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## WORK PROGRAMME

### **Proposal to add a new output in the work programme to include Advance Passenger Information (API) and Booking and Reservation Information (BRI)/Passenger Name Record (PNR) declarations in the FAL Convention**

**Submitted by Australia and WCO**

#### SUMMARY

<i>Executive summary:</i>	This document proposes a new output to include declarations for Advance Passenger Information (API) and Booking and Reservation Information (BRI)/Passenger Name Record (PNR) for cruise ships and other maritime means of transport in the FAL Convention in cooperation with IMO and WCO.
<i>Strategic direction, if applicable:</i>	5
<i>Output:</i>	Not applicable
<i>Action to be taken:</i>	Paragraph 25
<i>Related document:</i>	FAL 44/20

#### Introduction

1 This document presents a proposal for a new output to include reporting requirements for Advance Passenger Information (API) and Booking and Reservation Information/Passenger Name Record (BRI/PNR) for cruise ships or other maritime means of transport in cooperation with the International Maritime Organization (IMO) and the World Customs Organization (WCO). In particular:

- .1 to align the existing WCO work on passengers and crew to the work of IMO by including API and BRI/PNR data sets in the IMO Compendium and FAL Convention;
- .2 to amend the FAL Convention to include mandatory reporting of API and BRI/PNR globally standardized reporting requirements;
- .3 to amend the FAL Convention to include recommended practices for establishing API and BRI/PNR programmes; and

- .4 to amend the FAL Convention to support the creation of electronic message standards for the maritime industry to transmit API and BRI/PNR data electronically, in accordance with the WCO Data Model and in alignment with the IMO Compendium.

## **Background**

2 The WCO submitted document FAL 44/20 on the use of Advance Passenger Information (API) and Passenger Name Record (PNR) for cruise ships, and other maritime modes of transport to facilitate legitimate travellers and control high risk travellers. Regrettably, due to the COVID-19 pandemic, this document was postponed to FAL 45.

3 API and PNR are concepts established and well recognized in the air transport mode but are not yet implemented consistently in the maritime transport mode.

4 In 2022, the WCO and IMO agreed to consider a more relevant name for PNR that described the information. The term Booking and Reservation Information (BRI) was approved to describe PNR type data for modes of travel other than aviation.

5 Some passenger information is already included in the FAL Convention relating to passenger and crew declarations. However, additional data elements regarding passengers and crew are required for API and BRI/PNR to be included in the IMO Compendium and as required information in the FAL Convention.

## **IMO objectives**

6 This proposal is consistent with IMO strategic direction 5, which reads, inter alia:

"Continued effort is needed to ensure that ships move from port to port without undue delay arising from arrival and departure formalities" (resolution A.1173(33), paragraph 33).

## **Compelling need**

7 WCO members, through the Brussels-Based Customs Attaché Working Group (BBAWG), undertook a study and prepared a report on "Way Forward to Improve Cruise Ship Controls – A Customs Perspective" which was presented in document FAL 44/20.

8 The recommendations of the Final Cruise Ship Report concluded that, in partnership with cruise line operators and IMO, WCO should lead the initiative. One key recommendation led to the creation of WCO's Passenger Facilitation and Control Working Group (PFCWG).

9 The PFCWG was established in December 2020 to allow for discussion and decision-making on all passenger controls and facilitation matters, regardless of mode of transport. Prior to the PFCWG, the WCO/IATA/ICAO API-PNR Contact Committee addressed traveller-related information for aviation, but no group existed for traveller-related information for other modes of transport.

## **Analysis of the issue**

10 The terms of reference of the PFCWG outlined the creation of a global data standard for cruise ships (Maritime API and BRI/PNR), similar to that for aviation, as one of its key deliverables.

11 The PFCWG endorsed the Maritime API and BRI/PNR data sets at its meeting in October 2022 and presented them to the IMO Expert Group on Data Harmonization (EGDH). The WCO Governing Bodies, i.e. the Policy Commission and Council, subsequently approved the data sets as global standards in June 2023.

12 The EDGH has endorsed API for cruise ship data and presented it back to FAL 48 where API was added to the IMO Compendium.

13 The BRI/PNR data sets required further development and clarification. The EGDH 9 recommended postponing the inclusion of the data set on BRI/PNR in the Compendium until experience has been gained through the pilots and progress has been made in the discussions on the API and BRI/PNR in the Facilitation Committee.

