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**AMENDMENTS TO THE FAL CONVENTION TO INTRODUCE MANDATORY REPORTING
OF THE API AND BRI FOR MARITIME TRANSPORT**

Comments on document FAL 50/4

Submitted by ICS and INTERFERRY

SUMMARY

Executive summary: This document contains comments on the Correspondence Group on Amendments to the Annex of the FAL Convention on API and BRI (FAL 50/4) and proposes relevant suggestions.

*Strategic direction,
if applicable:* 5

Output: 5.7

Action to be taken: Paragraph 10

Related documents: FAL 50/4; FAL 49/22, FAL 49/4 and FAL 49/WP.5

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.11.5 of the *Organization and method of work of the Facilitation Committee* (FAL.8/Circ.1) and provides comments on document FAL 50/4 (France) on the report of the Correspondence Group on Amendments to the Annex of the FAL Convention on API and BRI.

Background

2 Under the leadership of France, the Group has carried out highly effective work. Noting the technical problems that arose with regard to IMODOCS at the end of 2025, the coordinator has provided excellent support and leadership within the Group. The co-sponsors commend the achievements made and in general support the report submitted in document FAL 50/4.

3 The co-sponsors wish to highlight the limited operational experience that has underpinned these proposals, which would have a significant impact on operational practices for a large number of ships.

Discussion

4 Paragraph 5 of document FAL 50/4 lists the main questions for the Correspondence Group and the co-sponsors would like to provide comments on the most critical ones:

- .1 to make it mandatory for States to collect crew and passenger information, after a transitional period to be determined;
- .2 to introduce relevant capacity-development obligations for the States;
- .3 to require that the API declaration be made before departure from the preceding country;
- .4 to require more information to be provided in the declaration;
- .5 to secure the information by mandating collection through the Machine Reading Zone or other automated process; and
- .6 to introduce a reference to a guideline to be developed at a later stage with detailed specifications.

5 It is already mandatory for States to collect crew and passenger information (SOLAS III/27), so the question should rather be whether it should be mandatory for States to collect API from a certain point in time. The co-sponsors support standardization of how crew and passenger data is collected and transmitted, and to that end there is value in using API. However, it is clear that API may be challenging for some States to implement and from experience that rigid implementation dates for data collection systems can lead to delays, such as the implementation of the maritime single window (MSW).

6 An alternative option to be considered could be the issuance of a FAL circular at the same time as the adoption of these FAL amendments that would encourage earlier development of capability and proposed date. One of the reasons for such a suggestion is that deadlines are not common in the FAL Convention.

7 Many ferry services operate in free travel areas (e.g. the Schengen area in Europe) where there are neither any requirements to carry an identity document for the voyage, nor to pre-announce the passenger's details before the voyage. Common practice, and in some cases even under regional legislation, offer ferry services 15 to 30 minutes of time to send the passenger list after departure. Any requirement that mandates the passenger list before departure would be disruptive for services, especially on short sea routes, however for API to function it must be sent before departure, therefore the cosponsors support exemptions.

8 Much of the driving force behind the proposal seems to be a perceived need to collect more information than what is currently captured in IMO FAL forms 5 and 6. Going back to the original proposal for this work output (FAL 44/20) we note the following title "The use of Advance Passenger Information (API) and Passenger Name Record (PNR) for cruise ships, and other maritime modes of transport to facilitate legitimate passengers and control high risk ones".

9 The co-sponsors have reported in the Correspondence Group that it is a large change to take a presumably justified action for cruise passenger ships and subsequently apply it to all "other maritime modes of transport". There has been no impact assessment nor any reflection that maritime sectors may operate under different operational realities. While supporting API as a standardization tool, the co-sponsors cannot support adding additional information to be collected over and above that of normal operations.

