

# Collection of advance passenger information (API) by air carriers - Evaluation

Fields marked with \* are mandatory.

## Introduction

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This Public Consultation covers the European Union (EU) measures applicable to the transmission by air carriers of some information on their passengers (usually contained in the travel document like passports or identity cards) to the border authorities of EU Member States. In technical terms, this information is known as Advance Passenger Information (API); this information is collected when the passengers check-in by air carriers, who send it after check-in closure to the border control authorities of the country of destination. Border control authorities screen this information during the flight. This allows quicker border checks. When stored, this information may also help law enforcement authorities in their criminal investigations. At EU level, the measures on Advance Passenger Information are included in a Directive (Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data). Under this Directive, EU Member States may impose to air carriers an obligation to collect API data of passengers flying from a third country to an EU country. This information is then sent to the border control authorities of the EU country of arrival.

This Public Consultation has been launched to support the evaluation of this Directive. The results of this consultation will help the Commission to assess how well the Directive's objectives have been met and its relevance, effectiveness, efficiency, coherence and EU added value.

You are invited to contribute to this evaluation by replying to the questionnaire below.

## How to respond to this consultation?

The questionnaire should take no more than 20 minutes of your time to complete. Please note that fields marked with \* are mandatory.

The questionnaire is accessible in all EU languages (except Gaelic). Contributions may be submitted in any of the official EU languages.

The consultation period will last for 12 weeks. Once the evaluation of the Directive is completed, a synopsis report, covering all consultation activities undertaken as part of the evaluation, will be published on the consultation page ([https://ec.europa.eu/info/law/better-regulation/have-your-say\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say_en)).

## Target audience

All citizens, organisations and stakeholders with an interest and/or involvement in issues related to Advance Passenger Information and related policies are welcome to respond to this consultation.

## About you

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\* First name

\* Surname

\* Email (this won't be published)

\* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)

- Public authority
- Trade union
- Other

\* Scope

- International
- Local
- National
- Regional

\* Organisation name

*255 character(s) maximum*

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

\* Country of origin

Please add your country of origin, or that of your organisation.

- |   |  |                                     |  |
|---|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti           | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania     | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg    | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt              | <input type="radio"/> Macau         | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar    | <input type="radio"/> São Tomé and Príncipe            |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea  | <input type="radio"/> Malawi        | <input type="radio"/> Saudi Arabia                     |
| <input type="radio"/> Anguilla            | <input type="radio"/> Eritrea            | <input type="radio"/> Malaysia      | <input type="radio"/> Senegal                          |
| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia            | <input type="radio"/> Maldives      | <input type="radio"/> Serbia                           |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini           | <input type="radio"/> Mali          | <input type="radio"/> Seychelles                       |
| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia           | <input type="radio"/> Malta         | <input type="radio"/> Sierra Leone                     |

- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan

- Cayman Islands
- Iran
- Pakistan
- Turks and Caicos Islands
- Central African Republic
- Iraq
- Palau
- Tuvalu
- Chad
- Ireland
- Palestine
- Uganda
- Chile
- Isle of Man
- Panama
- Ukraine
- China
- Israel
- Papua New Guinea
- United Arab Emirates
- Christmas Island
- Italy
- Paraguay
- United Kingdom
- Clipperton
- Jamaica
- Peru
- United States
- Cocos (Keeling) Islands
- Japan
- Philippines
- United States Minor Outlying Islands
- Colombia
- Jersey
- Pitcairn Islands
- Uruguay
- Comoros
- Jordan
- Poland
- US Virgin Islands
- Congo
- Kazakhstan
- Portugal
- Uzbekistan
- Cook Islands
- Kenya
- Puerto Rico
- Vanuatu
- Costa Rica
- Kiribati
- Qatar
- Vatican City
- Côte d'Ivoire
- Kosovo
- Réunion
- Venezuela
- Croatia
- Kuwait
- Romania
- Vietnam
- Cuba
- Kyrgyzstan
- Russia
- Wallis and Futuna
- Curaçao
- Laos
- Rwanda
- Western Sahara
- Cyprus
- Latvia
- Saint Barthélemy
- Yemen
- Czechia
- Lebanon
- Saint Helena Ascension and Tristan da Cunha
- Zambia
- Democratic Republic of the Congo
- Lesotho
- Saint Kitts and Nevis
- Zimbabwe
- Denmark
- Liberia
- Saint Lucia

Please specify your position:

- Passenger
- Air carrier
- Association of air carriers
- Airport authorities / staff
- Sea or overland carrier
- Association of sea or overland carriers
- National, regional or local public authority
- International organisation
- IT solutions provider
- Other

If you replied "passenger", how often do you take the plane for a flight between two EU/Schengen countries per year?