14 As well as introducing the API and BRI/PNR data sets, the FAL Convention should include recommended practices for establishing API and BRI/PNR, including data protection and other relevant regulatory or legal requirements. These could include, but are not limited to, the recommended practices to:

- .1 use traveller data single windows;
- .2 establish national legal and administrative frameworks;
- .3 use established international standards for API and BRI/PNR data;
- .4 adhere to the WCO API and BRI/PNR Guidelines;
- .5 use API and BRI/PNR data with full respect of human rights and fundamental freedom;
- .6 clearly set the purpose for which the API and BRI/PNR data may be used by the authorities;
- .7 prevent unauthorized access to the collected API and BRI/PNR data;
- .8 establish independent API and BRI/PNR data protection oversight mechanisms;
- .9 not require BRI/PNR data elements that are not collected in the maritime industry's normal course of business;
- .10 not process API and BRI/PNR sensitive data;
- .11 retain API and BRI/PNR data for a set period as defined in national legal frameworks;
- .12 depersonalize API and BRI/PNR data after a set period;
- .13 not impose fines and penalties on cruise operators for any unavoidable errors;
- .14 not inhibit or prevent the transfer of API and BRI/PNR data by maritime industry to another state;

- .15 where possible, governments should align to the API and BRI/PNR global standards and not require additional information from the cruise industry; and
- .16 a cruise line should not be penalized for any incorrect BRI/PNR data which is submitted by a passenger before the cruise line has interacted with them at check in.

### **Analysis of implications**

15 The involvement of IMO, CLIA, and other relevant and competent authorities, is critical to this work to ensure global standards can be implemented by government authorities as well as industry.

16 WCO is working closely with IMO to ensure that the proposed amendments to the FAL Convention can be implemented by the maritime industry and government authorities. As well as the API and BRI/PNR data sets, CLIA and WCO, including representatives from IMO, have worked together to produce guidelines for the use of API and BRI in cruise ship operations. This includes information for government authorities and industry to set up and manage systems for the sharing, analysis and data protection of personal data. Additionally, WCO has created Message Implementation Guidelines, setting standard message formats (JSON and XML) and information on implanting API and BRI for cruise ship operations.

17 Information and support from WCO will assist in the successful implementation of the proposed amendments to the FAL Convention.

### **Benefits**

18 By updating the IMO Compendium to align with other international instruments, such as the WCO Data Model, the maritime industry will not be unnecessarily burdened with inconsistent requirements from governments around the world.

19 IMO has been key to the development of the global data sets for API and BRI/PNR ensuring that the new data aligns to existing IMO reporting requirements around passengers and crew, to allow for a simple transition to the proposed new requirements.

### **International standards**

20 WCO has working groups responsible for the establishment and maintenance of API and BRI/PNR data standards and best practices and will continue to work with IMO to ensure adherence to international standards. Any amendments to the API and BRI/PNR data sets will be addressed jointly by WCO and IMO.

### **Output**

- 21 The proposed output is "Introduction of API and BRI/PNR for maritime transport" to:
  - .1 align the existing WCO work on passengers and crew to the work of IMO by including API and BRI/PNR data sets in the IMO Compendium and FAL Convention;

- .2 amend the FAL Convention to include the mandatory reporting of API and BRI/PNR, based on globally standardized reporting requirements;
- .3 amend the FAL Convention to include regulatory and/or legal requirements relating to the transfer and use of API and BRI/PNR;
- .4 amend the FAL Convention to support the creation of electronic message standards for maritime industry to transmit API and BRI/PNR data electronically, in accordance with the WCO Data Model, and in alignment with the IMO Compendium;
- .5 continue to harmonize data elements across the WCO Data Model and the IMO Compendium as they are developed;
- .6 continue partnership and collaboration with WCO; and,
- .7 develop and incorporate recommended practices for establishing the API and BRI/PNR programme into the FAL Convention, including but not limited to:
  - .1 the recommended practice to use traveller data single windows;
  - .2 the establishment of national legal and administrative frameworks;
  - .3 the use of established international standards for API and BRI/PNR data, adherence to the WCO API and BRI/PNR Guidelines, using API and BRI/PNR data with full respect of human rights and fundamental freedom;
  - .4 clearly set the purpose for which the API and BRI/PNR data may be used by the authorities to prevent unauthorized access to the collected API and BRI/PNR data and to establish independent API and BRI/PNR data protection oversight mechanisms;
  - .5 not require BRI/PNR data elements that are not collected in the maritime industry's normal course of business;
  - .6 not process API and BRI/PNR sensitive data, to retain API and BRI/PNR data for a set period, as defined in the national legal frameworks, and to depersonalize API and BRI/PNR data after a set period;
  - .7 not impose fines and penalties on maritime operators for any unavoidable errors; and
  - .8 not inhibit or prevent the transfer of API and BRI/PNR data by the maritime industry to another state.

## Human element

22 The target audience for the proposed guidelines is not seafarers but rather governments, WCO, IMO, and the cruise industry. The checklist for considering human element issues by IMO bodies is set out in annex 2.