Action requested of the Committee

10 The Committee is invited to consider the comments contained in paragraphs 5 to 9 above and in the annex.

ANNEX

PROPOSED AMENDMENTS TO THE FAL CONVENTION TO ADDRESS API AND BRI

Section 1 – Definitions and general provisions

Advance Passenger and Crew Information (API)

Advance Passenger Information (API) refers to information for each passenger and/or crew member collected by maritime operators and transmitted to public authorities for processing prior to the voyage departure and made available on the primary line at the port of entry.

Booking and Reservation Information (BRI)

Booking and Reservation Information (BRI) refers to records created by maritime operators, or their authorized agents, for commercial and operational purposes in providing maritime passenger transportation services, concerning each voyage booked by, or on behalf of, any passenger.

[1.1.1] Public Authorities should ensure compliance with applicable data protection and privacy rules when receiving, handling and processing information on passengers and crew members of ships.

Section 2 – Arrival, stay and departure of the ship

2.1 Standard. Public authorities shall not require in relation to the arrival or departure of ships to which the Convention applies any declaration other than those described in this section. These declarations could be transmitted separately or in a combined electronic format according to the message implementation guidelines and the requirements of the electronic data exchange system. The declarations for ship arrival and departure are:

- a) General Declaration
- b) Cargo Declaration
- c) Ship's Stores Declaration
- d) Crew's Effects Declaration
- e) Crew List
- f) Passenger List
- g) Dangerous Goods Manifest
- h) The special declaration for postal items as described in the Acts of the Universal Postal Union currently in force
- i) Maritime Declaration of Health as set forth by the International Health Regulations
- j) Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate or extension as set forth by the International Health Regulations

- k) Security-related information as required under SOLAS regulation XI-2/9.2.2
- l) Advance electronic cargo information for customs risk assessment purposes as set out in the WCO SAFE Framework of Standards
- m) Advance Notification Form for Waste Delivery to Port Reception Facilities
- n) Advance Passenger and Crew Information (API)

2.1bis Standard. For declarations mentioned in points (a) to (g), and (n) of standard 2.1, public authorities shall not require more than the information shown in appendix 1.

2.1.1.2 Standard. Public authorities shall develop a capability to collect, use, process and protect the Advance Passenger Information (API) before requiring its transmission by maritime operators, supported by an appropriate legal and administrative framework and taking into account applicable guidelines approved by IMO and WCO*.

* Instruction is given to the Secretariat to insert the exact reference of the guidelines approved by WCO and IMO for all ship types in the next publication of the FAL Convention.

2.1.1.4 Standard. Contracting Governments may exempt from API Advance Passenger and Crew Information declaration ships travelling within a free travel area or ships engaged in voyages of short duration.

2.1.1.5 Standard. Public authorities that require the transmission of Advance Passenger Information (API) shall not require a crew list or a passenger list and shall only require the maritime operator to indicate changes compared to the Advance Passenger Information (API) transmitted before departure.

2.1.1.7 Recommended Practice. Where a public authority elects to request the submission of Booking and Reservation Information (BRI), maritime operators should only be obligated to submit BRI that has been collected in the ordinary course of their normal business operations. Any requests for BRI should be based on an appropriate legal and administrative framework and the handling and processing of BRI should be in accordance with applicable guidance.

Appendix 1

Information on the passengers

For each passenger onboard the ship:

- full name;
- sex;
- date of birth;
- nationality;
- type of travel document held;
- number of travel document held;
- expiry date of travel document held;
- issuing State of travel document held.

Additional Information on the crew

For each crew member onboard the ship, in addition to above:

- number of identification relied upon;
- expiry date of identification relied upon;
- issuing State of identification relied upon;
- the fact that the person is a member of crew;
- the place of birth of the member of crew;
- the rank, rating or equivalent of the member of crew.

Information on the ship and voyage:

- ship name;
 - name of maritime operator;
 - nationality of ship;
 - scheduled departure date;
 - scheduled departure time;
 - scheduled arrival date;
 - scheduled arrival time;
 - place and country from which the voyage departed immediately prior to arrival into the country;
 - number of passengers onboard the ship;
 - number of crew onboard the ship.
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