If you replied "other", please specify

**\* Publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

**Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

**Is the EU policy on Advance Passenger Information relevant?**

*Do the objectives of the EU action respond to the actual needs?*

*This part of the questionnaire asks whether the objectives of the EU policy on Advance Passenger Information (API) are pertinent to your needs, problems and issues (the increase in air travel has necessitated measures to pre-identify passengers entering the EU, to expedite border checks, as well as to support the combat against terrorism and irregular migration).*

Q1. Are you aware of EU actions in the area of API?

- Yes
- No (go to Q3)

Q2. Information on passengers sent in advance is mainly used for border checks and to better combat irregular migration, but may also be used for law enforcement purposes. To what extent do you agree/disagree that the EU policy on API is relevant to achieve the objectives identified below?

	Strongly agree	Agree	Neither agree /nor disagree	Disagree	Strongly disagree	Don't know
Improve border control	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Combat irregular migration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Enhance internal security and public order	<input type="radio"/>					
Fight terrorism	<input type="radio"/>					

**Q2a. Please explain briefly.**

*3000 character(s) maximum*

**Q3. To what extent do you agree/disagree that the developments identified in the table below impact the need to collect API?**

	Strongly agree	Agree	Neither agree / nor disagree	Disagree	Strongly disagree	Don't know
Growing international passenger traffic to Europe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Abuses of means of transport for irregular migration purposes / Rise in illegitimate travelling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of fraudulent travel documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Growing cross-border criminal activities (e.g. drug smuggling, human trafficking, etc)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Heightened terrorist and security threats	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Technological innovation of border management systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limitation of national capacities (e.g. budget, internal resources, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other ( <i>go to Q3a</i> )	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q3a. Please explain your answer or mention other factors, actual or potential, that you consider important.**

*3000 character(s) maximum*

**Q4. In your view, could the objectives of the EU policy on API (i.e. combatting irregular migration, improving border control, enhancing security and fighting terrorism) be better achieved through other means?**

- Yes (go to Q4a)
- No

Q4a. Please explain briefly.

*3000 character(s) maximum*

## How effective has the EU policy on API been?

*Have the objectives been met?*

*This part of the questionnaire considers how successful EU policy on API has been in achieving or progressing towards its objectives.*

Q5. The EU policy on API aims to improve border control, combat irregular migration and support law enforcement. To what extent do you consider that the EU policy on API has contributed to the following:

	Strongly agree	Agree	Neither agree / nor disagree	Disagree	Strongly disagree	Don't know
Improved risk analyses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Faster border checks / improved passenger experience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Better identification of irregular migrants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased refusal to entry of irregular migrants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased capture of smugglers facilitating irregular migration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improved use of border force staff to combat irregular migration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Better investigation of suspected criminals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase in the arrest of criminals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhanced internal security and public order	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improved cooperation across Member States (judicial, law enforcement, best practice sharing, risk analysis, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Better identification and investigation of terrorist suspects	<input type="radio"/>					
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Q5a. Please provide any additional comments to the contribution of API to the objectives.

*3000 character(s) maximum*

Q6. The EU measures on API are limited to flights from a non-EU/non-Schengen country to a EU/Schengen country. These measures cover only passengers but not the crew of the aircraft. They apply also only to air carriers but not to sea or overland carriers. Do you agree with the following statements?

	Strongly agree	Agree	Neither agree /nor disagree	Disagree	Strongly disagree	Don't know
Collecting API for intra-EU /Schengen flights would improve border control	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Collecting API for intra-EU /Schengen flights would improve the fight against irregular migration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Collecting API for intra-EU /Schengen flights would better support law enforcement authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Collecting API for flights departing from the EU/Schengen area to a non-EU/non-Schengen country would improve border control	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Collecting API for flights departing from the EU/Schengen area to a non-EU/non Schengen country would improve the fight against irregular migration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Collecting API for flights departing from the EU/Schengen area to a non-EU/non-Schengen country would better support law enforcement authorities	<input type="radio"/>					
Collecting crew members information in advance would improve border control	<input type="radio"/>					
Collecting crew members information in advance would improve the fight against irregular migration	<input type="radio"/>					
Collecting crew members information in advance would better support law enforcement authorities	<input type="radio"/>					
Collecting API for other modes of transport would improve border control	<input type="radio"/>					
Collecting API for other modes of transport would improve the fight against irregular migration	<input type="radio"/>					
Collecting API for other modes of transport would better support law enforcement authorities	<input type="radio"/>					

Q7. To your knowledge, have the following factors prevented the effective implementation of the EU policy on API?

- Costs associated with setting up an API system
- Data protection issues
- Issues related to the data received (quality, format, timing of transmission...)
- Need to adapt to each Member State's requirements (e.g. type of data, format, timing of transmission...)
- Lack of clarity of the API Directive
- Other

Q7a. Please explain briefly.

*3000 character(s) maximum*

## **Have the costs involved in implementing the EU policy on API justified the benefits?**

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*This part of the questionnaire considers whether available resources were efficiently used in achieving the intended impacts of the EU policy on API.*

Q8. As a result of the EU policy on API, did you or your organisation or the stakeholders represented by your organisation have to incur any costs that you would not have incurred otherwise?

