

Analysis of Public Consultation

Study on Advance Passenger Information (API) -
Evaluation of Council Directive 2004/82/EC on the
obligation of carriers to communicate passenger data

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Abstract

Advance Passenger Information (API) is information about passengers sent by air carriers to border control authorities in the country of destination when passengers check-in. API data is collected for border control purposes and could also be collected for law enforcement and security purposes. The establishment of API systems- i.e. an electronic communications system for collection and transmission of data elements prior to flight departure - is a standard under the Convention on International Civil Aviation (Chicago Convention). In the EU, it is regulated by *Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data* (hereafter: 'API Directive' or 'Directive').

The European Commission has launched an evaluation of the API Directive with support from an external contractor. To this end, it specifically seeks to gather evidence pertaining to:

- the **current situation** notably as regards the implementation of the API Directive;
- **relevance**, i.e. the extent to which the Directive's objectives still match current needs and problems and, thus, specific aspects of the Directive that ought to be continued, changed or ceased;
- **effectiveness**, i.e. the extent to which the Directive has been successful in achieving or progressing towards its objectives, including (if any) specific drivers of and/or barriers to progress;
- **efficiency**, i.e. the nature and magnitude of the costs and benefits accruing to different stakeholders as a result of gathering, processing and transmitting API data;
- **EU added value**, i.e. the extent of the additional value resulting from the Directive, compared to what could reasonably have been expected from Member States acting (alone) at national and/or regional levels; and
- **coherence**, i.e. the extent to which the Directive is coherent with other EU interventions which have similar objectives, with wider EU policy and with international obligations.

Introduction

The Public Consultation (PC) was launched on 10th of September online on EU Survey platform and was opened until 3rd December 2019 (duration of 12 weeks). As a common practice, the PC was available in all EU official languages^[1]. All stakeholders and the general public had the possibility to provide their views and inputs as part of a public consultation.

A total number of 42 responses were received from a range of stakeholder types. In addition, responses were received in 9 EU official languages – English, Estonian, Greek, Portuguese, German, Spanish, Italian, Finnish and French. The results of the PC are analysed in a separate Annex (Annex 5 to this report) as well as integrated into the evidence base for the evaluation.

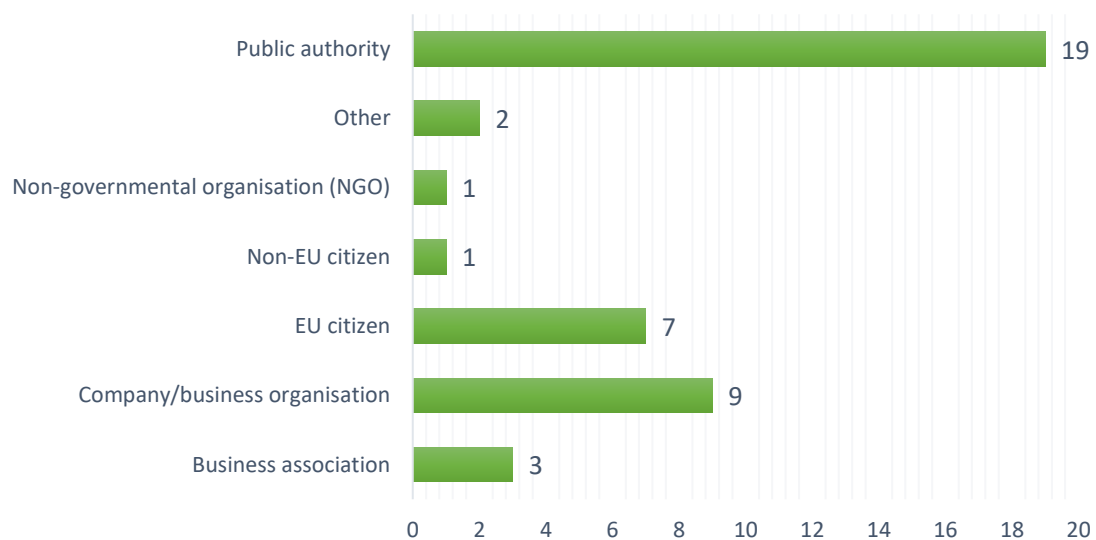
^[1] Except Irish (Gaelic).

PART I – About you¹

Profile of respondents (42 responses)

A majority of the PC respondents (45% or 19 out of 42 responses) answered the PC as public authorities. The main types of respondents represented in the PC were: company/business organisations (21% of respondents from organisations or 9 responses), EU citizens (17% of respondents or 7 responses) and business associations (7% of responses or 3 respondents). In addition, there was 1 respondent from a non-governmental organization, 1 non-EU citizen and 2 other respondents.

Figure 1. Profile of respondents

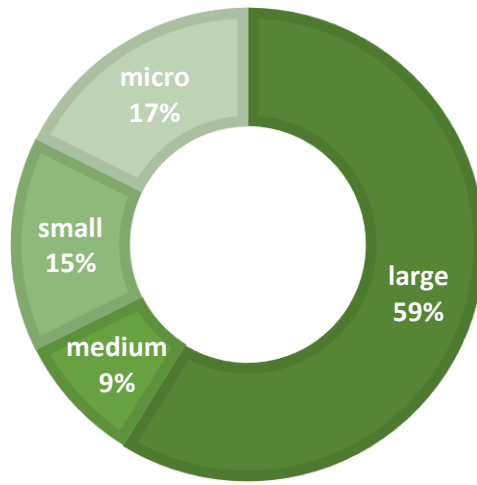


Organisation size (34 responses)

The majority of respondents from organizations were part of large organizations of 250 and more employees (59% or 20 out of 34 respondents). In addition, 18% (or 6) of respondents were from micro organizations of 1 to 9 employees and 15% (or 5) were from small organizations of 10 to 49 employees. Finally, there were only 3 (9%) respondents from medium organizations of 50 to 249 employees.

¹ Some of the questions in the first section of the PC survey include personal data. For data protection reasons, they have not been included in this analysis.

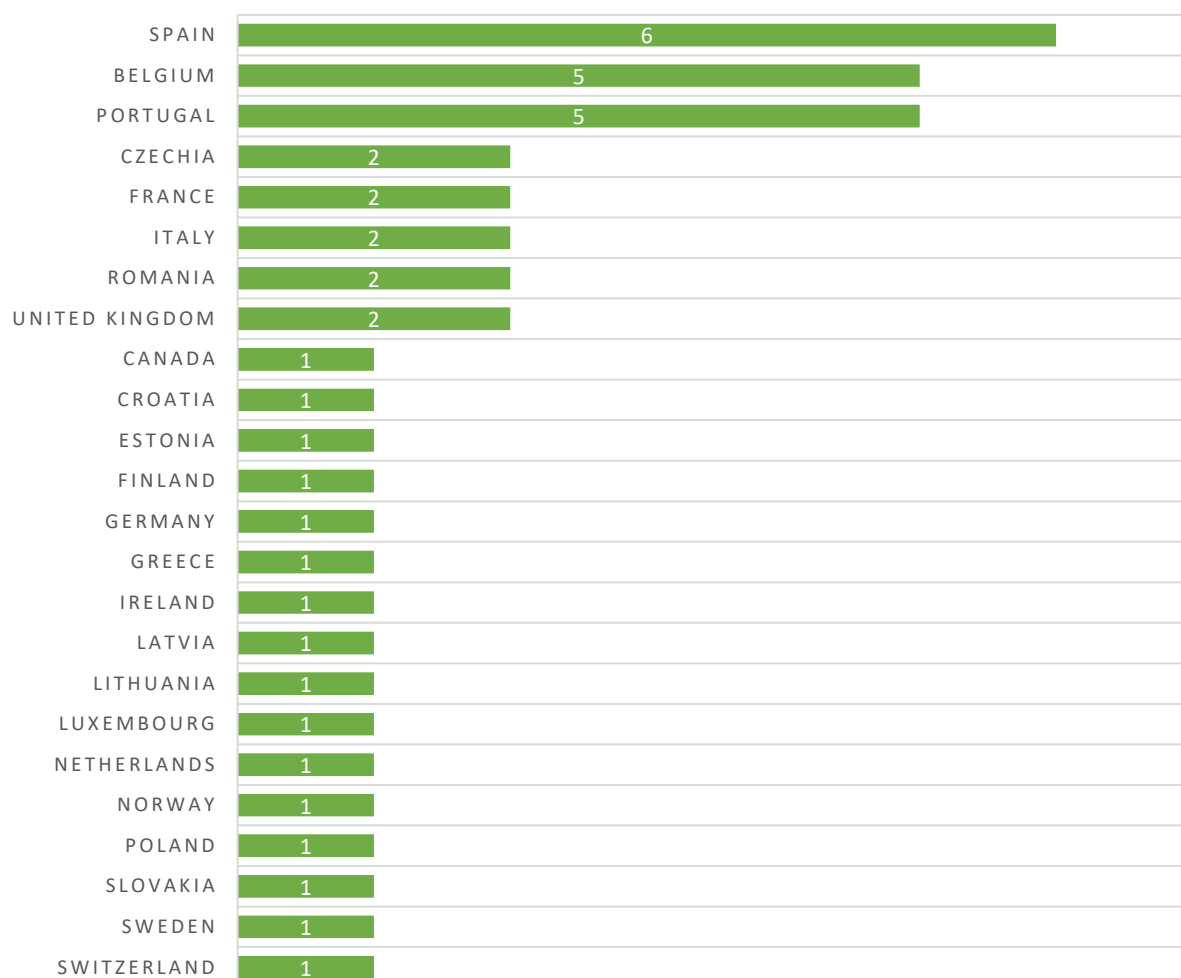
Figure 2. Organisation size



In which country are you or your organisation based? (36 responses)

Most of the PC respondents are based in EU Member States, with only 8% of PC respondents (3 responses) residing in third countries. The main EU Member States represented are: Portugal (14% or 6 responses), Belgium and Spain (12% or 5 responses each). They are followed by Italy, France, United Kingdom, Czechia and Romania (5% or 2 responses each). **Error! Reference source not found.** below illustrates the origin of all responses by country. Answers from non-EU Member States come from the following countries: Norway (1 response), Switzerland (1 response) and Canada (1 response).

