



PERMANENT TECHNICAL  
COMMITTEE  
- HYBRID MEETING -  
-  
235<sup>th</sup>/236<sup>th</sup> Sessions  
-  
25 – 29 April 2022

[PC0687Ea](#)-[PC0687Eb](#)

Brussels, ~~07-21~~ March 2022.

**Advance Passenger Information (API)/Passenger Name Record (PNR)**  
Update of the Terms of Reference of the API/PNR Contact Committee

**(Item VII on the Agenda)**

**(“B” item on the Agenda)**

**SUMMARY**

**Purpose of document**

At its Meeting in October 2021, the PTC welcomed the proposal from interested Members to consult intersessionally with the Secretariat on options for expanding the WCO membership of the API/PNR Contact Committee (CC) and on possible ways of capturing this in a revised Terms of Reference (ToR) for consideration at the next PTC meeting. Following the consultation, a draft revision of the ToR is submitted to the PTC for its consideration and potential approval.

**Actions required of the Permanent Technical Committee:**

The PTC is invited to:

- discuss, provide guidance on and, if appropriate, approve the proposed amendment of the ToR of the API/PNR CC; and
- discuss and provide guidance on the possible future streamlined arrangement of the passenger-related Working Bodies.

**I. Background**

1. The WCO/IATA/ICAO Contact Committee on API/PNR (the Contact Committee) was established so the WCO/IATA/ICAO Guidelines on API and other instruments and tools developed by the Contact Committee could be jointly managed and maintained by the three Organizations. The Contact Committee reports to the WCO Permanent

Technical Committee (PTC), the IATA Passenger Service Conference and the ICAO Secretary General.

2. The structure of the API/PNR CC is slightly different from that of the other WCO working bodies. As a contact committee, the API/PNR CC belongs not only to the WCO, but also to the partner organizations. In addition, the work of the API/PNR CC involves the development of joint deliverables to be endorsed and published by the WCO, IATA and ICAO.
3. At the PTC Meeting in October 2021, several delegates highlighted the need to examine the current membership arrangement of the API/PNR CC, which is currently limited to 18 WCO Members from the six WCO regions. The PTC welcomed the proposal from interested members to consult intersessionally with the Secretariat on options for expanding the WCO membership of the API/PNR CC and on possible ways of capturing this in a revised Terms of Reference for consideration at the next PTC meeting.

## **II. The need for a review of the current API/PNR CC membership arrangement**

4. The United Kingdom (UK) has taken the initiative to share a draft revision of the ToR, attached as Annex I to this document, with the Secretariat in the intersession. The UK Administration informed the Secretariat that the objective of the revision was to open up the membership of the API/PNR CC to all WCO Members so that all interested WCO Members can contribute equally without the ambiguity and uncertainty caused by the current ToR provision on the membership. In practice, the current membership arrangement makes unclear distinctions between the role of members and that of observers of the API/PNR CC.
5. Historically, the API/PNR CC began in 2004 as a small group<sup>1</sup> consisting of four Customs administrations with expertise and experience in implementing API programmes and the IATA Secretariat.
6. Over time, other WCO Members became interested in participating in the Committee meetings. Given that the ToR prescribed a specific number of members from Customs, other Customs representatives attended the meetings of the Contact Committee as observers.
7. Generally speaking, more WCO Members attend Contact Committee meetings as observers than members. For instance, at the Contact Committee Meeting in October 2019, eight WCO Members participated as members and 40 as observers. Subsequently, in October 2020, 14 WCO Members attended the Meeting as members, while 26 attended as observers. In the previous Meeting in October 2021, 12 WCO Members participated in the Meeting as members, and 53 others participated as observers. The composition and number of participants in the Contact Committee meetings indicated the high level of interest of the wider WCO membership in participating in and contributing to the work of the Contact Committee.
8. In view of the ever-increasing interest of the WCO Members in participating in the API/PNR CC, its original membership of four was expanded to 18 through the amendment of the ToR in 2019. During the ToR amendment process, the IATA and ICAO Secretariats indicated their contentment with the existing API/PNR CC membership arrangement, which provides that the IATA and ICAO are represented

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<sup>1</sup> When it was established in 2004, the working body was called the WCO/IATA API Contact Committee.

by their respective Secretariats or nominated experts. It appears that the limited expansion of the WCO membership of the API/PNR CC still does not solve the overall membership issue.

