



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 February 2013**

**5947/13**

**LIMITE**

**ENFOCUSTOM 18  
GENVAL 7**

**NOTE**

---

From: Presidency  
To: Customs Cooperation Working Party  
Subject: Study by the Presidency on Advanced Passenger Information and Passenger Name Records

---

At its June 2012 sessions, the WCO Council adopted a Recommendation regarding the use of Advance Passenger Information (API) and Passenger Name Record (PNR) for efficient and effective Customs control. (Annex 1). The Recommendation is based on international experience of Customs enforcement agencies in using API and PNR data to meet the challenge posed by transnational crime. The WCO Council took the view that use of API and/or PNR data for risk assessment would assist Customs administrations in developing and exploiting the best possible intelligence for the control of travellers, facilitate allocation of enforcement resources and facilitate low risk passengers.

Mindful of this initiative from the WCO, the Presidency wishes to undertake a short survey amongst the Member States in relation to the use of API and PNR. The purpose of this survey, which it is proposed to undertake using a questionnaire – copy attached as Annex 2 – is to establish a clear picture of the current position from both legal and operational perspectives. The Presidency hopes that presentation of the findings to the CCWP Plenary Group will provide Member States with a clear perspective of the Union-wide position on this issue.

Furthermore, the Presidency believes that the outcome of this survey could be of interest to the Project Group led by Cyprus regarding air transit passengers and thus add value to the ongoing and evolving work in this important area of activity.

Member States are asked to complete the attached questionnaire and return it, no later than 17 March 2013 to: [ewallace@revenue.ie](mailto:ewallace@revenue.ie)

**RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL<sup>1</sup>**  
**CONCERNING THE USE OF ADVANCE PASSENGER INFORMATION (API)**  
**AND PASSENGER NAME RECORD (PNR) FOR EFFICIENT AND EFFECTIVE**  
**CUSTOMS CONTROL (June 2012)**

THE CUSTOMS CO-OPERATION COUNCIL,

NOTING the continued and growing threat posed by serious transnational crime, inter alia illicit trafficking in drugs and other contraband, which are of serious concern to social well-being and safety and to the prosperity of nations around the world,

NOTING the continuing growth in the volume of cross-border travel movements and the challenges this creates for the facilitation of legitimate travellers,

HAVING REGARD to provisions of the revised Kyoto Convention<sup>2</sup>, specifically Chapter 6 of the General Annex on Customs Control and Chapter 1 of the Specific Annex J on Travellers,

RECOGNISING that Customs administrations have the prime responsibility for controlling cross-border movements of goods, means of transport and people, and thus they are best placed to prevent, detect and suppress illicit trafficking in drugs and other contraband at the border before they disperse into the territories,

NOTING the incidents of close linkages between serious transnational crime and terrorism, and the need to mitigate perceived risks posed by travellers,

---

<sup>1</sup> Customs Co-operation Council is the official name of the World Customs Organisation (WCO).

<sup>2</sup> International Convention on Simplification and Harmonization of Customs Procedures (as amended).

RECOGNISING that the proper balance between the needs of Customs enforcement and the facilitation of legitimate travel can best be achieved if Customs enforcement is intelligence-based, and that the use of API and/or PNR for risk assessment would greatly assist Customs administrations in developing and exploiting the best possible intelligence for the control of travellers,

DESIRING to harmonize the interface arrangements between Customs administrations and business, particularly as regards the electronic transmission of API and/or PNR data in line with internationally standardized data elements and messaging formats,

BELIEVING that effective border control against serious transnational crime, inter alia illicit trafficking in drugs and other contraband, can be greatly assisted by co-operation between Customs administrations and other competent border control agencies at the national and international levels, and that exchange of information can significantly aid risk assessment and targeting and, as a consequence, improve the facilitation of legitimate travel,

RECOMMENDS that Members of the Council and Customs or Economic Unions should:

1. ensure that prevention, detection and suppression of serious transnational crime, inter alia illicit trafficking in drugs and other contraband, be promoted and remain as one of the priorities of the Customs authority's enforcement strategy and programmes;
2. seek the fullest co-operation of airlines and the other international passenger transport businesses to assist the Customs in fulfilling its mission;
3. utilise advance information, namely API and/or PNR, for the risk assessment of travellers and:
  - establish legal authority to acquire access to, or require to transfer, use and store API and/or PNR data along with the conditions thereof and scope of data required to this end, and put in place mechanisms for the protection of the pertinent data,
  - adhere to the technical standards, formats and procedures set out in the internationally recognized guidelines, and
  - to the extent possible, take part in the work for devising or updating international technical standards, formats and procedures as well as best practices in the application thereof;

4. promote co-operation with, and extend support to other Customs administrations, within the national legal framework, including the exchange of intelligence and experience in the use of API and/or PNR with a view to further efficient and effective identification of potentially high-risk travellers.