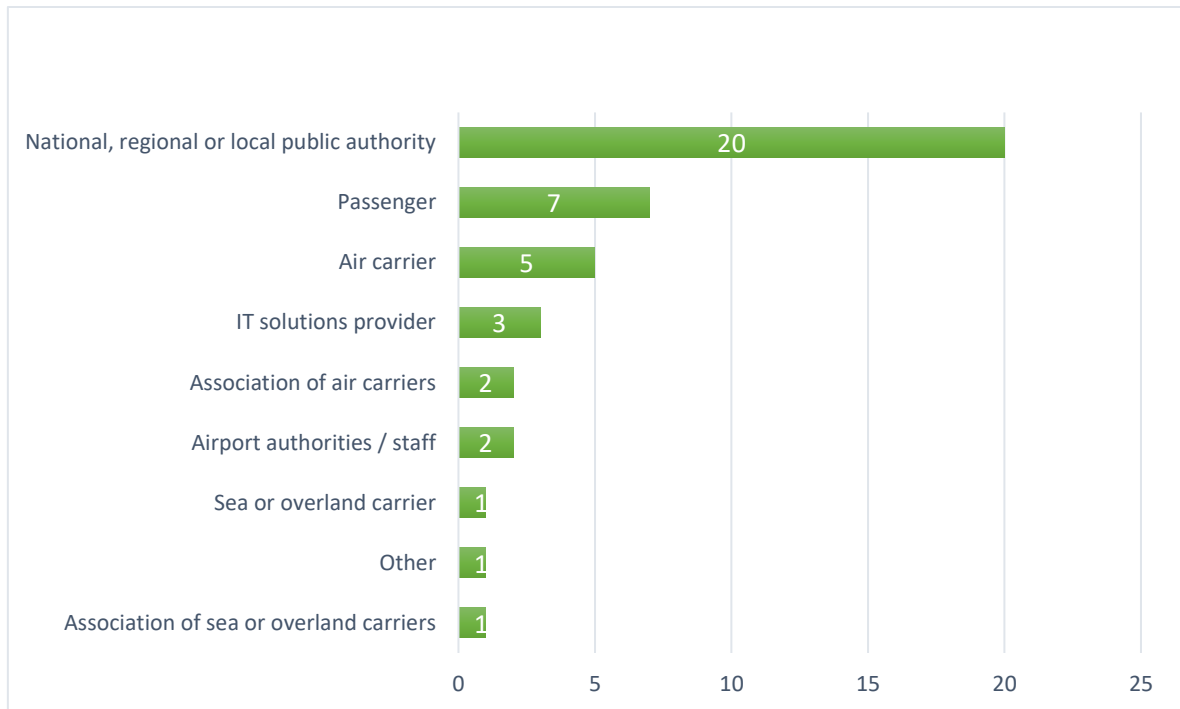
Figure 3. Countries in which respondents are based



Position of respondents (42 responses)

The majority of respondents were from a national, regional or local public authority (48% or 20 responses). In addition, 17% (or 7 responses) of respondents were passengers and 12% (or 5 responses) were from air carriers. IT solutions providers accounted for 7% (or 3 responses) and airport authorities/staff represented 5% (or 2 responses). Associations of air carriers accounted for 5 responses (or 2 responses), while sea carriers and others accounted for 2% or 1 response each.

Figure 4. Position of respondents



Passengers - how often do you take the plane for a flight between two EU/Schengen countries per year? (5 responses)

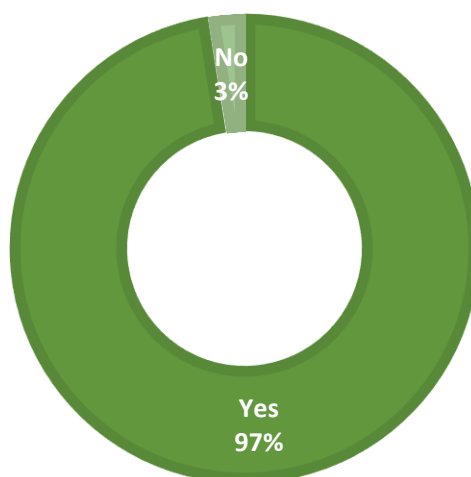
One respondent reported that they fly between two EU/Schengen countries at least once a month. Other responses included travelling by air between two EU/Schengen countries 10 times per year, 4 times per year, twice and once per year.

PART II – Relevance of the API Directive

Q1. Are you aware of EU actions in the area of API? (40 responses)

When asked whether they are aware of EU actions in the area of API, 98% (or 39) of respondents reported that they are, as opposed to 2% (or 1) that revealed that they are not aware of the actions.

Figure 5. Are you aware of EU actions in the area of API?



Q2. To what extent do you agree/disagree that the EU policy on API is relevant to achieve the objectives identified below?: Improve border control (40 responses); Combatting irregular migration (40 responses); Enhancing internal security and public order (40 responses); Fighting terrorism (40 responses)

A large majority of respondents (68% or 27 responses) reported that they strongly agree that the EU policy on API is relevant to improving border control and 15% (or 6) of respondents reported that they agree on this. While 13% (or 5 responses) of respondents reported that they neither agree or disagree on this statement, respondents that either disagree or strongly disagree accounted for 3% (or 1 response) of responses each.

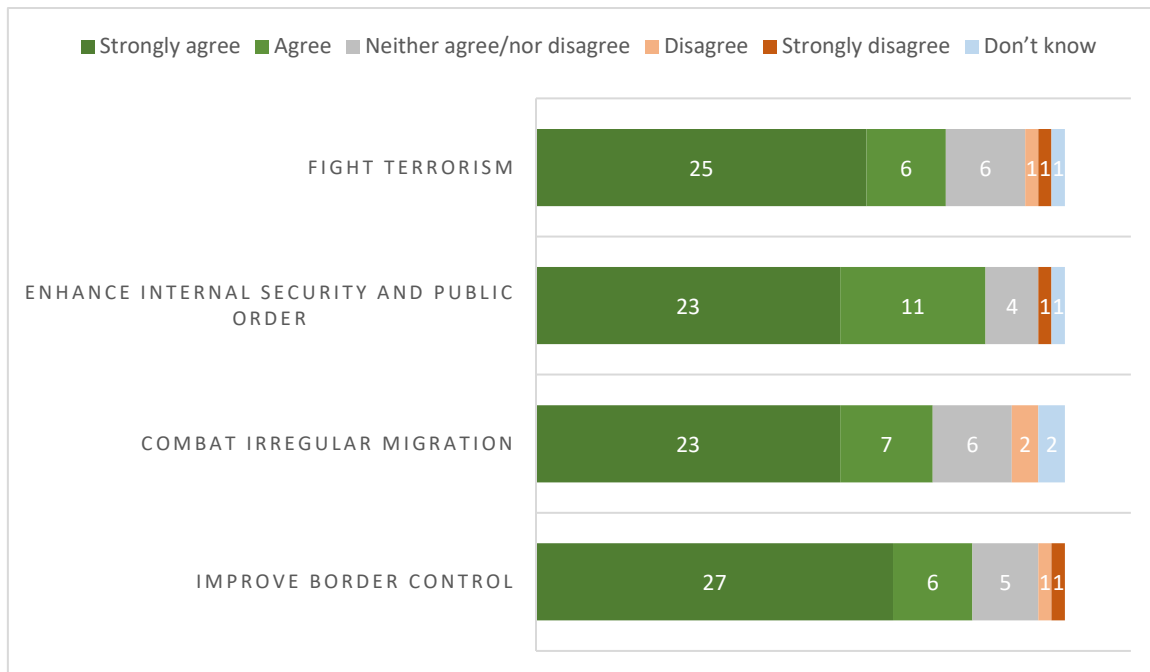
A large majority of respondents (58% or 23 responses) reported that they strongly agree that the EU policy on API is relevant to combatting irregular migration and 18%

(or 7) of respondents reported that they agree on this. While 15% (or 6 responses) of respondents reported that they neither agree or disagree on this statement, respondents that disagree and don't know accounted for 5% (or 2 responses) each.

The majority of respondents either strongly agree (57% or 23 responses) or agree (28% or 11 responses) that the EU policy on API is relevant to enhancing internal security and public order. In addition, respondents that neither agree nor disagree on this accounted for 10% (or 4 responses). Finally, respondents that either strongly disagree or don't know account for 3% (or 1 response) each.

A large majority of respondents either strongly agree (63% or 25 responses) or agree (15% or 6 responses) that the EU policy on API is relevant to fighting terrorism. In addition 15% (or 6 responses) of respondents neither agree nor disagree on this. Finally, respondents that either disagree, strongly disagree or don't know account for 3 % (or 1 response) each.

Figure 6. To what extent do you agree/disagree that the EU policy on API is relevant to achieve the following objectives?



Q2a. Please explain briefly. (19 responses)

7 out of 19 respondents mentioned the usefulness of API data concerning security, with some of them reporting that receiving API data prior to arrival of passengers allows border control authorities to better prepare. In addition, 6 out of 19 respondents reported that the use of advanced passenger information allows law enforcement and border authorities to perform targeted checks and thus combat terrorism and irregular migration. 3 respondents underlined that the impact on the passenger's travel experience should be incorporated as one of the objectives of the API Directive. In addition, 2 respondents reported that the added value of the Directive is limited in the areas of combatting terrorism and irregular migration, since the boarding has already started by the time of API data transfer. Finally, one respondent mentioned that the API Directive must clearly state that passenger data

may be used to prevent terrorist acts and specify how and when authorities working in this field may obtain access to such data.

Q3. To what extent do you agree/disagree that the developments identified impact the need to collect API?: Growing international passenger traffic to Europe (39 responses); Rise in illegitimate travelling (39 responses); Use of fraudulent travel documents (39 responses); Growing cross-border criminal activities (e.g. drug smuggling, human trafficking, etc) (39 responses); Heightened terrorist and security threats (39 responses); Technological innovation of border management systems (39 responses); Limitation of national capacities (e.g. budget, internal resources, etc.) (39 responses); Other (12 responses)

A vast majority of respondents either strongly agree (51% or 20 responses) or agree (26% or 10 responses) that growing international passenger traffic to Europe is a development that impacts the need to collect API. In addition, 15% (or 6 responses) of respondents neither agree nor disagree and 5% (or 2 responses) disagree on the impact of this development. Finally, respondents that reported they do not know account for 3% (or 1 response).

A vast majority of respondents either strongly agree (48% or 19 responses) or agree (26% or 10 responses) that abuses of means of transport for irregular migration purposes or rise in illegitimate travelling are developments that impact the need to collect API. In addition, 15 % (or 6 responses) of respondents neither agree or disagree, as opposed to 5% (or 2) that disagree. In addition, 3% (or 1 response) either strongly disagree or don't know.

The majority of respondents either strongly agree (56% or 22 responses) or agree (23% or 9 responses) that the use of fraudulent travel documents impacts the need to collect API. In addition, 10% (or 4 responses) of respondents neither agree nor disagree and 5% (or 2 responses) disagree on this statement. Finally, 2 respondents (or 5%) reported they do not know.