## **Urgency**

23 WCO considers that there is urgency in addressing this work due to the increase in risk from "broken travel", i.e. when passengers or crew travel using more than one mode of travel, but data for risk assessment purposes is only available on part of that journey. Harmonizing data elements across different modes of transport, such as aviation and maritime could reduce costs to industry and allow government authorities to work more efficiently in risk assessing travellers at the border. Delays to implementing this could see higher security risks for the maritime industry.

24 The IMO Secretariat and Member States are encouraged to participate to ensure alignment of the data standards between organizations and internationally.

## **Action requested of the Committee**

25 The Committee is invited to:

- .1 take note of the information provided in this document; and
- .2 include the new output "Amendments to the FAL Convention to introduce mandatory reporting of the API and BRI/PNR for maritime transport" in the 2024-2025 biennial agenda of the FAL Committee and the provisional agenda for FAL 49, with a target completion date of 2025.

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**ANNEX 1**

**CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS AND BURDENS**

<p>This checklist should be used when preparing the analysis of implications required in submissions of proposals for the inclusion of outputs. For the purpose of this analysis, the term "administrative requirements" is defined in resolution A.1043(27), i.e. administrative requirements are an obligation arising from future IMO mandatory instruments to provide or retain information or data.</p> <p><b>Instructions:</b></p> <p>(A) If the answer to any of the questions below is <b>YES</b>, the Member State proposing an output should provide supporting details on whether the requirements are likely to involve start-up and/or ongoing costs. The Member State should also give a brief description of the requirement and, if possible, provide recommendations for further work, e.g. would it be possible to combine the activity with an existing requirement.</p> <p>(B) If the proposal for the output does not contain such an activity, answer <b>NR</b> (Not required).</p> <p>(C) For any administrative requirement, full consideration should be given to electronic means of fulfilling the requirement in order to alleviate administrative burdens.</p>		
<p>1 Notification and reporting? Reporting certain events before or after the event has taken place, e.g. notification of voyage, statistical reporting for IMO Member States, etc.</p>	<p>NR √</p>	<p>Yes q Start-up q Ongoing</p>
<p>Description of administrative requirement(s) and method of fulfilment: (if the answer is yes)</p>		
<p>2 Record-keeping? Keeping statutory documents up to date, e.g. records of accidents, records of cargo, records of inspections, records of education, etc.</p>	<p>NR √</p>	<p>Yes q Start-up q Ongoing</p>
<p>Description of administrative requirement(s) and method of fulfilment: (if the answer is yes)</p>		
<p>3 Publication and documentation? Producing documents for third parties, e.g. warning signs, registration displays, publication of results of testing, etc.</p>	<p>NR √</p>	<p>Yes q Start-up q Ongoing</p>
<p>Description of administrative requirement(s) and method of fulfilment: (if the answer is yes)</p>		
<p>4 Permits or applications? Applying for and maintaining permission to operate, e.g. certificates, classification society costs, etc.</p>	<p>NR √</p>	<p>Yes q Start-up q Ongoing</p>
<p>Description of administrative requirement(s) and method of fulfilment: (if the answer is yes)</p>		
<p>5 Other identified requirements?</p>	<p>NR √</p>	<p>Yes q Start-up q Ongoing</p>
<p>Description of administrative requirement(s) and method of fulfilment: (if the answer is yes) Exchange of information across the maritime industry digitally, in a streamlined way, is likely to reduce administrative burdens for the cruise industry.</p>		

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**ANNEX 2**

**CHECKLIST CONSIDERATION OF HUMAN ELEMENT ISSUES BY IMO BODIES**

	1 Question	2 Yes/ No	3 IMO References	4 Considerations	5 Instructions
	<b>Workload</b>		<i>Other relevant references may be added</i>  <i>Strike out references that are not relevant</i>	<i>If the answer to a question is "yes", identify considerations. If the answer is "no", make proper justification</i>	<i>Identify how human element considerations should be addressed in the output</i>
1	Does the "output" affects workload?	NO			
1.1	On board, especially in the already intensive phases of the voyage and port operations to:		<i>Revised guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies (MSC-MEPC.7/Circ.8)</i>  <i>Guidelines on fatigue (MSC.1/Circ.1598)</i>  <i>Principles of minimum safe manning (resolution A.1047(27))</i>  <i>Guidelines for the investigation of accidents where fatigue may have been an issue (MSC/Circ.621)</i>		
1.1.1	Operations including navigation, cargo and engineering				

	1 Question	2 Yes/ No	3 IMO References	4 Considerations	5 Instructions
1.1.2	Maintenance of the ships' structure and equipment				
1.1.3	Onboard administration in support of the ships' management systems				
1.1.4	Onboard administration related to regulation involving flag States, classification societies, port State and other bodies such as charterers and port authorities				
1.1.5	Increased workload or time pressure on personnel if involved in implementation of changes prior to the implementation date				
1.2	<b>Ashore, in a manner that would affect the ships operation to:</b>				
1.2.1	Companies' administration				
1.2.2	Flag State, port State and classification societies administration such that certification and other processes are compromised or delayed				

