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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

CUSTOMS NOTIFICATION

Customs Ordinance (Chapter 235)

IN Pursuance of the power vested in me by the Section 103 of the Customs Ordinance (Chapter 235) as amended by Act, 13 of 1988, I, Ravi Karunanayake, Minister of Finance, do hereby promulgate these Regulations for advance Passenger Information Reporting, effective from January 01, 2016.

RAVI KARUNANAYAKE,
Minister of Finance.

Ministry of Finance,
Colombo 01,
30th December 2015.

Regulations

1. These regulations may be cited as the Advance Passenger Information Reporting (Electronic) Regulations No. 2 of 2015 and shall come into operation from 1st of January 2016 (hereinafter after referred to as “the date of operation”)
2. For the purpose of these regulations the term “operator of an aircraft” shall include Airlines, country representative or station manager of an Airline.

PART I

Registration of Aircraft Operators

3. Operators of aircrafts who operate flights to and from Airports in Sri Lanka shall register with Sri Lanka Customs for reporting passenger information electronically. Such operators shall submit the prescribed



application forms published on Customs Websites for registration to the Information and Communication Technology Division of Sri Lanka Customs and obtain a registration number and user credentials to access the customs computer system, in order to submit passenger information electronically.

4. The registration made under regulation 3 of these regulations unless it is suspended, cancelled or revoked by the Director General of Customs shall remain in force for a period of two years from the date of registration.
5. Operators of Aircrafts who currently hold registration with Sri Lanka Customs, shall renew their registrations after 2 years of the date of operation of the regulations.

PART 2

Reporting Advance Passenger Information

6. This section applies to an Aircraft in respect of a voyage to Sri Lanka from an Airport outside Sri Lanka and to an Aircraft in respect of a voyage from an Airport in Sri Lanka to an Airport outside Sri Lanka.
7. If an Aircraft is due to arrive at its first Airport in Sri Lanka since it last departed from an Airport outside Sri Lanka or an Aircraft is due to depart from an Airport in Sri Lanka to an Airport outside Sri Lanka, the operator of the Aircraft must report to Sri Lanka Customs electronically, particulars of the flight, all crew members and passengers on board.

The following is, for the purposes of this regulation, the requisite information in respect of person on board of an aircraft.

- (i) Surname, first name and any middle names ;
 - (ii) Date of Birth ;
 - (iii) Gender ;
 - (iv) Citizenship or nationality ;
 - (v) The type of travel document that identifies the person, the name of the country in which the travel document was issued, the number of the travel document and the expiry date of the travel document ; and
 - (vi) Reservation record locator of the person, if any, and in the case of a person in charge of the flight or any other crew member without a reservation record locator, notification of their status as a crew member.
8. Advance Passenger Information to be reported not later than fifteen minutes of leaving or taking off of the aircraft from the port of embarkation outside Sri Lanka to Sri Lanka Customs Passenger Information System.
 9. Advance Passenger Information in respect of an Aircraft departing Sri Lanka Airport to an Airport outside Sri Lanka shall be reported to Sri Lanka Customs Advance Passenger Information Systems (APIS) before the outward clearance for such flight is sought.
 10. The Advance Passenger Information mentioned in Regulation 7 shall be communicated electronically as is set out in one of the formats prescribed in the Message Implementation Guide published on the official website of Sri Lanka Customs.

11. The Director General of Customs may issue different formats from time to time for the submission of advance passenger information electronically and publish such formats in a Message Implementation Guide.

PART 3

Contraventions

12. An operator of an Aircraft who contravenes regulation 7, 8, or 9 (after the general/further moratorium period) by failing to submit the information required or submits any forged, altered, incomplete or false information shall be guilty of an offence and shall on conviction after summary trial by a magistrate be liable to a fine not exceeding One Hundred Thousand Rupees.

PART 4

Moratorium Period

1. The General Moratorium Period is the period of 3 months beginning on the date of operation of the regulations.
2. If :
 - (a) an operator of an Aircraft applies to the Director General of Customs for the grant of a further moratorium period to have effect at the end of the general moratorium period ; and
 - (b) the Director General of Customs is satisfied that the operator has, within the general moratorium period, made reasonable progress in :
 - (i) installing the facilities required for the making of electronic advance passenger information ; or
 - (ii) in putting in place business practices or entering into business arrangements to enable the making of electronic advance passenger information ;

The Director General of Customs may grant to the operator a further moratorium period of not more than 1 month beginning at the end of the general moratorium period.

PART 5

Data Privacy Protection

3. All Advance Passenger Information provided under these regulations are highly sensitive in nature and therefore, Sri Lanka Customs shall take necessary measures to strictly control and monitor the storage, access, use and disclosure of such data.
4. Use and Access to Advance Passenger Information by Customs and other enforcement officials should be authorized by an officer in the rank not below a Director of Customs who should take utmost care in authorizing such access.