9. In addition to the limitation on the number of members, another challenge with the current membership arrangement is the reconstitution process. The existing ToR specifies that 18 members are drawn from each of the six WCO regions in consultation with the regional Vice-Chairs. The Vice-Chairs may find it challenging to determine which eligible WCO Members should sit on the API/PNR Contact Committee as members when the number of interested individuals exceeds the limitation.
10. The revision to the ToR also includes removing references to the Member-only meeting. This revision is in line with the decision of the Enforcement Committee (EC)<sup>2</sup> at its 41<sup>st</sup> Meeting in February 2021 relating to the closure of the API/PNR CC Members Only Meeting.
11. The world of API and PNR has changed dramatically since the Contact Committee was first formed. The United Nations (UN) Security Council Resolutions, such as Resolutions 2178 (2014)<sup>3</sup> and 2396 (2017)<sup>4</sup>, for instance, require UN Member States to implement API and PNR systems. The UN Member States now have an international obligation to develop API/PNR capabilities. To that end, amending the membership arrangement of the API/PNR CC by opening it up to all WCO Members will enable an equal opportunity for all WCO Members to contribute to the work of the Contact Committee while promoting and accelerating the implementation of API/PNR programmes globally.

### **III. Opportunity for streamlining passenger-related Working Bodies**

12. At its Meeting in 2020, the Policy Commission approved the establishment of the Passenger Facilitation and Control Working Group (PFCWG).<sup>5</sup> The purpose and scope of the Working Group are, in particular, to provide a forum for Members to discuss all matters relating to passenger processing, including facilitation and enforcement matters, holistically across all modes of transportation, and to deliver the recommendations outlined in the Cruise Ship Final Report involving the development of a Compendium of Best Practices and the establishment of an API and PNR like data standard for cruise ships. The membership of the Working Group are comprised of WCO Members.
13. Following the submission of the draft amendment of the ToR of the API/PNR CC, the Secretariat arranged a consultation meeting with the UK and other interested Members in order to discuss the draft amendment proposal. The intersessional consultation meeting was attended by the UK, the United States (US), New Zealand, Australia, Japan, South Africa, Peru, the European Union and Canada. During the meeting, the Secretariat stated that the objective of the amendment of the ToR of the API/PNR CC could be achieved by consolidating the API/PNR CC and PFCWG under one umbrella. In addition to achieving the initial objective, consolidating both working bodies could help the WCO, its Members and its partner international

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<sup>2</sup> EC00669, EC Summary Report, Page 14, <http://www.wcoomd.org/-/media/meeting-documents/enforcement-committee/41/ec0669e.pdf?lang=en>

<sup>3</sup> [https://undocs.org/S/RES/2178\(2014\)](https://undocs.org/S/RES/2178(2014))

<sup>4</sup> [https://undocs.org/S/RES/2396\(2017\)](https://undocs.org/S/RES/2396(2017))

<sup>5</sup> [http://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/wco-working-bodies/facilitation/tor-for-pfcwg\\_en.pdf?db=web](http://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/wco-working-bodies/facilitation/tor-for-pfcwg_en.pdf?db=web)

organizations deal with passenger issues in a more efficient and streamlined manner across all modes of transport.

14. To sustain the ongoing work of the API/PNR CC and the PFCWG, the umbrella working body would need to accommodate the existing work plan of the API/PNR CC and the PFCWG. In view of the specific focus of the two working bodies, the umbrella working body could divide its agenda into different blocks, where one agenda block focused on the aviation mode of transport, and another agenda block focused on the cruise line/maritime environment. For each block of agenda items, relevant partner international organizations could be invited to participate, as full partners, in the discussions and to provide input in relation to their areas of concern and expertise.
15. In addition to sustaining the agenda, the consolidated passenger working body would be required to maintain the role of partner organization of the original working bodies, particularly the API/PNR CC, where IATA and ICAO have specific roles. The consolidated passenger working body would need to recognize the relevant international organizations, namely IATA, ICAO, IMO and CLIA, as partners with specific roles in the decision-making and maintenance process involved in developing the joint deliverables.
16. During the intersessional consultation meeting, some interested members agreed that consolidating the API/PNR CC and PFCWG under an umbrella working body could increase the overall efficiency of the WCO in working with passenger issues in the long run. However, the work of the API/PNR CC and that of the PFCWG were at different stages of maturity. Therefore, consolidating both working bodies was considered premature at this stage. However, the consultation meeting supported the Secretariat's suggestion to open the discussion on the proposed consolidation to the broader PTC Members. In addition, the consolidation proposal could be revisited during the review of the progress of the PFCWG as part of its two-year evaluation cycle. The Secretariat may sustain the current practice in organizing PFCWG back to back with the API/PNR CC in the same week.
17. A comparison table of some key items of the ToR of the API/PNR CC and the PFCWG is attached as Annex II to this document as a reference.