A big majority of respondents either strongly agree (54% or 21 responses) or agree (28% or 11 responses) that the growing cross-border criminal activities impact the need to collect API. Respondents that neither agree nor disagree on this account for 10% (or 4 responses). Finally, respondents that either disagree, strongly disagree or don't know account for 3% or 1 response each.

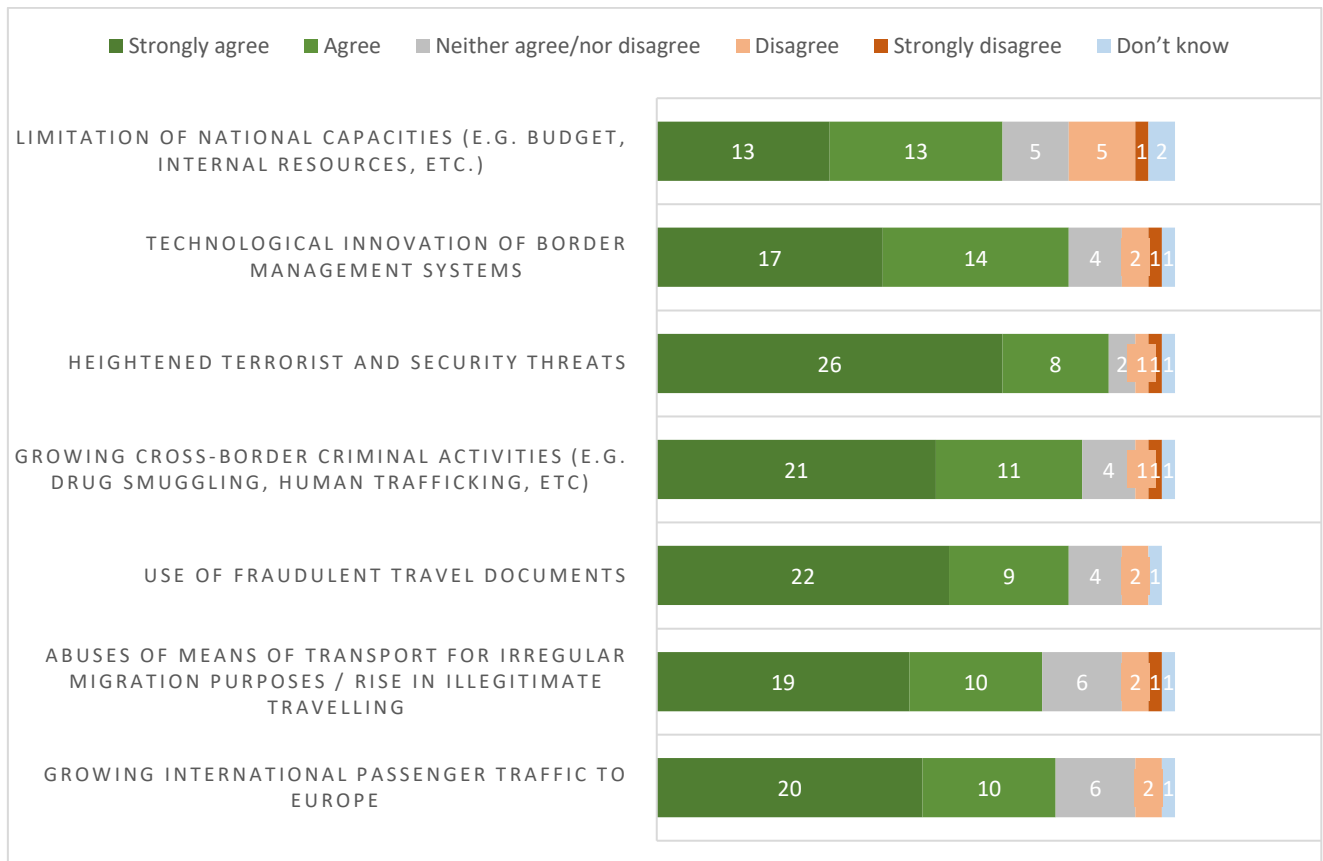
The majority of respondents either strongly agree (67% or 26 responses) or agree (21% or 8 responses) that the heightened terrorist and security threats impact the need to collect API. In addition, 5% (or 2 responses) of respondents neither agree nor disagree. Finally, respondents that either disagree, strongly disagree or don't know account for 3% (or 1) of responses each.

A large majority of respondents either strongly agree (44% or 17 responses) or agree (36% or 14 responses) that the technological innovation of border management systems impacts the need to collect API data. In addition, respondents that neither agree nor disagree to this statement account for 10% (or 4 responses). Finally, 5% (or 2 responses) of respondents disagree and 3% (or 1 response) strongly disagree or don't know.

Respondents that either strongly agree or agree account for 33% (or 13 responses) each. In addition, respondents that neither agree nor disagree and that disagree account for 13% (or 5 responses) each respectively. Finally, respondents that strongly disagree account for 3% (or 1 response) and those that do not know account for 5% (or 2 responses).

Respondents that either strongly agree or agree that there are other developments impacting the need to collect API account for 8% (or 1 response) and 25% (or 3 responses). In addition, 17% (or 2 responses) of respondents neither agree nor disagree, while 50% (or 6 responses) reported they do not know.

Figure 7. To what extent do you agree/disagree that the developments identified impact the need to collect API?



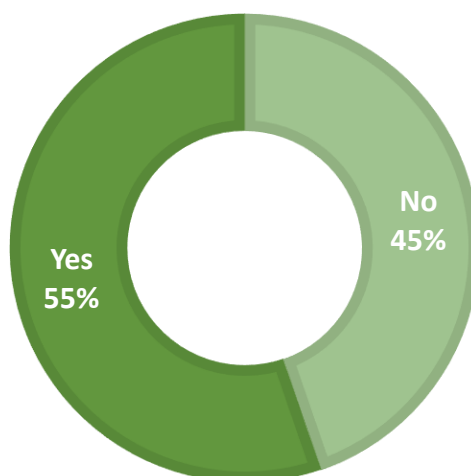
Q3a. Please explain your answer or mention other factors, actual or potential, that you consider important. (6 responses)

2 respondents reported that there is a persistent need that the API Directive is harmonised with the PNR Directive, with one of them underlining that they should either be merged into one or more clearly separated, as the current situation creates grey areas in legislation. In addition, another 2 respondents revealed that carries support the implementation of passenger data programmes, provided that they enhance external border control management and improve passenger facilitation. One respondent reported that in light of the situation in which public authorities are unwilling to invest in staff which can manage the increased number of travellers, a possible solution is the use of biometric data prior to the arrival/departure of the passenger. Finally, another respondent underlined that measures that have an effect equivalent to border inspections should not be imposed on private operators.

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? (38 responses)

The majority of respondents to the PC (55% or 21 responses) reported that in their view the objectives of the EU policy on API could be better achieved through other means, as opposed to 45% (or 17 responses) of respondents that reported the objective could not be better achieved.

Figure 8. In your view, could the objectives of the EU policy on API be better achieved through other means?



Q4a. Please explain briefly. (11 responses)

4 out of 11 respondents reported that the objectives of the EU policy on API could be better achieved through merging the API and PNR Directives so that responsible authorities can use better instruments to combat crime. In addition, 2 respondents revealed that the objectives could be better achieved if the scope of data collection is extended to include other types of transport in addition to air transport. Another 2 respondents reported that this could be achieved through the introduction of an interactive API system. One respondent underlined that there should be less responsibilities for air carriers, specifying that a uniformed system of all border controls in EU should be linked to carriers' systems. Finally, 1 respondent specified that the objectives could be achieved by traditional intelligence services and border surveillance and another one reported that they could be achieved through operative information exchange between relevant authorities.

Q5. To what extent do you consider that the EU policy on API has contributed to the following: Improved risk analysis (38 responses); Faster border checks / improved passenger experience (38 responses); Better identification of irregular migrants (33 responses); Increased refusal to entry of irregular migrants (38 responses); Increased capture of smugglers facilitating irregular migration; Improved use of border force staff to combat irregular migration (37 responses); Better investigation of suspected criminals (38 responses); Increase in the arrest of criminals (38 responses); Enhanced internal security and public order (38 responses); Improved cooperation across Member States (judicial, law enforcement, best practice sharing, risk analysis, etc.) (38 responses); Better identification and investigation of terrorist suspects (38 responses)

The majority of respondents to the PC either strongly agree (34% or 13 responses) or agree (47% or 18 responses) that the EU policy on API has contributed to improved risk analysis. In addition, 11% (or 4 responses) of respondents reported they neither agree nor disagree to this statement, while 8% (or 3 responses) do not know.

A large majority of respondents either strongly agree (39% or 15 responses) or agree (26% or 10 responses) that the EU policy on API has contributed to faster border checks/improved passenger experience. In addition, 18% (or 7 responses) of respondents neither agree nor disagree with this statement, compared to 11% (or 4 responses) that disagree and 5% (or 2 responses) that do not know.

A large majority of respondents to the PC either strongly agree (42% or 16 responses) or agree (26% or 10 responses) that the EU policy on API has contributed to the better identification of irregular migrants, as compared to 13% (or 5 responses) that neither agree nor disagree. In addition, respondents that disagree or strongly disagree with this statement account for 5% (or 2 responses) or 3% (or 1 response) respectively, whilst respondents that do not know account for 11% (or 4 responses).

The majority of respondents either strongly agree (37% or 14 responses) or agree (26% or 10 responses) that the EU policy on API has contributed to increased refusal to entry of irregular migrants, as compared to 21% (or 8 responses) that neither agree nor disagree. In addition, 11% of respondents do not know (or 4 responses) and 5% (or 2 responses) disagree with the statement.

The majority of respondents either strongly agree (35% or 13 responses) or agree (37% or 10 responses) that the EU policy on API has contributed to the increased capture of smugglers facilitating irregular migration, compared to 22% (or 8 responses) of respondents that neither agree nor disagree. In addition, 3% (or 1 response) strongly disagree and 14% (or 5 responses) do not know.

The majority of respondents either strongly agree (38% or 14 responses) or agree (35% or 13 responses) that the EU policy on API has contributed to the improved use of border force staff to combat irregular migration, compared to 14% (or 5 responses) of respondents that neither agree nor disagree. In addition, respondents that do not know account for 8% (or 3 responses) and those who disagree account for 5% (or 2 responses).

A large majority of respondents to the PC either strongly agree (47% or 18 responses) or agree (29% or 11 responses) that the EU policy on API has contributed to the better investigation of suspected criminals, as compared to 8% (or 3 responses) that neither agree nor disagree. In addition, respondents that either disagree or strongly

disagree with this statement account for 5% (or 2 responses) or 3% (or 1 response) respectively, whilst respondents that do not know account for 8% (or 3 responses).

