

Advance Passenger Information System (APIS) FAQs

Questions related to the law

1. When do the provisions on the duties of transport operators set out in Law No. 16/2021 begin to apply?
In accordance with the provisions of Article 106 of Law No. 16/2021, the regulation of the obligation of transport operators to provide information comes into force on 16 November 2022. In addition, Administrative Regulation No. 47/2022 "Supplementary Rules on the Advance Passenger Information System" also enters into force on the same day.

2. What type of passenger information should transport operators required by law to transmit to the Public Security Police Force?

In accordance with the provisions of Article 60 of Law No. 16/2021, commercial entrepreneurs operating air transport services or owners of air transport means not for commercial operations, once the passenger boarding procedures are completed, should transmit to the Public Security Police Force the following information, including basic personal identification data and other relevant data, of all persons to be transported to the Macao Special Administrative Region, including crew members. In addition, Articles 12 to 14 of Administrative Regulation No. 47/2022 "Supplementary Rules on Advance Passenger Information System" have specified the list of relevant information, including:

- 1) Flight information list must contain: flight identification, estimated departure date, estimated time of departure (ETD), estimated arrival date, estimated time of arrival (ETA), code of last aerodrome/aircraft intermediate stop, arrival aerodrome code, code of subsequent aerodrome/intermediate stop within the Macao SAR, number of passengers.
- 2) Basic passenger information list: document number, name of the country or authority issuing the document, type, expiry date, name, nationality, date of birth, gender.
- 3) Supplementary passenger information list (if any):

assigned seat, baggage information, visa, other document number used for travel, type of other document used for travel, residence information (country of residence, address), destination address information, and general information (place of birth, passenger category, initial boarding aerodrome code, control area or point, next aerodrome code outside Macao, booking reference).

3. Does the relevant information required to be transmitted in real time? or is the information to be sent to the Public Security Police Force at a specific/fixed time period?

Pursuant to the provisions of the law, once the passenger check-in is completed (i.e. the moment the aircraft gate is closed), all information including that of crew members should be sent to the Advance Passenger Information System.

4. Is it required to send the information for non-scheduled flights, helicopters or private aircrafts?

All flights to Macau, whether scheduled or non-scheduled, including: scheduled or non-scheduled freighters, charter flights (monthly/single), private aircrafts, business helicopter flights, and flights that have already applied for a flight permit in Macao in the category of flight calibration, etc., are required to send all statutory information to the Advance Passenger Information System upon completion of passenger check-in.

5. For flight calibration in Macao, as it is a form of training and the flight requires multiple take-offs and landings at Macau International Airport on the day of the flight, is the passenger information required to be sent if both the departure and arrival destinations are in Macao?

Pursuant to the provisions of the law, commercial entrepreneurs operating air transport services or owners of means of air transport not for commercial operations should transmit the information of all persons transported to Macao Special Administration Region to the Public Security Police Force. For flights that return to and fly over Macau to carry out flight missions only, no advance notification is required as both the origin and destination are Macao.

6. Is it required to report information of transit passengers in advance?

All passengers transported to Macao, including transit passengers and delivery staff of freighter, etc., even if they do not enter Macao, their information must be sent to the Advance Passenger Information System pursuant to the provisions of Article 60 of Law No. 16/2021.

7. Will there be any message notification or instruction of feedback about the abnormality when there is an error with the passenger data during entry of information into the system?

The Advance Passenger Information System will only indicate relevant notification when a field does not conform to the required format or an abnormality occurs resulting from late report of information, but will not provide feedback for incorrect data entry. Therefore, commercial entrepreneurs operating air transport services or owners of air transport means not for commercial operations are requested to require operating personnel responsible for the input and transmission of data to process the

information with care, and it is recommended that guidelines should be developed to enhance the relevant procedures, so as to avoid any violation of Article 89 of Law No. 16/2021 due to improper or delayed transmission of data

8. What should the airline do if a passenger refuses to provide their information?

Pursuant to the provisions of Article 5 of Administrative Regulation No.47/2022, commercial entrepreneurs operating air transport services or owners of air transport means not for commercial operations must inform the persons of the purpose of collecting the personal data and the entity responsible for processing the data, and to inform the non-residents that objecting to the processing of the data by the Public Security Police Force will constitute grounds for refusing their entry into the Macao Special Administrative Region. Concerning the follow-up work to be done by the commercial entrepreneurs operating air transport services or owners of air transport means not for commercial operations when non-residents are refused entry, please refer to Article 62 of Law No. 16/2021 "Responsibilities of transport operators for the return of persons".

9. Will the airlines be penalised if they forget to transmit the information to the Public Security Police Force?

Yes, pursuant to item 1(1) of Article 89 of Law No. 16/2021, failure to send the information referred to in item 1 of Article 60 of the Law, or transmission of incorrect, incomplete, false information or late transmission, is subject to a fine of MOP 30,000 to MOP 150,000 for each voyage. Therefore, it is necessary for transport operators to fulfill their obligations and ensure that information is provided securely and appropriately to the Public Security Police Force. Commercial entrepreneurs operating air transport services or owners of air transport means not for commercial operations are requested to require operating personnel responsible for the input and transmission of data to handle the data with care, and it is recommended to develop relevant guidelines to enhance the procedures, in order to avoid violating the provisions of Article 89 due to improper or delayed transmission of data.