- No additional costs
- Less than EUR 10,000
- EUR 10,000 - EUR 50,000
- EUR 50,001 - 200,000
- EUR 200,001 - EUR 500,000
- EUR 500,001 - EUR 2 million
- Above EUR 2 million
- Don't know
- No opinion

Q8a. If costs have been incurred, please explain briefly.

*3000 character(s) maximum*

Q9. Do you consider that the implementation of API has brought benefits?

- Yes
- No
- Don't know

Q9a. If yes, which one(s) of the following benefits?

- Faster border checks

- Irregular migration better identified
- Support to law enforcement authorities
- Other

Q9b. If other, please explain briefly.

*3000 character(s) maximum*

Q9c. If at least one benefit identified (in Q9a):

To what extent do you agree/disagree that, if you incurred costs for the implementation of API, these costs were justified given the benefit(s) of API?

- Strongly agree
- Agree
- Neither agree/nor disagree
- Disagree
- Strongly disagree
- Don't know

Q9d. Please explain briefly:

*3000 character(s) maximum*

Q10. In your opinion, is there room for simplification and/or cost reductions in some aspects of the EU measures on API?

- Yes
- No
- Don't know

Q10a. If yes, in which area(s)?

- Investment in API systems
- Collecting the necessary information from passengers
- Informing passengers about the carriers' obligations to collect Advance Passenger Information
- Processing and transmitting to border authorities the passenger information collected
- Enforcing the legislation (e.g. monitoring compliance, taking court action)
- Other

Q10b. If other, please explain briefly.

*3000 character(s) maximum*

**Does the EU policy on API complement other EU/ international actions?**

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*This part of the questionnaire examines whether the EU policy on API is aligned with other related interventions.*

Q11. Passenger Name Record (PNR) is the information provided by passengers and collected by airlines for enabling reservations. It helps EU countries better identify individuals who pose a security threat and trace their travel patterns. Transmission of PNR data by airlines to EU Member States is a requirement for all flights departing from and heading to the EU, and for a majority of intra-EU flights.

Under the EU policy on PNR, air carriers must also transmit API if they have collected such data. Hence, the PNR Directive is also a legal basis to request airlines to transfer API data, if collected.

Against this background, to what extent do you agree/disagree that the EU measures on API are coherent with the EU policy on PNR?

- Strongly agree
- Agree
- Neither agree / nor disagree
- Disagree
- Strongly disagree
- Don't know

Q11a. Please explain briefly.

*3000 character(s) maximum*

Q12. The EU has adopted a new legal framework on data protection (a General Data Protection Regulation (GDPR) – Regulation 2016/679 and a Directive on the processing of personal data for authorities responsible for preventing, investigating, detecting and prosecuting crimes – Directive 2016/680) which protects persons with regard to the processing of their personal data.

Against this background, to what extent do you agree/disagree that the EU measures on API are coherent with that legal framework?

- Strongly agree
- Agree
- Neither agree/nor disagree
- Disagree
- Strongly disagree
- Don't know

Q12a. Please explain briefly.

*3000 character(s) maximum*

Q13. Please indicate, if any, other pieces of EU legislation interacting with the EU policy on API. Please briefly explain.

*3000 character(s) maximum*

Q14. The Convention on International Civil Aviation (also known as Chicago Convention), signed on 7 December 1944, establishes rules of airspace, aircraft registration and safety.

Annex 9 to that Convention sets standards and recommended practices for the efficient management of border control processes to expedite the clearance of aircrafts, passengers/crew, baggage and cargo.

Chapter 9 of Annex 9 sets standards and recommended practices for the States who have implemented or consider implementing passenger data exchange systems.

Against this background, to what extent do you agree/disagree that the EU policy on API is coherent with the international standards and recommended practices contained in Chapter 9 of Annex 9 of the Chicago Convention?

- Strongly agree
- Agree
- Neither agree/nor disagree
- Disagree
- Strongly disagree
- Don't know

### **What has been the EU added value of having a common policy on API?**

*Could similar changes have been achieved at national/regional level, or has the EU action provided clear added value?*

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*This part of the questionnaire considers whether the Member States could have achieved the same results by acting in isolation.*

Q15. To what extent do you agree/disagree that the policy on API defined at EU level is better able to achieve objectives to improve border control, combat irregular migration and support law enforcement authorities than if defined at national /regional level?

- Strongly agree
- Agree
- Neither agree/nor disagree
- Disagree
- Strongly disagree
- Don't know

Q16. In your opinion, what are the most prominent benefits of the EU policy on API that Member States acting on their own could not have achieved?

*3000 character(s) maximum*

**Q17. If you have anything else you would like to comment on with relation to the EU policy on API, please explain briefly:**

*3000 character(s) maximum*

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