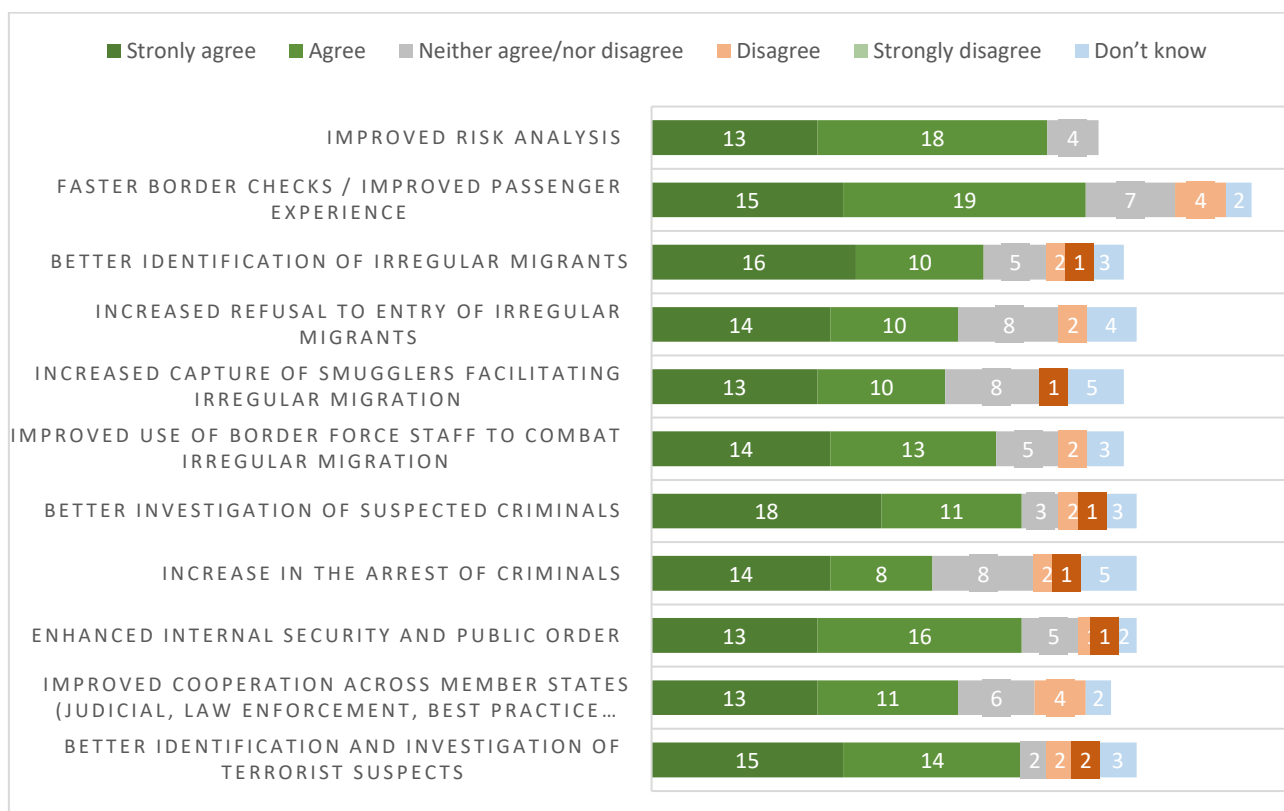
A large majority of respondents to the PC either strongly agree (37% or 14 responses) or agree (21% or 8 responses) that the EU policy on API has contributed to the increase in the arrest of criminals, as compared to 21% (or 8 responses) that neither agree nor disagree. In addition, respondents that either disagree or strongly disagree with this statement account for 5% (or 2 responses) or 3% (or 1 response) respectively, whilst respondents that do not know account for 13% (or 5 responses).

Respondents to the PC either strongly agree or agree that the EU policy on API has contributed to the enhanced internal security and public order account for 34% (or 13 responses) and 42% (16 responses) respectively, as compared to 13% (or 5 responses) that neither agree nor disagree. In addition, respondents that either disagree or strongly disagree account for 3% (or 1 response) each respectively and those who do not know account for 5% (or 2 responses).

A large majority of respondents to the PC either strongly agree (34% or 13 responses) or agree (29% or 11 responses) that the EU policy on API has contributed to the improved cooperation across Member States, as compared to 16% (or 6 responses) that neither agree nor disagree. In addition, 11% (or 4 responses each) either disagree or do not know.

A large majority of respondents to the PC either strongly agree (39% or 15 responses) or agree (37% or 14 responses) that the EU policy on API has contributed to the better identification and investigation of terrorist suspects, as compared to 5% (or 2 responses) that neither agree nor disagree. Respondents that either disagree or strongly disagree account for 5% (or 2 responses) each and those that do not know account for 8% (or 3 responses).

Figure 9. To what extent do you consider that the EU policy on API has contributed to the following?



Q5a. Please provide any additional comments to the contribution of API to the objectives. (10 responses)

4 out of 10 respondents reported that air carriers do not have enough visibility on how the API collection and processing by authorities has contributed to the intended objectives of the API Directive. In addition, 3 respondents revealed that the possibility of receiving information in advance has assisted authorities in countering threats at the external border. 2 respondents reported that receiving passenger information has helped better anticipate different situations with one of them mentioning that this has resulted in more arrests in the transit zone or in the destination country. Finally, one respondent underlined that an interactive API system would be more effective at achieving the objective of the Directive.

PART III – Effectiveness of the API Directive

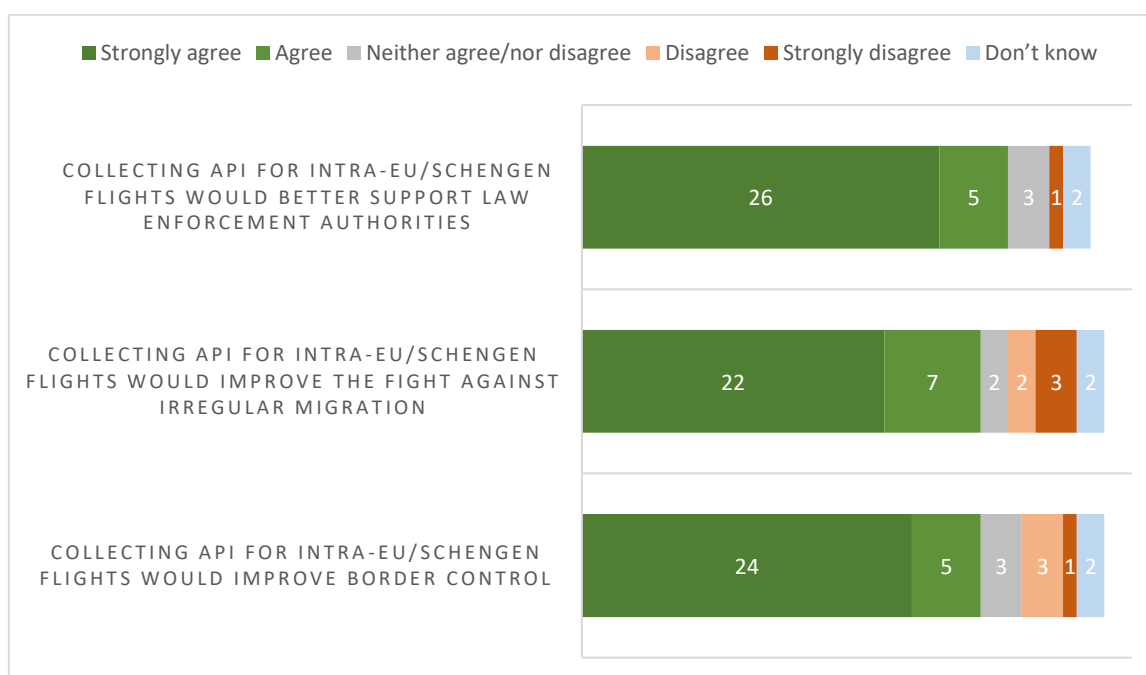
Q6. Do you agree with the following statements?: Collecting API for intra-EU/Schengen flights would improve border control (38 responses); Collecting API for intra-EU/Schengen flights would improve the fight against irregular migration (38 responses); Collecting API for intra-EU/Schengen flights would better support law enforcement authorities (38 responses)

A large majority of respondents to the PC either strongly agree (63% or 24 responses) or agree (13% or 5 responses) that collecting API for intra-EU/Schengen flights would improve border control, as compared to 8% (or 3 responses) that neither agree nor disagree. In addition, respondents that either disagree or strongly disagree with this statement account for 8% (or 3 responses) or 3% (or 1 response) respectively, whilst respondents that do not know account for 5% (or 2 responses).

A large majority of respondents to the PC either strongly agree (58% or 22 responses) or agree (18% or 7 responses) collecting API for intra-EU/Schengen flights would improve the fight against irregular migration, as compared to 5% (or 2 responses) that neither agree nor disagree. In addition, respondents that either disagree or strongly disagree with this statement account for 5% (or 2 responses) or 8% (or 3 responses) respectively, whilst respondents that do not know account for 5% (or 2 responses).

A large majority of respondents to the PC either strongly agree (68% or 26 responses) or agree (13% or 5 responses) that collecting API for intra-EU/Schengen flights would better support law enforcement authorities, as compared to 8% (or 3 responses) that neither agree nor disagree. In addition, respondents that strongly disagree or disagree account for 3% (or 1 response) each and those that do not account for 5% (or 2 responses).

Figure 10. Do you agree that collecting API for intra-EU/Schengen flights would improve the following?