REQUESTS Members of the Council and Customs or Economic Unions which accept this Recommendation to notify the Secretary General of the Council of the date from which they will apply the Recommendation and of the conditions of its application.

## QUESTIONNAIRE

### Use of advance information relating to travellers

1. As part of an overall strategy, are there specific arrangements put in place by the Customs authorities to ensure the fullest co-operation of airlines and the other international passenger transport businesses to assist the Customs authority in conducting risk analysis regarding travellers?

Yes  No

2. a. If yes, how is this achieved?

- |       |                            |                          |
|-------|----------------------------|--------------------------|
| (i)   | Legislative provisions     | <input type="checkbox"/> |
| (ii)  | Formal agreements          | <input type="checkbox"/> |
| (iii) | Memoranda of Understanding | <input type="checkbox"/> |
| (iv)  | Informal arrangements      | <input type="checkbox"/> |
| (v)   | Other                      | <input type="checkbox"/> |

If other or a combination of the above is applicable, please provide further information.  
(A separate document as an annex may be supplied if required)

- b. If no, are there plans to adopt such an approach in the foreseeable future?

Yes  No

If yes, please provide further information about the plans proposed. (A separate document as an annex may be supplied if required)

3. Does the Customs authority have legal authority to access advance information, principally (Advanced Passenger Information (API) and/or Passenger Name Records (PNR), for the risk assessment of travellers at present?

Yes  No

4. a. If yes, does this legal authority:

(i) allow the Customs authority to transfer, use and store API and/or PNR data

Yes  No

(ii) specify the conditions attached to such activity

Yes  No

(iii) define the scope of relevant data

Yes  No

(iv) put in place mechanisms for the protection of the pertinent data

Yes  No

b. If no, is it proposed to provide such legal authority in the foreseeable future?

Yes  No

If yes, please provide further information about the plans proposed. (A separate document as an annex may be supplied if required)

5. If the Customs authority has legal authority to access advance information, what purpose(s) is this used for?

a. Risk assessment for Customs law only

Yes  No

b. Risk assessment for other Criminal law also

Yes  No

c. Data-mining<sup>1</sup> for general anti-crime purposes

Yes  No

d. None of the above

Yes  No

If a combination of the above is applicable, please provide further information. (A separate document as an annex may be supplied if required)

6. If the Customs authority has legal authority to access advance information, what form does this take?

a. Full access to carrier systems at carrier premises

Yes  No

b. Full access to carrier systems at Customs premises

Yes  No

---

<sup>1</sup> Data mining – the automatic or semi-automatic analysis of large amounts of data to extract previously unknown interesting patterns such as groups of data records (cluster analysis), unusual records (anomaly detection) and dependencies (association rule mining).



c. Transfer of specific carrier data to Customs systems

Yes  No

d. Transfer of full carrier data to Customs systems

Yes  No

e. Other

Yes  No

If other or a combination of the above is applicable, please provide further information.  
(A separate document as an annex may be supplied if required)

7. If the Customs authority has legal authority to access advance information, what type of system is used for that purpose?

a. A dedicated Customs-only system

Yes  No

b. A global law-enforcement system

Yes  No

c. A dedicated system of another agency e.g. Police or Immigration Authority to which Customs is allowed access

Yes  No

d. Other

Yes

No

If other or a combination of the above is applicable, please provide further information.  
(A separate document as an annex may be supplied if required)

8. Does the Customs authority promote co-operation with, and extend support to, other Customs administrations, subject to their legal authority, including the exchange of intelligence and experience in the use of API and/or PNR with a view to more efficient and effective identification of potentially high-risk travellers.

Yes

No

---

***Member States should return the completed questionnaire, no later than 17 March 2013 to:***

***[ewallace@revenue.ie](mailto:ewallace@revenue.ie)***