10. The law stipulates that the relevant administrative penalty is a fine of MOP30,000 to MOP150,000, but under what circumstances will a different fine of MOP30,000 and MOP150,000 be imposed? What is the difference between the two? How does the administrative authority assess the penalties?

The law sets a range of fines for the relevant offences, with the aim of imposing a higher fine for the more reprehensible acts when assessing the circumstances of the offence. In the case of recidivism under Article 94 of Law No. 16/2021 (an identical offence committed within one year after the decision of an

administrative punishment has become unappealable), the lower limit of the fine is increased by one quarter, while the upper limit remains unchanged.

11. What should the operating personnel do if the transmitted data is incorrect?

Commercial entrepreneurs operating air transport services or owners of air transport means not for commercial operations may send multiple passenger information for the same flight, whichever is the last to be declared, so amendment of the information should be transmitted to the Public Security Police Force as soon as possible. However, if the amendment exceeds the appropriate period after the completion of the passenger boarding record, it will be considered a violation of the provisions of Article 89 of Law No. 16/2021.

12. What should be done if there is a system failure?

Commercial entrepreneurs operating air transport services or owners of air transport means not for commercial operations should promptly notify the Airport Checkpoint of the Public Security Police Force of any system failure of the APIS and state the cause of the communication failure as soon as they become aware of it. (Duty room Tel: +853-88981318 or system failure notification email address: apis@fsm.gov.mo). Operators who have previously registered on the system should use the dedicated website <https://apis.fsm.gov.mo/> as the primary alternative method of transmitting information in the event of a technical or logistical failure. If the website is also unavailable, commercial entrepreneurs operating air transport services or owners of air transport means not for commercial operations should use the email address (apis@fsm.gov.mo) previously designated by the Public Security Police Force for temporary transmission of information. Once the APIS system is repaired, information needed to ~~should~~ be sent to the APIS as soon as possible in the way it is transmitted under normal operation of the system to complete the system records.

13. Regarding the penalty provisions for the relevant breaches of the obligation of transport operators to provide information, there are no exemption provisions in the relevant immigration legislation. Can the authorities exempt an airline from a penalty under the circumstances of no subjective intention to break the law, expected possibility, force majeure, and so on?

If a flight needs to make an emergency landing at the Macau International Airport due to force majeure factors such as inclement weather and mechanical failure, and the flight/airline concerned has failed to register with the APIS in advance and transmit information, our Force will assess the situation and handle the case appropriately. The airline or agent concerned that is aware of the above special

situation should report the situation to the Airport Checkpoint of the Public Security Police Force by calling the duty room at +853-88981318 as soon as possible for follow-up.

14. How should an airline file a petition to be exempted from a fine?

The Public Security Police Force will, under the relevant requirements of the Administrative Procedure Code, listen to the breaching airline's representations before making the final penalty decision. Hence, during the hearing process (a period of not less than 10 days), the airline may provide evidence of no liability or reasonable grounds regarding the breach concerned, and our Force will analyse the case according to the representations concerned before making the final decision. Moreover, the airline may file an objection or appeal against the penalty decision made by our Force.

15. Does the Public Security Police Force have a dedicated department for work in relation to the APIS?

The Public Security Police Force has set up an APIS task force to handle the work concerned. The task force specifically performs functions such as co-ordinating the technical interface work for the Advance Passenger Information System between airlines and the technical department, replying to enquiries from airlines and handling failures in emergencies. For any registration enquiries regarding the system, please call the duty room of the Airport Checkpoint of the Public Security Police Force at +853-88981318 (24 hours)/+853-88981614 (office hours) or email to the designated address at admin_apis@fsm.gov.mo; for any technical enquiries regarding the system, please call the technical unit at +853-62130231 or email to the email address at api@owinfo.net.

16. Under the circumstances that a departure flight from Macao returns to Macao due to special reasons, is it necessary to input passenger information into the system?

If a flight has to return to Macao due to special reasons such as weather and aircraft failure, there is no need to provide advance information through the system. Nevertheless, the airline should report the situation to the Airport Checkpoint of the Public Security Police Force by calling the duty room at +853-88981318 as soon as possible for follow-up.

17. Is it necessary for an airline that has operated flights to and from Macao but is not planning to resume the routes at present to register with the APIS in advance?

As it takes time to do advance preparation work for the connection and testing of information transmission through the messaging system, our Force advises commercial entrepreneurs operating air transport services that is planning to resume flights should, after being issued a flight permit by the Civil Aviation Authority, make advance registration as soon as possible under Article 3 of

Administrative Regulation No. 47/2022 to obtain login credentials for the Advance Passenger Information System and activate the relevant interface work for the messaging system in advance. Operators that engages in non-scheduled commercial flights and owners of air transport means not for commercial operations may register as system user in advance. They can also register through our Force's designated website under Article 9 of the Administrative Regulation mentioned above.