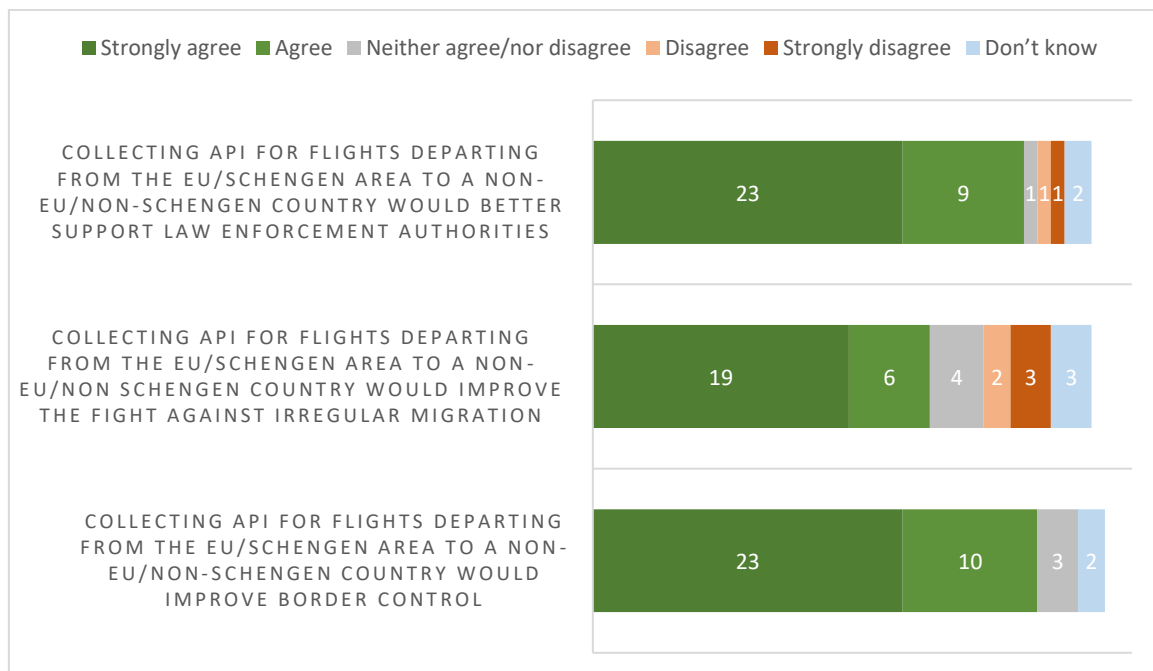
Q6. Do you agree with the following statements?: Collecting API for flights departing from the EU/Schengen area to a non-EU/non-Schengen country would improve border control (38 responses); Collecting API for flights departing from the EU/Schengen area to a non-EU/non Schengen country would improve the fight against irregular migration (37 responses); Collecting API for flights departing from the EU/Schengen area to a non-EU/non-Schengen country would better support law enforcement authorities (37 responses)

A large majority of respondents to the PC either strongly agree (61% or 23 responses) or agree (26% or 10 responses) that collecting API for flights departing from the EU/Schengen area to a non-EU/non-Schengen country would improve border control. In addition, 8% (or 3 responses) neither agree nor disagree and 5% (or 2 responses) do not know.

A majority of respondents to the PC either strongly agree (51% or 19 responses) or agree (16% or 6 responses) collecting API for intra-EU/Schengen flights would improve the fight against irregular migration, as compared to 11% (or 4 responses) that neither agree nor disagree. In addition, respondents that do not know account for 8% (or 3 responses), while respondents that strongly disagree or disagree account for 8% (or 3 responses) and 5% (or 2 responses) respectively.

A large majority of respondents to the PC either strongly agree (62% or 23 responses) or agree (24% or 9 responses) collecting API for intra-EU/Schengen flights would better support law enforcement authorities. In addition, respondents that neither agree nor disagree, disagree or strongly disagree account for 3% (or 1 response) each respectively, while those that do not know account for 5% (or 2 responses).

Figure 11. Do you agree that collecting API for flights departing from the EU/Schengen area to a non-EU/non-Schengen country would improve the following?



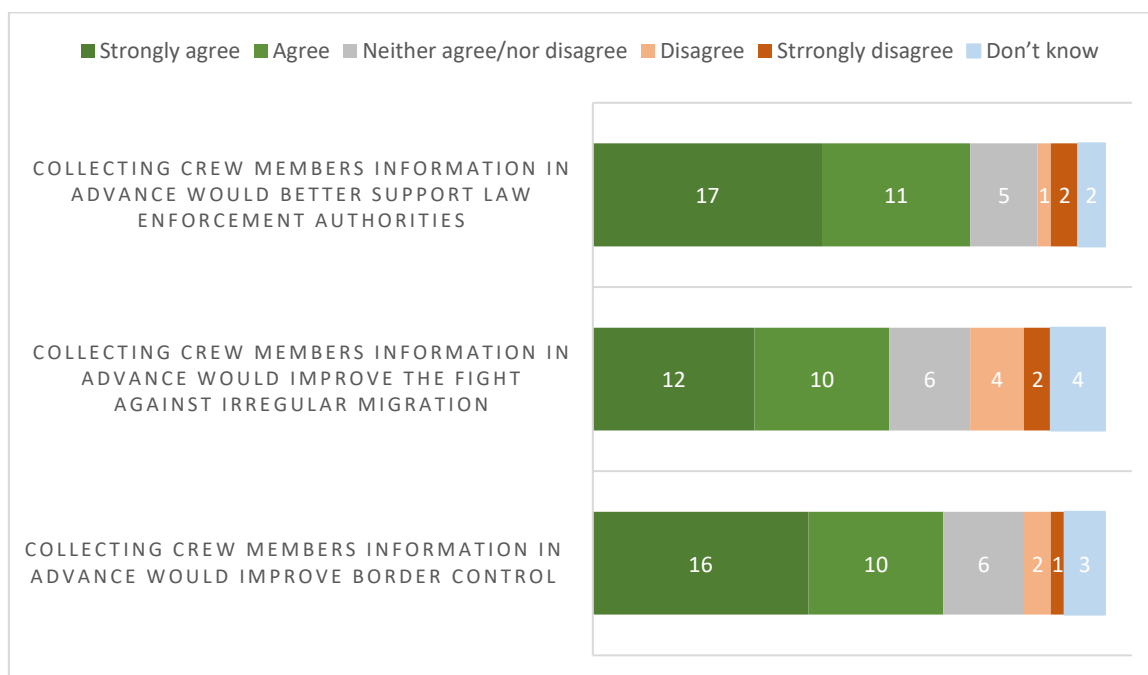
Q6. Do you agree with the following statements?: Collecting crew members information in advance would improve border control (38 responses); Collecting crew members information in advance would improve the fight against irregular migration (38 responses); Collecting crew members information in advance would better support law enforcement authorities (38 responses)

A large majority of respondents to the PC either strongly agree (42% or 16 responses) or agree (26% or 10 responses) collecting API for intra-EU/Schengen flights would improve border control, as opposed to 16% (or 6 responses) that neither agree nor disagree. In addition, respondents that disagree or strongly disagree account for 5% (or 2 responses) and 3% (or 1 response) respectively, while those who do not know account for 8% (or 3 responses).

A large majority of respondents to the PC either strongly agree (31% or 12 responses) or agree (26% or 10 responses) collecting API for intra-EU/Schengen flights would improve the fight against irregular migration, as opposed to 16% (or 6 responses) that neither agree nor disagree. In addition, respondents that either disagree or strongly disagree account for 11% (or 4 responses) and 5% (or 2 responses) respectively, while those who do not know account for 11% (or 4 responses).

A large majority of respondents to the PC either strongly agree (45% or 17 responses) or agree (29% or 11 responses) collecting API for intra-EU/Schengen flights would better support law enforcement authorities, as opposed to 13% (or 5 responses) that neither agree nor disagree. In addition, 5% (or 2 responses) of respondents strongly disagree with the statement, while 3% (or 1 response) disagree. Those who do not know account for 5% (or 2 responses).

Figure 12. Do you agree that collecting crew members information in advance would improve the following?



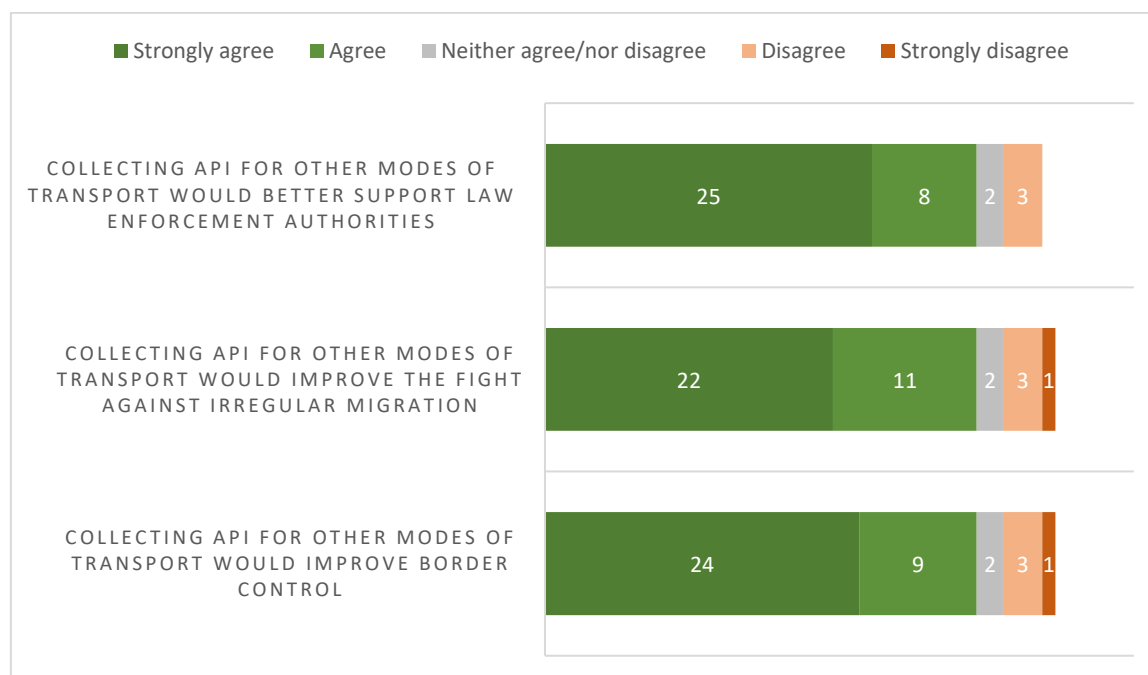
Q6. Do you agree with the following statements?: Collecting API for other modes of transport would improve border control (39 responses); Collecting API for other modes of transport would improve the fight against irregular migration (39 responses); Collecting API for other modes of transport would better support law enforcement authorities (38 responses)

A large majority of respondents to the PC either strongly agree (61% or 24 responses) or agree (23% or 9 responses) collecting API for intra-EU/Schengen flights would improve border control. Respondents that neither agree nor disagree account for 5% (or 2 responses) each, while those who disagree and strongly disagree account for 8% (or 3 responses) and 3% (or 1 response) respectively.

A majority of respondents to the PC either strongly agree (56% or 22 responses) or agree (28% or 11 responses) collecting API for intra-EU/Schengen flights would improve the fight against irregular migration. Respondents that neither agree nor disagree account for 5% (or 2 responses), while those who disagree and strongly disagree account for 8% (or 3 responses) and 3% (or 1 response) respectively.

A large majority of respondents to the PC either strongly agree (66% or 25 responses) or agree (21% or 8 responses) collecting API for intra-EU/Schengen flights would better support law enforcement authorities, as opposed to 5% (or 2 responses) that neither agree nor disagree. In addition, respondents that disagree account for 8% (or 3 responses).

