to passenger control and facilitation.

Discussion at the 1st API/PNR Members-Only Meeting

15. In order to provide more insights into the issue of the implementation of API/PNR systems in other modes of transport and facilitate a thorough discussion on this topic, some Members were invited, at the 1st API/PNR Members-Only Meeting held on 2 October 2019, to share their experiences, initiatives and perspectives in establishing such systems. A number of practices relating to the passenger facilitation and control in different modes of transports were presented and discussed during this meeting. The presentations included:
- Cruise Ship Targeting by USCBP;
 - I-Checkit Cruise Project by INTERPOL;
 - WCO COLIBRI Project (on General Aviation);
 - General Aviation Enforcement frameworks by USCBP; and
 - High Speed Rail/Bus Pilot- by Belgian Passenger Information Unit.
16. During the discussion, the API/PNR Member-Only meeting noted that risks and vulnerabilities with regard to the international travel existed not only in a particular mode of transport, such as air transport, by also in other modes of transport. In addition, border control agencies need to pay attention not only to risks associated with passengers, but also crews. The API/PNR Member-Only meeting acknowledged that for the moment different countries might have different approaches, policies and priorities on how to address passenger facilitation and control in different modes of transport.
17. Furthermore, the API/PNR Member-Only meeting identified a number of key elements that are relevant with regard to passenger facilitation and control, such as engagements with relevant stakeholders and international organizations in order to understand their perspectives with regard to efficient implementation of API/PNR systems, partnerships with other countries, legal framework with regard to data collection and processing, data protection and privacy, availability of international technical standards and IT infrastructure to enable data collection, understanding the purpose of the collection and use of advance passenger data such as preventing terrorism, transnational serious crimes, and other border security issues, and roles of various agencies such as Customs, immigration and other relevant border control agencies. The API/PNR Member-Only meeting also discussed potential challenges in the process of implementation of passenger facilitation and control programmes, such as political will, resources, including financial and human resources, buy-in from and prioritization by relevant government agencies and stakeholders.
18. Finally, the API/PNR Member-Only meeting recognized the increasing interest of, and strong support, by Members in further exploring the topic of facilitation and control in all modes of transport based on the key elements that have been identified. The meeting indicated the need for further guidance by relevant working bodies, namely the PTC and the EC on the way forward, including the identification of an appropriate platform to discuss this topic and undertake associated future work.

Action required

19. The PTC is requested to:

- discuss holistically and provide guidance on the key requirements and business needs for extending API/PNR systems to non-air modes of transport; and
 - consider and outline the potential scope of work and associated resource implications, as well as provide recommendations on a possible mechanism(s) to carry forward the envisaged work with regard to the use of API/PNR data of non-air modes of transport in a comprehensive and sustainable manner.
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