#### **IV. Consultation with the API/PNR CC Members**

18. The WCO Secretariat conducted a consultation meeting with the API/PNR CC Members on 15 March 2022. The Secretariat introduced the proposal to amend the API/PNR CC's membership arrangement to the participants in the meeting. The meeting participants indicated their support for the PTC to make necessary decisions on the revision proposal as appropriate. The participants also indicated that it might not be necessary to discuss the proposal in the next API/PNR CC Meeting planned in autumn 2022. In addition, partner organizations (IATA and ICAO) asked the WCO Secretariat to share the PTC decision (i.e., the PTC Summary Report) on the amendment proposal when available.

#### **IV.V. The PTC is invited to:**

- discuss, provide guidance on and, if appropriate, approve the proposed amendment of the ToR of the API/PNR CC; and

- discuss and provide guidance on the possible future streamlined arrangement of the passenger-related Working Bodies.

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# The WCO/IATA/ICAO Contact Committee on Advance Passenger Information (API) & Passenger Name Record (PNR) Data

**Confirmed by the Council: June 2004**

**Updated: June 2019**

**Chairperson: Elected for a one-year term**

**Vice-Chairperson: Elected for a one-year term**

**Established: 2004**

**Duration: Unspecified**

## 1. Mandate

The WCO/IATA/ICAO Contact Committee (Contact Committee) on Advanced Passenger Information (API) and Passenger Name Record (PNR) Data is established so that the WCO/IATA/ICAO Guidelines on API and other instruments and tools developed by the Contact Committee that relate to API and PNR may be managed and maintained by the three Organizations. In doing so, the Contact Committee will promote the implementation of the Guidelines and such other instruments and tools, consider any measures to secure uniformity in the interpretation and application thereof, monitor the application thereof, and consider any amendment (s) proposed to the Guidelines and other instruments and tools. In addition, the Contact Committee will examine means to enhance the efficiency and effectiveness of the use of API and PNR data for passenger facilitation and enforcement purposes in relation to the WCO mandate.

## 2. Membership

The Contact Committee shall consist of experts ~~representing from~~ all three organizations involved. As regards to representation of the ~~membership of WCO and ICAO~~, the ~~participants shall be national delegations~~ ~~delegation shall consist of up to eighteen members~~ drawn from each of the six WCO regions ~~and the seven ICAO regions in consultation with regional Vice-Chairs, at least six of whom shall have experience in API and/or PNR reporting systems, and experience in risk profiling and targeting. The WCO Secretariat shall ensure the regions are represented. The Secretary General may invite additional Members to attend the meeting as observers.~~

~~WCO membership shall be reconstituted every three years. The retiring members are eligible for re-nomination.~~

With regard to representation from ~~the WCO Secretariat, the delegation shall consist of officers of Compliance and Facilitation Directorate. For the ICAO Secretariat~~, the delegation shall consist of ~~an~~ officers responsible for facilitation matters and an expert or experts nominated by ICAO, if required. IATA shall be represented by the Assistant Director, Facilitation Services and an expert or experts nominated by IATA.

The Secretary General of the WCO may invite representatives ~~of non-member governments, or~~ of any ~~other~~ international organizations ~~or the private sector~~ to attend meetings as observers.

## 3. Purpose and Scope

The Contact Committee deals with issues arising from the application of the API Guidelines and the other instruments and tools referenced in [or within scope of](#) section 1 above and, in particular, seeks to keep the Guidelines and such other instruments and tools current and reflective of the needs of Members and of the air transport industry. As these Guidelines and other instruments and tools support the effort to counter trans-national crimes, including but not limited to, drug smuggling, contraband, money laundering, as well as terrorism, the Contact Committee is established to permit timely changes to the Guidelines and other instruments and tools.

To this end, the Contact Committee shall, inter alia:

- 1.● promote the application of the API Guidelines and other instruments and tools for administrations developing API systems;
- 2.● examine questions relating to interpretation and application of the Guidelines and other instruments and tools;
- 3.● examine proposals for amendments to the Guidelines and other instruments and tools;
- act as a platform for the exchange of information on issues of common interest related to providing advance passenger information to the authorities;
- 4.● [promote compliance with the standards and adoption of the recommended practices for the collection, use, processing and protection of PNR data adopted by the ICAO Council in June 2020;](#)
- 5.● promote inter-agency cooperation to enhance the efficiency [and effectiveness](#) of the use of API / PNR data; and
- 6.● examine means to ensure effective control of high-risk passengers as well as efficient facilitation of ~~legitimate~~ passengers through the use of API / PNR data.