Figure 13. Do you agree that collecting API for other modes of transport would improve the following?

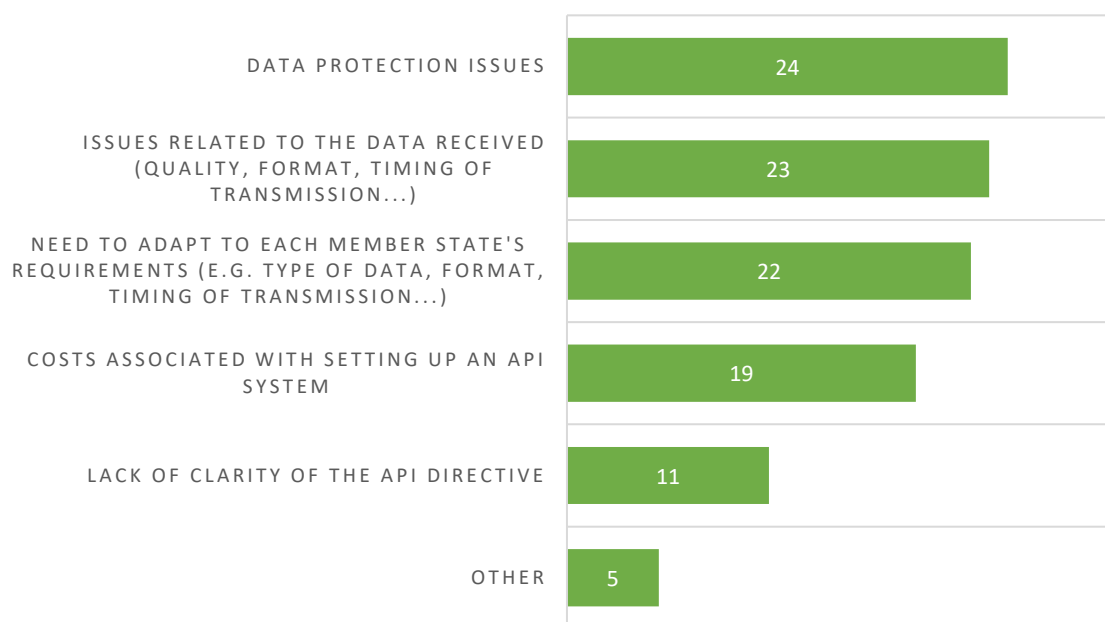


Q7. To your knowledge, have the following factors prevented the effective implementation of the EU policy on API? (38 responses)

Data protection issues was the main factor preventing the effective implementation of the EU policy on API according to 63% (or 24 responses) of respondents. This was

followed by issues related to the data received (61% or 23 responses) and the need to adapt each Member State's requirements (58% or 22 responses). Other factors impeding the implementation of the API policy according to respondents were the costs associated with setting up an API system (50% or 19 responses) and the lack of clarity of the API Directive (29% or 11 responses). In addition, 13% (or 5 responses) of respondents reported that there are other factors that obstruct the effective implementation.

Figure 14. To your knowledge, have the following factors prevented the effective implementation of the EU policy on API?



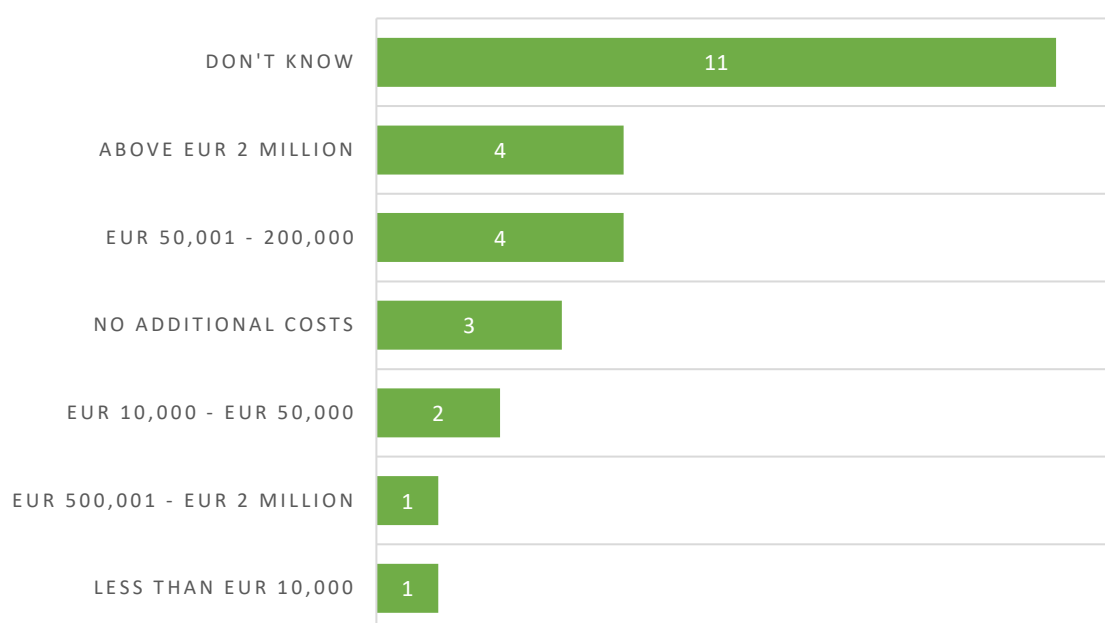
Q7a. Please explain briefly. (10 responses)

4 out of 10 respondents reported that the lack of harmonisation across Member States regarding aspects such as data elements, frequencies, type of flights and ad-hoc requests and the lack of proportionality on sanctions are increasing the costs for air carriers. In addition, 2 respondents revealed that the biggest issue is the low quality of the passenger data. 2 other respondents mentioned privacy issues, with one of them underlining that the API Directive does not clearly specify the use of passenger data for combatting terrorism and organized crime. 1 respondent reported that unification in a single database for quality, format and transmission times, can facilitate the verification of passengers. Finally, another respondent revealed that data quality has been a problem in the context of both API and PNR and a solution would be to transmit the data in the same format.

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? (26 responses)

When asked whether the EU policy on API has incurred any costs on their organisation, 8 respondents to the PC that reported that the incurred costs for them have been between EUR 50,001-200,000 (4 responses) or above EUR 2 million (4 responses), followed by 2 respondents reporting costs between EUR 10,000 -50,000. In addition, costs between EUR 500,001 – 2 million and costs less than EUR 10,000 were reported by 1 respondent each respectively. Finally, 3 respondents reported that no additional costs were incurred to their organisation and 11 respondents reported that they do not know.

Figure 15. What costs were incurred to your organisation as a result of the EU policy on API?



Q8a. If costs have been incurred, please explain briefly. (10 responses)

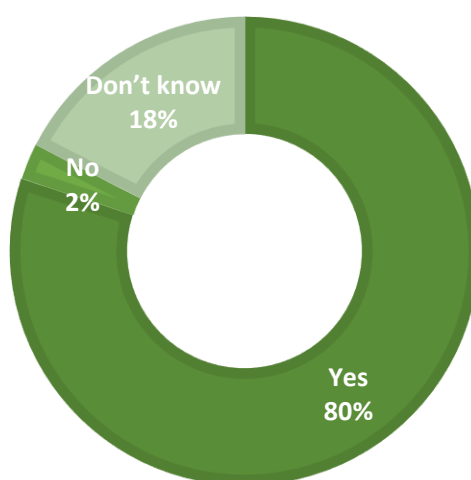
5 out of 10 respondents reported that the costs that were incurred to their organisation mainly result from developing and maintaining API systems for collecting and transmitting passenger data. In addition, 3 respondents revealed that costs resulted from the requirements and the adherence of the API program to the industry standards, with two of them reporting that carriers are often charged with additional costs, beyond those related to the transmission of data. Finally, one respondent reported that costs were mainly incurred from staff salaries and another respondent mentioned costs for the purchase of data coding system.

PART IV – Efficiency of the API Directive

Q9. Do you consider that the implementation of API has brought benefits? (40 responses)

A large majority of respondents to the PC reported that they do consider that the implementation of API has brought benefits (80% or 32 responses), as opposed to 3% (or 1 response) of respondents that reported that they do not consider this. In addition, 17% (or 7 responses) of respondents reported that they do not know.

Figure 16. Do you consider that the implementation of API has brought benefits?

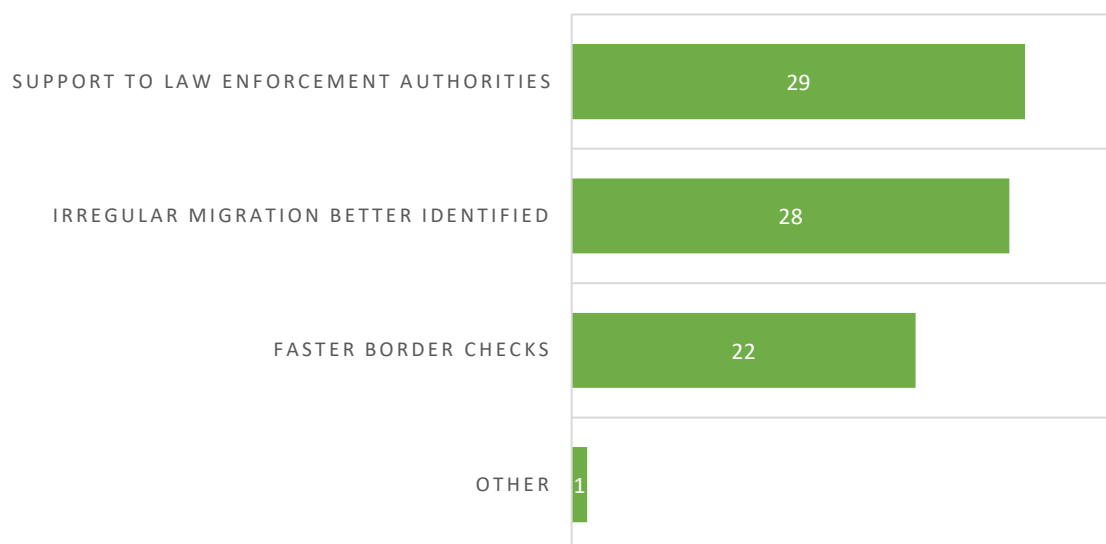


Q9a. If yes, which one(s) of the following benefits? (34 responses)

A large majority of respondents (85% or 29 responses) identified support to law enforcement authorities as the main benefit of the implementation of API. This was followed by the benefit of better identification of irregular migration (82% or 28 responses) and the benefit of faster border checks (65% or 22 responses). Finally,

only 3% (or 1 response) of respondents reported that there are other benefits from the implementation of API.