	1 Question	2 Yes/ No	3 IMO References	4 Considerations	5 Instructions
	<b>Decision-making</b>		<i>Other relevant references may be added</i>  <i>Strike out references that are not relevant</i>	<i>If answer to question is "yes" identify considerations. If answer is "no" make proper justification</i>	<i>Identify how human element considerations should be addressed in the output</i>
2	<b>Does the "output" impact decision-making on board the ship?</b>	<b>NO</b>			
2.1	By confusion with existing requirements and regulations				
2.2	By changing responsibilities as laid out in the ISM Code				
2.3	By creating complexity in its implementation and/or in the safety management systems				
2.4	By requiring increased mental effort, such as the need to find, transform and analyse data or result in the need to make judgements based on incomplete information				
2.5	By limiting the time available to establish situational awareness, decide, communicate (possibly across time zones) or check				
2.6	By increasing reliance on judgement and administrative controls to manage major risks such as oil spills and collisions				

	1 Question	2 Yes/ No	3 IMO References	4 Considerations	5 Instructions
<b>Living and Working Environment</b>			<i>Other relevant references may be added</i>  <i>Strike out references that are not relevant</i>	<i>If answer to question is "yes" identify considerations. If answer is "no" give proper justification</i>	<i>Identify how human element considerations should be addressed in the output</i>
<b>3</b>	<b>Does the "output" affect the living and working environment?</b>	<b>NO</b>	<i>Guidelines on the basic elements of a shipboard occupational health and safety programme (MSC-MEPC.2/Circ.3)</i>  <i>Guidelines on fatigue (MSC.1/Circ.1598)</i>		
3.1	By interfering with existing arrangements for abandonment, fire-fighting and other emergency plans or procedures				
3.2	By introducing new materials that could create an explosion, fire, environmental or occupational health risk				
3.3	By introducing new high energy sources such as high-voltage, high pressure fluids				
3.4	By affecting access or egress and causing lack of ventilation in working spaces				
3.5	By affecting the habitability of accommodation spaces due to noise, vibration, temperatures, dust and other contaminants				

	1 Question	2 Yes/ No	3 IMO References	4 Considerations	5 Instructions
	<b>Operation and Maintenance</b>		<p><i>Other relevant references may be added</i></p> <p><i>Strike out references that are not relevant</i></p>	<p><i>If answer to question is "yes" identify considerations. If answer is "no" make proper justification</i></p>	<p><i>Identify how human element considerations should be addressed in the output</i></p>
4	Does the "output" affect the operation and maintenance of the ship, its structure or systems and equipment?	NO	<p><i>Revised guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies (MSC-MEPC.7/Circ.8)</i></p> <p><i>Guidelines for bridge equipment and systems, their arrangement and integration (BES) (SN.1/Circ.288)</i></p> <p><i>Principles of minimum safe manning (resolution A.1047(27))</i></p> <p><i>Issues to be considered when introducing new technology on board ships (MSC/Circ.1091)</i></p> <p><i>Guidelines on software quality assurance and human-centred design for e-navigation (MSC.1/Circ.1512)</i></p> <p><i>Guidelines for the standardization of user interface design for navigation equipment (MSC.1/Circ.1609)</i></p>		

	1 Question	2 Yes/ No	3 IMO References	4 Considerations	5 Instructions
4.1	By introducing equipment that the user may find difficult to operate or maintain or may be unreliable				
4.2	By introducing new and/or novel technology, or technology that changes the role of the person				
4.3	By introducing requirements for new competencies and roles				
4.4	By overloading existing infrastructure such as power generation and ventilation systems				
4.5	By poor integration with existing systems and controls				
4.6	By introducing new and unfamiliar operations/procedures				
4.7	By introducing new and unfamiliar operating interfaces?				
4.8	By introducing risks to the ship during any modifications required prior to the implementation date of the output				

	1 Question	2 Yes/ No	3 IMO References	4 Considerations	5 Instructions
	<b>Measures to address the human element</b>		<i>Other relevant references may be added</i>  <i>Strike out references that are not relevant</i>	<i>If answer to question is "yes" identify considerations. If answer is "no" make proper justification</i>	<i>Identify how human element considerations should be addressed in the output</i>
5	Does the "output" require changes to:	NO	<i>Shipboard technical operating and maintenance manuals (MSC.1/Circ.1253)</i>  <i>Revised guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies (MSC-MEPC.7/Circ.8)</i>		
5.1	Training				
5.2	Practical skill development and competences				
5.3	Operating, management and/or maintenance procedures				
5.4	Information/manuals for operation and maintenance				
5.5	Spares outfit				
5.6	Occupational safety requirements including guarding and PPE				
5.7	Shore support				