#### 4. Key Deliverables

The Contact Committee shall adopt a report reflecting the discussion on the Agenda items and the conclusions reached. The Contact Committee shall submit the details of any proposed changes to the Guidelines and other instruments and tools and the Appendices thereto to the WCO's Permanent Technical Committee (PTC), to the ICAO Secretary- General and to IATA's Passenger Services Conference for their approval.

#### 5. Means of Operation

The Contact Committee shall elect a Chairperson and optionally a Vice-Chairperson for a one-year term. The retiring Chairperson and Vice-Chairperson are eligible for re-election.

#### Agenda:

The Agenda for each session shall be drawn up by the Secretary General of the WCO, in consultation with IATA and ICAO. It shall include any proposals for amendments to the Guidelines and other instruments and tools communicated by Members or International Organizations. The Agenda shall be circulated to the members of the Contact Committee at least thirty days before the Contact Committee meets. Working documents, especially those which may require consultation at the national level or with other stakeholders, should be available to the Contact Committee in sufficient time to allow the appropriate consideration of the document.

~~A Members Only meeting can also be organized back to back with the Contact Committee Meeting. Each organization can determine participation and topics of discussion for their Members Only Meeting. For the WCO, matters relating to the enforcement aspects of the use of API and PNR data outlined in these ToRs shall be discussed during the Members Only meeting and~~



Annex I to  
Doc. PC0687

~~reported/submitted to the consideration of the WCO's Enforcement Committee, and other topics can be reported to the relevant WCO working bodies.~~

6. Resources Required

Meetings:

Meetings shall be organized annually. When required, the WCO Secretariat will organize virtual meetings and establish discussion forums on the WCO Members Web site.

General administrative arrangements:

The general administrative arrangements for the meeting of the Contact Committee, including the date and duration of each session and the priorities to be fixed for the items on the Contact Committee's Agenda, shall be the responsibility of the Secretary General of the WCO in agreement with the other members of the Contact Committee.



**TOR PFCWG and API PNR Contact Committee**

ToR PFCWG: [tor-for-pfcwg\\_en.pdf \(wcoomd.org\)](https://www.wcoomd.org/en/information-and-communication/working-groups-and-committees/pfcwg)

ToR API PNR CC: [World Customs Organization \(wcoomd.org\)](https://www.wcoomd.org/en/information-and-communication/working-groups-and-committees/api-pnr-cc)

**The differences between the two ToRs**

PFCWG	API PNR CC
<u>Mandate:</u> Discussion and decision making on all passenger controls and facilitation matters, <b>regardless of the mode of transport</b>	<u>Mandate:</u> <b>WCO/IATA/ICAO Guidelines</b> on API and other instruments and tools developed by the Contact Committee that relate to API and PNR may be managed and maintained by the three Organizations
<u>Reporting:</u> Established under the <b>PTC</b> , where it will also report. The PFCWG will keep the Enforcement Committee informed as required on enforcement-related matters	<u>Reporting:</u> The Contact Committee shall submit the details of any proposed changes to the Guidelines and other instruments and tools and their Appendices to the <b>WCO's Permanent Technical Committee (PTC), to the ICAO Secretary-General, and IATA's Passenger Services Conference</b> for their approval
<u>Duration:</u> Shall operate for an initial period of three years (until December 2023). Members will review progress at two years (December 2022) and, if necessary, request the approval of the Policy Commission to extend its operation	<u>Duration:</u> Unspecified
<u>Membership:</u> The Working Group shall be comprised of representatives of WCO Members	<u>Membership:</u> The Contact Committee shall consist of experts from all three organizations involved
<u>Chair:</u> The outgoing Chairperson and Vice-Chairperson will be eligible for re-election once, for an accumulative period of no more than two years for each respective role	<u>Chair:</u> The Contact Committee shall elect a Chairperson and optionally a Vice-Chairperson for a one-year term. The retiring Chairperson and Vice-Chairperson are eligible for re-election
<u>Membership:</u> The Working Group shall be comprised of representatives of WCO Members	<u>Membership:</u> WCO membership shall be reconstituted every three years. The retiring members are eligible for re-nomination