Figure 17. Which of the following benefits do you consider that the implementation of API has brought?



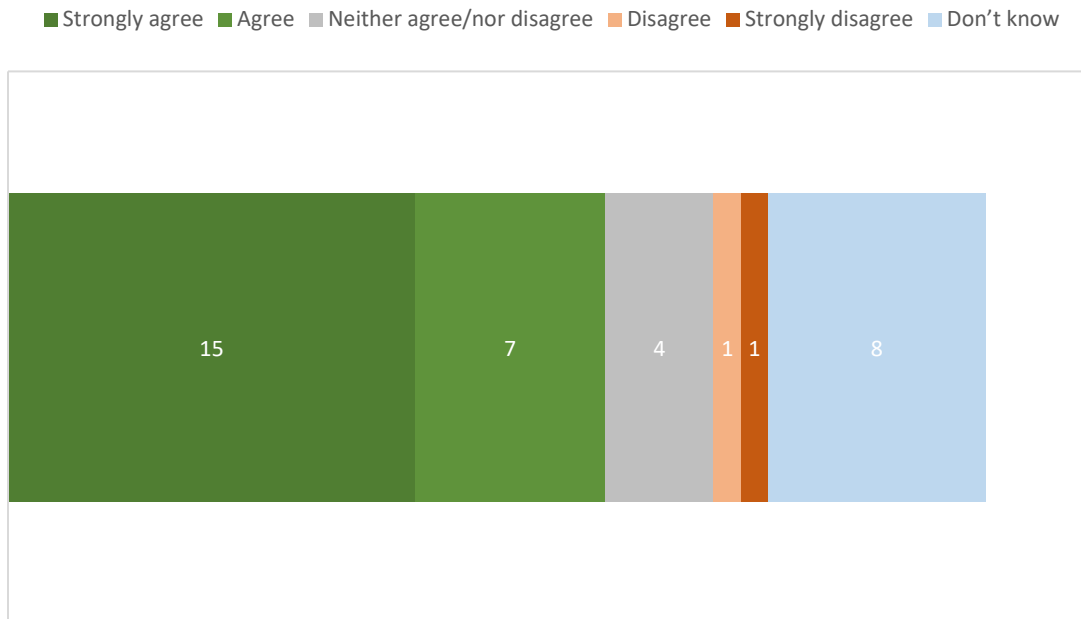
Q9b. If other, please explain briefly. (3 responses)

2 out of 3 respondents reported that they do not consider that the implementation of API has brought benefits, with one of them underlining that air carriers do not have enough visibility on how API data collection and processing by authorities has contributed to intended objectives. In addition, 1 respondent reported that the implementation of API has raised overall passenger awareness and has ensured better checks for crew members.

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? (36 responses)

Respondents to the PC that either strongly agree or agree that the incurred costs for the implementation of API were justified given the benefits, account for 42% (or 15 responses) and 19% (or 7 responses) respectively, as compared to 11% (or 4 responses) of respondents that neither agree nor disagree. In addition, respondents that either disagree or strongly disagree account for 3% (or 1 response) each and those who do not know account for 22% (or 8 responses).

Figure 18. 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?



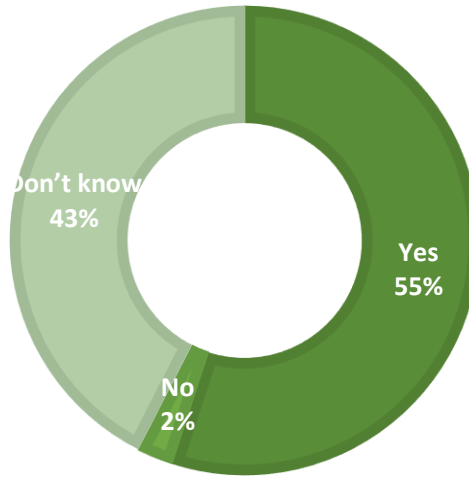
Q9d. Please explain briefly: (10 responses)

5 out of 10 respondents reported that they have not observed benefits of the implementation of API that would justify the incurred costs. In addition, 4 respondents reported that although the costs have been high for their organisation, the benefits of implementing API (such as enhancing the security of external borders and early identification of migrants) have outweighed them. Finally, 1 respondent reported that they do not have a reliable analysis on which to base such conclusions on.

Q10. In your opinion, is there room for simplification and/or cost reductions in some aspects of the EU measures on API? (40 responses)

Respondents that agree that there is room for simplification and/or cost reductions in some aspects of the EU measures on API account for 55% (or 22 responses), as opposed to only 3% (or 1 response) that do not agree. In addition, 42% (or 17 responses) reported that they do not know.

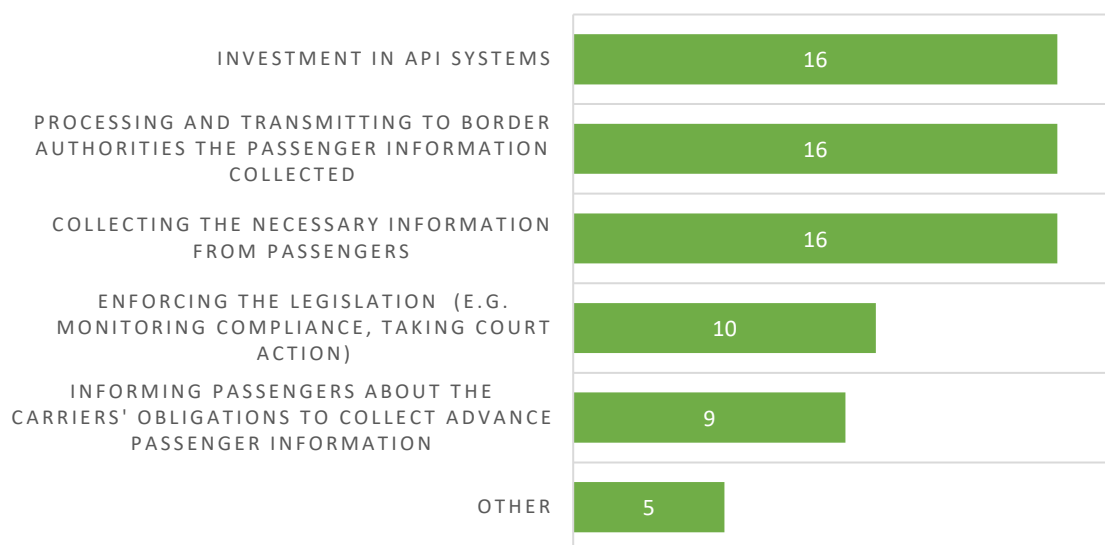
Figure 19. Is there room for simplification and/or cost reductions in some aspects of the EU measures on API?



Q10a. If yes, in which area(s)? (26 responses)

Investment in API systems, processing and transmitting collected passenger information and collecting passenger information are the main areas for simplification and/or cost reduction, as they were each identified by 62% (or 16 responses) of respondents. These are followed by enforcing legislation, identified by 38% (or 10 responses) and informing passengers about the carriers' obligations to collect data, identified by 35% (or 9 responses) of respondents as areas for improvement. Finally, 19% (or 5 responses) of respondents reported that there are other areas in which simplification and/or cost reduction could be achieved.

Figure 20. In which areas is there room for simplification and/or cost reductions of the EU measures on API?



Q10b. If other, please explain briefly. (8 responses)

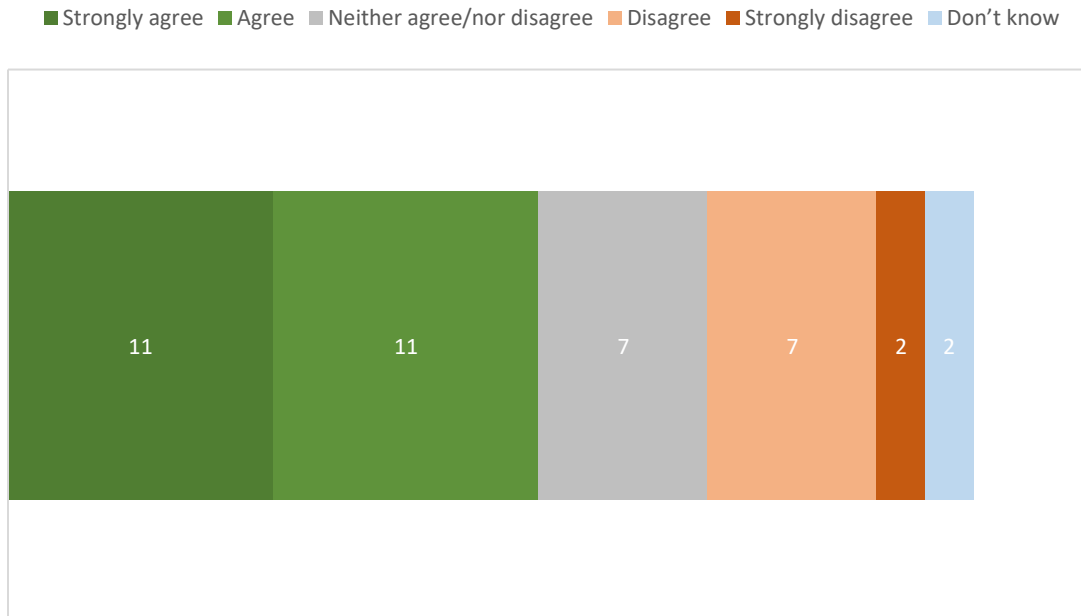
A great majority of respondents (6 out of 8) reported that simplification and/or cost reductions in the EU measures on API would be a possibility if a centralised collection of data is introduced on the EU level. The main arguments that were revealed were that this centralised mechanism could reduce costs for both carriers and states and that it will ensure equal practices in Member States. In addition, 2 respondents reported that a possible way to reduce costs is to harmonise aspects such as data elements, frequencies, type of flights and ad-hoc requests across Member States.

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? (40 responses)

Respondents that strongly agree or agree that EU measures on API are coherent with the EU policy on PNR account for 28% (or 11 responses) each, while those who

neither agree nor disagree account for 17% (or 7 responses). In addition, respondents that disagree account for 17% (or 7 responses), as compared to those that strongly disagree and do not know who account for 5% (or 2 responses) each respectively.

Figure 21. To what extent do you agree/disagree that the EU measures on API are coherent with the EU policy on PNR?



Q11a. Please explain briefly. (15 responses)

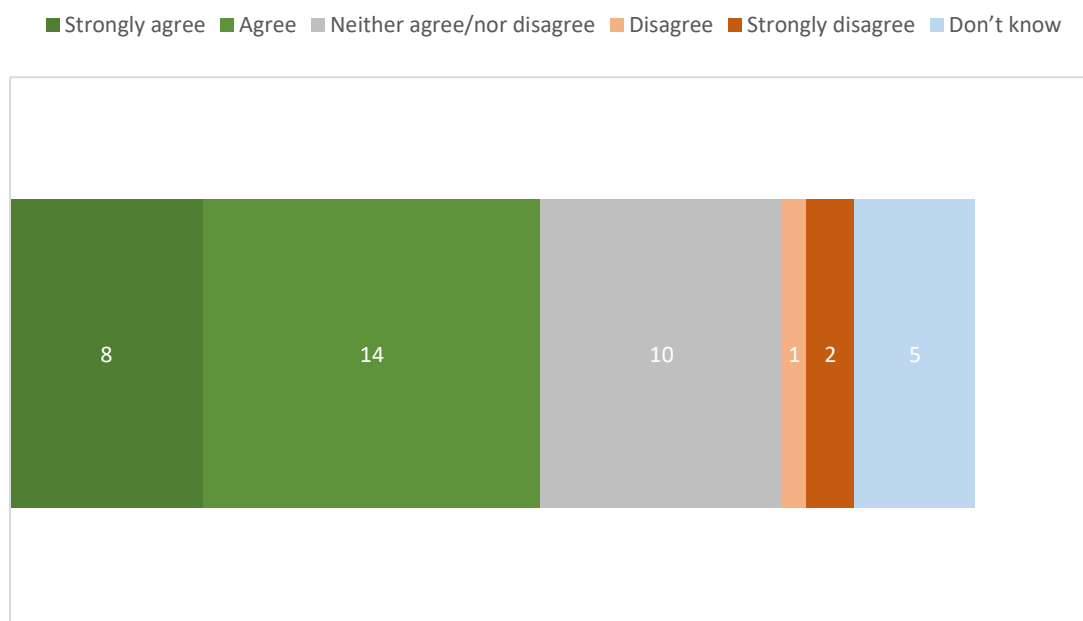
5 out of 15 respondents reported that the EU measures on API and the EU policy on PNR complement each other. In addition, 4 respondents mentioned that several Member States have not established legal requirements for the collection of API and PNR data which creates legal uncertainty and difficulties in implementation for carriers. 3 respondents underline that because the scope of API and PNR Directives is different, it is not possible to use PNR data for the purposes of API (combatting irregular migration). In addition, 2 respondents reported that the scope of the two Directives should be aligned and 1 respondent mentioned that if the collection of PNR and API is merged, this could be useful for combatting terrorism and other crime activities.

PART V – Coherence of the API Directive

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? (40 responses)

Respondents that strongly agree or agree that the EU measures on API are coherent with the legal framework on data protection account for 20% (or 8 responses) and 35% (or 14 responses) respectively, while those that neither agree nor disagree account for 25% (or 10 responses). In addition, respondents that disagree and strongly disagree account for 3% (or 1 response) and 5% (or 2 responses) respectively. Finally, respondents that reported they do not know account for 12% (or 5 responses).

Figure 22. To what extent do you agree/disagree that the EU measures on API are coherent with that legal framework?



Q12a. Please explain briefly. (8 responses)

3 out of 8 respondents reported that they are not aware of specific data protection concerns with regards to the communication of API data and the GDPR Directive, however with 2 of them highlighting that it should be taken in consideration that some aspects of the use of API data for law enforcement purposes could be problematic. In

addition, 2 respondents reported that the low quality of API data could be a potential issue concerning data protection and 1 respondent underlined that the scope of the API Directive should be narrowed. Finally, 2 respondents revealed that it is beneficial that data protection is regulated in order to avoid abuse of personal data.

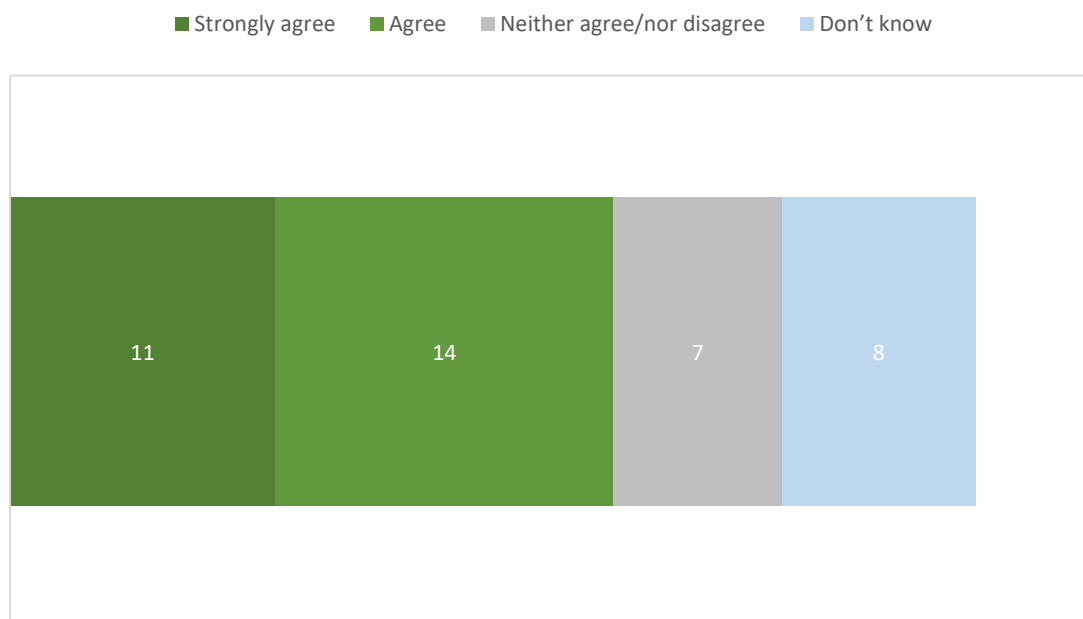
Q13. Please indicate, if any, other pieces of EU legislation interacting with the EU policy on API. Please briefly explain. (10 responses)

6 out of 10 respondents reported that other pieces of EU legislation that interact with the EU policy on API include the Entry Exit System (EES) and the European Travel Information and Authorization System (ETIAS). In addition, 2 respondents mentioned interaction of API with the Schengen Border Code. 1 respondent reported that the PNR Directive and the IMO-FAL obligations also interact with API and another mentioned the Treaty of Amsterdam.

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? (40 responses)

A large majority of respondents either strongly agree (28% or 11 responses) or agree (35% or 14 responses) 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. In addition, 17% (or 7 responses) neither agree nor disagree and 20% (or 8 responses) reported they do not know.

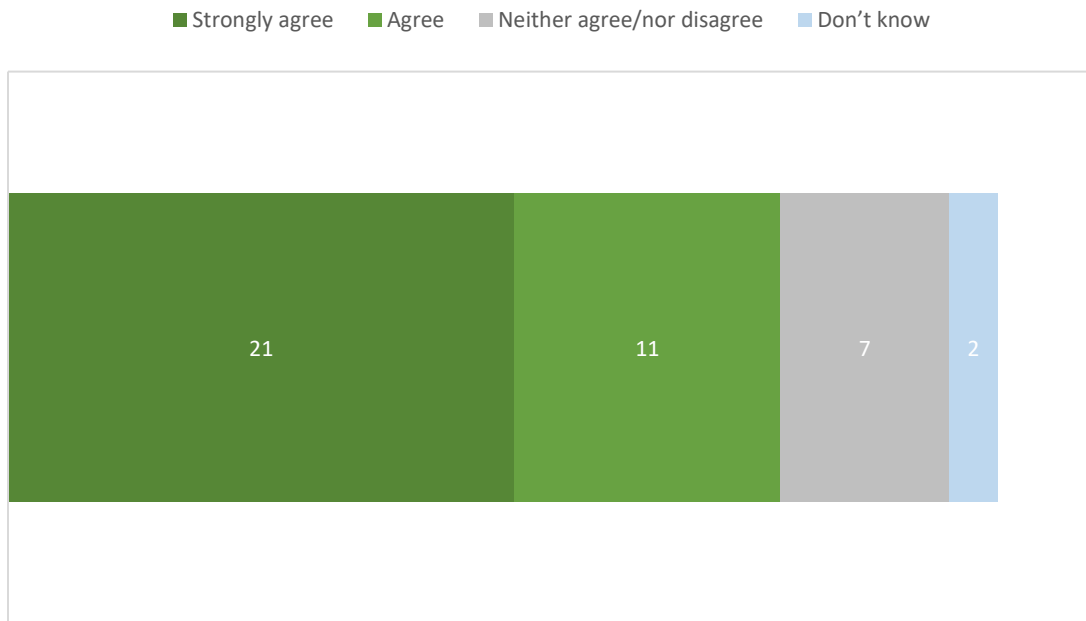
Figure 23. To what extent do you agree/disagree that the EU policy on API is coherent with the international standards and recommended practices contained in Chapter 9 of Annex 9 of the Chicago Convention?



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? (41 responses)

A large majority of respondents either strongly agree (51% or 21 responses) or agree (27% or 11 responses) that the EU policy on API 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. In addition, 17% (or 7 responses) of respondents neither agree nor disagree, as opposed to 5% (or 2 responses) that do not know.

Figure 24. 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?



PART VI – EU added value of the API Directive

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? (18 responses)

8 out of 18 respondents reported that the EU policy on API has brought harmonised legislation and standardisation of data to be collected across Member States. In addition, 3 respondents revealed that a prominent benefit of the EU policy is that without it not all Member States would have implemented API systems. The exchange of information between responsible authorities in Member States is a benefit identified by 3 respondents. 3 respondents identified as important benefits the detection of criminals and the overall increased security in the EU. Finally, 1 respondent acknowledged that even though the API Directive has flaws more problems would incur if Member States were acting on their own.

Q17. If you have anything else you would like to comment on with relation to the EU policy on API, please explain briefly: (10 responses)

4 out of 10 respondents reported that the obligation to collect passenger information should be extended to other modes of transport beyond air transport, with one respondent mentioning this will eliminate the competitive disadvantage for air carriers and another one insisting this would better assist law enforcement authorities. In addition, 2 respondents reported that the collection of passenger information should be extended to cover outbound extra EU/Schengen flights and to intra-EU flights. Another 2 respondents revealed that there is a need to adopt an interactive API system on the EU level so that carriers receive information whether to board or not a passenger. Finally, 2 respondents reported that extending the scope of API data collection to other forms of transport should be reconsidered, with one of them mentioning that an impact analysis is necessary to assess the extent to which the expected benefits will overcome the negative externalities of the extension.

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